

# Annual Report 2019



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

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# Judicial Resources

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## District Judges

Honorable Patricia A. Gaughan, Chief Judge  
Honorable Solomon Oliver, Jr.  
Honorable James S. Gwin  
Honorable Dan Aaron Polster  
Honorable John R. Adams  
Honorable Christopher Boyko  
Honorable Sara Lioi  
Honorable Benita Y. Pearson  
Honorable Jeffrey J. Helmick  
Honorable Pamela A. Barker

## Senior Judges

Honorable James G. Carr  
Honorable Donald C. Nugent  
Honorable Jack Zouhary

## Magistrate Judges

Honorable George J. Limbert  
Honorable William H. Baughman, Jr.  
Honorable James R. Knepp, II  
Honorable Kathleen B. Burke  
Honorable Thomas M. Parker  
Honorable Jonathan D. Greenberg  
Honorable David A. Ruiz

The Northern District of Ohio has 11 authorized district court judgeships. In 2019, there were ten active judges and three senior judges serving the Court. The Honorable Patricia A. Gaughan was appointed the Chief Judge of the United States District Court for the Northern District of Ohio in 2017 and continued to serve in that capacity in 2019.

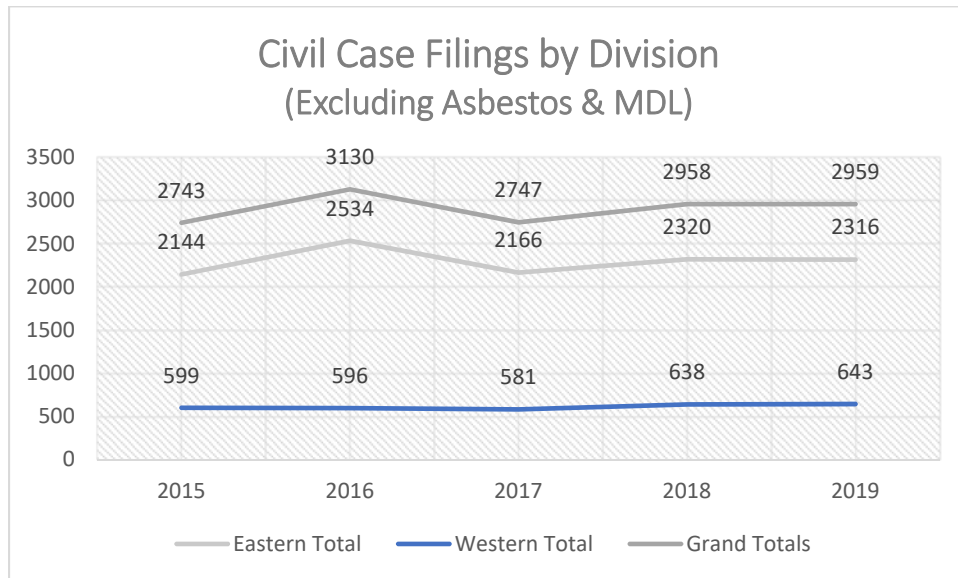
The Northern District of Ohio is authorized seven magistrate judgeships: four in Cleveland, and one each in Akron, Toledo, and Youngstown. In addition, one magistrate judge in a recall status served in Toledo.

Judge Pamela A. Barker was sworn in on June 19, 2019, to serve as a United States District Judge in Cleveland. Judge Barker was nominated by President Donald J. Trump to serve a life term. She replaces District Judge Donald C. Nugent, who assumed senior status in January 2017.

# Civil Docket

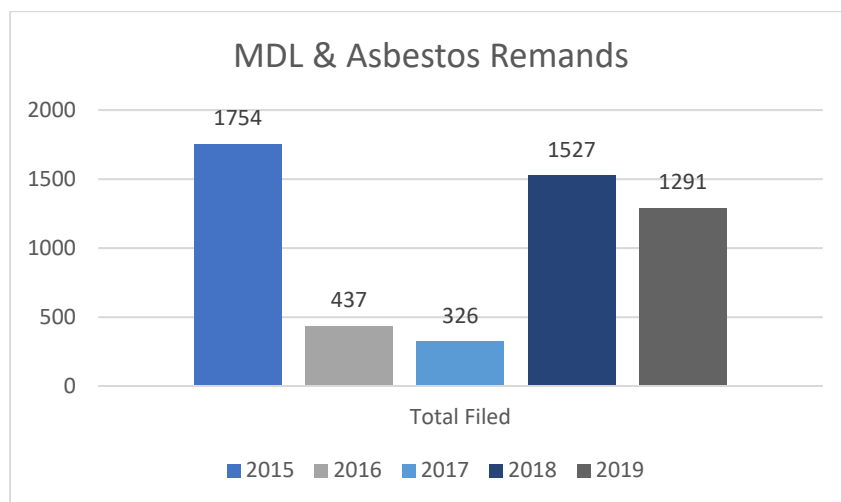
For the year ending December 31, 2019, total civil case filings decreased 5.2% from 4,485 in 2018 to 4,250 in 2019 due primarily to a decrease in multi-district litigation (MDL) filings.

Civil case filings (excluding MDL and asbestos remand cases) increased .03% from 2,958 in 2018 to 2,959 in 2019. The Eastern Division filings decreased by four cases from 2,320 in 2018 to 2,316 in 2019. The Western Division filings increased by .8% from 638 to 643. *See also*, Attachment B.



## Multi-District Litigation (MDL)

MDL filings decreased by 15.5% in 2019 with 1,291 new cases including 1,168 from MDL 2804 National Prescription Opiate cases.



Four MDL actions consisting of 3,685 cases were pending at the end of 2019.

<b>PENDING MDL &amp; ASBESTOS REMANDS</b>	
Gaughan (MDL 2044) - Vertue Marketing and Sales	2
Gwin (MDL 2807) - Sonic Corp. Customer Data Security Breach	3
Polster (MDL 2804) - National Prescription Opiate Litigation	2665
Helmick (MDL 2197) - DePuy Orthopaedics Inc.	1015
<b>MDL Totals</b>	<b>3685</b>

## **Alternative Dispute Resolution (ADR)**

In 2019, there were 253 referrals to the Court’s ADR program. Of those 253 cases, 17 cases were referred to the Court’s ADR Panel and 236 cases were referred to Magistrate Judges. Thirty-one percent of the cases referred to the Court’s ADR program in 2019 were resolved through an ADR process.

Beginning in August of 2011, Local Rule 16.4 allowed Panel Attorneys to charge up to \$275.00 per hour for court-annexed services (excluding preparation time).

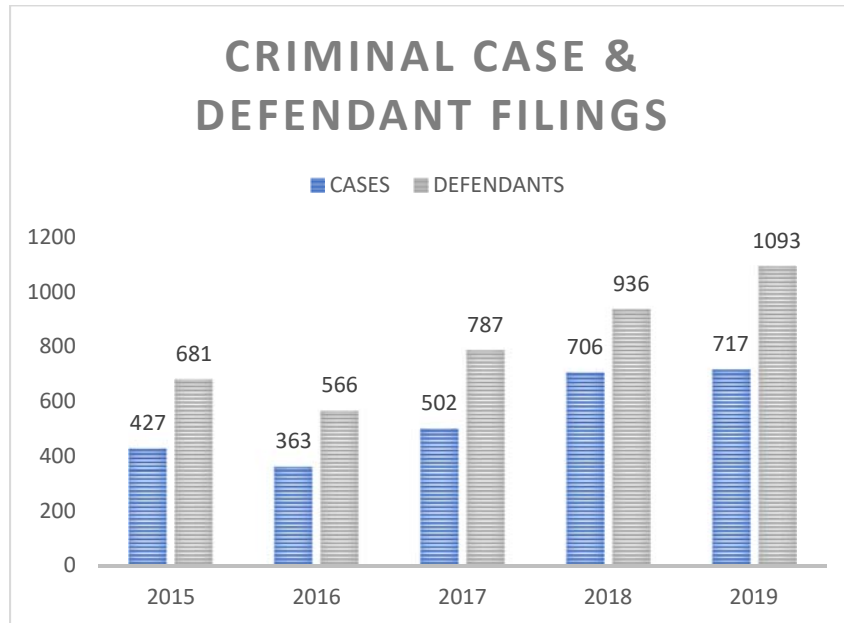
In December of 2018, to encourage more referrals to the Court’s ADR Panel, Local Rule 16.4 was modified to require that Panel Attorneys provide up to six (6) hours of ADR service on a pro bono basis, including preparation time. After the first six hours of service, Panel Attorneys may charge up to \$275.00 per hour to be split equally between the parties, unless otherwise agreed. The Court also offers Continuing Legal Education (CLE) credit for pro bono service provided by Panel Attorneys through The Supreme Court of Ohio. For every six (6) hours of pro bono service, a Panel Attorney can obtain one (1) CLE credit, up to a maximum of six (6) CLE credits per biennial reporting period.

Despite this change, there was a .78% decrease in referrals to members of the Court’s ADR Panel versus Magistrate Judges from 2018 to 2019.

# Criminal Docket

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Both criminal case and defendant filings increased in 2019. The number of new criminal cases increased from 706 in 2018 to 717 in 2019. The number of defendant filings increased (16.7%) from 936 in 2018 to 1,093 in 2019.



Criminal case filings increased 2.8% in the Eastern Division from 535 to 550; criminal case filings in the Western Division decreased by 2.3% from 171 to 167.

Criminal defendant filings in the Eastern Division increased by 17.2% from 732 to 858, while criminal defendant filings in the Western Division increased by 15.2% from 204 to 235.

See Attachments D and E for more detailed information on numbers by types of offense.

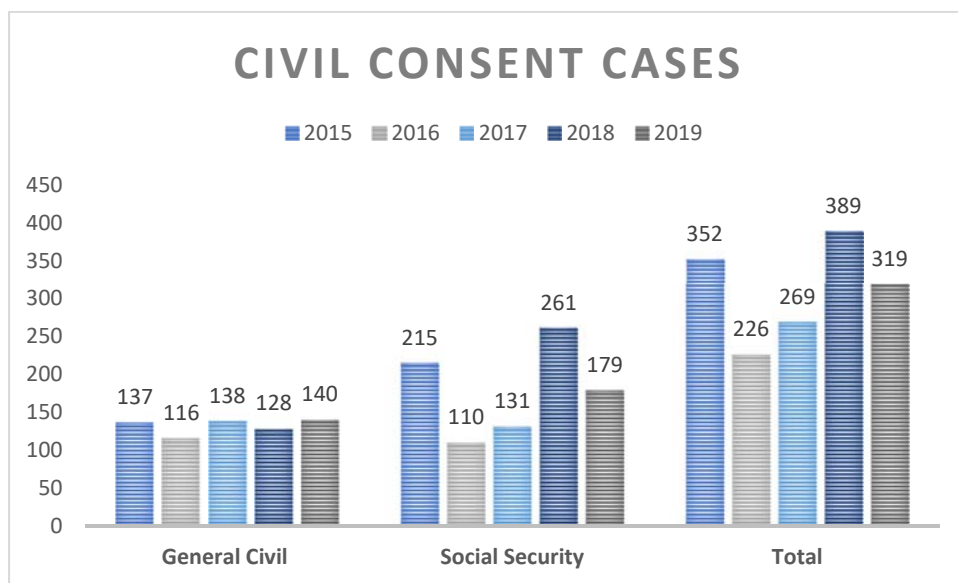
# Civil and Criminal Trials

The Court conducted a total of 61 civil and criminal trials in 2019, representing an 8.9% increase from the 56 held in 2018. There were 24 civil trials, up 50.0% from 16 in 2018, and 37 criminal trials, down 7.5% from 40 in 2018.

CIVIL & CRIMINAL TRIALS						
	Civil Trials	% Change	Criminal Trials	% Change	Total Trials	% Change
2015	27	--	25	--	52	--
2016	30	11.1	28	12.0	58	11.5
2017	15	-50.0	20	-28.6	35	-39.7
2018	16	6.7	40	100.0	56	60.0
2019	24	50.0	37	-7.5	61	8.9

# Magistrate Judge Utilization

In 2019, there were 319 civil consents to the jurisdiction of magistrate judges, an 18.0% decrease from the 389 consents in 2018. The number of social security reviews consented to magistrate judges decreased by 31.4% from 261 in 2018 to 179 in 2019.



# Naturalization of New Citizens

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In 2019, 4,544 new citizens were sworn in at both Courthouse and Off-Site Naturalization Ceremonies. The Eastern Division swore in 3,882 new citizens, while the Western Division naturalized 662 people.

Off-site ceremonies have gained popularity over the last couple of years. Some of the locations that annually host ceremonies in the Cleveland area are Lincoln West-School of Global Studies, Brecksville-Broadview Heights High School, Cleveland Public Library, Rock and Roll Hall of Fame, and Garfield Historic Site, along with many others. In Toledo, Sauder Village, The University of Toledo, and Bowling Green University host ceremonies each year as well.

## District News

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### **Welcoming of Judge Pamela A. Barker**

The Honorable Pamela A. Barker was sworn in on June 19, 2019, to serve as a United States District Judge in Cleveland. Judge Barker was nominated by President Donald J. Trump to serve a life term.

Judge Barker earned her Bachelor of Arts Degree in Political Science, *magna cum laude*, from Kenyon College in 1979, where she was inducted into Phi Beta Kappa, and her Juris Doctor from The Ohio State University College of Law in 1982.

For the past seven years, Judge Barker served as a Judge in the General Division on the Cuyahoga County Court of Common Pleas. For the eleven years preceding her election to the Court of Common Pleas, she served as a Mayor's Court Magistrate and Juvenile Diversion Magistrate for the City of Brecksville, Ohio. Prior to ascending to the bench, Judge Barker spent 29 years representing individuals, small businesses, and corporations, with a particular emphasis on insurance litigation.

Judge Barker is a member of the Ohio State Bar Association, the Cleveland Metropolitan Bar Association - Women in the Law Section, the Westshore Bar Association and the William K. Thomas Inn of Court. Since 2012, she has served on the Ohio Common Pleas Judges' Association, the Eighth District Judicial Conference where she served as Civil Chair in 2013, and the Ohio Judicial Conference.



## **Passing of Judge Thomas D. Lambros**

The Honorable Thomas D. Lambros, who served on the Court in Cleveland for more than twenty-eight years, passed away on December 3, 2019. Judge Lambros was appointed to the District Court by President Lyndon B. Johnson in 1967 and served as Chief Judge from 1990 until his retirement in 1995.

After receiving his law degree from Cleveland-Marshall Law School, Judge Lambros served in the U.S. Army for two years. In 1960, he was elected to the Court of Common Pleas for the State of Ohio in Ashtabula County where he served until his appointment to the federal bench. Of all his federal court duties, Judge Lambros most cherished naturalizing new American citizens. He administered the oath of citizenship to more than 40,000 immigrants from all over the world in ceremonies not only in the courtroom, but also at schools, public squares, and even in the living rooms of the disabled and elderly. For this he earned the Ellis Island Medal of Honor awarded to outstanding sons and daughters of immigrants.

Throughout his federal career, Judge Lambros was at the forefront of judicial procedural reform. In 1985, Judge Lambros was commended for the creation and development of the Summary Jury Trial by U.S. Chief Justice Warren E. Burger. In 1990, the procedure received formal statutory recognition by Congress in the Civil Judicial Reform Act.

Chief Judge Gaughan stated, "Judge Lambros was a giant in the legal community. His influence and leadership were far-reaching. He was an epitome of what a judge should be – fair, empathetic, kind, innovative, and principled. He will be missed."

# Attachment A - Judicial Caseload

OHIO NORTHERN		U.S. District Court — Judicial Caseload Profile						Numerical Standing Within		
		12-Month Periods Ending								
		Dec 31 2014	Dec 31 2015	Dec 31 2016	Dec 31 2017	Dec 31 2018	Dec 31 2019			U.S.
Overall Caseload Statistics	Filings <sup>1</sup>	4,628	5,578	4,666	4,422	5,926	5,925	57	5	
	Terminations	5,528	8,220	8,198	4,541	4,524	5,386			
	Pending	10,919	8,852	5,350	5,246	6,509	7,050			
	Percent Change in Total Filings Current Year Over Earlier Year	28.0	6.2	27.0	34.0					
Number of Judgeships		11	11	11	11	11	11			
Vacant Judgeship Months <sup>2</sup>		0.0	0.0	0.0	12.0	12.0	11.3			
Actions per Judgeship	Filings	Total	421	507	424	402	539	539	37	2
		Civil	320	409	325	278	408	388	31	2
		Criminal Felony	62	62	51	71	85	96	42	4
		Supervised Release Hearings	39	37	49	52	46	54	26	3
	Pending Cases		993	805	486	477	592	641	24	2
	Weighted Filings <sup>2</sup>		371	341	326	333	396	451	44	4
	Terminations		503	747	745	413	411	490	44	2
	Trials Completed		12	11	11	11	13	12	67	7
Median Time (Months)	From Filing to Disposition	Criminal Felony	9.2	8.3	7.9	9.2	7.6	9.0	34	3
		Civil <sup>2</sup>	12.8	24.6	22.9	9.6	8.8	10.4	65	6
	From Filing to Trial <sup>2</sup> (Civil Only)		22.0	32.7	24.3	23.2	21.4	22.0	11	2
Other	Number (and %) of Civil Cases Over 3 Years Old <sup>2</sup>		2,817 27.3	3,222 38.9	1,127 23.4	1,237 27.4	1,241 21.9	805 13.3	70	8
	Average Number of Felony Defendants Filed per Case		1.6	1.6	1.6	1.6	1.3	1.5		
	Jurors	Avg. Present for Jury Selection	44.0	35.3	39.4	40.3	51.0	48.7		
		Percent Not Selected or Challenged	37.8	30.3	35.7	35.7	43.8	39.3		

2019 Civil Case and Criminal Felony Defendant Filings by Nature of Suit and Offense													
Type of	Total	A	B	C	D	E	F	G	H	I	J	K	L
Civil	4,270	351	362	606	17	29	382	272	526	264	439	1	1,021
Criminal <sup>1</sup>	1,059	31	465	91	239	84	28	51	6	19	10	4	31

NOTE: Criminal data in this profile count defendants rather than cases and therefore will not match previously published numbers.

<sup>1</sup> Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings by "Nature of Offense" do not.

<sup>2</sup> See "Explanation of Selected Terms."

## Attachment B - Civil Case Filings by Category and Division

CIVIL CASE FILINGS BY CATEGORY AND DIVISION						
FILING TYPE	2015	2016	2017	2018	2019	% Change 18-19
Admiralty	2	1	3	2	4	100.0
Antitrust	4	2	1	2	1	-50.0
Civil Rights	412	449	551	489	470	-3.9
Contract	215	196	168	204	206	1.0
Habeas-non-2255	203	195	204	215	209	-2.8
Labor Relations	329	316	264	299	295	-1.3
Patent	34	39	32	19	30	57.9
Personal Injury	110	109	118	128	138	7.8
Administrative Reviews	282	453	356	397	302	-23.9
Tax	7	17	7	14	3	-78.6
Unfair Competition	122	54	49	116	218	87.9
General Civil	423	700	407	430	436	1.4
Death Penalty	1	3	6	5	4	-20.0
<b>Eastern Total</b>	<b>2144</b>	<b>2534</b>	<b>2166</b>	<b>2320</b>	<b>2316</b>	<b>-0.2</b>
Admiralty	2	3	1	3	2	-33.3
Antitrust	0	0	1	1	0	-100.0
Civil Rights	158	144	148	159	168	5.7
Contract	39	47	41	55	45	-18.2
Habeas-non-2255	87	73	82	86	64	-25.6
Labor Relations	61	54	89	78	85	9.0
Patent	5	2	1	6	5	-16.7
Personal Injury	55	69	67	69	110	59.4
Administrative Reviews	76	78	52	86	50	-41.9
Tax	3	4	3	1	3	200.0
Unfair Competition	32	5	5	8	10	25.0
General Civil	81	115	88	84	100	19.0
Death Penalty	0	2	3	2	1	-50.0
<b>Western Total</b>	<b>599</b>	<b>596</b>	<b>581</b>	<b>638</b>	<b>643</b>	<b>0.8</b>
<b>Grand Totals</b>	<b>2743</b>	<b>3130</b>	<b>2747</b>	<b>2958</b>	<b>2959</b>	<b>0.0</b>

## Attachment C - Cases Pending At Year End

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CASES PENDING AT YEAR END					
	<b>Civil</b>	<b>Asbestos</b>	<b>MDL</b>	<b>Total</b>	<b>% Change</b>
2015	2078	1535	4587	8200	--
2016	2396	659	1603	4658	-43.2
2017	2291	206	1886	4383	-5.9
2018	2433	5	3212	5650	28.9
2019	2363	4	3685	6052	7.1

## Attachment D - Criminal Case Filings by Offense and Division

CRIMINAL CASE FILINGS BY OFFENSE & DIVISION						
Offense Type	2015	2016	2017	2018	2019	% Change 18-19
All Other Criminal	17	11	14	17	14	-17.6
All Other Drugs	65	83	115	123	129	4.9
Firearms and Explosives	63	51	106	158	186	17.7
Forgery and Counterfeiting	7	3	6	7	1	-85.7
Fraud	75	44	56	58	67	15.5
Immigration	11	7	24	64	48	-25.0
Justice System Offenses	5	11	8	10	8	-20.0
Larceny and Theft	22	10	13	20	20	0.0
Marijuana	13	7	6	21	21	0.0
Regulatory Offenses	6	6	4	2	3	50.0
Sex Offenses	48	38	36	39	35	-10.3
Violent Offenses	15	17	18	16	18	12.5
<b>Eastern Division Total</b>	<b>347</b>	<b>288</b>	<b>406</b>	<b>535</b>	<b>550</b>	<b>11.1</b>
All Other Criminal	6	4	5	8	5	-37.5
All Other Drugs	7	9	16	27	37	37.0
Firearms and Explosives	12	14	18	38	43	13.2
Forgery and Counterfeiting	1	0	0	1	3	200.0
Fraud	24	15	10	18	9	-50.0
Immigration	4	10	23	48	43	-10.4
Justice System Offenses	1	0	0	1	0	-100.0
Larceny and Theft	5	3	3	3	0	-100.0
Marijuana	0	0	2	1	4	300.0
Regulatory Offenses	4	5	0	1	1	0.0
Sex Offenses	13	11	19	19	17	-10.5
Violent Offenses	3	4	0	6	5	-16.7
<b>Western Division Total</b>	<b>80</b>	<b>75</b>	<b>96</b>	<b>171</b>	<b>167</b>	<b>-2.3</b>
<b>Grand Totals</b>	<b>427</b>	<b>363</b>	<b>502</b>	<b>706</b>	<b>717</b>	<b>1.6</b>

## Attachment E - Criminal Defendant Filings by Offense and Division

CRIMINAL DEFENDANT FILINGS BY OFFENSE & DIVISION						
Offense Type	2015	2016	2017	2018	2019	% Change 18-19
All Other Criminal	31	16	17	21	25	19.05
All Other Drugs	180	173	274	257	381	48.25
Firearms and Explosives	66	63	122	174	199	14.37
Forgery and Counterfeiting	17	3	11	11	3	-72.73
Fraud	134	92	107	78	87	11.54
Immigration	13	10	24	64	48	-25.00
Justice System Offenses	5	11	8	10	9	-10.00
Larceny and Theft	27	13	15	26	24	-7.69
Marijuana	13	11	8	32	25	-21.88
Regulatory Offenses	7	7	8	2	3	50.00
Sex Offenses	51	38	37	39	36	-7.69
Violent Offenses	22	22	24	18	18	0.00
<b>Eastern Division Total</b>	<b>566</b>	<b>459</b>	<b>655</b>	<b>732</b>	<b>858</b>	<b>17.21</b>
All Other Criminal	6	4	5	7	6	-14.29
All Other Drugs	3	25	39	50	91	82.00
Firearms and Explosives	14	14	18	40	47	17.50
Forgery and Counterfeiting	2	0	0	1	3	200.00
Fraud	55	23	18	22	15	-31.82
Immigration	8	10	23	48	43	-10.42
Justice System Offenses	4	0	0	3	0	-100.00
Larceny and Theft	3	3	5	4	0	-100.00
Marijuana	2	0	2	1	6	500.00
Regulatory Offenses	6	9	1	1	1	0.00
Sex Offenses	11	14	21	19	17	-10.53
Violent Offenses	1	5	0	8	6	-25.00
<b>Western Division Total</b>	<b>115</b>	<b>107</b>	<b>132</b>	<b>204</b>	<b>235</b>	<b>15.20</b>
<b>Grand Totals</b>	<b>681</b>	<b>566</b>	<b>787</b>	<b>936</b>	<b>1093</b>	<b>16.77</b>