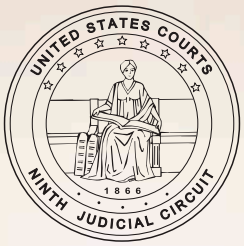


United States Courts for the Ninth Circuit

2011 Annual Report

Alcoa, Inc. v. Bonneville Power Admin., No: 10-70211 archived on November 21, 2012

Alcoa, Inc. v. Bonneville Power Admin., No. 10-782 (archived on November 21, 2012

The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2011 Ninth Circuit Annual Report:

Chief Judge Alex Kozinski
Cathy A. Catterson, *Circuit and Court of Appeals Executive, Ninth Circuit*
Molly C. Dwyer, *Clerk of Court, Ninth Circuit Court of Appeals*
Ryan L. Means, *IT Director, Ninth Circuit Court of Appeals*
Susan M. Spraul, *Clerk, Bankruptcy Appellate Panel, Ninth Circuit*
Patrick E. Duffy, *Clerk, U.S. District Court, District of Montana*
Bernard McCarthy, *Clerk, U.S. Bankruptcy Court, District of Montana*
Shiela Adkins, *Chief Pretrial Services Officer, District of Nevada*
Michelle A. Carey, *Chief Probation Officer, Central District of California*
Judy Ellinghausen, *The History Museum, Great Falls, Montana*
Sharon Burchett, *Assistant to the Director, Charles M. Russell Center for the Study of Art of the American West, The University of Oklahoma, School of Art & Art History, Norman, Okla.*

The cover drawing was created by famed western artist C.M. Russell in 1898, and appeared on the cover of the 1899 publication "Great Falls, Montana, Historic and Scenic," by the Great Falls Tribune. Russell's pen and ink drawing, titled "Discovery of the Great Falls of the Missouri by Messrs. Lewis and Clark, in 1805, " depicts the expedition overlooking the impressive falls for the first time near the future city of Great Falls and the Missouri River Courthouse. The image is courtesy of The History Musuem in Great Falls, Montana. Photographs, drawings and design details in this report were collected from this and other historical and contemporary sources related to the city of Great Falls, its federal courthouses and its landscape.

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MISSION STATEMENT

The mission of the Judicial Council of the Ninth Circuit is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts within the circuit. To do so, it will promote the fair and prompt resolution of disputes, ensure the effective discharge of court business, prevent any form of invidious discrimination, and enhance public understanding of, and confidence in the judiciary.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

2010-2011 Ninth Circuit Judicial Council: Seated from left are Chief District Judge Audrey B. Collins (CAC), Circuit Judge Sidney R. Thomas, Chief Circuit Judge Alex Kozinski, Circuit and Court of Appeals Executive Cathy A. Catterson, and Magistrate Judge David K. Duncan (AZ). Standing middle row, from left, are Senior District Judge Stephen M. McNamee (AZ), Chief Probation Officer Michelle A. Carey (CAC), Chief Bankruptcy Judge Peter W. Bowie (CAS), Circuit Judge Raymond C. Fisher, Chief Pretrial Services Officer Shiela Adkins (NV), and District Court Clerk Patrick E. Duffy (MT). Standing back row, from left, are District Judge Robert S. Lasnik (WAW), Chief District Judge James Ware (CAN), Senior District Judge Roger L. Hunt (NV), Chief District Judge Ralph R. Beistline (AK), and Chief District Judge B. Lynn Winmill (ID).

Not pictured are: Circuit Judge Richard R. Clifton, Circuit Judge Ronald M. Gould, Bankruptcy Court Clerk Charlene M. Hiss (OR), Senior Circuit Judge Procter Hug, Jr., and Chief District Judge Frances Marie Tydingco-Gatewood (GU).

Table of Contents

Ninth Circuit Overview

1 Foreword
3 Ninth Circuit Overview
4 Judicial Council, Advisory Groups and Administration

Judicial Transitions

8 New Judges
20 In Memoriam

Ninth Circuit Highlights

28 Retreats Bring Together Federal Prosecutors, Defenders
29 New Pilot Program Brings Cameras into the Courtroom in Guam
30 e-Voucher System Helps Courts Control Costs
31 Famed Jurist Marks 50th Year of Service
31 Judges Receiving Awards in 2011
32 Ninth Circuit Welcomes New Judges
33 Judges Get Firsthand Look at Border Enforcement
34 San Diego Judge, Lawyer Produce First Ninth Circuit Criminal Handbook
34 L.A. Honors Probation, Pretrial Services Offices
35 Courts, Litigants Benefit from Federal Bar Support
36 Judges, Court Staff Gather in San Diego for COOP Conference
37 Technology Aids Jurors in Deliberations
38 Circuit Judges Embrace the iPad in 2011
39 Work Begins on New Jury Orientation Video
40 Judicial History Highlights Annual Ninth Circuit Luncheon in San Francisco
40 Longtime Federal Public Defender Retires
41 Oregon Honors Senior, Recalled and Retired Judges
42 Courts Reach Out to Schools, Community
43 An Old West Venue for Arizona Bankruptcy Court
44 Annual Conference Looks to the Past, Plans for the Future
46 Ninth Circuit Law Clerks Orientation
47 Judicial Conference Awards Presented and Announced

Space & Security

50 Missouri River U.S. Courthouse –A Gem of the Northern Rockies
53 Mansfield Federal Building and U.S. Courthouse
54 Ground Broken for Yuma Courthouse
55 Courthouses Under Construction

The Work of the Courts

58 Court of Appeals Remains the Nation's Busiest
62 Ninth Circuit Court of Appeals Judges
63 Workload Rises in Federal Trial Courts of the Ninth Circuit
67 Bankruptcy Filings Down in 2011
69 Bankruptcy Appellate Panel Sees Increase in Filings, Terminations
71 Magistrate Judges See Workload Increase Again
73 Federal Defenders Meet Challenge of Growing Caseload
75 Probation Officers See Small Upturn in Supervision Caseload
77 Workload Rises for Ninth Circuit Pretrial Services Officers
79 Juror Utilization
80 Court Interpreters
81 District Caseloads

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Detail of a drawing of Great Falls, Montana in 1891, the year the courts of appeals in the United States were formed. Library of Congress, Geography and Map Division.

Foreword

Some years are remembered not only for what was gained, but also for what was lost. 2011 may have been such a year for the federal courts of the Ninth Circuit. In dispensing criminal justice and settling civil disputes, our dedicated judges and court staff once again provided outstanding service to litigants and the public in nine western states and two Pacific Island jurisdictions. They worked hard to pare down caseloads and processing times, and made notable advances in the use of technology to lower costs and improve efficiency. But 2011 also was noteworthy for the passing of 15 respected jurists, one of them under tragic circumstances, who had made important contributions to justice and the judiciary. The *2011 Ninth Circuit Annual Report* looks back at these gains and losses. I hope you find it useful and encourage you to provide us with feedback.

All of us in the court family were shocked and deeply saddened by the untimely death of Arizona Chief District Judge John M. Roll in the Tucson shooting rampage in January. Judge Roll was an outstanding jurist, highly regarded by his colleagues on the bench and by the lawyers who appeared before him. Courts across the country lowered flags to half-staff in memory of Judge Roll (see page 25) and he was fondly recalled at several events during the year, including the annual circuit conference.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

As chief district judge, Judge Roll had been a strong, able leader who worked tirelessly on behalf of the Arizona court, which has the highest criminal caseload in the nation. He was on official business at the time of his death, attending the Tucson event to thank U.S. Rep. Gabrielle Giffords for supporting his efforts to obtain additional judgeships and other resources. He also was preparing to declare a judicial emergency, suspending certain time limits for bringing defendants to trial, to further demonstrate the seriousness of the situation. The declaration was issued two weeks after his death by his successor, Chief District Judge Roslyn O. Silver, with the support of the Judicial Council of the Ninth Circuit.

The Arizona court is not the only one in the Ninth Circuit struggling with an overload of cases. The Eastern District of California, which includes Sacramento, Fresno and the Central Valley, remains awash in civil litigation and reported the most pending prisoner petitions in the nation. Eastern District judges carry the highest weighted caseloads in the nation.

In May, we welcomed the introduction of the Emergency Judicial Relief Act of 2011, which would authorize new judgeships for the courts in Arizona and Eastern California. We commend California Senators Dianne Feinstein and Barbara Boxer and Arizona Senator Jon Kyl, among others, for sponsoring the legislation, which is awaiting action by the Senate Judiciary Committee. We remain hopeful the bill will be enacted during the current legislative session.

Chief Judge
Alex Kozinski

Judges of the Ninth Circuit Court of Appeals were rocked by the deaths of five colleagues during the year. Senior Circuit Judges David R. Thompson of San Diego and Cynthia Holcomb Hall of Pasadena died in February, just weeks apart. Senior Circuit Judge Thomas G. Nelson of Boise, Idaho, died in May; Circuit Judge Pamela Ann Rymer of Pasadena in September; and Senior Circuit Judge Robert M. Boochever, the first Alaskan to sit on the court, in October, also in Pasadena.

Elsewhere in the circuit, courts mourned the passing of District Judges Helen J. Frye of Oregon and James M. Fitzgerald of Alaska; Bankruptcy Judges Jon J. Chinen

of Hawaii, Albert E. Radcliffe of Oregon, Samuel J. Steiner of the Western District of Washington and James H. Thompson of Nevada; and Magistrate Judges Donald C. Ashmanskas of Oregon, James B. Hovis of Eastern Washington, and John R. Kronenberg of the Central District.

All of these judges had long and distinguished careers and many of them worked well into their retirement years. Indeed, senior judges, who are eligible to retire with full pay but choose to continue working essentially for free, have become indispensable to the operation of the federal courts. In the Ninth Circuit last fiscal year, senior circuit judges participated in one third of all appeals decided on the merits, while senior district judges logged hundreds of hours presiding over trials and proceedings or serving their courts in administrative capacities. The contributions of senior judges often go unrecognized so it was heartening to see the federal bar honor 13 senior judges and recalled judges from Oregon during a program held in December at the U.S. District Court in Portland.

Filling vacancies on the federal courts of the circuit continues to be a slow process. In 2011, the Senate confirmed just one new circuit judge, Morgan Christen of Anchorage, Alaska, who received her commission in January 2012. The court ended the year with four vacancies, one of them dating back to 2004. Among the 15 district courts of the circuit, 11 new judges were confirmed, including Jennifer Guerin Zipps, a Tucson magistrate judge elevated to fill the vacancy left by Judge Roll's death. At year's end, 12 district court judgeships remained vacant.

Most of our courts saw increases in case filings and, thanks to the hard work of judges and staff, reductions in pending caseloads. At the Ninth Circuit Court of Appeals, which continues to be the nation's busiest appellate court, filings were up 1.3 percent. The pending caseload was reduced by 5.9 percent, which followed an 8.2-percent decrease the prior year. Immigration matters and appeals brought by inmates in state or federal prisons predominated the court's docket numerically, while more than half of all appeals were brought by *pro se* litigants.

In the district courts of the circuit, new filings were up 7.2 percent overall and 12.1 percent in criminal matters. Prisoner petitions predominated on the civil side, immigration and drug offenses on the criminal side. Pending cases in the district courts decreased 1.5 percent for civil matters and 1.2 percent for criminal matters.

In an indication of an improving economy, new bankruptcy filings in the circuit were down 4.3 percent, the first decline in four years. Among 14 courts, filings were down between 1.1 percent and 14.6 percent. Only the Central District of California, the nation's busiest bankruptcy court, saw a slight increase.

New initiatives in our courts included implementation of an electronic voucher system to better manage costs for providing indigents with adequate legal counsel as required under the Criminal Justice Act. Also during the year, the district court in Guam became the first in the Ninth Circuit to video record a proceeding under the new national program testing cameras in the courtroom. Also of note was publication of the first Ninth Circuit criminal handbook and the start of production work on a new juror orientation video.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

A number of our judges were honored during the year, including Circuit Judge Marsha S. Berzon, who received the Margaret Brent Women Lawyers of Achievement Award from the American Bar Association Commission on Women in the Profession, and Senior District Judge Ronald M. Whyte of the Northern District of California, who received the prestigious 2011 Ninth Circuit Professionalism Award from the American Inns of Court. A full list of award winners can be found elsewhere in the report.

District Judge Jeremy D. Fogel of the Northern District of California was named the new director of the Federal Judicial Center in Washington, D.C. He succeeds another Ninth Circuit jurist, Senior District Judge Barbara J. Rothstein of the Western District of Washington, who had been FJC director since 2003. Judge Fogel also was named Federal Judge of the Year by the Santa Clara County Trial Lawyers Association.

We invite you to review this report further for more information about the work of the federal courts of the West.

Ninth Circuit Overview

The United States Courts for the Ninth Circuit consists of the U.S. Court of Appeals for the Ninth Circuit, the federal trial and bankruptcy courts in the 15 judicial districts within the circuit, and associated administrative units that provide various services to the court.

Judicial districts within the Ninth Circuit include the districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. Today, it is the largest and busiest of federal circuits.

Judges serving on the circuit and district courts are known as Article III judges, a reference to the article in the Constitution establishing the federal judiciary. Nominated by the president and confirmed by the Senate, Article III judges serve lifetime appointments upon good behavior. The Ninth Circuit Court of Appeals has been authorized 29 judgeships and ended 2011 with four vacant positions. For most of the year, the district courts were authorized 112 judgeships, 12 of which were vacant at year's end.

Federal courts also rely on senior circuit and senior district judges to assist with their workload. These are Article III judges, who are eligible for retirement but have chosen to continue working with reduced caseloads. On the Ninth Circuit Court of Appeals, 20 senior circuit judges were at work for most of the year, sitting on appellate panels, serving on circuit and national judicial committees, and handling a variety of administrative matters. In the district courts within the circuit, 62 senior judges heard cases, presided over procedural matters, served on committees and conducted other business during 2011.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

In addition to Article III judges, the federal bench includes Article I judges, who serve as magistrate judges in the district courts and bankruptcy judges in the bankruptcy courts. Bankruptcy judges are appointed by the court of appeals and serve terms of 14 years. Magistrate judges are appointed by the judges of each district court and hold their positions for eight years.

In 2011, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 103 full-time and 11 part-time magistrate judges. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

Overall, the Ninth Circuit courts, with the exception of bankruptcy courts, experienced increased caseloads in 2011. Unless otherwise noted, statistics in this report cover the 2011 fiscal year ending September 30, 2011

Judicial Council, Advisory Groups and Administration

The Judicial Council of the Ninth Circuit is the governing body for federal district and bankruptcy courts in nine western states and two Pacific island jurisdictions. The Judicial Council's statutory mission is to support the effective and expeditious administration of justice and the safeguarding of fairness in the administration of the courts. It has statutory authority to "make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit," [28 U.S.C. 332(d)(1)].

The Judicial Council also has been delegated responsibilities by the Judicial Conference of the United States, the national governing body for the federal courts. These responsibilities include authorizing senior judge staffing levels and pay.

In governing the circuit, the Judicial Council relies on advisory groups and committees to accomplish its goals. Chairs of three advisory groups attend council meetings as observers and sometimes voting members. Committee chairs report to the council as needed.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-35911 archived on November 21, 2012

Judicial Council of the Ninth Circuit
Chief Judge Alex Kozinski

Office of the Circuit Executive
Cathy A. Catterson , *Circuit & Court of Appeals Executive*

Executive Committee

In 2011, the Judicial Council of the Ninth Circuit, pursuant to 18 U.S.C. § 3174, ordered on March 2 to approve extending the judicial emergency declared in the District of Arizona for an additional one-year period ending February 19, 2012. Chief District Judge Roslyn O. Silver declared a 30-day judicial emergency on January 20, 2011, following the death of Chief District Judge John M. Roll, who was killed in a shooting rampage in Tucson.

Under the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the Judicial Council of the Ninth Circuit considers petitions for review of the chief judge's orders in judicial misconduct complaints. In 2011, 15 petitions for review were filed and all 15 were resolved by the Judicial Council.

Conference of Chief District Judges

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit about the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judge of each district. Chief District Judge Robert S. Lasnik of the Western District of Washington served as chair of the conference from October 2010 to August 2011. He was succeeded by Chief District Judge Irma E. Gonzalez of the Southern District of California, who will chair the conference until August 2012.

Elevated to chief district judge during the year were district judges Robert Clive Jones of the District of Nevada; Marsha J. Pechman of the Western District of Washington; Rosanna Malouf Peterson of the Eastern District of Washington; Roslyn O. Silver of the District of Arizona; and James Ware of the Northern District of California. Chief District Judge Ramona V. Manglona of the Northern Mariana Islands took office on July 29, 2011.

Conference of Chief Bankruptcy Judges

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit on the administration of the bankruptcy courts within the circuit. The conference, which also meets twice per year, consists of chief bankruptcy judges from each district, the chief bankruptcy judge of the BAP, and a recalled

bankruptcy judge representative. Chief Bankruptcy Judge Terry L. Myers of the District of Idaho chaired the conference from October 2010 to September 2011. He was succeeded by Chief Bankruptcy Judge Peter W. Bowie of the Southern District of California, who will chair the conference until August 2012.

Elevated to chief bankruptcy judge during the year were bankruptcy judges Peter H. Carroll of the Central District of California; Alan Jaroslovsky of the Northern District of California; and Paul B. Snyder of the Western District of Washington.

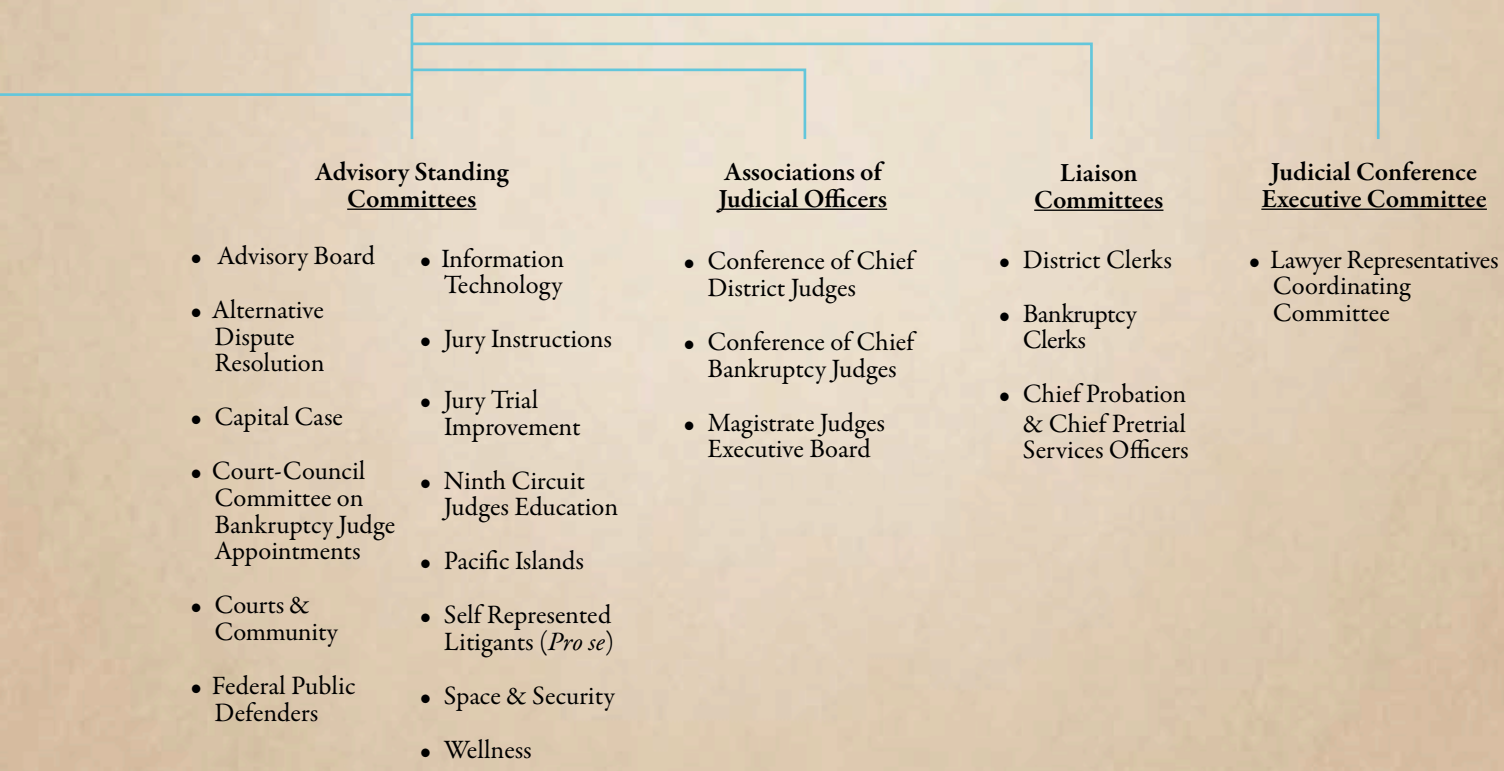
Magistrate Judges Executive Board

The Magistrate Judges Executive Board communicates to the Judicial Council of the Ninth Circuit on behalf of the more than 120 full-time, part-time and recalled magistrate judges serving in the district courts. The 15-member board meets twice a year and holds a session with all magistrate judges at the annual circuit conference. Magistrate Judge David K. Duncan of the District of Arizona is the current chair. His term began in July 2010 and will expire in July 2012.

Clerks of Court

Day-to-day management of the courts rests with the chief judges and clerks or district executives of the court of appeals and each of the district and bankruptcy courts. The clerks' offices process new cases and appeals, handle docketing functions, respond to procedural questions from the public and bar, and provide adequate judicial staff resources. The clerk of court for the court of appeals also supervises the work of the Circuit Mediation Office and the Office of the Staff Attorneys, which includes the research, motions, case management and *pro se* (self-represented) litigation units. The Office of the Appellate Commissioner, also in the Ninth Circuit Court of Appeals Clerk's Office, reviews Criminal Justice Act vouchers for cases that come before the court of appeals.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 argued on November 21, 2012



Associated Court Units

Ninth Circuit courts also rely on several important court-related agencies to ensure the fair administration of justice. The district courts maintain oversight of U.S. Probation and Pretrial Services offices. Pretrial services officers are responsible for background investigations and reports on defendants awaiting trial, while probation officers supervise persons convicted of federal crimes after their release into the community. All but one judicial district in the circuit is served by either federal public defender or community defenders, who represent indigent defendants unable to afford private counsel. Indigent defendants in the District of Northern Mariana Islands are represented by private attorneys provided by the District of Guam and paid through the federal Criminal Justice Act.

Circuit Libraries

The Ninth Circuit Library System assists judges, attorneys, court staff and the public through a network of 24 law libraries housed in courthouses throughout the western states. The primary mission of court librarians is to provide research services to judges and their staff. Research librarians assist law clerks on case-related research by providing guidance and recommendations, offering training opportunities, and performing direct research on more complex topics. Librarians also conduct research to assist court executives and judges in the administration of local courts and on matters involving committees of the Judicial Council of the Ninth Circuit and the Judicial Conference of the U.S. Library resources are also made available to the bar and public with the level of access determined by local judges.

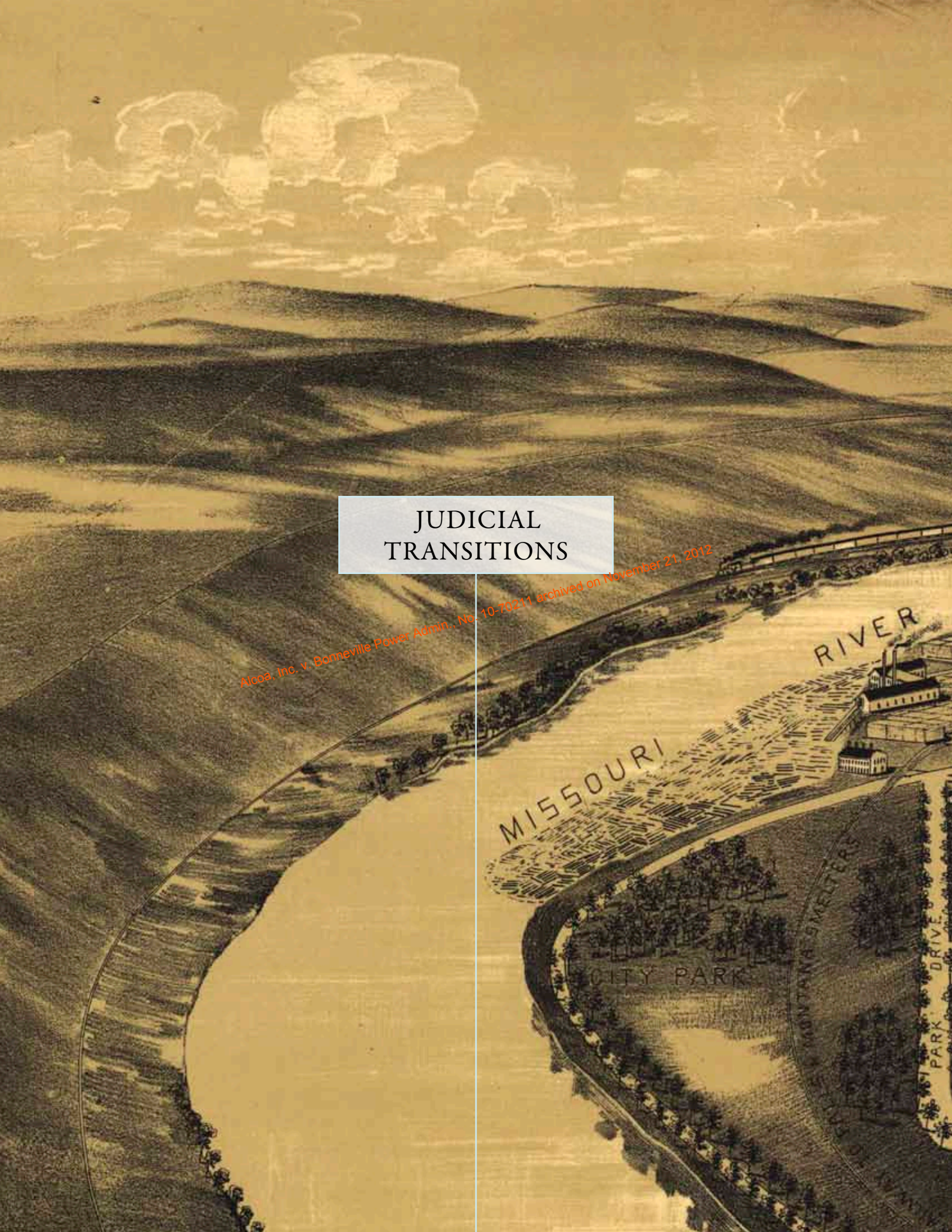
Office of the Circuit Executive

The Office of the Circuit Executive provides staff support to the Judicial Council of the Ninth Circuit and implements the council's administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the council. The circuit executive and her staff assist in identifying circuit-wide needs, conducting studies, developing and implementing policies, providing training, public information and human resources support. Circuit executive staff also coordinates building and automation projects, and advises the council on procedural and ethical matters. The Office of the Circuit Executive provides management and technical assistance to courts within the circuit upon request. It also administers the annual Ninth Circuit Judicial Conference.

Alcoa, Inc. v. Bonneville Power Administration, No. 10-70211 archived on November 21, 2012

JUDICIAL TRANSITIONS

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012



New Judges

Circuit Judge

Judge Mary H. Murguia was confirmed by the Senate to serve as a judge of the United States Court of Appeals for the Ninth Circuit on December 22, 2010, and received her commission on January 4, 2011. Prior to her elevation to the appellate court, Judge Murguia had served as a U.S. district judge for the District of Arizona since 2000. Before coming onto the bench, Judge Murguia held various positions in the Executive Office for U.S. Attorneys in Washington, D.C., including director from 1999 to 2000; as principal deputy director in 1999; and as counsel to the director's staff from 1998 to 1999. She served as an assistant U.S. attorney in the U.S. Attorney's Office for the District of Arizona from 1990 to 2000, and as an assistant district attorney in Wyandotte County District Attorney's Office in Kansas from 1985 to 1990. Judge Murguia received her B.S. and B.A. from the University of Kansas in 1982 and her J.D. from the University of Kansas Law School in 1985. She maintains chambers in Phoenix.

District Judges

Judge Anthony J. Battaglia was confirmed by the Senate to serve as a U.S. district judge for the Southern District of California on March 7, 2011, and received his commission on March 9, 2011. Judge Battaglia had served as a U.S. magistrate judge for the Southern District of California since 1993. Prior to his appointment to the bench, he engaged in private practice as an associate then partner at Battaglia, Fitzpatrick & Battaglia, P.C., in San Diego, California, from 1991 to 1993. He was a sole proprietor of Anthony J. Battaglia, P.C., in San Diego, from 1981 to 1991. Judge Battaglia received his B.A. from United States International University in 1971 and his J.D. from California Western, School of Law, in 1974. Following law school, he clerked for the Law Offices of Marinos & Styn from 1972 to 1974. Judge Battaglia maintains chambers in San Diego.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 Archived on November 27, 2013

Judge Edward M. Chen was confirmed by the Senate to serve as a U.S. district judge for the Northern District of California on May 10, 2011, and received his commission on May 12, 2011. Prior to his appointment, Judge Chen had served as a magistrate judge for the Northern District of California since 2001. Prior to coming onto the bench, he worked as a staff attorney for the American Civil Liberties Union of Northern California from 1985 to 2001, and engaged in private practice as a litigation associate for Coblentz, Cohen, McCabe & Breyer in San Francisco from 1982 to 1985. Judge Chen received his A.B. from the University of California at Berkeley in 1975 and his J.D. from UC Berkeley, Boalt Hall School of Law, in 1979. Following law school, he clerked for Circuit Judge James R. Browning of the U.S. Court of Appeals for the Ninth Circuit from 1981 to 1982. He maintains chambers in San Francisco.

Judge Dana L. Christensen was confirmed by the Senate to serve as a U.S. district judge for the District of Montana on December 5, 2011, and received his commission on December 6, 2011. Prior to his appointment, Judge Christensen had practiced law in Montana for more than 30 years, most recently as a civil litigator and partner at the law firm of Christensen, Moore, Cockrell, Cummings & Axelberg, P.C., in Kalispell, Montana, since 1996. Before that, he was a shareholder in the law firm of Murphy, Robinson, Heckathorn & Phillips, P.C., in Kalispell from 1981 to 1996, and an associate at the law firm of Moulton, Bellingham, Longo & Mather, P.C., in Billings from 1977 to 1981. He had served on the Ninth Circuit's Lawyer Representatives Coordinating Committee from 2006 to 2009, and on the Ninth Circuit's Advisory Board since 2010. Judge Christensen received his B.A. from Stanford University in 1973 and his J.D. from the University of Montana, School of Law, in 1976. He maintains chambers in Missoula.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 31, 2012

Judge Edward J. Davila was confirmed by the Senate to serve as a U.S. district judge for the Northern District of California on February 14, 2011, and received his commission on March 3, 2011. Prior to his appointment to the federal bench, Judge Davila had served as a California (Santa Clara County) Superior Court judge since 2001. He engaged in private practice at the law firm of Davila & Polverino in San Jose, California, from 1988 to 2001 and served as a deputy public defender, Santa Clara County Office of the Public Defender from 1981 to 1988. Judge Davila received his B.A. from California State University at San Diego in 1976 and his J.D. from the University of California, Hastings College of the Law, in 1979. He maintains chambers in San Jose.

Judge Marco A. Hernandez was confirmed by the Senate to serve as a U.S. district judge for the District of Oregon on February 7, 2011, and received his commission on February 9, 2011. Prior to his appointment to the federal bench, Judge Hernandez served on the Oregon State Court in Washington County as a circuit judge from 1998 to 2011 and as a district court judge from 1995 to 1998. He was the court's presiding judge from 2002 to 2005. Earlier in his career, Judge Hernandez worked as a deputy district attorney in Washington County from 1989 to 1994, and as a staff attorney for Oregon Legal Services in Hillsboro from 1986 to 1989. Judge Hernandez received his B.A. from Western Oregon State College in 1983 and his J.D. from the University of Washington, School of Law, in 1986. He maintains chambers in Portland.

Judge John A. Kronstadt was confirmed by the Senate to serve as a U.S. district judge for the Central District of California on April 12, 2011, and received his commission on April 14, 2011. Prior to his appointment to the federal bench, Judge Kronstadt had served as a California (Los Angeles County) Superior Court judge since 2002. He engaged in private practice in Los Angeles as a partner at the law firm of Arnold & Porter, LLP, from 2000 to 2002; a partner at Blanc Williams Johnston & Kronstadt, from 1991 to 2000; and a partner at Blanc Gilburne Williams & Johnston from 1985 to 1991. He began his career as an associate then partner at Arnold & Porter, LLP, in Washington, D.C., from 1978 to 1985. Judge Kronstadt received his B.A. from Cornell University in 1973 and his J.D. from Yale Law School in 1976. Following law school, he clerked for District Judge William P. Gray of the U.S. District Court for the Central District of California from 1976 to 1977. He maintains chambers in Los Angeles.

Judge Ramona Villagomez Manglona was confirmed to serve as a U.S. district judge for the District of the Northern Mariana Islands, receiving her commission on July 29, 2011. Prior to her appointment, Judge Manglona had served as a judge of Superior Court of the Commonwealth of the Northern Mariana Islands since 2003. Before coming onto the bench, she served as the islands' first female attorney general, winning confirmation from the CNMI Senate in 2002. Judge Manglona received her B.A. from the University of California at Berkeley in 1990 and her J.D. in 1996 from the University of New Mexico, School of Law, where she made the Dean's List and Honor Roll. Following law school, Judge Manglona clerked for Judge Virginia Sablan Onerheim and then for Presiding Judge Alexandro C. Castro of the CNMI Superior Court. She maintains chambers in Saipan.

Judge Yvonne Gonzalez Rogers was confirmed to serve as a U.S. district judge for the Northern District of California on November 15, 2011. She received her commission on November 21, 2011. Prior to her appointment to the federal bench, Judge Gonzalez Rogers had served as a California (Alameda County) Superior Court judge since 2008. She served the court as a judge *pro tem* from 2007 to 2008 and as a member of the civil grand jury from 2005 to 2007, serving as foreperson from 2006 to 2007. Judge Gonzalez Rogers engaged in private practice with the law firm of Cooley Godward LLP (now Cooley LLP) in San Francisco, where she was an equity partner from 1999 to 2001 and a litigator from 1991 to 2003. Judge Gonzalez Rogers received her A.B. in 1987 from Princeton University, where she graduated *cum laude*, and her J.D. from the University of Texas, School of Law, in 1991. She maintains chambers in San Francisco.

Judge Michael H. Simon was confirmed by the Senate to serve as a U.S. district judge for the District of Oregon on June 21, 2011, and received his commission on June 22, 2011. Prior to his appointment, Judge Simon was a partner at the law firm of Perkins Coie in Portland, Oregon. He taught as an adjunct professor of law at Lewis and Clark Law School in 1997, 1999, 2006, and 2009. He began his legal career in the Department of Justice, where he worked as a special assistant to the U.S. attorney in 1986 and as a trial attorney in the Antitrust Division from 1981 to 1986. Judge Simon received his B.A., Phi Beta Kappa, in 1978 from the University of California at Los Angeles, where he graduated *summa cum laude*. He received his J.D. in 1981 from Harvard Law School, where he graduated *cum laude*. Judge Simon maintains chambers in Portland.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-702 Archived on November 21, 2012

Judge Jennifer Guerin Zipps was confirmed by the Senate to serve as a U.S. district judge for the District of Arizona on October 3, 2011, and received her commission on October 5, 2011. Prior to her appointment, Judge Zipps had served as a magistrate judge for the District of Arizona since 2005. She served as an assistant U.S. attorney for the District of Arizona from 1995 to 2005 and was in private practice in Tucson, Arizona, from 1991 to 1995. Judge Zipps received her B.A. from the University of Arizona in 1986 and her J.D. from Georgetown University Law Center in 1990. Following law school, she clerked for Circuit Judge William C. Canby of the U.S. Court of Appeals for the Ninth Circuit from 1990 to 1991. She maintains chambers in Tucson.

Bankruptcy Judges

Judge Neil W. Bason was appointed a bankruptcy judge for the Central District of California on October 24, 2011. Prior to his appointment, Judge Bason had been a special counsel at Duane Morris LLP in Los Angeles since 2009, and previously was a special counsel at Howard Rice Nemerovski Canady Falk & Rabkin, P.C., in San Francisco from 2008 to 2009. Judge Bason served as a law clerk to Bankruptcy Judge Dennis Montali of the U.S. Bankruptcy Court for the Northern District of California from 2000 to 2008. He had been an associate in the former law firm of Hovis, Smith, Stewart, Lipscomb & Cross, LLP from 1996 to 1999, and a contract attorney for various law firms from 1993 to 1996. Judge Bason received his B.A. from Johns Hopkins University in 1984. His undergraduate studies include attending the University of London from 1982 to 1983. He received his J.D. in 1988 from Boston University, School of Law, where he graduated *magna cum laude* and was a note editor of the Boston University Law Review. He maintains chambers in Los Angeles.

Judge Bruce T. Beesley was appointed a bankruptcy judge for the District of Nevada on January 3, 2011. Prior to his appointment, Judge Beesley was a partner and served as the bankruptcy practice group leader for the Lewis and Roca LLP offices in Reno, Las Vegas, Phoenix, and Albuquerque, New Mexico. He was a partner at Beckley Singleton, Ltd., in Las Vegas from 2006 to 2007, and was a shareholder and president of Beesley, Peck & Matteoni, Ltd., in Reno from 1995 to 2006. Judge Beesley received his B.S. from the University of Nevada at Reno in 1975 and his J.D. in 1978 from the University of the Pacific, McGeorge School of Law, where he graduated with distinction. He maintains chambers in Reno.

Judge Julia W. Brand was appointed a bankruptcy judge for the Central District of California on October 24, 2011. She engaged in private practice in Los Angeles for more than 20 years. Prior to her appointment, Judge Brand had been a shareholder in the law firm of Brownstein Hyatt Farber Shreck LLP since 2010. Before that, she was of counsel for 11 months to Danning Gill Diamond & Kollitz LLP; a partner in the law firm of Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP from 2007 to 2009; a partner at the law firm of Katten Muchin Rosenman LLP from 1991 to 2007; and an associate at Gendel Raskoff Shapiro & Quittner, and at Bolton Dunn & Moore. Judge Brand received her B.A. from the University of California at Los Angeles in 1981 and her J.D. in 1985 from the University of Southern California, Gould School of Law, where she served as editor of the Computer Law Journal and received the American Jurisprudence Award for Labor Law. She maintains chambers in Los Angeles.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-702 archived on November 21, 2012

Judge Scott C. Clarkson was appointed a bankruptcy judge for the Central District of California on January 20, 2011. Prior to his appointment, Judge Clarkson had served as the managing attorney of Clarkson, Gore & Marsella, APLC, in Torrance, California, and had been a practicing attorney for over 20 years. He was a direct observer of and participant in the creation of the 1978 Bankruptcy Code in the U.S. House of Representatives. Since 1989, he has practiced in all areas of bankruptcy law including working with individuals, and public and private corporations. Judge Clarkson worked as a litigator, involved in both prosecution and defense of preference and fraudulent avoidance actions, and recovery actions. He received his B.A. from Indiana University in 1979 and his J.D. from George Mason University, School of Law, in 1982. He maintains chambers in Santa Ana.

Judge Timothy W. Dore was appointed a bankruptcy judge for the Western District of Washington on April 4, 2011. Prior to his appointment, Judge Dore had worked since 1987 for the Seattle law firm of Ryan, Swanson & Cleveland. He became a member of the firm in 1995 and had served as chair of its Bankruptcy and Creditors' Rights Group since 2000. Judge Dore received his B.A. in 1983 from Seattle University, where he graduated *magna cum laude*, and his J.D. in 1987 from the University of Washington, School of Law, where he graduated with honors. He maintains chambers in Seattle.

Judge Wayne E. Johnson was appointed a bankruptcy judge for the Central District of California on February 28, 2011. Prior to his appointment, Judge Johnson had been in private practice as a sole practitioner in Redlands, California, since 2003. He had previously worked in Los Angeles as a bankruptcy attorney at Brobeck, Phleger & Harrison LLP, from 1996 to 2003, and at Lewis, D'Amato, Brisbois & Bisgaard LLP, from 1994 to 1996. Judge Johnson also worked as an adjunct professor of law at Trinity Law School in Santa Ana, California, from 1999 to 2001. He received his B.A. in 1989 from Cornell University, graduating *magna cum laude*, and his J.D. from the University of Pennsylvania Law School in 1992. He maintains chambers in Riverside.

Aera Inc. v. Bonneville Power Admin., No. 10-70211, Archived on November 21, 2012

Judge Sandra R. Klein was appointed a bankruptcy judge for the Central District of California on April 22, 2011. Prior to her appointment, Judge Klein had worked in the Criminal Enforcement Unit of the Department of Justice, U.S. Trustee Program, as acting chief since 2009, and as the bankruptcy fraud criminal coordinator from 2003 to 2009. Judge Klein worked as a special assistant U.S. attorney, U.S. Attorney's Office, Central District of California, from 1997 to 2003, and as a litigation associate at the law firm of O'Melveny & Myers, LLP, in Los Angeles from 1995 to 1997. She had also been a part-time adjunct professor at Loyola Law School in 2003, 2005 and 2006. Judge Klein received her undergraduate degree in 1982 from the University of Massachusetts, graduating *magna cum laude*. She received her J.D. in 1992 from Loyola Law School, also graduating *magna cum laude* and serving as the comment editor of the Loyola International & Comparative Law Journal. She clerked for Circuit Judge Arthur L. Alarcón of the U.S. Court of Appeals for the Ninth Circuit from 1994 to 1995. Judge Klein received her master's degree in 2009 from the UCLA Anderson School of Management, where she graduated as a member of its Honor Society. She maintains chambers in Los Angeles.

Judge William J. Lafferty, III, was appointed a bankruptcy judge for the Northern District of California on April 20, 2011. Prior to his appointment, Judge Lafferty had been an attorney at the law firm of Howard Rice in San Francisco, acting as director of the firm's Bankruptcy and Reorganization Practice Group since 1983. Judge Lafferty received his B.A. in 1978 from the University of California at Berkeley, graduating with honors. He received his J.D. in 1985 from the University of California, Hastings College of the Law, where he was a member of the Constitutional

Law Quarterly. Following law school, he clerked for Bankruptcy Judge Thomas E. Carlson of the U.S. Bankruptcy Court for the Northern District of California from 1985 to 1987. He maintains chambers in San Francisco.

Judge Thomas M. Renn was appointed a bankruptcy judge for the District of Oregon on October 28, 2011. Prior to his appointment, Judge Renn had been a solo practitioner, working as a Chapter 7 panel trustee in the Portland division of the U.S. Bankruptcy Court for the District of Oregon since 2002. From 1995 to 2002, he practiced law, authored a book containing an annual survey of bankruptcy law, and taught business law at Pacific University. Judge Renn received his B.A. from Gustavus Adolphus College in 1981 and his J.D. from the University of Minnesota Law School in 1984. He maintains chambers in Eugene.

Judge Mark S. Wallace was appointed a bankruptcy judge for the Central District of California on January 20, 2011. Prior to his appointment, Judge Wallace had been of counsel at Stutman, Treister & Glatt, P.C., in Los Angeles since 1991. From 1979 to 1991, he was a shareholder at Osborn, Maledon, P.A., in Phoenix, Arizona, where he practiced tax and corporate law, and was the firm's principal tax lawyer. He received his B.A. in 1974 from Princeton University, graduating *summa cum laude*. Judge Wallace received his J.D. in 1977 from Columbia University, School of Law, where he was the notes and comments editor of the Columbia Law Review. He maintains chambers in Santa Ana.

Magistrate Judges

Judge William Cobb was appointed a magistrate judge for the District of Nevada on September 4, 2011. Prior to his appointment to the federal bench, he was managing and senior partner of the civil litigation law firm of Erickson, Thorpe & Swainston, Ltd., where he practiced law for 33 years. Judge Cobb was formerly a deputy district attorney in the Washoe County District Attorney's Office. A native of Nevada, he attended the University of Nevada, Reno, and the Lewis & Clark Law School. He served in the Army Reserves as captain, Air Defense Artillery. While engaged in the practice of law, Judge Cobb was a Nevada lawyer delegate to the Ninth Circuit Judicial Conference (chair, 1991). He is a former president of the Thompson Inn of Court and was honored as a Master Emeritus of the Inn, and is a member of the American Board of Trial Advocates. He served as a Nevada Supreme Court settlement judge for 14 years and was also a judge *pro tempore* of Nevada's "Short Trial" program. Judge Cobb was a member of the Board of Regents of the Nevada System of Higher Education. Judge Cobb maintains his chambers in Reno.

Accordino v. Bonneville Power Admin., No. 1070211 arguied on November 21, 2012

Judge Jacqueline Scott Corley was appointed a magistrate for the Northern District of California on May 18, 2011. Prior to her appointment, she was a partner at Kerr & Wagstaffe, LLP, in San Francisco, from 2009 to 2011. She served as a law clerk for District Judge Charles R. Breyer of the U.S. District Court for the Northern District of California from 1998 to 2009. Earlier in her career, Judge Corley worked as a litigation associate at Coblentz, Patch, Duffy & Bass, LLP, in San Francisco from 1994 to 1997, and as a commercial litigation and criminal defense attorney at Goodwin Procter, LLP, in Boston, Massachusetts, from 1992 to 1994. She received her undergraduate degree from the University of California at Berkeley in 1988, and her J.D. in 1991 from Harvard Law School,

graduating *magna cum laude*. Following law school, Judge Corley clerked for District Judge Robert Keeton of the U.S. District Court for the District of Massachusetts from 1991 to 1992. She maintains chambers in San Francisco.

Judge Nathanael M. Cousins was appointed a magistrate judge for the Northern District of California on July 5, 2011. Prior to his appointment, Judge Cousins had served as a federal prosecutor in the Antitrust Division of the U.S. Attorney's Office for the Northern District of California since 2003. He worked previously as an associate, of counsel, then partner with the law firm of Kirkland & Ellis in Chicago, from 1997 to 2003; as a *pro bono* class counsel for Illinois River Correctional Center inmates from 1998 to 2001; and as an associate with Greenberg Glusker in Los Angeles, from 1995 to 1996. Judge Cousins received his B.A. from Stanford University in 1992, and received his J.D., Order of the Coif, from the University of California, Hastings College of the Law, in 1995. He clerked for Chief District Judge F.A. Little, Jr., of the U.S. District Court for the Western District of Louisiana from 1996 to 1997. Judge Cousins maintains chambers in San Francisco.

Judge Carolyn K. Delaney was appointed a magistrate judge for the Eastern District of California on July 29, 2011. Prior to her appointment, Judge Delaney served in the Office of the U.S. Attorney for the Eastern District of California as the first assistant U.S. attorney, from 2009 to 2011; as the executive assistant U.S. attorney from 2000 to 2009; and as an assistant U.S. attorney from 1998 to 2000. She also served as the Department of Justice's resident legal advisor in the American Embassy in Ankara, Turkey, from 2008 to 2009. Earlier in her career, she served as a deputy state attorney general in Pennsylvania from 1996 to 1997; as a deputy district attorney in Bucks County, Pennsylvania, from 1991 to 1996; and as a deputy district attorney in San Mateo County, California, from 1989 to 1990. Judge Delaney received her B.A. from Wesleyan University in 1984 and her J.D. from Stanford Law School in 1988. She maintains chambers in Sacramento.

Judge Mitchell D. Dembin was appointed a magistrate judge for the Southern District of California on March 18, 2011. Prior to his appointment, Judge Dembin had served as an assistant U.S. attorney in the Southern District of California since 1991. He had been the cyber crime coordinator since 2005 and was previously chief of General Crimes Section, chief of the Financial Institution Fraud Section, and legal coordinator of Boiler Room Task Force. Earlier in his career, Judge Dembin worked as chief security advisor for Microsoft Corporation in Redmond, Washington, from 2004 to 2005; as president of EvidentData, Inc., in Rancho Cucamonga, California, from 2001 to 2004; and as program director, CyberAttack Team, Exodus Communications, in Santa Clara, California, from 2000 to 2001. He engaged in private practice as a partner at Dembin and Mitchell in Springfield, Massachusetts, from 1989 to 1991. He was an assistant U.S. attorney in the District of Massachusetts from 1985 to 1989, and a staff attorney at the Securities & Exchange Commission, in Washington, D.C., from 1978 to 1983. Judge Dembin received his B.A. from Brooklyn College of the City University of New York in 1975, and his J.D. from Western New England College, School of Law, in 1978. He maintains chambers in San Diego.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 argued on November 21, 2012

Judge Cam Ferenbach was appointed a magistrate judge for the District of Nevada on October 8, 2011. Prior to coming onto the bench, Judge Ferenbach was a litigation partner with the law firm of Lionel Sawyer & Collins in Las Vegas, Nevada, where he practiced for 31 years. In 2002, he served as

president of the Clark County (Nevada) Bar Association and served as president of the State Bar of Nevada from 2010 to 2011. After receiving his undergraduate degree from Princeton University in 1969, Judge Ferenbach served as an ensign in the Navy's submarine force until 1973. He lived and worked in rural Arizona before attending the Arizona State University, College of Law, where he received his J.D. in 1979. He maintains chambers in Las Vegas.

Judge Carl W. Hoffman, Jr., was appointed a magistrate judge for the District of Nevada on August 5, 2011. Prior to his appointment, Judge Hoffman had been the general counsel of the Clark County (Nevada) School District in Las Vegas since 1995. He provided legal services to district employees and elected officials in various areas of the law, including employment, personal injury, civil rights and education. Earlier in his career, Judge Hoffman served as a lieutenant colonel in the Marine Corps, initially as an infantry officer and later as a judge advocate acting as a criminal prosecutor or defense counsel. He also was a special assistant U.S. attorney, and legal advisor for international military operations. Judge Hoffman received his B.A. from the University of Colorado, his J.D. from the University of San Diego, and his LL.M from the Army Judge Advocate General's School in Charlottesville, Virginia. He maintains chambers in Las Vegas.

Judge Barbara A. McAuliffe was appointed a magistrate judge for the Eastern District of California on October 14, 2011. Prior to her appointment, Judge McAuliffe served as a law clerk for then Magistrate Judge Lawrence J. O'Neill (since elevated to district judge) from 2000 to 2011. She engaged in private practice for 11 years working on complex civil litigation in employment, construction and business litigation. An adjunct professor at local educational institutions, she taught legal research and writing, business law, business ethics, administrative law and international law. Judge McAuliffe received her B.S. from Louisiana State University in 1980 and her J.D. in 1989 from the University of San Diego, School of Law, graduating *magna cum laude* and serving as executive editor of the San Diego Law Review. She maintains chambers in Fresno.

Judge James F. Metcalf was appointed a full-time magistrate judge for the District of Arizona on November 23, 2011. Before being appointed full-time, he had served as a part-time magistrate judge for the District of Arizona since 2009. Prior to that, Judge Metcalf engaged in private practice for ten years in Yuma, where his practice focused primarily on immigration law and criminal defense. He served as a sector counsel for the U.S. Border Patrol and as assistant district counsel for the Immigration and Naturalization Service. Judge Metcalf served on active duty as a judge advocate in the Marines. He received his B.A. from Loyola University of New Orleans and his law degree from the University of Arkansas at Little Rock, School of Law. Judge Metcalf maintains chambers in Yuma.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-35311 archived on November 21, 2012

Judge Richard Puglisi was appointed a magistrate judge for the District of Hawaii on April 1, 2011. He had served previously as a federal magistrate judge for the District of New Mexico since 1996. Prior to coming onto the bench, Judge Puglisi engaged in private practice in Albuquerque and Santa Fe, New Mexico, as a partner at Madison Harbour, Mroz & Puglisi, P.A., from 1991 to 1996, and as an associate then partner at Montgomery & Andrews, P.A., from 1984 to 1991. Judge Puglisi served as judge advocate in the Navy, Pearl Harbor, Hawaii, from 1980 to 1984. He

received his B.A. in 1975 from the University of New Mexico, graduating *cum laude*. Judge Puglisi received his J.D. from the University of New Mexico, School of Law, in 1979, and his M.S. from the U.S. Army War College in 2002. He maintains chambers in Honolulu.

Judge Sheri N. Pym was appointed a magistrate judge for the Central District of California on April 18, 2011. Prior to her appointment, Judge Pym engaged in private practice as an associate at Milberg Weiss Bershad Hynes & Lerach LLP in San Diego from 1994 to 2001. She worked in the U.S. Attorney's Office for the Central District of California as chief of its Riverside Branch Office from 2006 to 2011, and as an assistant U.S. attorney from 2002 to 2011. Judge Pym received her B.A. from Williams College in 1989 and her J.D. from the University of California at Los Angeles, School of Law, in 1994. She maintains chambers in Riverside.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Judge Jean P. Rosenbluth was appointed a magistrate judge for the Central District of California on September 23, 2011. Prior to her appointment, Judge Rosenbluth served as director of the legal writing and advocacy program from 2002 to 2011, and as a clinical professor of law from 2007 to 2011 at the University of Southern California, Gould School of Law. Earlier in her career, Judge Rosenbluth worked in the Office of U.S. Attorney for the Central District, serving as the senior litigation counsel in the Criminal Division from 2000 to 2002, as acting co-chief of the Criminal Appeals Unit in 2002, and as an assistant U.S. attorney from 1995 to 2000. Judge Rosenbluth received her B.A. from Barnard College in 1983 and her J.D. in 1993 from the USC Gould School of Law, where she was editor-in-chief of the Southern California Law Review and a member of the Order of the Coif. She clerked for Circuit Judge Ferdinand F. Fernandez of the U.S. Court of Appeals for the Ninth Circuit from 1994 to 1995; for District Judge Alicemarie H. Stotler of the Central District from 1993 to 1994; and for the Los Angeles County District Attorney's Office in 1992. Judge Rosenbluth maintains chambers in Santa Ana.

Judge Michael R. Wilner was appointed a magistrate judge for the Central District of California on April 1, 2011. Prior to his appointment to the bench, Judge Wilner had served as a special assistant U.S. attorney and deputy chief of the Major Frauds Section of the U.S. Attorney's Office in the Central District of California since 2000. He previously worked as a civil enforcement attorney at the Securities and Exchange Commission in Los Angeles, from 1995 to 2002, and engaged in private practice as a litigation associate at Proskauer Rose LLP in Century City, California, from 1991 to 1994. Judge Wilner received his B.A. from Dartmouth College in 1988 and his J.D. in 1991 from the University of Pennsylvania Law School, graduating with honors. Judge Wilner served as a summer law clerk for Senior District Judge Norma L. Shapiro of the Eastern District of Pennsylvania in 1989. He maintains chambers in Los Angeles.

Senior Judges

Judge Charles R. Breyer was confirmed by the Senate to serve as a district judge for the Northern District of California on November 8, 1997, and received his commission on November 12, 1997. He assumed senior status on December 31, 2011. Prior to his appointment to the bench, he engaged in private practice as a partner at Coblentz, Cahen, McCabe & Breyer in San Francisco from 1980 to 1997 and as an associate at Jacobs, Sills & Coblentz from 1974 to 1979. He did a brief stint as chief assistant district attorney in the District Attorney's Office for the City and County of San Francisco in 1979. Judge Breyer served as an assistant special prosecutor for the Watergate Special Prosecution Force from 1973 to 1974; as the assistant district attorney in San Francisco from 1967 to 1973; and as counsel for Legal Aid Society of San Francisco in 1967. Judge Breyer received his A.B. from Harvard College in 1963 and his J.D. from the University of California at Berkeley, Boalt Hall School of Law, in 1966. Following law school, he clerked for District Judge Oliver Carter of the U.S. District Court for the Northern District of California from 1966 to 1967. He maintains chambers in San Francisco.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70217 submitted on November 21, 2013

Judge Michael R. Hogan was confirmed by the Senate to serve as a district judge for the District of Oregon on September 12, 1991, and received his commission on September 16, 1991. Prior to his appointment, Judge Hogan had served both as a magistrate judge from 1980 to 1991 and as a bankruptcy judge from 1973 to 1980 for the District of Oregon. He engaged in private practice in Portland, Oregon, from 1972 to 1973. Judge Hogan received his B.A. from the University of Oregon in 1968 and his J.D. from Georgetown University Law Center in 1971. Following law school, he clerked for District Judge Robert C. Belloni of the U.S. District Court for the District of Oregon from 1971 to 1972. Judge Hogan maintains chambers in Eugene.

Judge Roger L. Hunt was confirmed by the Senate to serve as a district judge for the District of Nevada on May 24, 2000, and received his commission on May 25, 2000. He assumed senior status on May 26, 2011, after serving as chief judge of the district from 2007 to 2011. Prior to his appointment, Judge Hunt had served as a magistrate judge for the District of Montana from 1992 to 2000. He engaged in private practice in Las Vegas from 1971 to 1992. Judge Hunt served as a deputy district attorney for Clark County (Nevada) District Attorney's Office in Las Vegas from 1970 to 1971. He received his B.A. from Brigham Young University in 1966 and his J.D. from George Washington University in 1970. Judge Hunt maintains chambers in Las Vegas.

Judge A. Howard Matz was confirmed by the Senate to serve as a district judge for the Central District of California on June 26, 1998, and received his commission on June 29, 1998. He assumed senior status on July 11, 2011. Prior to his appointment, Judge Matz was a principal at Bird, Marella, Boxer, Wolpert & Matz, P.C., in Los Angeles from 1983 to 1998. He worked as an associate from 1970 to 1974 then as a partner from 1979 to 1983 at Hughes, Hubbard & Reed in Los Angeles. Judge Matz joined the U.S. Attorney's Office in the Central District of California, where he worked as an assistant U.S. attorney from 1974 to 1978 then served as chief of the Special Prosecutions Unit from 1977 to 1978. He received his A.B. in 1965 from

Columbia University, graduating *cum laude*, and his J.D. from Harvard Law School in 1968. Following law school, he clerked for District Judge Morris E. Lasker of the U.S. District Court for the Southern District of New York from 1969 to 1970. He maintains chambers in Los Angeles.

Judge Donald W. Molloy was confirmed by the Senate to serve as a district judge for the District of Montana on July 18, 1996, and received his commission on August 1, 1996. He assumed senior status on August 16, 2011. Prior to coming onto the bench, Judge Molloy engaged in private practice at the Molloy Law Offices in Billings, Montana, from 1991 to 1995. He was a partner at Anderson & Molloy in Billings from 1990 to 1991; a partner at Anderson, Edwards & Molloy from 1981 to 1990; a partner at Berger Anderson, Sinclair, Murphy, Nelson, Edwards, McGimpsey & Molloy from 1979 to 1980; and an associate at Berger, Anderson, Sinclair & Murphy from 1978 to 1979. Judge Molloy received his B.A. from the University of Montana at Missoula in 1968 and his J.D. from the University of Montana, School of Law, in 1976. He served in the Navy, Naval Aviation, from 1968 to 1973. Judge Molloy maintains chambers in Billings.

Philip M. Pro was confirmed by the Senate to serve as a district judge for the District of Nevada on July 22, 1987, and received his commission on July 23, 1987. He served as chief district judge from 2002 to 2007 and assumed senior status on December 31, 2011. He previously served the District of Nevada as a magistrate judge, from 1980 to 1987. Prior to coming on the bench, Judge Pro served in the Office of U.S. Attorney for the District of Nevada as chief assistant U.S. attorney in Reno in 1980, and was the deputy state attorney general for Nevada from 1979 to 1980. Judge Pro engaged in private practice in Reno from 1978 to 1979. He worked as an assistant U.S. attorney in Las Vegas from 1975 to 1978 and as deputy public defender in Las Vegas from 1973 to 1975. Judge Pro received his B.A. from San Francisco State University in 1968 and his J.D. from Golden Gate University, School of Law, in 1972. Following law school, he clerked for Judge William P. Compton of the Eight Judicial District Court of Nevada from 1972 to 1973. He was in the Naval Reserve from 1964 to 1968. Judge Pro maintains chambers in Las Vegas.

Judge Barbara J. Rothstein was confirmed by the Senate to serve as a district judge for the Western District of Washington and received her commission on February 20, 1980. She served as chief judge of the district from 1987 to 1994 and as director of the Federal Judicial Center from 2003 to 2011. Judge Rothstein assumed senior status on September 1, 2011. Prior to her appointment to the federal bench, she had served as judge, Washington (King County) Superior Court since 1977. Judge Rothstein was an adjunct professor at the University of Washington Law School from 1975 to 1977. She served as an assistant attorney general and chief trial attorney, Consumer Protection and Antitrust Division, Washington State Attorney General's Office, from 1968 to 1977. Judge Rothstein engaged in private practice in Boston, Massachusetts, from 1966 to 1968. She received her B.A. from Cornell University in 1960 and her LL.B. from Harvard Law School in 1966. She maintains chambers in Washington, D.C.

Nevada Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Judge Mary M. Schroeder is the first woman to preside as chief judge of the United States Court of Appeals for the Ninth Circuit from 2000 to 2007. She was confirmed by the Senate to serve as a circuit judge for the Ninth Circuit on September 25, 1979, and received her commission on September 26, 1979. Judge Schroeder assumed senior status on December 31, 2011. Prior to her appointment to the federal bench, Judge Schroeder had served as judge of the Arizona Court of Appeals, Division One, in Phoenix, Arizona, since 1975. She was a visiting instructor at Arizona State University Law School in 1978 and from 1975 to 1976. She clerked for Arizona Supreme Court Justice Jesse A. Udall from 1969 to 1970 before entering into private practice in 1971. Judge Schroeder worked as a trial attorney in the Civil Division of the U.S. Department of Justice in Washington, D.C., from 1965 to 1969. She received her B.A. from Swarthmore College in 1962 and her J.D. from the University of Chicago Law School in 1965. Judge Schroeder maintains chambers in Phoenix.

John W. Sedwick was confirmed by the Senate to serve as a district judge for the District of Alaska on October 8, 1992, and received his commission on October 9, 1992. He served as chief judge from 2002 to 2009 and assumed senior status on March 13, 2011. Prior to his appointment to the bench, Judge Sedwick engaged in private practice in Anchorage from 1982 to 1992. He served as director of the Land and Water Management Division, Department of Natural Resources, State of Alaska, from 1981 to 1982. Before that, he was in private practice in Anchorage from 1972 to 1981. Judge Sedwick received his B.A. from Dartmouth College in 1968 and his J.D. from Harvard Law School in 1972. He maintains chambers in Anchorage.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

In Memoriam

Judge Donald C. Ashmanskas, 75, a recalled magistrate judge of the U.S. District Court for the District of Oregon, died on July 18, 2011. Judge Ashmanskas was appointed on September 24, 1992. He retired in 2008 but had continued to serve as a recalled magistrate judge since then. Before coming onto the federal bench, Judge Ashmanskas served on the Oregon State Court in Washington County as a circuit judge, from 1977 to 1992, and as a district court judge, from 1975 to 1977. Earlier in his career, he served as a city attorney in Beaverton, Oregon, from 1970 to 1975. Judge Ashmanskas also worked as a legal counsel and field consultant, League of Oregon Cities, from 1968 to 1970; as an assistant professor, University of Oregon, from 1966 to 1968; as an editor, Commerce Clearing House, Inc., from 1961 to 1966; and as a revenue officer, U.S. Treasury Department, from 1959 to 1961. Judge Ashmanskas received his B.A. from Rutgers University in 1960 and his J.D. from New York University, School of Law, in 1966. He pursued advanced study at Cornell University and the National Judicial College. Judge Ashmanskas is survived by three children and one grandchild.

Assoc. Inc. v. Bonneville Power Admin., No. 10-71211 archived on November 11, 2012

Judge Robert Boochever, 94, a senior circuit judge of the U.S. Court of Appeals for the Ninth Circuit, died on October 9, 2011. Judge Boochever was appointed on June 18, 1980, and assumed senior status on June 10, 1986. Prior to his appointment to the federal bench, Judge Boochever served as an associate justice of the Alaska Supreme Court from 1972 to 1980 and as its chief justice from 1975 to 1978. Judge Boochever moved to Juneau, Alaska, in 1946 to take a job as an assistant U.S. attorney for the Alaska Territory. A year later, he went into private practice as a partner in the Juneau law firm of Faulkner, Banfield, Boochever & Doogan, where he remained until his appointment to the state bench. Judge Boochever is survived by four daughters, three step-daughters, 11 grandchildren, and three great-grandchildren. He was preceded in death by his first wife, Connie, who died in 1999 after 56 years of marriage, and by his second wife, Rose Marie, who died in 2010.

Judge Jon J. Chinen, 91, a retired bankruptcy judge of the District of Hawaii, died on April 14, 2011. Judge Chinen was appointed as a bankruptcy judge on May 1, 1976. Following the enactment of the Bankruptcy Reform Act, he was reappointed in 1984 and became the first bankruptcy judge appointed to the U.S. Bankruptcy Court for the District of Hawaii. Judge Chinen was reappointed to a 14-year term on August 25, 1986. He retired on July 31, 1991, but later served as a recalled bankruptcy judge from 1993 to 2000. Judge Chinen began his legal career in 1953 when he worked as a deputy territorial attorney general and served as a per diem district judge in the Hawaii court system from 1960 to 1976. He received his undergraduate degree from the University of Hawaii in 1941. Judge Chinen served in the Army and earned a Bronze Star and Purple Heart for injuries received in combat. After being discharged from military service, he enrolled at the University of Michigan Law School, where he received an LL.M. in 1952. Judge Chinen is survived by his wife, Winnie, two sons, and four grandchildren.

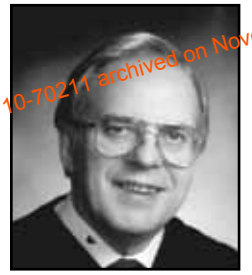
Judge James M. Fitzgerald, 90, a senior district judge of the District of Alaska, died on April 3, 2011. Judge Fitzgerald was appointed on December 20, 1974. He served as chief judge of the district from 1984 to 1989 and assumed senior status on January 1, 1989. Before joining the federal bench, Judge Fitzgerald served as an Alaska Supreme Court justice from 1972 to 1974, and as a judge of the Alaska Superior Court, Third District, from 1959 to 1972, the last three years as the court's presiding judge. He served as the state commissioner of public

safety and as legal counsel to the governor of Alaska in 1959. Judge Fitzgerald was the city attorney in Anchorage, Alaska, from 1956 to 1959, and served as assistant U.S. attorney for the District of Alaska from 1952 to 1956. He received his B.A. from Willamette University in 1950 and his LL.B. from Willamette University, College of Law, in 1951. He served as sergeant in the Marine Corps from 1942 to 1946 and as private in the Army from 1940 to 1941. Judge Fitzgerald is survived by his wife, Karin, four children, nine grandchildren, a great-grandchild, and a sister.

Judge Helen J. Frye, 80, a retired senior district judge of the District of Oregon, died on April 21, 2011. Judge Frye was appointed on December 20, 1980, becoming the first woman to serve as a federal judge in Oregon. She assumed senior status on December 10, 1995. Prior to her appointment to the federal bench, Judge Frye served as a judge of the Oregon Circuit Court, Second Judicial District, from 1971 to 1980. She engaged in private practice in Eugene, Oregon, from 1966 to 1971. Judge Frye attended the University of Oregon, receiving her B.A. in 1953 and M.A. in 1961. She received her J.D. from the University of Oregon Law School in 1966. Judge Frye is survived by her husband, Perry, four children, five grandchildren, and a great grandchild.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Judge Cynthia Holcomb Hall, 82, a senior circuit judge of the U.S. Court of Appeals for the Ninth Circuit, died on February 26, 2011. Judge Hall was first appointed to the U.S. District Court for the Central District of California on November 18, 1981, and then to the Ninth Circuit Court of Appeals on October 4, 1984. She assumed senior status on August 31, 1997. In addition to her judicial service in the Ninth Circuit, Judge Hall served as a judge of the U.S. Tax Court from 1972 to 1981. Prior to coming onto the bench, she engaged in private practice in Beverly Hills, California, from 1966 to 1972. Earlier in her career, Judge Hall was an attorney advisor in the U.S. Treasury Department, Office of the Tax Legislative Counsel, from 1964 to 1966; a trial attorney, U.S. Department of Justice, Tax Division, from 1960 to 1974; and a research assistant, Tax Law Review, from 1959 to 1960. Judge Hall received her A.B. from Stanford University in 1951, her LL.B. from Stanford Law School in 1954, and her LL.M. from New York University, School of Law, in 1960. She clerked for the late Circuit Judge Richard H. Chambers of the Ninth Circuit Court of Appeals from 1954 to 1955, and served in the Navy JAG Corps as a reserve lieutenant from 1951 to 1953. Judge Hall is survived by her brother, two children, two daughters-in-law, three grandchildren, four step-children and their spouses, and six step-grandchildren.



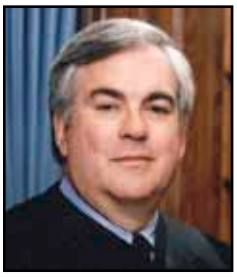
Judge James B. Hovis, 88, a retired magistrate judge of the Eastern District of Washington, died on January 6, 2011. Judge Hovis was appointed a magistrate judge in 1987 and served full time until retiring from the bench in 1995. Prior to his appointment, Judge Hovis practiced law for 37 years in Yakima, Washington, and served as lead attorney for the Confederated Tribes and Bands of the Yakama Nation. He served on the Washington State Racing Commission from 2002 to 2003 and from 1979 to 1980. Judge Hovis was one of the original incorporators of Sundown M Ranch, the first non-aversion treatment center for chemical addiction in Washington, and served on its board of directors from 1967 to 1987. He was a member of the Washington State Parks and Recreation Commission from 1961 to 1966 and served as its chairman from 1962 to 1966. Judge Hovis received his B.S. from the University of Washington and J.D. from the University of Washington, School of Law. He served in the Army during World War II and was honorably discharged at the rank of first sergeant in 1946. Judge Hovis is survived by his four children, a grandchild, and a sister-in-law.

In Memoriam continued

Judge John R. Kronenberg, 87, a retired magistrate judge of the Central District of California, died on March 11, 2011. Judge Kronenberg was appointed on April 23, 1973, and maintained chambers in Los Angeles until his retirement on July 14, 1992. Judge Kronenberg served as a recalled judge from 1994 to 1995. Prior to coming onto the bench, he served as a public defender with the County of Los Angeles from 1959 to 1973. Judge Kronenberg attended Gonzaga University but was drafted into the Army and served during World War II. He received his law degree from Loyola Law School in 1958. Judge Kronenberg is survived by his wife, Marilyn, three children, seven grandchildren, a sister, and a brother.

Judge Thomas G. Nelson, 74, a senior circuit judge of the U.S. Court of Appeals for the Ninth Circuit, died on May 4, 2011. Judge Nelson was appointed on October 17, 1990, and assumed senior status on November 14, 2003. Prior to joining the federal bench, Judge Nelson was in private practice in Twin Falls, Idaho. He worked at Parry, Robertson and Daly from 1965 to 1979, and was a principal partner at Nelson, Rosholt, Robertson, Tolman & Tucker from 1979 until his federal appointment. He began his legal career in the Idaho Office of the State Attorney General, where he worked as an assistant state attorney general then as chief deputy state attorney general from 1963 to 1965. While a member of the Army Reserve, Judge Nelson served in the Judge Advocate General's Corps from 1965 to 1968. He attended the University of Idaho, College of Law, receiving his LL.B. in 1962. Judge Nelson is survived by his wife, Sharon, four children, and four grandchildren.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70311 archived on November 21, 2012



Judge Albert E. Radcliffe, 63, a bankruptcy judge of the District of Oregon, died on January 19, 2011. First appointed a part-time bankruptcy judge in 1983, he became a full-time bankruptcy judge in 1988 and was reappointed to a second 14-year term in 2002. Judge Radcliffe served as chief bankruptcy judge of the district, as judge *pro tem* on the Ninth Circuit Bankruptcy Appellate Panel, and as a visiting bankruptcy judge in the Western District of Washington and Central District of California. Prior to his appointment, Judge Radcliffe practiced general law, with an emphasis on bankruptcy and related matters, in Eugene, Oregon, from 1973 to 1986. He was an adjunct professor at the University of Oregon, School of Law, and authored or co-authored several articles on bankruptcy law. He received his undergraduate degree from the University of Oregon in 1969 and his J.D. from the University of Oregon Law School in 1972. Judge Radcliffe is survived by his wife, Nancy, and two daughters.

Judge John M. Roll, 63, the chief district judge of the District of Arizona, died on January 8, 2011, in a mass shooting in Tucson, Arizona. Judge Roll was appointed on November 25, 1991. He served as chief judge of the district from 2006 until his death. Prior to his appointment to the federal bench, Judge Roll served as a judge of the Pima County (Arizona) Superior Court, Criminal Bench, in 1991, and the Arizona Court of Appeals, Division Two, from 1987 to 1991. Before coming onto the bench, he worked as an assistant U.S. attorney in the District of Arizona from 1980 to 1987, serving in the Organized Crime Drug Task Force, from 1982 to 1986, and the Civil Division, from 1986 to 1987. Judge Roll was a clinical instructor at the University of Arizona, College of Law, from 1978 to 1979; a deputy county attorney for Pima County, Criminal Division,

from 1973 to 1980; an assistant city attorney for Tucson in 1973; and a bailiff, Pima County Superior Court, from 1972 to 1973. He received a B.A. from the University of Arizona in 1969; a J.D. from the University of Arizona, College of Law, in 1973; and an LL.M. from the University of Virginia, School of Law, in 1990. Judge Roll is survived by his wife, Maureen, three sons, and five grandchildren.

Judge Pamela Ann Rymer, 70, a senior circuit judge of the U.S. Court of Appeals for the Ninth Circuit, died on September 21, 2011. Judge Rymer was appointed on October 17, 1990, and assumed senior status on November 14, 2003. Prior to her appointment to the appellate bench, Judge Rymer had served as a district judge for the Central District of California since 1983. She engaged in private practice in Los Angeles from 1966 to 1983. Judge Rymer was a member and chairman of the California Post-Secondary Education Commission from 1974 to 1984. She received her A.B. from Vassar College in 1961 and her LL.B. from Stanford Law School in 1964. Following law school, Judge Rymer worked in the 1964 presidential campaign of Barry Goldwater. She began her legal career with Rus Walton & Associates in Los Altos, California, in 1965, and went into private practice in 1966 in Los Angeles, becoming the first woman partner at the law firm of Lilick, McHose & Charles. She later started her own firm, Toy and Rymer.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 31, 2012

Judge Samuel J. Steiner, 83, a recalled bankruptcy judge of the United States District Court for the Western District of Washington, died on July 19, 2011. First appointed as a bankruptcy referee in 1978, he was appointed as a bankruptcy judge in 1979, following the enactment of bankruptcy reform legislation, and reappointed in 1986 and 2000. Judge Steiner had been among the longest serving, non-recalled active bankruptcy judges in the nation until his retirement on December 31, 2010. Prior to his appointment to the bench, he engaged in private practice in Seattle, Washington, from 1954 to 1978. Judge Steiner received his B.A. from the University of Washington in 1949 and his J.D. from the University of Washington, School of Law, in 1951. He was drafted into the Army in 1952 and served as a JAG officer during the Korean War. He continued military service in the Army Reserve until retiring in 1978 at the rank of colonel. Judge Steiner is survived by two children and one grandchild.

In Memoriam continued

Judge David R. Thompson, 80, a senior circuit judge of the U.S. Court of Appeals for the Ninth Circuit, died on February 19, 2011. Judge Thompson was appointed on December 17, 1985. He assumed senior status on December 31, 1998, but continued to hear cases and serve the court in other capacities for many years. Prior to coming onto the bench, Judge Thompson engaged in private practice for 28 years in San Diego, California, where he focused on business litigation. He received his undergraduate degree from the University of Southern California in 1951 and an LL.B. from the University of Southern California Law School in 1955. He served in the Navy from 1955 to 1957. Judge Thompson is survived by two sons, a daughter, and four grandchildren.

Judge James H. Thompson, 83, a retired bankruptcy judge of the District of Nevada, died on February 14, 2011. Judge Thompson was appointed on September 9, 1985, and served for nine years in the court's Reno division. Judge Thompson retired on October 10, 1994. Prior to joining the bench, Judge Thompson worked in the Nevada attorney general's office. He served as a Nevada district judge, a Washoe County district judge and a justice of the peace for Reno Township. He received his B.A. from American University in 1959 and his LL.B. from American University, College of Law, in 1961. Judge Thompson is survived by his daughter and son-in-law, and two grandchildren.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70241 archived on November 21, 2012

A Grievous and Unexpected Loss

Just days into the new year, the nation was shocked by an act of senseless violence. On January 8, 2011, a gunman killed six people and wounded 16 at a shopping center in Tucson, Arizona. The tragedy deepened for the federal court family when it was learned that Chief District Judge John M. Roll of the United States District Court for the District of Arizona was among the dead.

Judge Roll, 63, was attending a community event for U.S. Rep. Gabrielle Giffords of Tucson, who was seriously wounded in the attack. He went to thank Rep. Giffords for her support of his efforts to seek additional judgeships for the Arizona federal court. He was mortally wounded while apparently shielding another person standing next to him.

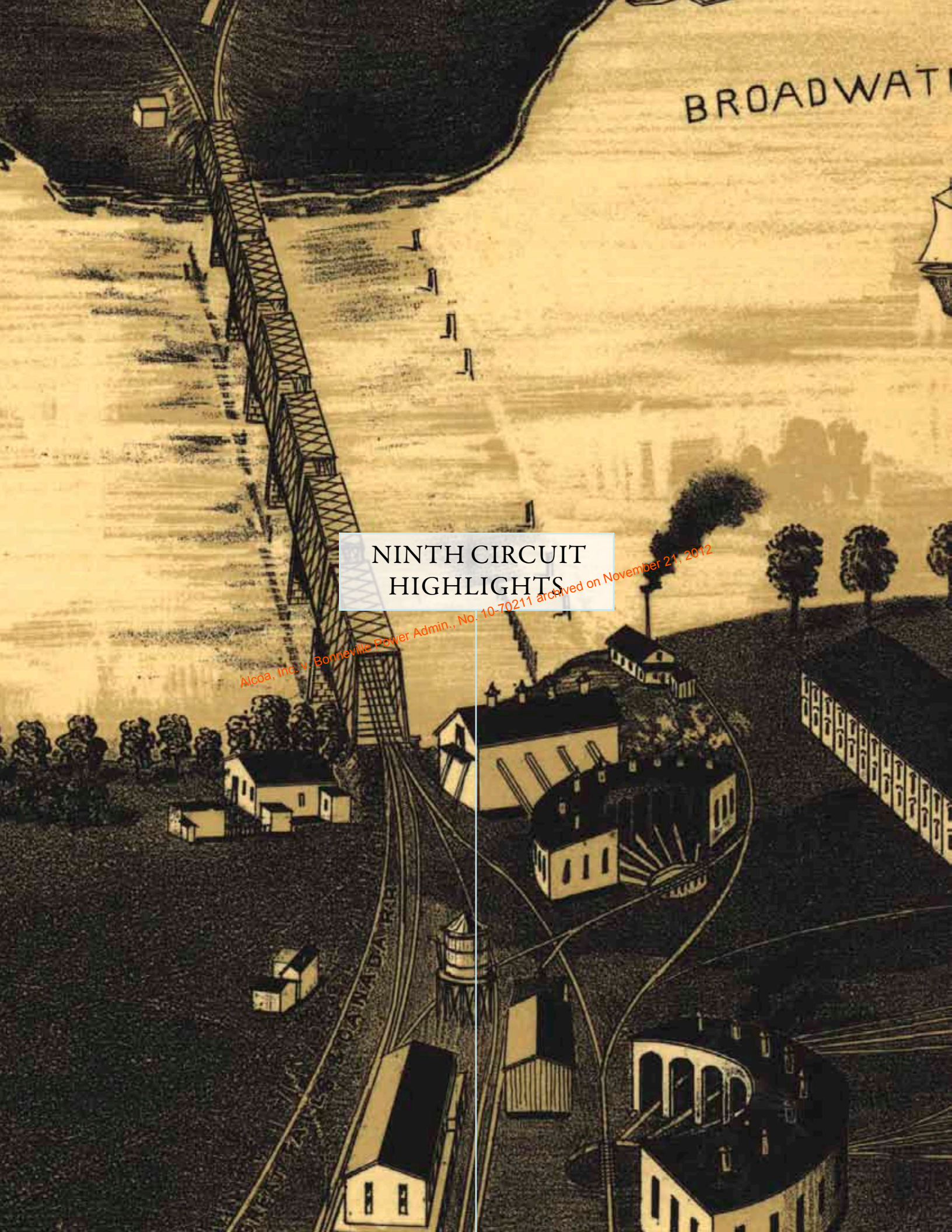
In a spontaneous and largely unorganized expression of grief at the loss of Judge Roll and of support for Rep. Giffords, flags were lowered to half-staff at federal courthouses and other government buildings across the nation, including the White House and the U.S. Supreme Court. A poster showing flags at more than 100 courthouses (previous page) now hangs in Arizona federal courthouses.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 decided on November 21, 2012

More than 1,700 mourners, many of them colleagues from the federal and state benches, attended Judge Roll's funeral the following week. Memorials continued over the course of the year, including a June groundbreaking for a new courthouse in Yuma, Arizona, which will be named for Judge Roll. In August, the annual Ninth Circuit Judicial Conference opened with a touching tribute to the slain judge.

On January 6, 2012, judges of the U.S. District Court for the District of Arizona convened a special session in the Tucson Music Center to observe the first anniversary of Judge Roll's death. Hundreds of people were present to hear from his colleagues. Messages read during the program included one from Chief Judge Alex Kozinski of the Ninth Circuit Court of Appeals.

"I can say without qualification that no one worked harder on behalf of the court and, by extension, the people of Arizona, than Judge Roll. He was always on the job, striving to make things better for his district, for the circuit and for his family and community," Judge Kozinski wrote.



NINTH CIRCUIT HIGHLIGHTS

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Retreats Bring Together Federal Prosecutors, Defenders

A series of retreats organized by the Ninth Circuit Standing Committee on Federal Public Defenders is helping improve the practice of criminal law in federal courts of the western states.

Begun in 2010, the retreats bring together federal prosecutors and defense counsel, leading academic authorities and judges for frank discussions on how to improve communications and resolve ethical and procedural conflicts that arise in litigating criminal cases. United States attorneys, federal public defenders and community defenders from the 15 judicial districts within the circuit have participated.

The retreats were conceived by Circuit Judge Harry Pregerson, who chairs the committee, as a means of getting prosecutors and defenders to establish best practices that will help achieve equal justice under the law.

"The feedback we have received from both prosecutors and defensive counsel has been very positive. They may be adversaries in the courtroom, but both sides have the same goal, which is to ensure that justice is delivered in a fair and timely manner," Judge Pregerson said.

The first retreat was held in June 2010 in Bigfork, Montana. Participants included representatives of the U.S. Department of Justice and the Office of Defender Services in the Administrative Office of the U.S. Courts, private defense counsel and professors from the University of Montana School of Law. Professor Laurie Levenson of Loyola Law School in Los Angeles moderated the program, which addressed various topics, including discovery and technology, communication, ethics, training and supervision, sentencing guidelines, fast-track litigation, and rules of criminal procedure.

Pictured from left are Chief District Judge Ann L. Aiken, District of Oregon; Kim Beakey, Bureau of Prisons Re-entry Affairs Coordinator; and Federal Public Defender, John Gorman, District of Guam.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70217 archived on November 21, 2012

A follow-up session held in August 2010 following the Ninth Circuit Judicial Conference focused on the importance of civility between defenders and prosecutors; the benefits of informal communication for purposes of resolving disputes; how to navigate e-discovery; and the need for better training of attorneys serving on Criminal Justice Act panels, junior staff members, and government agents. Laurence Tribe, the senior counsel for the DOJ's Access to Justice Initiative, was the guest speaker.

The most recent retreat was held in August 2011, also following the circuit conference. Professor Levenson again moderated the program, which featured panelists from the DOJ, the Federal Bureau of Investigation, the Drug Enforcement Agency, the Bureau of Prisons and the U.S. Sentencing Commission. Topics included joint initiatives, discovery challenges, witness interviews and investigations, re-entry courts, sentencing guidelines, and criminal rules.

These retreats have led to tangible results, including working groups of prosecutors and public defenders who have helped to implement new criminal discovery procedures, drug courts and re-entry programs. The Standing Committee is planning a third annual retreat as an add-on program to the 2012 Ninth Circuit Judicial Conference.

New Pilot Program Brings Cameras into the Courtroom in Guam

The United States District Court for the District of Guam became the first federal court in the Ninth Circuit to record video of a trial proceeding under a new national pilot program to test the effects of cameras in the courtroom.

Chief District Judge Frances Marie Tydingco-Gatewood presided over the proceeding held October 7, 2011, in the fourth-floor courtroom of the federal courthouse in Hagatna. She heard argument over objections to a magistrate judge's report and recommendation in a civil case involving the federal government and a public utility serving the island, the Guam Waterworks Authority.

The court used videoconferencing equipment, a digital video recorder and three cameras remotely controlled by the courtroom deputy using a touch screen for switching and zooming. A digital recording of the hearing was subsequently uploaded to an Internet website hosted by the Administrative Office of the U.S. Courts. It can also be accessed from the Guam court's website.

United States Courts website features recorded proceedings in the U.S. District Court for the District of Guam.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70241, archived on November 21, 2012

The pilot program was authorized by the Judicial Conference of the United States in September 2010 and commenced in July 2011. Guam is one of three Ninth Circuit courts to participate. Also involved are the Northern District of California and the Western District of Washington, although neither had a case recorded during the year. A number of other courts in the circuit indicated interest but chose not to participate in the program, which requires the courts to produce the recordings, rather than allowing camera access to news media and other outside entities.

The national pilot is the only effort currently under way to bring cameras into federal trial courts. The program authorized by the Judicial Council of the Ninth Circuit in December 2009 is being held abeyance to await the outcome of the national pilot.

Cameras have been allowed in federal appellate courts since the early 1990s. The U.S. Court of Appeals for the Ninth Circuit, one of two appellate courts to regularly allow cameras, has granted news media access to more than 330 cases over the years. Since 2010, the court also has been videotaping its quarterly *en banc* proceedings and providing a live video feed to other federal courthouses to allow remote viewing of hearings.

e-Voucher System Helps Courts Control Costs

The Criminal Justice Act provides for legal representation of indigent defendants facing criminal charges in federal courts. CJA funding is allocated to the federal judiciary each year and courts are responsible for overseeing use of these funds, which pay for legal counsel and other services necessary for adequate representation. A new electronic voucher system developed by the United States District Court for the District of Nevada is now helping courts more closely manage these costs.

Until recently, federal courts made use of a national CJA voucher and payment system that relied on "hard copy" standardized forms that were often filled out by hand. CJA attorneys and service providers (investigators, psychiatrists, etc.) had to enter the appropriate hourly rates for service and mileage, which can vary over time. They or their staffs then performed multiple mathematical operations, which often introduced errors that had to be resolved by court staff. Finally, the hard copy forms were often sent by the mail, which can takes days and sometimes results in lost vouchers.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70217 Argued and Submitted on November 21, 2012

The District of Nevada's CJA e-Voucher program simplifies the submission process for attorneys and service providers, and the review process for court staff. It is an Internet based system that allows attorneys and service providers to access electronic versions of the CJA vouchers. Data entered provides the documentation that the courts need to review the vouchers once they are submitted. It also eliminates the need for a separate time keeping system.

The e-Voucher system is hard coded so that the hourly pay rates and mileage rates are already embedded in the forms. The attorneys and service providers merely enter the day and time worked and the forms automatically calculate the appropriate amount to be paid. This removes almost all mathematical errors, significantly reducing the time needed to review the voucher.

Because the vouchers are electronically filed, they are received almost immediately by the court, which can then confirm receipt through a notice also delivered electronically to an attorney or service provider. This process removes the possibility of the voucher being lost, and substantially reduces the court processing time.

From the court's perspective, e-Vouchers provide tremendous flexibility. Each court can individually design the internal workflow that the vouchers will follow. This is an important feature because of the wide difference in the size of courts, the number of vouchers received and the number of staff available to review them. The e-Voucher system also produces many different kinds of reports, such as the number of cases assigned to an attorney and how much cost has been incurred, both in terms of dollars and hours worked on each representation.

Federal courts within the Ninth Circuit and elsewhere have adopted the Nevada approach to CJA payments. The e-Voucher system is fully implemented by the U.S. Court of Appeals for the Ninth Circuit and by district courts for Eastern Washington, Idaho, Southern California, Eastern California, Puerto Rico and Southern Indiana. The Sixth Circuit Court of Appeals and district courts for Western Washington, Northern California, Oregon, Alaska, Central Illinois, South Dakota and the Virgin Islands are in the process of implementing the e-Voucher system.

In addition, the Central District of California has implemented an electronic voucher system similar to what was developed by the Nevada district court.

Circuit Judge Richard C. Tallman, who chairs the Ninth Circuit CJA Oversight Committee, praised the districts of Nevada and Central California for leading the country into the age of electronic vouchering.

"The web-based system is user friendly, easily accessible to judges and voucher reviewers at all court levels, and significantly improves the speed, efficiency and management of CJA funds," Judge Tallman said.

"For relatively little cost, the CJA e-Voucher system improves court stewardship of taxpayer funds and gets counsel paid more quickly. It's a win-win for everyone involved," he added.

Famed Jurist Marks 50th Year of Service

The Honorable James R. Browning, chief judge emeritus of the United States Court of Appeals for the Ninth Circuit, marked his 50th year on the federal bench in 2011. Nominated by President John F. Kennedy, Judge Browning received his judicial commission on September 18, 1961. He is one of only a few Kennedy nominees still serving on the federal bench.

A Montana native, Judge Browning is the only former clerk of court of the Supreme Court of the United States to join the federal bench. He also held the Bible when President Kennedy was sworn into office, the last Supreme Court clerk to perform that task at a presidential inauguration.

Judge Browning celebrated the milestone privately with family and friends. The judge's half-century of service was observed by the University of Montana, School of Law, and prompted a personal letter from Caroline Kennedy, daughter of the president, who wrote to express "my heartfelt appreciation and respect for your service to the nation and commitment to the rule of law."

Elevated to chief judge of the Ninth Circuit in July 1976, Judge Browning served in that capacity for 12 years, the second longest tenure of any chief judge in circuit history. Judge Browning was an active circuit judge for 39 years, the longest tenure of any judge in Ninth Circuit history.

The historic 106-year-old Ninth Circuit Court of Appeals building in San Francisco was named for Judge Browning in 2004. For his many contributions toward improving the judicial system, he was awarded the Edward J. Devitt Award for Distinguished Service to Justice in 1991.

Judges Receiving Awards in 2011

From the Ninth Circuit Court of Appeals, Judge M. Margaret McKeown, the Georgetown Alumni Association John Carroll Award for lifetime achievement; Judge Sandra Segal Ikuta, public service awards from the UCLA School of Law, and the Los Angeles lawyers chapter of the Federalist Society; Judge Diarmuid F. O'Scannlain, an honorary Doctor of Laws from the University of Portland; Judge Kim McLane Wardlaw, a public service award from the Los Angeles County Bar Foundation; and Judge Pamela Ann Rymer, the Stanford (University) Medal for volunteer work.

From the Northern District of California, Chief District Judge James Ware, the Ronald M. George Distinguished Lecturer Award from Golden Gate University; Senior District Judge Samuel Conti, the Ogden Hoffman Award; and Magistrate Judges Donna M. Ryu, the National Asian Pacific American Bar Association Trailblazer Award, and Paul S. Grewal, the South Asian Bar Association of Northern California Trailblazer Award.

From the Central District of California, Judge Consuelo B. Marshall, an appreciation award from the South Asian Bar Association of Southern California; Judge Margaret M. Morrow, Los Angeles County Bar Association Founders Award; Judge Otis D. Wright II, the California Association of Black Lawyers Bernard S. Jefferson Judge of the Year Award; Chief Bankruptcy Judge Vincent P. Zurzolo, the Central District Consumer Bankruptcy Attorney Association Calvin K. Ashland Award; Magistrate Judge Arthur M. Nakazato, the Orange County Bar Association Lifetime Achievement Award; and Bankruptcy Judge Meredith A. Jury, the Southwest Riverside County Bar Association Judicial Officer of the Year Award.

From the Western District of Washington, District Judge Ricardo S. Martinez, the University of Washington Distinguished Alumni Award; and Chief Magistrate Judge Karen L. Strombom, the Washington State Bar Association William O. Douglas Judicial Service Award.

Elsewhere in the circuit: Senior District Judge Lloyd D. George of the District of Nevada, the Nevada Anti-Defamation League Jurisprudence Award; Chief District Judge Irma E. Gonzalez of the Southern District of California, the Distinguished Citizen Award from the University of Arizona James E. Rogers College of Law, and the California Women Lawyers Joan Dempsey Klein Distinguished Jurist Award ; and Magistrate Judge Larry M. Boyle of the District of Idaho, the Idaho State Bar Association Distinguished Lawyer Award.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70311 archived on November 21, 2012

Ninth Circuit Welcomes New Judges

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The United States Court of Appeals for the Ninth Circuit and the Ninth Circuit Office of the Circuit Executive welcomed new judges at an orientation held May 12-13, 2011, at the James R. Browning U.S. Courthouse in San Francisco. Seated from left are Circuit Judge Mary H. Murguia of Phoenix; Magistrate Judge Kendall J. Newman, Eastern District of California; Bankruptcy Judge Bruce T. Beesley, District of Nevada; District Judge Kimberly J. Mueller, Eastern District of California; and Bankruptcy Judge Scott C. Clarkson, Central District of California. Middle row, standing from left, are District Judge Marco A. Hernandez, District of Oregon; Magistrate Judge Richard L. Puglisi, District of Hawaii; Bankruptcy Judge William J. Lafferty, III, Northern District of California; Bankruptcy Judge Wayne E. Johnson, Central District of California; Magistrate Judges Michael R. Wilner and Sheri N. Pym, Central District of California. Back row, standing from left, are District Judges Edward J. Davila and Lucy H. Koh, Northern District of California; District Judge G. Murray Snow, District of Arizona; Bankruptcy Judge Stephen L. Johnson, Northern District of California; Bankruptcy Judge Brian D. Lynch, Western District of Washington; Bankruptcy Judge Marc L. Barreca, Western District of Washington; and Bankruptcy Judge Mark S. Wallace, Central District of California.

Judges Get Firsthand Look at Border Enforcement

Illegal immigration and drug smuggling across the United States border with Mexico account for thousands of criminal cases filed each year in federal courts. In October, federal judges from several courts in the Ninth Circuit visited Nogales, Arizona, for a firsthand look at one of the most active and dangerous border segments.

The judges, members of the Ninth Circuit's Magistrate Judges Executive Board, and Courts and Community Committee, took a break from meetings being held concurrently in Tucson to visit the U.S. Border Patrol station in Nogales. The group toured station facilities then boarded four-wheel-drive vehicles for a bumpy hour-long ride.

Nogales is the nation's largest Border Patrol Station, responsible for security along a 32-mile stretch of border from roughly east of Yuma to the western reaches of the Coronado National Forest. Agents from the station patrol about 1,100 square miles of land that extends well north of the border and includes not only rough terrain but a half-dozen urban areas as well.

The most visible border protection is an imposing barrier of steel and concrete erected in the last few years to replace chainlink fencing. The new barrier follows the lay of the land, reaching to a height of 30 feet in some areas. Permanent and portable lookout towers dot the area, which is also subject to sophisticated electronic surveillance that can pinpoint the location of movement on and below ground. Helicopters and remotely piloted drones complete the security measures.

Noga, Inc. v. Bonneville Power Admin., No. 10-70211, archived on November 21, 2012

Magistrate Judge Dennis L. Beck learns about border security from U.S. border patrol agent in Nogales, Arizona. U.S. border patrol agent shows overflow holding cells where illegal immigrants caught crossing the border are detained.

The tour included the portion of the fence that cuts right through the two Nogales, separating the smaller U.S. town of 21,000 people from the Mexican city of 217,000. Homes and businesses on the Mexico side are often clearly visible just a few feet from the structure.

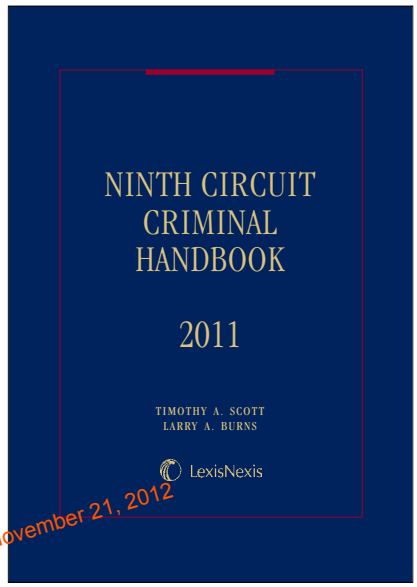
The day's program ended back in Tucson at the Evo A. DeConcini U.S. Courthouse, where the group observed a mass appearance by illegal immigrants caught crossing the border, and met with resident judges to discuss court operations.

San Diego Judge, Lawyer Produce First Ninth Circuit Criminal Handbook

The first *Ninth Circuit Criminal Handbook*, a comprehensive guide to criminal precedents and procedures in the Ninth Circuit, was published in the fall. Co-authored by a federal trial judge and a criminal defense attorney, the handbook explains the federal criminal legal process from arrest to appeal, and provides not only applicable Ninth Circuit legal precedents but the most recent cases in which they were applied.

The co-authors are United States District Judge Larry A. Burns, who sits on the U.S. District Court for the Southern District of California in San Diego, and criminal defense attorney Timothy A. Scott, who has his own practice in San Diego and was previously a staff attorney with Federal Defenders of San Diego, Inc.

To keep current with legal precedents, most lawyers read cases as they are published. The handbook provides an indexed system to keep ongoing track of the precedential cases and/or the legal issues involved. It will help lawyers quickly pinpoint the particular rule or line of cases that applies, and provides a comprehensive and definitive index of the most common legal issues arising in criminal cases.



Criminal handbooks have been available in other federal circuits for a number of years. The breadth of Ninth Circuit criminal jurisprudence, which has the largest criminal docket in the nation, is thought to have discouraged would-be authors, until now.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

L.A. Honors Probation, Pretrial Services Offices

The U.S. Probation and Pretrial Services offices of the Central District of California were honored by the City Council of Los Angeles. Representatives of the court units were presented with proclamations at a ceremony held July 22, 2011, at City Hall during National Probation, Parole, and Community Supervision Week. They were nominated for the honors by District 7 City Council Member Richard Alarcón. Pictured are, from left, Eunice Habig, treasurer of the Federal Probation and Pretrial Services Officers Association; Patricia Foster, supervising probation officer in the Central District; Councilman Richard Alarcón; and George Walker, chief pretrial services officer for the Central District.

Courts, Litigants Benefit from Federal Bar Support

In the Ninth Circuit, members of the federal bar actively contribute to the administration of justice. Lawyers assist the federal courts in various ways, notably as *pro bono* counsel to unrepresented litigants, prisoners and debtors. They also participate in community outreach efforts, help organize educational programs for the bench and bar, and serve on Ninth Circuit committees.

Pro Bono Representation

Pro bono services are provided in most of the circuit's 15 judicial districts. District and bankruptcy courts sponsor programs, often in collaboration with bar associations, law schools and non-profit groups. A number of courts have created panels of volunteer attorneys to represent plaintiffs in prisoner civil rights cases, which proliferate throughout the circuit. Several courts also have set up self-help centers staffed by law students or junior associates to assist self-represented litigants involved in civil matters or bankruptcy proceedings. Lawyers also have assisted in preparing extensive written materials on legal process and court procedures, which are available to self-represented litigants at many courts.

Ninth Circuit Lawyer Representatives Coordinating Committee

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Lawyer Representatives

Appointed by judges of their respective courts, lawyer representatives provide input to judicial governance groups, engage in community outreach and develop educational programs. There are currently 168 lawyer representatives working on behalf of the U.S. Court of Appeals for the Ninth Circuit and the 15 federal district courts within the circuit.

Lawyer representatives make presentations on current legal topics to the circuit's chief district judges and chief bankruptcy judges. They help organize conferences in their individual districts, and help plan and participate in the annual Ninth Circuit Judicial Conference. They also participate in Law Day activities and programs that help teachers better educate their students about the judiciary.

The Lawyer Representatives Coordinating Committee, or LRCC, composed of the chairperson or co-chairs of each district delegation, helps coordinate activities. The 2011-2012 LRCC officers are attorneys Andrew M. Jacobs of Tucson, who serves as chair; Nancy J. Koppe of Las Vegas, the chair-elect; and Madeleine C. Wanslee of Phoenix, who serves as vice chair.

In 2009, the first group of appellate lawyer representatives was appointed by Chief Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit. The 18 appellate lawyer representatives and four alternates serve three year terms. The group is chaired by attorney Bennett Evan Cooper of Phoenix.

Appellate lawyer representatives also were involved in organizing a breakout session, focusing on oral argument and reply briefs, for the circuit conference. They spearheaded a proposal to assign mentors to assist attorneys new to immigration practice; made several suggestions to improve the court's public website; and reviewed current court practices, offering suggestions for improvements.

Circuit Committees

Attorneys serve on a number of committees, including the Advisory Board, the Advisory Committee on Rules and Internal Operating Procedure, the Attorney Admission Fund Advisory Committee, the Courts and Community Committee, the Information and Technology Committee, the Ninth Judicial Circuit Historical Society, and the Jury Trial Improvement Committee.

Judges, Court Staff Gather in San Diego for COOP Conference

At the 2011 Ninth Circuit Continuity of Operations Planning (COOP) Conference held March 21-23 in San Diego, panelists and guest speakers focus on topics not for the faint of heart: earthquake, tsunami, wild fire, flood, deranged gunman and radiological accident or attack. All of these disasters, natural and man-made, were discussed during at the annual gathering of court staff involved in preparing for crisis events and their aftermath.

The conference drew more than 150 attendees, including judges, court unit executives, managers and line staff, all of whom have some role in COOP development. All 15 judicial districts in the circuit were represented along with the Ninth Circuit Court of Appeals, Ninth Circuit Library, and Federal Public Defender offices. Also participating were representatives of the Administrative Office of the U.S. Courts and the Federal Emergency Management Agency.

Alcoa, Inc. v. Bonneville Power Administration, No. 10-70211 archived on November 21, 2012

Pictured above are, from left, district clerks Lance Wilson of the District of Nevada, Sam Hamrick of the Southern District of California and Bill McCool of the Western District of Washington; Bankruptcy Clerk Charlene Hiss of the District of Oregon; and Anthony Castellano, assistant deputy chief probation officer for the Northern District of California.

The Ninth Circuit Office of the Circuit Executive has sponsored the annual event since 2007 and this year welcomed assistance from the Southern District of California.

The conference convened just 10 days after a 9.0 earthquake and resultant tsunami devastated the eastern coastline of Japan, killing thousands, destroying towns and villages, and heavily damaging a nuclear reactor, venting radioactive steam into the atmosphere and contaminating groundwater. The disaster was on the minds of many in the audience when noted geologist Dr. Patrick L. Abbott opened the program with a presentation on natural hazards and disasters. Dr. Abbott is a professor emeritus at San Diego State University, where he developed a popular undergraduate course studying natural disasters.

Abbott said earthquakes are endemic to the Ninth Circuit, which claims eight of the top 10 most active earthquake states in the nation based on U.S. Geological Service data.

Court security was addressed by Chief District Judge Irma E. Gonzalez of the Southern District of California, who chairs an 18-member court security committee. The U.S. marshal for the district acts as the principal coordinator for the group, which also includes the chief bankruptcy judge and chief magistrate judge or their designees, the clerk of court, chief pretrial and chief probation officers, and representatives of the U.S. attorney, federal public defender, General Services Administration and Federal Protective Services.

District Clerks Lance Wilson of Nevada, Sam Hamrick of the Southern District of California and Bill McCool of the Western District of Washington along with Bankruptcy Clerk Charlene Hiss of Oregon and Anthony Castellano, assistant deputy chief probation officer for the Northern District of California, discussed past events that tested COOP and emergency preparedness plans. Those included fatal shooting incidents in recent years at the courthouses in Seattle and Las Vegas; a pipe bomb explosion at the courthouse in San Diego; and closure of the courthouses in San Diego and Portland due to smoke from wildfires and an unusually heavy snowfall.

Technology Aids Jurors in Deliberations

Federal courts already make use of sophisticated technology to file and manage documents, calendar cases and present evidence in the courtroom. Now some of that technology is being repackaged to assist jurors as they deliberate the outcomes of often complex cases.

Trial exhibits are increasingly being submitted as electronic files. At the end of the trial, however, most courts also prepare hard copies, including a set for the use of the jury during deliberations. Since major civil and criminal trials can generate hundreds, even thousands of pages of evidence, producing the hard copy record can involve considerable staff time and expense.

Chief District Judge Marsha J. Pechman shows a demo of JEEP system to court staff.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2013

Hard copy documents also can be frustrating for jurors. Finding a particular exhibit from among thousands of pages of documents in stacks of boxes can be difficult. And passing the exhibit from juror to juror, slows down discussion.

In the Ninth Circuit, judges in Alaska, Idaho and Washington are experimenting with ways to do away with hard copy. Instead, the jury is provided with computer access to electronic versions of the exhibits, which are displayed on a large video monitor. The electronic files are indexed, allowing for rapid access to a particular document, and the systems will accommodate still images and audio and video recordings.

One system makes use of a laptop computer (stripped of all other files and functionality) located in the jury room. Another system developed by the Western District of North Carolina provides a terminal in the jury room with access to files stored elsewhere on the court computer network.

In 2011, judges of the U.S. District Court for the Western District of Washington began using a system that goes by the acronym JEEP, which stands for "jury electronic evidence presentation." JEEP may be the most advanced electronic exhibit display system in use in the Ninth Circuit — not in terms of the technology, which is fairly basic, but in execution.

JEEP provides attorneys with step-by-step instructions on how to submit and organize electronic exhibits using Adobe Acrobat software. A laptop computer and 42-inch video monitor are used to display the exhibits, and court IT staff teach jurors how to use the system.

"We receive exhibits electronically. We display them in the courtroom electronically. It's makes no sense to then give jurors a big bundle of paper that can only be used by one juror at a time," said Chief District Judge Marsha J. Pechman, who encouraged the development of JEEP.

As important to budget conscious courts, putting JEEP together cost nothing. The court used old computer hardware and paid no development fees.

District Judge James L. Robart, one of Judge Pechman's colleagues in Seattle, thinks systems like JEEP are here to stay and will eventually be used for all cases, not just document intensive ones.

"When you think about the ease of use and cost savings, I think the natural progression is that this is going to become much more common," said Judge Robart.

Chief District Judge B. Lynn Winmill of the U.S. District Court for the District of Idaho

switched to electronic exhibits for a case in which Idaho farmers sued the federal government and a chemical manufacturer for billions in losses after pesticide sprayed on public land drifted onto their fields causing wholesale destruction of crops. The four-month trial generated some 11,000 pages of documents as evidence. Judge Winmill said securing the laptop was his biggest concern.

"It has to be isolated so that you are absolutely sure it cannot be used to get outside information," he said.

District Judge Timothy M. Burgess of the U.S. District Court for the District of Alaska will be using the Western District of North Carolina system for an upcoming trial. The equipment has been installed in the jury room of his courtroom in Anchorage. He intends to introduce the system to attorneys through CLE training.

"We have used digital evidence in our courtrooms for some time so it's a pretty easy transition from that to sending it back to the jury," he said.

Circuit Judges Embrace the iPad in 2011

For the Ninth Circuit Court of Appeals, 2011 was the "Year of the iPad." More than half of its judges now use an Apple iPad and more are expected to adopt the device soon. Beyond basic e-mail, calendaring, and access to Westlaw and other Internet resources, iPads are changing the way judges work.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70311 archived on November 11, 2012

Judges were able to take part in an iPad training session during the 2011 Ninth Circuit Judicial Conference.

For each case on an argument calendar, chambers staff typically compile a bench book of essential documents that might include the docket sheet, inventory card, briefs, bench memos, originating court records, and important opinions or statutes. Bench books can now be created electronically and transferred onto the iPad for easy reading, alleviating the burden of carrying around a thick folder full of paper. These electronic bench books can then be annotated and wirelessly synchronized back to chambers, allowing work to continue whether at home, on the road, or on the bench.

Judges can also use their iPad to remotely connect to technology resources in their chambers, allowing them to securely access files and applications as if they were sitting in front of their computer.

In 2012, the court intends to use iPads to reduce printing and shipping costs and accelerate the distribution of information. An iPad application designed to track travel expenses also is planned.

As the court of appeals deploys wireless networking in its courtrooms and chambers, judges with iPads will be able to communicate directly with courtroom deputies, A/V support staff, law clerks, and even each other while on the bench.

iPads have become the technology tool of choice for judges while traveling. The device provides rapid access to essential information from anywhere, improving collaboration among judges and coordination with court staff.

Work Begins on New Jury Orientation Video

Production work was begun in 2011 on a new jury orientation video intended for use by federal trial courts in the Ninth Circuit. The new video will feature remarks by retired U.S. Supreme Court Justice Sandra Day O'Connor and is being produced by Abby Ginzberg, an award-winning film maker from the San Francisco Bay Area.

The project was undertaken by the Ninth Circuit Jury Trial Improvement Committee, working through the Office of the Circuit Executive and using funding provided by the circuit and several district courts. Preliminary work began in March and the project is scheduled for completion by mid-2012.

The current jury orientation video was made some time ago and does not address a number of issues, especially those raised by potential juror use of smart phones and other electronic devices.

"We are pleased to have obtained the services of an accomplished director who is very familiar with the legal system. And having Justice O'Connor, who is so well known to the public and the voice of the judiciary to many people, be a part of the video is a great honor," said U.S. District Judge Virginia A. Phillips of the Central District of California, who chairs the committee.

Justice O'Connor was videotaped in April 2011 in the federal courthouse that bears her name in Phoenix. Footage from the video shoot will be used in various segments of the video.

A production team led by award-wnning director Abby Ginzberg shoots footage at the federal courthouse in San Francisco

Alcoa, Inc. v. Bonneville Power Admin. No. 10-70211 archived on November 21, 2012

Ginzberg's production company was to begin shooting additional footage in early 2012 at the Philip Burton Federal Building and U.S. Courthouse in San Francisco. U.S. District Judge Susan Illston of the Northern District of California and Circuit Judge Richard A. Paez of the U.S. Court of Appeals for the Ninth Circuit will participate.

The 15- to 18-minute orientation video is intended to impress on prospective jurors the importance of serving on a jury and explain the juror selection process from the beginning through *voir dire*. It also will include testimonials from citizens who previously served as jurors describing their experiences during the trial and after a verdict is delivered.

Ginzberg has been producing videos and films about the legal system and judges for more than 25 years. Her documentaries have been shown on public television and in law schools around the country. Among Ginzberg's better known works is "Soul of Justice: Thelton Henderson's American Journey," which profiles the senior district judge from the Northern District of California. Her most recent film is "Cruz Reynoso: Sowing the Seeds of Justice," a profile of the first Latino to serve as a justice of the California Supreme Court. Both films have won a number of awards.

Judicial History Highlights Annual Ninth Circuit Luncheon in San Francisco

The Northern District of California Chapter of the Federal Bar Association held its 33rd annual Ninth Circuit Luncheon, honoring judges of the United States Court of Appeals for the Ninth Circuit and the U.S. District Court for the Northern District of California. The March 23 event in San Francisco drew hundreds of lawyers who regularly practice in the federal courts of Northern California.

Ninth Circuit Chief Judge Alex Kozinski (pictured left) and Chief District Judge James Ware of the U.S. District Court (pictured far right) were featured speakers. David H. Fry, president of the FBA Northern District of California Chapter (center), served as master of ceremonies.

The program focused on Ninth Circuit history and the growth of its bench from just one seat in 1891 to 29 seats today. Originally established by Congress as the U.S. Circuit Court for the Districts of California, it became one of the nine U.S. regional circuit courts of appeals created in 1891. The Ninth Circuit was authorized additional seats in 1895, 1929, 1933, 1935, 1937, 1954, 1968, 1978, 1984 and 2008.

Over its history, 95 judges have served on the court, which currently consists of 25 active judges and 19 senior judges.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Longtime Federal Public Defender Retires

Barry J. Portman, Esq.

One of the nation's most senior federal public defenders, Barry J. Portman of the Northern District of California, retired at the end of 2011 after 37 years of distinguished service.

Mr. Portman joined the Office of the Federal Public Defender for the Northern District of California in 1974 and became head of the office in 1988. He was reappointed five times to four-year terms through the course of his employment with the FPD Office.

Mr. Portman graduated from Fordham University and received master's degrees in philosophy and history from St. Louis University. He graduated from Georgetown University Law School, where he served on the law review. He began his legal career with the New Orleans Legal Assistance Corporation, after which he worked for the Office of the Federal Public Defender for the Central District of California in Los Angeles in 1971.

Oregon Honors Senior, Recalled and Retired Judges

Federal courts rely heavily on senior judges to keep pace with growing caseloads. Although eligible to retire at full pay, senior judges choose to remain the bench. They continue working, presiding over cases, hearing appeals and serving their court in various other ways.

The United States District Court for the District of Oregon recognized its senior and recalled judges for their ongoing commitment and service to the federal judiciary at a special holiday social hosted by the Oregon Chapter of the Federal Bar Association and the United States District Court of Oregon Historical Society.

Thirteen judges with a combined 150 years of senior service were honored during the event, held December 5, 2011, at the James O. Hatfield U.S. Courthouse in Portland. The program included remarks by Chief District Judge Ann L. Aiken and District Judge Anna J. Brown, who helped organize the event.

Honorees included Senior Circuit Judges Alfred T. Goodwin, Edward Leavy and Otto R. Skopil; Senior District Judges Ancer L. Haggerty, Michael R. Hogan,

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Robert E. Jones, Garr M. King, Malcom F. Marsh, Owen M. Panner and James A. Redden; retired Bankruptcy Judge Henry L. Hess, Jr.; and Recalled Magistrate Judges John P. Cooney and John Jelderks.

Most of the judges have continued to work well into their retirement years and some still participate in the draw for new cases. They participated in 51 trials, including some of the district's most high profile cases. All told, they had a combined total of 257 trial hours in fiscal year 2011.

In a letter read to the audience by Judge Brown, Ninth Circuit Chief Judge Alex Kozinski called senior and recalled judges indispensable to the operation of the federal courts.

"We all know the wheels of justice turn slowly, but they might well grind to a halt without the help of our senior and recalled judges. I thank all of you for your ongoing efforts," the chief judge wrote.

Courts Reach Out to Schools, Community

Federal courts in the Ninth Circuit are encouraged to engage in community outreach as a means of improving public understanding of and confidence in the judicial system. Often working in partnership with the federal bar, law schools and local educators, courts regularly bring students into the courthouse for various activities. Judges and court staff also visit schools to make presentations and converse with students, and regularly speak to service clubs and community groups about judicial matters.

Common community outreach activities include mock trial programs in which high school or junior high students participate in a trial, interacting with judges, attorneys and court staff; moot court competitions for students in more advanced academic programs; teachers' institutes in which courts provide instruction to teachers about the role of the judiciary in government; courthouse tours; employment "shadow" days in which students learn about working in the courts; court proceedings on campus; and financial literacy programs.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-10211 archived on November 21, 2012

The Ninth Circuit is the only federal circuit to have a circuit committee dedicated to community outreach. The Courts and Community Committee includes judges, court staff, attorneys and journalists. More information about the committee and its work is online at http://community.ce9.uscourts.gov/.

Top: Students from La Canada High School visited the U.S. Court of Appeals in Pasadena in December to watch a court proceeding. Circuit Judge Richard A. Paez, pictured in front with the students, spent some time answering questions from the students. Middle: Central District of California court staff and employees of related agencies hosted the Asian-American and Pacific Islander Heritage event held in May 2011. Pictured are, from left to right, Chief District Judge Audrey B. Collins, U.S. Rep. Judy Chu (California, 32nd District), and District Judge Jacqueline H. Nguyen, with four students from Padmalaya School of Dance. Below: Eight graders from six Phoenix-area schools participated in CourtWorks program hosted by the U.S. District Court for the District of Arizona and organized by law students from Sandra Day O'Connor College of Law at nearby Arizona State University in October 2011.

An Old West Venue for Arizona Bankruptcy Court

The historic Tombstone Courthouse opened in 1882 and was dedicated as a state historic park in 1959.

Chief Bankruptcy Judge James M. Marlar holds a hearing inside Tombstone Courthouse.

Chief Bankruptcy Judge James M. Marlar of the United States Bankruptcy Court for District of Arizona has the distinction of holding court in the year's most unusual venue.

Judge Marlar has his chambers in Tucson but sits regularly in Phoenix and occasionally in Yuma. In May, he set out for the Old West town of Tombstone to finalize the Chapter 11 bankruptcy of a local couple unable to repay multiple mortgages. The session was held in the historic Tombstone Courthouse, a stone's throw from where the legendary Gunfight at the OK Corral took place in 1881.

"It's a wonderful, historic courthouse and I thought, 'Why not use it for what it was originally intended?' " said Judge Marlar, who is an avid student of Old West lore and Arizona history.

There were no objections from the attorneys in the case even though some of them had to travel down from Phoenix. Two of the lawyers even dressed the part, appearing in jeans, boots and bolo ties, with one also donning a black cowboy hat. Aside from the setting, the proceeding proved routine. Afterward, the judge, lawyers for both sides and the debtors chatted amiably and posed for photographs in the courtroom and in front of the weathered wooden gallows that stands in a walled courtyard adjoining the building.

The Tombstone Courthouse opened in 1882, while Arizona was still a territory and the federal government responsible for law enforcement and the courts. It served as the seat of government for Cochise County until 1931.

A two story, Victorian style structure built of distinctive red brick, the courthouse was deeded over to the town in 1942, and then transferred to the State of Arizona in 1959, when it was dedicated as the Tombstone Courthouse State Historic Park. The second floor courtroom has been faithfully restored to look as it would have in the late 1800s, replete with yellowed portraits of Washington and Lincoln on the walls and brass cuspidors on the floor of the jury box.

A Phoenix native, Judge Marlar was appointed to the Arizona bankruptcy court in 1993. He was reappointed to a second 14-year term in 2007 and became chief bankruptcy judge in 2009. He also served on the Ninth Circuit Bankruptcy Appellate Panel from 1999 to 2006, and continues to serve on the BAP as a judge *pro tempore*.

An experienced horseman, Judge Marlar spends considerable time in the saddle, including three days each fall as a trail hand driving a herd of horses used by the various dude ranches to winter pastures in the high country of northern Arizona.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Annual Conference Looks to the Past, Plans for the Future

The 2011 Ninth Circuit Judicial Conference, held August 15-18 in Carlsbad, California, drew nearly 650 judges, attorneys, court staff and special guests, including Associate Justices Ruth Bader Ginsburg and Anthony M. Kennedy of the Supreme Court of the United States, and California Supreme Court Justice Tani Gorre Cantil-Sakauye.

Arcata Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The conference is held annually pursuant to Section 333 of Title 28 of the United States Code for "the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit." Most of the judges who preside and lawyers who practice in the federal courts of the western United States participate in the conference.

A Moving Tribute

The opening session began with a tribute to the memory of the late Chief District Judge John M. Roll of the U.S. District Court for the District of Arizona, who was among six people killed in a shooting rampage in Tucson on January 8, 2011. Offering remarks were Ninth Circuit Chief Judge Alex Kozinski and Arizona District Judge James L. Teilborg. The tribute included a slide show of photographs taken of flags lowered to half-staff at federal courthouses across the nation immediately after the shooting. A book containing the photographs also was presented by Judge Kozinski to Judge Roll's widow, Maureen Roll.

Pictured top: Circuit Judge Sidney R. Thomas, left, Supreme Court Justice Ruth Bader Ginsburg, and Circuit Judge Richard R. Clifton participate in a reenactment of Bradwell v. Illinois.

Pictured above: Judges and lawyers engage in a discussion of issues concerning the administration of justice within the Ninth Circuit.

Art and the Law

The opening session included a special presentation in which Justice Kennedy offered parallels between law and the arts. Using images of famous paintings accompanied by classical music selections, Justice Kennedy pointed out the symbolism to be found in landmark legal rulings and important works by great painters and composers.

Educational Programs

The conference was organized by a committee of judges and attorneys led by Ninth Circuit Judge N. Randy Smith, who served as chair, and Bankruptcy Judge Laura S. Taylor of the Southern District of California, who acted as program chair.

The conference, developed around the theme "Past as Prologue: Celebrating Our History, Building Our Future," provided a rich educational program on the law and legal profession, the administration of the courts and other relevant topics.

"Federalism in the 21th Century: Balancing States' Rights with Federal Power," focused on the appropriate role of the judiciary in the allocation of power between federal and state governments, and offered predictions on the where the Supreme Court is headed under Chief Judge John G. Roberts, Jr. Panelists included Lynn A. Baker, Frederick M. Baron Chair in Law, University of Texas, School of Law; David Oedel, professor of constitutional law, Mercer University Law School; Edward Rubin, professor of law and political science, Vanderbilt University, and Erin Ryan, associate professor of law, Lewis and Clark Law School. Erwin Chemerinsky, dean of the University of California, Irvine School of Law, moderated the panel, which was introduced by Circuit Judge Milan D. Smith, Jr.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

"The Promises and Perils of Neuroscience Evidence in the Courtroom," considered applications of neuroscience evidence in court and the risks inherent in using such evidence to draw definitive conclusions about the complexity of human behavior. Panelists included Nita A. Farahany, associate professor of law and philosophy, Vanderbilt University; Hank Greely, Deane F. and Kate Edelman Johnson Professor of Law, Stanford Law School; and Stephen J. Morse, Ferdinand Wakeman Hubbell Professor of Law, University of Pennsylvania, School of Medicine. Owen D. Jones, director, New York Alumni Chancellor's Chair in Law and professor of biological sciences, Vanderbilt University, moderated the panel, which was introduced by attorney Judith H. Ramseyer.

"Breakfast with the Bench," a popular conference segment bringing together the bench and bar, looked at the national pilot program for cameras in the federal trial courts, which began in July 2011. Fourteen courts are involved in the program, including three in the Ninth Circuit. Attorney Debora K. Kristensen, chair of the Ninth Circuit Lawyer Representatives Coordinating Committee, introduced Chief District Judge Robert S. Lasnik of the U.S. District Court for the Western District of Washington. Judge Lasnik led the discussion then participants moved to smaller groups to discuss other issues concerning the administration of justice within the Ninth Circuit.

Chief Judge Alex Kozinski welcomes conference attendees and remembers Chief District Judge John M. Roll.

"Search and Seizure in the 21st Century: Developments in the 50 Years Since *Mapp v. Ohio,*" focused on evolving issues and concerns over search and seizure law. Panelists included Justice Morris J. Fish, Supreme Court of Canada; Jesse H. Choper, Earl Warren Professor of Public Law, University of California at Berkeley Law; Mythili Raman, principal deputy assistant attorney general and chief of staff, Criminal Division, U.S. Department of Justice. Gerald F. Uelmen, Santa Clara University law professor and director of the Edwin A. Heafey Jr. Center for Trial and Appellate Advocacy, moderated the panel, which was introduced by attorney Joaquin C. Arriola, Jr.

"The Federal Courts in 2031 – Making the Future Happen," featured a discussion on what the federal courts may look like in 20 years and what the courts must do to fulfill their mission in the future. Panelists included District Judge John R. Tunheim, District of Minnesota; Fred Dust, partner, IDEO; Larry Kramer, Richard E. Lang Professor and dean, Stanford Law School; Mark J. Mills, M.D./J.D., College of Physicians and Surgeons, Columbia University; and Judith Resnik, Arthur Liman Professor of Law, Yale Law School. Stuart A. Forsyth, principal of The Legal Futurist, moderated the panel, which was introduced by Chief District Judge B. Lynn Winmill of the District of Idaho.

The closing session of the conference featured Supreme Court Justice Ruth Bader Ginsburg, who participated in a reenactment of *Bradwell v. Illinois*, an 1872 case in which Myra Bradwell, a married woman, was found qualified to practice law but denied admission to the bar by the Supreme Court of Illinois. Justice Ginsburg and Ninth Circuit Judges Sidney R. Thomas and Richard R. Clifton assumed the roles of Supreme Court justices, while Ninth Circuit Judge Marsha S. Berzon portrayed Bradwell.

The conference closed with "Forty Years after *Reed v. Reed*: Where Did the Constitutional Law of Gender Discrimination Come From, and Where Has It Taken Us?" Panelists included Serena Mayeri, associate professor, University of Pennsylvania Law School; Ronnee Schreiber, associate professor, San Diego State University; Betsey Stevenson, chief economist, U.S. Department of Labor. Wendy W. Williams, professor of law *emerita*, Georgetown University Law Center, moderated the panel, which was introduced by Judge Berzon.

In addition to the general session, the conference included various business meetings and smaller educational programs, including a review of Supreme Court cases in the 2010-2011 term; a look at the mortgage crisis and the complicated cases involving *pro se* litigants; and working with electronic devices such as iPads, smartphones, laptops and netbooks.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 Archived on November 21, 2012

Ninth Circuit Law Clerks Orientation

The Ninth Circuit Court of Appeals held its annual law clerk orientation September 21-22, 2011 at the James R. Browning United States Courthouse in San Francisco. More than 120 new law clerks, many of them recent law school graduates, participated in the program. Supreme Court Justice Anthony M. Kennedy made remarks and Ninth Circuit Chief Judge Alex Kozinski welcomed the new clerks. Also involved in the training sessions were Circuit Judge Richard R. Clifton, Circuit and Court of Appeals Executive Cathy A. Catterson, Clerk of Court Molly C. Dwyer and other court staff.

Judicial Conference Awards Presented and Announced

Senior District Judge Ronald M. Whyte

American Inns of Court Professionalism Award

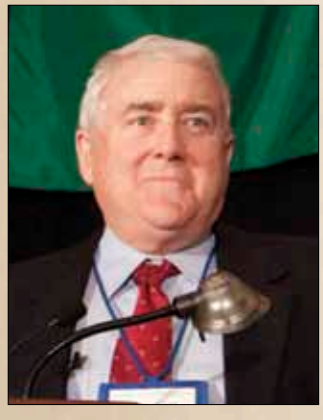
Senior District Judge Ronald M. Whyte of the United States District Court for the Northern District of California received the prestigious Ninth Circuit Professionalism Award from the American Inns of Court. The award was presented by Ninth Circuit Judge Mary M. Schroeder, a former national trustee of the organization. The award is given annually to a senior practicing judge or lawyer "whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession."

Judge Whyte, who maintains chambers in San Jose, is highly regarded for his knowledge and application of federal law pertaining to patents, technology and intellectual property. He serves on the Dean's High Tech Advisory Council at Santa Clara Law; the Intellectual Property Advisory Board at George Washington University Law School; the National Jury Instructions Project; and Northern District of California's Patent Rules and Patent Jury Instructions committees.

Prior to his appointment to the federal bench in 1992, Judge Whyte had served as a judge of the Santa Clara County (California) Superior Court since 1989. Before coming onto the bench, he worked from 1971 to 1989 with a Silicon Valley law firm, Hoge, Fenton, Jones and Appel, Inc., where he gained substantial trial experience.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Born in Pomona, California, Judge Whyte received his A.B. from Wesleyan University in 1964 and his J.D. from the University of Southern California Law School in 1967. He served in the Navy, JAG Corps, from 1968 to 1971.



Paul F. Eckstein, Esq.

John P. Frank Award

Attorney Paul F. Eckstein of Phoenix, Arizona, received the John P. Frank Award, which recognizes an outstanding lawyer practicing in the federal courts of the western United States. Attorney Todd D. True, chair of the Ninth Circuit Advisory Board Committee, presented the award.

Mr. Eckstein is a partner in the Phoenix office of Perkins Coie LLP. He has practiced law since 1965, when he joined the Phoenix law firm of Brown & Bain upon graduating from Harvard Law School.

Mr. Eckstein has been widely recognized for his professional accomplishments and community service. He is a fellow of the American College of Trial Lawyers; was elected to the Maricopa County Bar Association Hall of Fame; and received significant awards from the Arizona Foundation for Legal Services & Education, the Arizona Center for Law in the Public Interest, the American Civil Liberties Union of Arizona, the Arizona Press Club, the American Jewish Committee and the Jewish National Fund. He represented the District of Arizona as a lawyer representative to the Ninth Circuit Judicial Conference from 2000 to 2002.

Staff Attorney Sujean Park (left) pictured with Ninth Circuit ADR Committee Chair the Hon. Valerie P. Cooke, Magistrate Judge, District of Nevada.

Robert F. Peckham Award for Excellence in ADR

Announced at the conference was the selection of Sujean Park, a staff attorney at the U.S. District Court for the Eastern District of California, as the recipient of the Robert F. Peckham Award for excellence in alternative dispute resolution. The award was formally presented by the Ninth Circuit ADR Committee at a meeting held October 13, 2011.

Ms. Park joined the Eastern District of California in 2009 as director of ADR and *pro bono* programs. Her efforts have helped her court manage the staggering *pro se* caseload. She has increased the panel of *pro bono* attorneys from 120 to 250; organized training opportunities for attorneys willing to provide representation; and drafted policies for use of non-appropriated funds for *pro bono* purposes.

Ms. Park also has worked closely with the University of the Pacific, McGeorge School of Law, to develop a mediation clinic in which law students assist prisoners in mediating their prisoner civil rights cases.

Ms. Parks holds both a J.D. and an M.B.A. from Pepperdine University. She previously worked for the California Department of Corrections and Rehabilitation and was in private practice.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

ADR Education Award

Also announced at the conference was the selection of the University of Southern California, Gould School of Law, as recipient of the 2011 Ninth Circuit ADR Education Award, recognizing institutions which have advanced ADR scholarship and research. Already considered a leader in the ADR field, Gould School of Law has broadened and expanded its programs and course offerings. The ADR program now includes mediation and advanced mediation clinics in which students develop skills by mediating cases before the Los Angeles Superior Court. USC is also working with the Judicial Arbitration and Mediation Services (JAMS), Inc., in which advanced mediation students are paired with JAMS neutrals for shadowing and mentoring.

SPACE AND SECURITY

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2013

Missouri River U.S. Courthouse–A Gem of the Northern Rockies

Montana lays claim to the newest federal courthouse in the Ninth Circuit. Built in one of the "Big Sky" state's most scenic settings, the Missouri River Courthouse overlooks a broad stretch of the Missouri River as it winds through the city of Great Falls. The stately three-story structure stands on the river's west bank with expansive views eastward across the water to the city's downtown business district. The courthouse opened in 2009 and serves litigants in northern and central Montana.

Great Falls, the third largest city in Montana with a population of some 60,000 people, takes its name from the spectacular nearby waterfalls portaged by the Lewis and Clark Expedition in 1805-06. It is one of five locations in which the U.S. District Court for the District of Montana is authorized to hold court. The court also sits in Billings, Butte, Helena and Missoula.

The Missouri River Courthouse provides the court with 30,000 square feet of useable space. Two courtrooms and judicial chambers are located on the third floor. The second floor is occupied primarily by the U.S. Marshals Service, while clerk's office staff and federal probation officers are located on the first floor.

The architecture of the courthouse is a mix of old and new. The design echoes some of the historic structures found in the downtown area, including an old railway terminal directly across the river. Reminiscent of times past, the new courthouse features a corner tower structure and makes use of traditional building materials, such as brick, contrasting color stone sills, and copper-colored roofing. Modern design elements include a curtain wall of blue-tinted glazing, meant to suggest a waterfall.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211, Archived on November 21, 2012

Two other exterior features tie the building to the land and its native peoples. Each of the 12 major bollards protecting the entrance to the courthouse bears a bronze plaque naming one of the 12 rivers in Montana that flow directly into the Missouri. And a beautiful bronze statue of Sacajawea, the Shoshone Indian woman who acted as guide and interpreter for explorers Meriwether Lewis and William Clark, stands on the grounds outside the Jury Assembly Room, a gift from members of the local bar.

Top: A view of the district courtroom with rich tones of wood and stone illuminated by clerestory window seen near the ceiling.

Bottom: U.S. District Judge Sam Haddon's chambers provide striking views of the Missouri River and surrounding country.

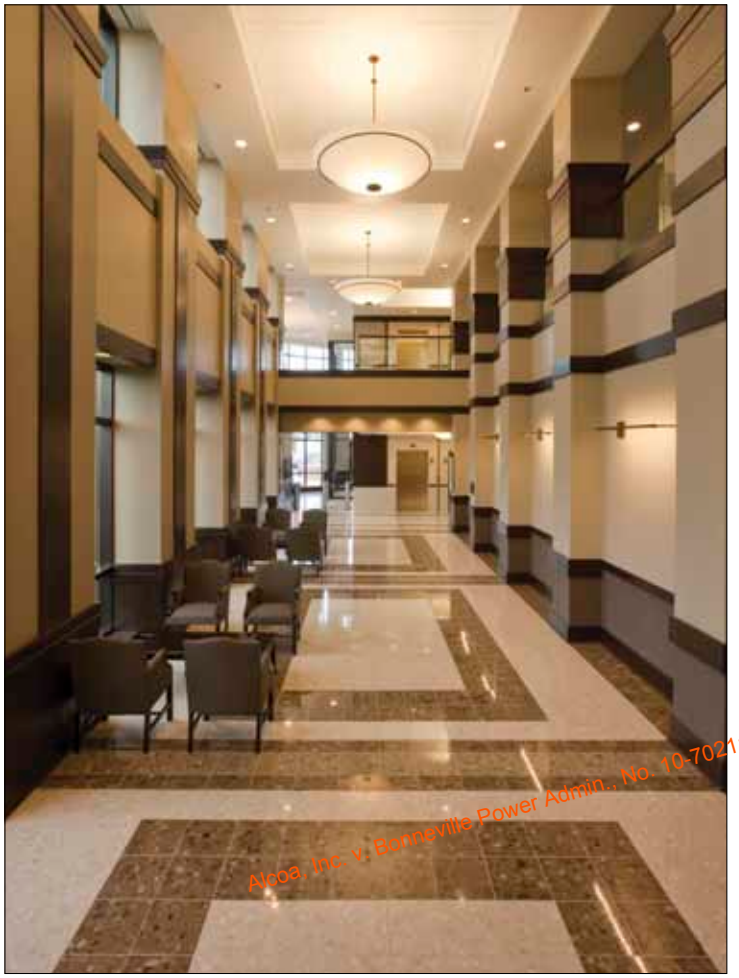
The $16.4 million project was procured by the General Services Administration as a build-to-suit leased building with a projected 20-year lease. The development team consisted of BG Development and Hoefer Wysocki Architects, both of Kansas City, Missouri, and Sletten Construction of Great Falls. The new courthouse was built on land formerly used for a brewery. The site is located within a municipal redevelopment district and city leaders are hopeful the courthouse will spur other development in the area.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Like many federal projects, the Missouri River Courthouse was long in coming. For many years, the court had occupied the second and third floors of the U.S. Post Office building in downtown Great Falls.

Top: The Missouri River Courthouse's public entrance is a two-story atrium. The twelve stone markers in front not only provide security - they symbolize the 12 rivers in the Montana District that drain directly into and from the Missouri River.

Right: A bronze statue of Sacajawea graces the grounds between the courthouse and the river she travelled in the company of explorers Lewis and Clark.



A view of the first floor lobby as seen from the Clerk's Office looking back toward the entrance. The wall niches to the right now contain a rotating display of Montana art temporarily loaned to the court.

The need for more space was first recognized in a long-range building plan adopted by the court in 1991. The need for more security became apparent in 2001 following the 9/11 attacks and the anthrax attacks on government buildings in Washington, D.C. Conducting court directly above the main post office, where packages regularly went unscreened, loomed as an uncontrollable and unacceptable security concern.

In 2004, then-Chief District Judge Donald W. Molloy began a determined effort to obtain a new facility in Great Falls, which had the highest criminal case filings in the district along with the most trials. In presentations to key judicial governance committees, he pointed out the many deficiencies of the post office location, including the absence of a lobby for spectators, witness sequestration rooms, attorney conference rooms, and secure means of transporting prisoners through the building. While consistently supported at the circuit level, the project was twice derailed at the national level before finally winning through in 2006. A contract was awarded in 2007 and the project was finished on time two years later.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Working closely with Judge Molloy on the project were District Court Clerk Patrick Duffy and space and facilities staff from the Ninth Circuit Office of the Circuit Executive.

"This courthouse is a true gem of the Northern Rockies. It is a building that facilitates the fair administration of justice while adding beauty to an already majestic land," Mr. Duffy said.

Mansfield Federal Building and U.S. Courthouse

Montana also boasts one of the oldest courthouses in the Ninth Circuit, the Mike Mansfield Federal Building and U.S. Courthouse in Butte, about 150 miles southwest of Great Falls. The building now houses the U.S. Bankruptcy Court for the District of Montana.

The Butte courthouse was dedicated on December 8, 1904, eight months before the opening of the grander Ninth Circuit headquarters building in San Francisco. James Knox Taylor, supervising architect of the U.S. Treasury Department, designed both the Butte and San Francisco courthouses, which display a Beaux Arts Classical design that blends Greek and Roman architectures along with Renaissance ideas. Both courthouses also served for many years as post offices and remain among the most important public structures in their communities.

Situated in what was once the core of Butte's bustling business district and very close to working mines at the time, the original courthouse was a three-story, U-shaped structure built with a steel frame and concrete foundation and clad in granite, red brick and terra cotta. An addition completed in 1933 more than doubled the building's useable space to almost 40,000 square feet and included a two-story interior light court.

The western facade of the courthouse features a projecting pavilion and granite steps. The most impressive space inside is the two-story courtroom, which dominates the second and third floors and features a hand-carved bench, marble floor and wall trim, oak woodwork, arching windows and

a coffered barrel vaulted ceiling with decorative plaster cornices and hanging light fixtures.

Butte started as a mining camp and became a boom town with the rapid growth of copper mining in the area. Incorporated in 1879, the town was soon an ethnic melting pot, attracting numerous immigrants seeking their fortunes. By the turn of the century, it claimed the fourth busiest immigration office in the nation. Many of the newcomers subsequently became citizens through naturalization ceremonies held in the courthouse.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The building has a colorful past. In 1914, it was used to house federal troops after martial law was declared to halt ongoing battles between labor unions and mine owners. The government intervened because the conflicts had halted production of copper, which was deemed to be of vital national interest should the U.S. enter into World War I. Ten years later, during the Prohibition era, a convicted bootlegger began shooting in the courtroom, narrowly missing the presiding judge and leaving a bullet and bullet hole in the bench.

The post office vacated the premises in 1965, leaving the building to be used by the court and various federal agencies.

The Butte courthouse was listed in the National Register of Historic Places as an individual structure in 1979, and as a part of the Butte National Historic Landmark District in 1966. It was named in 2002 for former Montana U.S. Senator Mike Mansfield.

Ground Broken for Yuma Courthouse

Special guests, judges and staff of the United States District Court for the District of Arizona gathered June 28, 2011, to break ground for a new federal courthouse in Yuma. The Senate approved naming the new courthouse the John M. Roll U.S. Courthouse in honor of Arizona's late chief district judge, who was killed in the Tucson shooting rampage on January 8, 2011.

Funding for the $33.4 million project was made possible by the American Recovery and Reinvestment Act of 2009. The new courthouse will include two courtrooms and chambers for two magistrate judges, district and bankruptcy clerks' offices, U.S. Probation and Pretrial Services offices, and the U.S. Marshals Service office. Construction is expected to be completed in 2013.

Pictured from left to right are Jeff Neely, Regional Commissioner, Pacific Rim Region, GSA; Ron Barber from the Office of U.S. Representative Gabrielle Giffords; Magistrate Judge Jay R. Irwin, District of Arizona; Chief District Judge Roslyn O. Silver, District of Arizona; Robert Roll, son of the late Chief District Judge John M. Roll; Congressman Raul M. Grijalva, U.S. House of Representatives; and Mayor Alan L. Krieger, City of Yuma.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

John M. Roll U.S. Courthouse Yuma, Arizona

Gross Square Footage:
56,791

Design/Build Team:
Sundt Construction & Ehrlich Architects

Occupancy Date:
June 2013

Courthouses Under Construction

Bakersfield U.S. Courthouse

Gross Square Footage:
33,400

Design/Build Team:
Gilbane Construction Inc. & NBBJ (Seattle)

Occupancy Date:
June 2012

Pacaso, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Billings U.S. Courthouse

Gross Square Footage:
128,742

Design/Build Team:
MA Mortenson Construction & NBBJ (Seattle)

Occupancy Date:
August 2012

San Diego U.S. Courthouse

Gross Square Footage:
466,886

Architects:
Richard Meier & Partners
(Los Angeles)

General Contractor:
Hensel Phelps

Occupancy Date:
February 2013

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

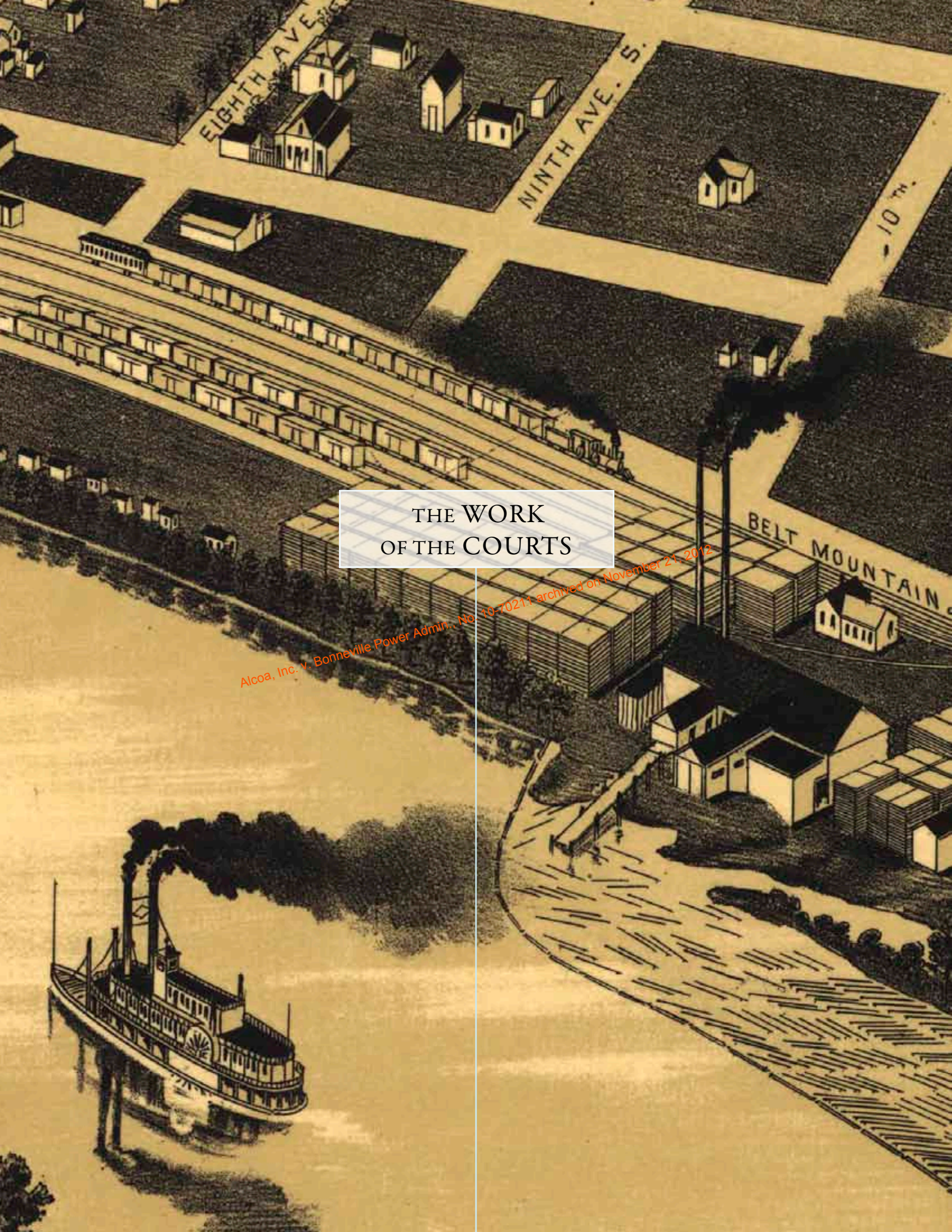
Prince Jonah Kuhio Kalaniana'ole Federal Building and U.S. Courthouse

Gross Square Footage:
862,269

Architects:
Gensler and Associates

General Contractor:
Swinerton

Completion Date:
Courthouse (Phase I) 2014
Federal Building (Phase II) 2017



THE WORK OF THE COURTS

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Court of Appeals Remains the Nation's Busiest

The United States Court of Appeals for the Ninth Circuit reported a slight increase in new filings and, for the second consecutive year, a significant reduction in pending caseload.

New appeals numbered 12,141 in fiscal year 2011, up 1.3 percent from the prior year. The Ninth Circuit remained the nation's busiest appellate court with 22 percent of all new appeals nationally. Appellate filings nationwide numbered 55,126, down 1.5 percent overall and by as much as 7.7 percent among the individual circuits. Only the Second, Ninth and Tenth circuits reported increased filings.

The court continued to dispose of more appeals than it received, terminating 13,025 cases in FY 2011. While terminations were down 2.4 percent from the prior year, judges and court staff were able to reduce the court's pending caseload by 5.9 percent to 14,041 cases. The court had reduced its pending caseload by 8.2 percent in the prior year.

Immigration matters and appeals brought by inmates in state or federal prisons within the circuit predominated the court's docket numerically, while more than half of all appeals were brought by litigants who were not represented by a lawyer.

Aurora Inc. v. Bonneville Power Admin., No. 10-30211 archived on November 21, 2012

Breakdown of New Appeals

District courts, which serve as trial courts in the federal judicial system, generated 8,035 appeals, or 66.2 percent of the court's FY 2011 new filings. Larger district courts produced greater numbers of appeals. The Central District of California, the busiest court in the circuit, generated 2,241 appeals, up 4.5 percent from prior year. The Eastern District of California had the next largest number of appeals with 1,250, up 15 percent.

Of the appeals of district court decisions, 6,411 were civil appeals and 1,624 were criminal appeals. On the civil side, the U.S. government was a plaintiff or defendant in 1,124 cases, or 17.5 percent of the total. Prisoner petitions involving habeas corpus, capital habeas corpus, civil rights, prison conditions and other matters numbered 3,108. On the criminal side, 480 appeals were for drug offenses, 436 for illegal immigration, 207 for property offenses, 134 for offenses involving firearms and explosives, 106 for sex offenses and 93 for violent offenses.

Appeals of agency decisions numbered 3,130, down 5.9 percent from the prior year. Within this category are appeals of decisions by the Board of Immigration Appeals. BIA appeals numbered 2,963, down 6.5 percent. The court had almost 47 percent of the total BIA appeals filed nationally in FY 2011, more than any other circuit.

Original proceedings commenced in FY 2011 numbered 797 with the bulk involving second or successive habeas corpus petitions, 511, and mandamus appeals, 257.

1 Appellate Caseload Profile, 2010-2011

Caseload Measure	2010 Total	2011 Total	Change 2010-2011
Filings	11,982	12,141	1.3%
Terminations	13,340	13,025	-2.4%
[1]Pending Cases	14,925	14,041	-5.9%

[1]2010 pending cases revised

Terminations and Pending Cases

The court terminated 13,025 cases in FY 2011, down 2.4 percent from the prior year. Of the total, 6,517 cases were terminated on the merits, 1,800 after oral argument and 4,717 after submission on the briefs. Merit terminations included 1,119 criminal cases and 2,178 administrative agency appeals. Another 6,027 cases were terminated on procedural grounds by judges and court staff, down 7.5 percent. The remaining 481 cases were closed via consolidation. Judicial panels produced 741 published and 5,776 unpublished opinions in merits terminations.

Among 6,517 cases terminated on the merits, 4,980 were affirmed or enforced, while 1,537 were dismissed, reversed, remanded or disposed of by other means. The court's overall reversal rate was 11.8 percent, compared to a national average of 8.9 percent. By category, reversal

2 Filings, Terminations and Pending Cases by Appeal Type, 2010-2011

Type of Appeal	2010 Filings	2011 Filings	Change 2010-11	% of Circuit Total	2010 Terminations	2011 Terminations	Change 2010-11	[1]2010 Pending	2011 Pending	Change 2010-11
Civil										
U.S. Prisoner Petitions	428	492	15.0%	4.1%	457	503	10.1%	490	479	-5.3%
Private Prisoner Petitions	2,877	3,108	8.0%	25.6%	2,669	3,202	20.0%	3,410	3,316	-3.3%
Other U.S. Civil	661	632	-4.4%	5.2%	691	608	-12.0%	696	720	1.8%
Other Private Civil	2,138	2,179	1.9%	17.9%	2,216	2,135	-3.7%	2,228	2,272	0.3%
Criminal	1,655	1,624	-1.9%	13.4%	1,712	1,598	-6.7%	1,785	1,811	0.9%
Other										
Bankruptcy	159	179	12.6%	1.5%	172	149	-13.4%	166	196	14.0%
Administrative Appeals	3,325	3,130	-5.9%	25.8%	4,651	4,033	-13.3%	6,015	5,112	-16.6%
Original Proceedings	739	797	7.8%	6.6%	772	797	3.2%	135	135	-1.5%
Circuit Total	11,982	12,141	1.3%		13,340	13,025	-2.4%	14,925	14,041	-5.9%
National Appellate Total	55,992	55,126	-1.5%		59,526	57,357	-3.6%	46,351	43,633	-5.9%
Ninth Circuit as % of National Total	21.4%	22.0%	-0.6%		22.4%	22.7%	-0.3%	32.7%	32.2%	-0.5%

Note: This table includes appeals reopened and remanded as well as original appeals. This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in 2007, the category entitled "reopened," which includes all reopened appeals, has replaced the category entitled "reinstated." Therefore, data on reopened cases for 2007 and thereafter are not comparable to data published previously on reinstated cases.
[1]2010 Pending cases revised.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

3 Median Time Intervals in Months for Merit Terminiations of Appeals 2010-2011

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2010	2011	2010	2011
[1]From Filing of Notice of Appeal or Docket Date to Filing of Appellee's Last Brief	6.6	8.7	5.5	6.2
From Filing of Appellee's Last Brief to Oral Argument or Submission on Brief	9.9	8.2	4.4	4.4
From Oral Argument to Last Opinion or Final Order	1.3	1.5	2.1	2.2
From Submission on Brief to Last Opinion or Final Order	0.5	0.3	0.6	0.6
[1]From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order	16.4	17.4	11.7	11.0
From Filing in Lower Court to Last Opinion or Final Order in Appeals Court	36.4	36.0	30.3	29.3

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.
[1]Docket date is used when computing median time interval for original proceedings and appeals from administrative agencies.

rates ranged from 4.3 percent for administrative appeals to 21.2 percent in civil matters involving the government.

The court's pending caseload was reduced to 14,041 in FY 2011, down from 14,925 the previous year. Of the total, 8,259 cases, or 59 percent, had been pending less than one year.

Median Time Intervals

Median time intervals, which measure how long it takes for cases decided on the merits to proceed through the appellate process, increased in FY 2011. The median time interval from filing of a notice of appeal to final disposition of a case was 17.4 months, up from 16.4 months the previous year. Briefing accounts for 8.7 months of this time. The median time interval from the filing of a case in a lower court to final appellate disposition was 36 months, down from 36.4 months the year before.

The national median time intervals in FY 2011 were 11 months from notice of appeal to final disposition by a circuit court of appeals, and 29.3 months from the filing of a case in a lower court to final disposition by a circuit court.

Alcoa, Inc. v. Bonneville Power Admin. No. 10-7011 archived on November 21, 2012

Once an appeal was fully briefed, Ninth Circuit judges decided cases fairly quickly. In FY 2011, the median time interval was 1.5 months for a case in which oral arguments were heard, and .3 months for a case submitted on briefs.

Pro Se Filings and Terminations

Pro se appeals involve at least one party who is not represented by counsel. In FY 2011, *pro se* appeals numbered 6,253, up 6.7 percent from the prior year. *Pro se* litigants accounted for 52 percent of all appeals opened during the year. Prisoner petitions, 2,691, and agency appeals, 1,194, made up 62 percent of *pro se* appeals. The majority of *pro se* appeals, 4,359 cases, involved decisions of the district courts of the circuit.

The court terminated 6,367 *pro se* appeals in FY 2011, down 0.8 percent. Of that number, 3,822 were closed on procedural grounds, while 2,545 were terminated on the merits either after oral argument or submission on the briefs.

4 Source of Appeals and Original Proceedings Commenced, 2011

District	Appeals Total	% of Total
Alaska	96	0.8%
Arizona	815	6.7%
C. Calif.	2,241	18.5%
E. Calif.	1,250	10.3%
N. Calif.	914	7.5%
S. Calif.	528	4.3%
Guam	15	0.2%
Hawaii	119	1.0%
Idaho	132	1.1%
Montana	218	1.8%
Nevada	647	5.3%
Northern Mariana Islands	9	0.1%
Oregon	412	3.4%
E. Wash.	153	1.3%
W. Wash.	486	4.0%
Bankruptcy	179	1.5%
Administrative Agencies, Total	3,130	25.8%
IRS	55	0.5%
National Labor Relations Board	30	0.2%
BIA	2,963	24.4%
Other Administrative Agencies	82	0.7%
Original Proceedings	797	10.3%
Circuit Total	12,141	

Note: Totals includes reopened and remanded appeals as well as original appeals. Administrative agency cases previously reported as immigration service (INS) are shown under Board of Immigration Appeals (BIA) and U.S. Tax Court is shown under IRS.

En Banc Cases

En banc courts, which consist of 11 judges rather than three, are used to resolve intra-circuit conflicts or other legal questions of exceptional importance. In FY 2011, *en banc* courts were convened quarterly

and considered 18 cases. For the year, the court received 826 petitions seeking *en banc* review of which 13 were granted. *En banc* decisions reached by the court in FY 2011 numbered 23, 19 after oral argument and 4 after submission on the briefs.

Death Penalty Cases

The court ended the year with 115 pending death penalty cases from six states. Arizona and California had 56 and 40 pending cases, respectively. Nine of the pending death penalty cases originated in Nevada, five in Idaho, four in Washington and one in Oregon. Within the circuit, another 809 death penalty cases are pending before state supreme courts and federal trial courts. Since 1976, there have been 65 executions by states within the circuit.

5 Ninth Circuit Court of Appeals En banc Ballots, 2007-2011

Year	Petitions Filed for Rehearing En banc	En banc Ballots Sent	Grants of Rehearing En banc Following A Vote	Denials of Rehearing En banc Following A Vote
2011	826	1 28	13	14
2010	1,002	58	24	34
2009	1,014	36	14	22
2008	1,208	31	19	12
2007	1,339	47	22	25

Contributions by Active, Senior and Visiting Judges

The court ended FY2011 with 25 active circuit judges and 20 senior circuit judges. During the year, active circuit judges participated in 65.6 percent of all cases terminated on the merits, up 4.9 percent from the prior year. Senior circuit judges participated in 28.5 percent of the cases, while visiting judges helped decide 6 percent. Over the course of the year, 114 circuit and district judges, both active and senior, sat with the court by designation.

In addition to sitting on panels, senior circuit judges served on screening and motions panels and various administrative court committees.

Arnold v. Inc. v. Bonneville Power Admin., No. 10-704 archived on November 21, 2012

Ninth Circuit Court of Appeals Judges

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Ninth Circuit Court of Appeals Judges in Order of Seniority and Chambers

Alex Kozinski	*Pasadena*
James R. Browning	*San Francisco*
Alfred T. Goodwin	*Pasadena*
J. Clifford Wallace	*San Diego*
Procter Hug, Jr.	*Reno*
Otto R. Skopil	*Portland*
Mary M. Schroeder	*Phoenix*
Betty Binns Fletcher	*Seattle*
Jerome Farris	*Seattle*
Harry Pregerson	*Woodland Hills*
Arthur L. Alarcón	*Los Angeles*
Dorothy W. Nelson	*Pasadena*
William C. Canby, Jr.	*Phoenix*
[5]Robert Boochever	*Pasadena*
Stephen Reinhardt	*Los Angeles*
Robert R. Beezer	*Seattle*
[1]Cynthia Holcomb Hall	*Pasadena*
John T. Noonan, Jr.	*San Francisco*
[2]David R. Thompson	*San Diego*
Diarmuid F. O'Scannlain	*Portland*
Edward Leavy	*Portland*
Stephen S. Trott	*Boise*
Ferdinand F. Fernandez	*Pasadena*
[4]Pamela Ann Rymer	*Pasadena*
[3]Thomas G. Nelson	*Boise*
Andrew J. Kleinfeld	*Fairbanks*
Michael Daly Hawkins	*Phoenix*
A. Wallace Tashima	*Pasadena*
Sidney R. Thomas	*Billings*
Barry G. Silverman	*Phoenix*
Susan P. Graber	*Portland*
M. Margaret McKeown	*San Diego*
Kim McLane Wardlaw	*Pasadena*
William A. Fletcher	*San Francisco*
Raymond C. Fisher	*Pasadena*
Ronald M. Gould	*Seattle*
Richard A. Paez	*Pasadena*
Marsha S. Berzon	*San Francisco*
Richard C. Tallman	*Seattle*
Johnnie B. Rawlinson	*Las Vegas*
Richard R. Clifton	*Honolulu*
Jay S. Bybee	*Las Vegas*
Consuelo M. Callahan	*Sacramento*
Carlos T. Bea	*San Francisco*
Milan D. Smith, Jr.	*El Segundo*
Sandra S. Ikuta	*Pasadena*
N. Randy Smith	*Pocatello*
Mary H. Murguia	*Phoenix*

[1]Deceased February 26, 2011
[2]Deceased February 19, 2011
[3]Deceased May 4, 2011
[4]Deceased September 21, 2011
[5]Deceased October 9, 2011

Workload Rises in Federal Trial Courts of the Ninth Circuit

United States district courts serve as trial courts in the federal judicial system. In fiscal year 2011, the 15 district courts of the Ninth Circuit received 68,113 criminal and civil filings, up 7.2 percent from the prior year. The Ninth Circuit had 18.5 percent of the 367,692 district court filings nationally, which were up 1.8 percent.

Criminal Filings, Terminations and Pending Cases

Criminal matters constituted 31.9 percent of the total district court filings in the Ninth Circuit. District courts reported 21,740 criminal filings in FY 2011, up 12.1 percent from FY2010. Increases were reported in nearly all categories of criminal cases.

Illegal immigration continues to generate the most new criminal cases. In FY 2011, immigration offenses were up 12.5 percent with 10,091 new cases, amounting to 46.4 of the total criminal filings in the circuit. The most common immigration offense, improper reentry by an alien, rose 16.5 percent with 8,546 total cases.

Drug offenses constituted 36.2 percent of the criminal caseload in the circuit. District courts reported 4,865 new drug offense cases, up 33.6 percent in FY 2011. Marijuana was involved in 48 percent of all drug offenses. Marijuana offenses numbered 2,309, up 38.5 percent from FY 2010. All other drug offenses numbered 2,556, up 29.5 percent.

Increases also were reported in firearms and explosives offenses, 857, up 5.5 percent; sex offenses, 596, up 23 percent; assault, 271, up 12 percent; justice system offenses, 158, up 5.3 percent; and general offenses, 464, up 33 percent.

6 U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending, 2010-2011

Caseload Measure	2010 Total	2011 Total	[1]Change 2010-2011
Civil Filings	44,148	46,373	5.0%
Criminal Filings	19,395	21,740	12.1%
Total Filings	63,543	68,113	7.2%
Civil Terminations	44,047	46,968	6.6%
Criminal Terminations	19,699	21,936	11.4%
Total Terminations	63,746	68,904	8.1%
[2]Pending Civil Cases	40,540	39,947	-1.5%
[2]Pending Criminal Cases	16,219	16,023	-1.2%
[2]Total Pending Cases	56,759	55,970	-1.4%
[2]Civil Case Termination Index (in months)	11.0	10.2	-7.5%
[2]Criminal Case Termination Index (in months)	9.9	8.8	-11.4%
[2]Overall Case Termination Index	10.5	9.8	-7.1%
Median Months (from filing to disposition) Civil Cases	7.3	7.1	-2.7%
Median Months (from filing to disposition) Criminal Defendants	5.2	5.1	-1.9%
Median Months National Total (from filing to disposition) Civil Cases	7.6	7.3	-3.9%
Median Months National Total (from filing to disposition) Criminal Defendants	6.3	6.4	1.6%

Note: Pending totals exclude each case in which the defendant has been a fugitive since before Oct. 1, 2009. However, no case with multiple defendants has been excluded unless all defendants in the case have been fugitives since before Oct. 1, 2009. This table includes all felony and Class A misdemeanor cases, but includes only those petty offense cases that have been assigned to district judges. Median time intervals computed only for 10 or more cases and only for 10 or more defendants. This table includes defendants in all felony and Class A misdemeanor cases, but includes only those petty offense defendants whose cases have been assigned to district judges. Median time intervals computed from the date case was filed to the date the defendant was either found not guilty or was sentenced.

[1]Percent change not computed when fewer than 10 cases reported for the previous period.

[2]Revised.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-7021 archived on November 21, 2012

7 Ninth Circuit District Courts - Types of Criminal Cases Commenced, by Major Offense and District (Excluding Transfers), 2010-2011

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	GU	HI	ID	MT	NMI	NV	OR	E. Wash.	W. Wash.	2010 Total	2011 Total	Change 2010-11
Violent Offenses																		
Homicide	1	29	0	0	0	0	0	0	1	5	0	1	2	0	4	47	43	-8.5%
Robbery	7	11	24	7	10	23	0	7	1	2	0	20	36	1	5	169	154	-8.9%
Assault	2	115	13	6	4	23	1	7	5	48	0	15	13	4	15	242	271	12.0%
Other	1	8	10	0	1	4	0	3	3	14	1	10	1	13	2	72	71	-1.4%
Property Offenses																		
Burglary, Larceny & Theft	3	56	57	66	14	3	22	39	2	8	0	20	38	9	116	485	453	-6.6%
Embezzlement	3	10	10	7	5	2	0	5	3	8	0	5	5	4	13	90	80	-11.1%
Fraud	16	1,382	251	81	126	262	15	37	16	24	9	61	49	17	73	2,580	2,419	-6.2%
Forgery & Counterfeiting	1	3	30	7	10	4	0	9	2	4	1	5	3	7	7	99	93	-6.1%
Other	0	4	4	1	3	2	0	0	1	4	0	7	3	2	16	37	47	27.0%
Drug Offenses																		
Marijuana	1	1,611	16	66	7	533	0	5	2	6	0	7	12	6	37	1,667	2,309	38.5%
All Other Drugs	53	344	189	106	118	1,163	24	86	38	92	1	99	106	55	82	1,974	2,556	29.5%
Firearms and Explosives Offenses	33	150	65	87	92	2	6	13	30	47	0	100	98	61	73	812	857	5.5%
Sex Offenses	6	83	53	81	22	80	2	10	25	73	2	56	47	24	32	485	596	22.9%
Justice System Offenses	1	44	9	15	16	19	1	0	4	5	0	7	17	7	13	150	158	5.3%
Immigration Offenses																		
Improper Alien Reentry	5	4,532	462	317	245	2,428	0	9	89	16	0	117	138	141	47	7,338	8,546	16.5%
Other	0	318	25	1	4	977	4	5	6	1	6	5	95	37	61	1,635	1,545	-5.5%
General Offenses	6	18	39	16	14	27	2	260	5	24	1	9	9	1	33	349	464	33.0%
Regulatory Offenses	16	100	47	27	29	49	5	25	4	16	2	6	13	5	23	440	367	-16.6%
Traffic Offenses	2	3	0	4	54	0	2	288	0	2	0	1	0	0	263	651	619	-4.9%
All Offenses Total	157	8,821	1,304	895	774	5,601	84	808	237	399	23	551	685	394	915	19,322	21,648	12.0%

Note: This table includes all felony and Class A misdemeanor cases but includes only those petty offense cases that have been assigned to district judges.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The districts of Arizona and Southern California once again had the largest criminal caseloads stemming from drug smuggling and illegal immigration into the U.S. from Mexico. The District of Arizona reported 8,834 criminal filings, up 29.2 percent from the prior year. The Arizona court had 22 percent of all drug offense filings in the Ninth Circuit and ranked first in the nation in drug offenses. The Southern District of California reported 5,633 criminal cases, up 14.3 percent. The districts of Guam, Hawaii, Montana, and Oregon also reported increases in criminal filings.

Criminal case filings decreased in the Central District of California, 1,314, down 8 percent; the Western District of Washington, 923, down 19 percent; the Eastern District of California, 897, down 9.7 percent;

8 U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship, 2010-2011

		Weighted Filings Per Judgeship						Unweighted Filings Per Judgeship			
District	**Authorized Judgeships**	**Civil**	**Criminal**	**Supervision Hearings**	**2010 Weighted Total**	**2011 Weighted Total**	**Change 2010-2011**	**Civil**	**Criminal**	**Supervision Hearings**	**2011 Total**
Alaska	3	120	74	0.26	184	194	5.4%	99	77	1.67	177
Arizona	13	290	506	18.72	653	815	24.8%	279	797	133.38	1,210
C. Calif.	28	585	65	4.59	602	655	8.8%	526	73	32.25	631
E. Calif.	6	916	174	8.42	1,122	1,098	-2.1%	903	215	60.17	1,178
N. Calif.	14	567	59	5.04	593	631	6.4%	453	73	34.50	561
S. Calif.	13	252	312	17.08	530	581	9.6%	215	501	120.85	837
Hawaii	4	259	98	5.48	302	362	19.9%	201	225	37.75	463
Idaho	2	374	138	4.29	574	516	-10.1%	305	160	29.50	494
Montana	3	197	156	9.09	320	362	13.1%	186	160	59.00	405
Nevada	7	477	93	5.11	603	575	-4.6%	419	102	32.71	554
Oregon	6	385	111	9.41	515	505	-1.9%	364	136	67.00	567
E. Wash.	4	198	100	16.51	287	312	8.7%	200	125	117.50	442
W. Wash.	7	540	98	5.47	580	643	10.9%	456	161	37.00	654
Circuit Total	110	5,160	1,984	109.47	6,865	7,249	5.6%	4,606	2,805	763.28	8,173
Circuit Mean	***	397	153	8.42	528	558	5.6%	354	216	58.71	629
Circuit Median	***	374	100	5.48	574	575	0.2%	305	160	37.75	561
National Mean	***	355	118	5.30	444	478	7.7%	333	148	35.36	516
National Total	673	386	118	5.26	490	509	3.9%	354	152	35.51	542

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Note: Case weights are based on the 2003-2004 district court case weighting study conducted by the Federal Judicial Center. This table excludes civil cases arising by reopening, remand, or transfer to the district by the order of the Judicial Panel on Multidistrict Litigation. This table includes defendants in all felony and Class A misdemeanor cases, but includes only those petty offense defendants whose cases have been assigned to district judges. Remands and reopens for criminal defendants are excluded. This table excludes data for the territorial courts. Data are reported for supervised release and probation hearings (both evidentiary and non-evidentiary) previously not presented in this table. Data are obtained from the monthly reports of trials and other court activities conducted by resident and visiting judges. Due to rounding, subtotals for weighted and unweighted civil, criminal, and revocation filings may not equal totals for weighted and unweighted filings.

the Northern District of California, 778, down 7.3 percent; the District of Nevada, 555, down 20.3 percent; the Eastern District of Washington, 394, down 1.3 percent; the District of Idaho, 237, down 14.1 percent; the District of Alaska, 159, down 4.2 percent; and the District of Northern Mariana Islands, 24, down, 44.2 percent.

The district courts of the Ninth Circuit terminated 21,936 criminal cases in fiscal year 2011, up 11.4 percent the prior fiscal year. Pending criminal cases numbered 16,023, down 1.2 percent.

Civil Filings, Terminations and Pending Cases

New civil filings in the district courts of the circuit numbered 46,373, up 5 percent from FY 2010. The circuit accounted for 16 percent of the 289,252 civil filings in the district courts nationally. Civil filings increased nationally by 2.2 percent over the previous fiscal year.

Private civil cases numbered 37,861 and accounted for 81.6 percent of the total civil filings in FY 2011. Prisoner petitions were most numerous, totaling 9,882 or 26.1 percent of all new private civil cases. The U.S. government acted as a plaintiff in 2,093 cases and as a defendant in 6,419 cases, accounting for 18.4 percent of the new civil filings.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Other major categories of new private civil filings were civil rights, 5,709 cases or 15.1 percent; contracts, 4,349 cases or 11.5 percent; real property suits, 3,568 cases or 9.4 percent; intellectual property suits, 2,765 or 7.3 percent; labor suits, 2,548 cases or 6.7 percent; and other personal injury, 1,838 or 4.9 percent.

U.S. civil cases or civil cases in which the government was a party numbered 8,512. Social security cases were most numerous, 2,972 cases or 34.9 percent of the total. Other major categories were prisoner petitions 1,688 cases or 19.8 percent, and contracts, 1,062 cases or 12.5 percent.

Ten district courts reported increased civil filings in fiscal year 2011 including the Central District of California, which had the largest civil caseload in the circuit and second in the nation with 15,257 filings, up 10.2 percent from the year before. Other districts with increased civil filings include the districts of Arizona, Northern California, Southern California, Guam, Hawaii, Montana, Nevada, Eastern Washington, and Western Washington.

Civil filings declined in the districts of Alaska, Eastern California, Idaho, the Northern Mariana Islands, and Oregon.

Civil case terminations in the Ninth Circuit numbered 46,968, up 6.6 percent from 44,047 in fiscal year 2010. Pending civil cases totaled 39,947, down 1.5 percent.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit improved in fiscal year 2011. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate continued was 9.8 months in FY 2011, down from 10.5 months the previous year.

The median time from filing to disposition for civil cases in the Ninth Circuit was down to 7.1 months from 7.3 months the prior fiscal year. The national median time for civil cases decreased to 7.3 months in FY 2011 compared with 7.6 months the year before.

For criminal cases, the median time from filing to disposition in the Ninth Circuit was 5.1 months compared to 5.2 months in FY 2010. The national median time was 6.4 months, slightly up from 6.4 months the prior fiscal year.

Bankruptcy Filings Down in 2011

After increasing steadily over the last four years, bankruptcy filings dipped in fiscal year 2010. Bankruptcy courts in the Ninth Circuit reported 382,210 new cases, down 4.3 percent from the prior fiscal year. Nationwide, new bankruptcy filings declined 8.1 percent to 1,467,221 cases.

9 Business and Nonbusiness Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2010-2011

Caseload Measure	2010	2011	Change 2010-2011
Filings			
Business Chapter 7	10,680	9,275	-13.2%
Business Chapter 11	2,762	2,415	-12.6%
Business Chapter 12	126	129	2.4%
Business Chapter 13	988	887	-10.2%
Nonbusiness Chapter 7	299,231	281,847	-5.8%
Nonbusiness Chapter 11	926	1,007	8.7%
Nonbusiness Chapter 13	84,621	86,639	2.4%
Circuit Total	399,334	382,199	-4.3%
Terminations	361,652	379,722	5.0%
[1]Pending Cases	301,760	304,247	0.8%

Note: (1) Section 101 of the U.S. Bankruptcy Code defines consumer (nonbusiness) debt as that incurred by an individual primarily for a personal, family, or household purpose. If the debtor is a corporation or partnership, or if debt related to operation of a business predominates, the nature of the debt is business. These figures include the following cases not reflected elsewhere:

Fiscal Year 2010

Arizona (Chapter 15 = 3); Central Calif. (Chapter 15 = 2); Eastern Calif. (Chapter 9 = 1); Hawaii (Chapter 15 = 1); Idaho (Chapter 9 = 1); Western Wash. (Chapter 15 = 1)

Fiscal Year 2011

Arizona (Chapter 15 = 1); Central Calif. (Chapter 15 = 3); Northern Calif. (Chapter 15 = 5); Idaho (Chapter 9 = 1); Western Wash. (Chapter 15 = 1)

Due to differences among districts in reporting intra-district transfers, the total provided above for cases pending on September 30, 2011 may not equal the number obtained by adding totals for cases pending at the end of the prior period plus cases filed during the current period, then subtracting cases terminated during the current period.

[1]2010 pending cases revised

Within the Ninth Circuit, the downturn was widespread with 14 of 15 bankruptcy courts reporting fewer bankruptcy filings. Only the Central District of California, which takes in the Los Angeles metropolitan area, saw its caseload increase in FY 2011. The Central District was once again the busiest bankruptcy court in the nation with 139,882 new cases, up 0.9 percent from FY 2010.

Other large bankruptcy courts in the circuit also reported significant decreases. The Eastern District of California, which takes in the Sacramento, Fresno and the Central Valley, had 51,481 new cases, down 5.3 percent. The District of Arizona reported 39,148 new cases, down 7.3 percent. Filings decreased by 5.1 percent to 36,663 in the Northern District of California, which includes the San Francisco Bay Area; by 1.1 percent to 26,389 in the Western District of Washington, which takes in Seattle and Tacoma; by 14.4 percent to 26,239 cases in Nevada; and by 5.2 percent to 22,285 cases in the Southern District of California in San Diego.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

In the Ninth Circuit, Chapter 7 filings were most numerous, accounting for 76 percent of the total. Chapter 13 filings amounted to almost 23 percent of the circuit total with Chapters 11 and 12 making up the remainder. Nonbusiness filings involving individual debtors accounted for almost 97 percent of all new cases.

Terminations and Pending Cases

Bankruptcy courts nationally terminated 1,461,896 cases, down 2.3 percent, with 10 circuits reporting fewer cases closed. The Ninth Circuit was one of two circuits to report an increase with 379,722 terminations, up 5 percent from the prior fiscal year. The Central District of California led the way numerically with 144,486 cases terminated, up 10. 3 percent, while the District of Arizona

10 Ninth Circuit Bankruptcy Courts 2010-2011

District	2010 Total	2011 Total	Change 2010-2011
Alaska	1,132	1,019	-10.0%
Arizona	42,216	39,148	-7.3%
C. Calif.	138,585	139,882	0.9%
E. Calif.	54,389	51,481	-5.3%
N. Calif.	38,632	36,663	-5.1%
S. Calif.	23,509	22,285	-5.2%
Guam	211	146	-30.8%
Hawaii	3,862	3,566	-7.7%
Idaho	8,392	7,912	-5.7%
Montana	3,167	2,705	-14.6%
Nevada	30,637	26,239	-14.4%
N. Mariana Is.	9	4	-55.6%
Oregon	20,460	18,281	-10.7%
E. Wash	7,471	6,490	-13.1%
W. Wash.	26,671	26,389	-1.1%
Circuit Total	399,343	382,210	-4.3%

had the greatest percentage increase, up 17.7 percent to 36,704 cases. Five districts reported fewer terminations led by Nevada, which reported 28,149 cases closed, down 17.1 percent.

Alcoa Inc. v. Bonneville Power Admin., No. 10-72211, archived on November 21, 2012

Pending caseloads at the end of the fiscal year varied among bankruptcy courts in the Ninth Circuit. The Central District of California saw its pending caseload decrease by 5.7 percent to 76,558 cases. The District of Nevada reported a 6.2 percent decrease to 29,114. Pending caseloads were up in the Eastern, Northern and Southern districts of California and the districts of Arizona and Western Washington. In the Ninth Circuit as a whole, the pending caseload rose by 0.8 percent.

Pro Se Bankruptcy Filings

Bankruptcy filings by people not represented by legal counsel pose special challenges to courts. These *pro se* litigants are unfamiliar with bankruptcy law and court procedures, requiring more assistance by court staff. A number of courts in the Ninth Circuit have established self-help centers for *pro se* filers and encouraged the bankruptcy bar to provide *pro bono* representation for some cases.

Bankruptcy courts in the Ninth Circuit reported the highest percentage of *pro se* filings in the nation. In FY 2011, 15.5 percent of all Chapter 7 filings in the circuit were by self-represented litigants. The highest percentages of Chapter 7 *pro se* filings were 22.8 percent in the District of Arizona and 21.3 percent in the Central District of California. Also reporting sizeable *pro se* filings were the Eastern and Northern districts of California, 15.1 percent and 10.9 percent, respectively; Hawaii, 10.4 percent; and Nevada, 10.3 percent. Total bankruptcy cases filed by *pro se* debtors in the Ninth Circuit numbered 71,128, up 6 percent from fiscal year 2010.

Appointments, Transitions

In 2011, the U.S. Court of Appeals for the Ninth Circuit appointed ten new bankruptcy judges: Bruce T. Beesley, appointed to the U.S. Bankruptcy Court for the District of Nevada; Scott C. Clarkson, Mark S. Wallace, Wayne E. Johnson, Sandra R. Klein, Neil W. Bason, and Julia Wagner Brand appointed to the U.S. Bankruptcy Court for the Central District of California; Timothy W. Dore, appointed to the U.S. Bankruptcy Court for the Western District of Washington; William J. Lafferty, III, appointed to the U.S. Bankruptcy Court for the Northern District of California; and Thomas M. Renn, appointed to the U.S. Bankruptcy Court for the District of Oregon.

Three bankruptcy courts saw a change of leadership in 2011. Elevated to chief bankruptcy judge were Paul B. Snyder of the U.S. Bankruptcy Court for the Western District of Washington; Alan Jaroslovsky of the U.S. Bankruptcy Court for the Northern District of California; and Peter H. Carroll of the U.S. Bankruptcy Court for the Central District of California.

Ninth Circuit bankruptcy courts also rely on recalled bankruptcy judges who are appointed on a temporary basis with the approval of the Judicial Council of the Ninth Circuit. In 2011, 13 recalled bankruptcy judges served in nine districts.

Bankruptcy Appellate Panel Sees Increase in Filings, Terminations

The Ninth Circuit Bankruptcy Appellate Panel (BAP) operates under the authority of the Judicial Council of the Ninth Circuit. It is authorized seven bankruptcy judges, who serve seven-year terms and may be reappointed to an additional three-year term. The panel convenes nine times per year at the Richard H. Chambers United States Courthouse in Pasadena, California.

Due to reduced workload, one seat on the BAP has been left vacant since 2003. Although new filings have increased substantially each of the past three fiscal years, the BAP continues to operate with six judges to lower costs. In their appellate capacity, BAP judges are precluded from hearing matters arising from their own districts.

All district courts within the Ninth Circuit have issued general orders providing for the automatic referral of bankruptcy appeals to the BAP for disposition. However, if any party files a timely election to have the appeal heard by a district court, the appeal is transferred according to the consent rule.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The Ninth Circuit Bankruptcy Appellate Panel consists of, seated from left, Bankruptcy Judges Randall L. Dunn of the District of Oregon, Jim D. Pappas of the District of Idaho (chair of the BAP), Meredith A. Jury of the Central District of California; and standing from left, Bankruptcy Judges Eileen W. Hollowell of the District of Arizona, Bruce A. Markell of the District of Nevada, and Chief Bankruptcy Judge Ralph B. Kirscher of the District of Montana.

11 New Bankruptcy Appeal Filings, 2011

District	Bankruptcy Appellate Panel	[1]District Court	Total
Alaska	0	2	2
Arizona	80	57	137
C. Calif.	243	157	400
E. Calif.	64	34	98
N. Calif.	46	49	95
S. Calif.	39	27	66
Hawaii	14	10	24
Idaho	13	3	16
Montana	9	7	16
Nevada	33	29	62
Oregon	14	10	24
E. Wash.	5	4	9
W. Wash.	34	28	62
Totals	594 (59%)	417 (41%)	1,011

[1]The numbers for bankruptcy appeals to the district courts are taken directly from a statistical caseload table prepared by the Administrative Office of the United States Courts ("AOUSC Table B-23"). The numbers for bankruptcy appeals to the BAP are calculated based on data from AOUSC Table B-23 and on data from the BAP's CM/ECF docketing system. The district court numbers include all appeals in which a timely election was made to have the appeal heard in the district court (both appellant and appellee elections). The BAP numbers exclude all such appeals.

New Filings

For fiscal year 2011, new appeals filed numbered 1,011, an increase of 29 percent over fiscal year 2010. Total filings increased for the third straight year and were double the all-time low filings recorded in 2008. The BAP handled 59 percent of all FY 2011 bankruptcy appeals, and the district courts handled 41 percent. Historically, the BAP has handled between 49 percent and 60 percent of all bankruptcy appeals.

Dispositions

The BAP disposed of 567 appeals in FY 2011, an increase of 38 percent over FY 2010. Of those, 158 appeals were merits terminations. Oral argument was held in 143 appeals, and 15 appeals were submitted on briefs. Of the merits decisions, 29

12 Ninth Circuit Bankruptcy Appeal Filings, 2002-2011

Year	Appeals Totals	Raw Appeals Received by [1]BAP	Net Appeals [2]BAP	Net Appeals District [3]Court	Election [4]Rate	% of Appeals Heard by BAP
CY 2002	904	673	527	377	42%	58%
CY 2003	818	649	417	401	49%	51%
CY 2004	869	646	473	396	46%	54%
CY 2005	764	521	420	344	45%	55%
CY 2006	735	477	374	361	49%	51%
CY 2007	658	479	379	279	42%	58%
CY 2008	542	348	265	277	51%	49%
CY 2009	656	421	332	324	49%	51%
FY 2010	783	481	396	387	49%	54%
FY 2011	1,011	698	594	417	41%	59%

[1]Number of new appellate filings received and opened as new case files at the BAP Clerk's Office. This figure includes some appeals where an appellee files an election and the appeal thereafter is transferred to district court. (Where a timely election is made by an appellant, the bankruptcy court generally bypasses the BAP and refers the appeal directly to the district court.)

[2]The number of raw bankruptcy appeals received by BAP, less the number of appeals transferred from BAP to district court by election or other transfer.

[3]Includes the number of all bankruptcy appeals received by district court, either referred directly from the bankruptcy court or transferred from the BAP.

[4]Percentage of bankruptcy appeals where one or more parties timely elected to have their appeal heard in district court.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70210 archived on November 21, 2012

were published opinions. The reversal rate was 11 percent. The median time for an appeal decided on the merits was 8.8 months. Of the remaining 409 closed cases, 4 were terminated by consolidation; 109 were transferred to the district courts after appellee elections or in the interest of justice; and 296 were terminated on procedural grounds, such as for lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP ended fiscal year 2011 with 335 appeals pending, a 50 percent increase over fiscal year 2010.

Appeals to the Ninth Circuit

Bankruptcy decisions by either the BAP or a district court may be appealed to the Ninth Circuit Court of Appeals for second-level appellate review. In fiscal year 2011, 178 second-level appeals were filed. Of these, 78 were appeals from decisions by the BAP and 100 were from decisions by the district courts. Thus, of the 567 appeals that were disposed of by the BAP, roughly 86 percent were fully resolved, with only about 14 percent seeking second-level review.

BAP Use of Pro Tem Judges

The BAP continued to use bankruptcy judges from throughout the Ninth Circuit on a *pro tem* basis to assist with its growing caseload. In fiscal year 2011, the BAP used 13 *pro tem* appointments, including seven newly appointed bankruptcy judges to assist with oral arguments and merits decisions. The BAP reached out to many of the Ninth Circuit's newly appointed bankruptcy judges to provide them the opportunity to review trial work from the appellate perspective.

Magistrate Judges See Workload Increase Again

Magistrate judges make invaluable contributions to the work of the federal trial courts. They assist district judges in a wide range of judicial matters, including presiding over preliminary proceedings, trial jurisdiction cases, civil consent cases, reviewing prisoner petitions and other duties related to criminal and civil matters.

In fiscal year 2011, 100 full-time and 10 part-time magistrate judges along with 20 recalled magistrate judges served in Ninth Circuit courts. They disposed of a combined 259,209 judicial matters during the year, up 12.4 percent from FY 2010. Increases were reported in 26 out of 34 categories of dispositions.

Preliminary proceedings remain the largest category numerically with 109,715 cases, up 18.3 percent in FY2011. These proceedings included initial appearances, arraignments, detention hearings and warrants for searches and arrests. Within the category, the largest increase numerically was arraignments at 22,991, up 19.7 percent from the prior fiscal year.

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Additional duties related to criminal matters numbered 53,530, up 26 percent. This category includes pretrial motions and conferences, taking of guilty pleas, hearings on probation revocation and supervised release, and evidentiary hearings. Pretrial conferences rose to 21,425, up 26.7 percent.

Additional duties related to civil matters decreased to 26, 807 dispositions, down 2.7 percent. Motions, pretrial conferences and settlement conferences made up the bulk of this work.

Trial jurisdiction cases, which include Class A misdemeanors and petty offenses, decreased to 39,114, down 7.6 percent. Petty offenses numbered 36,523, down 7.4 percent. Class A misdemeanors numbered 2,591, down 10.3 percent.

Civil consent cases, in which a magistrate judge presides at the consent of the parties, increased by 22 percent to 4,508. The great majority of cases were disposed of without trial.

Prisoner petitions numbered 8,069, an increase of 25.9 percent in fiscal year 2011. State habeas and civil rights petitions made up the bulk of this work.

New Magistrate Judges and Governance

Eleven new full-time magistrate judges were sworn into office in 2011. They were Jacqueline Scott Corley and Nathanael M. Cousins of the Northern District of California; Carolyn K. Delaney and Barbara A. McAuliffe of the Eastern District of California; Sheri N. Pym, Jean P. Rosenbluth, and Michael R. Wilner of the Central District of California; Mitchell D. Dembin of the Southern District of California; Richard Puglisi of the District of Hawaii; and Cam Ferenbach and Carl W. Hoffman, Jr., of the District of Nevada.

Magistrate Judge David K. Duncan of the District of Arizona is chair of the Magistrate Judges Executive Board and serves as an official observer at meetings of the Judicial Council of the Ninth Circuit. Appointed to the board in 2011 were Magistrate Judges James P. Hutton of the Eastern District of Washington, Richard Puglisi of the District of Hawaii, and Chief Magistrate Judge Suzanne H. Segal of the Central District of California.

Members of the Magistrate Judges Executive Board met with new magistrate judges in conjunction with the circuit's New Judges Orientation, May 11-12, 2011 at the James R. Browning U.S. Courthouse in San Francisco. Discussion focused on search warrant issues, recusals, financial conflicts of interest, and the role of magistrate judges.

Educational Programs

At the 2011 Ninth Circuit Judicial Conference, the Magistrate Judges Education Committee organized a panel discussion of how the subprime mortgage market collapse occurred, its worldwide implications, and impacts on court caseloads. Talcott J. Franklin, founder of Talcott Franklin P.C., made an introductory presentation. Panelists included Magistrate Judge Kevin S. C. Chang of the District

13 Matters Disposed of by Ninth Circuit Magistrate Judges, 2010-2011

Activity	2010 Total	2011 Total	Change 2010-2011
Total Matters	230,638	259,209	12.4%
Preliminary Proceedings	92,780	109,715	18.3%
Search Warrants	9,681	11,684	20.7%
Arrest Warrants	7,057	7,833	11.0%
Summonses	1,181	1,279	8.3%
Initial Appearances	25,318	28,381	12.1%
Preliminary Examinations	7,418	10,050	35.5%
Arraignments	19,208	22,991	19.7%
Detention Hearings	13,917	17,390	25.0%
Bail Reviews/Nebbia Hearings	1,875	2,082	11.0%
[5]Other	7,125	8,025	12.6%
Trial Jurisdiction Cases	42,343	39,114	-7.6%
Class A Misdemeanors	2,890	2,591	-10.3%
Petty Offenses	39,453	36,523	-7.4%
Civil Consent Cases	3,695	4,508	22.0%
Without Trial	3,642	4,454	22.3%
Jury Trial	41	44	7.3%
Nonjury Trial	12	10	-16.7%
Additional Duties			
Criminal	42,500	53,530	26.0%
[1]Motions 636(b)(1)(A)	12,109	14,866	22.8%
Motions 636(b)(1)(B)	293	342	16.7%
Evidentiary Proceedings	160	221	38.1%
[2]Pretrial Conferences	16,915	21,425	26.7%
Probation Revocation and Supervised Release Hearings	1,032	1,139	10.4%
Guilty Plea Proceedings	10,440	13,581	30.1%
[3]Other	1,551	1,956	26.1%
Civil	27,554	26,807	-2.7%
Settlement Conferences	2,833	2,670	-5.8%
[2]Other Pretrial Conferences	4,296	5,058	17.7%
[1]Motions 636(b)(1)(A)	14,983	13,434	-10.3%
Motions 636(b)(1)(B)	1,559	1,925	23.5%
Evidentiary Proceedings	78	98	25.6%
Social Security	522	518	-0.8%
Special Master References	7	8	14.3%
[4]Other	3,276	3,096	-5.5%
Prisoner Petitions	6,410	8,069	25.9%
State Habeas	3,543	4,359	23.0%
Federal Habeas	364	472	29.7%
Civil Rights	2,468	3,204	29.8%
Evidentiary Proceedings	35	34	-2.9%
[6]Miscellaneous Matters	15,356	17,466	13.7%

of Hawaii; Denise P. Brennan, senior counsel, Wells Fargo Home Mortgage, Inc.; and Walter H. Hackett, III, managing attorney, Inland County Legal Services. Magistrate Judge Jan M. Adler of the Southern District of California served as moderator.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

[1]Before 2000, category included contested motions only. Beginning in 2000, uncontested motions were added.
[2]Before 2000, category did not include status conferences. Beginning in 2000, status conferences were added.
[3]Category includes mental competency hearings, motion hearings, and writs.
[4]Category includes fee applications, summary jury trials, and motion hearings. Beginning in 2006, early neutral evaluations were added.
[5]Category includes material witness hearings and attorney appointment hearings.
[6]Before 2000, this category included seizure/inspection warrants and orders of entry; judgement debtor exams; extradition hearings; contempt proceedings; Criminal Justice Act fee applications; naturalization proceedings; grand/other jury returns; civil and criminal IRS enforcement proceedings; calendar calls; and voir dire. Beginning in 2000, civil and criminal other jury matters and international prisoner transfer proceedings were added. Due to a reporting problem, CJA fee applications, a component of Miscellaneous Matters are estimated at their 2009 level.

Federal Defenders Meet Challenge of Growing Caseload

Funded by the Defender Services Division of the Administrative Office of the United States Courts, federal public defenders and community defenders are at work in judicial districts across the nation, providing professional legal representation for indigent defendants accused of committing federal crimes.

14 Federal Defender Organizations: Cases Opened, Closed and Pending, 2007-2011

Cases	2007	2008	2009	2010	2011	Change 2010-2011
Opened	28,676	29,700	30,552	31,691	33,929	7.1%
Closed	28,253	29,233	29,316	31,508	33,733	7.1%
Pending	8,880	9,340	10,580	10,753	10,950	1.8%

In the Ninth Circuit, federal and community defenders saw their caseload rise in fiscal year 2011 with the biggest numerical increases reported in the districts of Arizona and Southern California. Circuit-wide, defenders reported 33,929 new cases, up 7.1 percent. Nationwide, new cases numbered 122,813 cases, up 4 percent.

Federal defenders in the District of Arizona, one of two border courts in the circuit, led all offices with 12,724 new cases opened in FY 2011, up 21.4 percent from the prior fiscal year. Of Arizona's new cases, 11,666 or 91.6 percent of the total were criminal in nature, many of them involving immigration and drug offenses. In the Southern District of California, the other border court, federal defenders reported 7,934

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 argued on November 21, 2012

15 Federal Defender Organizations: Summary of Representations by District, 2010-2011

District	Opened 2010	Opened 2011	Change 2010-2011	Closed 2010	Closed 2011	Change 2010-2011	Pending 2011
Alaska	296	366	23.6%	292	347	18.8%	126
Arizona	10,481	12,724	21.4%	10,419	12,510	20.1%	1,502
C. Calif.	3,436	3,299	-4.0%	3,587	3,387	-5.6%	1,304
E. Calif.	2,102	1,806	-14.1%	2,003	2,051	2.4%	864
N. Calif.	1,147	1,198	4.4%	1,165	1,196	2.7%	502
[1]S. Calif.	7,259	7,934	9.3%	6,836	7,538	10.3%	3,325
Guam	115	123	7.0%	118	113	-4.2%	82
Hawaii	514	568	10.5%	458	603	31.7%	490
[1]Idaho	302	306	1.3%	319	313	-1.9%	129
[1]Montana	562	620	10.3%	609	594	-2.5%	248
Nevada	1,043	1,131	8.4%	1,146	1,099	-4.1%	739
Oregon	1,554	1,458	-6.2%	1,587	1,505	-5.2%	870
[1]E. Wash.	847	861	1.7%	793	868	9.5%	337
W. Wash.	2,033	1,535	-24.5%	2,176	1,609	-26.1%	432
Circuit Total	31,691	33,929	7.1%	31,508	33,733	7.1%	10,950
National Total	118,094	122,813	4.0%	119,118	120,932	1.5%	46,052
Circuit Total as % of National Total	26.8%	27.6%	0.8%	26.5%	27.9%	1.4%	23.8%

[1]Community Defender Organizations: In addition to handling criminal defenses and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, and probation and parole revocation hearings. Eastern Washington and Idaho are combined into one organization. Northern Mariana Islands is not served by a defender organization.

new cases, up 9.3 percent. Of the Southern District of California's new cases, 3,262 or 41 percent were criminal in nature, many of them also involving illegal immigration.

Increases also were reported in the District of Nevada, 1,131 new cases, up 8.4 percent; the District of Alaska, 366 new cases, up 23.6 percent; the District of Montana, 620 cases, up 10.3 percent; the Northern District of California, 1,198 cases, up 4.4 percent; the District of Hawaii, 568 cases, up 10.5 percent; the Eastern District of Washington, 861 cases, up 1.7 percent; and the District of Idaho, 306 cases, up 1.3 percent.

Despite the increasing workload, federal and community defenders in the Ninth Circuit closed 33,733 cases in fiscal year 2011, up 7.1 percent from the prior fiscal year. Their pending caseload decreased to 10,950 cases from 10,753 in FY 2010.

Congress created the Office of the Federal Public Defender to fulfill the constitutional requirement that indigents charged with federal crimes be provided with no-cost, professional legal representation. Congress funds public defender and community defender offices through the Defender Services Division of the Administrative Office of the U.S. Courts.

Community defender organizations are non-profit legal service organizations staffed by non-government employees, while public defender offices are federal agencies staffed by federal judiciary employees. Both types of organizations are staffed with experienced federal criminal law practitioners who provide a consistently high level of representation. In addition to criminal defense and appeals, public defenders are assigned to court-directed prisoner and witness representations, bail/pre-sentencing, and probation and parole revocation hearings.

By statute, judges of a court of appeals select and appoint federal public defenders to four-year terms. The court makes its initial appointment after a nationwide recruitment and the use of a local screening committee. A federal public defender may be reappointed if the court concludes that he or she is performing in a highly satisfactory manner based upon a broad survey and performance evaluation process.

Alaska Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

In 2011, the Ninth Circuit Court of Appeals appointed one new federal public defender, Rene L. Valladares for the District of Nevada, and reappointed four others: Richard Curtner in the District of Alaska; Jon M. Sands in the District of Arizona; Steven T. Wax in the District of Oregon; and Peter C. Wolff in the District of Hawaii. Their reappointments are effective in 2011.

Probation Officers See Small Upturn in Supervision Caseload

United States probation officers prepare presentence reports on convicted defendants and supervise offenders who have been placed on probation, supervised release, parole or conditional release. In the Ninth Circuit, some 900 probation officers are performing these duties in various settings, from courthouses in major cities to one-person offices in rural areas.

Presentence reports assist a judge in sentencing convicted defendants. Probation officers investigate the offense conduct and the defendant's personal background and history. They identify applicable guidelines and policy statements, and calculate the defendant's offense level and criminal history category. They report the resulting sentencing range, identifying factors relevant to the appropriate sentence.

16 Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision 2010-2011

Persons Under Supervision	2010	2011	Change 2010-2011
From Courts	4,070	4,058	-0.3%
From Institutions	16,976	17,327	2.1%
Total	21,046	21,385	1.6%

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

In the area of supervision, probation officers monitor persons who are released to the community after serving prison sentences. They assist supervised individuals by directing them to services including substance abuse and mental health treatment, medical care, employment assistance, literacy and training programs, and cognitive-behavioral treatment therapies to foster long-term positive changes to reduce recidivism.

Presentence Reports

Standard guideline presentence reports are generally prepared in felony and Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated guidelines. In the Ninth Circuit, probation officers prepared 19,374 such reports in FY 2011, up 16 percent. Non-guideline presentence reports, prepared for crimes in which the USSC has not promulgated guidelines, were up 139.5 percent from 81 to 194 in FY 2011. Supplemental reports completed to the U.S. Bureau of Prisons for defendants who did not receive presentence reports were down by 53.4 percent from 1,006 to 469 in FY 2011.

Offenders Under Supervision

Persons under supervision in the Ninth Circuit numbered 21,385 in FY 2011, up 1.6 percent from 21,046 the prior year. The circuit accounted for 16.5 percent of the national total of 129,780 persons under supervision.

Among those under supervision, 4,058 were on probation, while 17,114 were on supervised release. Another 180 persons were on parole and 33 in the custody of the Bureau of Prisons. In the Ninth Circuit, the Central District of California had the most persons under supervision with 5,587 cases, up 2.1 percent. Also reporting percentage increases were the districts of Alaska, Arizona, Northern District of California, Idaho, Montana, Eastern Washington and Western Washington.

Reporting fewer persons under supervision were the districts of Eastern California, Southern California, Guam, Hawaii, Nevada, Northern Mariana Islands, and Oregon.

Drug offenders remain the largest group of persons under supervision both in the Ninth Circuit and nationwide. In FY 2011, drug offenders under supervision in the circuit totaled 8,887, up 2.5 percent. Drug cases accounted for 41.6 percent of persons under supervision in the Ninth Circuit.

Revocations and Early Terminations

Ninth Circuit cases which were revoked and closed after post-conviction supervision numbered 3,639, up 4.5 percent. Of the revocations, 245 were from probation sentences and 3,379 were from supervised release terms. The Ninth Circuit had 23.4 percent of the 15,561 cases revoked nationally.

Since 2002, the Committee on Criminal Law of the Judicial Conference of the United States has encouraged officers to identify offenders

17 Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision by District, 2010-2011

	From Courts	Referred by Institutions					
District	Probation[1]	Supervised Release	Parole[2]	BOP Custody[3]	Persons Under Supervision, 2010	Persons Under Supervision, 2011	Change 2010-2011
Alaska	85	217	1	7	304	310	2.0%
Arizona	702	2,814	15	5	3,293	3,536	7.4%
C. Calif.	1,028	4,515	44	0	5,474	5,587	2.1%
E. Calif.	265	1,361	18	0	1,669	1,644	-1.5%
N. Calif.	510	1,215	26	1	1,686	1,752	3.9%
S. Calif.	270	2,086	18	0	2,379	2,374	-0.2%
Guam	53	93	2	5	168	153	-8.9%
Hawaii	84	665	1	0	779	750	-3.7%
Idaho	100	344	4	0	438	448	2.3%
Montana	101	565	3	3	646	672	4.0%
Nevada	286	805	7	1	1,141	1,099	-3.7%
N. Mariana Is.	10	29	0	2	57	41	-28.1%
Oregon	236	780	19	9	1,060	1,044	-1.5%
E. Wash	58	449	3	0	498	510	2.4%
W. Wash.	270	1,176	19	0	1,454	1,465	0.8%
Circuit Total	4,058	17,114	180	33	21,046	21,385	1.6%

[1]Includes judge and magistrate judge probation
[2]Includes parole, special parole, mandatory release, and military parole
[3]BOP (Bureau of Prisons)

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2018

who qualify for early termination. When conditions of supervision have been met and the offender does not pose a foreseeable risk to the public or an individual, the probation officer may request the sentencing judge to consider early termination. Ninth Circuit cases terminated early numbered 1,128.

Evidence-Based Practices

Federal pretrial services and probation services officers seek to reduce recidivism by using "evidence-based practices" to make informed decisions about the supervision risks defendants may pose. The Post Conviction Risk Assessment (PCRA) is designed to improve post-conviction supervision by providing information which directs strategic resource allocation—directing attention and services to the highest risk offenders. By the end of 2011, more than 3,500 probation officers nationwide had completed PCRA training and certification, and administered and completed more than 50,000 assessments.

The Administrative Office of the U.S. Courts (AO) and Federal Judicial Center (FJC) are also studying the efficacy of Federal Reentry Court programs in reducing recidivism. The FJC designed a multi-year randomized experimental study following a reentry court program developed by the AO. The Central District of California is one of the five districts participating in this study.

Transitions

In 2011, three new chief probation officers were appointed: James G. Patelis for the District of Montana; Jeffrey S. Thomason, for the District of Idaho; and David J. Sultzbaugh for the Southern District of California.

Workload Rises for Ninth Circuit Pretrial Services Officers

In the Ninth Circuit, 164 United States pretrial services officers contributed to the fair administration of justice, protected their communities, and sought to bring about positive, long-term change to individuals under supervision.

Pretrial services officers investigate defendants charged with federal crimes, recommend to the court whether to release or detain them, and supervise those who are released to the community while awaiting trial. While the defendant is presumed innocent until proven guilty, pretrial services officers must balance this presumption with the reality that some persons – if not detained before their trial–are likely to flee or to pose a danger to the community or to certain persons through criminal activity.

Pretrial services officers also conduct investigations and prepare written reports about a candidate's suitability for the U.S. Attorney's Office Pretrial Diversion Program. They are responsible for supervision of divertees who are deemed appropriate and accepted into the program.

Pretrial services offices in the Ninth Circuit again ranked first nationally in new cases activated. In fiscal year 2011, case activations numbered 39,343, up 11 percent from 2010. The Ninth Circuit accounted for 35 percent of new case activations nationally, which totaled 112,969, up 2.2 percent.

Nebs, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The District of Arizona had the highest number of case activations in the nation with 21,899 new cases opened, up 18.9 percent from 2010. Pretrial services officers there interviewed 1,942 defendants, up 9 percent, and wrote 21,782 pre-bail reports, up 19 percent from the prior year.

Case activations also increased in the Southern District of California with 7,963 cases, up 9 percent; the Central District of California with 2,487 cases, up 1 percent; the District of Montana with 450 cases, up 13.4 percent; the District of Hawaii with 342 cases, up 21.7 percent; the District of Alaska with 249 cases, up 29.7 percent; and the District of Guam with 98 cases, up 18.1 percent.

18 Pretrial Services Cases Activated in Ninth Circuit Courts, 2010-2011

Caseload Measure	2010	2011	Change 2010-11
[1]Reports	34,435	38,403	11.5%
Interviews	9,438	10,328	9.4%
Cases Activated	35,457	39,343	11.0%

[1]Includes prebail reports with and without recommendations, and includes types of reports categorized in previous periods as "other reports."

Case activations were down 4.9 percent in the Western District of Washington with 1,170 cases; 4.6 in the Eastern District of California, with 1,119 cases; 4.4 percent in the Northern District of California with 1,056 cases; 11.8 percent in the District of Nevada with 843 cases; 9.7 percent in the District of Oregon with 801 cases; 4.9 percent in the Eastern District of Washington with 486 cases; 12.1 percent in the District of Idaho with 348 cases; and 41.8 percent in the Disrict of the Northern Mariana Islands with 32 cases.

Pretrial Bail Interviews, Supervised Defendants

Pretrial services officers conducted 10,328 pretrial bail interviews, up 9.4 percent from FY2010. Pre-bail written reports increased by 11.5 percent to 38,403, while post-bail reports were down by 7.3 percent to 573.

Officers made recommendations to the court in 96.4 percent of cases in which interviews were conducted. Detention was recommended in 81 percent of all cases in 2011, up from 79 percent the prior year. In comparison, offices of the U.S. attorneys in the circuit made recommendations in 96.1 percent of cases, and recommended detention in 78.1 percent of cases, up from 73.6 percent in 2010. Excluding immigration cases, detention was recommended in 59.9 percent of all other cases, compared to 63.6 percent by offices of the U.S. attorneys.

Released defendants under supervision by pretrial services officers numbered 5,929 in FY2011, up 9.8 percent. Of these, 4,592

were released on standard supervision, up 7.3 percent; 1,125 supervised for another district or circuit, up 14.7 percent; and 212 on pretrial diversion, up 54.7 percent.

Nonappearance and Re-Arrest Rates

The rate of bail revocations due to nonappearance and/or re-arrest of supervised defendants remained constant at .5 percent in 2011. The 15 district courts of the Ninth Circuit revoked the bail of 94 defendants who absconded from supervision.

Violations

Of 12,303 defendants released in FY2011, 1,457 had violations reported to the court, including 85 felony violations, 107 misdemeanor violations, 40 for other violations, and 61 for failure to appear. Technical violations, including positive urine tests for illegal substances, violation of electronic monitoring conditions, possession of contraband, and failure to report to officer, accounted for the remaining 1,362 violations.

Evidence-Based Practices

Federal courts use a Pretrial Services Risk Assessment (PTRA) tool to inform decisions about the supervision risks defendants may pose. Begun in 2011, PTRA training is almost fully implemented nationally with 1,914 pretrial services and probation officers trained. Of those, 1,802 were certified to use PTRA and completed 29,810 pretrial risk assessments, as of December 15, 2011.

19 Pretrial Workload, 2010-2011

	Defendant Contact		Written Reports					
District	Interviewed	[1]Not Inteviewed	[2]Prebail	Postbail	No Reports Made	Total Cases Activated 2010	Total Cases Activated 2011	Change 2010-11
Alaska	83	166	244	0	5	192	249	29.7%
Arizona	1,942	19,957	21,782	88	29	18,424	21,899	18.9%
C. Calif.	1,514	973	2,456	21	10	2,462	2,487	1.0%
E. Calif.	439	680	1,057	26	36	1,173	1,119	-4.6%
N. Calif.	443	613	765	288	3	1,105	1,056	-4.4%
S. Calif.	3,765	4,198	7,865	57	41	7,305	7,963	9.0%
Guam	75	23	91	1	6	83	98	18.1%
Hawaii	277	65	335	2	5	281	342	21.7%
Idaho	76	272	332	4	12	396	348	-12.1%
Montana	248	202	434	13	3	397	450	13.4%
Nevada	514	329	829	8	6	956	843	-11.8%
N. Mariana Is.	32	0	32	0	0	55	32	-41.8%
Oregon	318	483	794	0	7	887	801	-9.7%
E. Wash	131	355	288	3	195	511	486	-4.9%
W. Wash.	471	699	1,099	62	9	1,230	1,170	-4.9%
Circuit Total	10,328	29,015	38,403	573	367	35,457	39,343	11.0%
National Total	60,567	52,402	101,294	3,233	3,291	110,547	112,969	2.2%
Circuit % of National	17.1%	55.4%	37.9%	17.7%	11.2%	32.1%	34.8%	2.8%

Note: This table excludes data for the District of Columbia and includes transfers received.
[1]Includes cases in which interviews were refused, includes defendants not available for interview, and includes transfer-received cases in which defendants were interviewed in other districts. [2]Includes prebail reports with and without recommendations, and includes types of reports categorized in previous periods as "other reports."

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Juror Utilization

20 Juror Utilization, 2010-2011

District	Grand Juries Empaneled, 2010	Petit Juries Selected, 2011	Petit Juror Utilization Rate Percent Not Selected or Challenged[1] 2010	2011	Change 2010-2011
Alaska	2	15	42.8	26.4	-16.4
Arizona	11	103	36.1	39.2	3.1
C. Calif.	36	177	56.0	50.8	-5.2
E. Calif.	11	76	51.8	43.5	-8.3
N. Calif.	8	69	39.4	35.5	-3.9
S. Calif.	8	112	47.8	41.9	-5.9
Guam	2	7	58.6	43.6	-15.0
Hawaii	3	12	37.9	40.3	2.4
Idaho	6	24	36.8	26.7	-10.1
Montana	3	27	33.7	28.7	-5.0
Nevada	5	43	37.6	46.6	9.0
N. Mariana Is.	2	4	51.6	43.0	-8.6
Oregon	11	37	30.4	31.2	0.8
E. Wash.	3	27	33.6	26.3	-7.3
W. Wash.	4	55	34.0	29.7	-4.3
Circuit Total	115	788	***	***	
Circuit Average	14	99	41.9	36.9	-5.0
National Total	799	5,565	***	***	
National Average	8	59	38.7	37.7	-1.0

Note: This table includes data on jury selection days only. Data on juror service after the selection day are not included.

[1]Includes jurors who completed pre-screening questionnaires or were in the courtroom during the conducting of *voir dire* but were not selected or challenged. Also includes jurors, not selected or challenged, who were not called to the courtroom or otherwise did not participate in the actual *voir dire*.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 argued on November 21, 2012

Court Interpreters

21 Interpreter Usage by District Courts, 2011

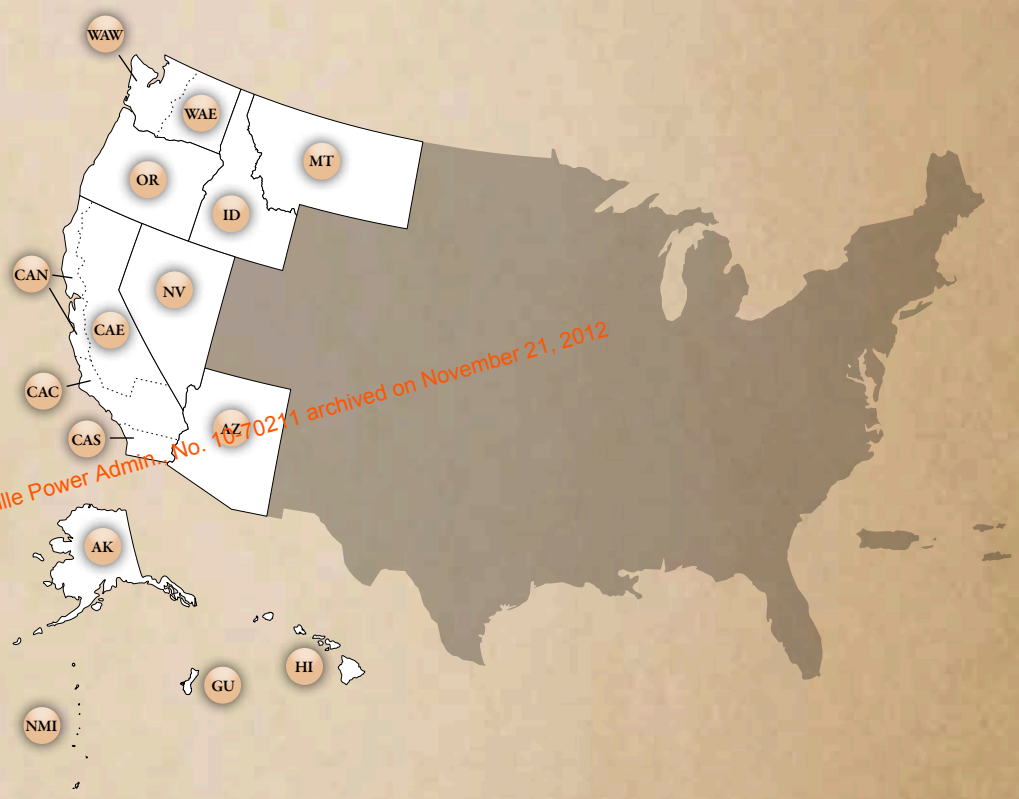
Languages	AK	AZ	CAC	CAE	CAN	CAS	GU	HI	ID	MT	NV	NMI	OR	WAE	WAW	2010 Total	2011 Total	Change 2010-11
Arabic	1	4	8	16	32	14	0	0	0	0	0	0	0	0	3	121	78	-35.5%
Armenian	0	2	173	11	0	0	0	0	0	0	4	0	0	0	9	209	199	-4.8%
Cantonese	0	0	57	210	151	2	0	2	0	0	2	0	3	0	13	510	440	-13.7%
Farsi	0	0	47	0	0	3	0	0	0	0	0	0	0	0	0	49	50	2.0%
Japanese	0	0	14	0	0	2	0	6	0	0	2	0	0	0	0	23	24	4.3%
Korean	4	0	105	5	45	14	32	19	0	0	5	0	1	0	22	251	252	0.4%
Mandarin	2	15	108	15	90	6	17	1	0	0	3	0	3	0	14	386	274	-29.0%
Navajo (Certified)	0	112	0	0	0	0	0	0	0	0	0	0	0	0	0	162	112	-30.9%
Navajo (Non-Certified)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	-100.0%
Russian	0	2	9	53	8	4	0	0	1	0	10	0	12	0	8	79	107	35.4%
Sign (American)	0	2	5	5	3	14	0	0	0	5	2	0	1	0	1	45	38	-15.6%
Sign (Mexican)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Spanish Staff	125	55,323	1,785	1,138	742	22,763	0	0	0	0	279	0	587	0	0	97,326	82,742	-15.0%
Spanish (Certified)	3	21,193	3,111	1,701	2,020	719	0	26	140	1	253	0	790	878	877	21,465	31,712	47.7%
Spanish (Non-Certified)	0	14	0	0	0	0	0	64	457	101	173	0	101	70	21	1,193	1,001	-16.1%
Tagalog	0	0	19	1	4	0	4	4	0	0	0	0	0	0	9	78	41	-47.4%
Vietnamese	1	0	90	10	99	14	0	0	0	0	0	0	2	11	85	368	312	-15.2%
All Others	0	410	135	142	58	126	10	20	1	3	27	0	6	18	92	1,348	1,048	-22.3%
Total	136	77,077	5,666	3,307	3,252	23,681	63	142	599	110	760	0	1,506	977	1,154	123,616	118,430	-4.2%

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

District Caseloads

Districts Comprising the Ninth Circuit

- AK Alaska
- AZ Arizona
- CAC Central California
- CAE Eastern California
- CAN Northern California
- CAS Southern California
- GU Guam
- HI Hawaii
- ID Idaho
- MT Montana
- NV Nevada
- NMI N. Mariana Islands
- OR Oregon
- WAE Eastern Washington
- WAW Western Washington



Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

AK District of Alaska

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	516	460	-10.9%	153
Terminations	541	504	-6.8%	168
[1]Pending	544	660	21.3%	220
Bankruptcy Court				
Filings	1,132	1,019	-10.0%	510
Terminations	1,086	1,107	1.9%	554
[1]Pending	1,186	1,098	-7.4%	549

[1]2010 total pending cases revised.

Authorized places of holding court: Anchorage, Fairbanks, Juneau, Ketchikan, Nome

Authorized Judgeships	
District	3
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	4

AZ District of Arizona

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	10,596	12,596	18.9%	969
Terminations	9,934	12,497	25.8%	961
[1]Pending	6,489	6,612	1.9%	509
Bankruptcy Court				
Filings	42,216	39,148	-7.3%	5,593
Terminations	31,175	36,704	17.7%	5,243
[1]Pending	42,964	45,407	5.7%	6,487

[1] 2010 total pending cases revised.
[2] Includes one authorized temporary judgeship.
[3] Bullhead City and Kingman apply only to the bankruptcy court.

Authorized places of holding court: [3]Bullhead City, Flagstaff, [3]Kingman Phoenix, Prescott, Tucson, Yuma

Authorized Judgeships	
[2]District	13
Bankruptcy	7
Magistrate	
Full-time	14
Part-time	1

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70215 archived on November 21, 2012

CAC Central District of California

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	15,279	16,571	8.5%	592
Terminations	15,243	16,523	8.4%	590
[1]Pending	12,652	12,700	0.4%	454
Bankruptcy Court				
[2]Filings	138,585	139,882	0.9%	5,828
Terminations	131,030	144,486	10.3%	6,020
[1]Pending	81,164	76,558	-5.7%	3,190

[1] 2010 total pending cases revised.
[2] Includes one authorized temporary judgeship.
[3] Includes three authorized temporary judgeships.
[4] San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

Authorized places of holding court: Los Angeles, Riverside, [4]San Fernando Valley, Santa Ana, [4]Santa Barbara

Authorized Judgeships	
[3]District	28
[4]Bankruptcy	24
Magistrate	
Full-time	24
Part-time	1

CAE Eastern District of California

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	6,835	6,496	-5.0%	1,083
Terminations	6,332	7,105	12.2%	1,184
[1]Pending	8,987	8,379	-6.8%	1,397
Bankruptcy Court				
Filings	54,389	51,481	-5.3%	7,354
Terminations	47,143	50,038	6.1%	7,148
[1]Pending	34,651	36,092	4.2%	5,156

[1] 2010 total pending cases revised.
[2] Includes one authorized temporary judgeship.

Authorized places of holding court: Bakersfield, Fresno, Redding, Sacramento, South Lake Tahoe, Yosemite

Authorized Judgeships	
District	6
[2]Bankruptcy	7
Magistrate	
Full-time	12
Part-time	0

CAN Northern District of California

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	6,931	7,369	6.3%	526
Terminations	8,191	7,951	-2.9%	568
[1]Pending	7,341	6,759	-7.9%	483
Bankruptcy Court				
[2]Filings	38,632	36,663	-5.1%	4,074
Terminations	34,176	33,998	-0.5%	3,778
[1]Pending	34,122	36,786	7.8%	4,087

[1] 2010 total pending cases revised.
[2] 2010 total bankruptcy filings revised.

Authorized places of holding court: Eureka, Oakland, Salinas, San Francisco, San Jose, Santa Rosa

Authorized Judgeships	
District	14
Bankruptcy	9
Magistrate	
Full-time	11
Part-time	0

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

CAS Southern District of California

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	8,059	8,887	10.3%	684
Terminations	8,692	8,802	1.3%	677
[1]Pending	5,770	5,855	1.5%	450
Bankruptcy Court				
Filings	23,509	22,285	-5.2%	5,571
Terminations	21,205	21,345	0.7%	5,336
[1]Pending	13,088	14,027	7.2%	3,507

[1] 2010 total pending cases revised.
[2] El Centro applies only to the district court.

Authorized places of holding court: [2]El Centro, San Diego

Authorized Judgeships	
District	13
Bankruptcy	4
Magistrate	
Full-time	11
Part-time	0

GU District of Guam

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	105	127	21.0%	127
Terminations	98	114	16.3%	114
[1]Pending	126	139	10.3%	139
Bankruptcy Court				
Filings	211	146	-30.8%	385
Terminations	218	168	-22.9%	271
[1]Pending	166	144	-13.3%	327

Note: The Guam district judge also handles all bankruptcy cases.
[1] 2010 total pending cases revised.

Authorized places of holding court: Hagatna

Authorized Judgeships	
District	1
Bankruptcy	0
Magistrate	
Full-time	1
Part-time	0

HI District of Hawaii

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	1,293	1,634	26.4%	409
Terminations	1,344	1,612	19.9%	403
[1]Pending	1,174	1,196	1.9%	299
Bankruptcy Court				
Filings	3,862	3,566	-7.7%	3,566
Terminations	3,290	3,290	0.0%	3,290
[2]Pending	2,646	2,922	10.4%	2,922

[1] 2010 total district court pending cases revised.
[2] 2010 total bankruptcy pending cases revised.
[3] Includes one temporary judgeship.

Authorized places of holding court: Honolulu

Authorized Judgeships	
[3]District	4
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	1

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

ID District of Idaho

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	986	869	-11.9%	435
Terminations	916	891	-2.7%	446
[1]Pending	1,008	986	-2.2%	493
Bankruptcy Court				
[2]Filings	8,392	7,912	-5.7%	3,956
Terminations	7,261	8,034	10.6%	4,017
[3]Pending	7,439	7,318	-1.6%	3,659

[1] 2010 total district court pending cases revised.
[2] 2010 total bankruptcy filings revised.
[3] 2010 total bankruptcy pending cases revised.
[4] Twin Falls applies only to the bankruptcy court.

Authorized places of holding court: Boise, Coeur d'Alene, Moscow, Pocatello, [4]Twin Falls

Authorized Judgeships	
District	2
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	0

MT District of Montana

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	854	970	13.6%	323
Terminations	1,028	896	-12.8%	299
[1]Pending	749	823	9.9%	274
Bankruptcy Court				
Filings	3,167	2,705	-14.6%	2,705
Terminations	2,656	2,686	1.1%	2,686
[1]Pending	3,602	3,621	0.5%	3,621

[1] 2010 total pending cases revised.

Authorized places of holding court: Billings, Butte, Great Falls, Helena, Missoula

Authorized Judgeships	
District	3
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	1

NV District of Nevada

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	3,787	3,658	-3.4%	523
Terminations	3,492	3,592	2.9%	513
[1]Pending	3,946	4,013	1.7%	573
Bankruptcy Court				
Filings	30,637	26,239	-14.4%	6,560
Terminations	33,969	28,149	-17.1%	7,037
[1]Pending	31,023	20,444	-34.1%	5,111

[1] 2010 total pending cases revised.
[2] Includes one authorized temporary judgeship.

Authorized places of holding court: Carson City, Elko, Ely, Las Vegas, Lovelock, Reno

Authorized Judgeships	
District	7
[2]Bankruptcy	4
Magistrate	
Full-time	7
Part-time	0

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

NMI District of Northern Mariana Islands

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	74	51	-31.1%	51
Terminations	64	33	-48.4%	33
[1]Pending	96	114	18.8%	114
Bankruptcy Court				
Filings	9	4	-55.6%	0
Terminations	7	1	-85.7%	0
Pending	28	31	10.7%	1

Note: The Northern Mariana Islands district judge also handles all bankruptcy cases.
[1]2010 total district court pending cases revised.

Authorized places of holding court: Saipan

Authorized Judgeships	
District	1
Bankruptcy	0
Magistrate	
Full-time	0
Part-time	0

OR District of Oregon

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	3,018	2,950	-2.3%	492
Terminations	2,903	3,082	6.2%	514
[1]Pending	3,089	2,957	-4.3%	493
Bankruptcy Court				
Filings	20,460	18,281	-10.7%	3,656
Terminations	17,974	17,842	-0.7%	3,568
[1]Pending	20,003	20,444	2.2%	4,089

[1] 2010 total pending cases revised.
[2] Bend, Coos Bay, Redmond, Roseburg, and Salem apply only to the bankruptcy court.

Authorized places of holding court: [2]Bend, [2]Coos Bay, Coquille, Eugene, Klamath Falls, Medford, Pendleton, Portland, [2]Redmond, [2]Roseburg, [2]Salem

Authorized Judgeships	
District	6
Bankruptcy	5
Magistrate	
Full-time	6
Part-time	1

WAE Eastern District of Washington

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	1,143	1,256	9.9%	314
Terminations	1,022	1,146	12.1%	287
[1]Pending	991	1,101	11.1%	275
Bankruptcy Court				
Filings	7,471	6,490	-13.1%	3,245
Terminations	7,313	6,395	-12.6%	3,198
Pending	6,015	6,110	1.6%	3,055

[1] 2010 total pending cases revised.
[2] Richland and Walla Walla apply only to the district court.

Authorized places of holding court: [2]Richland, Spokane, [2]Walla Walla, Yakima

Authorized Judgeships	
District	4
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	0

Alcoa Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

WAW Western District of Washington

Caseload Measure	2010	2011	Change 2010-2011	Per Judgeship Unweighted 2011
District Court				
Filings	4,067	4,219	3.7%	603
Terminations	3,946	4,156	5.3%	594
[1]Pending	3,613	3,676	1.7%	525
Bankruptcy Court				
[2]Filings	26,671	26,389	-1.1%	5,278
Terminations	23,158	25,479	10.0%	5,096
[1]Pending	23,663	24,575	3.9%	4,915

[1] 2010 total pending cases revised.

Authorized places of holding court: Bellingham, Seattle, Tacoma, Vancouver

Authorized Judgeships	
District	7
Bankruptcy	5
Magistrate	
Full-time	5
Part-time	2

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

The background image on the front and rear inside covers is an 1814 map (copied from an 1804 original) of Lewis and Clark's track, across the western portion of North America from the Mississippi to the Pacific Ocean, published in the "History of the Expedition under the Command of Captains Lewis and Clark," (1814). Library of Congress, Geography and Map Division.

Alcoa, Inc. v. Bonneville Power Admin., No. 10-70211 archived on November 21, 2012

Office of the Circuit Executive
Cathy A. Catterson, Circuit & Court of Appeals Executive
P.O. Box 193939, San Francisco, CA 94119-3939
Ph: (415) 355-8900, Fax: (415) 355-8901
http://www.ca9.uscourts.gov