



**United States District Court
Northern District of Ohio**

**Annual Assessment of the
Civil and Criminal Dockets**
for the
Northern District of Ohio

**Calendar Year
2004**

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for the
United States District Court
Northern District of Ohio
April 2005**

Background

The Northern District of Ohio adopted a delay and cost reduction plan effective January 1, 1992 pursuant to its role as a demonstration district under the Civil Justice Reform Act (CJRA) of 1990. The CJRA required that each district court annually assess the condition of its civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the Court to reduce cost and delay in civil litigation and to improve the litigation management practices of the Court. (See 28 U.S.C. §475). Although the CJRA has expired, the Court continues to monitor the status of its civil and criminal dockets through this annual assessment.

The Court manages its docket using the Differentiated Case Management (DCM) Plan, wide menu of Alternative Dispute Resolution (ADR) options and Pending Inventory Reduction Plan (PIRP) that were adopted to reduce unnecessary cost and delay in civil litigation. These case management tools have assisted the Court to maintain current dockets and reduce the pending inventory of older cases and motions and have been popular among the bench and bar.

The DCM, ADR and PIRP programs have greatly assisted the Court in effectively managing its docket since 1992. These programs were especially important because the Court suffered under a shortage of judicial officers for over a decade. The Court also takes advantage of the efficiencies provided by electronic filing and electronic courtroom technologies, including video-conferencing, to streamline case management and trials and to provide convenient electronic access to documents to the bar and the public.

Judicial Resources

District Court Judgeships

The Northern District of Ohio is authorized 12 district court judgeships (including one temporary position). There are 11 active district judges and 5 senior district judges currently serving the Court. The district has one vacant judgeship position in the Western Division.

Judge James G. Carr became Chief Judge in December 2004 as Chief Judge Paul R. Matia prepared to take senior status. Judge Christopher A. Boyko joined the bench on January 3, 2005 after being appointed by President George W. Bush to replace Judge Matia. Judge Boyko becomes the 50th district judge to serve in Northern Ohio. Prior to joining this Court, Judge Boyko had served as a judge on the Cuyahoga County Court of Common Pleas since 1996.

After being at full-strength since February, 2003, a vacancy was created in the Western Division when Judge David A. Katz took senior status in December, 2004. The Court eagerly awaits his replacement. Senior Judge Paul R. Matia has announced that he will be leaving the Court in May 2005, which will reduce the number of senior district judges to 4.

In November 2002, the district's temporary judgeship was extended until November 15, 2006. The temporary judgeship was created by the Judicial Improvements Act of 1990 for a 5-year term. The judgeship was first filled in November, 1991 and was extended by Congress in 1996 and 2001. Unless Congress extends that judgeship once more, the first vacancy created after that date will not be filled and the number of authorized judgeships for the district will be reduced to 11.

In order to determine whether districts need additional judges, as well as whether temporary judgeships should be continued or converted to permanent status, the Judicial Conference of the United States Courts uses a system of weighting cases by case type in order to measure the relative difficulty of various district court caseloads. The Judicial Conference uses 430 weighted case filings per judgeship as a threshold to determine whether a district has the need for additional judgeships. Courts that are authorized additional judgeships typically exceed the 430 threshold by a substantial margin. According to the 2004 Federal Case Management Statistics Judicial Caseload Profile, the district's 452 weighted civil case filings per authorized judgeship were 14.6% lower than the national average of 529. The district ranked 55th in the nation and seventh in the Sixth Circuit in weighted case filings for the year ending September 30, 2004.

Magistrate Judges

The district is authorized seven magistrate judges, with four assigned to Cleveland and one each to Akron, Youngstown and Toledo. The Court has also benefitted from having an additional magistrate judge in Cleveland serving in a retired-recalled status.

The Court appointed Magistrate Judge Kenneth S. McHargh to serve on the bench in Cleveland effective March 1, 2004 following the retirement of Cleveland Magistrate Judge Jack B. Streepy who had served the Court for thirty years. Magistrate Judge McHargh had been with the U.S. Attorney's Office since 1979 and had most recently served as the Deputy Chief within the Criminal Division.

Civil and Criminal Dockets

The success of the Court's case management techniques, and the benefits of being at or near full judicial strength, are demonstrated by the relatively small pending dockets of judicial officers, particularly in the eastern division, in comparison to the record level of civil filings during the past several years. The dockets are in such good shape that the Judicial Panel on Multi District Litigation has selected this district to be the transferee court for seven multi-district litigation matters. In order to provide assistance to the judges in the Western Division, where dockets are higher, the Court has temporarily reassigned newly filed cases arising out of Erie and Huron counties to Eastern Division judges.

Civil Docket

Civil case filings rose 6.4% from 7,759 in 2003 to 8,256 in 2004, due to continued high numbers of civil Multidistrict Litigation (MDL) filings. **However**, the number of **traditional civil case filings** (non-MDL and non-asbestos matters), **declined 2.2%** from 3,524 to 3,449.

Excluding the unique MDL and asbestos matters, the number of **Civil Rights case filings fell 7.6%** from 740 in 2003 to 684 in 2004; the number of **General Civil case filings declined 9.3%** from 1,024 to 929; the number of **Social Security Reviews fell** for the fourth consecutive year **to a 13-year low**, dropping 3% from 237 to 230; and **Contract case filings were down 7%** from 461 to 429. Conversely, **Personal Injury cases rebounded 27%** from 262 in 2003 (an eight-year low) to 332 in 2004. **Habeas Corpus case filings also rebounded 16%** from 255 in 2003 (a 13-year low) to 295 in 2004.

Nearly all the growth in civil case filings can be attributed to an increase in Multidistrict Litigation (MDL) cases. The district now hosts seven MDL matters with the overwhelming majority of the cases being in the Personal Injury category and a small number of cases being Contract matters. Overall, **MDL case filings increased 13%** from 4,197 in 2003 to 4,733 in 2004.

Asbestos case filings doubled from 38 in 2003 to 76 in 2004 **but remained near 20-year lows**. Asbestos case filings, which averaged about 5,000 cases per year in the mid-1990's and reached 10,841 in 2001, are now essentially inconsequential to the workload of judicial officers and Court staff. In recent years, the asbestos caseload has not had a significant impact on the workload of the Court's judicial officers because the cases are transferred to the Eastern District of Pennsylvania as part of an ongoing Multi District Litigation. Nevertheless, the Clerk's Office is still required to maintain records on nearly **60,000** asbestos cases.

The district's civil case filings per authorized judgeship ranked 3rd out of 94 in the nation and first out of nine in the Sixth Circuit for the year ending September 30, 2004, according to the Federal Court Management Statistics Judicial Workload Profile. The district's civil case filings (including asbestos cases) per authorized judgeship increased 155% from 312 at the close of September 2003 to 797 at the end of September 2004, while the national average for all district courts rose 11% from 372 to 414.

Traditional civil case closings decreased 1.3% from 3,497 in 2003 to 3,450 in 2004. The district also closed 5,008 MDL cases and 625 asbestos cases in 2004.

The number of **pending civil cases fell about 18%** from 8,207 pending cases at the end of 2003 **to 6,768** at the close of 2004. Pending cases fell in all major categories: traditional (non-MDL and non-asbestos) civil cases decreased 17.4% from 3,377 at the close of 2003 to 2,790 at the end of 2004; pending asbestos cases were reduced from 585 to 13 and pending MDL cases dropped from 4,245 to 3,965 although many new MDL actions have already been filed early in 2005.

Criminal Docket

While the case management techniques adopted by the Court under the CJRA are being applied to the civil caseload, the effects of the criminal docket on overall case management cannot be overlooked due to the priority criminal cases receive under The Speedy Trial Act of 1974.

Criminal case filings increased to the highest level in more than a decade, rising 26% from 517 in 2003 to 652 in 2004. **Criminal defendant filings increased 19%** from a total of 900 in 2003 to 1,069 in 2004, **representing the second highest number of criminal defendant filings ever.**

Nevertheless, compared to national figures, the number of criminal filings per judgeship in the Northern District of Ohio remains low. Criminal felony case filings per authorized judgeship increased 26% during the year ending September 30, from 42 in 2003 to 53 in 2004, while the national average for all district courts of 88 was 66% higher. In 2004, **the district ranked 69th out of 94 nationally and seventh in the Sixth Circuit in criminal felony case filings per authorized judgeship.**

Criminal case closings fell 2.8% from 578 in 2003 to 562 in 2004. Criminal defendant closings declined 10% from 975 in 2003 to 877 in 2004.

The number of **pending criminal cases increased 26% to its highest year-end level ever**, rising from 377 at the close of 2003 to 475 at the end of 2004. The number of **pending criminal defendants rose 29%** from 655 at the close of 2003 to 847 at the end of 2004, **also representing the highest number of pending criminal defendants ever at year end.**

Civil and Criminal Trials

During 2004, there were 53 civil trials and 52 criminal trials, the lowest total over the past 14 years. According to the 2004 Federal Case Management Statistics Workload Profile, **the district ranked 90th out of 94 districts in the nation and ninth in the Sixth Circuit in the total number of trials completed per authorized judgeship** during the year ending September 30, 2004. Those **figures bolster the Court's reputation as a settlement district** in which alternative dispute resolution and court managed settlement conferences are used extensively.

Civil Justice Reform Act Efforts

Much of the improvement in the status of the Court's dockets over the past decade can be attributed to the Differentiated Case Management Plan, the wide menu of Alternative Dispute Resolution options, the Pending Inventory Reduction Plan, and the increased utilization of magistrate judges that were the focus of the district's Civil Justice Reform Act efforts.

Differentiated Case Management

Pursuant to the Civil Justice Reform Act of 1990, the Northern District of Ohio adopted a Differentiated Case Management (DCM) plan that provides specifically for the assignment of cases to appropriate processing tracks that operate under distinct and explicit rules, procedures, and time frames for the completion of discovery and for trial. The underlying principle of DCM is to make access to a fair and efficient court system available and affordable to all citizens by reducing costs and avoiding unnecessary delay without compromising the independence or the authority of either the judicial system or the individual judicial officer. The DCM plan attempts to meet these goals by providing early involvement of a judicial officer in each case and by establishing "event-date certainty" for case management conferences, status hearings, final pretrial conferences and trial as well as for discovery and motion cut-off dates. The DCM plan also promotes the active and cooperative assistance of counsel in managing all phases of the litigation. The use of alternative dispute resolution is strongly encouraged.

Under DCM, judicial officers review each case and assign it to one of five processing "tracks": expedited, standard, complex, administrative or mass tort. Each track employs case management guidelines tailored to the general requirements of similarly situated cases, and case management plans are issued to meet the specific needs of individual cases. In general, cases assigned to the expedited track are expected to be completed in 9 months, cases assigned to the standard track are expected to be completed in 15 months and cases assigned to the complex track are expected to be completed in 24 months. Administrative track cases, primarily social security reviews, are expected to be completed within 15 months, while mass tort cases are expected to be resolved within time periods specified within the individual case management plans developed for the specific body of litigation.

Of the 1,794 pending civil cases (non-asbestos, non-MDL) that were assigned to tracks at year end: 177 (10%) were assigned to the expedited track, 1,012 (56%) were assigned to the standard track, 54 (3%) were assigned to the complex track and 551 (31%) were assigned to the administrative track.

Alternative Dispute Resolution

Section 16 of the Local Rules provides a broad menu of non-binding, court-annexed ADR processes designed to provide quicker, less expensive and generally more satisfying alternatives to traditional litigation. The rules provide guidelines for the use of Early Neutral Evaluation ("ENE"), Mediation, Arbitration, Summary Jury Trial and Summary Bench Trial. These processes are court-annexed in that the Court manages and supervises the implementation of these ADR procedures. Parties are also encouraged to consider the use of extrajudicial ADR procedures to resolve disputes. During 1992 and 1993 the Northern District of Ohio served as a Pilot District for a voluntary arbitration program. The Court benefits greatly from the services provided by the 270 plus attorneys who serve on its Federal Court Panel of Neutrals, overwhelmingly on a pro bono basis.

Since January 1, 1992, **4,391 cases have now been referred to the district's court-annexed**

ADR program: 971 cases to Early Neutral Evaluation; 3,128 cases to Mediation; 71 cases to voluntary Arbitration; 64 cases to Summary Jury Trial; 153 cases to settlement conferences; three cases to Summary Bench Trial; and one case to a mini-trial process. **Of the 4,302 cases that had completed ADR by the end of 2004, 1,847 or 43% were resolved prior to or through the ADR proceeding.**

The **number of cases referred to ADR decreased 5%** from 319 in 2003 to 303 in 2004. During 2004, 190 cases were referred to Mediation, 91 cases had settlement conferences conducting by judicial officers other than the one presiding over the case, and 18 were referred to Early Neutral Evaluation. The decrease in ADR referrals reflects the overall reduction in the pending civil docket of non-MDL and non-asbestos matters).

The results of 4,302 cases completing ADR are now known. The remaining 89 cases have not completed the ADR process and are awaiting the selection of a neutral or scheduling of the ADR proceeding.

Approximately 29% of the cases were resolved through ADR either by settlement or binding arbitration award. Included were 192 cases through ENE, 938 cases through Mediation, 18 cases through Arbitration, eight cases settled following Summary Jury Trials, one case settled following a Summary Bench Trial, one case settled as result of mini-trial process and 76 cases settled following a settlement conference.

Fourteen percent of the cases were resolved after the actions were referred to ADR but before the ADR proceedings took place. Cases in this category include default judgments and dismissed actions where the parties settled without the necessity of ADR.

Seven percent of the cases referred to ADR were withdrawn from the process prior to the ADR proceedings being conducted. Cases are withdrawn from ADR for various reasons including remands of actions to a state court, automatic bankruptcy stays, parties filing non-consent to voluntary arbitration, the return of actions to chambers for ruling on dispositive motions or reconsideration of the ADR referral by the judicial officer.

Fifty percent of the cases completing ADR were returned to chambers for post-ADR settlement negotiations and case processing. Cases returned to chambers should not be considered failures. Frequently, the ADR process places an action in shape for more efficient case processing and sets the stage for future settlement negotiations. This is particularly true of ENE, which is primarily designed to prepare a civil case for trial by getting the parties to evaluate their case, focus on the issues, organize discovery, work expeditiously and prepare the case for trial.

Pending Inventory Reduction Plan

At the time the Court adopted its Differentiated Case Management plan, it also adopted a Pending Inventory Reduction Plan to assure the public and the bar that all cases, both new and old, would always

receive a fair amount of the Court's attention. The Pending Inventory Reduction Plan focuses primarily on the needs of older cases but also addresses the fair and expeditious processing of all cases. The goals of the PIRP are that 1) no cases be pending which are over three years old, 2) no motions be pending more than six months, 3) no bench trials be awaiting rulings for more than six months, 4) no case be inactive for more than 90 days, 5) the median time from filing to disposition be reduced from the then 14 months to the national average of nine months and 6) the "Unassigned" docket be eliminated.

The **number of civil cases three years and older was reduced by 1.4%** from 72 at the end of 2003 to 71 at the close of 2004. Since the district initiated its CJRA efforts, the number of cases three years and older has been reduced 82% from 399 cases at the close of 1991.

Pursuant to the Civil Justice Reform Act, all district courts must report the number of motions pending for at least six months at the close of every March and September. The number of **motions pending six months or longer increased 16.9%** from 166 in September 2003 to 194 in September 2004. Since September 1992, the number of motions pending six months or longer decreased 83% from 1,169.

The median time to disposition from filing for all civil cases (including asbestos), as reported by the Federal Court Management Statistics Judicial Workload Profile, decreased from 13.7 months in 2003 to 8.6 months in 2004. The average for all district courts is 8.5 months.

Other items included in the PIRP are well controlled. For instance, there were no bench trials awaiting a ruling for six months or longer at the end of 2004. Since the inception of the PIRP, the unassigned docket has been eliminated. The number of cases inactive for 90 days or more increased about 11% from 335 at the end of 2003 to 373 at the end of 2004.

Magistrate Judge Utilization

The CJRA Advisory Group recognized that the contributions of magistrate judges would be critical to the success of the new case management system. The Advisory Group recommended that the role of the magistrate judges be expanded. Parties are now asked whether they will consent to the jurisdiction of a magistrate judge both at the time they file their initial papers and once again at the initial Case Management Conference.

The role of the magistrate judges in the management of civil cases continues to be significant. **Magistrate judges were the presiding judicial officers for 383 (11%) of the civil cases that were resolved in 2004.** The 383 closings were up 41% from the 272 civil cases resolved by magistrate judges in 1991 directly before the CJRA efforts were inaugurated, but were down 22% from the 494 closings in 2003.

At year-end, magistrate judges presided over 262 (4%) of the 7,114 total pending civil cases,

down 7.1% from the 282 cases presided over in 2003. **Excluding MDL actions, however, magistrate judges presided over 10% (282 of 2,790) of the pending civil docket at the close of 2004.**

Electronic Filing

In January 1996, the Northern District of Ohio became the first court to use the internet for electronic filing. At that time, the Court mandated electronic filing in its maritime asbestos litigation out of operational necessity after it had been overwhelmed with the filing of over 500,000 asbestos pleadings in one 12-month period and had developed a 7-month backlog of docketing. Since then the district has expanded the system to permit electronic filing in all civil cases. It also began allowing attorneys to file electronically in criminal cases as of March 1, 2004.

The Case Management / Electronic Case Files (CM/ECF) system provides electronic access to the bench, bar and public 24 hours a day, seven days a week. The system now contains information on over 100,000 pending and closed civil and criminal matters, including all cases filed in 1990 or later, and several thousand cases filed prior to that period. Users can also access individual documents in nearly all civil cases filed since June 2001.

Over 9,000 attorneys have registered to use the system. Registered users are permitted to file documents electronically and are sent electronic notices of the filings in their cases. By the time of this report, 5,147 attorneys, representing nearly 2,000 firms and solo practitioners, had electronically filed 165,062 documents in this district in traditional civil cases. Another 183,317 documents had been electronically filed in the maritime asbestos litigation.

The CM/ECF system was developed by the Administrative Office of the U.S. Courts. The system will be adopted by nearly all federal courts by the close of 2005. Currently, there are 68 U.S. district courts and 78 U.S. bankruptcy courts using the system.

Electronic Courtroom, Video Conferencing and Satellite Receivers

The Northern District of Ohio strives to provide litigants with the best facilities available to assist in the efficient administration of justice. In order to streamline the presentation of evidence at trial, the Court has installed eight advanced electronic courtrooms, with five in the new Carl B. Stokes Court House in Cleveland and one each in the Akron, Toledo and Youngstown court houses.

Through the use of a Digital Evidence Presentation System (DEPS), counsel can display exhibits, real-time transcripts, video recordings or multimedia presentations with the push of a button. Portable evidence presentation equipment and video conferencing capability are available at each court house to streamline trials and to permit remote witness testimony.

The basic system includes a document camera for displaying documents, x-rays and three-

dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multi-media presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; real-time court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the DEPS; a tablet and light pen which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; infrared equipment for listening assistance and language translation; and under carpet CAT 5 connections.

Finally, the Court also has satellite receivers at each of its court locations, enabling judges and staff to participate in satellite training programs offered by the Administrative Office and the Federal Judicial Center.

Educational Efforts

The Northern District of Ohio continues to actively educate the bar about its DCM and ADR programs as well as its electronic courtrooms and electronic filing project by co-sponsoring Continuing Legal Education (CLE) seminars with the major local bar associations throughout the district. Electronic courtroom and electronic filing training is also provided at each of the court houses. In addition, the Court provides a wealth of information on its website (www.ohnd.uscourts.gov).

Northern District of Ohio Advisory Group

Perhaps the most beneficial aspect of the Civil Justice Reform Act was the creation in each district of the CJRA Advisory Groups. These groups provided an avenue for a continuing dialog on effective case management and other issues of interest to the bench and the bar. While the CJRA has expired, the Judicial Conference of the U.S. Courts has recommended that the Advisory Group process be retained. The Northern District of Ohio has adopted that recommendation and has extended the membership and mission of the group beyond merely civil matters. The mission of the group, now called the Advisory Group of the Northern District of Ohio, is to provide information on all matters of interest to the bench and the bar and to assist in the implementation of Court adopted programs such as electronic filing and the electronic courtroom projects. The Advisory Group meets as a whole with the Court each spring and fall and conducts committee meetings regularly throughout the year. Its members provide invaluable service to the Court and to the justice system.

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Attachment 1

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30								
OHIO NORTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*	10,442	4,531	14,889	5,962	8,347	7,310	U.S.	Circuit	
	Terminations	7,151	14,721	4,585	4,441	6,178	6,408			
	Pending	7,323	5,361	17,929	7,618	6,100	4,546			
	% Change in Total Filings	Over Last Year		130.5					2	1
		Over Earlier Years			-29.9	75.1	25.1	42.8	10	1
Number of Judgeships		12	12	12	12	12	12			
Vacant Judgeship Months**		.0	4.6	12.0	12.0	12.0	7.1			
ACTIONS PER JUDGESHIP	FILINGS	Total	870	378	1,241	497	696	609	3	1
		Civil	797	312	1,173	447	654	569	3	1
		Criminal Felony	53	42	48	50	42	40	69	7
		Supervised Release Hearings**	20	24	20	-	-	-	43	5
	Pending Cases		610	447	1,494	635	508	379	12	2
	Weighted Filings**		452	421	535	442	463	428	55	7
	Terminations		596	1,227	382	370	515	534	14	1
	Trials Completed		10	10	9	10	11	15	90	9
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.4	6.6	6.7	6.1	5.8	6.1	20	2
		Civil**	8.6	13.7	7.6	8.3	4.2	5.4	28	1
	From Filing to Trial** (Civil Only)		20.7	22.0	23.0	19.7	22.0	19.8	33	3
OTHER	Civil Cases Over 3 Years Old**	Number	76	61	96	75	63	94		
		Percentage	1.1	1.2	.5	1.0	1.1	2.2	10	1
	Average Number of Felony Defendants Filed Per Case		1.6	1.8	1.9	1.7	1.8	1.5		
	Jurors	Avg. Present for Jury Selection	36.63	34.75	35.59	31.00	27.19	34.46		
		Percent Not Selected or Challenged	32.5	24.3	30.1	23.9	19.4	25.7		

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	9558	222	13	495	50	52	406	449	6461	89	551	12	758
Criminal*	630	35	44	138	3	15	114	**	28	115	3	56	79

CIVIL

- A Social Security
- B Recovery of Overpayments and Enforcement of Judgement
- C Prisoner Petitions
- D Forfeitures and Penalties and Tax Suits
- E Real Property
- F Labor Suits
- G Contracts
- H Torts
- I Copyright, Patent, and Trademark
- J Civil Rights
- K Antitrust
- L All Other Civil

CRIMINAL

- A Immigration
- B Embezzlement
- C Weapons and Firearms
- D Escape
- E Burglary and Larceny
- F Drugs
- G (Not In Use)**
- H Forgery and Counterfeiting
- I Fraud
- J Homicide and Assault
- K Robbery
- L All Other Criminal Felony Cases

Attachment 2

District Court Vacant Judgeship Months Source: Federal Management Statistics Profile				
September	U.S. Total	% Change	ND of OH	% Change
1991	1227.6	--	25.1	--
1992	1313.4	6.99	47.7	90.04
1993	1199.9	-8.64	60.0	25.79
1994	1104.3	-7.97	49.0	-18.33
1995	642.0	-41.86	19.8	-59.59
1996	571.7	-10.95	6.5	-67.17
1997	791.7	38.48	23.0	253.85
1998	720.2	-9.03	11.6	-49.57
1999	566.5	-21.34	7.1	-38.79
2000	597.5	5.47	12.0	69.01
2001	749.9	25.51	12.0	0.00
2002	793.4	5.80	12.0	0.00
2003	444.8	-43.94	4.6	-61.67
2004	303.3	-31.81	0.00	-100.00

Attachment 3

Civil Case Filings					
December	*Traditional	Asbestos	MDL	Total	% Change
1991	3,386	5,873	0	9,259	--
1992	3,547	1,523	0	5,070	-45.24
1993	3,550	4,319	0	7,869	55.21
1994	3,422	4,163	0	7,585	-3.61
1995	3,601	5,184	0	8,785	15.82
1996	3,625	6,010	0	9,635	9.68
1997	4,328	5,325	0	9,653	0.19
1998	3,915	4,997	0	8,912	-7.68
1999	4,120	3,269	0	7,389	-17.09
2000	4,147	2,430	0	6,577	-10.99
2001	3,880	10,841	213	14,934	127.06
2002	3,555	1,212	226	4,993	-66.57
2003	3,524	38	4,197	7,759	55.40
2004	3,449	76	4,731	8,256	6.41

* Excludes Asbestos and MDL cases.

Attachment 4

Civil Case Filings by Category															
Case Category	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	% Change 2003-2004	% Change 1992-2004
Admiralty	20	17	22	16	14	18	18	11	23	21	14	8	12	50.00	-40.00
Antitrust	11	15	18	16	3	5	10	3	5	12	15	11	6	-45.45	-45.45
Civil Rights	725	809	914	1037	998	993	1032	938	930	900	789	740	684	-7.57	-5.66
Contract	370	326	374	340	378	391	370	397	431	535	537	461	429	-6.94	15.95
MDL	0	0	0	0	0	0	0	0	0	0	23	13	2	-84.62	0.00
Habeas--non §2255)	116	148	170	216	201	354	402	326	319	287	287	255	295	15.69	154.31
Labor Relations	449	371	386	390	380	386	333	362	432	419	399	390	396	1.54	-11.80
Patent	31	34	27	49	39	53	51	27	44	47	39	38	40	2.56	29.03
Personal Injury	405	531	363	505	410	782	378	347	281	447	494	262	332	26.72	-18.02
Asbestos	1523	4319	4163	5184	6010	5325	4997	3269	2430	10841	1212	38	76	100.00	-95.01
MDL	0	0	0	0	0	0	0	0	0	213	203	4184	4731	13.07	0.00
Administrative Reviews	504	482	447	334	299	381	395	493	510	370	333	237	230	-2.95	-54.37
Tax	53	43	38	23	37	34	33	19	21	34	28	31	26	-16.13	-50.94
Unfair Competition	75	64	72	69	56	79	88	86	82	52	52	59	61	3.39	-18.67
General Civil	787	710	591	593	791	849	795	1094	1059	749	552	1024	929	-9.28	18.04
Death Penalty	1	0	0	13	19	3	10	17	10	7	16	8	7	-12.50	600.00
Total	5070	7869	7585	8785	9635	9653	8912	7389	6577	14934	4993	7759	8256	6.41	62.84

Attachment 5

Total Civil Case Filings Per Judgeship (Includes Asbestos)				
Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	377	--	403	--
1992	409	8.49	412	2.23
1993	407	-0.49	683	65.78
1994	413	1.47	663	-2.93
1995	434	5.08	721	8.75
1996	471	8.53	802	11.23
1997	480	1.91	833	3.87
1998	467	-2.71	856	2.76
1999	403	-13.70	569	-33.53
2000	396	-1.74	654	14.94
2001	377	-4.80	447	-31.65
2002	413	9.55	1,173	162.42
2003	372	-9.93	312	-73.40
2004	414	11.29	797	155.45

Attachment 6

Weighted Civil Case Filings Per Judgeship (Includes Asbestos) Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	386	--	349	--
1992	412	6.74	370	6.02
1993	419	1.70	441	19.19
1994	419	0.00	415	-5.90
1995	448	6.92	424	2.17
1996	472	5.36	486	14.62
1997	504	6.78	503	3.50
1998	484	-3.97	509	1.19
1999	480	-0.83	428	-15.91
2000	486	1.25	463	8.18
2001	486	0.00	442	-4.54
2002	504	3.70	535	21.04
2003	498	-1.19	421	-21.31
2004	529	6.22	452	7.36

Attachment 7

Civil Case Closings					
December	*Traditional	Asbestos	MDL	Total	% Change
1991	3,655	3,653	0	7,308	--
1992	3,829	2,754	0	6,583	-9.92
1993	3,485	24	0	3,509	-46.70
1994	3,348	38	0	3,386	-3.51
1995	3,690	20	0	3,710	9.57
1996	4,183	6	0	4,189	12.91
1997	3,947	4	0	3,951	-5.68
1998	4,393	5	0	4,398	11.31
1999	4,181	34,926	0	39,107	789.20
2000	4,322	4,272	0	8,594	-78.02
2001	3,826	2	0	3,828	-55.46
2002	3,723	5	0	3,728	-2.61
2003	3,497	10,614	10	14,121	278.78
2004	3,450	625	5,008	9,083	-35.68

* Excludes Asbestos and MDL cases.

Attachment 8

Civil Cases Pending At Year End					
December	*Traditional	Asbestos	MDL	Total	% Change
1991	3,568	5,078	0	8,646	--
1992	3,372	3,943	0	7,315	-15.39
1993	3,543	8,241	0	11,784	61.09
1994	3,689	12,366	0	16,055	36.24
1995	3,740	17,485	0	21,225	32.20
1996	3,244	23,489	0	26,733	25.95
1997	3,630	28,810	0	32,440	21.35
1998	3,170	33,791	0	36,961	13.94
1999	3,123	2,119	0	5,242	-85.82
2000	2,952	277	0	3,229	-38.40
2001	3,015	9,948	203	13,166	307.74
2002	2,844	11,104	75	14,023	6.51
2003	3,377	585	4,245	8,207	-41.47
2004	2,790	13	3,965	6,768	-17.53

* Excludes Asbestos and MDL cases.

Attachment 9

Criminal Case Filings				
December	Cases	% Change	Defendants	% Change
1991	430	--	684	--
1992	545	26.74	796	16.37
1993	462	-15.23	669	-15.95
1994	479	3.68	677	1.20
1995	494	3.13	736	8.71
1996	451	-8.70	713	-3.13
1997	479	6.21	792	11.08
1998	567	18.37	871	9.97
1999	473	-16.58	725	-16.76
2000	541	14.38	974	34.34
2001	615	13.68	954	-2.05
2002	560	-8.94	1,072	12.37
2003	517	-7.68	900	-16.04
2004	652	26.11	1,069	18.78

Attachment 10

Total Criminal Felony Case Filings Per Judgeship Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	52	--	37	--
1992	54	3.85	40	8.11
1993	53	-1.85	45	12.50
1994	49	-7.55	38	-15.56
1995	51	4.08	39	2.63
1996	55	7.84	36	-7.69
1997	60	9.09	34	-5.56
1998	69	15.00	46	35.29
1999	74	7.25	40	-13.04
2000	78	5.41	42	5.00
2001	77	-1.28	50	19.05
2002	84	9.09	48	-4.00
2003	87	3.57	42	-12.50
2004	88	1.15	53	26.19

Attachment 11

Criminal Case Closings				
December	Cases	% Change	Defendants	% Change
1991	448	--	635	--
1992	476	6.25	731	15.12
1993	523	9.87	771	5.47
1994	463	-11.47	643	-16.60
1995	505	9.07	748	16.33
1996	497	-1.58	727	-2.81
1997	461	-7.24	732	0.69
1998	530	14.97	888	21.31
1999	542	2.26	799	-10.02
2000	489	-9.78	828	3.63
2001	568	16.16	937	13.16
2002	575	1.23	988	5.44
2003	578	0.52	975	-1.32
2004	562	-2.77	877	-10.05

Attachment 12

Pending Criminal Cases				
December	Cases	% Change	Defendants	% Change
1991	303	--	508	--
1992	372	22.77	578	13.78
1993	307	-17.47	450	-22.15
1994	336	9.45	516	14.67
1995	329	-2.08	518	0.39
1996	295	-10.33	506	-2.32
1997	318	7.80	569	12.45
1998	364	14.47	565	-0.70
1999	294	-19.23	485	-14.16
2000	345	17.35	630	29.90
2001	405	17.39	645	2.38
2002	403	-0.49	721	11.78
2003	377	-6.45	655	-9.15
2004	475	25.99	847	29.31

Attachment 13

Civil and Criminal Trials						
December	Civil Trials	% Change	Criminal Trials	% Change	Total Trials*	% Change
1991	100	--	55	--	155	--
1992	104	4.00	56	1.82	160	3.23
1993	103	-0.96	58	3.57	161	0.63
1994	97	-5.83	50	-13.79	147	-8.70
1995	120	23.71	66	32.00	186	26.53
1996	157	30.83	46	-30.30	203	9.14
1997	131	-16.56	54	17.39	185	-8.87
1998	129	-1.53	53	-1.85	182	-1.62
1999	111	-13.95	43	-18.87	154	-15.38
2000	113	1.80	38	-11.63	151	-1.95
2001	88	-22.12	46	21.05	134	-11.26
2002	61	-30.68	50	8.70	111	-17.16
2003	60	-1.64	49	-2.00	109	-1.80
2004	53	-11.67	52	6.12	105	-3.67

* Figures for 1991 and 1992 do not include trials conducted by Magistrate Judges.

Attachment 14

Track Assignments of Civil Cases Closed in 2004 (Excludes Asbestos and MDL)					
Track	# of Closed Cases	Average Days Pending	Percentage of Cases	Percentage of Cases Assigned to Tracks	Percentage of Cases Assigned to Non-Administrative Tracks
Expedited	177	345	5.13	9.87	14.24
Standard	1,012	432	29.33	56.41	81.42
Complex	54	610	1.57	3.01	4.34
Mass Tort	0		0.00	0.00	0.00
Administrative	551	378	15.97	30.71	
Unassigned:					
< 120 days	954	66	27.65		
120 + days	702	338	20.35		
Total	3,450				

Attachment 15

Track Assignments of Pending Civil Cases as of December 31, 2004 (Excludes Asbestos and MDL)				
Track	# of Pending Cases	Percentage of Cases	Percentage of Cases Assigned to Tracks	Percentage of Cases Assigned to Non-Administrative Tracks
Expedited	124	4.44	7.21	10.16
Standard	1,005	36.02	58.40	82.31
Complex	92	3.30	5.35	7.53
Mass Tort	0	0.00	0.00	0.00
Administrative	500	17.92	29.05	
Unassigned:				
< 120 days	132	4.73		
120 + days	937	33.58		
Total	2,790			

Attachment 16

Alternative Dispute Resolution								
	ENE	MED	ARB	SJT	SBT	Other	SC ¹	Total
1992	181	142	16	22				361
1993	158	227	7	14				406
1994	128	244	5	22	2	1		402
1995	135	236	6		1			378
1996	94	250	2	2				348
1997	72	258	7	1				338
1998	37	301	8					346
1999	40	252	1	1				294
2000	38	220	1					259
2001	36	311	3	1				351
2002	21	258	6	1				286
2003	13	239	5				62	319
2004	18	190	4				91	303
Grand Total	971	3,128	71	64	3	1	153	4,391
% Change 2003-2004	-38.10%	-7.36%	-16.67%	-100.00%			100.00%	11.54%
% Change 1992-2004	-90.06%	33.80%	-75.00%				100.00%	-16.07%
Total as % of Grand Total	22.11%	71.24%	1.62%	1.46%	0.07%	0.02%	3.48%	

¹Denotes settlement conference.

Attachment 17

Disposition of Cases Completing ADR								
	ENE	MED	ARB	SJT	SBT	OTHER	SC ²	TOTAL
Withdrawn from ADR	48	206	14	16				284
	5%	7%	21%	25%				7%
Resolved Prior to ADR	107	430	28	30	2		16	613
	11%	14%	42%	47%	67%		12%	14%
Resolved Through ADR	192	938	18	8	1	1	76	1,234
	20%	31%	27%	13%	33%	100%	58%	29%
Settlement Negotiations and Case Processing to Continue	620	1,495	7	10			39	2,171
	64%	49%	10%	16%			30%	50%
Total	967	3,069	67	64	3	1	131	4,302
Percentages may not total to 100% due to rounding.								

²Denotes settlement conference.

Attachment 18

Cases Three Years and Older		
December	Cases	% Change
1991	399	--
1992	177	-55.64
1993	144	-18.64
1994	178	23.61
1995	163	-8.43
1996	145	-11.04
1997	115	-20.69
1998	102	-11.30
1999	92	-9.80
2000	58	-36.96
2001	65	12.07
2002	87	33.85
2003	72	-17.24
2004	71	-1.39

Attachment 19

Motions Pending Six Months and Longer		
September	Motions	% Change
1992	1,169	--
1993	1,420	21.47
1994	273	-80.77
1995	546	100.00
1996	494	-9.52
1997	375	-24.09
1998	145	-61.33
1999	312	115.17
2000	179	-42.63
2001	130	-27.37
2002	232	78.46
2003	166	-28.45
2004	194	16.87

Attachment 20

Median Time in Months from Filing to Disposition Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	10	--	20	--
1992	9	-10.00	6	-70.00
1993	8	-11.11	2	-66.67
1994	8	0.00	4	100.00
1995	8.9	N/M*	5.4	N/M*
1996	7.0	-11.35	3.4	-37.04
1997	8.4	20.00	2.6	-23.53
1998	9.2	9.52	4.8	84.61
1999	10.3	11.96	5.4	12.50
2000	8.2	-20.39	4.2	-22.22
2001	8.7	6.10	8.3	97.62
2002	8.7	0.00	7.6	-8.43
2003	9.3	6.90	13.7	80.26
2004	8.5	-2.30	8.6	-37.23

* Not meaningful. Prior to 1995, the AO reported median times only in whole numbers.

Attachment 21

Bench Trials Awaiting Rulings Six Months or More	
September	Bench Trials
1991	1
1992	0
1993	0
1994	1
1995	0
1996	0
1997	0
1998	0
1999	0
2000	0
2001	0
2002	0
2003	0
2004	0

Attachment 22

Civil Cases Inactive 90 or More Days		
December	Cases	% Change
1992	635	--
1993	677	6.61
1994	564	-16.69
1995	551	-2.31
1996	420	-23.78
1997	440	4.76
1998	330	-25.00
1999	386	16.97
2000	199	-48.45
2001	495	148.74
2002	443	-10.51
2003	335	-24.38
2004	373	11.34

Attachment 23

Civil Case Closings by Status of Judicial Officer (Excludes Asbestos and MDL)					
	Active	Senior & Other	Magistrate	Total	% Change
1991	2,743	640	272	3,655	–
1992	2,511	926	392	3,829	4.76
1993	2,079	956	450	3,485	-8.98
1994	2,189	760	396	3,345	-4.02
1995	2,593	700	397	3,690	10.31
1996	2,744	1,035	404	4,183	13.36
1997	2,883	727	337	3,947	-5.64
1998	2,964	943	486	4,393	11.30
1999	2,950	750	481	4,181	-4.83
2000	3,104	723	495	4,322	3.37
2001	2,723	535	568	3,826	-11.48
2002	2,698	480	545	3,723	-2.69
2003	2,555	448	494	3,497	-6.07
2004	2,648	419	383	3,450	-1.34

Attachment 24

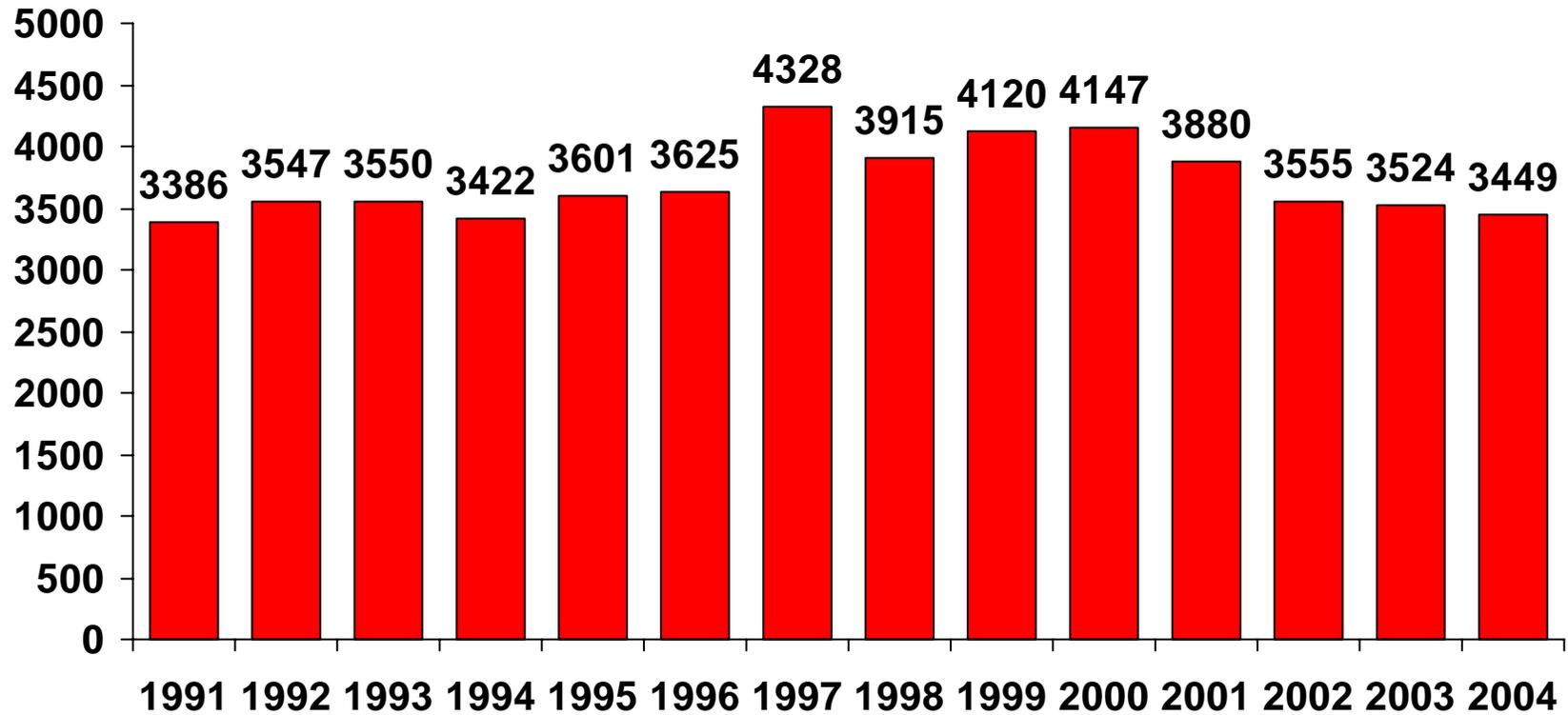
Pending Civil Case Loads at Year End by Judicial Status (Excludes Asbestos and MDL)					
	Active	Senior & Other	Magistrate	Total	% Change
1991	2,539	707	322	3,568	--
1992	1,978	970	424	3,372	-5.49
1993	2,233	800	510	3,543	5.07
1994	2,868	473	348	3,689	4.12
1995	2,861	559	320	3,740	1.38
1996	2,267	732	245	3,244	-13.26
1997	2,556	735	339	3,630	11.90
1998	2,278	462	429	3,169	-12.70
1999	2,239	485	399	3,123	-1.45
2000	2,091	387	474	2,952	-5.48
2001	2,190	370	455	3,015	2.13
2002	2,041	392	411	2,844	-5.67
2003	2,749	367	282	3,398	19.48
2004	2,202	326	262	2,790	-17.89

**Annual Assessment of the Civil and Criminal Dockets
for the
United States District Court
Northern District of Ohio**

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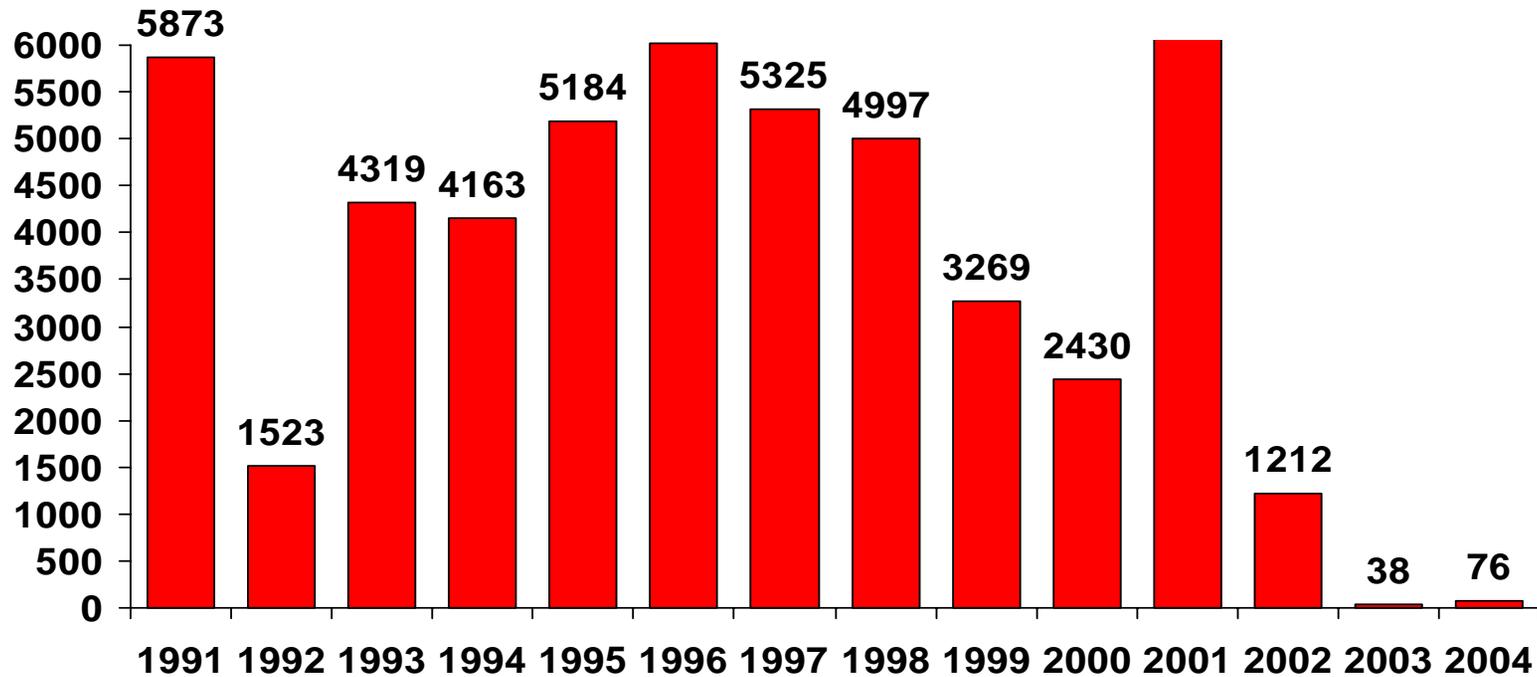
Civil Case Load	
Traditional Filings	1
Asbestos Filings	2
Multi-District Litigation Filings	3
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Asbestos Case Load	
Maintained Files	6
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Motions Pending Six Months or More	18

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE FILINGS (EXCLUDING ASBESTOS AND MDL)
1991-2004 (Year ending December 31)**



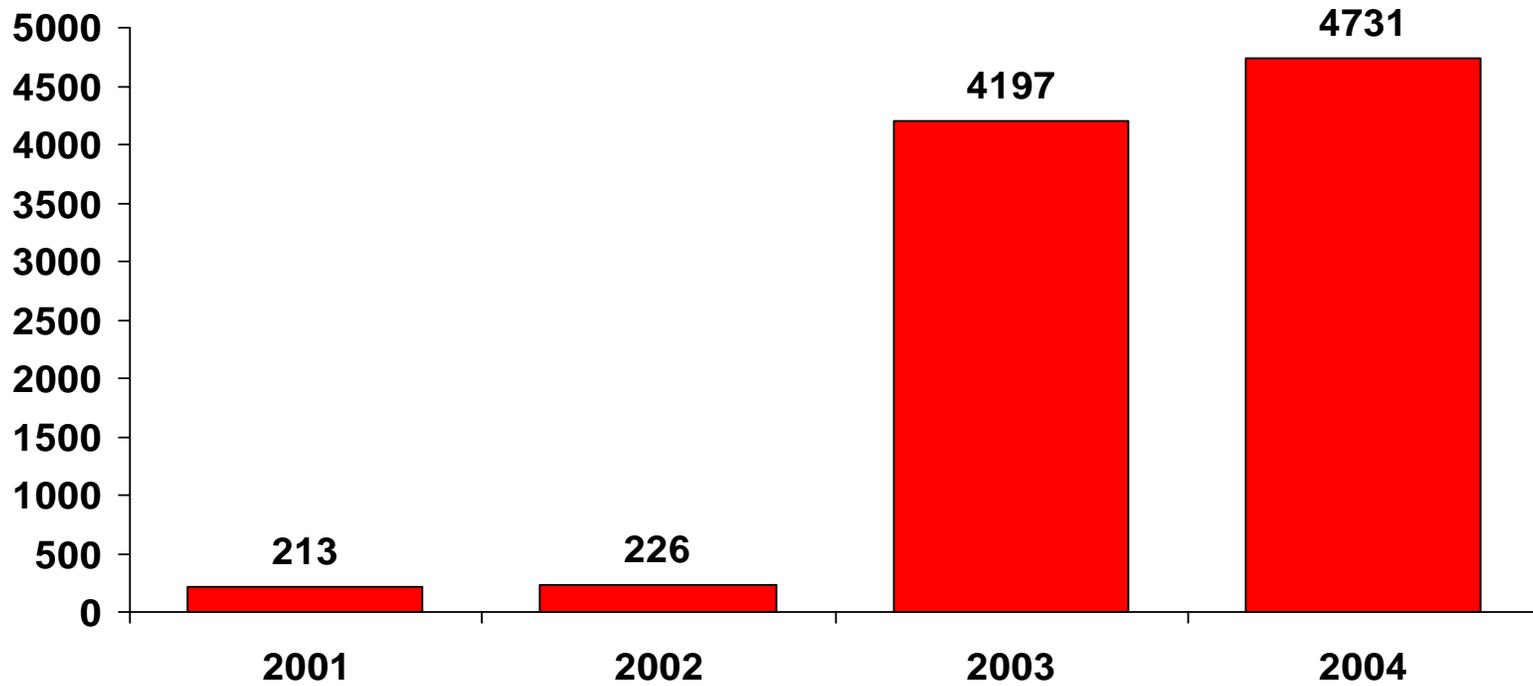
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILINGS
1991-2004 (Year ending December 31)**



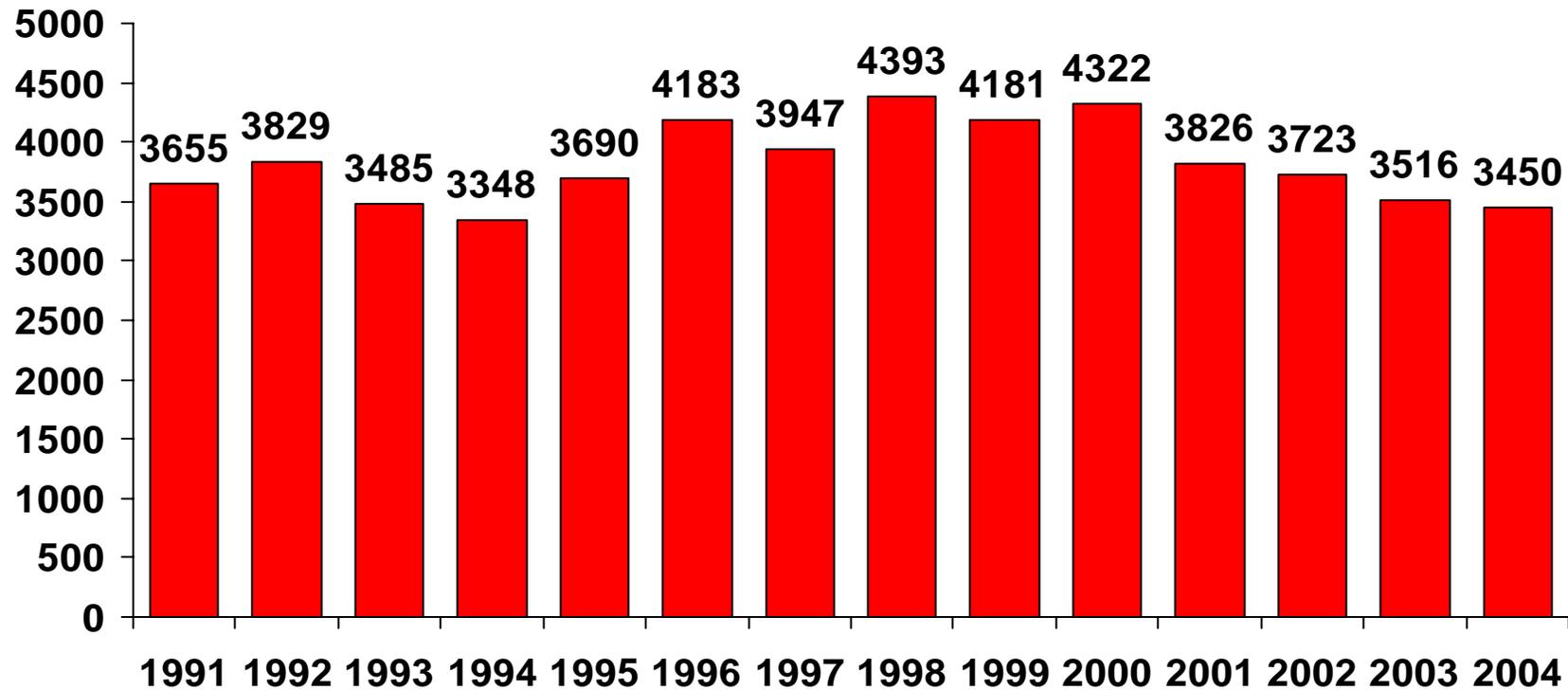
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
MULTI-DISTRICT LITIGATION CASE FILINGS
2001-2004 (Year ending December 31)**



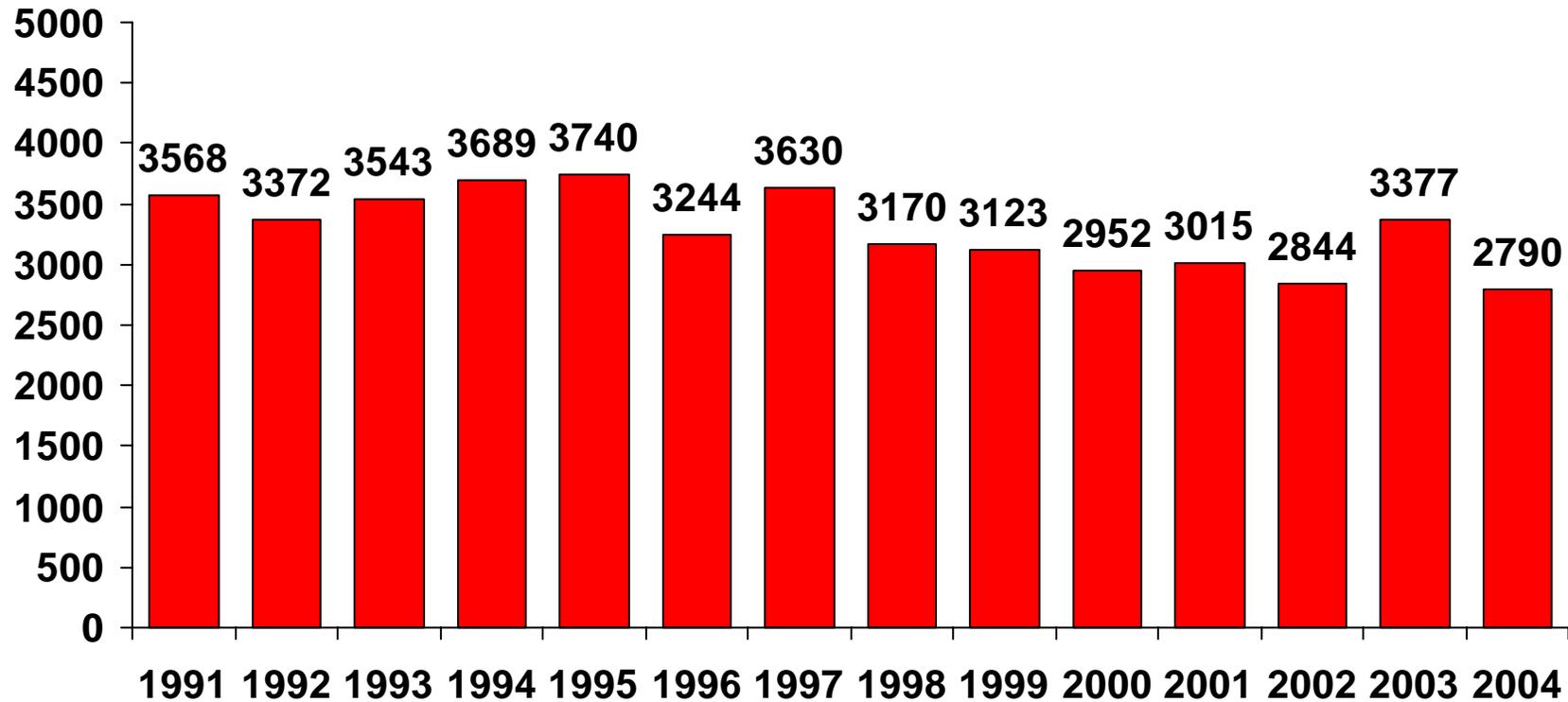
- % Change 2003-2004: 12.72%
- % Change 2001-2004: 2121.00%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE CLOSINGS
1991-2004 (Year ending December 31)**



- % Change 2003-2004: -1.88%
- % Change 1991-2004: -5.61%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CIVIL CASES
1991-2004 (Year ending December 31)**

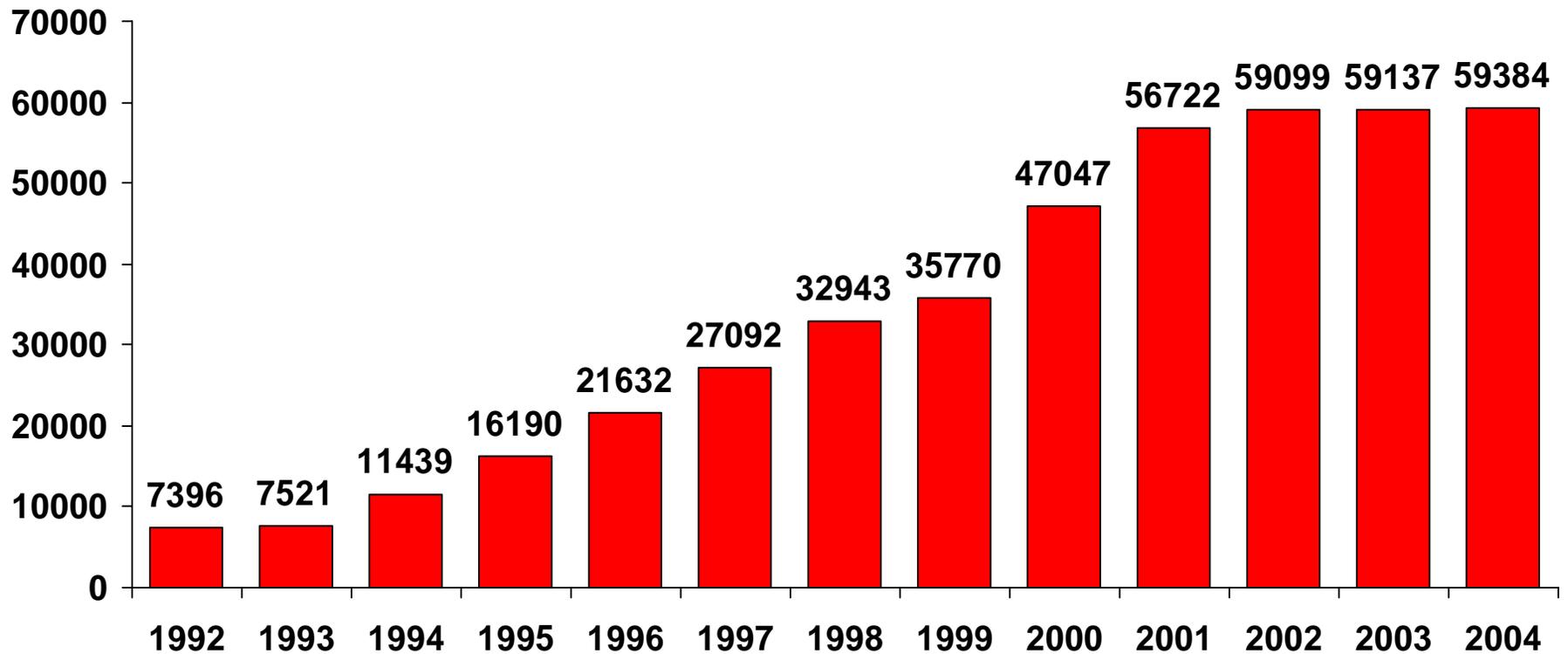


- % Change 2003-2004: -17.38%

5

- % Change 1991-2004: -21.80%

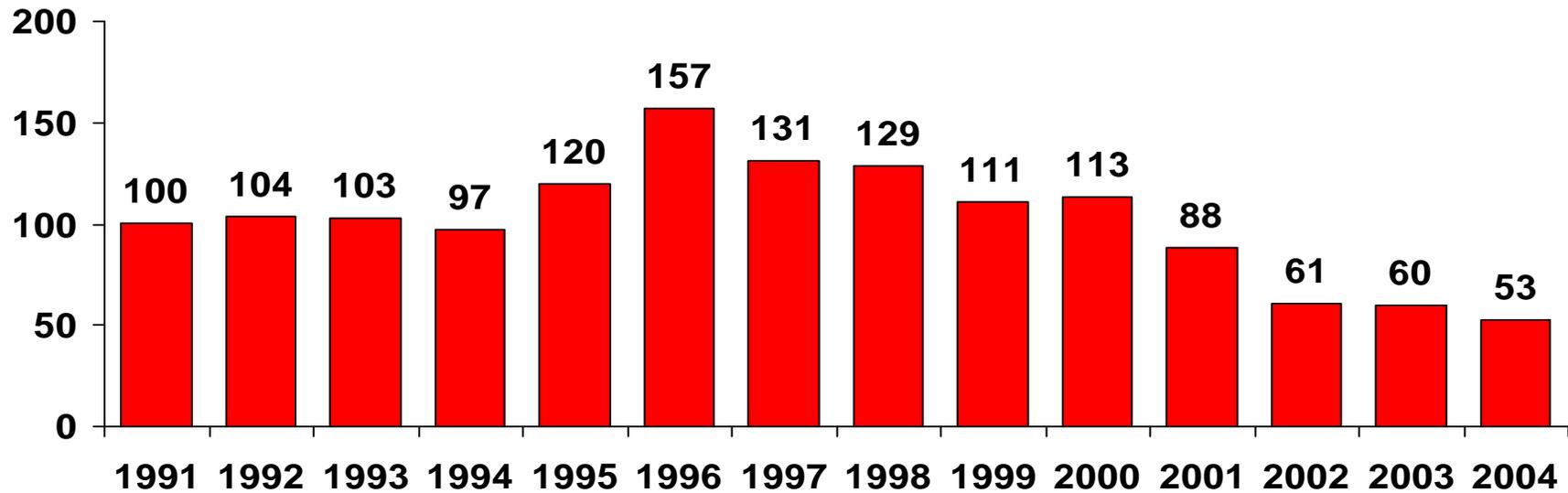
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILES MAINTAINED
1992-2004 (Year ending December 31)**



- **% Change 2003-2004: 0.418%**

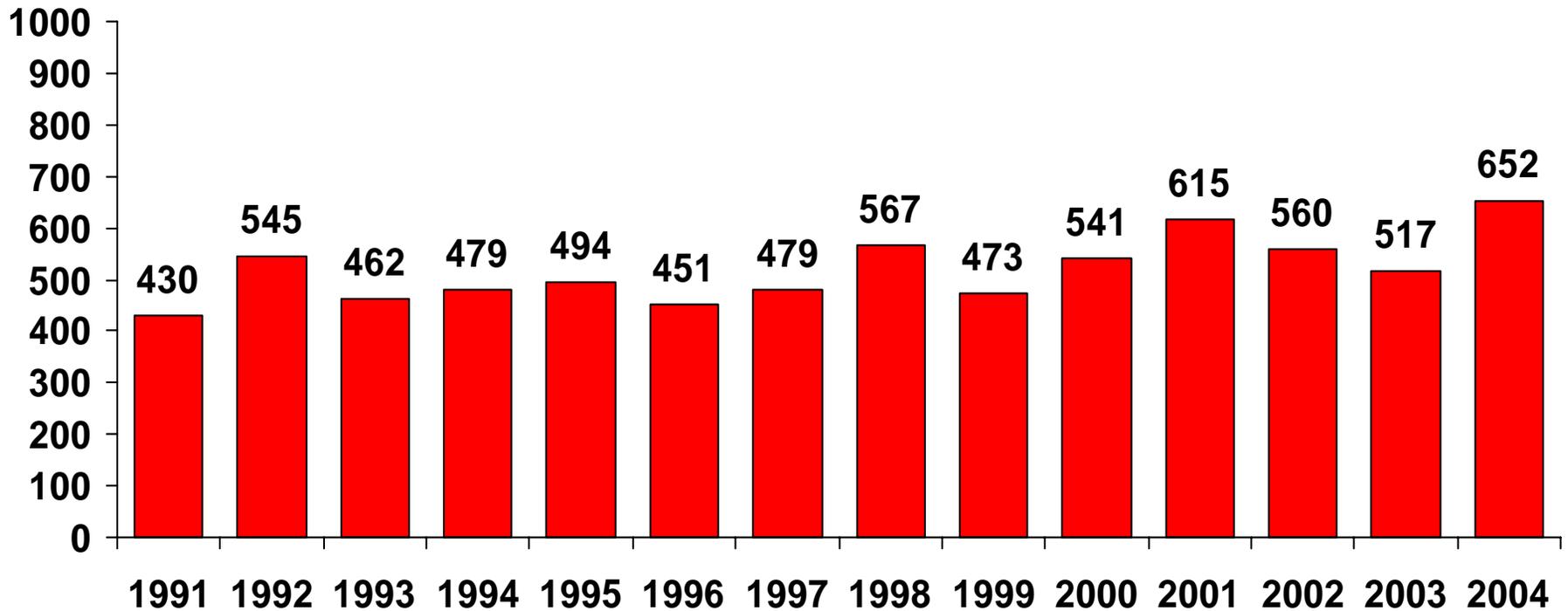
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL TRIALS
1991-2004 (Year ending December 31)**



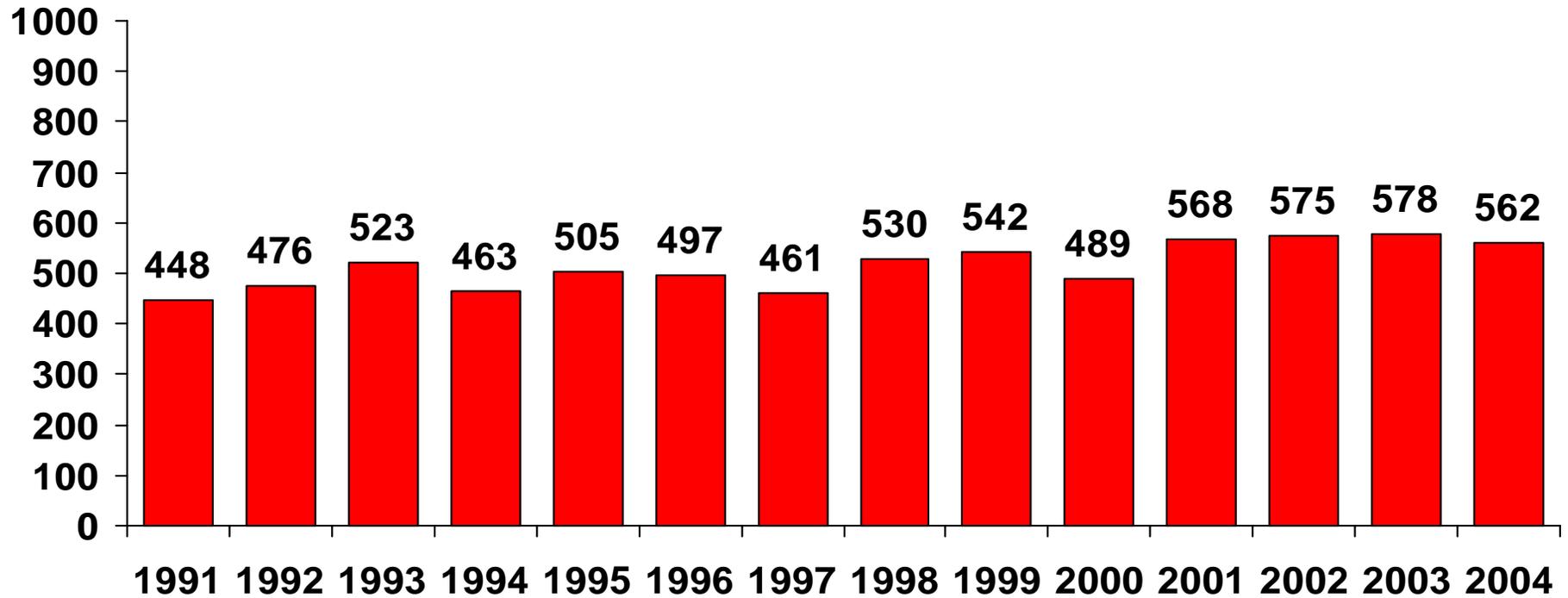
- **% Change 2003-2004: -11.67%**
- **% Change 1991-2004: -47.00%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE FILINGS
1991-2004 (Year ending December 31)**



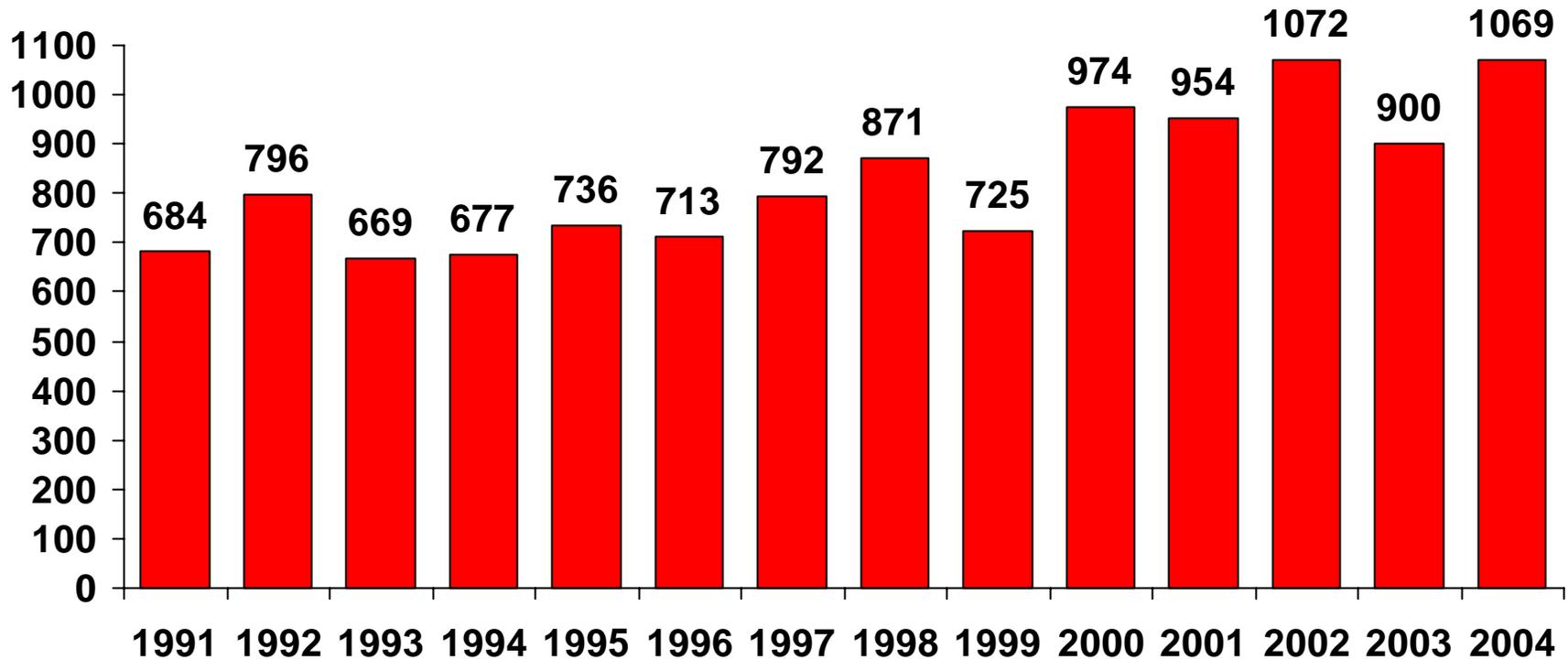
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- % Change 1991-2004: 51.63%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE CLOSINGS
1991-2004 (Year ending December 31)**



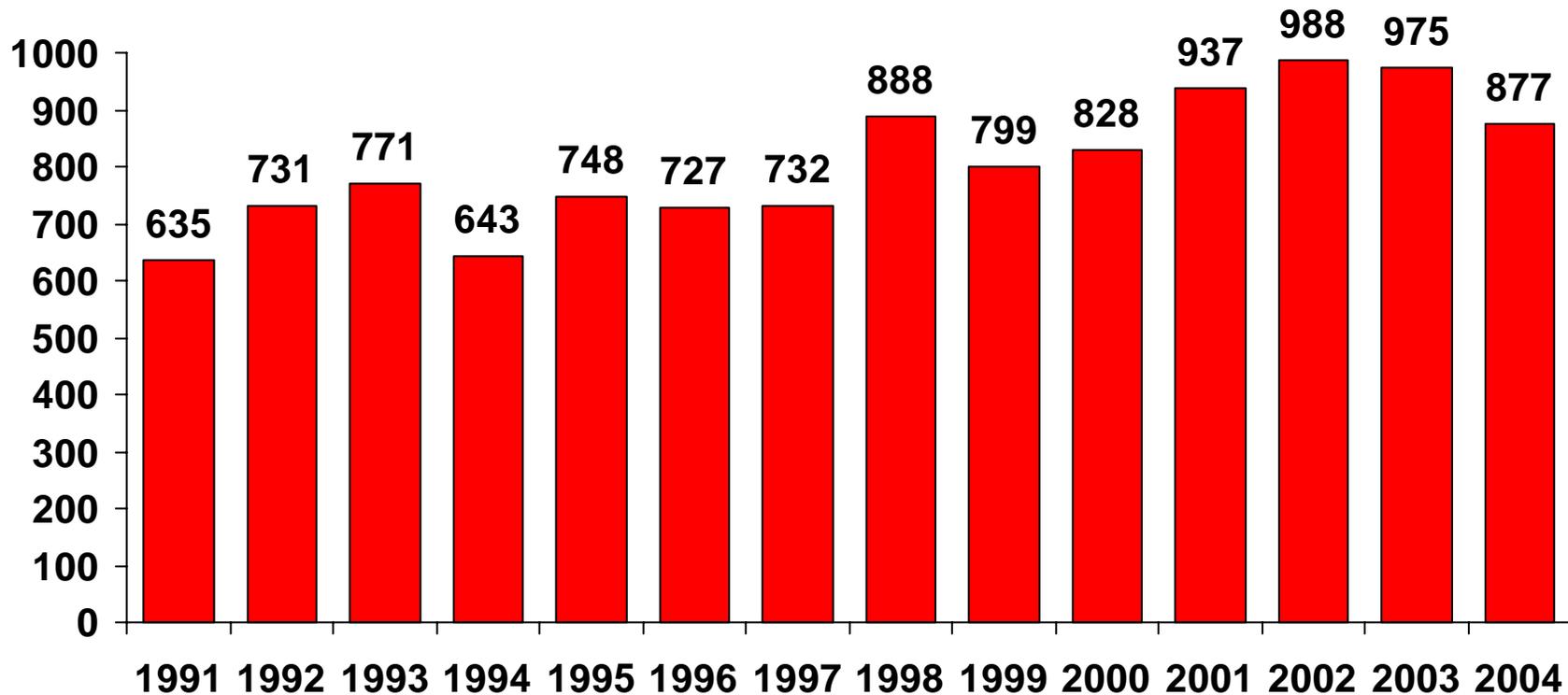
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- % Change 1991-2004: 25.45%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT FILINGS
1991-2004 (Year ending December 31)**



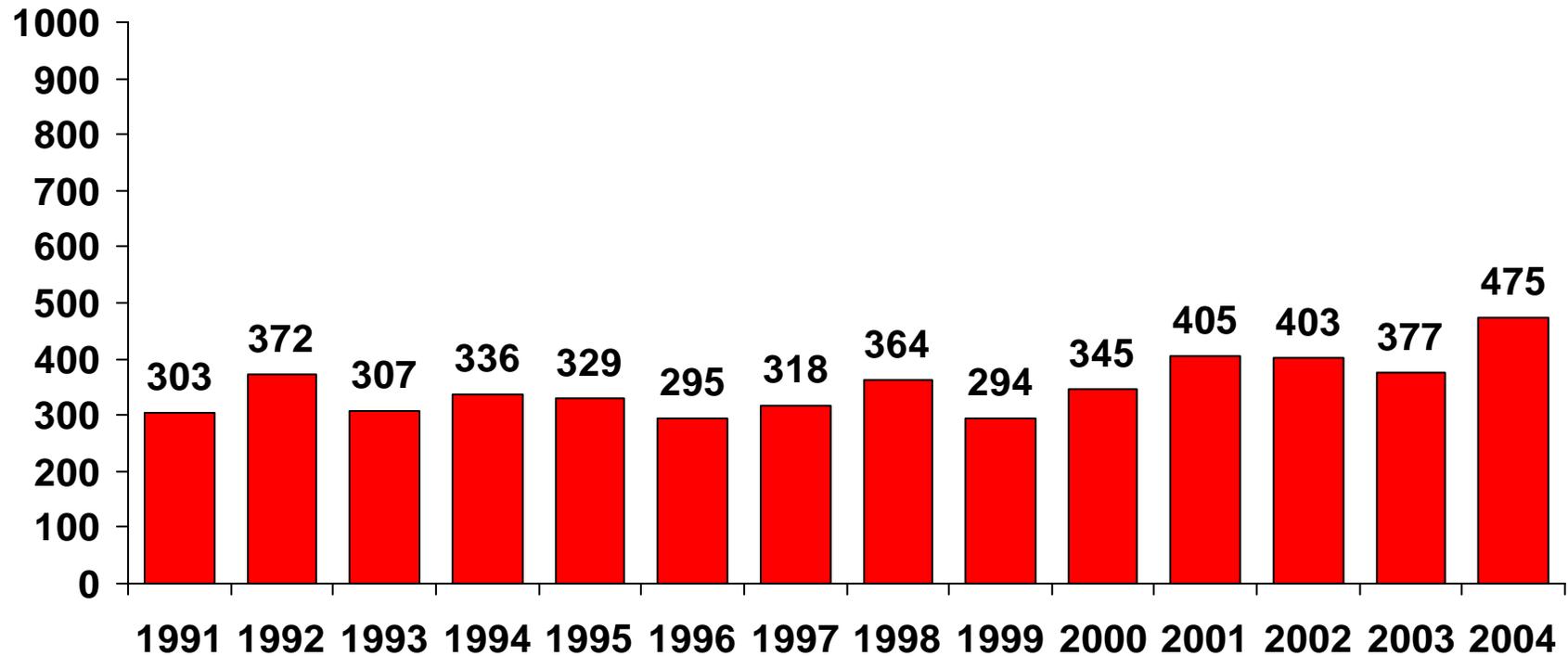
- % Change 2003-2004: 18.78%
- % Change 1991-2004: 56.29%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT CLOSINGS
1991-2004 (Year ending December 31)**



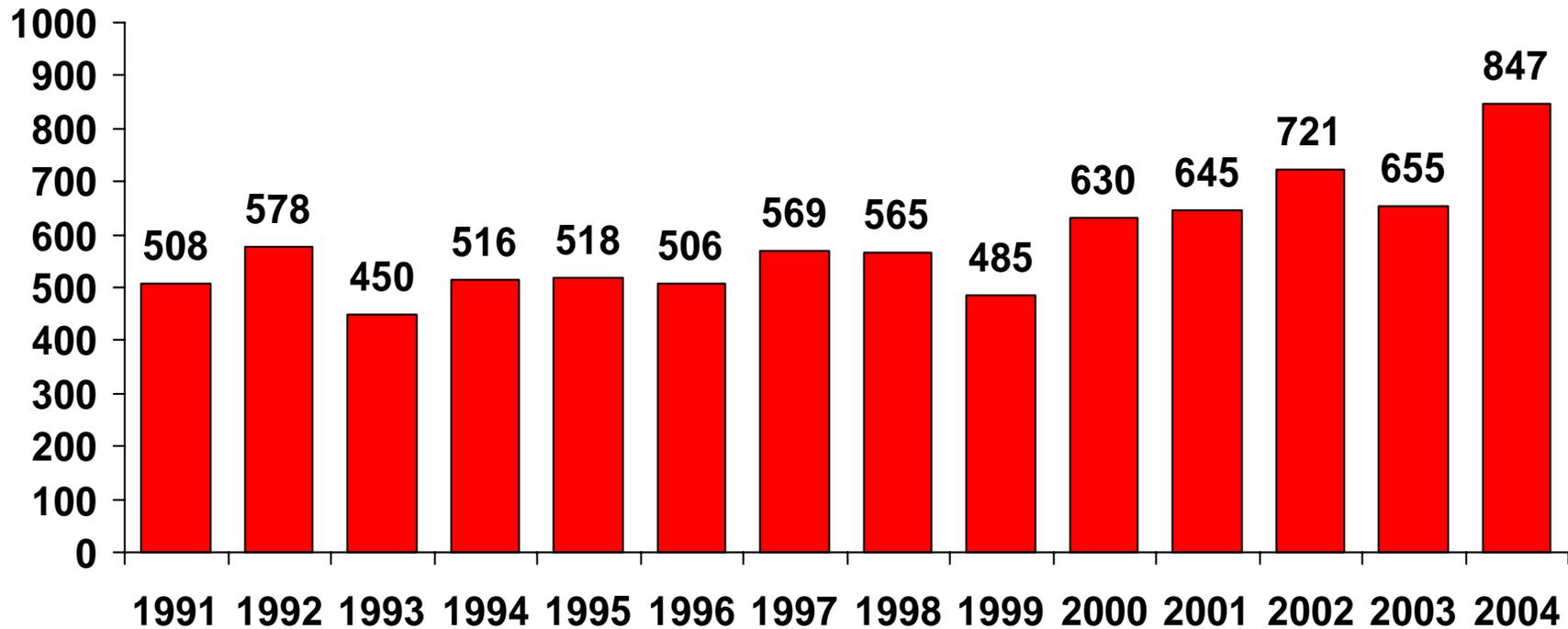
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- % Change 1991-2004: 38.11%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL CASES
1991-2004 (Year ending December 31)**



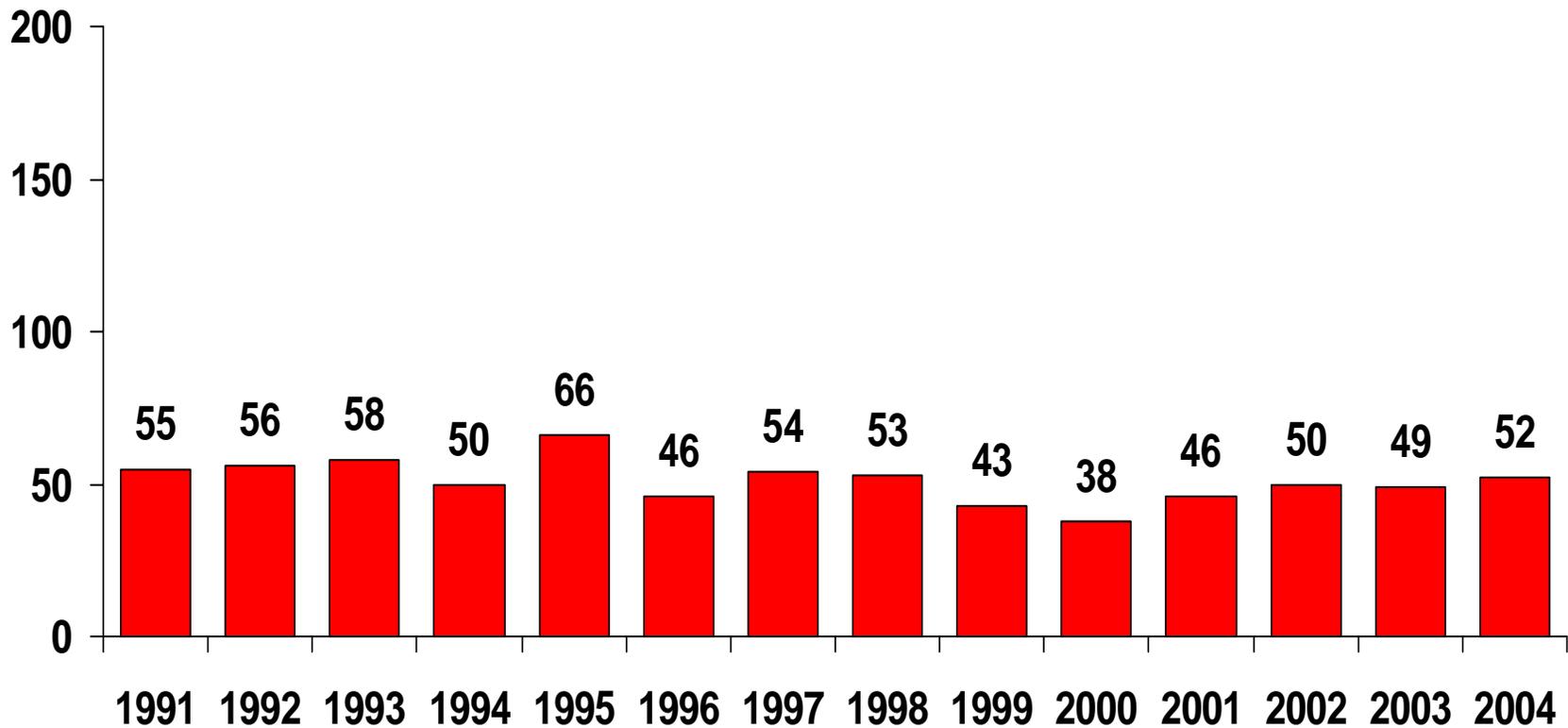
- % Change 2003-2004: 25.99%
- % Change 1991-2004: 56.77%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL DEFENDANTS
1991-2004 (Year ending December 31)**



- % Change 2003-2004: 29.31%
- % Change 1991-2004: 66.73%

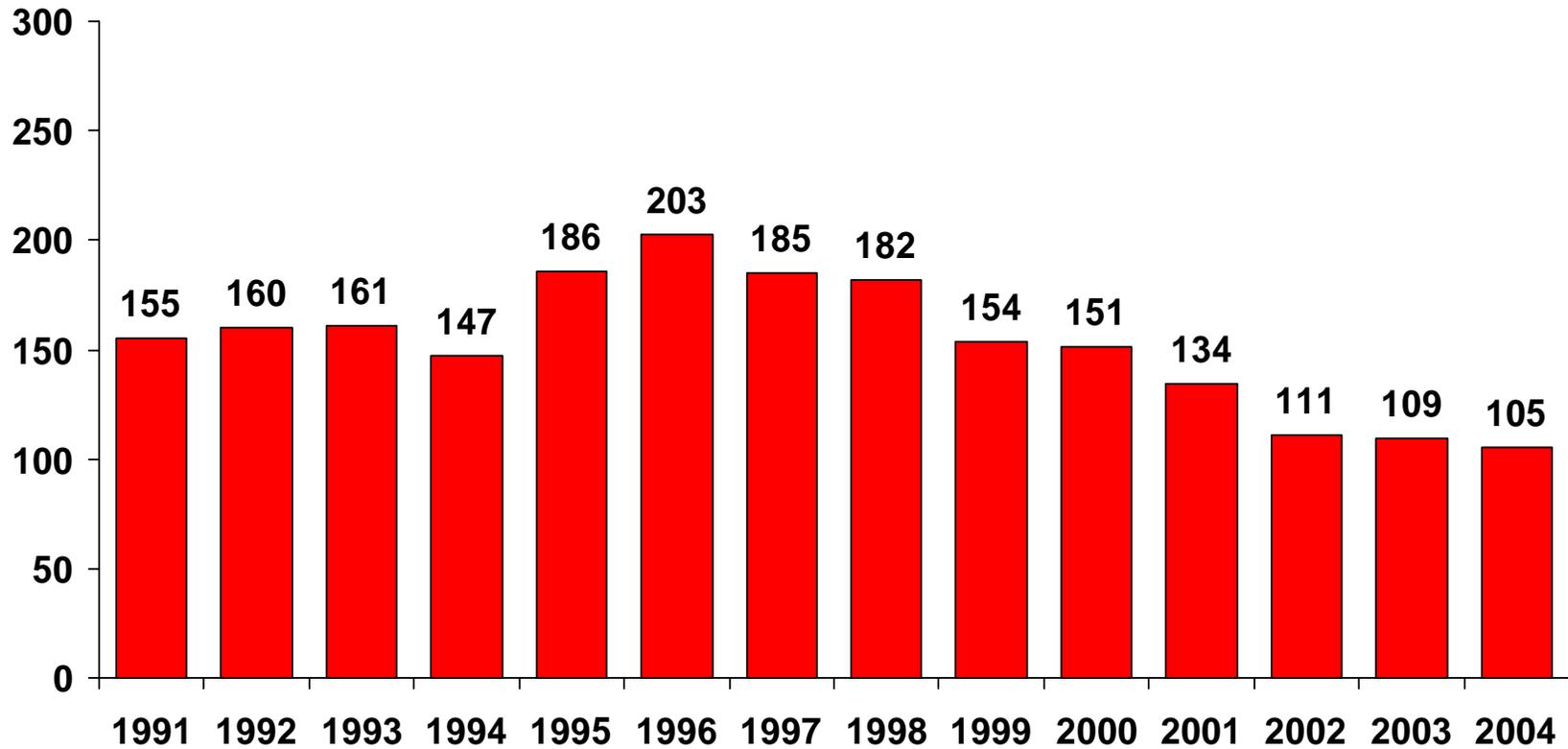
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL TRIALS
1991-2004 (Year ending December 31)**



• **% Change 2003-2004: 6.12%**

• **% Change 1991-2004: -5.45%**

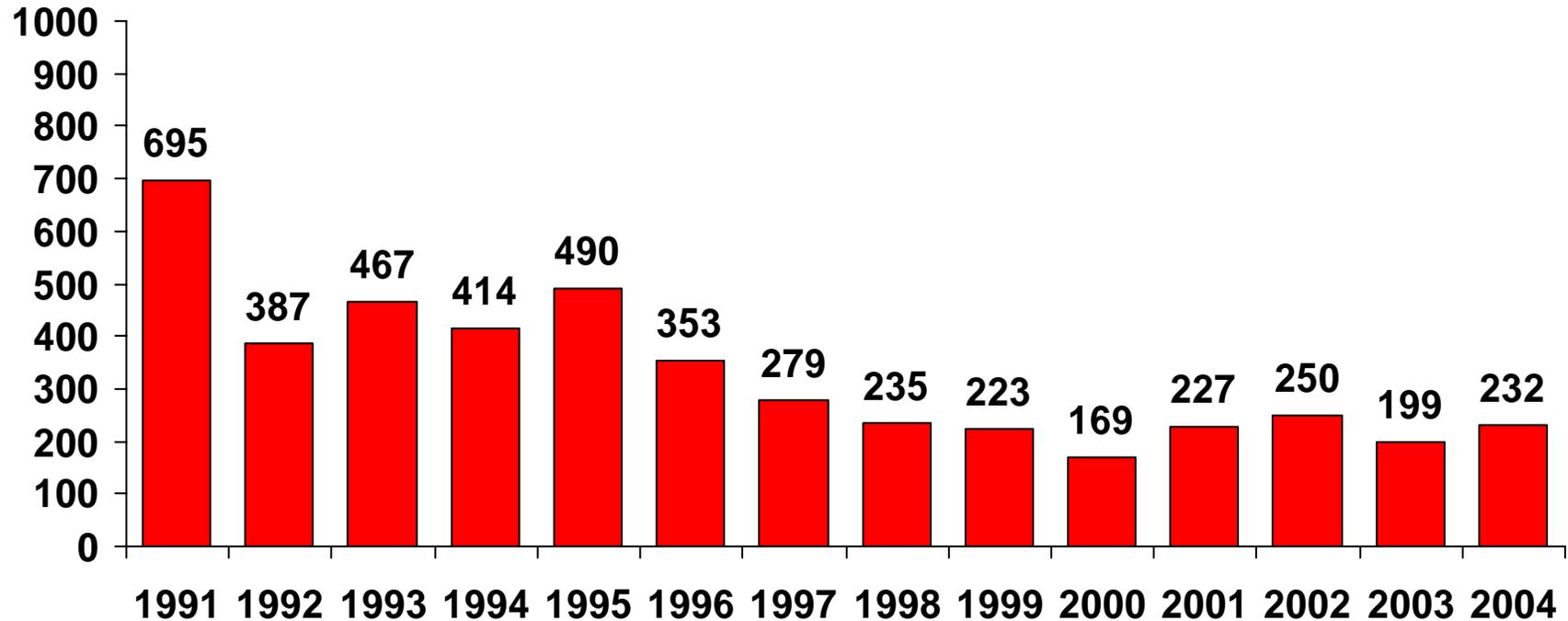
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOTAL CIVIL AND CRIMINAL TRIALS
1991-2004 (Year ending December 31)**



• **% Change 2003-2004: - 3.67%**

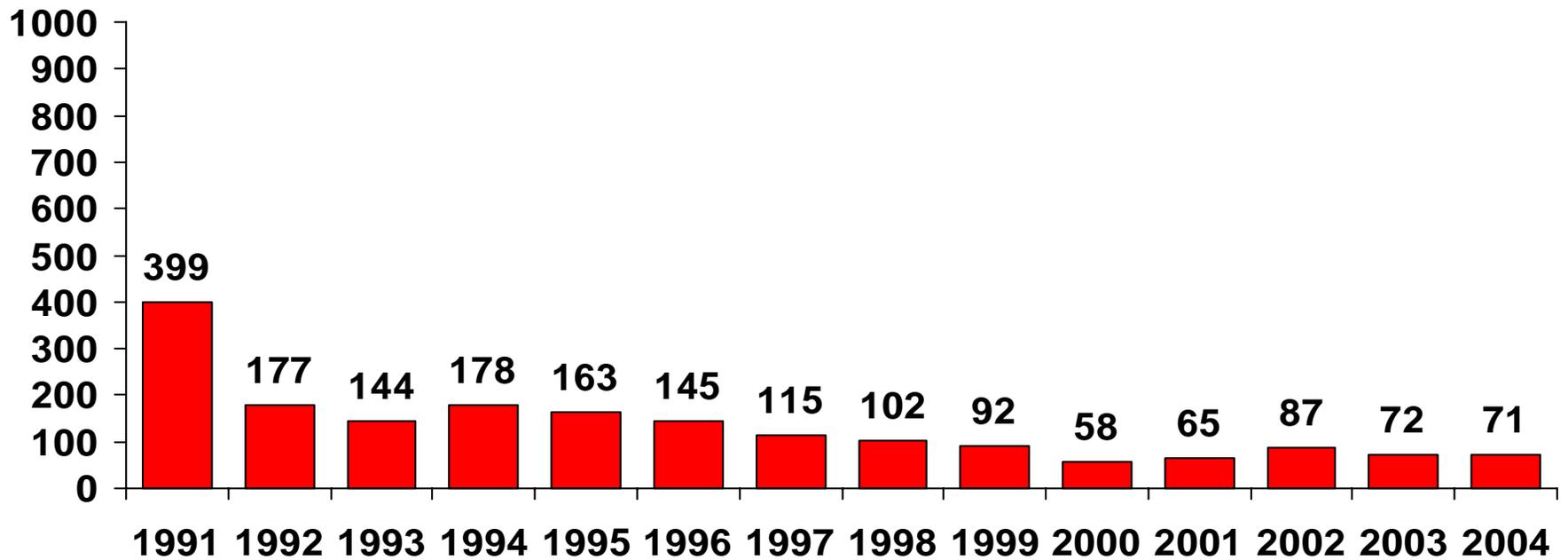
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN TWO YEARS
1991-2004 (Year ending December 31)**



- % Change 2003-2004: 16.58%
- % Change 1991-2004: -66.62%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN THREE YEARS
1991-2004 (Year ending December 31)**

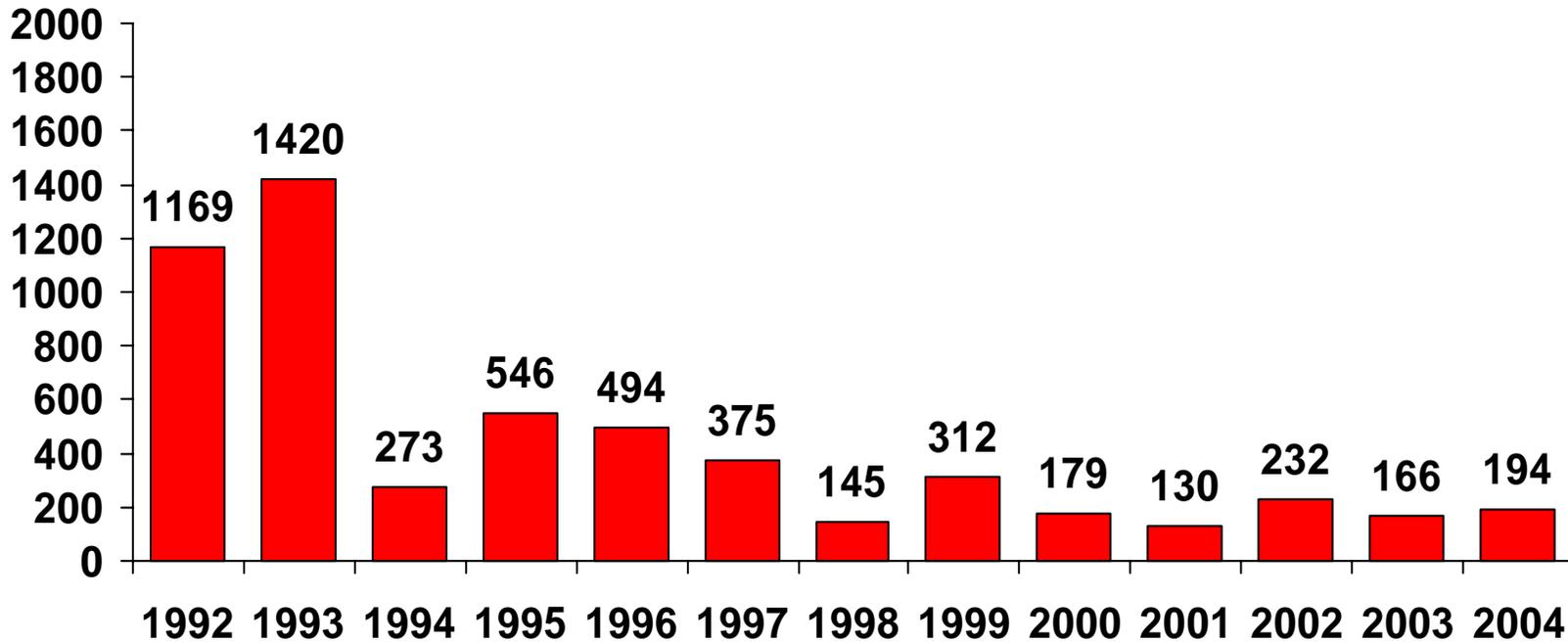


• % Change 2003-2004: - 1.39%

17

• % Change 1991-2004: -82.21%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
MOTIONS PENDING MORE THAN SIX MONTHS
1992-2004 (Reporting period ending September 30)**



• % Change 2003-2004: 16.87%

18

• % Change 1992-2004: -83.40%