

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ANNUAL REPORT**

The United States District Court for the Northern District of Ohio serves the 5.9 million citizens of the 40 most northern counties in Ohio. The population of the district has grown 2.5% since the 1990 Census, with 4.4 million people now residing in the Eastern Division and 1.5 million people residing in the Western Division. With 12 authorized district judgeships, it is among the 15 largest U.S. district courts. The district holds court in Cleveland, Akron, Toledo and Youngstown and anticipates the opening of its new Cleveland Court House this summer.

District Judges. The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. The district has one district judge vacancy that was created in February, 1999. The district is fortunate to have 5 senior judges, 4 of whom participate at least partially in the case assignment draw, sharing the Court's workload. The Court is deeply concerned that it could lose its temporary judgeship because, absent congressional action, authorization for the position will lapse with the creation of the next judgeship vacancy. While the Judicial Conference has recommended that the temporary judgeship be extended for an additional five years, Congress has not acted on the issue. Extending the term of the temporary judgeship remains a high priority. If the temporary judgeship is eliminated, the district's weighted case filings per judgeship will be 502, about 17% higher than the 430 weighted case filings per judgeship that the Judicial Conference uses as a threshold to determine whether a district has the need for additional judgeships. Even if the district's asbestos case filings were excluded from the calculation, the weighted case filings per judgeship would still be 11% over the threshold.

Magistrate Judges. The Northern District of Ohio has eight magistrate judges on board, including one in retired-recalled status, with five assigned to Cleveland and one each to Akron, Toledo and Youngstown. The role of the magistrate judges in the management of civil cases continues to be significant. As of the end of 2001, magistrate judges presided over 455 (15%) of the pending civil cases. Magistrate judges were the presiding judicial officers for 568 (15%) of the civil cases that were resolved in 2001, up 108% from the 272 civil cases magistrate judges closed in 1991, shortly before the district implemented its Civil Justice Reform Act delay and cost reduction plan. The Court continues to permit magistrate judges to accept pleas of guilty in criminal cases upon the consent of all counsel and the defendant pursuant to a General Order issued in October, 1999.

Notable Cases. The district has had several notable cases during the past year. In one case, the Judge formed an administrative trial team involving the U.S. Marshal's Service, the General Service Administration, the Federal Protective Service, Court Security Officers, the Clerk of Court and members of the Clerk's Office jury, court reporting, operations and automation departments to develop a comprehensive plan to ensure that all administrative issues related to the case (including those related to security and safety, media relations, juror needs, and dissemination of information), were properly and efficiently addressed. Under the Judge's direction, the administrative trial team

helped develop Media Guidelines, designated a media representative from the Clerk's Office and supported an audio-video link between the main courtroom and an auxiliary courtroom so that all members of the media and other spectators could be accommodated without disrupting Court proceedings. The district is also the transferee Court for a Multi District Litigation action consolidating over 290 cases for pretrial supervision. The Court has had great success in using its web page to disseminate information about notoriety cases and to provide convenient access to documents in high demand.

September 11th. The tragic events of September 11th, and its aftermath, have changed lives forever. Court security has been improved with the addition of new Court Security Officers and in-coming mail processing procedures have been modified significantly. All mail is now opened at one location within each Court House and is distributed only after proper scanning has been done. Protective masks, gloves and gowns have been provided to those who process the mail and are available to others who may need them. The Weapons of Mass Destruction Coordinator of the Federal Bureau of Investigation educated Court personnel on anthrax and other toxic weapons and pertinent information has been added to the Court's intranet site for reference by the staff.

Combined FCCA / NCBC Conference. The district hosted the combined Federal Court Clerk's Association (FCCA) / National Conference of Bankruptcy Clerks (NCBC) this past summer in Cleveland. Over 500 deputy clerks from district and bankruptcy courts from across the nation were in attendance. The theme of the conference was "Surfing the Wave into the 21st Century" which focused upon the enormous changes confronting district and bankruptcy courts--with a particular emphasis on the development and implementation of electronic filing in federal courts. Over 25 different educational sessions covering professional and personal development were offered with special emphasis placed upon electronic filing. Guest speakers included AO Director Leonidas Ralph Mecham, motivational speaker Steve Morgan and several district and bankruptcy Clerks of Court familiar with electronic filing. John Leonard and staff members of the AO's System Development and Support Division brought their electronic filing lab from San Antonio to Cleveland so that attendees could receive hands-on training in the district and bankruptcy court versions of the Case Management / Electronic Case File (CM/ECF) system.

Civil Docket. The pending civil caseload is at its second lowest level of the past decade even though the number of non-asbestos civil case filings during each of the past 5 years has been higher than ever before. There were 3,880 non-asbestos civil case filings in 2001, with 3,826 civil case closings, leaving 3,015 pending civil cases. According to the Judicial Caseload Profile for the year ending September 30, 2001, the district ranked 25th in the nation and second in the Sixth Circuit for civil case filings, including asbestos, per authorized judgeship.

Criminal Docket. In contrast to the civil docket, the numbers of pending criminal cases and pending criminal defendants are now at record highs for the district. The number of pending criminal cases increased 17.4% from 345 in 2000 to 405 at the close of 2001. The number of pending criminal defendants rose 2.4% from 630 to 645. The increase in

the number of pending criminal cases and defendants is directly attributable to record number of criminal case filings. Although the Court closed more criminal cases and criminal defendants in 2001 than ever before, the pending criminal docket still rose due to the increase in filings. Criminal case filings reached the highest level ever, increasing 13.7% from 541 in 2000 to 615 in 2001. Criminal defendant filings decreased 2.1% from 974 in 2000 to 954, but still represented the second highest number of criminal defendant filings ever. Criminal case closings increased by 16.2% from 489 in 2000 to 568 in 2001 and criminal defendant closings rose 13.2% from 828 in 2000 to 937 in 2001, the highest totals ever. While the criminal caseload is high for this district, it remains relatively low when compared to other Courts. For the year ending September 2001, the district ranked 62nd in the nation and seventh in the Sixth Circuit in criminal felony case filings per authorized judgeship.

Asbestos Docket. The district now maintains the records in over 57,000 asbestos cases. Although all asbestos cases in the federal courts have been transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi District Litigation, asbestos cases continue to be filed and docketed in the originating courts. Filings in the maritime asbestos litigation, which typically comprises nearly all asbestos cases filed here, tumbled 53% to 1,163 in 2001 from 2,432 in 2000. That followed a 25% decline in maritime asbestos filings from 1999 to 2000. Lead plaintiff's counsel in the maritime litigation projects significantly fewer filings in the upcoming year. While the maritime asbestos litigation dwindled, the Clerk's Office was inundated with the filing of 8,512 land-based asbestos removals from state court in November and December, which necessitated the hiring of three temporary employees to help process the cases. Even with that additional assistance, it will take several months before all the cases are completely processed. With the maritime asbestos litigation continuing to wind down, and no further mass removals being expected, the Court must remain prepared for the substantial reduction in the Clerk's Office's authorized staffing and the Court's operating budget that is likely to occur in upcoming years.

Civil Justice Reform Act. Much of the district's success in maintaining current dockets during times of record level civil case filings can be attributed to the case management programs adopted by the Court pursuant to its role as a Demonstration District under the Civil Justice Reform Act of 1990. Under that program, the district adopted a Differentiated Case Management (DCM) Plan, a wide menu of Alternative Dispute Resolution (ADR) options and a Pending Inventory Reduction Plan (PIRP) to manage its civil caseload. These programs have proven highly successful and remain popular with the bench and the bar. Since these programs were initiated, the number of cases three years and older has been reduced by over 84% and the number of motions pending six months or longer has declined by 89%.

Electronic Case Filing. The Northern District of Ohio is proud to have been the first Court ever to permit attorneys to file documents over the Internet. The Court has permitted attorneys to file electronically in its maritime asbestos litigation since January, 1996, and expanded the program to general civil cases beginning in November, 1997. The Case Management / Electronic Case File (CM/ECF) system used by the Court permits users to file and view documents 24 hours per day, 7 days per week. Over 2,500 attorneys, representing over 850 firms and solo practitioners, have electronically filed

over 220,000 documents with this Court. Electronic filing in this district is no longer an oddity, it is the norm. On average, the Court receives 120 electronic filings from attorneys each business day. Electronic filing not only benefits those attorneys who reside in Northern Ohio, but attorneys from outside the district as well. Among the attorneys who have filed electronically are 275 attorneys from the Southern District of Ohio and another 231 attorneys from out-of-state. Benefits to attorneys include instant e-mail notification whenever a document is filed in their case, potential savings in copying, courier and noticing costs and the ability to file documents whenever they are ready to do so. Indeed, about 35% of attorney electronic filings occur when our intake windows are closed for business. In Northern Ohio, intake windows are open from 9 a.m. to 4 p.m. About 65% of our electronic filings occur during those hours, with another 25% occurring from 4 p.m. to 6 p.m., 6% from 6 p.m. to 10 p.m., 3% from 7 a.m. to 9 a.m. and 1% from 10 p.m. to 7 a.m. On Presidents' Day, 28 attorneys electronically filed 40 documents while the Court was closed for the federal holiday. Benefits to the Court include concurrent access to documents, immediate entry to the docket sheet upon filing, and a substantial savings in postage fees. Through the increased use of electronic noticing and e-mail, the Court has reduced its postage fees by about 20% or \$15,000 per year. Clerk's Office staff have aided the national efforts to provide the CM/ECF software to all district and bankruptcy courts by participating in the AO sponsored national workgroups and testing efforts and by serving as mentors to the CM/ECF efforts in the Southern District of Indiana and the Western District of Michigan.

New Cleveland Court House. The finishing touches are being placed upon the new U.S. Court House in Cleveland, with phased moves planned to begin in Spring 2002. The Court family has worked with the General Services Administration for over 10 years to bring the new Court House to fruition, and we are very excited that our offices will be consolidated under one roof once again. The Senior District Judges, the Circuit Judges, the U.S. District Court Clerk's automation department, the U.S. Probation Office, the U.S. Pretrial Services Office, and the U.S. Attorney's Office will all be relocated from leased space into the new Court House. Not only will this consolidation save costs through the reduction of costly leased space, but the Court family will be provided with greatly increased security, life-safety systems, efficiencies of operations and communications, state-of-the-art technology and sufficient space for our offices and Court functions.

New Toledo Court House. A new U.S. Court House in Toledo is on the Judiciary's Five Year Plan for site and design improvements for FY2003. Although the project has not been included in the President's Budget submitted to Congress in February 2002, the Court is hopeful that Congress will consider funding the project this fiscal year. In 2000, GSA negotiated a land exchange with the City of Toledo for a parcel of property on the Civic Mall adjacent to the existing Court House for the site of the new Court House. The existing Court House will be renovated for the U.S. Bankruptcy Court and other related federal agencies.

Current Cleveland Court House. When the new Cleveland Court House is completed, the existing Howard M. Metzenbaum United States Court House will be vacated completely and the building will be extensively renovated. The project will provide initial space alterations for the Bankruptcy Court, which will become the primary tenant. Additionally, the project provides for restoration for some of the most architecturally

significant public spaces in the building and a building-wide modernization of the HVAC, plumbing, fire/life safety, lighting and power systems. The project is scheduled to begin this Spring with a projected completion date of September 2004.

Facilities. With the establishment and funding by the Administrative Office of a Cyclical Replacement/Maintenance Program for court-occupied space beginning in Fiscal Year 2001, the Court has been able to upgrade space in both the Akron and Toledo Court Houses. Our cyclical replacement plan included replacing old carpeting, ceiling tile, and lighting in judicial offices, where needed, as well as jury assembly rooms in both facilities. The Court has approved a new housing plan for the Thomas D. Lambros U.S. Courthouse in Youngstown. The U.S. Bankruptcy Court is scheduled to relocate from that building into a new Court House in Youngstown in October 2002. Upon their relocation, the District Court will begin renovations to implement the housing plan. Cyclical replacement work will also be accomplished in conjunction with the space alterations necessary to implement the housing plan.

Electronic Courtrooms. Upon the completion of its new court house in Cleveland, the Northern District of Ohio will have seven electronic courtrooms with four in Cleveland and one each in Akron, Toledo and Youngstown. The district strives to provide litigants with the best facilities available to assist in the efficient administration of justice. Each electronic courtroom has a Digital Evidence Presentation System (DEPS), through which counsel can display exhibits, realtime transcripts, video recordings or multimedia presentations 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 DEPS; a tablet and light pen 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 courtrooms are in regular use throughout the year by all judicial officers and have contributed to substantial savings of trial time.

Video-Conferencing and Satellite Reception. The district has had video-conferencing and satellite reception equipment at each court location since January, 1999. Video-conferencing is available in at least 3 fixed locations within each court house. Supplemental portable video conferencing equipment has also been procured for each office. The equipment has been used for remote witness testimony, prisoner video conferencing, 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 has saved significant amounts of travel time and costs through electronic participation in these events. Savings have also been achieved by other courts and the U.S. Marshal Service who have, upon occasion, brought prisoners held in nearby facilities to this Court to participate in oral argument on a motion via video-conferences rather than flying the prisoners other court locations.

Juror Utilization. This Court utilizes pro-active juror management techniques such as

staggering trial start times, pooling jurors, using multiple voir dire and assessing jury costs for late settlements. During 2000, these techniques resulted in 19.5% of jurors called to Court not utilized on their first day of service, the lowest percentage in the Circuit as well as the lowest in all courts in the country with 6 or more active judges in one location. The jury utilization rate for 2001 was 23%, still well below the Judicial Conference goal of 30% not utilized. This achievement was accomplished by a concentrated effort among judicial officers, court staff, and jury clerks.

Juror Morale. The Court has also taken steps to improve juror morale by offering healthy snacks to seated petit and grand jurors, making public transportation schedules available in our jury assembly rooms, and surveying all seated jurors and sharing the results with the presiding judicial officer. The Court provides cable/satellite transmission of television to all jury rooms where television reception previously had been very poor. In addition, the Court posts information about jury service, our juror handbook, answers to frequently asked questions, maps, hotel listings, parking facilities, restaurant listings and other items of interest to jurors on the Court web page. The web page also provides a convenient link so that jurors may contact the jury administrator by e-mail at the click of a button. Exit questionnaires show that jurors are very appreciative of these efforts.

Naturalization of New Citizens. The Court administered the oath of allegiance to 779 new citizens in 2001. In Cleveland, ceremonies are held twice per month, and in Toledo, naturalization ceremonies were conducted monthly. Two special ceremonies were also held at public locations in the Western Division. We have continued increased efficiency practices regarding distribution of notices to new citizens, saving the Court postage and manpower.

Court Recording. The Northern District of Ohio employs 12 official court reporters and one full-time Electronic Court Recorder (ECR), assisted on a regular basis by a variety of deputy clerks, to serve its 24 judicial officers. By pooling court reporters, the district is able to save thousands of dollars in contract court reporter fees each year. Official court reporters in Cleveland are placed on a three-month assignment to a district judge, and reporters in Akron, Toledo and Youngstown are assigned by the court reporter supervisor in a manner which efficiently meets the needs of the judges. Court reporters frequently travel to other court locations to assist in providing coverage to judicial officers. The court has established a goal that all court reporters become realtime certified. Currently, nine of the twelve court reporters are Certified Realtime Reporters. We have analyzed and reworked the court reporter evaluation system bringing the procedure in line with other personnel evaluation processes.

Digital Audio. The Northern District of Ohio recently installed FTR Gold digital audio recording in each Magistrate Judge courtroom in Toledo, Akron, and Youngstown. Digital audio will also be installed in each courtroom in the new Cleveland Court House. Software has been installed on laptop computers and user training has been provided to both operators and Magistrate Judges. Eventually, all digital audio files and their synchronized log sheets will be placed on network servers allowing easy retrieval of audio for Judges and court staff. ECR personnel have adapted well to this new technology.

Clerk's Office. The Clerk's Office supports 24 judicial officers and its automation department supports 433 desktop and laptop computers and 23 file servers. The Office has taken a leadership role in the implementation of electronic filing and video-conferencing, the installation of electronic courtrooms, the installation of audio-digital recording equipment, the renovation of Court facilities, and the construction of the new Cleveland Court House. The Clerk's Office is proud of its Internet web site, as well as its internal intranet, both of which provide a wealth of information on activities and procedures of the Court, particularly as they relate to electronic filing. For FY 2002, the Clerk's Office is allocated 101.8 work units, down 20.2 work units from FY 2001. The decrease was caused by the substantial reduction in asbestos cases filings during prior years. Despite the substantial drop in authorized work units, no layoffs were necessary since the Clerk's Office never hired up to its authorized level because it knew that asbestos case filings were likely to fluctuate widely. Currently the Court has 96 staff on board.

Probation Office. The presentence workload rose sharply in 2001. A total of 860 presentence reports were prepared: a 14.5% increase from the previous year. The number of persons under supervision was at 1,722 as of September 2001, a 2% growth from the prior year. The probation workload is the second largest in the Circuit. Offenders on supervised release status represented 63% of the supervision workload. Probation officers enforced supervision conditions resulting in payments of \$721,080 in fines and \$1,109,679 in restitution. A total of \$708,917 was spent on substance abuse treatment for offenders. An amount of \$259,002 was directed to mental health outpatient treatment. Home confinement costs of \$102,352 were offset by \$65,618 in offender self-pay. The Probation Office had 14 GSA leased vehicles for field travel. The Toledo divisional probation office moved from the now demolished Federal Building to private space. The Akron field office moved from private space into the U.S. Courthouse and Federal Building. Probation staff participated in an average of 52 hours of training per employee. A significant amount of the training was safety and firearms related. The Sixth Circuit Chiefs and Deputy Chiefs Annual Meeting was hosted by Ohio Northern.

Pretrial Services Office. During FY 2001, 1,050 cases were activated (9% increase) and 909 were closed (7% increase). At year end, 318 defendants were on supervision (30% increase). There were 568 total cases and 379 new cases (21% increase) with conditions of release for drug testing and/or treatment, mental health treatment, and residential placement. There were also 209 electronic monitoring cases. Staff had 1,726 hours of training in 41 programs. The Court approved Pretrial Services continued participation for the final year of Department of Justice - Operation Drug Test Program which requests that defendants voluntarily submit to drug testing prior to their initial appearance. Funding for substance abuse treatment and other alternatives to detention services is provided in this program when release conditions are so ordered by the Court.

Training. The Northern District of Ohio is committed to the professional development of its staff. The district has had a Joint Court Unit Training Committee since 1993 and a Joint Unit Automation Sub-Committee since 1996, consisting of staff from the Clerk's Office, Probation Office, Pretrial Services Office and Bankruptcy Court. These committees work together to ensure that training resources are utilized wisely and

efficiently.

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 several committees that meet independently throughout the year. Committees include: Civil Rules & Procedures; Criminal Rules & Procedures; Alternative Dispute Resolution; Professionalism, Mentoring & Training; Technology; Magistrate Judge Utilization and New Court House.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Paul R. Matia".

Chief Judge