



United States Courts for the Ninth Circuit  
**2021 Annual Report**

The Office of the Circuit Executive would like to acknowledge the following for their contributions to the 2021 Ninth Circuit Annual Report:

**The Honorable Mary H. Murguia**  
Chief Circuit Judge  
U.S. Court of Appeals for the Ninth Circuit

**The Honorable Miranda M. Du**  
Chief District Judge, U.S. District Court  
District of Nevada

**The Honorable Theodor C. Albert**  
Chief Bankruptcy Judge, U.S. Bankruptcy Court  
Central District of California

**Susan Y. Soong**  
Circuit Executive, Office of the Circuit Executive  
U.S. Courts for the 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

**Mark B. Busby**  
Clerk of Court, U.S. District Court  
Northern District of California

**Deb Kempf**  
Clerk of Court, U.S. District Court  
District of Nevada

**Kathleen J. Campbell**  
Executive Officer/Clerk of Court  
U.S. Bankruptcy Court, Central District of California

**Mark L. Hatcher**  
Clerk of Court, U.S. Bankruptcy Court  
Western District of Washington

**Debra D. Lucas**  
District Court Executive/Clerk of Court  
U.S. District Court, District of Arizona

**Dan Kilgore**  
Chief U.S. Probation Officer  
Southern District of California

**Gervacio Lopez, Jr.**  
Chief U.S. Pretrial Services Officer  
District of Oregon

**Jon M. Sands**  
Federal Public Defender, Office of the FPD  
District of Arizona

Images featured on the 2021 Annual Report covers are of the Sandra Day O'Connor United States Courthouse in Phoenix, Arizona, the location of the 2021 Passing of the Gavel Ceremony. Find out more about the ceremony on page 26 and more about the courthouse on 45.



# 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\*

Chief Circuit Judge Mary H. Murguia, Chair  
Senior Circuit Judge Michael Daly Hawkins  
Circuit Judge Morgan Christen  
Circuit Judge Sandra S. Ikuta  
Circuit Judge Michelle T. Friedland  
Circuit Judge Eric D. Miller  
Chief District Judge Philip S. Gutierrez (CAC)  
Chief District Judge Brian Morris (MT)  
Chief District Judge Miranda M. Du (NV)  
Senior District Judge Phyllis J. Hamilton (CAN)

Senior District Judge Ronald S.W. Lew (CAC)  
Chief District Judge Timothy Burgess (NV)  
District Judge Leslie E. Kobayashi (HI)  
District Judge Sharon L. Gleason (AK)  
Chief Bankruptcy Judge Ronald H. Sargis (CAE)  
Magistrate Judge/Clerk of Court Heather L. Kennedy (NMI)  
District Court Clerk Debra Kempf (NV)  
Bankruptcy Court Clerk Mark Hatcher (WAW)  
Chief Probation Officer Dan Kilgore (CAS)  
Chief Pretrial Services Officer Gervacio Lopez, Jr. (OR)

\*Membership as of December 31, 2021

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# Message from the Chief



**Chief Judge  
Mary H. Murguia**

The 2021 Ninth Circuit Annual Report profiles federal courts in nine western states and two Pacific island jurisdictions. Notably, this annual report also marks a transition in leadership with the passing of the gavel from Chief Circuit Judge Emeritus Sidney R. Thomas, who held the office since 2014, on December 1, 2021, when I became the 12th chief judge of our circuit.

First, I want to acknowledge Judge Thomas' outstanding leadership as chief of our circuit, especially given the many challenges he faced during his seven-year tenure. His contributions on the national level are well-known, deeply appreciated and highly regarded across our sister circuits. And as a colleague who has worked with Judge Thomas for over a decade, I especially want to express, on behalf of myself and the court, my heartfelt appreciation, not just for his superb and inspiring leadership but also for his kindness and thoughtful collegiality, his commitment to the dignity of every person, and for the clarity and grace he consistently displays both on and off the bench. His resolve and dedication inspire me as I step into this new role. A review of Judge Thomas' accomplishments in the Ninth Circuit is available on page 20 of this report.

As chief judge, my additional responsibilities include a variety of administrative duties. I chair two judicial policy-making bodies: the Executive Committee of the Ninth Circuit Court of Appeals and the Judicial Council of the Ninth Circuit. I also represent the Ninth Circuit at biannual meetings of the Judicial Conference of the United States (JCUS), the judiciary's national governing body. As chief judge I also preside when an 11-judge en banc court is convened to resolve cases posing intra-circuit legal conflicts or to consider other matters deemed to be of exceptional importance.

Through the many challenges that COVID-19 presented on the courts, the Ninth Circuit Court of Appeals continued to account for over 21% of the entire federal appellate caseload in the nation. Our judges and staff performed outstanding work in the administration of justice in the West. I offer my profound thanks to all of them for their dedication and diligence and look forward to working with everyone over the next several years.

The annual report provides detailed statistical summaries of the work done by judges and judiciary staff over the last year and highlights important events and trends in our courts. Our court of appeals continued to be the nation's busiest federal appellate court, accounting for 21.3% of all new appeals nationally, with 9,487 appeals, down 8.8% from the prior fiscal year. There were 58,715 new filings in our district courts, down 2.1% from fiscal year 2020. Bankruptcy filings in the circuit numbered 77,848, down 24.3% from previous year. This is the second year of significant decreases in all bankruptcy courts in the circuit, representative of a nationwide trend.

Despite the many challenges presented by the ongoing restrictions imposed by the pandemic, I am pleased to report that the pace of judicial appointments continued through December. We extend a warm welcome to new judges appointed in 2021—Circuit Judges Lucy H. Koh and Jennifer Sung, who were confirmed in December 2021; District Judges Mary K. Dimke, David G. Estudillo, Lauren J. King, Linda Lopez, Jinsook Ohta and Jennifer L. Thurston; Bankruptcy Judge Teresa H. Pearson; and Magistrate Judges James A. Goeke, Raymond E. Patricco, Jr., Kyle F. Reardon, Margo A. Rocconi and S. Kate Vaughan. Their photos and biographies are available starting on page 9 of this report. The Senate adjourned in December 2021 with one circuit judge nominee, Gabriel P. Sanchez, pending for Senate confirmation vote.

On September 28, 2021, Susan Y. Soong, was selected as the new circuit executive for the U.S. Courts for the Ninth Circuit. As circuit executive, Soong serves as the secretary of the Judicial Council of the Ninth Circuit, the governing body for federal courts in the western states and Pacific islands. She leads the Office of the Circuit Executive, whose 47 employees provide a wide variety of services to all the federal courts of the circuit. Soong assumed her new duties on October 11, 2021.

Throughout 2021, the Ninth Circuit's Fairness Committee's subcommittees on Law Clerk Diversity and Magistrate Judge Diversity focused on fairness issues in the administration of justice by examining and identifying current recruitment and selection practices for law clerks, bankruptcy judges and magistrate judges throughout the circuit, and proposed methods of promoting diversity of judicial officers, court executives and court staff involved with the judicial decision-making process. The important work of our Wellness Committee continues to promote ways among our court family to maintain health in the face of challenges brought on by the pandemic.

Our Space and Facilities Committee continues to help us manage space reduction initiatives. Since 2013, the Ninth Circuit has completed nearly 90 projects and released more than 435,000 square feet of space, with a resulting annual rent savings of \$13.5 million. In 2021, the focus continued on new and renovated chambers projects to onboard new circuit judges. Two of those chambers' projects were completed in 2021, while four others remained in progress. Construction for a significant project to realign the circuit library at the Sandra Day O'Connor U.S. Courthouse in Phoenix, Arizona is underway, which will add three chambers, two for senior judges and one for a visiting judge. Additionally, district court projects under construction included a new district courtroom in Tucson and new courtrooms in San Diego, California. The circuit has also been spearheading planning efforts for newly leased court facilities in Flagstaff, Arizona and Medford, Oregon, and supporting an ongoing request for a new federal courthouse in Anchorage, Alaska.

Our Information Technology Committee continued its work in cybersecurity and improving our electronic information systems. The Administrative Office of the United States Courts is providing judges the option to optimize their digital security by providing subscriptions to a fully automated service that removes their personally identifiable information from the internet.

The Trial Improvement Committee began preliminary work to develop a circuit-wide jury summit. When courts stopped jury trials concurrently with stay-at-home orders, former Chief Circuit Judge Sidney R. Thomas prioritized jury trials and directed this committee to formulate a plan for reopening trials. The Recommendations on Resuming Jury Trials and Grand Jury Proceedings were in place by May 2020 and assisted courts across the circuit with resuming bench and jury trials as soon as possible while safeguarding the health and safety of the public, court staff, jurors and defendants.

The Pacific Islands Committee procured grants from the Department of the Interior for technological equipment to implement virtual education programs. The islands are hoping to resume in person programming when travel restrictions are lifted. The Pacific Islands Committee continues to partner with the Pacific Judicial Council to deliver educational programs for judges, court administrators and security personnel.

Our Public Information and Community Outreach (PICO) Committee continued with its innovative outreach efforts for civics education and community engagement while schools operated virtually. I am pleased to report that the 2021 Ninth Circuit Civics Contest for high school students asking, "What Does Our American Community Ask of Us?" was a great success. We awarded prizes ranging from \$1,000 to \$3,000. Five of the seven student winners participated in a virtual panel discussion with judges from the PICO Committee, including Chair, District Judge Janis L. Sammartino of the Southern District of California. The link to this discussion can be found at <https://bit.ly/3JT28oZ>.

Over the last year, the circuit also focused on security concerns. This year is the 10th anniversary of the deadly 2011 shooting that took place at a supermarket parking lot in Casas Adobes, Arizona. It has been a year since the January 8 Memorial, titled "The Embrace," dedicated to the victims, including our colleague, the late Chief Judge John M. Roll of the District of Arizona, opened at the Old Pima County Courthouse in downtown Tucson. It is my honor and privilege to pay tribute to the 18 victims; six killed and 12 badly wounded, including then-U.S. Representative Gabby Giffords.

This year, several judges throughout the circuit were recognized for their exceptional service, leadership and commitment to our system of justice. Circuit Judge M. Margaret McKeown received the Washington Women Lawyers' President's Award. Senior District Judge Raner C. Collins was honored with the Lifetime Achievement Award from the University of Arizona, James E. Rogers College of Law. District Judge Gloria M. Navarro was honored by the Las Vegas Latino Bar Association with the INSPIRA Award. Magistrate Judge Matthew M. Scoble received the Military Spouse JD Network (MSJDN) Hiring Partner Award from the Military Spouse J.D. Network Foundation. Bankruptcy Judge Sandra R. Klein received the 2021 President's Award for Exceptional Service, from the National Conference of Bankruptcy Judges (NCBJ). Bankruptcy Judge Maureen A. Tighe was awarded the Calvin Ashland Judge of the Year award from the Central District Consumer Bankruptcy Attorneys Association, and Bankruptcy Judge Noah G. Hillen was selected as "40 Under 40" Emerging Leaders of 2021 with the American Bankruptcy Institute.

I also want to express my deep appreciation to the Ninth Circuit's Lawyer Representatives Coordinating Committee and lawyer volunteers circuit-wide for their meaningful pro bono service, including assisting veterans, elders, asylum seekers, and women and children. A more detailed summary of their pro bono efforts is available on page 35.

Finally, I commend all our judges and staff for their steadfast commitment and daily contributions to the administration of justice. I hope you find this report to be a useful and comprehensive resource on the work of our federal courts.

# Ninth Circuit Overview

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

Judicial districts under the jurisdiction of 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 continues to be the busiest and largest federal circuit in the nation.

Judges serving on the court of appeals 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 2021 without a vacancy, while the district courts of the circuit were authorized 112 judgeships, 23 of which were vacant at year's end.

Federal courts also rely on senior circuit and senior district judges to assist with their workload. These are Article III judges who are eligible to retire but have chosen to continue working with reduced caseloads. On the Ninth Circuit Court of Appeals, 19 senior circuit judges were at work for most of the year, sitting

on motions and merits panels, submitting briefs, serving on circuit and national judicial committees, and performing a variety of administrative matters. In the district courts within the circuit, 76 senior judges were at work, hearing cases, presiding over procedural matters, serving on committees and conducting other business in 2021.

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 evaluations.

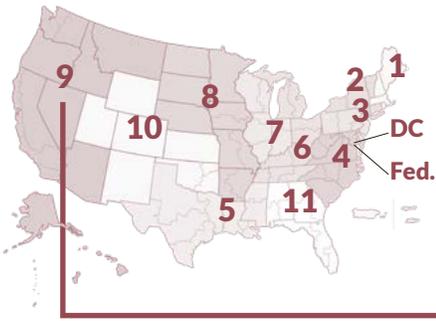
In 2021, bankruptcy courts in the Ninth Circuit were authorized 68 permanent and one temporary judgeship. The district courts were authorized 106 full-time and six part-time magistrate judges, and one combined position of part-time magistrate judge/clerk of court. Several courts also utilized recalled bankruptcy and recalled magistrate judges.

The Ninth Circuit Court of Appeals saw a decrease in its caseload overall. Five district courts reported increased filings, while all bankruptcy courts in the circuit reported fewer filings in 2021. Unless otherwise noted, statistics in this report cover fiscal year 2021 ending September 30.



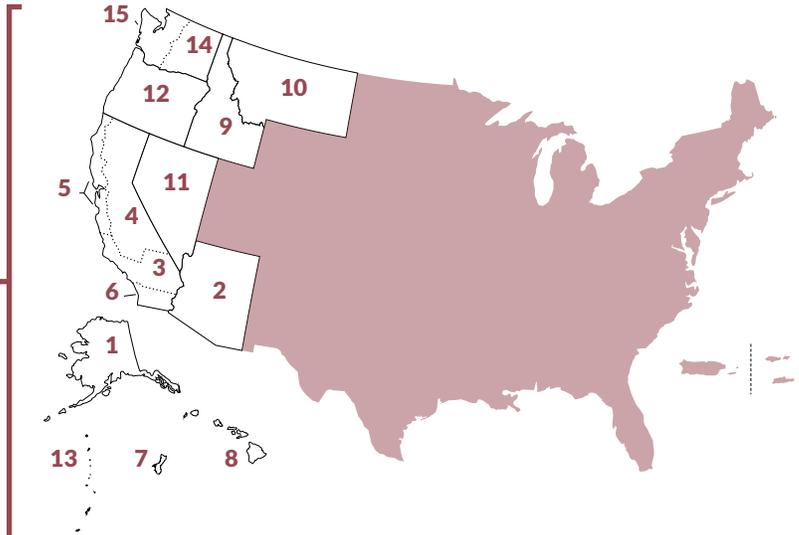
**COURTS OF APPEALS**

12 Regional Circuits + Federal Circuit



**NINTH CIRCUIT**

15 Districts



- |                              |                              |                                    |
|------------------------------|------------------------------|------------------------------------|
| <b>1</b> Alaska              | <b>6</b> Southern California | <b>11</b> Nevada                   |
| <b>2</b> Arizona             | <b>7</b> Guam                | <b>12</b> Oregon                   |
| <b>3</b> Central California  | <b>8</b> Hawaii              | <b>13</b> Northern Mariana Islands |
| <b>4</b> Eastern California  | <b>9</b> Idaho               | <b>14</b> Eastern Washington       |
| <b>5</b> Northern California | <b>10</b> Montana            | <b>15</b> Western Washington       |

**Ninth Circuit Article III & Article I Judges**  
 Authorized Judgeships as of December 31, 2021

<u>Circuit Judges</u>	<u>District Judges</u>	<u>Bankruptcy Judges</u>	<u>Magistrate Judges</u>
29	112	68 Permanent	106 Full-time
	23 Vacancies	1 Temporary	6 Part-time
			1 Combination*

\* The District of Northern Mariana Islands is authorized a combined magistrate judge/clerk of court position.

# 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. Committee chairs submit reports to the council for each of the council meetings. Committee chairs submit annual agendas in addition to quarterly reports to the council for each meeting.

In 2021, the Judicial Council of the Ninth Circuit had three new voting members and seven new observers. New voting members are Senior Circuit Judge Michael Daly Hawkins, Circuit Judge Eric D. Miller and Chief District Judge Miranda M. Du of the District of Nevada. New observers are Chief District Judge Timothy Burgess of the District of Alaska, District Judge Leslie E. Kobayashi of the District of Hawaii, Chief Bankruptcy Judge Ronald H. Sargis of the Eastern District of California, Magistrate Judge Heather L. Kennedy of the

District of Northern Mariana Islands, District Court Clerk Debra Kempf of the District of Nevada, Bankruptcy Court Clerk Mark Hatcher of the Western District of Washington, Chief Probation Officer Dan Kilgore of the Southern District of California and Chief Pretrial Services Officer Gervacio Lopez, Jr., of the District of Oregon.

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 2021, there were 25 petitions for review filed, 23 of which were resolved by the judicial council at year's end.

## **Conference of Chief District Judges**

The Conference of Chief District Judges advises the Judicial Council of the Ninth Circuit regarding the administration of justice in the circuit's 15 district courts. The conference, which meets twice a year, is comprised of the chief district judges of each district. Chief District Judge J. Michael Seabright of the District of Hawaii served as chair of the conference until October 2021, when Chief District Judge Timothy M. Burgess of the District of Alaska succeeded Judge Seabright as chair.

## **Conference of Chief Bankruptcy Judges**

The Conference of Chief Bankruptcy Judges advises the Judicial Council of the Ninth Circuit 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 Brenda Moody Whinery of the District of Arizona chaired the conference in 2021. Chief Bankruptcy Judge Ronald H. Sargis of the Eastern District of California succeeded her as chair.

## **Magistrate Judges Executive Board**

The Magistrate Judges Executive Board communicates to the Judicial Council of the Ninth Circuit on behalf of the more than 120 full-time, part-

time and recalled magistrate judges serving in the district courts. The 15-member board meets twice a year and holds a session with all magistrate judges at the Ninth Circuit Judicial Conference. Magistrate Judge/Clerk of Court Heather L. Kennedy of the District of Northern Mariana Islands succeeded Magistrate Judge Stacie F. Beckerman of the District of Oregon, who has served as chair of the board since July 2020.

### 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.

### 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. Federal public defender offices are staffed by federal judiciary employees, and community defender organizations are nonprofit organizations staffed by nongovernment employees. By statute, judges of the courts of appeals select and appoint the federal public defender, while community defenders are appointed by members of the board of directors in their

## Judicial Council of the Ninth Circuit

Chief Judge Mary H. Murguia



organization. All but one judicial district in the circuit is served by either federal public defenders or community defenders, who represent financially eligible defendants unable to afford private counsel. Such 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 22 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. Ninth Circuit 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. Librarians also produce a range of publications and guides to inform the court community and increase the efficiency of court researchers. Library resources are made available to the bar and public with the level of access determined by local judges.

### **Office of the Circuit Executive**

The Office of the Circuit Executive provides staff support to the Judicial Council of the Ninth Circuit and implements the council's administrative decisions and policies. By statute, the circuit executive is the administrative assistant to the chief judge of the circuit and secretary to the judicial 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 information technology 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.

### **Office of Workplace Relations**

The Office of Workplace Relations serves as a resource on workplace environment matters for the Ninth Circuit. The office implements and provides guidance on the Employment Dispute Resolution (EDR) Policy and all other related workplace policies. Office staff serves as a contact for employees who experience or witness workplace misconduct and wish to discuss or report such workplace misconduct. The office also consults with judges, court unit executives and staff on workplace environment issues and concerns and provides support and expert advice on diversity, equity and inclusion matters. The office oversees the development and execution of training programs on workplace relations and conduct for judges and employees.

### **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 Circuit Judges



Lucy H. Koh was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on Dec. 13, 2021, and received her judicial commission on Dec. 14, 2021, becoming the first Korean American woman and

only the third woman of Asian American descent appointed to a federal appellate court. Prior to her elevation to the appellate court, Judge Koh had served as a district judge for the U.S. District Court for the Northern District of California since 2010, when she became the first Asian American U.S. district judge appointed in the Northern District and the first U.S. district judge of Korean descent appointed in the U.S. Before joining the federal bench, Judge Koh was appointed in 2008 by Governor Arnold Schwarzenegger to serve as a judge on the California Superior Court, Santa Clara County. Previously, she engaged in private practice as a partner at the law firm of McDermott, Will and Emery in Palo Alto, California, from 2002 to 2008, and as a senior associate at Wilson, Sonsini, Goodrich & Rosati in Palo Alto from 2000 to 2002. Judge Koh was an assistant U.S. attorney in the Criminal Division, Office of the U.S. Attorney for the Central District of California, in Los Angeles from 1997 to 2000. She worked from 1994 to 1997 for the U.S. Department of Justice, where she served as special assistant to the U.S. deputy attorney general, from 1996 to 1997, and as special counsel in the Office of Legislative Affairs from 1994 to 1996. She was a Women's Law and Public Policy Fellow for the U.S. Senate Committee on the Judiciary from 1993 to 1994. Judge Koh received her B.A., magna cum laude, from Harvard University in 1990 and her J.D. from Harvard Law School in 1993. She maintains chambers in San Francisco.



Jennifer Sung was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on Dec. 15, 2021, and received her judicial commission on Dec. 20, 2021, becoming the first Asian American woman to

assume one of Oregon's seats for the Ninth Circuit. Prior to her appointment to the bench, Judge Sung had been a board member of the Oregon Employment Relations Board since 2017. She was nominated to serve on the board by Governor Kate Brown and was unanimously confirmed by the Oregon Senate and was reappointed with Oregon Senate confirmation to a second four-year term. Previously, she engaged in private practice at McKanna Bishop Joffe, LLP, where her practice primarily involved litigation in courts, administrative agencies and arbitrations. Before joining McKanna, she was a litigation associate at Altshuler Berzon LLP, where she engaged in complex civil litigation in state and federal courts, including contractual disputes and class action employment cases. She represented litigants or amicus parties in several cases regarding the constitutionality of local, state and federal laws. Judge Sung received her B.A., with honors, from Oberlin College in 1994 and her J.D. from Yale Law School in 2004. Following law school, she clerked for Circuit Judge Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit from 2004 to 2005. After completing her clerkship, she completed a two-year Skadden fellowship and served as counsel in the Economic Justice Project of the Brennan Center for Justice at New York University School of Law. Judge Sung maintains chambers in Portland.

## New District Judges



Mary Katherine Dimke was confirmed by the Senate to serve as a district judge for the United States District Court for the Eastern District of Washington on Dec. 18, 2021, and received her judicial commission on Dec. 21, 2021. Prior to her elevation, Judge

Dimke had served as a U.S. magistrate judge for the Eastern District of Washington since 2016. Before joining the bench, she served as an assistant U.S. attorney for the Eastern District of Washington and Western District of Washington, from 2012 to 2016 and from 2008 to 2012, respectively. She was a trial attorney, Fraud Section, in the Criminal Division of the U.S. Department of Justice from 2004 to 2007. Judge Dimke received her B.A. from Pepperdine University in 1999 and her J.D. from Vanderbilt University Law School in 2002. Following law school, she clerked for District Judge Alan B. Johnson of the U.S. District Court for the District of Wyoming from 2002 to 2003. Judge Dimke maintains chambers in Spokane.



David G. Estudillo was confirmed by the Senate to serve as a district judge for the United States District Court for the Western District of Washington on Sept. 14, 2021, and received his judicial commission on Oct. 7, 2021. Prior to his appointment to the federal

bench, Judge Estudillo had served as a judge on the Superior Court of the State of Washington, Grant County, since 2015. Before his appointment to the superior court, from 2005 to 2015, Judge Estudillo owned and operated Estudillo Law Firm, PLLC, where he focused on immigration law and general civil litigation. From 2002 to 2005, he also practiced at the Seattle law firm of Scheer and Zehnder LLP, where he focused on complex, multiparty civil litigation. He began his legal career at the Wenatchee law firm of Jeffers, Danielson, Sonn & Aylward, P.S. Judge Estudillo received his B.A. from the University of Washington in 1996 and his J.D. from the University of Washington School of Law in 1999. He maintains chambers in Tacoma.



Lauren J. King was confirmed by the Senate to serve as a district judge for the United States District Court for the Western District of Washington on Oct. 5, 2021, and received her judicial commission on Dec. 7, 2021, becoming the first Native American federal

judge in Washington state's history. She maintains chambers in Seattle. Before her appointment to the bench, she was a partner at Foster Garvey, P.C., in Seattle, where she has practiced since 2012 and served as chair of the firm's Native American practice group. She served on the firm's Executive Committee in 2017 and 2019 and on the Compensation Committee from 2018 to 2019. She also had served as a pro tem appellate judge for the Northwest Intertribal Court System since 2013. Previously, Judge King was an associate at Byrnes Keller Cromwell LLP and K&L Gates LLP (formerly Preston Gates & Ellis LLP) in Seattle. Governor Jay Inslee appointed her as commissioner on the Washington State Gambling Commission in 2020. Judge King received her B.A., with distinction, from the University of Washington in 2004 and her J.D. in 2008 from the University of Virginia School of Law, where she was editor-in-chief of the Virginia Journal of Law and Technology. She maintains chambers in Seattle.



Linda Lopez was confirmed by the Senate to serve as a district judge for the United States District Court for the Southern District of California on Dec. 17, 2021, and received her judicial commission on Dec. 21, 2021. Previously, Judge Lopez had served as a U.S.

magistrate judge in the Southern District of California since 2018. Before joining the federal bench, she worked for the Federal Defenders of San Diego, Inc., as a senior trial attorney from 2007 to 2018. Prior to that, she engaged in private practice in Miami from 1999 to 2007. Judge Lopez received her B.A. from Florida International University in 1996 and her J.D. from the University of Miami School of Law in 1999. She maintains chambers in San Diego.

## New Bankruptcy Judge



Jinsook Ohta was confirmed by the Senate to serve as a district judge for the United States District Court for the Southern District of California on Dec. 17, 2021, and received her judicial commission on Dec. 27, 2021.

Before joining the federal bench, Judge Ohta had served as a judge on the California Superior Court, San Diego County, since 2020. Previously, she was a deputy attorney general, from 2011 to 2020, and was a supervising deputy attorney general from 2019 to 2020, for the State of California. Judge Ohta was a visiting assistant professor of law at Thomas Jefferson School of Law from 2006 to 2007. She engaged in private practice in San Diego, from 2003 to 2006, and in Los Angeles and San Francisco from 2002 to 2003. Judge Ohta received her B.A. from Yale University in 1998 and her J.D. from New York University School of Law in 2001. Following law school, she clerked for District Judge Barry Ted Moskowitz of the U.S. District Court for the Southern District of California from 2001 to 2002 and from 2007 to 2008. She maintains chambers in San Diego.



Jennifer L. Thurston was confirmed by the Senate to serve as a district judge for the United States District Court for the Eastern District of California on Dec. 17, 2021, and received her judicial commission on Dec. 27, 2021. Prior to her elevation, she

had served as U.S. magistrate judge for the Eastern District of California since 2009 and as chief U.S. magistrate judge from 2020 to 2021. Prior to her appointment to the bench, Judge Thurston was a deputy county counsel for Kern County, California, from 1997 to 2007. She received her B.S. from California State University, Bakersfield, in 1989; her J.D. from the California Pacific School of Law in 1997; and her LL.M. from Duke University School of Law in 2018. She maintains chambers in Fresno.



Teresa H. Pearson was appointed as a bankruptcy judge for the United States Bankruptcy Court for the District of Oregon on Oct. 4, 2021. Prior to her appointment to the bench, she had been a partner at Miller Nash LLP since 2005. She was an associate from

2001 to 2004 at the firm, where her practice focused primarily on insolvency, reorganization and creditor's rights. Previously, she was an associate at Greene & Markley, P.C., from 1995 to 2001. Judge Pearson received her B.A., Phi Beta Kappa, from the University of California, Berkeley, in 1992 and her J.D., with honors, from Duke University School of Law in 1995. She maintains chambers in Portland.

## New Magistrate Judges



James Goeke was appointed as a magistrate judge for the United States District Court for the Eastern District of Washington on Nov. 1, 2021. Prior to joining the bench, he had served as a deputy criminal chief and assistant U.S. attorney in the Office of the U.S.

Attorney for the Eastern District of Washington, where he maintained a diverse criminal caseload, including offenses involving computer hacking and cybercrime, crimes against children, financial fraud crimes, drug trafficking cases and violent crime cases. Prior to that, he had served as an assistant U.S. attorney since 2003. Judge Goeke engaged in private practice in Seattle and San Francisco. He received his undergraduate degree from the University of Washington and his J.D. from the University of California, Berkeley, School of Law. Following law school, he served as a law clerk to Senior District Judge Wm. Fremming Nielsen in the Eastern District of Washington. He maintains chambers in Spokane.



Raymond E. Patricco, Jr., was appointed as a magistrate judge for the United States District Court for the District of Idaho on June 11, 2021. Prior to being appointed to the bench, Judge Patricco was a federal prosecutor for 21 years.

From 2011 to 2021, Judge Patricco was an assistant U.S. attorney, senior litigation counsel and acting criminal chief at the Office of the U.S. Attorney for the District of Idaho. From 2000 to 2011, he was an assistant U.S. attorney, deputy criminal chief, chief of the Financial Crimes Unit and chief of the Narcotics Unit at the Office of the U.S. Attorney for the Eastern District of Virginia. Before that, Judge Patricco was a criminal defense attorney and civil litigator from 1996 to 2000 at the law firm of Steptoe & Johnson LLC in Washington, D.C., where he primarily represented clients in white-collar fraud cases, government contract disputes, and insurance defense litigation. Before working at Steptoe, Judge Patricco was a law clerk to Judge John P. Wiese of the United States Court of Federal

Claims. Judge Patricco graduated, cum laude, from Harvard University in 1991 and received his law degree from the University of Virginia School of Law in 1995. He maintains chambers in Boise.



Kyle F. Reardon was appointed as a magistrate judge for the United States District Court for the District of Alaska on October 20, 2021. Prior to his appointment, Judge Reardon worked as an Assistant United States Attorney in the District of Alaska from 2014

to 2020, and the Eastern District of California from 2007 to 2014. At the time of his appointment, Judge Reardon was the Deputy Criminal Chief for the District of Alaska. Prior to serving as the Deputy Criminal Chief, Judge Reardon was the District of Alaska's Senior Litigation Counsel and Project Safe Childhood Coordinator. Before joining the Department of Justice, Judge Reardon clerked for Magistrate Judge Gregory G. Hollows and Magistrate Judge John H. Moulds in the Eastern District of California. Judge Reardon started his legal career as a judge advocate in the United States Army JAG Corps, serving as Senior Trial Counsel for the 1st Infantry Division and Command Judge Advocate, Special Operations Command Europe. Judge Reardon received a B.S. in economics, with honors, from Centre College in Danville, Kentucky, and his law degree from the University of Virginia School of Law in Charlottesville, Virginia. He maintains chambers in Anchorage.



Margo A. Rocconi was appointed as a magistrate judge for the United States District Court for the Central District of California on March 19, 2021. Prior to her appointment, Judge Rocconi served as a deputy federal public defender in Los Angeles for over

25 years—including as a supervising deputy beginning in 2006, and as chief of the Capital Habeas Unit for the last six years of her tenure. Her experience included capital and non-capital

habeas litigation and appeals, and some criminal trial work. Judge Rocconi also chaired the Capital Habeas Attorney Panel Advisory Committee, served as the training chief for the Capital Habeas Unit and the panel, and trained lawyers nationally. For nearly a decade, she was an adjunct professor at Loyola Law School teaching a death penalty clinic. Before joining the Federal Public Defender's Office, Judge Rocconi was in private practice at a law firm doing general civil litigation and post-conviction work. Prior to that, she worked in Washington, D.C., as a Justice William J. Brennan, Jr. scholar on the retired justice's private legal archive, known as The Brennan Papers. Judge Rocconi received her B.A., with honors, from the University of California at Santa Barbara, her law degree from Pepperdine University School of Law, and a Master of Laws from Georgetown University School of Law. She maintains chambers in Los Angeles.



S. Kate Vaughan was appointed as a magistrate judge for the United States District Court for the Western District of Washington on May 3, 2021. Prior to joining the bench, Judge Vaughan served as the supervisor for the General Crimes Unit in the U.S. Attorney's

Office for the Western District of Washington in Seattle. Judge Vaughan served as an assistant U.S. attorney for over 10 years, including work as the Project Safe Childhood coordinator, leading child pornography and child sexual assault prosecutions. Before joining the U.S. Attorney's Office, she engaged in commercial litigation at Perkins Coie LLP, and also served as a community service fellow at the Center for Children and Justice where she launched the nonprofit program Lawyers Fostering Independence, which paired youth aging out of foster care with pro bono counsel. Judge Vaughan was also an associate professor at the University of Washington School of Law, where she taught trial advocacy. Judge Vaughan received her undergraduate degree from Durham University in England and her law degree from the University of Washington. She maintains chambers in Seattle.

## New Senior Judges



William H. Alsup was confirmed by the Senate to serve as a district judge for the United States District Court for the Northern District of California on July 30, 1999. He received his judicial commission on Aug. 17, 1999, and assumed senior status

on Jan. 21, 2021. Prior to his appointment to the bench, he served as special counsel in the Antitrust Division of the U.S. Department of Justice in 1998. Previously, he served as assistant to the solicitor general at the U.S. DOJ from 1978 to 1990. Judge Alsup engaged in private practice in San Francisco from 1998 to 1999, 1980 to 1998, and 1972 to 1978. He received his B.S. from Mississippi State University in 1967; his J.D. from Harvard Law School in 1971; and his M.P.P. from Harvard University, Kennedy School of Government, in 1971. Following law school, he clerked for Justice William O. Douglas of the U.S. Supreme Court from 1971 to 1972. He maintains chambers in San Francisco.



Anthony J. Battaglia was confirmed by the Senate to serve as a U.S. district judge for the U.S. District Court for the Southern District of California on March 7, 2011, and received his judicial commission on March 9, 2011.

He assumed senior status on March 31, 2021. Previously, Judge Battaglia had served as a U.S. magistrate judge for the Southern District of California since 1993. Prior to his appointment to the bench, he engaged in private practice as an associate then partner at Battaglia, Fitzpatrick & Battaglia, P.C., in San Diego, California, from 1991 to 1993. He was a sole proprietor of Anthony J. Battaglia, P.C., in San Diego from 1981 to 1991. Judge Battaglia received his B.A. from United States International University in 1971 and his J.D. from California Western, School of Law in 1974. Following law school, he clerked for the Law Offices of Marinos & Styn from 1972 to 1974. He maintains chambers in San Diego.



Timothy M. Burgess was confirmed by the Senate to serve as a U.S. district judge for the U.S. District Court for the District of Alaska on Dec. 21, 2005, and received his judicial commission on Jan. 23, 2006. He served as chief judge of his court from 2015

to 2021 and assumed senior status on Dec. 31, 2021. Prior to his appointment, Judge Burgess served as the co-chair of the Alaska Rural Justice and Law Enforcement Commission, which was created by Congress to recommend ways to improve law enforcement, judicial services, responses to domestic violence and child abuse, and curb illegal alcohol in rural Alaska. After 13 years of service as an assistant U.S. attorney, Judge Burgess was appointed the U.S. attorney for the District of Alaska, serving from 2001 to 2006. While the U.S. attorney, he served on the Attorney General's Advisory Committee. Prior to government service, he worked as an attorney in private practice and as a legislative assistant to U.S. Senator Frank Murkowski. Judge Burgess received his B.A. in 1978 and M.B.A. in 1982 from the University of Alaska, Fairbanks. He attended Georgetown and Northeastern law schools and received his J.D. from Northeastern in 1987. He maintains chambers in Anchorage.



Larry A. Burns was confirmed by the Senate to serve as a district judge for the United States District Court for the Southern District of California on Sept. 24, 2003, and received his judicial commission the following day. He served as chief judge of his court

from 2019 to 2021 and assumed senior status on Jan. 22, 2021. Previously, Judge Burns served as a U.S. magistrate judge in the Southern District of California from 1997 to 2003. Before his appointment to the bench, he was an assistant U.S. attorney in the Office of the U.S. Attorney for the Southern District of California from 1985 to 1997. He served as a deputy district attorney in San Diego County from 1979 to 1985. Judge Burns received his B.A. from Point Loma College (now Point Loma Nazarene University) in 1976

and his J.D. from the University of San Diego School of Law in 1979. He maintains chambers in San Diego.



Susan P. Graber was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on March 17, 1988. She received her judicial commission on March 19, 1998, and assumed senior status on Dec. 15, 2021.

Prior to her appointment to the federal bench, Judge Graber served as an associate justice of the Supreme Court of Oregon, from 1990 to 1998, and was the presiding judge of the Oregon Court of Appeals, Dept. 3, from 1988 to 1990. She engaged in private practice in Portland, Oregon, from 1978 to 1988; in Cincinnati, Ohio, from 1975 to 1978; and in Santa Fe, New Mexico, from 1974 to 1975. Judge Graber served as an assistant attorney general for New Mexico Bureau of Revenue's Legal Division from 1972 to 1974. She received her B.A. from Wellesley College in 1969 and her J.D. from Yale Law School in 1972. She maintains chambers in Portland.



Phyllis J. Hamilton was confirmed by the Senate to serve as a district judge for the United States District Court for the Northern District of California on May 24, 2000, and received her judicial commission the following day. She served as chief judge of

her court from 2014 to 2021 and assumed senior status on Feb. 1, 2021. Prior to her appointment to the bench, Judge Hamilton served as commissioner for the Oakland-Piedmont-Emeryville (California) Municipal Court from 1985 to 1991. Before that, she served as an administrative judge for the U.S. Merit Systems Protection Board in San Francisco from 1980 to 1985. Judge Hamilton was manager of the Equal Employment Opportunity programs for Farion Electric Corporation in 1980. She served as a deputy public defender in California from 1976 to 1980. Judge Hamilton received her B.A. from Stanford University in 1974 and her J.D. from the

University of Santa Clara (now Santa Clara University) School of Law in 1976. She maintains chambers in Oakland.



William Q. Hayes was confirmed to serve as a district judge for the United States District Court for the Southern District of California on Oct. 2, 2003, and received his judicial commission on Oct. 6, 2003. He assumed senior status on Aug. 1, 2021. Before his

appointment to the bench, Judge Hayes served as assistant U.S. attorney and chief of the Criminal Division in the Office of the U.S. Attorney for the Southern District of California from 1987 to 2003. He served as an adjunct faculty for the University of Colorado at Denver and for National College (now National American University) from 1985 to 1986 and from 1984 to 1985, respectively. He engaged in private practice from 1983 to 1986. Judge Hayes received his B.S. from Syracuse University in 1978, his M.B.A. from Syracuse University College of Business Administration in 1983 and his J.D. from the Syracuse University College of Law in 1983. He maintains chambers in San Diego.



Michael W. Mosman was confirmed to serve as a district judge for the United States District Court for the District of Oregon on Sept. 25, 2003, and received his judicial commission the following day. He served as chief judge of his court from 2016

to 2019 and assumed senior status on Dec. 27, 2021. Prior to his appointment to the bench, Judge Mosman served as U.S. attorney and assistant U.S. attorney for the District of Oregon from 2001 to 2003 and from 1988 to 2001. He engaged in private practice in Portland from 1986 to 1988 and in 1985. Judge Mosman received his A.B. from Ricks College (now Brigham Young University, Idaho) in 1979, his B.S. from Utah State University in 1981 and his J.D. from Brigham Young University, J. Reuben Clark Law School, in 1984. Following law school, he clerked for Circuit Judge Malcolm Wilkey of the U.S. Court of

Appeals for the District of Columbia Circuit from 1984 to 1985 and for Justice Lewis F. Powell of the U.S. Supreme Court from 1985 to 1986. Judge Mosman maintains chambers in Portland.



Richard A. Paez was confirmed by the Senate to serve as a circuit judge for the United States Court of Appeals for the Ninth Circuit on March 9, 2000. He received his judicial commission on March 14, 2000, and assumed senior status on Dec. 13, 2021. Prior to his

elevation to the appellate court, Judge Paez served as a district judge for the U.S. District Court for the Central District of California from 1994 to 2000. Before joining the federal bench, Judge Paez served as a judge on the Los Angeles (California) Municipal Court from 1981 to 1994. Previously, he worked for the Legal Aid Foundation of Los Angeles where he was acting executive director and director of litigation from 1980 to 1981; deputy director of litigation, 1979-1980; director of litigation, 1978-1979; and senior counsel, 1976-1978. He was a staff attorney for Western Center on Law and Poverty, from 1974 to 1976, and a staff attorney for California Rural Legal Assistance from 1972 to 1974. Judge Paez received his B.A. from Brigham Young University in 1969 and his J.D. from the University of California, Berkeley, School of Law, in 1972. He maintains chambers in Pasadena.



Rosanna Malouf Peterson was confirmed by the Senate to serve as a district judge for the United States District Court for the Eastern District of Washington on Jan. 25, 2010, and received her judicial commission the following day. She served as chief judge of

her court from 2011 to 2016 and assumed senior status on Oct. 1, 2021. Before coming onto the bench, Judge Peterson engaged in private practice from 1993 to 2010. She was a faculty member of Gonzaga University School of Law, where she was an assistant professor of law, 2007-2010; a visiting professor of law, 2005-2007; director of externship program, 2002-2010; and adjunct professor of law, 1999-2005. Judge

Peterson was a lecturer in the Department of English for the University of North Dakota from 1984 to 1988. She received her B.A. and M.A. from the University of North Dakota in 1977 and 1983, respectively, and her J.D. from the University of North Dakota School of Law in 1991. She maintains chambers in Spokane.



Jeffrey S. White was confirmed by the Senate to serve as a district judge for the United States District Court for the Northern District of California on Nov. 14, 2002, and received his judicial commission the following day. He assumed senior status on Feb. 1,

2021. Prior to his appointment to the bench, Judge White engaged in private practice in San Francisco from 1978 to 2002. He was an assistant U.S. attorney for the District of Maryland from 1971 to 1977 and attorney in the Criminal Division of the U.S. Department of Justice from 1977 to 1978 and from 1970 to 1971. Judge White received his B.A. from Queens College, City University of New York, in 1967 and his J.D. from State University of New York at Buffalo Law School in 1970. Judge White maintains chambers in Oakland.



B. Lynn Winmill was confirmed by the Senate to serve as a district judge for the United States District Court for the District of Idaho on Aug. 11, 1995, and received his judicial commission on Aug. 14, 1995. He served as chief judge of his court from

1999 to 2019 and assumed senior status on Aug. 16, 2021. Prior to his appointment to the bench, he was an adjunct professor at Idaho State University from 1991 to 1995. Judge Winmill served as an Idaho State District Court judge in the Sixth Judicial District from 1987 to 1995. He engaged in private practice in Pocatello, Idaho, and Denver, Colorado, from 1979 to 1987 and from 1977 to 1979, respectively. Judge Winmill maintains chambers in Boise.

## In Memoriam



Magistrate Judge Nancy Fiora (Ret.), of the United States District Court for the District of Arizona, died on Apr. 29, 2021. She was 81. Judge Fiora was appointed to the Arizona District bench on July 15, 1985, and was the first woman appointed as a magistrate judge in the district. Judge Fiora maintained chambers in Tucson and retired in 2005. Prior to joining the bench, she served as an assistant U.S. attorney in the Office of the U.S. Attorney for the District of Arizona. Judge Fiora completed her undergraduate and post-graduate studies at Temple University and received her J.D. from the University of Arizona College of Law in 1978. Following law school, she served as a law clerk to District Judge Mary Anne Richey of the District of Arizona. Judge Fiora was a member of the Ninth Circuit's Alternative Dispute Resolution Committee, a founding member of the Arizona Women Lawyers Association, the National Association of Women Judges and the Federal Magistrate Judges Association. She served chaired the Ninth Circuit's Magistrate Judges Executive Board, the U.S. District Court's (Arizona) Gender Equality Task Force and the National Association of Women Judges Legislative Watch Committee. Judge Fiora is survived by her son, Joshua Fiora Gormally.



Walter T. McGovern, of the United States District Court for the Western District of Washington, died on July 10, 2021. He was 99. Judge McGovern was confirmed by the Senate on April 21, 1971, and received his judicial commission on April 23, 1971. He served as chief judge of his court from 1975 to 1987 and assumed senior status on Sept. 30, 1987. Before his appointment to the federal bench, Judge McGovern served as a justice on the Supreme Court of the State of Washington from 1968 to 1997. Previously, he served as a judge on the Superior Court of the State of Washington, King County, and a judge on the Seattle (Washington) Municipal Court, from 1965

to 1968 and from 1959 to 1965, respectively. Judge McGovern engaged in private practice in Seattle from 1950 to 1959. He received his B.A. from the University of Washington in 1949 and his LL.B. from the University of Washington School of Law in 1950. Judge McGovern was preceded in death by his wife Rita Marie McGovern, who passed away in 2017. The couple is survived by three daughters, Trina Michelle McGovern, Shawn Elizabeth Otorowski (Chris) and Abbe Renee McGovern (Charles Polacek). Judge McGovern also leaves behind grandchildren, Kirsten Elizabeth Stockton (Levi), Lauren Taylor McGovern and Hilary Marie Walker (husband Joel), and great grandchildren Elizabeth Stockton and Davis Preston Walker.



Senior District Judge Frederick "Fred" L. Van Sickle, of the United States District Court for the Eastern District of Washington, died on Sept. 2, 2021. He was 78. Judge Van Sickle was confirmed by the Senate on May 9, 1991, and received his judicial commission on May 14, 1991. He served as chief judge of his court from 2000 to 2005 and assumed senior status on May 1, 2008. Prior to joining the federal bench, Judge Van Sickle served as a Washington State Superior Court judge in Chelan and Douglas counties and in Grant and Douglas counties from 1979 to 1992 and from 1975 to 1979, respectively. He engaged in private practice in Washington state from 1970 to 1975 and served as prosecutor for Douglas County, Washington, from 1971 to 1975. Judge Van Sickle served in the U.S. Army, JAG Corps, as a first lieutenant from 1968 to 1970. He was a member of the Ninth Circuit's Jury Trial Improvement Committee and the Conference of Chief District Judges. Judge Van Sickle received his B.S. from the University of Wisconsin in 1965 and his J.D. from the University of Washington School of Law in 1968. Judge Van Sickle is survived by his wife of 49 years, Jane, and their children, Rob (Bealinda), Scott (Lisa), Steve (Tina) and Nancy (Matt); nine grandchildren; his brother, Peter and his sister, Barbara.

## Chief District Judge John M. Roll Remembered

On the 10th anniversary of the deadly 2011 shooting near Tucson, Arizona, the January 8 Memorial, titled “The Embrace,” dedicated to the victims, including then-Chief Judge John M. Roll of the United States District Court for the District of Arizona, opened. The 2021 event honored the 18 victims; six were killed, 12 badly wounded, including then-U.S. Representative Gabby Giffords.

Judge Roll served the U.S. legal system with distinction for nearly 20 years prior to his appointment as district judge on the U.S. District Court for the District of Arizona, where he served for 20 more years, becoming chief judge in 2006.

The January 8 Memorial, located at the Old Pima County Courthouse in downtown Tucson, was dedicated in 2018, and completed in 2021, was described by writer Henry Brean in his 2021 Arizona Daily Star article:

“The newly finished memorial is nestled along the west side of the historic Pima County Courthouse, where almost an acre of gardens and paths surround a pair of curved steel walls separated by matching pools.

“The names of those killed and wounded in the mass shooting 10 years ago today are carved into the pools’ concrete walls. Their stories are told with modern-day petroglyphs, cut from the steel panels — a judge’s gavel, a little girl’s butterfly, a Capitol dome for a congresswoman.”

The shooting took place at a supermarket parking lot in Casas Adobes, Arizona, near Tucson, where Rep. Giffords was holding a constituent meeting. Judge Roll was attending the event to thank her for her support. The assailant opened fire without warning. Rep. Giffords was shot through the head but survived the attack. The shooter was sentenced to life in prison in November 2012.



*Chief District Judge John M. Roll*

In a spontaneous outpouring of grief and sympathy, flags on scores if not hundreds of courthouses and government buildings around the country, including the White House and the United States Supreme Court, flew at half-mast for the next few days. Judge Roll was 63 years old.

He is survived by his wife, a brother, three sons and five grandchildren. His funeral drew more than 1,700 mourners, many of them colleagues from the federal and state benches. In August 2011, the annual Ninth Circuit Judicial Conference opened with a touching tribute to Judge Roll, which his widow, Maureen, attended.

A special session was convened Jan. 6, 2012, by judges of the U.S. District Court for the District of Arizona to observe the first anniversary of Judge Roll’s death. Then-Chief Judge of the Ninth Circuit Court of Appeals Alex Kozinski had worked closely with Judge Roll to develop resources for the Arizona court.

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

Judge Roll was bent on acquiring resources because the District of Arizona had the third highest criminal caseload in the nation due to a



*The John M. Roll United States Courthouse in Yuma, Arizona, above, contains a bust, left, dedicated to Judge Roll.*

surge in illegal immigration and drug smuggling across the U.S.-Mexico border.

Another project in which Judge Roll was deeply invested was the building of a new courthouse in Yuma, later named in his honor as The John M. Roll United States Courthouse, which opened for occupancy in late 2013.

Judge Roll was honored by a number of fellow members of the judiciary. U.S. Supreme Court Chief Justice John G. Roberts, Jr., said, “Chief Judge John Roll was a wise jurist who selflessly served Arizona and the nation with great distinction, as attorney and judge, for more than 35 years.”

In a Los Angeles Times article dated March, 2014, Ninth Circuit Chief Judge Emeritus Mary M. Schroeder (2000-2007) of Phoenix, said Judge Roll was “famous for being able to say so many genuinely nice things about people without having to consult notes, for he so genuinely loved people and had such a remarkable mind.”

In a moving personal tribute to Judge Roll, Senior District Judge James A. Teilborg, of the U.S. District Court for the District of Arizona said, “I came to understand the breadth and depth of his character and integrity. Though he held strong, principled views on a variety of subjects, his decision-making process always centered on finding the right and just answer. I never sensed he let ideology drive a result. As Chief Judge, he filled some big shoes of

outstanding predecessors. He quickly rose to the occasion. He was unafraid to make difficult or even unpopular decisions, but only did so after seeking as much input as possible and attempting to build a consensus. I believe leadership is fundamentally unselfish and John personified that principle.”

U.S. Marshal David Gonzales was interviewed on the WakeUp! Tucson (KVOI) radio program two days after the shooting. “For someone in his position and stature and background he was the most down to earth person that you ever met,” said Gonzales. “He was a friend to everybody. He was a great judge and a good person. Regardless of what he did for a living, you look at a person for how they treat other people, and whether it was the man on the street, or a stranger he met, he was always just the kindest person. He was a great family man; he was very religious and followed those principles.”

“Judge Roll was as fine a man, husband, father and community member as he was a judge,” said Chief Judge G. Murray Snow, U.S. District Court for the District of Arizona, a longtime friend of Judge Roll. “He knew, liked, and reached out in kindness to everyone. In the last conversation I had with him he remarked how unfortunate it would be if someone valued being a judge more than all of the other pursuits that bring meaning to life. In that sense, the memorial, which does note his great contributions as a judge, also symbolizes those other aspects of who he was that made him the person we all valued for much more than just his judicial talents alone.”

## Chief Judge Thomas' Accomplishments in the Ninth Circuit Run Wide and Deep

Chief Judge Sidney R. Thomas stepped down Dec. 1, 2021, after a highly successful term as chief judge of the United States Court of Appeals for the Ninth Circuit. His accomplishments are legion, starting with his contributions as a member of the Judicial Conference of the United States (JCUS) and as chair of the Judicial Council for the Ninth Circuit. One of his clear-cut successes is a significant reduction in office space use resulting in a savings to the federal government of over \$10 million per year. On the other end of the spectrum, he encouraged the Ninth Circuit's Fairness Committee and oversaw the creation of the federal judiciary's first Office of Workplace Relations.

Perhaps Chief Judge Thomas' single biggest challenge was overseeing the transition to lockdown due to COVID-19 in early 2020. Chief Judge Thomas managed a workforce that had many staff fulfilling their duties from kitchen tables and home offices, but many coming into courthouses to ensure the wheels of justice continued to turn. Clerks and others close to courtrooms learned how to manage video and audio feeds of proceedings involving on-site and remote participants.

### JCUS Contribution

District Judge Claire V. Eagan, Northern District of Oklahoma, who chairs the JCUS Executive Committee, noted, "Efforts he was actively involved in include strengthening the judiciary's cybersecurity, including its treatment of highly sensitive documents in response to the SolarWinds attack. I often commented that he must never sleep because he was always available to share insightful input, reach out to stakeholders to broker solutions, and was otherwise available to share his time with his colleagues and staff."



*Judge Thomas speaking at a Judicial Council of the Ninth Circuit meeting in 2017.*

### Judicial Council of the Ninth Circuit

Through the COVID-19 disruptions, with the active guidance of Chief Judge Thomas, the courts' work continued at all levels. "As a member of the Ninth Circuit Judicial Council and its Executive Committee, I had a first-hand view of Chief Judge Thomas' stewardship of these administrative bodies," said Senior District Judge Phyllis J. Hamilton, Northern District of California. "All of the issues that come before the Council, whether they be fairly routine matters such as requests to recall a bankruptcy judge or the approval of relocation expenses for a court unit executive or complicated matters such as courthouse funding or judicial misconduct, are thoroughly and soberly examined with sensitivity and care. Chief Judge Thomas will leave a legacy of innovation and forward thinking," Judge Hamilton said.

### Ninth Circuit During the Pandemic

"The guidance and support provided to Ninth Circuit courts during the pandemic is yet another example of Chief Judge Thomas' exceptional leadership skills," said Elizabeth "Libby" Smith, circuit executive for the Ninth Circuit for four years until September 2021, when she became associate director for the Department of Program Services at the Administrative Office of the U.S. Courts. "Chief Judge Thomas remained focused, assisting chief judges, circuit unit executives and others with the support and assistance which enabled them to carry out their missions."

## **Districts During the Pandemic**

Chief Judge Thomas didn't hesitate when it came to helping districts sort out the new normal.

"Right at the beginning of the pandemic, Chief Judge Thomas and the Judicial Council gave us much-needed guidance on how to pivot from our traditional in-person court proceedings to virtual proceedings, in order to keep our cases moving forward," said Susan Soong, clerk of court for the U.S. District Court for the Northern District of California until October 2021, when she became circuit executive for the U.S. Courts for the Ninth Circuit. "His calm and reassuring leadership style in itself was super helpful, with a little humor thrown in, too!"

## **Office of Workplace Relations**

"On the issue of preventing and addressing workplace misconduct, the entire judiciary owes Chief Judge Thomas a tremendous debt of gratitude," said Yohance Edwards, director of workplace relations for the U.S. Courts for the Ninth Circuit. "When the #metoo movement made its way to the judiciary, Chief Judge Thomas did not hesitate to take bold and innovative action to confront the issue. He had the foresight to quickly establish an Ad Hoc Committee on Workplace Environment." In addition, "the Ninth Circuit added a diversity, equity and inclusion officer, again the first circuit in the nation to create such a role," said Edwards.

## **Ad Hoc Committee on Cameras in the Courtroom**

"The Cameras in the Courtroom Committee is grateful to Chief Judge Thomas for his leadership and support," said Circuit Judge Morgan Christen, chair of the Ninth Circuit Ad Hoc Committee on Cameras in the Courtroom. "Under Chief Judge Thomas' leadership, the Ninth Circuit continued a national pilot program after its official sunset, allowing select trial court proceedings to be broadcast to the public," she noted. "The Ninth Circuit also developed a system that allows appellate arguments to be livestreamed and archived so videos of the arguments can be viewed by the public. And at last count, the circuit has heard over 1,000 appellate arguments since

the onset of the epidemic in March 2020," Judge Christen said.

## **Public Information and Community Outreach Committee**

"The PICO Committee was at a crossroads in 2014," said District Judge Janis L. Sammartino, Southern District of California, and chair of the PICO Committee. "Chief Judge Thomas provided the leadership and resources to help the committee expand its efforts from assisting individual district civics programs to establishing the first ever circuit-wide program. The year 2016 marked the inauguration of the Ninth Circuit Civics Contest with all 15 districts participating. Today we celebrate our seventh circuit-wide contest. Additionally, Chief Judge Thomas' direction has made all our civics outreach efforts more collaborative while maintaining the uniqueness of each district."

## **Information Technology Committee**

Magistrate Judge Steve Kim, a longtime member of the Ninth Circuit IT Committee noted, "In both national and circuit committees, Judge Thomas has been—and continues to be—a trailblazer for both our circuit's and the federal judiciary's information technology advancements. Since serving on and chairing what was then known as our 'automation committee,' Judge Thomas has helped bring iPads to courtrooms, heralded remote and livestream hearings well before the global COVID-19 pandemic forced such changes nationwide."

## **Background**

Chief Judge Thomas was confirmed by the Senate to serve as a circuit judge for the U.S. Court of Appeals for the Ninth Circuit on Jan. 2, 1996. He served as chief judge of his court from Dec. 1, 2014, to Nov. 30, 2021. A native of Bozeman, Montana, Chief Judge Thomas received his Bachelor of Arts from Montana State University in 1975 and his Juris Doctor, with honors, from the University of Montana School of Law in 1978. Prior to coming onto the federal bench, he had been in private practice in Billings from 1978 to 1995. He also was an adjunct instructor of law at Rocky Mountain College in Billings from 1982 to 1995.

## Circuit Executives Celebrate 50th Anniversary of the Office

In 1971, Congress authorized each circuit judicial council to appoint a circuit executive to carry out the council's directives in administering to the courts. 2021 marks 50 years of the Office of the Circuit Executive, the bedrock foundation that allows the courts to administer the law with a minimum of distractions. The 1971 legislation said the judicial councils "shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training," when selecting circuit executive candidates.

A circuit executive's duties include budget, personnel, property space and records management, maintaining a modern accounting system, providing reports and recommendations to the chief judge of the circuit, the circuit council, and the Judicial Conference of the U.S., liaising with the courts in the various states and with bar associations, the U.S. Marshals Service, news media and any other groups with a reasonable interest in the administration of the circuit.

One of the many elements OCEs handle is management of conferences and other meetings, which includes making travel and space reservations, preparing the agenda and lining up speakers, and acting as secretary in all meetings. Meetings run as large as the annual judicial conference, involving hundreds of judges and lawyers who meet for several days. 2021 conference plans were mostly suspended nationwide as various regions struggled to keep COVID-19 related illnesses in check.

Margaret A. Wiegand, circuit executive for the Third Circuit, noted a change from earlier roles. "As circuit executive my role is both inward and outward, which I particularly enjoy. In the past years, new responsibilities have been added to circuit executives' plates, including IT security, budgeting of large criminal cases and workplace relations," she said.



*In 1971, urged by Chief Justice Warren Burger, pictured above, Congress authorized each circuit to appoint a circuit executive to carry out the council's directives in administering to the courts.*

James N. Ishida, circuit executive for the Fourth Circuit, enumerated the tenets that guide his work. "First, I'm the keeper of our core values: to provide outstanding customer service to our judges, court colleagues and public in a way that promotes integrity, collaboration and collegiality. Second, I participate in every hiring decision that we make. Third, it's all about vision. Greg Linhares, the clerk of court for the Eastern District of Missouri, once said, 'Without a vision of how to improve long-term service to the state's citizens, grounded in the reality of a well-thought-out project plan, . . . court administrators will be left in a reactionary mode, attempting to put out fires rather than guiding future development.' That's spot on," said Ishida.

Millie Adams, circuit executive for the Eighth Circuit for the last 23 years, has been overseeing the construction of six courthouses and one annex built entirely during her tenure. "For a substantially-sized new courthouse, from application to doors-open, it usually takes about 10 to 12 years," to build from start to finish, said Adams. "For example, the new Des Moines Courthouse feasibility study began in 2010. It was approved as a project by the Judicial Conference on September 16, 2014. It is now under construction, with substantial completion scheduled in late 2022."

In 1985, 15 years after the circuit executive office was created, John W. Macy made a careful study

of the circuit executive's effectiveness. His report found there were, at times, conflicts between clerks and court executives due to entrenched methods of running a court. The report noted circuit executives fill "a decided need in the circuit courts," and "have undeniably contributed to the efficiency of the courts."

Elizabeth A. "Libby" Smith, circuit executive of the Ninth Circuit until September 2021, like most, if not all, circuit executives, has deep experience in the courts prior to taking the circuit executive role and her experience made transitioning to her current role managing a staff of 44 easy. "Having relationships with all of the chief district judges,

chief bankruptcy judges and clerks, most of the probation and pretrial services chiefs, the chief circuit judge and others, sure helped me to hit the ground running," she said.

Like all of her peers, Smith said the best part of her job is "all of the wonderful people I get to work with within the circuit, across the nation, and at the Administrative Office. That includes our stakeholders and partners in other agencies, the bar, and others."

See the full articles here: <https://bit.ly/3HguBSz> and <https://bit.ly/3lFluK>

## New Law Clerks Meet Judges, Court Executives in Virtual Orientation

In light of the ongoing COVID-19 pandemic and after careful consideration of the health and wellbeing of the meeting participants, the United States Court of Appeals for the Ninth Circuit held the annual New Law Clerk Orientation program virtually on Sept. 21-22, 2021. Chief Judge Sidney R. Thomas welcomed and thanked the law clerks for their participation. Senior Circuit Judge Jay S. Bybee provided insights about the Ninth Circuit and described the law clerks as the "best part of the job."

Clerk of Court Molly Dwyer and Chief Deputy Clerk Susan Gelmis gave an overview about the court's day-to-day operations. Key leadership provided a summary about human resources, information technology, security/travel, mediation and library services. Senior Circuit Judge William A. Fletcher covered jurisdiction and standards of review, ending the first day of the orientation.



Day two of the orientation covered Ninth Circuit chambers work environment and the trial courts. Circuit Judge M. Margaret McKeown, pictured above, and Yohance Edwards, Office of Workplace Relations director, and his team, discussed workplace relations. Judge McKeown and Circuit Judge Mary H. Murguia addressed ethics and the code of conduct, ending the orientation program.

## Civics Contest Winners Talk About What They Learned in the Process

Five of the seven winners from the seventh annual 2021 Ninth Circuit Civics Contest met virtually in early July to respond to questions by judges on their experience creating their winning essays and videos addressing the question, “What Does Our American Community Ask of Us?”

There were more than 700 entries from across the Ninth Circuit from which the winners were selected. The essays and videos were impressive

in their analyses of the question and the depth of thought put into them by their creators, but members of the Public Information and Community Outreach (PICO) Committee, which organizes and co-sponsors the contest, wanted to know more about the creators’ journeys. To that end, five winners joined a video meeting to answer questions on what prompted them to enter the contest, what challenges they faced and what advice they would give to future contestants.

The meeting was hosted by United States District Judge Janis L. Sammartino, Southern District of California, chair of the PICO Committee, and she was joined by fellow committee members



*District Judge Janis L. Sammartino, of the Southern District of California and chair of the PICO Committee, lower right, congratulated contest winners and fellow committee members, District Judge Haywood S. Gilliam, Jr., of the Northern District of California, center; Bankruptcy Judge Mary Jo Heston of the Western District of Washington, bottom center; and Bankruptcy Judge Sandra R. Klein, of the Central District of California, far right center, participated in a discussion with the winners about their experience creating their winning entries. Winners who participated include, Isabella Widrow (first place, essay); Madeline Day (second place, essay); Jin Chung (third place, essay); and the team of Jiatian Yin and Marc Garba (third place, video). Winners Brenden Bird (first place, video) and Teah Simon (second place, video) were unable to attend.*

U.S. District Judge Haywood S. Gilliam, Jr., of the Northern District of California, U.S. Bankruptcy Judge Mary Jo Heston of the Western District of Washington and U.S. Bankruptcy Judge Sandra R. Klein, of the Central District of California, who queried the students. Circuit Executive Elizabeth (Libby) Smith joined the meeting to thank the students for their efforts on behalf of Chief Judge Sidney R. Thomas and spoke briefly on the quality of the entries and the value of the contest in educating students about the federal judiciary.

Judge Sammartino noted the challenges presented by the need to work alone due to COVID-19 restrictions and introduced the five winners attending the session: Isabella Widrow (essay, first place), Madeline Day (essay, second place), Jin Chung (essay, third place) and the team of Jiatian Yin and Marc Garba (video, third place). Brenden Bird (video, first place) and Teah Simon (video, second place) were unable to attend.

Judge Klein started off by asking Widrow what motivated her to enter the contest. Widrow replied that she was interested in both law and government and has explored the other two branches, but “I haven’t really had the opportunity ... to dive into the judicial branch and (the contest) allowed me to further explore that aspect.”

In response to a question by Judge Gilliam, Day noted that one challenge she faced was sorting through the mass of data related to her research. “I was constantly trying to not sound as though I was listing off evidence, so I had to step back to try to add a little bit of my own narrative argument into the piece.”

Chung agreed the mass of material was a challenge. “There was so much evidence out there I had a hard time nailing down a final draft: what do I want to keep, what do I want to push out. That actually took longer than writing the essay, itself,” he said.

Yin also noted the difficulty of deciding what to discard for their video. “The amount of information you can fit into the media you present

is definitely an issue,” he said. “We only had a maximum of five minutes. One of the things we were considering was talking about the Red Scare and how that was kind of a failure to balance the natural liberties of the citizen and the greater good of the nation.”

Fellow videographer Garba added, “Locating and facilitating interviews was much easier before the pandemic. Nowadays, even if you email many people, and with the easy outlet of Zoom, it is still an arduous process.”

Judge Heston then asked what the students would have done differently that could help those who enter the contest in 2022. Widrow responded that contestants should remain flexible as they research their topic. “Don’t be afraid to change your mind,” she said. “I started out thinking I would write an essay talking about the importance of the state’s emergency powers in times of crisis, but I found information about the Patriot Act and Yetta Stromberg [Stromberg v. California, 283 U.S. 359 (1931)], and I was, like, I can’t argue for this kind of power, especially when it has been used in a way that violates the equal protection principle. So, of course, be decisive in your final draft, but also don’t be afraid to change your thinking as you process new information.”

Judge Sammartino wrapped up the proceedings noting to the contestants “This committee could not be prouder of what you have accomplished here. You participated in a contest that included the entire Ninth Circuit, which is the largest circuit in the United States, and you are at the top of the heap. It is very clear to me why. You are bright, you are thoughtful, you are articulate, you are creative in what you did, and you gave wonderful advice for those coming after you.”

See the full article here: <https://bit.ly/3pdw2v1>

See the full discussion with the contest winners here: <https://bit.ly/3JT28oZ>

## Gavel Passing Brings New Chief Judge to the Ninth Circuit Court of Appeals

United States Circuit Judge Mary H. Murguia of Phoenix, Arizona, was elevated to chief judge of the U.S. Court of Appeals for the Ninth Circuit Dec. 1, 2021, succeeding former Chief Judge Sidney R. Thomas of Billings, Montana, who held the office since 2014. Judge Murguia is the second judge of Hispanic descent to serve as chief judge of a federal appellate court and the second woman to hold the position on the Ninth Circuit.

By law, selection of the chief judge of a federal circuit or district court is based on seniority and age. The most senior active judge under the age of 65 is eligible to serve as chief judge for a term of up to seven years.

As chief judge, Judge Murguia assumes a variety of administrative responsibilities. In addition to hearing cases, she will chair two judicial policy-making bodies, the Judicial Council of the Ninth Circuit and the Executive Committee of the Ninth Circuit Court of Appeals, and will represent the Ninth Circuit at biannual meetings of the Judicial Conference of the United States (JCUS), the judiciary's national governing body. The chief judge also presides when an 11-judge en banc court is convened to resolve cases posing intra-circuit legal conflicts or to consider other matters deemed to be of exceptional importance.

Nominated by President William J. Clinton for a new judgeship for the District of Arizona and confirmed in October 2000, Judge Murguia was elevated to the circuit court after nomination by President Barack



*Chief Judge Mary H. Murguia and Chief Judge Emeritus Sidney R. Thomas, top, and Chief Judge Murguia addressing the audience assembled at the Sandra Day O'Connor U.S. Courthouse in Phoenix for the gavel passing ceremony.*



Obama and confirmed by the Senate on Dec. 22, 2010. She maintains chambers in Phoenix but travels extensively for oral arguments and other court business. In addition to hearing cases, she currently chairs the Ad Hoc Court of Appeals Security Committee, serves on both the Judicial Security Committee and the Ad Hoc Committee on Conflict Screening, and just concluded a term on the JCUS Committee on Codes of Conduct.

A native of Kansas City, Kansas, Judge Murguia received bachelor's degrees in both art and science from the University of Kansas in 1982, and her Juris Doctor from the University of Kansas School of Law in 1985. Prior to coming onto the federal bench, Judge Murguia was the district attorney for Wyandotte County, Kansas, from 1985 to 1990, and an assistant U.S. attorney for the District of Arizona. She simultaneously served in the Executive Office for U.S. Attorneys, from 1998 to 2000, and was the director of that office beginning in 1999.

Judge Murguia is the Ninth Circuit's 12th chief judge.

Chief Judge Thomas steps down after a seven-year term in which the court greatly expanded the use of technology to improve operations and make the judicial process more accessible to the public. He oversaw the improvement of overall court processing times, the onboarding of numerous new judges, the deaths of long-time colleagues, several government shutdowns and budget related crises, numerous natural disasters, the circuit's response to COVID-19, and the general continuity of justice as the courts adapted to virtual proceedings. See more about Chief Judge Emeritus Thomas' accomplishments on page 20.



*Girl Scout Troop 1688, West Phoenix, led the Presentation of the Colors, top, and Chief Judge Emerita Mary M. Schroeder spoke to the socially distanced crowd.*

## New Circuit Executive Brings Decades of Experience to Leadership Role

Susan Y. Soong, formerly clerk of court for the United States District Court for the Northern District of California, is the new circuit executive for the U.S. Courts for the Ninth Circuit, entering on her new duties on Oct. 11, 2021.

“We are extremely pleased to have Sue assume this important leadership position. She brings a wealth of experience and proven leadership abilities,” Chief Judge Thomas said at the time.

As circuit executive, Soong reports to the chief judge of the court of appeals and serves as the secretary of the Judicial Council of the Ninth Circuit, the governing body for federal courts in the western states and Pacific islands. She will lead the Office of the Circuit Executive, whose 47 employees provide a wide variety of services to all of the federal courts of the circuit. See pages 8 and 22 for more about the OCE.

The circuit said thanks and goodbye to the previous circuit executive, Elizabeth “Libby” Smith, who started a new position as associate director of program services at the Administrative Office of the United States Courts on September 27, with a card filled with messages of good luck. “I cannot begin to tell you how proud I am to have been a part of this OCE team. The friendship, collegiality, laughs and passion we shared is like nothing I’ve ever experienced at work,” said Smith.

“Sue Soong is exceptionally well suited to serve as the circuit executive for the Ninth Circuit. She is extremely well regarded within the Ninth Circuit, and nationally, for the breadth and depth of her knowledge on issues related to appellate and district courts, and for partnering with court unit executives from across all court unit types on issues of mutual concern. Sue is sure to hit the ground running as an advocate for the Ninth Circuit,” added Smith.



*Circuit Executive Susan Y. Soong, U.S. Courts for the Ninth Circuit*

“Sue Soong has been a tremendous clerk for this court and will no doubt continue to provide valuable leadership in her new role with our circuit,” said Chief District Judge Richard G. Seeborg of the Northern District of California.

“I am very grateful for this opportunity to continue to serve the Ninth Judicial Circuit as circuit executive,” said Soong. “I am indebted to the Northern District of California judges and colleagues, who have been inspirational in their commitment to justice, excellence, innovation and teamwork.”

Soong had been clerk of court for the Northern District of California since 2015. From 2009 to 2015, she was chief deputy clerk of operations for the U.S. Court of Appeals for the Ninth Circuit and a staff attorney from 1994 to 2009. From mid-2011 to mid-2012, she was a Director’s Leadership Program Resident at the Administrative Office of the U.S. Courts in Washington, D.C.

Soong was the clerk’s representative on the Judicial Conference of the U.S. Advisory Committee on Civil Rules and sits on the Ninth Circuit’s Jury Trial Improvement Committee.

Off duty, Soong skis and plays the violin and viola in several Bay Area chamber music groups.

She received her Juris Doctor, magna cum laude, from the University of Buffalo School of Law in 1994 and was admitted to the California Bar the same year. She received a Bachelor of Arts in human biology from Stanford University in 1990.

# Fairness Committee Encourages Diversity in Magistrate Judge Selection and Law Clerk Hiring

The Ninth Circuit Fairness Committee<sup>1</sup> is charged with making recommendations to the Judicial Council of the Ninth Circuit on fairness issues in the administration of justice by examining and identifying areas within the justice system with potential racial, gender, ethnic, religious and similar disparities; proposing practices, procedures and policies to address and mitigate those disparities; examining ways to address bias within the justice system; and examining methods of promoting diversity of judicial officers, court executives and court staff involved with the judicial decision-making process.

In September 2020, the federal judiciary released its most recent Strategic Plan. In this most recent version, “a workforce of judges and employees that reflects the diversity of the public it serves; [and] an exemplary workplace in which everyone is treated with dignity and respect,” are designated as institutional core values. In addition, Strategy 4.1 instructs the judiciary to identify and implement ways to “Recruit, develop, and retain a talented, dedicated, and diverse workforce, while defining the judiciary’s future workforce requirements.”

Throughout 2021, two of the Fairness Committee’s subcommittees, the Law Clerk Diversity Subcommittee and the Magistrate Judge Diversity Subcommittee, have focused on increasing diversity within the magistrate judge bench and law clerk classes. Both subcommittees were created in acknowledgment of the current lack of diversity within both areas of the judiciary, and charged with exploring ways to increase diversity in accordance with the Strategic Plan and the Fairness Committee’s mission.

## Magistrate Judge Diversity Subcommittee

The Magistrate Judge Diversity Subcommittee was formed in 2020 with the goal of increasing diversity among magistrate judges, magistrate

judge applicants and merit selection panel members within the Ninth Circuit.

The most recent demographic data available from the Fiscal Year 2020 report by the Office of Fair Employment Practices, Administrative Office of the United States Courts, illustrates the opportunity to diversify the circuit’s magistrate judge bench. Of the 110 full-time and part-time magistrate judges who provided their demographic information, 59 identified as women, or roughly 53% of the total active bench. In terms of race and ethnicity, only 10% identified as a racial minority, with six respondents identifying as Asian American, three as Hispanic and two as African American. The magistrate judges range in age from 43 to 74, and none reported working with a disability.

To determine current recruitment and selection practices in place throughout the circuit, the subcommittee issued a brief survey to each district requesting information regarding how magistrate judges are selected. In winter 2021, the subcommittee released its “Report of Findings of The Ninth Circuit Fairness Committee Magistrate Judge Diversity Survey and Best Practice Recommendations,” which combined the survey results, highlighting helpful practices currently being implemented at districts throughout the circuit, along with a series of best practice recommendations designed to foster a more diverse magistrate judge bench.

Among the highlighted practices and recommendations are strategies to improve broad recruiting and advertising of magistrate judge position openings, including opportunities to serve on the Merit Selection Panel. Judges are also encouraged to conduct outreach to strengthen relationships with the legal community and to start developing the pipeline early for future magistrate judges. Finally, the report also provides advice on how to evaluate and strengthen the selection process to encourage the selection of high quality and diverse magistrate judges.

Several of the recommendations are already being implemented in current magistrate judge selection processes within the circuit. In the Northern and Eastern Districts of California, judges participated

in virtual outreach events to provide additional information on the role of magistrate judges and the merit selection process. Additionally, the Northern, Eastern and Southern Districts of California are also participating in a pilot program to collect voluntary, self-identified demographic data from magistrate judge applicants. This information, which is routinely collected outside of the judiciary, will help the districts assess their outreach and recruiting efforts, along with providing valuable insight into the selection process.

### Law Clerk Diversity Subcommittee

The Law Clerk Diversity Subcommittee was formed in response to an April 2018 letter the Fairness Committee received from a group of term law clerks requesting the committee to investigate the disparity between the percentage of white law clerks versus the percentage of law clerks of color. To illustrate this disparity, the 2019 National Association of Law Placement data showed that while 67.2% of law school graduates identified as white, 79.2% of federal clerkships went to white applicants.<sup>2</sup>

In 2020, the Fairness Committee issued a survey to current and prior law clerks throughout the Ninth Circuit courts, including its trial and bankruptcy courts, seeking to better understand the experiences of clerkship applicants in law school and whether applicants in underrepresented groups, particularly those who identified as belonging to an underrepresented group, face any particular challenges or obstacles that differ from the broader pool of applicants. Over 700 current and former law clerks responded, with 43.1% of respondents identifying as a member of an underrepresented group, including the following categories: Black, Latinx/Latino/Latina, Asian American/Pacific Islander, Native American/Native Hawaiian/Native Alaskan, person with disabilities, LGBTQIA. Respondents also self-identified as being underrepresented based on additional categories

including gender (female), religion, age and first-generation law school student status.

The survey elicited information regarding challenges experienced by law clerks in two key areas: 1) in deciding whether to apply for clerkships; and 2) during the clerkship application process. The survey also asked law clerks for recommendations to remove barriers from the application process.

Two key challenges identified in the survey responses were a lack of information about the clerkship application and hiring process and a lack of support from law schools. In reviewing these results, the subcommittee saw a real value in partnering with law schools to ensure that law school leadership and students have a clear understanding of the hiring process in order to encourage a more diverse group of students to apply for this opportunity. The Fairness Committee Law School Working Group first convened in August 2021, joining judges from the Fairness Committee with faculty and administrators from law schools throughout the circuit, as well as other institutions nationally with graduates who continue to serve as law clerks to the circuit.<sup>3</sup>

Over the course of several sessions, the working group has discussed ways the judiciary can better partner with law schools to encourage an increasingly diverse group of law clerk applicants. The discussions have addressed better utilization of OSCAR to share information about a judge's particular needs and process, improved recruitment and outreach strategies to encourage a broader group of applicants, and the strengthening of connections between law schools and the bench. The subcommittee intends on capturing the suggestions from the ongoing working group sessions in a "best practices" guide for judges, law schools and law students in order to provide actionable suggestions to improve law clerk diversity.

<sup>1</sup>Members of the Ninth Circuit Fairness Committee who worked on this project include: John Owens, Circuit Judge, Ninth Circuit; Edward M. Chen, District Judge, Northern District of California; Shiela Oberto, Magistrate Judge, Eastern District of California; Jill Otake, District Judge, District of Hawaii; Candy Dale, Magistrate Judge, District of Idaho; Consuelo Marshall, District Judge, Central District of California.

<sup>2</sup>See NALP Bulletin, February 2021 available at <https://www.nalp.org/0221research>.

<sup>3</sup>Membership in the working group includes representatives from the following schools: University of Oregon School of Law, UCLA School of Law, NYU School of Law, UC Davis School of Law, Notre Dame Law School, LMU Loyola Law School, Columbia Law School, Yale Law School, UC Irvine School of Law, Stanford Law School and UC Berkeley School of Law.

## Northern District's Work Opportunity and Resources for Change Team Focuses on Individual Needs

The United States Probation Office for the Northern District of California has ramped up efforts to help released prisoners train up and find work, greatly reducing the chances they will re-offend.

"One of my office's goals is to create better outcomes for our clients," said Anthony Castellano, chief U.S. probation officer for the Northern District of California. A key risk factor for clients is being unemployed or under-employed. "Studies show that if you have a good paying job, you're less likely to recidivate by a pretty good margin. In the past, officers' engagement in this area was inconsistent, partly due to high caseloads. Creating smaller caseloads was achieved by downsizing the administrative staff and hiring more officers. Our caseloads average 43.15 versus the national average of 47.49."

The Work Opportunity and Resources for Change (WORC) team was formed after its core members from the Northern District of California, U.S. probation officers Kristen Coleman and Jose Figueroa, and Jenna Russo, probation officer specialist, completed Offender Workforce

Development Specialist (OWDS) training in November 2019. Another member of the team is Supervisory U.S. Probation Officer Kevin Thomas, who has an extensive background in workforce development and has worked very closely with each officer to develop the programs.

The Northern District's probation office has about 1,700 clients under supervision and probation officers focus on those classified as the "unemployed unexcused", those able to work but without a job.

The district's clients are all post-conviction. "Some of them really need their hands to be held. There are other risk factors besides education: there is substance abuse, mental health, cognitive development," Castellano added. "We know we only have these individuals anywhere from two to three years on average, so the question is, what can we do with them during those 36 months? We believe the success is with technical schools where you can learn skills."

The Northern District has 1,200 supervisees employed out of 1,609 total, making it 16th out of 94 districts nationwide, with a 74.6% employment rate. The national employment average is 69.5% for the 118,903 under supervision<sup>1</sup>.

"Our unemployed unexcused rate is the second best in the country," Castellano said. "Out of 1,700 clients, only 6.4% are unemployed unexcused, which means they don't have a path



*Northern District of California officers who are part of the WORC team are, (l-r), Kevin Thomas, supervisory probation officer; Jenna Russo, probation officer specialist; Jose Figueroa, probation officer; Kristen Coleman, probation officer; and Anthony "Tony" Castellano, chief probation officer.*

yet. Twenty percent of our clients recidivate, lower than the circuit or the national average by quite a bit. What that number tells me is that the officers are working hard.”

James Estrella is reaping the rewards of the education program, working at Goodwill and as a DoorDash driver, poised to move into a job as a forklift driver or construction flagger, and working on his GED to continue his personal renewal.

He saw the advantages offered by the Northern District’s probation department. “The probation office helped me with the Rubicon Program, and the Rubicon Program helped me with parenting classes and helped me find a job,” said Estrella, 30.

“Everything they did was very encouraging and basically let me know I can start over, and just because I made mistakes in my past doesn’t dictate who I am today, 10 years later, and what I want to become in my future,” said Estrella. “So, they very much helped me.”

Russo has been involved in the workforce development and reentry arena since 2013. The team, now including U.S. probation officers Carolena Martin and Janella Tolbert, has helped about 60 clients since June 2020. “Some of the programs we partner with include Rubicon; Center for Employment Opportunities Marin; San Jose, and Oakland; Goodwill Industries; Young Community Developers; Success Centers and the colleges associated with the BASIC Consortium,” she added.

Then comes the personal touch that makes the program successful. “We do check in with our programs, and we like to have a specific point of contact for each,” said Russo. “Sometimes our clients might have a case manager, job coach or counselor assigned to them. It is always important for us to independently verify the status of each so we know whether there are needs we can address as a team.”

She noted the success of another client: “she was sent to Center for Employment Opportunities (CEO) in Marin, was placed in transitional

employment with CalTrans and started working with a job coach. She received multiple positive reports from the site manager and completed the OSHA warehouse training and the forklift training and is now working at Prologistics in unsupported employment. Her self-esteem has grown leaps and bounds. CEO and the Workforce Team are really proud of her!” Russo said.

As for those who don’t thrive, there is no one reason clients fall out of the program,” said Russo. “Unfortunately, even when clients are in a supportive environment, they can encounter barriers both internal and external. Many of these our team can address.”

But there is a multitude who do thrive. “Many of the clients are simply motivated by the idea of successfully completing something,” said Russo. “That often is a great motivator in itself for clients, especially when the journey is difficult. Our clients also have families they want to provide for and make proud.”

Estrella, who has three children, recommends the program to others in his situation. It feels “awesome” to know his life is on track, he said. “It feels very good waking up every day and knowing you are not doing anything illegal, not doing anything wrong, where you don’t have to worry about going back to prison, you don’t have to worry about leaving your family again or your kids again. It definitely feels good,” he said.

The program is rewarding for Russo, as well. “I am really proud of the work we do, and I can definitely say that I think about my successful clients and hope that they continue to do well throughout their lives,” she said. “We supervise some extraordinarily talented people who often just need the opportunity and tools to shine. I think that’s what this team does best.”

See the full article here: <https://bit.ly/3FaffxT>

<sup>1</sup> DSS Standard Report #1055, Employment Report (PC) - National Metrics. Data Current as of 08/01/2021

## Pacific Island Judges Initiate Innovative Pilot Program to Tackle Family Violence

Chief judges and justices in the Pacific islands are in the midst of a historically ground-breaking pilot program that targets family violence in their region. The Pacific Judicial Council's Family Violence Emotional Quotient (EQ) Program aims to educate their communities on healthy emotional decisions and behavior. Pacific Judicial Council members from Guam, Saipan, Tinian, Rota, Palau, Yap, Chuuk, Kosrae and Pohnpei are bringing the program to their islands.

### A Crisis

The Honorable Frances Tydingco-Gatewood, PJC president and District Court of Guam chief judge, and PJC committee co-chair for the EQ program, the Honorable Cyprian Manmaw, chief justice of Yap Island, recognized that one of the greatest benefits of carrying out the Family Violence EQ program was that it would also address what has been referred to as a crisis and national emergency in America: mental health - especially in youths. Micronesia claims one of the highest rates of suicides per capita in the world.

"The three branches of government are taking very seriously the real possibility that if we can help our people understand their emotions - most especially our children - then they can learn to effectively manage those emotions," said Judge Tydingco-Gatewood.

Recent studies affirm the rise in family violence. Global data show an upturn in domestic violence incidents. In their 2021 report, "Domestic Violence During the COVID-19 Pandemic: A Systematic Review," Anastasia Kourti and Androniki Stavridou, the primary authors, drew on 32 studies from North America, Europe, Asia-Pacific Area and Africa. The report's abstract notes, "COVID-19 has caused an



*Honorable Frances Tydingco-Gatewood, chief district judge of the District of Guam, top, speaking at the opening session of the EQ Summit. Honorable Arthur R. Barcinas, Superior Court of Guam judge and Pacific Judicial Council Education chairman, above, speaking in the District Court of Guam courtroom that served as the EQ Summit's broadcast headquarters.*

increase in domestic violence cases," and states that domestic violence reporting is very likely compromised in terms of current statistics, noting "In children, however, although the specialists' estimations suggested an increase in child maltreatment and abuse cases, the rate of police and social services' reports has declined during the COVID-19 pandemic. School closures that isolated students at home seemed to have contributed to this decrease. Conclusions: Domestic violence has been a considerable issue imposed by the COVID-19 epidemic to



*Honorable Cyprian Manmaw, chief justice of Yap Island, pictured top left, joined the EQ Summit from Yap with other remote summit participants. A 7th grade class, above, led by Principal and Teacher Mae Lynn Tiningidow from Dalipebinaw Community School in Yap, immersed in the Domestic Violence EQ curriculum.*

a worldwide context. The home confinement led to constant contact between perpetrators and victims, resulting in increased violence and decreased reports. In order to minimize such issues, prevention measures and supporting programs are necessary.”

### Three-phase Program

The PJC EQ program has three phases: (1) EQ Informational Conference and Training sessions, which took place in December 2021, (2) EQ Curriculum and Community Outreach Pilot Program, January to April 2022, and (3) the EQ Reporting Conference which will take place in September 2022.

Nearly 300 people representing the different branches of government attended the training conference at the District Court of Guam from Dec. 1-3, 2021, in-person or virtually via video conferencing software.

### Two Major Components

Judge Tydingco-Gatewood summed up the program: “The first (component) is a specifically developed, comprehensive EQ curriculum for elementary, middle and high school grade levels where students learn about their brains in a simple, fun and exploratory way. Next, they learn how their emotions are connected to their brains and how to understand their emotions. If the students can learn how to understand their emotions, they’ll be able to learn how to effectively manage those emotions; the rationale is that they will continue to develop these skills as they grow into mature adults.”

### Initial Response Overwhelming

“The response to the program outline and overall concept content has been overwhelming,” Judge Tydingco-Gatewood said. “Leaders from all the three branches, as well as their co-leaders and staff, all had similar things to say.”

### Ninth Circuit Pacific Islands Committee Role

The training is provided by Nedley Health Solutions, which has been developing this curriculum due to the decline in mental health of youth and the suicide epidemic, said Russ Mathieson, education specialist in the Office of the Circuit Executive for the U.S. Courts for the Ninth Circuit. Mathieson staffs the Pacific Islands Committee of the Judicial Council of the Ninth Circuit chaired by U.S. Ninth Circuit Judge M. Margaret McKeown. The committee’s mission is to help improve the administration of justice in the participating entities named above. If the pilot program is found to be effective at the July assessment, the plan is to institutionalize the program in the curriculum of the island schools,” said Mathieson.

See the full article here: <https://bit.ly/3x9xtOZ>

## Pro Bono Efforts Serve the Most Vulnerable

Throughout the Ninth Circuit, scores of lawyers step up to provide pro bono assistance to people who are financially unable to retain counsel for legal advice. Many thanks to the Ninth Circuit's Lawyer Representatives Coordinating Committee (LRCC) for providing the names and efforts of some of the lawyer representatives throughout the circuit who provided pro bono services in 2021.

### Central District of California

Misty Perry Isaacson, chair-elect of the LRCC, volunteers with the Public Law Center (PLC) in Orange County and trains pro bono lawyers on how to draft Chapter 7 bankruptcy documents for potential PLC clients. Those who attend the training agree to work in the Central District Bankruptcy Court Santa Ana Division clinic.

Each year, the Central District of California publishes its honor roll of those providing pro bono services. The full list can be found on the Central District website.

### Eastern District of California

The Sacramento Chapter of the Federal Bar Association in the Eastern District of California presented its 2021 Joe Ramsey Award for Excellence in Pro Bono Service to Professor Carter "Cappy" White, a long-time member of the Eastern District of California's Pro Bono Panel. In her congratulatory letter to White, Chief District Judge Kimberly J. Mueller, of the U.S. District Court for the Eastern District of California, said, "As the supervising attorney for the Civil Rights Clinic at the UC Davis School of Law, you are a valued source of institutional knowledge and a supervisor and mentor within the law school community."

The court presented its inaugural civics award to Executive Assistant U.S. Attorney Chi Soo Kim in recognition of her remarkable public service, demonstrating outstanding commitment to

promoting civics education and enhancing the public's understanding of the role of the courts in our constitutional democracy.

Heather Tiffie with Capital Pro Bono, formerly Voluntary Legal Services Program, spoke of the importance of pro bono work as a core value of the legal profession and emphasized the many gifts one receives by giving back, including deeply meaningful relationships with pro bono clients.

Grace Yoon with My Sister's House, a local nonprofit organization that serves Asian and Pacific Islanders and other underserved women and children, encouraged attorneys to volunteer with her organization, which provides case sensitive representation in family law matters such as domestic violence restraining orders, custody and divorce.

Sujean Park, the district court's alternative dispute resolution director, matches attorneys and neutrals with cases, and its bankruptcy court offers complementary programs.

### Northern District of California

Northern District Lawyer Representative Asim Bhansali represented an El Salvador asylum applicant and their minor child U.S. asylum proceedings. He and his team also represented a senior citizen couple in litigation in the Eastern District of Washington seeking to recover assets.

### Southern District of California

Licia Vaughn, co-chair of the Southern District of California lawyer representatives, assisted a veteran in settling a contested family estate and advised two churches in trademark disputes. She often represents homeless veterans in the San Diego Superior Court's "Homeless Court" program and helped establish pro bono opportunities for non-lawyers with Reality Changers San Diego.

Lawyer Representative J. Barrett Marum assisted a veteran on a consulting basis with his lawsuit alleging theft of cryptocurrency, and he

represented another veteran in the preparation of his Chapter 7 bankruptcy petition and related documents. Both projects are through the Veterans Legal Institute. Working through the Alliance for Children's Rights, he began a representation of a foster mother to adopt her foster child.

Lawyer Representative Vincent J. Bartolotta, Jr., long-time member of the board of directors of San Diego Nice Guys, which raises about \$1 million annually is also co-chair of the St. Vincent de Paul Hundred Million Dollar Capital Campaign and Semper Fi/Injured Marine Fund. He is an organizer of building projects, medical clinics and Christmas projects for orphaned Mexican children.

A solo practitioner, Lupe C. Rodriguez, Jr., has been doing pro bono work primarily through his church and community organizations for a number of years. In 2019, he reached his goal of assisting 50 pro bono clients with low level criminal cases, contract formation and review, and small claims issues. He is currently working on forming an umbrella nonprofit to bring other attorneys into pro bono work.

### **Districts of Guam and Northern Mariana Islands**

The District Court of Guam held its annual Power Act outreach event in August, 2021. Attendees watched a video on domestic violence followed by a panel discussion including Chief District Judge Frances Tydingco-Gatewood; Cynthia V. Ecube, Esq., lawyer representative; Cynthia Cabot, director, Guam Coalition Against Family Violence and Sexual Assault; and Jacqueline Terlaje, president, Guam Bar Association.

The Pacific Judicial Council has partnered with the executive and legislative branches of government in Micronesia to take on the rising level of violence in their islands. See the article on page 33.

### **District of Oregon**

Attorneys Lydia Anderson-Dana and Bryan Dearing run Oregon's Free Federal Law, a volunteer lawyer program created by the Oregon Chapter of the Federal Bar Association which improves access to justice and assists pro se litigants with civil cases filed in federal court.

### **Western District of Washington**

Tracy M. Morris is now executive director of the free Federal Civil Rights Legal Clinic, filling a gap identified by a taskforce of the Federal Bar Association for the Western District of Washington. The clinic has provided legal aid to more than 1600 pro se litigants. "The clinic's ability to support an underserved population was built on the shoulders of a talented group of volunteers who recognize the unique privilege their positions within the legal system afford them," said Morris.

Veteran clinic volunteer attorney Roger Townsend, vice chair of the LRCC, stated: "Providing direct service to a vulnerable population at the clinic connects me to why I went to law school. Pro bono work is a way to stay true to the values that made me want to be a lawyer."

See the full article here: <https://bit.ly/3QJXStP>

## Moving Forward on Workplace Initiatives

The Ninth Circuit continues to build a healthy, positive and productive workplace environment for its employees as it moves forward on workplace initiatives. The past two years brought new challenges with many employees either returning to the office, working remotely, or both. The Office of Workplace Relations (“OWR”) continues to be resource available to all employees, managers and supervisors, court unit executives, and judges as courts and court units navigate re-opening.

In 2021, OWR continued its outreach to all 63 court units in the Ninth Circuit. The Office of Workplace Relations launched several initiatives to increase its efforts in training and outreach to employees to ensure all employees are aware of their rights, obligations, and options. First, it revamped its internal website to include new resources and pages for employees to easily find information about their courts’ EDR policies and EDR coordinators and having their frequently asked questions answered. In addition, OWR launched a way for employees to anonymously contact and report workplace concerns. Through its internal website, employees can anonymously have two-way communication with OWR through a platform that anonymizes the identities of individuals who use it to communicate with the office.

Second, OWR developed trainings in 2021 that highlighted abusive conduct and bystander intervention. With the pandemic still ongoing, OWR staff conducted virtual, interactive presentations to many circuit populations employees, including employees, managers and supervisors, and CUEs. These virtual, interactive training sessions on EDR and bystander intervention for employees have become part of OWR’s catalog and are available as training options for court units as requested.

Specifically for judges, OWR launched the inaugural Ninth Circuit Exemplary Workplace

Judicial Education Series, focusing on workplace matters, with the introductory module covering judge obligations and protections stemming from the EDR Policy, Code of Conduct for U.S. judges, and Judicial Conduct & Disability Rules. The introductory module was offered as online and video options for judges. The Office of Workplace Relations plans to roll out a new module in this series annually.

Request an accessible version of this newsletter by emailing us at: [9thcircuitpublicinfo@ce9.uscourts.gov](mailto:9thcircuitpublicinfo@ce9.uscourts.gov)

### Celebrating Disability Employment Awareness Month

In 1988, Congress named October as National Disability Employment Awareness Month, expanding on efforts beginning in 1945 to educate the public about issues relating to disabilities and employment. Two years later, President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law, prohibiting disability discrimination in employment and public accommodations, and requiring covered employers to provide reasonable accommodations to employees with disabilities. The ADA represents a significant achievement for the disability rights movement. In the 19th century, people with disabilities were frequently ostracized.

*Continued on Page 2*

### Law Clerk Corner

Welcome to all new and returning term and career law clerks!

Clerkships in the Ninth Circuit provide a unique opportunity to work closely with a federal judge, observe the inner workings of the federal courts, create lasting professional and personal relationships, and refine your legal research and writing skills.

The chambers environment is also a workplace. OWR is committed to ensuring all employees, including law clerks, have a supportive, healthy and productive workplace. As you navigate your clerkship, we encourage you to check out some of these resources tailored specifically to law clerks (must be on the DCN to access):

- ["You Have Options" flyer](#)
- [Sample Chambers Checklist](#)
- [Orientation for New Law Clerks: Maintaining an Exemplary Workplace \(video\)](#)
- [Law Clerk Resources Group](#)
- [June 2021 Virtual Brown Bag with OWR \(video\)](#)
- [Law Clerk Portal \(Court of Appeals only\)](#)

**Also in this Newsletter:**

- [Reporting & Resources Page 2](#)
- [Reasonable Accommodation Process Page 3](#)
- [DEI Committees: How Employee-led Efforts Support Court Units at the Local Level Page 4](#)

*Fall 2021 issue of the Office of Workplace Relations Newsletter*

Additionally, OWR launched its first edition of “9th to 5: The Office of Workplace Relations Newsletter.” The inaugural newsletter, published in Spring 2021, featured an introduction to the OWR staff and key highlights of the office and EDR updates in 2020. The semi-annual newsletter plans to share updates on OWR, highlight individuals throughout the circuit who contribute to the Ninth Circuit’s exemplary workforce, share updates and emerging trends in employment law and practices, and provide deeper analyses on

workplace issues like identifying, preventing, and responding to abusive conduct. The newsletter also plans to have a regular “corner” feature that will provide tips, suggestions, and best practices for specific populations, including employees, managers and supervisors, and law clerks. The fall 2021 edition featured a law clerk corner, celebrated disability employment awareness month, and featured a chart developed by OWR on the reasonable accommodation process that is intended to be a resource for employees. Each edition of the newsletter includes information on how to contact OWR and other resources like the Office of Judicial Integrity, if an employee has questions or wish to discuss any workplace concerns.

Diversity, equity, and inclusion (DEI) efforts did not slow down in 2021. Amrita Mallik, DEI Officer, hosted brown bags and panel discussions; assisted the Ninth Circuit’s Fairness Committee on their DEI initiatives, among other things included development of a DEI toolkit and projects to both gather and improve diversity hiring for law clerks and the bench; and worked closely with court units to support both management-led and employee-led efforts at the local level, including DEI committees. Ms. Mallik remains a resource to all court units who are looking to enhance their diversity, equity and inclusion efforts.

Also, in late 2021, the Workplace Environment Committee considered new initiatives, including new Law Clerk Subcommittee, a subcommittee of the Workplace Environment Committee, and a follow-up Ninth Circuit climate survey. More information on these initiatives will be available in future issues.

The Office of Workplace Relations continues to provide support to the Ninth Circuit Workplace Environment Committee, which provides guidance and recommendations to the Judicial Council of the Ninth Circuit and the court units within the Circuit on issues affecting workplace conduct and culture. The work in this area is ongoing, While the Ninth Circuit has made significant progress and improvements since the creation of OWR in 2019, it still continues to monitor and consider new ways to ensure an exemplary workplace for all its employees.

## | Administrative Changes



Mark Busby was appointed clerk of court for the United States District Court for the Northern District of California on Dec. 6, 2021. Previously, he served as deputy circuit executive for the Ninth Circuit's Office of the Circuit Executive. Before joining the OCE, he was the chief deputy clerk at the U.S. Bankruptcy Court for the Northern District of California, where he was responsible for all aspects of the court's administration, including supervising managers over operations, administrative matters, and information technology, as well as the court's staff attorney and support staff. Busby previously worked at the Administrative Office of the U.S. Courts as regional administrator for the bankruptcy and district courts in the Ninth, Fourth and D.C. Circuits, and as a management analyst providing staff support to the Judicial Conference of the U.S. Committee on Intercircuit Assignments. Before his work at the Administrative Office, Busby was a training/strategy specialist, special assistant to the chief judge and operations floor manager at the U.S. Court of Federal Claims. He has also worked as the deputy clerk for case administration for the U.S. Court of Appeals for the Federal Circuit, as a case administrator at the U.S. Bankruptcy Court for the District of Maine, as a records and reproductions clerk at the U.S. Bankruptcy Court for the Eastern District of Washington, and spent a summer as an administrative intern at the U.S. Consulate Office in Milan, Italy, for the U.S. Department of State. Busby received his B.A. in business administration with concentration in international business and a minor in Italian from Gonzaga University and his M.B.A. with focus areas in strategy and organizational management from the Robert H. Smith School of Business at the University of Maryland.



Sean Harmon was appointed chief U.S. pretrial services officer for the District of Arizona on Jan. 4, 2021. Harmon earned a bachelor's degree in criminal justice in 1991 and a master's degree in public administration from Louisiana State University in 1997. He began his career in March 1998 as a pretrial services officer in the Southern District of Texas, where he served as a mental health specialist and special offender specialist before being promoted to deputy chief in 2003. He transferred to the U.S. Probation Office, where he began serving as a deputy chief U.S. probation officer in 2012. The district combined probation and pretrial services operations in 2015 during which time Harmon served two terms as acting chief U.S. probation officer. Throughout his career, Harmon has been active in numerous national advisory groups, including the national Chiefs Advisory Group and on the Information Technology Advisory Council.



Salina M. Kanai was appointed federal public defender for the District of Hawaii on Feb. 16, 2021. Kanai's legal career has been devoted to indigent criminal defense, starting as a criminal appellate attorney at the Office of the Appellate Defender in New York City. She then served for five years as a deputy public defender in the State of Hawaii's Office of the Public Defender and eight years as an assistant federal defender with the FPD Office in Hawaii. Before joining the FPD Office, Kanai was in private practice, specializing in state and federal criminal defense and serving as a part-time family court judge for the Hawaii State Judiciary. Kanai received her B.A. from New York University and her J.D. from the Benjamin N. Cardozo School of Law.



Gervacio Lopez, Jr., was appointed chief U.S. pretrial services officer for the District of Oregon on March 1, 2021. He began his career in the Northern District of Illinois in October 2003 and worked as a presentence investigations officer, senior

post-conviction supervision officer, supervisory probation officer and assistant deputy chief probation officer. During his tenure, Lopez was responsible for management of the district's treatment services, cognitive behavioral, workforce development, intensive supervision and location monitoring programs, as well as presentence investigations. Additionally, Lopez oversaw data quality and evidence-based programming. He is a licensed clinical social worker and holds Bachelor and Master of Social Work degrees from the University of Illinois, Chicago.



Ravi Subramanian was appointed the district court executive/clerk of court of the United States District Court for the Western District of Washington on July 1, 2021. Previously, he served as the chief deputy clerk of administration at the Northern

District of California. Subramanian has over 12 years of federal and state court experience and more than 16 years of executive management experience at various California state and local government agencies. In addition, he has master's degrees in public administration and architecture.



Kirsten S. Wilkinson was appointed as the bankruptcy court clerk for the U.S. Bankruptcy Court for the District of Oregon on May 10, 2021. Director Roslynn R. Mauskopf of the Administrative Office of the U.S. Courts appointed Wilkinson

to the Judiciary Data Working Group in December 2021. She is a member of the Federal Judicial Center's Standing Planning Committee for the 2022 National Leadership Conference for Circuit and Court Unit Executives. She joined the federal judiciary in June 2010 as a case administration supervisor for the U.S. Bankruptcy Court for the District of Oregon. In March 2014, she joined the consolidated U.S. Bankruptcy and U.S. District Courts for the District of Idaho as its chief deputy of operations. While in the District of Idaho, Wilkinson served on the local rules committees and the district CJA Panel Selection Committee. In April 2018, Wilkinson was appointed to the Bankruptcy Best Practices Working Group, Operations Subgroup, by then-Director James Duff of the Administrative Office of the U.S. Courts. She also serves on the Bankruptcy NextGen Case Opening/Electronic Self-Representation (eSR) Expert Panel. In October 2018, she joined as the assistant circuit executive for Court Operations and Policy in the Office of the Circuit Executive, where she staffed the chief judges' standing committees and assisted with the appointments and reappointments of bankruptcy judges and BAP judges.

## | Awards and Recognitions

### **Ninth Circuit Court of Appeals**

Circuit Judge M. Margaret McKeown, President's Award, Washington Women Lawyers. On the 50th anniversary of the Washington Women Lawyers, Judge McKeown was recognized for her role as founder and first co-president of the organization and her continuing commitment to equal rights.

### **District of Alaska**

Magistrate Judge Matthew M. Scoble, Military Spouse JD Network (MSJDN) Hiring Partner Award, Military Spouse J.D. Network Foundation. The award recognizes employers who provide exceptional support for attorneys who are also military spouses.

### **District of Arizona**

Senior District Judge Raner C. Collins, Lifetime Achievement Award, University of Arizona, James E. Rogers College of Law. The recipients are selected by faculty for their "distinguished and exemplary careers, contributions to the legal profession, support for public causes and law reform, and commitment to the pursuit of justice."

### **Central District of California**

Bankruptcy Judge Sandra R. Klein, 2021 President's Award for Exceptional Service, National Conference of Bankruptcy Judges (NCBJ). Judge Klein received the award for her work on "increasing diversity, equity & inclusion in the bankruptcy bench and bar and for outreach to school children to introduce them to our system of justice."

Bankruptcy Judge Maureen A. Tighe, Calvin Ashland Judge of the Year, Central District Consumer Bankruptcy Attorneys Association. The award recognizes "individuals who exemplify in the course of their profession, compassion, understanding, and concern for the individual consumer."

### **District of Idaho**

Bankruptcy Judge Noah G. Hillen, "40 Under 40" Emerging Leaders of 2021, American Bankruptcy Institute. The award identifies emerging leaders in the insolvency profession who are committed to the highest standards of achievement at work and in their communities.

### **District of Nevada**

District Judge Gloria M. Navarro, INSPIRA Award, Las Vegas Latino Bar Association. Judge Navarro received the award in recognition of her "extraordinary commitment to the advancement of the Latino community, tireless support of Latino students and immeasurable contributions to the judiciary and diversity on the bench."

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

The Space and Facilities Unit, within 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, assisting in planning for future space needs and providing project management and technical support for projects from schematic design to procurement and construction. In addition, the unit provides support to court units throughout the circuit on security and emergency preparedness through its emergency preparedness and security officer.

During 2021, the COVID-19 pandemic and related economic disruptions continued to have a significant impact on the work of the Space and Facilities Unit. While much work continued remotely, staff increasingly traveled to project sites to oversee ongoing work and to help resolve issues with design, detailing and construction. Challenges were encountered on numerous projects due to construction cost escalation, labor shortages, supply-chain delays and COVID-related shutdowns of construction sites. Nonetheless, a great deal of progress was made on current projects.

A major focus over the last year continued to be the construction of new chambers for circuit judges confirmed in 2018 and 2019. Chambers projects were completed in San Diego and Pasadena, California, adding to those completed in Honolulu, Phoenix and Idaho Falls in 2020. Additional circuit chambers in Carlsbad, California, and Reno, Nevada, were nearing completion at the end of 2021. Construction procurements proceeded on circuit chambers renovations in Seattle and San

Francisco. Staff began to gear up for a series of anticipated circuit chambers projects in 2022 for additional newly confirmed judges.

Other major projects under construction in 2021 included a project for two new district judge chambers and one new district courtroom in the Evo A. DeConcini Federal Building and U.S. Courthouse in Tucson, Arizona, and a major expansion project at the James M. Carter and Judith N. Keep U.S. Courthouse in San Diego to provide two additional district courtrooms. Another significant project under construction in 2021 was a realignment of the circuit library in Phoenix. This project will reduce the size of the circuit library, and the vacated space will be renovated as a shared chambers for senior circuit judges and a visiting chambers, which will facilitate holding of regular circuit court proceedings in Phoenix.

Design efforts continued on several major projects in 2021, including adding four magistrate judge chambers and space for the district clerk's office at the Carter-Keep U.S. Courthouse. Design for this project was completed in 2021, but construction must await the relocation of the current executive branch tenants, who are scheduled to move in late 2022.

Several major new leased projects for district and bankruptcy courts were under construction in 2021. In Oakland, California, a significant renovation and space reduction project for the U.S. Bankruptcy Court for the Northern District of California was completed. In addition to work in the courtrooms, chambers and staff spaces, this project also included security upgrades and led to the release of space that was subsequently taken by the new Federal Public Defender National Litigation Group. In San Diego, a project in leased space was awarded to house three magistrate judges until their permanent space in the federal courthouse is ready for occupancy.

The Space and Facilities Unit staff also assisted with projects for probation and FPD units. New

probation offices were completed in Butte, Montana; Everett, Washington; and Whittier, California, and a realignment project was completed in Richland, Washington. Planning and design efforts were undertaken for new or expanded probation offices in Hawthorne and Chula Vista in California, and Vancouver, Washington. The circuit also assisted FPD offices with several leasing actions around the circuit. A new leased FPD office was completed in Reno in 2021, and a new FPD office was under construction in Anchorage, Alaska. The office also worked with the General Services Administration and local offices on the procurement of new FPD leases in Phoenix and Seattle.

Over the last year, staff has focused significant efforts on advancing three new high-priority courthouse projects within the circuit. In 2021, the District of Alaska received approval from the Judicial Conference of the United States to proceed with a detailed feasibility study for a new courthouse in Anchorage, which is the next step in the multiyear process to receive congressional approval and funding for a new courthouse. The circuit also sought and received approval for two smaller new leased court facilities, in Flagstaff, Arizona, and Medford, Oregon. These projects would be funded by the judiciary in fiscal year 2023.

In addition to these new facilities, the circuit has assisted court units in pursuing approvals and funding for other major renovation projects. These include another project at the Carter-Keep U.S. Courthouse for three additional chambers and one courtroom and major building renovation projects for the Richard H. Chambers U.S. Court of Appeals building in Pasadena, California, the Tacoma Union Station Courthouse in Tacoma, Washington, and the William Kenzo Nakamura U.S. Courthouse in Seattle.

Throughout 2021, the Ninth Circuit continued to work with court units to identify space-saving projects that would reduce the rent paid to the GSA, which acts as the landlord for federal buildings. Since this focused effort started in 2013, the Ninth Circuit has completed nearly 90 space reduction projects, releasing 435,351

square feet of space for an annual rent savings of \$13.5 million. In the coming years, the circuit will continue to seek opportunities to 'right-size' court spaces, adopting space reduction strategies where evolving telework and business practices permit, but also balancing this with the need to maintain safe and healthy workspaces based on lessons learned during the COVID-19 pandemic.

The last year also brought an enhanced focus on circuit security concerns. Representative of this effort, the former Ninth Circuit Space and Security Committee, was divided into separate committees for Space and Facilities and for Judicial Security. This change has allowed for a greater focus on security matters, ranging from building security projects, judicial security policies, U.S. Marshals Service protocols, and coordination with national efforts on a number of new or evolving security programs. With the addition of the circuit's EPSO officer, Eric Christensen, communications with the USMS and other law enforcement partners have been streamlined, allowing for greater exchange of information on security incidents, threats and events. The EPSO has also offered a variety of services to court units, including training on judicial security, coordinating facility security assessments, evaluating security proposals and conducting tabletop exercises for emergency planning.

In terms of building security projects, a major focus over the last year was on marshalling resources for the Mark O. Hatfield U.S. Courthouse in Portland, Oregon, which has been the subject of repeated attacks since 2020. The efforts of the committee have contributed to the development of a design solution with the GSA and a commitment by the USMS to provide funding for project implementation. More generally, across the circuit greater efforts were made to coordinate security installations with the USMS, Federal Protective Service and the GSA, as budget, supply chain and manpower issues led to numerous challenges over the last year. These efforts have contributed to better relations with the judiciary's security partners and improved awareness of the circuit's project priorities and critical timeline issues.

# Ninth Circuit Stakeholders Collaborate to Improve Safety and Security of Court Facilities

In 2021, the Ninth Circuit began to take a more proactive role in security planning for court facilities through increased collaboration among the circuit's Emergency Planning and Security Office, circuit project managers and local court representatives, along with the General Services Administration and the court's security partners, the United States Marshals Service and Federal Protective Service.

Construction and renovation projects present a unique opportunity to bring the stakeholders for a site together to review and update security planning for the facility, including a review of security systems for the new facility, as well as the protocols to be used during emergency events or security incidents. Using established best practices and templates, these meetings allow all project participants to contribute to, and develop a better understanding of, the security requirements for each site. When the review is completed, the tenant agency has updated safety and security plans that include all of the security enhancements designed into the construction project. These plans then form the foundation for future security and safety training, testing and improvements. There are four standard written documents included in these packages.

The Facility Security Plan (FSP) identifies the security equipment and staff procedures established at the facility. Each construction project provides an ideal opportunity to identify and install recommended security equipment based upon the guidance of our law enforcement partners. By making security part of the design process, each law enforcement service provider is able to recommend modifications that reduces the risk of a criminal event occurring and allows the adoption of equipment to address current security concerns. In the end, the facility is

presented with a comprehensive plan that can be used to train staff on their role in maintaining safety at the new site.

The Occupant Emergency Plan (OEP) identifies actions that staff and visitors to the facility should take if an emergency such as fire, flood or natural disaster were to occur. The plan also provides guidance to the leadership of the facility on possible or necessary actions. By conducting a review of the existing plan during the construction process, procedures can be adapted for the shape and size of the new facility. Once the updated plan is adopted by the facility leadership, staff members returning to the new workspace can be trained on the new emergency procedures and their role in the overall emergency management plan.

The recent pandemic has shown the value of having a current and well thought out Continuity of Operations Plan (COOP). The construction process provides an ideal opportunity to review the essential functions of the facility and the staff at the facility. That review forms the foundation of the process to improve COOP for the site – to ensure the space and facility needs of the unit are adequately addressed within the plan. The Space and Facilities Unit in the Office of the Circuit Executive has a unique understanding of the capabilities of nearby court sites that may be able to provide assistance in time of emergency, reducing the need for extensive alternative site planning if the facility becomes uninhabitable. By using this opportunity to improve current plans, the circuit helps ensure improvements in the ability of the site to recover from the effects of a natural disaster or unforeseen emergency to keep the wheels of justice turning.

An unfortunate but necessary addition to the emergency plans at our facilities is an active shooter response plan. The plan provides guidance to staff, visitors and the leadership at our facilities on what to do should this type of event occur. By incorporating a discussion of this threat in the design and construction phase of the facility, additional safeguards can be included in the facility design to make it more resilient in

the face of such an attack. By involving all of our law enforcement partners in this process, the new tenant obtains the information they need to properly train their staff on their actions if this type of emergency were to occur.

The process of integrating security planning during the design, construction and occupation phases of these projects has motivated significant improvements to facilities within the Ninth Circuit. Including the circuit project managers and local court partners in this process increases the resiliency of the sites and helps to ensure that appropriate security measures are designed into the facility and integrated into

the various emergency response plans. While the circuit has focused recent efforts on new facilities, a similar process and set of templates can be applied at existing facilities. The circuit's emergency planning and security officer is available to assist court units seeking to update their current emergency and security plans.

As the year progresses, the circuit will be adapting this same process to improve the overall security planning for sites that are not experiencing a renovation or construction project. By taking the lessons learned through the current process, the Ninth Circuit continues to improve its overall readiness.

## | Sandra Day O'Connor United States Courthouse



This report heavily features images of the Sandra Day O'Connor United States Courthouse in Phoenix, where Circuit Judge Mary H. Murguia took the helm as chief judge of the U.S. Court of Appeals for the Ninth Circuit during the gavel passing ceremony held there Dec. 1, 2021. See page 26 of this report.

The courthouse, completed in April 2001, was named after Associate Justice Sandra Day O'Connor (Ret.), the first woman appointed to the U.S. Supreme Court. The courthouse is 571,078 square feet and has 18 courtrooms and chambers for 27 judges, including Chief Judge Murguia.

Notable artworks in the building include Lens Ceiling, a circular glass ceiling installation in the Special Proceedings Courtroom by James Carpenter, and a 9-foot tall bronze statue of Justice O'Connor created by Susan Henningsen. The statue was placed in the large courthouse atrium and was dedicated in 2002.



*Judges, lawmakers, civic leaders and 200 elementary school children gathered on September 4, 2002 to celebrate the unveiling of the Justice O'Connor statue.*

# WORK OF THE COURTS

## Court of Appeals Continues to Improve Processing Times as Pending Cases Decline

The United States Court of Appeals for the Ninth Circuit improved some case processing times and reduced its pending caseload in fiscal year ending Sept. 30, 2021. The improvements are the result of reductions in new and pending cases and a slight increase in cases terminated.

New appeals filed with the Ninth Circuit numbered 9,487 in FY 2021, down 8.8% from the prior fiscal year. Appellate filings nationwide numbered 44,546, down 7.6% overall. Ten of the 12 geographic circuits reported declines ranging from 3.3% to 21.5%. The Ninth Circuit continued to be the nation's busiest federal appellate court, accounting for 21.3% of all new appeals nationally.

### Appellate Caseload Profile

Caseload Measure	2020	2021	Change 2020-2021
Filings	10,400	9,487	-8.8%
Terminations	10,504	10,872	3.5%
<sup>1</sup> Pending Cases	11,165	9,780	-12.4%

<sup>1</sup>2020 Pending cases revised.

The Ninth Circuit disposed of 10,872 cases in FY 2021, up 3.5%. The court's pending caseload was reduced by 12.4% to 9,780 cases from 11,165. Five of the 12 geographic circuits reported reductions in terminations.

### Breakdown of New Appeals

Of the new filings, 29% of all new appeals in the Ninth Circuit involved immigration and other agency matters, while 42% 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 17.2% of new appeals from U.S. district courts nationwide in FY 2021. The district courts generated 5,825 new appeals, a decrease of 6.2% from the prior fiscal year. Of the total, 4,831 were civil appeals and 994 were criminal appeals. Prisoner petitions involving habeas corpus, capital habeas corpus, civil rights, prison conditions and other matters accounted for 42.3% of all new civil appeals from the district courts.

Among the 15 district courts in the circuit, the four California courts produced 53% of new civil appeals and 44.5% of new criminal appeals. The Central District of California, the busiest court in the circuit, generated 1,334 civil and criminal appeals, down 2.1% from the prior fiscal year.

Of the 994 new criminal appeals, 33.9% were related to drug offenses, and 6.9% were immigration offenses. The court reported 337

### Ninth Circuit Court of Appeals En Banc Ballots

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
2021	886	19	7	12
2020	820	29	7	22
2019	817	24	14	10
2018	955	17	8	9
2017	874	22	11	11

drug offenses and 69 immigration offenses. The court received 112 appeals involving property offenses and 99 appeals involving fraud. Of the 151 appeals received for offenses involving firearms and explosives, 63 were alleged to have been committed during a violent or drug-trafficking offense. Also reported were 93 appeals involving sex offenses and 77 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 decreased by 12.1% to 2,822 cases in FY 2021. The BIA accounted for 93.4% of agency appeals and 27.8% of the court's total new filings. The Ninth Circuit had 47.8% of the total BIA appeals filed nationally in FY 2021.

Original proceedings and miscellaneous applications commenced in FY 2021 numbered 578, down from 819 the prior fiscal year. The bulk of original proceedings cases involved second or successive habeas corpus petitions, 265, and mandamus appeals, 174.

### Terminations and Pending Cases

The Ninth Circuit terminated 10,872 cases in calendar year 2021, up 3.5% from the prior year. The total includes 5,308 civil and 1,152 criminal appeals originating in the district courts and 3,528 appeals of agency decisions.

Of the total case terminations, 6,637 cases, or 61.1%, were terminated on the merits, while 4,235 were terminated on procedural grounds. Of the total cases terminated on the merits, 293

## Filings, Terminations and Pending Cases by Nature of Proceeding

Type of Appeal	2020 Filings	2021 Filings	Change 2020-21	% of Circuit Total	2020 Terminations	2021 Terminations	Change 2020-21	2020 Pending	2021 Pending	Change 2020-21
Civil										
U.S. Prisoner Petitions	454	419	-7.7%	4.2%	445	471	5.8%	408	357	-12.5%
Private Prisoner Petitions	1,904	1,625	-14.7%	16.2%	1,842	1,764	-4.2%	1,288	1,148	-10.9%
Other U.S. Civil	652	603	-7.5%	6.0%	615	738	20.0%	704	570	-19.0%
Other Private Civil	2,160	2,184	1.1%	21.8%	2,522	2,335	-7.4%	1,972	1,822	-7.6%
Criminal	1,041	994	-4.5%	9.9%	1,208	1,152	-4.6%	1,069	911	-14.8%
Other										
Bankruptcy	160	160	0.0%	1.6%	197	248	25.9%	136	150	10.3%
Administrative Agency Appeals	3,210	3,210	0.0%	32.1%	2,888	3,528	22.2%	5,409	4,702	-13.1%
Original Proceedings and Miscellaneous Applications	819	819	0.0%	8.2%	787	636	-19.2%	178	120	-32.6%
Circuit Total	10,400	10,014	-3.7%		10,504	10,872	3.5%	11,164	9,780	-12.4%
National Appellate Total	48,190	44,546	-7.6%		48,300	47,748	-1.1%	38,731	35,552	-8.2%
Ninth Circuit as % of National Total	21.6%	22.5%	0.9%		21.7%	22.8%	1.0%	28.8%	27.5%	-1.3%

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit. Totals include reopened, remanded and reinstated as well as original appeals. Beginning in March 2014, data include miscellaneous cases not included previously.

cases were through consolidation. Of the merit decisions, 1,287 came after oral argument, up 1.4%, and 5,057 after submission on the briefs, down 6.5% from the prior year. Total cases terminated on the merits, excluding by consolidation, included 1,497 prisoner cases, 740 criminal cases and 1,634 administrative agency appeals.

In FY 2021, cases terminated on the merits that were affirmed or enforced, which includes appeals affirmed in part and reversed in part, numbered 4,202; 615 reversed, 42 remanded and 715 dismissed. The court's overall reversal rate was 10.2%, compared to a national average of 8.7%. The reversal rate was 13.4% for criminal cases; 26.6% for civil cases involving the federal government and 13.3% for non-government civil cases; and 7.2% 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 2021, judicial panels produced 459 signed opinions, four of them unpublished, and 5,827 unsigned opinions, 53 of them published.

The court's pending caseload decreased in FY 2021. Pending cases numbered 9,780, down 12.4% from FY 2020. Of the pending caseload in FY 2021, 48.1% involved administrative appeals; 24.5% government and non-government civil matters; 15.4% prisoner petitions; and 9.3% criminal matters. Of the pending caseload, 34.5% had been pending less than six months, 22.7% pending six to less than 12 months and 42.8% pending for 12 months or longer.

### 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 2021, the median time interval from filing of a notice of appeal to final disposition was 13.1 months, up from 12.5 months in FY 2020. The median time interval from the filing of a case in a lower court to a final disposition was 31.8 months, down from 32 months in FY 2020. The national median time intervals in FY 2021 were 9.9 months from notice of appeal to final disposition by a circuit court of appeals and 32.8 months from the filing of a case in a lower court to final disposition by a circuit court.

## Median Time Intervals in Months for Cases Terminated on the Merits

By Stage of Appeal	Number of Months			
	Ninth Circuit		National	
	2020	2021	2020	2021
<sup>1</sup> From Filing of Notice of Appeal or Docket Date to Filing of Appellee's Last Brief	9.2	8.8	5.7	5.5
From Filing of Appellee's Last Brief to Oral Argument or Submission on Briefs	11.0	7.6	4.2	4.3
From Oral Argument to Last Opinion or Final Order	1.7	1.4	2.3	2.1
From Submission on Briefs to Last Opinion or Final Order	0.2	0.2	0.4	0.3
<sup>1</sup> From Filing of Notice of Appeal or Docket Date to Last Opinion or Final Order	12.5	13.1	9.1	9.9
From Filing in Lower Court to Last Opinion or Final Order in Appeals Court	32.0	31.8	30.4	32.8

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 mean time intervals for original proceedings, miscellaneous applications and appeals from administrative agencies.

Once an appeal was fully briefed, Ninth Circuit judges decide all types of cases fairly quickly. In FY 2021 the median time interval for panel decisions was 1.4 months, down from 1.7 months in 2020, for a case in which oral argument was held, and remained constant at about six days, or .2 months, 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 2021, new appeals by pro se litigants numbered 3,988, down 13.1% from the prior fiscal year. Pro se litigants accounted for 42% of all appeals opened during FY 2021. Pro se appeals involving federal and state prisoner petitions numbered 1,634. Pro se appeals involving agency appeals numbered 714 making up 17.9% of all new pro se filings.

The court terminated 4,044 pro se appeals in FY 2021, down 7.1% from the prior year. Of that number, 2,443 were terminated on the merits after oral argument, submissions on the briefs, or by consolidation. Prisoner petitions and other private civil 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 886 petitions seeking en banc review, up 8% from 2020. Active judges of the court voted on 19 en banc requests, granting en banc review in seven, similar to total granted in 2020, when the court voted on 29 en banc requests. During FY 2021, seven en banc courts were convened. Oral arguments were held in five cases and two cases were submitted on the briefs.

### Death Penalty Cases

The court ended calendar year 2021 with 69 pending death penalty appeals resulting from crimes in four states: California, 35 cases; Arizona, 21; Nevada 12; and Idaho, 1. Within the circuit, another 683 death penalty cases were pending in federal trial courts and state supreme courts. There were 906 prisoners on death row. Since 1976, there have been 75 executions by states within the circuit.

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

District	Commenced	% of Total
Alaska	116	1.2%
Arizona	729	7.7%
C. Calif.	1,334	14.1%
E. Calif.	542	5.7%
N. Calif.	755	8.0%
S. Calif.	367	3.9%
Guam	17	0.2%
Hawaii	175	1.8%
Idaho	152	1.6%
Montana	195	2.1%
Nevada	534	5.6%
Northern Mariana Islands	6	0.1%
Oregon	348	3.7%
E. Wash.	124	1.3%
W. Wash.	431	4.5%
Bankruptcy	262	2.8%
Administrative Agencies, Total	2,822	29.7%
IRS	42	0.4%
NLRB	25	0.3%
BIA	2,635	27.8%
Other Administrative Agencies	120	1.3%
Original Proceedings and	578	6.1%
Miscellaneous Applications		
<b>Circuit Total</b>	<b>9,487</b>	

### Contributions by Active, Senior and Visiting Judges

The court ended FY 2021 with 28 active circuit judges and 18 senior circuit judges. Of the 6,344 written opinions, excluding consolidations, issued by the court in FY 2021, 68.7% were authored by active circuit judges, 23.4% by senior judges and 7.9% by visiting judges sitting by designation.

## District Courts Overall Filings Decrease Slightly

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 decreased slightly in fiscal year 2021. Total new civil and criminal filings numbered 58,715, down 2.1% from FY 2020. Total cases terminated was 58,438, down 8.4%, and total pending cases were up 0.6% to 64,282. The circuit accounted for 14.6% of all filings nationwide, up from 11.3% in 2020. Total new civil and criminal filings nationwide in 2021 were 403,391, down 24%, over 126,000 filings, from 530,465 in FY 2020.

COVID-19-related issues began to diminish as we emerged from the pandemic. “Criminal cases, while never ceasing, have begun to be held more often in person. Access to criminal defendants has increased in the Northern District,” said Mark Busby, clerk of court for the Northern District of California. “Ninth Circuit district courts continue to operate though sometimes with limited in-person hearings. Jury selection issues have been minimized due to relaxing of social distancing requirements and the culling of jury pools via online questionnaires, without requiring courthouse attendance. Most if not all courthouses are holding trials both criminal and civil, with civil trials often having a remote access component,” Busby added.

“Courts have found creative solutions to counter most COVID-19-related issues, but some remain,” said Ravi Subramanian, district court executive/clerk of the court for the Western District of Washington. “Although physical distancing and masking restrictions were relaxed, courts have found it necessary to adapt based on local preferences and risk tolerance,” Subramanian noted.

Debra D. Lucas, district court executive/clerk of court for the District of Arizona, said “Many COVID-19-related issues have been resolved and criminal cases began again in many courts as accused were able to meet with lawyers.” Like other courts, jury selection issues have largely been solved due to reduced social distancing requirements and by using technology and prescreen questionnaires to select jury pools without requiring courthouse attendance.

“During the pandemic, we held criminal hearings virtually and a few in person trials if there was consent when COVID improved some,” said Deb Kempf, clerk of court for the Nevada District. “We have been holding jury trials for some time and it is definitely easier with less distancing and improvements with COVID.” Like other districts, the Nevada District added a questionnaire to help reduce the numbers of jury pool members that need to come in.

### Criminal Caseload and Defendants

District courts in the Ninth Circuit reported an increase in criminal filings, up 4.1% with 12,454 cases. Overall, criminal filings were down 1.8% nationwide. Ninth Circuit district criminal cases terminated during the year numbered 10,950, down 8.1%. The district courts’ combined pending criminal caseload was 16,188, up 10.5%.

Seven of the 15 district courts in the nine western states comprising the Ninth Circuit reported more criminal case filings in FY 2021. The biggest increase percentagewise was in the District of the Northern Mariana Islands, up 120%, an addition of 12 filings. The District of Hawaii had the next largest increase, up 43.2%, going from 118 to 169 filings. The highest increase in the continental U.S. was in the Arizona District with 28.5 more case filings than in FY 2020, and the most filings of any district at 4,933. The Western District of Washington was up 21.4%, and the District of Nevada was up 15%.

The District of Oregon saw the largest percent decrease in filings, a drop of 21.6%, from 499 to 391. The District of Montana had the next highest

drop, 16.3%, going from 331 to 277. The District of Alaska was down 14.1% from 156 to 134, while the Southern District of California had a drop of 13.1%, going from 4,186 to 3,638 cases. The Northern District of California was down 9.8%, and the District of Idaho was down 6.3%.

The Ninth Circuit accounted for 21.2% of the new criminal case filings nationally, which numbered 58,824, down 1.8% from FY 2020.

In the Ninth Circuit, the total number of defendants involved in criminal cases was 14,685, up 5.9% from FY 2020. The majority of the defendants, 14,085, were charged with felony offenses. Defendants charged with drug offenses numbered 5,326. They accounted for 36.3% of total criminal defendants in the circuit. Of the total drug offenses, 184 involved marijuana and 5,142 involved all other drug offenses.

## U.S. District Courts - Criminal Defendants Commenced (Excluding Transfers) by Offense and District

	AK	AZ	C. Calif.	E. Calif.	N. Calif.	S. Calif.	GU	HI	ID	MT	NV	NMI	OR	E. Wash.	W. Wash.	Total 2020	Total 2021	Change 2020-21
<b>Violent Offenses</b>																		
Homicide	0	29	10	0	0	1	0	0	0	4	1	0	3	1	1	42	50	19.0%
Robbery	1	16	7	0	11	8	0	0	1	0	10	0	12	0	0	56	66	17.9%
Assault	1	106	12	8	1	51	0	3	10	11	8	0	15	8	25	180	259	43.9%
Other	6	14	28	7	13	2	0	10	2	6	3	0	12	15	9	108	127	17.6%
<b>Property Offenses</b>																		
Burglary, Larceny & Theft	0	12	56	7	11	2	1	0	9	2	9	0	13	6	40	123	168	36.6%
Embezzlement	7	9	5	1	0	0	0	1	1	1	3	0	5	4	0	33	37	12.1%
Fraud	5	69	237	40	113	108	7	33	24	27	46	9	49	5	41	788	813	3.2%
Forgery & Counterfeiting	0	1	0	0	0	1	1	1	4	0	0	0	0	3	0	26	11	-57.7%
Other	0	2	3	1	1	8	0	0	0	3	7	1	2	2	21	10	51	410.0%
<b>Drug Offenses</b>																		
Marijuana	6	68	8	9	22	12	0	0	8	3	0	0	19	0	29	160	184	15.0%
All Other Drugs	81	767	379	262	124	2,532	17	122	141	124	105	11	213	114	150	4,487	5,142	14.6%
Firearms and Explosives Offenses	49	129	200	65	105	77	1	23	50	98	121	0	83	55	42	1,010	1,098	8.7%
Sex Offenses	11	65	47	24	34	12	5	4	32	28	31	1	50	24	31	410	399	-2.7%
Justice System Offenses	6	26	7	4	9	50	0	2	4	3	2	0	10	10	4	104	137	31.7%
<b>Immigration Offenses</b>																		
Improper Reentry	1	3,097	62	15	8	770	0	2	27	5	47	0	18	25	10	4,025	4,087	1.5%
Other	0	737	7	0	0	466	3	1	0	1	1	2	0	3	1	1,214	1,222	0.7%
General Offenses	13	43	47	13	48	67	0	13	4	9	11	0	31	10	14	181	323	78.5%
Regulatory Offenses	7	94	44	7	13	64	7	4	6	3	9	0	5	2	13	129	278	115.5%
Traffic Offenses	0	2	5	0	4	0	0	0	0	0	1	0	0	0	199	0	211	-
All Offenses Total	194	5,286	1,164	463	517	4,231	42	219	323	328	415	24	540	287	630	13,086	14,663	12.1%

Criminal defendants charged with immigration offenses numbered 5,309, up slightly, 2.1%, in FY 2021. Immigration offenses accounted for 36.2% of all criminal defendants. Of the total, 4,087 defendants were charged with improper reentry into the United States.

Defendants charged with drug offenses in the Arizona District nearly doubled from 421 to 835 in FY 2021, up 98.3%. The district had 72.2% of all defendants in the circuit charged with immigration offenses and 15.7% of all defendants with drug offenses in the circuit.

The Arizona District had the largest total number of defendants, 5,289, of whom 4,669 were charged with immigration and drug offenses, 88.3% of the total. The district reported 3,834 defendants charged with immigration offenses, up 24.8% from FY 2020.

The district with the second highest number of defendants, the Southern District of California, with 4,238 total defendants, of whom 3,780 were charged with immigration and drug offenses, or 89.2% of the total. The Southern District of California had 23.3% of all defendants in

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

District	Authorized Judgeships	Weighted Filings Per Judgeship						Unweighted Filings Per Judgeship			
		Civil	Criminal	Supervision Hearings	2021 Total	2020 Total	Change 2020-21	Civil	Criminal	Supervision Hearings	2021 Total
Alaska	3	103	97	0.0	200	201	-0.5%	113	64	0.3	177
Arizona	13	209	304	10.7	513	415	23.6%	241	406	133.0	647
C. Calif.	28	582	65	1.9	647	702	-7.8%	515	42	23.4	557
E. Calif.	6	595	116	3.7	711	698	1.9%	687	77	42.8	764
N. Calif.	14	744	63	3.4	807	612	31.9%	680	37	41.9	717
S. Calif.	13	183	411	7.6	594	625	-5.0%	176	326	93.0	502
Hawaii	4	144	93	2.8	237	213	11.3%	142	55	34.5	197
Idaho	2	239	227	6.0	466	485	-3.9%	267	162	72.0	429
Montana	3	187	169	11.2	356	403	-11.7%	201	109	92.0	310
Nevada	7	399	82	4.1	481	469	2.6%	406	59	37.1	465
Oregon	6	291	146	6.4	437	440	-0.7%	331	90	34.1	421
E. Wash.	4	156	103	12.3	259	263	-1.5%	210	72	144.8	282
W. Wash.	7	366	64	3.2	430	470	-8.5%	382	90	34.1	472
Circuit Total	110	4,198	1,940	73.3	6,138	5,996	2.4%	4,351	1,589	783.0	5,940
Circuit Mean		323	149	5.6	472	461	2.4%	335	122	60.2	457
Circuit Median		239	103	4.1	466	469	-0.6%	267	77	41.9	465
National Mean		456	143	4.0	608	549	10.7%	554	111	40.7	705
National Total	673	434	135	3.5	573	535	7.1%	492	110	36.9	640

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.

the circuit charged with immigration offenses and 47.8% of all defendants with drug offenses in the circuit.

Ninth Circuit district courts reported 1,080 defendants charged with property offenses, up 10.2%. Under this category, defendants charged with fraud were most numerous, totaling 813, followed by burglary, larceny or theft, 168; embezzlement, 37; forgery and counterfeiting, 11; and 51 for other property offenses.

In the Ninth Circuit, defendants charged with firearms and explosives offenses numbered 1,098. Total number of defendants charged with violent offenses, which includes homicide, robbery, assault and other violent offenses, was 502, up 30.1% in FY 2021.

Total pending criminal caseload numbered 16,188, up 10.5% from FY 2020. Eleven of the 15 district courts in the circuit reported an increase in pending criminal caseload.

### Civil Caseload

During FY 2021, Ninth Circuit district courts reported fewer new civil filings, and terminated fewer cases, ending the year with lower pending caseloads. New civil filings dropped by 3.7% to 46,261. Case terminations numbered 47,448 down 8.6% from FY 2020. Pending caseload was 48,094 a decrease of 2.4%. New civil filings accounted for 78.8% of total caseloads in the district courts.

New private civil cases numbered 38,864 and accounted for 84% of all new civil filings in the Ninth Circuit. Major categories of new private civil filings were civil rights, 11,635 cases; prisoner petitions, 7,342; personal injury, 5,077; contracts cases, 4,113; intellectual property, 2,609; and labor matters, 1,740.

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

Caseload Measure	2020	2021	Change 2020-21
Civil Filings	48,033	46,261	-3.7%
Criminal Filings	11,962	12,454	4.1%
Total Filings	59,995	58,715	-2.1%
Civil Terminations	51,898	47,448	-8.6%
Criminal Terminations	11,912	10,950	-8.1%
Total Terminations	63,810	58,398	-8.5%
<sup>1</sup> Pending Civil Cases	49,281	48,094	-2.4%
Pending Criminal Cases	14,654	16,188	10.5%
<sup>1</sup> Total Pending Cases	63,935	64,282	0.5%
Civil Case Termination Index (in months)	11.39	12.16	6.8%
Criminal Case Termination Index (in months)	14.76	16.30	10.4%
Overall Case Termination Index	12.00	13.21	10.1%
Median Time Intervals in Months from Filing to Disposition			
Civil Cases	8.6	7.2	-16.3%
Criminal Defendants	6.2	7.8	25.8%
Civil Cases National Average	8.9	8.5	-4.5%
Criminal Defendants National Average	7.0	9.8	40.0%

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 table includes data on 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 date 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>2020 pending cases revised

The U.S. was a party to 7,397 new civil filings, accounting for 16% of the total new civil caseload in Ninth Circuit district courts. Among the matters involving the government, Social Security cases were most numerous, 4,106 or 55.5% of the total U.S. civil cases in the Ninth Circuit. Prisoner petitions followed with 754 cases or 10.2%. Other categories were tort actions, 440 cases; civil rights, 269 cases; and forfeitures and penalties, 234 cases.

Prisoner petitions totaled 8,096 or 17.5% of all new Ninth Circuit civil filings. About 86% or 6,965 of all prisoner petitions were initially filed pro se. The federal trial courts in Arizona, California and Nevada had the most prisoner petitions.

New civil filings decreased in 12 of the 15 district courts of the Ninth Circuit. The Central District of California saw a drop of 1,564 cases, or 9.5%, to 14,897 cases, the third-highest total number of civil filings in the nation. The Southern District of California had 289 fewer cases, or 10.4%, to 2,484 cases in FY 2021.

The Northern Mariana Islands had an increase in filings from 34 to 44, up 29.4%. The Northern District of California saw the next largest percentage increase of 14.1%, rising by 1,258 cases to 10,024 cases in FY 2021. The Western District of Washington saw the largest percentage drop, 14.2%, from 3,216 to 2,759.

## Case Processing Times

Civil case processing times in the district courts of the Ninth Circuit were down about a month to an average of 7.2 months from the prior fiscal year, about a month better than the national median time of 8.5 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 7.6 months for pleas and 9.2, months for dismissals, up from 6.0 and 8.1 months, respectively. Median times for the 121 criminal defendants who went to trial increased in FY 2021 to 20 months from 9.4 months in FY 2020 for a bench trial, and 29.7 months in 2021 versus 19.6 months in 2020 for jury trials. The median time for all criminal dispositions in the Ninth Circuit was 7.8 months; nationally the median is 9.8 months for all criminal dispositions.

## Bankruptcy Filings Continue to Decline

All bankruptcy courts in the Ninth Circuit experienced a continued drop in new filings in 2021 ranging from 8.7% to 36.6%, mirroring a nationwide trend. This marks the second year of significant decreases in new bankruptcy filings with every district nationwide reporting a reduction in bankruptcy filings, and most were down 25%-35%.

New bankruptcy filings in the circuit numbered 77,848, down 24.3% from the prior year when filings were 102,876. Filings nationwide were down sharply, 29.1% to 434,540 from 612,561 in FY 2020.

The Central District of California, which again ranks first in bankruptcy filings nationwide and in the circuit, had the largest numerical drop, going

### Ninth Circuit Bankruptcy Courts

District	2020 Total Filings	2021 Total Filings	Change 2020-2021
Alaska	337	243	-27.9%
Arizona	14,519	10,773	-25.8%
C. Calif.	31,042	24,248	-21.9%
E. Calif.	12,279	8,755	-28.7%
N. Calif.	6,586	4,934	-25.1%
S. Calif.	7,002	5,338	-23.8%
Guam	82	65	-20.7%
Hawaii	1,609	1,330	-17.3%
Idaho	3,006	2,214	-26.3%
Montana	994	703	-29.3%
Nevada	8,309	7,583	-8.7%
<sup>1</sup> N. Mariana Is.	1	2	-
Oregon	7,374	5,147	-30.2%
E. Wash	2,584	1,638	-36.6%
W. Wash.	7,152	4,875	-31.8%
<b>Circuit Total</b>	<b>102,876</b>	<b>77,848</b>	<b>-24.3%</b>

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

from 31,042 in FY 2020 to 24,248 in FY 2021, down 6,794 cases, or 21.9%.

The drop in 2020 was attributed to national and local initiatives such as the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (Tenant, Homeowner, and Landlord Act), along with one-time cash payments, increased unemployment benefits, and small business loans, all of which contributed to keeping people afloat, avoiding bankruptcy.

Filings continued to drop in 2021, but there were still almost 80,000 new cases in 2021 and courts continued to provide access to justice to all litigants, retaining procedures and initiatives to continue to keep cases flowing.

All of the factors mentioned above continued to contribute to the decline in filings in 2021, said Mark Hatcher, clerk for the bankruptcy court in Western District of Washington. “Historic low interest rates may also have played somewhat of a factor,” he added. “But as many of the support initiatives have or soon will end, bankruptcy activity is gradually starting to pick up. Trends are hard to predict, but a rise in filings seems likely. The economy is on the edge of recession, inflationary pressure is up, interest rates are rising, and there are worker shortages and supply chain issues. It’s likely there will be challenges ahead for businesses and consumers alike.”

“I’d be really surprised if the numbers continue to fall,” said California’s Central District Chief Bankruptcy Judge Theodor C. Albert. “The ‘free money’ and ‘moratoria’ against evictions, etc. referenced are all gone or sunsetted now, to best of my knowledge, with limited exceptions.”

“Despite the decrease in total filings in 2021, Chapter 13 filings increased by 13% from the first quarter of 2021 to the last quarter of 2021 and pro se filings increased by 16% for the same periods,” said Kathleen J. Campbell, clerk for California’s Central District bankruptcy court. The Central District anticipates this trend will continue through 2022.

“We anticipate deep budget cuts in our Court in FY 2023 as a result of funding constraints at the national level and our drop in filings and will do our best to retain sufficient well-trained staff to handle the workload,” said Campbell. “It isn’t a question of if filings will go up, it is a matter of when. If the previous economic downturn is any indication of the Court’s future, the Central District could experience a substantial increase in filings over a short period of time. For example, during the Great Recession (from 2007 through 2010), bankruptcy filings in the Central District of California drastically increased by 307% from 34,028 to 138,585 filings.”

Of the 15 judicial districts in the Ninth Circuit, 13 are served by a bankruptcy court—district judges preside over bankruptcy cases in the Districts of Guam and the Northern Mariana Islands.

The districts of Eastern and Western Washington had the largest drop percentagewise, down 36.6 and 31.8, respectively, resulting in 3,223 fewer cases between the two districts.

New filings in the Alaska District dropped from 337 to 243, or 27.9%, followed by the Northern District of California at 25.1%, which went from 6,586 to 4,934, or 1,652 fewer cases from prior fiscal year.

Idaho saw a reduction of 26.3%, 792 cases, or 3,006 to 2,214 new filings in FY 2021, Eastern District of California had a drop of 28.7%, logging a drop of 3,524 fewer filings, from 12,279 in FY 2020 to 8,755 in FY 2021. New bankruptcy filings in Oregon were down 30.2% from 7,374 to 5,147 in FY 2021, a reduction of 2,227 cases.

Nevada District filings dropped 8.7%, the smallest drop nationwide, from 8,309 to 7,583, or 726 fewer cases, followed by Hawaii with the next smallest drop in the Ninth Circuit, down 17.3%, a reduction of 279 cases from 1,609 in FY 2020 to 1,330 in FY 2021. The District of Arizona had a 25.8% drop in cases, from 14,519 to 10,773, or 3,746 fewer new filings.

## Business and Nonbusiness Bankruptcy Cases Commenced by Chapter of the U.S. Bankruptcy Code

<sup>2</sup> Predominant Nature of Debt	2020	2021	Change 2020-2021
Business Filings			
Chapter 7	2,886	2,378	-17.6%
Chapter 11	761	697	-8.4%
Chapter 12	59	31	-47.5%
Chapter 13	239	170	-28.9%
Nonbusiness Filings			
Chapter 7	80,523	64,368	-20.1%
Chapter 11	274	181	-33.9%
Chapter 13	18,122	10,016	-44.7%
<sup>2</sup> Total	102,864	77,841	-24.3%
Terminations	117,248	96,513	-17.7%
<sup>1</sup> Pending Cases	101,530	82,863	-18.4%

NOTE: 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, as defined in Section 101 of the U.S. Bankruptcy Code, or other debt that the debtor indicates is not consumer debt or business debt. The United States territorial courts assume the jurisdiction of the U.S. bankruptcy courts within their respective territories, which do not have separate bankruptcy courts.

<sup>1</sup>2020 pending cases revised

<sup>2</sup>The following filings are not reflected in the total business and nonbusiness bankruptcy cases commenced for fiscal years 2020 and 2021:

### Fiscal Year 2020

Central Calif. (Chapter 15=2)  
Northern Calif. (Chapter 15=1)  
Hawaii (Chapter 15=2)  
Idaho (Chapter 9=1)  
Oregon (Chapter 15=6)

### Fiscal Year 2021

Central Calif. (Chapter 15=3)  
Northern Calif. (Chapter 15=1)  
Nevada (Chapter 15=1)  
Oregon (Chapter 15=1)

New bankruptcy filings by nonbusiness filers were down across the board in the Ninth Circuit in fiscal year 2021. Total nationwide nonbusiness filings, which involves individual debtors, numbered 418,400 or 96.3% of all new bankruptcy filings in the U.S. Total nonbusiness filings in the Ninth Circuit were down by 24.6% to 74,565 new filings, accounting for 95.8% of all new filings in the circuit.

New business and nonbusiness Chapter 7 filings were most numerous in the Ninth Circuit, where filings numbered 66,746 or 21.5% of all Chapter 7 filings in the nation and 85.7% of all new filings in the circuit.

Chapter 13 filings, which allow individuals with regular income to develop a plan to repay all or part of their debts, numbered 117,784 nationally. In the Ninth Circuit, new Chapter 13 filings totaled 10,186 or 13.1% of all bankruptcy filings in the circuit. Chapters 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 are not familiar or lack understanding of the law and legal procedures. In general, pro se filers require more staff time to process their cases.

Bankruptcy filings by pro se debtors in the Ninth Circuit decreased sharply by 43.4% to 6,176 in fiscal year 2021. Pro se filers accounted for 7.9% of all bankruptcy filings in the circuit in FY 2021. The Central District of California again had the most new bankruptcy cases in the nation at 24,248, and also reported the highest number of pro se bankruptcy cases nationwide with 1,964 new filings, accounting for 31.8% of all pro se bankruptcy filings in the circuit.

The District of Arizona ranked fourth, again, nationwide with 1,286 pro se filings, down 43.9% from the prior fiscal year. Filings in the Eastern District of California were down by 50% to 789 and the District of Nevada was down 33.7% to 468 cases. Decreases were reported in all other

districts including Guam, which went from four filings in 2020 to three filings in 2021.

### **Termination and Pending Cases**

In the Ninth Circuit, bankruptcy cases terminated totaled 96,513 or 16.6 % of the 579,469 bankruptcy cases closed nationwide in fiscal year 2021.

The Central District of California terminated 28,443 cases or 29.5% of all cases closed in the circuit. The District of Arizona had 14,194 cases closed or 14.7%; the Eastern District of California had 10,693 cases closed or 11.1%; the Northern District of California had 7,149 cases closed or 7.4%; the Western District of Washington had 6,552 cases closed or 6.8%. The districts of Alaska, Southern California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon and Eastern Washington made up the remaining 29,482 cases terminated in the circuit.

Pending cases in the circuit were reduced to 82,863 or by 18.4% in fiscal year 2021 compared to FY 2020. The Central District of California had 18,478 pending cases, down 18.5%; the District of Arizona with 14,928 cases, down 18.6%; the Northern District of California with 8,713 cases, down 20.3%; and the Eastern District of California with 8,836 cases, down 18%. Total pending cases nationwide numbered 761,709, down 16% from FY 2020.

### **Reappointments**

In 2021, judges of the United States Court of Appeals for the Ninth Circuit reappointed three bankruptcy judges to a second 14-year term. Judges reappointed were Ernest M. Robles of the Central District of California, Laura S. Taylor of the Southern District of California and Dennis Montali of the Northern District of California.

## BAP Continues to Navigate the Pandemic

The BAP operates under authority of the Judicial Council of the Ninth Circuit to hear appeals from 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. However, if any party files a timely election, the appeal is transferred to the appropriate district court according to the consent rule.

Six bankruptcy judges from the circuit are appointed to serve seven-year terms on the BAP; each BAP judge may be reappointed to an additional three-year term. In their appellate capacity, BAP judges are precluded from hearing matters arising from the districts in which they are designated to hear bankruptcy cases.

### New Filings

For the fiscal year ending Sept. 30, 2021, new bankruptcy appeals filed were 474, a decrease of 21% when compared to FY 2020. The BAP handled 46% of all bankruptcy appeals, and the district courts handled 54%.

### Dispositions

The BAP disposed of 297 appeals, an 18% decrease from FY 2020. Of those, 103 appeals were merits terminations. Oral argument was held in 82 appeals, and 21 appeals were submitted on briefs. The BAP published 14 opinions, 14% of merits decisions. The reversal rate was 8%. The percentage of cases either reversed or remanded was 12%. The median time for an appeal decided on the merits was 8.4 months, a 7% reduction from FY 2020. Of the remaining 194 closed cases, three were terminated by consolidation and 54 were transferred to the district courts after appellee elections or in the interest of justice. The balance of 137 closed appeals were terminated on procedural grounds, such as lack of prosecution, lack of jurisdiction, or voluntary dismissal. The BAP ended FY 2021 with 102 appeals pending, down 21% compared to end of FY 2020.

### Pro Se Appeals

BAP pro se filings returned to a more typical rate of 49% of new appeals in FY 2021 after FY 2020's record 60% pro se filing rate. At fiscal year's end, the BAP pro se caseload equaled 51% of pending appeals.

### 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 FY 2021, 256 second-level appeals were filed, an increase of 60% compared to FY 2020. Of these, 62 were appeals

## Ninth Circuit Bankruptcy Appeal Filings

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 2019	564	330	272	292	52%	48%
FY 2020	597	339	282	315	53%	47%
FY 2021	474	270	216	258	54%	46%

<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.

from decisions by the BAP and 194 were from decisions by the district courts. Thus, of the 297 appeals that were disposed of by the BAP, roughly 79% were fully resolved, with only 21% seeking second-level review.

### Continuing Impact of the Covid-19 Pandemic on BAP Operations

#### Oral Arguments

The BAP conducted oral arguments via Zoom video. The Ninth Circuit Court of Appeals assisted with the video and livestreamed BAP oral arguments, enabling widespread access to the proceedings. With video hearings, the BAP was able to set cases from multiple districts on a single calendar, speeding up oral argument settings in fully briefed appeals and reducing the lag time between the filing of the last brief and the submission of the matter by 17%.

#### Bankruptcy Appeals 101 Program

The BAP expanded its Bankruptcy Appeals 101 program in collaboration with and with technical support from the Education Committee of the Central District of California Bankruptcy Court. Initially offered to bankruptcy court externs and law clerks throughout the Ninth Circuit, the program attracted nationwide participation.

The three-part program began with a Zoom presentation of general appellate law principles and issues unique to bankruptcy appeals and bankruptcy appellate panels. Materials covering bankruptcy appellate law and summaries of the cases to be argued that week were provided. Participants then watched BAP oral argument sessions via livestream. Post-arguments, participants were divided into smaller Zoom discussion groups where they had an opportunity to ask BAP judges questions about the topics covered in the pre-argument presentation as well as effective appellate oral argument and briefing techniques.

## New Bankruptcy Appeal Filings

District	Bankruptcy Appellate Panel	District Court <sup>1</sup>	2021 Total
Alaska	0	1	1
Arizona	19	18	37
C. Calif.	77	110	187
E. Calif.	13	8	21
N. Calif.	36	33	69
S. Calif.	13	47	60
Hawaii	5	1	6
Idaho	5	8	13
Montana	5	4	9
Nevada	21	10	31
Oregon	12	7	19
E. Wash.	3	3	6
W. Wash.	7	8	15
<b>Total</b>	<b>216 (47%)</b>	<b>258 (54%)</b>	<b>474</b>

<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 See Increase in Criminal Pretrial Matters and Civil Consent Cases

Appointed under Article I of the United States Constitution, magistrate judges are selected by the district judges of their judicial district. They are appointed to an eight-year term, may be reappointed, and 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 substantial contributions to the work of the federal trial courts involving a variety of judicial matters. Their work includes issuing search and arrest warrants, conducting settlement conferences, handling petty offenses, and taking felony pleas. Magistrate judges conduct preliminary proceedings, decide trial jurisdiction matters, review prisoner petitions and perform other duties. They may preside over civil trials with consent of the parties.

In fiscal year 2021, there were 106 full-time magistrate judges and six part-time magistrate judges, and one magistrate judge/clerk of court, along with 19 recalled magistrate judges, who served 10 district courts of the Ninth Circuit. Despite the continuing challenges posed by COVID-19, magistrate judges throughout the Ninth Circuit continued to hold court, sometimes remotely. All told, Ninth Circuit magistrate judges disposed a total of 220,972 civil and criminal matters in FY 2021.

The largest category of matters handled by magistrate judges is felony preliminary proceedings, which include complaints, initial appearances, search warrants, arraignments, detention hearings, arrest warrants, preliminary hearings, summonses, bail reviews, forfeitures, Nebbia hearings, attorney appointments and material witness hearings. Magistrate

judges disposed of 101,202 felony preliminary proceedings, down 7.1% from FY 2020.

Additional duties related to criminal pretrial matters disposed of in FY 2021 numbered 53,116 up 7.2%. Non-dispositive and dispositive motions, pretrial conferences, guilty plea proceedings, probation and supervised release revocation hearings, reentry/drug court proceedings, mental competency proceedings, motion hearings and writs are included under this category. Non-dispositive motions total was 30,257, up 18.3% from 25,572. Reports and recommendations made for criminal dispositive motions numbered 237, an increase of one case from 236, in FY 2021, while other civil dispositive motions total was 2,736, down 22 cases from 2,758, in FY 2021.

Additional duties involving civil pretrial matters were down 36.9% from 52,119 to 32,875. This category includes non-dispositive motions/grants of in forma pauperis, or IFP, status, settlement conferences/mediations, other pretrial conferences, evidentiary proceedings, summary jury/other ADR/early neutral evaluations and motion hearings/oral arguments.

Class A misdemeanor and petty offense defendants disposed of by magistrate judges decreased dramatically again, from 19,882 to 8,273, a drop of 58.4%. Petty offense defendants were down 59.7% from 19,184 to 7,739 while Class A misdemeanors were down 23.5%, from 698 to 534 in FY 2021.

Civil consent cases terminated were up 5.1% from 4,841 to 5,087. Civil consent cases are cases in which a magistrate judge presides at the consent of the parties. All but 18 cases that were terminated under this category were disposed of without a trial.

Prisoner petitions were down 12.3% from 7,052 to 6,182. The bulk of the work under this category involves civil rights prisoner petitions, down 10.1%. State habeas prisoner petitions dropped by 14.9% in FY 2021.

### **New Magistrate Judges and Governance**

Five new full-time magistrate judges were appointed in 2021. Magistrate judges appointed

were James Goeke, Eastern District of Washington; Raymond E. Patricco, Jr., District of Idaho; Kyle F. Reardon, District of Alaska; Margo A. Rocconi, Central District of California; and S. Kate Vaughan, Western District of Washington.

## Education Program

Since the postponement of the 2021 Ninth Circuit Judicial Conference due to the COVID-19 challenges, the educational program for magistrate judges usually planned by the Magistrate Judges Education Committee has been on hold. The committee looks forward to working in person and planning an educational program for the next circuit conference.

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

<sup>2</sup>Includes mental competency proceedings, motion hearings and writs.

<sup>3</sup>Beginning in September 2021, this category no longer includes grants of in forma pauperis status in cases involving prisoners and Social Security.

<sup>4</sup>Includes summary jury/other ADR/early neutral evaluations and motion hearings/oral arguments. Beginning in September 2021, the motion hearings/oral arguments category includes evidentiary proceedings.

<sup>5</sup>Includes seizure/inspection warrants and orders of entry, IRS enforcement, judgment debtor exams, extradition hearings, contempt matters, CJA fee applications, international prisoner transfer proceedings, calendar calls, voir dire, grand jury/other jury, naturalization proceedings and non-dispositive motions.

## Matters Disposed by Ninth Circuit Magistrate Judges

	2020	2021	Percent Change 2020-21
<b>Total Matters</b>	<b>254,491</b>	<b>220,972</b>	<b>-13.2%</b>
<b>Felony Preliminary Proceedings</b>	<b>108,943</b>	<b>101,202</b>	<b>-7.1%</b>
Search Warrants	25,036	25,158	0.5%
Arrest Warrants	7,408	8,326	12.4%
Summonses	1,116	1,314	17.7%
Complaints	15,855	9,756	-38.5%
Initial Appearances	21,048	20,636	-2.0%
Preliminary Hearings	6,476	5,655	-12.7%
Arraignments	12,709	14,319	12.7%
Detention Hearings	13,035	11,356	-12.9%
Bail Reviews/Forfeitures/Nebbia Hearings	2,245	2,102	-6.4%
<sup>1</sup> Other	4,015	2,580	-35.7%
<b>Trial Jurisdiction Defendants</b>	<b>19,882</b>	<b>8,273</b>	<b>-58.4%</b>
Class A Misdemeanor	698	534	-23.5%
Petty Offense	19,184	7,739	-59.7%
<b>Civil Consent Cases Terminated</b>	<b>4,841</b>	<b>5,087</b>	<b>5.1%</b>
Without Trial	4,818	5,069	5.2%
Jury Trial	16	10	-37.5%
Bench Trial	7	8	14.3%
<b>Criminal Pretrial Matters</b>	<b>49,526</b>	<b>53,116</b>	<b>7.2%</b>
Non-Dispositive Motions	25,572	30,257	18.3%
Pretrial Conferences	9,812	8,568	-12.7%
Guilty Plea Proceedings	7,382	8,249	11.7%
Probation and Supervised Release Revocation Hearings	1,708	1,743	2.0%
Reentry/Drug Court Proceedings	1,725	1,497	-13.2%
<sup>2</sup> Other	3,327	2,802	-15.8%
<b>Civil Pretrial Matters</b>	<b>52,119</b>	<b>32,875</b>	<b>-36.9%</b>
Settlement Conferences/Mediations	3,129	3,703	18.3%
Other Pretrial Conferences	4,495	4,306	-4.2%
<sup>3</sup> Non-Dispositive Motions/Fee Applications and Grants of IFP Status	38,791	19,004	-51.0%
<sup>4</sup> Other	2,377	2,704	13.8%
<b>Reports and Recommendations</b>			
Criminal Dispositive Motions	236	237	0.4%
Other Civil Dispositive Motions	2,758	2,736	-0.8%
Social Security Appeals	333	185	-44.4%
Special Master References	0	0	-
Prisoner Petitions	7,052	6,182	-12.3%
State Habeas	2,347	1,997	-14.9%
Federal Habeas	357	273	-23.5%
Civil Rights	4,331	3,894	-10.1%
Evidentiary Proceedings	17	18	5.9%
<b><sup>5</sup>Miscellaneous Matters</b>	<b>12,128</b>	<b>14,237</b>	<b>17.4%</b>

## Federal Defenders Seeing More Clients in Person

Despite closures of federal public defender offices due to COVID-19, federal defenders continue to perform their duties working remotely and tending to the needs of their clients from appearing in court to visiting their clients in person.

The Office of the Federal Public Defender was created by Congress to fulfill the constitutional requirement that financially eligible individuals be guaranteed the right to representation by counsel. Criminal defendants facing prosecution in federal courts are provided with legal representation at no cost. Congress provides funds to the Defender Services Division of the Administrative Office of the United States Courts for this purpose.

“Arizona has cautiously returned to in court appearances,” said Jon Sands, federal public defender for the District of Arizona. “The federal defenders and CJA appear in person, visit their clients and conduct investigations. We do have restrictions on certain Indian reservations, and this impacts representations,”

Federal public defender offices, which are staffed by federal judiciary employees, and community defender organizations, which are nonprofit organizations staffed by nongovernment employees, provide a consistently high level of representation. Federal public defender representations include criminal defense and appeals, court-directed prisoner and witness representations, bail/pre-sentencing, supervised release, and probation and parole revocation hearings.

By statute, judges of the courts of appeals select and appoint the federal public defender for a renewable four-year term. In the Ninth Circuit, FPD applicants are evaluated by both a local screening committee and the court’s Standing Committee on Federal Public Defenders, applying Equal Opportunity guidelines. The court makes its initial appointment after a nationwide recruitment and the use of its 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.

Federal defenders and community defenders in the Ninth Circuit opened 21,670 cases, down 22.4% in fiscal year 2021. Total cases opened nationwide numbered 85,145, a 25.1% decrease in FY 2021.

Federal defenders and community defenders reported lower caseloads in all but two districts in FY 2021. Numerically, the FPD Office in the District of Alaska had the largest decrease, down 37.5% from 440 to 275 cases. Other districts that reported large percentage drops were the Southern District of California, down 36.9%, from 8,525 to 5,380 cases; the District of Arizona, down 31.4%, from 5,011 to 3,438; District of Oregon, down 22.6% from 2,528 to 1,957 cases; District of Nevada, down 22.2%, from 1,163 to 905 cases; District of Hawaii, down 21.1%, from 551 to 435 cases; District of Idaho, down 15.1% from 438 to 372 cases. The remaining circuits had reductions of less than 10%.

### Ninth Circuit Federal Defender Organizations: Cases Opened, Closed and Pending

Cases	2017	2018	2019	2020	2021	Change 2020-21
Opened	26,727	34,641	36,468	27,940	21,670	-22.4%
Closed	28,689	36,755	34,603	24,809	23,680	-4.6%
Pending	13,380	11,261	13,093	16,151	14,123	-12.6%

FPD offices and community defender organizations reporting more new cases in fiscal year 2021 are the District of Guam, up 9.7%, from 124 to 136 cases, and Western District of Washington up 1.1%, from 1,118 to 1,130 cases.

Federal defenders and community defenders in the circuit closed 23,680 cases in FY 2021, down 4.6%, while pending cases were down 12.6% from 16,151 to 14,123 cases in FY 2021. Cases closed nationwide totaled 87,353, down 19.8%, while pending caseload nationwide also dropped with 61,949 cases, down 3.5% in FY 2021.

Federal defenders in 11 districts reported closing more cases in FY 2021, although the net result was a 4.6% reduction in cases closed circuit wide. Numerically, the FPD Office in the District of Nevada had the largest increase, closing 110.8% more cases than FY 2020, going from 639 to 1,347. Central California District closed 51% more cases, going

from 2,513 to 3,794; Northern California District closed 46.6% more cases, 1,946 versus 1,327 in FY 2020, and Oregon District had a 40.8% increase in closed cases, from 1,566 to 2,205. Other districts reported gains of between 23.3% and 2.9%.

Offsetting those gains were reductions in the two highest volume districts. Arizona District was down 36.3%, going from 4,799 cases closed to 3,055, while Southern California District closed 36.2% fewer cases going from 8,938 in FY 2020 to 5,705 in FY 2021.

### Transitions

Judges of the United States Court of Appeals for the Ninth Circuit appointed one new federal public defender and reappointed one FPD in 2021. Salina Kanai was appointed FPD for the District of Hawaii, and FPD Heather E. Williams was reappointed for the Eastern District of California to a third four-year term.

## Federal Defender Organizations: Summary of Representations by District

District	Opened 2020	Opened 2021	Change 2020-21	Closed 2020	Closed 2021	Change 2020-21	Pending 2021
Alaska	440	275	-37.5%	308	351	14.0%	318
Arizona	5,011	3,438	-31.4%	4,799	3,055	-36.3%	2,121
C. Calif.	3,044	2,982	-2.0%	2,513	3,794	51.0%	2,287
E. Calif.	1,267	1,201	-5.2%	1,117	1,207	8.1%	840
N. Calif.	1,932	1,755	-9.2%	1,327	1,946	46.6%	1,045
<sup>1</sup> S. Calif.	8,525	5,380	-36.9%	8,938	5,705	-36.2%	2,534
Guam	124	136	9.7%	112	118	5.4%	84
Hawaii	551	435	-21.1%	458	516	12.7%	177
<sup>1</sup> Idaho	438	372	-15.1%	379	376	-0.8%	275
<sup>1</sup> Montana	735	709	-3.5%	725	746	2.9%	253
Nevada	1,163	905	-22.2%	639	1,347	110.8%	1,255
Oregon	2,528	1,957	-22.6%	1,566	2,205	40.8%	1,974
<sup>1</sup> E. Wash.	1,064	995	-6.5%	924	1,076	16.5%	477
W. Wash.	1,118	1,130	1.1%	1,004	1,238	23.3%	483
Circuit Total	27,940	21,670	-22.4%	24,809	23,680	-4.6%	14,123
National Total	113,686	85,145	-25.1%	108,921	87,353	-19.8%	61,949
Circuit Total as % of National Total	24.6%	25.5%	0.9%	22.8%	27.1%	4.3%	22.8%

<sup>1</sup>Community Defender Organizations

Note: 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.

# Probation Offices Demonstrate Commitment in the Face of Continued COVID-19 Challenges

Fiscal year 2021 continued to present challenges to probation offices throughout the Ninth Circuit on many fronts. By the fall of 2020, courts and probation offices were adapting to pandemic safety precautions and beginning to resume operations at various levels. The holiday season of 2020 brought a surge in COVID-19 cases and another round of scaled back operations. In early 2021, vaccines were made available and offices again began to reconstitute operations. The pace at which districts and probation offices resumed operations varied district by district based on the rate of infection in their communities.

The emotional toll of the pandemic was not lost on the leadership of probation offices in the circuit as districts worked to reconstitute operations. Staff wellness took on a heightened level of importance as managers sought ways to ease the stress related to the ongoing pandemic and eventual return to the workplace.

In the District of Oregon, the probation office Wellness Committee hosted events to increase employee engagement as the office worked toward reconstituting operations. The office held an outing at Mt. Hood for a day of skiing and snowboarding as well as a trip to the Oregon coast for a day at the beach and a fitness challenge.

In the Southern District of California, on the recommendation of the district's Wellness Committee, the office solicited for and selected a volunteer chaplain to be available as a resource for employees. The chaplain was introduced at a virtual all-hands meeting and her contact information is prominently displayed on the office intranet site. Staff contacts with the chaplain are confidential, however, generic data provided by the chaplain revealed she had been contacted on over 60 occasions in the first nine months of 2021

to offer encouragement or informal counseling to employees.

In September 2020, the probation office in the Northern District of California created a Diversity, Equity and Inclusion Committee. The committee's goal is to address office culture, staff education and training on diversity issues, creating a safe space for all, and recruitment. Subcommittees include Welcome and Retention, Heritage Month, DEI Mission Statement, District Picnic, creation of District DEI T-shirt and Events subcommittee.

The probation offices in the Eastern and Northern Districts of California are collaborating on the creation of a joint Crisis Intervention Stress Management (CISM) team. They are also planning a future joint conference targeting agency and personal responses after a critical incident.

In summary, COVID-19 continued to have a significant impact on probation offices in the circuit during FY 2021. Despite the challenges, probation officers were innovative, resilient and adaptable, enabling them to complete their mission under difficult circumstances.

## Presentence Reports

Probation officers investigate relevant facts about defendants; assess those facts for the purposes of sentencing; apply the appropriate guidelines, statutes and policy statements; and provide clear, concise and objective reports that assist the sentencing judges in determining appropriate sentences. 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.

Fiscal year 2021 represented the first full year of operations under the COVID-19 pandemic compared to 2020 when only the final six months of the fiscal year were affected. As a result, almost every district in the circuit experienced a reduction in presentence investigations in FY 2021.

In the Ninth Circuit, probation officers completed 10,739 presentence investigations in FY 2021, a 5.8% decrease from FY 2020 (11,403 reports completed) and a 20.3% decrease from FY 2019 (13,477 reports completed). By comparison, the number of presentence reports completed nationally dropped 14.3% from 2020 to 2021, and 25.4% from 2019 to 2021. The 10,739 presentence reports completed by probation offices in the Ninth Circuit in 2021 represent 19.6% of all presentence reports completed nationally.

### Persons Under Post-Conviction Supervision

Probation officers are statutorily required to supervise persons who are released to the community on conditional release, probation, parole or supervised release. Probation officers utilize a variety of evidence-based practices in their supervision of persons under supervision to achieve the maximum, measurable reduction in

recidivism. The desired outcomes of supervision are the execution of the sentence, reduction of reoffending and protection of the community from offenses committed by persons under supervision during the period of supervision and beyond.

### Probation: Persons Under Post-Conviction Supervision

Persons Under Supervision	2020	2021	Change 2020-21
<sup>1</sup> From Courts	2,763	2,605	-5.7%
<sup>2</sup> From Institutions	20,104	19,926	-0.9%
<b>Total</b>	<b>22,867</b>	<b>22,531</b>	<b>-1.5%</b>

<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, military parole and BOP custody, which accounts for Bureau of Prisons Federal Location Monitoring and Elderly Home Confinement (effective Jan. 26, 2020).

### Probation: Persons Under Post-Conviction Supervision by District

District	From Courts	Referred by Institutions			Persons Under Supervision, 2020	Persons Under Supervision, 2021	Change 2020-21
	<sup>1</sup> Probation	Supervised Release	<sup>2</sup> Parole	<sup>3</sup> BOP Custody			
Alaska	28	302	2	1	345	333	-3.5%
Arizona	752	3,443	13	0	3,885	4,208	8.3%
C. Calif.	575	4,631	17	0	5,423	5,223	-3.7%
E. Calif.	140	1,606	12	21	1,881	1,779	-5.4%
N. Calif.	175	1,493	0	9	1,793	1,677	-6.5%
S. Calif.	252	3,076	7	1	3,401	3,336	-1.9%
Guam	19	91	0	6	125	116	-7.2%
Hawaii	43	410	1	21	491	475	-3.3%
Idaho	85	515	0	13	607	613	1.0%
Montana	73	739	3	7	888	822	-7.4%
Nevada	144	974	5	2	1,190	1,125	-5.5%
N. Mariana Is.	6	20	0	0	15	26	73.3%
Oregon	156	921	5	11	1,097	1,093	-0.4%
E. Wash	51	599	0	0	664	650	-2.1%
W. Wash.	106	931	18	0	1,062	1,055	-0.7%
<b>Circuit Total</b>	<b>2,605</b>	<b>19,751</b>	<b>83</b>	<b>92</b>	<b>22,867</b>	<b>22,531</b>	<b>-1.5%</b>

<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 accounts for Bureau of Prisons Federal Location Monitoring and Elderly Home Confinement (effective Jan. 26, 2020).

The period of supervision is an opportunity for persons under supervision to develop the skills and motivation to become and remain lawful, eventually without the oversight and support of the justice system. The goal for each person under supervision is lawful self-management. Probation officers manage and reduce the risks posed by those under supervision through monitoring their behavior, imposing restrictions of liberty required by the conditions specified by the court or paroling authority, and providing interventions to aid the person under supervision.

To assist persons under supervision in complying with conditions of supervision and lawful self-management, probation officers deliver or refer persons for the following services: housing, substance abuse treatment; mental health treatment; sex offender treatment; medical care; employment assistance; vocational training; literacy and training programs; and cognitive behavioral interventions.

Probation officers in the Ninth Circuit were supervising 22,531 persons at the end of FY 2021, a decrease of 336 persons, or 1.5%. This represents 18.4% of all persons under federal supervision in the nation at the end of fiscal year 2021. Eighty-eight percent of all persons under supervision in the Ninth Circuit are on supervised release. Persons on supervision for drug offenses were the most prominent in the circuit at 44.4%, followed by property offenses at 13.6% and firearms offenses at 10.3%. Persons on supervision for sex offenses accounted for 11.1% of all offenders under supervision in the circuit in FY 2021.

### **Revocations and Early Terminations**

Cases that were closed due to the revocation of supervision in the circuit totaled 3,580 in FY 2021. This represents a 20.5% increase from FY 2020, but it is consistent with pre-COVID-19 years when there were 3,590 revocations in 2019, and 3,696 revocations in 2018.

The revocation rate for the circuit (percentage of cases closed due to revocation of supervision), excluding deaths and transfers, was 35.2% in FY 2021. This compares to 29.7% of all cases closed nationally due to revocation. Sixty-eight percent of the cases revoked were for technical violations of supervision, with 33.7% of the total cases being revoked due to drug use.

In fiscal year 2021, there were 1,370 persons under supervision whose supervision was terminated early in the Ninth Circuit. This represents 17.1% of all early terminations in the country.

### **Initiatives Related To Post-Conviction Supervision**

In the Northern District of California, the probation office implemented the use of Adolescent Childhood Experience Survey (ACES) to identify persons who have been exposed to trauma as a child. Statistically, these individuals are more likely to experience mental health issues as they mature. Use of the ACES instrument allows the probation office to identify individuals with these experiences early in the supervision period and offer intervention to address the issue.

In the District of Oregon, a Bureau of Prisons contracted residential reentry center was closed in the Eugene area in May 2021. The district established a relationship with a local nonprofit transitional housing center that evolved into a partnership with the District of Hawaii and the Administrative Office of the U.S. Courts on a pilot program for federal location monitoring cases.

In March 2021, the probation office in the District of Montana began working with professors from the University of Montana and the University of Wyoming to analyze their post-conviction supervision data. The research project's goal is to evaluate the efficacy of the evidence-based practices being utilized in the district. The project is ongoing with an anticipated completion date of August 2022.

## **Civics Engagement and Outreach**

The presence of COVID-19 in our communities throughout FY 2021 continued to limit the amount of civic engagement probation offices were able to participate in. However, the probation offices in Idaho and Montana reported the following activities in their respective districts. In the District of Idaho, the probation office held a retreat at a nonprofit botanical garden in September 2021 and provided over 1,000 hours of volunteer work to the organization. In the District of Montana, the probation office participated in a “polar plunge” as a fundraiser for Montana Special Olympics. The probation office team, “U.S. FroZZZation,” helped raise over \$5,000.

The probation and pretrial services chiefs of the Ninth Circuit are dedicated correctional professionals who maintain a high level of cooperation to resolve issues and challenges of mutual concern. Fiscal year 2021 was challenging on many fronts, but the probation offices of the circuit maintained their commitment to providing a high level of service to the courts and communities they serve.

## Pretrial Services Offices Rise During COVID-19

Fiscal year 2021 saw the nation continue to struggle with the effects of the COVID-19 pandemic. Just as the advent of vaccines offered hope and relief, the Delta variant threatened to derail progress. United States pretrial services offices throughout the Ninth Circuit remained versatile in addressing spikes in infection rates to balance staff wellness with the duty to protect the public. Many districts in the circuit faced intermittent staffing disruptions due to employees contracting COVID-19 and subsequent quarantine requirements. While no deaths of pretrial staff were reported, many employees lost loved ones and community members to the virus.

During FY 2021, many pretrial services offices in the Ninth Circuit began transitioning to a “new normal” in pandemic operations. The presence of personal protective equipment (PPE), such as masks and hand sanitizers, became commonplace. Many districts instituted masking, COVID testing and/or vaccination requirements for staff. In an effort to ensure officer safety, the Eastern District of California required quarantine periods and a negative COVID test before installing location monitoring equipment on defendants being released directly from detention facilities. In-person work in the circuit, including for officers interacting with pretrial clients in their homes and community settings, resumed to a greater degree during the fiscal year. Districts also leveraged the technological lessons learned from the early days of the pandemic. Virtual meeting platforms allowed employees to connect safely regardless of local infection rates. Flexibility in remote work was afforded to employees to accommodate childcare issues and COVID quarantine requirements. Additionally, pretrial supervision changes such as virtual home visits; telephonic and virtual interviews; virtual and telephonic court hearings; telemedicine for client counseling sessions; and adjustments to location monitoring installations and supervision, allowed officers to effectively monitor and provide

services to pretrial clients who contracted COVID or had COVID-positive cohabitants.

As in the previous fiscal year, COVID continued to impact the wellness and treatment needs of pretrial clients. Pretrial services officers across all districts in the circuit worked diligently to ensure clients received services, even as the need for said services increased from FY 2020. As an example, the District of Oregon reported a 30% increase in mental health and substance abuse treatment services provided to clients in FY 2021.

### Pretrial Services Caseload

Caseload Measure	2020	2021	Change 2020-21
Reports	21,049	15,359	-27.0%
Interviews	8,024	8,429	5.0%
Cases Activated	21,367	15,555	-27.2%

Against the backdrop of budgetary constraints and staffing limitations, pretrial services officers and staff in the Ninth Circuit rose to navigate the myriad challenges presented by the pandemic during the fiscal year. Service to the courts, pretrial clients and the communities impacted by the work of pretrial services offices in the Ninth Circuit forged ahead due to the steadfast dedication, professionalism, collaboration and innovation of pretrial staff.

### Defendants Under Pretrial Supervision

Working with individuals who are presumed innocent until proven guilty, pretrial services officers within the federal judiciary carry out the important work of balancing the civil liberties of persons under supervision with protecting the community.

Pretrial services officers assist courts by investigating defendants charged with federal crimes, recommending whether to release or detain them, and supervise those individuals who are released to the community while pending the

outcome of their case. Using the least restrictive supervision strategies and interventions, pretrial services officers monitor defendant compliance with court ordered conditions of release, attempt to minimize the likelihood of re-arrest and increase the likelihood defendants make all required court appearances.

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

## Case Activations

In fiscal year 2021, pretrial services offices in the Ninth Circuit reported 15,555 new case activations, down 27%, while new case activations nationwide were 76,367, down by 4.8% from FY 2020. The Ninth Circuit ranked second nationally in cases activated, accounting for 20.4% of total new cases.

## Pretrial Bail Reports and Supervision

During fiscal year 2021, pretrial services officers in the Ninth Circuit conducted 8,429 pretrial bail interviews, representing 54.2% of all cases activated and a 4.8% increase from FY 2020. Officers also prepared 15,042 written prebail

## Pretrial Services Caseload by District

District	Defendant Contact		Written Reports		No Reports Made	Total Cases Activated 2020	Total Cases Activated 2021	Change 2020-21
	Interviewed	<sup>1</sup> Not Interviewed	<sup>2</sup> Prebail	Postbail				
Alaska	113	77	183	4	3	166	190	14.5%
Arizona	1,751	2,921	4,589	14	69	9,322	4,672	-49.9%
C. Calif.	1,471	168	1,624	12	3	1,438	1,639	14.0%
E. Calif.	277	257	516	11	7	459	534	16.3%
N. Calif.	433	188	415	199	7	693	621	-10.4%
S. Calif.	2,725	2,216	4,876	29	36	6,241	4,941	-20.8%
Guam	29	6	33	1	1	37	35	-5.4%
Hawaii	132	44	152	0	24	238	176	-26.1%
Idaho	155	184	334	1	4	338	339	0.3%
Montana	263	91	346	2	6	361	354	-1.9%
Nevada	344	137	477	2	2	486	481	-1.0%
N. Mariana Is.	22	0	22	0	0	17	22	29.4%
Oregon	374	148	505	11	6	714	522	-26.9%
E. Wash	97	185	262	2	18	309	282	-8.7%
W. Wash.	243	504	708	29	10	548	747	36.3%
Circuit Total	8,429	7,126	15,042	317	196	21,367	15,555	-27.2%
National Total	51,353	25,014	71,135	1,919	3,313	80,242	80,242	0.0%
Circuit % of National	16.4%	28.5%	21.1%	16.5%	5.9%	26.6%	19.4%	-7.2%

Note: This table excludes 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."

reports and 317 post-bail reports during FY 2021. Bail reports were prepared in 98.7% of total cases activated.

Excluding immigration cases, officers made recommendations for initial pretrial release to the courts in 59.9% of cases. Assistant U.S. attorneys in the circuit recommended pretrial release in 45.7% of cases in FY 2021.

During the fiscal year, 5,989 defendants were received for supervision, up 7.9% from 5,546 in FY 2020. Of these individuals, 4,059 were received for regular supervision; 1,857 were supervised on a courtesy basis from another district or circuit; and 73 were pretrial diversion cases, which include courtesy supervision of diversion cases.

### **Detention Summary**

The Ninth Circuit detained 8,674 defendants in fiscal year 2021. During the fiscal year, 61.8% of all defendants received in the circuit were detained and never released. Excluding immigration cases, 43.1% of defendants were detained and never released. Excluding cases involving people living in or entering the U.S. without legal permission, the circuit had a release rate of 56.9%. Defendants in the circuit were detained an average of 314 days. The U.S.-Mexico border courts in the districts of Arizona and Southern District of California continued to report the highest number of defendants detained. The Ninth Circuit had the third lowest average number of days detained in the nation.

### **Violations**

Of the 11,787 cases in release status in FY 2021, cases with violations numbered 3,046, up 52.6% from FY 2020. They included 102 violations due to felony re-arrests, 106 violations resulting from misdemeanor re-arrests and 264 for failure to appear. There were 2,581 technical violations for noncompliance with court ordered conditions of release, such as positive urine tests for illegal substances, violation of location monitoring conditions, possession of contraband and failure to report to a supervising officer.

### **Evidence-Based Practices for Pretrial Services**

Evidence-based practices (EBPs) 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. Pretrial services officers utilize the Pretrial Services Risk Assessment (PTRA) tool. The PTRA was designed to be an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of failure-to-appear, new criminal arrest, and technical violations leading to revocation while on pretrial release. Another evidence-based practice that continues to be implemented is Staff Training Aimed at Reducing Re-Arrest, or STARR. This EBP helps officers integrate evidence-based decision-making into meetings with defendants that forge more effective relationships; help defendants manage and change behavior; and use specific interventions to increase the likelihood of long-term changes in thinking and behavior.

### **Specialty Courts and Pre-entry Programs**

Specialty courts provide rehabilitative services to higher risk defendants while giving them a chance to have their cases dismissed or sentences reduced upon successful completion of supervision. Pre-entry educational programs are designed to educate defendants and their family members about Bureau of Prisons services and general rules to help reduce the level of stress and anxiety of going to prison.

In FY 2021, pretrial services offices in the Ninth Circuit continued their work on specialty courts and pre-entry programs. However, COVID infection rates among employees and defendants impacted many districts' ability to conduct this work in person. Despite the pandemic, courts improvised and offered telephonic and/or virtual hearings for specialty courts and pre-entry programs. The Northern District of California developed an 18-month pilot young adult deferred sentencing program, Leading Emerging Adults to Develop Success (LEADS). This judge involved program is designed to

provide incentives to pretrial defendants ages 18 to 26 to participate in services that promote future success, such as treatment, educational or vocational programs, or other skill building opportunities. Program participants work with pretrial services office toward achieving personal success goals that enhance pro-social behavior and reduce the likelihood of recidivism. Additionally, the Northern District of California developed and implemented a Forensic Student Internship Program designed to have Master of Social Work (MSW) student interns help connect clients participating in the district's collaborative court programs with needed services in the community. The MSW interns are supervised closely by pretrial services' clinical social worker officers and work in conjunction with the district's collaborative court coordinator. Amid modified pandemic operations, the District of Oregon continued its Court Assisted Pretrial Services (CAPS) Program during the fiscal year. CAPS provides resources and active supervision for criminal defendants whose criminal history, charged crimes, and other relevant data would make it unlikely for that defendant to be released based on typical considerations under the Bail Reform Act. Through supervision by both judges and pretrial services officers, CAPS defendants increase the chances of successful rehabilitation and skill development by demonstrating a sincere and committed willingness to change.

### **Civics Engagement and Community Outreach**

Pretrial services offices in the Ninth Circuit frequently participate in community outreach and civic engagement. Many pretrial services offices had to suspend or curtail community outreach and/or civic engagement due to the pandemic. However, in September 2021, the District of Idaho held a staff retreat in Ketchum where they provided over 100 hours of volunteer work at a nonprofit organization, Sawtooth Botanical Gardens.

## Juror Utilization

District	Grand Juries Serving, 2021	Petit Juries Selected, 2021	Petit Juror Utilization Rate ¹Percent Not Selected or Challenged		
			2020	2021	Change 2020-21
Alaska	2	9	53.6	22.9	-30.7
Arizona	12	60	30.6	39.1	8.5
C. Calif.	24	69	62.3	54.0	-8.3
E. Calif.	9	6	42.9	33.3	-9.6
N. Calif.	7	32	60.7	44.8	-15.9
S. Calif.	8	51	43.6	54.6	11.0
Guam	2	2	63.3	52.0	-11.3
Hawaii	3	6	38.4	44.9	6.5
Idaho	4	8	39.7	17.8	-21.9
Montana	6	19	30.4	39.8	9.4
Nevada	4	22	39.0	27.5	-11.5
N. Mariana Is.	2	1	61.2	9.8	-51.4
Oregon	7	12	30.7	36.8	6.1
E. Wash.	7	6	28.0	18.3	-9.7
W. Wash.	4	15	25.6	42.1	16.5
Circuit Total	101	318	***	***	
Circuit Average	6.7	21.2	43.3	35.8	-7.5
National Total	698	2,098	***	***	
National Average	7.4	39.6	39.8	39.4	-0.4

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%.

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

## Interpreter Usage by District Courts

Language	AK	AZ	CAC	CAE	CAN	CAS	GU	HI	ID	MT	NV	NMI	OR	WAE	WAW	2020 Total	2021 Total	Change 2020-21
Arabic	0	5	4	0	5	1	0	0	0	0	0	0	1	0	0	53	16	-69.8%
Armenian	0	0	97	0	0	6	0	0	0	0	0	0	4	0	0	107	107	0.0%
Cantonese	0	0	11	0	13	4	0	20	0	0	3	0	1	0	23	92	75	-18.5%
Farsi	0	0	12	7	1	0	0	0	0	0	0	0	3	0	0	23	23	0.0%
Japanese	0	0	3	0	0	0	0	2	0	0	1	0	0	0	6	5	12	140.0%
Korean	0	0	45	1	0	1	1	9	0	0	1	0	0	0	12	32	70	118.8%
Mandarin	0	1	94	57	25	32	3	7	0	0	11	0	15	0	25	428	270	-36.9%
Navajo (Certified)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Navajo (Non-Certified)	0	38	0	0	0	0	0	0	0	0	0	0	0	0	0	38	38	0.0%
Russian	0	2	15	9	8	11	0	0	0	0	2	0	1	0	8	65	56	-13.8%
Sign (American)	0	4	11	5	3	7	0	0	0	0	3	0	4	0	2	37	39	5.4%
Sign (Mexican)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Spanish Staff	0	17,955	1,331	758	148	13,857	0	0	0	0	98	0	438	249	0	34,834	34,834	0.0%
Spanish (Certified)	18	1,302	199	669	515	55	13	13	96	0	10	0	51	110	320	11,138	3,371	-69.7%
Spanish (Non-Certified)	4	0	0	0	0	0	0	4	29	0	293	0	0	0	0	330	330	0.0%
Tagalog	17	0	9	12	22	3	0	0	0	0	7	0	0	0	0	70	70	0.0%
Vietnamese	0	1	21	1	8	20	0	0	0	0	6	0	4	0	2	69	63	-8.7%
All Others	12	151	36	67	51	93	5	0	0	0	15	0	5	3	28	939	466	-50.4%
<b>Total</b>	<b>51</b>	<b>19,459</b>	<b>1,888</b>	<b>1,586</b>	<b>799</b>	<b>14,090</b>	<b>22</b>	<b>55</b>	<b>125</b>	<b>0</b>	<b>450</b>	<b>0</b>	<b>527</b>	<b>362</b>	<b>426</b>	<b>48,260</b>	<b>39,840</b>	<b>-17.4%</b>

# District Caseloads

## District of Alaska

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	536	493	-8.0%	164
Terminations	446	547	22.6%	182
<sup>1</sup> Pending	741	692	-6.6%	231
<b>Bankruptcy Court</b>				
Filings	337	243	-27.9%	122
Terminations	385	290	-24.7%	145
Pending	282	235	-16.7%	118

### Authorized Judgeships

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

Authorized places of holding court:  
Anchorage, Fairbanks, Juneau

<sup>1</sup>2020 total pending cases revised.

## District of Arizona

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	7,329	8,328	13.6%	641
Terminations	14,259	9,537	-33.1%	734
<sup>1</sup> Pending	6,892	5,655	-17.9%	435
<b>Bankruptcy Court</b>				
Filings	14,519	10,773	-25.8%	1,539
Terminations	15,667	14,194	-9.4%	2,028
<sup>1</sup> Pending	18,349	14,928	-18.6%	2,133

### 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>2020 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	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	17,271	15,714	-9.0%	561
Terminations	16,723	16,493	-1.4%	589
<sup>1</sup> Pending	14,213	13,421	-5.6%	479
<b>Bankruptcy Court</b>				
Filings	31,042	24,248	-21.9%	1,155
Terminations	35,252	28,443	-19.3%	1,354
<sup>1</sup> Pending	22,674	18,478	-18.5%	880

### Authorized Judgeships

<sup>2</sup> District	28
Bankruptcy	21
Magistrate	
Full-time	24
Part-time	1

Authorized places of holding court:  
Los Angeles, Riverside, Santa Ana,  
<sup>3</sup>San Fernando Valley, <sup>3</sup>Santa Barbara

<sup>1</sup>2020 total pending cases revised.

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

<sup>3</sup>San Fernando Valley and Santa Barbara apply only to the bankruptcy court.

## Eastern District of California

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	4,620	4,494	-2.7%	749
Terminations	4,198	4,217	0.5%	703
<sup>1</sup> Pending	7,660	7,938	3.6%	1,323
<b>Bankruptcy Court</b>				
Filings	12,279	8,755	-28.7%	1,459
Terminations	13,705	10,693	-22.0%	1,782
<sup>1</sup> Pending	10,773	8,836	-18.0%	1,473

### Authorized Judgeships

<sup>2</sup> District	6
Bankruptcy	6
Magistrate	
Full-time	12
Part-time	0

Authorized places of holding court:  
Bakersfield, Fresno, <sup>2</sup>Modesto,  
Redding, Sacramento, <sup>3</sup>Yosemite

<sup>1</sup>2020 total pending cases revised.

<sup>2</sup>Modesto applies only to the bankruptcy court.

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

## Northern District of California

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	9,366	10,583	13.0%	756
Terminations	8,457	7,941	-6.1%	567
<sup>1</sup> Pending	11,975	14,594	21.9%	1,042
<b>Bankruptcy Court</b>				
Filings	6,586	4,934	-25.1%	548
Terminations	8,255	7,149	-13.4%	794
<sup>1</sup> Pending	10,929	8,713	-20.3%	968

Authorized Judgeships	
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>3</sup>Santa Rosa

<sup>1</sup>2020 total pending cases revised.

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

<sup>3</sup>Santa Rosa applies only to the bankruptcy court.

## Southern District of California

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	6,959	6,122	-12.0%	471
Terminations	6,381	5,917	-7.3%	455
<sup>1</sup> Pending	5,886	5,984	1.7%	460
<b>Bankruptcy Court</b>				
Filings	7,002	5,338	-23.8%	1,335
Terminations	7,842	6,531	-16.7%	1,633
<sup>1</sup> Pending	5,223	4,030	-22.8%	1,008

Authorized Judgeships	
District	13
Bankruptcy	4
Magistrate	
Full-time	12
Part-time	0

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

<sup>1</sup>2020 total pending cases revised.

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

## District of Guam

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	78	81	3.8%	81
Terminations	79	95	20.3%	95
<sup>1</sup> Pending	376	364	-3.2%	364
<b>Bankruptcy Court</b>				
Filings	82	65	-20.7%	385
Terminations	97	98	1.0%	271
Pending	124	91	-26.6%	327

### Authorized Judgeships

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

Authorized places of holding court:  
Hagatna

<sup>1</sup>2020 total pending cases revised.

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

## District of Hawaii

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	726	759	4.5%	190
Terminations	765	786	2.7%	197
<sup>1</sup> Pending	909	891	-2.0%	223
<b>Bankruptcy Court</b>				
Filings	1,609	1,330	-17.3%	1,330
Terminations	1,618	1,503	-7.1%	1,503
Pending	1,923	1,750	-9.0%	1,750

### Authorized Judgeships

<sup>2</sup> District	4
Bankruptcy	1
Magistrate	
Full-time	3
Part-time	0

Authorized places of holding court:  
Honolulu

<sup>1</sup>2020 total pending cases revised.

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

## District of Idaho

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	889	814	-8.4%	407
Terminations	831	823	-1.0%	412
<sup>1</sup> Pending	1,094	1,084	-0.9%	542
<b>Bankruptcy Court</b>				
Filings	3,006	2,214	-26.3%	1,107
Terminations	3,672	2,571	-30.0%	1,286
<sup>1</sup> Pending	2,290	1,933	-15.6%	967

### 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>2020 total pending cases revised.

## District of Montana

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	981	899	-8.4%	300
Terminations	873	975	11.7%	325
Pending	1,085	1,007	-7.2%	336
<b>Bankruptcy Court</b>				
Filings	994	703	-29.3%	703
Terminations	1,215	923	-24.0%	923
<sup>1</sup> Pending	1,438	1,218	-15.3%	1,218

### 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>2020 total pending cases revised.

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

## District of Nevada

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	3,410	3,326	-2.5%	475
Terminations	3,588	3,534	-1.5%	505
<sup>1</sup> Pending	4,715	4,519	-4.2%	646
<b>Bankruptcy Court</b>				
Filings	8,309	7,583	-8.7%	1,896
Terminations	9,167	8,838	-3.6%	2,210
<sup>1</sup> Pending	6,879	5,624	-18.2%	1,406

### Authorized Judgeships

District	7
Bankruptcy	4
Magistrate	
Full-time	7
Part-time	0

Authorized places of holding court:  
Las Vegas, Reno

<sup>1</sup>2020 total pending cases revised.

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

## District of Northern Mariana Islands

Caseload Measure	2020	2021	<sup>1</sup> Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	44	66	50.0%	66
Terminations	30	47	56.7%	47
Pending	77	96	24.7%	96
<b>Bankruptcy Court</b>				
Filings	1	2	-	2
Terminations	2	0	-	0
Pending	3	5	-	2

### Authorized Judgeships

District	1
Bankruptcy	0
Magistrate	
Full-time	0
Part-time	0
<sup>2</sup> Combination	1

Authorized places of holding court:  
Saipan

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

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

<sup>2</sup>Heather Kennedy holds the combined position of magistrate judge/clerk of court.

## District of Oregon

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	2,727	2,437	-10.6%	406
Terminations	2,348	2,459	4.7%	410
<sup>1</sup> Pending	3,410	3,380	-0.9%	563
<b>Bankruptcy Court</b>				
Filings	7,374	5,147	-30.2%	1,029
Terminations	8,224	6,337	-22.9%	1,267
Pending	8,201	7,011	-14.5%	1,402

### Authorized Judgeships

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

Authorized places of holding court: Eugene, <sup>2</sup>Medford, Pendleton, Portland

<sup>1</sup>2020 total pending cases revised.

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

## Eastern District of Washington

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	1,404	1,307	-6.9%	327
Terminations	1,465	1,242	-15.2%	311
<sup>1</sup> Pending	1,110	1,169	5.3%	292
<b>Bankruptcy Court</b>				
Filings	2,584	1,638	-36.6%	819
Terminations	3,171	2,391	-24.6%	1,196
Pending	3,253	2,500	-23.1%	1,250

### Authorized Judgeships

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

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

<sup>1</sup>2020 total pending cases revised.

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

## Western District of Washington

Caseload Measure	2020	2021	Change 2020-21	Per Judgeship Unweighted 2021
<b>District Court</b>				
Filings	3,655	3,292	-9.9%	470
Terminations	3,367	3,785	12.4%	541
<sup>1</sup> Pending	3,792	3,488	-8.0%	498
<b>Bankruptcy Court</b>				
Filings	7,152	4,875	-31.8%	975
Terminations	8,976	6,552	-27.0%	1,310
<sup>1</sup> Pending	9,189	7,511	-18.3%	1,502

### Authorized Judgeships

District	7
Bankruptcy	5
Magistrate	
Full-time	6
Part-time	1

Authorized places of holding court:  
<sup>2</sup>Bellingham, <sup>3</sup>Everett, <sup>3</sup>Port Orchard, Seattle, Tacoma, Vancouver

<sup>1</sup>2020 total pending cases revised.

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

<sup>3</sup>Everett and Port Orchard apply only to the bankruptcy court.





To His Excellency  
The Governor  
The Honourable  
The Honourable  
The Honourable

100th Anniversary



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