




2016

ANNUAL REPORT



The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2016 Ninth Circuit Annual Report:

Chief Judge Sidney R. Thomas, Ninth Circuit Court of Appeals
Cathy A. Catterson, Circuit and Court of Appeals Executive, Ninth Circuit
Molly C. Dwyer, Clerk of Court, Ninth Circuit Court of Appeals
Susan M. Spraul, Clerk, Ninth Circuit Bankruptcy Appellate Panel
Shiela Adkins, Chief Pretrial Services Officer, District of Nevada
Chad R. Boardman, Chief Probation Officer, District of Nevada
Rollins Emerson, Archivist, Ninth Circuit
Kathleen Butterfield, Staff Attorney, Ninth Circuit
Ninth Circuit Library Staff

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.



The Judicial Council of the Ninth Circuit

Seated from left; Circuit Judge N. Randy Smith, Circuit Judge Consuelo M. Callaban, Chief Circuit Judge Sidney R. Thomas, Circuit Judge Richard A. Paez, Chief District Judge George H. King. Standing from left: Bankruptcy Clerk Mary Ann Schott, Chief District Judge Raner C. Collins, District Clerk Mary Moran, Chief Pretrial Services Officer Gina L. Faubin, District Judge Ann L. Aiken, Chief District Judge Ramona Villagomez Manglona, District Judge Anna J. Brown, Senior District Judge Claudia Wilken, Chief Probation Officer David J. Sultzbaugh, Bankruptcy Judge Laura S. Taylor, Senior District Judge Susan Y. Illston, Chief District Judge B. Lynn Winmill.

Not present: Senior Circuit Judge William C. Canby, Circuit Judge Mary H. Murgia, District Judge Virginia A. Phillips, Chief Magistrate Judge Deborah M. Smith.

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FOREWORD

I am pleased to provide you with the 2016 Ninth Circuit Annual Report, which includes statistical workload summaries and also highlights events and activities involving and affecting the federal courts in the nine western states and two Pacific Island jurisdictions.

The United States Court of Appeals for the Ninth Circuit remains the nation's busiest federal appellate court. Our Court faced particular challenges with the volume of immigration cases. On a national basis, the Ninth Circuit received 58.7 % of all new petitions for review of decisions by the Board of Immigration Appeals. Nonetheless, with our innovative case management techniques, we still made significant progress in reducing our pending caseload.

In the 15 federal trial courts of the circuit, new case filings were up overall. Civil filings rose by 11.5 percent, offsetting a 5.2 percent drop in the number of criminal filings brought by the government. However, the Circuit's federal public defenders and community defenders saw an increased demand for representation of indigent defendants with new case openings up 15.8 percent. Civil cases comprise almost 80 percent of the total caseload of the district courts. For the sixth consecutive year, new bankruptcy filings declined, with an 11.1 percent drop in fiscal year 2016.

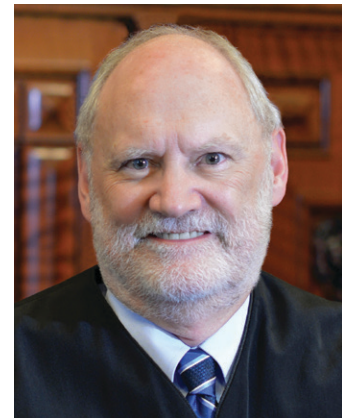
I was pleased to host the 2016 Circuit Conference in my home state of Montana. The Conference sessions and numerous committee meetings at it resulted in a number of initiatives that will continue to improve the administration of justice in the West. Let me highlight the work of some of our Judicial Council committees.

Our Fairness Committee produced significant guidance on how judges can avoid implicit bias. Our Wellness Committee continued its excellent work in preventing and coping with disability and maintaining health. Our Space and Security Committee continued its space reduction initiative, saving taxpayers over \$1 million a year. Our Information Technology Committee continued its work in cybersecurity and improving our

electronic information systems. The Jury Trial Improvement Committee completed two major sets of recommended jury reforms, following a five year effort which included the largest poll of jurors ever conducted in federal courts. The Pacific Islands Committee continued to partner with the Pacific Judicial Council to deliver training for judges, administrators, and security personnel.

Our Circuit continues to emphasize and vigorously promote civics education and community outreach, led by our Courts and Community Committee. The Committee organizes a highly successful circuit-wide essay and video contest for high school students. The Justice Anthony M. Kennedy Library and Learning Center in Sacramento, California, has emerged as the linchpin of our future efforts. All of our courts are working with students and teachers to improve public understanding of and confidence in the Judicial Branch.

All of our courts continue to respond in innovative ways to the special challenges posed by pro se litigation. Pro se litigants now account for 48 percent of new appeals, almost 32 percent of the new civil cases opened in the district courts, and almost 17 percent of new bankruptcy filings. The Judicial Council's Pro Se Litigation and Alternative Dispute Resolution committees focus



CHIEF JUDGE
SIDNEY R. THOMAS

on issues of equal access to justice for pro se litigants and alternative ways to settle pro se cases. In 2016, the Committees organized the biennial Ninth Circuit Pro Se Conference to discuss effective management of prisoner and non-prisoner pro se cases. As a result of the summit, we have saved money and improved case processing throughout the Circuit. The United States Bankruptcy Court for the Central District of California has developed effective electronic self-representation systems to aid pro se bankruptcy filers.

In October, the Central District of California celebrated the opening of a new courthouse in downtown Los Angeles, a project which has been a Circuit priority for two decades. Our staff continues working on design of a new building on the island of Saipan, which will house the district court for the Northern Mariana Islands.

We had a number of changes to our bench in 2016. Circuit Judges Barry G. Silverman, Diarmuid F. O'Scannlain, and Richard R. Clifton assumed senior status, leaving the Court of Appeals with 4 vacancies at year's end. The district courts of the circuit ended the year with 15 vacancies. Eight district judges took senior status during the year. Only one Article III judge was confirmed in 2015. In 2016, no new Article III judges were confirmed. Five judicial nominations – one appellate and four district – were awaiting Senate action and expired at the end of the congressional session. Fortunately, the federal courts have been able to rely on senior circuit and senior district judges to assist with the workload. The Court of Appeals benefitted from the work of 16 senior circuit judges, and the district courts were assisted by the work of 67 senior judges were at work. We are grateful to all of them.

The Court of Appeals reappointed Bankruptcy Judges Peter Carroll and Vincent P. Zurzolo in the Central District of California, and Bankruptcy Judge Robert J. Faris in the District of Hawaii. The Judicial Council also selected Bankruptcy Judge Meredith A. Jury of the Central District of California as the new chief bankruptcy judge of the Bankruptcy Appellate Panel.


Magistrate judges continue to make a significant contribution. In fiscal year 2016, magistrate judges decided nearly 219,000 criminal and civil matters. Nine

new full-time magistrate judges were appointed by district courts during the year. The Magistrate Judges Executive Committee produced a comprehensive guide to the review of government applications to access electronic data.

A number of our judges received honors during the year. A complete list is found in the report, but I want to highlight honors given to two former chief judges of the Ninth Circuit. Chief Judge Emeritus J. Clifford Wallace received the American Inns of Court's A. Sherman Christensen Award, recognizing his many contributions to the organization, which promotes collegiality and professionalism among members of the bar. Chief Judge Emeritus Proctor Hug, Jr., was honored by the State Bar of Nevada. He received the bar's 2016 Presidential Award, recognizing his tireless efforts to preserve the Ninth Circuit.

A San Francisco immigration attorney who has done outstanding work in the Court of Appeals, Robert Jobe, was the 2016 recipient of the prestigious American Inns of Court's Ninth Circuit Professionalism Award. Bob has not only given exceptional service to his clients, but has undertaken a great number of pro bono assignments. Anthony R. "Tony" Gallagher, the executive director of Federal Defenders of Montana, received the Circuit's prestigious 2016 Ninth Circuit John P. Frank Award. Tony is recognized as one of the deans of defender services, not just in the Ninth Circuit but the nation.

We lost two distinguished jurists in 2016. The Honorable Shirley Ann M. Hufstедler, who died in March at age 90, was the first woman to sit on the Ninth Circuit Court of Appeals. Nominated by President Johnson, she served from 1968 to 1979, when she left the bench to become the first secretary of the newly-created U.S. Department of Education under President Carter. The other departed colleague was retired Bankruptcy Judge William J. Lasarow of the Central District of California, who died in November at age 94.

I congratulate all of our judges and staff for their outstanding contributions to the administration of justice, and I hope you find this report useful in providing information about the work of our federal courts. 

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 district and bankruptcy courts in the 15 judicial districts within the circuit, and associated administrative units that provide various services to the courts.

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. It is the largest and busiest federal circuit in the nation.



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 is authorized 29 judgeships and ended 2016 with four vacancies. For most of the year, the district courts of the circuit were authorized 112 judgeships, 15 of which were vacant at the end of 2016.

Federal courts also rely on senior circuit and senior district judges to assist with their workload. These are Article III judges who are eligible to retire but have chosen to continue working with reduced caseloads.

On the Ninth Circuit Court of Appeals, 16 senior circuit judges were at work for most of the year, sitting on motions and merits panels, serving on circuit and national judicial committees, and performing a variety of administrative tasks. In the district courts within the circuit, 67 senior judges were at work, hearing cases, presiding over procedural matters, serving on committees and conducting other business in 2016.

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 judges of the courts 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. Bankruptcy and magistrate judges may be reappointed after the court conducts a performance review and considers public comment..

In 2016, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 105 full-time and 9 part-time magistrate judges, and one combined position of part-time magistrate judge/clerk of court. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

Overall, the Ninth Circuit courts experienced reduced caseloads in 2016. Unless otherwise noted, statistics in this report cover fiscal year 2016 ending September 30. 🌈

JUDICIAL COUNCIL, ADVISORY GROUPS & 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, and managing the judicial misconduct complaint process.

The judicial council is chaired by the chief judge of the circuit and relies on advisory groups and committees to accomplish its governance goals. Chairs of three advisory groups attend council meetings as observers and sometimes as voting members. Committee chairs report to the council as needed.

Newly appointed in 2016 as voting members of the judicial council were Circuit Judge Milan D. Smith, Jr., Senior District Judge Susan Oki Mollway of the District of Hawaii, and Chief District Judge Barry Ted Moskowitz of the Southern District of California. Newly appointed in 2016 as observers were Chief Bankruptcy Judge Brian D. Lynch and Chief Magistrate Judge James P. Donohue of the Western District of Washington, District Court Clerk Libby Smith of the District of Idaho, Bankruptcy Court Clerk Barry K. Lander of the Southern District of California, Chief Probation Officer Chad R. Boardman and Chief Pretrial Services Officer Shiela Adkins, both from the District of Nevada.

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 2016, there were 22 petitions for review filed and 22 petitions 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 regarding the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judges of each district. Chief District Judge Ramona Villagomez Manglona of the District of the Northern Mariana Islands has served as chair since January 2016 and will chair the conference until February 2017. She will be succeeded by Chief District Judge Barry Ted Moskowitz of the Southern District of California.

Elevated to chief district judge during the year were Judges Timothy M. Burgess of the District of Alaska, Ricardo S. Martinez of the Western District of Washington, Michael W. Mosman of the District of Oregon, Lawrence J. O'Neill of the Eastern District of California, Virginia A. Phillips of the Central District of California, and Thomas O. Rice of the Eastern District of Washington.

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 Ninth Circuit Bankruptcy Appellate Panel and a recalled bankruptcy judge representative. Chief Bankruptcy

Judge Laura S. Taylor of the Southern District of California, chaired the conference from September 2015 to September 2016. She was succeeded by Chief Bankruptcy Judge Brian D. Lynch of the Western District of Washington, who will chair the conference until September 2017.

Elevated to chief bankruptcy judge of the Bankruptcy Appellate Panel in 2016 was Bankruptcy Judge Meredith A. Jury of the Central District of California.

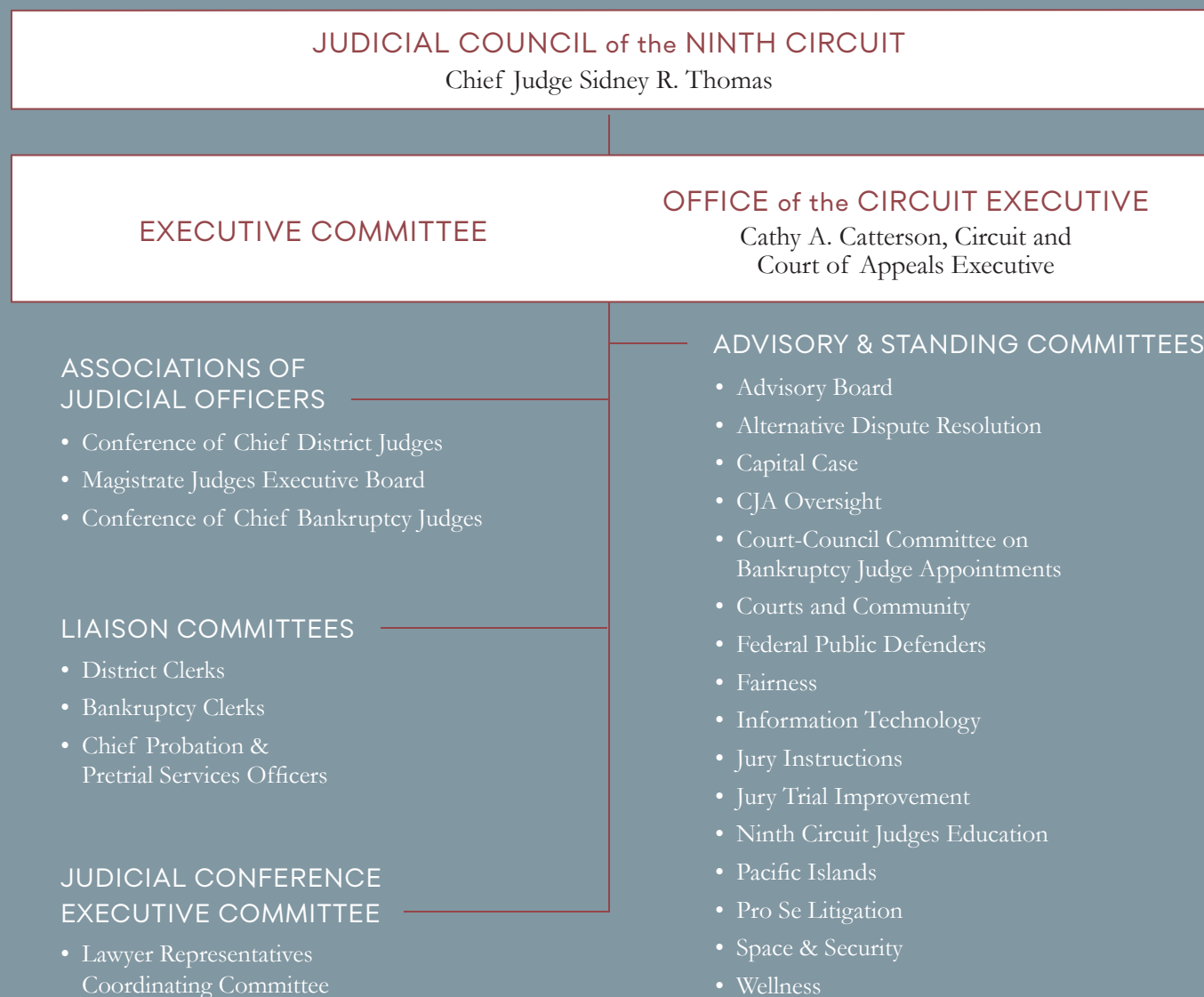
Magistrate Judges Executive Board

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 Ninth Circuit Judicial Conference. The board is chaired by Chief Magistrate Judge James P. Donohue of the Western District of Washington. He assumed the gavel in July, succeeding Chief Magistrate Judge Deborah M. Smith of the District of Alaska, who had served as chair since August 2014.

Clerks of Court

Daily management of the courts rests with the chief judges and clerks and/or district executives of the court of appeals and each of the district and bankruptcy courts of the circuit. 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 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.

Associated Court Units

Ninth Circuit courts also rely on several critical 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

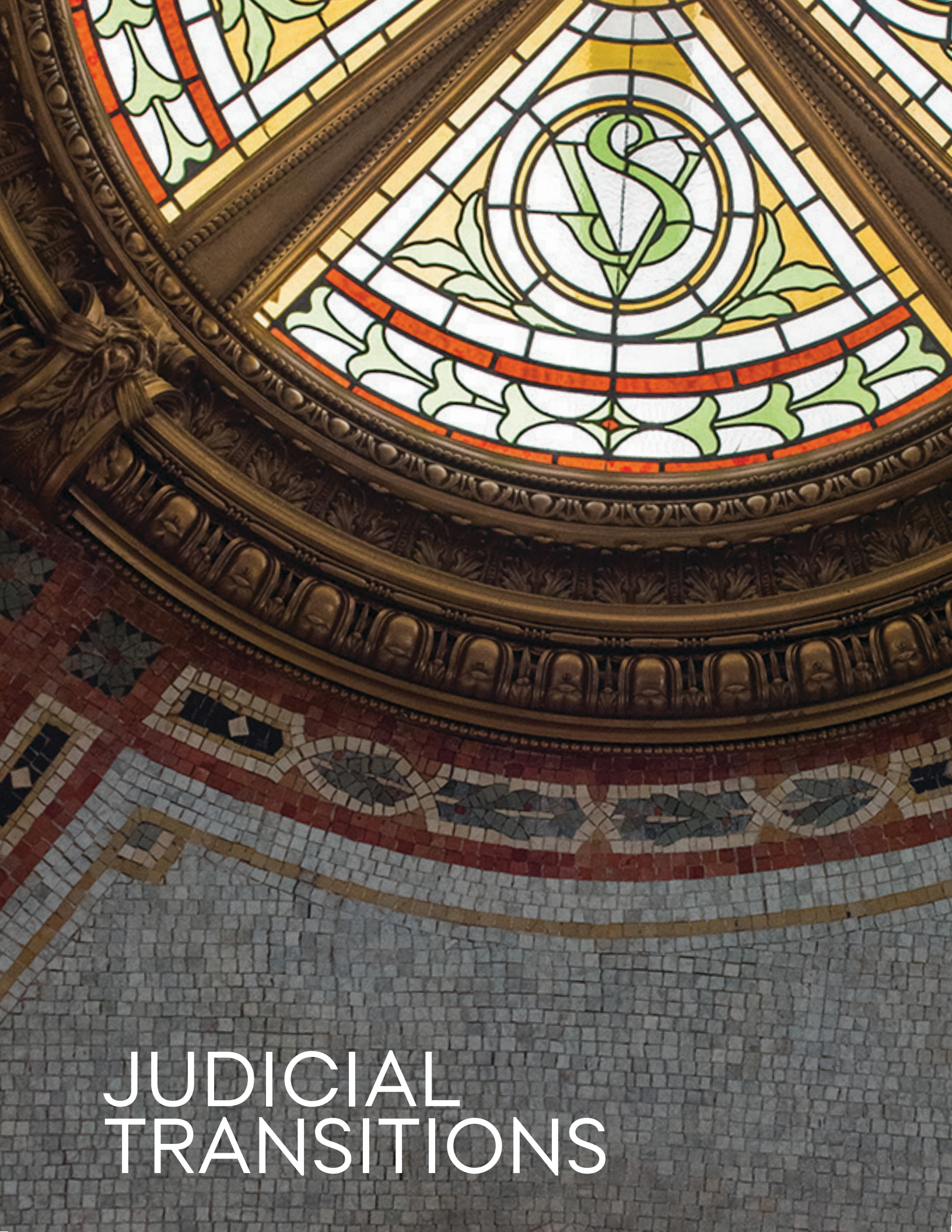
Judicial Council of the Ninth Circuit and the Judicial Conference of the U.S. Library resources are also made available to the bar and public with the level of access determined by local judges.

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, and 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 Ninth Circuit Judicial Conference.

Lawyer Representatives

Judges of the Ninth Circuit Court of Appeals and of each of the 15 district courts of the circuit appoint lawyer representatives. Lawyer representatives serve as a liaison between the federal bench and bar, fostering open communications between judges and lawyers, and providing support and advice in the functioning of the courts within the circuit. Attorneys serving as lawyer representatives work closely with district, bankruptcy and magistrate judges in their home districts. They participate as members of various committees and help plan local district conferences, often serving as speakers or facilitators. Lawyer representatives also help plan the Ninth Circuit Judicial Conference, which is convened "for the purpose of considering the business of the courts and advising means of improving the administration of justice within the circuit," pursuant to 28 U.S.C. § 333. 



JUDICIAL TRANSITIONS

JUDICIAL TRANSITIONS

Magistrate Judges



Deborah L. Barnes was appointed a magistrate judge for the Eastern District of California on August 1, 2016. Prior to her appointment, she had worked in the California Office of the Attorney General since 2003. Prior to that, Judge Barnes worked for the California Environmental Protection Agency from 2000 to

2003; the California Office of the Attorney General from 1993 to 2000; and the Office of the Federal Public Defender for the Eastern District of California from 1988 to 1993. She engaged in private practice with the law firm of Weintraub, Genshlea, Hardy, Erick & Brown from 1987 to 1988. Judge Barnes worked for the Sacramento County (California) District Attorney's Office from 1986 to 1987. She received her B.A. from the University of California, Berkeley, in 1981 and her J.D. from the University of the Pacific, McGeorge School of Law, in 1986. Judge Barnes maintains chambers in Sacramento.



Timothy J. Cavan was appointed a magistrate judge for the District of Montana on December 1, 2016. Prior to his appointment, he had served as an assistant U.S. attorney for the District of Montana since 2002. Prior to that, he worked as an assistant federal public defender for the Federal Defenders of Montana

from 1996 to 2002. He engaged in private practice with the law firm of Sandall, Cavan & Smith in Billings, where he became a partner in 1988. Judge Cavan received his bachelor's degree from Montana State University in Billings in 1981 and his J.D., with honors, from the University of Montana, School of Law, in 1984. He maintains chambers in Billings.



Mary K. Dimke was appointed a magistrate judge for the Eastern District of Washington on January 14, 2016. Prior to her appointment to the bench, she served as an assistant U.S. attorney for the Eastern District of Washington, from 2012 to 2016, and for the Western District of Washington,

from 2008 to 2012. She served as an Honors Program trial attorney for the U.S. Department of Justice, Criminal Division, Fraud Section, from 2004 to 2007. Judge Dimke received her B.A., magna cum laude, from Pepperdine University in 1999 and her J.D., Order of the Coif, from Vanderbilt University, School of Law, in 2002. Following law school, she clerked for Judge Alan B. Johnson of the U.S. District Court for the District of Wyoming from 2002 to 2003 and for Judge Richard C. Tallman of the U.S. Court of Appeals for the Ninth Circuit from 2003 to 2004. Judge Dimke maintains chambers in Yakima.



Steve Kim was appointed a magistrate judge for the Central District of California on April 11, 2016. Prior to his appointment, Judge Kim had worked as the regional managing director at Stroz Friedberg LLC since 2007. He served as an assistant U.S. attorney for the Central District of

California from 2003 to 2007. Prior to that, he was a civil litigator at Munger, Tolles & Olson, LLP, from 2000 to 2003. Judge Kim received his B.A., with special distinction, in 1996 from the University of Oklahoma. He received his J.D., magna cum laude, in 1999 from the Georgetown University Law Center, where he was elected to the Order of the Coif and served on the law review. Following law school, Judge Kim clerked for Circuit Judge Sidney R. Thomas of the U.S. Court of Appeals for the Ninth Circuit and for District Judge Stephen V. Wilson of the U.S. District Court for the Central District of California. He maintains chambers in Los Angeles.



Lynnette C. Kimmins was appointed a magistrate judge for the District of Arizona on April 5, 2016. Prior to her appointment, Judge Kimmins held several positions in the Office of the U.S. Attorney for the District of Arizona including senior litigation counsel, interim first assistant, deputy chief in the Tucson

Office, criminal chief and chief assistant, and assistant U.S. attorney from 1999 to 2016. She worked as a deputy county attorney for the Pima County (Arizona) Attorney's Office from 1993 to 1999. Judge Kimmins was a juvenile probation officer for Maricopa County, Arizona, from 1988 to 1989. She received her B.S. from Arizona State University in 1988 and her J.D. from the University of Arizona, College of Law, in 1992. Judge Kimmins maintains chambers in Tucson.



Kenneth J. Mansfield was appointed a magistrate judge for the District of Hawaii on April 1, 2016. Prior to his appointment, Judge Mansfield was the co-managing partner of McCorriston Miller Mukai MacKinnon LLP, where he had practiced law since 1998. Prior to that, he was a civil litigator at

Greenbaum, Rowe, Smith & Davis LLP from 1997 to 1998. Judge Mansfield's private practice focused on commercial litigation, health care, insurance and government contracting. He received his B.A., cum laude, from Middlebury College in 1994 and his J.D. from the University of Pennsylvania Law School in 1997. He maintains chambers in Honolulu.



Jolie A. Russo was appointed as a magistrate judge for the District of Oregon on February 25, 2016. Prior to her appointment, Judge Russo had served as a senior staff attorney to Judges Ann Aiken and James Redden of the U.S. District Court for the District of Oregon since 1988. She has served as an assistant professor

and adjunct faculty member for the University of Oregon, School of Law, since 2004, and as an assistant professor for Lewis and Clark School of Law from 2006 to 2008. Judge Russo received her B.S. from the Lewis and Clark College and her J.D. from the Lewis and Clark School of Law. She clerked for Judge Otto R. Skopil of the U.S. Court of Appeals for the Ninth Circuit. She maintains chambers in Eugene.



Andrew G. Schopler was appointed a magistrate judge for the Southern District of California on September 30, 2016. Prior to his appointment, he had served as the deputy chief of the Major Frauds and Special Prosecutions Section at the Office of the U.S. Attorney in San Diego since 2014. He joined the office as an

assistant U.S. attorney in 2004. Judge Schopler began his legal career as an assistant public defender in Carrboro, North Carolina, in 1998. He engaged in private practice as an associate with the law firm of Rudolf Maher Widenhouse & Fialko PA from 1998 to 2004. Judge Schopler served as co-chair of the Lawyer Representatives Committee for the Southern District of California. He serves as captain in the U.S. Army National Guard. Judge Schopler maintains chambers in San Diego.

JUDICIAL TRANSITIONS

Magistrate Judges continued



Youlee Yim You was appointed a magistrate judge for the District of Oregon on March 1, 2016. Prior to her appointment to the federal bench, she had served as a circuit court judge for Multnomah County (Oregon) Circuit Court, since 2007. Prior to that, she was a senior assistant attorney general for the

Trial and Appellate Divisions in the Oregon Department of Justice in Salem from 2004 to 2007. Judge You served as a staff attorney for the U.S. District Court for the Central District of California from 1998 to 2004. She was deputy bureau chief and senior assistant district attorney for Kings County (New York) District Attorney's Office in Brooklyn from 1994 to 1998; an assistant attorney general in the Appellate Division of the Oregon Department of Justice from 1992 to 1994; and a staff attorney for the Metropolitan Public Defender in Portland, Oregon, from 1989 to 1992. Judge You received her B.A. from Wellesley College in 1986 and her J.D. from the University of Washington, School of Law, in 1989. She maintains chambers in Portland.

JUDICIAL TRANSITIONS

Senior Judges



Susan R. Bolton was appointed a district judge for the District of Arizona on October 13, 2000, and assumed senior status on September 1, 2016. Prior to her appointment to the federal bench, she had served as a judge of the Maricopa County (Arizona) Superior Court since 1989.

Judge Bolton engaged in private practice in Phoenix from 1977 to 1989. She received her B.A. from the University of Iowa in 1973 and her J.D. from the University of Iowa, College of Law, in 1975. She maintains chambers in Phoenix.



Richard R. Clifton was appointed a circuit judge for the Ninth Circuit Court of Appeals on July 30, 2002, and assumed senior status on December 31, 2016. Prior to his appointment to the bench, Judge Clifton engaged in private practice in Honolulu, Hawaii, since 1977. He

was an adjunct professor at the University of Hawaii, Richardson School of Law, from 1979 to 1980 and from 1983 to 1989. Judge Clifton received his A.B. from Princeton University in 1972 and his J.D. from Yale Law School in 1975. He maintains chambers in Honolulu.



Marilyn L. Huff was appointed a district judge for the Southern District of California on May 14, 1991, and assumed senior status on September 30, 2016. Prior to her appointment to the bench, Judge Huff had engaged in private practice in San Diego since 1976. Judge Huff received

her B.A. from Calvin College in 1972 and her J.D. from the University of Michigan Law School in 1976. She maintains chambers in San Diego.



Robert C. Jones was appointed a district judge for the District of Nevada on November 30, 2003, and assumed senior status on February 1, 2016. Prior to his appointment, he served as a judge of the Ninth Circuit Bankruptcy Panel from 1986 to 1999. Judge Jones engaged in private practice from 1976 to 1982.

He received his B.S. from the Brigham Young University in 1971 and his J.D. from the University of California, Los Angeles, School of Law, in 1975. Following law school, he clerked for Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. He maintains chambers in Reno.



Robert S. Lasnik was appointed a district judge for the Western District of Washington on October 22, 1998, and served as chief judge of his court from 2004 to 2011. He assumed senior status on January 27, 2016. Prior to his appointment to the federal bench, Judge Lasnik had served as a judge of the King County

(Washington) Superior Court since 1990. He worked for the King County Prosecutor's Office, where he was chief of staff from 1983 to 1990; a senior deputy prosecutor from 1981 to 1983; and a deputy prosecutor from 1978 to 1981. Judge Lasnik received his A.B. from Brandeis University in 1972; his M.S. and M.A. from Northwestern University in 1973 and 1974, respectively; and his J.D. from the University of Washington, School of Law, in 1978. He maintains chambers in Seattle.

JUDICIAL TRANSITIONS

Senior Judges continued



Diarmuid F. O'Scannlain was appointed a circuit judge of the United States Court of Appeals for the Ninth Circuit on September 26, 1986. He assumed senior status on December 31, 2016. Prior to his appointment, Judge O'Scannlain served as a chairman of the

Advisory Panel to the Secretary for the U.S. Department of Energy from 1983 to 1985. He was a team leader, President's Private Sector Survey on Cost Control (Grace Commission) from 1982 to 1983, and a consultant, Office of the President-Elect of the U.S., from 1980 to 1981. Judge O'Scannlain engaged in private practice in Portland from 1975 to 1986 and from 1965 to 1969. He served as director of the Oregon Department of Environmental Quality from 1973 to 1974; as public utility commissioner for the State of Oregon from 1971 to 1973; and as deputy attorney general for the state of Oregon from 1969 to 1971. He retired from the U.S. Army Reserve in 1978 at the rank of major after 23 years Reserve and National Guard service, including four years as an enlisted man. Judge O'Scannlain received his B.A. from St. John's University in 1957, his J.D. from Harvard Law School in 1963, and his LL.M. from the University of Virginia Law School in 1992. He was awarded an honorary LL.D. degrees from the University of Notre Dame in 2002, from Lewis & Clark College in 2003, and from the University of Portland in 2011. Judge O'Scannlain maintains chambers in Portland.



Marsha J. Pechman was appointed a district judge for the Western District of Washington on September 9, 1999, and served as chief judge of her court from 2001 to 2016. She assumed senior status on February 6, 2016. Prior to her appointment to the federal bench, Judge Pechman had served as judge

of King County (Washington) Superior Court since 1988. She was an adjunct professor at University of Puget Sound from 1983 to 1987. Judge Pechman engaged in private practice in Seattle from 1981 to 1988.

Before that, she was an instructor and staff attorney for the University of Washington, School of Law, from 1979 to 1981. She was deputy prosecutor for King County from 1976 to 1979. Judge Pechman received her B.A. from Cornell University in 1973 and her J.D. from Boston University School of Law in 1976. She maintains chambers in Seattle.



Dean D. Pregerson was appointed a district judge for the Central District of California on August 1, 1996, and assumed senior status on January 28, 2016. Prior to coming onto the bench, he had served as vice president and general counsel for The Torrance Company in 1985. He engaged in private practice in Los

Angeles from 1986 to 1996 and from 1983 to 1985; in Napa, California in 1982; in Agana, Guam, in 1982; and in Ventura, California, in 1978. Judge Pregerson was an assistant public defender in Agana from 1978 to 1981 and was a parole hearing officer for the California Department of Corrections in 1977. Judge Pregerson received his B.A. from the University of California, Los Angeles, in 1972 and his J.D. from the University of California, Davis, School of Law, in 1976. He maintains chambers in Los Angeles.



James L. Robart was appointed a district judge for the Western District of Washington on June 21, 2004, and assumed senior status on June 28, 2016. Prior to his appointment to the bench, he had been in private practice with the law firm of Lane Powell Spears Lubersky LLP, as a managing

partner from 1998 to 2004; a partner from 1980 to 1998; and as an associate from 1973 to 1980. Judge Robart received his B.A. from Whitman College in 1969 and his J.D. from the Georgetown University Law Center in 1973. He maintains chambers in Seattle.



Barry G. Silverman was appointed a circuit judge of the United States Court of Appeals for the Ninth Circuit on February 4, 1998. He assumed senior status on October 11, 2016. Prior to his appointment, Judge Silverman served as a magistrate judge for the District of Arizona since 1995. Before coming onto the

federal bench, Judge Silverman served as a judge and served as a commissioner of the Maricopa County (Arizona) Superior Court from 1984 to 1995 and from 1979 to 1984, respectively. Judge Silverman worked as a deputy county attorney for Maricopa County from 1977 to 1979, and as an assistant city prosecutor in Phoenix from 1976 to 1977. He received his B.A. from Arizona State University in 1973 and his J.D. from ASU College of Law in 1976. He maintains chambers in Phoenix.



Christina A. Snyder was appointed as a district judge for the Central District of California on November 10, 1997, and assumed senior status on November 23, 2016. Prior to her appointment to the bench, she had engaged in private practice in Los Angeles since 1972. Judge Snyder served as president of Public

Counsel and as a board member of the Western Center of Law and Poverty, and was a member of the board of visitors for Stanford Law School. Judge Snyder received her B.A. from Pomona College in 1969 and her J.D. from Stanford Law School in 1972. She maintains chambers in Los Angeles.



Neil V. Wake was appointed as a district judge for the District of Arizona on March 15, 2004, and assumed senior status on July 5, 2016. Prior to coming onto the bench, Judge Wake had been in private practice since 1974. He served as a judge pro tempore on the Arizona Court of Appeals from

1996 to 1998, in 1992, and in 1985. Judge Wake received his B.A. from Arizona State University in 1971 and his J.D. from Harvard Law School in 1974. He maintains chambers in Phoenix.

JUDICIAL TRANSITIONS

In Memoriam



Circuit Judge Shirley Ann M. Hufstedler, 90, of the United States Court of Appeals for the Ninth Circuit died on March 30, 2016. She was nominated by President Lyndon Johnson on July 17, 1968, confirmed by the Senate on September 12, 1968, receiving her judicial commission the same day. She

served the court until 1979, when she was appointed as the first secretary of the U.S. Department of Education. Judge Hufstedler was appointed to the Los Angeles County Superior Court in 1962 and to the California Court of Appeal in 1966. She was the Phleger professor of law in 1982 at Stanford Law School, where she was one of the first women to graduate and was at the top of her class in 1949. She had her own private practice in Los Angeles in 1950 which merged in 1995 with Morrison & Foerster, where she had worked as senior of counsel for the past 20 years.



Bankruptcy Judge William J. Lasarow, 94, of the United States Bankruptcy Court for the Central District of California died on November 18, 2016. He was appointed to the bankruptcy bench in 1973 and reappointed in 1986. He served as chief judge of his court from 1978 to 1990. He

retired from active service in 1992 but continued to serve in a recalled capacity until 1994. He served as judge of the Ninth Circuit Bankruptcy Appellate Panel from 1979 to 1982. Prior to coming onto the bench, Judge Lasarow had been in private practice in Los Angeles from 1953 to 1973. He began his law career in 1951 as counsel to the Judiciary Committee of the California State Assembly and was the deputy district attorney for Stanislaus County, California, from 1952 to 1953. He received his B.A. from the University of Florida in 1943 and his J.D. in 1950 from Stanford Law School, where he was a member of the Stanford Law Review. Judge Lasarow is survived by his wife of many years, Marilyn. 🌈



CIRCUIT HIGHLIGHTS

Magistrate Judges Maintain Focus on Technology with Updated Guide and Newsletter

In 2016, the Ninth Circuit's Magistrate Judges Executive Board published the second edition of "Carpe Data: A Guide for Ninth Circuit Magistrate Judges When Reviewing Government Applications to Obtain Electronic Information." While the guide will be appreciated by all judges, it is especially helpful to newly appointed magistrate judges who are grappling with complicated legal issues in the context of woefully outdated statutes.

Also in 2016, the Magistrate Judges Executive Board gave the green light to a new newsletter focusing on the legal complexities of eDiscovery. "Bits and Bytes," a biannual publication prepared by the board's Technology Subcommittee focuses on how eDiscovery issues now figure into virtually civil and criminal cases. The subcommittee hopes to assist magistrate judges and others judicial officers in this ever-changing field. The inaugural edition provided a review of guidelines for electronically stored information, or ESI, including a categorized collection of key ESI cases. 🌈



2016 TUG Conference Convened in Phoenix

The 27th annual Technology Users Group Conference, held August 16-18, 2016, in Phoenix, Arizona, drew nearly 250 judges and judiciary staff. In addition to Ninth Circuit participants, the conference drew attendees from five other federal circuits. Staff from the Administrative Office of the United States Courts attended and

made presentations focusing on judicial security, cloud based services, SharePoint and courtroom technology, Office 365 and current AO initiatives. Vendors were on site to showcase and discuss latest products and innovations, and were available to assist the courts with their information technology related questions. 🌈

California Judicial Districts Mark 50 Years of Service

Two federal courts in California marked a half-century of service to their communities in 2016. The United States District Courts for the Eastern District of California and the Southern District of California celebrated their golden anniversaries with special programs and historical exhibits.

Through most of its history, California was served by two federal courts. In 1860, Congress created the Northern District of California, with headquarters in San Francisco, and the Southern District of California, based in Los Angeles. Significant growth in population and commerce eventually led Congress to expand the number of federal courts serving the state. In 1966, the boundaries of the existing Northern and Southern districts were redrawn to allow for the creation of the Eastern District of California and the Central District of California.

The Eastern District, which takes in 34 counties, encompasses the largest jurisdiction geographically of the California districts. While technically “new” in 1966, the Central District was large and well established from the start, comprising seven of the nine counties that had originally made up the Southern District. The true newcomer then was the much smaller Southern District, consisting of two counties. Over the past half-century, however, the Southern District has grown from judicial outpost to one of the nation’s busiest federal courts.

In Sacramento, the Eastern District anniversary was observed on September 16, 2016, with a special sitting that drew several hundred people to the ceremonial courtroom of the Robert T. Matsui U.S. Courthouse. On the bench, were U.S. Supreme Court Justice Anthony M. Kennedy, who was born in Sacramento and practiced law there, and Senior District Judge



The special sitting in the Eastern District, above, featured a conversation between Justice Anthony M. Kennedy, center, and Senior District Judge William B. Shubb, left, moderated by law clerk Breann M. Moebius. The Southern District exhibit, below, consists of a time line stretching some 25 feet, divided into five panels, each depicting 10 years in the district history. It is now on permanent display in a jury assembly room.



William B. Shubb. In a conversation moderated by one of Judge Shubb’s law clerks, the two jurists traded anecdotes related to memorable cases, judges and lawyers, and even courthouses.

In San Diego, Southern District judges and the local bar association observed the anniversary on September 19, 2016, with a program and reception at the James M. Carter and Judith N. Keep U.S. Courthouse. The district also unveiled an elaborate exhibit titled “Then and Now: A History of the Southern District of California Since 1966.” It is permanently on display in the courthouse’s jury assembly room. 🌈

Oregon Judge Brings Financial Literacy to Women Inmates

A bankruptcy judge in Oregon is helping bring financial literacy to inmates in the state's only prison for women.

Judge Trish Brown of the United States Bankruptcy Court for the District of Oregon regularly visits the Coffee Creek Correctional Facility south of Portland. Her classes on personal finance and bankruptcy basics have proved popular among the facility's 1,300 female prisoners.

Judge Brown's presentations are based on the Credit Abuse Resistance Education, or CARE, program, which was originally intended to prepare high school seniors for the responsible use of credit. She has modified the presentation to focus on issues relevant to incarcerated people, such as prepaid cards, tax compliance, and communicating with creditors while in prison. The judge also designed a special hour-long presentation on bankruptcy, including a focus on whether or not to file a petition.

Coffee Creek came to Judge Brown's attention as a result of an uptick in bankruptcy filings from inmates. She noticed frequent mistakes and often wondered if a bankruptcy filing was in the prisoner's interest. Her offer to provide practical information about a topic that impacts most of the facility's residents was eagerly accepted by prison officials.



Bankruptcy Judge Trish Brown and her law clerk, Stephen Raber, teach a class on personal finance and bankruptcy basics at Coffee Creek Correctional Facility near Portland, Oregon.

Judge Brown's prison outreach also includes providing books to children who visit their mothers during the holidays. She and her staff have received donated children's books from friends and colleagues. She has delivered some 1,800 books, enough for every child to have visited the prison in December over the last two years.

"It's a small gesture, but it makes a big difference and we all hope that we're inspiring a new generation of readers," said prison librarian Angele Wheeler. 🌈

Northern California Bar Recognizes Judges

The Federal Bar Association, Northern District of California Chapter, held its 38th annual Ninth Circuit luncheon on March 23, 2016, in San Francisco. The luncheon serves to recognize the work done by federal judges of the United States Court of Appeals for the Ninth Circuit and the U.S. District Court for the Northern District of California. Speakers included Ninth Circuit Chief Judge Sidney R. Thomas and Chief District Judge Phyllis J. Hamilton. The program also featured an informal conversation with Ninth Circuit Judges Consuelo M. "Connie" Callahan of Sacramento, California; Morgan Christen of Anchorage, Alaska; and Mary H. Murguia of Phoenix, Arizona. The judges shared stories about some of the more humorous moments in their careers. The annual gathering draws hundreds of lawyers practicing in federal courts in Northern California. 🌈



Making remarks were, from left, Ninth Circuit Judges Consuelo M. "Connie" Callahan of Sacramento, California; Morgan Christen of Anchorage, Alaska; and Mary H. Murguia of Phoenix, Arizona.


Awards Recognize Ninth Circuit Chief Judge Emeriti

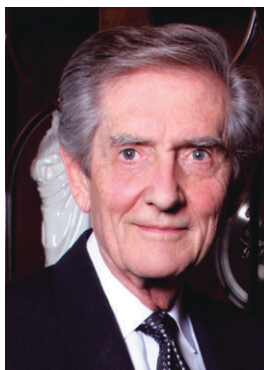
Senior Circuit Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, an esteemed jurist, judicial administrator and advocate for the rule of law, was honored in November by the American Inns of Court.

Judge Wallace received the prestigious A. Sherman Christensen Award, which is “bestowed upon a member of an American Inn of Court who, at the local, state or national level has provided distinguished, exceptional, and significant leadership to the American Inns of Court movement.” The award was presented at the 2016 American Inns of Court Celebration of Excellence held November 5, 2016, at the U.S. Supreme Court. Associate Justice Samuel A. Alito, Jr., hosted the event.

Judge Wallace was influential in developing the idea of the American Inns of Court and advocated enthusiastically for its establishment. He had accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the organizational dinner of the first Inn of Court in Provo, Utah. Judge Wallace served as a regular adviser to Judge A. Sherman Christensen, for whom the award is named.

Judge Wallace was nominated by President Nixon to the Ninth Circuit Court of Appeals on May 22, 1972. He was confirmed by the Senate and received his judicial commission on June 28, 1972. He served as chief judge from 1991 to 1996 and assumed senior status in 1996. Judge Wallace served in the U.S. Navy from 1946 to 1949. He received his B.A., with honors, from San Diego State College in 1952 and his LL.B. in 1955 from the University of California, Berkeley, Boalt Hall School of Law, where he was an editor of the California Law Review.

The American Inns of Court, a national organization with 360 chapters and more than 130,000 active and alumni members, is dedicated to excellence, civility, professionalism, and ethics in the practice of law. An inn is an amalgam of judges, lawyers, and in some cases, law professors and law students. More information is available at <http://home.innsofcourt.org>. 



*Chief Judge Emeritus
J. Clifford Wallace*

The State Bar of Nevada has awarded its highest honor to Chief Judge Emeritus Procter Hug, Jr., of the United States Court of Appeals for the Ninth Circuit. The bar's 2016 Presidential Award was presented to Judge Hug on June 8, 2016, at the Washoe County Bar Association's annual meeting.


Judge Hug is in his 39th year of service on the nation's busiest federal appellate court. Nominated by President Carter, he came onto the Ninth Circuit bench on September 15, 1977. He served as chief judge of the circuit from 1996 to 2000 and assumed senior status in 2002.

In announcing the selection of Judge Hug for the prestigious award, the state bar noted his tireless efforts to preserve the geographic and organizational integrity of the Ninth Circuit. The state bar announcement quoted Senator Harry Reid of Nevada, who expressed his admiration of Judge Hug as “a great Nevadan.”

“His impact upon the law in the western United States is unsurpassed by any other Nevada lawyer,” Senator Reid said. “He can truly be described as the man who saved the Ninth Circuit.”

Prior to coming onto the federal bench, Judge Hug had been in government service as a civilian aide to the secretary of the Army in 1977; as general counsel to the University of Nevada System, from 1972 to 1976; and as a deputy attorney general for the State of Nevada. He had practiced law in his native Reno from 1958 to 1977.

Judge Hug received his B.S. from the University of Nevada, Reno, in 1953 and his LL.B. from Stanford Law School in 1958. He served in the Navy from the 1954 to 1955.

The State Bar of Nevada's Presidential Award is presented annually to a member practicing 20 years or more whose conduct, honesty and integrity represents the highest standards of the legal profession. Award recipients are those who inspire by example, advance the administration of justice, and bring honor and integrity to the profession. 



*Chief Judge Emeritus
Procter Hug, Jr.*

Awards to Judges in 2016

Ninth Circuit Court of Appeals

Circuit Judge Jacqueline H. Nguyen, 2017 Great Immigrants: The Pride of America, Carnegie Corp. of New York.

District of Arizona

Senior District Judge Stephen M. McNamee, the John Roll Award for Distinguished Service to the District of Arizona, Arizona Lawyer Representatives to the Ninth Circuit Judicial Conference, and the Mark Santana Award for Exceptional Contributions in Law Related Education, Arizona Bar Foundation.

Central District of California

Chief District Judge Virginia A. Phillips, Erwin Chemerinsky Defender of the Constitution Award, Inland Chapter of the Federal Bar Association, and The James H. Krieger Meritorious Service Award, Riverside Bar Association. District Judge Andrew J. Guilford, Distinguished Public Service Award, Los Angeles Intellectual Property Law Association, the Judge Alicemarie H. Stotler Award, Orange County Federal Bar Association, and the Distinguished Judge Award, Orange County Intellectual Property Law Association. Bankruptcy Judge Thomas B. Donovan, Central District Consumer Bankruptcy Attorneys Association Achievement Award, Public Counsel Service Award; 23 Years of Service Award. Bankruptcy Judge Maureen A. Tighe, inducted as a Fellow, American College of Bankruptcy. Recalled Magistrate Judge Victor Bianchini, Ninth Circuit Excellence in Pro Se Case Management Strategies Award. Magistrate Judge Kenly Kiya Kato, Stephen K. Tamura Award, Asian Pacific American Lawyers of the Inland Empire. Magistrate Judge Karen Scott, Mock Trial Alumni of the Year Award, Constitutional Rights Foundation of Orange County.

Eastern District of California

District Judge Morrison C. England, Jr., Medallion of Excellence Award, University of the Pacific.

Southern District of California

Chief District Judge Barry Ted Moskowitz, award from American Bar Association, National Conference of Federal Trial Judges. District Judge John A. Houston, Chancellor's Recognition of Invaluable Service, Board of Visitors, North Carolina A & T State University, and Recognition for Outstanding Public Service, California Black Lawyers Association.

District of Idaho

Senior District Judge Edward J. Lodge, Leaders in Action Award, Concordia University School of Law. Magistrate Judge Candy W. Dale, Faculty Award of Legal Merit, University of Idaho College of Law.

District of Oregon

Bankruptcy Judge Frank R. Alley, III, the William N. Stiles Award of Merit, Debtor-Creditor Section of the Oregon State Bar. Bankruptcy Judge Randall L. Dunn (retired), the William N. Stiles Award of Merit, Debtor-Creditor Section of the Oregon State Bar.

Eastern District of Washington

Recalled Magistrate Judge Cynthia Imbrogno, 2016 William O. Douglas Judicial Service Award, Washington State Association of Justice.

Western District of Washington

Senior District Judge Marsha J. Pechman, Jurisprudence Champion Award, American Society for Public Administration, Section on Public Law and Administration. 🌈

Idaho Clerk Selected for Highest Employee Honor

Elizabeth A. "Libby" Smith, clerk of court for the District of Idaho, was named a recipient of the Director's Award for Outstanding Leadership, the highest honor for Judicial Branch employees.



Elizabeth A. Smith

Ms. Smith manages a consolidated clerk's office that provides administrative services to both the U.S. District Court and U.S. Bankruptcy Court for the District of Idaho. She assumed the post in 2009.

In announcing the award, the Administrative Office of the United States Courts credited Ms. Smith with innovative changes that improved court efficiency and cut costs, her office's support for visiting judges, and her contributions at the national level as the chair of the District Clerks Advisory Group. 🌈



Ninth Circuit Hosts Two Hearings on Criminal Justice Act

A special committee studying possible reforms to the federal system for indigent defense held two public hearings in the Ninth Circuit in 2016, taking testimony from dozens of lawyers, judges, academics and leaders of advocacy groups.

The Ad Hoc Committee to Review the Criminal Justice Act Program met February 3-4 in Portland, Oregon, and March 2-3 in San Francisco. Additional hearings were held during the year in Miami and Philadelphia, Santa Fe, New Mexico, Birmingham, Alabama, and Minneapolis, Minnesota.

Committee members, who were appointed by Chief Justice John G. Roberts, Jr., include District Judge Dale S. Fischer of the United States District Court for the Central District of California, Reuben Cahn, executive director of the Federal Defenders of San Diego, Inc., and Dr. Robert E. Rucker, assistant circuit executive for Court Policy and Research for the Ninth Circuit Office of the Circuit Executive.

The committee has undertaken a two-year study of the CJA system, which provides legal counsel to indigent defendants facing criminal prosecution in federal courts. About 66 percent of all federal criminal defendants in the U.S. are found to be indigent.

In addition to judges, prosecutors and defense attorneys, law professors and advocates, witnesses testifying at the Ninth Circuit hearings included a number of former defendants.

Judicial oversight of the CJA program was of particular concern to some witnesses. Judges of the court of appeals for each circuit appoint chief federal public defenders, while CJA panel attorneys are often selected and paid by the district courts in which they serve. The Defender Services

Office is part of the Administrative Office of the U.S. Courts.

A number of attorneys testified that involving judges in defense decisions represents an inherent conflict of interest in the system and potentially limits their ability to zealously represent their clients.

Also addressed during the hearings were compensation for panel attorneys and payments for services necessary for an adequate defense, which varies among courts and judges. In their testimony, attorneys noted that the government routinely makes use of more resources than are available to the defense, whose access to outside expertise may be limited.

Attorneys and judges both spoke favorably about the increasing use by courts of case “budgeting” and case budgeting attorneys, who work with the defense attorneys to estimate and review proposed budgets for individual cases. The Ninth Circuit was the first to make use of case budgeting attorneys and currently has three of these specialists on staff.

The Criminal Justice Act (“CJA”), 18 U.S.C. § 3006A, secures the Sixth Amendment right to counsel for federal criminal defendants. Enacted in 1964, the CJA provides a system for appointing and compensating lawyers to represent defendants financially unable to retain counsel. 🌈



District Judges Yvonne Gonzalez Rogers and David Carter were among the witnesses at a hearing held in San Francisco.

ADR is Firmly Rooted in Bankruptcy Courts

Alternative dispute resolution programs are usually associated with federal district courts. But ADR is also firmly rooted in bankruptcy courts of the Ninth Circuit.

Bankruptcy Dispute Resolution Programs, or BDRPs, were established more than 20 years ago in the Central, Eastern and Northern districts of California. The types of disputes most frequently referred to BDRPs are (1) debt dischargeability; (2) preferences and fraudulent conveyance matters; (3) breach of contract, particularly involving real estate; (4) claim objections; (5) plan confirmation objections; and (6) recovery of estate property.

In the Central District of California, the BDRP works through a court-sponsored mediation panel, consisting of attorneys and non-attorney professionals such as accountants, real estate brokers, physicians, and professional mediators. Mediators are added on an on-going basis. Surveys indicate a large majority of respondents were satisfied and would use the mediation process again.

The Eastern District of California's BDRP allows participants to utilize a wide variety of ADR methods, including mediation, early neutral evaluation and settlement facilitation. All adversary proceedings, contested matters, and other disputes are eligible for referral to the program.

Not included are employment and compensation of professionals; compensation of trustees and examiners; objections to discharge under 11 U.S.C. §727; and contempt or other types of sanctions.

The Northern District's BDRP utilizes the services of trained resolution advocates, or RAs, who are appointed annually to the panel. Litigant participation is voluntary. Litigants mutually agree to use the BDRP and select a suitable RA from the panel. The RA conducts a conference, a mediation, negotiation or early neutral evaluation format. Upon conclusion of the conference, the RA files a confidential report, indicating whether a settlement was reached and providing statistical information regarding the time invested in the matter.

From a judicial perspective, BDRP programs have consistently served as a useful alternative tool for courts and litigants to reach a final settlement, often early in the case or matter at hand, or at least to narrow the disputed issues. The end result is often significant savings in litigants' time, emotional stress, and attorney fees. It also serves as a targeted way to save or better utilize the court's limited judicial resources.

All three districts provide more information about BDRPs on their court websites. 

Ninth Circuit Contributes to Pro Se Law Clerk Study


An ad hoc subcommittee drawn from the Ninth Circuit Pro Se Litigation Committee and the Magistrate Judges Executive Board is helping to gather data for a study focusing on the work of pro se law clerks, who assist magistrate judges and district judges in handling habeas cases and prisoner pro se litigation.

Conducted by the Administrative Office of the United States Courts, the study will affect the availability of funding to retain current pro se law clerks and possibly expand their number.

The ad hoc subcommittee includes Magistrate Judge Brian A. Tsuchida, who serves as chair, and Chief Magistrate Judge James P. Donohue, both of the Western District of Washington; Magistrate Judge Suzanne H. Segal of the Central District of California; and William Stansfield, pro se law clerk in the Southern District of California.

The Administrative Office last conducted a work measurement study of pro se law clerks in 2012. The formulas produced by the study would have led to a significant reduction in clerk positions nationwide in fiscal year 2017. Nine of the 15 district courts in the Ninth Circuit would have been affected.

District courts utilize pro se law clerks in various ways, from basic screening of cases through preparation of dispositive motions under the direction of judges. The subcommittee is seeking a more formal and uniform methodology for tracking and labeling time spent by clerks. Among the ideas being considered for gathering data is an online diary that would allow clerks to record their daily work.

The new work measurement study is tentatively scheduled for review in late 2017 by the Committee on Judicial Resources of the Judicial Conference of the United States. 



Immigration attorneys flocked to training programs offered at the Ninth Circuit courthouses in Pasadena, above, and San Francisco, below.

Court of Appeals Offers Immigration, Habeas Training Programs

In 2016, the United States Court of Appeals for the Ninth Circuit provided appellate training for hundreds of lawyers who practice before the court.

The Richard H. Chambers U.S. Court of Appeals Building in Pasadena, California, hosted an immigration law training program in January, and a habeas law training program in October. Immigration training also was offered in March at the James R. Browning U.S. Courthouse in San Francisco; in May at the William K. Nakamura U.S. Courthouse in Seattle, Washington; and in October at the Sandra Day O'Connor U.S. Courthouse in Phoenix, Arizona.

The programs included presentations by court staff attorneys, private practitioners, U.S. Department of Justice lawyers and federal defenders. Resident appellate judges at the various locations also participated offering observations and advice on how to most effectively present their cases. Two of the programs were video recorded and video streamed live to attorneys who were unable to attend. Video recordings and presentation materials are available on the “Legal Guides” page of the court’s website: www.ca9.uscourts.gov.

While of value to experienced attorneys, the immigration training was particularly helpful to lawyers new to the practice. Among the topics addressed were motions practice



and jurisdictional issues; mediation; prosecutorial discretion; remand; preparing briefs in support of petitions for review of removal orders; and best practices for oral argument.

All of the immigration sessions delved into Ninth Circuit case law with summaries provided for numerous decisions. Also covered was applicable law in cases involving social groups and the convention against torture.

The habeas training session focused on jurisdiction and motions practice; establishing the case record; standards of review and legal framework; brief preparation; and oral argument. 🌈

Ninth Circuit Plays Frequent Host to International Visitors

The United States Court of Appeals regularly hosts visits by judges and lawyers, government officials and students from around the world. In 2016, at the James R. Browning U.S. Courthouse in San Francisco, the court hosted visitors from seven nations in Africa, Asia, South America and Europe. Judges and court staff made presentations customized to the needs and interests of the various groups.

In January, the court welcomed 13 emerging leaders from Bulgaria, Hungary, Moldova, Poland and Romania. The visit was arranged by the U.S. State Department, which is trying to strengthen enforcement of intellectual property rights in Eastern Europe.

In April, at the request of United States Agency for International Development, the court hosted a delegation of 17 Egyptian judges and prosecutors. The agenda included a presentation and demonstration on the use of mediation.

In September, a trio of Japanese jurists, led by a justice of the Supreme Court of Japan called at the courthouse. Also that month, the court welcomed a large group of Japanese students.

The court closed out the year with a November visit by 15 judges and lawyers from Brazil, and a December visit by a Chinese delegation of 18 officials from the Guizhou Provincial Government. The group received staff presentations and observed oral argument. 🌈



Circuit Judge M. Margaret McKeown, top, speaks to a group of Eastern European officials. A delegation of Egyptian judges and state prosecutors, center, hear a presentation on mediation by Howard Herman, ADR director for the Northern District of California. Japanese students pose for a picture with Ninth Circuit Judge William A. Fletcher in the elaborately adorned Courtroom One.



The opening day of the 2016 Ninth Circuit Judicial Conference included an address by Jim Duff, director of the Administrative Office of the U.S. Courts, above. Ninth Chief Judge Sidney R. Thomas, top, and Montana Governor Steve Bullock also made remarks.

Ninth Circuit Judicial Conference Convenes in Montana

The 2016 Ninth Circuit Judicial Conference was held July 11-14, 2016, in Big Sky, Montana. The conference is authorized by law “for the purpose of considering the business of the courts and advising means of improving the administration of justice within the circuit.” 28 U.S.C. § 333.

The conference provides an exceptional educational program and facilitates circuit governance through more than 30 business meetings. Conferees include judges of the United States Court of Appeals for the Ninth Circuit and the U.S. district courts and U.S. bankruptcy courts of the circuit, along with lawyers practicing in these courts, court staff and special guests.

The opening session of the conference included welcoming remarks by Montana Governor Steve Bullock and a video message from U.S. Senator Jon Tester of Montana. The session also featured a conversation with U.S. Supreme Court Justice Anthony M. Kennedy; presentation of professional awards; and recognition of the student winners of the 2016 Ninth Circuit Civics Contest, an educational outreach effort involving all of the courts of the circuit.

“And Justice for All” was the theme of the year’s conference. General sessions focused on such topics as income inequality and its effects on courts and lawyers; ensuring fair and impartial policing in the post-Ferguson era; the legal history and unique relationships of the Native American tribes and





Solicitor Hilary Tompkins of the U.S. Department of the Interior, left, speaking during the "Tribes and Territories: Unique and Active Members of the American Political/Legal Family." Plaintiff's attorney John L. Burris, right, sat on a panel discussing fair and impartial policing.

territories in the U.S.; a look at the psychology and neuroscience of thinking and reasoning; and how mindfulness practices can improve legal analysis, judgment and decision-making.

"Income Inequality and the Challenges to Achieving Justice for All" offered insights into how increasing income inequality in the U.S. in recent decades has affected the justice system. Professors from three distinguished law schools provided an overview of the general economic trends behind income inequality, its impacts on the judicial system, and the role of judges in ensuring equal application of justice.

In "Tribes and Territories: Unique and Active Members of the American Political/Legal Family," two federal appellate judges, a government lawyer and a retired justice of the Navajo Nation provided an overview of the legal histories and unique relationships of the 567 federally-recognized tribes and five inhabited territories within the U.S. The panel also considered the potential impacts of seven tribal and territorial cases now before the U.S. Supreme Court.

The interaction between law enforcement and the communities they serve was the focus of "Ensuring Fair and Impartial Policing in the Post Ferguson Era: Where Do We Go From Here?" Panelists included a criminology researcher, a plaintiff's attorney, the city

attorney of San Francisco, and a divisional head of the U.S. Department of Justice. They discussed issues that often arise at the intersection of communities and law enforcement and reviewed efforts to increase communication and engage best practices going forward.

"Cognition and the Courtroom: Lessons to Learn from Our Powerful and Faulty Brains" featured two noted professors specializing in biosciences and the law, and a medical researcher who studies the relationship of neurology to behavior. They focused on limitations to the remarkable processing ability of the human brain and how judges and lawyers can benefit from the psychology and neuroscience of thinking and reasoning.

Other conference programs included a review of recent Supreme Court cases; a special session for attorneys on ethical and practical lawyering and one for judges on the practice of judging; an information technology program on balancing privacy and security; a presentation on recognizing and countering implicit bias in decision-making; and discussion of mediation techniques for judges, lawyers and mediators.

Presenters and panelists at the conference included a number of federal appellate, district, bankruptcy and magistrate judges from the Ninth Circuit and elsewhere; well-known practitioners; members of the academia; and leading scientists and researchers. 🌈

Circuit Conference Awards Recognize a Dean of the Immigration Bar and a Longtime Federal Defender

Among the highlights of the opening session of the Ninth Circuit Judicial Conference is the presentation of two prestigious awards to members of the bench and bar. In 2016, the honorees were a hard-working immigration attorney and longtime federal public defender.

American Inns of Court Professionalism Award

Robert B. Jobe, a well-known and highly respected immigration lawyer from San Francisco, was selected the 2016 recipient of the American Inns of Court's Ninth Circuit Professionalism Award.

Recognized for his outstanding appellate advocacy, Mr. Jobe was nominated for the honor by 23 judges of the United States Court of Appeals for the Ninth Circuit, where he appears regularly on behalf of people facing deportation or removal from this country. The nomination also received endorsements from government attorneys who have been his opposing counsel.

Considered one of the deans of the immigration bar, Mr. Jobe has argued numerous cases before the Ninth Circuit, which has the most immigration-related appeals of any federal appellate court. Many of his representations have been on a pro bono basis, including five of six arguments made in important cases heard by en banc courts.

Mr. Jobe has spent most of his career in private practice in San Francisco. He founded his own firm, the Law Offices of Robert B.



Noted immigration attorney Robert B. Jobe was the recipient of the 2016 American Inns of Court Ninth Circuit Professionalism Award.

Jobe, in 1990. He was previously a supervising attorney with La Raza Centro Legal, from 1988 to 1990, and an associate with the law firm of McCutchen, Doyle, Brown and Enersen (now Bingham McCutchen) from 1987 to 1988.

Mr. Jobe received his B.A. from the University of Michigan in 1982, after which he served as a legislative aide in the Michigan House of Representatives. He received his J.D. from the University of Michigan, School of Law, in 1988.

In addition to the Ninth Circuit, Mr. Jobe is admitted to practice at the U.S. Supreme Court; the federal courts of appeal for the District of Columbia and the Second, Fourth, Fifth, Seventh and Eighth circuits; and federal trial courts in California.

The American Inns of Court professionalism award is given annually in all of the federal circuits to “a lawyer or judge whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law.”

Chief Judge Emeritus Mary M. Schroeder of the Ninth Circuit Court of Appeals, a former board member of the American Inns of Court, presented the award.

Ninth Circuit John P. Frank Award

Anthony R. “Tony” Gallagher, the executive director of the Federal Defenders of Montana, was the recipient of the 2016 Ninth Circuit John P. Frank Award, which recognizes an outstanding lawyer practicing in the federal courts of the western United States.

Over the course of his 39-year career, Mr. Gallagher has been an active litigator, taking part in more than 400 trials and arguing before state and federal appellate courts. His clients have included Leroy Schweitzer, the leader of the Montana “Freemen” movement, and, during the early stages of the case, Unabomber Theodore Kaczynski. He has also served as an expert witness in trials and post-conviction proceedings.

Mr. Gallagher has served as the executive director of Federal Defenders of Montana since it was established in 1992 as a community defender organization. It is headquartered in Great Falls and has divisional offices in Billings, Helena and Missoula.

Except for a brief period of private practice in the late 1980s, Mr. Gallagher has spent his entire career in government service. Prior to coming to Montana, he worked in the Office of the Federal Public Defender for the District of Maryland from 1983 to 1992, serving as an assistant defender and a supervisory assistant. He began his legal career as an assistant attorney for Baltimore County, Maryland, where he worked from 1977 to 1983 and was promoted to chief of the office’s Investigations Division.

A Pennsylvania native, Mr. Gallagher received his B.A. from Duquesne University in 1971 and studied psychology at the University of Northern



Anthony R. "Tony" Gallagher, executive director of Federal Defenders of Montana speaks after receiving the 2016 John Frank Award. The award was presented by Peg Carew Toldeo, Esq.

Colorado in 1973. He received his J.D. in 1977 from the University of Baltimore, School of Law.

The John P. Frank Award recognizes a lawyer who has “demonstrated outstanding character and integrity; dedication to the rule of law; proficiency as a trial and appellate lawyer; success in promoting collegiality among members of the bench and bar; and a lifetime of service to the federal courts of the Ninth Circuit.”

The late Mr. Frank was a renowned attorney in Phoenix who, over the course of a 62-year career, argued more than 500 appeals before the Arizona Court of Appeals, the Arizona Supreme Court, the Ninth Circuit Court of Appeals, other federal circuit courts and the U.S. Supreme Court.

The award was established in 2003 by the Judicial Council of the Ninth Circuit at the recommendation of the Ninth Circuit Advisory Board, a group of experienced attorneys who advise on circuit governance issues. The award was presented by attorney Peg Carew Toledo, who chairs the Advisory Board. 🌈

Ninth Circuit Civics Contest Draws Widespread Interest from Students, Teachers

Young people from Arizona, California and the United States Territory of Guam were selected the winners of the 2016 Ninth Circuit Civics Contest, an essay and video competition open to high school students in the western states and U.S. territories in the Pacific.

“50 Years After the Miranda Decision: How Federal Courts Defined the Rights of the Accused” was the theme of the contest, which focused on the 50th anniversary of the U.S. Supreme Court decision in Miranda v. Arizona. Students were challenged to write an essay or produce a short video on the topic. Teams of up to three students were allowed for video production. All told, more than 700 students entered the contest, which offered cash prizes and a chance to meet some of the nation’s preeminent jurists and legal practitioners.

Daniela Mirell, a junior at Harvard-Westlake High School in Studio City, California, finished first in the essay contest, while Ivan Skvaril, a sophomore at St. John’s School in Tumon, Guam, finished first in the video competition. Both students traveled to Big Sky, Montana, to present their work during the opening session of the 2016 Ninth Circuit Judicial Conference.

Many of the 15 federal courts in the Ninth Circuit held local competitions with winners advancing to the circuit-level contest. In all, 36 essays and 25 videos were selected for final consideration by the Ninth Circuit Courts and Community Committee, which organized the contest.

“We are very pleased to have had so many students from so many different places in the circuit participate in the contest. All of the entrants are to be commended for their efforts,” said U.S.



Above: Essay winner Daniela Mirrel with Justice Anthony M. Kennedy and Judge Janis L. Sammartino, at left, and video winner Ivan Skvaril with Chief Judge Sidney R. Thomas. At left, Justice Kennedy chatting with Montana students who participated in the contest.

District Judge Janis L. Sammartino of San Diego, who chairs the Ninth Circuit Courts and Community Committee.

The 2016 Ninth Circuit Civics Contest was particularly significant for the United States District Court for the District of Arizona, where the Miranda case originated 50 years ago.

Prize money and travel costs for the winners to attend the circuit conference were funded through attorney admission fees collected by the federal courts to fund educational programs for the bar and community.

The Ninth Circuit Courts and Community Committee was established in 2000 by the Judicial Council of the Ninth Circuit, the governing body for federal courts in the West. The committee, whose members include judges, lawyers, court staff and others, seeks to promote public understanding of and confidence in the judicial system. 🌈

Ninth Circuit Judge Takes Part in Nuremberg Remembrance



*Circuit Judge M.
Margaret McKeown*

Circuit Judge M. Margaret McKeown of the United States Court of Appeals for the Ninth Circuit traveled to Nuremberg, Germany, to take part in the 10th annual International Humanitarian Law Dialogs, an assembly of current and former prosecutors of international criminal tribunals.

The event took place on October 1, 2016, the 70th anniversary of the judgments of the International Military Tribunal. The proceedings were held in the historic courtroom where the judgments were rendered and at the Nazi Documentation Center. The Nuremberg Trials laid the foundation for our modern day system of international justice.


Judge McKeown, who chairs the American Bar Association's Rule of Law Initiative, was asked to present the Nuremberg Declaration, a joint statement by the prosecutors participating in the program.

"It was very moving to be in the very same courtroom where those judgments took place," Judge McKeown said of the gathering. "Until the Nuremberg Trials, there was no field of international criminal law, no

Genocide Convention, no Geneva Conventions, and no international tribunals."


The International Military Tribunal, established by the Allies at the end of World War II, conducted trials of the most important political and military leaders of the Third Reich. Prosecutors from the U.S., Great Britain, France and the former Soviet Union presided over the proceedings, which began in November 20, 1945, and concluded on October 1, 1946. Justice Robert H. Jackson of the U.S. Supreme Court served as chief prosecutor. Twelve Nazi leaders were sentenced to death, seven received prison sentences and three were acquitted.

The Robert H. Jackson Center in Jamestown, New York, organizes the International Humanitarian Law Dialogs, which facilitate discussion of international humanitarian law by academics, human rights activists, and international law practitioners.

The ABA's Rule of Law Initiative is an international development program that promotes justice, economic opportunity and human dignity through the rule of law. The initiative, which celebrated its 25th anniversary last year, was established in 1990 after the fall of the Berlin Wall. Now active in more than 50 countries, the initiative seeks to strengthen legal institutions, support legal professionals, foster respect for human rights and advance public understanding of the law. 

Ninth Circuit Judges to Lead National Committees

Chief Justice John G. Roberts, Jr., named three judges from federal courts in the Ninth Circuit to lead committees of the Judicial Conference of the United States, the national governing body for federal courts. The appointees were:

- District Judge Susan R. Bolton of the U.S. District Court for the District of Arizona, who was named the chair of the Committee on Space and Facilities, which reviews, monitors and proposes policies related to the judiciary's space and facilities needs.
- Chief District Judge Ricardo S. Martinez of the U.S. District Court for the Western District of Washington, who was named the chair of the Committee on Criminal Law, which oversees the federal probation and pretrial services system and is involved in other aspects of the administration of criminal law. and
- District Judge David G. Campbell of the U.S. District Court for the District of Arizona, who was named chair of the Committee on Rules of Practice and Procedure, which studies the operation and effect of the general rules of practice and procedure. 

Los Angeles Judge Marks 50th Year on the Federal Bench

When it comes to continuous active service, United States District Judge Manuel L. “Manny” Real of Los Angeles has no equal in the modern history of the Judicial Branch. On November 3, 2016, Judge Real marked his 50th year on the federal bench, the longest tenure of any active district judge since the 1800s. Colleagues on the U.S. District Court for the Central District of California celebrated the milestone with a special sitting and reception at the Spring Street Federal Courthouse in downtown L.A.

Judge Real’s remarkable judicial career is bound closely to the history of the Central District, which was created in 1966 when Congress established two new judicial districts in California. Nominated by President Lyndon B. Johnson, Judge Real received his judicial commission on November 3, 1966, filling one of three new judgeships authorized to the new court.

Today, Judge Real is one of two surviving members of the Central District’s original bench. The other is Senior Judge Harry Pregerson of the U.S. Court of Appeals for the Ninth Circuit.

“I didn’t intend for it to be 50 years and I sure didn’t think it would be 50 years,” Judge Real wryly observed in an interview prior to the anniversary event. “But I think what I’ve done and how I did it were worthwhile.”

Over the past five decades, Judge Real has been responsible for literally tens of thousands of cases involving all matters of civil and criminal law. In addition to the work of his own court, Judge Real has assisted many other courts in the Ninth Circuit and beyond.



The Honorable Manuel L. “Manny” Real in chambers in Los Angeles.

Judge Real also was the Central District’s longest serving chief judge, leading his court from 1982 to 1993. One of the nation’s first Hispanic federal judges, he was active for many years in international rule-of-law programs, lecturing in Spanish in Argentina, Chile and Uruguay on comparative legal systems.

Born in 1924 in San Pedro, California, near Long Beach, Judge Real received his B.S. in 1944 from the University of Southern California and his LL.B. from Loyola Law School in 1951. During World War II, he served in the U.S. Naval Reserve. His legal career began in 1952 as an assistant U.S. attorney for the Southern District of California, which then included Los Angeles. He was in private practice from 1955 to 1964, when he was appointed the U.S. attorney for the Southern District.

“I think Chief Judge Emeritus Real is an inspiration to his colleagues not only for his length of service, but for his participation in all facets of court governance and for his many involvements in civic and community affairs,” said Chief District Judge Virginia A. Phillips of the Central District.

Judge Real said he never seriously considered retirement or assuming senior status, which would have allowed him to continue to serve the court in a semi-retired role while reducing his caseload.

“I always enjoyed the work I was doing. I didn’t think going senior would have helped or hindered me in any way,” he said. “So I just stayed at what I was doing.” 🌈

Pacific Island Judges Complete Legal Institute

The Pacific Islands Committee, in partnership with the University of Hawaii's William S. Richardson School of Law, offered the fifth and final session of the Pacific Island Legal Institute on July 25-29, 2016, in Hilo, Hawaii.

Seven judges were awarded certificates of completion. The institute was specifically designed to meet the needs of non-law trained judges and offered sessions on Evidence, Judicial Decision Making and Opinion Writing, Constitutional Law, Criminal Law and Criminal Litigation, and Criminal Procedure.

The Legal Institute was well received by the island judges. Associate Judge Ablos Tarry Paul of the Republic of the Marshall Islands, MI Judiciary, who attended the sessions found the experience "very valuable."

"I learned so many things I've never known before. This course improves my overall ability to do my job effectively and efficiently as a lay judge," Judge Paul added.

The Pacific Islands Committee assists the local judiciaries in six governmental entities. Guam

and American Samoa have existed as United States territories for more than a century. The Commonwealth of the Northern Mariana Islands, the republics of Palau and the Marshall Islands, and the Federated States of Micronesia were previously parts of the Trust Territory of the Pacific Islands established by the United Nations after World War II.

The U.S. administered the trust until 1986, when Palau, the Marshall Islands and Micronesia attained their independence through a Compact of Free Association. Rather than independence, the Northern Mariana Islands established a political union with the U.S. while remaining self-governing with locally-elected political leaders.

Legal systems in some of the islands are a mix of common law and customary law and sometimes use U.S. law as guidance. All of the islands have local court systems. The Northern Mariana Islands and the "organized" territory of Guam also have federal courts, while the "unorganized" territory of American Samoa has a high court whose chief justice and associate chief justice are appointed by the secretary of the U.S. Department of the Interior. 🌈



Pictured from left are Associate Judges Muasau Tofili and Fa'amansili Pomele, High Court of American Samoa; Professor Kenneth Lawson, William S. Richardson Law School; Presiding Judge Milton Zackios, Republic of Marshall Islands District Court; Senior District Judge Consuelo B. Marshall, U.S. District Court for the Central District of California; Associate Justice Jesse Torwan, Yap State Supreme Court; Associate Judge Ablos Tarry Paul, Republic of Marshall Islands District Court; Associate Judge Salvador Ingereklii, Palau Land Court; Minara Mordecai, director of special projects, William S. Richardson Law School; and Associate Justice Nickontro Johnny, Pohnpei State Supreme Court.

Administrative Changes in the Ninth Circuit



John M. Bodden was appointed the chief probation officer for the District of Oregon on February 29, 2016. He worked previously in the Eastern District of Missouri, where he served as the assistant deputy chief from 2012 to 2016, as a supervisory officer from 2007 to 2012, as a senior probation officer

from 2005 to 2007, and as a probation officer from 2002 to 2005. Mr. Bodden began his career as a federal probation officer in 1997 in the District of Kansas then transferred to the District of Colorado in 2000. He received M.A. degrees in counseling and theology from Denver Seminary in 1993, and a B.A. in Bible and theology in 1990 from Moody Bible Institute in Chicago. Mr. Bodden was a probation officer in Colorado 18th Judicial District before joining the federal system.



Charles F. Flanagan was appointed the chief probation officer for the District of Arizona on September 19, 2016. He previously served in Arizona State government agencies for over 30 years, 23 of those in senior administration, including as director of two state agencies. His career includes 29 years in corrections

and juvenile justice with statewide responsibility and oversight, as well as with significant community involvement. He earned a B.A. in English language and literature from the University of Amsterdam, the Netherlands, in 1985, and became a certified public manager through Arizona State University in 1993. He anticipates earning a master's in educational leadership from Northern Arizona University at the end of the spring semester, 2017, and has worked with at-risk populations and the law-enforcement community with two colleges.



Rhonda M. Langford was appointed the chief probation officer for the District of Alaska on October 31, 2016. Prior to her current position, Ms. Langford served as the deputy probation chief in the Western District of Washington for five years. From 2006 through 2011, she worked at the Federal Probation

and Pretrial Academy in Charleston, South Carolina, where she held various positions. Earlier in her career, she worked as the probation administrator at the Administrative Office of the U.S. Courts; a probation officer administrator for the District of South Carolina; and as a probation officer detailed to the Federal Law Enforcement Training Center. Ms. Langford began her career as a probation officer in the Northern District of Indiana in 2000. Prior to her federal career, she was a probation officer and a pretrial supervisor on the local level for six years. Ms. Langford received her B.A. in sociology from Morris College and her M.A. in liberal studies from the University of Toledo.



Jonathan K. Skeddeski was appointed the chief probation officer for the District of Hawaii on December 16, 2016. He has served the judiciary for over 15 years in the District of Hawaii, where he worked as deputy chief probation officer from 2004 to 2016 and as probation officer from 2001 to 2011. He was

previously employed by the Administrative Office of the U.S. Courts, where he served as probation administrator from 2011 to 2014. Mr. Skeddeski worked as a police officer with the Honolulu Police Department from 1997 to 2001. He received his M.B.A. from the University of Hawaii in 2000. Mr. Skeddeski is currently the chairman of the National Information Standards Academy working group and continues to promote data quality throughout the probation and pretrial services system. Additionally, he was instrumental in developing the National Information Standards Academy that has trained over 1,200 probation and pretrial services staff.



Brian Stretch was appointed the United States attorney for the Northern District of California on March 30, 2016. Prior to his appointment, he had served in the Office of the U.S. Attorney for the Northern District of California since 1999. He had served as the acting U.S. attorney for the district since 2015; as

the first assistant U.S. attorney, from 2010 to 2015; and as chief of the Criminal Division, from 2007 to 2010. He has worked in the Oakland Branch Office, the Organized Crime Strike Force, the Anti-terrorism Unit, and the Securities Fraud Unit. In 2003 and 2004, Mr. Stretch was chief of the Major Crimes Unit in the San Francisco Office and served as chief of the Oakland Branch Office in 2005. In 2006, he returned to the San Francisco Office and served as the senior litigation counsel in the Criminal Division until 2007. Prior to joining the Office of the U.S. Attorney, Mr. Stretch was a deputy district attorney in the Marin County (California) District Attorney's Office from 1994 to 1999. From 1992 to 1993, he served as a judicial clerk in the San Francisco Superior Court. He is a graduate of Dartmouth College and the Georgetown University Law Center.



Phillip A. Talbert was appointed the United States attorney for the Eastern District of California in November 2016 after serving as acting U.S. attorney since May 2016. Mr. Talbert joined the U.S. attorney's office in 2002. He began work in the Narcotics and Violent Crime Unit, then served as the chief of appeals and training,

and then as first assistant U.S. attorney from 2011 through April 2016. Prior to coming to the Eastern District of California, he worked as a trial attorney in the Criminal Division of the U.S. Department of Justice in Washington, D.C. Earlier in his career, he was an associate at the law firm of Stoel Rives LLP in Seattle; and as an assistant counsel and associate counsel at the Office of Professional Responsibility of the DOJ. Mr. Talbert received his B.A. in economics, magna cum laude, from Harvard University; his master's degree in economics from the University of Sydney, Australia, which he attended on a Rotary Foundation Scholarship; and his J.D. from the UCLA School of Law, where he was the chief articles editor for the UCLA Law Review. He served as a law clerk to Circuit Judge David R. Thompson of the U.S. Court of Appeals for the Ninth Circuit.



Kim R. Walmsley was appointed the chief pretrial/chief probation officer for the Districts of Guam and the Northern Mariana Islands on May 16, 2016. Ms. Walmsley is no stranger to the islands. After graduating from the University of California, Hastings College of the Law, in 1996, Ms. Walmsley moved to Guam. She served

as Chief Judge Frances Marie Tydingco-Gatewood's career law clerk until December 2012, when she relocated to land down under where she lived in Perth, Australia, where she served as a transit officer with the Public Transport Authority.



Billy J. Williams was appointed the United States attorney for the District of Oregon in February 15, 2016. Since joining the U.S. Attorney's Office in 2000, he has served as interim U.S. attorney, first assistant U.S. attorney, chief of the Criminal Division, chief of the Violent Crimes Unit, and the assistant U.S. attorney and tribal liaison

for the Indian Country. He serves on the following of the Attorney General's Advisory Committee Subcommittees: Native American Issues; Law Enforcement Coordinating Council/ Victim/Community Issues; and Border and Immigration Law Enforcement Issues. He also serves on the AGAC Working Groups: Environmental Issues; Local Government Coordination; Child Exploitation and Obscenity; Civil Litigation Policy; Security; and Marijuana Enforcement. Prior to his federal service, Mr. Williams served as a senior deputy district attorney in Multnomah County, Oregon, where he supervised the Career Criminal Unit. Mr. Williams received his law degree from Willamette University College of Law in 1989.

2015 Administrative Changes:

Lesley Allen was appointed the clerk of court for the United States District Court for the District of Alaska on July 1, 2015. She leads court staff in five offices in Anchorage, Fairbanks, Juneau, Ketchikan and Nome.

Janet J. Stafford was appointed the bankruptcy court clerk for the United States Bankruptcy Court for the District of Alaska on May 31, 2016. She oversees court staff in three offices in Anchorage, Fairbanks and Juneau. 🌈



SPACE AND
SECURITY

Central District of California Celebrates Opening of 'The Cube'

The opening of a new federal courthouse in Los Angeles marked the fulfillment of a decades-long quest for a new home for the United States District Court for the Central District of California. Judges and staff of the Ninth Circuit's biggest and busiest trial court began moving into the new building in late summer and a ribbon-cutting ceremony was held October 13, 2016.

"The courthouse is the result of decades of tireless work by many of our judges and court staff," said Chief Judge Virginia A. Phillips of the Central District in remarks prior to the ceremony. She added that the court was especially indebted to District Judges Margaret M. Morrow, now retired, and the late w. Matthew Byrne "for their vision, dedication and leadership."

Other speakers at the event included U.S. Representatives Xavier Becerra and Lucille Roybal-Allard, and Los Angeles Mayor Eric Garcetti.

The new First Street Courthouse is located at 350 W. 1st Street, in the Civic Center District of downtown Los Angeles. The 10-story, 633,000-square-foot building features 24 courtrooms and 32 judicial chambers. In addition to the district court, tenants will include offices for Probation and Pretrial Services, the Federal Public Defender, the U.S. Attorney, the U.S. Marshals Service and the General Services Administration.

Dubbed "the cube," the \$350-million building was designed by Skidmore, Owings & Merrill LLP (SOM) and constructed by Clark Construction Group-California LP. It replaces the venerable Spring Street Courthouse, which opened in 1940 and has been on the National Register of Historic Places since 2006.



From left, Dan Brown, GSA regional commissioner; Marc Kersey, senior vice president of Clark Construction Group-California; City Councilmember José Huizar; U.S. Rep. Lucille Roybal-Allard; Chief District Judge Virginia A. Phillips; Commissioner Norman Dong of the GSA, U.S. Rep. Xavier Becerra; retired District Judge Margaret Morrow; and Nicolas Rodriguez, field director for the Office of U.S. Senator Barbara Boxer.



Courtrooms in the new First Street Courthouse feature natural lighting from the central light-well.

The First Street Courthouse has a serrated glass façade with a north to south orientation that maximizes natural lighting and views and helps cool the building, reducing energy consumption. A central courtyard is also naturally lighted and provides circulation to the building's interior spaces.

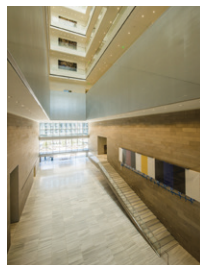
Due to its location, seismic design was a key consideration when it came to the structural engineering of the building. The building has a roof-mounted solar panel array that is expected to annually generate enough energy to power a neighborhood of 54 homes for a year. Other advanced technology includes a 105,000 gallon cistern, water-efficient fixtures, and advanced irrigation systems.

While the new courthouse will accommodate nearly all of the court's district judges, magistrate judges and a few district judges will continue to be housed in the Edward R. Roybal Federal Building and U.S. Courthouse. 🌈



'AN INSPIRING AND SECURE
SETTING FOR ... ALL WHO
COME BEFORE US.'

- CHIEF DISTRICT JUDGE
VIRGINIA A. PHILLIPS



The building's serrated glass-and-steel façade was designed to maximize daylight penetration and views, while reducing the amount of energy needed to cool the building. The interior design further allows for natural lighting to pass unimpeded from floor to floor.

Photos by Barnet Photography, courtesy of the U.S.
District Court for the Central District of California

Ninth Circuit Space and Facilities Projects



U.S. District Courthouse Saipan, District of the Northern Mariana Islands

This project entails construction and lease of a new building to house the district court and offices for Probation Services, U.S. Attorney and U.S. Marshals Service.

Completion Date: 2019

Edward R. Roybal Federal Building and U.S. Courthouse Los Angeles, Central District of California

The project enables the district court, bankruptcy court and pretrial services to vacate the courthouse at North Spring Street.

Completion Date: 2018

Edward J. Schwartz U.S. Courthouse San Diego, Southern District of California

The project includes a renovation of the ground floor to house the U.S. Probation Office and grand jury functions on this floor. The project also includes a new childcare center in the Federal Office Building and security upgrades.

Completion Date: 2020



Out of Reach for Decades, Courtroom Mosaics Finally Get a Closer Look

The James R. Browning United States Courthouse in San Francisco is considered to be one of the nation's most beautiful public buildings. The courthouse was listed in the National Register of Historic Places in 1971.

Opened in 1905 as the U.S. Post Office and Courthouse, the four-story, granite-clad structure is a Beaux Arts Classical design that blends Greek and Roman architectures along with Renaissance ideas. The building's elegant interiors were exceptionally lavish even at the time of its construction, leading *Sunset Magazine* in 1905 to describe it as "the Post Office that's a palace."

Among the many beautiful features of the Browning Courthouse interior are the "lunette" mosaics to be found in two of its third-floor courtrooms. These half-moon shaped creations depict different symbolic scenes that celebrate societal ideals, such as the pursuit of knowledge and the sanctity of the law.

Three of the lunettes are found in the elaborately embellished Courtroom One, often used for ceremonial functions. The other three serve as decoration in the slightly less ornate Courtroom Three.



*Regional Historic
Preservation Officer
Jane Lehman
inspecting mosaics in
Courtrooms 1 and 3.*





"Sciences, Literature, Arts"



"Philippines, Puerto Rico, Columbia, Hawaii"



"Agriculture, California, Mining"



Each mosaic comprises thousands of pieces of colored glass painstakingly cut and placed with incredible care by master artisans.

The lunettes line the top of a side wall in each courtroom. Due to their elevation – starting 15 feet above the floor – the lunettes are normally viewed from below and have never been photographed straight on.

Using a “scissors lift” and a high resolution digital camera, Rollins Emerson, archivist for the court of appeals, and Alex Clausen, audio/visual specialist for the Office of the Circuit Executive, finally conducted a proper photo shoot in 2016.

Assumed to have been made of ceramic pieces, it was determined that the mosaics are actually assembled out of colored glass. The detail and artistry are stunning. Fingernails and toenails are separate pieces of glass, and even eyelashes in profile are skinny pieces of glass.

Officials from the U.S. General Services Administration asked to examine the condition of the mosaics while closeup access was available. In her official report, Regional Historic Preservation Officer Jane Lehman reported upgraded the condition of the lunettes from “very good” to “excellent.”

Each lunette is 12 feet wide by 5 feet deep at its peak. They are among the most distinctive attributes of each courtroom. Each lunette includes a separate caption made of brass, which unfortunately cannot be seen from the courtroom floor because of protruding moldings.

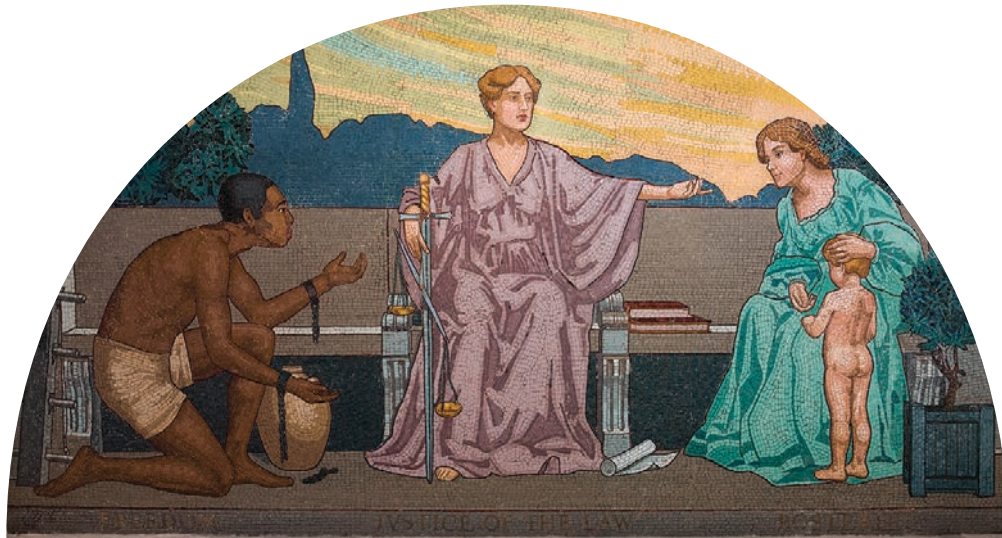
In Courtroom One, the lunette closest to the bench is captioned “Sciences, Literature, Arts.” The middle

lunette is captioned “Philippines, Puerto Rico, Columbia, Hawaii.” The lunette closest to the public door is captioned “Agriculture, California, Mining.” There is a shared waterfront background linking these three lunettes, with a purplish stone wall in front and what may be San Francisco Bay in the background.

The three lunettes in Courtroom Three share a grey wall with seats, which set off the figures in each mosaic from an idyllic wooded background (perhaps the East Bay hills) and a spectacular sunset. The lunette closest to the public door is captioned “Freedom, Justice of the Law, Posterity” with the Lady Justice figure holding the scales and the sword of justice. The middle lunette is simply captioned “Majesty of the Law” and shows Lady Justice on a throne.

The lunette closest to the bench is captioned “Industry, Wisdom of the Law, Instruction” and includes an image of the tablet containing the Ten Commandments. A tablet image was found in many government buildings at that time. In 2005, the Ninth Circuit was sued over this lunette; the plaintiff alleged a violation of the Establishment Clause, but later voluntarily dismissed his lawsuit.

Each lunette includes the signature of Earl Stetson Crawford (1877-1966), an American portrait and landscape artist who trained in Europe. Not much is known of his connection to this courthouse or if he ever visited it during its construction. It is possible that craftsmen trained in Italy did much of the work to put his design into place. In either case, the lunettes still dazzle visitors 111 years later. 🌈



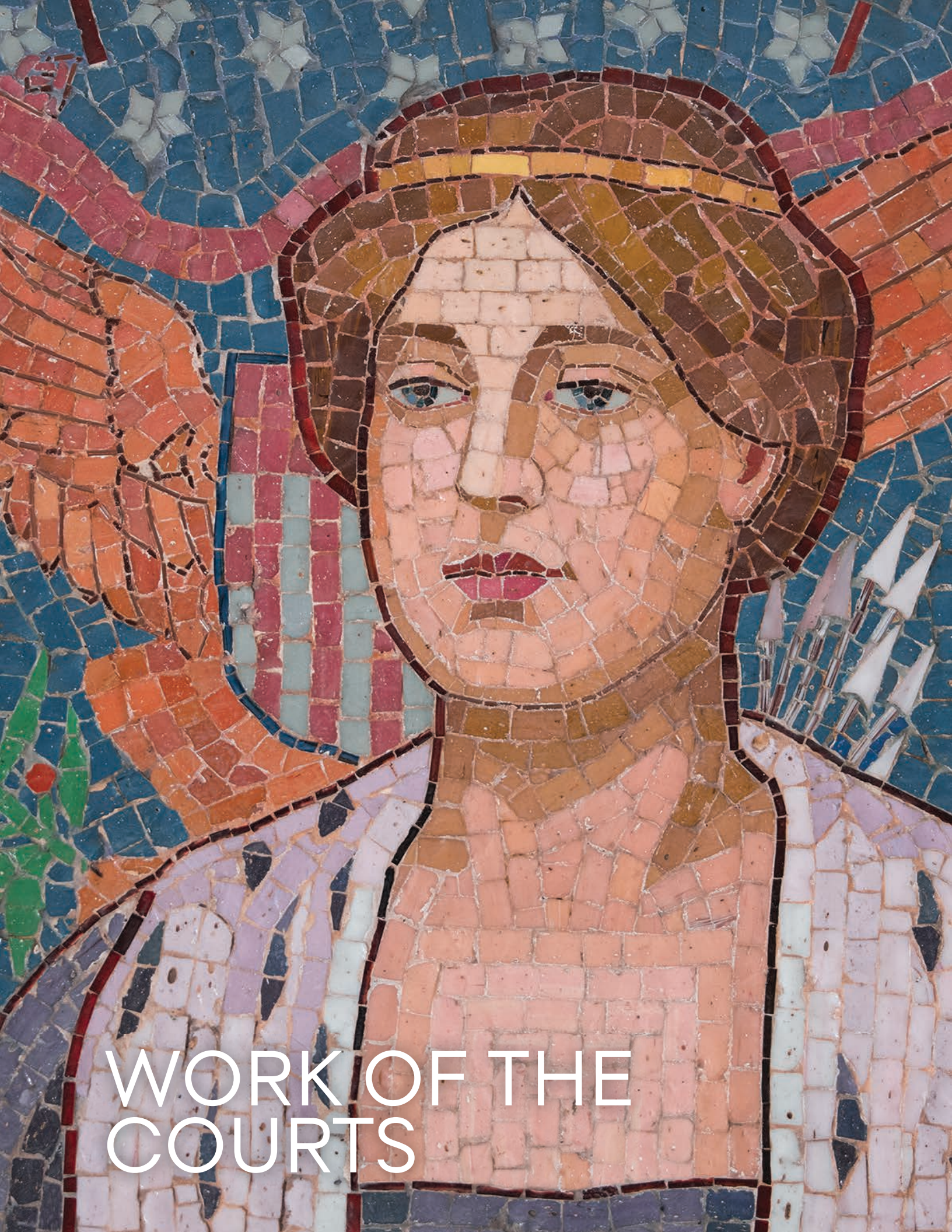
"Freedom, Justice of the Law, Posterity"



"Majesty of the Law"



"Industry, Wisdom of the Law, Instruction"



WORK OF THE
COURTS

Court of Appeals Reports Slight Decrease in New Appeals

A dip in new filings helped to reduce the pending caseload in United States Court of Appeals for the Ninth Circuit, while a concerted effort to close long-running cases led to an increase in median processing times. The court continues to be the nation's busiest appellate venue.

New appeals filed with the Ninth Circuit numbered 11,473 in fiscal year 2016, down 3.3 percent from the prior fiscal year. The Ninth Circuit had 19 percent of all new appeals nationally, the most of any circuit. Appellate filings nationwide numbered 60,357, up 14.5 percent overall. All of the other circuits posted increases in new cases.

The Ninth Circuit disposed of 11,798 cases in FY 2016, down 2.1 percent. The court's pending caseload was reduced by 2.4 percent to 13,334 cases from 13,659.

Breakdown of New Appeals

Of the new filings, about half of all new appeals involved immigration and other agency matters, while 48.5 percent were pro se cases (those involving at least one self-represented litigant).

District courts, which serve as trial courts in the federal judicial system, accounted for 58.5 percent of new filings in FY 2016. District courts generated 6,707 new appeals, down 9.4 percent from the prior year. Of the total, 5,291 were civil appeals and 1,416 were criminal appeals. Prisoner petitions involving habeas corpus, capital habeas corpus, civil rights, prison conditions and other matters accounted for 48.2 percent of all new civil appeals from the district courts.

Among the 15 district courts of the circuit, the four California courts produced 62 percent of the new civil appeals and 49.8 percent of new criminal appeals. The Central District of California, the busiest court in the circuit, generated 1,874 new appeals, down 2.6 percent from the prior year.

Of 1,439 new criminal appeals, 31.1 percent were related to drug offenses and 20.4 percent immigration offenses. The court reported 447 appeals involving drug offenses and 293 for immigration offenses. The court received 213 appeals involving property offenses, of which 172

were related to fraud. The court received 150 appeals for offenses involving firearms and explosives, of which 52 were alleged to have been committed in the course of violent drug trafficking. Also reported were 100 appeals involving sex offenses and 78 for violent offenses.

Appellate Caseload Profile, 2015-2016

Caseload Measure	2015	2016	Change 2015-2016
Filings	11,870	11,473	-3.3%
Terminations	12,048	11,798	-2.1%
¹ Pending Cases	13,659	13,334	-2.4%

¹2016 pending cases revised

Appeals of decisions by the Board of Immigration Appeals, or BIA, and other executive branch agencies continue to make up a substantial portion of the court's caseload. Appeals of agency decisions declined by 10.5 percent in FY 2016. Of 3,236 appeals of agency decisions received, 3,063 involved the BIA. The BIA cases constituted almost 26.7 percent of the court's total new filings. The Ninth Circuit had 58.7 percent of the total BIA appeals filed nationally in FY 2016.

Original proceedings commenced in FY 2016 climbed appreciably to 1,290 from 856 in FY 2015, up 50.7 percent. The bulk of original proceedings cases involved second or successive habeas corpus petitions and mandamus appeals.

Terminations and Pending Cases

The court terminated 11,798 cases in FY 2016, down 2.1 percent from the prior year. Of the total, 7,056 cases, or 61.5 percent, were decided on the merits, while 4,742 were terminated on procedural grounds. Of the merits decisions, 1,556 came after oral argument, up 3.3 percent, and 5,153 after submission on the briefs. In addition, 347 cases were terminated through consolidation. Excluding consolidated cases, total merit terminations included 1,877 prisoner cases, 936 criminal cases and 1,536 administrative agency appeals. For the year, judicial panels produced 516 published opinions and 6,193 unpublished opinions and memorandum dispositions.

Among cases terminated on the merits in FY 2016, 4,239 were affirmed or enforced, 783 reversed, 83 remanded, and 310 dismissed. The court's overall reversal rate was 10.4 percent, compared to a national average of 8.2 percent. By category, 14.7 percent of criminal cases and 18.3 percent of civil cases were reversed or remanded.

The court's pending cases numbered 13,334, down 2.4 percent from the prior year. Among the pending cases, 36.3 percent involved administrative appeals; 30 percent civil matters; 14 percent prisoner petitions; and 11.9 percent criminal matters. Of the pending caseload, 36.4 percent had been pending less than 6 months, 20.4 percent pending 6 to 12 months, and 44.2 percent pending for more than 12 months.

Ninth Circuit Court of Appeals En Banc Ballots, 2012-2016

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
2016	810	33	19	14
2015	796	30	16	14
2014	785	37	17	20
2013	832	32	17	15
2012	913	33	19	14

Median Time Intervals

Median time intervals measure how long it takes for cases decided on the merits to proceed through the appellate process. In the Ninth Circuit in FY 2016, the median time interval from filing of a notice of appeal to final disposition was 15.2 months, up from 14.1 months in the prior fiscal year. The increase is largely attributable to court efforts to clear older cases that have languished as a result of delays and time extensions sought by the parties. The court had reduced its median time interval significantly between 2010-2014.

The clearance of old cases also affected the median time interval from the filing of a case in a lower court to final appellate disposition, which rose to 37.8 months from 34.7 months in FY2016.

Once an appeal was fully briefed, Ninth Circuit judges decide all types of cases fairly quickly. In FY 2016, the median time interval for panel decisions was 1.1 months for a case in which oral argument was held and about 6 days for cases submitted on briefs.

Filings, Terminations and Pending Cases by Appeal Type, 2015-2016

Type of Appeal	2015 Filings	2016 Filings	Change 2015-16	% of Circuit Total	2015 Terminations	2016 Terminations	Change 2015-16	2015 Pending	2016 Pending	Change 2015-16
Civil										
U.S. Prisoner Petitions	411	405	-1.5%	3.5%	466	389	-16.5%	247	264	6.9%
Private Prisoner Petitions	2,287	2,150	-6.0%	18.7%	2,273	2,266	-0.3%	1,732	1,608	-7.2%
Other U.S. Civil	705	542	-23.1%	4.7%	620	632	1.9%	980	888	-9.4%
Other Private Civil	2,198	2,194	-0.2%	19.1%	2,116	2,152	1.7%	3,084	3,112	0.9%
Criminal	1,549	1,416	-8.6%	12.3%	1,641	1,439	-12.3%	1,628	1,592	-2.2%
Other										
Bankruptcy	249	240	-3.6%	2.1%	221	220	-0.5%	344	363	5.5%
Administrative Agency Appeals	3,615	3,236	-10.5%	28.2%	3,786	3,825	1.0%	5,440	4,844	-11.0%
Original Proceedings and Miscellaneous Applications	856	1290	50.7%	11.2%	925	875	-5.4%	253	663	162.1%
Circuit Total	11,870	11,473	-3.3%	-	12,048	11,798	-2.1%	13,708	13,334	-2.7%
National Appellate Total	52,698	60,357	14.5%	-	53,213	57,744	8.5%	40,808	43,275	6.0%
Ninth Circuit as % of National Total	22.5%	19.0%	3.5%	-	22.6%	20.4%	2.2%	33.6%	30.8%	-2.8%

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in March 2014, data includes miscellaneous cases not included previously.

Median Time Intervals in Months for Cases Terminated on the Merits, 2015-2016

By Stage of Appeal	Ninth Circuit		National	
	2015	2016	2015	2016
¹ From Filing of Notice of Appeal or Docket Date to Filing of Appellee's Last Brief	8.9	9.2	5.8	5.8
From Filing of Appellee's Last Brief to Oral Argument or Submission on Brief	14.5	14.7	3.7	3.9
From Oral Argument to Last Opinion or Final Order	1.3	1.1	2.1	2.0
From Submission on Brief to Last Opinion or Final Order	0.3	0.2	0.4	0.3
¹ From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order	14.1	15.2	8.5	7.4
From Filing in Lower Court to Last Opinion or Final Order in Appeals Court	34.7	37.8	27.8	30.1

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Beginning in March 2014, the data includes miscellaneous applications not included previously. Cases terminated include appeals, original proceedings, and miscellaneous applications.

¹Docket date is used when computing the median time intervals for original proceedings, miscellaneous applications, and appeals from administrative agencies.

Sources of Appeals, Original Proceedings, and Miscellaneous Applications Commenced, 2016

District	Appeals	% of Total
AK	66	0.6%
AZ	718	6.3%
C. Calif.	1,874	16.3%
E. Calif.	795	6.9%
N. Calif.	784	6.8%
S. Calif.	534	4.7%
GU	14	0.2%
HI	115	1.0%
ID	133	1.2%
MT	210	1.8%
NV	526	4.6%
NMI	11	0.1%
OR	388	3.4%
E. Wash.	140	1.2%
W. Wash.	399	3.5%
Bankruptcy	240	2.1%
Administrative Agencies, Total	3,236	28.2%
IRS	59	0.5%
NLRB	56	0.5%
BIA	3,063	26.7%
Other Administrative Agencies	58	0.5%
Original Proceedings & Miscellaneous Applications	1,290	4.5%
Circuit Total	11,473	

Pro Se Filings and Terminations

Pro se appeals involve at least one party who is not represented by counsel. In FY 2016, new appeals by pro se litigants numbered 5,560. Pro se litigants accounted for 48.5 percent of all appeals opened during the year. Federal and state prisoners, 2,192, and agency appeals, 1,205, made up 61.5 percent of the new pro se cases.

The court terminated 5,320 pro se appeals in FY 2016, down 9.4 percent from the prior year. Of that number, 2,958 were terminated on the merits after oral argument, submission on the briefs, or by consolidation. Prisoner petitions and agency appeals made up the bulk of the terminations.

En Banc Cases

En banc courts, which consist of 11 judges rather than three, are convened quarterly to resolve intra-circuit conflicts or other legal questions of exceptional importance. In FY 2016, 11 en banc courts were convened. During the fiscal year, the court received 810 petitions seeking en banc review. Active judges of the court voted on 33 en banc requests, granting en banc review in 19 cases. The court issued 20 en banc decisions in FY 2016, the most by any circuit court.

Death Penalty Cases

The court ended calendar year 2016 with 103 pending death penalty cases from four states: California, 42 cases; Arizona, 38; Nevada 20; and Idaho, 3. Within the circuit, another 670 death penalty cases are pending in federal trial courts and state supreme courts. Since 1976, there have been 75 executions by states within the circuit.

Contributions by Active, Senior and Visiting Judges

The court ended FY 2016 with 25 active circuit judges 19 senior circuit judges. Active circuit judges issued 62.6 percent of all written opinions. Senior judges issued 30 percent of the opinions, while visiting judges sitting by designation authored the remaining 7.4 percent of opinions. Over the course of the fiscal year, approximately 100 judges sat on the court by designation, including active and senior district judges from the Ninth Circuit and circuit judges and district judges from other circuits.

Civil Litigation Drives Caseload Increase in District Courts

United States district courts serve as the trial courts in the federal judicial system and have jurisdiction to consider civil and criminal matters and other types of cases. A district court operates in each of the 94 judicial districts in the nation.

Ninth Circuit district courts experienced an overall increase in caseload during fiscal year 2016. Total new case filings numbered 61,027, up 7.6 percent from FY 2015. The circuit accounted for 17.7 percent of all filings nationwide which totaled 350,915.

Criminal Caseload and Defendants

Beginning in FY 2012, data on criminal cases commenced by offense and district are no longer published by the Administrative Office of the U.S. Courts. Data on criminal defendants commenced by offense continues to be used because it takes into account that a single case may have multiple defendants.

Criminal cases brought by the federal government declined in FY 2016. District courts in the Ninth Circuit reported 12,504 criminal filings, down 5.2 percent from FY 2015. Criminal cases terminated during the year numbered 12,222, down 9.4 percent, while the courts combined pending criminal caseload totaled 12,545 cases, up 2.4 percent.

Six out of 15 districts reported more criminal cases in fiscal year 2016. The Ninth Circuit as a whole accounted for 21.2 percent of the criminal caseload nationally, which numbered 59,064, down 3.5 percent from the prior fiscal year.

In the Ninth Circuit, the total number of defendants involved in criminal cases was down 5.6 percent to 15,815 cases in FY 2016. A majority of the defendants, 13,250, were charged with felony offenses. Defendants charged with drug offenses numbered 5,987 and accounted for 38 percent of total criminal defendants in the circuit. Of the total drug offenses, 2,593 involved marijuana and 3,394 involved all other drug offenses.

Criminal defendants charged with immigration offenses were down 8.5 percent to 4,650 cases in FY 2016. Immigration offenses constituted 29.4 percent of all criminal defendants in the circuit. Of the total, 3,532 defendants were charged with improper reentry into the United States.

The District of Arizona, which is located on the U.S.-Mexico border, ranked first in the nation in number of defendants charged with drug offenses which totaled 2,862, down 5.9 percent from the prior fiscal year. The district accounted for 47.8 percent of all defendants charged with drug offenses in the circuit. Defendants charged with immigration offenses in the district numbered 2,594, down 1.5 percent, and accounted for 55.8 percent of the circuit total.

The Southern District of California, also located on the U.S.-Mexico border, ranked second in the circuit for the largest numbers of defendants charged with immigration and drug offenses. The district reported 1,517 defendants charged with immigration offenses, down 15.2 percent, and 1,285 defendants charged with drug offenses, down 8.6 percent. The Southern District of California had 21.4 percent of all defendants with drug offenses in the circuit.

District courts reported 1,850 defendants charged with property offenses. Under this category, defendants charged with fraud were most numerous, totaling 1,243, followed by burglary, larceny or theft, 432; embezzlement, 67; forgery and counterfeiting, 57; and 51 for other property offenses.

Defendants charged with firearms and explosive offenses numbered 1,031, while violent offenses, including homicide, robbery, assault, and other violent offenses numbered 616.

District courts pending caseloads were up 2.4 percent to 12,545 cases, with six out of the 15 districts reporting fewer pending criminal cases in fiscal year 2016.

Civil Caseload

Civil filings in the district courts were up 11.5 percent to 48,523 civil filings compared to the prior fiscal year. Civil matters accounted for 79.5 percent of total caseloads in the district courts. Civil filings nationally numbered 291,851, up 4.6 percent in FY 2016.

Private civil cases, which numbered 39,330, accounted for 81.1 percent of all new civil filings in the circuit. Prisoner petitions were most numerous under this category, totaling 8,423, or 21.4 percent of all private civil cases in the circuit.

Civil rights cases numbered 7,810 cases or 19.8 percent of all private civil cases in the circuit. Private civil cases also included contract dispute, 4,067 or 10.3 percent; personal injury suits, 3,191 or 8.1 percent; intellectual property suits, 3,013 or 7.7 percent; real property suits, 2,613 or 6.6 percent; and labor suits, 2,378 or 6 percent.

The U.S. government was a party in 9,193 civil cases, accounting for 19 percent of the total U.S. civil cases in the Ninth Circuit. The government acted as a plaintiff in 1,007 cases and as a defendant in 8,186 cases. Among matters involving the government, social security cases were most numerous, 3,683 or 40.1 percent of the total U.S. civil cases. Prisoner petitions followed with 2,996

cases or 32.6 percent, and were up 155 percent in FY 2016. Other categories were tort actions, 439 cases or 4.7 percent; contracts, 371 cases or 4 percent; civil rights, 256 cases or 2.7 percent; and forfeitures and penalties, 232 cases or 2.5 percent.

Fourteen out of 15 districts reported increased civil filings in fiscal year 2016. Filings in the Northern District of California were up 26.5 percent to 7,304 cases; the District of Arizona, up 43.2 percent to 5,307 cases; the Eastern District of California, up 2.1 percent to 4,835 cases; the District of Nevada, up 15.9 percent to 3,637 cases; the Southern District of California, up 11.7 percent to 3,548 cases; the Western District of Washington, up 1.9 percent

U.S. District Courts - Criminal Defendants Commenced by Offense and District, 2015-2016

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	GU	HI	ID	MT	NMI	NV	OR	E. Wash.	W. Wash.	Total 2015	Total 2016
Violent Offenses																	
Homicide	0	30	4	1	0	0	0	1	2	13	0	3	3	1	1	52	59
Robbery	7	8	9	4	9	11	0	4	0	0	0	10	15	2	4	94	83
Assault	3	164	12	6	10	23	0	2	9	26	0	9	11	12	48	307	335
Other	2	39	20	6	3	7	3	1	1	9	1	13	32	1	1	115	139
Property Offenses																	
Burglary, Larceny & Theft	9	34	145	14	38	25	3	7	6	6	0	18	21	8	98	402	432
Embezzlement	5	3	15	2	3	0	0	2	4	20	0	1	1	4	7	74	67
Fraud	21	243	306	84	67	241	17	19	43	20	10	48	43	50	31	1,530	1,243
Forgery & Counterfeiting	0	4	18	3	3	4	0	4	3	6	0	5	3	2	2	90	57
Other	1	3	7	21	4	0	0	1	1	0	0	0	1	1	11	58	51
Drug Offenses																	
Marijuana	8	2,308	59	21	30	86	0	2	15	11	0	0	7	12	34	2,810	2,593
All Other Drugs	82	554	257	211	160	1,199	17	70	142	148	3	114	189	118	130	3,546	3,394
Firearms and Explosives Offenses	46	162	134	78	85	39	1	7	38	83	2	120	92	59	85	891	1,031
Sex Offenses	27	124	37	17	22	50	0	9	21	32	1	34	51	44	41	566	510
Justice System Offenses	7	66	11	10	19	37	0	6	1	3	1	6	12	6	16	193	201
Immigration Offenses																	
Improper Reentry by Alien	0	2,227	86	27	41	794	1	0	52	1	0	77	111	71	44	3,891	3,532
Other	0	367	6	0	1	723	3	4	3	0	3	1	1	1	5	1,191	1,118
General Offenses	6	22	51	16	15	96	1	2	5	13	1	16	16	3	58	354	321
Regulatory Offenses	18	81	67	8	23	43	3	15	5	7	2	2	16	2	18	303	310
Traffic Offenses	1	2	4	8	26	0	0	1	0	0	0	0	0	0	250	242	292
All Offenses Total	243	6,441	1,248	537	559	3,378	49	157	351	398	24	477	625	397	884	16,709	15,768

to 3,149 cases; the District of Oregon, up 5.8 percent to 2,518 cases; the Eastern District of Washington, up 15.6 percent to 946 cases; the District of Hawaii, up 31.8 percent to 759 cases; the District of Montana, up 16.9 percent to 693 cases; the District of Guam, up 74.5 percent to 82 cases; and the District of the Northern Mariana Islands, up 72.7 percent to 38 cases.


The Central District of California, which ranked first in the number of civil cases filed in the circuit and ranked second in the nation, reported 14,731 cases, up 1.3 percent from the prior fiscal year. The District of Idaho reported nine fewer filings of 599 cases, down 1.5 percent in FY 2016.

Civil cases terminated by district courts increased were up 2.7 percent to 44,383 cases, and pending caseload were up 10.8 percent to 42,370 cases in FY 2016. Civil case terminations nationwide were down 1.1 percent to 271,649, while pending cases nationwide were up 5.9 percent to 361,566.

Case Processing Times

Case processing times in the district courts of the Ninth Circuit increased in fiscal year 2016. The Case Termination Index, which computes how long it would take to clear the pending caseload if the current termination rate remained constant, increased to 11.64 months compared to 10.69 months the prior fiscal year. (The termination rate for FY 2015, previously reported as 10.70 months, was revised due to revised total pending cases as reported in the FY 2016 statistical tables published by the Administrative Office of the U.S. Courts.)

The median time from filing to disposition of civil cases in the Ninth Circuit decreased to 6.9 months compared 7.1 months the prior fiscal year, while the national median increased to 9.2 months in FY 2016.

For criminal defendants, the median time from filing to disposition in the Ninth Circuit was 5.8 months, up from 5.5 months in FY 2015. The national median was slightly up to 7.1 months compared to 7 months the prior fiscal year. 

U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending, 2015-2016

Caseload Measure	2015	2016	¹ Change 2015-16
Civil Filings	43,524	48,523	11.5%
Criminal Filings	13,184	12,504	-5.2%
Total Filings	56,708	61,027	7.6%
Civil Terminations	43,199	44,383	2.7%
Criminal Terminations	13,490	12,222	-9.4%
Total Terminations	56,689	56,605	-0.1%
² Pending Civil Cases	38,230	42,370	10.8%
Pending Criminal Cases	12,245	12,545	2.4%
² Total Pending Cases	50,475	54,915	8.8%
² Civil Case Termination Index (in months)	10.62	11.45	7.8%
Criminal Case Termination Index (in months)	10.89	12.31	13.0%
² Overall Case Termination Index	10.69	11.64	8.9%
Median Time Intervals in Months from Filing to Disposition			
Civil Cases	7.1	6.9	-2.8%
Criminal Defendants	5.5	5.8	5.5%
Civil Cases National Total	8.8	9.2	4.5%
Criminal Defendants National Total	7.0	7.1	-

Note: Median time interval from filing to disposition of civil cases terminated excludes land condemnation, prisoner petitions, deportation reviews, recovery of overpayments and enforcement of judgments. Median computed only for 10 or more cases.

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

²2015 total pending civil cases and total pending cases revised

U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship

District	Authorized Article III Judgeships	Weighted Filings Per Judgeship						Unweighted Filings Per Judgeship			
		Civil	Criminal	Supervision Hearings	2016 Total	2015 Total	Change 2015-16	Civil	Criminal	Supervision Hearings	2016 Total
AK	3	106	113	1.9	221	183	17.2%	124	80	23.3	227
AZ	13	337	361	9.1	707	597	18.4%	394	495	114.0	1,003
C. Calif.	28	502	62	2.3	567	659	-14.0%	506	44	27.8	578
E. Calif.	6	666	124	4.0	794	910	-12.7%	787	88	46.5	922
N. Calif.	14	440	56	3.2	499	590	-15.4%	430	41	38.9	509
S. Calif.	13	234	286	6.9	527	493	6.9%	237	259	84.5	581
HI	4	165	57	3.9	226	214	5.6%	173	39	44.8	256
ID	2	251	239	4.2	495	498	-0.6%	290	174	49.5	513
MT	3	188	215	6.9	410	360	13.9%	228	132	68.7	428
NV	7	442	96	3.5	541	572	-5.4%	505	68	37.9	611
OR	6	348	143	5.4	496	518	-4.2%	413	105	66.7	584
E. Wash.	4	147	135	12.2	294	277	6.1%	199	100	140.3	439
W. Wash.	7	385	79	4.5	468	570	-17.9%	438	127	49.7	614
Circuit Total	110	4,211	1,966	64.1	6,245	6,441	-3.0%	4,724	1,752	792.6	7,265
Circuit Mean		324	151	5.3	480	495	-3.0%	363	135	61.0	559
Circuit Median		337	124	4.4	496	518	-4.2%	394	100	49.5	578
National Mean		317	136	4.0	457	489	-6.5%	386	112	42.4	541
National Total	673	350	130	3.5	483	522	-7.5%	406	114	38.2	559

Note: Case weights are based on the district court case weighting system approved by the Judicial Conference of the United States in March 2016. Data for the territorial courts are not included. 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 criminal cases filed as felonies or Class A misdemeanors but includes only those defendants in criminal cases filed as petty offenses that were assigned to district judges rather than magistrate judges. Remands and reopens for criminal defendants are excluded. This table includes trials conducted by district and appellate judges only; all trials conducted by magistrate judges are excluded. Sentencing hearings are excluded. Due to rounding, subtotals may not equal totals.

Bankruptcy Filings Decline, But Pro Se Filer Rate Steady

While continuing to experience a decrease in filings, bankruptcy courts in the nine western states and two Pacific Island jurisdictions that make up the Ninth Circuit remained the busiest in the nation.

Bankruptcy courts nationally reported 805,580 new filings in fiscal year 2016. New filings were down 6.3 percent from FY 2015 and have declined by 36 percent since FY 2012.

The Ninth Circuit reported 135,190 new filings in FY 2016, down 11.1 percent from the prior fiscal year. The Ninth Circuit claimed about 16.8 percent of all new filings nationally.

In the Ninth Circuit, 13 of 15 judicial districts are served by a bankruptcy court (district judges preside over bankruptcy cases in Guam and the Northern Mariana Islands). Eleven of 13 bankruptcy courts reported fewer filings in fiscal year 2016. The Central District of California had the biggest decrease numerically, while the District of Oregon showed the largest decline percentage-wise.

The Central District, which serves nearly 20 million people in Los Angeles and six Southern California counties, had 42,225 new filings, 6,262 fewer cases than the prior year. The change amounted to a 12.9 percent reduction in new filings. In Oregon, new filings were 9,488, down 14.8 percent from the 11,134 received in FY 2015.

Other judicial districts in California also reported significant decreases. The Eastern District of California, which takes in Sacramento, Fresno and the Central Valley, had 15,528 filings, down 12.2 percent; the Northern District of California, which includes San Francisco, Oakland and San Jose, had 10,607 filings, down 10.8 percent; and the Southern District of California, which covers San Diego and Imperial counties, had 8,263 filings, down 7 percent.

Outside of California, the Western District of Washington and the District of Arizona had the sharpest decreases, numerically and percentage-wise. Western Washington had 12,739 new filings, down 1,828 cases or 12.5 percent from the prior fiscal year. Arizona 15,895 new filings, down 1,552 cases or 8.9 percent from FY2015.

Increased filings were reported in the District of Montana, 1,365 filings, up 4.2 percent and the District of Alaska, 434 filings, up 1.9 percent. Guam had 152 new filings, up 14.3 percent.

Ninth Circuit Bankruptcy Courts, 2015-2016

District	2015 Total Filings	2016 Total Filings	Change 2015-16
AK	426	434	1.9%
AZ	17,448	15,895	-8.9%
C. Calif.	48,487	42,225	-12.9%
E. Calif.	17,681	15,528	-12.2%
N. Calif.	11,892	10,607	-10.8%
S. Calif.	8,889	8,263	-7.0%
GU	133	152	14.3%
HI	1,593	1,463	-8.2%
ID	4,162	3,841	-7.7%
MT	1,310	1,365	4.2%
NV	9,902	9,063	-8.5%
¹ NMI	6	7	-
OR	11,134	9,488	-14.8%
E. Wash	4,450	4,120	-7.4%
W. Wash.	14,567	12,739	-12.5%
Circuit Total	152,080	135,190	-11.1%

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

The great majority of new bankruptcy cases are brought by nonbusiness filers. In 2016, nonbusiness filings of all types numbered 781,123, or 97 percent of all filings nationally. In the Ninth Circuit, nonbusiness filings involving individual debtors totaled 130,240, accounting for 96.3 percent of all new filings.

Among new business and nonbusiness bankruptcies combined, 498,367, or 61.8 percent, were by Chapter 7 filers. Ninth Circuit bankruptcy courts ranked first in the nation in the total number of new Chapter 7 cases with 100,643 filings, 20.2 percent of the national total. Chapter 7 cases, which provide for the sale of a debtor's nonexempt property and the distribution of the proceeds to creditors, made up 74.5 percent of all new bankruptcy filings in the circuit.

Chapter 13 filings, which permit individuals with regular income to develop a plan to repay all or part of their debts, numbered 299,150 nationally. In the Ninth Circuit, new Chapter 13 filings numbered 33,074 or 24.5 percent of the circuit total. Chapters 11 and 12 filings made up the remainder.

Pro Se Bankruptcy Filings

Pro se bankruptcy cases are filings brought by parties who are not represented by legal counsel. These pro se filers often do not understand the law and legal procedures, which result in frequent dismissals of their filings. They also generally require more staff time to process.

Bankruptcy filings by pro se debtors remain high in the Ninth Circuit. In FY 2016, filings by pro se debtors numbered 22,758 or 16.8 percent of the total bankruptcy filings in the circuit. The highest rates of rate of pro se filings were in the Central District of California, 24.3 percent; the Northern District of California, 19.3 percent; and the District of Arizona, 19.2 percent.

Among bankruptcy courts having at least 10,000 new filings annually, the Central District of California had the most pro se filers nationally. The Northern District of California and the District of Arizona ranked fourth and fifth nationally in pro se filers.

Terminations and Pending Cases

Cases terminated by bankruptcy courts in the Ninth Circuit numbered 162,035 or 17.8 percent of total cases terminated nationwide.


The Central District of California terminated 47,665 cases or 29.4 percent of all cases closed in the circuit. The District of Arizona followed with 19,849 or 12.3 percent; the Eastern District of California, 19,368 or 12 percent; the Western District of Washington, 15,065 cases or 9.3 percent; the Northern District of California, 14,769 cases or 9.1 percent; the District of Nevada, 12,039 cases or 7.4 percent; the District of Oregon, 11,447 or 7.1 percent; and the Southern District of California, 9,227 cases or 5.7 percent. The districts of Alaska, Guam, Hawaii, Idaho, Montana, Northern Mariana Islands and the Eastern District of Washington made up the remaining 12,606 cases terminated or 7.8 percent.

Pending cases before the bankruptcy courts of the Ninth Circuit numbered 153,803, down 14.9 percent from the prior fiscal year. The Central District of California reported a 12.6 percent decline of its pending cases to 37,862 cases. The Northern District of California saw its pending caseload decline by 16.4 percent to 21,152, while the District of Arizona reported 20,922, down 15.9 percent.

Reappointments, Transitions

The U.S. Court of Appeals for the Ninth Circuit reappointed three bankruptcy judges in 2016. Reappointed were Judges Peter Carroll and Vincent P. Zurzolo in the Central District of California, and Judge Robert J. Faris in the District of Hawaii.

Elevated to chief bankruptcy judge of the Bankruptcy Appellate Panel in 2016 was Bankruptcy Judge Meredith A. Jury of 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. Fourteen recalled bankruptcy judges served in 2016. 

Business and Nonbusiness Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, 2015-2016

² Predominant Nature of Debt	2015	2016	Change 2015-2016
Business Filings			
Chapter 7	3,885	3,477	-10.5%
Chapter 11	921	930	1.0%
Chapter 12	34	46	35.3%
Chapter 13	443	489	10.4%
Nonbusiness Filings			
Chapter 7	113,421	97,166	-14.3%
Chapter 11	426	488	14.6%
Chapter 13	32,949	32,585	-1.1%
Total	152,079	135,181	-11.1%
Terminations	183,545	162,035	-11.7%
¹ Pending Cases	180,648	153,803	-14.9%

¹2015 pending cases revised

²The nature of debt is business if the debtor is a corporation or partnership, or if debt related to the operation of a business predominates. Nonbusiness debt includes consumer debt or other debt that the debtor indicates is not consumer debt or business debt.

These figures include the following cases not reflected elsewhere.

Fiscal Year 2015: Eastern Calif. (Chapter 9=1)

Fiscal Year 2016: Central Calif. (Chapter 15=1), Eastern Calif.

(Chapter 9=1), Nevada (Chapter 15=5), Oregon (Chapter 15=1),

Western Washington (Chapter 15=1)

Bankruptcy Appellate Panel Sees Dip in New Appeals

The Ninth Circuit Bankruptcy Appellate Panel, or BAP, operates under the authority of the Judicial Council of the Ninth Circuit. It is designated to hear appeals of decisions made by the bankruptcy courts of the circuit. 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.

The BAP is authorized seven bankruptcy judges, who serve seven-year terms and may be reappointed to an additional three-year term. Beginning in 2003, one seat on the BAP was left vacant intentionally due to reduced workload. Despite fluctuating filings since then, the BAP continues to operate with six judges in an effort to keep costs low. In their appellate capacity, BAP judges are precluded from hearing matters arising from their own districts.

New Filings

In fiscal year 2016, new bankruptcy appeals numbered 754, down 4 percent from the prior fiscal year. The BAP handled 46 percent of all bankruptcy appeals, and the district courts handled 54 percent. Following three years of double-digit growth, total annual filings peaked in 2011.

Dispositions

The BAP disposed of 444 appeals in fiscal year 2016, a decrease of 13 percent from FY 2015. Of those, 161 appeals were merits terminations. Oral argument was held in 132 appeals, and 29 appeals were submitted on briefs. Of the 161 merits decisions, 25 were published opinions. The reversal rate was 5 percent. The median time for an appeal decided on the merits was 10.8 months.

Of the remaining 283 closed cases, 4 were terminated by consolidation and 80 were transferred to the district courts after appellee elections or in the interest of justice. The balance of 199 closed appeals were terminated on procedural grounds, such as lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP had 213 appeals pending in FY 2016, down 8 percent compared to the prior fiscal year.

New Bankruptcy Appeal Filings, 2016

District	Bankruptcy Appellate Panel	District Court ¹	Total
AK	1	5	6
AZ	43	29	72
C. Calif.	147	181	328
E. Calif.	39	17	56
N. Calif.	40	62	102
S. Calif.	21	26	47
HI	5	15	20
ID	3	8	11
MT	2	2	4
NV	31	33	64
OR	6	6	12
E. Wash.	0	0	0
W. Wash.	11	21	32
Total	349 (46%)	405 (54%)	754

¹The 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. The numbers for bankruptcy appeals to the BAP are calculated based on data from AOUSC tables 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) as well as other cases transferred in the interest of justice. The BAP numbers exclude all such appeals.

Pro Se Appeals

The BAP experienced an increase in pro se cases in fiscal year 2016. The year began with a pro se caseload of 41 percent of pending appeals. Pro se parties filed 55 percent of new appeals and 54 percent of pending appeals were filed by pro se parties in FY 2016.

Appeals to the Ninth Circuit

Appeals from a bankruptcy decision of either the BAP or a district court may be filed with the court of appeals for second-level appellate review. In fiscal year 2016, second-level appeals filed numbered 236. Of these, 105 were appeals from decisions by the BAP and 131 were from decisions by the district courts. Thus, of the 444 appeals that were disposed of by the BAP, roughly 76 percent were fully resolved, with only 24 percent seeking second-level review.

Ninth Circuit Bankruptcy Appeal Filings, 2014-2016

Year	Bankruptcy Appeals Total	¹ Raw Bankruptcy Appeals Received by BAP	² Net Bankruptcy Appeals BAP	³ Net Bankruptcy Appeals District Court	⁴ Election Rate	Percentage of Appeals Heard by BAP
FY 2014	976	627	497	479	49%	51%
FY 2015	782	460	349	433	55%	45%
FY 2016	754	429	349	405	54%	46%

¹Number 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.)

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

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

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

New BAP Chief Judge and New BAP Judges


In March 2016, Bankruptcy Judge Randall L. Dunn of the District of Oregon completed a 10-year term on the BAP, which included service as the chief judge from August 2013 through March 2016. Bankruptcy Judge Meredith A. Jury of the Central District of California was appointed chief judge of the BAP. In August 2016, Bankruptcy Judge William J. Lafferty, III, of the Northern District of California was appointed to a seven-year term on the BAP, succeeding Judge Dunn. In December 2016, Bankruptcy Judge Julia W. Brand of the Central District of California was appointed to a seven-year term on the BAP, succeeding Chief Bankruptcy Judge Ralph B. Kirscher of the District of Montana who had served for more than six years.

BAP Use of Pro Tem Judges

The BAP continued to use bankruptcy judges from throughout the Ninth Circuit on a pro tem basis. In the fiscal year 2016, the BAP used 6 pro tem appointments to assist with oral arguments and merits decisions and to provide new bankruptcy judges with the opportunity to sit in an appellate capacity.

BAP Outreach

The BAP continued its efforts to reach out to future and current bankruptcy attorneys throughout the Ninth Circuit. In February 2016, the BAP held oral arguments at the University of Las Vegas, Nevada, William S. Boyd School of Law. The BAP judges participated in a meet and greet with faculty, a question-and-answer session with the BAP judges, and a luncheon hosted by the dean.

In November 2015, in conjunction with oral arguments in Sacramento, BAP judges participated in a continuing legal education program with members of the Sacramento Valley Bankruptcy Forum. In June 2016, in conjunction with oral arguments in Las Vegas, BAP judges participated in a continuing education program with members of the Southern Nevada Association of Bankruptcy Attorneys. 

Magistrate Judges Are Responsible for Significant Workload

Magistrate judges are appointed under Article I of the Constitution. Selected by the district judges of their judicial district, magistrate judges are appointed to an eight-year term and may be reappointed. They also may serve as recalled magistrate judges.

Magistrate judges make significant contributions to the work of the federal trial courts. They support district judges in a variety of judicial matters with duties ranging from handling petty offenses to taking felony pleas. Magistrate judges conduct preliminary proceedings, decide trial jurisdiction matters, review prisoner petitions, and may preside over civil trials with consent of the parties.

In FY 2016, the 15 district courts of the circuit were served by 105 full-time and nine part-time magistrate judges, and one magistrate judge/clerk of court, along with 26 recalled magistrate judges. They disposed of 218,909 civil and criminal matters, down 2.3 percent from fiscal year 2015.

The largest category of matters presided over by magistrate judges is preliminary proceedings, which include arraignments, initial appearances, detention hearings, arrest and search warrants, bail reviews, Nebbia hearings, attorney appointment and material witness hearings. In fiscal year 2016 magistrate judges disposed of 84,009 preliminary proceedings.

Additional duties related to criminal matters increased by 4.2 percent to 38,218 from the prior fiscal year. Among matters included in this category are non-dispositive and dispositive motions, pretrial conferences, probation and supervised release revocation hearings, guilty plea and evidentiary proceedings, motion hearings, reentry/drug court proceedings, writs, and mental competency proceedings. Non-dispositive motions numbered 15,181, up 9.1 percent, while dispositive motions numbered 336, up 45.5 percent from the prior fiscal year.

Additional duties related to civil matters numbered 48,132, down 0.5 percent from FY 2016. The bulk of this category included non-dispositive motions/grants of *in forma pauperis*, or IFP, status, pretrial conferences and settlement conferences.

Trial jurisdiction, which includes Class A misdemeanor and petty offenses, numbered 24,807, down 14.8 percent from prior fiscal year. Petty offenses totaled 22,602, down 14.2 percent, while Class A misdemeanor offenses were down 20.8 percent to 2,205.

Civil consent cases, in which a magistrate judge presides at the consent of the parties, decreased by 4.1 percent to 4,967 cases. The great majority of cases were disposed of without trial.


Prisoner petitionsA numbered 5,740 cases, down 8.2 percent from FY 2015. The bulk of this work involves state habeas petitions, which numbered 2,432, down 9.7 percent, and civil rights petitions, 2,982 cases, down 7.3 percent.

New Magistrate Judges and Governance

Nine new full-time magistrate judges were seated in 2016. They were Judges Lynnette C. Kimmins in the District of Arizona; Steve Kim in the Central District of California; Deborah L. Barnes in the Eastern District of California; Andrew J. Schopler in the Southern District of California; Kenneth J. Mansfield in the District of Hawaii; Timothy J. Cavan in the District of Montana; Jolie A. Russo and Youlee Yim You in the District of Oregon; and Mary K. Dimke in the Eastern District of Washington.

New magistrate judges attended a Ninth Circuit orientation program, held May 10-11, 2017, at the James R. Browning U.S. Courthouse in San Francisco. The newcomers met with members of the Magistrate Judges Executive Board for an informal session and exchanged ideas. Board members also offered guidance and encouragement in addressing difficult matters.

Educational Program

The Magistrate Judges Education Committee, chaired by Magistrate Judge Brian A. Tsuchida of the Western District of Washington, organized a supplemental program for the bench and bar attending the 2016 Ninth Circuit Judicial Conference. The program, entitled “Blind Justice? Addressing the Impact of Implicit Bias,” featured a panel presentation on the science behind implicit bias and provided practical suggestions on how judges may counter it. Panel members included Senior District Judge Jeremy D. Fogel of the Northern District of California, director of the Federal Judicial Center; Circuit Judge Bernice B. Donald of the U.S. Court of Appeals for the Sixth Circuit; and Professor Joshua Correll of the Department of Psychology and Neuroscience at the University of Colorado, Boulder. 

Matters Disposed of by Ninth Circuit Magistrate Judges, 2015-2016

	2015	2016	Percent Change 2015-16
Total Matters	224,002	218,909	-2.3%
Felony Preliminary Proceedings	83,318	84,009	0.8%
Search Warrants	15,363	16,205	5.5%
Arrest Warrants	6,701	7,212	7.6%
Summonses	979	1,219	24.5%
Initial Appearances	20,330	20,339	0.04%
Preliminary Hearings	6,731	7,181	6.7%
Arraignments	13,642	13,382	-1.9%
Detention Hearings	12,614	12,930	2.5%
Bail Reviews/Forfeitures/Nebbia Hearings	1,706	1,701	-0.3%
¹ Other	5,252	3,840	-26.9%
Trial Jurisdiction Defendants	29,118	24,807	-14.8%
Class A Misdemeanor	2,783	2,205	-20.8%
Petty Offense	26,335	22,602	-14.2%
Civil Consent Cases	5,177	4,967	-4.1%
Without Trial	5,105	4,901	-4.0%
Jury Trial	53	53	0.0%
Bench Trial	19	13	-31.6%
Additional Duties			
Criminal	36,664	38,218	4.2%
Non-Dispositive Motions	13,913	15,181	9.1%
Dispositive Motions	231	336	45.5%
Evidentiary Proceedings	153	141	-7.8%
Pretrial Conferences	10,217	9,687	-5.2%
Probation and Supervised Release	1,502	1,696	12.9%
Revocation Hearings			
Guilty Plea Proceedings	7,647	7,608	-0.5%
² Other	3,001	3,569	18.9%
Civil	48,370	48,132	-0.5%
Settlement Conferences/Mediations	3,257	3,133	-3.8%
Other Pretrial Conferences	3,721	3,941	5.9%
³ Non-Dispositive Motions/Grants of IFP Status	35,337	35,257	-0.2%
Other Civil Dispositive Motions	2,617	2,474	-5.5%
Evidentiary Proceedings	128	127	-0.8%
Social Security Appeals	666	559	-16.1%
Special Master References	0	0	-
⁴ Other	2,644	2,641	-0.1%
Prisoner Petitions	6,251	5,740	-8.2%
State Habeas	2,693	2,432	-9.7%
Federal Habeas	311	291	-6.4%
Civil Rights	3,216	2,982	-7.3%
Evidentiary Proceedings	31	35	12.9%
Miscellaneous Matters	15,104	13,036	-13.7%

¹Includes attorney appointment hearings and material witness hearings.

²Includes mental competency proceedings, motion hearings, reentry/drug court proceedings and writs.

³In 2013, magistrate judge workload statistics were produced using a new software program that recalculated the statistics for 2013 and for previous years. In some categories, the statistics provided in the report differ from the ones displayed in those categories in previous reports. Non-dispositive motions/grants of IFP status category includes prisoner cases, social security cases and other civil cases.

⁴Includes summary jury/other ADR/early neutral evaluations, motion hearings and fee applications.

Ninth Circuit Federal Defender Organizations: Cases Opened, Closed and Pending, 2012-2016

Cases	2012	2013	2014	2015	2016	Change 2015-16
Opened	33,664	32,539	28,055	27,465	31,807	15.8%
Closed	33,376	33,192	28,951	24,720	28,092	13.6%
Pending	11,236	10,120	9,076	11,766	15,477	31.5%

Federal Public Defenders Report Higher Caseloads

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

Federal public defender offices are staffed by federal judiciary employees while community defender organizations are non-profit defense counsel organizations staffed by non-government employees. Both types of defender offices are staffed with experienced federal criminal law practitioners who provide a consistently high level of representation. Federal public defender representations include criminal defense and appeals, court-directed prisoner and witness representations, bail/pre-sentencing, supervised release, 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.

Federal public defenders in the Ninth Circuit opened 31,807 new cases in fiscal year 2016, up 15.8 percent from the prior fiscal year.

In the Northern District of California, the federal public defender office opened 3,078 new cases in FY 2016, up 63.7 percent from the prior fiscal year. The jump in new cases was attributed to caseload anomalies, including drug resentencings and cases associated with a habeas corpus litigation. The office has also increased its non-capital habeas practice and took on a larger number of district and circuit non-capital habeas referrals.

Most of the anomalous cases opened in the Northern District of California in FY 2016 have a very low “case weight.” Therefore, the percentage increase in the raw number of cases will not correspond to additional funding. It is anticipated that new case openings will decrease in fiscal year 2017 and then continue to decline as the anomalous workload demands are resolved.

Offices of federal public defenders in nine districts also reporting larger caseloads were the Southern District of California, 7,079 new cases, up 15.5 percent; the District of Arizona, 5,773, up 10.7 percent; the Central District of California, 4,506, up 18.1 percent; the District of Oregon, 2,151, up 37.6 percent; the Eastern District of California, 1,995, up 1.5 percent; the Western District of Washington, 1,851, up 18.7 percent; the District of Nevada, 1,502, up 4.3 percent; the Eastern District of Washington, 1,461, up 30.1 percent; and the District of Montana, 1,024, up 23.7 percent.

Districts that reported fewer new cases opened include the District of Hawaii, 439, down 42.3 percent; the District of Alaska, 413, down 5.3 percent; the District of Idaho, 379, down 33.3 percent; and the District of Guam, 156, down 13.3 percent.


Federal public defenders in the Ninth Circuit closed 28,092 cases, up 13.6 percent from the prior fiscal year, while pending caseloads increased by 31.5 percent to 15,477 cases. The FPD office in the Southern District of California led the way numerically with 6,895 terminations, up 13.1 percent. The District of Arizona followed with 5,248 cases closed, up 5.5 percent; the Central District of California, 3,107, up 0.6 percent; and the Eastern District of California, 2,109, up 13.4 percent. For the reasons previously noted, the FPD office in the Northern District of California saw terminations climb to 2,479, up 66.3 percent.

More cases also were closed in the Western District of Washington, 1,735 cases, up 21.8 percent; the Eastern District of Washington, 1,482, up 58.5 percent; the District

of Oregon, 1,415, up 13.1 percent; the District of Montana, 991, up 21 percent; the District of Idaho, 436, up 5.8 percent; and the District of Guam, 175, up 22.4 percent.

In FY 2016, federal defenders nationally opened 161,540 new cases, up 9.4 percent, and closed 148,794 cases, up 16.7 percent. The defender offices nationally finished the fiscal year with a combined pending caseload of 73,493, up 20.6 percent from the prior fiscal year.

Reappointments

The Ninth Circuit Court of Appeals reappointed four federal public defenders in 2016. Richard Curtner of the District of Alaska, Jon M. Sands of the District of Arizona, Steven Kalar of the Northern District of California, and Peter C. Wolff of the District of Hawaii began serving new four-year terms during the calendar year. 

Federal Defender Organizations: Summary of Representations by District, 2015-2016

District	Opened 2015	Opened 2016	Change 2015-16	Closed 2015	Closed 2016	Change 2015-16	Pending 2016
AK	436	413	-5.3%	364	328	-9.9%	319
AZ	5,217	5,773	10.7%	4,975	5,248	5.5%	1,801
C. Calif.	3,816	4,506	18.1%	3,089	3,107	0.6%	3,863
E. Calif.	1,966	1,995	1.5%	1,859	2,109	13.4%	695
N. Calif.	1,880	3,078	63.7%	1,491	2,479	66.3%	1,504
¹ S. Calif.	6,128	7,079	15.5%	6,096	6,895	13.1%	2,229
GU	180	156	-13.3%	143	175	22.4%	86
HI	761	439	-42.3%	662	628	-5.1%	243
¹ ID	568	379	-33.3%	412	436	5.8%	219
¹ MT	828	1,024	23.7%	819	991	21.0%	295
NV	1,440	1,502	4.3%	1,199	1,064	-11.3%	1,344
OR	1,563	2,151	37.6%	1,251	1,415	13.1%	1,777
¹ E. Wash.	1,123	1,461	30.1%	935	1,482	58.5%	497
W. Wash.	1,559	1,851	18.7%	1,425	1,735	21.8%	605
Circuit Total	27,465	31,807	15.8%	24,720	28,092	13.6%	15,477
National Total	147,704	161,540	9.4%	127,508	148,794	16.7%	73,493
Circuit Total as % of National Total	18.6%	19.7%	1.1%	19.4%	18.9%	-0.5%	21.1%

Note: Eastern Washington and Idaho are combined into one organization, and Northern Mariana Islands is not served by a defender organization. Other representations include court-directed prisoner, bail/presentment, witness, probation revocation, and parole revocation representations.

¹Community Defender Organizations

Probation Offices See Supervisory Caseloads Hold Steady

United States probation officers prepare presentence reports on convicted defendants and supervise offenders who have been placed on probation, supervised release, civilian and military parole, or conditional release. Probation officers perform these

duties in various settings, from courthouses in major cities to one-person offices in rural areas.

Presentence Reports

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

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 11,145 guideline presentence reports in FY 2016, down approximately 8 percent from the prior fiscal year. The circuit accounted for 19 percent

Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision, 2015-2016

Persons Under Supervision	2015	2016	Change 2015-16
¹ From Courts	3,338	3,198	-4.2%
² From Institutions	19,641	19,884	1.2%
Total	22,979	23,082	0.4%

¹Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

²Includes parole, special parole, mandatory release, and military parole.

Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision by District, 2015-2016

District	From Courts	Referred by Institutions			Persons Under Supervision, 2015	Persons Under Supervision, 2016	Change 2015-16
	¹ Probation	Supervised Release	² Parole	³ BOP Custody			
AK	74	306	3	1	390	384	-1.5%
AZ	707	3,159	16	0	3,948	3,882	-1.7%
C. Calif.	715	4,743	32	0	5,623	5,490	-2.4%
E. Calif.	166	1,723	14	1	1,726	1,904	10.3%
N. Calif.	327	1,652	10	0	1,851	1,989	7.5%
S. Calif.	238	2,605	12	0	2,805	2,855	1.8%
GU	61	111	2	5	174	179	2.9%
HI	93	651	4	2	721	750	4.0%
ID	82	474	8	4	547	568	3.8%
MT	115	774	5	1	940	895	-4.8%
NV	167	966	5	0	1,172	1,138	-2.9%
NMI	9	27	0	1	35	37	5.7%
OR	235	947	13	2	1,196	1,197	0.1%
E. Wash.	79	564	3	7	668	653	-2.2%
W. Wash.	130	1,015	16	0	1,339	1,161	-13.3%
Circuit Total	3,198	19,717	143	24	23,135	23,082	-0.2%

¹Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

²Includes parole, special parole, mandatory release, and military parole.

³BOP (Bureau of Prisons)

of the national total of 59,856 submitted guideline presentence reports.

Post-Conviction Supervision of Offenders

Probation officers supervise persons who are released to the community after serving prison sentences or placed on probation supervision by the court. They assist supervised individuals by directing them to services, including substance abuse, mental health, and sex offender treatment; medical care; employment assistance; literacy and training programs; and cognitive-behavioral treatment therapies to foster long-term positive changes to reduce recidivism. By using both controlling and correctional strategies, officers work diligently to protect the community, while promoting long-term change in the offender population.

Probation officers in the Ninth Circuit supervised 23,082 persons in FY 2016, virtually unchanged from the prior fiscal year. The circuit accounted for 17 percent of the national total of 137,410 persons under supervision at the conclusion of FY 2016.

Among those under supervision, 3,198 were on probation, 19,717 were on supervised release, 143 persons were on parole, and 24 individuals adhered to Bureau of Prisons custody standards.

Offenders with convictions for drugs, property, firearms and weapons, sex and violent offenses are the largest group of persons under supervision in the Ninth Circuit. These offenders numbered 20,828, accounting for 90 percent of persons under supervision in the Ninth Circuit.


Revocations and Early Terminations

Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 3,245, virtually unchanged from FY 2015. Of these revocations, 180 were from probation sentences, 3,059 were from supervised release terms, and 5 were from parole cases. The Ninth Circuit accounted for 21 percent of the 15,484 cases revoked nationally. The national revocation rate for FY 2016 was 26 percent, while the Ninth Circuit's revocation rate was 28 percent, a two percent increase from the previous fiscal year.

Since 2002, the Judicial Conference of the United States Committee on Criminal Law has encouraged officers to identify offenders 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. For FY 2016, there were 8,112 cases terminated early system wide, resulting in over \$47 million in supervision costs saved.

Evidence-Based Practices

United States probation officers aim to reduce recidivism by utilizing “evidence-based practices” to make informed decisions about the supervision risks offenders may pose. The process known as Post-Conviction Risk Assessment, or PCRA, is undertaken to improve post-conviction supervision. PCRA helps direct allocation of resources, directing attention and services to the highest risk offenders.

Along with this assessment tool, evidence-based practices include the use of low-risk supervision caseloads and reentry programs, which include reentry courts, workforce development activities, and cognitive behavioral therapy programs. Furthermore, to enhance the bond and strengthen offender success, techniques such as Motivational Interviewing, or MI, and Strategic Techniques Aimed at Reducing Re-arrest program, or STARR, have been implemented. These areas focus on skills most helpful to an officer in trying to change offender behavior. The utilization of Second Chance Act funding has allowed districts to connect with much needed services in allowing individuals under supervision in becoming successful. Some examples of funding use include: employment/training programs, financial literacy classes, availability of transitional housing, and more. 

Pretrial Services Offices Open Fewer Cases, While Officers Supervise More Defendants

United States pretrial services officers have significant roles in the federal judicial system. In the Ninth Circuit, pretrial services officers contribute to the fair administration of justice, protect their communities, and seek 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.

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

Case Activations

Pretrial Services Offices in the Ninth Circuit continue to rank first nationally in new cases activated. In fiscal year 2016, case activations in the circuit numbered 29,914. In fiscal year 2015, new case activations were 32,911. This fiscal year 2016 numbers reflect a decrease of 9.1 percent from FY 2015. New case activations nationwide totaled 91,111, down 3.4 percent from the prior year. The Ninth Circuit accounts for 32.8 percent of all case activations.

Pretrial Bail Reports, Supervision

Pretrial services officers in the Ninth Circuit prepared 29,184 written pre-bail reports and 379 post-bail reports over the course of the fiscal year. Bail reports were prepared in 98.8 percent of the cases activated. Officers conducted 8,966 pretrial bail interviews.

Excluding immigration cases, officers made recommendations for initial pretrial release to the court in 47 percent of cases. Assistant U.S. attorneys in the circuit recommended release in 37.3 percent of these cases during this period.

Pretrial Services Cases Activated in Ninth Circuit Courts, 2015-2016

Caseload Measure	2015	2016	Change 2015-16
Reports	32,550	29,563	-9.2%
Interviews	8,274	8,966	8.4%
Cases Activated	32,911	29,914	-9.1%

Note: Total pretrial services cases activated includes complaints, indictment/information, material witness, superseding, and other cases, and includes data reported for previous periods as "transfers received."

During FY 2016, defendants who were received for supervision numbered 5,015, up 3.2 percent from 4,855 in FY 2015. Of these, 3,723 were received for regular supervision; 1,166 were supervised on a courtesy basis from another district or circuit; and 126 were on pretrial diversion caseloads, which include courtesy supervision of diversion cases.

Detention Summary

In the Ninth Circuit, officers detained 23,507 defendants in FY 2016, the highest in the nation. Excluding immigration cases, 64.7 percent of defendants were detained and never released. Defendants were detained an average of 219 days. The U.S.- Mexico border courts in the districts of Arizona and Southern District of California reported the highest numbers of defendants detained. Total number of defendants detained in the Arizona district was 15,940 while defendants detained in the Southern District of California numbered 4,884. The Ninth Circuit accounted for 20.2 percent of the total days of defendant incarceration nationally.

Violations

Of 10,456 cases in release status, cases with violations reported to the court numbered 1,409. They included 26 violations due to felony re-arrests, 27 violations resulting from misdemeanor re-arrests, 2 for "other" re-arrest violations, and 193 for failure to appear. Technical violations, including positive urine tests for illegal substances, violation of location monitoring conditions, possession of contraband, and failure to report to a

supervising pretrial services officer, accounted for the remaining violations.

Evidence-Based Practices for Pretrial Services

Evidence-based practices are those that have been found through research to enhance overall desired outcomes. The desired outcomes of the pretrial services functions are to reasonably assure that defendants do not pose either a risk of non-appearance or danger to the community. In order to accomplish this, a proven evidence-based practice in the pretrial services arena is to use a validated risk assessment tool. Pretrial Services Offices in the Ninth Circuit have incorporated the Pretrial Services Risk Assessment (PTRA), into its businesses practices. The PTRA is an objective instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrest and revocations due to technical violations. Pretrial services officers are using this tool to improve their ability to assess risks

and make informed recommendations to the court on release or detention. The PTRA has also been used as a tool to assess the level of supervision appropriate for defendants released on pretrial supervision. Defendants with lower PTRA scores are less likely to fail to appear, sustain a new arrest, or commit a new offense while on pretrial release. An evidence-based approach directs that resources are more effectively utilized when focused on those defendants with higher PTRA scores. Namely, those defendants who pose higher risks of non-appearance and/or danger to the community.

Another evidence-based practice being implemented in the Ninth Circuit is Staff Training Aimed at Reducing Re-Arrest, or STARR. Use of STARR communication techniques improve the quality of the interaction between the officer and defendant to effect long-term behavioral change. The techniques have a cognitive behavioral foundation with the premise that thinking controls behavior. STARR training has been provided

Pretrial Workload, 2015-2016

District	Defendant Contact		Written Reports		No Reports Made	Total Cases Activated 2015	Total Cases Activated 2016	Change 2015-16
	Interviewed	¹ Not Interviewed	² Prebail	Postbail				
AK	117	104	218	1	2	199	221	11.1%
AZ	1,962	15,663	17,495	80	50	20,809	17,625	-15.3%
C. Calif.	1,242	316	1,538	14	6	1,518	1,558	2.6%
E. Calif.	365	190	543	6	6	685	555	-19.0%
N. Calif.	336	252	397	186	5	821	588	-28.4%
S. Calif.	3,196	2,689	5,841	17	27	5,481	5,885	7.4%
GU	34	7	41	0	0	108	41	-62.0%
HI	159	28	180	5	2	184	187	1.6%
ID	171	165	291	0	45	336	336	0.0%
MT	229	215	413	13	18	380	444	16.8%
NV	389	229	612	5	1	610	618	1.3%
NMI	19	3	19	0	3	17	22	29.4%
OR	275	336	588	6	17	513	611	19.1%
E. Wash	187	207	227	9	158	359	394	9.7%
W. Wash.	285	544	781	37	11	891	829	-7.0%
Circuit Total	8,966	20,948	29,184	379	351	32,911	29,914	-9.1%
National Total	50,588	40,522	85,988	2,260	2,863	94,276	91,111	-3.4%
Circuit % of National	17.7%	51.7%	33.9%	16.8%	12.3%	34.9%	32.8%	-2.1%

Note: This table includes data for the District of Columbia and includes transfers received.

¹Includes 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.


²Includes prebail reports both with recommendations and without, and includes types of reports categorized in previous periods as “other reports.”

by the Probation and Pretrial Services Office of the Administrative Office of the U.S. Courts. It is an extensive training program requiring ongoing coaching and assessment of officers' use of STARR skills. The districts of Arizona, Central California, Guam, Hawaii, Nevada, Southern California, Western Washington, and Eastern Washington have introduced and incorporated STARR, at various stages, into their business practices.

Specialty Courts and Pre-entry Programs

In FY 2016, several pretrial services offices in the Ninth Circuit continue to be involved in innovative specialty courts. These programs give defendants a chance to have their cases dismissed or sentences reduced upon successful completion of supervision. Programs in the Ninth Circuit include the Alternative to Prison Solution Diversion Program in the Southern District of California; the Conviction and Sentencing Alternatives Program, a

presentence and post-conviction diversion program in the Central District of California; the Conviction Alternatives Program (CAP) in the Northern District of California; a pre-adjudication felony program in Western Washington; and the Veterans Court in Arizona, a diversionary and post-sentence program that assists military veterans.

“Pre-entry” programs in the Ninth Circuit are offered to defendants awaiting sentencing. Pretrial Services Offices in the District of Oregon and District of Nevada operate pre-entry programs. These programs are designed to educate such defendants and their family members about Bureau of Prisons services and general rules to help reduce the level of stress and anxiety of going to prison. Pre-entry programs help establish a solid foundation for future success and compliment the post-conviction reentry efforts. 

Juror Utilization

Juror Utilization, 2015-2016

District	Grand Juries Empaneled, 2016	Petit Juries Selected, 2016	¹ Petit Juror Utilization Rate Percent Not Selected or Challenged		
			2015	2016	Change 2015-16
AK	2	13	38.4	45.7	7.3
AZ	13	69	32.2	27.9	-4.3
C. Calif.	31	150	47.2	52.0	4.8
E. Calif.	8	88	37.6	37.4	-0.2
N. Calif.	8	71	40.0	50.6	10.6
S. Calif.	8	82	43.4	44.3	0.9
GU	2	3	18.8	55.0	36.2
HI	3	15	41.1	37.5	-3.6
ID	6	17	47.4	24.2	-23.2
MT	5	24	31.3	39.8	8.5
NV	5	34	40.1	30.5	-9.6
NMI	2	3	24.2	20.1	-4.1
OR	8	40	18.5	21.9	3.4
E. Wash.	6	15	22.4	45.5	23.1
W. Wash.	4	33	27.0	37.8	10.8
Circuit Total	111	657	***	***	
Circuit Average	14	82	34.0	38.0	4.0
National Total	743	3,887	***	***	
National Average	8	41	36.8	38	1.2

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

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

Court Interpreters

Interpreter Usage by District Courts, 2016

Language	AK	AZ	CAC	CAE	CAC	CAS	GU	HI	ID	MT	NV	NMI	OR	WAE	WAW	2015 Total	2016 Total	Change 2015-16
Arabic	0	17	5	5	4	15	0	0	0	0	0	0	0	0	2	92	48	-47.8%
Armenian	0	0	109	23	0	0	0	0	0	0	5	0	0	0	0	91	137	50.5%
Cantonese	6	1	37	72	153	7	0	6	0	0	3	0	0	0	2	243	287	18.1%
Farsi	0	0	14	3	1	2	0	0	0	0	0	0	0	0	3	68	23	-66.2%
Japanese	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	16	3	-81.3%
Korean	4	7	69	3	2	6	13	19	0	0	3	0	2	0	17	212	145	-31.6%
Mandarin	0	6	107	18	55	37	7	7	0	0	14	2	1	0	6	326	260	-20.2%
Navajo (Certified)	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4	100.0%
Navajo (Non-Certified)	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	33	43	30.3%
Russian	0	0	50	49	30	0	0	0	15	0	4	0	0	6	54	344	208	-39.5%
Sign (American)	0	7	1	44	0	5	0	0	0	0	2	0	4	2	0	22	65	195.5%
Sign (Mexican)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Spanish Staff	0	40,976	1,459	744	183	14,455	0	0	0	0	374	0	477	0	0	61,932	58,668	-5.3%
Spanish (Certified)	36	5,482	760	802	592	344	0	6	239	7	191	0	131	365	537	15,113	9,492	-37.2%
Spanish (Non-Certified)	0	0	0	0	2	0	2	7	51	33	93	0	35	23	1	335	247	-26.3%
Tagalog	1	0	5	0	3	1	1	0	0	0	0	0	0	0	0	40	11	-72.5%
Vietnamese	0	0	45	5	54	1	0	3	0	0	3	0	2	0	55	173	168	-2.9%
All Others	27	185	67	161	25	154	11	11	2	1	19	0	1	4	62	662	730	10.3%
Total	74	46,728	2,728	1,929	1,104	15,028	34	59	307	41	711	2	653	400	741	79,704	70,539	-11.5%

District Caseloads

District of Alaska

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	463	558	20.5%	186
Terminations	463	484	4.5%	161
¹ Pending	537	537	0.0%	179
Bankruptcy Court				
Filings	426	434	1.9%	217
Terminations	485	541	11.5%	271
Pending	524	417	-20.4%	209

Authorized Judgeships

District	3
Bankruptcy	2
Magistrate	
Full-time	2
Part-time	3

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

¹2015 total pending cases revised.

District of Arizona

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	8,964	10,497	17.1%	807
Terminations	8,889	8,983	1.1%	691
¹ Pending	5,221	6,713	28.6%	516
Bankruptcy Court				
Filings	17,448	15,895	-8.9%	2,271
Terminations	23,575	19,849	-15.8%	2,836
¹ Pending	24,877	20,922	-15.9%	2,989

Authorized Judgeships

² District	13
Bankruptcy	7
Magistrate	
Full-time	14
Part-time	1

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

¹2015 total pending cases revised.

²Includes one authorized temporary judgeship.

³Bullhead City and Kingman apply only to the bankruptcy court.

Central District of California

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	15,241	15,591	2.3%	557
Terminations	15,367	15,429	0.4%	551
¹ Pending	11,790	11,961	1.5%	427
Bankruptcy Court				
Filings	48,487	42,225	-12.9%	1,759
Terminations	53,817	47,665	-11.4%	1,986
¹ Pending	43,299	37,862	-12.6%	1,578

Authorized Judgeships

² District	28
³ Bankruptcy	24
Magistrate	
Full-time	24
Part-time	1

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

¹2015 total pending cases revised.

²Includes one authorized temporary judgeship.

³Includes three authorized temporary judgeships.

⁴San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

Eastern District of California

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	5,214	5,173	-0.8%	862
Terminations	5,396	4,964	-8.0%	827
¹ Pending	7,374	7,571	2.7%	1,262
Bankruptcy Court				
Filings	17,681	15,528	-12.2%	2,218
Terminations	21,799	19,368	-11.2%	2,767
¹ Pending	21,421	17,581	-17.9%	2,512

Authorized Judgeships

District	6
Bankruptcy	7
Magistrate	
Full-time	12
Part-time	0

Authorized places of holding court:
Bakersfield, Fresno, ³Modesto, Redding,
Sacramento, Yosemite National Park

¹2015 total pending cases revised.

²Includes one authorized temporary judgeship.

³Modesto applies only to bankruptcy court.

Northern District of California

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	6,277	7,689	22.5%	549
Terminations	6,169	6,164	-0.1%	440
¹ Pending	6,216	7,660	23.2%	547
Bankruptcy Court				
Filings	11,892	10,607	-10.8%	1,179
Terminations	16,275	14,769	-9.3%	1,641
¹ Pending	25,315	21,152	-16.4%	2,350

Authorized Judgeships

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

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

¹2015 total pending cases revised.

Southern District of California

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	6,562	6,452	-1.7%	496
Terminations	6,502	6,952	6.9%	535
¹ Pending	5,321	4,820	-9.4%	371
Bankruptcy Court				
Filings	8,889	8,263	-7.0%	2,066
Terminations	10,667	9,227	-13.5%	2,307
¹ Pending	9,227	8,262	-10.5%	2,066

Authorized Judgeships

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

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

¹2015 total pending cases revised.

²El Centro applies only to the district court.

District of Guam

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	127	122	-3.9%	122
Terminations	107	113	5.6%	113
Pending	140	158	12.9%	158
Bankruptcy Court				
Filings	133	152	14.3%	385
Terminations	120	141	17.5%	271
Pending	179	190	6.1%	327

Note: The chief district judge in Guam also handles all bankruptcy cases.

Authorized Judgeships

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

Authorized places of holding court:
Hagatna

District of Hawaii

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	736	881	19.7%	220
Terminations	853	776	-9.0%	194
¹ Pending	848	967	14.0%	242
Bankruptcy Court				
Filings	1,593	1,463	-8.2%	1,463
Terminations	1,783	1,710	-4.1%	1,710
¹ Pending	2,435	2,188	-10.1%	2,188

¹2015 total pending cases revised.

²Includes one temporary judgeship.

Authorized Judgeships

² District	4
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	1

Authorized places of holding court:
Honolulu

District of Idaho

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	865	858	-0.8%	429
Terminations	827	800	-3.3%	400
¹ Pending	1,014	1,068	5.3%	534
Bankruptcy Court				
Filings	4,162	3,841	-7.7%	1,921
Terminations	4,818	4,121	-14.5%	2,061
¹ Pending	3,370	3,091	-8.3%	1,546

¹2015 total pending cases revised.

²Twin Falls applies only to the bankruptcy court. One of the bankruptcy judges also holds court in Twin Falls once a month.

Authorized Judgeships

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

Authorized places of holding court:
Boise, Coeur d'Alene, Moscow, Pocatello,
²Twin Falls

District of Montana

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	901	996	10.5%	429
Terminations	948	898	-5.3%	400
¹ Pending	828	921	11.2%	534
Bankruptcy Court				
Filings	1,310	1,365	4.2%	1,921
Terminations	1,753	1,488	-15.1%	2,061
¹ Pending	2,032	1,909	-6.1%	1,546

¹2015 total pending cases revised.

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

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

District of Nevada

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	3,533	3,994	13.0%	571
Terminations	3,316	3,159	-4.7%	451
¹ Pending	4,255	5,076	19.3%	725
Bankruptcy Court				
Filings	9,902	9,063	-8.5%	2,266
Terminations	14,102	12,039	-14.6%	3,010
Pending	12,112	9,135	-24.6%	2,284

¹2015 total pending cases revised.

²Includes one authorized temporary judgeship.

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

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

District of Northern Mariana Islands

Caseload Measure	2015	2016	² Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	35	56	60.0%	56
Terminations	38	48	26.3%	48
¹ Pending	85	87	2.4%	87
Bankruptcy Court				
Filings	6	7	-	1
Terminations	7	7	-	1
¹ Pending	11	11	0.0%	1

Authorized Judgeships	
District	1
² Bankruptcy	0
Magistrate	
Full-time	0
Part-time	0
³ Combination	1
Authorized places of holding court: Saipan	

Note: The chief district judge in Northern Mariana Islands also handles all bankruptcy cases.

¹2015 total pending cases revised.

²Percent change not computed when fewer than 10 cases reported for the previous period.

³Heather Kennedy serves as part-time magistrate judge and clerk of court.

District of Oregon

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	2,794	2,968	6.2%	495
Terminations	2,704	2,781	2.8%	464
¹ Pending	2,723	2,920	7.2%	487
Bankruptcy Court				
Filings	11,134	9,488	-14.8%	1,898
Terminations	13,116	11,447	-12.7%	2,289
¹ Pending	13,865	11,906	-14.1%	2,381

¹2015 total pending cases revised.

²Bend, Coos Bay, Redmond, Roseburg, and Salem apply only to the bankruptcy court.

Authorized Judgeships

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

Authorized places of holding court:

²Bend, ²Coos Bay, Coquille, Eugene, Klamath Falls, Medford, Pendleton, Portland,

²Redmond, ²Roseburg, ²Salem

Eastern District of Washington

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	1,071	1,249	16.6%	312
Terminations	1,063	1,200	12.9%	300
¹ Pending	988	1,059	7.2%	265
Bankruptcy Court				
Filings	4,450	4,120	-7.4%	2,060
Terminations	4,674	4,598	-1.6%	2,299
¹ Pending	4,864	4,386	-9.8%	2,193

¹2015 total pending cases revised.

²Richland and Walla Walla apply only to the district court.

Authorized Judgeships

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

Authorized places of holding court:

²Richland, Spokane, ²Walla Walla, Yakima

Western District of Washington

Caseload Measure	2015	2016	Change 2015-16	Per Judgeship Unweighted 2016
District Court				
Filings	3,925	3,943	0.5%	563
Terminations	4,047	3,854	-4.8%	551
¹ Pending	3,216	3,322	3.3%	475
Bankruptcy Court				
Filings	14,567	12,739	-12.5%	2,548
Terminations	16,554	15,065	-9.0%	3,013
¹ Pending	17,117	14,791	-13.6%	2,958

¹2015 total pending cases revised.

Authorized Judgeships

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

Authorized places of holding court:

Bellingham, Seattle, Tacoma, Vancouver





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