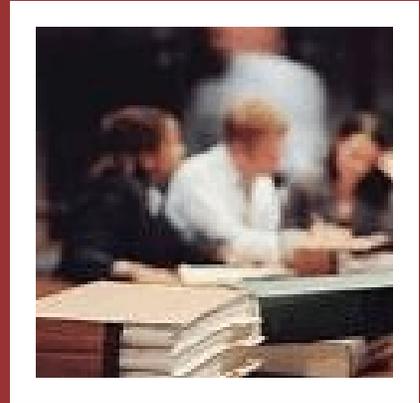
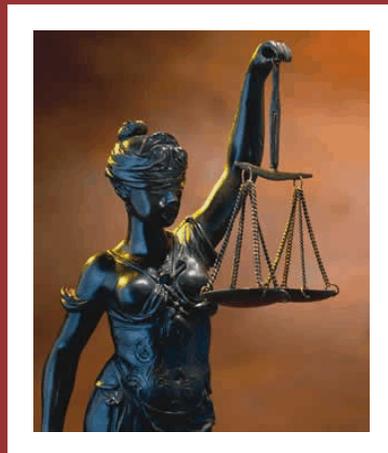


**Serving the Public,**



**the Bench**

**and the Bar**



**United States District Court  
Eastern District of Missouri**

**in 2006**



Thomas F. Eagleton United States Courthouse  
St. Louis, Missouri

New Cape Girardeau U.S.  
Courthouse  
Opening Spring 2007



Architect: Fentress Bradburn Architects, Ltd.



Hannibal Federal Building and Courthouse

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## MESSAGE FROM THE CHIEF JUDGE THE HONORABLE CAROL E. JACKSON

Those who have entered the atrium lobby of the Thomas F. Eagleton United States Courthouse in St. Louis may have noticed the following words engraved in the splendid curved marble wall high above the floor: *The Administration of Justice is the firmest pillar of Government.* These words of George Washington, written in September 1789, are his reflection on the profound importance of the duties required of those who serve justice. As the district court disseminates this report of accomplishments, challenges and activities for the year just ended, I am reminded that this simple inscription conveys a timeless truth about the mission of justice. In service to the community, the federal court must be seen as fair, respectful and efficient, to a degree far beyond the expectations most people have for other services provided by the government. George Washington's words, therefore, represent both a solemn pledge to the public and a constant challenge to judges and court staff to earn the very highest levels of public trust and confidence.

Meeting those challenges in the Eastern District of Missouri is a priority for the seventeen judges and more than a hundred employees who support the daily work of the district court. I am pleased to present this 2006 annual report as our way of accounting to the public and the bar for administering the business of the United States District Court in a manner deserving of this high calling and the profound public responsibility inherent in the administration of justice. The reader, I believe, will discern from this report that the district court worked diligently in 2006 to fairly resolve civil and criminal disputes of all kinds, and also to serve this community in other significant ways with programs, initiatives and special events that build public confidence in the justice system. And while we can be proud of our achievements in the year just ended, the district court is always searching for ways to improve because we know that trust must be earned day-by-day.

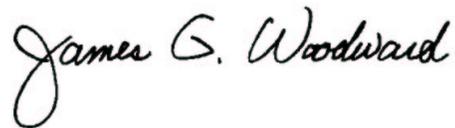


CAROL E. JACKSON  
CHIEF JUDGE

## MESSAGE FROM THE CLERK OF COURT JAMES G. WOODWARD

Although the public sometimes perceives courts as slow moving, time passes with amazing speed from the perspective of those who work each day in the United States District Court. The courthouse tends to be primarily a future oriented place, beginning with case related events that are typically set on a judge's calendar months in the future, usually with confidence that all will be ready when the day for a scheduled event arrives. This penchant often causes insiders to overlook the march of time and events that move hundreds of civil and criminal cases each year from point to point until they are finally resolved. The same is true of so many other activities in the court, such as annual budgeting and project planning, which occur with an eye fixed firmly on a time horizon in the distance we cannot clearly see. Only when we pause to look back in time are we able to recognize where we have been and examine whether results we had expected were in fact achieved. In a sense, time, though fleeting, is our very best yardstick for measuring progress.

While we all must accept the constraints of time, this report represents the court's modest attempt to pause at the close of another year to take notice of important work that has been accomplished, new programs that have been successfully launched and ongoing services that have been delivered with a level of quality better than the year before. One of the measures the court monitors closely throughout each year is the amount of time civil and criminal cases require to reach final disposition. In 2006, the median time for civil cases filed in this district to reach disposition was 6.8 months while the national median time was 8.3 months. For criminal cases the median time to disposition was 6.3 months compared to the national time of 7.1 months in 2006. But the work of the district court concerns more than just speedy disposition of cases. We are also committed to enhancing services to the public and the bar, whether that means improving courtroom technology or creating an innovative Self-Help Resource Center designed for litigants without attorneys. Just as the demands and expectations of our customers are not one dimensional, our approach to the fair administration of justice must also strive to fulfill the various needs of those we serve. In this report, we glance to the recent past to take stock of our efforts so that we may plan for the future.



JAMES G. WOODWARD  
CLERK OF COURT

# JUDGES OF THE DISTRICT COURT

## UNITED STATES DISTRICT JUDGES

THE HONORABLE CAROL E. JACKSON - CHIEF JUDGE

THE HONORABLE JEAN C. HAMILTON

THE HONORABLE DONALD J. STOHR

THE HONORABLE CHARLES A. SHAW

THE HONORABLE CATHERINE D. PERRY

THE HONORABLE E. RICHARD WEBBER

THE HONORABLE RODNEY W. SIPPEL

THE HONORABLE HENRY E. AUTREY

## SENIOR UNITED STATES DISTRICT JUDGES

THE HONORABLE JOHN F. NANGLE

THE HONORABLE EDWARD L. FILIPPINE

THE HONORABLE STEPHEN N. LIMBAUGH

## UNITED STATES MAGISTRATE JUDGES

THE HONORABLE TERRY I. ADELMAN - CHIEF MAGISTRATE JUDGE

THE HONORABLE DAVID D. NOCE

THE HONORABLE FREDERICK R. BUCKLES

THE HONORABLE LEWIS M. BLANTON

THE HONORABLE MARY ANN L. MEDLER

THE HONORABLE THOMAS C. MUMMERT

THE HONORABLE AUDREY G. FLEISSIG

## SECTION ONE: SERVING THE PUBLIC

### THE JUDICIAL LEARNING CENTER

The Judicial Learning Center, completed in Spring 2006, is a unique space featured in the Thomas F. Eagleton United States Courthouse in St. Louis. The Center is devoted to permanent exhibits, changing displays and interactive demonstrations about the role of federal courts and the operation of the justice system in the Eighth Circuit.



*View of Judicial Learning Center from jury box*

With its prominent main floor location, the Center is the ideal place to begin tours and to provide an educational experience for those interested in the United States judicial system. The Center is jointly sponsored by the courts of the Eighth Circuit and the Judicial Learning Center, a non-profit corporation whose board members represent the legal community in St. Louis. When the Center opened, it received national attention in the federal Judiciary's publication, *The Third Branch*.

Since its opening, the Center has featured the following exhibits:

- ***America's Heritage: A History of U.S. Immigration.*** Created as part of the American Immigration Law Foundation's mission to increase understanding of U.S. immigration and immigrants' contributions to our society. Displayed May 8 - July 15, 2006.
- ***The Verdict of History: Examining Missouri's Judicial Record, an Exhibit of the Missouri State Archives.*** On loan from July 15 - December 22, 2006 from the Missouri State Archives, through the Office of the Secretary of State.
- ***Brown v. Board of Education: In Pursuit of Freedom and Equality.*** On loan from the Brown Foundation for Educational Equity, Excellence and Research, in Topeka, Kansas, from December 26, 2006 - February 28, 2007.

### THE SELF-HELP RESOURCE CENTER

The Self-Help Resource Center (located in the U.S. District Court Clerk's Office) was opened on November 1, 2006 and is designed to achieve the following goals:

- To identify and distribute information that improves access to the federal court for anyone with a law-related problem who may lack the ability to retain an attorney.



*Information easily accessible to self-represented litigants*

- To inform self-represented litigants and prospective filers about government, non-profit and community-based agencies and programs that may provide alternative services related to a dispute for which federal judicial relief may be unavailable.
- To cooperate with area bar groups and the legal community in promoting bar-sponsored attorney referral and low-cost advisory services for self-represented litigants and others who, without access to these programs, may otherwise be considering initiating a civil complaint in the district court without legal counsel.
- To deliver web-based guidance and on-site information about federal court jurisdiction, how to initiate a case, sample forms for use in a civil case, and a simplified description of procedures required by local district court rules.
- To enhance understanding of the civil legal process for unrepresented filers and prospective self-represented litigants so that claims and defenses are prepared and presented more effectively in the pretrial and trial stages of district court litigation.

This Service Center is one of only a few such innovative programs in operation in the federal courts. It is open to the public during the court's regular business hours.

## **COMMUNITY OUTREACH**

The district court's community outreach efforts began in 2001 to promote and enhance public awareness and knowledge of how the federal courts operate and function in the administration of justice. The District Court hosts at least two annual outreach events in the spring and fall, coordinates courthouse tours, and provides educational events for local schools and universities.

### **Washington University First Year Law Students**



*Judge Noce showing students his courtroom*

The district court provides yearly educational events for law students from local universities. In 2006, the first year law class (240 students) from Washington University in St. Louis visited with district and magistrate judges to discuss legal memoranda drafting



*Judge Medler taking questions*

and practice tips, professionalism and civility among lawyers, and the day to day workings of the court. For most students, this is their first visit to a federal courtroom and a unique opportunity to interact with federal judges.

## Open Doors to Justice Program

On November 2, 2006, the District Court hosted the annual Open Doors to Federal Courts event, *Partners in Justice: An Independent Judiciary and a Fair-minded Jury*. Chief Judge Carol Jackson and Senior Judge Stephen Limbaugh each hosted a mock criminal trial for students from CBC High School and Seckman High School.

The program began in the Jury Assembly Room with morning refreshments and a welcome from Chief Judge Jackson and the Clerk of the District Court, Jim Woodward. Following the welcome, the students were divided into two groups and taken to the courtrooms for attorney presentations on the Fourth Amendment, an overview of a Fourth Amendment case recently decided by the U.S. Supreme Court, *Hudson v. Michigan*. They



*Students conducting mock trial*

witnessed and participated in a mock criminal motion to suppress hearing, and a mock criminal trial. The volunteer attorneys and high school students collaborated and worked together to present a mock criminal trial in *USA v. Daniel McPherson*. The high school students participated as jurors, trial witnesses, and “shadows” to other court personnel (e.g., deputy clerks, court reporters, probation officers) to learn more about their role with the federal courts. At the conclusion of the mock trial, the student jurors deliberated after receiving jury

instructions from the district judge, and both juries returned guilty verdicts. Following the verdicts, the students from both courtrooms joined Judge Jackson, Judge Limbaugh, and the volunteer attorneys for a debriefing of the program. They posed some insightful questions to the judges and lawyers about the case they decided as mock jurors.

The student evaluations about the Open Doors to Federal Courts program were very positive, and a few of the evaluations suggested that students be even more involved in future mock criminal trials by playing the role of the attorneys in addition to jurors and witnesses. The students and teachers stated that they enjoyed the experience and looked forward to other outreach programs offered by the district court.

## Courthouse Tours

Sixty-four courthouse tours were conducted by U.S. District Court Clerk’s Office staff and staff from other courthouse agencies during 2006. The vast majority of the tour groups are from Greater St. Louis area grade schools and high schools. Students range in age from 12 to 18 years old.



*Clerk of Court Jim Woodward discussing the Fourth Amendment*

Since the opening of the Judicial Learning Center in Spring 2006, most of the tours begin there before proceeding to areas such as the United States Marshal's Office, a U.S. District Court courtroom, the Justice Blackmun Rotunda on the 27th floor, and the U.S. Court of Appeals En Banc courtroom on the 28th floor. Students always respond positively to this learning experience, and they seem to especially appreciate the view from the 28th floor.

## NATURALIZATION PROGRAM

Naturalization ceremonies are conducted on Fridays in the Thomas F. Eagleton Federal Courthouse (normally every two weeks). The District Court works with the U.S. Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) to conduct a meaningful ceremony for new citizens of the United States. One of the court's district judges or magistrate judges presides over each ceremony, and deputy clerks provide invaluable assistance both before and after the ceremony, to include administering the oath of allegiance.



*Leonora Long, Bankruptcy Trustee*

Guest speakers in 2006 included members of the courthouse family, attorneys, and special guests who addressed the candidates for citizenship on the responsibilities and benefits of

American citizenship. From the courthouse family, speakers included Leonora Long, Bankruptcy Trustee and Dana McWay, Clerk of the U.S. Bankruptcy Court for the Eastern District of Missouri. Attorneys who served as guest speakers included Peter Huber, Maxine Lipeles, John Medler, Jr., Rodolfo Rivera, Tatjana von der Horst Schwendinger, Bradley Winters and others. Special guest speakers included U.S.



*Jeanne Patrin, deputy clerk, and scouts after posting the colors at the Old Courthouse ceremony*

Representative Russ Carnahan and Mrs. Todd Akin, whose husband is a U.S. Representative. Raymond Brodzinski of the American Legion participated in each ceremony, and the members of the League of Women Voters were available after each ceremony to assist new citizens with voter registration.



*Woman from Vietnam receiving her citizenship certificate from Judge Perry*

The naturalization program continued to be robust during calendar year 2006. Twenty-eight naturalization ceremonies were hosted by the court, including a ceremony on May 1 at Harris-Stowe State University that included 313 new citizens. Other special ceremonies were held at Ladue High School and at the Old Courthouse in downtown St. Louis. There were 2,079 new citizens from 111 countries

(including Afghanistan, Australia, Bosnia-Herzegovina, Brazil, Canada, Colombia, Cuba,

Dominican Republic, Haiti, Iran, Iraq, Mexico, Pakistan, Russia, Somalia, Venezuela, Vietnam, and Yemen) who took the oath of allegiance during these ceremonies.

### Special Ceremony on December 29, 2006 for Bosnian Immigrants



*Archbishop Raymond Burke welcoming the new citizens*

Fifty elderly Bosnian refugees became citizens during a special naturalization ceremony on Friday, December 29, 2006. U.S. District Judge Stephen Limbaugh conducted proceedings that required an interpreter because of the circumstances that led to scheduling the special ceremony. As reported in the *St. Louis Post-Dispatch*,<sup>1</sup> the immigrants fled Bosnia after an ethnic cleansing campaign ten years prior, and ultimately filed suit against the U.S. Citizenship and Immigration Services agency after lengthy delays in the naturalization process. The delays were based on



*Mr. Reolzepovic*

medical waivers that had exempted the refugees from the normal English proficiency and American civics tests. A special participant in the ceremony was the Most Reverend Raymond L. Burke, Archbishop of St. Louis. The guest speaker was Mr. Dzevahir Reolzepovic, a retired Bosnian educator. The entire ceremony was conducted with the assistance of an interpreter. Nicholas Llewellyn, Assistant U.S. Attorney for the Eastern District, served as the naturalization examiner. Assisting Judge Limbaugh was Laura Dreon, deputy clerk. Following the ceremony a reception was held for the new citizens and their guests at the International Institute of St. Louis



*Taking the oath of allegiance*

This special ceremony marked the resolution of a lawsuit filed on their behalf in September 2006 by Legal Services of Eastern Missouri, the Saint Louis University Legal Clinic, and Catholic Legal Assistance Ministry. One of the allegations of the lawsuit was that Social Security benefits had stopped for many of the refugees because of the statutory requirement to become citizens within seven years of entering the United States. As a

result of the lack of Social Security benefits the St. Louis International Institute obtained grants from the United Way to assist those whose financial situations were the most challenging. During the ceremony, one of the new citizens “couldn’t find the words...to convey what a few moments

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<sup>1</sup>Stephen Deere, December 30, 2006, *50 Bosnians become citizens at last*, p. A10.

before a judge and a slip of paper meant to her.”<sup>2</sup> This event was memorable for all who observed and participated in the ceremony.

## **EVALUATION OF COURTHOUSE ACCESSIBILITY TO THE DISABLED**

From August through November 2006, an evaluation of the Eagleton Federal Courthouse was conducted using guidance from Court Performance Standard 1.3.5, Participation by Persons with Disabilities. Volunteers to conduct the evaluation were recruited from two Saint Louis organizations that provide services for disabled persons, the Missouri School for the Blind and Parquad, and one volunteer was recruited from within the courthouse family.

Nine areas of the courthouse were tested for ease of accessibility by the volunteer evaluators: 1) the public entrance on 10th Street; 2) the security checkpoint in the lobby of the public entrance; 3) public restrooms; 4) the cafeteria; 5) the jury assembly room; 6) the U.S. District Court Clerk’s Office; 7) the U.S. District Court suite for alternative dispute resolution; 8) U.S. District Court courtrooms; and 9) U.S. District Court attorney-client conference rooms.

Each volunteer rated the ease of accessibility to each area tested, recorded the amount of time required to complete the test, and provided comments on specific problems encountered during the test. Several volunteers also provided observations on accessibility issues that were not part of the tests that they conducted.

None of the volunteers recorded or expressed verbally having experienced any significant barriers during the tests; i.e., each volunteer was able to complete each assigned test in a reasonable amount of time. Based on the average ratings, the public restrooms presented the most difficulty of the nine areas tested.<sup>3</sup> The cafeteria tests required the highest average time because one of the volunteers used a wheelchair and conducted a thorough examination of every area inside the cafeteria. The comments provided by the volunteers are being examined for the feasibility of implementing improvements to accessibility by the disabled, in coordination with the General Services Administration.

## **CAPE GIRARDEAU COURTHOUSE PROJECT**

The new federal courthouse in Cape Girardeau, Missouri is scheduled to open in Spring 2007 and to be designated as the *Rush Hudson Limbaugh, Sr. United States Courthouse*. At a cost of over \$50 million, the 154,000 square foot courthouse will feature three courtrooms, 24 indoor parking spaces, and an outdoor parking lot with 120 spaces. Employees of the U.S. District

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<sup>2</sup>*Id.*

<sup>3</sup>Barriers were reported by volunteers using a wheelchair (a chair had been placed in the stall, blocking access to the toilet) and by volunteers with visual impairments (the paper towel dispenser could not be found).

Court’s divisional office, the U.S. Marshal’s Service, the U.S. Attorney’s Office, and the General Services Administration will work in the new courthouse. The courthouse will also house offices for U.S. Senator Kit Bond, U.S. Senator Claire McCaskill, and U.S. Representative Jo Ann Emerson.

## RESULTS OF JUROR SURVEY AND JURY STATISTICS

### Jurors’ Evaluation of Jury Service

During the last six months of 2006, jurors who reported for jury selection were asked to complete a short survey before they departed the courthouse. The 192 total respondents came from three groupings: 1) after a trial ended (41 jurors); 2) those not selected for a jury during voir dire (140 prospective jurors); and 3) those who did not participate in voir dire (11 prospective jurors). Females were 58.3 percent of the respondents and males were 38.0 percent (3.6 percent did not check this box on the survey). The respondents were divided into six age groups: 18-24 (4.7 percent); 25-34 (10.9 percent); 35-44 (25 percent); 45-54 (28.6 percent); 55-64 (22.4 percent); 65-over (7.3 percent) (one percent did not indicate their age group).

The first part of the survey asked for a rating on seven aspects of jury service. The percentages shown in Table 1 below reflect a high degree overall of satisfaction with each aspect.

<b>Table 1: Jurors’ Ratings of Jury Service</b>	Excellent	Good	Satisfactory	Fair	Poor	Not rated
Initial orientation	59.4	35.4	4.7	0.5		
Treatment by court personnel	78.1	18.8	2.6	0.5		
Physical comforts	53.1	35.9	8.3	1.0	0.5	1.0
Parking facilities	36.5	42.2	14.1	2.1		5.2
Scheduling time at courthouse	33.3	42.7	20.8	1.6	1.0	0.5
Automated phone notification	62.0	29.7	6.3	1.6	0.5	
Length of term of service (2 weeks)	22.9	39.6	29.7	3.1	2.1	2.6

Only 18.2 percent of the respondents had asked to be excused or deferred from jury service. When asked if their impression of jury service had changed during their term of service, 43.8 percent indicated that their impression was more favorable, while 50 percent indicated no change and only 2.1 percent indicated that their impression was less favorable (4.2 percent did not check this box on the survey).

## Jury Statistics

Table 2 on the next page displays statistics on juror utilization during calendar years 2005 and 2006. The number of qualification questionnaires sent during 2006 is lower than in 2005 because the “master jury wheel” was refilled in 2005 and required several large groups of questionnaires to be mailed.

<b>Table 2: Juror Utilization Statistics 2006</b>	<b>Calendar Year 2005</b>	<b>Calendar Year 2006</b>
No. of people who were sent qualification questionnaires	20,500	16,448
No. of jurors summoned for jury duty	7,773	9,684
No. of jurors who appeared for jury duty	3,069	2,874
No. of jurors who participated in voir dire	2,673	2,542
No. of jurors who were selected for trial	642	716

An important aspect of jury utilization is minimizing the number of jurors who report for jury service who are not selected to serve on a jury panel. The most recent report on juror utilization nationally was completed as of June 30, 2006, by the Administrative Office of U.S. Courts. The national average of jurors not selected, serving or challenged (NSSC) on the first day of jury service was 37.4 percent, five percentage points higher than the Eastern District of Missouri (32.3 percent, which ranked as fourth lowest among the ten Eighth Circuit district courts). The national average as of June 30, 2005 was 36.4 percent (one percentage point lower than the June 2006 figure) compared to 34.6 percent for the Eastern District of Missouri (which ranked sixth lowest in the Eighth Circuit). These figures show that the Eastern District of Missouri’s juror utilization was better than the national average for the past two annual reporting periods and also improved relative to other Eighth Circuit courts during the most recent reporting period.

## SECTION TWO: SERVING THE BENCH

### VISIT OF U.S. ATTORNEY GENERAL GONZALES



*Pictured from left to right: U.S. Magistrate Judge Audrey Fleissig, U.S. Attorney General Alberto Gonzales, U.S. Magistrate Judge David Noce, U.S. Magistrate Judge Mary Ann Medler, U.S. District Judge Jean Hamilton, and U.S. Attorney Catherine Hanaway*

On January 28, 2006, United States Attorney General Alberto Gonzales paid a courtesy call on the judges of the district court, in conjunction with his visit to the United States Attorney's Office for the Eastern District of Missouri. Judges met privately with Attorney General Gonzales for a discussion of national policy issues of mutual concern to the judiciary and the executive branch.

### FEDERAL JUDICIAL CENTER (FJC) TRAVELING SEMINAR

On June 1, 2006, an FJC-sponsored seminar, *The Declaration and the Preamble: Understanding the Founders*, was held at the Eagleton Courthouse for the judges of the district court. The presenters were Dr. John Kaminski and Dr. Richard Leffler, director and deputy director, respectively, of the Center for the Study of the American Constitution in the Department of History at the University of Wisconsin, Madison.

The seminar included a morning session on the Declaration of Independence that reviewed several documents that were antecedents to the Declaration, examined Thomas Jefferson's appointment to write the document, and provided a textual analysis of each portion of the Declaration. This session concluded with a discussion of Jefferson's letter of 1826 that considered the impact of the Declaration. The afternoon session focused on the Preamble of the U.S. Constitution and included a discussion of the Articles of Confederation, the Constitutional Convention, and public debate over the ratification of the Constitution.

### MAGISTRATE JUDGE STATISTICS AND UTILIZATION

#### **Implementation of MJSTAR** **(Magistrate Judge Statistics Through Automated Records)**

In what is expected to be a major overhaul of data collection and reporting, MJSTAR will soon replace the paper report method of sending monthly statistics on Magistrate Judge activities to the Administrative Office of the U.S. Courts (AO). It is being tested locally and the test data

are being sent monthly to the AO for assistance with accuracy verification. Throughout 2006, testing and verification activities were constant objectives for the court staff.

The local committee for implementing MJSTAR includes the judicial assistant for each magistrate judge, the chief deputy clerk, the information systems manager, the operations manager, a management support deputy clerk, and an operations support deputy clerk. Invaluable assistance has also been provided by staff at the District of Nebraska and by Douglas Lee (AO Magistrate Judges' Division). An MJSTAR training visit to the District of Nebraska was made in September 2006. Full implementation of MJSTAR in this district is slated for Spring 2007.

### **Magistrate Judge Enhanced Utilization**

In the Eastern District of Missouri, forty percent of civil cases are assigned to magistrate judges at time of filing. Parties to a civil case initially assigned to a magistrate judge must consent to the dispositive authority of that judge.<sup>4</sup> Forms are provided to all parties when the case is filed to record either their consent or to request that the case be transferred to a district judge. These forms are not disclosed to the magistrate judge, and when all parties have filed consents, "full consent" is docketed in the case. If one or more of the parties requests a transfer to a district judge, the case is randomly reassigned to one of the district judges. Cases not included in the initial random assignment to magistrate judges include bankruptcy appeals, prisoner motions to vacate sentence, and forfeiture cases.

The Eastern District of Missouri consistently has one of the highest number of magistrate judge consent dispositions among the 94 districts. According to reports for fiscal years 2005 and 2006 (from the Magistrate Judges Division of the Administrative Office of the U.S. Courts) consent dispositions numbered 486 and 461, respectively, ranking first in the Eighth Circuit and fourth in the country for both reporting periods.

### **Full Consent to Magistrate Judges in Civil Cases**

A profile of civil cases assigned to magistrate judges in calendar year 2004 (published in July 2006 using the most complete data available) showed that a high percentage of consents were obtained. This profile examined every case for that year that was initially assigned to a magistrate judge. For the cases in which the parties exercised either the consent option or the district judge option, 64.4 percent of those cases resulted in full consent for the magistrate judge (compared with 63 percent of 2003 cases). The average time to obtain full consent was 69 days, with a median time of 59 days (similar to 2003 cases with a mean of 71 days and a median of 55 days). The average time for filing of the district judge option was 46 days, with a median time of 37 days (also similar to 2003 cases with a mean of 50 days and a median of 36 days). Table 3 on the next page shows how the consent process unfolded for the civil cases assigned to magistrate judges in 2004.

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<sup>4</sup>Pursuant to 28 U.S.C. § 636(c).

<b>Table 3: Calendar Year 2004 Cases Assigned to Magistrate Judges</b>			
	<b>Number</b>	<b>Subtotal Percent</b>	<b>Overall Percent</b>
<b>Full Consent</b>	371	<b>64.4</b>	45.8
<b>District Judge Option</b>	205	<b>35.6</b>	25.3
<b>Subtotal: (Parties exercised consent or reassignment option)</b>	<b>576</b>	<b>100.0</b>	
<b>Other</b>	234		28.9
<i>Dismissed by District Judge without transfer order</i>	<b>90</b>		<b>11.1</b>
<i>Termed by Magistrate Judge prior to full consent</i>	<b>46</b>		<b>5.7</b>
<i>Transferred to District Judge for rulings on dispositive motions</i>	<b>15</b>		<b>1.9</b>
<i>Transferred to District Judge via Magistrate Judge Order - full consent not timely obtained</i>	<b>30</b>		<b>3.7</b>
<i>Transferred to District Judge after Magistrate Judge recusal</i>	<b>16</b>		<b>2.0</b>
<i>Transferred by MDL Panel to another district</i>	<b>15</b>		<b>1.9</b>
<i>Other transfers</i>	<b>6</b>		<b>0.7</b>
<i>Miscellaneous*</i>	<b>16</b>		<b>1.9</b>
<b>Total: (Full Consent, District Judge Option, Other)</b>	<b>810</b>		<b>100.0</b>

\*Default judgment (9); Consent judgment (2); Assigned in error-reassigned to district judge (2); Change of divisional venue (1); Consolidated with similar cases (1); Stayed for bankruptcy proceeding (1).

## **ENHANCING COURTROOM TECHNOLOGY**

When it comes to courtroom technology, staying up-to-date is a never ending quest. Courtroom technology enhancements are another high priority in the Eastern District of Missouri. The following projects were completed by the Information Systems Department in 2006:

- Purchased two mobile video conference units that can be used in any courtroom as well as the conference rooms.
- New evidence presentation carts to house components. Combination DVD/VHS players also added to both old and new evidence presentation carts.
- New telephone interface units added to every courtroom (more reliable and audible).
- New microphone interfaces installed in the galleries of courtrooms in which large jury selection panels are conducted (to enhance audibility for judges and court reporters).

## **ALTERNATIVE DISPUTE RESOLUTION (ADR)**

From its inception in October 1994, the ADR program was designed to achieve three goals:

- to help reduce costs of civil litigation;
- to speed the disposition of cases not requiring a trial; and
- to enhance parties' satisfaction by offering them more control over the resolution of their dispute.

The ADR Advisory Committee (formed in June 2000 and currently chaired by Judge Charles Shaw) oversees the program to ensure that the program's goals are being met and to recommend enhancements to the court's current ADR practices and procedures. The committee consists of district and magistrate judges, law professors, and court certified neutrals.

### **Statistics on ADR-referred Cases and Mediators**

- Referrals: 438 in 2006, compared to 532 in 2005. The decrease of almost 100 referrals was most likely caused by a decline in filings of ADR-eligible cases over the past two years.
- Total mediations conducted in 2006: 263 (compared to 336 in 2005).
- Mediations conducted in courthouse ADR suite: 55 (ranged from a low of 2 in April to highs of 8 in both May and December).
- Settlement rate (among ADR-referred cases in which a compliance report was filed): 54 percent in 2006; 58 percent in 2005.
- Neutrals certified during 2006: 12 (for total of 182 as of December 31, 2006 - a net loss of 42 neutrals after several chose not to renew their certification).
- Mediation conference rooms will be available in the new Cape Girardeau courthouse.

### **Certification of Mediators**

Neutrals on the Court's certified panel have the following qualifications:

- Admission to the practice of law for at least 5 years.
- Experience in communication and negotiation techniques.
- Knowledge about civil litigation in federal and state court.
- Sixteen hours of training by the court or other training organization.

### **ADR Fact Sheets**

Ten ADR fact sheets were created and placed on the court's website in 2006. The fact sheets were designed for use by attorneys and litigants. The fact sheets contain information on the roles of the Clerk of Court, the attorneys, and the mediators in the court's ADR program.

## CONTINUITY OF OPERATIONS PLAN (COOP)

The Eastern District of Missouri's Continuity of Operations Plan is updated regularly to provide for the safety of the district's employees and to fulfill the legal obligation to the people of the United States to maintain operational capabilities prudently and efficiently in response to a disaster that might force the closing of the courthouse.

The COOP provides policy, responsibilities, procedures, and guidance to ensure the continuation of the Eastern District of Missouri's essential functions when the use of its courthouse facilities in St. Louis, Cape Girardeau, and/or Hannibal is threatened or diminished. In 2006, a comprehensive review of the plan was completed in order to update the critical contact information.

## CIVIL JUSTICE REFORM ACT OF 1990 (CJRA) REPORTS

The CJRA report continued to be a semi-annual submission to the Administrative Office of U.S. Courts (as of March 31 and as of September 30) with data in the following categories:

- Reportable motions (motions pending six months or longer).
- Bench trials (case pending more than six months after the last day of trial).
- Bankruptcy appeals (pending more than six months after the filing date).
- Social Security appeals (pending more than 10 months after the answer was filed).
- Three-year old civil cases (pending more than three years after date of filing).

The March 31, 2006 report showed 37 reportable motions<sup>5</sup> (compared to 10 in 2005) and the September 30, 2006 report showed 13 reportable motions (compared to 25 in 2005). There was one bankruptcy appeal reportable on the March report, and one bench trial and two social security appeals reportable on the September report. The March 31 report showed 16 three year-old civil cases (the same number in 2005) and the September 30 report showed 18 (compared to 12 in 2005).

## ANNUAL RETREATS

### Judicial Assistants' annual retreat

- September 8, 2006, at Sqwires Restaurant, St Louis, Missouri.
- Topics: *Retirement planning.*  
*Stress management training.*  
*What's new in the office:* Updates on CM/ECF, MJSTAR, JS-10's, order processing, case opening, sealed functionality, and recusals.

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<sup>5</sup>Motions that are pending more than six months after they were filed.

### **Retreat for law clerks on term-limited appointments**

- May 18, 2006 in the Eagleton Courthouse multi-purpose room.
- Topic: *Transition from law clerk to private practice.*
- Attendees included term law clerks from the U.S. District Court, U.S. Bankruptcy Court, and the staff attorney's office for the Eighth Circuit.

### **Law clerks' annual retreat (for permanent and term law clerks)**

- June 2, 2006 at Sqwires Restaurant, St. Louis, Missouri.
- Guest speakers and topics:
  - James Neely, Regional Director of the EEOC, *The EEOC from an Insider's Perspective.*
  - Terry Moore, Director of Adult Institutions, Missouri Department of Corrections, *A Day in the Life of a Prisoner* and *Prison Grievance System.*
  - Michael Kahn, lawyer and author, *Truth Stranger than Fiction: A Lawyer's Perspective.*
  - The Honorable Catherine Perry, U.S. District Judge, *Ethical Lessons from Chrysler v. Carey.*
  - Michelle Novotny, Special Agent, U.S. Secret Service, *Secrets of the Secret Service.*

## SECTION THREE: SERVING THE BAR

### CRIMINAL JUSTICE ACT (CJA) ATTORNEY APPOINTMENTS

Tables 4 through 6 below provide a profile of attorney appointments/assignments in criminal cases over the past two calendar years (2005 - 2006). Attorney appointments are made under the Criminal Justice Act and from the Federal Public Defender's Office, while attorney assignments are made from counsel retained by defendants.

<b>Table 4: 2005 and 2006 Summary Totals</b>							
<b>CJA</b>		<b>FPD</b>		<b>RET</b>		<b>Total</b>	
<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>
310	377	760	866	410	560	1480	1803

**LEGEND:** CJA = Criminal Justice Act FPD = Federal Public Defender RET = Retained

<b>Table 5: CJA by Number of Appointments per Attorney</b>					
<b>1-3</b>		<b>4-9</b>		<b>10 or more</b>	
<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>	<i>2005</i>	<i>2006</i>
54	62	15	17	9	12

<b>Table 6: CJA vs. FPD Appointments</b>			
<b>2005</b>		<b>2006</b>	
<i>FPD</i>	<i>CJA</i>	<i>FPD</i>	<i>CJA</i>
760	310	866	377

Total attorney appointments (CJA and FPD) increased 16.2 percent in 2006 when compared to 2005 (1,243 appointments in 2006; 1,070 in 2005). In 2006, 30.3 percent of the appointments were CJA (377) and 69.7 percent were FPD (866). In 2005, 29 percent of the appointments were CJA (310) and 71 percent were FPD (760). There was a 21.6 percent increase in the number of CJA appointments in 2006 (377) compared to 2005 (310). FPD appointments increased 13.9 percent in 2006 (866) compared to 2005 (760). Retained counsel increased 36.6 percent in 2006 (560) compared to 2005 (410).

## CRIMINAL JUSTICE ACT (CJA) SEMINAR

The fourth annual CJA panel seminar was held on May 18, 2006, at the Eagleton Courthouse. Fifty-three CJA panel attorneys registered for the seminar, forty of whom were members of the lead panel (attorneys who have agreed to receive the majority of appointments to represent criminal defendants).

The seminar began with welcome remarks from Chief Judge Jackson and Mr. Lee Lawless, Federal Public Defender for the Eastern District of Missouri.<sup>6</sup> Seminar topics included:

- *Criminal Law and Procedure Opinions in the 2005-2006 Term of the United States Supreme Court: Discussion, Analysis and Predictions*. Presented by Paul Rashkind, Assistant Federal Public Defender, the Southern District of Illinois.
- *Crawford v. Washington: How to Limit Government Use of Out-of-Court Statements*. Presented by Andrea Smith, Assistant Federal Public Defender, the Southern District of Illinois.
- *Sentencing Post Blakely/Booker/Fanfan: New Trends, Issues and Strategies*. Presented by the Honorable Rodney Sippel, U.S. District Judge, Eastern District of Missouri; David Hemingway, Research Attorney for Federal Public Defender, Eastern District of Missouri; and Janet Hinton, Paralegal for Federal Public Defender, Eastern District of Missouri.
- *Negotiating Advantageous Pleas Agreements within the Bounds of Professional Ethics*. Presented by the Honorable Catherine Perry, U.S. District Judge, Eastern District of Missouri; Lee Lawless, Federal Public Defender, Eastern District of Missouri; and Steve Welby, Welby and Ridings, LLC.
- *Modified Pre-sentence Investigation Reports*. Presented by Doug Burris, Chief Probation Officer, Eastern District of Missouri.

## REVISIONS TO LOCAL RULES

The district court's local rules underwent a substantial overhaul in 2006, based on work done by the local rules committee (Jim Woodward, Clerk of Court, Lori Miller-Taylor, Chief Deputy Clerk, Lisa Carpenter, law clerk to Judge Jackson, and Denise Woodside, law clerk to Judge Stohr). The new rules took effect on August 28, 2006, after the comprehensive review to identify changes needed to reflect accurately the court's electronic case filing procedures. While the majority of amendments were technical in nature, they were necessary in order to maintain a coherent set of practice requirements.

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<sup>6</sup>Mr. Lawless was acting Federal Public Defender at the time of the seminar. He has since been appointed by the U.S. Court of Appeals for the Eighth Circuit to the position.

## FEDERAL PRACTICE FUNDAMENTALS SEMINAR

The second annual seminar was held on September 14, 2006, in the Eagleton Courthouse. Entitled *A Tutorial for New Practitioners*, the seminar was designed for attorneys who had been members of the court's bar for one year or less. Topics addressed during the seminar included:

- *Profile of the Eastern District of Missouri.* Included an explanation of the roles of the different judges, including the magistrate judge consent process, and also provided statistical data on both civil and criminal cases.
- *Federal civil procedure.* Provided a review of the local rules and proper procedures for filing various civil pleadings; also discussed jury operations, informal matters, discovery disputes, case management orders, post judgment "do's and don't's", the "meet and confer" rule, and communications with the Court.
- *Panel on ethical advocacy in the federal district court.* A presentation on ethical standards, including civility between lawyers, as they apply to the federal court.
- *Alternative Dispute Resolution (ADR).* Explanation of the ADR process and discussion of the benefits of mediation for civil cases.
- *Criminal practice.* Explanation of the attorney appointment process, Criminal Justice Act vouchers, the role of the federal public defender, contact with the U.S. Attorney's Office, and the CJA Lead Panel.
- An orientation on the court's website resources and a demonstration of courtroom technology (evidence presentation equipment, smart tables, and interpreters' equipment).
- *Judges' Roundtable.* A question and answer session with U.S. District Judges Catherine Perry, Richard Webber, and Rodney Sippel and U.S. Magistrate Judges Frederick Buckles and Thomas Mummert.

## CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

### New Case Opening and Fee Payment Procedures

- CM/ECF case opening feature became accessible to attorneys in December 2006.
- The court also began accepting payments electronically in December through CM/ECF using the Pay.gov system, in conjunction with the quadrennial bar membership renewal process.

### Training and Support

- Special training on new case opening and fee payment procedures offered several times in November and December 2006, including on-site visits to large law firms.
- CM/ECF training classes for attorneys and support staffs continued on a monthly basis. Trainers included members of the Clerk's Office staff from the information systems and operations departments and from the management support unit.
- The court's website provides access to computer-based training, the CM/ECF Administrative Procedures Manual, criminal and civil events lists, and the Local Rules.

- Help desk support was available during courthouse hours to both external and internal users. A special help desk e-mail address was also available to external users.

### **Participation**

- **Attorney Registration:** As of December 31, 2006, 6,951 attorneys have registered for electronic filing. During calendar year 2006, 1,317 attorney registrations were processed (compared to 1,082 in 2005).
- **Attorney Docketing:** During calendar year 2006, attorneys recorded 49,897 logged transactions in CM/ECF (compared to 53,414 in 2005).
- **Staff Docketing:** During calendar year 2006, court personnel recorded 199,680 logged transactions in CM/ECF (compared to 204,032 in 2005).

## **COURT STATISTICS**

Table 7 below provides a three-year profile of new case filings in the Eastern District of Missouri. The civil and criminal numbers do not include reopened cases, but the criminal numbers include probation/supervised release transfers. The defendant numbers are not included in the totals and do not include defendants from transfers of probation/supervised release cases.

**Table 7: EASTERN DISTRICT OF MISSOURI: NEW CASE FILINGS  
2004 through 2006 {Jan. 1 - Dec. 31}**

<b>Division/ Case Type</b>	<b>2004</b>	<b>2005</b>	<b>Diff.</b>	<b>% change [2004- 2005]</b>	<b>2006</b>	<b>Diff.</b>	<b>% change [2005- 2006]</b>
Eastern CV Cases	1828	2417	589	32.2	1858	-559	-23.1
Southeastern CV Cases	187	220	33	17.6	193	-27	-12.3
Northern CV Cases	102	82	-20	-19.6	69	-13	-15.9
<b>TOTAL CV Cases</b>	<b>2117</b>	<b>2719</b>	<b>602</b>	<b>28.4</b>	<b>2120</b>	<b>-599</b>	<b>-22.0</b>
Eastern CR Cases	704	752	48	6.8	781	29	3.9
Southeastern CR Cases	215	185	-30	-14.0	175	-10	-5.4
<b>TOTAL CR Cases</b>	<b>919</b>	<b>937</b>	<b>18</b>	<b>2.0</b>	<b>956</b>	<b>19</b>	<b>2.0</b>
Eastern CR Defendants	[959]	[927]	[-32]	[-3.3]	[991]	[64]	6.9
Southeastern CR Defendants	[223]	[191]	[-32]	[-14.3]	[183]	[-8]	-4.2
TOTAL Defendants	[1182]	[1118]	[-64]	[-5.4]	[1174]	[56]	5.0
<b>Miscellaneous Cases</b>	<b>605</b>	<b>719</b>	<b>114</b>	<b>18.8</b>	<b>778</b>	<b>59</b>	<b>8.2</b>
<b>TOTALS</b>	<b>3641</b>	<b>4375</b>	<b>734</b>	<b>20.2</b>	<b>3795</b>	<b>-580</b>	<b>-13.3</b>

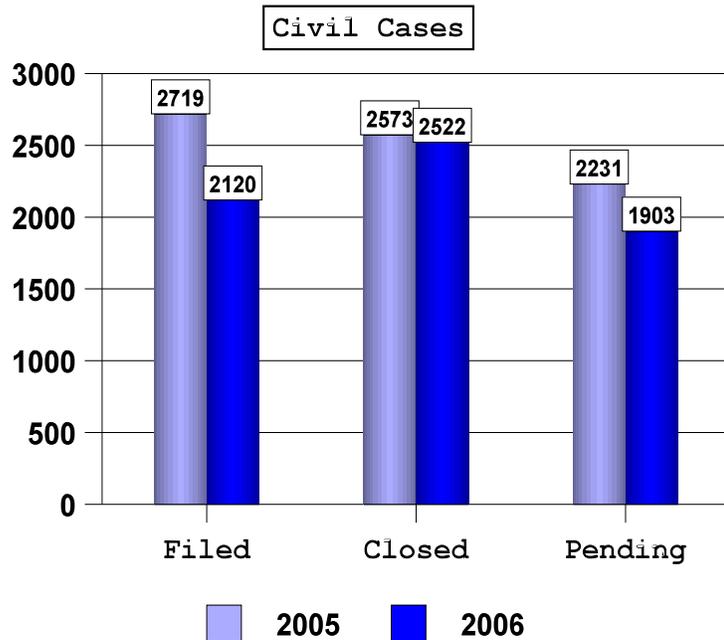
## Calendar Year 2006 Caseload Highlights

- Overall new criminal filings increased 2 percent from 2005 to 2006 (Cape Girardeau decreased by 4 percent; St. Louis increased by 3.5 percent).
- Civil filings decreased substantially from 2005 to 2006 (22 percent), primarily because there was no surge in filings this year as occurred in 2005 with tort actions.
- Civil trial starts were the same number in both 2005 to 2006 (46, 34 of which were jury trials and 12 were bench trials in each year). Criminal trial starts increased by 12.5 percent. The result was an overall increase in trial starts of 5.1 percent.

## Civil Cases

New civil filings decreased substantially from 2005 to 2006, primarily because there were no surges in any of the major case types, as occurred during 2005 with product liability cases. New civil cases were filed at an average rate of 177 per month in 2006 (2120 new filings) compared to an average rate of 227 per month in 2005 (2719 new filings). The overall decrease in new filings was 22 percent (2120 v. 2719), compared to the national trend of a 2 percent overall increase in civil filings (based on fiscal year 2006 data). The termination rate for civil cases decreased slightly from 2005 to 2006, with an average rate of 210

terminations per month in 2006 (2522 cases) and 214 per month in 2005 (2573 cases). The overall decrease in terminations was 2 percent (2522 v. 2573), compared to the national trend of a 0.5 percent overall increase in civil terminations (based on fiscal year 2006 data). The inventory control index<sup>7</sup> as of December 31, 2006 was 9.1, down more than a month from the index of 10.4 as of December 31, 2005. The mean disposition time for all civil cases termed during 2006 was 8.8 months, which was slightly higher than the mean disposition time of 8.6 months for civil cases termed during 2005. The median disposition time for 2006 cases was 6.8 months, also slightly higher than the median of 6.7 months for 2005.



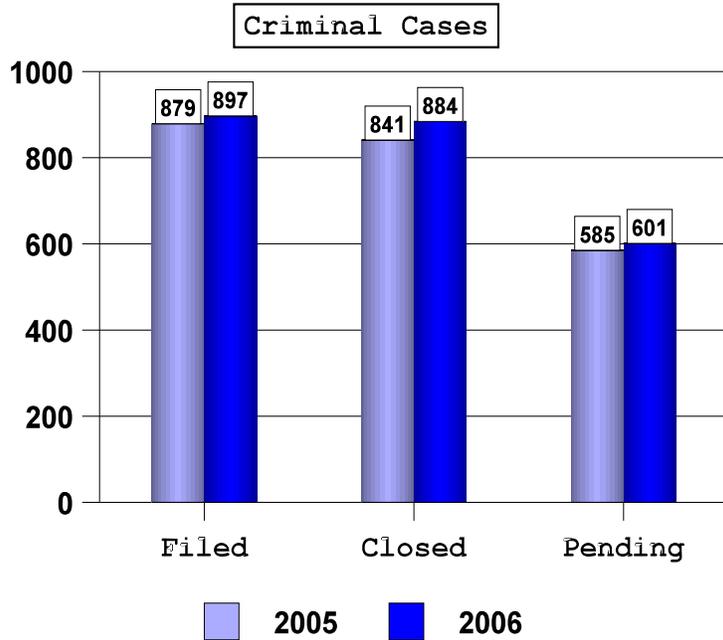
<sup>7</sup>This index represents the number of months it would take to dispose of the pending civil caseload based on the court's average monthly termination rate for the previous 12 months (assuming that no new civil cases were filed). A decline in the index suggests either more terminations, fewer filings, or both.

Noteworthy trends in new civil filings during 2006:

- Tort actions in the “other personal injury” category decreased by 49.7 percent.
  - The spike in “other personal injury” cases in 2005 was attributed to surge in product liability filings (Fall 2005) that was prompted by Missouri tort reform statute (and many tort cases were removed from state court to federal court in August 2005).
  - Tort actions in the motor vehicle category decreased by 64.8 percent.
- Title VII cases declined by 33.7 percent.
- Other civil rights cases decreased by 8.4 percent.
- Contract cases decreased by 17.7 percent.
- Social security cases decreased by 24.3 percent.

**Criminal Cases**

New criminal cases in 2006 (excluding probation/supervised release transfers) were filed at an average rate of 75 per month (897 cases) compared to 73 per month in 2005 (879 cases). There were 731 new criminal cases in the Eastern division and 166 new cases in the Southeastern division. The overall increase in new criminal filings was 2.0 percent (the national trend was a decrease of 4.0 percent<sup>8</sup>). New criminal cases in Cape Girardeau decreased 4 percent from 2005 to 2006 (173 v. 166) while new criminal cases in St. Louis increased 3.5 percent from 2005 to 2006 (706 v. 731). The new criminal caseload comprised 29.7 percent of the court’s overall new workload in 2006 (24.4 percent in 2005). The average termination rate for criminal cases in 2006 was 74 per month (884 cases) compared to 70 per month in 2005 (841 cases).



New defendants in calendar year 2006 were filed at an average rate of 98 per month (1174 defendants) compared to 93 per month in 2005 (1118 defendants). The average termination rate for criminal defendants in 2006 was 99 per month (1184 defendants), compared to 96 per month

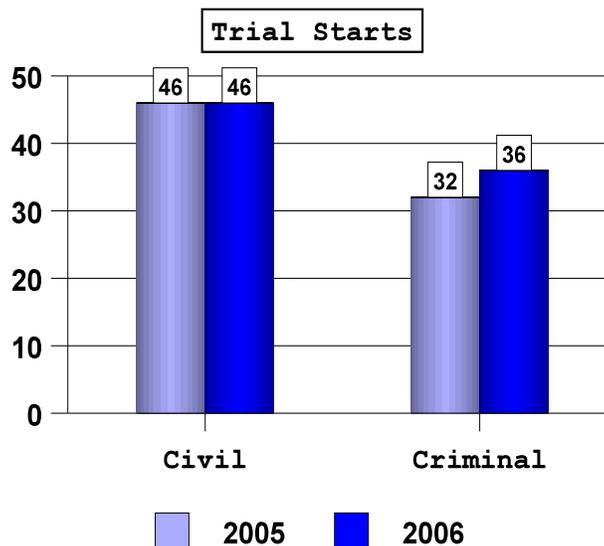
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<sup>8</sup>Based on data for the twelve-month period from October 1, 2005 through September 30, 2006.

in 2005 (1154 defendants). The mean disposition time for all defendants termed in 2006 was 7 months (7.7 months in 2005). The median disposition time for 2006 defendants was 6.3 months (7 months in 2005). The national median disposition time for the 12-month period ending September 30, 2006<sup>9</sup> was 7.1 months.

### **Trials**

Overall, trial starts increased 5.1 percent from 2005 to 2006 (78 v. 82). There were 46 civil trial starts during 2006 (34 jury trials; 12 bench trials), which matched the 46 civil trial starts during 2005 (also 34 jury trials and 12 bench trials). Nationally there was a decrease of 3.3 percent in civil trials<sup>10</sup>. Criminal trial starts were up by 12.5 percent: 36 during 2006 (all jury trials); 32 during 2005 (28 jury trials; 4 bench trials). Nationally there was a very small increase in criminal trials (only 0.2 percent)<sup>9</sup>.



## **ATTORNEY EVALUATION OF DIFFERENTIATED CASE MANAGEMENT (DCM)**

DCM was implemented in the Eastern District of Missouri in 1995. During the last six months of 2006, an evaluation of the court’s DCM program was conducted via a survey of attorneys in civil cases assigned to one of the first three “tracks” in DCM: Track 1, Expedited (disposition within 12 months of filing); Track 2, Standard (disposition within 18 months of filing); or Track 3, Complex (disposition within 24 months of filing). The surveys were distributed via e-mail to all attorneys in a case after the case management order was issued.

Responses to the survey were received from 220 attorneys. The key finding from the survey was strong support for the court continuing the practice of assigning each civil case to a case management track: Sixty-nine percent responded “Agree” and twenty-six percent responded “Strongly Agree.”

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<sup>9</sup>The national median time from filing to disposition is based on felony defendants and is the most recently published data. The Eastern District’s median is based on all criminal defendants.

<sup>10</sup> During the 12-month period ending September 30, 2006 (national data reflect trials completed).

Other findings to queries on the survey were as follows:

- *The track assignment helps me structure my work on this case:*  
Agree (65 percent); Strongly Agree (28 percent).
- *The time limit for discovery/dispositive motions is sufficient for this case:*  
Agree (77 percent); Strongly Agree (16 percent).
- *The primary benefit from the DCM program is a reduction in the time and cost of civil litigation:* Agree (71 percent); Strongly Agree (8 percent).

## **ATTORNEY EVALUATION OF COURTROOM SERVICES**

Data collection was begun in 2006 to assess attorney satisfaction with courtroom services. Attorneys were asked to evaluate a variety of courtroom services during the last half of 2006. They were asked to rate their satisfaction with each item of the courtroom's evidence presentation equipment that they used and also to rate their satisfaction with scheduling equipment training and with the quality of the training. The final query on the survey was the level of satisfaction with the audio system in the courtroom.

While preliminary data were available at the end of December 2006 that indicated general satisfaction with the courtroom technology equipment, it was determined that the survey should be extended into 2007 in order to elicit additional survey responses to provide adequate feedback to the court. Results will be reported at the end of 2007.

## **ATTORNEY ADMISSIONS**

- Admission fees processed for newly admitted attorneys: 249 (compared to 313 in 2005).
- Fees processed for attorneys granted pro hac vice admission: 1,009 (1,064 in 2005).
- Total number of attorneys admitted to practice in the Eastern District of Missouri as of December 31, 2006: 5,779.

### **Jefferson City Swearing-in Ceremonies**

Special swearing-in ceremonies for new attorneys were conducted jointly with the Western District of Missouri twice during 2006 in Jefferson City, Missouri. On April 28, 2006, eighty-one attorneys were sworn in by Judge Barry Schermer, U.S. Bankruptcy Court. On October 12, 2006, two hundred twenty-seven attorneys were sworn in by Judge Charles Rendlen, U.S. Bankruptcy Court. New attorneys are administered the oath of admission to federal court following their admission ceremony before the Missouri Supreme Court.

### **Bar Membership - Quadrennial Re-registration**

Pursuant to Eastern District of Missouri local rule 12.01(D), the quadrennial renewal of the roll of attorneys admitted to practice in this court was commenced in November 2006. Attorneys who were registered for electronic filing were notified via e-mail of Chief Judge Jackson's administrative order setting the renewal deadline as January 31, 2007. Attorneys were also afforded the option of completing the membership renewal by either mailing or delivering to the court their updated address information and a check for the renewal fee.

## SECTION FOUR: CLERK'S OFFICE REPORTS

### DEPARTMENTAL AND UNIT REPORTS

#### Management Retreat and Goal Setting Exercise

Court performance standards and goals for 2007 were established during the annual Fall 2006 Retreat for senior staff:

##### *Long-term Goals (Major)*

- Human resources staffing - reorganize and strengthen the HR unit and add to the management team.
- Judicial support: New judge orientation and survey on CJA, TIP, COOP, ADR, and MDL.
- Move into new Cape Girardeau courthouse.

##### *Short-term Goals (Minor)*

- Streamline process for MDL (multi-district litigation) consolidation of claims.
- Enhance hiring interview process.
- Add CCAM (Civil and Criminal Accounting Module) to FAS<sup>4</sup>T (Financial Accounting System for Tomorrow) for cash receipting and criminal debt management.
- Update Continuity of Operations Plan (COOP).
- Revival of ADR: An ADR survey of the judges.

#### Operations Department

- New cases opened:
  - Civil - 2,120.
  - Criminal - 956 (includes probation/supervised release transfers).
  - Miscellaneous - 778.
- Orders processed:
  - 25,519 civil orders.
  - 16,394 criminal orders.
- Electronic filing transactions:
  - Attorneys - 49,897.
  - Court personnel - 199,680.
- Trial starts covered:
  - Civil - 34 jury trials; 12 bench trials.
  - Criminal - 36 jury trials, no bench trials.
- Criminal defendant guilty pleas, sentencings, and judgments processed:
  - Guilty pleas - 888 defendants in 679 cases.
  - Sentencings - 1,052 defendants in 828 cases.
  - Judgments - 1,053 defendants in 778 cases.

- Operations personnel were actively involved with implementation and training for the new CM/ECF case opening feature, with MJSTAR implementation, and with the quadrennial attorney bar membership renewal process.
- Multi-district Litigation (MDL) case management:
  - *In Re: Gen Amer Litigation*
  - *In Re: Bank America Corp*
  - *Minshew et al v. Express Scripts, Inc.*
  - *In Re: Air Crash Near Kirksville, Missouri, on October 19, 2004*
  - *In Re: Celexa and Lexapro Products Liability Litigation*
  - *In Re: LLRICE 601 Contamination Litigation*
- Several personnel changes during 2006 (see Section Five of this report, *Transitions*).

### **Administrative Services Department**

On December 1, 2006, the court began accepting payments electronically within CM/ECF using the Pay.gov system. The ability to make payments using Pay.gov for general fee schedule items (such as filing fees) was scheduled to be available in January 2007 to registered CM/ECF users. Pay.gov was developed by Financial Management Services in the U.S. Treasury Department to provide a secure, on-line, collection portal for all federal agencies. CM/ECF users are prompted when a fee payment is required with any pleading and Pay.gov opens automatically to allow the entry of payment information. The payment receipt is docketed in addition to the pleading. With this feature to pay fees on-line, Pay.gov substantially enhances the convenience of remote electronic filing.

The finance unit's disbursing support and certification were expanded within the District Court and continued for nine other agencies:

- The District Court's Probation Office and Pretrial Services Office.
- The Bankruptcy Court and the Bankruptcy Appellant Panel.
- Four Eighth Circuit agencies: Circuit Executive's Office, Court of Appeals, Circuit Librarian, and Staff Attorney.
- The Federal Public Defender's Office.
- Responsibility for management of CJA (Criminal Justice Act) voucher review and processing was transferred to the finance unit from the management support unit.

Finance unit transactions during calendar year 2006:

- **Restitution program:** \$3,311,017.38 was collected. Restitution payments were made to 5,677 victims in the amount of \$3,612,562.55. The restitution balance (to be paid to victims) as of December 31, 2006 was \$321,170.06.
- **Interpreters:** Used both in court and through the Telephone Interpreting Program (TIP) during 2006.
  - Docketable events for interpreters: 300, at a cost of \$36,181.24.
  - **TIP events:** Increased from 143 proceedings in 2005 to 185 proceedings in 2006, with an estimated savings in interpreter fees of \$56,459.00.

- Estimated savings for interpreter travel costs are not calculated because of the variability in airfare and lodging costs.
- Support for CJA-appointed attorneys: 575 CJA vouchers processed in 2006 with payments totaling \$2,164,187.92 (compared to 616 CJA vouchers processed with payments totaling \$2,223,361.93 in 2005).
- Checks issued: 18,549; Receipts issued: 11,687.
- Bonds posted: 176.
- Admission fees processed for newly admitted attorneys: 249; admission fees processed for attorneys who were granted pro hac vice admission: 1,009.

The procurement unit managed two large projects during 2006:

- Obtained funding and finalized orders to furnish the new courthouse in Cape Girardeau and planned the projected Spring 2007 move into the new facility.
- Installed new furniture in the Jury Assembly Room.

**Information Systems Department (ISD)**

ISD is a combined unit that provides information technology support to the District Court, the Probation Office, and the Pretrial Services Office. ISD also provides technical “help desk” support to attorneys and their support staffs, primarily in the realm of electronic case filing.

Several projects were completed during 2006:

- Designed the on-line process for attorneys to renew their bar membership using CM/ECF and delivered e-mail notifications about the quadrennial bar membership renewal to CM/ECF registered attorneys.
- Developed and delivered training, in partnership with the operations department, for the new CM/ECF case opening feature.
- Designed and installed audiovisual system in the Judicial Learning Center.
- Designed and installed new sound system and videoconferencing equipment in ISD training room.
- Continued the development of E-ProSe (Electronic Filing for Pro Se Litigants). This program will provide unrepresented (pro se) litigants the ability to complete court documents for electronic filing, thereby reducing the workload of Clerk’s Office personnel. Features of this program will include:
  - Interactive preparation of court documents and interface with CM/ECF.
  - Touchscreen capabilities.
  - Simplified questions for data entry.
  - Automatic preparation of pleadings from the data entered.
  - Quality control of documents by court staff.
- Continued the development of E-Juror to give prospective jurors the ability to communicate with the Court via the Internet regarding requests to be excused or deferred from jury service. This program will save staff time, reduce postage costs, and reduce the

high volume of telephone calls to the jury unit. This system will be used in conjunction with AJIS (Automated Jury Information System).

- Conducted help desk customer service surveys of both attorneys and court personnel.
- Redesigned the District Court's website to create a true "home page" that facilitates the public's ability to access information about the court. The new website was scheduled for "launch" in January 2007.
- Cyclical replacement:
  - Fifteen laptops (Magistrate judges, 8; Clerk's Office managers, 5; ISD, 2).
  - Forty-two desktop computers (21 in district judge chambers; 21 in Clerk's Office).
  - Thirty-five printers (Chambers, 20; Cape Girardeau office, 5; Clerk's Office, 8; 2 color printers (1 each in finance and operations).
  - Three reporter decks for FTR Gold (1 in each divisional office).
  - Twenty-four inch monitors for deputy clerk stations in courtrooms.
- Redesigned jury list provided to judges prior to jury selection.
- Installed phone tree system for emergency notification of District Court judges and staff.

Internal training during 2006:

- Lotus Notes upgrade to version 6.5.
- J-RAN (Judiciary Remote Access to Notes) training.
- New probation officer training.
- New law clerk training.
- Computer security training.

External training during 2006:

- Training on new CM/ECF case opening feature (both at Eagleton courthouse and at large law firms).
- Eight ISD staff members attended National Court Information Technology Conference.

Support for move into new Cape Girardeau courthouse:

- Designed audiovisual system and assisted with vendor selection.
- Developed installation plan for data and telecommunications cables and assisted with vendor selection.
- Designed the infrastructure for the building's local area network (to include fiber optic cabling and switches).
- Developed telephone switch requirements and assisted with vendor selection.

CM/ECF support:

- Automated sending change of plea notification to appropriate Pretrial Services Officer.
- Added Pay.gov fee payment feature for attorneys.
- Added case opening feature for attorneys.
- Planned for implementation of case assignment module.
- Implemented CJA e-mail and maintenance program.

## **Management Support**

- The most diverse department: includes management support unit (human resources, attorney admissions, naturalization support, and courthouse tours coordination), ADR/community outreach coordinator, policy/research analyst, and telecommunications analyst.
- Management support unit:
  - The Eighth Circuit Trainers Council and the Human Resource Council held their annual conferences in May 2006 at the Eagleton Courthouse. The Trainers Council was held May 2-3 and the Human Resource Council was held May 4-5.
  - Arranged classes for in-house diversity training (August 2006) and retirement planning (September 2006).
  - Helped identify potential exhibits for the Judicial Learning Center.
  - Assisted with development of Self-Help Resource Center.
- Community outreach coordinator:
  - Planned and conducted outreach programs for first year law students from Washington University in St. Louis and for the court's participation in the nationally observed Open Doors to Justice program.
- ADR coordinator and policy/research analyst collected data for two studies:
  - ADR-eligible cases not referred to ADR.
  - ADR cases with mediation conferences in calendar year 2004.
- Policy/research analyst:
  - Compiled information for the 2006 annual report and wrote the final draft for approval by the clerk of court and chief deputy clerk. Data also collected and analyzed for several projects related to measuring court performance standards:
    - Juror satisfaction survey.
    - DCM survey of attorneys.
    - Evaluation of courthouse accessibility for the disabled.
    - Attorney satisfaction with courtroom services.
- Telecommunications analyst projects:
  - Provided Judicial Learning Center statement of work suggestions and installed telephone connections.
  - Programmed videoconferencing bridge for eight courtrooms.
  - Provided telephone connections for five new work stations in the Probation Office.
  - Relocated and enhanced telephone connections for U.S. Bankruptcy Court.

## **Jury Unit**

- In 2006, the term of service for petit jurors in St. Louis was reduced from thirty days to two weeks. The shorter term reduced the number of requests to be excused from serving and reduced inconvenience to jurors that had been a consequence of the longer term.
- Use of the Scantron machine shortened the time required to upload the juror qualification questionnaires into JMS (jury management system), providing jury unit staff more time to

process questionnaires needing extra attention because of stated hardships. More time was also available for phone calls and/or return of questionnaires regarding a potential juror's incomplete responses on the questionnaire.

- May 2006 was Juror Appreciation Month for U.S. district courts. Juror Appreciation Week was observed in this court from May 15-19, 2006.

### **CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)**

- Added new case opening feature for attorneys in December 2006.
- Planned for 2007 implementation of sealed functionality for attorneys, case assignment feature (includes conflict checking for judge assignments to cases), and MJSTAR.
- Planned for 2007 upgrade to CM/ECF Version 3.

### **CHARITABLE CONTRIBUTIONS**

The following private contributions were made in 2006 as a result of the Hospitality Committee's fund-raising efforts:

<i>Memorials:</i>	<i>\$300.00</i>
American Cancer Society	100.00
ALS Association	50.00
ASPCA	50.00
SSM Hospice	50.00
Eliot Unitarian Church	50.00
 <i>Holiday donations to St. Louis Crisis Nursery:</i>	 <i>\$ 50.00</i>
 <i>Fund-raisers:</i>	 <i>\$603.10</i>
Multiple Sclerosis Walk for Faith	177.00
Muscular Dystrophy Association	155.10
Susan G. Komen Foundation	271.00
 <i>Mary Finocchiaro Basket Raffle:</i>	 <i>\$725.00</i>
Household Help	525.00
Forest Park Forever	100.00
ALS Association	100.00

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**Total Charitable Contributions in 2006:** ***\$1678.10***

## COMMUNITY SERVICE

### Stray Rescue Volunteers

Three members of the Clerk's Office staff (David Braun, Mary Kay Candido, and Lisa Kresko) are active volunteers with Stray Rescue of St. Louis, a non-profit organization that rescues stray animals and helps to find new homes for them. Stray Rescue has nicknamed these dedicated volunteers the "Tuesday Night Courthouse Crew." During the annual "Hope for the Holidays" fund-raising event in December 2006, the crew was presented with the "Volunteers of the Year" award "for outstanding and dedicated service to all the stray animals."

### Habitat for Humanity Project

On June 3, 2006, a group of 19 volunteers from the Clerk's Office staff worked on a home-building project with Habitat for Humanity in the Jeff Vander Lou neighborhood of St. Louis City. Everyone involved came away with a strong sense of accomplishment, teamwork, and sharing with needy residents of the St. Louis community.



*Nineteen district court volunteers after a hard day's work!*

## TEAM DEVELOPMENT - INNSBROOK

The second annual team building experience was enjoyed by clerk's office staff on July 19 and 20 at the Innsbrook Retreat Center northwest of St. Louis. Attendance was voluntary, and court coverage was provided by those who did not attend.

The team-building experience was facilitated by Team Builders of Webster Groves, Missouri and included activities such as:

- "Ice-breakers" on the first day to help staff members get to know each other better.
- Exercises designed to foster teamwork among employees who do not regularly work together at the courthouse.
- Projects that helped create team solidarity and promote healthy competition among the teams.



*Happy campers at the end of the retreat!*

## SECTION FIVE: TRANSITIONS

### SENIOR STATUS FOR JUDGE STOHR

U.S. District Judge Donald J. Stohr retired from the active federal bench as of December 31, 2006. He then entered senior status on the Court and will continue to handle a reduced caseload.

Judge Stohr was appointed to the U.S. District Court for the Eastern District of Missouri in 1992 by President George H.W. Bush. His legal career prior to this appointment included private practice, serving as First Assistant St. Louis County Counselor and then St. Louis County Counselor, and serving as U.S. Attorney for the Eastern District of Missouri.

### NEW HIRES

#### Chambers

Lolita Flinn, judicial assistant to U.S. Magistrate Judge Fleissig:	August 8, 2006
Brian Crow, judicial assistant to U.S. District Judges Perry and Sippel: (Brian moved from the Clerk's Office (Operations) to this position.)	October 30, 2006

#### Clerk's Office

Michael Newsham, Information Systems Department:	March 6, 2006
Laura Robinson, Administrative Services Department:	March 20, 2006
Deborah Tichy, Operations Department:	August 7, 2006

### RETIREMENTS

#### Chambers

Patti Leonard, judicial assistant to Judges Perry and Sippel:	June 30, 2006
Marilyn Rosenbaum, judicial assistant to Judge Fleissig:	June 30, 2006

#### Clerk's Office

Clarence Finley, Operations Department:	July 28, 2006
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### THE PASSING OF MARY FINOCCHIARO

Mary E. Finocchiaro passed away on Thursday, December 7, 2006, at age 52. Mary began her service to the Court on October 27, 1986. Mary was a devoted member of the Clerk's Office Staff with over twenty years of court service. Throughout her life, Mary brought joy and happiness to all of her family, friends and co-workers. Mary held several positions in the Clerk's Office, including intake deputy, docket clerk to the late Honorable George F. Gunn, naturalization clerk, assistant to the Honorable Edward L. Filippine, deputy in the Management Support Unit and jury clerk. Mary's favorite assignment was the naturalization ceremonies. During her tenure with the Court, Mary coordinated hundreds of ceremonies and administered the oath of allegiance to thousands of new citizens. In the spring of 2007 a tree will be planted on the grounds of the Eagleton Courthouse in Mary's memory.