

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

Major Developments. During the past 18 months, the Northern District of Ohio has undertaken a variety of projects to improve and extend the services we provide to aid in the administration of justice and the rule of law.

Project Penalty Awareness and Court Reentry Programs: Collaborative innovation and persistence by Court staff and related agencies has resulted in the award winning implementation of a Project Penalty Awareness program to inform youth of the harsh penalties imposed on those committing federal crimes and the creation of a Court Reentry program designed to provide assistance to individuals at high risk of violating their conditions of supervised release.

Prisoner Video-Conferencing: A multi-year effort led by Chief Judge Carr, the Federal Public Defender, the U.S. Marshal and the U.S. Attorney resulted in BOP Milan and CCA/NEOCC Youngstown installing equipment to allow video-conferences with inmates for routine court hearings and meetings with counsel and Pretrial Services and Probation Officers. Video-conferencing reduces travel time and expenses for Federal Public Defenders and CJA Panel attorneys, Court staff, and the U.S. Marshals Service and also reduces the need and risk of transporting prisoners.

Attorney Admissions Fund: In 2008, the Court established a grant program, funded through the Attorney Admissions fund, to provide local bar associations, law schools and other organizations with assistance for educational and outreach programs that benefit the bench and the bar in the administration of justice. Thirty grants were awarded in 2009 for mock trials, panel discussions and educational programs. Volunteer attorneys are also reimbursed for expenses incurred in representing pro se litigants in civil cases through the Civil Pro Bono Program. In addition, oral histories of active, senior and retired judges were completed in 2009 and a contract was entered for a written history of the Court.

Rules and Standard Orders: Upon the recommendation of the Northern Ohio Advisory Group, the Court adopted: new Local Patent Rules; a standard order for the Discovery of Electronically Stored Information; a standard Stipulated Protective Order; and revisions to the Supplemental Local Rules for Admiralty and Maritime Claims.

Bench / Bar Conference: In October, 2009, more than 200 attorneys participated in the fifth biennial Ohio Federal Bench Bar Conference in Columbus co-sponsored with the Southern District of Ohio. Topics included a Supreme Court update, Electronic Discovery, Voir Dire Practice, Settlement and Mediation, Criminal Law Sentencing, a 1983 Update, a Criminal Law Update, Management of IP Cases, and a Judicial Panel on Case Management Issues. Northern District of Iowa Judge Mark W. Bennett and District of Maryland Chief Magistrate Judge Paul W. Grimm were presenters.

Toledo Courthouse: The design development proceeds for a new courthouse in Toledo as the final concept design was presented and approved by the GSA Public Buildings Service Commissioner, Robert Peck, in December.

Human Resources: The Court consolidated the Human Resources Departments of the Pretrial Services and Probation Office and the Clerk's Office under a new HR Director which built upon the shared services arrangement already in place for IT support. The Court also conducted a district-wide telework pilot program to allow staff to test the benefits of telecommuting and to prepare them to work remotely in the event of an emergency.

Electronic Filing: The Clerk's Office began entering sealed documents into CM/ECF and the Court encourages attorneys to file sealed documents electronically. The Clerk's Office also served as a Monitored Live Operations (MLO) court for CM/ECF Version 4.1 by installing and testing the upgrade prior to its national release. The upgrade provides improved access to district court records to the Courts of Appeal. Training in using the electronic filing system is regularly scheduled and attorneys and law firm staff may make individual arrangements for training by contacting the Clerk's Office.

Strategic Planning: The Court continued to look towards the future by participating in a national Strategic Planning Training Workshop facilitated by the Federal Judicial Center (FJC) in January, 2010. With the help of the FJC, the Court also conducted a local IT Strategic Planning workshop in November, 2009, involving judges, attorneys, related agencies and court personnel. Over 400 attorneys completed an on-line survey and more than 30 attorneys participated in a half-day session to help the Court assess the IT services it provides to the Bar. A similar survey and in-person session with judges and Court staff provided internal input. IT and operational staff will now address the suggestions made during these programs, including requests for new services, additional training and changes to the help desk.

Judicial Changes. Judge Peter C. Economus took senior status in July, 2009 and intends to relocate to the Columbus area about August, 2010, where he plans to serve by designation assisting the Southern District of Ohio with its caseload.

The Court appointed Magistrate Judge Benita Y. Pearson in August, 2008 to serve in Akron succeeding Magistrate Judge James S. Gallas who relocated to Cleveland in retired-recalled status. Magistrate Judge Pearson was subsequently nominated by President Barack Obama to fill the district court judgeship vacancy in Youngstown. Magistrate Judge Pearson had her Senate Confirmation Hearing on January 20, 2010 and at this writing awaits final confirmation.

Magistrate Judge Vernelis K. Armstrong announced her plan to retire at the end of February, 2010 and enter retired-recalled status. The process to fill this vacancy has begun. Retired-recalled Magistrate Judges James S. Gallas and David S. Perelman will enter full retirement this summer.

Chief Judge Carr announced his plan to take senior status on November 14, 2010. Judge Solomon Oliver, Jr. will become the Court's next Chief Judge.

District Judges. The Northern District of Ohio is authorized eleven permanent and one temporary judgeship, which is set to expire on November 15, 2010. The Court has requested that the temporary judgeship be extended for five years through the current Biennial Survey of Judgeship Needs. The active district judges are: Chief Judge James G.

Carr and Jack Zouhary in Toledo; John R. Adams and Sara Lioi in Akron, and Solomon Oliver, Jr., Kathleen M. O'Malley, Donald C. Nugent, Patricia A. Gaughan, James S. Gwin, Dan Aaron Polster, and Christopher A. Boyko in Cleveland. Five senior judges handle a portion of the Court's workload considerably beyond minimum requirements: Ann Aldrich and Lesley Wells in Cleveland, David D. Dowd, Jr. in Akron, Peter C. Economus in Youngstown, and David A. Katz in Toledo.

Several of the district's judges participate in national Court governance. Judge Oliver serves on the Judicial Conference as the Sixth Circuit district court representative and several judges serve on Judicial Conference committees: Judge O'Malley, Committee on Space and Facilities (appointed 2005); Judge Katz, Committee on Audits and Administrative Office Accountability (appointed 2006); and Judge Gaughan, Committee on Federal-State Jurisdiction (appointed 2007). Judge Gwin recently completed service on the Committee on Information Technology and now serves on the Next Generation of District CM/ECF Chambers Functional Requirements Group. Judge Polster formerly served on the Committee on the Administration of the Magistrate Judge System.

Magistrate Judges. The district is authorized seven full-time magistrate judges: four in Cleveland, and one each in Akron, Toledo and Youngstown. The magistrate judges are: Nancy A. Vecchiarelli, William H. Baughman, Jr., Kenneth S. McHargh and Greg A. White in Cleveland; Benita Y. Pearson in Akron; and George J. Limbert in Youngstown. Magistrate Judges Vernelis K. Armstrong (Toledo), and David S. Perelman (Cleveland) and James S. Gallas (Cleveland) serve in retired-recalled status. Magistrate judges presided over 267 (9%) of the 2,917 civil cases closed in 2009. Magistrate Judges also presided over 8% (190 of 2,317) of the non-MDL pending civil cases at the close of 2009.

Civil Docket. Civil case filings declined 30% from 5,376 in calendar year 2008 to 3,772 in 2009 due to a decrease in MDL filings which fell 68% from 2,357 to 760. Traditional civil case filings remained about the same with 3,010 in 2008 and 2,994 in 2009. Civil case closings increased 4.7% from 4,142 in 2008 to 4,337 in 2009.

Criminal Docket. Criminal case filings rose 4.4% from 504 in calendar year 2008 to 526 in 2009. The number of new criminal defendants decreased 1.7% from 752 to 739 during the same period. Criminal case closings were down 1.6% from 559 in 2008 to 550 in 2009. The number of criminal defendant closings decreased 12.2% from 855 to 751.

MDL Cases. The Northern District of Ohio currently presides over 11 Multidistrict Litigation (MDL) actions involving 3,161 pending cases: Oral Sodium Phosphate Solutions (Judge Aldrich), Heparin Products Liability (Judge Carr), Travel Agent Commission (Judge Economus), Vertue Marketing and Sales (Judge Gaughan), Whirlpool (Judge Gwin), Ortho-McNeil (Judge Katz), Sulzer (Judge O'Malley), Commercial Money Center (Judge O'Malley), Welding Rod (Judge O'Malley), National City Corp. (Judge Oliver), Gadolinium Contrast Dyes (Judge Polster).

Security / Emergency Planning. Security issues remain a high priority for the Court. The InfoWeb Emergency Notification System is used to alert court personnel of emergencies and closings via phone, email, and/or text messaging. Emergency notices are also posted on our web site for the public and mass e-mails can be sent to the bar. The Occupant

Emergency Plans, Shelter in Place Plans and Continuity of Operations Plans are regularly updated and drills and training sessions are conducted. Building Security Committees representing all tenants meet regularly at each location and the District Court Security Committee also meets regularly.

Electronic Courtrooms. The district has 16 electronic courtrooms with full video capability serving all district judges and one magistrate judge courtroom. In 2009, the courtrooms of two senior judges were upgraded to full video capability and the audio system of the Akron magistrate judge courtroom was also upgraded. Electronic signature pads are available in many courtrooms that permit defendants to sign bonds and other documents for immediate electronic filing. Court reporters are now able to transmit real time transcripts to the computers of judges and attorneys wirelessly.

Naturalization of New Citizens. The Court administered the oath of allegiance to 2,998 new citizens in 2009. Ceremonies are held twice per month in Cleveland and monthly in Toledo. Twenty special ceremonies were also held at offsite locations in both the Western and Eastern Divisions.

Bar Memorial Program. The Court assists the Cleveland Metropolitan and Federal Bar Associations host an annual memorial program honoring members of the bar who passed away the previous year. Last year's ceremony was held in the atrium of the Howard M. Metzenbaum U.S. Court House with attendance by families of the deceased attorneys and judicial officers from both the District and Bankruptcy Courts.

Clerk's Office. The Clerk's Office continues to take a leadership role in operational innovations, emergency planning, administration of the district's consolidated IT department, finance, web site development, space/facilities, procurement, implementation of electronic filing and video-conferencing, the installation and support of electronic courtrooms and audio-digital recording equipment, and the renovation of court facilities. The Clerk's Office is proud of its public Internet and internal Intranet web sites and plans to add new design innovations in the upcoming year. The Clerk's Office strongly supports staff participation in leadership development programs. Six staff members, including one individual who is now Clerk in another district, have graduated from the Federal Judicial Center's Court Leadership Program. Our district's architect, Martin Jaster, is presently enrolled in the program. In addition, Courtroom Deputy Donna Hach received a certificate last summer for completing the Federal Court Clerks Association / Michigan State University Judicial Administration Program.

Edwin L. Nelson Local Initiatives Grant: The Judicial Conference Committee on Information Technology recently awarded the Clerk's Office an Edwin L. Nelson Local Initiatives Information Technology Grant. The Clerk's Office will collaborate with the Office of the Circuit Executive of both the Sixth and Tenth Circuits and the Northern District of New York and with the support of the Space and Facilities Division at the AO to customize a commercially produced facilities management database and integrate it with the inventory database developed by the Northern District of New York. The goal is to provide the Judiciary with better control over management of rental resources and allow courts to have a visual view of their space inventory.

Electronic Case Filing: Northern Ohio is proud to have been the first Court to permit attorneys to file documents over the Internet. Records for over 200,000 cases are now available online. According to the Administrative Office, the district consistently ranks among the top courts in the percentage of documents and new cases filed electronically by attorneys.

Victim Notification System: An interface from CM/ECF to the Victim Notification System developed by the Department of Justice was installed to extract hearing date/time/location information from court records to provide timely notice to victims. It is available to Pretrial Service and Probation officers via a portal within the PACTS system.

Jury: The Clerk's Office implemented the web-based eJuror system which allows prospective jurors to complete questionnaires and summons online in December of 2009. The system also permits prospective jurors to request deferrals, ask to be permanently excused, and make changes to personal information online. Over 1,100 prospective jurors completed questionnaires online during the first two months of operation.

Pretrial Services and Probation Office. The Pretrial Services Office and the Probation Office were consolidated in February, 2006. The unit has 108 employees.

Pretrial Services: There were 761 cases activated and 773 cases supervised. There were 719 defendants interviewed and 42 defendants were not. There were 410 defendants released and 293 defendants detained and never released.

Community Outreach: Project Penalty Awareness, the Court's federal drug prevention program, continues to thrive. Its purpose is to educate the public about federal drug trafficking offenses and penalties. The target audience includes groups that may be predisposed to engage in drug trafficking offenses, such as juveniles, gang members, drug users, and individuals with prior drug convictions. The district conducted about ninety-eight presentations during FY 09. Presenters included U.S. Pretrial Services and Probation officers and support staff, U.S. District and Magistrate Judges, and Clerk's Office and chambers staff. In FY 09, our first audience response software program was procured and used successfully during one of the presentations. This software and equipment enables the audiences to interact and answer questions throughout a presentation. Northern District of Ohio Probation Officer Sarah Pfeiler was awarded the prestigious 2009 Director's Award for Excellence in Court Operations for establishing Project Penalty Awareness and for her work on this community outreach program.

Presentence Investigations: The Presentence Units completed 834 investigations, which included both pre-plea and presentence reports. Notable reports prepared within the district included the ongoing county corruption investigation in Cleveland; terrorist convictions in Toledo; and complicated drug and FEMA convictions. The Presentence Investigation unit also completed several projects including the implementation of an automated assignment program for reports, and various updates to the current presentence macros. Presentence reports macros were modified to allow officers to include national and Sixth Circuit sentencing information to the reports for those judges who requested the information. The Toledo office completed a survey of the district's sentencing of sexual offenders to assist their judges in determining the appropriate sentences pursuant to 18 U.S.C. §3553.

Post Conviction Supervision: At the end of FY 09, the district was supervising 1,979 offenders, an increase from last year by 21%. Five of the seven post-conviction supervisors also oversee officers performing pretrial and/or presentence functions. A pilot Reentry Court began in the Western Division (Toledo) and work on implementing reentry courts in the Eastern Division (Cleveland, Akron and Youngstown) has begun. Pre-release assignments continue in an effort to address as early as possible any potential barriers to success on supervision, such as employment, education and training, substance abuse and mental health concerns, physical health, child care, transportation, personal identification and homelessness.

Automation: All Pretrial Services and Probation officers have Blackberries, which provide access to court email, calendars and PACTS client case information. The Office participated in the Administrative Office IT Assist program which trains officers to make the best use of existing technologies. OPERA (the Offender Payment Enhanced Report Access system) provides access to offenders' restitution payment history through a national database. Document imaging was implemented to store documents electronically which reduces the need for storage space and which provides remote access to officers both on the road and in the courtroom. A monitor was installed in the Cleveland Probation lobby to display information about training, work force development and other programs.

Heritage Celebrations. The district participates in the Administrative Office's Heritage Celebration Series by holding an annual African-American Heritage Ceremony each February. Recent keynote speakers include: Magistrate Judge Vernelis K. Armstrong in 2009 and Congresswoman Marcia Fudge in 2010.

International Outreach. The Court has hosted delegations of judges and attorneys visiting from Vietnam, Russia, Azerbaijan and China over the past few years. Two German law students served as interns last summer and have since returned to home and passed their student exams.

Advisory Group. In 2008, the Court appointed attorney José Feliciano of Baker & Hostetler to chair the Northern Ohio Advisory Group. The Advisory Group meets with the judges in May and November and has four standing committees: Civil Rules Committee, Criminal Rules Committee, Alternative Dispute Resolution Committee and Futures Group. In addition, ad hoc committees and study groups are formed as needed. Currently, an ADR Study Group is conducting research on the effectiveness of ADR programs.

Respectfully Submitted,

James G. Carr
Chief Judge