



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

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

**Calendar Year  
2005**

**Annual Assessment of the Civil and Criminal Dockets  
for the  
United States District Court  
Northern District of Ohio  
March 2006**

**Background**

The U.S. District Court for the Northern District of Ohio has conducted an annual assessment of its civil and criminal dockets every year since it 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 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 in 1992. These case management tools have assisted the Court to maintain current dockets and reduce the pending inventory of older cases and motions. DCM and ADR have become accepted case management tools that are popular with both the bench and bar.

The DCM, ADR and PIRP programs have been especially important to this Court because it has operated with vacant judgeships for most of the past two decades. In addition to its case management practices, 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 bench, 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). Currently, there are 11 active district judges and 5 senior district judges currently serving the Court. Judge Jack Zouhary of the Lucas County Common Pleas Court was confirmed by the U.S. Senate to become the new judge in the Western Division replacing Judge David A. Katz who took senior status on January 1, 2005. The district has a judgeship vacancy in the Eastern Division that was created when Judge Lesley Wells took senior status on February 14, 2006. The Court is hopeful that the vacancy will be filled soon.

The Court is concerned that it could lose its temporary judgeship because, absent congressional action, authorization for the position will lapse with the creation of the first judgeship vacancy occurring on or after November 15, 2006. While the Judicial Conference had previously recommended that the temporary judgeship be extended for an additional five years, Congress did not act on the issue and we must make our request once again through the Judiciary's Biennial Judgeship Survey process. Extending the term of the temporary judgeship remains a high priority.

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. For the year ending December 31, 2005, the district's weighted civil case filings per authorized judgeship were 476 which is nearly 11% above the threshold of 430 but is slightly below the national average of 480 for all district Courts. If the temporary judgeship expired and the number of authorized judges was reduced to 11, the Court would have 519 weighted case filings, which is 21% above the 430 threshold.

### **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.

### **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 eight multi-district litigation matters, including seven that are currently pending, and one which includes over 5,000 individual cases.

### **Civil Docket**

The number of **traditional civil case filings** (non-MDL and non-asbestos matters) **increased 3.4%** from 3,449 in 2004 to 3,565 in 2005. **However, the total number of civil case filings declined nearly 29%** from 8,256 in 2004 to 5,890 in 2005. The decrease was **due to a drop in Multidistrict Litigation (MDL) filings which fell 52%** from 4,731 in 2004 to 2,305 in 2005. Multidistrict Litigation (MDL) continues to comprise a substantial portion of the district's new case

filings. The district now hosts seven MDL matters with the overwhelming majority of the cases being in the Personal Injury Products Liability category and a small number of cases being Contract matters.

Excluding the unique MDL and asbestos matters, the **largest increases by case type were in Personal Injury** cases (up 60% from 332 in 2004 to 530 in 2005), **and Labor Relations** (up 56% from 396 to 616). **Conversely, General Civil** case filings declined 27.7% from 929 in 2004 to 672 in 2005; **Habeas Corpus** case filings also declined 11% from 295 to 264; **and Contract cases decreased** 14% from 429 to 373. While Administrative Reviews of social security matters rose 5% from 230 to 242, the number of newly filed cases in that category remained near the lowest level of the past 20 years.

**Asbestos case filings declined from 76 in 2004 to 20 in 2005**, marking a 20-year low after averaging about 5,000 cases per year in the mid-1990's and reaching a high of 10,841 in 2001.

**The district's civil case filings per authorized judgeship ranked 5th out of 94 in the nation and first out of nine in the Sixth Circuit for the year ending September 30, 2005**, according to the Federal Court Management Statistics Judicial Workload Profile. The district's civil case filings (including asbestos cases) per authorized judgeship increased 17% from 797 at the close of September 2004 to 663 at the end of September 2005, while the national average for all district courts fell 10% from 414 to 374.

Traditional **civil case closings increased 6%** from 3,450 in 2004 to 3,657 in 2005. The district also closed 639 MDL cases and 17 asbestos cases in 2006.

The number of **pending civil cases rose about 23%** from 6,768 pending cases at the end of 2004 to **8,312** at the close of 2005. Pending cases fell in all major categories: traditional (non-MDL and non-asbestos) civil cases decreased 4% from 2,790 at the close of 2004 to 2,680 at the end of 2005; pending asbestos cases increased from 13 to 15 and pending MDL cases rose from 3,965 to 5,617 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 have increased in record levels over the past two years**, rising 26% from 517 in 2003 to 652 in 2004, and increasing another 5% to 682 in 2005. **Criminal defendant filings increased 8%** from a total of 1,069 in 2004 to 1,158 in 2005, **representing the 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 4% during the year ending September 30th, from 53 in 2004 to 55 in 2005, while the national average for all district courts of 87 was 58% higher. In 2004, **the district ranked 64th out of 94 nationally and seventh out of nine in the Sixth Circuit in criminal felony case filings per authorized judgeship.**

Criminal case closings rose 18% from 562 in 2004 to 665 in 2005. Criminal defendant closings increased 30% from 877 in 2004 to 1,137 in 2005.

The number of **pending criminal cases increased 4% to its highest year-end level ever**, rising from 475 at the close of 2004 to 496 at the end of 2005. The number of **pending criminal defendants rose 2%** from 847 at the close of 2004 to 865 at the end of 2005, **also representing the highest number of pending criminal defendants ever at year end.**

### **Civil and Criminal Trials**

The Court has long had the reputation as a settlement district in which alternative dispute resolution and court managed settlement conferences are used extensively. That reputation is bolstered by the Court's trial statistics which reached a 15-year low in 2005. The Court conducted 43 civil trials and 54 criminal trials this past calendar year. According to the 2005 Federal Case Management Statistics Workload Profile, **the district ranked 84th out of 94 districts in the nation and eighth in the Sixth Circuit in the total number of trials completed per authorized judgeship** during the year ending September 30, 2005.

### **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 2,680 pending civil cases (non-asbestos, non-MDL) that were assigned to tracks at year end: 80 (3%) were assigned to the expedited track, 784 (30%) were assigned to the standard track, 94 (4%) were assigned to the complex track and 543 (20%) 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, **4,709 cases have now been referred to the district's court-annexed ADR program:** 993 cases to Early Neutral Evaluation; 3,325 cases to Mediation; 78 cases to voluntary Arbitration; 66 cases to Summary Jury Trial; 243 cases to settlement conferences; three cases to Summary Bench Trial; and one case to a mini-trial process. **Of the 4,635 cases that had completed ADR by the end last year, 2,334 cases (50%) were resolved prior to or through an ADR proceeding.**

The **number of cases referred to ADR increased 5%** from 303 in 2004 to 318 in 2005. During 2005, 199 cases were referred to Mediation, 89 cases had settlement conferences conducted by judicial officers other than the one presiding over the case, 21 were referred to Early Neutral Evaluation, seven cases were referred to voluntary Arbitration, and two cases were referred to Summary Jury Trial.

The results of 4,635 cases completing ADR are now known. The remaining 74 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 1,009 cases through Mediation, 195 cases through ENE, 133 cases settled through settlement conferences, 19 cases through Arbitration, nine cases settled following Summary Jury Trials, one case settled following a Summary Bench Trial, and one case settled as result of mini-trial process.

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 increased by 34%** from 71 at the end of 2004 to 95 at the close of 2005. Since the district initiated its CJRA efforts, the number of cases three years and older has been reduced 76% 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 4.6%** from 194 in September 2004 to 203 in September 2005. 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 8.6 months in 2004 to 6.3 months in 2005. The average for all district courts is 9.5 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 2005. Since the inception of the PIRP, the unassigned docket has been eliminated. The number of cases inactive for 90 days or more increased about 28% from 373 at the end of 2004 to 478 at the end of 2005, but remains 25% lower than it was in 1992.

### **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 355 (10%) of the civil cases that were resolved in 2005.** The 355 closings were up 31% from the 272 civil cases resolved by magistrate judges in 1991 directly before the CJRA efforts were inaugurated, but were down 7% from the 383 closings in 2004.

Excluding MDL and asbestos actions which are not assigned to magistrate judges, magistrate judges presided over 179 (7%) of the 2,680 civil cases pending at year end, down 32% from the 262 cases presided over at the close of 2004.

### **Electronic Filing**

The Northern District of Ohio is proud to have been the first Court ever to permit attorneys to file documents over the Internet. Since the district first pioneered the system in 1996, it has been adopted by nearly every district and bankruptcy court in the country. The Case Management / Electronic Case File (CM/ECF) system permits users to file and view documents 24 hours a day, 7 days a week. Following conversion of the data that had been stored in our old ICMS docketing system, the Court now has records for 125,000 traditional civil, criminal and asbestos cases available online. The number of documents filed electronically by attorneys increased 15% from 48,878 in 2004 to 54,485 in 2005. Overall, 6,068 attorneys have filed 218,375 documents electronically since the Court began accepting electronic filings in non-asbestos civil (October, 1997) and criminal (May, 2005) cases. An additional 183,000 documents have been filed electronically in the maritime asbestos litigation. Beginning January 1, 2006, attorneys are required to file electronically absent a showing of good cause.

### **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. The Court recently installed four additional electronic courtrooms in the Carl B. Stokes U.S. Court House in Cleveland. It now has eleven electronic courtrooms district-wide, with eight in Cleveland and one each in Akron, Toledo and Youngstown. The courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has an evidence presentation system, through which counsel can display exhibits, video recordings or multimedia presentations and view realtime transcripts with the push of a button. The systems include 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, multimedia presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; realtime court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the system; annotation devices which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; and infrared equipment for listening assistance and language translation.

The district has had video conferencing and satellite reception equipment at each court location since January, 1999. Video conferencing is available in at least three fixed locations within each court house, as well as at other locations using portable video conferencing equipment. The equipment has been used for remote witness testimony, prisoner video conferencing, arraignments, judges' meetings, Clerk's Office meetings, and participation in long-distance learning programs offered by the Administrative Office and the Federal Judicial Center. The Court and the U.S. Marshal's Service continue to work together to urge detention facilities to obtain video-conference facilities to reduce the time and cost of transporting detainees in situations that could be accommodated using video-conferencing.

### **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 invaluable information on its website ([www.ohnd.uscourts.gov](http://www.ohnd.uscourts.gov)). The Court has also hosted visiting members of the international judiciary. In February 2006, the Court participated in the International Visitor Leadership Program's "Administration of Justice and Rule of Law: A Regional Project for the Western Hemisphere," hosting judges, attorneys and administrators from Columbia, Honduras, Nicaragua, Paraguay, Peru and Venezuela. This past October, the Court also hosted a group of Russian attorneys visiting from the Russian Legal Services Program. In addition, the Court has extended its outreach efforts to

members of the media by providing journalists with the ability to receive electronic notice of filings in cases that they wish to follow and by training them in how to best obtain information from the Court's website and the PACER and CM/ECF systems.

### **Northern District of Ohio Advisory Group**

One of the most positive aspects of the Civil Justice Reform Act process was the creation of the CJRA Advisory Group. That group provided an avenue for a continuing dialog between the bench and the bar on effective case management and other issues of interest. Although courts are no longer required to have an advisory group in place, the Northern District of Ohio has followed the recommendation of the Judicial Conference that the advisory group process be continued. The mission of the Advisory Group for the Northern District of Ohio is to cover all matters of interest, whether civil or criminal, to the bench and the bar. The group meets with the judges semiannually in May and October and has established three committees that meet independently as needed: Civil Rules, Criminal Rules and Alternative Dispute Resolution. The continued support of the Advisory Group has proven invaluable to the Court.

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# Attachment 1

## U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
OHIO NORTHERN			2005	2004	2003	2002	2001	2000	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		8,854	10,442	4,531	14,889	5,962	8,347	U.S.	Circuit
	Terminations		4,885	7,151	14,721	4,585	4,441	6,178		
	Pending		9,123	7,323	5,361	17,929	7,618	6,100		
	% Change in Total Filings	Over Last Year			-15.2					85
Over Earlier Years				95.4	-40.5	48.5	6.1	38	3	
Number of Judgeships			12	12	12	12	12	12		
Vacant Judgeship Months**			9.0	.0	4.6	12.0	12.0	12.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	738	870	378	1,241	497	696	7	1
		Civil	663	797	312	1,173	447	654	5	1
		Criminal Felony	55	53	42	48	50	42	64	7
		Supervised Release Hearings**	20	20	24	20	-	-	51	7
	Pending Cases		760	610	447	1,494	635	508	9	2
	Weighted Filings**		467	452	421	535	442	463	48	4
	Terminations		407	596	1,227	382	370	515	58	6
	Trials Completed		10	10	10	9	10	11	84	8
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	7.1	6.4	6.6	6.7	6.1	5.8	24	3
		Civil**	6.3	8.6	13.7	7.6	8.3	4.2	4	1
	From Filing to Trial** (Civil Only)		17.5	20.7	22.0	23.0	19.7	22.0	16	1
OTHER	Civil Cases Over 3 Years Old**	Number	587	76	61	96	75	63		
		Percentage	6.8	1.1	1.2	.5	1.0	1.1	61	7
	Average Number of Felony Defendants Filed Per Case		1.8	1.6	1.8	1.9	1.7	1.8		
	Jurors	Avg. Present for Jury Selection	33.58	36.63	34.75	35.59	31.00	27.19		
		Percent Not Selected or Challenged	28.7	32.5	24.3	30.1	23.9	19.4		

<b>2005 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE</b>													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	7951	221	4782	486	39	111	632	393	245	129	603	11	299
Criminal*	656	8	130	36	170	127	54	42	18	16	9	5	41

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|---|--|
| <ul style="list-style-type: none"> <li>• Civil             <ul style="list-style-type: none"> <li>○ A = SOCIAL SECURITY</li> <li>○ B = RECOVERY OF OVERPAYMENTS AND ENFORCEMENT OF JUDGMENTS</li> <li>○ C = PRISONER PETITIONS</li> <li>○ D = FORFEITURES AND PENALTIES AND TAX SUITS</li> <li>○ E = REAL PROPERTY</li> <li>○ F = LABOR SUITS</li> <li>○ G = CONTRACTS</li> <li>○ H = TORTS</li> <li>○ I = COPYRIGHT, PATENT AND TRADEMARK</li> <li>○ J = CIVIL RIGHTS</li> <li>○ K = ANTITRUST</li> <li>○ L = ALL OTHER CIVIL</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Criminal             <ul style="list-style-type: none"> <li>○ A = IMMIGRATION</li> <li>○ B = EMBEZZLEMENT</li> <li>○ C = WEAPONS AND FIREARMS</li> <li>○ D = ESCAPE</li> <li>○ E = BURGLARY AND LARCENY</li> <li>○ F = DRUGS</li> <li>○ G = NOT IN USE</li> <li>○ H = FORGERY AND COUNTERFEITING</li> <li>○ I = FRAUD</li> <li>○ J = HOMICIDE AND ASSAULT</li> <li>○ K = ROBBERY</li> <li>○ L = ALL OTHER CRIMINAL</li> </ul> </li> </ul> |
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## 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
2005	309.2	1.95	9.0	1.95

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
2005	3,565	20	2,305	5,890	-28.66

\* Excludes Asbestos and MDL cases.

## Attachment 4

Civil Case Filings by Category															
Case Category	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	% Change 2004-2005	% Change 1993-2005
Admiralty	17	22	16	14	18	18	11	23	21	14	8	12	12	0.00	-29.41
Antitrust	15	18	16	3	5	10	3	5	12	15	11	6	8	33.33	-46.67
Civil Rights	809	914	1037	998	993	1032	938	930	900	789	740	684	690	0.88	-14.71
Contract	326	374	340	378	391	370	397	431	535	537	461	429	373	-13.05	14.42
MDL	0	0	0	0	0	0	0	0	0	23	13	2	0	-100.00	0.00
Habeas--non §2255)	148	170	216	201	354	402	326	319	287	287	255	295	264	-10.51	78.38
Labor Relations	371	386	390	380	386	333	362	432	419	399	390	396	616	55.56	66.04
MDL	0	0	0	0	0	0	0	0	0	0	0	8	1	-87.50	0.00
Patent	34	27	49	39	53	51	27	44	47	39	38	40	40	0.00	17.65
Personal Injury	531	363	505	410	782	378	347	281	447	494	262	332	530	59.64	-0.19
Asbestos	4319	4163	5184	6010	5325	4997	3269	2430	10841	1212	38	76	20	-73.68	-99.54
MDL	0	0	0	0	0	0	0	0	213	203	4184	4723	2304	-51.22	0.00
Administrative Reviews	482	447	334	299	381	395	493	510	370	333	237	230	242	5.22	-49.79
Tax	43	38	23	37	34	33	19	21	34	28	31	26	22	-15.38	-48.84
Unfair Competition	64	72	69	56	79	88	86	82	52	52	59	61	89	45.90	39.06
General Civil	710	591	593	791	849	795	1094	1059	749	552	1024	929	672	-27.66	-5.35
Death Penalty	0	0	13	19	3	10	17	10	7	16	8	7	7	0.00	0.00
Total	7869	7585	8785	9635	9653	8912	7389	6577	14934	4993	7759	8256	5890	-28.66	-25.15

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
2005	374	-9.66	663	-16.81

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
2005	489	-7.56	467	3.32

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
2005	3,657	17	639	4,313	-52.52

\* 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
2005	2,680	15	5,617	8,312	22.81

\* 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
2005	682	4.60	1,158	8.33

## 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
2005	87	-1.14	55	3.77

## 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
2005	665	18.33	1,137	29.65

## 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
2005	496	4.42	865	2.13

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
2005	43	-18.87	54	3.85	97	-7.62

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

## Attachment 14

Track Assignments of Civil Cases Closed in 2005 (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	123	345	3.36	7.69	10.89
Standard	975	432	26.66	60.98	86.36
Complex	31	610	0.85	1.94	2.75
Mass Tort	0		0.00	0.00	0.00
Administrative	470	378	12.85	29.39	
Unassigned:					
< 120 days	1,100	66	30.08		
120 + days	958	338	26.20		
Total	3,657				

Attachment 15

Track Assignments of Pending Civil Cases as of December 31, 2005 (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	80	2.99	5.33	8.35
Standard	784	29.25	52.23	81.84
Complex	94	3.51	6.26	9.81
Mass Tort	0	0.00	0.00	0.00
Administrative	543	20.26	36.18	
Unassigned:				
< 120 days	609	22.72		
120 + days	570	21.27		
Total	2,680			

Attachment 16

Alternative Dispute Resolution								
	ENE	MED	ARB	SJT	SBT	Other	SC <sup>1</sup>	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	249	2	2				347
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			1	287
2003	14	238	5				62	319
2004	18	190	4				91	303
2005	21	199	7	2			89	318
Grand Total	993	3,325	78	66	3	1	243	4,709
% Change 04-05	-14.29%	-4.52%	-42.86%	-100%		??	2.25%	-4.72%
% Change 92-05	-88.40%	40.14%	-56.25%	-90.91%				-11.91%
Total as % of Grand Total	21.09%	70.61%	1.66%	1.40%	0.06%	0.02%	5.16%	100%

<sup>1</sup>Denotes settlement conference.

Attachment 17

Disposition of Cases Completing ADR								
	ENE	MED	ARB	SJT	SBT	OTHER	SC <sup>2</sup>	TOTAL
Withdrawn from ADR	48	225	15	16				304
	5%	7%	21%	24%				7%
Resolved Prior to ADR	113	460	29	30	2		29	663
	11%	14%	41%	45%	67%		12%	14%
Resolved Through ADR	195	1,009	19	9	1	1	133	1,367
	20%	31%	27%	14%	33%	100%	56%	29%
Settlement Negotiations and Case Processing to Continue	628	1,578	8	11			76	2,301
	64%	48%	11%	17%			32%	50%
Total	984	3,272	71	66	3	1	238	4,635
<b>Percentages may not total to 100% due to rounding.</b>								

---

<sup>2</sup>Denotes 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
2005	95	33.80

## 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
2005	203	4.64

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	-8.60	8.6	-37.23
2005	9.5	11.76	6.3	-26.74

\* 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
2005	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
2005	478	28.15

## 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
2005	2,586	716	355	3,657	6.00

## Attachment 24

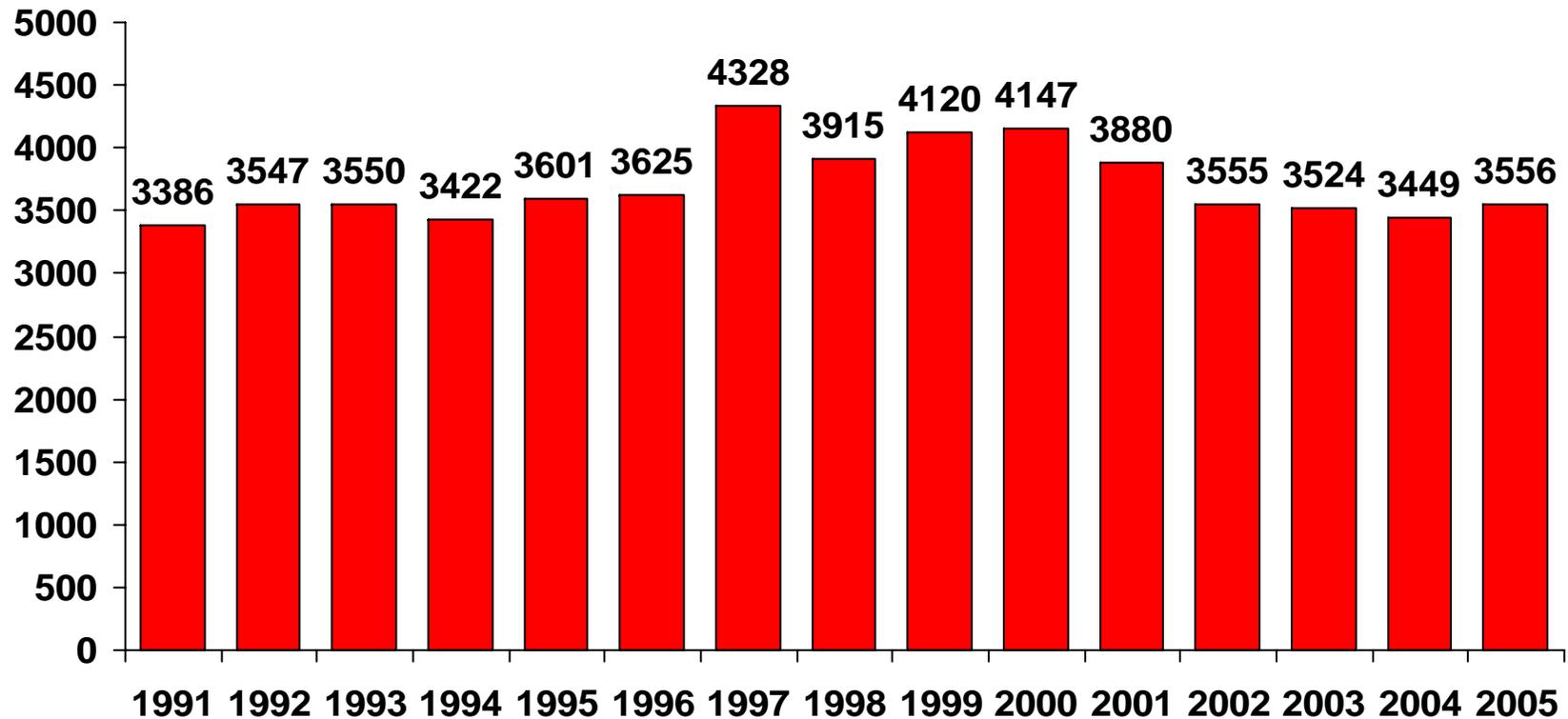
Pending Civil Case Loads at Year End by Judicial Status (Excludes Asbestos and MDL)					
	Active	Senior & Other	Magistrate	Total	% Change
1991	2,539	707	322	3,568	--
1992	1,978	970	424	3,372	-5.49
1993	2,233	800	510	3,543	5.07
1994	2,868	473	348	3,689	4.12
1995	2,861	559	320	3,740	1.38
1996	2,267	732	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
2005	1,865	636	179	2,680	-3.94

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

## Table of Contents

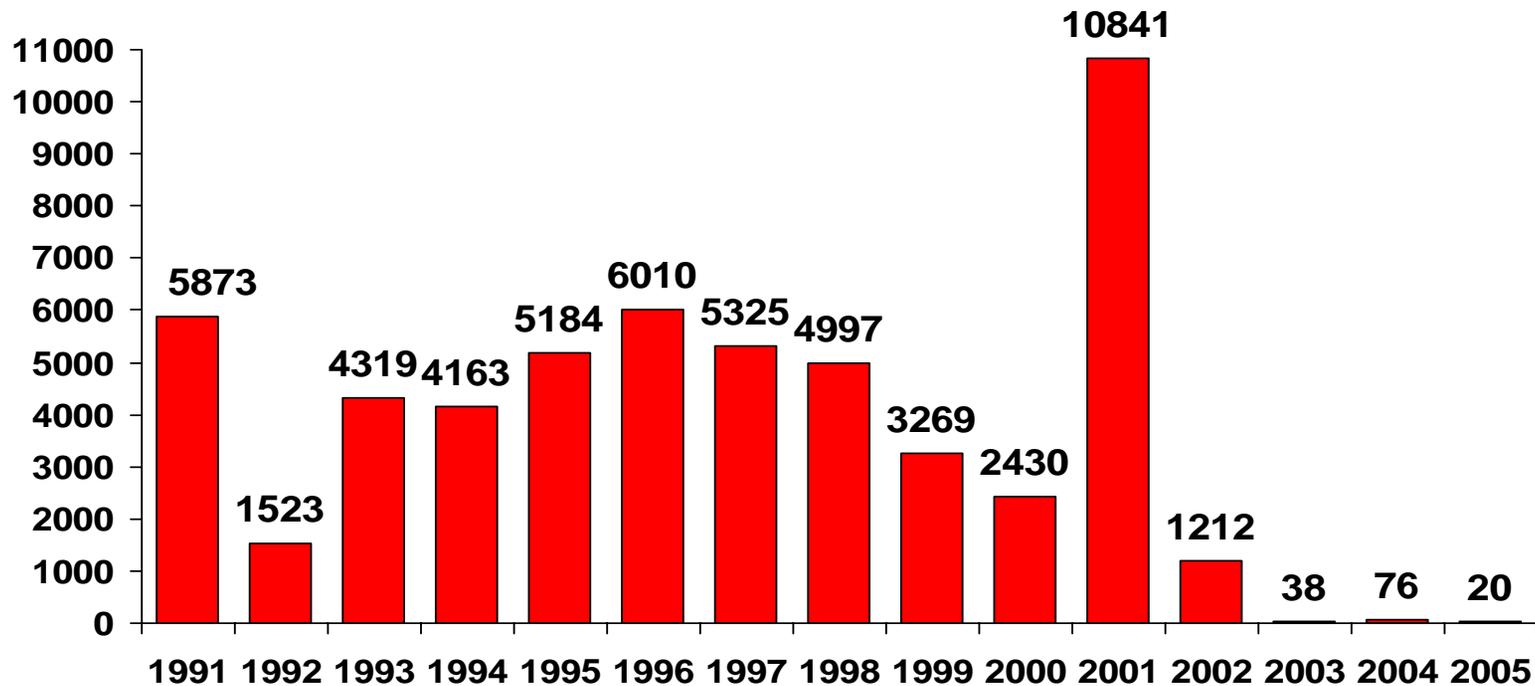
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Asbestos Filings .....	2
Multi-District Litigation Filings .....	3
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CIVIL CASE FILINGS (EXCLUDING ASBESTOS AND MDL)  
1991-2005 (Year ending December 31)**



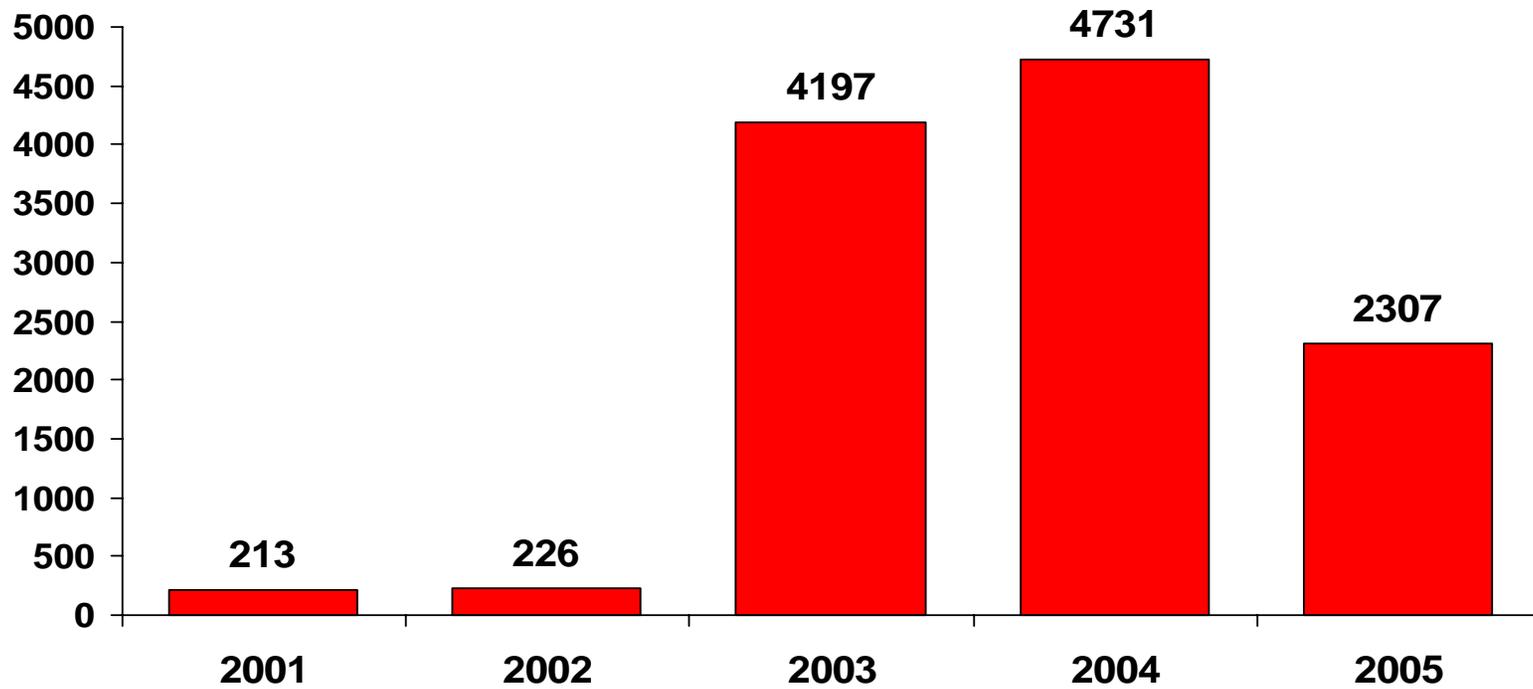
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
ASBESTOS CASE FILINGS  
1991-2005 (Year ending December 31)**



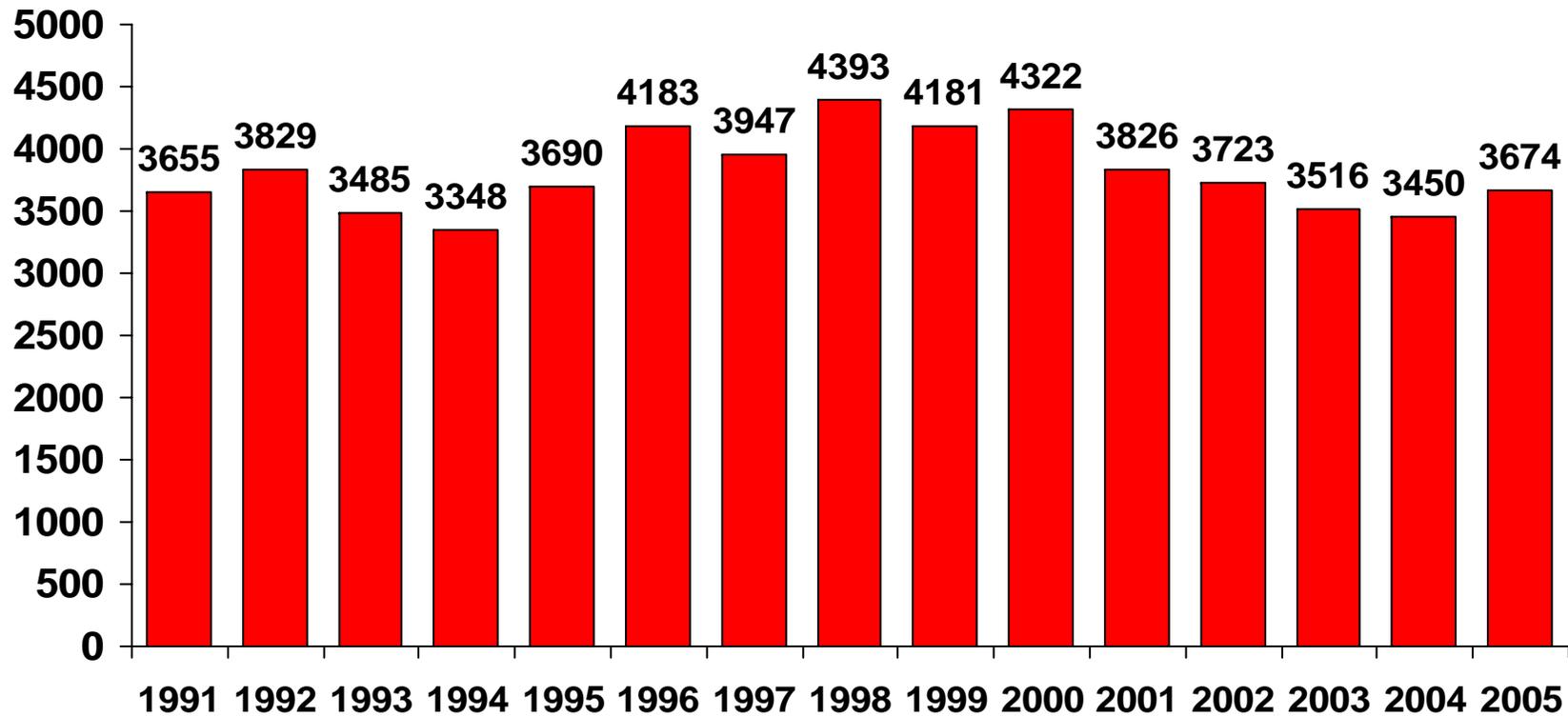
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  - % Change 1991-2005: -99.66%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
MULTI-DISTRICT LITIGATION CASE FILINGS  
2001-2005 (Year ending December 31)**



- % Change 2004-2005: -51.24%
- % Change 2001-2005: 983.10%

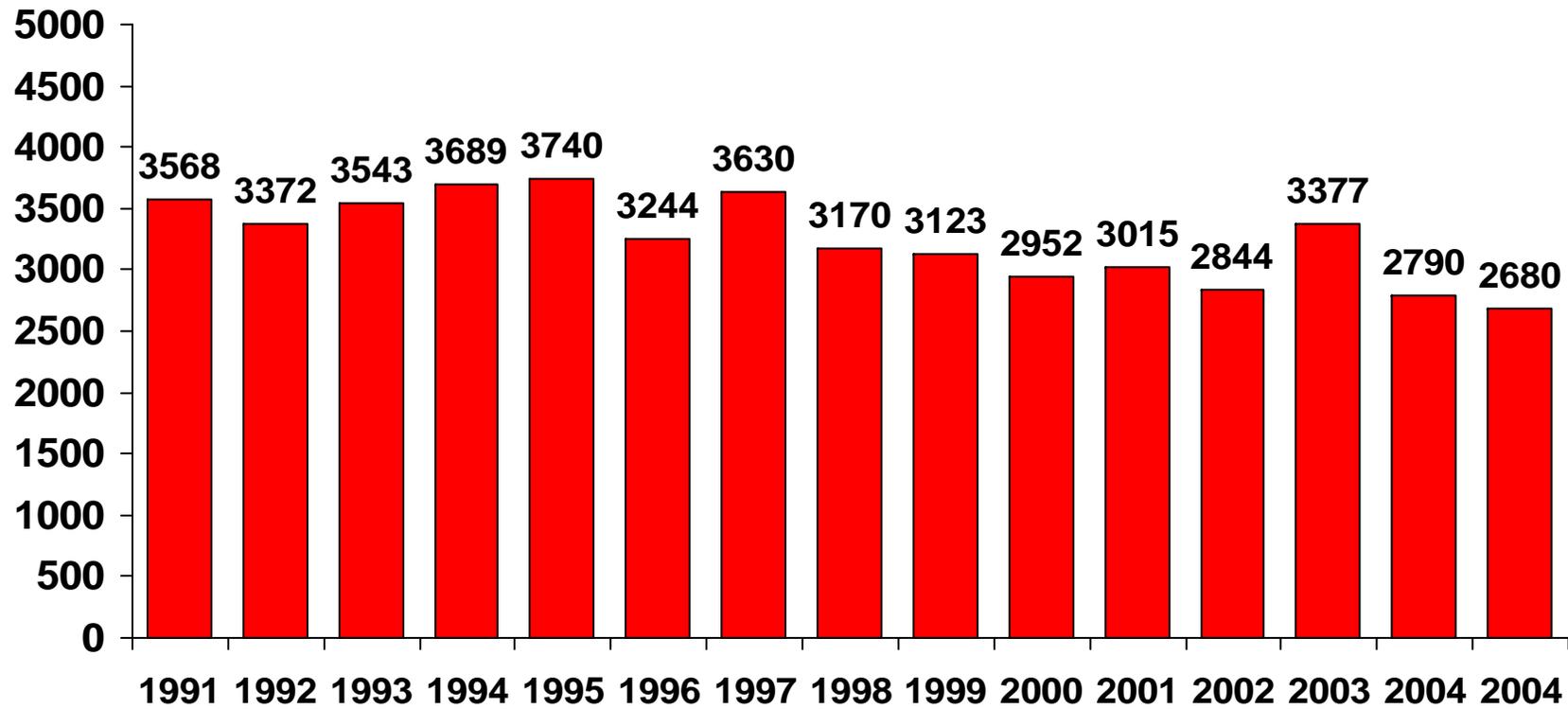
**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CIVIL CASE CLOSINGS  
1991-2005 (Year ending December 31)**



• % Change 2004-2005: 6.49%

• % Change 1991-2005: .52%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
PENDING CIVIL CASES  
1991-2005 (Year ending December 31)**

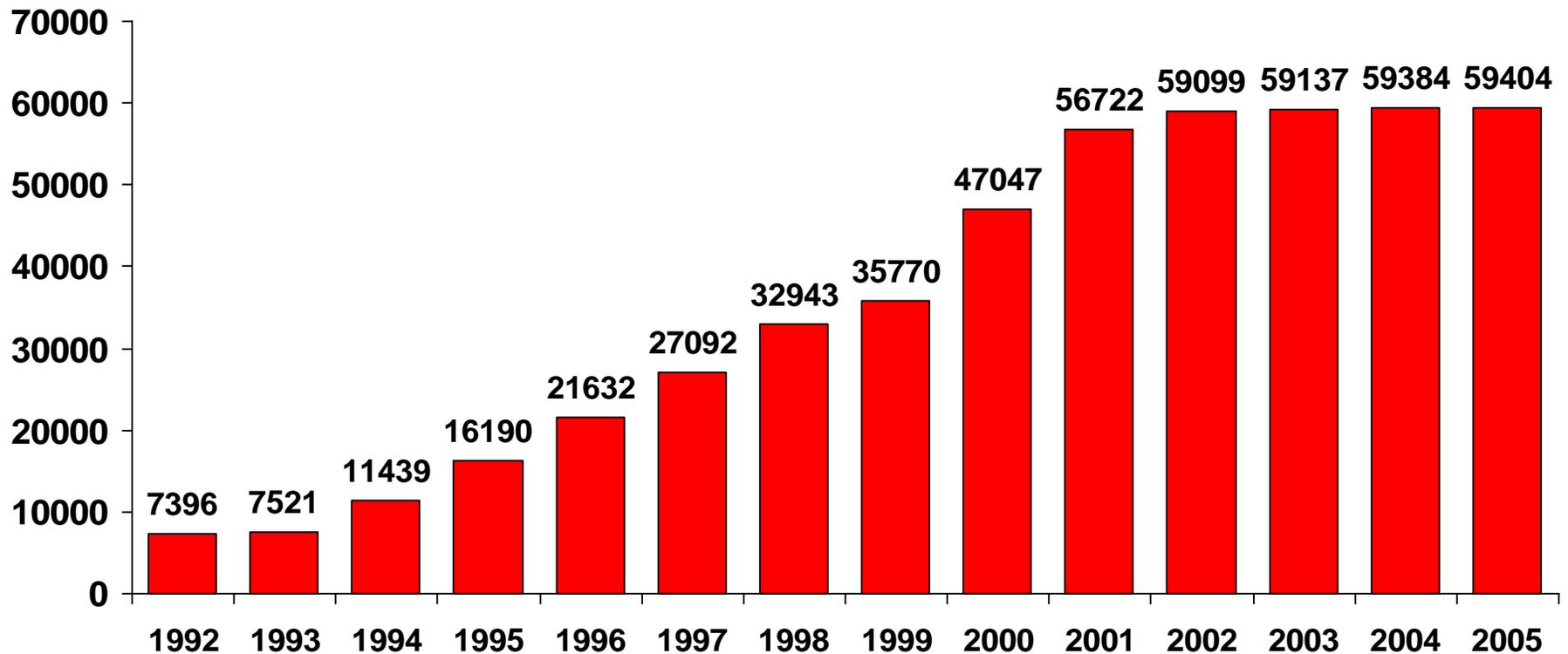


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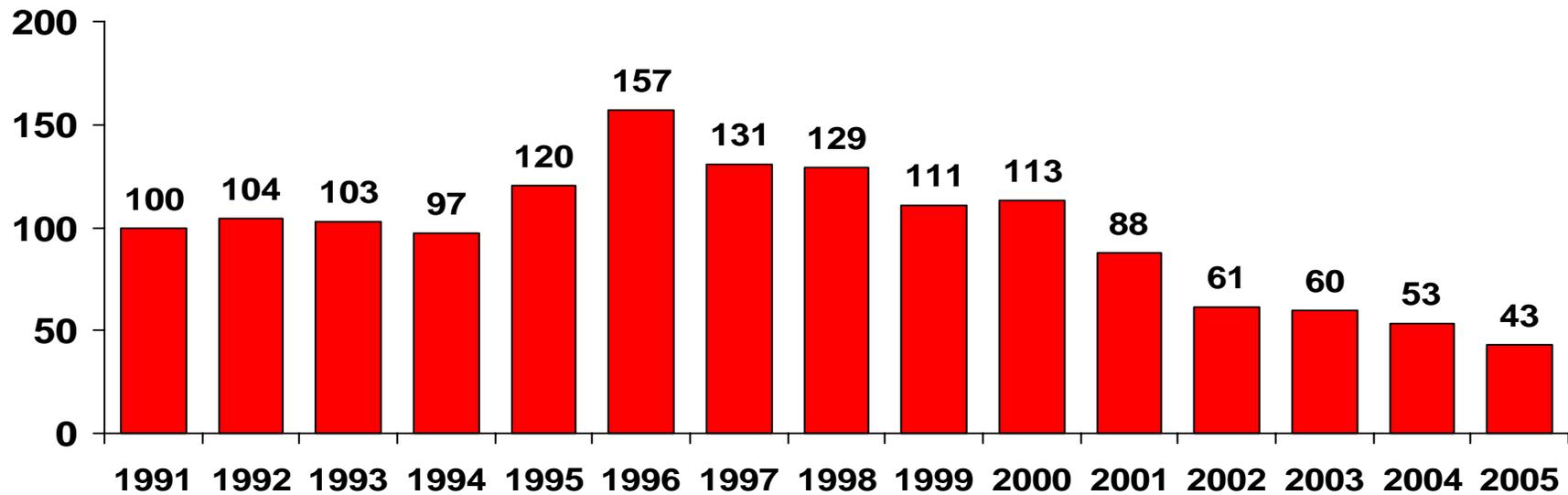
**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
ASBESTOS CASE FILES MAINTAINED  
1992-2005 (Year ending December 31)**



• % Change 2004-2005: 0.033%

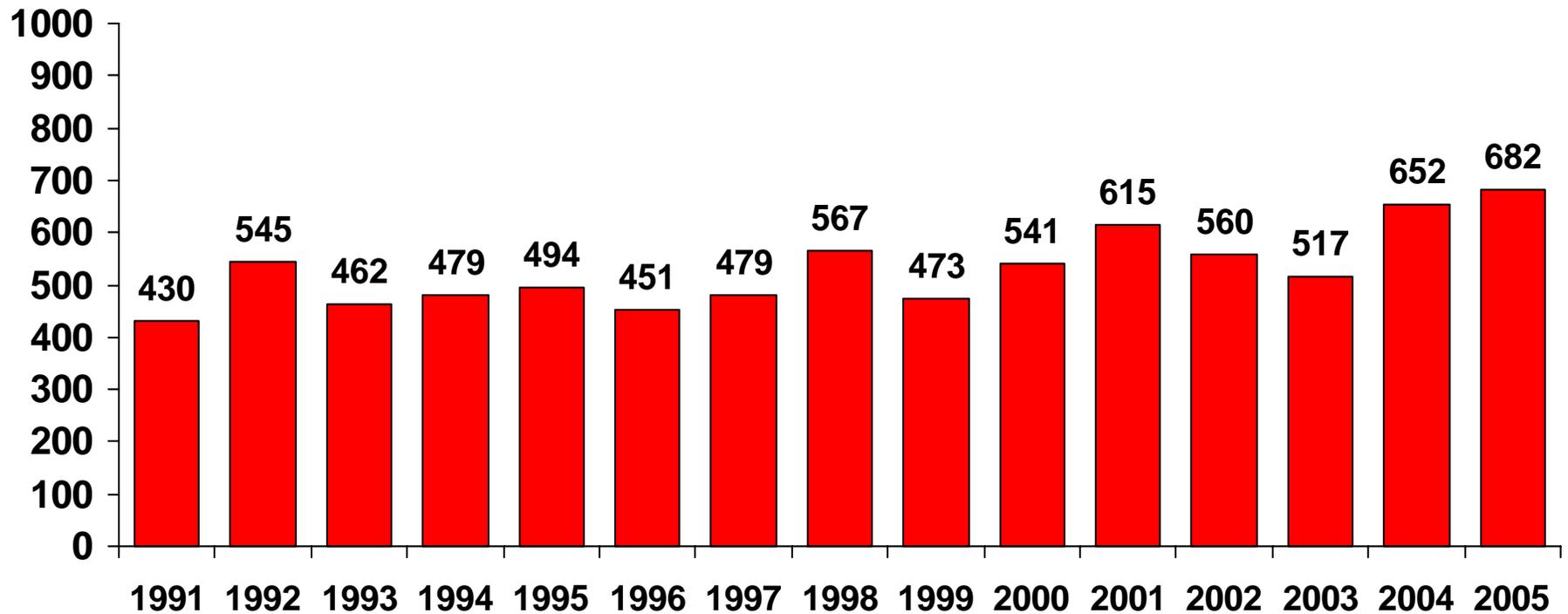
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CIVIL TRIALS  
1991-2005 (Year ending December 31)**



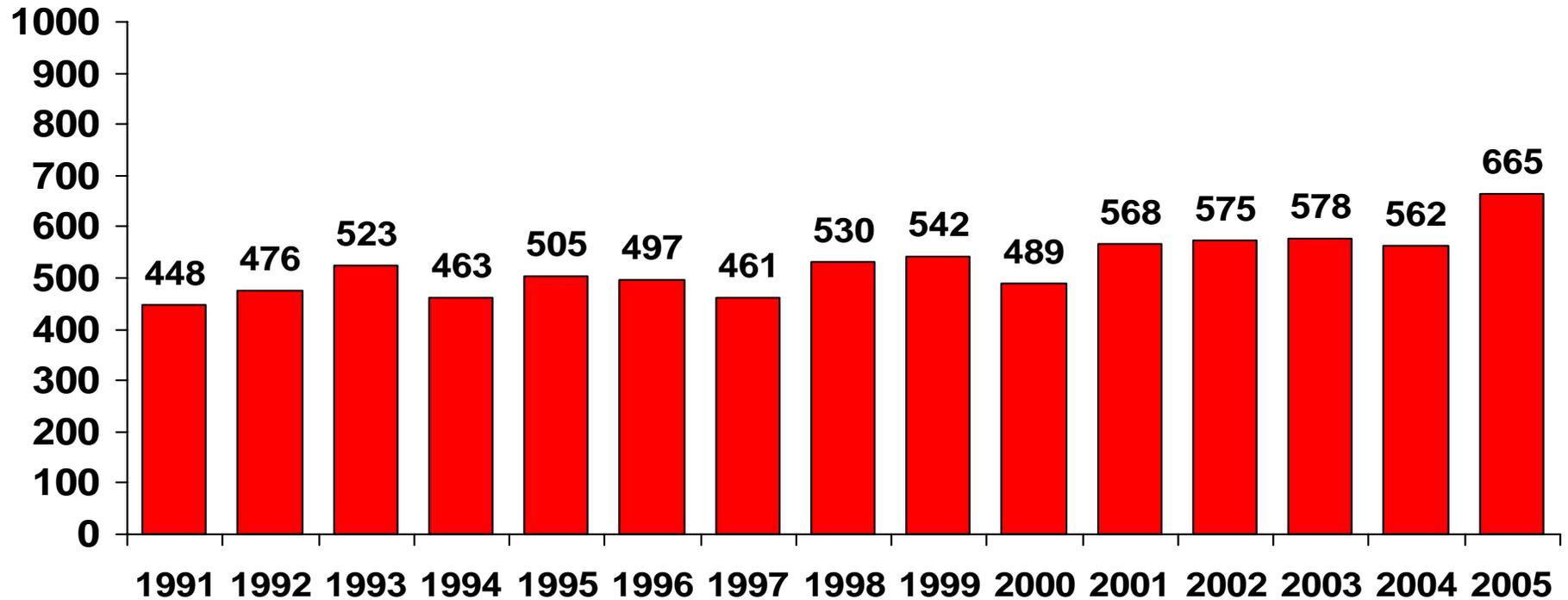
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CRIMINAL CASE FILINGS  
1991-2005 (Year ending December 31)**



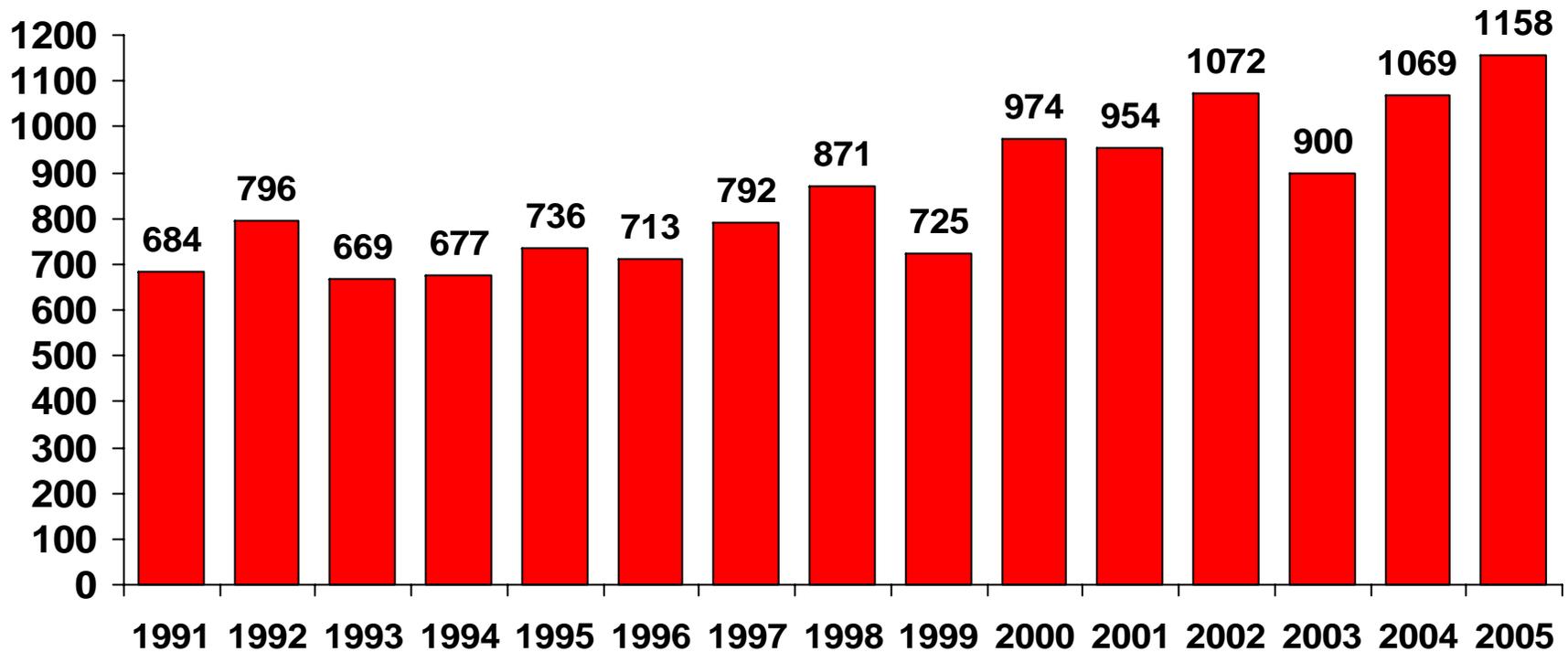
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CRIMINAL CASE CLOSINGS  
1991-2005 (Year ending December 31)**



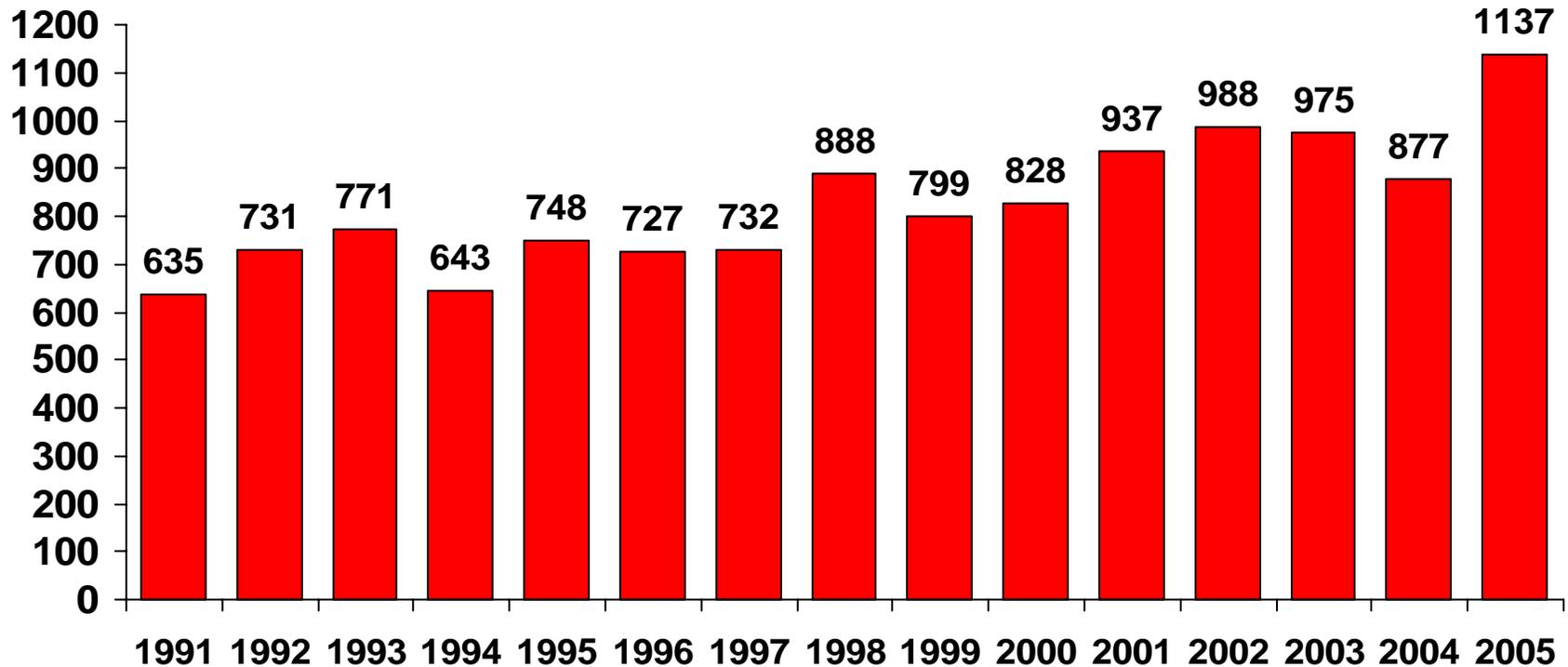
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CRIMINAL DEFENDANT FILINGS  
1991-2005 (Year ending December 31)**



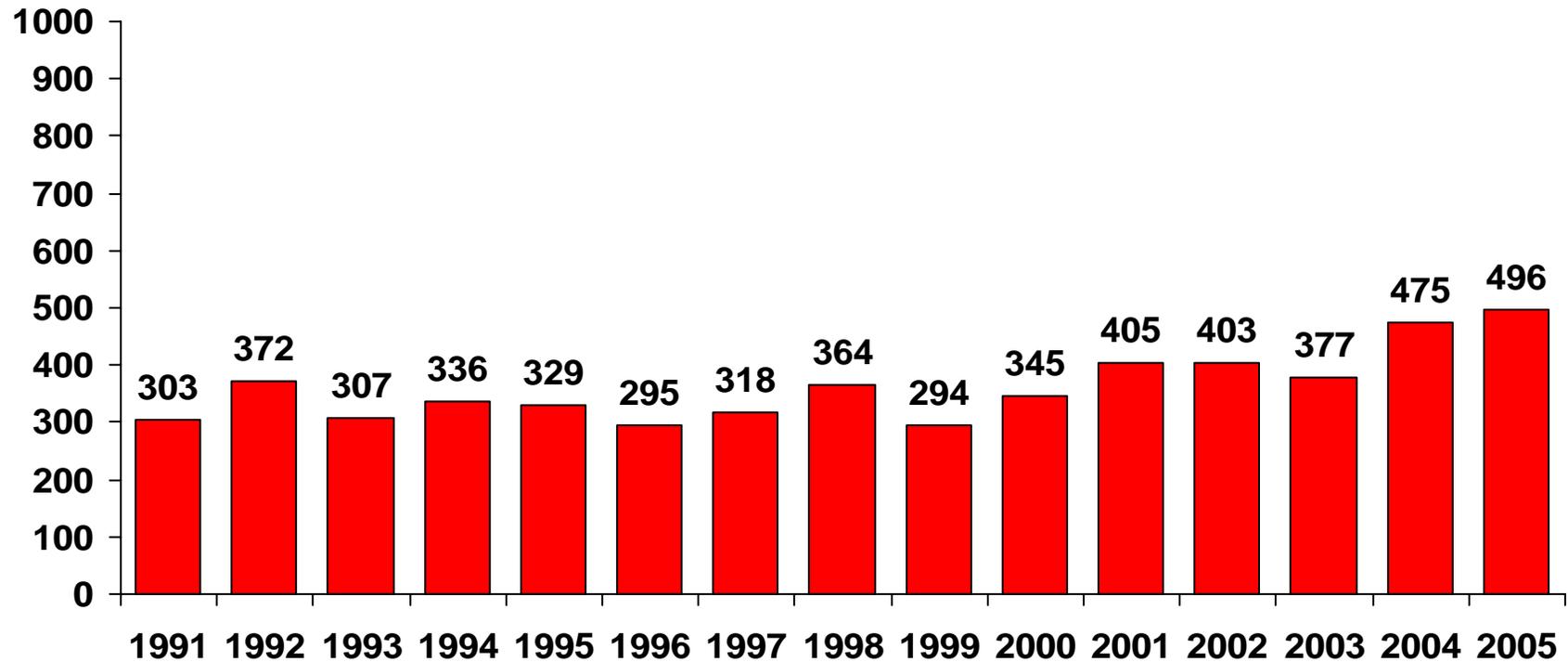
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CRIMINAL DEFENDANT CLOSINGS  
1991-2005 (Year ending December 31)**



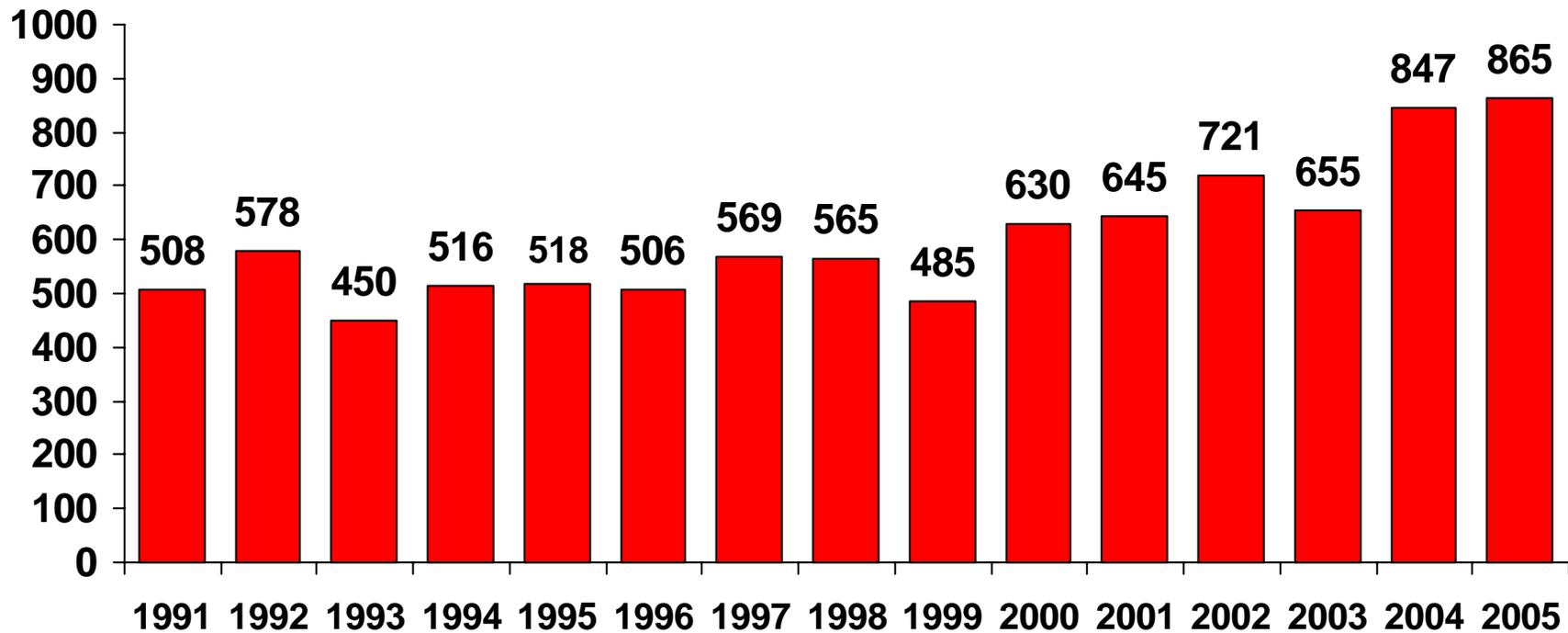
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
PENDING CRIMINAL CASES  
1991-2005 (Year ending December 31)**



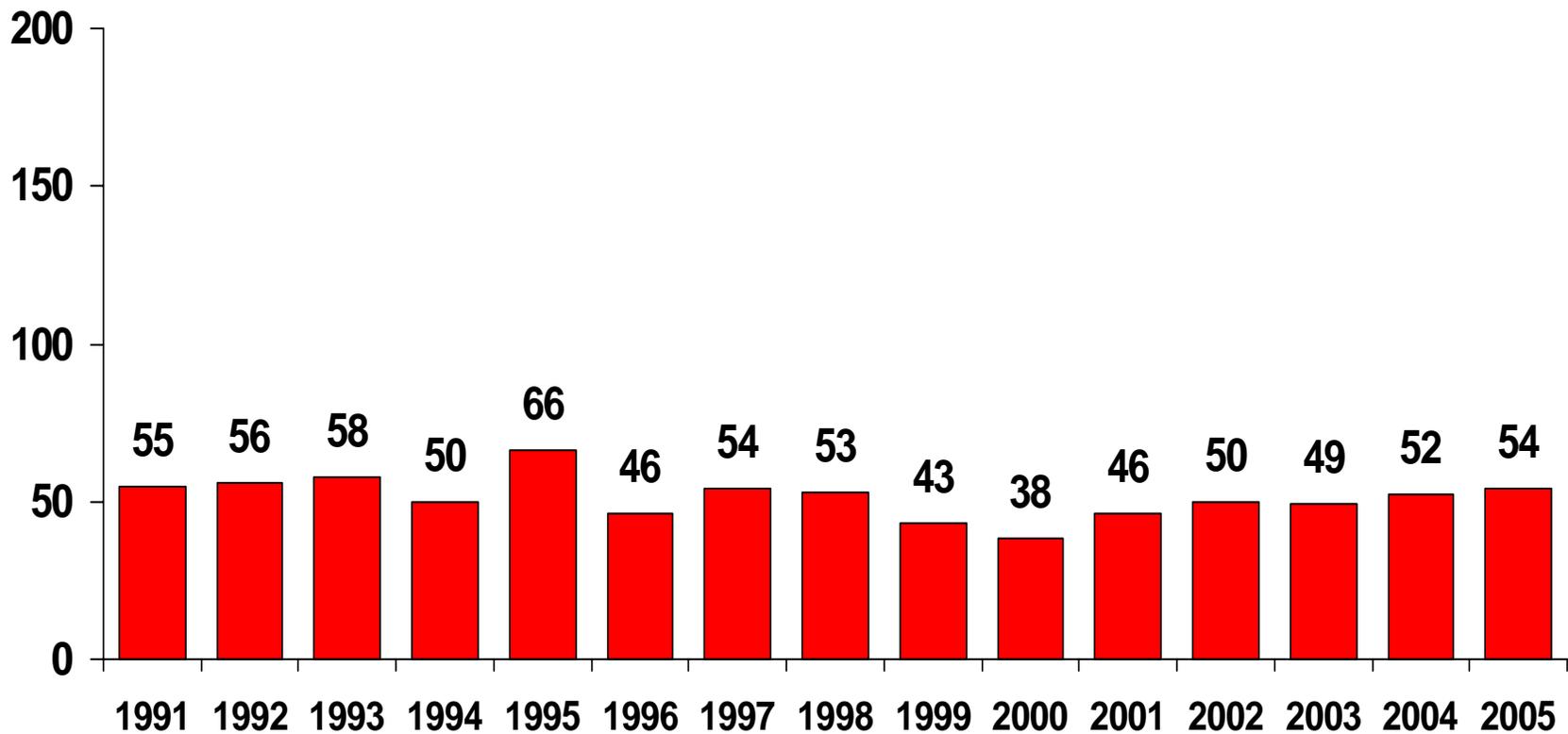
- % Change 2004-2005: 4.42%
- % Change 1991-2005: 63.70%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
PENDING CRIMINAL DEFENDANTS  
1991-2005 (Year ending December 31)**



- % Change 2004-2005: 2.13%
- % Change 1991-2005: 70.28%

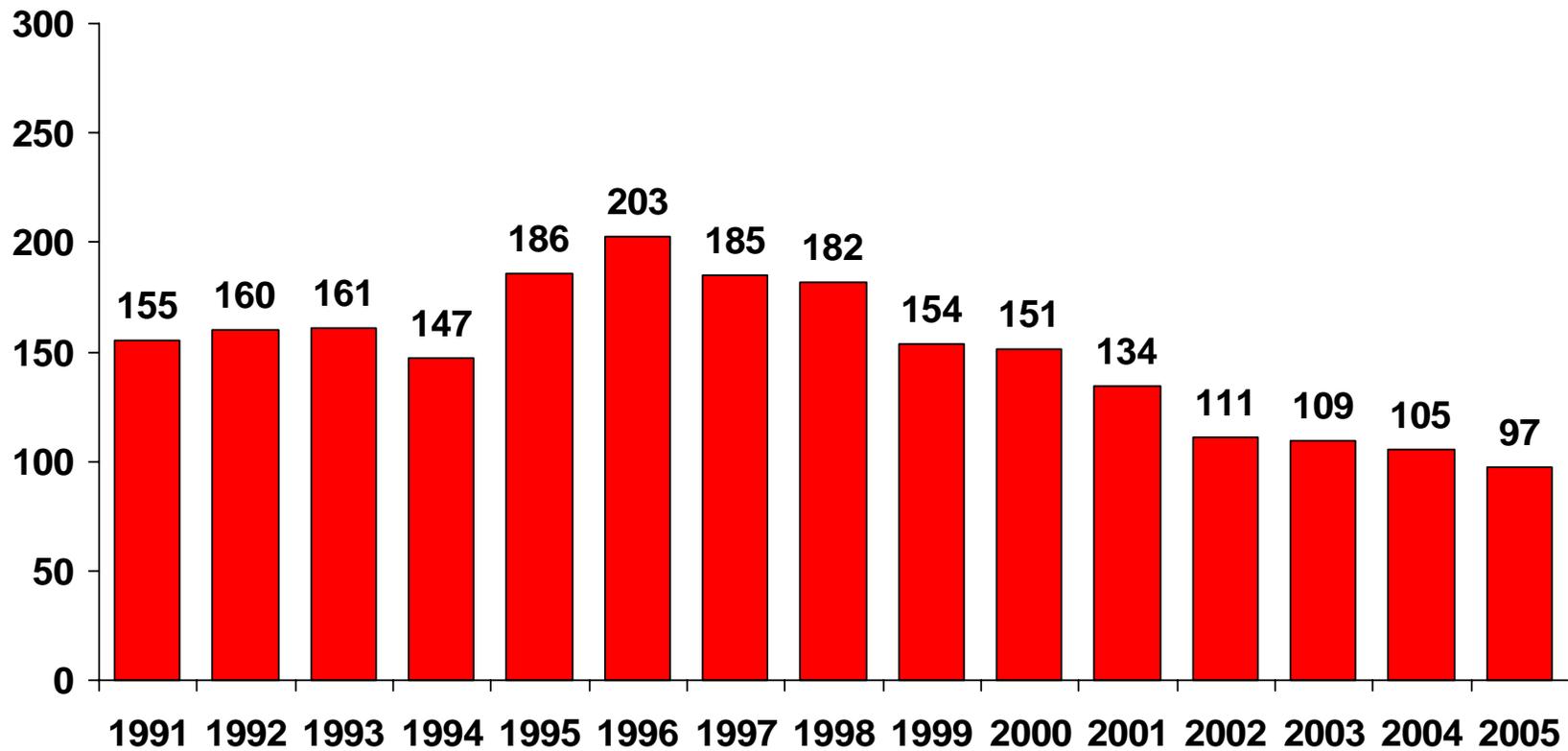
**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CRIMINAL TRIALS  
1991-2005 (Year ending December 31)**



• % Change 2004-2005: 3.85%

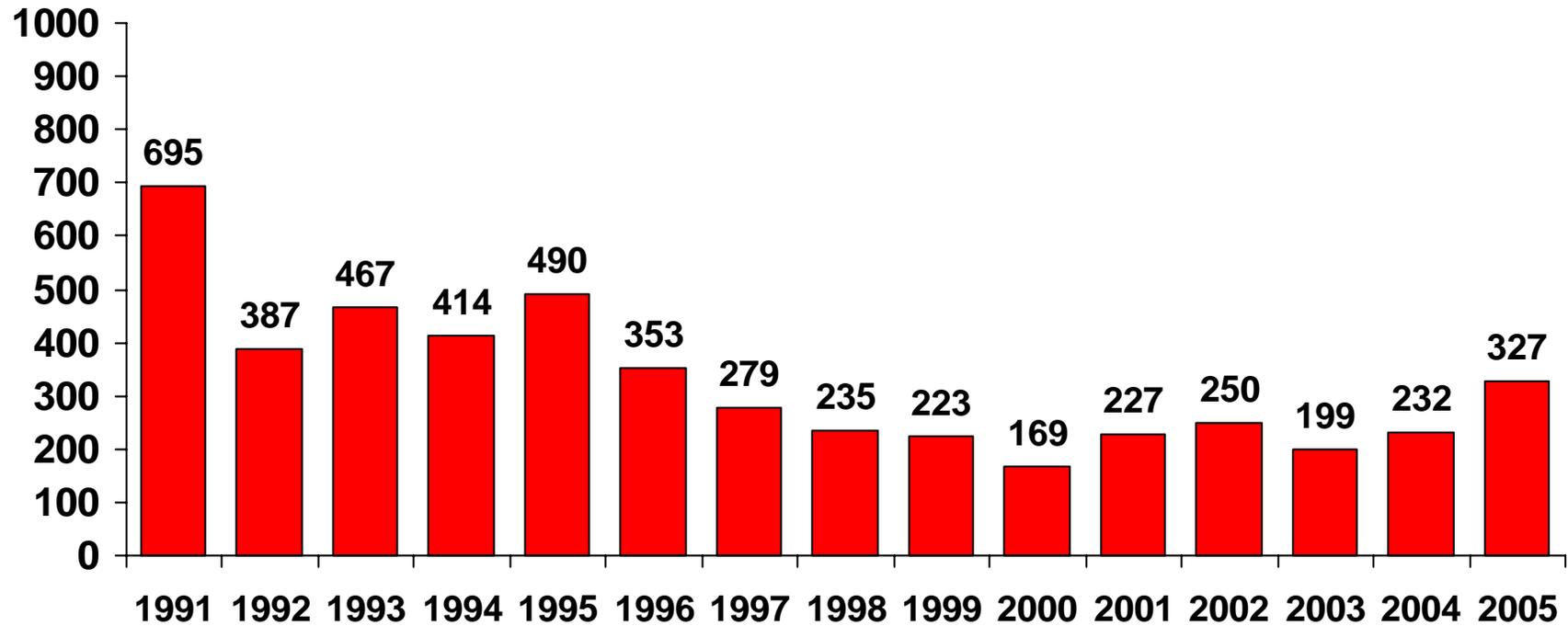
• % Change 1991-2005: -1.82%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOTAL CIVIL AND CRIMINAL TRIALS  
1991-2005 (Year ending December 31)**



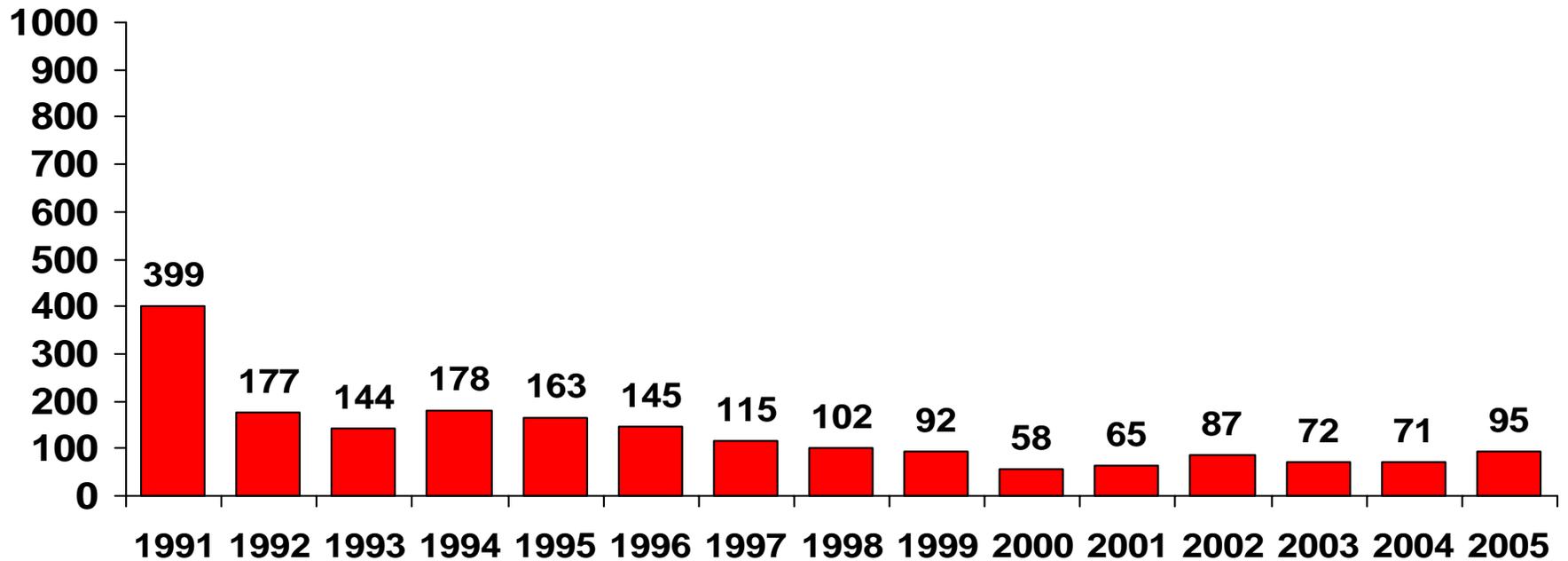
- **% Change 2004-2005: - 7.62%**
- **% Change 1991-2005: -37.42%**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CIVIL CASES PENDING MORE THAN TWO YEARS  
1991-2005 (Year ending December 31)**



- % Change 2004-2005: 40.95%
- % Change 1991-2005: -52.95%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CIVIL CASES PENDING MORE THAN THREE YEARS  
1991-2005 (Year ending December 31)**

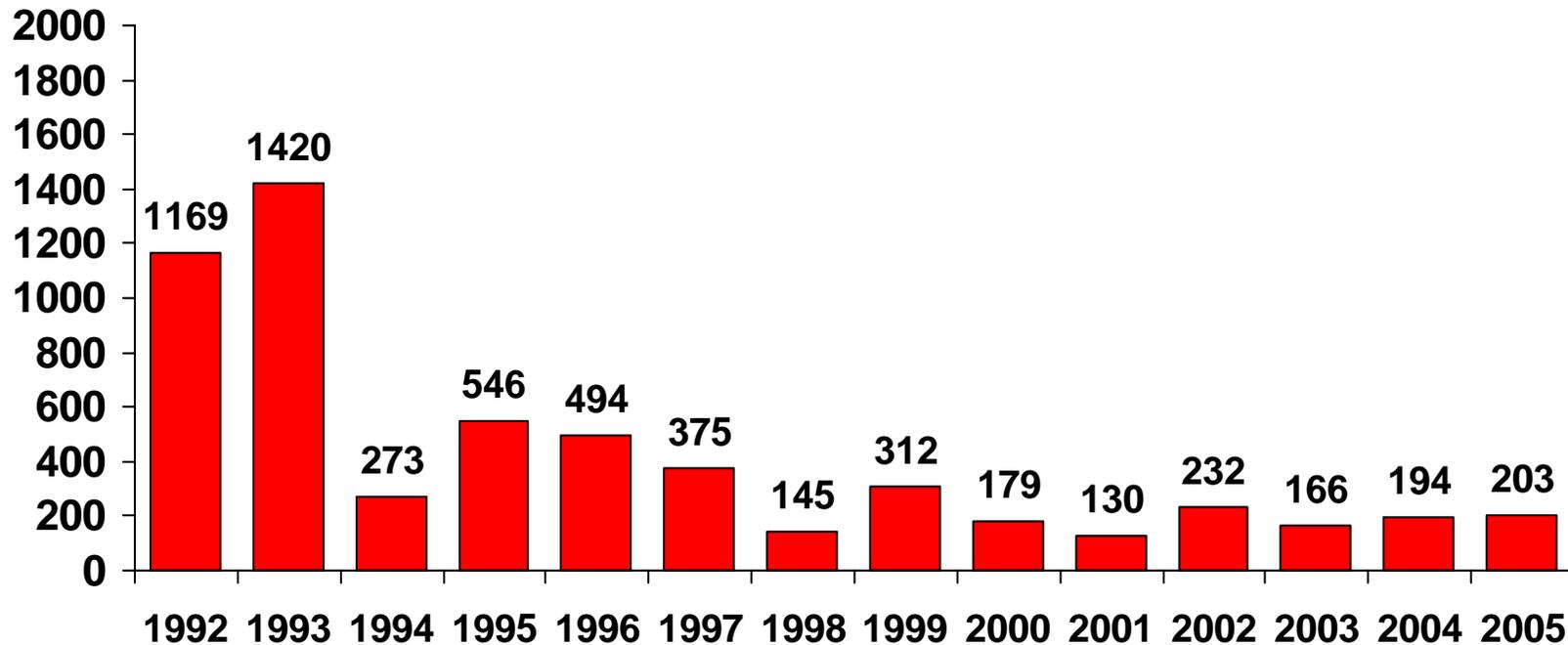


• % Change 2004-2005: 33.80%

17

• % Change 1991-2005: -76.19%

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
MOTIONS PENDING MORE THAN SIX MONTHS  
1992-2005 (Reporting period ending September 30)**



• % Change 2004-2005: 4.64%

18

• % Change 1992-2005: -82.63%