



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

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

**Calendar Year
2003**

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for the
United States District Court
Northern District of Ohio
March 15, 2004**

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 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 judgeships (including one temporary position) and seven magistrate judgeships. However, until the appointment of Judge John R. Adams in February 2003, the Court had been at full strength only twice (in 1996 and 1998) since October 1989, and then for never more than six months in a row.

For the year ending September 30th, the number of vacant judgeship months within the district decreased 62% from 12 in 2002 to 4.6 in 2003. The number of vacant judgeship months for the nation's 680 authorized district judgeships decreased 44% during the same period.

The Court was pleased that Congress extended its temporary judgeship for an additional five years during 2002. If Congress had not acted, the district's temporary judgeship would have lapsed

with the creation of the next vacancy, and its number of authorized judgeships would have been 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 2003 Federal Case Management Statistics Judicial Caseload Profile, the district's 433 weighted civil case filings per authorized judgeship were 17.2% lower than the national average of 523. The district ranked 63rd in the nation and seventh in the Sixth Circuit in weighted case filings in 2003.

Magistrate Judges

The district is also 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.

At the close of February 2004, Cleveland Magistrate Judge Jack B. Streepy retired after serving the Court for thirty years. The Court selected Mr. Kenneth S. McHargh, who had been with the U.S. Attorney's Office since 1979 and had most recently served as the Deputy Chief within the Criminal Division, to fill that Magistrate Judge position beginning March 1.

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 six 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

Non-asbestos civil case filings rose nearly 20% from 3,555 in 2002 to 4,256 in 2003, representing the second highest total of non-asbestos civil cases filed in a single year. The increase was due to a **101% increase in personal injury filings** (primarily Multi-District Litigation Welding Rod matters) and an **85% increase in general civil matters** (primarily securities litigation and statutory actions alleging the pirating of satellite and cable transmissions such as the DIRECTV and Buckeye Cablevision cases). Conversely, the number of **social security reviews declined for the**

third consecutive year to the lowest figures in more than a decade. Social security review filings fell 29% from 333 in 2002 to 237 in 2003. Civil rights cases fell for the fifth year in a row, down 6% from 789 in 2002 to 740 in 2003. Habeas corpus case filings declined 11% from 287 in 2002 to 255 in 2003; habeas corpus case filings were down 37% from the high of 402 in 1998.

Asbestos case filings tumbled 97% from 1,211 in 2002 to 38 in 2003. Asbestos case filings, which averaged about 5,000 cases per year in the 1990's and reached 10,841 in 2001, are now nearly non-existent. 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. However, the Clerk's Office is still required to maintain records on nearly 60,000 asbestos cases.

Total civil filings, asbestos and non-asbestos, **declined 10%** from 4,766 in 2002 to 4,256 in 2003. While the decline in asbestos filings did not reduce the Court's judicial workload in any appreciable way, it did result in a significant decline in the budget allotments provided to the Court for operational expenses and Clerk's Office personnel, which are largely based on total filings during the prior statistical year ending June 30.

The district's civil case filings per authorized judgeship ranked 55th out of 94 in the nation and eighth out of nine in the Sixth Circuit for the year ending September 30, 2003, according to the Federal Court Management Statistics Judicial Workload Profile. The district's civil case filings (including asbestos cases) per authorized judgeship decreased 73.4% from 1,173 at the close of September 2002 to 312 at the end of September 2003, which reflected a substantial decline in asbestos case filings, while the national average for all district courts fell 6.8% from 518 to 483.

The number of **pending non-asbestos civil cases rose about 26%** from 2,844 pending cases at the end of 2002 to **3,579** at the close of 2003. The 3,579 pending cases represent **the highest figure in the past five years** although that number is virtually identical to the 3,568 cases pending at the close of 1991. The increase is **due to the 787 Multi District Litigation cases** that were pending at the close of 2003. **Excluding the MDL cases, the pending non-asbestos civil cases fell nearly 2%** to 2,792 in 2003.

Non-asbestos civil case closings decreased 5.6% from 3,723 in 2002 to 3,516 in 2003 which represents the fewest number of civil cases closed since 1994.

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 declined to the lowest level in the past four years, dropping 7.7% from 560 in 2002 to 517 in 2003. **Criminal defendant filings decreased 16%** from the record high

of 1,072 in 2002 to 900 in 2003, **but still represented the second highest number of criminal defendant filings ever.**

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 decreased 13% during the year ending September 30, from 48 in 2002 to 42 in 2003, while the national average for all district courts rose 3.6% from 84 to 87. Since 1991, the district's criminal case filings per judgeship have increased 13.5%, compared to a 67% increase nationwide. In 2003, **the district ranked 80th out of 94 nationally and ninth in the Sixth Circuit in criminal felony case filings per authorized judgeship.**

The number of **pending criminal cases decreased 6.5%** from 403 in 2002 to 377 at the close of 2003, although the number of pending criminal cases was the third highest ever. The number of **pending criminal defendants fell 9.2%** from the record high of 721 at the close of 2002 to 655 at the end of 2003.

For the third consecutive year, both **criminal case closings and criminal defendant closings were at or near record highs.** Criminal case closings rose from 575 in 2002 to 578 in 2003, a new record. Criminal defendant closings declined 1.3% from the record high of 988 in 2002 to 975 in 2003, the second most ever.

Civil and Criminal Trials

During 2003, there were 60 civil trials and 49 criminal trials. According to the 2003 Federal Case Management Statistics Workload Profile, **the district ranked 88th 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, 2003. 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

Under the Civil Justice Reform Act of 1990, the Northern District of Ohio was designated to "experiment with systems of differentiated case management that provide 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." 28 U.S.C. § 482. The

Local Rules set forth the DCM plan. Because the DCM plan was operational by January 1, 1992, the Court also received status as an Early Implementation District under the Act.

The underlying principle of the DCM plan 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.

Since the inauguration of the DCM program, **25,274 cases have received track assignments:** 2,426 (9.6%) to the expedited track, 12,986 (51.4%) to the standard track, 960 (3.8%) to the complex track, 67 (0.3%) to the mass tort track and 8,835 (35%) to the administrative track.

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.

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 300 plus attorneys who serve on its Federal Court Panel of Neutrals, overwhelmingly on a pro bono basis.

Since January 1, 1992, **4,088 cases have now been referred to the district's court-annexed ADR program:** 953 cases to Early Neutral Evaluation; 2,938 cases to Mediation; 67 cases to voluntary Arbitration; 64 cases to Summary Jury Trial; 62 cases to settlement conferences; three

cases to Summary Bench Trial; and one case to a mini-trial process. **Of the 3,987 cases that had completed ADR by the end of 2003, 1,669 or 42% were resolved prior to or through the ADR proceeding.**

The **number of cases referred to ADR increased 11.5%** from 286 in 2002 to 319 in 2003. In 2003, ADR referrals were 11.6% below the 361 cases referred to ADR in 1992 during the program's first year of operation. The decrease in ADR referrals reflects the overall reduction in the pending civil docket.

The results of 3,987 cases completing ADR are now known. The remaining 101 cases have not completed the ADR process and are awaiting the selection of a neutral or scheduling of the ADR proceeding.

Approximately 28% of the cases were resolved through ADR either by settlement or binding arbitration award. Included were 189 cases through ENE, 864 cases through Mediation, 16 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 24 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-one 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 17%** from 87 at the end of 2002 to 72 at the close of 2003. 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 decreased 28.5%** from 232 in September 2002 to 166 in September 2003. Since September 1992, the number of motions pending six months or longer decreased 86% 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, increased from 7.6 months in 2002 to 13.7 months in 2003. The average for all district courts is 9.3 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 2003. Since the inception of the PIRP, the unassigned docket has been eliminated. The number of cases inactive for 90 days or more decreased about 24% from 443 at the end of 2002 to 335 at the end of 2003.

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 494 (14%) of the civil cases that were resolved in 2003.** The 494 closings were up 82% from the 272 civil cases resolved by magistrate judges in 1991 directly before the CJRA efforts were inaugurated, but were down 9.4% from the 545 closings in 2002.

At year-end, magistrate judges presided over 282 (8%) of the 3,579 total pending civil cases, down 31.4% from the 411 cases presided over in 2002. **Excluding MDL actions, however, magistrate judges presided over 10% (282 of 2,792) of the pending civil docket at the close of 2003.**

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 7,000 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, 4,211 attorneys, representing about 1,600 firms and solo practitioners, had electronically filed 117,429 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 2005. Currently, there are 40 U.S. district courts and 66 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 seven advanced electronic courtrooms, with four 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. The district also conducts annual training and refresher courses in alternative dispute resolution techniques for over 300 members of its Federal Court Panel who serve as ADR neutrals. 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

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

Attachment 2

Non-Asbestos Civil Case Filings		
December	Filings	% Change
1991	3,386	--
1992	3,547	4.75
1993	3,550	0.08
1994	3,422	-3.61
1995	3,601	5.23
1996	3,621	0.56
1997	4,328	19.53
1998	3,926	-9.29
1999	4,130	5.20
2000	4,147	0.41
2001	3,880	-6.44
2002	3,555	-8.38
2003	4,256	19.72

Attachment 3

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	477	2.14	609	-28.86
2000	474	-0.63	696	14.29
2001	454	-4.22	497	-28.59
2002	518	14.10	1,173	136.02
2003	483	-6.76	312	-73.40

Attachment 4

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	472	-2.48	411	-19.25
2000	479	1.48	464	12.90
2001	479	0.00	447	-3.66
2002	528	10.23	598	33.78
2003	523	-0.95	433	-27.59

Attachment 5

Non-Asbestos Civil Case Filings by Category														
Case Category	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	% Change 2002-2003	% Change 1992-2003
Admiralty	20	17	22	16	14	18	18	11	23	21	14	8	-42.86	-60.00
Antitrust	11	15	18	16	3	5	10	3	5	12	15	11	-26.67	0.00
Civil Rights	725	809	914	1037	998	993	1032	938	930	900	789	740	-6.21	2.07
Contract	370	326	374	340	378	391	370	397	431	535	537	461	-14.15	24.59
Habeas--non §2255)	116	148	170	216	201	354	402	326	319	287	287	255	-11.15	119.83
Labor Relations	449	371	386	390	380	386	333	362	432	419	399	390	-2.26	-13.14
Patent	31	34	27	49	39	53	51	27	44	47	39	38	-2.56	22.58
Personal Injury	405	531	363	505	410	782	378	347	281	447	494	994	101.21	145.43
Administrative Reviews	504	482	447	334	299	381	395	493	510	370	333	237	-28.83	-52.98
Tax	53	43	38	23	37	34	33	19	21	34	28	31	10.71	-41.51
Unfair Competition	75	64	72	69	56	79	88	86	82	52	52	59	13.46	-21.33
General Civil	787	710	591	593	787	849	806	1104	1059	749	552	1024	85.51	30.11
Death Penalty	1	0	0	13	19	3	10	17	10	7	16	8	-50.00	700.00
Total	3,547	3,550	3,422	3,601	3,621	4,328	3,926	4,130	4,147	3,880	3,555	4,256	19.72	19.99

Attachment 6

Non-Asbestos Civil Case Closings		
December	Closings	% Change
1991	3,655	--
1992	3,829	4.76
1993	3,485	-8.98
1994	3,348	-3.93
1995	3,690	10.22
1996	4,183	13.36
1997	3,947	-5.64
1998	4,393	11.30
1999	4,181	-4.83
2000	4,322	3.37
2001	3,826	-11.48
2002	3,723	-2.69
2003	3,516	-5.56

Attachment 7

Non-Asbestos Civil Cases Pending At Year End		
December	Cases	% Change
1991	3,568	--
1992	3,372	-5.49
1993	3,543	5.07
1994	3,689	4.12
1995	3,740	1.38
1996	3,244	-13.26
1997	3,630	11.90
1998	3,170	-12.67
1999	3,123	-1.48
2000	2,952	-5.48
2001	3,015	2.13
2002	2,844	-5.67
2003	3,579	25.84

Attachment 8

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

Attachment 9

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

Attachment 10

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

Attachment 11

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

Attachment 12

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

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

Attachment 13

Status of Civil Cases Filed From Jan. 1, 1992 through Dec. 31, 2003				
Track	Cases Filed* 1/1/92-12/31/03	Pending	Terminated	Percentage Terminated
Expedited	2,426	140	2,286	94.23
Standard	12,986	979	12,007	92.46
Complex	960	109	851	88.65
Administrative	8,835	521	8,314	94.10
Mass Tort	67	0	67	100.00
Unassigned:				
< 120 Days	9,903	1,152	8,751	88.37
120 + Days	10,786	678	10,108	93.71
Total	45,963	3,579	42,384	92.21
* Includes reopened cases.				

Attachment 14

Track Assignments of Pending Civil Cases Filed Since January 1, 1992				
Track	# of Pending Cases	Percentage of Cases	Percentage of Cases Assigned to Tracks	Percentage of Cases Assigned to Non-Administrative Tracks
Expedited	140	3.91	8.00	11.40
Standard	979	27.35	55.97	79.72
Complex	109	3.05	6.23	8.88
Mass Tort	0	0.00	0.00	0.00
Administrative	521	14.56	29.79	
Unassigned:				
< 120 days	1,152	32.19		
120 + days	678	18.94		
Total	3,579			

Attachment 15

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
Grand Total	953	2938	67	64	3	1	62	4088
% Change 2002-2003	-38.10%	-7.36%	-16.67%	-100.00%			100.00%	11.54%
% Change 1992-2003	-92.82%	68.31%	-68.75%	-100.00%			100.00%	-11.63%
Total as % of Grand Total	23.31%	71.87%	1.64%	1.57%	0.07%	0.02%	1.52%	

¹Denotes settlement conference.

Attachment 16

Disposition of Cases Completing ADR								
	ENE	MED	ARB	SJT	SBT	OTHER	SC ²	TOTAL
Withdrawn from ADR	48	193	14	16				271
	5%	7%	22%	25%				7%
Resolved Prior to ADR	106	400	27	30	2		1	566
	11%	14%	42%	47%	67%			14%
Resolved Through ADR	189	864	16	8	1	1	24	1,103
	20%	30%	25%	13%	33%	100%	73%	28%
Settlement Negotiations and Case Processing to Continue	608	1414	7	10			8	2,047
	64%	49%	11%	16%				51%
Total	951	2,871	64	64	3	1	33	3,987
Percentages may not total to 100% due to rounding.								

²Denotes settlement conference.

Attachment 17

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

Attachment 18

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

Attachment 20

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

Attachment 21

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

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

Attachment 22

Pending Civil Case Loads at Year End by Judicial Status					
	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	2,930	367	282	3,579	25.84

Attachment 23

Non-Asbestos Civil Case Closings by Status of Judicial Officer					
	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	2,574	448	494	3,516	-5.56

Attachment 24

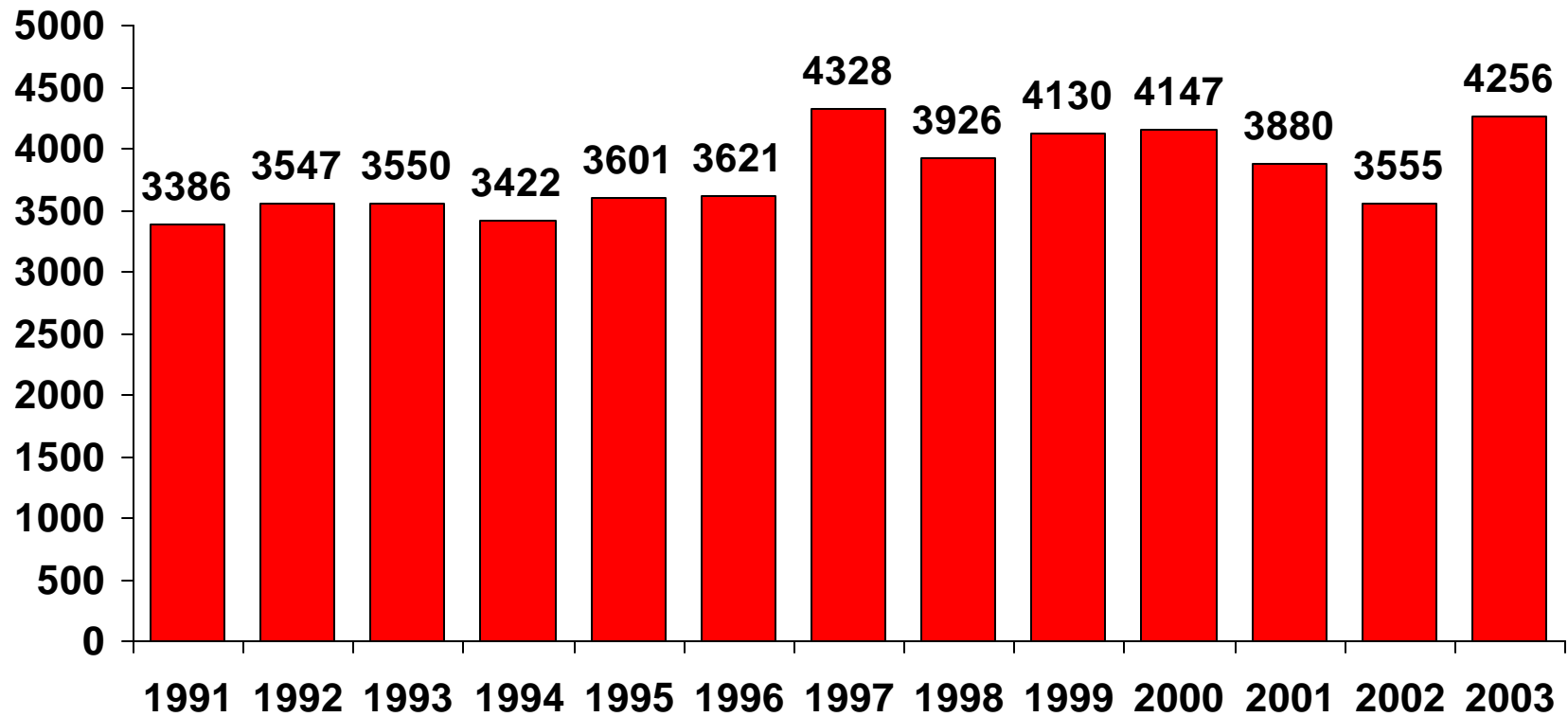
Asbestos Case Filings		
December	Filings	% Change
1992	1,523	0.00
1993	4,319	183.59
1994	4,163	-3.61
1995	5,184	24.53
1996	6,010	15.93
1997	5,325	-11.40
1998	4,997	-6.16
1999	3,269	-34.58
2000	2,430	-25.67
2001	10,841	346.13
2002	1,211	-88.83
2003	38	-96.86

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

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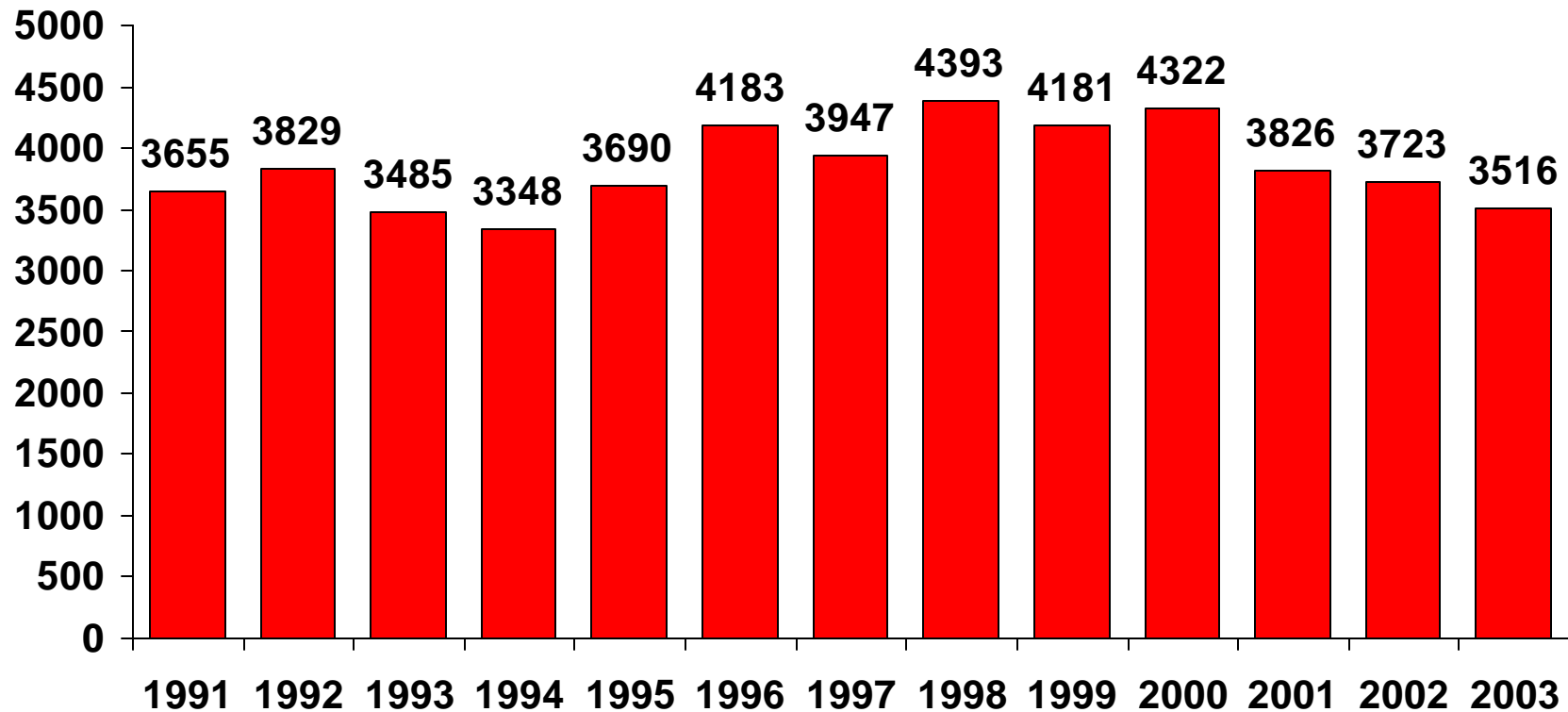
Civil Case Load	
Case Filings	1
Case Closings	2
Pending Cases	3
Asbestos Case Load	
Case Filings	4
Case Closings	5
Civil Trial Activity	6
Criminal Case Load	
Case Filings	7
Case Closings	8
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Motions Pending Six Months or More	17

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE FILINGS
1991-2003 (Year ending December 31)**



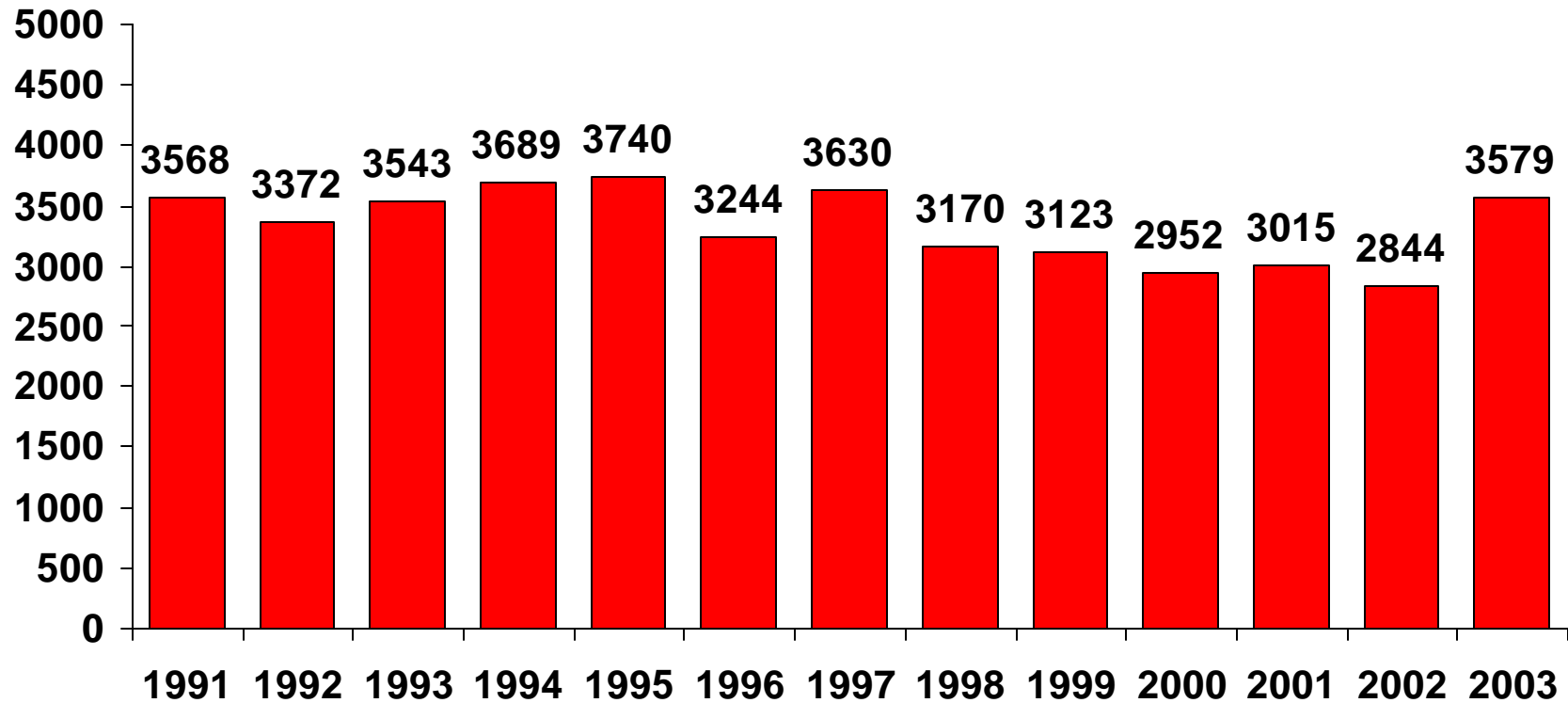
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE CLOSINGS
1991-2003 (Year ending December 31)**



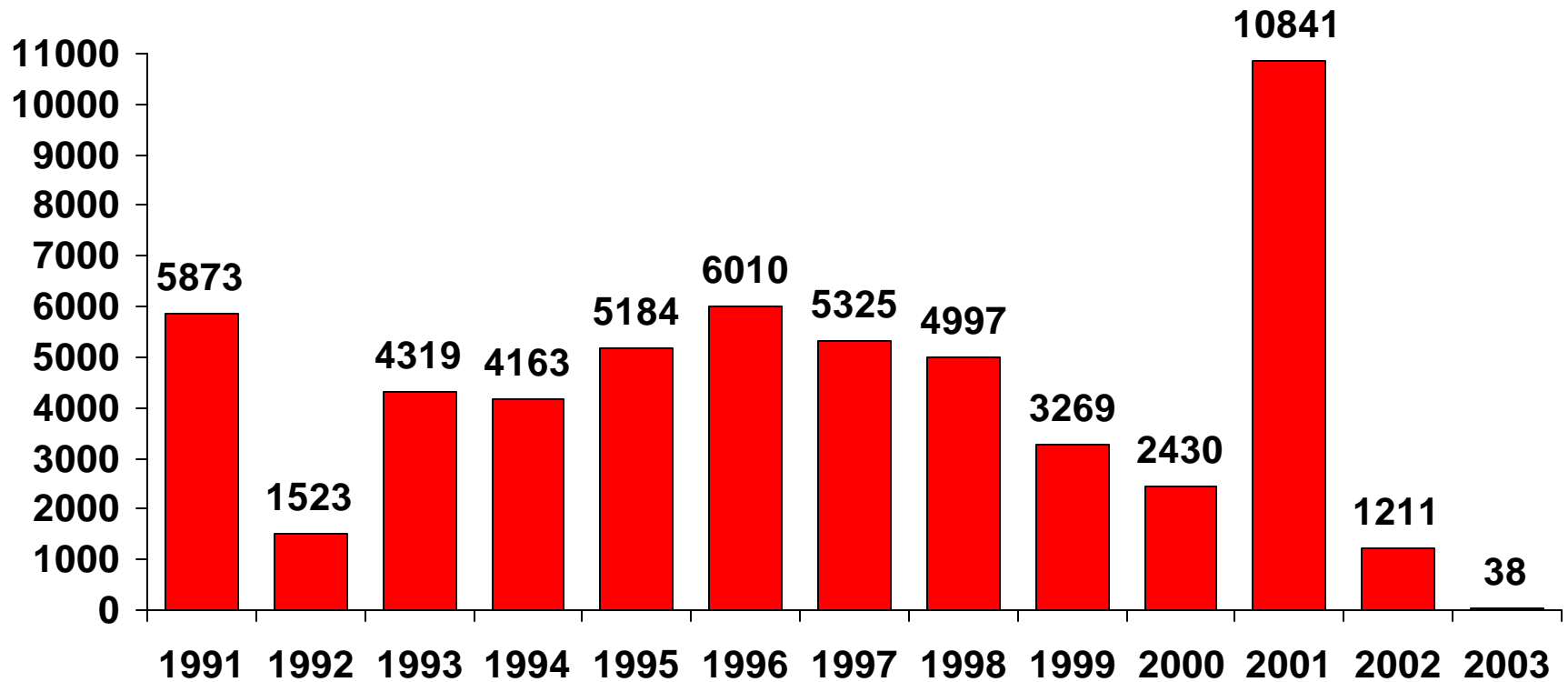
- % Change 2002-2003: -5.56%
- % Change 1991-2003: -3.80%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CIVIL CASES
1991-2003 (Year ending December 31)**



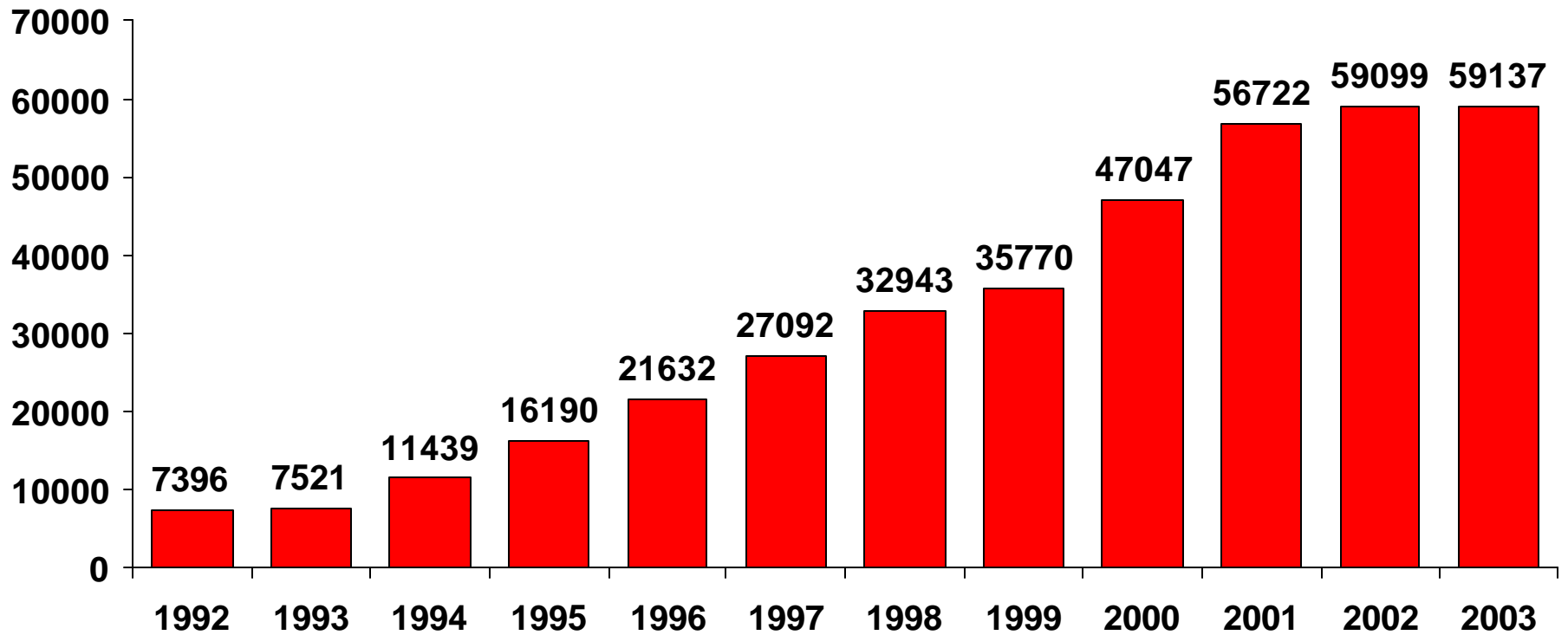
- **% Change 2002-2003: 25.84%**
- **% Change 1991-2003: 0.31%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILINGS
1991-2003 (Year ending December 31)**



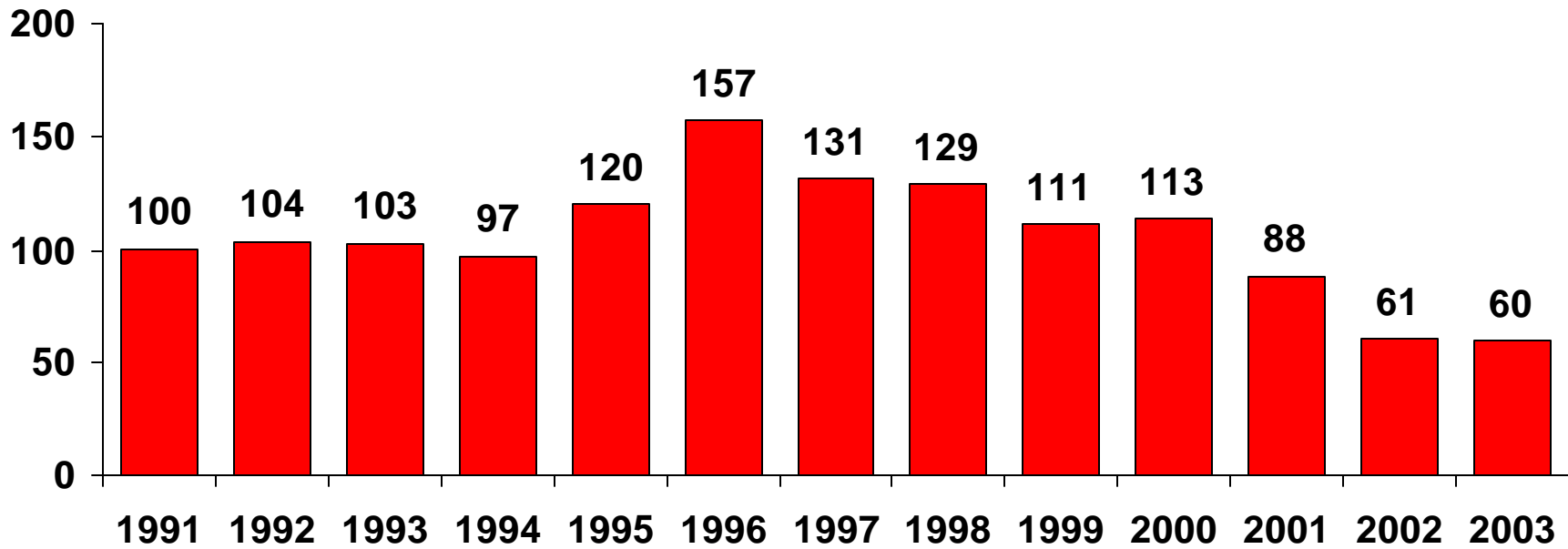
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- **% Change 1991-2003: -99.35%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILES MAINTAINED
1992-2003 (Year ending December 31)**



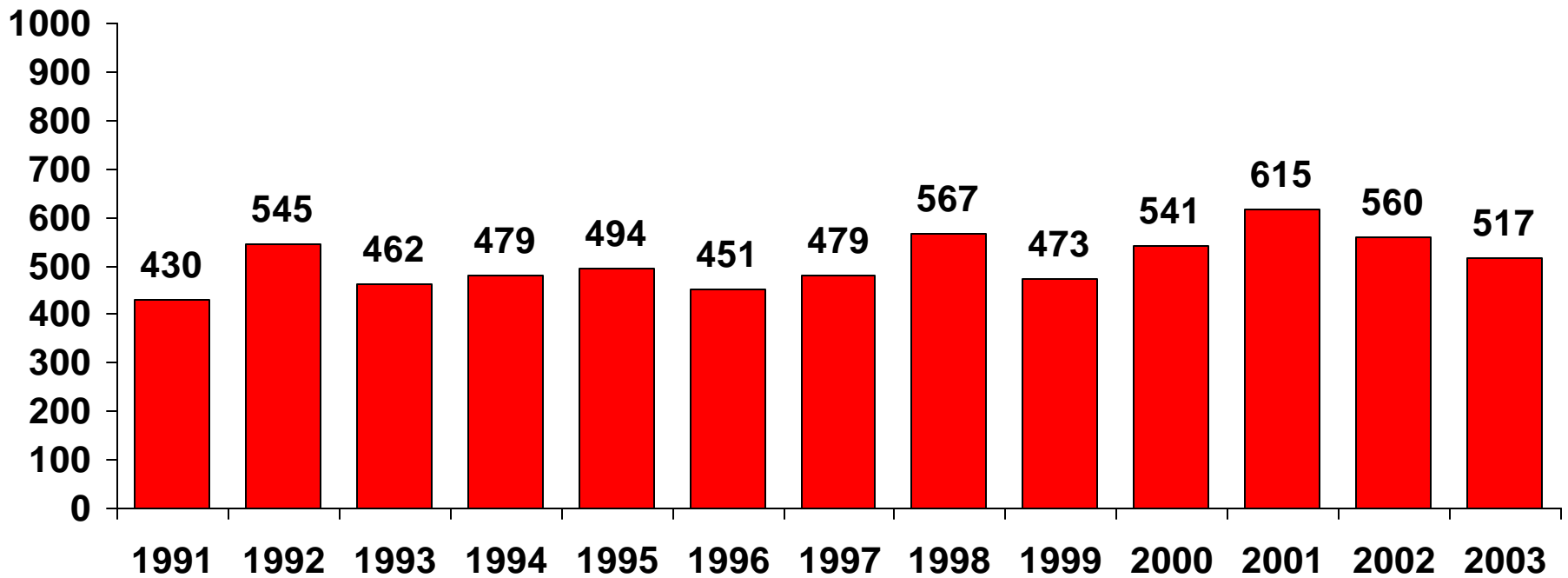
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- **% Change 1992-2003: 699.58%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL TRIALS
1991-2003 (Year ending December 31)**



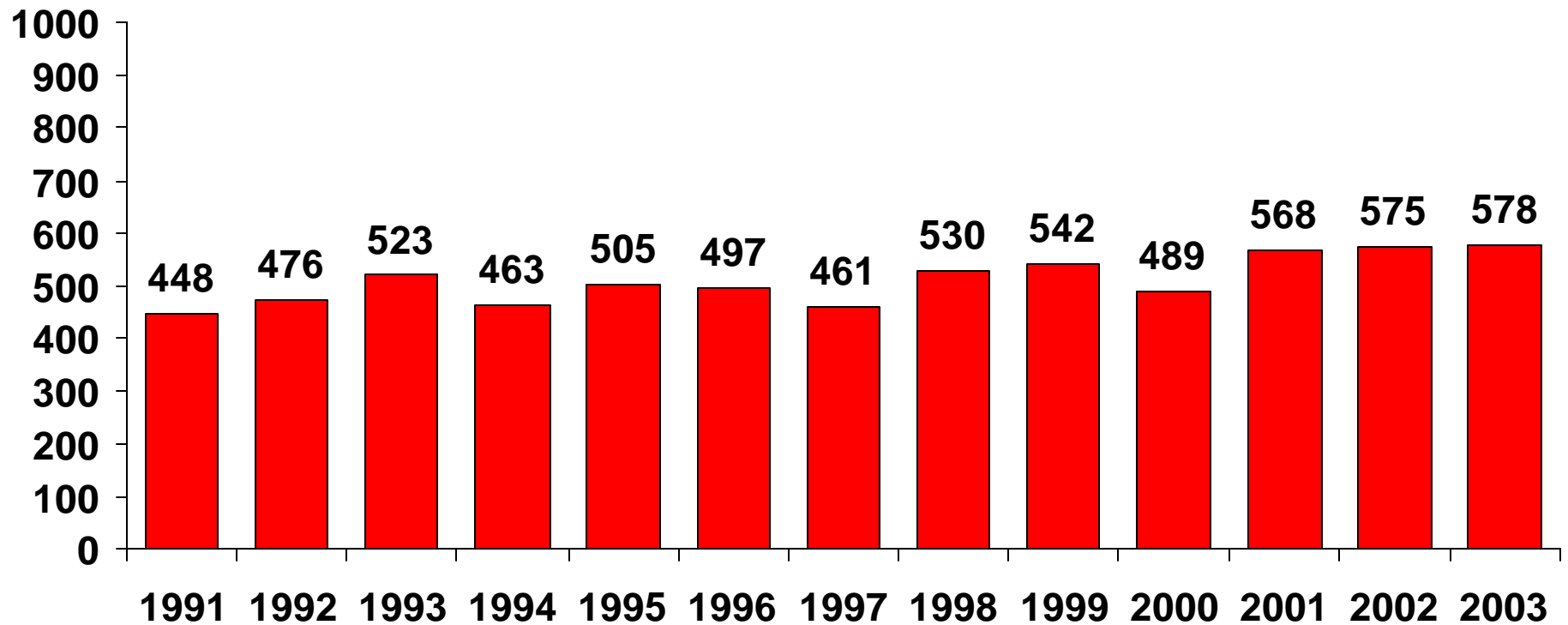
- **% Change 2002-2003: - 1.64%**
- **% Change 1991-2003: -40.00%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE FILINGS
1991-2003 (Year ending December 31)**



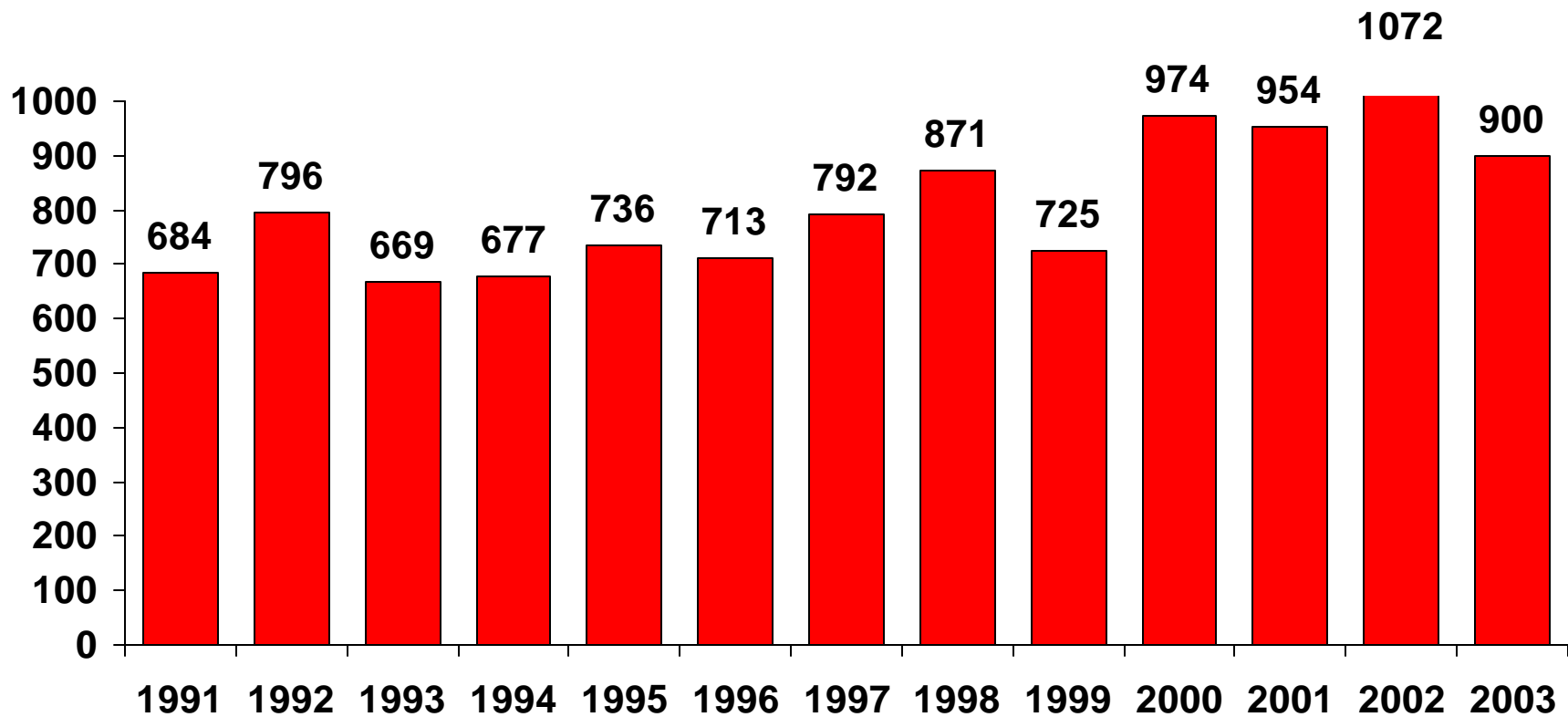
- **% Change 2002-2003: - 7.68%**
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE CLOSINGS
1991-2003 (Year ending December 31)**



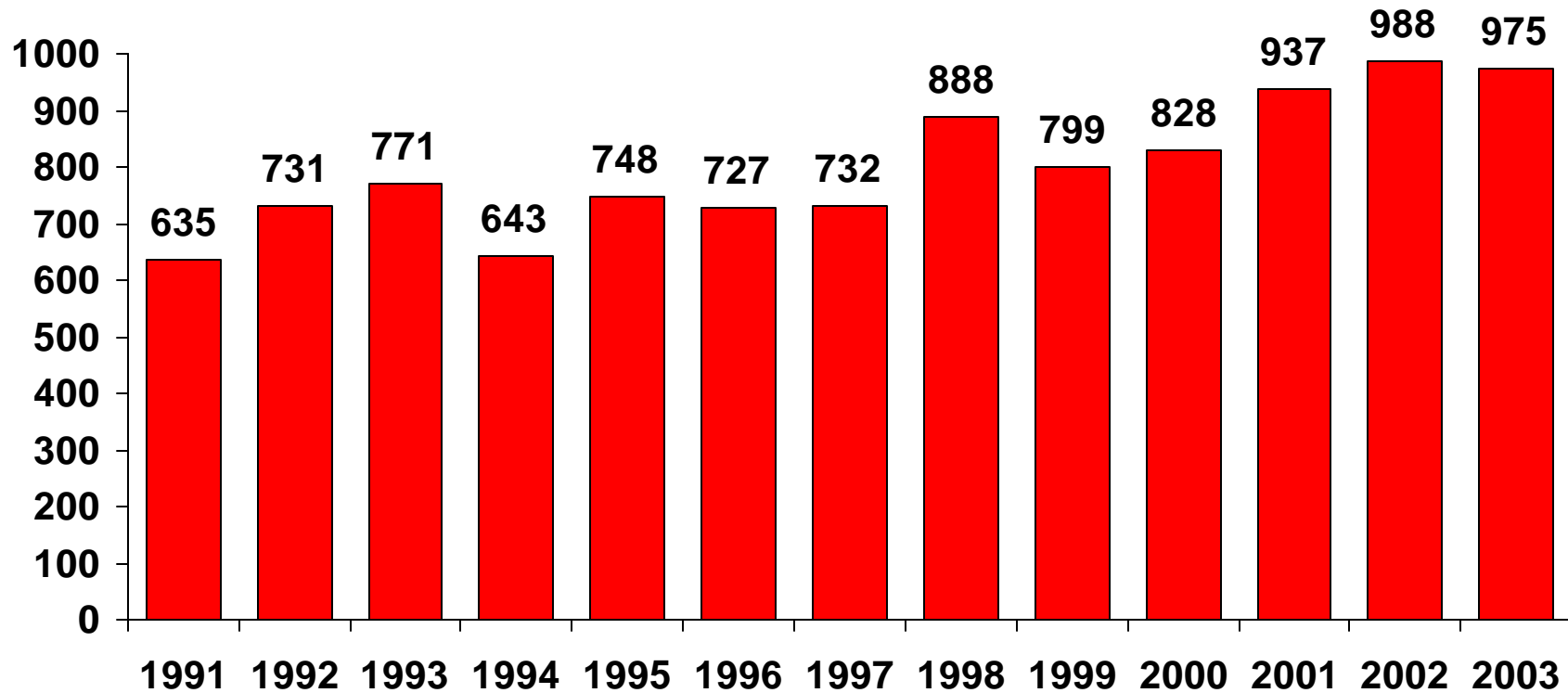
- % Change 2002-2003: 0.52%
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT FILINGS
1991-2003 (Year ending December 31)**



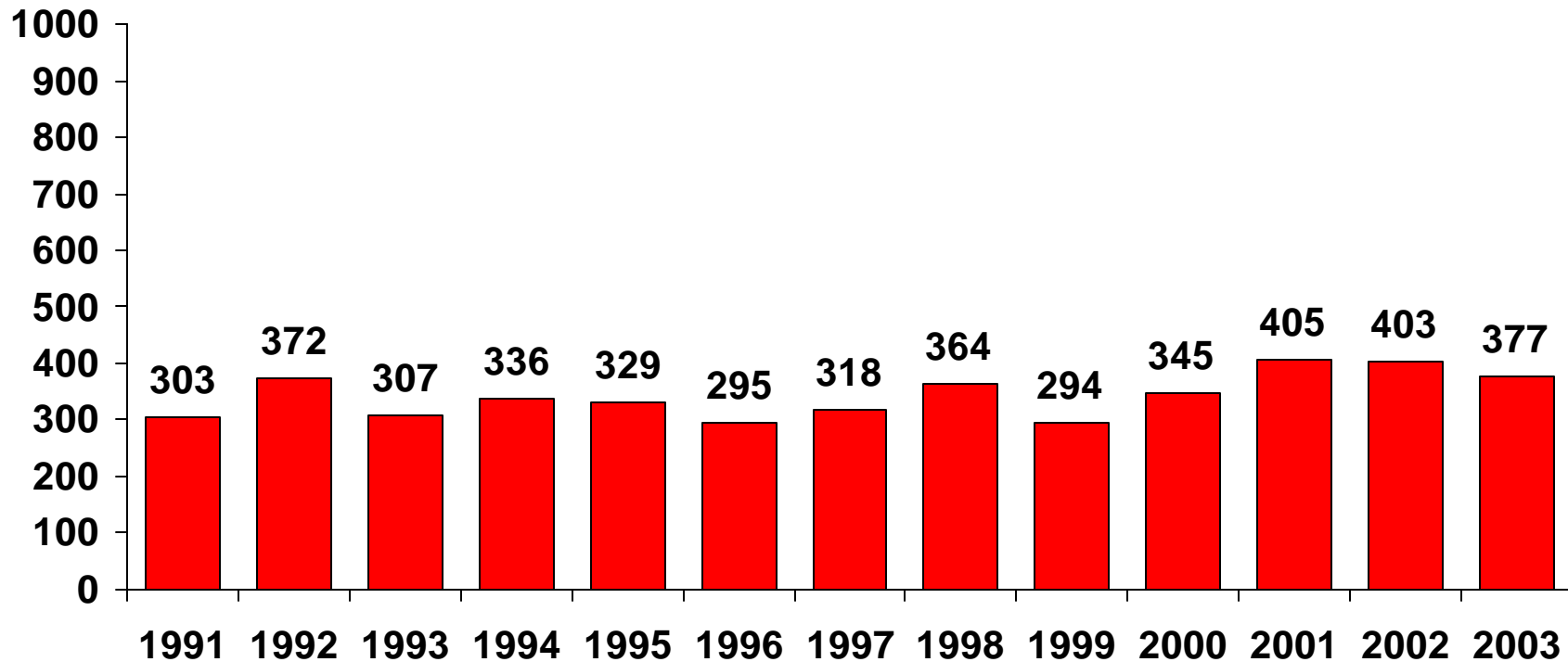
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT CLOSINGS
1991-2003 (Year ending December 31)**



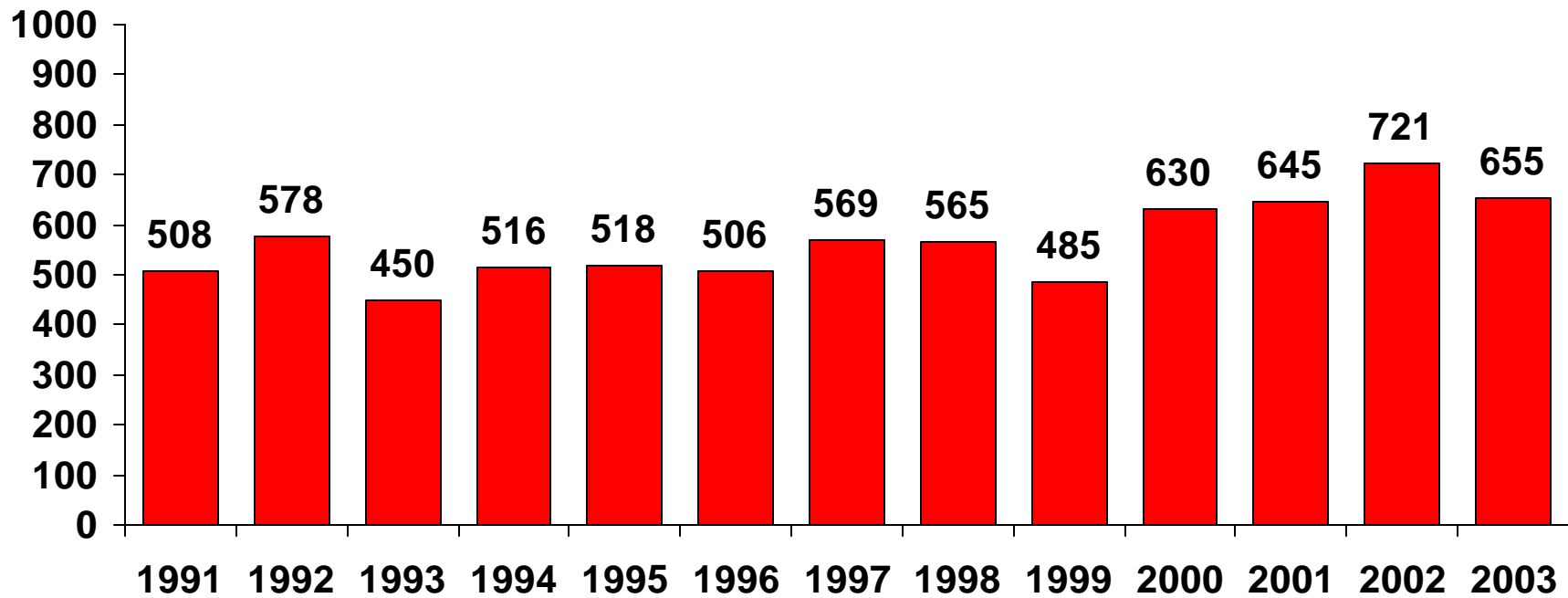
- % Change 2002-2003: - 1.32%
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL CASES
1991-2003 (Year ending December 31)**



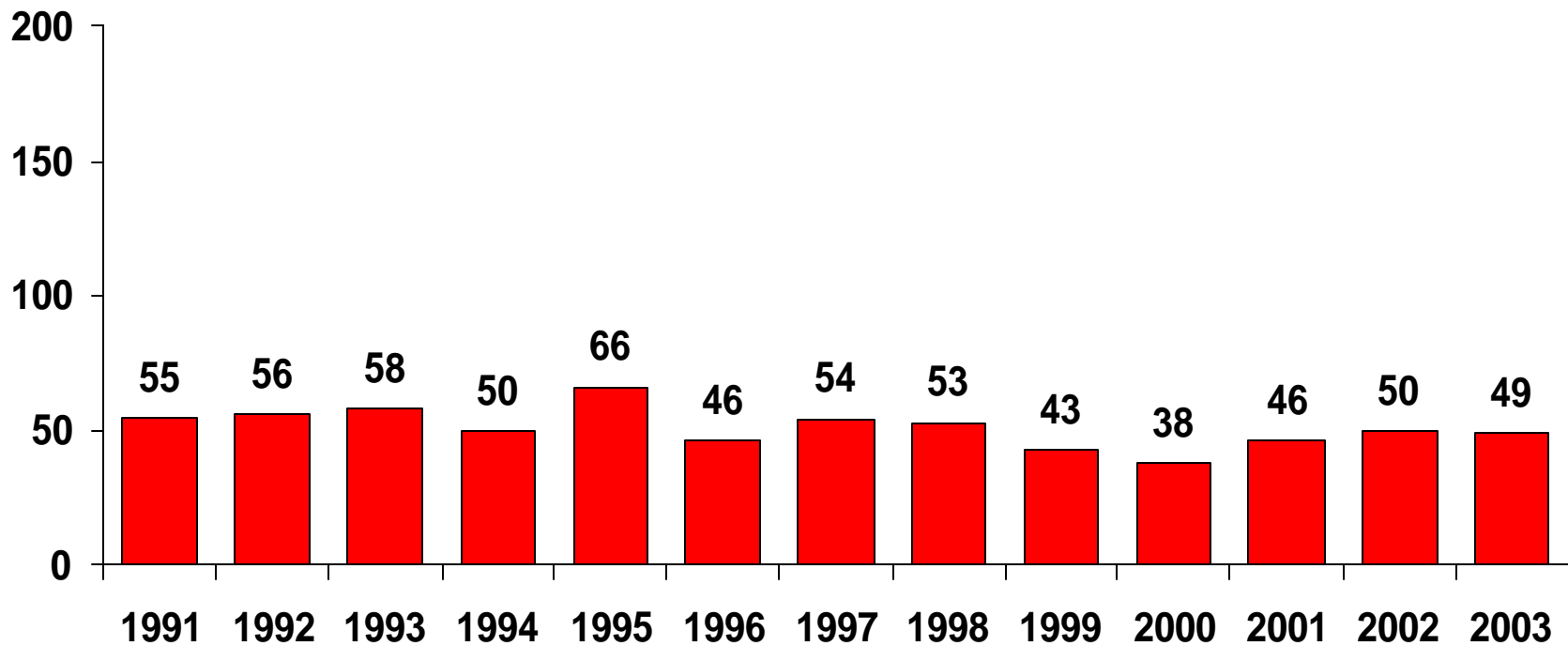
- % Change 2002-2003: -6.45%
- % Change 1991-2003: 24.42%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL DEFENDANTS
1991-2003 (Year ending December 31)**



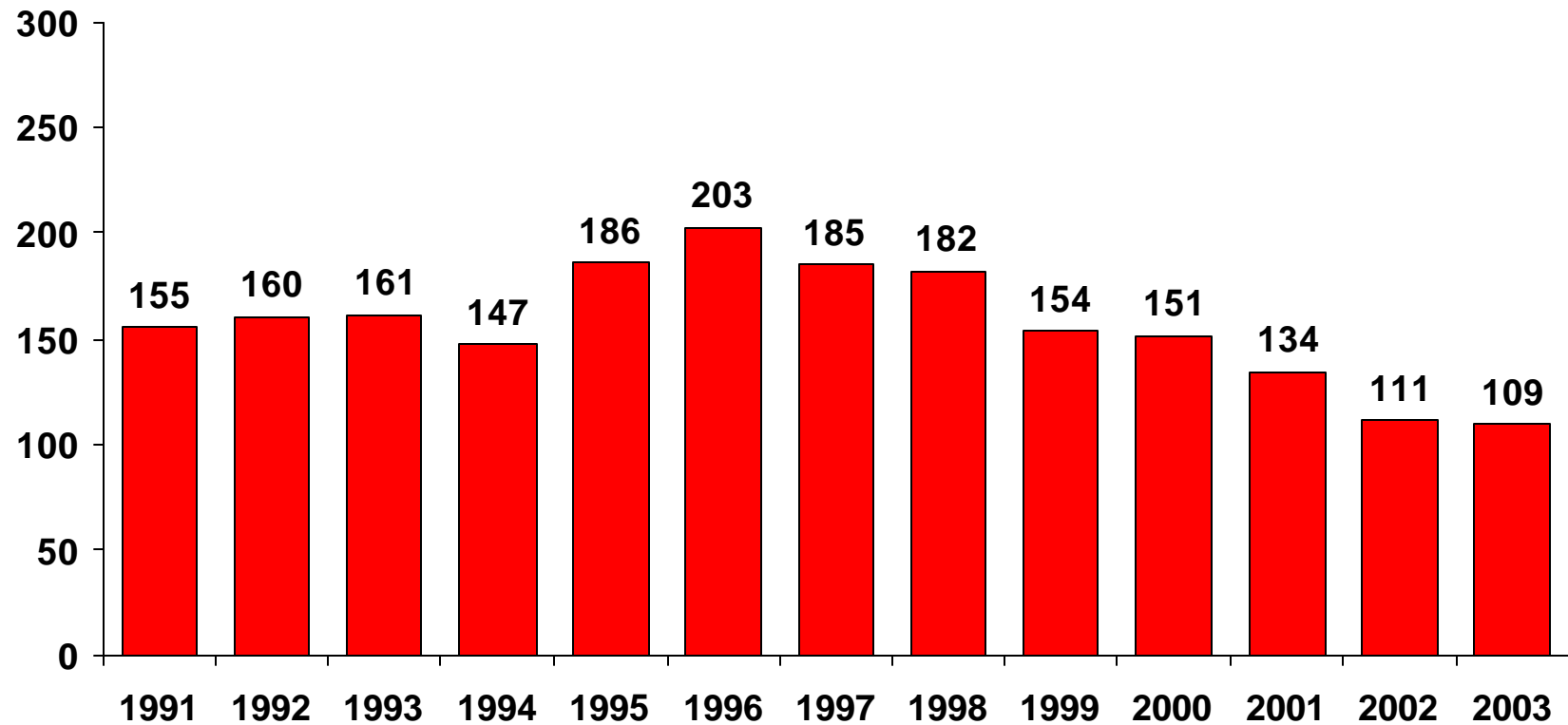
- **% Change 2002-2003: - 9.15%**
- **% Change 1991-2003: 28.94%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL TRIALS
1991-2003 (Year ending December 31)**



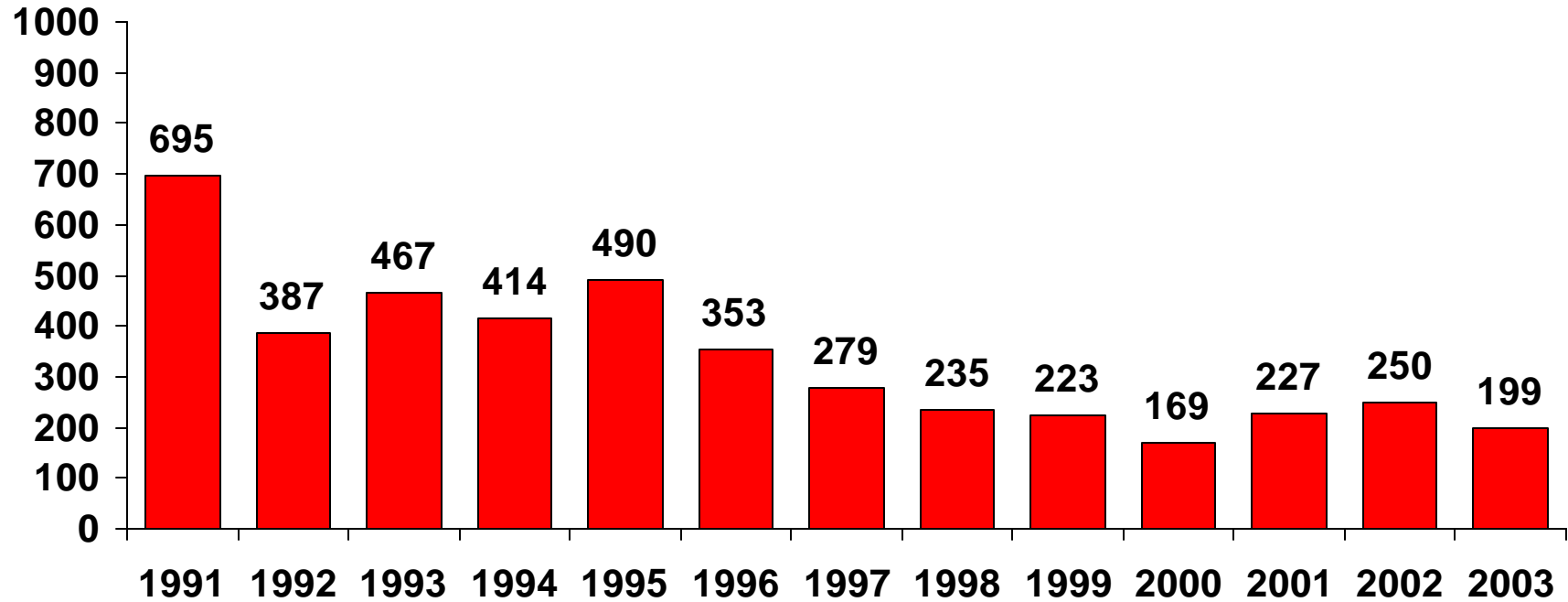
- **% Change 2002-2003: - 2.00%**
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOTAL CIVIL AND CRIMINAL TRIALS
1991-2003 (Year ending December 31)**



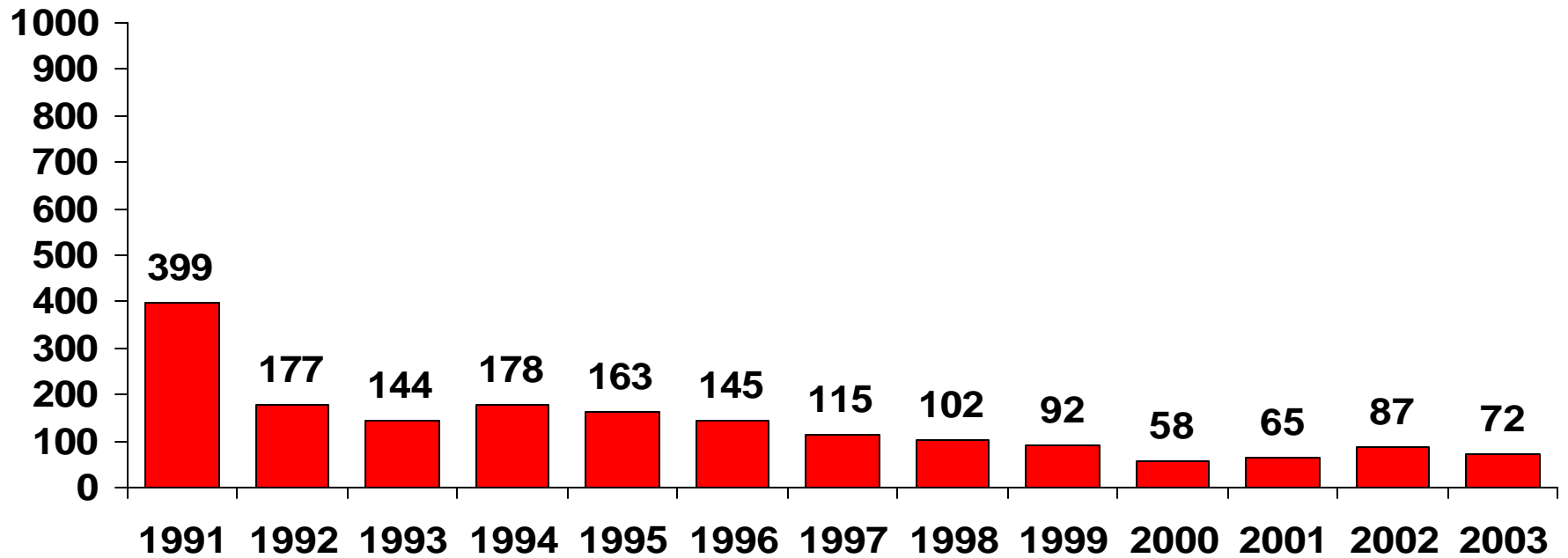
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN TWO YEARS
1991-2003 (Year ending December 31)**



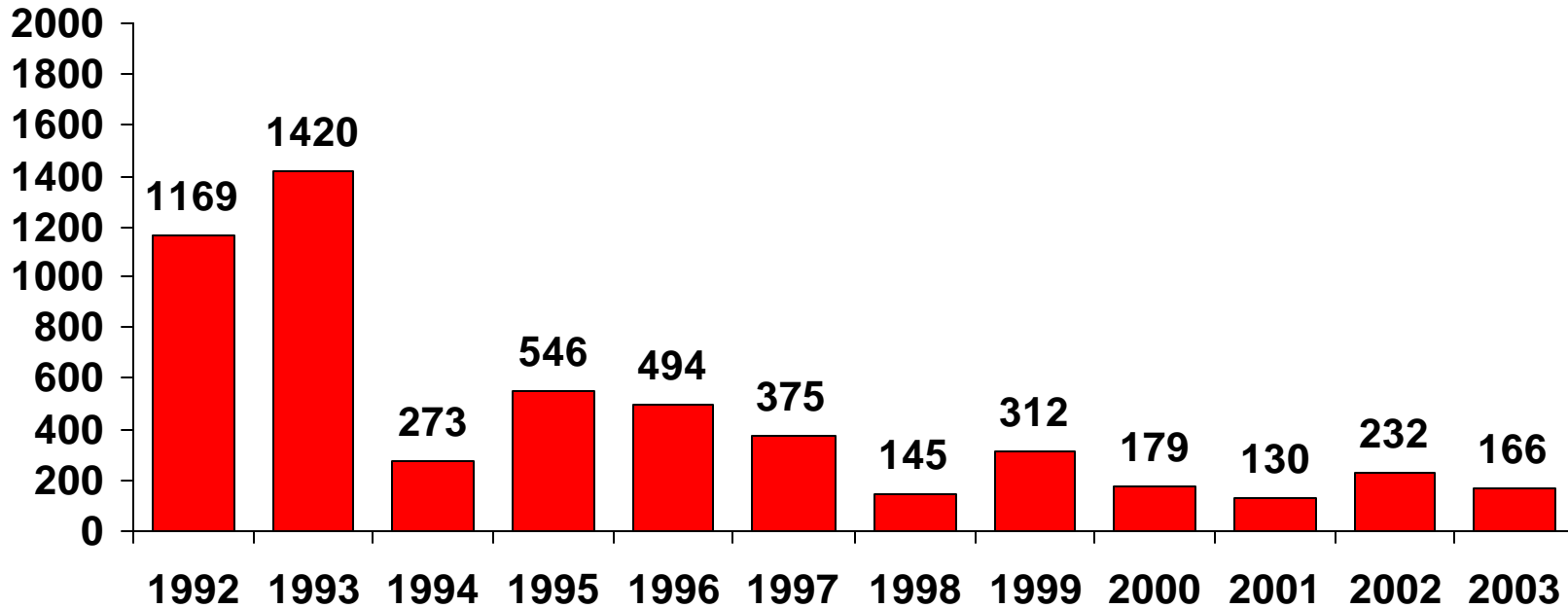
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN THREE YEARS
1991-2003 (Year ending December 31)**



- % Change 2002-2003: -17.24%
- % Change 1991-2003: -81.95%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
MOTIONS PENDING MORE THAN SIX MONTHS
1992-2003 (Reporting period ending September 30)**



- **% Change 2002-2003: -28.45%**
- **% Change 1992-2003: -85.80%**