

# UNITED STATES COURTS FOR THE NINTH CIRCUIT

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## 2018 ANNUAL REPORT





The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2018 Ninth Circuit Annual Report:

The Honorable Sidney R. Thomas, Chief Judge, U.S. Court of Appeals for the Ninth Circuit  
Elizabeth A. Smith, Circuit Executive, Ninth Circuit  
Molly C. Dwyer, Clerk of Court, U.S. Court of Appeals for the Ninth Circuit  
Susan M. Spraul, Clerk, Ninth Circuit Bankruptcy Appellate Panel  
John M. Bodden, Chief Probation Officer, District of Oregon  
David L. Martin, Chief Pretrial Services Officer, District of Arizona

*Cover image and below:*

*Circuit Judge William A. Fletcher administers oath of office to law clerk Mica Moore.*



# THE 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 to right are Senior Circuit Judge N. Randy Smith, Circuit Judge Morgan Christen, Chief Circuit Judge Sidney R. Thomas, Circuit Judge Milan D. Smith, Jr., and Circuit Judge Jay S. Bybee. Standing from left to right are District Judge Rosanna Malouf Peterson, Chief Bankruptcy Judge Gary A. Spraker, Magistrate Judge Michelle Hamilton Burns, Bankruptcy Court Clerk Tyler P. Gilman, District Court Clerk Brian D. Karth, and Circuit Executive Elizabeth A. Smith.*

*Not pictured are Circuit Judge Mary H. Murguia, Senior District Judge Barry Ted Moskowitz, Chief District Judge Ricardo S. Martinez, Chief District Judge Virginia A. Phillips, Chief District Judge J. Michael Seabright, Senior District Judge Susan Oki Mollway, Chief District Judge Dana L. Christensen, District Judge Andrew J. Guilford, Chief Probation Officer John M. Boddien, and Chief Pretrial Services Officer David L. Martin.*

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## FOREWORD

The 2018 Ninth Circuit Annual Report provides an overview of the work of federal courts in the western United States. The past year was particularly challenging for our courts, many of which experienced significantly larger workloads while also contending with multiple judicial vacancies. A natural disaster in the Pacific islands and an extended partial federal government shutdown at year's end brought additional stress. Fortunately, judges and court staff rose to the challenges, continuing to provide superb service to litigants and the public at large. I commend all of them.



CHIEF JUDGE  
SIDNEY R. THOMAS

In the federal trial courts of the Ninth Circuit, criminal filings rose by 21.1 percent in fiscal year 2018. All 13 district courts in the nine western states that comprise the circuit reported increased criminal filings. Courts on the United States-Mexico border were most severely impacted as a result of the Department of Justice's large increase in illegal immigration prosecutions. The largest caseload increase in the circuit, numerically and percentage-wise, was reported by the U.S. District Court for the Southern District of California. Judges and staff in the San Diego-based court labored under a 45.5 percent increase in new criminal filings.

The shift in government immigration policies also impacted the workloads of federal public defender offices in the border courts. Community defenders in the Southern District of California opened 10,909 new cases, up 68.1 percent from

FY 2017. Southern District defenders closed 12,146 cases, up a staggering 113.7 percent from the prior fiscal year. Federal defenders in the neighboring District of Arizona, meanwhile, opened 9,441 new cases, up 64.3 percent from FY 2017, and closed 9,365 cases, up 58.9 percent from FY 2017.

Increased workloads were particularly challenging for courts with longstanding, multiple judicial vacancies. The Southern District of California ended the year with four of its 13 judgeships vacant with a fifth vacancy expected in early 2019. Seven of 28 judgeships authorized to the Los Angeles-based U.S. District Court for the Central District of California were vacant at year's end, including one seat empty for more than four years. In the Seattle-based Western District of Washington, three of seven district judgeships have been vacant for more than two years.

Federal trial courts in the circuit continue to receive significant contributions from magistrate judges, who perform a variety of duties from conducting preliminary proceedings to issuing search and arrest warrants. 2018 marks the 50th anniversary of the Federal Magistrate Judges Act, which established the magistrate judge system in 1968. In the Ninth Circuit, magistrate judges disposed of 256,207 civil and criminal matters, up 12.7 percent from FY 2017.

Natural disasters also provided challenges to Ninth Circuit courts. We experienced deadly wildfires in California and a volcanic eruption in Hawaii. Alaska experienced a major earthquake that temporarily closed the district and bankruptcy courts. In late October, the Commonwealth of the Northern Mariana Islands, a U.S. protectorate, was devastated by Super Typhoon Yutu. The islands of Tinian and Saipan took the brunt of the damage from the massive storm, which brought sustained winds of up 180 mph. The U.S. District Court for the Northern Mariana Islands on Saipan closed during the worst of the storm. In both Alaska and Saipan, the federal courts reopened within days, which is a tribute to the dedication of their judges, staff, and the Circuit Executive's Office.

The Ninth Circuit Court of Appeals continued to reduce its pending caseload and case processing times in FY 2018. Through the use of case management techniques and the efforts of circuit judges, the court lowered its pending caseload by 9.4 percent in FY 2018. This followed a 14.7 percent reduction in the pending caseload in FY 2017. The median time interval from filing of a notice of appeal to final disposition was 11.7 months in FY 2018, down from 13 months in FY 2017 and 15.2 months in FY 2016.

Although declining slightly, pro se appeals continue to constitute a large portion of the Ninth Circuit docket. In FY 2018, pro se litigants accounted for 45.4 percent of all appeals opened during the year. Pro se appeals from prisoners in state and federal prisons within the circuit were the most numerous.

Judges of the Ninth Circuit Court of Appeals welcomed two new colleagues in 2018. Judge Mark J. Bennett of Honolulu, Hawaii, took the bench in July while Judge Ryan D. Nelson of Idaho Falls, Idaho, was seated in October. Other new judicial colleagues included District Judges Susan Brnovich and Dominic W. Lanza of the District of Arizona and Jill Aiko Otake of the District of Hawaii; Bankruptcy Judge Joseph M. Meier of the District of Idaho; and 12 magistrate judges.

We mourned the passing of Circuit Judge Stephen Reinhardt of Los Angeles, who died unexpectedly in March after serving for more than 37 years as an active judge of the Ninth Circuit Court of Appeals. He was rightly considered to be one of the giants of the law and a good friend and colleague. We also mourned the loss of retired District Judge Samuel Conti, the longest-serving judge in the history of the Northern District of California with 45 years on the bench.

In 2018, we reaffirmed our commitment to a healthy workplace for all employees. During the year, all our courts adopted revised Employment Dispute Resolution policies that reduce barriers to employees who want to officially report workplace misconduct, while also providing multiple avenues for them to informally seek advice and resolve problems. Our model Employee Confidentiality Policy was modified to make clear it does not prevent or discourage employees from reporting



misconduct, including sexual or other forms of harassment. In addition to policy changes, the Judicial Council of the Ninth Circuit approved the employment of the federal judiciary's first director of workplace relations, responsible for overseeing workplace issues circuit wide.


In 2018, Stephen M. Liacouras was appointed as the Ninth Circuit's chief circuit mediator. He assumed the office in August, succeeding Claudia L. Bernard, who retired after 29 years of service as a circuit mediator, the last 11 as chief mediator.

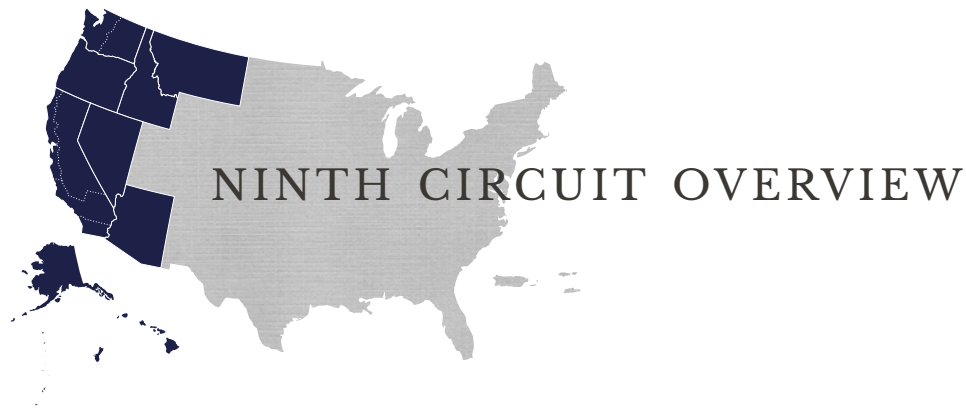
Senior District Judge Charles R. Breyer of the Northern District of California joined an elite group of jurists in 2018 as the recipient of the prestigious 34th Annual Devitt Award. Presented by the Dwight D. Opperman Foundation, the award is considered our nation's highest honor bestowed upon an Article III federal judge. The award was presented by Chief Justice John G. Roberts, Jr., in November in a ceremony at the United States Supreme Court.

District Judge Andrew J. Guilford of the Central District of California was honored in July at the Ninth Circuit Judicial Conference

in Anaheim, California. Judge Guilford was selected the recipient of the 2018 Ninth Circuit Professionalism Award from the American Inns of Court. He was recognized for his distinguished career and remarkable achievements, and commitment to mentoring and training the younger generation of lawyers in Orange County. Also honored at the conference was Harvey Saferstein, who received the Ninth Circuit's 2018 John Frank Award recognizing his longstanding service to the circuit.

The Ninth Circuit continued its leadership in civics education and community outreach in 2018. The linchpin of this effort is The Justice Anthony M. Kennedy Library and Learning Center in Sacramento, California. The center, which is housed in the Robert T. Matsui U.S. Courthouse, hosted an important program focused on reviving civil discourse. Justice Kennedy attended and delivered a keynote address.

I invite you to review our accomplishments in this annual report. I hope you find it useful in providing information about the work of the federal courts of the West. 



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 court.

Judicial districts within the Ninth Circuit include the districts of Alaska, Arizona, Central California, Eastern California, Northern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. The establishment of the Ninth Circuit in 1866 began the development of the federal judicial system for the western United States. 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 2018 with five vacancies. For most of the year, the district courts of the circuit were authorized 112 judgeships, 17 of which were vacant at the end of the year.

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, 17 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 handling a variety of administrative matters. In 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 2018.

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 2018, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and five temporary judgeships. The district courts were authorized 105 full-time and nine part-time magistrate judges, and one combined position of part-time magistrate/clerk of court. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

Overall, the Ninth Circuit courts experienced reduced caseloads in 2018. Unless otherwise noted, statistics in this report cover fiscal year 2018 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 2018 as voting members of the Judicial Council of the Ninth Circuit were Circuit Judge Morgan Christen of Anchorage and Chief District Judge Ricardo S. Martinez of the Western District of Washington. Appointed as observers in 2018 were Chief District Judge Dana L. Christensen

of the District of Montana, District Judge Rosanna Malouf Peterson of the Eastern District of Washington, Chief Bankruptcy Judge Gary A. Spraker of the District of Alaska, Magistrate Judge Michelle Hamilton Burns of the District of Arizona, District Court Clerk Tyler P. Gilman of the District of Montana, District Court Clerk Brian D. Karth of the District of Arizona, Chief Probation Officer John M. Bodden of the District of Oregon and Chief Pretrial Services Officer David L. Martin of the District of Arizona.

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 2018, there were 17 petitions for review filed all of which were resolved by the judicial council.

## **Conference of Chief District Judges**

The Conference of Chief District Judges advises the Judicial Council 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 Barry Ted Moskowitz of the Southern District of the California served as chair from January 2017 to February 2018. Chief District Judge Dana L. Christensen of the District of Montana succeeded him as chair.

### **Conference of Chief Bankruptcy Judges**

The Conference of Chief Bankruptcy Judges advises the Judicial Council on the administration of 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 Sheri Bluebond of the Central District of California chaired the conference in 2018. Chief Bankruptcy Judge Gary A. Spraker of the District of Alaska succeeded her as chair.

### **Magistrate Judges Executive Board**

The Magistrate Judges Executive Board communicates to the Judicial Council 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. Magistrate Judge Michelle Hamilton Burns of the District of Arizona became chair of the board in July 2018.

### **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 ensure adequate judicial staff resources. The clerk of the 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 Office of the Clerk for

the United States Court of Appeals for the Ninth Circuit, 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 defenders 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.



## JUDICIAL COUNCIL of the NINTH CIRCUIT

Chief Judge Sidney R. Thomas

### EXECUTIVE COMMITTEE

### OFFICE OF THE CIRCUIT EXECUTIVE

Elizabeth A. Smith  
Circuit Executive

### ASSOCIATIONS OF JUDICIAL OFFICERS

- Conference of Chief District Judges
- Magistrate Judges Executive Board
- Conference of Chief Bankruptcy Judges

### LIAISON COMMITTEES

- District Clerks
- Bankruptcy Clerks
- Chief Probation Officers
- Chief Pretrial Services Officers

### JUDICIAL CONFERENCE EXECUTIVE COMMITTEE

- Lawyer  
Representatives


### ADVISORY & STANDING COMMITTEES

- Advisory Board
- Alternative Dispute Resolution
- Criminal Case
- CJA Oversight
- Court-Council Committee  
on Bankruptcy Judge  
Appointments
- Courts and Community
- Court Committee on Federal  
Public Defenders Appointments
- Fairness
- Information Technology
- Jury Instructions
- Jury Trial Improvement
- Ninth Circuit Judges Education
- Pacific Islands
- Pro Se Litigation
- Space & Security
- Wellness

## 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 on 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

# NEW JUDGES

## CIRCUIT JUDGES



Mark J. Bennett was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on July 10, 2018, and received his judicial commission on July 13, 2018.

Prior to his appointment to the bench, Judge Bennett engaged in private practice in Honolulu from 2011 to 2018 and from 1990 to 2002. Judge Bennett served as Hawaii attorney general from 2003 to 2010. He was an assistant U.S. attorney for the District of Hawaii from 1982 to 1989 and for the District of Columbia from 1980 to 1982. Judge Bennett also served as a special deputy corporation counsel for the City and County of Honolulu from 2015 to 2018, a special deputy attorney general for the State of Hawaii from 2011 to 2018 and from 1997 to 2001, and a special deputy prosecuting attorney for the City and County of Honolulu from 1997 to 1998. He received his B.A. from Union College in 1976 and his J.D. from Cornell Law School in 1979. Following law school, Judge Bennett clerked for District Judge Samuel P. King of the U.S. District Court for the District of Hawaii. He maintains chambers in Honolulu.



Ryan D. Nelson was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on October 11, 2018, and received his judicial commission on October 18, 2018. Prior to his appointment to the bench,

Judge Nelson had served as general counsel of Melaleuca, Inc., in Idaho Falls, Idaho, since 2009. He served as the company's assistant secretary from 2013 to 2018 and as general counsel emeritus from 2017 to 2018. He served previously as special counsel for U.S. Supreme Court nominations to the ranking member of the Senate Judiciary Committee in 2009. Judge Nelson served as deputy general counsel to the Office of Management and Budget, Executive Office of the President, from 2008 to 2009, and as deputy assistant attorney general in the Environment and Natural Resources Division, U.S. Department of Justice, from 2006 to 2008. He engaged in private practice in Washington, D.C., from 2001 to 2006. Judge Nelson received his B.A. from Brigham Young University in 1996 and his J.D. from BYU Law School in 1999, graduating with honors and inducted into the Order of the Coif. While in law school, he was a lead articles editor of the BYU Law Review. Following law school, he clerked for Judge Karen LeCraft Henderson of the U.S. Court of Appeals for the District of Columbia Circuit, from 1999 to 2000, and to Judges Charles N. Brower and Richard M. Mosk of the Iran-U.S. Claims Tribunal at The Hague from 2000 to 2001. Judge Nelson maintains chambers in Idaho Falls.

## DISTRICT JUDGES



Susan Brnovich was confirmed by the Senate to serve as a United States district judge for the District of Arizona on October 11, 2018, and received her judicial commission on October 23, 2018. Prior to her appointment to the federal bench, Judge Brnovich

had served as a Maricopa County (Arizona) Superior Court judge since 2009 and as a commissioner from 2003 to 2009. Prior to coming onto the bench, Judge Brnovich served as a deputy county attorney for Maricopa County Attorney's Office from 1995 to 2003. She received her B.B.A. from the University of Wisconsin in 1990. Judge Brnovich received an M.S. from the University of Wisconsin Graduate School and her J.D. from the University of Wisconsin Law School in 1994. She served as a judicial extern for Judge William H. Bristol of the Supreme Court of New York in 1992. Judge Brnovich maintains chambers in Phoenix.



Dominic W. Lanza was confirmed by the Senate to serve as a United States district judge for the District of Arizona on September 6, 2018, and received his judicial commission on September 10, 2018. Prior to his appointment to the bench, Judge

Lanza had served as chief/executive assistant U.S. attorney for the U.S. Attorney's Office in the District of Arizona since 2015. Prior to that, he served as chief of the Financial Crimes and Public Integrity Section, from 2012 to 2015, and as an assistant U.S. attorney, from 2008 to 2012, in the District of Arizona. Judge Lanza practiced law in Los Angeles from 2003 to 2008. He received his A.B., summa cum laude, from Dartmouth College in 1998, and his J.D., cum laude, in 2002 from Harvard Law School, where he served as editor

and transition chair of the Harvard Law Review from 2000 to 2002. Following law school, he clerked for Judge Pamela Ann Rymer of the U.S. Court of Appeals for the Ninth Circuit from 2002 to 2003. He maintains chambers in Phoenix.



Jill Aiko Otake was confirmed by the Senate to serve as a United States district judge for the District of Hawaii on August 1, 2018, and received her judicial commission on August 3, 2018. Prior to her appointment to the bench, Judge Otake had worked

as an assistant U.S. attorney from 2014 to 2018 in the Office of the U.S. Attorney for the District of Hawaii, where she served as the acting chief of the Special Crimes Section from 2017 to 2018, and as deputy chief of the Special Crimes Section from 2016 to 2017. Prior to that, she worked as an assistant U.S. attorney from 2005 to 2014 in the Office of the U.S. Attorney for the Western District of Washington, where she served as a co-supervisor of the General Crimes Unit, from 2013 to 2014, and as deputy supervisor of the Terrorism and Violent Crimes Unit from 2011 to 2013. She was an instructor for the Oregon Sexual Assault Task Force in 2012 and was an adjunct professor at Seattle University School of Law in 2007. Judge Otake served as a deputy prosecuting attorney in King County Prosecuting Attorney's Office from 2002 to 2005 and from 1998 to 2001. Judge Otake received her B.S., cum laude, from Georgetown University in 1995 and her J.D. from the University of Washington School of Law in 1998. She clerked for Associate Justice Simeon R. Acoba, Jr., of the Hawaii Supreme Court from 2001 to 2002. Judge Otake maintains chambers in Honolulu.

## NEW JUDGES CONTINUED

### BANKRUPTCY JUDGE



Joseph M. Meier was appointed as a bankruptcy judge for United States Bankruptcy Court for the District of Idaho on March 23, 2018. Prior to his appointment to the bench, Judge Meier had been a partner at the law firm of Cosho Humphrey, LLP, in Boise since 1990. He joined the firm as an associate in 1985. He also has taught bankruptcy at the University of Idaho for numerous years. Judge Meier earned his B.A. from the University of Oregon in 1981, and his J.D. in 1984 from Willamette University College of Law, Salem, Oregon, where he served as a member of the Willamette Law Review. He maintains chambers in Boise.

### MAGISTRATE JUDGES



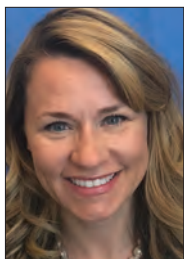
Maria A. Audero was appointed as a magistrate judge for the United States District Court for the Central District of California on June 11, 2018. Prior to her appointment, Judge Audero was a partner in the Employment Law Department at Paul Hastings, LLP, and was co-chair of the department in the Los Angeles office. Prior to that, she was an associate at Jeffer, Mangels, Butler & Marmaro, LLP and at Barger & Wolen, LLP. Judge Audero sat as a temporary judge in the Los Angeles County Superior Court's Pro Tem program, presiding over small claims and traffic matters. She also served as a volunteer referee at the court's Civil Referee-Assisted Settlement Hearing settlement program. Judge Audero received her B.A. from the University of California, Los Angeles, in 1980 and her J.D. in 2000 from Southwestern Law School, where she served as an associate editor of the law review. She maintains chambers in Los Angeles.



Michael S. Berg was appointed as a magistrate judge for the United States District Court for the Southern District of California on November 5, 2018. Prior to his appointment, Judge Berg was a criminal defense attorney for 36 years. He successfully represented some of the most high-profile criminal cases in San Diego, including the first ever death penalty case filed in the Southern District of California. Dedicated to serving the community through his volunteer work, Judge Berg is the incoming chairman of the California Board of Legal Specialists for the State Bar of California, is the president of the Rancho Coastal Humane Society Board of



Directors and is the former president and current handicap chairman for the Torrey Pines Men's Golf Club. Judge Berg was born and raised in South Dakota. He graduated from the University of South Dakota in 1978 and from the University of San Diego School of Law in 1981. He maintains chambers in San Diego.



Carla B. Carry was appointed as a magistrate judge for the United States District Court for the District of Nevada on August 28, 2018. Prior to her appointment to the bench, Judge Carry had served as an assistant U.S. attorney in the Criminal

Division of the Office of the U.S. Attorney in the District of Nevada since 2010. Before joining the office, Judge Carry worked at McDonald Carano Wilson from 2005 to 2010. She received her undergraduate degree from the University of Nevada, Reno, and her J.D. from the University of the Pacific, McGeorge School of Law. She maintains chambers in Reno.



Dennis M. Cota was appointed as a magistrate judge for the United States District Court for the Eastern District of California on September 3, 2018. Prior to his appointment to the bench, Judge Cota engaged in private practice as one of the

founding partners of Cota, Cole & Huber LLP in Roseville, California. Before that, he worked as a managing partner at Best, Best & Krieger LLP in Sacramento. Judge Cota received his B.A. from the University of California, Los Angeles, in 1983 and his J.D. from U.C. Davis School of Law in 1986. He attended Pepperdine School of Law: Strauss Institute for Dispute Resolution

in 1998. Judge Cota taught trial practice and advanced trial practice at U.C. Davis School of Law, where he was director of the law school's Trial Advocacy Competition Program. He taught civil procedure and evidence courses at the U.C. Riverside Extension Program and was a guest lecturer at the University of La Verne School of Law. He maintains chambers in Redding.



Virginia K. DeMarchi was appointed as a magistrate judge for the United States District Court for the Northern District of California on June 4, 2018. Prior to her appointment to the bench, Judge DeMarchi was a partner at Fenwick & West

LLP in Silicon Valley, where she practiced law for over 20 years. Before joining Fenwick & West, Judge DeMarchi served as a trial attorney, Civil Division, U.S. Department of Justice, in Washington, D.C. She received her undergraduate degree from Stanford University and her J.D., cum laude, from Harvard Law School. She clerked for District Judge Steven J. McAuliffe of the U.S. District Court for the District of New Hampshire. She maintains chambers in San Jose.



Thomas S. Hixson was appointed as a magistrate judge for the United States District Court for the Northern District of California on September 4, 2018. Prior to his appointment to the bench, Judge Hixson was a partner at Morgan, Lewis &

Bockius, LLP. Before that, he was an associate then partner at Bingham McCutchen LLP, and an associate at McCutchen, Doyle, Brown & Enersen, LLP. He received his undergraduate and law degrees, both magna cum laude, from

## NEW JUDGES CONTINUED

Harvard. Following law school, he clerked for Circuit Judge A. Wallace Tashima of the U.S. Court of Appeals for the Ninth Circuit. He maintains chambers in San Francisco.



Mustafa T. Kasubhai was appointed as a magistrate judge for the United States District Court for the District of Oregon on September 21, 2018. Prior to his appointment to the federal bench, Judge Kasubhai had served as a judge of Lane County

Circuit Court in Eugene, Oregon, since 2007. He served as a board member of the Oregon Workers' Compensation Board and practiced law in Eugene and Klamath Falls. Judge Kasubhai received his undergraduate degree from the University of California, Berkeley, and his J.D. from the University of Oregon School of Law in 1996. He maintains chambers in Eugene.



Linda Lopez was appointed as a magistrate judge for the United States District Court for the Southern District of California on October 26, 2018. Prior to coming onto the bench, Judge Lopez was a senior trial attorney at Federal Defenders of San Diego from 2007

to 2018. She was a sole practitioner at her law firm Linda Lopez, P.A., in Miami from 2003 to 2007, and an attorney at Solomon & Kahn, P.A., from 1999 to 2003. Judge Lopez received her B.A., magna cum laude, from Florida International University in 1996 and her J.D., magna cum laude, in 1999 from the University of Miami School of Law, where she was the editor of the University of Miami Law Review and a member of the Order of the Coif. She maintains chambers in San Diego.



Ruth Bermudez Montenegro was appointed as a magistrate judge for the United States District Court for the Southern District of California on August 15, 2018. Prior to her appointment to the federal bench, Judge Montenegro served as a Superior Court judge

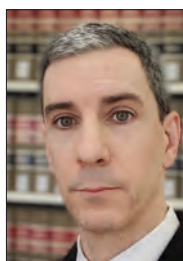
in Imperial County, California, where she was the first Latina judge in the history of the county. Her prior service included serving as a family support commissioner for the Imperial County Superior Court where she was the first female to serve in that capacity and assistant county counsel for the Imperial County Counsel's Office. She was also engaged in private practice. Judge Montenegro is a member of the California Civic Learning Partnership Committee and former board member of the California Bar Foundation. Judge Montenegro received her B.A. in 1989 from Clarion University in Clarion, Pennsylvania, where she graduated summa cum laude. She earned her J.D. in 1992 from UCLA School of Law, where she was elected graduate student association president. She maintains chambers in El Centro.



Jeremy D. Peterson was appointed as a magistrate judge for the United States District Court for the Eastern District of California on April 30, 2018. Before his appointment to the bench, Judge Peterson was in private practice in Washington,

D.C., where he was a white-collar defense and environmental lawyer with Arnold & Porter, LLP. Prior to that, he was a trial attorney with the U.S. Department of Justice's Environment and Natural Resources Division, where he was part of the team that investigated the Deepwater Horizon explosion and oil spill. Judge Peterson's career as a litigator began with the Office of the U.S. Attorney in Washington, D.C., where he prosecuted domestic violence offenses. Judge

Peterson received his B.A., with honors, from Swarthmore College in 1999, and his J.D., cum laude, in 2006 from Harvard Law School, where he was managing editor of the Harvard International Law Journal. After law school, he served as a law clerk for Judge Ruggero J. Aldisert of the U.S. Court of Appeals for the Third Circuit. Judge Peterson maintains chambers in Yosemite Valley and Fresno, California.



Matthew M. Scoble was appointed as a magistrate judge for the United States District Court for the District of Alaska on September 19, 2018. Before his appointment to the bench, Judge Scoble was an assistant federal public defender with the Office of the Federal Public Defender for the District of Alaska. Prior to that, he was an assistant FPD for the Eastern District of California in Sacramento. Prior to joining the Office of the FPD, Judge Scoble was a trial lawyer with the Sacramento County Public Defender's Office. Judge Scoble began his legal career as a JAG officer with the United States Air Force, serving five years on active duty. He maintains chambers in Anchorage and Juneau, Alaska.



Autumn D. Spaeth was appointed as a magistrate judge for the Central District of California on June 15, 2018. Prior to her appointment, she was a partner in the boutique law firm of Smiley Wang-Ekval, LLP in Costa Mesa, California, where her practice focused on commercial and bankruptcy related litigation. Judge Spaeth began her legal career at McDermott, Will & Emery where she represented large and mid-sized companies in commercial and intellectual property litigation as an associate in the Trial Department. Judge Spaeth received her B.A. from the University of California at Los Angeles in 1996, an M.A. from the University of Southern California Annenberg School of Communication and her J.D. in 2000 from the University of Southern California Law School, where she served as a notes editor of the Southern California Law Review. She maintains chambers in Santa Ana.

# SENIOR JUDGES

## SENIOR JUDGES



District Judge Michael M. Anello of the United States District Court for the Southern District of California was appointed on October 10, 2008, and assumed senior status on October 31, 2018. Prior to joining the federal bench, Judge Anello had served as a

judge of the Superior Court of California in San Diego County since 1998. Prior to coming onto the bench, he was in private practice in San Diego as a partner at Wingert, Grebing, Anello & Brubaker, from 1974 to 1998, and as an associate at Todd, Toothacre & Wingert from 1973 to 1974. Judge Anello began his legal career as a deputy city attorney working in the criminal division of the San Diego City Attorney's Office from 1972 to 1973. Judge Anello received his B.A., cum laude, from Bowdoin College in 1965 and his J.D. from Georgetown University Law Center in 1968. He maintains chambers in San Diego.



District Judge David G. Campbell of the United States District Court for the District of Arizona was appointed on July 15, 2003. Prior to his appointment, Judge Campbell was a partner at Osborn Maledon, P.A., in Phoenix from 1995 to 2003. He was an

associate then partner at Meyer, Hendricks, Victor, Osborn & Maledon in Phoenix from 1982 to 1986 and from 1986 to 1995, respectively. Judge Campbell received his B.S. from the University of Utah in 1976 and his J.D. from the University of Utah College of Law in 1979. Following law school, he clerked for Circuit Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit, from 1979 to 1980, and for Justice William H. Rehnquist of the United States Supreme Court from 1981 to 1982. He maintains chambers in Phoenix.



District Judge John A. Houston of the United States District Court for the Southern District of California was appointed on October 7, 2003, and assumed senior status on February 6, 2018. Prior to his appointment, Judge Houston served as a U.S.

magistrate judge for the Southern District of California from 1998 to 2003. He worked in the Office of the U.S. Attorney for the Southern District of California, where he served as a senior financial litigation counsel from 1996 to 1998; as a senior counsel for asset forfeiture from 1994 to 1996; as chief of the Asset Forfeiture Unit from 1987 to 1994; and as an assistant U.S. attorney from 1981 to 1987. Judge Houston received his B.S. from North Carolina A & T State University in 1974 and his J.D. from the University of Miami School of Law in 1977. He maintains chambers in San Diego.



District Judge James C. Mahan of the United States District Court for the District of Nevada was appointed on January 30, 2002, and assumed senior status on June 29, 2018. Prior to his appointment to the federal bench, Judge Mahan had

served as a judge of the Nevada District Court, Eighth Judicial District, since 1999. He engaged in private practice in Las Vegas as a senior partner at Mahan & Ellis from 1982 to 1999; as an attorney at John Peter Lee, Ltd., from 1975 to 1982; and as an associate at Lee & Beasley, Ltd., from 1973 to 1975. Judge Mahan received his B.A. from Morris Harvey College, now the University of Charleston, in 1965 and his J.D. from the Vanderbilt University Law School in 1973. Judge Mahan maintains his chambers in Las Vegas.





District Judge S. James Otero of the United States District Court for the Central District of California was appointed on February 12, 2003, and assumed senior status on December 30, 2018. Prior to his appointment to the federal bench, Judge Otero

served as a California Superior Court judge, Los Angeles County, from 1990 to 2003, and as a Municipal Court judge in Los Angeles, from 1988 to 1990. He was the regional counsel in charge for the Southern Pacific Transportation Company in Los Angeles from 1987 to 1988. Judge Otero received his B.A. from California State University at Northridge in 1973 and his J.D. from Stanford Law School in 1976. He maintains chambers in Los Angeles.



District Judge Manuel L. Real of the United States District Court for the Central District of California was appointed on November 3, 1966. He served as chief judge of his court from 1982 to 1993 and assumed senior status on November 4, 2018. Prior to his

appointment to the bench, Judge Real served as a U.S. attorney for the Southern District of California from 1964 to 1966. He engaged in private practice in San Pedro, California, from 1955 to 1964. Prior to that, he was an assistant U.S. attorney for the Southern District of California from 1952 to 1955. Judge Real served in the U.S. Naval Reserve from 1943 to 1945. He received his B.S. from the University of Southern California in 1944 and his LL.B. from Loyola Law School in 1951. He maintains chambers in Los Angeles.



Circuit Judge N. Randy Smith of the United States Court of Appeals for the Ninth Circuit was appointed on March 19, 2007, and assumed senior status on August 11, 2018. Prior to his appointment to the federal bench, Judge Smith had served

as a district judge for the Idaho District Court, Sixth Judicial District, since 1995. He has been an adjunct professor at Idaho State University since 1984 and was an adjunct professor at Boise State University from 1979 to 1981. Judge Smith engaged in private practice in Pocatello, Idaho, from 1982 to 1995, and worked as an associate and assistant general counsel for J.R. Simplot Company from 1977 to 1981. Judge Smith received his B.S. from Brigham Young University in 1974 and his J.D. from BYU, J. Reuben Clark Law School, in 1977. He maintains chambers in Pocatello.



Circuit Judge Richard C. Tallman of the United States Court of Appeals for the Ninth Circuit was appointed on May 25, 2000, and assumed senior status on March 3, 2018. Prior to his appointment to the bench, Judge Tallman had engaged in private

practice in Seattle since 1983. He served as an assistant U.S. attorney in the Office of the U.S. Attorney for the Western District of Washington, from 1980 to 1983, and served as a trial attorney in the Criminal Division of the U.S. Department of Justice from 1979 to 1980. Judge Tallman received his B.Sc. from the University of Santa Clara, now Santa Clara University, in 1975, and his J.D. from Northwestern University School of Law in 1978. Following law school, he clerked for Judge Morell E. Sharp of the U.S. District Court for the Western District of Washington from 1978 to 1979. He maintains chambers in Coeur d'Alene.

## IN MEMORIAM



Bankruptcy Judge Laurel E. Babero, 62, of the United States Bankruptcy Court for the District of Nevada, died on November 19, 2018. She was appointed as a bankruptcy judge for the District of Nevada on July 12, 2013. Prior to her appointment, she had

engaged in private practice as director at the law firm of Fennemore Craig, P.C., in Las Vegas since 2007. Before that, she worked at Lionel Sawyer & Collins in Las Vegas as a partner from 1994 to 2007 and as an associate from 1987 to 1993. Judge Babero received her B.S. from the University of Nevada, Las Vegas, in 1983 and her J.D., magna cum laude, from the University of San Diego School of Law in 1987. Judge Babero is survived by her husband, Andras F. Babero; stepchildren, Alejandro, Raquel, and Anthony; her sister, Ruth Ann; and her brother, Curtis.



Magistrate Judge David H. Bartick, 59, of the United States District Court for the Southern District of California, died on February 18, 2018. Judge Bartick was appointed as a magistrate judge for the Southern District of California on April 2, 2012.

Prior to coming onto the bench, Judge Bartick engaged in private practice in San Diego. He worked in the Law Offices of Ronis & Ronis from 1985 to 1993, when he started his own legal practice. Judge Bartick served as a judge pro tem of the San Diego County Superior Court from 1993 to 2011; as presiding arbitrator for the San Diego County Bar Association from 1993 to 2011; and as a certified specialist in criminal law for the California Board of Legal Specialization from 1993 to 2012. He received his B.A. from the University of California, Berkeley, in 1980 and his J.D. from Western States Law School (now the Thomas Jefferson School of Law) in

1985. While in law school, he interned for the National Legal Aid and Defenders Association in Washington, D.C. Judge Bartick is survived by his wife of 30 years, Terry, and their two children, Brian and Jenn.



District Judge Samuel Conti, 96, of the United States District Court for the Northern District of California, died on August 29, 2018. Nominated by President Nixon on October 7, 1970, Judge Conti was confirmed by the Senate on October 13, 1970, and

received his judicial commission on October 16, 1970. He served as an active judge until taking senior status on November 1, 1987. He retired in 2015 with 45 years of service and became the longest serving judge in the history of the Northern District. Prior to his appointment to the federal bench, Judge Conti served as a judge of Contra Costa County (California) Superior Court from 1968 to 1970. He was a city attorney in Concord, California, from 1960 to 1969. He engaged in private practice in San Francisco from 1948 to 1967. Judge Conti was chairman of the Civil Service Board of Appeals in Pittsburg, California, from 1956 to 1958. Judge Conti was an Army veteran of World War II. He earned his B.A. from the University of Santa Clara (now Santa Clara University) in 1945 and his LL.B. from Stanford Law School in 1948. Judge Conti is survived by his wife of 56 years, Dolores; two sons, Richard and Robert Conti; a daughter, Cynthia Boulanger; two grandchildren; and a sister, Mary Battaglia.



Bankruptcy Judge Thomas T. Glover, 74, of the United States Bankruptcy Court for the Western District of Washington died on August 13, 2018. Judge Glover was first appointed to the court in 1985 and was reappointed in 1999. He served as the chief judge of his court from 1994 to 2001 and retired in 2010. Prior to his appointment to the bench, he engaged in private practice for 15 years with the law firm of Johnson, Quigley, Hatch and Loveridge in Seattle, where he began his career in law. Judge Glover received his B.A. in 1967 from Washington State University, where he served as student body president and his J.D. from the University of Washington School of Law in 1970. Judge Glover is survived by his wife of 51 years, Gretchen; their five children, Dr. Sarah Glover, Dr. Andrew Glover, Laura Wasson, Karen Lytle and Martha Glover; and 15 grandchildren.



Magistrate Judge Peter Nowinski, 74, of the United States District Court for the Eastern District of California, died on July 26, 2018. Judge Nowinski was appointed to the court in 1991 and served as a magistrate judge in Sacramento until 2006, when he retired from the bench. Prior to his appointment to the bench, Judge Nowinski served as the chief associate deputy attorney general for the U.S. Department of Justice. He engaged in private practice in Sacramento, where he served as the first assistant and U.S. attorney. Prior to that, Judge Nowinski was a trial attorney then director of the Torts Branch in the Civil Division of the DOJ. He received his B.A. from San Jose State University in 1966 and his J.D. from the University of California Hastings College of the Law in 1969. Judge Nowinski is survived by his two sons, Alexander and Joe; four daughters, Betsy, Ivy, Agatha, and Clara;

and three grandchildren. Alexander and Joe; four daughters, Betsy, Ivy, Agatha, and Clara; and three grandchildren.



Senior District Judge Owen M. Panner, 94, of the United States District Court for the District of Oregon died on December 19, 2018. He was appointed to the court in 1980 and served as chief judge of his court from 1984 to 1990. Judge Panner assumed senior status in 1992. Prior to his appointment to the bench, Judge Panner was the attorney for the Confederated Tribes of Warm Springs for 25 years. Prior to that, he was a trial lawyer in Bend, Oregon, from 1950 to 1955. He served in the U.S. Army from 1943 to 1946. Judge Panner was married twice and is survived by his second wife, Nancy, and four children.



Circuit Judge Stephen Reinhardt, 87, of the United States Court of Appeals for the Ninth Circuit died on March 29, 2018. Judge Reinhardt, who lived and maintained chambers in Los Angeles, served as an active judge for more than 37 years. Nominated to the Ninth Circuit in 1979, Judge Reinhardt was confirmed and received his judicial commission in 1980. Prior to his appointment to the bench, Judge Reinhardt practiced law in Los Angeles from 1957 to 1980. Judge Reinhardt received his B.A. from Pomona College in 1951 and his LL.B., Order of the Coif, from Yale Law School in 1954. After serving as a lieutenant in the Air Force for two years, he clerked for Judge Luther W. Youngdahl of the U.S. District Court for the District of Columbia. Judge Reinhardt is survived by his three children Mark Reinhardt, Justin Reinhardt, and Dana Reinhardt; and seven grandchildren. Judge Reinhardt's wife, Ramona, died several months following his death. ☐

## In Memoriam – The Honorable Stephen Reinhardt

In 2018, judges of the United States Court of Appeals lost a renowned and esteemed colleague, Judge Stephen Reinhardt, who died on March 29, 2018. He was 87.



*Circuit Judge Stephen Reinhardt*

Judge Reinhardt, who lived and maintained chambers in Los Angeles, served as an active judge of the court for more than 37 years.

"Judge Reinhardt is rightly considered to be one of the giants of the law. He earned his reputation by virtue of a brilliant legal mind, an unmatched work ethic and deeply held principles. He resolutely pursued justice as he saw it," Ninth Circuit Chief Judge Sidney R. Thomas said.

Chief Judge Emeritus J. Clifford Wallace said of Judge Reinhardt, "His life was focused on the law and with his brilliant mind, he became one of the most effective contributors to our judicial system."

"Steve battled his entire career for civil rights and civil liberties. In countless cases, he was able to help the little person come out on top by the sheer force of his intellect. His death is a staggering loss," said Chief Judge Emeritus Mary M. Schroeder.

Judge Richard Paez made a similar observation. "Judge Reinhardt was inspiring in the how he cared about the less fortunate, about individuals charged with crimes or incarcerated. His concern that they be treated fairly and humanely was just an inspiration to me," Judge Paez, adding that his late colleague's contributions to Ninth Circuit law and American jurisprudence "were significant and will be long lasting."

Often referred to as the "liberal lion," Judge Reinhardt did not set aside his principles when he came onto the bench.

Judge Reinhardt never shirked from a task, frequently working late into the night and often through the weekend, colleagues said.

Born in New York City, Judge Reinhardt came west for his undergraduate studies, receiving his B.A. from Pomona College in 1951 and his LL.B. from Yale Law School in 1954. He served in the Air Force for two years then clerked for Judge Luther W. Youngdahl of the U.S. District Court for the District of Columbia. He then moved west permanently to practice law in Los Angeles.

Judge Reinhardt was nominated by President Carter in 1979 and received his judicial commission in 1980. At the time of his death, he was one of the five Carter appointees still serving on the court.

Judge Reinhardt is survived by his three children Mark Reinhardt, a professor of political science at Williams College; Justin Reinhardt, a musician; and Dana Reinhardt, a novelist; and seven grandchildren. Judge Reinhardt's wife, Ramona Ripston, a retired executive director of the American Civil Liberties Union of Southern California, died several months following his death. 🍷





## NINTH CIRCUIT HIGHLIGHTS

## Ninth Circuit Moves Swiftly to Improve Workplace Relations Policies

Responding to concerns expressed by law clerks and court staff, the Judicial Council of the Ninth Circuit moved swiftly in 2018 to revise policies and procedures meant to ensure a healthy workplace environment for all employees.



*Director of Workplace Relations Yohance Claude Edwards standing in the newly established Office of Workplace Relations.*

In May, the judicial council voted to adopt recommendations put forth by the Workplace Environment Committee, an ad hoc panel which reviewed policies and procedures pertaining to workplace relations. Appointed by Chief Judge Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit, the committee based its proposals on input received from nearly 3,000 current and former law clerks and other court staff who responded to a wide-ranging workplace questionnaire.

The committee's key recommendations included establishing a new position, the director of workplace relations, responsible for overseeing workplace issues in courts of the Ninth Circuit generally; revising the circuit's model Employment Dispute Resolution policy,

including extending to 180 days the time in which an employee can bring a complaint; and changing the employee confidentiality policy to make clear it does not prevent or discourage employees from reporting misconduct, including sexual or other forms of harassment.

In December, Chief Judge Thomas announced the appointment of attorney Yohance Claude Edwards as the Ninth Circuit's director of workplace relations. The position was the first of its kind in the federal judiciary. Mr. Edwards, who assumed the post in January 2019, immediately set about establishing a new Office of Workplace Relations, now located in the James R. Browning U.S. Courthouse in San Francisco, the Ninth Circuit's administrative headquarters.

Mr. Edwards is available to directly assist all judges and court staff in the circuit. He also oversees development of discrimination and sexual harassment training programs for federal trial and bankruptcy courts in the 15 judicial districts within the circuit. His near-term goals include new webpages to provide workplace-related information to the public and judiciary employees.

Materials recently posted online at <https://www.ca9.uscourts.gov/workplace>, include a significantly revised Employment Dispute Resolution Policy, which sets out processes and practices for resolving workplace matters. As of January 1, 2019, all federal courts and Federal Public Defender offices in the circuit have adopted either the revised EDR Policy or a revised local court policy substantially similar to the Ninth Circuit's.

Mr. Edwards was previously the associate director and deputy Title IX officer in the Office for the Prevention of Harassment and Discrimination at the University of

California, Berkeley, where he oversaw the resolution of complaints of discrimination and harassment based on various factors. Prior to U.C. Berkeley, Mr. Edwards served as an attorney in the U.S. Department of Education's Office for Civil Rights in San Francisco, where he was responsible for enforcing federal civil rights laws that prohibit discrimination at educational institutions receiving federal funds.

The Workplace Environment Committee was chaired by Ninth Circuit Judge M. Margaret McKeown and included Chief District Judge Virginia A. Phillips of the U.S. District Court for the Central District of California, Senior District Judge Charles R. Breyer of the U.S. District Court for the Northern District of California, Magistrate Judge Candy W. Dale of the U.S. District Court for the District of Idaho, and San Diego attorney Abby Silverman, one of the nation's top employment and alternative dispute resolution practitioners.

In addition to the questionnaire, which was sent to almost 6,000 current and former employees, the committee conducted other outreach, including mediator-conducted focus groups for current and former law clerks in Los Angeles, San Francisco, Seattle, and Washington, D.C. The committee also sent letters to law school deans soliciting ideas for cooperation between the law schools and the courts with respect to law clerks and externs.

The judicial council also adopted

**UNITED STATES COURTS for the NINTH CIRCUIT**

Chief Judge Sidney R. Thomas  
Misty C. Dwyer, Clerk of Court  
Elizabeth A. Smith, Circuit Executive

COURT OF APPEALS DISTRICT & BANKRUPTCY COURTS JUDICIAL COUNCIL & CONFERENCE LIBRARY

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**OFFICE OF WORKPLACE RELATIONS**  
UNITED STATES COURTS FOR THE NINTH CIRCUIT

The United States Courts for the Ninth Circuit is the first federal circuit in the nation to establish an Office of Workplace Relations, which officially opened on February 12, 2019, in the James R. Browning United States Courthouse in San Francisco, the circuit's administrative headquarters.

The Office of Workplace Relations is led by Director of Workplace Relations Yohance Edwards, who joined the Ninth Circuit on January 7, 2019. He leads the circuit's efforts to prevent and resolve workplace issues and is available to assist judges and staff throughout the circuit on EDR-related matters. He will be supported in those efforts by Workplace Relations Specialist Stella Huynh.

Establishing the Office of Workplace Relations and revising an Employment Dispute Resolution Policy that applies to workplace relations matters were foremost among the recommendations of the Ad Hoc Committee on Workplace Environment. The committee was appointed by Chief Judge Sidney R. Thomas of the U.S. Court of Appeals for the Ninth Circuit and chaired by Circuit Judge M. Margaret McKeown to conduct a comprehensive review of existing workplace practices and policies.

Maintaining a healthy and productive workplace for all employees will continue to be the highest priority for the Ninth Circuit and for the Office of Workplace Relations.

[Read More >](#)

**Ninth Circuit Employment Dispute Resolution Policy and Commitment to a Fair and Respectful Workplace**  
Judicial Council Approved: December 27, 2018  
Effective date: January 1, 2019

**Ninth Circuit EDR FlowChart**  
For workplace advice and complaints in the Ninth Circuit, here is a flowchart with options and who to contact.

**EDR Policy**  
**EDR FLOWCHART**  
**WORKPLACE RELATIONS UPDATE**  
**DIRECTOR OF WORKPLACE RELATIONS**  
**OFFICE OF JUDICIAL INTEGRITY**  
**CALENDAR**  
**CONTACT**

**Latest News Releases**

- Ninth Circuit Announces Appointment of First Director of Workplace Relations  
November 13, 2018
- Ninth Circuit Judicial Council Acts on Workplace Environment Recommendations  
May 21, 2018
- Ninth Circuit Committee Begins Workplace Environment Review  
February 28, 2018
- Ninth Circuit Committee to Review Workplace Environment Policies  
January 12, 2018

The Office of Workplace Relations website, <https://www.ca9.uscourts.gov/workplace>, includes materials such as the recently updated Employment Dispute Resolution Policy.

committee recommendations to:

- Reduce barriers to employees who want to officially report workplace misconduct, while also providing multiple avenues for them to seek informal advice;
- Assist in resolving workplace problems through optional coordinated dispute resolution and voluntary mediation; and
- Develop ongoing training programs for judges, court administrators and staff. 🧩



## The Justice Anthony M. Kennedy Library and Learning Center Marks Fifth Year of Operation

The Justice Anthony M. Kennedy Library and Learning Center, envisioned as a hub of civic education and community outreach for federal courts in the western states, marked several milestones in 2018. The center, located in the Robert T. Matsui United States Courthouse in Sacramento, California, is a collaborative endeavor of the Ninth Circuit, the U.S. District Court for the Eastern District of California, and the non-profit Sacramento Federal Judicial Library and Learning Center Foundation.

In 2018, the Kennedy Learning Center marked its fifth year of operations and activities, which included school visits to the center and the Matsui Courthouse, moot court experiences for students ranging from second graders to law students, teacher institutes in Sacramento and Fresno, and a major symposium as part of Constitution Day celebrations.

The KLC hosted over 4,000 students, teachers and community leaders and reached another 2,500 students through classroom visits during the year. The 39 teachers who attended summer institutes in Sacramento and Fresno teach high school classes that reached another 2,000 students.

The center's success results from substantial support from the foundation and a small army of volunteers, including several high school and college students. From organizing school visits and speakers to marketing events, from arranging for catering to setting up tables and chairs, the center depends directly and indirectly upon help from the foundation, the federal and state bench and bar, court staff and many others.

### Courthouse Visits

Throughout the academic school year, the center arranges for visits from high schools, middle schools, elementary schools, and home school groups. The center also hosts public education events and meetings sponsored by government and related agencies.

A typical classroom field trip to the Matsui Courthouse includes a greeting by a judge, a tour of the Kennedy Learning Center by the administrator, Kari C. Kelso, Ph.D., one or more presentations by court personnel and lawyers discussing judicial processes, and a visit to an active courtroom. For most students, this is the first time they have seen a real courtroom (other than on television or in the movies) and had an opportunity to see judicial proceedings in action.



*Students being sworn in during a mock trial at the Robert T. Matsui United States Courthouse.*





*Teacher Sean Moloney from Union Mine High School participating in the 2018 Sacramento Summer Institute.*

### **Moot Court Programs**

Some of the most intensive courthouse experiences occur in the context of moot court competitions and mock trials.

The University of the Pacific McGeorge School of Law sponsored the 2018 National Ethics Mock Trial Competition. Working with the Kennedy Learning Center as host, McGeorge invited 350 students from 18 law schools around the country to participate in this competition. It is the only law school-sponsored competition that features both an ethical component in the issues to be tried and scoring based on the participants' observation of ethical and civility principles.

Mock trials are also a way for much younger students to experience the thrill and discipline of courtroom advocacy. As part of their visit to the KLC and the courthouse, four schools worked hard to provide the mock trial experience for their students. Certainly one of the more creative approaches was a "Three Little Pigs Mock Trial," originally done for 2nd graders and then repeated with some bigger kids. Following impassioned advocacy on both sides, the Big Bad Wolf was convicted.

### **Summer Institutes in Sacramento and Fresno**

The Sacramento Institute, in its fifth year, focused on the decision by the Supreme Court of the United States in Regents of the University of California v. Bakke, 438 U.S. 265 (1978). Twenty teachers attended this year's week-long institute.

The list of speakers attests to the high quality of the institute program. The week was kicked off by Chief Judge Emeritus Morrison C. England, Jr., and Andrew Stroud, president of the foundation board.

Judicial speakers included Associate Justice (ret.) Kathryn M. Werdegar of the California Supreme Court; Associate Justice Ronald B. Robie of the California Court of Appeal for the Third District; Circuit Judge Consuelo M. Callahan of the U.S. Court of Appeals for the Ninth Circuit; and, Senior District Judge William B. Shubb, District Judge Kimberly J. Mueller, and Magistrate Judge Allison Claire, all from the U.S. District Court for the Eastern District of California.

Academic speakers included Professor Brian Soucek of the University of California, Davis; Professor Leslie Jacobs of McGeorge School of Law; and Dean Erwin Chemerinsky of U.C. Berkeley School of Law.

Other speakers included: Courtney Linn and Ting Lan Sun, foundation board members; Kevin Williams, Summer Institute presenter and coach; Charles F. Robinson, general counsel & vice-president of legal affairs, University of California; Robert D. (Bo) Links of Slote, Links & Boreman, LLP; Gary K. Hart, former California State senator and Calif. Secretary of Education; and Brian P. Goldman of Orrick.

The Fresno Institute, in its third year, focused on the topic of separation of powers. Nineteen teachers attended this year's institute in Fresno.



*Retired Justice Anthony M. Kennedy of the Supreme Court of the United States made opening remarks at the constitution day event. Sacramento Mayor Darrell Steinberg and Circuit Judge Consuelo M. Callahan pictured with students who participated in the day's activities.*

The Fresno Institute began with an introduction by Magistrate Judge Stanley A. Boone who also was the principal organizer of the program. Eastern District speakers included Chief District Judge Lawrence J. O'Neill, Magistrate Judge Barbara A. McAuliffe, Bankruptcy Judge Rene Lastreto II, Clerk of Court Marianne Matherly and Librarian Daniella Lee-Garcia.

Academic speakers included Professor Clark Kelso of McGeorge School of Law, and Assistant Professor Lisa Bryant, Ph.D., of Fresno State. Presenting a legislative perspective were representatives from Senator Dianne Feinstein's and Representative David G. Valadao's offices, Kristina Solberg, press secretary, and Alex Tavlian, chief of staff, respectively. Other speakers included Judge Jonathan B. Conklin of the California Superior Court, Fresno County, and John P. Kinsey of Wanger Jones Helsley PC.


### **Constitution Day Symposium**

This year's major symposium was held in connection with a Constitution Day program on September 28, 2018. The symposium, "Walk

the Talk," included reflections by local high school teachers on the topic of civil discourse and the unveiling of a "Civics Passport," which encourages students to visit local institutions that are critical to civics engagement, including the federal and state courts, local government agencies and educational museums.

While high school students attending the event toured those other local institutions to have their Civics Passports "stamped," the Constitutional Rights Foundation presented a civil discourse activity for the non-high school attendees.

Justice Kennedy closed the symposium with a luncheon keynote address on the Preamble to the United States Constitution.

Other speakers and participants included Chief Justice Tani Cantil-Sakauye of the California Supreme Court; Chief Judge Sidney R. Thomas and Circuit Judge Consuelo M. Callahan of the U.S. Court of Appeals for the Ninth; and Chief District Judge Lawrence J. O'Neill and Senior District Judge William B. Shubb of the U.S. District Court for the Eastern District of California. 

## Kennedy Returns to Sacramento for Civics Program Launching the “Civics Passport”

Retired Justice Anthony M. Kennedy of the Supreme Court of the United States participated in a program on the importance of civil discourse in our society held September 28, 2018, at The Justice Anthony M. Kennedy Library and Learning Center which is housed in the Robert T. Matsui U.S. Courthouse in Sacramento, California. The program drew more than 100 attendees including federal and state judges, local municipal officials and school administrators, and some 40 students and teachers from a half-dozen Sacramento area high schools.

Justice Kennedy was on hand to spearhead a new educational outreach effort. The program entitled “Walk the Talk” included the launch of the “Civics Passport,” which takes students on a walking tour of downtown Sacramento intended to explain the functions of and interactions among federal, state and local governments, including the courts.

Judges participating included Ninth Circuit Judge Consuelo M. Callahan, District Judge Morrison C. England, Jr., and Senior District Judge William B. Shubb of the Eastern District of California, California Chief Justice Tani G. Cantil-Sakauye and Presiding Justice Vance W. Raye of the state’s Third District Court of Appeal.

Judge Callahan welcomed Justice Kennedy, saying Sacramento should be proud to be the birthplace of one of only 113 justices to serve on the high court. “I think of him as ‘our justice,’” she said.


Sacramento Mayor Darrell Steinberg and Sacramento County Superintendent of Schools David W. Gordon also took part in the program, welcoming students and encouraging them to learn more about civics education.



*Retired Justice Anthony M. Kennedy of the Supreme Court of the United States, center, stamping a student's civics passport with Presiding Justice Vance W. Raye of the state's Third District Court of Appeal, left, and Kari Kelso, public education and community outreach administrator for the Ninth Circuit, on the right.*

The civil discourse segment was a follow-up to the discussion begun in 2017 during a symposium held at the center by the Ninth Circuit and the Federal Judicial Center. A panel of teachers from the Sacramento area and southern California reflected on implementing various strategies to educate students on the importance of civil discourse.

Chief Justice Cantil-Sakauye took the podium and recognized three Sacramento area high schools—NP3 Charter High, McClatchy High and Rio Americano—which received the Power of Democracy awards for outstanding civics education programs.

The event organizers were led by Kari Kelso, Ph.D., the Ninth Circuit’s public education and community outreach administrator, who manages the Kennedy Learning Center, and Assistant U.S. Attorney Chi Soo Kim of the Eastern District of California. Ms. Kim is the president of the Operation Protect and Defend outreach program which aims to educate high school students about constitutional rights and civics responsibility. 

## Ninth Circuit Judicial Conference

The 2018 Ninth Circuit Judicial Conference held July 23-26, 2018, at the Marriott Hotel in Anaheim, California, drew more than 700 attendees. 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 outstanding educational programs and facilitates circuit governance through its 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, along with lawyers practicing in these courts, court staff and special guests.

Presenters and panelists at the conference include 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.

The theme of the conference is "From Blockchain to Free Speech: At the Intersection of Independence and Leadership." The program includes segments focusing on the technology behind Bitcoin and other cryptocurrencies, and

how untraceable transactions made with these systems allow criminals to buy and sell illegal drugs, weapons and other illicit materials on the "dark web." Other sessions consider threats to free speech, the legal rights of athletes and entertainers, the legality of information "leaks," and the causes and responses to the opioid crisis across the United States.

In an earlier program prior to the opening ceremony, Chief Judge Sidney R. Thomas welcomed conferees. Judge Thomas introduced Director James C. Duff of the Administrative Office of the U.S. Courts and engaged him in a one-on-one conversation on budget, workplace relations, report issued regarding the Criminal Justice Act program, and cybersecurity. Director Duff acknowledged Judge Thomas for his leadership and the Ninth Circuit for being at the forefront of many of the topics discussed.

Following the presentation of the colors by the U.S. Marines Color Guard, District Judge Edward J. Davila, conference chair, welcomed the conferees and acknowledged Justice Anthony M. Kennedy's attendance. A short video was shown to attendees highlighting Justice Kennedy's service from his appointment as a Ninth Circuit judge in 1975 to his elevation as a Supreme Court justice in 1988. Judge Davila noted that the day



*Chief Judge Sidney R. Thomas and District Judge Edward J. Davila presented Associate Justice Anthony M. Kennedy with a memento for his time spent as the designated Supreme Court justice for the Ninth Circuit.*





was significant as it was Justice Kennedy's last attendance as the sitting justice for the circuit as the justice was retiring that following week, and it was Justice Kennedy's birthday as well. Judge Davila led the conferees in singing a happy birthday tune.

Judge Davila also welcomed Pacific Island judges and justices, and newly appointed judges since the last judicial conference. He introduced Judge Thomas, who expressed gratitude for Justice Kennedy's contribution to the conference and the circuit. Judge Thomas thanked Judge Davila and Magistrate Autumn D. Spaeth for their tremendous work as conference chair and program chair, respectively, of the Conference Executive Committee, which plans and develops programs for the Ninth Circuit Judicial Conference. Also introduced were newly appointed U.S. attorneys, acting U.S. attorneys and new Deputy Circuit Executive Marc Theriault. Judge Thomas acknowledged the retirements of Chief Circuit Mediator Claudia Bernard and Robert Rucker, Ph.D., assistant circuit executive for policy and research, for their

*Civics Contest winners and their families pose with Chief Judge Sidney R. Thomas and Associate Justice Anthony M. Kennedy at the civics contest reception.*

*Circuit Judge M. Margaret McKeown opens the panel titled "The Workplace Challenge: Putting Good Policies and Good Intentions into Practice."*







*Dr. Andrey Ostrovsky, left, shares his profession and personal experiences with opioid addiction during the program "The Opioid Crisis: Its Genesis, National Implication, and Potential Solutions." Dr. Ostrovsky is joined by Dwight Holton, center, CEO of Lines for Life, and Sam Quinones, right, author of "Dreamland: The True Tale of America's Opiate Epidemic."*

remarkable service and work in the Mediation Office and the Office of the Circuit Executive, respectively.

Award presentations were made to District Judge Andrew J. Guilford, of the U.S. District Court for the Central District of California, and to attorney Harvey I. Saferstein. Judge Guilford received the 2018 Ninth Circuit American Inns of Court Professionalism Award, and Mr. Saferstein received the 2018 Ninth Circuit John P. Frank Award.

Judge Davila and Senior District Judge Jeremy D. Fogel of the Northern District of California, director of the Federal Judicial Center, discussed the work of the FJC, which marked its 50th anniversary in 2018 conducting research and continuing education to improve judicial administration and the management of caseloads. Judge Fogel was recognized at the conference for his service as director from 2011 to 2018. He remarked on the critical role that

judges play in society and the importance of the judiciary to remain ethical, strong and resilient.

First-place and local district winners of the 2018 Ninth Circuit Civics Contest were among the attendees of the judicial conference. Judge Davila announced their names to the conferees. A reception attended by Justice Kennedy was held prior to the opening program, when first-place winners in attendance received their prize money and certificates, and local district winners were invited to join the reception along with their guests.

The opening ceremony closed with a memorial tribute remembering Senior Circuit Judge Harry Pregerson and Circuit Judge Stephen Reinhardt. Judge Thomas returned to the podium and expressed the circuit's profound loss of two legal giants, who had "a passion for life, a passion for the oppressed, a passion for the law, and a passion for our circuit."

In “Law of Leaks” general session, panel members discussed how “leaks” of sensitive information, unauthorized and authorized, have played a major role in U.S. and world politics for many years, and how the government stepped up its efforts to prosecute those accused of leaking information without authorization. Panel members explored many topics, including different types of leaks, why leaks have become a high-priority for recent administrations, and the legal and ethical issues that arise when someone leaks information without authorization to the media.

The “Blockchain: How an Anonymous Invention Could Change the World” general session, panelists explored Blockchain technology. First developed anonymously in 2008 in response to the financial crisis, blockchain allows assets to be stored, shared and sold without intermediaries like banks. Panel members explored its benefits—cryptocurrencies, its dangers—dark web, and how this system could shape the law and potentially re-shape society.

In “The Opioid Crisis: Its Genesis, National Implication, and Potential Solutions” general session, panel members discussed the opioid epidemic which claims the lives of around 46 people every day from overdoses involving prescription opioids according to the Centers for Disease Control and Prevention. Panelists discussed topics ranging from national strategy on pain management to whether criminal prosecution related to opioid use disorder was effective.



*Professor Susan Athey speaks during the program about cryptocurrencies, "Blockchain: How an Anonymous Invention Could Change the World."*

Panel members on “The Workplace Challenge: Putting Good Policies and Good Intentions into Practice” general session focused on the significant impact of the #MeToo movement on the federal judiciary, generally, and on the Ninth Circuit, in particular. Panelists discussed cultural patterns, that may result in the underreporting of problematic situations due to the hierarchical nature of the judiciary, and explored ways to promote a civil and respectful workplace for both judges and court staff.

Justice Kennedy took part in the “Conversation with the Justice” segment with Judges Davila and Spaeth, and Darrel J. Gardner, chair of the Lawyer Representatives Coordinating Committee for the District of Alaska. Justice Kennedy fielded questions ranging from his life growing up in Sacramento to the impact of filling a vacancy on the Supreme Court upon his retirement. 🏠

## Ninth Circuit Judicial Conference Honors California Jurist and Attorney

One of the highlights of the 2018 Ninth Circuit Judicial Conference was the presentation of two prestigious awards, recognizing individuals who exemplify dedication and integrity, and make exemplary contributions to the work of the Ninth Circuit federal courts. In 2018, the honorees were a judge and an attorney from California.

### American Inns of Court Professionalism Award

District Judge Andrew J. Guilford, of the United States District Court for the Central District of California, was the 2018 recipient of the American Inns of Court's prestigious Ninth Circuit Professionalism Award. Ninth Circuit Chief Judge Sidney R. Thomas presented the award to Judge Guilford.

Judge Guilford was honored for his distinguished career and remarkable achievements, and commitment to mentoring and training the younger generation of lawyers in Orange County. He was nominated for the honor by Brett J. Williamson, president of the Howard T. Markey Intellectual Property Inn of Court in Orange County.

Nominated by President George W. Bush, Judge Guilford was confirmed by the Senate and received his judicial commission in 2006. Prior to his appointment to the bench, Judge Guilford engaged in private practice from 1975 to 2006 in Costa Mesa, California. He received his A.B., summa cum laude, Regents Scholar and Phi Beta Kappa, from the University of California, Los Angeles, in 1972 and his J.D. in 1975 from the UCLA School of Law, where he was an associate editor of the UCLA Law Review.

Judge Guilford served on the U.S. Judicial Conference Committee on Codes of Conduct, from 2011 to 2017, and is one of six Patent Pilot Program judges in the Central District. As president of Public Law Center, from 2004 to



*Chief Circuit Judge Sidney R. Thomas, left, with District Judge Andrew J. Guilford, recipient of the 2018 American Inns of Court Ninth Circuit Professionalism Award.*

2006, he helped establish the Orange County Pro Se Clinic. He also served as president of the Association of Business Trial Lawyers of Orange County, 2000-2001; the State Bar of California, 1999-2000; and the Orange County Bar Association, 1991.

In nominating him for the award, Mr. Williamson revered the leadership and dedication of Judge Guilford in founding the Howard T. Markey Intellectual Property Inn of Court in 2013. An award bearing his name, The Andrew J. Guilford Award, was created by the inn because of his vital role in founding and sustaining the inn.

The American Inns of Court professionalism award is given annually in all 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."



*Harvey I. Saferstein speaks at the opening ceremony of the 2018 Ninth Circuit Judicial Conference after receiving the Ninth Circuit John P. Frank Award.*

### **Ninth Circuit John P. Frank Award**

Harvey I. Saferstein, a Los Angeles attorney whose support for the federal court spans decades, was the recipient the 2018 Ninth Circuit John Frank Award recognizing an outstanding lawyer practicing in the federal courts of the western United States. Peg Carew Toledo, chair of the Ninth Circuit Advisory Board, presented the award to Mr. Saferstein.

Mr. Saferstein is a member of the Ninth Circuit Advisory Board, a group of highly experienced attorneys who advise the Judicial Council of the Ninth Circuit on court governance matters. He is a solo practitioner, who specializes in antitrust and intellectual property counseling and litigation, and complex commercial and business litigation. He had been a partner with Irell & Manella in Los Angeles for 15 years, Mintz Levin for 14 years and Munger Tolles for 10 years. Mr. Saferstein also served as the regional director of the Federal Trade Commission.

Mr. Saferstein received his B.A., Phi Beta Kappa, from the University of California at Berkeley in 1965 and earned his J.D., magna cum laude, in

1968 from Harvard Law School, where he served as an executive editor of the Harvard Law Review. Following law school, Mr. Saferstein clerked for Chief Judge Bailey Aldrich of the U.S. Court of Appeals for the First Circuit. He previously served on the Ninth Circuit Lawyer Representatives Coordinating Committee and the Ninth Circuit Judicial Conference Executive Committee.

The John P. Frank Award, established in 2003 by the Judicial Council of the Ninth Circuit, 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.” 🎁



## Information Technology Director Honored for Excellence in Technology

An information technology director, who envisioned and created a program that has automated a system for production of court forms and documents, has received national recognition for greatly speeding the process by which the documents are approved, docketed and served. Erik Grubbs, the IT director for the United States District Court for the District of Hawaii, was the recipient of the 2018 Director's Award for Excellence in Technology by the Administrative Office of the U.S. Courts. The award is the top honor achievable by judiciary staff.

Mr. Grubbs received the honor for his work on FormFlow program designed to automate the entire process of form and document production between the courts, probation and pretrial services offices, and the U.S. Marshals Service. The program can automatically populate an electronic document template with relevant information then each person in the sequence gets automatic notification. With FormFlow, the tedious and manual process now takes hours instead of days to complete. Other features include approving documents and enabling those documents to be docketed



*From left, James Tibbs, programmer analyst; Erik Grubbs, director of IT; and Ruddy Kiessling, programmer, worked together on FormFlow.*

automatically, scheduling a hearing, signing of documents electronically, converting completed documents into PDF files and notifying users by text or email about pending documents. Mr. Grubbs and his team have begun working on making a package that will be available for other districts to pilot.

Mr. Grubbs has been the IT director since 2010 and has a staff of eight people who support the district court, probation and pretrial services offices, and two circuit judges who maintain chambers in Honolulu. 🍹





## Ninth Circuit Welcomes New Law Clerks in Orientation



Senior Circuit Judge N. Randy Smith and Circuit Judge Susan P. Graber



Circuit Judge Mary H. Murguia

The United States Court of Appeals for the Ninth Circuit held its annual New Law Clerk Orientation Program at the Richard H. Chambers U.S. Courthouse in Pasadena, California. The program held September 26-27, 2018, introduced newly-hired law clerks to the works of the court. Chief Judge Sidney R. Thomas and Circuit Judge Jay S. Bybee made introductions and welcomed the new law clerks. Senior Circuit Judge N. Randy Smith and Circuit Judges Susan P. Graber and Mary H. Murguia also made presentations. Clerk of Court Molly Dwyer gave an overview of the Ninth Circuit Court of Appeals. Circuit Executive Elizabeth A. Smith and Deputy Circuit Executive Marc Theriault focused on the Judicial Council of the Ninth Circuit and workplace relations. Presentations were made on court operations, information technology, en banc procedures and appellate jurisdiction, presented by Circuit Judge William A. Fletcher. Retired Justice Anthony M. Kennedy participated in "A Conversation with Justice Anthony M. Kennedy" session with the group. Other topics discussed include "Ethics and the Code of Conduct," "Life in Chambers," "Making the Most of Your Words," "Managing Unconscious Bias and Developing a Growth Mindset," "Wisdom from the Trial Court," and "Difficult Conversations: Navigating Conflict with Skill, Tact and Thoughtfulness," presented by Judge Jeremy Fogel (ret.), who served as director of the Federal Judicial Center. Circuit Judge Richard A. Paez moderated the "Wisdom from the Trial Court," a conversation with Chief District Judge Virginia A. Phillips, District Judge George Wu, and Chief Magistrate Judge Patrick Walsh, who are all from the Central District of California. 🍷

## Information Technology Conference West

The Sixth, Seventh and Ninth Circuits convened for the 2018 IT Conference West held August 21-24 in Phoenix, Arizona. The joint conference focused on the judiciary's Unify Project, which includes the roll out of Microsoft Office 365 and migration to the new Outlook email system, SharePoint and OneDrive. Cybersecurity was a key topic discussed by field experts, who covered security awareness for international travelers and the "dark web." Bankruptcy Court Clerk George Prentice and Chief Pretrial Services Officer David L. Martin, welcomed the attendees to their home District of Arizona, providing some background information on Phoenix and IT projects in progress in their offices. Joseph Peters, associate director of the Department of Technology Services, Administrative Office of the United States Courts, gave a national briefing on IT projects underway. 🍷



## Administrative Changes



David C. Congdon was appointed the United States chief probation officer for the District of Idaho on January 1, 2018. Mr. Congdon has worked for Probation and Pretrial Services in the District of Idaho since 2005. Previously, he was employed as a community supervision officer in Montgomery County, Texas. He is a 2000 graduate of Southern Utah University and received an M.S. from Sam Houston State University in 2004.



Nicola T. Hanna was confirmed by the Senate to serve as United States attorney for the Central District of California on April 26, 2018. Prior to his appointment, Mr. Hanna was a partner at the law firm of Gibson, Dunn & Crutcher LLP in Los Angeles. He served as an assistant U.S. attorney from 1995 to 1998 for the Southern District of California, where he served as deputy chief of the Organized Crime Drug Enforcement Task Force, and was an assistant U.S. attorney for the Central District from 1990 to 1994. Mr. Hanna received his B.A. from the University of California, San Diego, in 1984 and his J.D., magna cum laude, in 1987 from Georgetown University Law Center, where he served as associate editor of the Georgetown Law Journal.



Silvio Lugo was appointed the chief pretrial services officer for the Northern District of California on July 2, 2018. He has served 25 years in the Northern District of California, beginning his career as a student intern in 1994. During his tenure, Mr. Lugo worked as a pretrial services officer from 1995 to 2001, as a specialist officer and a supervisor in the Oakland Division from 2001 to

2007, and as the deputy chief pretrial services officer from 2007 to 2018. He also served as a strategic planning facilitator on behalf of the Federal Judicial Center and worked closely with key stakeholders within his district to develop, implement, and manage various specialized programs, including the Conviction Alternatives Program, a problem-solving drug court. Mr. Lugo has presented locally and nationally on the topic of race and bail, and is involved in several studies with academic partners exploring this and other topics relating to pretrial services. In addition, Mr. Lugo is a member of the National Association of Drug Court Professionals and serves on the Bar Association of San Francisco's Committee on Criminal Justice, where he works to enhance pretrial services at the local level.



Kathryn N. Nester began serving as the executive director for the Federal Defenders of San Diego, Inc., on November 26, 2018. Prior to that, Ms. Nester served as the federal public defender for the District of Utah for over seven years. She also worked as an assistant federal public defender in the Southern District of Mississippi from 2005 to 2011, after spending over 13 years in private practice in Mississippi handling civil and criminal cases. Ms. Nester received her J.D. from the University of Texas in 1992. In 2018, Chief Justice John G. Roberts, Jr., appointed Ms. Nester to serve on the Judicial Conference of the United States Committee on Evidence Rules, which advises the U.S. Supreme Court. She previously served on the national steering committee of Clemency Project 2014, which assisted thousands of prisoners in petitioning for clemency. Ms. Nester is a fellow of the American College of Trial Lawyers and of the International Society of Barristers.



Kenji M. Price was confirmed by the Senate to serve as United States attorney for the District of Hawaii on April 26, 2018. Prior to his appointment, Mr. Price was a director at Alston Hunt Floyd & Ing and a partner at Carlsmith Ball LLP. He previously served as

an assistant United States attorney for the Eastern District of New York. Mr. Price received his undergraduate degree from Gonzaga University and his J.D. from the University of Pennsylvania Law School, where he served as the editor-in-chief of the University of Pennsylvania Law Review. He served as an officer in the U.S. Army for approximately four years, during which he served as a member of the 75th Ranger Regiment and the 173rd Airborne Brigade. Mr. Price clerked for Judge Kent A. Jordan of the U.S. Court of Appeals for the Third Circuit and for Judge Robert B. Kugler of the U.S. District Court for the District of New Jersey.



McGregor W. Scott was confirmed by the Senate to serve as United States attorney for the Eastern District of California on March 7, 2018. He was sworn in as the court-appointed U.S. attorney on December 29, 2017. Mr. Scott

previously held the position of U.S. attorney for the Eastern District of California from 2003 to 2009. He engaged in private practice as a partner at the law firm of Orrick, Herrington, & Sutcliffe after completing his first term as U.S. attorney. Prior to that, he served as the elected district attorney of Shasta County, California, from 1997 to 2003, and as deputy district attorney in Contra Costa County, California, from 1989 to 1997. He retired as lieutenant colonel in 2008 from the U.S. Army Reserve after 23 years of service. Mr. Scott received his B.A. from Santa Clara University in 1985 and his J.D. from the University of California, Hastings College of the Law, in 1989. 🏠

## Awards

### Ninth Circuit Court of Appeals

Circuit Judge N. Randy Smith, Distinguished Jurist Award, Idaho State Bar, and inducted as an honorary member of the Pi Sigma Alpha, Idaho State University Law Club.

### District of Arizona

Senior District Judge Frank R. Zapata, Lifetime Achievement Award, University of Arizona, College of Law.

### Central District of California

District Judge Andrew J. Guilford, American Inns of Court Professionalism Award. Senior District Judge Consuelo B. Marshall, Margaret Brent Women Lawyers of Achievement Award, American Bar Association.

### Eastern District of California

District Judge Kimberly J. Mueller, Judge of the Year, Capital City Trial Lawyers Association.

### Northern District of California

Magistrate Judge Laurel Beeler, Judge of the Year, San Francisco Trial Lawyers Association. Senior District Judge Charles R. Breyer, Edward J. Devitt Distinguished Service to Justice Award, The Dwight D. Opperman Foundation. Magistrate Judge Donna Ryu, Jurist of Distinction, Women Lawyers of Alameda County. Senior District Judge Claudia Wilken, Rose Bird Memorial Award, California Women Lawyers.

### Southern District of California

Magistrate Judge David H. Bartick, Outstanding Jurist Award, given posthumously by the San Diego Bar Association. District Judge John A. Houston, Judicial Service Award, Thomas Jefferson School of Law Alumni Association, and Judicial Award of Excellence, California Association of Black Lawyers. Senior District Judge M. James Lorenz, Outstanding Judicial

Officer Award, California Western School of Law. District Judge Dana M. Sabraw, Person of the Year, San Diego Union Tribune, and Judge of the Year, Consumer Attorneys of San Diego.

### District of Nevada

Magistrate Judge Valerie P. Cooke, joint award from the Ninth Circuit ADR and Pro Se Committees in recognition for her lifetime achievement in prisoner case management and alternative dispute resolution programs.


### District of Oregon

District Judge Ann Aiken, President's Technology and Innovation Award, Oregon State Bar. Magistrate Judge Mustafa T. Kasubhai, the Justice Lynn Nakamoto Trailblazer Award, Oregon Asian Pacific American Bar Association, and the Senator Daniel K. Inouye Trailblazer Award, National Asian Pacific American Bar Association; Senior District Judge Malcolm Marsh, John E. Jaqua Distinguished Alumni Award, University of Oregon School of Law. Magistrate Judge Youlee Yim You, Judicial Excellence Award, Oregon State Bar.

### Eastern District of Washington

District Judge Rosanna Malouf Peterson received the Gonzaga Law Medal "in recognition of exemplary contributions to the legal profession in keeping with the ideals of Gonzaga University," Gonzaga University School of Law.

### Western District of Washington

District Judge Richard A. Jones was recognized for his service to the National YMCA as chair of the National Committee on Membership Standards, 2015-2018, YMCA of the USA. Bankruptcy Judge Brian D. Lynch, The Honorable Ralph E. Kelley Award, National Association of Chapter 13 Trustees. Chief District Judge Ricardo S. Martinez, Charles E. Odegard Award, "honors individuals whose leadership in the community exemplifies the former UW president's work on behalf of diversity," University of Washington. 





## SPACE & SECURITY



## With Ninth Circuit Help, Federal Courts Pursue Space and Facilities Projects in the Western States

The Office of the Circuit Executive for the Ninth Circuit helps manage space and facilities projects undertaken by federal courts throughout the western United States and Pacific Islands. A staff of professional project planners and architects assists in feasibility studies, design development, contracting, construction management and occupancy planning. Projects range from major new construction of large courthouses to small office renovations.

One noteworthy project begun in 2018 is the construction of a new courthouse in Saipan for the United States District Court for the District of the Northern Mariana Islands. The three-story, 35,696-square-foot courthouse will include a courtroom, chambers for two judges and a jury assembly room. It also will house offices for the court's U.S. Probation, the U.S. Attorney, the U.S. Marshals Service and the Federal Protective Service.

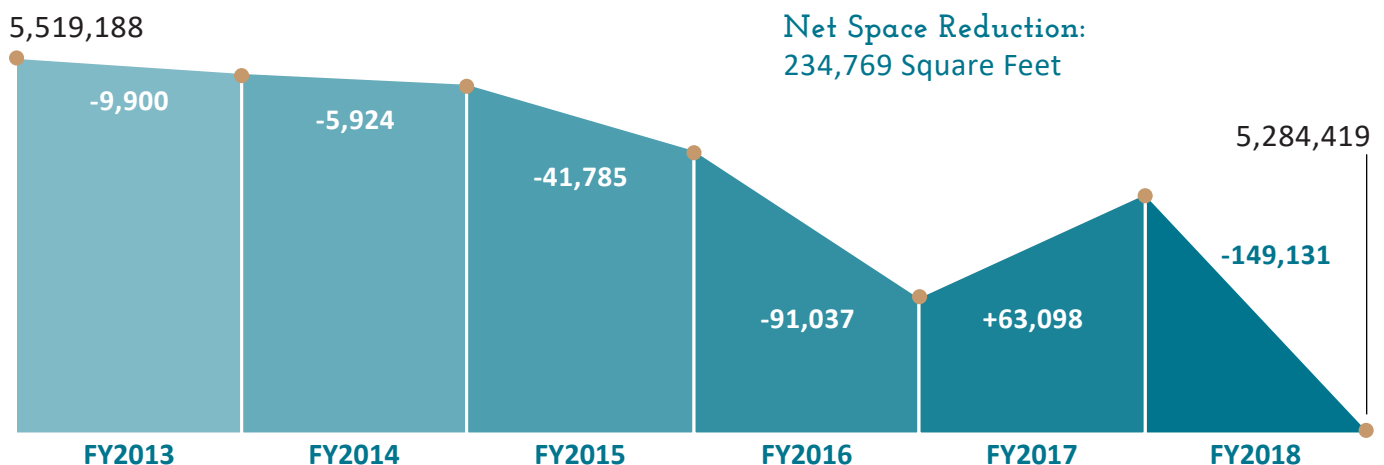
Designed to meet modern federal judicial standards and security requirements, the new courthouse is expected to better withstand extreme storms that regularly pummel the island. The building will have its own water supply and emergency electrical generators. The design also incorporates innovative lighting and landscaping, energy efficient fixtures and wastewater technologies projected to realize future cost savings and conserve resources.

Following a ground breaking in December 2017, construction has progressed steadily through 2018. The courthouse is scheduled for completion in spring 2020.

Also, this past year, the Ninth Circuit continued to pursue space-saving projects that will significantly reduce the rent paid to the General Services Administration, which acts as the landlord for federal buildings. One

### Ninth Circuit Total Usable Square Feet Space Reduction Program, FY 2013-2018

Data as of October 2018 from the Administrative Office of the United States Courts, Space Reduction Program





## Courthouse Under Construction:

United States District Courthouse  
District of the Northern Mariana Islands  
Saipan

Gross Square Footage: 35,696  
Completion Date: Spring 2020




significant endeavor completed during the year was the realignment of space in the Edward R. Roybal Federal Building and U.S. Courthouse, one of two federal courthouses in downtown Los Angeles. The project, which entailed relocating all magistrate judges to chambers in the Roybal building, allowed the U.S. District Court for the Central District of California to vacate the former Spring Street Courthouse, releasing nearly 30,000 square feet of space.

Other space-saving projects included:

- Renovating ground floor space in the Edward J. Schwartz U.S. Courthouse in San Diego to accommodate the U.S. Probation Office for the Southern District of California. The project led to the release of approximately 20,000 square feet of leased space.
- Realigning the clerk's office and the circuit library in the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. The project will result in the release of approximately 8,000 square feet of space.
- Consolidating the two probation offices into a single office, allowing for the release of 7,200 square feet of space in the Sandra Day O'Connor U.S. Courthouse in Phoenix, Arizona; and
- Reducing space allocated to the U.S. Bankruptcy Court for the Central District of California in Riverside to allow for relocation of district court probation staff now housed in San Bernardino.

Major courthouse modernization projects begun during the year included a \$10 million overhaul of mechanical systems in the Robert F. Peckham Federal Building and U.S. Courthouse in San Jose, California. The project also will provide for improvements to the courtrooms in the building, a venue for the U.S. District Court for the Northern District of California. Planning also is underway for modernization of elevators at the William K. Nakamura U.S. Courthouse in Seattle, Washington, a venue for the U.S. Court of Appeals for the Ninth Circuit.

Other future projects include building two new district judge chambers and one new district courtroom in the Evo A. DeConcini Federal Building and U.S. Courthouse in Tucson, which will go to bid in 2019, and a feasibility study, begun in July, for a new district courthouse in Anchorage, Alaska.

In addition, the Southern District of California is seeking congressional approval for a court-funded prospectus project to build out four magistrate judge chambers and two district courtrooms in the Carter-Keep U.S. Courthouse in San Diego. Congressional approval is required due to a resolution limiting the court's ability to expand in this courthouse, which was passed in conjunction with a request for additional construction funding in fiscal year 2009. 





## WORK OF THE COURTS



## Court of Appeals Reduces Pending Cases, Improves Processing Times

The United States Court of Appeals for the Ninth Circuit continued to reduce its pending caseload and case processing times in fiscal year 2018. The improvements resulted from a slight downturn in new filings and ongoing efforts to remove or resolve older, stalled cases while expediting disposition of matters ready for panel consideration.

New appeals filed with the Ninth Circuit numbered 10,566 in FY 2018, down 4.8 percent from the prior fiscal year. Appellate filings nationwide numbered 49,276, down 2.4 percent overall. Eight of the 12 geographic circuits reported declines ranging from 1.4 to 8.1 percent. The Ninth Circuit continued to be the nation's busiest federal appellate court, accounting for 21.4 percent of all new appeals nationally.

The Ninth Circuit disposed of 11,753 cases in FY 2018, down 1 percent. The court's pending caseload was reduced by 9.4 percent to 11,375 cases from 12,562.

### Breakdown of New Appeals

Of the new filings, about 28.6 percent of all new appeals in the Ninth Circuit involved immigration and other agency matters, while 45.4 percent of new filings were pro se cases (those involving at least one self-represented litigant).

Ninth Circuit district courts, which serve as trial courts in the federal judicial system, accounted for 61.9 percent of new filings in FY 2018. The

district courts generated 6,544 new appeals, down 5.6 percent from the prior fiscal year. Of the total, 5,304 were civil appeals and 1,240 were criminal appeals. Prisoner petitions involving habeas corpus, capital habeas corpus, civil rights, prison conditions and other matters accounted for 46 percent of all new civil appeals from the district courts.

Among the 15 district courts of the circuit, the four California courts produced 58.5 percent of new civil appeals and 50.2 percent of new criminal appeals. The Central District of California, the busiest court in the circuit, generated 1,773 civil and criminal appeals, down 6.4 percent from the prior fiscal year.

Of the 1,240 new criminal cases, 25.6 percent were related to drug offenses, and 13.3 percent were immigration offenses. The court reported 317 drug offenses and 165 immigration offenses. The court received 215 appeals involving property offenses, many of them related to fraud. The court received 185 appeals for offenses involving firearms and explosives, of which 36

### Appellate Caseload Profile, FY 2017-2018

| Caseload Measure           | 2017   | 2018   | Change 2017-18 |
|----------------------------|--------|--------|----------------|
| Filings                    | 11,096 | 10,566 | -4.8%          |
| Terminations               | 11,867 | 11,753 | -1.0%          |
| <sup>1</sup> Pending Cases | 12,562 | 11,375 | -9.4%          |

<sup>1</sup>2017 pending cases revised

### Ninth Circuit Court of Appeals En Banc Ballots, FY 2014-2018

| 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 |
|------|---------------------------------------|----------------------|--|---|
| 2018 | 955                                   | 17                   | 8  | 9   |
| 2017 | 874                                   | 22                   | 11   | 11  |
| 2016 | 810                                   | 33                   | 19   | 14  |
| 2015 | 796                                   | 30                   | 16   | 14  |
| 2014 | 785                                   | 37                   | 17   | 20  |

## Filings, Terminations and Pending Cases by Appeal Type, FY 2017-2018

| Type of Appeal                                    | 2017 Filings | 2018 Filings | Change 2017-18 | % of Circuit Total | 2017 Terminations | 2018 Terminations | Change 2017-18 | 2017 <sup>1</sup> Pending | 2018 Pending | Change 2017-18 |
|---|--------------|--------------|----------------|--------------------|-------------------|-------------------|----------------|---------------------------|--------------|----------------|
| Civil   |              |              |                |                    |                   |                   |                |                           |              |                |
| U.S. Prisoner Petitions                           | 676          | 587          | -13.2%         | 5.6%               | 454               | 487               | 7.3%           | 487                       | 587          | 20.5%          |
| Private Prisoner Petitions                        | 1,956        | 1,853        | -5.3%          | 17.5%              | 2,257             | 2,087             | -7.5%          | 1,302                     | 1,068        | -18.0%         |
| Other U.S. Civil                                  | 571          | 620          | 8.6%           | 5.9%               | 696               | 748               | 7.5%           | 763                       | 635          | -16.8%         |
| Other Private Civil                               | 2,412        | 2,244        | -7.0%          | 21.2%              | 2,706             | 2,828             | 4.5%           | 2,817                     | 2,233        | -20.7%         |
| Criminal  | 1,314        | 1,240        | -5.6%          | 11.7%              | 1,381             | 1,375             | -0.4%          | 1,526                     | 1,391        | -8.8%          |
| Other   |              |              |                |                    |                   |                   |                |                           |              |                |
| Bankruptcy  | 217          | 197          | -9.2%          | 1.9%               | 316               | 291               | -7.9%          | 266                       | 172          | -35.3%         |
| Administrative Agency Appeals                     | 3,117        | 3,023        | -3.0%          | 28.6%              | 2,919             | 3,142             | 7.6%           | 5,043                     | 4,924        | -2.4%          |
| Original Proceedings & Miscellaneous Applications | 833          | 802          | -3.7%          | 7.6%               | 1,138             | 795               | -30.1%         | 358                       | 365          | 2.0%           |
| Circuit Total                                     | 11,096       | 10,566       | -4.8%          |                    | 11,867            | 11,753            | -1.0%          | 12,562                    | 11,375       | -9.4%          |
| National Appellate Total                          | 50,506       | 49,276       | -2.4%          |                    | 54,347            | 50,428            | -7.2%          | 39,384                    | 38,232       | -2.9%          |
| Ninth Circuit as % of National Total              | 22.0%        | 21.4%        | -0.5%          |                    | 21.8%             | 23.3%             | 1.5%           | 31.9%                     | 29.8%        | -2.1%          |

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

<sup>1</sup>2017 Pending cases revised.

## Median Time Intervals in Months for Cases Terminated on the Merits, FY 2017-2018

| By Stage of Appeal   | Number of Months |      |          |      |
|--|------------------|------|----------|------|
|  | Ninth Circuit    |      | National |      |
|  | 2017             | 2018 | 2017     | 2018 |
| <sup>1</sup> From Filing of Notice of Appeal or Docket Date to Filing of Appellee's Last Brief | 8.7              | 8.8  | 5.8      | 5.7  |
| From Filing of Appellee's Last Brief to Oral Argument or Submission on Brief                   | 11.7             | 9.6  | 4.2      | 4.1  |
| From Oral Argument to Last Opinion or Final Order  | 1.2              | 1.2  | 2.4      | 2.1  |
| From Submission on Brief to Last Opinion or Final Order  | 0.2              | 0.2  | 0.4      | 0.4  |
| <sup>1</sup> From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order     | 13.0             | 11.7 | 9.0      | 8.7  |
| From Filing in Lower Court to Last Opinion or Final Order in Appeals Court                     | 36.1             | 32.7 | 29.9     | 28.7 |

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

Beginning in March 2014, data include miscellaneous applications not included previously. Cases terminated include appeals, original proceedings, and miscellaneous applications.

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

were alleged to have committed during a violent or drug trafficking offense. Also reported were 104 appeals involving sex offenses and 84 for violent offenses.

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 3 percent to 3,023 cases in FY 2018. The BIA accounted for 95.2 percent of agency appeals, and 27.2 of the court's total new filings. The Ninth Circuit had 55.8 percent of the total BIA appeals filed nationally in FY 2018.

Original proceedings and miscellaneous applications commenced in FY 2018 numbered 802, down from 833 the prior fiscal year. The bulk of original proceedings cases involved second or successive habeas corpus petitions and mandamus appeals.

### Terminations and Pending Cases

The Ninth Circuit terminated 11,753 cases in FY 2018, down 1 percent from the prior year. The total includes 6,160 civil and 1,375 criminal appeals originating in the district courts and 3,142 appeals of agency decisions.

Of the total case terminations, 7,846 cases, or 66.7 percent, were decided on the merits, while 3,907 were terminated on procedural grounds. In addition, 460 cases were terminated on the merits through consolidation. Of the merits decisions, 1,702 came after oral argument, up 10.7 percent, and 5,684 after submission on the briefs, down 4 percent from the prior year. Excluding consolidated cases, total merit terminations included 1,897 prisoner cases, 947 criminal cases and 1,516 administrative agency appeals.

### Sources of Appeals, Original Proceedings, and Miscellaneous Applications Commenced, FY 2018

| District   | Appeals | % of Total |
|--|---------|------------|
| Alaska   | 83      | 0.8%       |
| Arizona  | 718     | 6.8%       |
| C. Calif.  | 1,773   | 16.8%      |
| E. Calif.  | 708     | 6.7%       |
| N. Calif.  | 811     | 7.7%       |
| S. Calif.  | 435     | 4.1%       |
| Guam   | 7       | 0.1%       |
| Hawaii   | 133     | 1.3%       |
| Idaho  | 123     | 1.2%       |
| Montana  | 219     | 2.1%       |
| Nevada   | 619     | 5.9%       |
| Northern Mariana Islands                                   | 16      | 0.2%       |
| Oregon   | 336     | 3.2%       |
| E. Wash.   | 146     | 1.4%       |
| W. Wash.   | 417     | 3.9%       |
| <b>Bankruptcy</b>  | 197     | 1.9%       |
| <b>Administrative Agencies, Total</b>                      | 3,023   | 28.6%      |
| IRS  | 41      | 0.4%       |
| NLRB   | 28      | 0.3%       |
| BIA  | 2,878   | 27.2%      |
| <b>Other Administrative Agencies</b>                       | 76      | 0.7%       |
| <b>Original Proceedings and Miscellaneous Applications</b> | 802     | 7.6%       |
| <b>Circuit Total</b>                                       | 10,566  | —          |

In FY 2018, cases terminated on the merits that were affirmed or enforced, which includes appeals affirmed in part and reversed in part, numbered 4,803; 705 reversed, 46 remanded, and 775 dismissed. The court's overall reversal rate was 9.9 percent, compared to a national average of 7.9 percent. The reversal rate was 12.4 percent for criminal cases; 16.1 percent for civil cases involving the federal government and 12.8 for non-government civil cases; and 7.6 percent for administrative agency cases. Percent reversed are not computed for original proceedings because of their difference from appeals, nor are original proceedings included in the percentage of total appeals reversed.

In FY 2018, judicial panels produced 534 published opinions and 7,774 unpublished opinions.

The court's pending caseload was significantly reduced again in FY 2018. Pending cases numbered 11,375 down 9.4 percent from FY 2017 and 14.7 percent from FY 2016. Of the pending caseload in FY 2018, 43.3 percent involved administrative appeals; 25.2 percent government and non-government civil matters; 14.6 percent prisoner petitions; and 12.2 percent criminal matters. Of the pending caseload, 37.6 percent had been pending less than six months, 20.5 percent pending six to 12 months, and 41.8 percent pending for more than 12 months.

### **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 2018, the median time interval from filing of a notice of appeal to final disposition was 11.7 months, down from 13 months in FY 2017 and 15.2 months in FY 2016. The time interval from the filing of a case in a lower court to a final disposition was 32.7 months, down from 36.1 months in FY 2017. The national median time intervals in FY 2018 were 8.7 months from notice of appeal to final disposition by a circuit court of appeals, and 28.7 months from the filing of a case in a lower court to final disposition by a circuit court.

Once an appeal was fully briefed, Ninth Circuit judges decide all types of cases fairly quickly. In FY 2018, the median time interval for panel decisions was 1.2 months for a case in which oral argument was held and about six days for cases submitted on briefs.

### **Pro Se Filings and Terminations**

Pro se appeals involve at least one party who is not represented by counsel. In FY 2018, new appeals by pro se litigants numbered 4,799, down 2.9 percent from the prior fiscal year. Pro se litigants accounted for 45.4 percent of all appeals opened during the year. Pro se appeals involving federal and state prisoner petitions numbered 1,924. Pro se appeals involving agency appeals numbered 1,042, making up 21.7 percent of all new pro se filings.

The court terminated 5,155 pro se appeals in FY 2018, down 10 percent from the prior year. Of that number, 3,354 were terminated on the merits after oral argument, submissions 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 of law or other legal questions of exceptional importance. During the fiscal year, the court received 955 petitions seeking en banc review. Active judges of the court voted on 17 en banc requests, granting en banc review in eight cases. The court issued six en banc decisions in FY 2018.

During the calendar year, 10 en banc courts were convened. Oral arguments were heard in eight cases and two other cases were submitted on the briefs.

### **Death Penalty Cases**

The court ended calendar year 2018 with 103 pending death penalty appeals resulting from crimes in 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. There were 1,004 prisoners on death row. Since 1976, there have been 75 executions by states within the circuit.

### **Contributions by Active, Senior and Visiting Judges**

The court ended FY 2018 with 22 active circuit judges and 18 senior circuit judges. Of the 7,386 written opinions, excluding consolidations, issued by the court in FY 2018, 54.5 percent were authored by active circuit judges, 37.4 percent by senior judges, and 8.1 percent by visiting judges sitting by designation. 



## Border Courts See Major Spike in Criminal Filings, Driving Overall Caseload Increase

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.

The combined caseload for the 15 district courts within the Ninth Circuit increased in fiscal year 2018. Total new civil and criminal filings numbered 64,148, up 6.6 percent from FY 2017. The circuit accounted for 18.2 percent of all filings nationwide, which totaled 352,580.

### Criminal Caseload and Defendants

A sharp spike in new criminal filings drove the overall increase in caseload. District courts in the Ninth Circuit reported 15,759 criminal filings, up 21.1 percent from FY 2017. Criminal cases terminated during the year numbered 14,536, up 15.8 percent. The courts' combined pending criminal caseload totaled 14,245, up 9.4 percent.

Fourteen district courts in the nine western states that comprise the Ninth Circuit reported increases in criminal filings in FY 2018. The biggest increase numerically and percentage-wise was reported by the U.S. District Court for the Southern District of California. The San Diego-based court saw a 45.5 percent increase in new criminal filings because of the government's increased prosecutions of illegal immigration at the U.S.-Mexico border. The Southern District reported 5,546 new criminal filings, the most in the Ninth Circuit.

The District of Arizona, also a border court and which usually has the most new criminal filings, was second in FY 2018 with 4,956 cases, up 7.6 percent from the prior fiscal year. The Ninth Circuit as a whole accounted for 22.6 percent of the new criminal filings nationally, which numbered 69,644.

In the Ninth Circuit, the total number of defendants involved in criminal cases was 18,636, up 15.4 percent from FY 2017. The majority of the defendants were charged with felony offenses. Defendants charged with drug offenses numbered 5,121. They accounted for 27.5 percent of total criminal defendants in the circuit. Of the total drug offenses, 944 involved marijuana and 4,177 involved all other drug offenses.

Criminal defendants charged with immigration offenses numbered 7,790, up 45.4 percent in FY 2018. Immigration offenses accounted for 41.8 percent of all criminal defendants. Of the total, 5,934 defendants were charged with improper reentry into the United States.

The Southern District of California had the largest numbers of defendants charged with immigration and drug offenses. The district reported 3,818 defendants charged with immigration offenses, up 66.3 percent. Defendants charged with drug offenses numbered 1,612, down 2 percent from the prior fiscal year. The Southern District of California had 49 percent of all defendants charged with immigration offenses and 31.5 percent of all defendants with drug offenses in the circuit.

Ninth Circuit district courts reported 1,985 defendants charged with property offenses, up 10.5 percent. Under this category, defendants charged with fraud were most numerous, totaling 1,423, followed by burglary, larceny or theft, 376; forgery and counterfeiting, 65; embezzlement, 55; and 66 for other property offenses.

In the Ninth Circuit, defendants charged with firearms and explosives offenses numbered 1,268. Defendants charged with violent offenses, which includes homicide, robbery, assault and other violent offenses, numbered 798, up from 623 in FY 2017.

The pending criminal caseload in Ninth Circuit district courts rose 9.4 percent to 14,245 cases. Pending caseloads rose in all but two of the 15 district courts within the Ninth Circuit.

## Civil Caseload

During FY 2018, Ninth Circuit district courts reported more new civil filings and terminated slightly fewer cases, ending the year with larger

pending caseloads. New civil filings rose by 2.6 percent to 48,389. Case terminations numbered 44,200, down 1 percent from the prior year. The combined pending caseload in the district courts was 49,010, up 9.3 percent. Civil matters accounted for 75.4 percent of total caseloads in the district courts.

New private civil cases numbered 40,470 and accounted for 83.6 percent of all new civil filings

### U.S. District Courts - Criminal Defendants Commenced by Offense and District, FY 2017-2018

|   | AK  | AZ    | C. Calif. | E. Calif. | N. Calif. | S. Calif. | GU | HI  | ID  | MT  | NMI | NV  | OR  | E. Wash. | W. Wash. | Total 2017 | Total 2018 | Change 2017-18 |
|---|-----|-------|-----------|-----------|-----------|-----------|----|-----|-----|-----|-----|-----|-----|----------|----------|------------|------------|----------------|
| <b>Violent Offenses</b>                 |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Homicide                                | 2   | 45    | 7         | 2         | 0         | 0         | 0  | 0   | 2   | 6   | 0   | 1   | 2   | 6        | 1        | 59         | 74         | 25.4%          |
| Robbery                                 | 7   | 15    | 21        | 4         | 9         | 10        | 0  | 4   | 0   | 1   | 0   | 11  | 28  | 1        | 1        | 83         | 112        | 34.9%          |
| Assault                                 | 0   | 208   | 15        | 13        | 8         | 52        | 0  | 1   | 11  | 26  | 0   | 14  | 20  | 17       | 41       | 335        | 426        | 27.2%          |
| Other                                   | 8   | 55    | 36        | 16        | 22        | 1         | 1  | 0   | 3   | 7   | 0   | 20  | 9   | 6        | 2        | 139        | 186        | 33.8%          |
| <b>Property Offenses</b>                |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Burglary, Larceny & Theft               | 12  | 27    | 108       | 22        | 32        | 20        | 10 | 6   | 7   | 9   | 0   | 8   | 16  | 6        | 93       | 432        | 376        | -13.0%         |
| Embezzlement                            | 0   | 12    | 11        | 7         | 1         | 0         | 1  | 3   | 2   | 10  | 0   | 0   | 3   | 2        | 3        | 67         | 55         | -17.9%         |
| Fraud                                   | 17  | 296   | 326       | 83        | 88        | 358       | 10 | 14  | 45  | 19  | 4   | 35  | 41  | 19       | 68       | 1,243      | 1,423      | 14.5%          |
| Forgery & Counterfeiting                | 0   | 8     | 29        | 4         | 4         | 2         | 0  | 0   | 4   | 9   | 0   | 1   | 1   | 3        | 0        | 57         | 65         | 14.0%          |
| Other                                   | 0   | 2     | 6         | 14        | 18        | 1         | 0  | 0   | 0   | 0   | 0   | 0   | 1   | 1        | 23       | 51         | 66         | 29.4%          |
| <b>Drug Offenses</b>                    |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Marijuana                               | 5   | 656   | 86        | 22        | 15        | 44        | 0  | 12  | 22  | 6   | 0   | 0   | 13  | 10       | 53       | 2,593      | 944        | -63.6%         |
| All Other Drugs                         | 97  | 637   | 484       | 229       | 133       | 1,568     | 7  | 110 | 158 | 157 | 6   | 137 | 128 | 134      | 192      | 3,394      | 4,177      | 23.1%          |
| <b>Firearms and Explosives Offenses</b> | 79  | 220   | 153       | 109       | 128       | 48        | 2  | 14  | 59  | 91  | 0   | 153 | 80  | 66       | 66       | 1,031      | 1,268      | 23.0%          |
| <b>Sex Offenses</b>                     | 13  | 140   | 40        | 33        | 27        | 37        | 2  | 7   | 35  | 34  | 0   | 37  | 43  | 48       | 36       | 510        | 532        | 4.3%           |
| <b>Justice System Offenses</b>          | 6   | 43    | 23        | 10        | 16        | 41        | 3  | 13  | 1   | 8   | 0   | 11  | 15  | 10       | 4        | 201        | 204        | 1.5%           |
| <b>Immigration Offenses</b>             |     |       |           |           |           |           |    |     |     |     |     |     |     |          |          |            |            |                |
| Improper Reentry by Alien               | 0   | 2,676 | 184       | 53        | 41        | 2,487     | 1  | 1   | 95  | 17  | 0   | 111 | 99  | 90       | 79       | 3,532      | 5,934      | 68.0%          |
| Other                                   | 0   | 473   | 9         | 0         | 0         | 1,331     | 7  | 4   | 8   | 3   | 11  | 0   | 0   | 2        | 8        | 1,118      | 1,856      | 66.0%          |
| <b>General Offenses</b>                 | 6   | 63    | 65        | 23        | 15        | 57        | 1  | 4   | 0   | 4   | 1   | 4   | 21  | 2        | 51       | 321        | 317        | -1.2%          |
| <b>Regulatory Offenses</b>              | 1   | 65    | 70        | 10        | 27        | 38        | 0  | 8   | 0   | 6   | 0   | 0   | 20  | 2        | 11       | 310        | 258        | -16.8%         |
| <b>Traffic Offenses</b>                 | 4   | 1     | 34        | 0         | 31        | 0         | 0  | 2   | 0   | 0   | 0   | 0   | 1   | 0        | 251      | 292        | 324        | 11.0%          |
| <b>All Offenses Total</b>               | 257 | 5,642 | 1,707     | 654       | 615       | 6,095     | 45 | 203 | 452 | 413 | 22  | 543 | 541 | 425      | 983      | 15,768     | 18,597     | 17.9%          |

Note: Criminal defendants commenced by offense includes defendants in all cases filed as felonies or Class A misdemeanors but includes only those defendants in cases filed as petty offenses that were assigned to district judges rather than magistrate judges.

in the Ninth Circuit. Major categories of new private civil filings were civil rights, 8,931 cases; prisoner petitions, 8,596; contracts cases, 5,221; personal injury, 4,368; intellectual property, 3,009; and labor matters, 2,361.

The U.S. was a party to 7,919 new civil filings, accounting for 16.4 percent of the total new civil caseload in Ninth Circuit district courts. Among the matters involving the government, social security cases were most numerous, 4,055, or 51.2 percent of the total U.S. civil cases in the Ninth Circuit. Prisoner petitions followed with

1,488 cases, or 18.8 percent. Other categories were tort actions, 411 cases; civil rights, 324 cases; and forfeitures and penalties, 224 cases.

Prisoner petitions totaled 10,084, or 20.8 percent of the total new civil filings. About 87.8 percent of all prisoner petitions were initially filed pro se. The federal trial courts in Arizona and California had the most prisoner petitions.

New civil filings increased in 11 of the 15 district courts of the Ninth Circuit. The Central District of California, which ranked first in number of civil cases filed in the circuit and third in the nation,

#### U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship, FY 2017-2018

| District       | Authorized Judgeships | Weighted Filings Per Judgeship |          |                      |            |            |                | Unweighted Filings Per Judgeship |          |                      |            |
|----------------|-----------------------|--------------------------------|----------|----------------------|------------|------------|----------------|----------------------------------|----------|----------------------|------------|
|                |                       | Civil                          | Criminal | Supervision Hearings | 2018 Total | 2017 Total | Change 2017-18 | Civil                            | Criminal | Supervision Hearings | 2018 Total |
| Alaska         | 3                     | 111                            | 127      | 1.4                  | 239        | 218        | 8.8%           | 115                              | 85       | 18.0                 | 218        |
| Arizona        | 13                    | 335                            | 341      | 9.2                  | 685        | 678        | 1.0%           | 418                              | 433      | 114.8                | 966        |
| C. Calif.      | 28                    | 545                            | 79       | 2.7                  | 627        | 570        | 10.0%          | 514                              | 61       | 33.2                 | 608        |
| E. Calif.      | 6                     | 694                            | 156      | 5.3                  | 855        | 759        | 12.6%          | 818                              | 109      | 59.5                 | 986        |
| N. Calif.      | 14                    | 559                            | 60       | 3.9                  | 622        | 553        | 12.5%          | 500                              | 44       | 48.1                 | 592        |
| S. Calif.      | 13                    | 222                            | 410      | 7.6                  | 640        | 563        | 13.7%          | 218                              | 468      | 93.7                 | 780        |
| Hawaii         | 4                     | 129                            | 72       | 3.1                  | 203        | 240        | -15.4%         | 124                              | 51       | 35.5                 | 210        |
| Idaho          | 2                     | 260                            | 285      | 4.6                  | 550        | 470        | 17.0%          | 269                              | 226      | 52.5                 | 547        |
| Montana        | 3                     | 198                            | 204      | 7.6                  | 410        | 383        | 7.0%           | 242                              | 136      | 73.7                 | 452        |
| Nevada         | 7                     | 392                            | 100      | 3.7                  | 496        | 659        | -24.7%         | 417                              | 78       | 40.9                 | 536        |
| Oregon         | 6                     | 305                            | 122      | 7.3                  | 434        | 411        | 5.6%           | 363                              | 91       | 91.2                 | 545        |
| E. Wash.       | 4                     | 153                            | 140      | 13.5                 | 306        | 305        | 0.3%           | 213                              | 106      | 159.0                | 479        |
| W. Wash.       | 7                     | 379                            | 95       | 4.1                  | 479        | 473        | 1.3%           | 424                              | 141      | 46.3                 | 612        |
| Circuit Total  | 110                   | 4,282                          | 2,191    | 74.0                 | 6,546      | 6,282      | 4.2%           | 4,635                            | 2,029    | 866.4                | 7,531      |
| Circuit Mean   | -                     | 329                            | 169      | 5.7                  | 504        | 483        | 4.2%           | 357                              | 156      | 66.6                 | 579        |
| Circuit Median | -                     | 305                            | 127      | 4.6                  | 496        | 473        | 4.9%           | 363                              | 106      | 52.5                 | 547        |
| National Mean  | -                     | 323                            | 150      | 4.3                  | 477        | 451        | 5.8%           | 360                              | 127      | 45.4                 | 532        |
| National Total | 673                   | 367                            | 142      | 3.8                  | 513        | 475        | 8.0%           | 398                              | 129      | 41.0                 | 568        |

Note: Case weights are based on the 2015 district court case weighting system approved by the Judicial Conference of the United States for use after December 2015. 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.

### U.S. District Courts - Total Criminal and Civil Cases Filed, Terminated and Pending, FY 2017-2018

| Caseload Measure  | 2017   | 2018   | Change 2017-18 |
|---|--------|--------|----------------|
| Civil Filings   | 47,177 | 48,389 | 2.6%           |
| Criminal Filings  | 13,015 | 15,759 | 21.1%          |
| Total Filings   | 60,192 | 64,148 | 6.6%           |
| Civil Terminations  | 44,624 | 44,200 | -1.0%          |
| Criminal Terminations   | 12,549 | 14,536 | 15.8%          |
| Total Terminations  | 57,173 | 58,736 | 2.7%           |
| <sup>1</sup> Pending Civil Cases                                  | 44,821 | 49,010 | 9.3%           |
| Pending Criminal Cases  | 13,021 | 14,245 | 9.4%           |
| <sup>1</sup> Total Pending Cases                                  | 57,842 | 63,255 | 9.4%           |
| <sup>1</sup> Civil Case Termination Index (in months)             | 12.05  | 13.31  | 10.5%          |
| Criminal Case Termination Index (in months)                       | 12.45  | 11.76  | -5.5%          |
| <sup>1</sup> Overall Case Termination Index                       | 12.14  | 12.92  | 6.4%           |
| <b>Median Time Intervals in Months from Filing to Disposition</b> |        |        |                |
| Civil Cases   | 6.8    | 6.9    | 1.5%           |
| Criminal Defendants   | 5.8    | 5.2    | -10.3%         |
| Civil Cases National Total  | 9.9    | 9.2    | -7.1%          |
| Criminal Defendants National Total                                | 7.1    | 6.6    | -7.0%          |


Note: Median time interval from filing to disposition of civil cases terminated excludes land condemnations, prisoner petitions, deportation reviews, recovery of overpayments and enforcement of judgments. Includes cases filed in previous years as consolidated cases that thereafter were severed into individual cases. For fiscal years prior to 2001, the data included recovery of overpayments and enforcement of judgments. Median computed only for 10 or more cases. Median time interval from filing to disposition for criminal defendants includes defendants in all cases filed as felonies or Class A misdemeanors but includes only those defendants in cases filed as petty offenses that were assigned to district judges rather than magistrate judges. Median computed only for 10 or more defendants. Beginning March 2012, the median time interval is computed from the proceeding dates for a defendant (e.g., the date an indictment or information was filed) to the date on which the defendant was found not guilty or was sentenced. Previously, the median time interval was computed beginning with the defendant's filing date. Therefore, data for March 2012 and thereafter are not comparable data for previous periods.

<sup>1</sup>2017 Total pending civil cases and total pending cases revised.

reported 15,335 cases, up 7.4 percent from the prior fiscal year. The Eastern District of California had the largest increase percentage-wise with 5,043 new civil cases, up 13.7 percent. The District of Oregon was up 10.3 percent with 2,271 new civil cases. Among the four districts with fewer cases, the District of Nevada showed the biggest decline with 3,010 new civil cases, down 24.8 percent.

### Case Processing Times

Case processing times in the district courts of the Ninth Circuit were virtually unchanged from the prior fiscal year. The median time from filing to disposition of all civil cases in the Ninth Circuit was 6.9 months compared to 6.8 months the prior fiscal year. The national median time was 9.2 months.

Many criminal cases are disposed of either through a guilty plea or dismissal of the charges. In the Ninth Circuit, the median time from filing to disposition was 5.1 months for pleas and 6.4 months for dismissals. Median times for criminal defendants who went to trial was 12.8 months for a bench trial before a judge and 19.4 months for a jury trial. The median time for all dispositions was 5.2 months. 



## Bankruptcy Courts Continue Series of Slight Declines in New Filings

Most bankruptcy courts in the Ninth Circuit have reported a decline in new filings for fiscal year 2018, continuing a series of fewer new filings since 2011.

New bankruptcy filings total nationwide was 773,375, down 2.2 percent. Ninth Circuit bankruptcy courts reported 123,956 new filings, down 3.2 percent from the prior fiscal year. Of the total, the Ninth Circuit accounted for 16 percent of all new bankruptcy filings in the United States.

Thirteen of 15 judicial districts in the Ninth Circuit are served by a bankruptcy court—district judges preside over bankruptcy cases in the Districts of Guam and the Northern Mariana Islands.

Eleven of 13 districts in the circuit reported fewer new cases filed. Numerically, the Central District of California reported the biggest drop in new filings.

The Central District is the largest bankruptcy court in the nation and serves nearly 20 million people in the counties of Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and San Luis Obispo. The district reported 37,343 new filings, down 5 percent from FY 2017.

Three other districts in California reported fewer filings in FY 2018. The Northern District of California, which has divisional offices in Oakland, San Francisco, San Jose, and Santa Rose, had 8,684 cases, down 7.6 percent; the Eastern District of California, which has divisional offices in Bakersfield, Fresno, Modesto, and Sacramento had 14,843 cases, down 4.4; and the Southern District of California, which serves San Diego and Imperial counties had 7,990 cases, down 2.6 percent compared to FY 2017.

Other districts that reported fewer filings include the Western District of Washington, 9,995 cases, down 10.2 percent; District of Nevada, 9,258 cases, down 5.7 percent; Eastern District of Washington, 3,605 cases, down 8.2 percent; District of Oregon, 8,907 cases, down 1.9 percent; District of Idaho, 3,709 cases, down 1.6 percent; District of Montana, 1,279 cases, down 2.7 percent; and the District of Guam, 130 cases, down 9.1 percent.

**Ninth Circuit Bankruptcy Courts, FY 2017-2018**

| District             | 2017<br>Total Filings | 2018<br>Total Filings | Change<br>2017-18 |
|----------------------|-----------------------|-----------------------|-------------------|
| Alaska               | 460                   | 452                   | -1.7%             |
| Arizona              | 15,682                | 16,256                | 3.7%              |
| C. Calif.            | 39,325                | 37,343                | -5.0%             |
| E. Calif.            | 15,526                | 14,843                | -4.4%             |
| N. Calif.            | 9,394                 | 8,684                 | -7.6%             |
| S. Calif.            | 8,201                 | 7,990                 | -2.6%             |
| Guam                 | 143                   | 130                   | -9.1%             |
| Hawaii               | 1,388                 | 1,503                 | 8.3%              |
| Idaho                | 3,771                 | 3,709                 | -1.6%             |
| Montana              | 1,314                 | 1,279                 | -2.7%             |
| Nevada               | 8,760                 | 9,258                 | 5.7%              |
| <sup>1</sup> NMI     | 3                     | 2                     | -                 |
| Oregon               | 9,078                 | 8,907                 | -1.9%             |
| E. Wash.             | 3,928                 | 3,605                 | -8.2%             |
| W. Wash.             | 11,129                | 9,995                 | -10.2%            |
| <b>Circuit Total</b> | <b>128,102</b>        | <b>123,956</b>        | <b>-3.2%</b>      |

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

Three districts reported an increase in filings in fiscal year 2018. New filings in the District of Arizona numbered 16,256, up by 3.7; District of Nevada, 9,258 cases, up 5.7 percent; and the District of Hawaii with 1,503 cases, up 8.3 percent.

Nonbusiness filers make up most of the new bankruptcy cases reported in FY 2018.

Nonbusiness filings of all types nationally numbered 751,272 or 15.5 percent of all filings nationwide. In the Ninth Circuit, total nonbusiness filings involving individual debtors was 119,581, accounting for 96.5 percent of all new filings in the circuit.

Bankruptcy courts in the Ninth Circuit reported the highest number of Chapter 7 filers among new business and nonbusiness bankruptcy filings in the nation with a combined total of 93,963, accounting for 19.7 percent of all Chapter 7 filings nationwide and 75.8 percent of all new 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 288,550 nationally. In the Ninth Circuit, new Chapter 13 filings numbered 28,729 or 23.2 percent of total filings in the circuit. Chapters 9, 11 and 15 filings made up the remainder.

### Pro Se Bankruptcy Filings

Bankruptcy cases filed by parties who do not have legal counsel are pro se filers, whose cases result in frequent dismissals because they often do not understand the law and legal procedures. They also generally require more staff time to process their cases.

Bankruptcy filings by pro se debtors in the Ninth Circuit are highest in the nation. In fiscal year 2018, filings by pro se debtors was 16,749 or 13.5 percent of the total bankruptcy filings in the circuit. The Central District of California reported the highest number of pro se bankruptcy cases in the circuit with 6,417 cases, accounting for 17.2 percent of all bankruptcy filings in the district. The District of Arizona had 2,967 cases or 18.3 percent; the Eastern District of California 2,228 cases or 15 percent; the Northern District of California, 1,350 cases

or 15.5 percent; and the District of Nevada, 1,047 cases or 11.3 percent.

Among bankruptcy courts having at least 10,000 new pro se bankruptcy filings annually, the Central District of California had the most pro se filers out of all the 94 judicial districts nationally. The District of Arizona and Eastern District of California ranked sixth and ninth, respectively, nationwide in pro se filers.

### Business and Nonbusiness Bankruptcy Cases Commenced, by Chapter of the U.S. Bankruptcy Code, FY 2017-2018

| <sup>2</sup> Predominant Nature of Debt | 2017           | 2018           | Change 2017-18 |
|---|----------------|----------------|----------------|
| <b>Business Filings</b>                 |                |                |                |
| Chapter 7                               | 3,291          | 3,081          | -6.4%          |
| Chapter 11                              | 828            | 825            | -0.4%          |
| Chapter 12                              | 71             | 42             | -40.8%         |
| Chapter 13                              | 434            | 420            | -3.2%          |
| <b>Nonbusiness Filings</b>              |                |                |                |
| Chapter 7                               | 91,992         | 90,882         | -1.2%          |
| Chapter 11                              | 450            | 390            | -13.3%         |
| Chapter 13                              | 31,026         | 28,309         | -8.8%          |
| <b>Total</b>                            | <b>128,092</b> | <b>123,949</b> | <b>-3.2%</b>   |
| <b>Terminations</b>                     | <b>147,895</b> | <b>133,837</b> | <b>-9.5%</b>   |
| <sup>1</sup> Pending Cases              | 128,523        | 118,645        | -7.7%          |

<sup>1</sup>2017 pending cases revised

<sup>2</sup>The 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 2017

Central Calif. (Chapter 15=1)

Eastern Calif. (Chapter 9=1)

Northern Calif. (Chapter 9=1; Chapter 15=3)

Nevada (Chapter 15=2)

Eastern Wash. (Chapter 9=1)

Western Wash. (Chapter 15=1)

#### Fiscal Year 2018

Arizona (Chapter 15=1)

Central Calif. (Chapter 15=3)


Eastern Calif. (Chapter 9=2)

Montana (Chapter 15=1)

## **Terminations and Pending Cases**

Bankruptcy cases terminated in the circuit numbered 133,837, down 9.5 percent, while total cases terminated nationwide was 816,006, down 4.8 percent from the prior fiscal year. The Ninth Circuit accounted for 16.4 percent of all cases terminated nationwide.

Bankruptcy courts in California terminated a combined total of 76,263 cases compared to 86,815 cases from FY 2017. Other districts that reported fewer cases terminated include the Western District of Washington, 11,167, down 12.2 percent; District of Oregon, 9,409, down 6.4 percent; District of Arizona, 16,187, down 3.1 percent; District of Nevada, 9,588, down 2.8 percent; District of Idaho, 3,823, down 1.6 percent; District of Alaska, 477, down 5.9 percent; District of Guam, 148, down 13.5 percent; District of Hawaii, 1,510, down by 6 cases; and the Northern District of Mariana Islands, 4, down by 2 cases.

Pending cases in the circuit were reduced to 118,645 or by 7.7 percent in FY 2018. Total cases pending nationally numbered 1,027,477, down 4 percent from the prior fiscal year. 

## Bankruptcy Appellate Panel Sees Slight Decrease 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. With the reduced filings and an effort to reduce cost, one seat on the BAP was left vacant intentionally since 2001. In their appellate capacity, BAP judges are precluded from hearing matters arising from their own districts.

### Filings and Dispositions

In fiscal year 2018, new bankruptcy appeals filed numbered 623, a decrease of 15 percent from the prior fiscal year. The BAP handled 48 percent of all bankruptcy appeals, and the district courts handled 52 percent.

The BAP disposed of 389 appeals, a 14 percent decrease over fiscal year 2017. Of those, 120 appeals were merits terminations. Oral argument was held in 92 appeals, and 28 appeals were submitted on briefs. The BAP published 16 opinions, of which 13 percent were merits decisions. The reversal rate was 4 percent. The percentage of cases either reversed or remanded was 15 percent. The median time for an appeal decided on the merits was 10 months. Of the remaining 269 closed cases, 8 were terminated by consolidation and 73 were transferred to the district courts after appellee elections or in the interest of justice. The balance of 188 closed appeals were terminated on procedural grounds, such as lack of prosecution, lack of jurisdiction, or voluntary dismissal. As of FY 2018, the BAP had 170 appeals pending, an 8 percent decrease compared to the prior fiscal year.

### Pro Se Appeals

The BAP continued to experience a large pro se case load. The year began with a pro se caseload of 42 percent of pending appeals. Pro se parties filed 49 percent of new appeals. By year's end, 46 percent of pending appeals were filed by pro se parties.

Ninth Circuit Bankruptcy Appeal Filings, FY 2016-2018

| Year    | Bankruptcy Appeals Total | Raw Bankruptcy Appeals Received by BAP <sup>1</sup> | Net Bankruptcy Appeals BAP <sup>2</sup> | Net Bankruptcy Appeals District Court <sup>3</sup> | Election Rate <sup>4</sup> | Percentage of Appeals Heard by BAP |
|---------|--------------------------|---|---|--|----------------------------|------------------------------------|
| FY 2016 | 754                      | 429   | 349                                     | 405  | 54%                        | 46%                                |
| FY 2017 | 733                      | 425   | 354                                     | 379  | 52%                        | 48%                                |
| FY 2018 | 623                      | 374   | 301                                     | 322  | 52%                        | 48%                                |

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

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

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

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



## 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 2018, second-level appeals filed totaled 196, down 8 percent from the prior fiscal year. Of these, 85 were appeals from decisions by the BAP and 111 were from decisions by the district courts. Thus, of the 389 appeals that were disposed of by the BAP, roughly 78 percent were fully resolved, with only 22 percent seeking second-level review.

## BAP Use of Pro Tem Judges

The BAP continued to use bankruptcy judges from throughout the Ninth Circuit on a pro tem basis. In fiscal year 2018, 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 bankruptcy attorneys throughout the Ninth Circuit. In conjunction with oral arguments, BAP judges participated in continuing legal education and outreach programs with members of the local bankruptcy bars in Honolulu, Reno, and Phoenix. In addition, the BAP clerk and staff attorneys participated in continuing legal education programs in San Diego and Fresno.

## Oral Arguments

The BAP traveled to nine different cities during the year, holding oral arguments in Honolulu, Las Vegas, Los Angeles, Pasadena, Phoenix, Reno, Sacramento, San Francisco, and Seattle. 🏠

## New Bankruptcy Appeal Filings, FY 2018

| District  | Bankruptcy Appellate Panel | District Court <sup>1</sup> | Total |
|-----------|----------------------------|-----------------------------|-------|
| Alaska    | 2                          | 3                           | 5     |
| Arizona   | 27                         | 18                          | 45    |
| C. Calif. | 131                        | 146                         | 277   |
| E. Calif. | 27                         | 11                          | 38    |
| N. Calif. | 27                         | 49                          | 76    |
| S. Calif. | 15                         | 19                          | 34    |
| Hawaii    | 10                         | 6                           | 16    |
| Idaho     | 4                          | 8                           | 12    |
| Montana   | 0                          | 0                           | 0     |
| Nevada    | 38                         | 16                          | 54    |
| Oregon    | 6                          | 26                          | 32    |
| E. Wash.  | 0                          | 0                           | 0     |
| W. Wash.  | 14                         | 20                          | 34    |
| Total     | 301 (48%)                  | 322 (52%)                   | 623   |

<sup>1</sup>The numbers for bankruptcy appeals to the district courts are taken directly from a statistical caseload table prepared by the Administrative Office of the United States Courts. 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.

## Magistrate Judges Reach 50-Year Milestone of Vital Contributions

2018 marks the 50th anniversary of the Federal Magistrate Judges Act of 1968 which established the federal magistrate judge system. Congress passed the act in response to an increasing workload in the federal courts. Magistrate judges, who are appointed under Article I of the United States Constitution, replaced U.S. commissioners who were appointed on a part-time basis and had limited authority.

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. The Judicial Conference of the U.S., the judicial councils of the circuits, and the director of the Administrative Office of the U.S. Courts determine the number of magistrate judge positions based on recommendations made by the respective district courts.

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 issuing search and arrest warrants to conducting settlement conferences in civil case. Magistrate judges conduct preliminary proceedings, decide trial jurisdiction matters, review prisoner petitions and perform other duties. They may also preside over civil trials with consent of the parties.

In fiscal year 2018, there were 105 full-time magistrate judges and 6 part-time magistrate judges, and 1 magistrate judge/clerk of court, along with 27 recalled magistrate judges, who served 12 district courts of the Ninth Circuit. They disposed of 256,207 civil and criminal matters, up 12.7 percent from fiscal year 2017.

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 FY 2018, magistrate judges disposed of 100,637 preliminary proceedings, up 12.9 percent from the prior fiscal year.

Additional duties related to criminal matters increased by 8.4 percent to 44,139 from FY 2017. 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 17,077, up 6.7 percent, while dispositive motions numbered 253, down 29.5 percent from FY 2017.

Additional duties involving civil matters numbered 51,044, up 3.5 percent in FY 2018. 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 34,988, up 49.4 percent from prior fiscal year. Petty offenses numbered 33,696, up 55.2 percent, while Class A misdemeanor offenses were down 24.5 percent to 1,292.

Civil consent cases, in which a magistrate judge presides at the consent of the parties, was slightly down by 1 percent to 4,873 cases. Majority of cases under this category were disposed of without trial.

Total prisoner petitions in FY 2018 increased by 12.8 percent to 6,728 cases from FY 2017. Bulk of the work under this category involves civil rights prisoner petitions, up 23.1 percent to 4,104 cases. State habeas petitions increased by .7 percent to 2,266 cases.

## Matters Disposed of by Ninth Circuit Magistrate Judges, FY 2017-2018

| Activity  | 2017    | 2018    | Percent Change<br>2017-18 |
|---|---------|---------|---------------------------|
| Total Matters   | 227,386 | 256,207 | 12.7%                     |
| Felony Preliminary Proceedings                                | 89,139  | 100,637 | 12.9%                     |
| Search Warrants   | 17,733  | 21,102  | 19.0%                     |
| Arrest Warrants   | 8,330   | 9,609   | 15.4%                     |
| Summonses   | 1,474   | 1,084   | -26.5%                    |
| Initial Appearances   | 21,434  | 23,879  | 11.4%                     |
| Preliminary Hearings  | 6,894   | 7,148   | 3.7%                      |
| Arraignments  | 13,980  | 16,295  | 16.6%                     |
| Detention Hearings  | 13,111  | 14,410  | 9.9%                      |
| Bail Reviews/Forfeitures/Nebbia Hearings                      | 1,903   | 1,978   | 3.9%                      |
| <sup>1</sup> Other  | 4,280   | 5,132   | 19.9%                     |
| Trial Jurisdiction Defendants                                 | 23,425  | 34,988  | 49.4%                     |
| Class A Misdemeanor   | 1,712   | 1,292   | -24.5%                    |
| Petty Offense   | 21,713  | 33,696  | 55.2%                     |
| Civil Consent Cases   | 4,921   | 4,873   | -1.0%                     |
| Without Trial   | 4,856   | 4,823   | -0.7%                     |
| Jury Trial  | 47      | 40      | -14.9%                    |
| Bench Trial   | 18      | 10      | -44.4%                    |
| Additional Duties   |         |         |                           |
| Criminal  | 40,725  | 44,139  | 8.4%                      |
| Non-Dispositive Motions                                       | 16,007  | 17,077  | 6.7%                      |
| Dispositive Motions   | 359     | 253     | -29.5%                    |
| Evidentiary Proceedings                                       | 143     | 127     | -11.2%                    |
| Pretrial Conferences  | 9,566   | 10,865  | 13.6%                     |
| Probation and Supervised Release<br>Revocation Hearings       | 1,867   | 1,906   | 2.1%                      |
| Guilty Plea Proceedings                                       | 8,108   | 9,560   | 17.9%                     |
| <sup>2</sup> Other  | 4,675   | 4,351   | -6.9%                     |
| Civil   | 49,309  | 51,044  | 3.5%                      |
| Settlement Conferences/Mediations                             | 3,162   | 2,957   | -6.5%                     |
| Other Pretrial Conferences                                    | 4,080   | 4,179   | 2.4%                      |
| <sup>3</sup> Non-Dispositive Motions/<br>Grants of IFP Status | 36,174  | 38,064  | 5.2%                      |
| Other Civil Dispositive Motions                               | 2,474   | 2,568   | 3.8%                      |
| Evidentiary Proceedings                                       | 127     | 135     | 6.3%                      |
| Social Security Appeals                                       | 520     | 494     | -5.0%                     |
| Special Master References                                     | 0       | 0       | -                         |
| <sup>4</sup> Other  | 2,772   | 2,647   | -4.5%                     |
| Prisoner Petitions  | 5,964   | 6,728   | 12.8%                     |
| State Habeas  | 2,251   | 2,266   | 0.7%                      |
| Federal Habeas  | 354     | 344     | -2.8%                     |
| Civil Rights  | 3,335   | 4,104   | 23.1%                     |
| Evidentiary Proceedings                                       | 24      | 14      | -41.7%                    |
| Miscellaneous Matters   | 13,903  | 13,798  | -0.8%                     |

<sup>1</sup>Includes attorney appointment hearings and material witness hearings.

<sup>2</sup>Includes mental competency proceedings, motion hearings, re-entry/drug court proceedings and writs.


<sup>3</sup>In 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.

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

## **New Magistrate Judges and Governance**

Twelve new full-time magistrate judges were appointed in 2018. They include Judges Maria A. Audero and Autumn D. Spaeth of the Central District of California; Judges Michael S. Berg, Linda Lopez, and Ruth Bermudez Montenegro of the Southern District of California; Judge Carla B. Carry of the District of Nevada; Judges Dennis M. Cota and Jeremy D. Peterson of the Eastern District of California; Judges Virginia K. DeMarchi and Thomas S. Hixson of the Northern District of California; Judge Mustafa T. Kasubhai of the District of Oregon; and Judge Matthew M. Scoble of the District of Alaska.

## **Educational Program**

The Magistrate Judges Education Committee, chaired by Magistrate Judge Nancy J. Koppe of the District of Nevada, organized a supplemental program for the bench and bar who attended the 2018 Ninth Circuit Judicial Conference. The program, "Cryptocurrency, Criminals and the Dark Web," featured experts in the field of investigating how criminals use cryptocurrency to mask their identity while funding criminal transactions in the dark web. Experts also covered search and arrest warrant, and important factors to consider in determining release conditions for those who are under supervision. 



## Federal Public Defenders See Caseloads Climb as New Policies Take Hold

Under the Sixth Amendment to the United States Constitution, criminal defendants are guaranteed the right to representation by counsel. Indigent defendants facing prosecution in federal courts are provided with representation at no cost by federal public defender offices and community defender organizations. Congress provides funds to the Defender Services Division of the Administrative Office of the United States Courts for this purpose.

Federal public defender offices, which are staffed by federal judiciary employees, and community defender organizations, which are non profit organizations staffed by non-government employees, represent a vast number of federal. Both types of defender services provide 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.

Congress conveyed the authority to appoint federal public defenders to four-year terms to judges of a court of appeals. The U.S. Court of Appeals for the Ninth Circuit maintains a standing committee for purposes of recruiting and screening applicants to serve as federal public defenders. The court makes its initial appointment after a nationwide recruitment and the use of a local screening committee. An incumbent 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. Community defenders are appointed by members of the board of directors in their organization, and their performance are reviewed periodically.

In fiscal year 2018, federal public and community defenders in the Ninth Circuit reported 34,641 cases opened, up 29.6 percent compared to FY 2017.

New prosecution "Operation Streamline" and the "zero-tolerance" policies implemented by the Department of Justice have resulted in an influx of cases opened in border courts of the districts of Arizona and Southern District of California. Majority of the cases involve immigration offenses. Matters that used to be handled as civil immigration cases are now criminal under the new policies. Federal defenders in the District of Arizona opened 9,441 new cases, up 64.1 percent, while total number of cases closed was 9,365, up 58.9 percent from FY 2017.

Community defenders in the Southern District of California saw the largest increase in new cases opened in fiscal year 2018 driven primarily by a shift in prosecution priorities that ballooned the prosecution of immigration-related offenses. The number of cases closed more than doubled to a staggering 12,146 cases, up 113.7 percent. With no increased attorney staff in the Federal Defenders of San Diego, Inc., their existing trial

**Ninth Circuit Federal Defender Organizations: Cases Opened, Closed and Pending, FY 2014-2018**

| Cases                | 2014   | 2015   | 2016   | 2017   | 2018   | Change 2017-18 |
|----------------------|--------|--------|--------|--------|--------|----------------|
| Opened               | 28,055 | 27,465 | 31,807 | 26,727 | 34,641 | 29.6%          |
| Closed               | 28,951 | 24,720 | 28,092 | 28,689 | 36,755 | 28.1%          |
| <sup>1</sup> Pending | 9,076  | 11,766 | 15,383 | 13,380 | 11,261 | -15.8%         |

<sup>1</sup>Cases pending in fiscal year 2017 revised.

and appellate attorneys had to absorb well over 4,000 additional cases. This dramatic, anomalous increase required the organization to demand more of its staff attorneys than ever before. They responded by experimenting with the structure of their trial and appellate units to ensure responsive coverage and client care without compromising their commitment to treating each client as an individual worthy of zealous advocacy and personal attention. While the Federal Defenders of San Diego, Inc., is proud of its ability to navigate the substantial case increases and challenges over the last 12 months, the deleterious effects and after-effects of this surge are being felt daily by its staff.

Offices of federal public defenders and community defenders in six other districts in the Ninth Circuit also reported larger caseloads in fiscal year 2018. They were the District of Oregon, 1,842, up 15.9 percent; the District of Nevada, 1,112, up 7.8 percent; the District of Montana, 829, up 6 percent; the District of Idaho, 385, up 10.3 percent; District of Hawaii, 359, up 8.1 percent; District of Guam, 142, up 6.8 percent. New cases opened in the Eastern District of Washington, which numbered 1,058, remained constant in FY 2018.

Districts that reported fewer cases include the Northern District of California, 1,729 cases opened, down 17 percent; Central District of

#### Federal Defender Organizations: Summary of Representations by District, FY 2017-2018

| District                             | Opened 2017 | Opened 2018 | Change 2017-18 | Closed 2017 | Closed 2018 | Change 2017-18 | Pending 2018 |
|--------------------------------------|-------------|-------------|----------------|-------------|-------------|----------------|--------------|
| Alaska                               | 369         | 357         | -3.3%          | 296         | 526         | 77.7%          | 232          |
| Arizona                              | 5,746       | 9,441       | 64.3%          | 5,894       | 9,365       | 58.9%          | 1,714        |
| C. Calif.                            | 4,039       | 3,830       | -5.2%          | 4,661       | 4,700       | 0.8%           | 2,370        |
| E. Calif.                            | 1,308       | 1,252       | -4.3%          | 1,364       | 1,216       | -10.9%         | 676          |
| N. Calif.                            | 2,083       | 1,729       | -17.0%         | 2,867       | 1,757       | -38.7%         | 574          |
| <sup>1</sup> S. Calif.               | 6,489       | 10,909      | 68.1%          | 5,684       | 12,146      | 113.7%         | 1,797        |
| Guam                                 | 133         | 142         | 6.8%           | 163         | 138         | -15.3%         | 61           |
| Hawaii                               | 332         | 359         | 8.1%           | 443         | 330         | -25.5%         | 162          |
| <sup>1</sup> Idaho                   | 349         | 385         | 10.3%          | 346         | 399         | 15.3%          | 208          |
| <sup>1</sup> Montana                 | 782         | 829         | 6.0%           | 794         | 852         | 7.3%           | 262          |
| Nevada                               | 1,032       | 1,112       | 7.8%           | 1,352       | 1,049       | -22.4%         | 1,058        |
| Oregon                               | 1,589       | 1,842       | 15.9%          | 2,111       | 1,722       | -18.4%         | 1,386        |
| <sup>1</sup> E. Wash.                | 1,058       | 1,058       | 0.0%           | 1,156       | 1,093       | -5.4%          | 363          |
| W. Wash.                             | 1,418       | 1,396       | -1.6%          | 1,558       | 1,462       | -6.2%          | 398          |
| Circuit Total                        | 26,727      | 34,641      | 29.6%          | 28,689      | 36,755      | 28.1%          | 11,261       |
| National Total                       | 112,661     | 148,158     | 31.5%          | 127,414     | 156,205     | 22.6%          | 50,108       |
| Circuit Total as % of National Total | 23.7%       | 23.4%       | -0.3%          | 22.5%       | 23.5%       | 1.0%           | 22.5%        |

<sup>1</sup>Community Defender Organizations

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.

California, 3,830, down 5.2 percent; Eastern District of California, 1,252, down 4.3 percent; District of Alaska, 357, down 3.3 percent; and Western District of Washington, 1,396, down 1.6 percent.

Cases opened by federal public and community defenders in the Ninth Circuit increased by 29.6 percent from 26,727 to 34,641, and cases closed increased by 28.1 percent from 28,689 to 36,755 cases. Pending caseload numbered 11,261, down 16 percent from the prior fiscal year.

Cases opened nationwide during fiscal year 2018 numbered 148,158, up 31.5 percent and cases closed were 156,205, up 22.6 percent to from FY 2018. Pending caseload was reduced by 14.3 percent from to 50,108.

More cases were closed by federal public and community defenders in the circuit compared to the prior fiscal year. Cases closed were up 28.1 percent from 28,689 cases to 36,755 cases. The Office of the FPD in the District of Arizona reported 9,365 cases closed, up 58.9 percent. Other districts with increased number of cases closed include the District of Alaska, 526, up 77.7 percent; Central District of California, 4,700, up .8 percent; District of Idaho, 399, up 15.3 percent; and the District of Montana, 852, up 7.3 percent.

### **Reappointment**

The Ninth Circuit Court of Appeals reappointed Michael Filipovic of the Western District of Washington in 2018. His new four-year term began March 2, 2018. 

## Ninth Circuit Probation Offices See Minimal Changes in Workload

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. They perform various duties and provide services that protect the community, help the federal courts ensure the fair administration of justice, and investigate and supervise persons charged with or convicted of crimes.

### 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 a guideline.

In the Ninth Circuit, probation officers prepared 11,690 presentence guideline reports in FY 2018, up approximately 1.3 percent from the prior fiscal year. The circuit accounted for 18.8 percent of the national total of 62,089 submitted presentence guideline reports.

### Post-Conviction Supervision of Offenders

Probation officers supervise persons who are released to the community after serving prison sentences or are placed on probation by the court. They assist people under supervision by referring them to services, including substance abuse treatment, mental health treatment, and sex offender treatment; medical care; employment assistance; literacy and training programs; and

cognitive-behavioral treatment therapy to foster long-term positive change which may reduce recidivism. By using monitoring, restrictions and interventions, officers work diligently to protect the community, while promoting long-term positive change in people under supervision.

Probation officers in the Ninth Circuit were supervising 22,540 persons at the end of FY 2018, down 1.0 percent from the prior fiscal year. The circuit accounted for 17.4 percent of the national total of 129,706 persons under supervision at the end of FY 2018.

### Ninth Circuit Federal Probation System: Persons Under Post-Conviction Supervision, FY 2017-2018

| Persons Under Supervision      | 2017   | 2018   | Change 2017-18 |
|--------------------------------|--------|--------|----------------|
| <sup>1</sup> From Courts       | 3,144  | 3,122  | -0.7%          |
| <sup>2</sup> From Institutions | 19,617 | 19,418 | -1.0%          |
| Total                          | 22,761 | 22,540 | -1.0%          |

<sup>1</sup>Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

<sup>2</sup>Includes parole, special parole, mandatory release and military parole.

Among those under supervision at end of FY 2018, 3,122 were on probation, 19,278 were on supervised release, 124 persons were on parole, and 16 individuals adhered to the 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 20,071 at the end of FY 2018, accounting for 89 percent of persons under supervision in the circuit.

### Revocations and Early Terminations

Ninth Circuit cases that were revoked and closed after post-conviction supervision numbered 3,665



**Ninth Circuit Federal Probation System: Persons Under Post-Conviction  
Supervision by District, FY 2017-2018**

| District         | From Courts            | Referred by Institutions |                     |                          | Persons Under<br>Supervision, 2017 | Persons Under<br>Supervision, 2018 | Change<br>2017-18 |
|------------------|------------------------|--------------------------|---------------------|--------------------------|------------------------------------|------------------------------------|-------------------|
|                  | <sup>1</sup> Probation | Supervised<br>Release    | <sup>2</sup> Parole | <sup>3</sup> BOP Custody |                                    |                                    |                   |
| Alaska           | 48                     | 278                      | 3                   | 0                        | 349                                | 329                                | -5.7%             |
| Arizona          | 778                    | 3,043                    | 16                  | 0                        | 3,805                              | 3,837                              | 0.8%              |
| C. Calif.        | 677                    | 4,608                    | 21                  | 0                        | 5,391                              | 5,306                              | -1.6%             |
| E. Calif.        | 195                    | 1,749                    | 11                  | 0                        | 1,988                              | 1,955                              | -1.7%             |
| N. Calif.        | 341                    | 1,640                    | 9                   | 0                        | 1,997                              | 1,990                              | -0.4%             |
| S. Calif.        | 293                    | 2,746                    | 12                  | 0                        | 2,933                              | 3,051                              | 4.0%              |
| Guam             | 37                     | 106                      | 2                   | 2                        | 183                                | 147                                | -19.7%            |
| Hawaii           | 52                     | 523                      | 7                   | 0                        | 651                                | 582                                | -10.6%            |
| Idaho            | 93                     | 515                      | 1                   | 2                        | 567                                | 611                                | 7.8%              |
| Montana          | 93                     | 759                      | 1                   | 8                        | 870                                | 861                                | -1.0%             |
| Nevada           | 142                    | 990                      | 8                   | 0                        | 1,110                              | 1,140                              | 2.7%              |
| NMI              | 3                      | 14                       | 0                   | 0                        | 33                                 | 17                                 | -48.5%            |
| Oregon           | 189                    | 839                      | 13                  | 1                        | 1,137                              | 1,042                              | -8.4%             |
| E. Wash          | 58                     | 541                      | 3                   | 3                        | 628                                | 605                                | -3.7%             |
| W.<br>Wash.      | 123                    | 927                      | 17                  | 0                        | 1,119                              | 1,067                              | -4.6%             |
| Circuit<br>Total | 3,122                  | 19,278                   | 124                 | 16                       | 22,761                             | 22,540                             | -1.0%             |

<sup>1</sup>Includes conditional release, probation, and the former categories known as judge probation and magistrate judge probation.

<sup>2</sup>Includes parole, special parole, mandatory release, and military parole.

<sup>3</sup>BOP (Bureau of Prisons)

in FY 2018, up 3.9 percent from the previous fiscal year. Of these revocations, 184 were from probation sentences, 3,475 were from supervised release terms, and 6 were from parole cases. The Ninth Circuit accounted for 20.9 percent of the 17,507 cases revoked nationally. The national revocation rate for FY 2018 was 31.7 percent, a 1.3 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 2018, there were 1,291 cases terminated early in the Ninth Circuit, accounting for a savings of \$7,211,039, or an average savings of \$5,585 per client. On a national level, 7,650 cases were terminated early, accounting for a savings of \$48,134,449, or an average savings of \$6,292 per client.


### **Evidence-Based Practices**

United States probation officers use evidence-based practices to make informed decisions about

the supervision of individuals, as well as the design and delivery of policies and practices to achieve the maximum, measurable reduction in recidivism. The Post-Conviction Risk Assessment (PCRA) tool was developed to improve post-conviction supervision. The PCRA is the second most researched risk assessment instrument, which is determined to be a strong predictor of recidivism and seems to predict general and violent recidivism. Results of the PCRA include direct allocation of resources, and guiding officers to provide attention and services to the highest risk offenders. This risk assessment tool has been used by the probation office since roughly 2011.

In June of 2017, U.S. probation implemented PCRA 2.0, which uses the Violence Assessment as part of the risk tool. The Violence Assessment is an objective and quantifiable instrument that provides a consistent and valid method of predicting risk of committing a violent offense. Research identified 10 static factors that do not change over time and four scales (power orientation, entitlement, denial of harm and self-assertion/deception) from the PCRA 2.0 self-assessment that are strongly correlated with future violence. The assessment of these factors can provide direction for supervision strategies and intervention strategies to help mitigate risk for those on community supervision.

U.S. probation offices in many districts also utilize additional risk tools in the supervision of sex offenders. The Static 99R, Stable 2007 and Acute 2007 are validated risk tools that can help predict the likelihood of sexual recidivism. The Stable and Acute identify and measure dynamic risk factors. These factors are assessed throughout community supervision and provide further direction for supervision and intervention strategies for U.S. probation officers and treatment providers.

Along with the risk assessment tools, evidence-based practices include the use of low-risk supervision standards, cognitive behavioral therapy programs, and core correctional practices, including Motivational Interviewing and Staff Training Aimed at Reducing Rearrest (STARR). STARR skills assist officers in their day to day supervision practices to address behaviors and criminal thinking styles which may lead to an increased risk of criminal activity. Majority of districts in the Ninth Circuit have officers trained in STARR. Officers also use reentry court programs and workforce development activities to strengthen success of those under supervision. The utilization of Second Chance Act funding has allowed districts to connect people under supervision with resources to aid in their success. Resources include employment and training programs, financial literacy classes, transitional housing, items needed for employment, and more. 

# Defendants Under Pretrial Supervision Increase

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 service 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 their trial is pending. 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 service 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

In fiscal year 2018, pretrial services offices in the Ninth Circuit reported 32,004 new case activations, up 13.0 percent from 28,310 new case activations in FY 2017. New case activations nationwide totaled 99,494, up 12.7 percent from the prior year. The Ninth Circuit continues to rank first nationally in cases activated, accounting for 32.2 percent of total new cases.

## Pretrial Bail Reports, Supervision

Pretrial services officers in the Ninth Circuit prepared 31,168 written pre-bail reports and 444 post-bail reports over the course of the fiscal year. Bail reports were prepared in 98.8 percent of the

cases activated. Officers conducted 8,526 pretrial bail interviews.

Excluding immigration cases, officers made recommendations for initial pretrial release to the courts in 53.5 percent of cases. Assistant U.S. attorneys in the circuit recommended pretrial release in 47.5 percent of cases in fiscal year 2018.

During FY 2018, defendants who were received for supervision numbered 5,242, up 5.4 percent from 4,974. Of these individuals, 3,920 were received for regular supervision; 1,240 were supervised on a courtesy basis from another district or circuit; and 82 were pretrial diversion cases, which include courtesy supervision of diversion cases.

## Detention Summary

In the Ninth Circuit, 26,589 defendants were detained by pretrial services officers in FY 2018, the highest in the nation. Excluding immigration cases, 66.1 percent of defendants were detained and never released. Defendants were detained an average of 199 days. The U.S.-Mexico border courts in the districts of Arizona and Southern District of California reported the highest number of defendants detained. The total number of defendants detained in the District of Arizona was 9,201, while defendants detained in the Southern District of California numbered 8,924. The Ninth Circuit accounted for 19.5 percent of total days that defendants were incarcerated nationally.

## Violations

Of the 11,011 cases in release status in FY 2018, cases with violations numbered 1,694. They included 21 violations due to felony re-arrests, 36 violations resulting from misdemeanor re-arrests, one for "other" re-arrest violations, and 134 for failure to appear. Technical violations, which numbered 1,620, include positive urine tests for illegal substances, violation of location

### Pretrial Services Cases Activated in Ninth Circuit Courts, FY 2017-2018

| Caseload Measure | 2017   | 2018   | Change 2017-18 |
|------------------|--------|--------|----------------|
| Reports          | 28,051 | 31,612 | 12.7%          |
| Interviews       | 9,315  | 8,526  | -8.5%          |
| Cases Activated  | 28,310 | 32,004 | 13.0%          |

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."

### Pretrial Workload, FY 2017-2018

| District              | Defendant Contact |                              | Written Reports      |          | No Reports Made | Total Cases Activated 2017 | Total Cases Activated 2018 | Change 2017-18 |
|-----------------------|-------------------|------------------------------|----------------------|----------|-----------------|----------------------------|----------------------------|----------------|
|                       | Interviewed       | <sup>1</sup> Not Interviewed | <sup>2</sup> Prebail | Postbail |                 |                            |                            |                |
| AK                    | 50                | 183                          | 229                  | 2        | 2               | 209                        | 233                        | 11.5%          |
| AZ                    | 2,061             | 13,949                       | 15,872               | 42       | 96              | 14,358                     | 16,010                     | 11.5%          |
| C. Calif.             | 1,446             | 400                          | 1,832                | 9        | 5               | 1,597                      | 1,846                      | 15.6%          |
| E. Calif.             | 391               | 295                          | 675                  | 4        | 7               | 623                        | 686                        | 10.1%          |
| N. Calif.             | 345               | 325                          | 431                  | 239      | 0               | 682                        | 670                        | -1.8%          |
| S. Calif.             | 2,295             | 6,556                        | 8,698                | 103      | 50              | 7,442                      | 8,851                      | 18.9%          |
| GU                    | 41                | 4                            | 44                   | 1        | 0               | 68                         | 45                         | -33.8%         |
| HI                    | 186               | 47                           | 213                  | 3        | 17              | 215                        | 233                        | 8.4%           |
| ID                    | 199               | 226                          | 342                  | 1        | 82              | 347                        | 425                        | 22.5%          |
| MT                    | 258               | 178                          | 422                  | 9        | 5               | 362                        | 436                        | 20.4%          |
| NV                    | 355               | 293                          | 642                  | 1        | 5               | 657                        | 648                        | -1.4%          |
| NMI                   | 15                | 0                            | 15                   | 0        | 0               | 20                         | 15                         | -25.0%         |
| OR                    | 327               | 241                          | 544                  | 7        | 17              | 489                        | 568                        | 16.2%          |
| E. Wash.              | 251               | 180                          | 334                  | 5        | 92              | 407                        | 431                        | 5.9%           |
| W. Wash.              | 306               | 601                          | 875                  | 18       | 14              | 834                        | 907                        | 8.8%           |
| Circuit Total         | 8,526             | 23,478                       | 31,168               | 444      | 392             | 28,310                     | 32,004                     | 13.0%          |
| National Total        | 51,710            | 47,784                       | 92,840               | 2,602    | 4,052           | 88,255                     | 99,494                     | 12.7%          |
| Circuit % of National | 16.5%             | 49.1%                        | 33.6%                | 17.1%    | 9.7%            | 32.1%                      | 32.2%                      | 0.1%           |

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

<sup>1</sup>Includes cases in which interviews were refused, includes defendants not available for interview, and includes transfer-received cases in which defendants were interviewed in other districts.

<sup>2</sup>Includes prebail reports both with recommendations and without, and includes types of reports categorized in previous periods as "other reports."

monitoring conditions, possession of contraband, and failure to report to a supervising pretrial services officer.

### **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 defendants do not pose either a risk of non-appearance or danger to the community. To accomplish this, a proven evidence-based practice in pretrial services 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 business practices. The PTRA is an objective instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrests, 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 resources to be more effectively utilized by focusing on defendants with higher PTRA scores, namely 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 defendants to effect long-term behavior change. The techniques

have cognitive behavioral foundation with the premise that thinking controls behavior. STARR training has been provided 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 Alaska, 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 2018, 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, or CAP, in the Northern District of California; a pre-adjudication felony program in the Western District of Washington; a pre-adjudication felony program with an emphasis on defendants with a substance use disorder in the District of Nevada; and the Arizona Veterans Program in the District of Arizona, a diversionary and post-sentence program that assists military veterans.

"Pre-entry" programs in the Ninth Circuit are offered to defendants awaiting sentencing. These programs include Prison and Beyond in the District of Oregon, The Compass in the District of Nevada, Keys to Successful Incarceration, or KTSI, in the Central District of California, and Successful Tips for Entering the Pretrial/Prison/Probation System, or STEPS in the District of Arizona. These programs



# Juror Utilization

| Juror Utilization, FY 2017-2018 |                                 |                                |   |      |                |
|---------------------------------|---------------------------------|--------------------------------|---|------|----------------|
| District                        | Grand Juries<br>Impaneled, 2018 | Petit Juries<br>Selected, 2018 | Petit Juror Utilization Rate<br>Percent Not Selected or Challenged <sup>1</sup> |      |                |
|                                 |                                 |                                | 2017  | 2018 | Change 2017-18 |
| Alaska                          | 2                               | 8                              | 32.6  | 24.7 | -7.9           |
| Arizona                         | 13                              | 79                             | 28.4  | 29.8 | 1.4            |
| C. Calif.                       | 29                              | 143                            | 45.2  | 43.0 | -2.2           |
| E. Calif.                       | 8                               | 49                             | 36.5  | 34.6 | -1.9           |
| N. Calif.                       | 11                              | 60                             | 39.3  | 26.0 | -13.3          |
| S. Calif.                       | 8                               | 99                             | 42.1  | 42.1 | 0.0            |
| Guam                            | 2                               | 2                              | 63.5  | 80.5 | 17.0           |
| Hawaii                          | 5                               | 11                             | 48.1  | 37.9 | -10.2          |
| Idaho                           | 6                               | 7                              | 18.8  | 35.4 | 16.6           |
| Montana                         | 6                               | 19                             | 26.1  | 29.6 | 3.5            |
| Nevada                          | 3                               | 35                             | 33.2  | 32.5 | -0.7           |
| NMI                             | 2                               | 2                              | 0.0   | 11.1 | 11.1           |
| Oregon                          | 9                               | 26                             | 22.7  | 24.2 | 1.5            |
| E. Wash.                        | 6                               | 12                             | 40.2  | 24.1 | -16.1          |
| W. Wash.                        | 4                               | 34                             | 36.1  | 31.4 | -4.7           |
| Circuit Total                   | 114                             | 586                            | -   | -    |                |
| Circuit Average                 | 7.6                             | 39.1                           | 34.2  | 33.8 | -0.4           |
| National Total                  | 755                             | 3,660                          | -   | -    |                |
| National Average                | 8.0                             | 39.0                           | 38.0  | 37.5 | -0.5           |

Note: This table includes data on jury selection days only. Data on juror service after the selection day are not included. Due to rounding, percentages may not total 100 percent.

<sup>1</sup>Includes 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.

# Interpreter Usage

| Interpreter Usage by District Courts, FY 2017-2018 |    |        |       |       |       |        |    |    |     |    |     |     |     |     |     |               |               |                   |
|--|----|--------|-------|-------|-------|--------|----|----|-----|----|-----|-----|-----|-----|-----|---------------|---------------|-------------------|
| Language   | AK | AZ     | CAC   | CAE   | CAN   | CAS    | GU | HI | ID  | MT | NV  | NMI | OR  | WAE | WAW | 2017<br>Total | 2018<br>Total | Change<br>2017-18 |
| Arabic   | 0  | 45     | 17    | 7     | 6     | 20     | 0  | 0  | 0   | 0  | 0   | 0   | 1   | 0   | 6   | 60            | 102           | 70.0%             |
| Armenian   | 0  | 0      | 53    | 11    | 0     | 0      | 0  | 0  | 0   | 0  | 3   | 0   | 16  | 0   | 0   | 106           | 83            | -21.7%            |
| Cantonese  | 0  | 3      | 54    | 5     | 44    | 7      | 0  | 6  | 0   | 0  | 0   | 0   | 2   | 0   | 15  | 136           | 136           | 0.0%              |
| Farsi  | 0  | 3      | 11    | 7     | 0     | 5      | 0  | 0  | 0   | 0  | 2   | 0   | 0   | 0   | 2   | 17            | 30            | 76.5%             |
| Japanese   | 0  | 0      | 0     | 0     | 11    | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 5   | 7             | 16            | 128.6%            |
| Korean   | 3  | 2      | 25    | 0     | 8     | 4      | 7  | 2  | 0   | 0  | 6   | 0   | 6   | 0   | 0   | 116           | 63            | -45.7%            |
| Mandarin   | 0  | 23     | 128   | 37    | 71    | 166    | 19 | 3  | 0   | 0  | 11  | 1   | 8   | 0   | 29  | 455           | 496           | 9.0%              |
| Navajo (Certified)                                 | 0  | 0      | 0     | 0     | 0     | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 0             | 0             | -                 |
| Navajo (Non-Certified)                             | 0  | 53     | 0     | 0     | 0     | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 34            | 53            | 55.9%             |
| Russian  | 0  | 1      | 36    | 12    | 23    | 1      | 0  | 0  | 0   | 0  | 6   | 0   | 0   | 0   | 6   | 89            | 85            | -4.5%             |
| Sign (American)                                    | 0  | 3      | 2     | 1     | 3     | 13     | 0  | 0  | 1   | 0  | 1   | 0   | 3   | 4   | 0   | 86            | 31            | -64.0%            |
| Sign (Mexican)                                     | 0  | 0      | 0     | 0     | 0     | 0      | 0  | 0  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 0             | 0             | -                 |
| Spanish Staff                                      | 0  | 49,026 | 1,079 | 867   | 220   | 25,043 | 0  | 0  | 0   | 0  | 367 | 0   | 547 | 156 | 0   | 56,572        | 77,305        | 36.6%             |
| Spanish (Certified)                                | 48 | 6,711  | 1,093 | 690   | 579   | 2,493  | 0  | 2  | 341 | 8  | 240 | 0   | 196 | 368 | 634 | 9,934         | 13,403        | 34.9%             |
| Spanish (Non-Certified)                            | 0  | 0      | 0     | 0     | 0     | 0      | 0  | 14 | 71  | 74 | 42  | 0   | 33  | 8   | 0   | 210           | 242           | 15.2%             |
| Tagalog  | 0  | 0      | 9     | 0     | 1     | 0      | 0  | 7  | 0   | 0  | 0   | 0   | 0   | 0   | 0   | 14            | 17            | 21.4%             |
| Vietnamese   | 0  | 5      | 11    | 2     | 25    | 21     | 0  | 4  | 0   | 0  | 2   | 0   | 17  | 0   | 13  | 109           | 100           | -8.3%             |
| All Others   | 14 | 791    | 78    | 98    | 35    | 704    | 4  | 6  | 0   | 5  | 69  | 0   | 5   | 10  | 18  | 844           | 1,837         | 117.7%            |
| Total  | 68 | 56,666 | 2,596 | 1,737 | 1,026 | 28,477 | 30 | 44 | 413 | 87 | 749 | 1   | 834 | 546 | 728 | 68,789        | 93,999        | 36.6%             |

## District Caseloads, FY 2018

### District of Alaska

| Caseload Measure | 2017 | 2018 | Change 2017-18 | Per Judgeship Unweighted 2018 |
|------------------|------|------|----------------|-------------------------------|
| District Court   |      |      |                |                               |
| Filings          | 535  | 556  | 3.9%           | 185                           |
| Terminations     | 487  | 536  | 10.1%          | 179                           |
| Pending          | 653  | 670  | 2.6%           | 223                           |
| Bankruptcy Court |      |      |                |                               |
| Filings          | 460  | 452  | -1.7%          | 226                           |
| Terminations     | 507  | 477  | -5.9%          | 239                           |
| Pending          | 370  | 345  | -6.8%          | 173                           |

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

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

### District of Arizona

| Caseload Measure     | 2017   | 2018   | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|--------|--------|----------------|-------------------------------|
| District Court       |        |        |                |                               |
| Filings              | 10,247 | 10,519 | 2.7%           | 809                           |
| Terminations         | 9,086  | 7,985  | -12.1%         | 614                           |
| <sup>1</sup> Pending | 7,886  | 10,409 | 32.0%          | 801                           |
| Bankruptcy Court     |        |        |                |                               |
| Filings              | 15,682 | 16,256 | 3.7%           | 2,322                         |
| Terminations         | 16,709 | 16,187 | -3.1%          | 2,312                         |
| <sup>1</sup> Pending | 18,494 | 18,564 | 0.4%           | 2,652                         |

|                       |    |
|-----------------------|----|
| Authorized Judgeships |    |
| <sup>2</sup> District | 13 |
| Bankruptcy            | 7  |
| Magistrate            |    |
| Full-time             | 14 |
| Part-time             | 1  |

Authorized places of holding court:  
<sup>3</sup>Bullhead City, Flagstaff, Phoenix,  
Prescott, Tucson, Yuma

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

<sup>3</sup>Bullhead City applies only to the bankruptcy court.

### Central District of California

| Caseload Measure     | 2017   | 2018   | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|--------|--------|----------------|-------------------------------|
| District Court       |        |        |                |                               |
| Filings              | 15,202 | 16,505 | 8.6%           | 589                           |
| Terminations         | 15,392 | 15,023 | -2.4%          | 537                           |
| <sup>1</sup> Pending | 11,811 | 13,323 | 12.8%          | 476                           |
| Bankruptcy Court     |        |        |                |                               |
| Filings              | 39,325 | 37,343 | -5.0%          | 1,624                         |
| Terminations         | 46,240 | 40,790 | -11.8%         | 1,773                         |
| <sup>1</sup> Pending | 30,635 | 27,189 | -11.2%         | 1,182                         |

|                         |    |
|-------------------------|----|
| Authorized Judgeships   |    |
| <sup>2</sup> District   | 28 |
| <sup>3</sup> Bankruptcy | 23 |
| Magistrate              |    |
| Full-time               | 24 |
| Part-time               | 1  |

Authorized places of holding court:  
Los Angeles, Riverside, Santa Ana,  
<sup>4</sup>San Fernando Valley. <sup>4</sup>Santa Barbara

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

<sup>3</sup>Includes two authorized temporary judgeships.

<sup>4</sup>San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

## District Caseloads continued

### Eastern District of California

| Caseload Measure     | 2017   | 2018   | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|--------|--------|----------------|-------------------------------|
| District Court       |        |        |                |                               |
| Filings              | 4,803  | 5,483  | 14.2%          | 914                           |
| Terminations         | 5,115  | 5,231  | 2.3%           | 872                           |
| <sup>1</sup> Pending | 7,165  | 7,419  | 3.5%           | 1,237                         |
| Bankruptcy Court     |        |        |                |                               |
| Filings              | 15,526 | 14,843 | -4.4%          | 2,120                         |
| Terminations         | 17,971 | 15,922 | -11.4%         | 2,275                         |
| <sup>1</sup> Pending | 13,598 | 12,519 | -7.9%          | 1,788                         |

|                         |    |
|-------------------------|----|
| Authorized Judgeships   |    |
| District                | 6  |
| <sup>2</sup> Bankruptcy | 7  |
| Magistrate              |    |
| Full-time               | 12 |
| Part-time               | 0  |

Authorized places of holding court: Bakersfield, Fresno, <sup>3</sup>Modesto, Redding, Sacramento, <sup>3</sup>Yosemite

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Includes one temporary judgeship.

<sup>3</sup>Modesto applies only to the bankruptcy court. Yosemite applies only to the district court.

### Northern District of California

| Caseload Measure     | 2017   | 2018   | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|--------|--------|----------------|-------------------------------|
| District Court       |        |        |                |                               |
| Filings              | 7,898  | 8,199  | 3.8%           | 586                           |
| Terminations         | 6,755  | 7,050  | 4.4%           | 504                           |
| <sup>1</sup> Pending | 8,798  | 9,928  | 12.8%          | 709                           |
| Bankruptcy Court     |        |        |                |                               |
| Filings              | 9,394  | 8,684  | -7.6%          | 965                           |
| Terminations         | 13,136 | 10,984 | -16.4%         | 1,220                         |
| <sup>1</sup> Pending | 17,047 | 14,747 | -13.5%         | 1,639                         |

|                       |    |
|-----------------------|----|
| Authorized Judgeships |    |
| <sup>2</sup> District | 14 |
| Bankruptcy            | 9  |
| Magistrate            |    |
| Full-time             | 12 |
| Part-time             | 0  |

Authorized places of holding court: <sup>2</sup>Eureka, Oakland, San Francisco, San Jose, <sup>2</sup>Santa Rosa

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Eureka applies only to the district court. Santa Rosa applies only to the bankruptcy court.

### Southern District of California

| Caseload Measure     | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|-------|-------|----------------|-------------------------------|
| District Court       |       |       |                |                               |
| Filings              | 6,732 | 8,612 | 27.9%          | 662                           |
| Terminations         | 6,207 | 8,669 | 39.7%          | 667                           |
| <sup>1</sup> Pending | 5,310 | 5,225 | -1.6%          | 402                           |
| Bankruptcy Court     |       |       |                |                               |
| Filings              | 8,201 | 7,990 | -2.6%          | 1,998                         |
| Terminations         | 9,468 | 8,567 | -9.5%          | 2,142                         |
| <sup>1</sup> Pending | 6,935 | 6,358 | -8.3%          | 1,590                         |

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

Authorized places of holding court: <sup>2</sup>El Centro, San Diego

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>El Centro applies only to the district court.

## District Caseloads continued

### District of Guam

| Caseload Measure | 2017 | 2018 | Change 2017-18 | Per Judgeship Unweighted 2018 |
|------------------|------|------|----------------|-------------------------------|
| District Court   |      |      |                |                               |
| Filings          | 181  | 91   | -49.7%         | 91                            |
| Terminations     | 133  | 98   | -26.3%         | 98                            |
| Pending          | 232  | 253  | 9.1%           | 253                           |
| Bankruptcy Court |      |      |                |                               |
| Filings          | 143  | 130  | -9.1%          | 385                           |
| Terminations     | 171  | 148  | -13.5%         | 271                           |
| Pending          | 161  | 143  | -11.2%         | 327                           |

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

Authorized place of holding court:  
Hagatna

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

### District of Hawaii

| Caseload Measure | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|------------------|-------|-------|----------------|-------------------------------|
| District Court   |       |       |                |                               |
| Filings          | 827   | 672   | -18.7%         | 168                           |
| Terminations     | 828   | 762   | -8.0%          | 191                           |
| Pending          | 967   | 876   | -9.4%          | 219                           |
| Bankruptcy Court |       |       |                |                               |
| Filings          | 1,388 | 1,503 | 8.3%           | 1,503                         |
| Terminations     | 1,516 | 1,510 | -0.4%          | 1,510                         |
| Pending          | 2,050 | 2,043 | -0.3%          | 2,043                         |

|                       |   |
|-----------------------|---|
| Authorized Judgeships |   |
| <sup>1</sup> District | 4 |
| Bankruptcy            | 1 |
| Magistrate            |   |
| Full-time             | 3 |
| Part-time             | 0 |

Authorized place of holding court:  
Honolulu

<sup>1</sup>Includes one temporary judgeship.

### District of Idaho

| Caseload Measure     | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|-------|-------|----------------|-------------------------------|
| District Court       |       |       |                |                               |
| Filings              | 857   | 931   | 8.6%           | 466                           |
| Terminations         | 854   | 998   | 16.9%          | 499                           |
| <sup>1</sup> Pending | 1,073 | 1,005 | -6.3%          | 503                           |
| Bankruptcy Court     |       |       |                |                               |
| Filings              | 3,771 | 3,709 | -1.6%          | 1,855                         |
| Terminations         | 3,886 | 3,823 | -1.6%          | 1,912                         |
| <sup>1</sup> Pending | 2,974 | 2,860 | -3.8%          | 1,430                         |

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

Authorized places of holding court:  
Boise, Coeur d'Alene, Pocatello

<sup>1</sup>2017 total pending cases revised.



## District Caseloads continued

### District of Montana

| Caseload Measure     | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|-------|-------|----------------|-------------------------------|
| District Court       |       |       |                |                               |
| Filings              | 963   | 1,069 | 11.0%          | 356                           |
| Terminations         | 881   | 1,100 | 24.9%          | 367                           |
| <sup>1</sup> Pending | 1,006 | 975   | -3.1%          | 325                           |
| Bankruptcy Court     |       |       |                |                               |
| Filings              | 1,314 | 1,279 | -2.7%          | 1,279                         |
| Terminations         | 1,379 | 1,442 | 4.6%           | 1,442                         |
| <sup>1</sup> Pending | 1,630 | 1,467 | -10.0%         | 1,467                         |

|                       |   |
|-----------------------|---|
| Authorized Judgeships |   |
| District              | 3 |
| Bankruptcy            | 1 |
| Magistrate            |   |
| Full-time             | 3 |
| Part-time             | 0 |

Authorized places of holding court:  
Billings, Butte, Great Falls, <sup>2</sup>Helena, Missoula

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Helena applies only to the district court.

### District of Nevada

| Caseload Measure     | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|-------|-------|----------------|-------------------------------|
| District Court       |       |       |                |                               |
| Filings              | 4,441 | 3,457 | -22.2%         | 494                           |
| Terminations         | 3,732 | 3,735 | 0.1%           | 534                           |
| <sup>1</sup> Pending | 5,746 | 5,473 | -4.8%          | 782                           |
| Bankruptcy Court     |       |       |                |                               |
| Filings              | 8,760 | 9,258 | 5.7%           | 2,315                         |
| Terminations         | 9,867 | 9,588 | -2.8%          | 2,397                         |
| <sup>1</sup> Pending | 7,965 | 7,635 | -4.1%          | 1,909                         |

|                         |   |
|-------------------------|---|
| Authorized Judgeships   |   |
| District                | 7 |
| <sup>2</sup> Bankruptcy | 4 |
| Magistrate              |   |
| Full-time               | 7 |
| Part-time               | 0 |

Authorized places of holding court:  
Las Vegas, Reno

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Includes one authorized temporary judgeship.

### District of Northern Mariana Islands

| Caseload Measure     | 2017 | 2018 | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|------|------|----------------|-------------------------------|
| District Court       |      |      |                |                               |
| Filings              | 41   | 45   | 9.8%           | 45                            |
| Terminations         | 49   | 62   | 26.5%          | 62                            |
| <sup>1</sup> Pending | 75   | 63   | -16.0%         | 63                            |
| Bankruptcy Court     |      |      |                |                               |
| Filings              | 3    | 2    | -              | 1                             |
| Terminations         | 6    | 4    | -              | 1                             |
| <sup>1</sup> Pending | 6    | 4    | -              | 1                             |

|                          |   |
|--------------------------|---|
| Authorized Judgeships    |   |
| District                 | 1 |
| Bankruptcy               | 0 |
| Magistrate               |   |
| Full-time                | 0 |
| Part-time                | 0 |
| <sup>3</sup> Combination | 1 |

Authorized place of holding court:  
Saipan

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

<sup>1</sup>2017 total pending cases revised.

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

<sup>3</sup>Heather Kennedy holds the combined position of magistrate judge/clerk of court.

## District of Oregon

| Caseload Measure | 2017   | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|------------------|--------|-------|----------------|-------------------------------|
| District Court   |        |       |                |                               |
| Filings          | 2,453  | 2,731 | 11.3%          | 455                           |
| Terminations     | 2,619  | 2,449 | -6.5%          | 408                           |
| Pending          | 2,776  | 3,063 | 10.3%          | 511                           |
| Bankruptcy Court |        |       |                |                               |
| Filings          | 9,078  | 8,907 | -1.9%          | 1,781                         |
| Terminations     | 10,054 | 9,409 | -6.4%          | 1,882                         |
| Pending          | 9,669  | 9,168 | -5.2%          | 1,834                         |

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Medford applies only to the district court.

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

Authorized places of holding court:  
Eugene, <sup>1</sup>Medford, Pendleton,  
Portland

## Eastern District of Washington

| Caseload Measure     | 2017  | 2018  | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|-------|-------|----------------|-------------------------------|
| District Court       |       |       |                |                               |
| Filings              | 1,244 | 1,371 | 10.2%          | 343                           |
| Terminations         | 1,209 | 1,279 | 5.8%           | 320                           |
| <sup>1</sup> Pending | 1,070 | 1,144 | 6.9%           | 286                           |
| Bankruptcy Court     |       |       |                |                               |
| Filings              | 3,928 | 3,605 | -8.2%          | 1,803                         |
| Terminations         | 4,270 | 3,819 | -10.6%         | 1,910                         |
| <sup>1</sup> Pending | 4,028 | 3,814 | -5.3%          | 1,907                         |

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Richland applies only to the district court.

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

Authorized places of holding court:  
<sup>2</sup>Richland, Spokane, Yakima

## Western District of Washington

| Caseload Measure     | 2017   | 2018   | Change 2017-18 | Per Judgeship Unweighted 2018 |
|----------------------|--------|--------|----------------|-------------------------------|
| District Court       |        |        |                |                               |
| Filings              | 3,768  | 3,907  | 3.7%           | 558                           |
| Terminations         | 3,826  | 3,759  | -1.8%          | 537                           |
| <sup>1</sup> Pending | 3,274  | 3,429  | 4.7%           | 490                           |
| Bankruptcy Court     |        |        |                |                               |
| Filings              | 11,129 | 9,995  | -10.2%         | 1,999                         |
| Terminations         | 12,715 | 11,167 | -12.2%         | 2,233                         |
| <sup>1</sup> Pending | 12,961 | 11,789 | -9.0%          | 2,358                         |

<sup>1</sup>2017 total pending cases revised.

<sup>2</sup>Bellingham applies only to the district court. Everett and Port Orchard apply only to the bankruptcy court.

|                       |   |
|-----------------------|---|
| Authorized Judgeships |   |
| District              | 7 |
| Bankruptcy            | 5 |
| Magistrate            |   |
| Full-time             | 6 |
| Part-time             | 1 |

Authorized places of holding court:  
<sup>2</sup>Bellingham, <sup>2</sup>Everett, <sup>2</sup>Port Orchard,  
Seattle, Tacoma, Vancouver

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