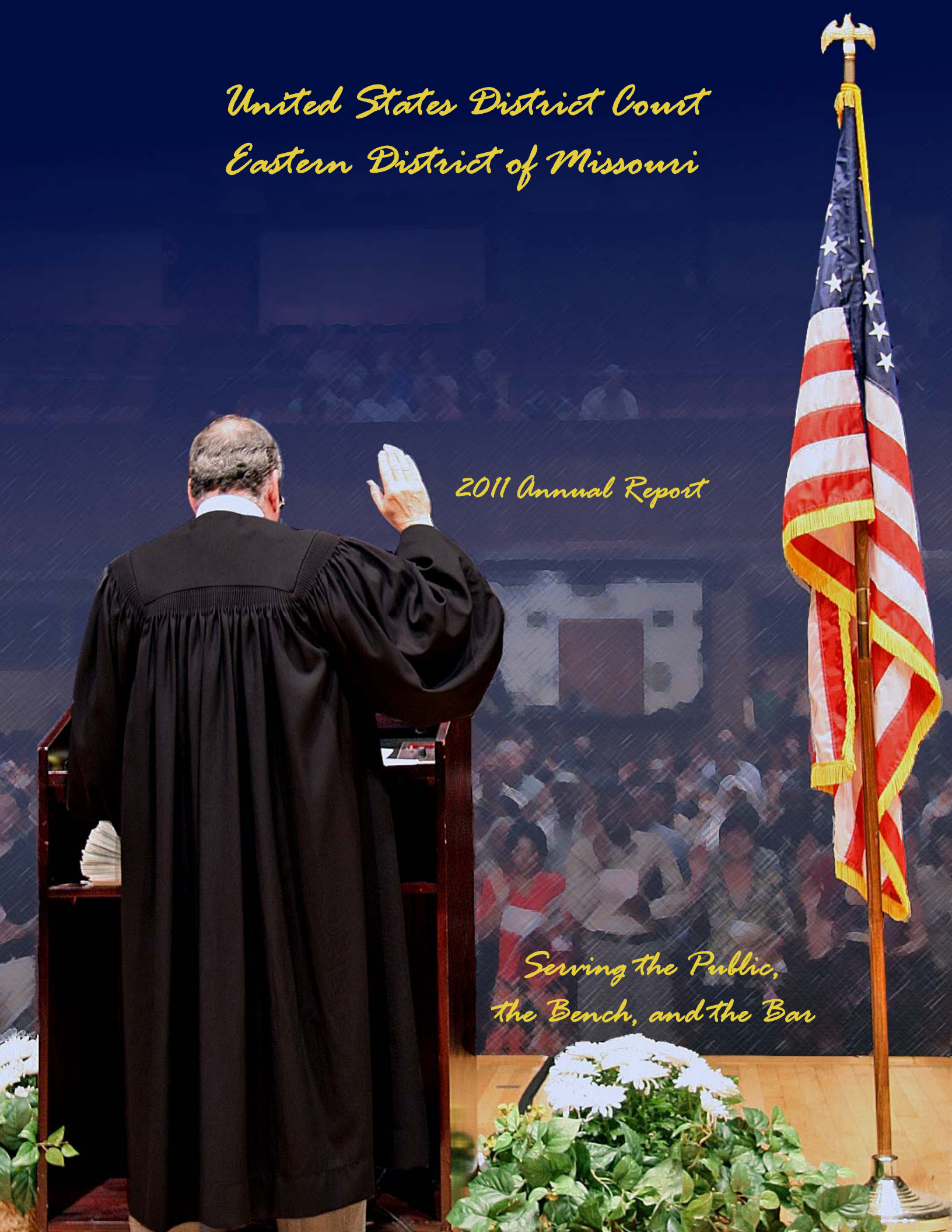


*United States District Court  
Eastern District of Missouri*

*2011 Annual Report*

*Serving the Public,  
the Bench, and the Bar*



*SERVING THE PUBLIC,  
THE BENCH, AND THE BAR*

*2011 Annual Report*

THIS REPORT WAS PREPARED BY THE  
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## UNITED STATES SENIOR DISTRICT JUDGES

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E. RICHARD WEBBER  
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## UNITED STATES MAGISTRATE JUDGES

MARY ANN L. MEDLER  
CHIEF MAGISTRATE JUDGE

DAVID D. NOCE  
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LEWIS M. BLANTON  
TERRY I. ADELMAN  
THOMAS C. MUMMERT III  
NANNETTE A. BAKER

*The Judges of the  
Eastern District of Missouri  
in 2011*



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## A MESSAGE FROM THE CHIEF JUDGE THE HONORABLE CATHERINE D. PERRY

Many people would find it surprising that the United States Courts are always open. Whether it is an emergency hearing before a judge on a Saturday night to decide whether the Occupy St. Louis group can remain camped in a downtown St. Louis park, the filing of a new case that an attorney must complete on a weekend, or an ex-offender who needs help from a probation officer early on a Monday morning to practice interview skills for a new job, the district court is here and ready to perform its function.

Public access to the courthouses in the Eastern District of Missouri is just one dimension of the openness that is vital to our system of justice. The business of resolving disputes, managing civil and criminal cases and supervising offenders released from incarceration all occur in full public view. But our openness is actually a more expansive concept that extends the court's reach deep into the community to welcome new American citizens at naturalization ceremonies throughout each year, to embrace innovative information technology and cutting edge programs, to provide support on a volunteer basis to a variety of local charitable causes and to treat all of the court's clientele with respect and a helping hand. We provide many opportunities for the public to visit our courthouses to observe and learn about the federal courts.

This year's annual report affirms our focus not only on the judicial work that the public relies upon the court to perform, but also on that broader mission to be truly open in ways that serve our communities effectively and inform the public about the justice process in the United States courts.

**Business hours are no longer an inflexible boundary. When access to the court is vital, judges and staff are ready to respond.**

Detailed statistics and graphs like those found in this report are just one indication that the court's business is open to public scrutiny. The openness we strive for in other areas is often measured by listening to public comments. For example, to gauge the effectiveness of the educational opportunities at the courthouse, one need only sample the feedback we receive from students after visiting The Judicial Learning Center: "This visit gave me great insight!", "Fun, fun day at the courthouse. The people were absolutely amazing.", "Cool field trip. I think now I want to be a lawyer."

In our dealings with prospective jurors, the court works very hard to communicate openly to dispel common myths about jury service and to make the experience as pleasant and convenient as possible. As a result of those efforts, citizens who serve typically report a favorable impression of the jury experience. Beyond those initiatives, enhanced internet-based services have delivered access to a "virtual" court open 24 hours each day, seven days each week, not only to accept new case filings electronically, but to search the web site for answers to most questions that lawyers or the public might have about court policies and programs. Business hours are no longer an inflexible boundary. When access to the court is vital, judges and staff are ready to respond.

None of these objectives for openness and responsiveness are possible without the judges and support staff in this district who are devoted to the ideal that law creates liberty. The more aware the public is about the work of the federal courts, either from first hand experiences at the courthouse or through information learned indirectly, the more we will be driven to meet the highest expectations for excellence. If the price of excellence is heightened responsibility, the judges and staff of this court are eager to meet that challenge. Looking back, I am very proud of the achievements noted in this annual report and honored to have served another year as chief judge of the Eastern District of Missouri.



CATHERINE D. PERRY  
CHIEF UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF MISSOURI

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

Every public institution faced significant performance challenges in the current national environment in which workload is increasing, resources are diminishing and expectations for a broad range of high quality services are growing. The United States District Courts are of course touched by these same intersecting pressures. The federal judiciary was challenged throughout 2011 to sustain its commitment to justice despite those obstacles. In the Eastern District of Missouri, we have been able to maintain a sharp focus on performance because at every level, we are committed to a common goal and we hold ourselves collectively responsible for optimum results. From judges, to court managers, to probation officers to deputy clerks, there is a distinct teamwork ethic that unites us. In that unity of purpose, we are inspired to leverage our various strengths and talents to benefit the public. Perhaps like no other, 2011 was a year in which our capacity for teamwork and our shared vision made all the difference. This report describes in detail the work of the district court while highlighting the most important achievements during the year, and is itself an illustration of how we hold ourselves accountable for results.

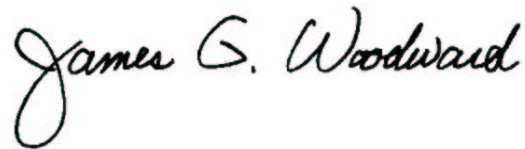
While our challenges are considerable, the ultimate driver of success in any organization is constancy of purpose. We have learned from experience that teams and high-grade performance are an unbeatable combination. Although an outsider might not expect to find much teamwork in a traditionally hierarchical institution like a district court, the Eastern District of Missouri takes great pride in the many ways in which members of the court community regularly assist each other in achieving meaningful goals that demand the best from all of us.

Judges, for example, are an integral part of the team of court professionals which includes probation officers, public defenders and prosecutors who deliver specialized services to offenders in therapeutic drug court, gang court and veterans court. Court reporters also work cooperatively with each other everyday to cover district and magistrate judge courtroom proceedings as needed, indifferent to their formal assignments. The team of court unit executives has a long tradition of cooperating in providing information technology and telecommunications services court-wide using shared resources and co-ordinated supervision, because all involved agree that this is the best way to serve the court.

Even the most critical functions like professional case management services are provided to judges by dynamic teams of specially trained deputy clerks who are fully capable of serving the needs of the three judges assigned to each team. In support of the various community outreach and public education events presented annually at the courthouse, judges and court staff work side-by-side as enthusiastic partners to provide students and visitors with an enjoyable courthouse experience. And in time of crisis, as happened on August 24, 2011 with a major flooding incident in the Eagleton Courthouse, everyone pulled together to minimize the loss and to share facilities until damaged spaces could be repaired. Faced with this catastrophe, individual interests became secondary to the common purpose of restoring the courthouse to normal operation. That particular effort continues into 2012, unifying us once again to accomplish an objective vitally important to all.

**Perhaps like no other, 2011 was a year in which our capacity for teamwork and our shared vision made all the difference.**

With a focus always on the twin goals of service and justice, the district court family's sense of teamwork has positioned us to meet any challenge. Common purpose leads to cohesive effort and the good performance described in this annual report. We take pride in our achievements in 2011, recognizing that new challenges always lie ahead.



**JAMES G. WOODWARD**  
CLERK OF COURT  
EASTERN DISTRICT OF MISSOURI

## SECTION ONE

### *SERVING THE PUBLIC*

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#### CAMERAS IN THE COURTROOM PILOT PROJECT

##### PROJECT DESCRIPTION

In September 2010, the Judicial Conference of the United States authorized a three-year pilot project to evaluate the effects of cameras in district courtrooms. The pilot project permits video recording of judicial proceedings and publication of those video recordings by making them available through [www.uscourts.gov](http://www.uscourts.gov) and on local participating courts' websites at their discretion. The Eastern District of Missouri was among fourteen federal trial courts selected to take part in the digital video pilot, which officially began on July 18, 2011. The courts were chosen by the Judicial Conference Committee on Court Administration and Case Management (CACM) in consultation with the Federal Judicial Center (FJC). The cameras in the courtroom project includes over a hundred individual judges from district courts chosen to participate in the pilot.



A view of The William H. Webster Courtroom in the Thomas F. Eagleton Courthouse where the video recording of judicial proceedings for the pilot project takes place

To participate in the pilot, district courts were required to amend their local rules allowing a limited exception to the Judicial Conference ban on cameras and broadcasting of district court proceedings in civil cases. Such an amendment was adopted in the Eastern District of Missouri to Local Rule 13.02 permitting an exception to the Judicial Conference ban on recording. The amended rule provides:

*(B) The prohibition described in paragraph A of this rule [general ban on recording and broadcasting in any courtroom] shall not apply to proceedings in civil cases assigned to district judges of this court when the presiding judge has approved recording and broadcasting of a proceeding in accordance with the digital video recording pilot program guidelines issued by the Judicial Conference of the United States in September 2010 (JCUS- SEP 10, pp. 3-4).*

District courts participating in the pilot must follow guidelines promulgated by the CACM Committee. The pilot is limited to civil proceedings in which the parties have consented to the recording. If any party does not consent, then the proceeding cannot be recorded. The presiding judge has the authority to limit or terminate the recording of an entire case, sections thereof, or testimony of a specific witness. At the request of the CACM Committee, the FJC will oversee the collection and analysis of the data from the pilot project. In 2011, the FJC reported that 11 proceedings were recorded under the pilot program across six district courts participating in the project.

#### COMMUNITY OUTREACH

##### HISTORY OF COMMUNITY OUTREACH

The Eastern District of Missouri began its community outreach efforts in 2001 to promote public awareness and understanding of the role federal courts play in the administration of justice. In order to accomplish this, the Eastern District of Missouri each year hosts outreach events, coordinates courthouse tours, and provides educational events for the local schools, universities, and community groups.

The Clerk's Office of the U.S. District Court along with other agencies in the Thomas F. Eagleton Courthouse in St. Louis, Missouri provided a total of 73 tours to the public in 2011. The total attendance for all tours and programs was 2,419 people. The tour groups were primarily composed of public and private school students from fifth grade through college from metropolitan St. Louis. There were also a number of adult citizen groups who visited the courthouse.

These visits to the courthouse make a positive and lasting impression on citizens, especially those who are unfamiliar with the operations and procedures of the federal judiciary. For the student visitors, the format of the tour also provides a preview into future careers in law-related fields such as law enforcement, probation, pretrial services, or judicial administration.

##### JUDICIAL LEARNING CENTER, INC.

Judicial Learning Center, Inc. (JLC, Inc.) is a not-for-profit organization comprised of attorneys from Greater St. Louis. Chief U.S. District Judge Catherine D. Perry sits on the Board of Directors. In 2011, the Board of Directors for JLC, Inc. held its board meetings at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The purpose of the organization is to increase the public's understanding about the judiciary and the federal court system. JLC, Inc. was originally created in order to help support the Judicial Learning Center (JLC), an educational center located in the Thomas F. Eagleton Courthouse. The JLC, which opened to the public in February 2009, is dedicated to promoting public understanding about the importance of an independent judiciary and the rule of law in American society. The JLC is the only courthouse-based



educational center in the United States devoted exclusively to the judicial process and the rule of law.

As an educational center, the JLC uses high-quality exhibits, interactive displays, and colorful illustrations that provide an engaging narrative about the work of the federal courts and the structure of the judicial branch of government. In addition to the permanent exhibits of the Center, JLC, Inc. continually works to attract traveling exhibits from other legal organizations and government agencies in order to broaden the scope of knowledge available to visitors.

As the economy continues to create financial constraints on institutions such as schools, JLC, Inc. created a grant program covering expenses such as transportation and parking to ensure students, teachers, and citizens alike will not be deprived of this valuable resource. In 2011, JLC, Inc. provided nine transportation grants for school programs and one parking grant for a teacher program.

#### STUDENT GROUP PROGRAMS

In the past ten years, the district court has offered a variety of learning experiences to the young people in this community. The past calendar year was no exception with programs spotlighting careers in the legal field to instruction on the role of courts in providing justice to all parties in a case.



A student group at the Judicial Learning Center in the Eagleton Courthouse

*Spring Internship Program* – The U.S. District Court along with the Eight Circuit Court of Appeals, U.S. Bankruptcy Court, U.S. Pretrial Services, and the U.S. Probation Office agreed to participate in a spring internship program with select students from Northwest Academy of Law, a St. Louis public high school. Students in the program spent time shadowing court professionals from the different agencies on April 13th and 20th. During the behind-the-scenes look, students were encouraged to ask questions of court personnel in order to gain a greater understanding of the work completed on a daily basis by the different court units.

*Law Day* – On April 29th, the Eastern District of Missouri sponsored Law Day, a commemoration established by President Dwight D. Eisenhower in 1958. The idea for a special national day to mark our commitment to the rule of law was first proposed by American Bar Association (ABA) President Charles S. Rhyne in 1957. For Law Day 2011, the country paid tribute to our second President, John Adams. The 2011 Law Day theme was “The Legacy of John Adams: From Boston to Guantanamo”. President Adams dedicated his career to preserving justice and securing the



Chief U.S. District Judge Catherine D. Perry addressing the students from Crystal City High School on Law Day

rights of the accused. In a time of heightened tension between the British and the American colonies, President Adams chose to represent the British soldiers accused of firing their weapons into a crowd of colonists resulting in five deaths in the Boston Massacre. By accepting the case and defending the British soldiers, President Adams demonstrated to the world that America is a nation of laws and that a fair trial is the right of all people. In his summation at the trial of *Rex v. Wemms* (Soldiers Trial), President Adams argued that the, “...law, in all vicissitudes of government, fluctuations of the passions, or flights of enthusiasm, will preserve a steady undeviating course; it will not bend to the uncertain wishes, imaginations, and wanton tempers of men.”<sup>1</sup> The ideals upheld by President Adams in *Rex v. Wemms* resonate today as much as they did then as our nation is faced with new challenges in an ever-changing environment.

On Law Day, the district court welcomed students from Crystal City High School. In preparation for the Law Day events at the Eagleton Courthouse, the students wrote and submitted essays to compete in a contest with the topic being “Equal Access to Justice”, a subject reflecting the ideals of President Adams. The students were greeted with a welcome from Chief U.S. District Judge Catherine D. Perry. During her introduction, Judge Perry discussed among other things the important role courts play to ensure all parties involved in a case have an equal access to justice. The program proceeded with a visit to U.S. Magistrate Judge Nannette A. Baker’s courtroom. Continuing with the Law Day theme, the students took part in a debate making arguments for and against the famed statement posed by Benjamin Franklin: “That it is bet-

<sup>1</sup> John Adams, “Legal Papers of John Adams, No. 64, *Rex v. Wemm*, pp. 260-270,” Boston Massacre Historical Society, <http://www.bostonmassacre.net/trial/acct-adams1.htm> (accessed March 14, 2012).

ter 100 guilty persons should escape than that one innocent person should suffer.”

At the next session, the students were introduced to the following panel of experts: Judge Glenn A. Norton from the Missouri Court of Appeals, Eastern District; Cathy Ditraglia, an attorney from the Federal Public Defender’s Office; and Ethan Corlija, a criminal defense attorney from Hogan, Sokolik, Corlija and Kielty. The students engaged in a question and answer session with the panel of experts regarding the equal access to justice subject with a special focus on the right to counsel. Before the Law Day program, students spent time preparing for this discussion by studying the sixth and fourteenth amendments as well as their application in *Gideon v. Wainwright* (1963). In *Gideon v. Wainwright* (1963), the Court held that Gideon had the right to a court-appointed attorney, which overruled *Betts v. Brady* (1942).



Students from Crystal City High School participating in the Law Day program

After the discussion closed with the expert panel, the students visited Chief U.S. Magistrate Judge Mary Ann L. Medler in her courtroom. Judge Medler provided the students a tour of her courtroom explaining how different technologies are used in courtroom proceedings. This was a memorable experience for the students. One student would later comment about the Law Day program to say that, “...It was an incredible experience. You learn so much about the United States Justice System. We got a chance to visit courtrooms and speak with a judge. I suggest everyone visit the Eagleton Courthouse at least once in their lifetime.”

At a break in the day, Thomas G. Glick, President of the Bar Association of Metropolitan St. Louis (BAMSL), and Jim Woodward, Clerk of Court, announced that Chelsea Thurman of Crystal City High School was the winner in the essay contest. The decision was difficult to make due to the large number of compelling arguments made in the submitted essays. The winning student was invited to the Law Day luncheon on May 16th and had the opportunity to meet U.S. Supreme

Court Associate Justice Samuel Alito. To conclude the day, the students visited the JLC and then traveled to the 28th floor to the En Banc Courtroom where the group was given an overview of the Eighth Circuit Court of Appeals.

*Optimist Club Youth in Government Day* – On May 4th, students from area high schools in Cape Girardeau County, Missouri visited the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri to participate in the Optimist Club Youth in Government Day. The students in attendance received a tour of the United States Marshals Service. At its conclusion, the students were then greeted by U.S. Magistrate Judge Lewis M. Blanton. Judge Blanton took time to speak of the importance and rewards of public service. This event served as another example of the youth in the communities of Eastern Missouri having the opportunity to observe and interact with professionals in the legal field.

*Constitution Day* – For Constitution Day, the Eastern District of Missouri welcomed middle school students from McKinley Classical Leadership Academy, a St. Louis Public School, on September 16th. The focus for this year’s program was jury service. In days preceding their visit to the courthouse, all students received a jury summons at school and had to submit a completed juror questionnaire. On the day of their arrival, the students were greeted by Chief U.S. District Judge Catherine D. Perry. After a few words, Jim Woodward, Clerk of Court, began the day’s program by providing a juror orientation to the students.

At the conclusion of the orientation, the students traveled to the courtroom of U.S. District Judge Henry E. Autrey to go through a voir dire simulation. To assist in this presentation, Michael Reap, First Assistant U.S. Attorney, Jan Good, Senior Litigator in the Federal Public Defender’s Office, and Brian Witherspoon, Assistant Federal Public Defender, volunteered their time to create a realistic experience for the students as jurors. The students left the courtroom that day with a greater understanding of jury service requirements, but more importantly why it is a cornerstone to the judicial process. The group of students concluded their Constitution Day program with a presentation from Deputy U.S. Marshal Drew Polan and a tour of the Judicial Learning Center.



U.S. Magistrate Judge Lewis M. Blanton speaking to students at the Youth in Government Day in Cape Girardeau, Missouri on September 16, 2011

## SCOUTING RESOURCES

In 2011, the Eastern District of Missouri began to offer programs and resources for local Boy and Girl Scouts, a new feature to public education and community outreach. The court now provides merit badge programs, career fairs, and new web content on the Eastern District of Missouri's website located at [www.moed.uscourts.gov](http://www.moed.uscourts.gov) under the "Community" tab outlining merit badge requirements and supplying background information on the federal courts.

*Merit Badge University* – The court began its work with the scouts at the annual Alpha Phi Omega Merit Badge University on February 19th on the campus of Southeast Missouri State University in Cape Girardeau, Missouri. Rachel Marshall, Public Education and Community Outreach Administrator for the Eastern District of Missouri, who is also a merit badge counselor, instructed a session entitled "Citizenship in the Nation". There were 27 scouts who attended this session. The "Citizenship in the Nation" merit badge is one of the requirements for a scout to advance to the rank of Eagle Scout.



U.S. District Judge Rodney W. Sippel with a scout in the Webelos program

*Boy Scouts Citizenship Program* – On July 8th, the Eastern District of Missouri hosted a day-long Boy Scout program focused on citizenship. The court welcomed 53 Boy Scouts to the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The scouts were given a tour of the Judicial Learning Center and completed a subsequent court provided activity. The scouts then journeyed to the courtroom of U.S. District Judge Rodney W. Sippel to observe a sentencing. At the conclusion of the sentencing, Judge Sippel, an Eagle Scout and Merit Badge Counselor, provided the group of Boy Scouts an introduction to the federal courts. After speaking with Judge Sippel, the scouts were provided a presentation on the U.S. Marshal's Service by Deputy U.S. Marshal Jason Batson in the jury assembly room.

In the afternoon, the Boy Scouts were required to attend instructional sessions in order to complete the requirements for the "Citizenship in the Nation" Merit Badge. One of the sessions was entitled "The Preamble". In this discussion, Chief Deputy Scott Anders from the U.S. Probation Office and Officer Paul Boyd spoke to the scouts on the Preamble to the U.S. Constitution and the different functions of government. Chief U.S. Magistrate Judge Mary Ann L. Medler and U.S. Magistrate Judge Thomas Mummert led a session titled "The Constitution". In this lesson, the two judges discussed various

elements of the U.S. Constitution and the three branches of government. The final session instructed by Rachel Marshall was a discussion on the Bill of Rights and later amendments.

The Boy Scouts Citizenship Program sponsored by the Eastern District of Missouri was recognized by *The Third Branch*, a newsletter to the Federal Courts, in the October edition. The article entitled "Learning Center Teaches Scouts About Citizenship" spotlighted the importance of the court's new outreach program for scouts as well as the value of the Judicial Learning Center facility in Thomas F. Eagleton Courthouse<sup>2</sup>.

*Webelos Program* – On September 26th, the Eastern District of Missouri welcomed scouts from Pack 656 at McGrath Elementary in Brentwood, Missouri. These scouts are in the Webelos program, which prepares fourth and fifth grade boys for the Boy Scouts. The meaning of the term "Webelos" is we'll be loyal scouts. To start the program, U.S. District Judge Rodney W. Sippel welcomed the scouts and parents in attendance. After the introduction by Judge Sippel, the group observed separate courtroom proceedings with Chief U.S. District Judge Catherine D. Perry and U.S. District Judge Audrey G. Fleissig. The group concluded the afternoon by visiting the Judicial Learning Center and completing a court provided activity.



Chief U.S. Magistrate Judge Mary Ann L. Medler speaking to the Girl Scouts

*Girl Scouts Careers for Justice Program* – On December 28th, the Eastern District of Missouri hosted a careers for justice program for area Girl Scouts interested in a future career within the legal field. Female professionals from different agencies in the Thomas F. Eagleton Courthouse took time to speak to the group of Girl Scouts about their educational background, position responsibilities, and personal stories related to their role within the courthouse. U.S. District Judge Carol E. Jackson welcomed the Girl Scouts to the

<sup>2</sup> The Third Branch, "Learning Center Teaches Scouts About Citizenship," *The Third Branch*, October 2011, Volume 43, Number 10, pps. 1 & 3, [http://www.uscourts.gov/News/TheThirdBranch/11-10-01/Learning\\_Center\\_Teaches\\_Scouts\\_About\\_Citizenship.aspx](http://www.uscourts.gov/News/TheThirdBranch/11-10-01/Learning_Center_Teaches_Scouts_About_Citizenship.aspx) (Accessed December 1, 2011).

courthouse and gave them a preview of the various careers they were going to hear about that morning. Before the speakers were introduced to the group, the Girl Scouts were given a tour of the Judicial Learning Center and had to complete a court activity based on what was displayed in the learning facility.

The career presentations began at the conclusion of the Judicial Learning Center tour. The first to speak was Debbie Kriegshauser for the Court Reporters. Following her, Carol Long held a discussion about her career as a Courtroom Deputy Clerk/Assistant Case Manager. Representing U.S. Pretrial Services was Chief Pretrial Officer Cindy Bochantin who spoke to the scouts about her position and daily responsibilities. Chief U.S. Magistrate Judge Mary Ann L. Medler followed Cindy and talked to the group about her career as a judge and her specific duties as Chief Magistrate Judge. Susan Heider, a Law Clerk to Senior U.S. District Judge Charles A. Shaw, spoke about the job responsibilities as an attorney and a law clerk. The last group to speak was representatives from the U.S. Marshals Service. M. Patricia Schulze, Senior Inspector, Judicial Security Division, and Karolina Duda, Deputy U.S. Marshal, talked to the group about the challenges and rewards of their profession. At the end of the day, each scout left with resources for further exploration of the highlighted law-related careers.

#### TEACHER WORKSHOPS

*Teaching American History Workshop* – On May 14th, the Eighth Circuit Court of Appeals and the Eastern District of Missouri hosted 25 fourth and fifth grade teachers from the City of St. Louis Public Schools for an all-day workshop entitled “Freedom, the Courts and Public Education – a St. Louis Story.” The workshop is part of a series of workshops for teachers of fourth and fifth grade social studies funded by the U.S. Department of Education Teaching American History grant. The objectives for this grant program are to increase elementary teachers’ excitement for American history; increase elementary teachers’ access to primary documents; increase the use of primary sources in lesson planning and instruction; and increase academic achievement in American history at the elementary school level. There were a total of six workshops and each one examined an issue of race and equality. The session at the Thomas F. Eagleton Courthouse entitled “Freedom, the Courts and Public Education – a St. Louis Story” focused on the role of federal courts in assuring equal access to quality education, featuring a case study of *Liddell v. Board of Education of the City of St. Louis*.

The workshop began with a historical introduction to the case study by Dr. John A. Wright, author, public official, and current Assistant Superintendent in the Ferguson-Florissant Public Schools. Following the introduction by Dr. Wright, Chief U.S. District Judge Catherine D. Perry discussed the most historic federal court decisions affecting public school

desegregation efforts. Law Professors Bruce La Pierre and Kimberly Norwood from the Washington University School of Law followed Judge Perry and provided an in-depth review of the *Liddell* case. Mr. La Pierre offered special insight into the case, having served as the court-appointed special master during the litigation of the *Liddell* case. Ms. Norwood focuses her current research on racial identity, colorism issues, and the intersection of race, class, and public education in America.



Dr. John A. Wright speaking to a group of teachers

In the afternoon, the teachers visited the Judicial Learning Center and took part in an oral history activity. The teachers observed how to interview an eye-witness to a historical event. In this demonstration, teachers were given the necessary tools to lead an oral history project with their students. At the close of the day, one teacher stated, “I learned a lot about segregation in the Saint Louis Public Schools. This was an awesome experience.”



Teachers visiting the Judicial Learning Center in the Thomas F. Eagleton Courthouse

*Teacher Professional Development Day* – On August 9th, the Eighth Circuit Court of Appeals and the Eastern District of Missouri hosted an all-day workshop for 45 eighth and ninth grade teachers of American History from the St. Louis Public Schools. The goal of the workshop was to provide teachers the opportunity to interact with legal professionals and develop skills for use in the classroom. The workshop examined the intersection of the core democratic principles and the federal judiciary. Participants explored how the federal courts



Chief U.S. District Judge Catherine D. Perry speaking to first-year law students from Washington University

have functioned to protect individual rights and liberties throughout the history of our country.

To close the workshop, teachers were exposed to resources and activities that will bring this material to life in the classroom. Featured speakers in the workshop included the following:

U.S. District Judge Carol E. Jackson, Sunil Rao, Eighth Circuit Staff Attorney, Josh Jones, Eighth Circuit Staff Attorney, Jim Woodward, Clerk of Court, and Rachel Marshall, Public Education and Community Outreach Administrator. The prevailing sentiment from the teachers was excitement about the new resources available to them to enhance the learning process for their students. There was tremendous positive feedback about the experience. One teacher commented in an exit survey that, "It was a fresh style for a St. Louis Public Schools in-service program. Many resources were provided that are student ready and student friendly." Another teacher stated, "I am excited to use the materials in my classroom."

"It was a fresh style for a St. Louis Public Schools in-service program. Many resources were provided that are student ready and student friendly."  
- Teacher attending workshop

**Teacher Resource Fair** – On October 19th, the Eastern District of Missouri participated in a teacher resource fair at the Saint Louis Zoo. The resource fair was sponsored by The Resource Center Network, which is an informal group of organizations and museums in the St. Louis area that serve teachers, youth groups, and homeschoolers with educational programs and resources for youth in the community. The goal is to provide information about the various sites and resources that will help leaders plan future events. The fair is held each fall and showcases a collection of educational programs. Educators, scout leaders, and other youth group leaders are invited to learn about programs, resources, and free materials from St. Louis area museums, cultural institutions, and organizations. The district court provided materials to the fair and had representatives from the court in attendance to answer questions from attendees.

**Educator Open House** – The United States Courts and the Judicial Learning Center hosted an educator open house at the Thomas F. Eagleton Courthouse on October 25th. The event provided resources for middle school and high school teachers of social studies, civics, government, political science, history, personal finance, and law. At the start of the event, the teachers were welcomed by Chief U.S. District

Judge Catherine D. Perry. During the open house, the teachers were provided information on field trip opportunities to the Eagleton Courthouse as well as potential transportation grants to assist with the costs. The teachers visited two sites included in many courthouse tours: the Judicial Learning Center and the En Banc Courtroom. The feedback from the event was very positive, with most teachers excited about the informative and resources available at the courthouse.

**ADULT PROGRAMS**

**Washington University First-Year Law Students Outreach Event** – The judges of the Eastern District of Missouri hosted the tenth annual Washington University First-Year Law Students Outreach Event at the Thomas F. Eagleton Courthouse on January 21st and February 4th. Each year the first-year law class at Washington University in St. Louis is provided a unique opportunity to meet with a number of judges in a courtroom setting in order to develop a better understanding of the role and operations of the federal courts. For many law students, this is not only their first visit to a federal courtroom, but the first time they have met and spoken with federal judges.

On January 21st, Senior U.S. District Judge E. Richard Webber met with the first group of law students. On February 4th, Chief U.S. District Judge Catherine D. Perry and U.S. District Judge Audrey

G. Fleissig met with the second group of law students.

**BAMSL Trail Advocacy Competition** – The Bar Association of Metropolitan St. Louis (BAMSL) Young Lawyers' Division (YLD) held its fifth annual Trial Advocacy Competition on March 4th at the Thomas F. Eagleton Courthouse. Five courtrooms in the Eagleton Courthouse were used for the trial advocacy competition. Judges presiding over the mock trials were from the St. Louis City and St. Louis County Circuit Courts.



Lawyers competing in the BAMSL Trial Advocacy Competition at the Thomas F. Eagleton Courthouse in St. Louis, Missouri on March 4, 2011

The Trial Advocacy Competition is an award-winning and nationally recognized program that provides aspiring trial lawyers in our community with valuable trial experience. The competition provides young lawyers a realistic litigation experience to practice and refine their skills in all phases of trial. Experienced trial attorneys and judges serve as evaluators and provide feedback on all aspects of the trial presentation. Law students from Saint Louis University School of Law and Washington University School of Law participated in the competition as mock jurors.

*OASIS Series* – In 2011, the Eastern District of Missouri hosted a series of OASIS programs at the Thomas F. Eagleton Courthouse. OASIS is a non-profit organization whose mission is to promote successful aging for adults age 50 and older through a three-fold approach: (1) lifelong learning; (2) healthy living; and (3) social engagement.<sup>3</sup> The St. Louis OASIS serves over 90,000 members in the region and is active in 40 cities across 24 states.<sup>4</sup>

During 2011, the court provided five different subject matter programs for the adults in OASIS St. Louis:

- 1) Civil and Criminal Trials
- 2) The Appeals Process
- 3) The Sentencing Process
- 4) What Happens at Bankruptcy Court?
- 5) The Life of a Civil Lawsuit

In each of the court programs for the adults in OASIS St. Louis, participants toured the various facilities of the Thomas F. Eagleton Courthouse, observed courtroom proceedings, and met and spoke with court personnel. A number of judges from the courthouse also volunteered their services for these events including Chief U.S. District Judge Catherine D. Perry, Senior U.S. District Judge E. Richard Webber, Chief U.S. Magistrate Judge Mary Ann L. Medler, U.S. Magistrate Judge David D. Noce, and U.S. Bankruptcy Judge Kathy Surratt-States. The judges participated in question and answer sessions with the participants.

Comments from OASIS members have been positive. One member stated that, “I have been a member of OASIS since its inception. This course was the most interesting in my recollection.” Another participant commented that, “I was very impressed with the openness of the speakers in answering questions. There is a clear impression that the court system wants to be open to public inspection.”

**NOTABLE VISITORS TO THE EASTERN DISTRICT OF MISSOURI**  
In 2011, the Eastern District of Missouri welcomed numerous judges and local dignitaries to the Thomas F. Eagleton

<sup>3</sup> OASIS Institute, “OASIS is a pioneer in the field of successful aging,” OASIS Institute, <http://www.oasisnet.org/AboutUs.aspx> (accessed March 16, 2012).

<sup>4</sup> *Ibid.*

Courthouse in St. Louis and the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau. On January 13th, judges from Japan visited the Eagleton Courthouse to meet with the judges of the district court to learn about judicial practices and procedures in the United States. Congresswoman Jo Ann Emerson had an informal meeting with judges from the district court on February 24th to discuss the budget outlook for FY 12 and other potential Congressional actions affecting the federal courts. At the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, the Missouri Court of Appeals conducted oral arguments in a docket of Missouri state court cases on appeal on April 18th. Back in St. Louis, the Judicial Conference Criminal Law Committee held a regularly scheduled meeting at the Eagleton Courthouse on June 7th. On the same day, the U.S. Sentencing Commission visited the Eagleton Courthouse following a business meeting.



*From left to right: U.S. District Judge Stephen N. Limbaugh Jr., Congresswoman Jo Ann Emerson, Chief U.S. District Judge Catherine D. Perry, Clerk of Court Jim Woodward*

American Bar Association (ABA) President Stephen N. Zack visited the Eagleton Courthouse on June 14th and met with the judges of the district court, the Board of Directors for Judicial Learning Center, Inc., and members from BAMSL. Included in his visit, ABA President Zack spoke at the Flag Day naturalization ceremony at the Old Courthouse. Later in the



*From left to right: U.S. District Judge Carol E. Jackson, Debra Carnahan, U.S. District Judge Rodney W. Sippel, Congressman Russ Carnahan, U.S. District Judge Audrey G. Fleissig, U.S. Magistrate Judge Thomas C. Mummert III, Chief U.S. Magistrate Judge Mary Ann L. Medler, U.S. Magistrate Judge Terry I. Adelman, U.S. Magistrate Judge David D. Noce*

summer, Congressman Russ Carnahan held informal meetings with the district judges on July 5th to discuss the FY 12 budget and possible Congressional actions that would impact the business of the federal courts. Similarly, Congressman Blaine Leutkemeyer participated in an informal meeting on September 20th with the judges of the court to discuss budget concerns and other matters affecting the federal courts. In the fall, the Mayor of St. Louis Francis G. Slay sat down with the judges of the district court on October 12th to discuss matters of mutual interest to the City of St. Louis and the federal courts.

#### JUROR APPRECIATION WEEK

The Eastern District of Missouri observed Juror Appreciation Week during the week of May 16th. Jurors reporting for duty that week received a U.S. District Court Juror Appreciation book bag and a Certificate of Appreciation signed by Chief U.S. District Judge Catherine D. Perry and Clerk of Court Jim Woodward along with other commemorative items.



U.S. Magistrate Judge  
Terry I. Adelman

At the Thomas F. Eagleton Courthouse in St. Louis, juror appreciation was celebrated on May 16th and 18th. On May 16th, U.S. Magistrate Judge Terry I. Adelman spoke to the jurors about the significance of the occasion and the important service they provide to the courts. Several days later, on May 18th, Clerk of Court Jim Woodward addressed the group of jurors discussing the role jurors play in protecting constitutional liberties. In Cape Girardeau, juror appreciation

was celebrated on May 20th. U.S. District Judge Stephen N. Limbaugh Jr. and U.S. Magistrate Judge Lewis M. Blanton both offered remarks to the jurors about the great responsibility and role the jury system plays in our justice system.

#### ORAL HISTORY PROJECT UPDATE



In 2004, Senior U.S. District Judge E. Richard Webber (pictured left) began the extensive process of creating oral histories on all retired and senior district judges from the Eastern District of Missouri. Dr. Frank Nickell from the Visual Arts Department at Southeast Missouri

State University is the Director of the Center for Regional History and specifically for this project is providing production assistance for recorded interviews. Each recorded interview requires at least 150 hours of research and preparation. The ultimate goal of the project is to capture the character of each

retired and senior judge and preserve it for historical purposes.

For each oral history, Judge Webber, in addition to his own research, conducts interviews with family, friends, associates, and fellow judges in order to obtain a thorough and balanced understanding of the judge. Once the research and interviews are completed, if possible, an interview with the judge is conducted. The final interview with the judge serves as the capstone to each oral history.

By the close of 2011, Judge Webber completed the final editing stage for the oral histories of Senior U.S. District Judge Edward L. Filippine and Senior U.S. District Judge Donald J. Stohr. With the editing completed, the oral histories were installed in the Judicial Learning Center for public viewing. The two most recently completed oral histories of Judge Filippine and Judge Stohr were produced in high definition video. By making this change, the high definition cameras will further preserve the legacy through enhanced video quality. Furthermore, work is underway on the oral history of retired U.S. District Judge William H. Webster. Judge Webster's oral history will be completed by the end of 2012.

The oral history project led by Judge Webber has served as a valuable reference for author Burton Boxerman, who is writing a history of the Eastern District of Missouri. In 2011, Mr. Boxerman completed a draft of the book and is now in the process of editing the draft along with Judge Webber and the office of the Southeast Missouri State University Press. An expected release date of the book is near the close of calendar year 2012.

In addition to the work on the oral histories, progress was made in 2011 on the profiles of the seventeen most significant cases from the Eastern District of Missouri. The seventeen most significant cases were selected by the History Committee of the Eastern District of Missouri. The review of case history will include recorded interviews with parties involved with the cases and those individuals who have conducted extensive research on them. Filming on cases *St. Mary's Honor Center et al v. Hicks* 509 U.S. 502 (1993) and *Spinelli v. United States* 393 U.S. 410 (1969) concluded in 2011. Both presentations are in the process of being edited and should be ready for installation into the Judicial Learning Center by the close of 2012.

#### NATURALIZATION PROGRAMS

In 2011, the Eastern District of Missouri including the U.S. District Court and the U.S. Bankruptcy Court performed a total of forty naturalization ceremonies in which 2,364 petitioners became United States citizens. The U.S. District Court held twenty-eight ceremonies and 1,661 petitioners became U.S. citizens. Of the new citizens, the League of Women Voters registered a total of 769 new voters at the district court naturalization ceremonies. Court personnel from the Clerk's

Office coordinated and staffed the monthly naturalization ceremonies. These duties were performed by David Braun, Laura Dreon, and Jeanne Pattrin. The U.S. Bankruptcy Court performed 12 naturalization ceremonies in 2011. At the bankruptcy ceremonies, 703 petitioners became United States citizens. The League of Women Voters registered a total of 396 new voters at the bankruptcy court naturalization ceremonies. In total, the League of Women Voters registered 1,165 new voters at naturalization ceremonies in 2011.

As in previous years, numerous individuals and community groups made an assortment of generous contributions to the naturalization programs through the year. Their continued support enhances the value of this unique experience. There was a diverse group of individuals from government officials to legal professionals who shared their time and talents as speakers or singers at the ceremonies. Talk show radio host Charlie Brennan, Lt. Governor Peter Kinder, Judge Rachel L. Bringer of the Missouri 10th Judicial Circuit Court, ABA President Stephen N. Zack, Former Governor of Missouri Bob Holden, Chief Justice Richard B. Teitelman of the Missouri Supreme Court, and Judge Jimmie Edwards of the 22nd Judicial Circuit Court were each featured guest speakers at naturalization ceremonies during 2011. American Legion posts from metropolitan St. Louis donated flags to new U.S. citizens. The Webster Groves Chapter of the Daughters of the American Revolution donated patriotic bookmarks to new citizens. Troops from the Boy Scouts of America from across the state of Missouri and various posts of the American Legion acted as Color Guard at many of the naturalization ceremonies. Administration and staff from the National Parks Service at the Jefferson National Expansion Memorial, Palmyra Middle School, Soldan International Studies High School, and the Ulysses S. Grant National Historic Site graciously made their facilities available for selected ceremonies in 2011.



Naturalization ceremony at Palmyra Middle School in Palmyra, Missouri

**Law Day Ceremony in Cape Girardeau, Missouri** – The Law Day naturalization ceremony was held at the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri on April 25th. U.S. District Judge Stephen N. Limbaugh Jr. presided at the ceremony and administered the *Oath of Alle-*

*giance* to 18 new U.S. citizens from 9 different countries. Lt. Governor Peter Kinder provided the keynote address to the new citizens. Lewis K. Juden Post No. 63 of the American Legion, Trudy Lee, and Beverly Reece also participated in the naturalization program.



From left to right: Clerk of Court Jim Woodward, Guest Speaker Stephen N. Zack, U.S. District Judge Henry E. Autrey at the Flag Day Naturalization Ceremony

**Ceremony at Palmyra Middle School** – A special naturalization ceremony was held at the Palmyra Middle School on May 6th in Palmyra, Missouri. Senior U.S. District Judge E. Richard Webber presided at the ceremony and administered the *Oath of Allegiance* to 10 new petitioners from 7 different countries. Judge Rachel L. Bringer of the Missouri 10th Judicial Circuit Court provided inspiring words to the crowd as the guest speaker. The American Legion Post 174, VFW Post 11041, and the Palmyra Middle School Choir were also involved in the ceremony events.

**Ceremony at Soldan International Studies High School** – A special naturalization ceremony was held at Soldan International Studies High School on May 20th in St. Louis, Missouri. U.S. Magistrate Judge Terry I. Adelman presided at the ceremony. There were 66 petitioners who took the *Oath of Allegiance* at the ceremony from 24 different countries. The guest speaker was attorney Fibbens A. Korateng, who provided the keynote address to the new citizens. The Elite Color Guard AFJROTC-MO-881, Jada Jefferson, and Kevin Mancuso also participated in the ceremony proceedings.

**Flag Day Ceremony** – The Flag Day naturalization ceremony was held at the Old Courthouse on June 14th in St. Louis, Missouri. Across the nation, special naturalization ceremonies were held welcoming thousands of new citizens in celebration of the 234th anniversary of the adoption of the Stars and Stripes.<sup>5</sup> In St. Louis, U.S. District Judge Henry E. Autrey presided at the ceremony and administered the *Oath of Alle-*

<sup>5</sup> U.S. Citizenship and Immigration Services, "USCIS Celebrates Flag Day 2011 with Special Naturalization Ceremonies," USCIS, <http://www.uscis.gov/news> (Accessed March 27, 2012).



giance to 63 new citizens from 27 different countries. ABA President Stephen N. Zack provided the keynote address at the ceremony. Boy Scout Troop 624, Alan Freed, Kathy Lawton Brown, Leslie Caplan, Roberta Gardner & John Powel also took part in the program.

*Independence Day Ceremony* – The Independence Day naturalization ceremony is held each year at the Old Courthouse in St. Louis, Missouri. The special ceremony took place on July 1st. U.S. District Judge Rodney W. Sippel presided at the ceremony and administered the *Oath of Allegiance* to America's newest citizens. In order to commemorate America's 235th birthday, more than 24,000 citizenship candidates were naturalized in approximately 350 special ceremonies across the United States and abroad. Independence Day ceremonies began on June 27th and concluded on July 4th.<sup>6</sup> There were 64 petitioners at the ceremony in St. Louis, Missouri. The new Americans were originally from 29 different countries. Former Governor of Missouri Bob Holden provided inspiring words to the group of new citizens. Boy Scout Troop 685 advanced and retired the colors. Neal E. Boyd and Boy Scout Troop 685 also contributed to the naturalization program.



Senior U.S. District Judge E. Richard Webber and Chief Justice of the Missouri Supreme Court Richard B. Teitelman welcome a new citizen at the Constitution Day Naturalization Ceremony

*Constitution Day Ceremony* – The Constitution Day naturalization ceremony was held at the Old Courthouse on September 16th. Senior U.S. District Judge E. Richard Webber presided at the ceremony. There were 54 petitioners from 32 different countries who took the *Oath of Allegiance* at the ceremony. The guest speaker at the ceremony was

Judge Richard B. Teitelman, Chief Justice of the Missouri Supreme Court. Maribeth McMahon also participated in the ceremony proceedings.

*Naturalization Ceremony at the Ulysses S. Grant National Historic Site* – A special naturalization ceremony was held at the Ulysses S. Grant National Historic Site on November 10th in St. Louis, Missouri. U.S. Magistrate Judge Thomas C. Mummert III presided at the ceremony. There were 24 petitioners who took the *Oath of Allegiance* at the ceremony from 14 different countries. Richard Callahan, United States Attorney for the Eastern District of Missouri, addressed the crowd

<sup>6</sup> U.S. Citizenship and Immigration Services, "USCIS to Welcome More Than 24,000 New Citizens During Fourth of July Celebrations," USCIS, <http://www.uscis.gov/news> (Accessed March 27, 2012).

on the special occasion. Peter Dunne was also involved in the naturalization ceremony.

## PUBLIC SERVICE PROGRAMS

### PROJECT EARN

Project EARN (Expanding Addicts' Recovery Network) was initiated in the Eastern District of Missouri in April 2008. Project EARN, a program name unique to the Eastern District of Missouri, is a type of reentry court program designed to be a voluntary intensive recovery program for individuals on probation or supervised release who suffer substance abuse and/or dependence issues. Before joining the program, participants must be willing to abide by all the rules and regulations of the program, which includes regularly scheduled court appearances for updates on participant progress. If the participant fails to meet the standards of the agreement, then this may result in termination from the program as well as possible revocation of supervision or other court sanctions.



U.S. District Judge Carol E. Jackson speaking at the Project EARN graduation ceremony on May 18, 2011

Project EARN in the Eastern District of Missouri in broader terms is a type of drug court. According to the National Association of Drug Court Professionals (NADCP), there are nine types of Drug Courts including Federal District Drug Court programs like Project EARN currently operating.<sup>7</sup> Across the country, there are 2,559 Drug Courts serving over 120,000 people.<sup>8</sup> Drug Courts have been determined to reduce crime, save money, ensure compliance, combat meth addiction, and restore families.<sup>9</sup> Project EARN like other Drug Courts provide a valuable service to those individuals in need of assistance.

<sup>7</sup> National Association of Drug Court Professionals, "Types of Drug Courts," NADCP, <http://www.nadcp.org/learn/what-are-drug-courts/types-drug-courts> (Accessed March 27, 2012).

<sup>8</sup> Ibid.

<sup>9</sup> National Association of Drug Court Professionals, "Drug Courts Work," NADCP, <http://www.nadcp.org/learn/facts-and-figures> (Accessed March 27, 2012).

Each participant's involvement in Project EARN must be confirmed in a written agreement to be signed by the participant, the U.S. Probation Office, U.S. Attorney's Office, Federal Public Defender's Office, and the U.S. District Court. U.S. District Judge Carol E. Jackson represents the District Court as the program judge.

The Project EARN team is comprised of the District Court, U.S. Attorney's Office, the Federal Public Defender's Office, the Probation Office, and community treatment providers. Each team member has assigned duties that assist in the participant's progress. In the case of the District Court, when the participant is excelling, the court offers support and praise, but if the participant is found to be in noncompliance with any part of the agreement, then sanctions may be imposed based upon the severity of the action. In some cases, graduates from this program may receive up to one year reduction in their terms of supervision.

There are four phases, each varying in length, to complete in Project EARN before a participant is eligible for program graduation. Each phase has a primary goal, outlined objectives and expectations, meeting requirements, and criteria for phase advancement. The four phases to Project EARN are listed below:

- 1) EARLY RECOVERY
- 2) PRIMARY TREATMENT PHASE
- 3) CONTINUED CARE AND SUPERVISION
- 4) COMMENCEMENT PHASE

In 2009, Project EARN held its first and second graduation ceremonies for graduates of the program. In 2010, Project EARN performed two graduation ceremonies. In 2011, Project EARN held one graduation ceremony on May 18th for graduates Dashiell Bradley, Amanda Gabriel, and Charles Lowery.

#### PROJECT GRIP

The Gang Reentry Initiative Project (GRIP) is a voluntary, intensive supervision program that aims to assist gang-involved individuals with their chances of success upon release from incarceration. This program entails a comprehensive approach that connects individuals with resources and training that will improve their social, educational, and vocational abilities. The program team consists of the U.S. District Court, U.S. Attorney's Office, Federal Public Defender's Office, U.S. Probation Office, treatment providers, as well as community partners. Each member has a unique role in the re-entry process. U.S. District Judge Henry E. Autrey represents the District Court as the program judge.

Gangs and their criminal activities continue to not only affect public safety and the criminal justice system, but also affect the gang-involved individual and his chances of success upon release from incarceration. Several studies have found that

gang members typically continue criminal associations after being released from prison as they have strengthened these ties while incarcerated for protection. Upon release, these gang-involved subjects have great difficulty in developing new, positive associations in the community as they lack social, educational and vocational skills necessary to successfully reintegrate into society.

Project GRIP is designed as a program for individuals on probation or supervised release who have gang involvement issues. All participants must be able and willing to abide by all the rules of the program, which include regularly scheduled court sessions in order to report on participant progress. Program participation will become a condition of supervision. Failure to abide by the mandates of the program may result in the participant being terminated from the program, and may result in additional consequences, including revocation of supervision or return to traditional supervision. Each participant's involvement in the program is confirmed in a written agreement signed by the participant, the U.S. Probation Office, U.S. Attorney's Office, Federal Public Defender's Office, and the U.S. District Court. Participants who graduate from the program may receive up to one year reduction in their term of supervision.



U.S. District Judge Henry E. Autrey speaking at a Project GRIP graduation ceremony

On March 23th, Project GRIP held a graduation ceremony for its first graduate, Christopher L. Harper. According to Judge Autrey, Harper is the "...exemplification of what this program is all about."<sup>10</sup> The program officially began in March 2010 with six participants. Harper, recently released from an extended federal prison sentence, has a desire to achieve a number of goals since his release. One of them is to purchase his first home. In order to accomplish this feat, Harper has a full-time job as well as a part-time one.<sup>11</sup> To this point, Harper has not received any problems from his former gang.

<sup>10</sup> Robert Patrick, "Federal Program in St. Louis aims to free felons from gang life," *St. Louis Post-Dispatch*, March 24, 2011, News section, [http://www.stltoday.com/news/local/crime-and-courts/article\\_5dd56975-f6d3-519c-add5-9efc2e599157.html](http://www.stltoday.com/news/local/crime-and-courts/article_5dd56975-f6d3-519c-add5-9efc2e599157.html) (Accessed March 27, 2012).

<sup>11</sup> Ibid.

In fact, Harper commented to a reporter at the graduation ceremony that some of his former gang members have been asking him about possible jobs.<sup>12</sup> Harper has proven that an individual can change the direction of his/her life with dedication and a strong support network.



Project GRIP graduate Christopher L. Harper with Senior U.S. District Judge E. Richard Webber

#### VETERANS COURT

A Veterans Court was established in the Southeastern Division (Cape Girardeau) of the Eastern District of Missouri in October 2011. The Veterans Court developed in Cape Girardeau represents one of many programs being initiated by courts and states alike to counteract the growing number of veterans appearing in court with mental health conditions and substance abuse problems.<sup>13</sup> The first veterans treatment court was launched in January 2008 in Buffalo, New York under the leadership of Judge Robert T. Russell.<sup>14</sup> Ultimately, it is the goal of these specialized courts to rehabilitate veterans and avoid recidivism through the collaborative dedication and effort of veteran mentors, Veteran Affairs staff, and other interested parties.



U.S. District Judge  
Stephen N. Limbaugh Jr.

Veterans Court in the Eastern District of Missouri is a voluntary program for individuals on probation or supervised release who are United States military veterans and in need of services from the Department of Veterans Affairs (VA) and the U.S. Probation Office to comply with the conditions of supervision.

Participants are considered for the program regardless of their type of conviction or criminal history, but they must be able and willing to abide by all the rules of the program, which include scheduled court sessions in order to report on partici-

part progress. Court sessions are held every three weeks in Cape Girardeau at the Rush Hudson Limbaugh Sr. U.S. Courthouse where U.S. District Judge Stephen N. Limbaugh Jr. presides. The Veterans Court team is comprised of members from the offices of the Assistant U.S. Attorney, Federal Public Defender, U.S. Probation, Department of Veteran Affairs, and Missouri Veterans Commission.

The Veterans Court in Cape Girardeau currently has eight participants. The participants all have been honorably discharged and receive services through the Department of Veteran Affairs. Participants who successfully complete and graduate from the program receive a reduction in their term of supervision. An incentive program has been built into Veterans Court, which provides small rewards for participants who make positive steps toward reaching their goals and remain compliant with the conditions of their supervision.

#### JUROR UTILIZATION

The Eastern District of Missouri closely supervises the effectiveness of its juror utilization practices. Effective juror utilization, as defined by the Judicial Conference of the United States, is thirty percent or less of jurors not selected, serving, or challenged (NSSC) on the first day of service. The NSSC statistic is calculated for each court by combining the percentage of prospective jurors who did not participate in voir dire and the percentage in voir dire that were neither selected nor challenged on the first day of service. Since adopting its juror utilization policy in 1993, the Eastern District of Missouri has traditionally performed better than both the national average and the Judicial Conference goal. In 2011, the NSSC rate for the Eastern District of Missouri was 34.1 percent, compared to 20.9 percent in the preceding year. Despite the increase in the NSSC rate, the court still performed better than the national average rate of 36.8 percent.

By division, St. Louis (Eastern Division) recorded 38.9 percent, which represented an increase of 21.5 percent from 2010. In Cape Girardeau (Southeastern Division), the juror utilization rate was 9.3 percent, a 31.7 percent decrease from 2010. The juror utilization rate in Hannibal (Northern Division) was 14.3 percent, which was a 1.3 percent decrease from 2010. Although the NSSC rate increased in St. Louis, both Cape Girardeau and Hannibal observed decreases to their rate.

As mentioned previously, the Eastern District of Missouri has been continually improving its juror management over the past several years. *Table 1* (top of page 15) displays statistics on juror utilization for calendar years 2009, 2010, and 2011. When comparing the statistics from 2010 and 2011, there are significant changes to several categories. For example, the number of jurors required to appear for jury duty decreased 33.8 percent from 2010 to 2011 (2,358 v. 1,560). The number

<sup>12</sup> Ibid.

<sup>13</sup> Lynne Marek, "Courts for veterans spreading across U.S. – Wave of vets in courts trips alarm," *National Law Journal*, December 22, 2008, [http://www.alabar.org/media/news\\_digest/dec08.cfm](http://www.alabar.org/media/news_digest/dec08.cfm) (Accessed March 27, 2012).

<sup>14</sup> Ibid.

of jurors who participated in voir dire decreased 42.8 percent from 2010 to 2011 (2,140 v. 1,225). The number of jurors selected for trial decreased 42.4 percent from 2010 to 2011 (720 v. 415). For a complete breakdown of monthly juror usage in 2011, please refer to Appendix G on page 62.

	2009	2010	2011
NUMBER OF PEOPLE SENT QUALIFICATION QUESTIONNAIRES	26,805	23,970	26,500
NUMBER OF JURORS SUMMONED FOR JURY DUTY	10,674	10,876	10,136
NUMBER OF JURORS WHO APPEARED FOR JURY DUTY	1,854	2,358	1,560
NUMBER OF JURORS WHO PARTICIPATED IN VOIR DIRE <sup>1</sup>	1,665	2,140	1,225
NUMBER OF JURORS WHO WERE SELECTED FOR TRIAL	577	720	415
NUMBER OF JURY TRIAL STARTS (CIVIL AND CRIMINAL)	60	71	42

<sup>1</sup> - This figure includes three sets of jurors: (1) Jurors who were selected for trial; (2) Jurors challenged for cause or peremptorily, and (3) Jurors who participated in voir dire, but were not selected or challenged.

## JURY SERVICE EVALUATION

From July 1st to December 31st, jurors who reported for selection in each division of the Eastern District of Missouri were asked to complete a brief, confidential survey following their jury service. The surveys were designed to identify jurors' opinions on the different elements of jury service in the district court. Since 2006, the court has been requesting that jurors take the time to comment on their recent experience. The court reviews each survey and considers ways to address juror concerns. The survey responses assist the court in improving citizens' satisfaction with the juror experience. *Table 2* (page 16) displays in part the results of the survey.

The surveys distributed to jurors after the completion of their jury service were organized into the following categories:

- 1) Jurors who did not participate in the selection process;
- 2) Jurors who completed voir dire, but were not selected for service; and
- 3) Jurors who completed voir dire and were selected to serve on a panel, deliberated, and returned a verdict.

In 2011, 692 jurors completed the survey. Organized by division, there were 532 surveys completed in St. Louis, 139 surveys in Cape Girardeau, and 21 surveys in Hannibal. The number of jurors who completed surveys decreased 31.8 percent from 2010 to 2011 (1,015 v. 692). Of the 692 completed juror surveys, 358 jurors completed voir dire, but were

not selected for service, 182 jurors completed voir dire and were selected to serve on a panel, and 152 jurors did not participate in the selection process.

The jury service questionnaire is divided into seven sections including an area for comments. The first section of the survey has two parts. The first part of the section asked jurors if they used the online program, eJuror, to submit their juror qualification questionnaire and/or juror information form. Survey results indicated that 47.1 percent of jurors used eJuror in the district, while 50.7 percent of jurors did not use the program. A marginal number of jurors did not respond to the question. The response in St. Louis revealed 50.7 percent of jurors used eJuror, while 46.6 percent did not use the program. In Cape Girardeau, 30.9 percent used eJuror and conversely 68.3 percent did not use the program. Jurors in Hannibal used the eJuror program 61.9 percent of the time, while 38.1 percent of jurors did not use the application.

The second part of the first section asked jurors who used eJuror to rate whether it was "helpful" or "not helpful". The overall results from the district indicated that 98.2 percent of jurors who used the program found it helpful. This represents a 2.1 percent increase in user satisfaction with eJuror from 2010, its first full year of operation. A nearly unanimous figure is evidence that this automated response tool is a helpful and well-used instrument to complete necessary jury service forms.

The second section of the survey asked jurors to rate their experience after having reported for jury service in the Eastern District of Missouri. The responses from the survey indicated that 46.7 percent found the experience more favorable than first expected, while 47.1 percent found the experience to be about what they expected. There were about 3.5 percent of jurors who found the experience less favorable than first expected and 2.8 percent did not respond to the question.

The third section of the jury service questionnaire asked jurors to rate eight different aspects of jury service particular to the district. The percentages displayed in *Table 2* (top of page 16) reflect an overall high degree of satisfaction with the listed elements of jury service.

The fourth section of the survey asked if the jurors had requested to be excused or deferred from service. The survey results reveal that 9.0 percent of jurors asked to be deferred or excused, while 87.0 percent did not. A marginal amount of jurors (4.1 percent) did not answer the question. The fifth section of the survey asked jurors to select their age group from six possible categories. The sixth section of the survey asked jurors to identify their gender. Of the 692 jurors who completed the survey, 44.5 percent were women, 42.1 percent were men, and 13.4 percent did not identify their gender.

TABLE 2: JURORS' RATINGS OF JURY SERVICE  
JULY 1, 2011 – DECEMBER 31, 2011 REPORTING PERIOD

JURY SERVICE ASPECTS	RATING SCALE (PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH)					
	EXCELLENT	GOOD	SATISFACTORY	FAIR	POOR	NOT RATED
INFORMATION PROVIDED	56.9%	31.9%	6.9%	1.5%	0.3%	2.5%
INITIAL ORIENTATION	57.4%	33.5%	5.4%	0.7%	0.1%	2.9%
TREATMENT BY COURT PERSONNEL	78.0%	17.2%	1.7%	0.4%	0.1%	2.6%
PHYSICAL COMFORTS	56.2%	35.4%	4.3%	1.2%	0.3%	2.6%
PARKING FACILITIES	45.7%	37.8%	9.0%	1.9%	0.6%	5.0%
SCHEDULING YOUR TIME	43.8%	37.3%	11.4%	2.7%	0.9%	3.9%
AUTOMATED PHONE NOTIFICATION	55.8%	28.0%	7.2%	1.5%	1.1%	6.4%
TERM OF SERVICE	43.4%	34.8%	12.8%	1.9%	1.7%	5.4%

The final section of the survey gave jurors the opportunity to make comments regarding the jury service experience. Of the 692 completed surveys, 85 jurors (12.3 percent) replied to the comments section at the end of the survey. The majority of

the comments were compliments directed towards the experience itself, court personnel, or the presiding judge at the trial. One juror after serving on a jury said, "I have never had to serve on a jury before. This was a very pleasant experience." Another juror stated that it was a, "Very positive experience!" All other issues described in the

comments section are reviewed by court personnel for possible modifications to current practices and procedures.

In November, the Eastern District of Missouri was featured in an article of *The Third Branch*, a newsletter of the U.S. Courts, discussing the practices of district courts to improve the jury service experience. One element highlighted in the article entitled "Exit Surveys Improve Juror Satisfaction" was the survey design employed by Eastern Missouri, which allowed the court to identify improvement areas to a specific process or group. Coley Lewis, Policy and Research Analyst of the U.S. District Court, stated in the article, "If there are areas we feel that we can change, we definitely do so because it's important that we constantly evaluate our performance. Those who answer the call to jury service are sacrificing their time, and we try to reward that."<sup>15</sup>

"I have never had to serve on a jury before. This was a very pleasant experience."

- Juror Survey Comment

## EASTERN MISSOURI NEW WEBSITE LAUNCH

The Eastern District of Missouri, in partnership with the Administrative Office of the U.S. Courts, launched a new version of its website on April 1st. The new site features a strikingly different design that provides online visitors helpful improvements in navigation, appearance, and utility. While appearances and organization of the site have been enhanced, information located on the original website is still available via the same address at [www.moed.uscourts.gov](http://www.moed.uscourts.gov). At the homepage, visitors encounter an all new artistic color scheme and a clean organizational structure providing ready access to information about judges' requirements, case filing, court rules, fillable forms, jury service, and many other services and programs offered by the district court. As court websites have become increasingly important tools for public interaction with the federal judiciary, district courts are being assisted by the Administrative Office of the U.S. Courts in developing a standard set of online resources, public information and site content that will be familiar to users who search for information on any of the ninety-four district court web sites.

The following enhancements were made to the website of the Eastern District of Missouri:

- Improved navigation with web pages that are more intuitive, making it easier for users to find information and to pinpoint page locations on the site;
- Links to related national court sites for Court Locator, Careers, Federal Judiciary YouTube Channel, and the Federal Judicial Center;
- Streamlined search feature that leads the user to a requested location;
- Online access to the district court's daily docket information;
- Consolidated site for the Office of the Clerk, U.S. Probation, and U.S. Pretrial Services;
- Enhanced capability for adding new content and updating current information;
- New content for teachers and visitors who are interested in planning a tour of the Thomas F. Eagleton Courthouse or the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau.

<sup>15</sup> The Third Branch, "Exit Surveys Improve Juror Satisfaction," *The Third Branch*, November 2011, Volume 43, Number 11, pg. 6, [http://www.uscourts.gov/News/TheThirdBranch/11-11-01/Exit\\_Surveys\\_Improve\\_Juror\\_Satisfaction.aspx](http://www.uscourts.gov/News/TheThirdBranch/11-11-01/Exit_Surveys_Improve_Juror_Satisfaction.aspx) (Accessed January 11, 2012).

## SECTION TWO

### *SERVING THE BENCH*

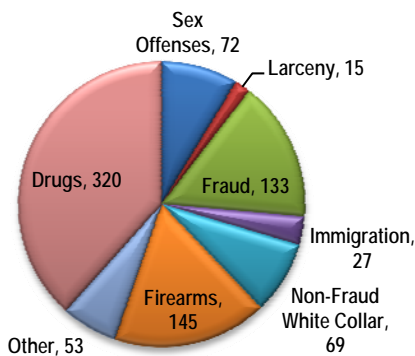
#### U.S. PROBATION OFFICE ACTIVITY REPORT

The U.S. Probation Office in the Eastern District of Missouri experienced change in FY2011 (FY11) with a considerable decline in the presentence workload and a slight increase in the supervision caseload.

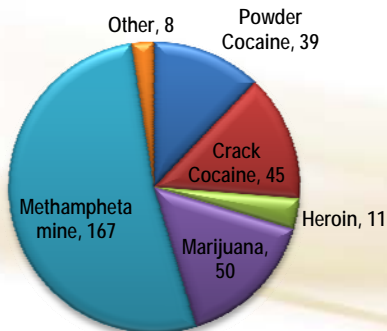
#### PRESENTENCES

A total of 834 guideline reports were produced during the fiscal year, a 20 percent decrease from FY10. This reduction is primarily due to the change in philosophy on selecting cases to prosecute out of the Office of the U.S. Attorney. Drugs (38 percent), firearms (17 percent), and fraud (16 percent) accounted for the majority of the cases. Sex offender cases (9 percent) are also prosecuted in Eastern Missouri in large numbers. Methamphetamine cases (167) accounted for about twice the combined total of crack cocaine (45) and powder cocaine (39) cases, which is different from years past.

834 Guideline Defendants Sentenced  
Offense Type - Eastern Missouri FY 2011



834 Guideline Defendants Sentenced  
Drug Offense Types - Eastern Missouri FY 2011



#### SUPERVISION

The supervision caseload at year end totaled 2,079, an increase of 1.9 percent from FY10 (2,041 v. 2079). In total, the Eastern District of Missouri had the largest supervision caseload in the Eighth Circuit and ranked seventeenth in the federal system at the close of FY11. Individuals convicted of drug offenses accounted for 53 percent of the caseload. Firearms cases totaled 324, the sixth most in the federal system.

Each U.S. Probation Office is required to complete a risk assessment on each person under federal supervision. This is a points-driven instrument used to predict the likelihood of re-offending, which includes criminal history, education, and family support in its measurement. Eastern Missouri was found to have the highest overall risk level in the federal system. Despite having the supervision caseload most at risk, the Probation Office continues to experience considerable success with helping ex-offenders reenter the community. The Probation Office's revocation rate at year end ranked 51st in the federal system. There are many reasons for this including the following examples:

- In FY11, the district spent \$485,397 on mental health counseling and \$1,232,771 on drug treatment and testing. The district also has a reentry court program (Project EARN) run by U.S. District Judge Carol E. Jackson, which combines intensive supervision and counseling;
- Eastern Missouri is one of only three district courts in the nation to have an internal GED program. The program takes place in the Thomas F. Eagleton Courthouse in St. Louis, Missouri;
- The caseload unemployment rate has remained lower than the community rate for the past six years (FY06-FY11) because of the district's nationally known employment program;
- The district is experiencing considerable success with Project Redirect, a program established to help ex-offenders experiencing multiple technical violations with their supervision conditions;
- Eastern Missouri has the only judicially managed Gang Court (Project G.R.I.P.) in the federal system. Overseen by U.S. District Judge Henry E. Autrey, this intensive program helps those wanting to leave the gang life; and
- A home ownership program continues to be productive.

In January, the *Southeast Missourian*, a daily newspaper in Cape Girardeau, featured an article highlighting the efforts of U.S. Probation Officers in the Eastern District of Missouri assisting ex-offenders transition from prison to daily life. A major obstacle for ex-offenders is finding employment after

incarceration. As a result, probation officers Kathy Hollenbeck and Belinda Ashley out of the Southeastern Division work diligently to help ex-offenders become productive members of the community by being strong advocates. For instance, on the issue of employment, the probation officers offer incentives to employers. In one example, businesses who hire an ex-offender are eligible for a federal bond, which acts as a type of insurance policy.<sup>16</sup> Hollenbeck also spends additional time managing an emergency food bank and clothes closet to help ex-offenders get on their feet and prepare for the next step in life.<sup>17</sup> Ultimately, it is the goal of the probation officers in Eastern Missouri to give ex-offenders a second chance.<sup>18</sup>

## U.S. PRETRIAL SERVICES ACTIVITY REPORT

The Eastern District of Missouri Pretrial Services Office began operating on December 7, 1987, with a staff of three. At the close of fiscal year 2011, the office employed 23 staff led by Chief Pretrial Services Officer Cindy Bochantin and Supervisors Kevin Carbol and Mark Reichert. Pretrial Services staff work from offices in the Thomas F. Eagleton U.S. Courthouse in St. Louis (headquarters) and the Rush H. Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri. The St. Louis office houses the management and support teams along with five officer specialists and eight officers. The Cape Girardeau office has two officer specialists on site.

The primary responsibilities of the Pretrial Services Office are to conduct bail assessments for the Magistrate Judges and

were not limited to cases with: mental health needs; location monitoring requirements; substance abuse needs; and, defendants charged with sex offenses.

Pretrial Services continued to operate a Pretrial Diversion program under an agreement with the district's U.S. Attorney's Office. In 2011, 107 individuals were referred for enrollment in the diversion program and subsequently, 101 were supervised by a pretrial services officer. These numbers rank among the highest in the nation. Conditions of the diversion program often require the participant to make a monetary restitution to a victim. The Pretrial Services Office facilitates the collection and distribution of this restitution to the victims. The total amount of restitution collected and disbursed directly through the office was \$188,427.20. Promissory notes pledged to victims amounted to \$455,547.07.

In May, the Pretrial Services Office entered into a partnership with a local homeless shelter to provide supervision of several individuals referred for participation in the pretrial diversion program as a result of their involvement in a fraudulent check cashing scheme. Officer Jamie Schumacher spent one day each week working from an office at the shelter assisting those in the program with locating educational and job readiness programs. In addition, she worked with shelter staff in helping these individuals attain sobriety (when appropriate) and avoid further involvement in the criminal justice system.

Second Chance Act funding has provided opportunities for pretrial services officers to assist defendants with emergency and transitional services. The office assisted several defendants with utility expenses when it was clear there were no other resources available. One of the priorities for the pretrial services office has been assisting defendants in obtaining a GED. To that end, pretrial services continued its partnership with the U.S. Probation Office in our district in providing GED classes at the courthouse.

In 2011, pretrial services employees participated in a total of 1,307 hours of training. Training opportunities covered a wide variety of topics, occurring on-site, at conferences, at FLETC, in classrooms, and off-site with other law enforcement and community treatment agencies. Training opportunities provided officers the chance to remain abreast of current treatment modalities, effective supervision practices and enhanced officer safety. All staff members completed training in finance, personnel, and computer security.

Pretrial services continued to work with various colleges and universities throughout the state of Missouri to provide internship opportunities. Students from Saint Louis University, Lindenwood University, Maryville University and the University of Missouri at St. Louis were "mentored" by officers to assist the students in fully understanding the relationship between all the criminal justice agencies and the district court.



Officer McAllister conducting a bond investigation at a U.S. Marshal interview room

supervise defendants on bond to assure their appearance in court. Pretrial case activations dropped for the third year in a row, with a 14 percent reduction from the previous year. The detention rate for this district was 58.8 percent, which is down from the past year's rate of 60.1 percent. It is also below the national detention rate of 66.2 percent.

Levels of supervision are tied to the defendant's needs and the court ordered conditions of release. In 2011, there were 227 supervision cases classified as low intensity and the remaining 438 were classified as "other" than low, due to the high-level activities and services required of the officers in the supervision of these cases. High-level cases included, but

<sup>16</sup> Erin Hevern, "Probation officers' mission is to raise awareness that ex-offenders deserve a second chance," *Southeast Missourian*, January 13, 2011, News section, <http://www.semissourian.com/story/1694696.html> (Accessed January 13, 2011).

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

In 2011, officers continued to step up and serve on advisory and work groups at the national level. These groups included: Information and Technology Group, Federal Judicial Center's Education Advisory Group, Leadership Development Program, Pretrial Services Working Group, Location Monitoring Working Group, Pretrial "Release Team" and Workforce Development Program.

Pretrial Services staff has participated in numerous community outreach programs during 2011. Officers have met with high school and college classes to discuss the federal criminal justice system and careers in the system. Officer Specialist Tiffany Corley organized "Motion for Kids" for the entire district. Ms. Corley, working with the local bar association, coordinated the collection and distribution of holiday gift items for children of incarcerated individuals.

## U.S. MAGISTRATE JUDGE UTILIZATION

### CIVIL CONSENT DISPOSITIONS

The Eastern District of Missouri consistently has one of the highest numbers of magistrate judge civil consent dispositions not only within the Eighth Circuit, but nationally among the 94 U.S. District Courts. According to the Administrative Office (AO) of the U.S. Courts, the Eastern District of Missouri has ranked first in total civil consent dispositions in the Eighth Circuit since 2000.<sup>19</sup> Nationally, the Eastern District of Missouri has ranked in the top ten in civil consent dispositions since 2003 and was ranked fourth from 2005 until 2009. In 2010, the court ranked sixth among U.S. District Courts.<sup>20</sup> In 2011, the court ranked fifth among U.S. District Courts.<sup>21</sup> The Eastern District of Missouri recorded the following number of total civil consent dispositions from 2007 through 2011: 458 in 2007; 464 in 2008; 561 in 2009; 491 in 2010; and 604 in 2011.

### CIVIL CASE ASSIGNMENT

The U.S. Magistrate Judges of the Eastern District of Missouri play an integral role in the handling of the court's workload. By local rule 2.08(a), U.S. Magistrate Judges are included in the civil case assignment system to receive new civil cases at time of filing. The Eastern District of Missouri assigns approximately 40 percent of available civil cases to U.S. Magistrate Judges excluding cases with motions for temporary restraining orders, multidistrict litigation transfer cases, and civil forfeiture cases. *Table 3* (right-hand column) identifies, in part, the civil caseload assigned to U.S. Magistrate Judges in the Eastern District of Missouri from 2009 to 2011. As illustrated

in *Table 3* (pictured below), for the past three years, the U.S. Magistrate Judges have been assigned on average 43.0 percent of new civil filings.

### THE CIVIL CONSENT PROCESS

In accordance with 28 U.S.C. § 636(c), upon consent of the parties, a United States Magistrate Judge may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case. The parties involved in the matter have the options of granting full consent to the magistrate judge or, selecting an option out, which is a request for the random reassignment of the case to a district judge.<sup>22</sup> In new civil filings initially assigned to magistrate judges in 2011, the full consent rate was 64.2 percent. Since 2007, the full consent rate has remained high with an average of 65.1 percent.

	09	10	11	Totals
NEW CIVIL CASE FILINGS	2374	2746	2583	7703
NEW CIVIL CASE FILINGS ASSIGNED EXCLUSIVELY TO U.S. DISTRICT JUDGES	288	316	313	917
NEW CIVIL CASES AVAILABLE TO U.S. MAGISTRATE JUDGES	1845	2040	1972	5857
NEW CIVIL CASES ASSIGNED TO U.S. MAGISTRATE JUDGES	743	811	963	2517
PERCENTAGE OF NEW CIVIL FILINGS ASSIGNED TO U.S. MAGISTRATE JUDGES	40.3%	39.8%	48.8%	43.0%

<sup>1</sup> - The figures presented in the table above do not represent civil consent cases terminated by U.S. Magistrate Judges under 28 U.S.C. 636(c), but only the civil workload directly assigned at time of case filing.

<sup>\*</sup>Percentages are rounded to the nearest tenth

## ALTERNATIVE DISPUTE RESOLUTION

### THE ADR PROGRAM

In 1994, the Eastern District of Missouri established its Alternative Dispute Resolution (ADR) program. Designed to give litigants ready access to case evaluation and/or settlement assistance, the ADR program seeks to encourage mutually satisfactory resolutions to disputes in the early stages of litigation. Such early case resolution tends to increase litigant satisfaction with the judicial process and more efficiently uses judicial and private resources.

The ADR program was established as part of a broader set of reforms adopted by the court under the 1990 Civil Justice

<sup>19</sup> Civil Consent Cases terminated by U.S. Magistrate Judges under 28 U.S.C. Section 636(c) are based on national caseload data for the twelve month periods ended September 30, 2000 through 2011 reported by the Administrative Office of the U.S. Courts (*Table M-5 – U.S. District Courts: Civil Consent Cases Terminated by U.S. Magistrate Judges under 28 U.S.C. Section 636(c)*).

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> It should be noted that not every civil case assigned to a magistrate judge results in either full consent or an option out. If neither option is selected, other actions are possible such as a recusal or default. However, the choices of full consent or option out are the most commonly received actions.



Reform Act (CJRA). Among these reforms, the court adopted a uniform set of case management procedures that include a standard case management order and commitment by the judges to hold early Rule 16 conferences with counsel in all eligible cases. This conference provides the occasion for managing discovery, setting firm schedules for each case, and making referrals to ADR.

Authorized by Local Rules 16-6.01 to 16-6.05, the ADR program provides two dispute resolution procedures, mediation and early neutral evaluation (ENE), to litigants in civil cases. Mediation is a process in which an impartial neutral (mediator) facilitates negotiations among the parties in litigation to help them reach a settlement. ENE is a process in which an experienced neutral evaluator offers pre-trial planning assistance to parties together with a reasoned, non-binding assessment of their case at an early stage of the litigation process.

Most civil case types are eligible for ADR referral, with a few specified exceptions, such as Social Security cases and other cases generally decided on briefs. Rule 16-6.01 gives judges authority to refer appropriate cases to ADR. The court established a panel of mediators and neutral evaluators to provide ADR services, for fees set by each neutral, and specified training requirements for panel members.

The ADR program was designed to achieve the following objectives:

- 1) Provide a simple and confidential structure for voluntary disposition of civil cases.
- 2) Improve time to disposition for cases referred to ADR.
- 3) Reduce litigation costs for parties to civil suits.
- 4) Enable parties to fashion wider range of remedies.

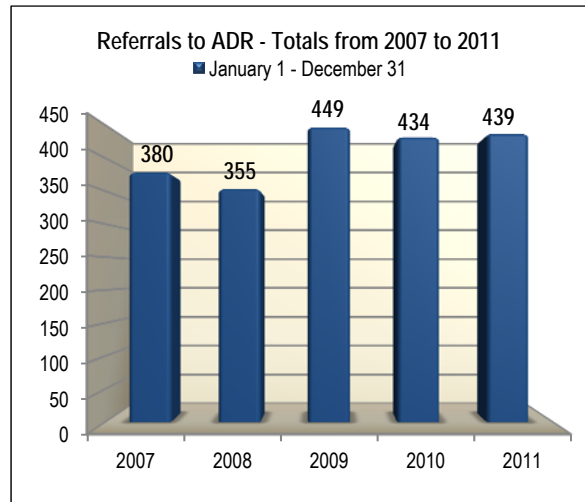
To insure that the goals of ADR are being met, an ADR Advisory Committee was formed in June 1999. The committee makes recommendations for improvement to program practices and procedures. The committee is comprised of District Court personnel, law professors, court-certified neutrals, and U.S. District and Magistrate Judges. Listed below are the committee members as of December 31, 2011:

- SENIOR U.S. DISTRICT JUDGE E. RICHARD WEBBER  
COMMITTEE CHAIR
- U.S. DISTRICT JUDGE RODNEY W. SIPPEL
- U.S. MAGISTRATE JUDGE DAVID D. NOCE
- U.S. MAGISTRATE JUDGE THOMAS C. MUMMERT III
- JUDGE MICHAEL CALVIN, COURT-CERTIFIED NEUTRAL
- JERRY DIEKEMPER, COURT-CERTIFIED NEUTRAL
- PROFESSOR TONIE FITZGIBBON, SAINT LOUIS UNIVERSITY SCHOOL OF LAW
- LENNY FRANKEL, COURT-CERTIFIED NEUTRAL
- JUDGE STANLEY GRIMM, COURT-CERTIFIED NEUTRAL
- JAMES REEVES, COURT-CERTIFIED NEUTRAL

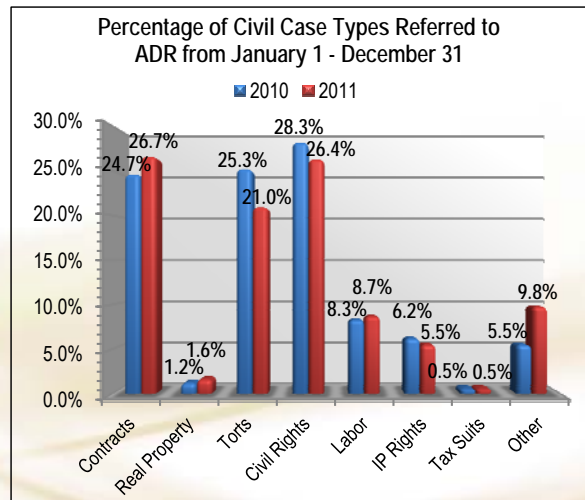
- PROFESSOR KAREN TOKARZ, WASHINGTON UNIVERSITY SCHOOL OF LAW

#### 2011 ADR CALENDAR YEAR ACTIVITY REPORT

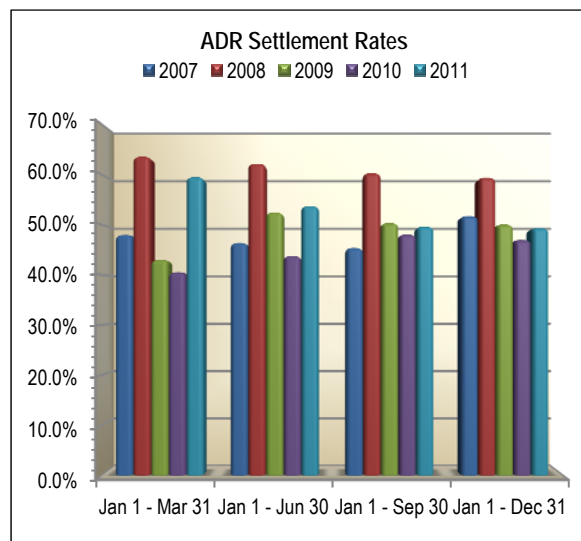
Referrals to ADR totaled 439 for 2011, compared to 434 referrals to ADR in 2010, and compared to 449 referrals to ADR in 2009. The number of referrals to ADR increased 1.2 percent from 2010 to 2011 (434 v. 439). The referral total in 2011 is the highest since the calendar year 2005 excluding MDL transfer cases (532 referrals to ADR).



The civil case types that received the most referrals to ADR during 2011 were contracts, civil rights, and torts in that specific order. These three civil case types comprised approximately 74.0 percent of the referrals to ADR during 2011, compared to 78.3 percent of the referrals to ADR in 2010, and compared to 79.1 percent of the referrals to ADR in 2009. When comparing 2010 and 2011, the number of contracts referrals increased 9.3 percent (107 v. 117), civil rights referrals decreased 5.7 percent (123 v. 116), and torts referrals decreased 16.4 percent (110 v. 92).



The settlement rate was 49.5 percent among ADR-referred cases in which a compliance report was filed during 2011, compared to 47.1 percent in 2010, and compared to 50.2 percent in 2009. This is the second consecutive year that the settlement rate has finished below 50.0 percent and represents only the second time since 2000 where a settlement rate has failed to reach 50.0 percent by the end of the calendar year. In 2011, there were 295 compliance reports filed, compared to 261 reports in 2010. Contracts, civil rights, and torts cases comprised 76.3 percent of the compliance reports filed in 2011 (225 of 295), compared to 78.2 percent in 2010 (204 of 261). Of the civil case types referred most often, contracts cases had a settlement rate of 51.3 percent in 2011 (39 settled v. 37 not settled), compared to a settlement rate of 40.6 percent in 2010 (28 settled v. 41 not settled). Civil rights cases had a settlement rate of 53.8 percent in 2011 (42 settled v. 36 not settled), compared to a settlement rate of 47.2 percent in 2010 (34 settled v. 38 not settled). Torts cases had a settlement rate of 50.7 percent in 2011 (36 settled v. 35 not settled), compared to a settlement rate of 44.4 percent in 2010 (28 settled v. 35 not settled).



The average time to disposition for ADR-referred cases that terminated in 2011 was 16.7 months compared to 17.2 months for ADR-referred cases that terminated in 2010. The average time to disposition for ADR-referred cases that achieved a settlement and terminated in 2011 was 14.4 months compared to 13.4 months in 2010. The average time to disposition for ADR-referred cases that did not achieve a settlement and terminated in 2011 was 20.1 months compared to 21.8 months in 2010. In 2011, the three nature of suits (NOS) that had the fastest times to disposition with at least ten terminated (settled and not settled) cases were NOS 440 – *Other Civil Rights* at 14.3 months compared to 17.6 months in 2010, NOS 840 – *Trademark* at 14.6 months compared to 19.7 months in 2010, and NOS 110 – *Insurance* at 14.8 months compared to 15.9 months in 2010.

#### FASTEST TIMES TO DISPOSITION IN 2011

NOS	2010 Time to Disp	2011 Time to Disp
440	17.6 months	14.3 months
840	19.7 months	14.6 months
110	15.9 months	14.8 months

The three nature of suits with the slowest times to disposition with at least ten terminated (settled and not settled) cases in 2011 were NOS 290 – *Other Real Property Actions* at 22.1 months (no data available in 2010 for comparison), NOS 365 – *Personal Injury Product Liability* at 21.2 months compared to 17.2 months in 2010, NOS 791 – *Employee Retirement Income Security Act* at 17.7 months compared to 17.2 months in 2010.

#### SLOWEST TIMES TO DISPOSITION IN 2011

NOS	2010 Time to Disp	2011 Time to Disp
290	n/a	22.1 months
365	17.2 months	21.2 months
791	17.2 months	17.7 months

#### ADR TRAINING PROGRAMS

*Advanced Mediation Training for Court Certified ADR Neutrals* – In 2011, the Eastern District of Missouri held two unique training opportunities for attorneys involved in the ADR program. On February 18th, the U.S. District Court along with the Washington University School of Law Dispute Resolution Program cosponsored advanced mediation training for court-certified ADR neutrals at Washington University in St. Louis. The training session began with a discussion on the advantage of “caucus first” mediation led by Mike Geigerman. The topic of pro se parties in mediation led by U.S. District Judge Henry E. Autrey and Lenny Frankel followed.

Professor C.J. Larkin and Judge Michael Calvin talked about mediation with difficult parties. Professor Larkin and Judge Calvin offered techniques to avoid confrontation with clients and tactics that lead to a successful mediation. At the close of their presentation, U.S. District Judge Jean C. Hamilton, Jim Reeves, and Alan Pratzel led a panel on recurring ethical issues in mediation. The panel members provided an overview of the model standards of conduct for mediators.

Following their discussion, U.S. Magistrate Judge David D. Noce, Dick Sher, and Jerry Diekemper held a dialogue on the role of the mediator in drafting agreements. Alif Williams and Anita Kiehne followed and discussed the question “What do participants expect of mediation?”



From left to right: Clerk of Court Jim Woodward, U.S. Magistrate Judge Terry I. Adelman, U.S. Magistrate Judge David D. Noce, U.S. Magistrate Judge Thomas C. Mummert, U.S. District Judge Henry E. Autrey, U.S. District Judge Jean C. Hamilton, and Senior U.S. District Judge E. Richard Webber at mediation training at Washington University on February 18, 2011

The final panel including Maurice Graham, Professor Tonie FitzGibbon, and Jim Woodward talked about the changes in federal rules and Missouri Court Rule 17. The day concluded with an open forum with judges of the district court. The panel of judges in attendance were U.S. District Judge Jean C. Hamilton, U.S. District Judge Henry E. Autrey, Senior U.S. District Judge E. Richard Webber, U.S. Magistrate Judge David D. Noce, U.S. Magistrate Judge Terry I. Adelman, and U.S. Magistrate Judge Thomas C. Mummert III.

*Pro Bono Limited Scope Representation Training for Panel Attorneys* – On September 1st, amendments to local rule 6.02 took effect, which authorized the appointment of counsel to provide limited scope representation for a litigant whose case has been referred by a judge to alternative dispute resolution. With this amendment, the ADR Advisory Committee recruited attorneys in the Eastern District of Missouri who would be willing to provide pro bono service to unrepresented civil litigants in the U.S. District Court. From the list of volunteers, a panel of attorneys was identified to serve as counsel for an unrepresented party in the ADR phase of a civil case. In order to prepare the panel attorneys for their responsibilities under this amended local rule, the district court sponsored pro bono limited scope representation training.



From left to right: U.S. Magistrate Judge David D. Noce, Clerk of Court Jim Woodward, and Senior U.S. District Judge E. Richard Webber at the Pro Bono Limited Scope Representation Training for Panel Attorneys on December 16, 2011

The instructional session was held December 16th at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. To start the program, Chief U.S. District Catherine D. Perry and Senior U.S. District Judge E. Richard Webber welcomed the attorneys to the courthouse. Jim Woodward and Professor Tonie FitzGibbon began the training with discussion on the

purpose and design of local rule 6.02(c) and an overview of the alternative dispute resolution process. Professor Carol Needham followed with a dialogue regarding the ethical implications of limited scope representation. Jerry Diekemper and Lenny Frankel discussed how to represent a client in mediation. The final session was a mediation demonstration led by Mike Geirgerman and Jim Reeves. The day concluded with an open forum for questions and comments.

Please refer to the discussion entitled “Revisions to Local Rules” on page 31 in *Section Three: Serving the Bar* of this report for a more in depth description of changes to local rules in 2011.

## TELEPHONE INTERPRETING PROGRAM

In 1989, the Judicial Conference authorized a pilot experiment to determine whether telephone interpreting for non-English speaking defendants was a feasible alternative to using live interpreters for courtroom proceedings. In November 1990, the District of New Mexico was one of the first U.S. District Courts to utilize a telephone interpreting system prototype. After reviewing the results at the District of New Mexico, the Judicial Conference in 1994 approved further expansion of the pilot program.

There were several phases to the pilot program of telephone interpreting. Among others, staff of district courts and contracted interpreters had to be instructed on how to effectively use the program. By 2002, the telephone interpreting program (TIP) became available nationally and a website was developed in order to manage scheduling and operations.

TIP provides the following benefits to U.S. District Courts:

- 1) Provides easy access to interpretation services when live resources are not available locally.
- 2) Reduces interpreter expense.
- 3) Reduces time and travel cost associated with importing certified interpreters from outside of the area.
- 4) Ensures defendant access to a certified and/or qualified interpreter in court proceedings.

- 5) The receiver court needs minimal equipment (a two-line telephone system in the courtroom) to participate in the TIP program.

In 2001, sixteen district courts participated in the TIP pilot program with a total of 975 events at a cost of \$20,379 with a savings of \$264,451. A year later when the program went nationwide, twenty-four district courts participated with a total of 1,581 events at a cost of \$48,463 with a savings of \$472,869. By 2007, forty-eight district courts were participating in the program with a total of 3,683 TIP events at a cost of \$102,196 with an estimated savings of \$1,114,586.

When the Eastern District of Missouri began participating in the TIP program in 2003, there was a steady increase in the number of TIP events until 2008. In 2008, the increase in the number of TIP events leveled off. In 2009, the court performed a total of 180 TIP events. The events cost a total of \$4,822 with an estimated savings of \$55,118. In 2010, the number of TIP events decreased approximately 18 percent from the number of events in 2009. The court performed 148 events in 2010 at a total cost of \$3,900 with an estimated savings of \$45,384. In 2011, the court performed 141 TIP events, a decrease of 4.7 percent from 2010 (148 v. 141). The events cost a total of \$7,901 with an estimated savings of \$39,052. *Table 4* (below) displays the TIP statistics in the Eastern District of Missouri dating back to 2003.

YEAR	TIP EVENTS	TIP COSTS <sup>1</sup>	ESTIMATED SAVINGS <sup>2</sup>
2003	29	\$801	\$8,523
2004	110	\$1,940	\$34,357
2005	145	\$3,656	\$44,296
2006	167	\$5,745	\$49,866
2007	218	\$5,428	\$66,833
2008	193	\$5,015	\$58,921
2009	180	\$4,822	\$55,118
2010	148	\$3,900	\$45,384
2011	141	\$7,901	\$39,052
TOTAL	1331	\$39,208	\$402,350
AVG.	148	\$4,356	\$44,705

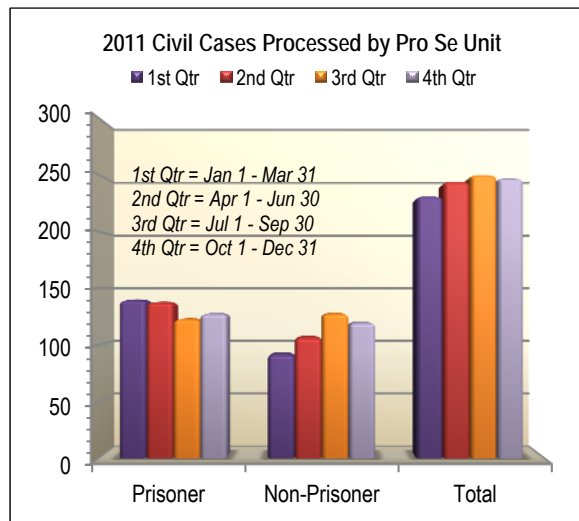
<sup>1</sup> – TIP costs are paid from a centralized, nationwide budget

<sup>2</sup> – Estimated savings for interpreter travel costs are not calculated due to the variability in airfare and lodging costs.

## PRO SE UNIT ACTIVITY REPORT

The Pro Se Unit is staffed by three full-time attorneys. In 2011, there were 2,285 new civil cases filings originating in the Eastern District of Missouri excluding Multidistrict Litiga-

tion transfer cases (MDL). Of those new civil filings, 972 cases were initially reviewed by the Pro Se Unit, which equals approximately 43.0 percent of the court's civil docket. In comparison to 2010, the Pro Se Unit initially processed 2.9 percent more cases in 2011 (945 v. 972). The 972 cases initially reviewed by the Pro Se Unit in 2011 included the following case types: 241 prisoner civil rights suits; 188 state habeas petitions<sup>23</sup>; 101 federal habeas petitions; 13 miscellaneous prisoner filings; 104 non-prisoner suits; and 325 social security appeals.



In 2011, the preservice dismissal rate for non-habeas prisoner suits was approximately 80 percent, compared to 82 percent in 2010. The preservice dismissal rate for state and federal habeas petitions was approximately 29 percent, which represented a decrease of 13 percent from 2010. The preservice dismissal rate for non-prisoner civil cases was approximately 64 percent. Overall, the pro se unit prepared dismissal orders for about 15.0 percent of the court's civil docket (346 out of 2,285 new civil case filings). These numbers do not include the additional cases for which the unit drafted partial dismissals.

In 2011, the Pro Se Unit prepared approximately 2,459 draft orders, an increase of 9.3 percent from 2010 (2,249 v. 2,459). The number of prisoner petition filings increased 4.1 percent from 2010 to 2011 (540 v. 562). Social security filings increased 5.0 percent from 2010 and approximately 50.0 percent when compared to 2009.

## ENHANCING COURTROOM TECHNOLOGY

The Information Systems Department (ISD) of the U.S. District Court strives to stay current with technology available to improve courtroom proceedings and the operations of the

<sup>23</sup> The state habeas petitions includes seven miscellaneous petitions, such as audita querela, etc.

Clerk's Office, the U.S. Probation Office, and U.S. Pretrial Services. Listed below are the upgrades made in 2011 to the courtrooms in the Eastern District of Missouri:

- 1) New digital document cameras (doc cams) were installed in courtrooms replacing older analog models that have been in service for 12 years. The new doc cams provide a much more crisp and vivid picture depicting the evidence in a more realistic manner. The new doc cams also have the ability to zoom in with greater clarity and precision;
- 2) New 65-inch monitors were installed in front of the witness box on a low-profile stand in the courtrooms;
- 3) Improved control and functionality were added to the control panels in the courtrooms;
- 4) The resolutions for all video mediums was upgraded;
- 5) The annotation system in the courtrooms was upgraded allowing attorneys and/or witnesses to annotate directly on the evidence monitor. The new system offers more flexible options for color, line width, and improved calibrations making it more accurate to the touch;
- 6) Touch interfaces have replaced the media selection devices at the attorney tables;
- 7) Additional inputs were added to the lecterns allowing for simultaneous use by multiple parties preventing interruptions in courtroom proceedings; and
- 8) A portable video conference solution was devised, designed, and implemented for use in the courtrooms that do not have an integrated system. The new portable unit facilitates the use and effectiveness of audio and visual components.

## ANNUAL CLE PROGRAM FOR LAW CLERKS

The annual continuing legal education (CLE) program for law clerks in the Eastern District of Missouri was held on June 24th at Moulin Events and Meetings in St. Louis, Missouri. The event was organized by the Law Clerks' Educational Programming Committee of the District Court. The committee is comprised of Amy Trueblood, Diane Princ, Erin McHugh, and Jennifer Baker. The program was designed to not only satisfy the CLE requirements of Missouri, but for law clerks to stay current and maintain the requisite knowledge in important areas of law.

The program began with opening remarks from Chief U.S. District Judge Catherine D. Perry. Retired U.S. District Judge Stephen N. Limbaugh Sr., senior counsel at Armstrong Teasdale, followed Judge Perry and provided a presentation on ethics in litigation. Tad Biggs, IT Manager for the Eastern District of Missouri, next discussed the process for converting court documents from WordPerfect to Microsoft Word.

U.S. District Judge Rodney W. Sippel, Chris Keefe, law clerk to Judge Sippel, and case managers Andrea Luisetti, Melanie

Berg, and Kari Hisaw held a panel discussion on strategies to managing multidistrict litigation transfer cases. The number of pending multidistrict litigation transfer cases has increased over 100 percent from the close of calendar year 2009 to 2011.

David Gearhart, an attorney at Lewis, Rice & Fingersh, L.C., spoke to the group on the topic of immigration. Following the discussion on immigration, Ben Clark, an attorney at Bryan Cave, LLP, presented the issue of managing cases under local patent rules. At the close of Mr. Clark's presentation, Judge Perry was reintroduced and held a dialogue on the desegregation of schools highlighting the case *Crayton Liddell v. St. Louis Board of Education*. The final session was with Mike Reilly and Jim Delworth, Assistant U.S. Attorneys. They held a discussion on the responsibilities of administering the DOJ Rule of Law in Iraq.

## NEW LAW CLERK ORIENTATION

On September 13th and 14th, the Eastern District of Missouri held an orientation for incoming law clerks. The primary aim of the two-day program was to introduce and familiarize the new law clerks with the policies, procedures, and operations of the various agencies in the Thomas F. Eagleton Courthouse in St. Louis, Missouri.

On the first day, the new law clerks were welcomed by Clerk of Court Jim Woodward and Chief U.S. District Judge Catherine D. Perry. The first day of the program had representatives from the different court agencies in the Eagleton Courthouse provide an overview of their office duties and practices. While the first day came as an introduction to life at the courthouse, the second day concentrated more heavily on the knowledge and skills required to perform their jobs successfully. Topics such as local rules, ethics, and TRO practices were presented and discussed. The second day concluded with a question and answer session with current law clerks. This final session provided an important forum for new law clerks to ask questions and learn from more experienced professionals in their field.

## MULTIDISTRICT LITIGATION SUMMIT

On September 26th, the Eastern District of Missouri sponsored a multidistrict litigation (MDL) best practices summit at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The summit included representatives from the Eastern District of Missouri, District of Minnesota, Northern District of Ohio, and the Southern District of Illinois. The summit began with opening remarks from Chief U.S. District Judge Catherine D. Perry, Jim Woodward, Clerk of Court, and Karen Moore, Operations Manager. The first topic of discussion focused on the processing of MDL transfer cases led by David Braun, MDL Case Opening Clerk. At the close of the presentation, Katie

Thompson from the District of Minnesota and Renee Schumitsh from the Northern District of Ohio outlined the best practices for processing MDL transfer cases in respect to their courts. Mona Zingrich, Caitlin Fischer, and Jessica Robertson from the Southern District of Illinois presented the best practices from their court and representatives from the Eastern District of Missouri followed suit.

Each court that participated at the MDL summit was carrying a large number of pending MDL transfer cases at the close of 2011. The Eastern District of Missouri has five MDL consolidations and a combined total of 1129 pending MDL transfer cases. The District of Minnesota has twelve MDL consolidations and 1525 MDL transfer cases pending. The Northern District of Ohio also has twelve MDL consolidations and a total of 2983 MDL transfer cases pending. The Southern District of Illinois has one MDL consolidation, but a total of 7100 MDL transfer cases pending. With such large numbers and more filings on the way, the discussion on best practices assisted the courts in attendance with methods to effectively and efficiently manage the MDL caseload.



Representatives from the MDL Summit in St. Louis on September 26, 2011

In the afternoon, the first panel was an open discussion for participants to address the issue of what features were helpful and not helpful in CM/ECF for dealing with MDL transfer cases. The dialogue generated by the group identified the best methods for utilizing CM/ECF. Moving on from the CM/ECF discussion, the summit attendees were asked to identify the pros and cons of a dedicated MDL clerk. Like the previous segment, this panel was an open discussion eliciting a variety of remarks from the courts in attendance, but general practices and behaviors were highlighted. After the two open discussions, Karen Moore, Operations Manager for the U.S. District Court, led the next panel in presenting what works and does not work with the remand of MDL cases. The final topic led by David Braun highlighted how to utilize the MDL website of the Judicial Panel and the individual websites of the courts to promote transparency and efficiency with the handling of MDL transfer cases.

## JUDICIAL TRANSITIONS

The U.S. District Court for the Eastern District of Missouri is allotted eight active Article III judgeships and seven active magistrate judgeships. The Eastern District of Missouri currently has four senior judges. At the close of 2011, the District Court for the first time since 2008 has no Article III judgeship vacancies or magistrate judgeship vacancies.

### U.S. MAGISTRATE JUDGE APPOINTMENT

U.S. Magistrate Judge Nannette A. Baker, who was selected to join the Eastern District of Missouri as a U.S. Magistrate Judge on November 5, 2010, was sworn in on February 3, 2011. Judge Baker filled the vacancy left by U.S. District Judge Audrey Fleissig when she was appointed as a U.S. District Court Judge in 2010. Judge Baker's duty station is at the Thomas F. Eagleton Courthouse in St. Louis with some duties performed in the Southeastern and Northern divisions.



Judge Baker received her undergraduate degree in communications from the University of Tennessee-Knoxville. After 13 years as a broadcast journalist in Knoxville, Memphis, and St. Louis, she decided to attend law school at Saint Louis University School of Law. Judge Baker completed her law degree in 1994. She began her legal career as a law clerk for U.S. District Judge Odell Horton from the Western District of Tennessee. In 1995, Judge Baker returned to St. Louis and practiced at the firm of Lashly & Baer, then later moved to Schlichter, Bogard & Denton. In 1999, she was appointed as a judge for the Circuit Court for the City of St. Louis, 22nd Judicial Circuit. In 2004 she was appointed to the Missouri Court of Appeals – Eastern District, where she served as chief judge from 2008 to 2009. She was the first African-American woman to serve as chief judge of that court.

Judge Baker has a long and distinguished record of service to the legal profession and to the St. Louis community. She has served in various capacities as a volunteer with the American Bar Association, the National Association of Women Judges, the Mound City Bar Association, and the Bar Association of Metropolitan St. Louis. In the community, Judge Baker has served on the board of directors of Gateway Greening, Inc., Covenant House Missouri, St. Patrick's Center, the National Museum of Transport, and SSM Rehabilitation Institute. Judge Baker has won several honors and awards including the 2007 Judge Theodore McMillian Award.

## U.S. DISTRICT JUDGE APPOINTMENT

The Honorable John A. Ross took the oath of office on October 14, 2011 to begin his new appointment as a U.S. District Judge for the Eastern District of Missouri. The oath was administered by Chief U.S. District Judge Catherine D. Perry in a private ceremony at the Thomas F. Eagleton Courthouse attended by Judge Ross' immediate family, close friends, and judicial colleagues. Following the recommendation of U.S. Senator Claire McCaskill, Judge Ross was nominated by President Barack Obama on January 5, 2011. The U.S. Senate confirmed Judge Ross' appointment on September 20, 2011. President Obama signed Judge Ross' commission on October 11, 2011. Judge Ross filled the vacancy on the court left by Judge Charles A. Shaw when he assumed senior status on December 31, 2009.



Chief U.S. District Judge Catherine D. Perry swearing-in U.S. District Judge John A. Ross

Judge Ross has served the legal community for many years. He began his legal career as an assistant prosecuting attorney for St. Louis County from 1979 to 1986. He served as assistant chief trial attorney from 1986 to 1988 and then as chief trial attorney from 1988 to 1991. Judge Ross was a special assistant attorney general for the Office of the Attorney General for the State of Missouri in 1984 as well as special assistant prosecuting attorney for the St. Charles County Prosecuting Attorney's Office in the same year. From 1991 to 2000, Judge Ross served as County Counselor for St. Louis County. Since 2000, Judge Ross has served as Circuit Judge for the 21st Judicial Circuit in the state of Missouri. While serving in the 21st Judicial Circuit, Judge Ross was assistant presiding judge from 2005 to 2009 and the presiding judge in 2009 until 2011. Judge Ross earned his undergraduate degree and law degree from Emory University.

Following the administration of the oath, Judge Ross stated, "I am so honored to be a part of the Eastern District of Missouri. Chief Judge Perry and the other members of the Court have been very supportive during the appointment process and I look forward to working with all of them in the near future." Judge Ross' duty station will be in the Thomas F. Eagleton Courthouse in St. Louis, and he will also preside over cases as needed in the Southeastern and Northern divisions.

## JUDICIAL HONORS AND AWARDS

### JUDGE DONALD J. STOHR RECOGNITION RECEPTION



On June 23th, the Eastern District of Missouri held an honorary reception for Senior U.S. District Judge Donald J. Stohr at the Thomas F. Eagleton Courthouse in St. Louis celebrating his many years of dedicated service to the legal community. There were over two hundred people in attendance for this occasion including his wife, children, and grandchildren. A large number of friends and colleagues came to honor the well-respected and admired judge.

The celebratory affair invited select friends and colleagues from his career to speak on behalf of Judge Stohr. The speakers at the ceremony included U.S. Magistrate Judge Frederick R. Buckles, Richard H. Kuhlman, former law clerk to Judge Stohr and partner at Bryan Cave, LLP, U.S. District Judge Rodney W. Sippel, W. Stanley Walch, partner at Thomas Coburn, LLP, Retired U.S. District Judge Stephen N. Limbaugh Sr., and Chief U.S. District Judge Catherine D. Perry. Each speaker recounted different instances of Judge Stohr's significant influence on the law and his commitment to justice, but also the positive impact he personally made on their lives. At the end of the speeches, Judge Stohr thanked everyone for making the day special and stated what a privilege it has been working with such talented and dedicated people.

Judge Stohr earned his Bachelor of Science and law degrees from Saint Louis University. He began his legal career in private practice from 1958 to 1962. From 1963 to 1965, Judge Stohr served as first assistant county counselor in St. Louis. In 1965, he became St. Louis County Counselor. Judge Stohr entered private practice once again in 1966 and worked in that capacity until 1973. In 1973, he served as U.S. Attorney for the Eastern District of Missouri. From 1976 to 1992, Judge Stohr worked in private practice. On November 14, 1991, President George H.W. Bush nominated Judge Stohr for a seat on the U.S District Court. His nomination was confirmed by the Senate on April 8, 1992 and he received commission on April 13, 1992. Judge Stohr assumed senior status on December 31, 2006.

On July 28, 2011, U.S. Magistrate Judge Thomas C. Mummert III was appointed Magistrate Judge Observer of the Judicial Conference of the United States by Chief Justice John G. Roberts. As Magistrate Judge Observer, Judge Mummert represents all



magistrate judges in the United States at the Judicial Conference. His responsibilities will be carried out in a two-year term.

Prior to his appointment as Magistrate Judge Observer, Judge Mummert has served as the president of the Federal Magistrate Judges Association (FMJA). Highly regarded by his peers for his ability to bring two opposing sides together, Judge Mummert was able to utilize those skills as president of the FMJA. Judge Mummert has served the Eastern District of Missouri as a magistrate judge since 1995.

## SECTION THREE *SERVING THE BAR*

### THIRD ANNUAL DANFORTH-EAGLETON LECTURE

U.S. Supreme Court Associate Justice Samuel A. Alito Jr. was the keynote speaker at the Third Annual Danforth-Eagleton Lecture Series hosted by the Judicial Learning Center, Inc. and the Bar Association of Metropolitan St. Louis (BAMSL) at the Hyatt Regency St. Louis at the Arch on May 16, 2011. The Law Day event included an awards ceremony and installation of officers.

Judge Duane Benton for the United States Court of Appeals for the Eighth Circuit introduced Justice Samuel A. Alito. In his keynote address, Justice Alito outlined a number of issues that many people are unaware of regarding the U.S. Supreme Court. Justice Alito made the point that oral arguments are a small part of their work as members of the nation's highest court. They spend a majority of their time reading and preparing

for oral arguments.<sup>24</sup> One misconception by the public is that justices do not get along with each other. In fact, Justice Alito stated they have lunch together every day.<sup>25</sup> One of the major points he emphasized near the close of his speech was the continuous responsibility of improving the strengths and amending the limitations of the justice system.<sup>26</sup> It is the responsibility of all those involved in the legal pro-



U.S. Supreme Court Associate Justice Samuel A. Alito Jr. speaking at the Danforth-Eagleton Lecture

profession to seek a higher standard of performance on a daily basis, according to the Justice.

Born in Trenton, New Jersey, Justice Alito began his legal career as a law clerk for Judge Leonard I. Garth of the United States Court of Appeals for the Third Circuit from 1976 to 1977. He became Assistant U.S. Attorney for the District of New Jersey in 1977 and served in that capacity until 1981. In 1981, Justice Alito served as Assistant to the Solicitor General in the U.S. Department of Justice from 1981 to 1985. By 1985, he accepted the position as Deputy Assistant Attorney General for the U.S. Department of Justice. Justice Alito served in that position until 1987 when he was appointed U.S. Attorney for the District of New Jersey. In 1990, he was appointed to the United States Court of Appeals for the Third Circuit. He served in that capacity until President George W. Bush nominated him as an Associate Justice of the Supreme Court. Justice Alito took his seat on the Supreme Court on January 31, 2006.

### BENCH AND BAR SEMINAR IN CAPE GIRARDEAU

The inaugural Bench and Bar Seminar in Cape Girardeau was held March 18th at the Rush Hudson Limbaugh Sr. U.S. Courthouse. The seminar was designed for lawyers located in the Southeastern Division. The seminar provided lawyers educational instruction on various topics as well as an opportunity to interact with other federal practitioners and judges from the Eastern District of Missouri.

Chief U.S. District Judge Catherine D. Perry welcomed the attendees to the courthouse and provided an overview of the program. Thirty lawyers from the Southeastern Division were in attendance for the seminar. The first session was led by Alan Pratzel, Chief Disciplinary Counsel, and Scott Tilsen, Assistant Federal Public Defender, who discussed the topic, "Conflicts of Interest: When is Loyalty to the Civil or Criminal Client Impaired?" Pratzel and Tilsen provided the attorneys in attendance materials to this effect. After outlining the rules and standards, Pratzel and Tilsen supplied examples of how these tenets may apply to in everyday situations. The following session entitled, "Appointment of Counsel for Indigent Civil and Criminal Parties in the District Court: Policies, Practices, and Procedures Every Lawyer Should Know." The session was led by Judge Perry, U.S. District Judge



U.S. District Judge Stephen N. Limbaugh Jr. addressing the lawyers at the inaugural Bench and Bar Seminar in Cape Girardeau, Missouri on March 18, 2011

<sup>24</sup> Heather Cole, "Alito offers insider's view," *The Countian*, May 17, 2011, Vol 131, No. 137, pg 3.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*



Stephen N. Limbaugh Jr., U.S. Magistrate Judge Lewis M. Blanton, and Clerk of Court Jim Woodward. At its conclusion, the lawyers had the opportunity to have a question and answer session with the lawyers. The judges in attendance were as follows: Judge Perry, U.S. District Judge Jean C. Hamilton, U.S. District Judge Henry E. Autrey, Judge Limbaugh Jr., U.S. District Judge Audrey G. Fleissig, U.S. Magistrate Judge Frederick R. Buckles, Judge Blanton, and U.S. Magistrate Judge Nannette A. Baker.

## WOMEN'S HISTORY MONTH SYMPOSIUM

On March 25th, the Women in the Legal Profession of the Bar Association of Metropolitan St. Louis, Mound City Bar Association, and Women Lawyers' Association of Greater St. Louis worked in partnership to develop a program focused on issues that affect the professional lives of women attorneys. The seminar was held at the Thomas F. Eagleton Courthouse in St. Louis.



*From left to right: U.S. Magistrate Judge Nannette A. Baker, U.S. District Judge Audrey G. Fleissig, Judge Kathy Surratt-States, Judge Sandra Farragut-Hemphill, and Judge Lisa Van Amburg*

The program began with a greeting from U.S. District Judge Carol E. Jackson. The first panel discussion in the seminar was entitled "Women in the Judiciary: Challenges and Triumphs". The moderator for the first discussion was U.S. Magistrate Judge Nannette A. Baker. U.S. District Judge Audrey G. Fleissig, Judge Lisa Van Amburg, 22nd Judicial Circuit Court Judge, Judge Sandra Farragut-Hemphill, 21st Judicial Circuit Associate Circuit Court Judge, and Judge Kathy Surratt-States, United States Bankruptcy Judge from the Eastern District of Missouri participated in the panel discussion.

The title of the second panel was, "Is the Ceiling Still Glass? Partnership without Equity and Equal Titles without Equal Pay." The panel included Connie McFarland-Butler, Law Offices of Connie McFarland-Butler, Kimberly Yates, Littler Mendelson, and Cathy Dean, Polsinelli Shugart. Lisa Van Fleet of Bryan Cave, LLP moderated the discussion.

The third session examined issues facing women of color in the legal profession. Jalesia McQueen, solo practitioner, was

the moderator of this topic. The panel consisted of Vanessa Robinson Keith, Greensfelder Hempker & Gale, Serena Wilson-Griffin, Furniture Brands International, Inc., Noelle Collins, Office the U.S. Attorney, and Maylin Mahoney, solo practitioner.

The fourth and final session observed the work-life balance in 2011. The panel included Erica Freeman, Thompson Coburn, Elizabeth Schlesinger, Bryan Cave, LLP, Karlla Philpot Dozier, esquire and stay-at-home mom, and Kimberly Jade Norwood, Washington University School of Law. Lisa Wood of Armstrong-Teasdale was the moderator for the discussion.

## TUTORIAL FOR PARALEGALS, LEGAL ASSISTANTS, AND LEGAL SECRETARIES

On April 21st, the Eastern District of Missouri and The Federal Practice Memorial Trust sponsored the first annual Federal Practice Fundamentals Seminar for paralegals, legal assistants, and legal secretaries. The tutorial was held at the Thomas F. Eagleton Courthouse in St. Louis. The instructional program was designed to introduce professionals in the legal field who are new to federal practice to the policies, procedures, and resources they should be aware of before beginning work. There were over 100 participants registered for the seminar.

Chief U.S. District Judge Catherine D. Perry, David Harlan, partner at Armstrong Teasdale, and Chief Deputy Clerk Lori Miller-Taylor, provided a warm greeting to the participants on hand and an introduction to the agenda for the day. Jim Woodward, Clerk of Court, began the seminar with a profile of the Eastern District of Missouri. In his description of the court, Woodward discussed the workload of the district court, the roles of the different judges, the magistrate consent process, the responsibilities of the Clerk of Court, and the services provided by the Clerk's Office.



*From left to right: Chief U.S. District Judge Catherine D. Perry, David Harlan, and Clerk of Court Jim Woodward*

The half-day seminar was divided into three additional sessions. Session two, Ethical Considerations and Obligations in

the Electronic World, was led by Senior U.S. District Judge E. Richard Webber, Betty Ann Skrien, Judicial Assistant, and Bridget Hoy, attorney at Lewis, Rice & Fingersh. This session provided an overview of electronic signatures, e-discovery, and other ethical considerations. The session to follow was presented by Lori Miller-Taylor, Chief Deputy Clerk, Karen Moore, Operations Manager, Melanie Berg, Case Management Team Leader, Cathy Gould, Deputy in Charge, and Kim Klein, Operations Support Unit Clerk. The topic of the discussion was on case management/electronic case filing (CM/ECF) in the district court. The panel held a dialogue about a variety of topics including the filing requirements in the CM/ECF system, tips and tricks of electronic filing, magistrate judge consent, TROs, interpleaders, and removal petitions.

The final session of the day took place in the Judge William H. Webster Courtroom for an overview of courtroom logistics. The panel comprised of U.S. Magistrate Judge Thomas C. Mummert III, Adam Zipprich, Courtroom Technology Administrator, Tim Christopher, Case Manager, and Debbie Kriegshausen, Court Reporter. The presenters explained the layout of the courtroom, courtroom technology/equipment, and court reporter services.

#### CRIMINAL JUSTICE ACT PANEL ATTORNEY SEMINAR

The ninth annual Criminal Justice Act (CJA) Panel Attorney Seminar was held May 19th at the Thomas F. Eagleton Courthouse in St. Louis. The program was cosponsored by the U.S. District Court and the Office of the Federal Public Defender for the Eastern District of Missouri. In addition to the CJA panel and lead attorneys in the audience, members of the Federal Public Defender's Office, the Clerk's Office, as well as a number of U.S. District and Magistrate Judges were in attendance for the seminar.



Chief Judge Catherine D. Perry opening the CJA Panel Attorney Seminar

The seminar opened with welcoming remarks from Chief U.S. District Judge Catherine D. Perry and Lee Lawless, Federal Public Defender for the Eastern District of Missouri. Panel discussions at the seminar addressed the following topics:

- *Criminal Law and Procedure Opinions in the 2010-2011 Term of the United States Supreme Court: Discussion, Analysis, and Predictions* – Presented by Paul Rashkind, Assistant Federal Public Defender for the Southern District of Florida;
- *Texting, Tweeting, Friending, and Global Positioning: A Defense Perspective* – Presented by Theresa A. Hiner, Computer Systems Administrator for the District of Nebraska, and Karyn Spencer, investigator for the Federal Public Defender for the District of Nebraska;
- *Identity Theft and Section 1028A* – Presented by J. Martin Richey, Assistant Federal Defender for the District of Massachusetts, and Michael Dwyer, Assistant Federal Defender for the Eastern District of Missouri;
- *Ethical Responsibilities in a Post-Padilla World* – Presented by Justice Michael A. Wolff from the Missouri Supreme Court;
- *Presentation by United States Attorney Richard Callahan*

#### FEDERAL PRACTICE FUNDAMENTALS SEMINAR

The seventh annual Federal Practice Fundamentals Seminar, sponsored by the U.S. District Court and The Federal Practice Memorial Trust, was held November 3, 2011 in the Jury Assembly Room of the Thomas F. Eagleton Courthouse. The seminar entitled, *Inside the Federal Courts: A Tutorial for New Practitioners*, was designed for attorneys new to federal practice. More specifically, the seminar discussed the different operations, policies, procedures, and resources that attorneys new to federal practice should be aware of before appearing in court.



From left to right: Chief Deputy Clerk Lori Miller-Taylor, Chief U.S. District Judge Catherine D. Perry, Clerk of Court Jim Woodward, and David Harlan

Chief U.S. District Judge Catherine D. Perry, David Harlan, partner at Armstrong Teasdale and a member of the Federal Practice Memorial Trust, and Chief Deputy Clerk Lori Miller-Taylor opened the seminar by welcoming the audience to the courthouse and providing an outline of the sessions to follow.

Jim Woodward, Clerk of Court, began the seminar with a profile of the Eastern District of Missouri. In the profile, Woodward discussed the workload of the District Court, the roles of the different judges, the Magistrate consent process, the responsibilities of the Clerk, and the services provided by the Clerk's Office.

The half-day seminar was organized into seven sessions: *Federal Civil Procedure, Ethical Advocacy in Federal Court, Alternative Dispute Resolution, Case Management/Electronic Case Filing (CM/ECF), Temporary Restraining Orders: A Judge's Perspective, Courtroom Logistics, and a Judges' Roundtable*. Each segment focused on information relevant to new federal practitioners.



*U.S. Magistrate Judge Frederick R. Buckles speaking at the Federal Practice Fundamentals Seminar on November 3, 2011*

### CRIMINAL JUSTICE ACT ATTORNEY APPOINTMENTS

A profile of attorney appointments/assignments in criminal cases over the past three calendar years (2009-2011) is displayed in Tables 5-7 (right-hand column). Private attorney appointments are made under the Criminal Justice Act to represent eligible criminal defendants. The Federal Public Defender's Office handles the majority of appointed cases. Other attorneys may be privately retained by a defendant who has the resources to do so.

The total number of attorney appointments (CJA and FPD) increased 16.8 percent from 2010 to 2011 (1076 v. 1257). In comparison to 2009, the total number of attorney appointments in 2011 (CJA and FPD) decreased 7.7 percent (1362 v. 1257). Criminal case filings were also lower in the 2011 calendar year compared to 2009 and 2010.

In 2011, 30.5 percent of the attorney appointments were CJA (383 CJA appointments), while in 2010, CJA appointments accounted for 37.3 percent (401 CJA appointments) of attorney appointments. The number of CJA appointments decreased 4.5 percent from 2010 to 2011 (401 v. 383).

FPD appointments made up 69.5 percent of the attorney appointments in 2011, while in 2010, FPD appointments accounted for 62.7 percent of attorney appointments. The number of FPD appointments increased 29.5 percent from 2010 to 2011 (675 v. 874). When comparing 2009 to 2011, FPD appointments decreased 6.0 percent (930 v. 874).

The number of private counsel retained by defendants increased 5.0 percent from 2010 to 2011 (456 v. 479), while from 2009 to 2010 (639 v. 456), there was a 28.6 percent decrease in the number of private counsel retained by defendants.

Criminal defense representation (including CJA, FPD, and RET) increased 13.3 percent from 2010 to 2011 (1532 v. 1736). When comparing criminal defense representations from 2009 to 2011, representation decreased 13.2 percent (2001 v. 1736). From 2009 to 2011, on average, there were 405 CJA appointments, 826 FPD appointments, and 525 defendants with retained counsel.

LEGEND FOR TABLES 5-7		
CJA = CRIMINAL JUSTICE ACT	FPD = FEDERAL PUBLIC DEFENDER	RET = RETAINED

TABLE 5: CLIENT REPRESENTATIONS <sup>1</sup> JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2009	2010	2011	TOTAL
CJA	432	401	383	1216
FPD	930	675	874	2479
RET	639	456	479	1574
TOTAL	2001	1532	1736	5269

<sup>1</sup> – Includes multiple appointments in a single case as well as appointments in probation and supervised release revocation proceedings.

TABLE 6: CJA BY NUMBER OF APPOINTMENTS PER ATTORNEY JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2009	2010	2011	TOTAL
1-3	50	65	69	184
4-9	14	23	27	64
10 OR MORE	17	10	9	36
TOTAL	81	98	105	284

TABLE 7: CJA v. FPD APPOINTMENTS JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2009	2010	2011	TOTAL
CJA	432	401	383	1216
FPD	930	675	874	2479
TOTAL	1362	1076	1257	3695

## REVISIONS TO LOCAL RULES

The local rules governing practice and procedures for the United States District Court were again a focus of attention in 2011. These rules are important because they guide attorneys and the public through the adjudication process for civil and criminal cases. Local rules effectively serve their purpose only if they are clear, fair and coherent. It is equally important that these rules change as new conditions arise or experience suggests that there may be a better approach. In 2011, there were a few such opportunities to improve the local rules with the changes noted below.

To facilitate the district court's participation in a national pilot study of courtroom digital video recording, the restrictions on recording and broadcasting of courtroom proceedings were modified. Local Rule 13.02 was amended to permit limited use of recording devices in civil cases when the presiding judge has approved such recording in accordance with the pilot program guidelines. The nature and scope of this pilot program is described in more detail on Page 3.

The rules governing alternative dispute resolution in the district court also received careful review. Two issues studied by the members of the Alternative Dispute Resolution Committee resulted in recommendations to change long standing policy. One dealt with the eligibility of prisoner civil rights cases for referral to mediation under the rules. From the inception of the program in 1994, these cases were regarded as unsuitable for referral because prisoners would not be able to participate directly in the mediation process. That view changed based on reports that prisoners could participate remotely by video conference from some correctional facilities, and also with the recognition that the plaintiff is not always in custody when the dispute is ripe for mediation. To give judges the discretion to evaluate a prisoner civil rights case for referral to mediation, Rule 16.01(A) was amended to provide for their eligibility. Another requirement that has been an element of the ADR process since its inception is the provision mandating participation in person by the parties. The Advisory Committee was aware that parties often request permission of the mediator to participate by phone or other electronic means. To provide mediators guidance on this matter, Rule 16.02 (B) was amended to state that the attendance requirement is satisfied by appearing at the mediation in person or by video conference, provided all parties and the neutral agree. This flexibility is expected to accommodate the legitimate needs that some parties have to reduce the cost and time involved for travel to the site of the mediation.

By far the most significant substantive change made to the rules governing alternative dispute resolution was the amendment to Rule 6.02 regarding appointment of counsel. The Advisory Committee studied this issue for several years and examined various methods for solving the problems created by unrepresented parties whose cases should be re-

ferred to mediation. The participation of pro se parties raises questions about the fairness as well as the effectiveness of mediation in which only one party is represented by counsel. In the first instance, judges have been less likely to order these cases to mediation due to the inherent imbalance in negotiations that results when a pro se party is involved. In addition, many mediators have expressed concerns about the need to remain impartial even when the unrepresented party may look to the mediator for support during a mediation. And lastly, a mediation involving a self-represented party is less likely to reach a successful resolution of the dispute than a case in which both parties are represented.

To address these issues, the ADR Advisory Committee recommended and the court approved a new provision in Rule 6.02 to authorize the judge to appoint counsel for the limited purpose of providing legal advice and representation in preparation for and during the course of mediation. A pro bono attorney appointment may be made by the judge upon request of an unrepresented party, provided the party agrees in writing to accept the limited scope of the attorney's service.

## CM/ECF ACTIVITY

### TRAINING AND SUPPORT

In 2011, the Case Management/Electronic Case Filing (CM/ECF) database was upgraded to version 4.2. CM/ECF 5.1.1 began the testing phase in 2011. The new version will go live in 2012. The Eastern District of Missouri provided users of CM/ECF with various levels of support and training opportunities during 2011. Listed below are resources made available to CM/ECF users:

- A help desk number and e-mail contacts are available to support attorney re-registration;
- E-filing forms are accepted electronically;
- CM/ECF training classes for legal professionals and support staff are available each month;
- The website of the U.S. District Court for the Eastern District of Missouri offers access to on-line training, the updated CM/ECF Administrative Procedures Manual, criminal and civil events list, and the local rules;
- The Automation Help Desk is available during courthouse hours to internal and external users; and
- Transcripts filed electronically are made available after a waiting period of ninety days.

### PARTICIPATION

- **ATTORNEY REGISTRATION TOTALS** –Since 2003, 8,296 attorneys have docketed pleadings in CM/ECF. As of December 31, 2011, there are 5,134<sup>27</sup> active attorneys with

<sup>27</sup> This number represents the cumulative total of attorneys who registered for electronic filing with the court.

logins. In 2011, 4,183 attorneys docketed pleadings in CM/ECF.

- **CALENDAR YEAR ATTORNEY REGISTRATIONS** – From January 1 to December 31, 2011, there were 261 new attorney registrations for electronic filing, while in 2010, there were 295 new attorney registrations for electronic filings. From 2010 to 2011, the number of new attorney registrations decreased 11.5 percent (295 v. 261).
- **ATTORNEY DOCKETING** – In 2011, attorneys logged 54,954 transactions in CM/ECF. From 2010 to 2011, there was a 0.3 percent decrease in the number of logged transactions from (55,121 v. 54,954).
- **STAFF DOCKETING** – In 2011, court personnel and judges logged 134,716 transactions in CM/ECF. This is a 6.2 percent increase in the number of transactions logged by court personnel from 2010 to 2011 (126,832 v. 134,716). During 2011, U.S. Probation and Pretrial Services docketed 9,920 transactions. The Clerk's Office docketed 107,407 transactions. Chambers docketed 3,775 transactions.

## ATTORNEY ADMISSIONS

### ATTORNEY ADMISSION STATISTICS

In FY 2011, there were 297 admission fees processed for newly admitted attorneys. There was a 12.1 percent decrease in processed admission fees for newly admitted attorneys from 2010 to 2011 (338 v. 297).

The number of fees processed for attorneys granted pro hac vice admission was 693 in 2011. This was a 7.5 percent decrease in the number of fees processed for attorneys granted pro hac vice admission from 2010 to 2011 (749 v. 693).

### JEFFERSON CITY CEREMONIES

Special admission ceremonies for newly licensed attorneys were conducted jointly with the U.S. District Court for the Western District of Missouri twice during 2011 in Jefferson City, Missouri. The spring session took place on April 20, 2011. U.S. District Judge Rodney W. Sippel along with former U.S. Magistrate Judge William A. Knox from the Western District of Missouri administered the oath of admission to 56 new attorneys.

In the fall session, due to the large number of attorneys, there were two admission ceremonies performed on September 26, 2011; one in the morning and one in the afternoon. Chief U.S. Magistrate Judge Mary Ann L. Medler and U.S. Magistrate Judge Matthew J. Whitworth from the Western District of Missouri administered the oath of admission to the new attorneys at both ceremonies. At the morning ceremony, the judges administered the oath of admission to 78 new attorneys. Lat-

er, at the afternoon ceremony, the judges administered the oath of admission to 112 new attorneys.

### ATTORNEY REGISTRATION RENEWAL

Beginning in 2010, lawyers admitted to practice in the United States District Court for the Eastern District of Missouri were required to renew their registration and provide an update of their profile. The registration renewal process is mandated by local rules and takes place every four years. Lawyers who no longer intend to practice in the federal district court were not required to complete the registration renewal. After the registration ends, the names of lawyers who fail to re-register are removed from the roll of attorneys admitted to practice in the Eastern District of Missouri. Attorney registration renewal began on October 29, 2010 and concluded on January 31, 2011.

The attorney registration renewal process allows the court to maintain current information on individuals who are admitted to practice in the U.S. District Court for the Eastern District of Missouri. Through the renewal process, the court also controls the growth of the database by removing names of lawyers who are deceased, retired, or moved out of the area. Registration renewal must be completed online.

## JUDICIAL BUSINESS OF THE UNITED STATES DISTRICT COURT

### 2011 CALENDAR YEAR CASELOAD HIGHLIGHTS

Refer to *Appendices A-F* (pgs. 56-61) for complete 2011 Calendar Year Caseload Reports

### CIVIL CASELOAD STATISTICS

- New civil filings in the Eastern District of Missouri decreased 5.9 percent from 2010 to 2011 (2746 v. 2583). The new civil filings total in 2011 included 298 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation, a decrease of 23.6 percent from 2010 to 2011 (390 v. 298). In St. Louis (Eastern Division), new civil filings decreased 7.7 percent (2445 v. 2257), while new civil filings in Cape Girardeau (Southeastern Division) increased 7.5 percent from 2010 to 2011 (213 v. 229). New civil filings in Hannibal (Northern Division) increased 10.2 percent from 2010 to 2011 (88 v. 97).
- The following noteworthy trends in new civil filings by case type were identified from 2010 to 2011 in the Eastern District of Missouri: *Contract cases* decreased 17.3 percent (335 v. 277); *tort cases* (including personal injury and personal property cases) decreased 9.3 percent (653 v. 592); *civil rights cases* increased 3.6 percent (307 v. 318); *prisoner petition cases* increased 4.1 percent (540 v. 562); *prisoner petition - civil rights cases* decreased 1.2 percent (244 v. 241); *labor cases* decreased 3.7 percent (219 v. 211); *intellectual property*

rights cases decreased 30.3 percent (99 v. 69); social security cases increased 5.1 percent (316 v. 332); and other statute cases decreased 20.1 percent (288 v. 230).

#### CRIMINAL CASELOAD STATISTICS

- Felony criminal filings in the Eastern District of Missouri decreased 20.2 percent from 2010 to 2011 (650 v. 519). In St. Louis, felony criminal filings decreased 22.8 percent (571 v. 441). Felony criminal filings in Cape Girardeau decreased 1.3 percent (79 v. 78). Misdemeanor criminal filings decreased 11.8 percent from 2010 to 2011 (102 v. 90). In St. Louis, misdemeanor criminal filings decreased 25.5 percent (51 v. 38). In contrast, misdemeanor criminal filings in Cape Girardeau increased 2.0 percent (51 v. 52).
- Felony criminal defendant filings decreased 18.0 percent from 2010 to 2011 (961 v. 788). In St. Louis, felony criminal defendant filings decreased 21.9 percent (858 v. 670). In Cape Girardeau, felony criminal defendant filings increased 14.6 percent (103 v. 118). Misdemeanor defendant filings decreased 11.8 percent (102 v. 90). Combined felony and misdemeanor defendant filings decreased 17.4 percent from 2010 to 2011 (1063 v. 878).
- Total criminal filings (including felony and misdemeanor criminal cases) decreased 19.0 percent from 2010 to 2011 (752 v. 609). Criminal filings in St. Louis decreased 23.0 percent (622 v. 479). In Cape Girardeau, criminal filings were the same in 2010 and 2011 (130 v. 130).

#### TRIAL STATISTICS

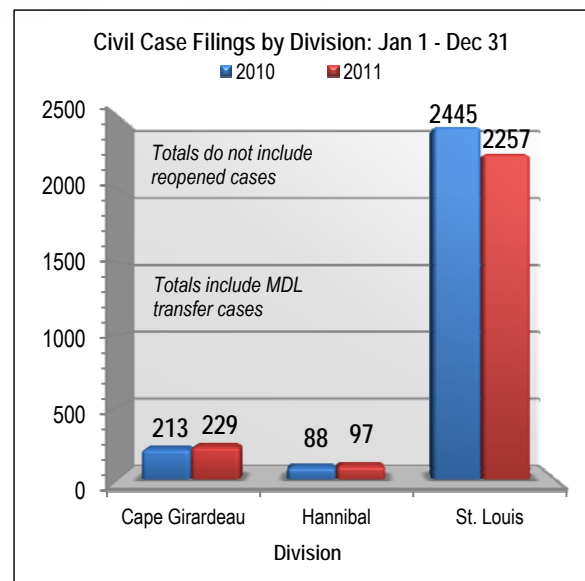
- Total trial starts (including jury and bench trials) in the Eastern District of Missouri decreased 40.2 percent from 2010 to 2011 (82 v. 49). The number of civil trial starts (including jury and bench trials) decreased 42.0 percent (50 v. 29). Criminal trial starts (including jury and bench trials) decreased 37.5 percent (32 v. 20).
- At the close of the 2011 calendar year, there were 49 total trial starts (including jury and bench trials) in the Eastern District of Missouri. Of those 49 total trial starts, 41 trials (including jury and bench trials) completed the trial process. Trials in the district court had a completion percentage of 83.7 percent during the 2011 calendar year. Of the 29 civil trial starts (including jury and bench trials), 23 completed the trial process. Of the 20 criminal trial starts (including jury and bench trials), 18 completed the trial process.

#### CIVIL CASELOAD – IN DETAIL

Refer to *Appendices A-C* (pgs. 56-58) for a detailed analysis of the Civil Caseload in 2011

New civil case filings originating in the Eastern District of Missouri decreased 3.0 percent from 2010 to 2011 (2356 v. 2285). New civil filings, including Multidistrict Litigation (MDL) cases transferred to the Eastern District of Missouri, de-

creased 5.9 percent from 2010 to 2011 (2746 v. 2583). If reopened civil cases are added to new civil filing totals, civil case filings decreased 5.8 percent from 2010 to 2011 (2831 v. 2667). In St. Louis (Eastern Division), new civil filings decreased 7.7 percent (2445 v. 2257), while new civil filings in Cape Girardeau (Southeastern Division) increased 7.5 percent from 2010 to 2011 (213 v. 229). New civil filings in Hannibal (Northern Division) increased 10.2 percent from 2010 to 2011 (88 v. 97).

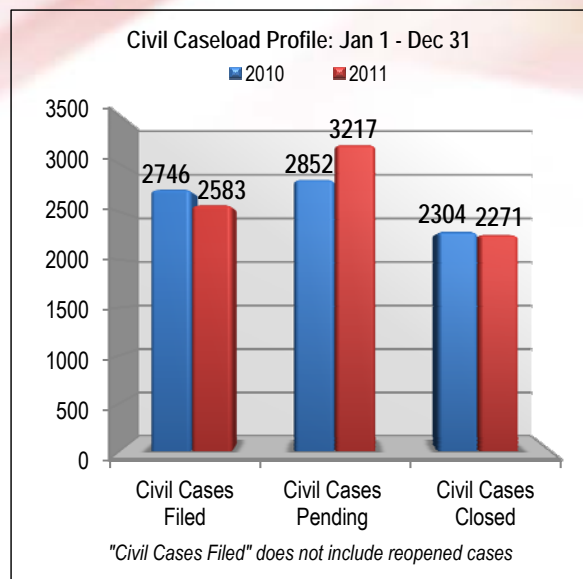


New civil cases in 2011 were filed at an average rate of 215 per month compared to an average rate of 229 per month in 2010. With or without MDL cases included in the total number of civil filings, the civil filing trends in the Eastern District of Missouri do not resemble the civil filing trends at the national level. New civil filings in the U.S. District Courts increased 2.2 percent, while filings in the district courts comprising the Eighth Circuit decreased 8.8 percent over a twelve month reporting period ended September 30, 2011<sup>28</sup>.

The termination rate for civil cases decreased from 2010 to 2011. In 2011, the average rate of civil case terminations was 189 per month (2271 civil cases closed) compared to 192 civil case terminations per month (2304 civil cases closed) in 2010. The overall decrease in civil case terminations was 1.4 percent from 2010 to 2011 (2304 v. 2271). Similar to the Eastern District of Missouri, terminations at the national level also decreased in 2011. Nationally, civil case terminations decreased 2.1 percent over a twelve month reporting period ending September 30, 2011. However, in the Eighth Circuit, civil case terminations by the district courts increased 8.9

<sup>28</sup> New civil filings for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).

percent over a twelve month reporting period ending September 30, 2011<sup>29</sup>.



The inventory control index<sup>30</sup> is a court performance measure that identifies the number of months it would take to dispose the pending civil caseload based on the average monthly termination rate of the court for the previous twelve months. As of December 30, 2011, the inventory control index of the Eastern District of Missouri was 17.0 months, higher than the index of 14.9 months as of December 31, 2010. The inventory control index has gradually increased in the district court since the calendar year caseload report in 2006. The last six calendar year inventory control index scores are: 9.1, 10.2, 11.9, 12.9, 14.9, and 17.0. Since 2006, the index score has increased 86.8 percent.

While civil case terminations decreased in 2011, the number of pending civil cases increased 12.8 percent from 2010 to 2011 (2852 v. 3217). At the national level, pending civil cases decreased 4.8 percent and increased marginally at 0.2 percent in the Eighth Circuit<sup>31</sup>. The average age<sup>32</sup> of the pending civil caseload in the Eastern District of Missouri as of Decem-

ber 31, 2011 was 17.3 months, compared to 15.0 months on December 31, 2010.

The increase in pending civil cases is in part due to the number of MDL cases transferred to the Eastern District of Missouri in 2011 for pretrial case management by order of the Judicial Panel on Multidistrict Litigation. Since 2006, there have been, on average, 230 MDL cases transferred to the Eastern District of Missouri per year. However, the filing trend in MDL cases has changed in the last three years. From 2006 to 2008, the court averaged 149 MDL case filings per year. In the last three calendar years, the court averaged 310 MDL case filings per year.

Apart from the MDL transfer cases, new civil filings originating in the Eastern District of Missouri have also displayed growth in recent years. Since 2006, the court has averaged 2180 new civil filings per year. From 2006 to 2008, the average number of new civil filings was 2103, but from 2009 to 2011, the average number of new civil filings increased to 2258. Coupled with the increase of MDL transfer cases, the pending civil caseload has increased 69.0 percent since 2006 (1903 v. 3217). The decrease in the civil termination rate has also contributed to the rising pending civil caseload. The number of civil terminations has been relatively consistent for the past six years. Since 2006, the court has averaged 2298 civil case terminations per year. From 2006 to 2008, the average number of civil case terminations was 2338. From 2009 to 2011, the average number of civil case terminations was 2258.

The mean time to disposition<sup>33</sup> for all civil cases termed in 2011 was 9.0 months, which was higher than the 8.4 months reported at the close of 2010. The mean time to disposition for civil cases excluding MDL transfer cases termed in 2011 was 8.6 months. In addition, the median time to disposition<sup>34</sup> in 2011 was 7.3 months, which was higher than the median time to disposition of 6.0 months for all civil cases termed during 2010. The median time to disposition for civil cases excluding MDL transfer cases termed in 2011 was 6.9 months. At the national level, the median time to disposition for civil cases termed during the twelve month period ended September 30, 2011 was 7.3 months, which represents a 3.9 percent decrease from the previous reporting period (7.6 v. 7.3). Among district courts in the Eighth Circuit, the median

<sup>29</sup> Ibid., Civil case terminations.

<sup>30</sup> The inventory control index represents the number of months it would take to dispose the pending civil caseload based on the court's average monthly termination rate for the previous twelve months (assuming that no new civil cases were filed). A decline in the index suggests more terminations, fewer pending cases, or both.

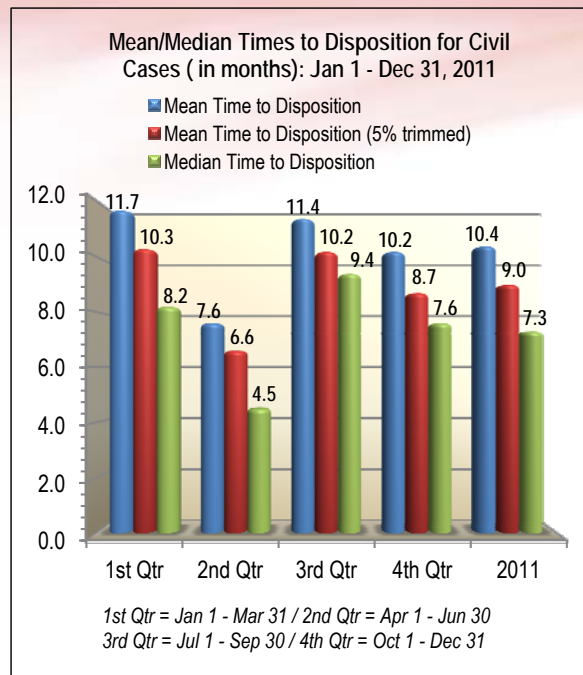
<sup>31</sup> Pending civil cases for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending).

<sup>32</sup> The average age of the pending civil caseload is calculated by adding the number of days since filing for eligible cases and dividing it by the number of pending civil cases. The count excludes the following from the calculation: reopened cases; cases pending less than 60 days; and cases in unassigned.

<sup>33</sup> The mean time to disposition reported unless otherwise indicated is a 5 percent trimmed mean, which excludes the lowest and highest 2.5 percent of disposition times from the calculation of the mean. The trimming of the mean reduces the effect of extreme values of the calculated mean.

<sup>34</sup> The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for civil cases excludes data from the following types of cases: land condemnation, prisoner petitions, deportation reviews, recovery of overpayments, and enforcement of judgments. The median time to disposition for the Eastern District of Missouri is based on all civil case types termed during a reporting period.

time to disposition was 9.6 months, an increase of 31.5 percent from the previous reporting period<sup>35</sup> (7.3 v. 9.6).



## MULTIDISTRICT LITIGATION TRANSFER CASELOAD

In 2011, 298 MDL cases were transferred to the Eastern District of Missouri for pretrial case management by order of the Judicial Panel on Multidistrict Litigation. The MDL transfer cases comprised 11.5 percent of new civil filings in 2011, compared to 14.2 percent of new civil filings in 2010. There were 84 MDL cases terminated in 2011. As of December 31, 2011, five consolidations make up the 1129 MDL transfer cases pending in the court.

*MINSHEW ET AL V. EXPRESS SCRIPTS, INC.* (4:05-md-01672) involves Employee Retirement Income Security Act (ERISA) cases. This MDL had 1 new filing in 2011. MDL 1672 terminated 13 cases during the calendar year. As of December 31, 2011, there were 9 MDL transfer cases pending in this consolidation. *IN RE: GENETICALLY MODIFIED RICE LITIGATION* (4:06-md-01811) involves property damage/product liability cases. MDL 1811 had 16 new filings in 2011. This MDL also terminated 8 cases during the year. At the close of the reporting period, there were 312 MDL transfer cases pending in this consolidation. *IN RE: CELEXA AND LEXAPRO PRODUCTS LIABILITY LITIGATION* (4:06-md-01736) and *IN RE: NUVARING PROD-*

*UCTS LIABILITY LITIGATION* (4:06-md-01964) are both personal injury/product liability cases. *IN RE: CELEXA AND LEXAPRO PRODUCTS LIABILITY LITIGATION* (4:06-md-01736) had 3 new filings and terminated 17 cases in 2011. At the end of the reporting period, there were 14 MDL transfer cases pending in this consolidation. *IN RE: NUVARING PRODUCTS LIABILITY LITIGATION* (4:08-md-01964) had 277 new filings and 46 terminations in calendar year 2011. In this consolidation, 773 MDL transfer cases were pending as of December 31, 2011. *IN RE: AURORA DAIRY CORPORATION ORGANIC MILK MARKETING AND SALES PRACTICE LITIGATION* had 1 new filing in 2011. At the close of the reporting period, there were 21 MDL transfer cases pending in this consolidation.

## CIVIL CASE FILINGS BY TYPE

Refer to *Appendices D & E* (pgs. 59-60) for a detailed analysis of Civil Case Filings by Type in 2011

There were several noteworthy trends in civil case filings by type from 2010 to 2011 both locally and nationally. *Contract cases* decreased 17.3 percent from 2010 to 2011 (335 v. 277). From 2009 to 2010, contract cases in Eastern Missouri increased 27.9 percent (262 v. 335). Nationally, contract cases increased 3.8 percent<sup>36</sup>. Although the overall increase in contract cases was modest at the national level, student loan actions observed an increase of 58.0 percent<sup>37</sup> in the twelve month reporting period ended September 30, 2011. *Real property case filings* increased 19.4 percent in Eastern Missouri from 2010 to 2011 (31 v. 37). Real property actions at the national level in the twelve month reporting period ended September 30, 2011 observed an increase of 43.8 percent<sup>38</sup> in filings. This significant growth in filings can be largely attributed to the increase in foreclosure actions. Foreclosure actions nationally increased 69.3 percent reflecting the recent poor economic environment in the country<sup>39</sup>.

*Tort filings* in the Eastern District of Missouri decreased 9.3 percent from 2010 to 2011 (653 v. 592). At the national level, tort actions decreased 5.9 percent<sup>40</sup>. Among tort actions, *both personal injury and personal property filings* decreased from 2010 to 2011. Personal injury filings decreased 8.3 percent (568 v. 521) and personal property filings decreased 16.5 percent (85 v. 71). Similar to Eastern Missouri, nationally, both personal injury and personal property filings decreased 5.9 percent respectively<sup>41</sup>. A reduction in the number of tort filings at the national level can be partially attributed to the diminished number of personal injury case filings related to

<sup>35</sup> The median time to disposition for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table C-5 – U.S. District Courts: Median Time Intervals from Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition*).

<sup>36</sup> Contract case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2007 through 2011 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit*).

<sup>37</sup> *Ibid.*, Student loan case filings.

<sup>38</sup> *Ibid.*, Real property case filings.

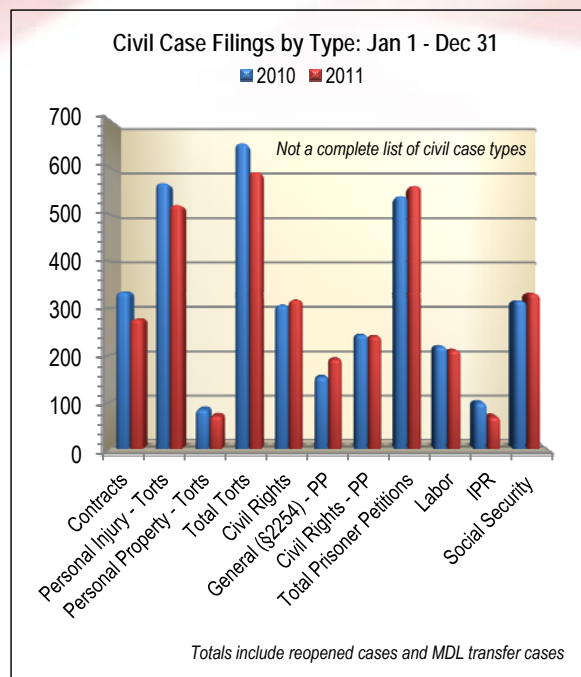
<sup>39</sup> *Ibid.*, Foreclosure case filings.

<sup>40</sup> *Ibid.*, Tort case filings.

<sup>41</sup> *Ibid.*, Personal injury and personal property case filings.



asbestos. For the past two years, asbestos filings have been decreasing after sharp filing increases in 2008 and 2009. In the most recent reporting period, asbestos filings decreased 8.2 percent<sup>42</sup>.



Civil rights cases increased 3.6 percent from 2010 to 2011 (307 v. 318). Nationally, civil rights filings increased 6.2 percent<sup>43</sup>. Prisoner petitions (PP), including among others habeas corpus general cases (§2254) and civil rights cases, observed an increase of 4.1 percent from 2010 to 2011 (540 v. 562). Prisoner petitions comprised 21.8 percent of the civil caseload in 2011. There were 145 non-prisoner pro se filings in Eastern Missouri during 2011. At the national level, prisoner petition filings increased 2.0 percent<sup>44</sup>. Habeas corpus general cases (§2254), which posted a 5.5 percent increase to close 2010, experienced a 24.7 percent increase in filings from 2010 to 2011 (154 v. 192). However, at the national level, habeas corpus general cases decreased 1.0 percent<sup>45</sup> in filings. Prisoner civil rights cases decreased 1.2 percent from 2010 to 2011 (244 v. 241), while at the national level, prisoner civil rights filings increased 0.6 percent<sup>46</sup>.

Labor case filings decreased 3.7 percent from 2010 to 2011 (219 v. 211). At the national level, labor filings decreased 3.5 percent<sup>47</sup>. Intellectual property rights (IPR) case filings have decreased 30.3 percent from 2010 to 2011 (99 v. 69), while

nationally, IPR filings increased 10.9 percent<sup>48</sup>. Contrary to the decrease this past calendar year, IPR filings increased 23.8 percent from 2009 to 2010 (80 v. 99). Social security cases increased 5.1 percent from 2010 to 2011 (316 v. 332). Nationally, social security cases increased 12.1 percent.<sup>49</sup>

In 2011, the Eastern District of Missouri observed several significant changes to case type filing trends. The table below displays some of the civil case types that experienced recent filing fluctuations.

2011 EASTERN MISSOURI CIVIL CASE FILING TRENDS		
CIVIL CASE TYPES	12 MONTH PERIOD ENDED	
	12/31/10	12/31/11
INCREASES		
GENERAL (§2254)	+5.5%	+24.7%
NEGLIGIBLE CHANGE		
REAL PROPERTY	+19.2%	+19.4%
PERSONAL PROPERTY	-18.3%	-16.5%
PP CIVIL RIGHTS	-1.6%	-1.2%
DECREASES		
CONTRACTS	+27.9%	-17.3%
TORTS <sup>2</sup>	+36.0%	-9.3%
PERSONAL INJURY	+51.1%	-8.3%
PP (§2255)	+12.0%	-6.3%
IPR <sup>3</sup>	+23.8%	-30.3%
OTHER STATUTES	+24.7%	-20.1%

(1) + identifies increases and - identifies decreases  
 (2) Torts include personal injury and property cases  
 (3) IPR = Intellectual Property Rights / PP = Prisoner Petitions

### CRIMINAL CASELOAD – IN DETAIL

Refer to Appendices A-C (pgs. 56-58) for a detailed analysis of the Criminal Caseload in 2011

Felony criminal filings in the Eastern District of Missouri decreased 20.2 percent from 2010 to 2011 (650 v. 519). At the national level, felony criminal filings increased 0.5 percent<sup>50</sup>. In St. Louis, felony criminal filings decreased 22.8 percent (571 v. 441). Felony criminal filings in Cape Girardeau decreased 1.3 percent from 2010 to 2011 (79 v. 78). The total number of misdemeanor criminal filings decreased 11.8 percent from 2010 to 2011 (102 v. 90). In comparison, misdemeanor criminal filings decreased 3.4 percent<sup>51</sup> at the national level for the twelve months ended September 30, 2011. Misdemeanor criminal filings in St. Louis decreased 25.5 percent (51 v. 38) from 2010 to 2011. In contrast, misde-

<sup>42</sup> Ibid., Asbestos case filings.

<sup>43</sup> Ibid., Civil rights case filings.

<sup>44</sup> Ibid., Prisoner petition case filings.

<sup>45</sup> Ibid., Habeas corpus general case filings.

<sup>46</sup> Ibid., Prisoner Civil Rights case filings.

<sup>47</sup> Ibid., Labor case filings.

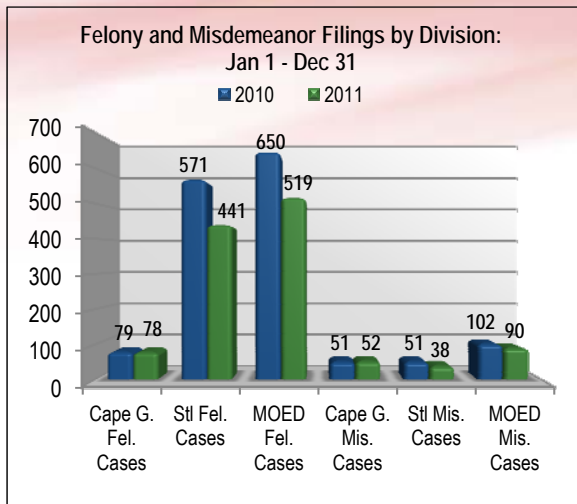
<sup>48</sup> Ibid., Intellectual property rights case filings.

<sup>49</sup> Ibid., Social security case filings.

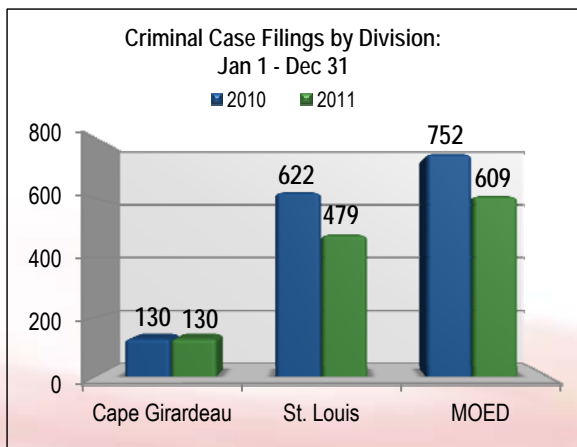
<sup>50</sup> Felony criminal filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (Table D-1 – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending).

<sup>51</sup> Ibid., Misdemeanor criminal filings.

meanor criminal filings in Cape Girardeau increased 2.0 percent (51 v. 52).

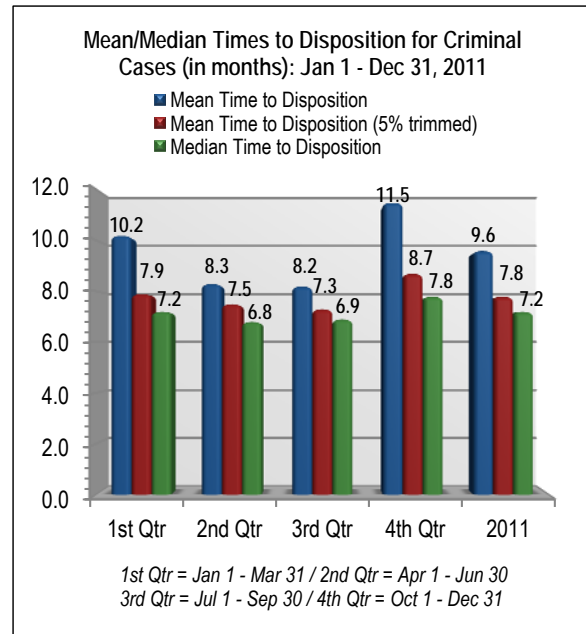


New criminal filings overall (including felony and misdemeanor criminal cases) in the Eastern District of Missouri decreased 19.0 percent from 2010 to 2011 (752 v. 609), while the national trend observed a negligible increase in filings (including felony and misdemeanor criminal cases) of 0.01 percent<sup>52</sup>. In 2011, new criminal filings in Eastern Missouri (excluding probation/supervised release transfers) were filed at an average rate of 51 per month compared to 63 per month in 2010. New criminal filings in St. Louis decreased 23.0 percent from 2010 to 2011 (622 v. 479). In Cape Girardeau, there was no change in the number of new criminal filings from 2010 to 2011 (130 v. 130). The new criminal caseload in 2011 comprised 19.1 percent of the overall workload (excluding miscellaneous cases) of the court, which is a less significant amount than it represented in 2010 (21.5 percent).



<sup>52</sup> Criminal case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending).

The average termination rate for criminal cases in 2011 was 65 cases per month (784 criminal cases closed) compared to 81 terminations per month (975 criminal cases closed) in 2010. As a whole, criminal case terminations decreased 19.6 percent (975 v. 784); in comparison to the national level where criminal case terminations increased 2.3 percent<sup>53</sup>. The pending criminal caseload in the Eastern District of Missouri decreased 8.9 percent (605 v. 551). At the national level, there was a marginal decrease of 1.7 percent<sup>54</sup> in pending criminal cases. The average age of the pending criminal caseload in Eastern Missouri as of December 31, 2011 was 8.8 months compared to 9.8 months on December 31, 2010.



The mean time to disposition for all criminal cases termed in 2011 was 7.8 months, compared to 8.1 months reported as the mean time to disposition in 2010<sup>55</sup>. This represents a decrease of 3.7 percent from 2010 to 2011 (8.1 v. 7.8). The median time to disposition for criminal cases in 2011 was 7.2 months, which was lower than the 7.3 months reported as the median time to disposition in 2010<sup>56</sup>. These numbers reflect a 1.4 percent decrease in the median time to disposition from 2010 to 2011 (7.3 v. 7.2). At the national level, the median time to disposition for criminal cases for the twelve months

<sup>53</sup> Ibid., Criminal case terminations.

<sup>54</sup> Ibid., Pending criminal cases.

<sup>55</sup> The mean time to disposition reported unless otherwise indicated is a 5 percent trimmed mean, which excludes the lowest and highest 2.5 percent of disposition times from the calculation of the mean. The trimming of the mean reduces the effect of extreme values of the calculated mean. In criminal cases, the mean time to disposition is determined by criminal defendants.

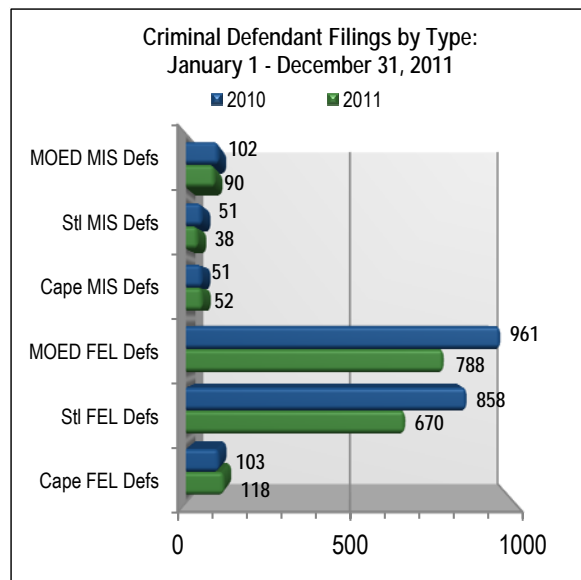
<sup>56</sup> The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for criminal cases is based on all felony cases. The median time to disposition for the Eastern District of Missouri is based on all criminal cases termed during a reporting period.

ended September 30, 2011 was 6.4 months, which is slightly higher than the median time to disposition from the previous reporting period (6.3 v. 6.4)<sup>57</sup>.

### CRIMINAL DEFENDANT CASELOAD

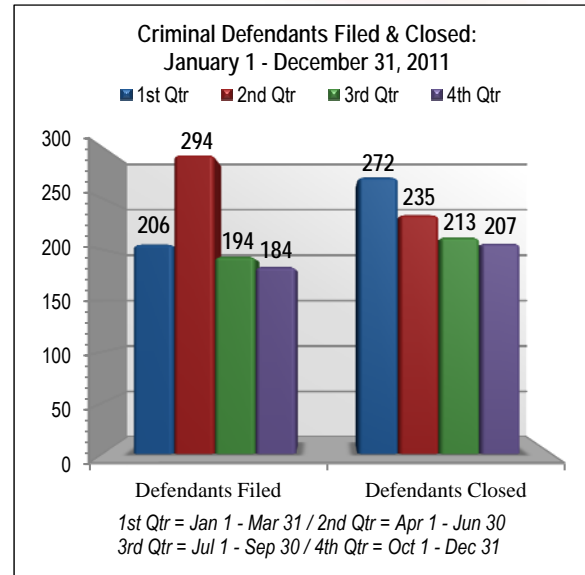
Refer to *Appendices A-C* (pgs. 56-58) for a detailed analysis of the Criminal Defendant Caseload in 2011

In St. Louis, there were 708 criminal case defendant filings, which is a 22.1 percent decrease from 2010 to 2011 (909 v. 708). Of those 708 criminal case defendant filings in St. Louis, there was a 21.9 percent decrease in felony criminal defendant filings (858 v. 670). The number of misdemeanor defendant filings in St. Louis also decreased 25.5 percent from 2010 to 2011 (51 v. 38). In Cape Girardeau, there were 170 criminal case defendant filings in 2011, compared to 154 defendant filings in 2010, which represents a 10.4 percent increase (154 v. 170). The number of felony defendant filings in Cape Girardeau increased 14.6 percent from 2010 to 2011 (103 v. 118). Additionally, misdemeanor defendant filings increased 2.0 percent from 2010 to 2011 (51 v. 52).



Total felony defendant filings in the Eastern District of Missouri decreased 18.0 percent from 2010 to 2011 (961 v. 788). In contrast, at the national level, felony defendant filings increased 3.4 percent<sup>58</sup>. On the whole, there were 878 criminal

defendant filings in 2011, which represents a 17.4 percent decrease in defendant filings from 2010 to 2011 (1063 v. 878). Nationally, criminal defendant filings have increased 2.6 percent<sup>59</sup>. Taken as a whole, misdemeanor defendant filings decreased 11.8 percent from 2010 to 2011 (102 v. 90). Comparatively, misdemeanor defendant filings decreased 3.9 percent nationally in the twelve months ended September 30, 2011<sup>60</sup>.



The average termination rate for criminal defendants in 2011 was 77 per month (927 criminal defendant terminations) compared to 96 per month (1156 criminal defendant terminations) in 2010. Overall, the number of defendants terminated in Eastern Missouri decreased 19.8 percent from 2010 to 2011 (1156 v. 927), while the national trend observed an increase of 2.8 percent in criminal defendant terminations<sup>61</sup>. Nationally, felony criminal defendant terminations increased 3.3 percent, while misdemeanor criminal defendant terminations decreased 0.9 percent<sup>62</sup>.

The number of criminal defendants pending in the Eastern District of Missouri decreased 0.7 percent from 2010 to 2011 (845 v. 839). In St. Louis, criminal defendants pending decreased 3.9 percent from 2010 to 2011 (765 v. 735), while criminal defendants pending in Cape Girardeau increased 30.0 percent from 2010 to 2011 (80 v. 104). At the national level, pending criminal defendants increased 1.3 percent<sup>63</sup>.

<sup>57</sup> The national median time to disposition for the U.S. District Courts is based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table D-6 – U.S. District Courts: Median Time from Filing to Disposition of Criminal Defendants Disposed of*).

<sup>58</sup> Felony criminal defendant filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table D-1 – U.S. District Courts: Criminal Defendants Commenced, Terminated, and Pending*).

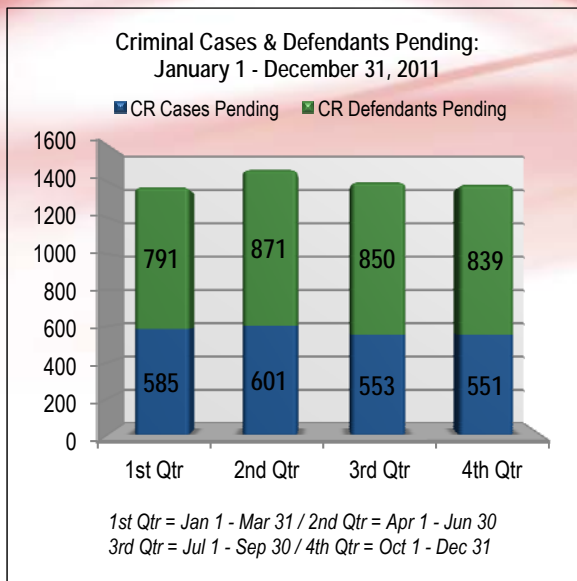
<sup>59</sup> *Ibid.*, Criminal defendant filings.

<sup>60</sup> Misdemeanor criminal defendant filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Defendants Commenced, Terminated, and Pending*).

<sup>61</sup> *Ibid.*, Criminal defendant terminations.

<sup>62</sup> *Ibid.*, Misdemeanor criminal defendant terminations.

<sup>63</sup> *Ibid.*, Criminal defendants pending.



### TRIAL STARTS – IN DETAIL

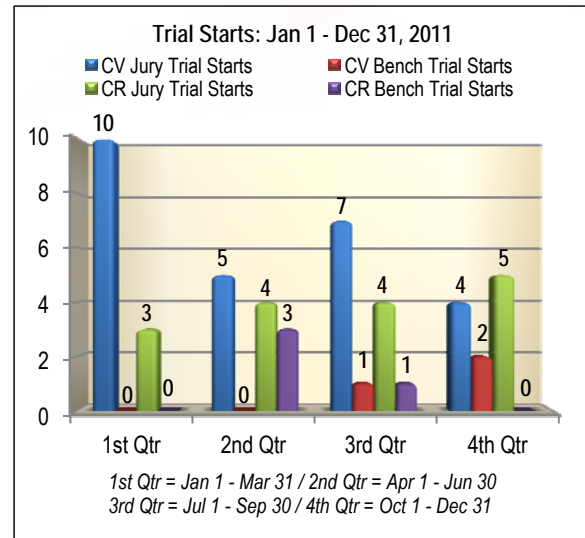
Refer to *Appendix F* (pg. 61) for a detailed analysis of Trial Starts in 2011

Trial starts overall (including jury and bench trials) in the Eastern District of Missouri decreased 40.2 percent from 2010 to 2011 (82 v. 49). Of the 49 trial starts in 2011, there were 40 in St. Louis, 8 in Cape Girardeau, and 1 in Hannibal. At the national level, trial starts (including jury and bench trials) decreased 3.8 percent<sup>64</sup>. Jury trial starts (including civil and criminal) decreased 40.8 percent from 2010 to 2011 (71 v. 42), compared to a 5.4 percent<sup>65</sup> decrease at the national level. Non-jury trial starts (also referred to as bench trials) decreased 36.4 percent in Eastern Missouri from 2010 to 2011 (11 v. 7). Nationally, non-jury trial starts increased 2.3 percent<sup>66</sup>.

The number of civil trial starts (including jury and bench trials) decreased 42.0 percent from 2010 to 2011 (50 v. 29). Nationally, civil trial starts decreased 6.7 percent<sup>67</sup>. By civil trial type, jury trial starts decreased 36.6 percent (41 v. 26) and bench trial starts decreased 66.7 percent (9 v. 3) from 2010 to 2011 in Eastern Missouri. At the national level, civil jury trial starts decreased 3.3 percent and the number civil non-jury trial starts decreased 13.8 percent<sup>68</sup>.

The number of criminal trial starts (including jury and bench trials) decreased 37.5 percent from 2010 to 2011 (32 v. 20). In comparison to the national level, criminal trial starts (includ-

ing jury and bench trials) decreased 0.9 percent<sup>69</sup>. By criminal trial type, the number of jury trial starts decreased 46.7 percent (30 v. 16) and the number of criminal bench trial starts increased 100.0 percent (2 v. 4) from 2010 to 2011. At the national level, criminal jury trial starts decreased 6.9 percent and criminal non-jury trial starts increased 56.7 percent<sup>70</sup>.



The average time to disposition for all cases (including jury and bench trials) that had a trial start and terminated in 2011 was 25.1 months, compared to 23.3 months in 2010. The average time to disposition for all civil cases (including jury and bench trials) that had a trial start and terminated in 2011 was 31.8 months, compared to 30.1 months in 2010. The average time to disposition for all criminal cases (including jury and bench trials) that had a trial start and terminated in 2011 was 12.3 months, compared to 11.6 months in 2010. The average time to disposition for all civil cases that completed a jury trial and terminated in 2011 was 32.4 months, compared to 29.5 months in 2010. The average time to disposition for all criminal cases that completed a jury trial and terminated in 2011 was 13.5 months, compared to 12.1 months in 2010.

### TRIALS COMPLETED – IN DETAIL

Refer to *Appendix F* (pg. 61) for a detailed analysis of the Trials Completed in 2011

Trials completed is a statistic that examines the number of cases that complete the trial process during a specific reporting period. There are a number of reasons a jury or bench trial may not be completed, such as a mistrial or a case settlement. In 2011, there were 49 total trial starts (including jury and bench trials). Of those 49 trial starts, 41 completed the trial process. There were 29 civil trial starts (including jury and

<sup>64</sup> Civil and criminal trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 10, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials, by District*).

<sup>65</sup> *Ibid.*, Jury trial starts.

<sup>66</sup> *Ibid.*, Non-jury trial starts.

<sup>67</sup> *Ibid.*, Civil trial starts.

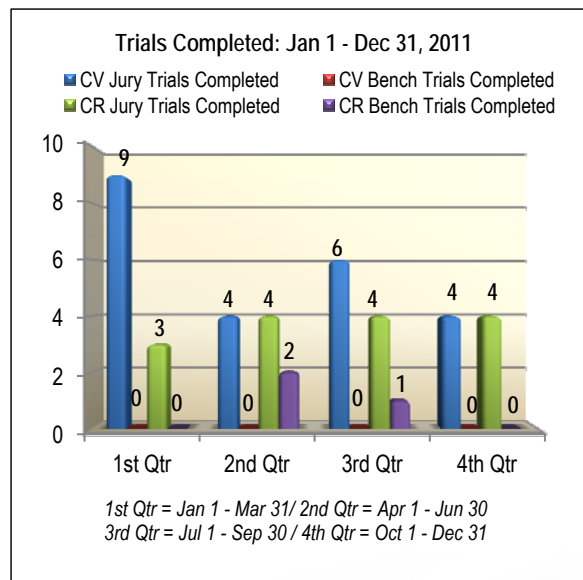
<sup>68</sup> *Ibid.*, Civil jury and non-jury trial starts.

<sup>69</sup> *Ibid.*, Criminal trial starts.

<sup>70</sup> *Ibid.*, Criminal jury and non-jury trial starts.

bench trials) and 23 completed the trial process. There were 20 criminal trial starts (including jury and bench trials) and 18 completed the trial process. As of December 31 2011, trials in Eastern Missouri had a completion percentage of 83.7 percent, compared to a completion percentage of 79.3 percent in 2010. Of the eight cases that did not complete the trial process, there are three bench trials judgments pending, two case settlements, two change of pleas, and one directed verdict.

The average length of a completed trial in 2011 (including all civil and criminal trials) was 3.3 days, compared to 3.8 days in 2010. In 2010, the average length of a trial statistic included two extended trials of actions connected to a MDL consolidation. There were no extended trials in 2011 connected to a MDL consolidation. The average length of a completed civil trial (including jury and bench trials) was 3.7 days, compared to 4.7 days in 2010. The average length of a completed civil jury trial was 3.7 days, compared to 5.1 days in 2010. There were no completed bench trials in 2011. The average length of a completed criminal trial (including jury and bench trials) was 2.8 days, compared to 2.7 days in 2010. The average length of a completed criminal jury trial was 3.0 days, compared to 2.8 days in 2010. The average length of a completed bench trial was 2.0 days, compared to 1.0 day in 2010.



The median time interval from filing to trial of civil cases (including jury and bench trials) in which a trial was completed in the Eastern District of Missouri was 23.0 months, compared to 25.3 months in 2010. In comparison, the national level had a median time interval from filing to trial of 24.8 months, which represented a 2.1 percent increase from 2010 (24.3 v. 24.8), while the district courts in the Eighth Circuit had a median time interval from filing to trial of 25.0 months, an 11.6

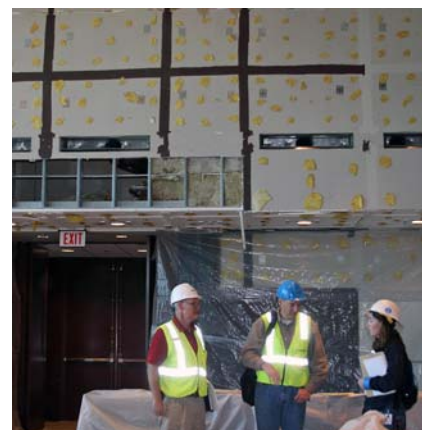
percent increase from 2010<sup>71</sup> (22.4 v. 25.0). The median time interval from filing to trial of completed civil jury trials in 2011 was 23.0 months, compared to 26.0 months in 2010. At the national level, the median time interval from filing to trial of completed civil jury trials was 26.1 months, which represents an increase of 2.0 percent (25.6 v. 26.1), while the median time interval from filing to trial of completed civil jury trials in the district courts comprising the Eighth Circuit was 25.6 months, an increase of 19.1 percent<sup>72</sup> (21.5 v. 25.6).

## SECTION FOUR CLERK'S OFFICE REPORTS

### THOMAS F. EAGLETON COURTHOUSE WATER DAMAGE

#### FLOODING CAUSES MAJOR DAMAGE AND DISRUPTION

During the overnight hours of August 23-24, 2011, an event unfolded that would test the district court's ability to rebound from catastrophe and adjust to a major operational disruption for months to come. That night a supply line that delivers water to a sink/toilet unit in an unoccupied prisoner holding cell on the south side of the sev-



Courtroom 14 South

enteenth floor in the Eagleton Courthouse disconnected from its fitting. Water began pouring from the supply line onto the floor of the holding cell. The flow of water continued undetected for nearly eight hours. By the time maintenance crews began arriving for their regular work shift at the courthouse early on the morning of August 24th, the volume of water that had been pooling on the seventeenth floor had traveled from its source all the way to the underground levels of the courthouse parking garage. Although the flow of water from the source was stopped by 7 a.m. on August 24th, major damage had resulted on the south side of the courthouse from the surge of water that began on the seventeenth floor and cascaded through all the floors below. When court employees began arriving for work around 7:30 a.m., the extensive dam-

<sup>71</sup> Time intervals from filing to trial of civil cases in which a trial was completed by district during the twelve month periods ended September 30, 2010 and 2011 reported by the Administrative Office of the U.S. Courts (Table C-10 – Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month periods ended September 30, 2010 and 2011).

<sup>72</sup> Ibid.

age to district court space from the water infiltration was readily apparent.

Thanks to an intense initial response of staff from all over the courthouse, computer equipment and audio-visual components were quickly removed from the flooded courtrooms. This effort helped to save equipment that would otherwise have been severely water damaged and lost. While judges' chambers were spared serious damage, the seven courtrooms on the building's south side immediately became unusable. An ad hoc courtroom sharing plan emerged out of necessity on that first day in order to maintain an orderly schedule of court business. Every judge who needed a place to hold court on August 24 was accommodated in another courtroom. As it became clearer in the ensuing days after the flood that the courtroom damage was extensive and the recovery would be prolonged, a regular system for courtroom sharing was implemented. Sixteen judges would have to adjust to sharing nine courtrooms for months to come, but not a single proceeding was cancelled or postponed during that period of time.



*Courtroom 15 South*

When the damaged court spaces finally were drained of all the water, the long process of assessing the scope of Eagleton Courthouse repairs began. By October, it was clear that five of the seven courtrooms had sustained such extensive damage that they would have to be stripped, dismantled and completely rebuilt from the stud walls. Cost estimates for the work approached ten million dollars. The projected completion of all the restoration work is Summer 2012. By the end of 2011, progress was evident in the closed courtrooms, but much work remained to be done. Judges were continuing to share courtrooms, but the work of the district court proceeded without interruption. Clerk of Court Jim Woodward and Chief Deputy Clerk Lori Miller-Taylor closely monitored the repair project throughout 2011 and will continue to do so until the work is satisfactorily completed in 2012. Damaged courtrooms will be restored to their original condition in due time, and court operations will eventually return to normal. As the district court family looks back on that date in August 2011, it will always be remembered as a serious test of resolve. With

a collective response to an unanticipated challenge, the entire court staff performed with professionalism, determination and purpose.

## EMERGENCY PREPAREDNESS EXERCISE

On May 17th, the Eastern District of Missouri hosted an emergency preparedness tabletop exercise at the Thomas F. Eagleton Courthouse. The purpose of the exercise was to review and validate procedures outlined in the courts' emergency plans, including the Occupant Emergency Plan (OEP) and Continuity of Operations (COOP) Plans; ensure key personnel familiarity with roles and responsibilities during an emergency; and fully engage all court stakeholders in emergency preparedness efforts. This tabletop exercise was conducted as part of the judiciary's participation in National Level Exercise 2011 (NLE-11), sponsored by the Administrative Office of the U.S. Courts (AO) in coordination with the U.S. Department of Homeland Security/Federal Emergency Management Agency. A major focus of the judiciary in the NLE-11 is to increase the level of collaboration and coordination between the courts and stakeholders in the federal criminal and civil justice system during an emergency. Representatives from the following organizations participated in the exercise: U.S. District Court, U.S. Bankruptcy Court, U.S. Probation Office, U.S. Pretrial Services Office, Federal Public Defender, U.S. Attorney, U.S. Marshals Service, U.S. Trustee, U.S. General Services Administration, U.S. Court of Appeals, and Circuit Executive's Office.

The NLE-11 scenario involved a magnitude 7.7 earthquake at 9:00 a.m. along the New Madrid Seismic Zone (NMSZ). The event triggered a near simultaneous magnitude 6.0 earthquake in the Wabash Valley Seismic Zone (WVSZ). Areas of Mississippi, Missouri, Arkansas, Tennessee, and Kentucky experienced complete devastation and large-scale destruction. Alabama, Illinois, and Indiana were also impacted, though not as severely. In the scenario, the Thomas F. Eagleton Courthouse and surrounding area were deemed unsafe and people were not allowed to enter the building. The circumstances forced the district court and other agencies to activate their COOP plans, which consisted of communications, relocation, and completion of mission essential functions and reconstitution with certain time frames. The exercise was facilitated by Jay Jones, Emergency Preparedness Coordinator for the Federal Judiciary, Robert Phelps, Clerk of the District Court for the Northern District of Iowa, Sean McAvo, Clerk of the Bankruptcy Court for the Northern District of Iowa.

Upon completion of the exercise, each agency involved in the program sent a representative to a video teleconference with the Judiciary Emergency Response Team situated in Washington, DC to discuss lessons learned and changes that need to be made to their COOP plan. The exercise was deemed a

success largely because it brought different agencies together in one location to discuss critical tasks and challenges expected during an emergency. The exercise also provoked critical changes to agencies' COOP plans so they are better prepared to respond to any type of disaster in the future.

## DEPARTMENT AND UNIT REPORTS

### MANAGEMENT RETREAT AND GOAL-SETTING EXERCISE

At the close of each calendar year, the Clerk's Office Management Team meets at an offsite location to both review its performance in the year just ended and identify goals for the upcoming year. While setting the goals for the following year, the management team relies on the Trial Court Performance Standards (TCPS) established by the National Center for State Court (NCSC)<sup>73</sup>. The TCPS are divided into five performance areas: (1) Access to Justice; (2) Expedition and Timeliness; (3) Equality, Fairness, and Integrity; (4) Independence and Accountability; and (5) Public Trust and Confidence. Within each performance area, standards are outlined and associated measures are provided to facilitate self-evaluation. The TCPS provide a framework for assessment based on clear objectives that are hallmarks of exceptional court performance.

*Table 8* (Refer to pg. 43) provides an overview of the goal setting exercise for 2012 at the management retreat in 2011. The performance standard or standards associated with each goal links activities with essential court objectives.

The long-term goals and the associated performance standards for 2011 were agreed upon by the management team at the 2010 fall annual retreat. The following were the long term goals identified for 2011:

- 1) E-PRO SE – V2
- 2) SUCCESSION PLANNING
- 3) MDL: DEVELOPING PROCEDURES AND INTERNAL RESOURCE ALLOCATION
- 4) SOCIAL NETWORKING POLICY/WEB 2.0/OUTREACH AND INTERNAL COURT USES
- 5) JUDICIARY INVENTORY CONTROL SYSTEM (JICS): REVIEW AND IMPLEMENTATION
- 6) WORDPERFECT TO MICROSOFT WORD
- 7) CASE ASSIGNMENT: HOW TO MAINTAIN AN EQUAL DISTRIBUTION

The following goals were fully realized in 2011: First, in order to provide the best possible access to the public, bench and bar, the Eastern District of Missouri Website was completely overhauled. The Information Systems Department (ISD) worked with the Administrative Office of the Court, as a test

site for the creation of a model website design that could be used by other courts wanting to update or enhance their overall website content. In further support of the bar, the First Annual Federal Practice Fundamentals Seminar for Paralegals, Legal Assistants, and Legal Secretaries was sponsored by the Federal Practice Memorial Trust and the Eastern District of Missouri at the Thomas F. Eagleton Courthouse in St. Louis.

Secondly, a comprehensive social networking policy was drafted and approved by the full court. The policy identifies procedures staff should be aware of when accessing social networking sites. A training class was created to educate staff on the new policy. All clerk's office, chambers, probation and pretrial service staff attended the training. Additional training will be offered each year on this topic.

Thirdly, a comprehensive review of the case assignment system was conducted over a period of several months. Additional case assignment decks were created in order to better equalize the assignment of civil and criminal cases. Further, review of the case assignment system was conducted to determine the number of civil and criminal cases to be assigned to the two newest members of the court and to the two existing senior judges.

Although not all long term goals were achieved in 2011, substantial progress was made on a number of them in the calendar year and should be ready for implementation in early 2012. The following projects should be ready for implementation in 2012: (1) developing procedures and internal resource allocation for MDL cases; (2) creation of additional core competencies for additional clerk's office departments; and (3) the conversion from WordPerfect to Word.

### OPERATIONS DEPARTMENT

In a major departure from prior department practices, access to Case Management/Electronic Case Filing (CM/ECF) was expanded to include U.S. Probation and Pretrial Services in 2010. As e-filers, officers from Probation and Pretrial have the ability to process documents created by their own respective offices. Before this transition, case managers in the Clerk's Office were responsible for processing such documents created in paper by Probation and Pretrial personnel. Expanded access is not only more efficient, but it also reduces the use of paper. Before the expansion of e-filing, case managers were required to forward a hard copy of the document to Chambers' staff. After the first full year of operation under this new system, the new practice has proven to be a success. The use of e-filing reduces the use of paper as well as provides enhanced security with the elimination of loose papers. It also assures the judge of a complete electronic case file for each criminal matter that comes before the court.

Data quality is a high priority; therefore thirty-three Daily Activity Reports (DARs) from the CM/ECF program are quality controlled by case managers each day. More specifically,

<sup>73</sup> National Center for State Courts, "Trial Court Performance Standards & Measurement System," National Center for State Courts, [http://www.ncsc.org/D\\_Research/tcps/index.html](http://www.ncsc.org/D_Research/tcps/index.html) (Accessed March 1, 2011).

**TABLE 8: OVERVIEW OF GOALS AND PERFORMANCE STANDARDS FOR 2012**

LONG-TERM GOALS FROM 2011	COURT PERFORMANCE STANDARD
Continuity of Operations Plan (COOP)	<p><b>Standard 4.5 – Response to Change</b> The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.</p> <p><b>Standard 5.1 Accessibility</b> The public perceives the trial court and the justice it delivers as accessible.</p>
Core Competencies – Part III	<p><b>Standard 2.1 – Case Processing</b> The trial court establishes and complies with recognized time lines for timely case process while keeping current with its incoming caseload.</p> <p><b>Standard 3.6 – Production and Preservation of Records</b> Records of all relevant court decisions and actions are accurate and properly preserved.</p>
Succession Planning	<b>Standard 4.5 – Response to Change</b>
E-Pro Se – V2	<p><b>Standard 1.3 – Effective Participation</b> The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.</p> <p><b>Standard 1.5 – Affordable Costs of Access</b> The costs of access to trial court proceedings and records – whether measured in terms of money, time or the procedures that must be followed– are reasonable, fair, and affordable.</p> <p><b>Standard 4.4 – Public Education</b> The trial court informs the community about its programs.</p>
Judiciary Inventory Control System (JICS): Review and Implementation	<b>Standard 4.2 – Accountability for Public Resources</b> The trial court responsibly seeks uses and accounts for its public resources.
WordPerfect to Word	<p><b>Standard 1.3 – Effective Participation</b></p> <p><b>Standard 4.5 – Response to Change</b></p>
LONG-TERM GOALS FOR 2012	COURT PERFORMANCE STANDARD
Attorney Admissions: The Last Paper Process	<p><b>Standard 4.5 – Response to Change</b></p> <p><b>Standard 4.2 – Accountability for Public Resources</b></p>
Expedited trial program	<p><b>Standard 1.3 – Effective Participation</b></p> <p><b>Standard 1.5 – Affordable Costs of Access</b></p>
Increase Wireless Network Access	<b>Standard 4.5 – Response to Change</b>
Shared Services Analysis and Strategic Workforce Management Planning	<p><b>Standard 4.5 – Response to Change</b></p> <p><b>Standard 4.2 – Accountability for Public</b></p>
Internal Controls Manual Review and HR Audit	<b>Standard 4.2 – Accountability for Public Resources</b>
Streamline IT Processes: How to Best Utilize Staff as Demand goes-up	<b>Standard 4.5 – Response to Change</b>
Web-Based Judges’ Recusal List Program	<p><b>Standard 5.3 - Judicial Independence and Accountability</b> The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.</p>
Team Leader Review	<b>Standard 4.5 – Response to Change</b>
Jury – Standardize Content of Jury Orientation	<p><b>Standard 4.5 – Response to Change</b></p> <p><b>Standard 4.4 – Public Education</b></p>
Federal Practice Committee/Planning for 2012 Federal Practice Seminar	<p><b>Standard 4.5 – Response to Change</b></p> <p><b>Standard 4.4 – Public Education</b></p> <p><b>Standard 1.3 – Effective Participation</b></p>

- The Trial Court Performance Standards (TCPS) listed above were established by the National Center for State Courts (NCSC).
- The description of each performance standard is provided only once when it is first mentioned.



“quality controlled” refers to checking the electronic entries for accuracy, timeliness, and conformity. This is just one aspect of the case managers’ responsibilities. Court is covered by each case management team member for both U.S. District and Magistrate Judges, which includes entering courtroom minutes, docketing orders and other documents, as well as storing electronic recordings from the magistrate judge proceedings. The public as well as attorneys contact the case managers daily by telephone or email for questions or support. The case managers also work with the jury clerks to provide efficient jury management.

Other notable accomplishments achieved by the Operations Department in 2011 are listed below:

**NEW CASES OPENED**

- 2,583 CIVIL CASES
- 609 CRIMINAL CASES
- 803 MISCELLANEOUS CASES

**ORDERS PROCESSED**

- 20,098 CIVIL ORDERS
- 15,813 CRIMINAL ORDERS

**ELECTRONIC FILING TRANSACTIONS**

- 54,954 ATTORNEY TRANSACTIONS
- 134,716 COURT PERSONNEL TRANSACTIONS

**TRIAL STARTS COVERED BY STAFF**

- 29 CIVIL TRIAL STARTS –  
26 JURY TRIALS AND 3 BENCH TRIALS
- 20 CRIMINAL TRIAL STARTS –  
16 JURY TRIALS AND 4 BENCH TRIALS

**CRIMINAL CASE PROCESS**

- GUILTY PLEAS – 796 DEFENDANTS
- SENTENCINGS – 842 DEFENDANTS
- JUDGMENTS – 1,238 DEFENDANTS

**TRANSCRIPTS FILED**

- 1,264 TRANSCRIPTS FILED BY COURT REPORTERS

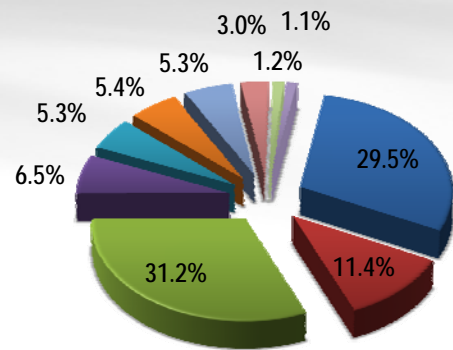
**MDL TRANSFER CASE MANAGEMENT**

- 1) MINSHEW ET AL V. EXPRESS SCRIPTS, INC.
- 2) IN RE: GENETICALLY MODIFIED RICE LITIGATION
- 3) IN RE: CELEXA AND LEXAPRO PRODUCTS LIABILITY LITIGATION
- 4) IN RE: NUVARING PRODUCTS LIABILITY LITIGATION
- 5) IN RE: AURORA DAIRY CORPORATION ORGANIC MILK MARKETING AND SALES PRACTICES LITIGATION

**ADMINISTRATIVE SERVICES DEPARTMENT**

The Administrative Services Department managed a range of projects during 2011. From a funding perspective of the courts, the budget climate declined as the courts conducted business under a continuing resolution. Final funding was not received until nearly halfway through the fiscal year along with an uncertain outlook for the next fiscal year to come. Nevertheless, two new judges joined the court, new system upgrades were implemented, and essential projects continued.

Eastern District of Missouri  
FY-11: Appropriated Fund Expenditures



- Courtroom Technology
- IT Hardware & Software
- Maintenance, Repairs, & Tenant Alterations
- Training & Travel
- Office Supplies
- Phone Services & Maintenance
- Furniture & Equipment
- Postage & Parcel
- OT Utilities
- Printing

*Note: The graphic above represents non-personnel expenditures from FY-11 Appropriated Funds*

**Finance** – The finance department continued further implementation of the Treasury initiative entitled Paper Check Conversion - Over the Counter (PCC-OTC). Finance first began scanning and depositing checks electronically during 2010. In 2011, the district court volunteered for conversion to OTCnet Check Capture, a real-time check scanning and deposit system, and OTCnet Deposits, an internet deposit generation system that assures accuracy in deposit reporting by the Treasury for cash deposits. While these initiatives are often transparent to daily court operations, they allow for faster collection of funds submitted to the court and more efficient and effective collection procedures for the judiciary and the treasury as a whole.

The finance department also participated in a national working group on Criminal Fines and Restitution under the District Methods Analysis Program (DMAP). The focus of the group is to recommend a process or system to gather victim information from the U.S. Attorney’s Office, transfer this information to the U.S. Probation Office for further revision, and then use this information in the creation of the Judgment and Commitment Order. Victim information would then be available to be uploaded into the Criminal Civil Accounting Module (CCAM) of the district finance system for tracking. As a part of this working group, the district court presented a Restitution Questionnaire, originally created and implemented by the

Eastern District of Missouri. This instrument assists in obtaining victim information for the finance department. The Restitution Questionnaire is being proposed in the recommended solution from the Criminal Fines and Restitution DMAP group.

With the successful implementation in May of 2010 of the CJA web-based products upgrade, CJA 6.1.5, the focus turned to other relevant CJA process issues. In 2011, the district court's CJA Specialists participated in a pilot program for the CJA 6.1.5 system's attachments feature. The objective of this pilot was to evaluate whether this new attribute would benefit the courts. The group was able to assess attachment procedures, recommend alterations, and provide a one page Quick Reference Guide for users. The court recognized the functionality and practicality for scanning into the system an array of documents which are then available for future reference, audit needs and streamlines the process of docketing the information into the court's CM/ECF system. At the close of 2011, the finance department has provided more than 550 electronic documents to our deputy clerks for docketing.

The CJA web page has been updated to include the National Voucher Online Reference Tool (ORT), as well as a newly designed CJA Handbook with hypertext links. The court's suggested travel time/mileage benchmark has been included within the CJA Auto Voucher and also on the court's web page for easy reference and guidance. From 2009 to 2011, the auto voucher usage climbed steadily from 44 percent to 67 percent. Errors on all manual vouchers submitted were double the error rate of those using the auto voucher; one in every four compared to one in every eight. The court continues to identify, refine, and enhance essential tools related to CJA cases, commencing with the initial appointment of panel attorneys through the approval and payment process of valued services rendered.

The financial department has also become a source for information on policies and procedures for other districts. Calls and emails are received frequently to obtain information on new operating systems, procedures, and policies that have been implemented in the district court regarding a variety of financial topics.

The finance department's disbursing support and payment certification continued during 2011 for the following ten agencies:

- U.S. DISTRICT COURT
- U.S. BANKRUPTCY COURT
- U.S. PROBATION OFFICE
- U.S. PRETRIAL SERVICES OFFICE
- OFFICE OF THE FEDERAL PUBLIC DEFENDER
- CIRCUIT EXECUTIVE'S OFFICE
- U.S. COURT OF APPEALS
- CIRCUIT LIBRARIAN
- STAFF ATTORNEY

#### ▪ BANKRUPTCY APPELLANT PANEL

Listed below are the 2011 transaction totals from the financial department:

- \$10,012,570.68 was collected in restitution, civil garnishments, and refunds. Of this figure, \$562,552.39 was collected through the Treasury Offset Program.
- There were 8,498 restitution, civil garnishments, and refund payments issued to victims and creditors in the amount of \$9,430,163.06.
- As of December 31, 2011, the restitution balance (to be paid to victims) was \$1,231,519.60.

*Procurement* – Newly confirmed U.S. Magistrate Judge Nannette A. Baker and U.S. District Judge John A. Ross joined the court in 2011. In preparation for their arrival, renovation work was completed to ready the chambers spaces for the new occupants. Once the judges became active in their duty stations, additional services were provided to obtain furnishings and supplies to meet the new chambers' needs. Procurement also continued with several cyclical maintenance projects that had been previously started in the district court occupied space. Carpet replacement was completed in the clerk's office and carpet replacement was scheduled in private secure hallways of the Thomas F. Eagleton Courthouse in St. Louis, which will now complete the carpet replacement by GSA in connecting public hallways. New carpet was also installed in the courtroom in Hannibal along with repainting the courtroom and most of the other office space used by the district court. In addition, more electrical circuits were added to allow for the installation of courtroom technology equipment in the Hannibal courtroom.

After the flood in August 2011, many of the previously discussed projects were placed on hold due to the extensive damage in the building. However, as a result of the flood, the procurement staff took on many new tasks and projects. Much time was spent assessing damaged furnishings, replacement options and working with GSA on contractor specifications for facilities renovations in courtrooms and ancillary spaces. During the year, the procurement staff also reconfigured and consolidated individual chambers' law book libraries in the Eagleton Courthouse to form a shared district law book library. This library will serve all of the individual chambers and will reduce the cost of law book subscriptions for court use.



Flood repair work in Courtroom 13 South

#### INFORMATION SYSTEMS DEPARTMENT

The Information Systems Department (ISD) is a combined unit that provides information technology support to the U.S. District Court, which includes Chambers, the Clerk's Office, the U.S. Probation Office, and the U.S. Pretrial Services Office. One of the services ISD provides to these agencies as well as to attorneys and their support staffs is a "Help Desk". The help desk offers technical support primarily with electronic case filing in CM/ECF to attorneys and court personnel.

ISD was involved in a number of projects during 2011. They installed a virtual server, upgraded the uninterruptible power source (UPS) for wiring locations in each divisional office, and implemented a wide area network (WAN) optimization. However, after the extensive damage at the Thomas F. Eagleton Courthouse caused by flooding in August, ISD postponed a number of project in order to focus their efforts on courtroom recovery and restoration.

With an eye on constantly improving their level of service to the court, ISD personnel hosted and attended a diverse selection of training programs. The ISD department held instructional sessions on Facebook for business, transitioning to Word, and AMX control programmer classes just to name a few. Members of the department attended training for visual FoxPro developers, judge information technology training, and learning center domain administrative training. In the effort of information sharing with other courts and related agencies, ISD staff made presentations at the CM/ECF District Operational Practices Forum and IT Conferences.

Listed below are the cyclical replacements that were completed in 2011:

##### Clerk's Office and Chambers

- 16 personal computers
- 10 laptop computers
- 37 printers
- 88 monitors

##### U.S. Probation Office

- 10 personal computers
- 18 laptop computers
- 16 printers
- 15 scanners

##### U.S. Pretrial Services Office

- 11 personal computers
- 3 printers

#### MANAGEMENT SUPPORT DEPARTMENT

Management Support is a diverse department that performs an assortment of duties including, but not limited to attorney admissions, naturalization support, ADR support, policy research and development, statistical analysis, telecommunications service, appeals, and case initiation. In order to consolidate its areas of responsibility, Management Support is organized into four main units: (1) Courthouse Events and Infor-

mation; (2) CM/ECF Assistance; (3) Telecommunications; and (4) Statistical Reporting and Analysis. Under courthouse events and information, management support completed the following projects:

- Coordinated with outside agencies to provide courtrooms for the use of visiting judges;
- Revised and created various internal manuals, brochures, pamphlets, and newsletters;
- Coordinated and staffed monthly naturalization ceremonies;
- Assisted with the planning and preparation of information at the CJA Seminar and Federal Practice Fundamentals Seminar;
- Assisted with the planning of community outreach events at the courthouse;
- Provided ADR case management support.



*Federal Practice Fundamentals Seminar*

For CM/ECF assistance, management support performed the following responsibilities:

- Provided scanning, docketing, appeal processing, and intake assistance with CM/ECF;
- Maintained Northern Division Court docket;
- Provided case report information to various public researchers;
- Performed disbursing clerk duties;
- Attorney admission applications;
- CJA applications.

The court's telephone administrator performs all telecommunications functions for over 600 court personnel in the Thomas F. Eagleton Courthouse. In 2011, the telephone administrator completed the following projects:

- Increased management support through the use of locally developed telemanagement software resulting in the timely correction of 478 telecommunications discrepancies throughout the court;
- Developed requirements analysis to the upgrade of the court's telephone system to a Voice over Internet Protocol (VoIP) system;

- Worked with telecommunications consultant conducting a 3-day trade show to introduce court personnel to the latest VoIP telephone technology;
- Extended multiple commercial ISDN lines expanding Video Conferencing (VTC) capability for the U.S. Probation Office;
- Developed statement of work for the peripheral and software upgrade of the court's Private Branch Exchange, interactive contact center, and voice mail systems;
- Programmed telephone routing sequence to accommodate customer interface with the Bankruptcy Court's departmental realignment;
- Transitioned 600 court assigned commercial telecommunications services from the Sprint FTS2001 services contract to the AT&T Network contract.

Regarding statistical reporting and policy analysis, the court's policy and research analyst completed the following projects in 2011:

- Created and distributed monthly and quarterly statistical reports providing an assessment of performance metrics for use by the judges and court managers;
- Developed new reporting instrument in order to monitor caseload assignment in support of management decision making;
- Generated monthly technical reports evaluating the different performance measures of the ADR Program;
- Supported the ADR Advisory Committee with comprehensive analysis of program data including reports and recommendations on specialized issues;
- Disseminated State of the Docket reports monthly to judges and court managers;
- Modified, tested, and continually assessed caseload management performance to improve accuracy and content to adapt to changing standards and developing needs;
- Designed new operational procedures in case management to improve best practice capabilities;
- Project lead in designing and developing the Annual Report for the U.S. District Court.

#### HUMAN RESOURCES DEPARTMENT

In 2011, the U.S. District Court's Human Resources (HR) department undertook several HR initiatives, assisted with the appointment of two new judges, their staff, and other appointments in the Clerk's Office. The 2011 calendar year included a great deal of uncertainty for federal employees as the federal government's budget crisis unfolded. Due to the budget crisis, Congress proposed several changes and/or reductions to federal employees pay and benefits. To help reduce speculation and uncertainty, HR provided court personnel information regarding the upcoming changes and answered questions about pay and benefit modifications that were implemented in 2011. At the close of 2011, the federal

government has frozen employees' cost of living increases and the Judiciary took additional steps to freeze employees within grade increases. The salary freeze required the court to modify its current performance management plan and discontinue all within grade increases. Despite all the changes and uncertainty, employees performed admirably and provided excellent service to the public, bench, and bar.

The HR department successfully assisted in the recruitment of several replacement positions in the Clerk's Office before the hiring freeze was implemented in 2011. The court filled four Assistant Case Manager positions and one Court Reporter whose duty station is located at the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri. The HR department worked diligently to assist the court in finding qualified candidates who closely matched the knowledge, skills and abilities needed to fill those positions. The employees hired in 2011 have been excellent additions to the Court.

In 2011, the HR department offered many training and employee development opportunities. HR provides a broad spectrum of training from mandatory policy training to technical, and team building training. Employees are encouraged to attend training to develop their knowledge, skills, and abilities. In 2011, the court increased its effort to provide community service to the public it serves. To support that mission, team building opportunities that allowed employees to give back to the community were developed. For example, the Clerk's Office worked as a team on various projects at Stray Rescue and the St. Louis Area Food Bank. These opportunities allowed employees to work together as a team and improve cooperation, while giving back to the St. Louis Community.

Other initiatives that HR assisted with in 2011 were the development of core competencies and a succession plan. Each department in the Clerk's office is developing core competencies to describe the behaviors and skills that they feel the best employees should display at work. The court hopes to use core competencies as a tool for employees to identify traits, characteristics and skills that will help them improve their work performance. Core competencies may be used during the recruitment process to identify candidates who have the competencies necessary to be successful on the job. HR is also assisting the court with the development of a succession plan. In the next five to ten years, many employees of the clerk's office will be eligible to retire. Without a smooth transition to the future workforce, the organization could lose valuable institutional knowledge and leadership skills.

#### JURY UNIT

In 2011, the Jury Unit sent out 26,500 Juror Qualification Questionnaires to prospective jurors and 10,136 people were summoned for jury service. During the spring of 2011, a new

Master Jury Wheel consisting of 75,000 names of prospective jurors was implemented. This master list is created every two years by random selection from voter registration lists, supplemented with records of drivers licenses holders and non-driver identification holders.

The eJuror online program completed its second full year of operation in 2011. The eJuror program enables jurors to complete and submit their initial juror qualification questionnaires and juror information, if summoned, via the internet. Once registered, jurors can update their information, check their juror status, request an excuse or deferment, and obtain reporting instructions online. When their service is completed, jurors can print verification of attendance if needed for their employers. The eJuror program facilitates the jury experience by making data collection and processing of juror information more efficient and convenient.

The Eastern District of Missouri was a member of the Administrative Office's (AO) JMS/eJuror Working Group. During 2011, the group met to evaluate modification requests to both the JMS (Jury Management System) and eJuror programs. The working group also detailed requirements for a future scanning feature. In early December, the Eastern District of Missouri installed a new JMS/eJuror software release as a test court in Modified Live Operations. This new release contains modifications to enhance jurors' experiences using the eJuror program.

The work of the Jury Unit plays a significant role in the efficient utilization of juror resources in the U.S. District Court for the Eastern District of Missouri.

## INTERNSHIP PROGRAM

### CLERK'S OFFICE INTERNSHIP PROGRAM

The internship program of the Clerk's Office for the Eastern District of Missouri offers practical experience in the field of judicial administration to qualified candidates. Interns are provided unique opportunities to work on different projects for various departments. Since the program began, interns have participated in data collection, independent research, and administrative support. While at the courthouse, interns also have the chance to observe courtroom proceedings and gain a better understanding of the rule of law in action. The work experience provided by the District Court allows interns to determine their level of interest in a career in the Federal Judiciary, or other law-related opportunities.

In the summer of 2011, the Clerk's Office selected the following individuals to participate in the internship program: Rene Freels, a graduate student completing her Master of Arts degree in Legal Studies at Webster University, and Christopher Rubie, a graduate student completing his Master of Arts degree in Legal Studies at Webster University. Each intern

provided assistance to the various departments and units of the Clerk's Office. Their dedication and contributions throughout the summer were appreciated by all in the Clerk's Office.

**THE HONORABLE GEORGE F. GUNN JR. DEDICATED INTERNSHIP**  
The St. Louis Internship Program (SLIP) is an organization that provides job training and internship placement for high school students in the St. Louis area. Students who participate in SLIP must display the following skills and traits: a desire to learn, initiative, an understanding of business etiquette, excellent communication skills, and the ability to adapt to a changing work environment<sup>74</sup>. SLIP candidates must also complete an interviewing process and additional weekend training and development sessions in order to successfully qualify for the program<sup>75</sup>. A dedicated internship is an option available to an organization that cannot offer an internship to a student, but still would like to contribute to SLIP. Dedicated Internships are a way for donors to honor an individual who made an impact in their organization or community<sup>76</sup>. A Dedicated Internship was created in honor of U.S. District Judge George F. Gunn who served for the Eastern District of Missouri from 1985 until his death in 1998. In 2011, JaNay Braxton was the recipient of the Honorable George F. Gunn Jr. Dedicated Internship. JaNay attends Confluence Preparatory Academy in St. Louis.

## FEDERAL COURT CLERKS ASSOCIATION CONFERENCE

In 2011, the Federal Court Clerks Association (FCCA) Conference was held in Mobile, Alabama from June 5th to 9th. The conference is a combination of diverse educational workshops, panel discussions, and roundtable sessions. Attendees include court management and support personnel from across the country. The primary goal of the conference is to promote professional development among attendees and preview technological innovations designed to increase efficiency and effectiveness in the field of court management. The following members from the Clerk's Office represented the Eastern District of Missouri at the conference: Tad Biggs, Cindy Kornberger, Lori Rife, and Michele Schaefer.

The conference offered a wide selection of professional development workshops such as financial management, retirement planning, and leadership lessons. The conference also made available credit-bearing courses sponsored by the School of Criminal Justice at Michigan State University (MSU). Jim Woodward, Clerk of Court, was the instructor for one of the courses offered at the conference entitled *Essen-*

<sup>74</sup> St. Louis Internship Program, "Overview," St. Louis Internship Program, <http://www.stlouisinternship.org/overview.html> (Accessed March 7, 2011).

<sup>75</sup> *Ibid.*

<sup>76</sup> St. Louis Internship Program, "Dedicated Internship," St. Louis Internship Program, <http://www.stlouisinternship.org/internships.html> (Accessed March 7, 2011).

*tial Components of Courts.* Tad Biggs, the IT Manager for the Eastern District of Missouri, provided instruction for the other course offered through the MSU program entitled *Information Technology*. Combined with additional coursework, this conference may serve as a jumping off point to the completion of a credit-bearing or noncredit judicial administration certificate. The coursework presented at this conference could also be applied to a Master of Science of Criminal Justice degree with a specialization in judicial administration.

In addition to the coursework, conference participants were given the opportunity to visit various sites and events near Mobile as a group. On the first day, participants of the conference had the opportunity to tour the USS Alabama Battleship. The following night the attendees were given the option to attend a Mobile BayBears baseball game. The BayBears are the Double AA affiliate of the Arizona Diamondbacks. On the final night, the group was treated to a trip to the picturesque Gulf Shores. Each of these excursions allowed participants to interact with their professional counterparts from other district courts. The conference served as a valuable learning experience for attendees both professionally and personally.



From left to right: Tad Biggs, Michele Schaefer, Cindy Komberger, Lori Rife, and Jim Woodward

## CM/ECF DISTRICT OPERATIONAL PRACTICES FORUM

In 2011, the CM/ECF District Operational Practices Forum was held in National Harbor, Maryland from August 15th to 18th. The goal of the forum is to share and document successful operational practices and lessons learned in order to provide programs, models, and strategies for use in all district courts. Participants have the opportunity to network with personnel from other courts and obtain useful operational information. The following members from the district court represented the Eastern District of Missouri at the forum: Coley Lewis, Scott Moore, Debbie O'Leary, and Laura Robinson.

One of the primary goals of the practices forum is to tailor the breakout sessions and demonstrations to the demands of the participants. By doing so, participants decide the level of discussion each topic receives. As a result, by its nature, the

forum is flexible and allows for the participants to determine the agenda for each day.

In addition to the breakout sessions, there are a number of demonstrations being presented concurrently. Lori Miller-Taylor, Chief Deputy Clerk, and Tad Biggs, IT Manager, held a demonstration on the topic of JEDI, a collaborative effort between the Clerk's Office, U.S.

Probation Office, and U.S. Pretrial Services Office to use CM/ECF as the central repository for documents pertaining to a defendant/offender. Some of the other demonstrations include CJA eVoucher, Cameras in the Courtroom Pilot, ECF Forms Creation, JICS, JSAP, and Next Gen Overview just to name a few.



From left to right: Coley Lewis, Debbie O'Leary, Laura Robinson, and Scott Moore

## TEAM BUILDING

### TEAM BUILDING TRAINING

For the 17th and 18th of August, Clerk's Office staff participated in a training opportunity and a community service event. Attendance for both the training opportunity and community service event were voluntary. On the 17th, the court sponsored a session with Tom Heinselman. Tom specializes in the development of leaders and teams at all levels through workshops, assessments, and coaching. Tom has worked with a diverse list of clients such as AT&T, BMW, Johnson & Johnson, and Time magazine to name a few. For court personnel, Tom presented his lecture entitled "Achieving Your Potential". The experience was well-received by those who attended.

For the community service event, court personnel had the option of volunteering at the St. Louis Area Food Bank or Stray Rescue of St. Louis. At the St. Louis Area Food Bank, volunteers from the court inspected, sorted, and repackaged donated food items and non-food items. They labeled and repackaged bulk food dona-



Stray Rescue volunteers from the Clerk's Office

tions. The group also collaborated to build food boxes for low-income elderly individuals. At Stray Rescue of St. Louis, volunteers performed a variety of duties such as feeding and walking the dogs. Volunteers also were requested to clean kennels, do laundry, and wash dishes. The community service events were highly beneficial for both the volunteers and those they served. It is the selfless dedication to causes such as the St. Louis Area Food Bank and Stray Rescue of St. Louis that provide the foundation for a better community. All it takes sometimes to create a change is a little hard work and a good attitude.



*St. Louis Area Food Bank volunteers from the Clerk's Office*

#### LEADERSHIP DEVELOPMENT WORKSHOP

On August 11th, the Clerk's Office held a leadership development workshop for case management team leaders. The workshop was led by consultants Dana Przesmitzski and Marilyn Vernon from the Federal Judicial Center (FJC). The workshop addressed the fundamentals of leadership by highlighting key areas in the day-to-day management of self-directed court teams. The topics discussed at the workshop included fundamental management principles, methods of coaching, how to give feedback, team dysfunction, and team development.

At the conclusion of the workshop, the FJC consultants provided the court management team in the Clerk's Office a summary report detailing findings and recommendations for improved performance among case management team leaders. The assessment from the consultants provided a unique perspective on the case management teams. With changes to personnel and increasing work demands, the workshop provided important groundwork for future success with the case management team model.

## COMMUNITY SERVICE

#### JOHN PERRY CHILDREN'S BENEFIT FUND

On March 8, 2011, the court family suffered an immeasurable loss with the tragic passing of Deputy U.S. Marshal John Perry from gunshot wounds received while serving an arrest warrant at a residence in St. Louis, Missouri. In response to this tragedy, John Perry Children's Benefit Fund was created to support his three children. Although grieving, the court family came together and sponsored a luncheon and raffle celebrating the life of Deputy Perry and to raise funds for his children. The luncheon and raffle were held on April 12th at the Thomas F. Eagleton Courthouse. The donations to the cause were outstanding and featured St. Louis Cardinals baseball tickets, St. Louis Rams apparel, and other items. The turnout in support of this event was tremendous. The event was able to raise over \$10,000 for the John Perry Children's Benefit Fund. A special presentation of this check was made to the children of John Perry on June 2, 2011.

#### 2011 RACE FOR THE CURE

On June 11th, the 13th Annual Susan G. Komen St. Louis Race for the Cure was held in downtown St. Louis. A group from the U.S. District Court participated in this very worthy event in support of a member of the court family who was diagnosed with breast cancer. To commemorate the event, special shirts were designed for court personnel to wear during the race. The court raised over \$2,000 for Komen St. Louis. The 2011 Race for the Cure in St. Louis had 64, 461 participants in the 5k event comprised of breast cancer survivors, family, friends, and supporters. The event raised \$3.1 million for breast cancer screening, treatment, education, and research for the St. Louis Community<sup>77</sup>.



*Members of the U.S. District Court Family at the 13th Annual Susan G. Komen St. Louis Race for the Cure*

<sup>77</sup> St. Louis Affiliate of Susan G. Komen Race for the Cure, "2011 Pink Honor Roll," Komen Connections: News from the St. Louis Affiliate of Susan G. Komen for the Cure, [http://www.komenstlouis.org/site/DocServer/KomenConnections\\_Fall2011.pdf?docID=4141](http://www.komenstlouis.org/site/DocServer/KomenConnections_Fall2011.pdf?docID=4141) (Accessed April 16, 2012).

### HABITAT FOR HUMANITY SERVICE PROJECT

On July 23rd, a group of 10 volunteers from the Clerk's Office donated their time and talent to a home building project for Habitat for Humanity. The primary mission of Habitat for Humanity is to replace sub-standard housing with a decent, safe, and affordable place to live. The build site was in midtown St. Louis in the Garrison Street neighborhood. The volunteers spent nearly a full-work day engaged in challenging manual labor in very hot temperatures that left each individual tired and satisfied from their efforts at the close of the day.



Volunteers from the Clerk's Office

The group of volunteers was assigned the task of completing the final stages of home building, which included finishing the front porch and railing, installed

shelving in the closets, and completed installation of the laminate flooring. The future homeowners were part of the crew and contributed to the effort. The homeowners were very grateful for the work of the volunteers. Through teamwork, dedication and hard work, the volunteers achieved the project goal by the end of the day. This was teambuilding with a special purpose.

### MOTION FOR KIDS HOLIDAY PARTY



U.S. District Judge Rodney W. Sippel (back) at the Motion for Kids Holiday Party

On December 17, 2011, volunteers from the Clerk's Office and U.S. District Judge Rodney W. Sippel participated in the Motion for Kids Holiday Party (formerly known as Project Angel Tree) sponsored by the St. Louis Rams and the Bar Association of Metropolitan St. Louis (BAMSL) to bring some joy to children and families who are going through difficult times especially during the holiday season. The party serves children in foster care, children with a parent in the Missouri prison system, and children

with a parent serving in the Armed Forces overseas.

The heart and soul of Motion for Kids are the hundreds of members from the legal community who agree to sponsor a child. Each sponsor is asked to purchase and wrap two gifts chosen from the child's wish list and stuff a stocking. The

party includes photos and autographs with Rams players and cheerleaders, arts & crafts stations, games, a book corner, refreshments, and live entertainment. The event served more than 3,000 children from Metropolitan St. Louis.

### CHARITABLE CONTRIBUTIONS

The following private charitable contributions were made in 2011 as a result of the Hospitality Committee's fund-raising efforts and the generosity of individual Clerk's Office staff members:

#### FUND-RAISING

AMERICAN HEART ASSOCIATION	\$ 50
KAHOKA CHRISTIAN CHURCH	\$ 50
ST. LOUIS FISHER HOUSE	\$ 100
WASHINGTON PARK CEMETERY	\$ 100
AMERICAN RED CROSS	\$ 160
LUPUS RESEARCH	\$ 200
MOTION FOR KIDS	\$ 200
JOPLIN TORNADO RELIEF FUND	\$ 250
COURT FAMILY RELIEF FUND	\$ 325
LEUKEMIA AND LYMPHOMA SOCIETY	\$ 350
ST. LOUIS POLICE WIVES ASSOCIATION	\$ 1,250
KOMEN ST. LOUIS	\$ 2,000
JOHN PERRY CHILDREN'S BENEFIT FUND	\$ 10,000
<b>TOTAL</b>	<b>\$15,035</b>

### PUBLIC SERVICE RECOGNITION WEEK

During the week of May 1st, the Clerk's Office Management Team sponsored Public Service Recognition Week. The week was designed to honor personnel for their dedication and diligence as public servants. On May 4th, the management team hosted a BBQ outside of the Thomas F. Eagleton Courthouse. Jim Woodward, Clerk of Court, barbecued bratwursts and hot dogs, while other managers provided other dishes to accompany the meal. With cooperation from the St. Louis weather, the lunch was fun for all who could attend.



From left to right: Lori Miller-Taylor, Tad Biggs, Karen Moore, Nicole Rode, Jim Woodward, and Kathleen Cookson



## SECTION FIVE

### *COURT PERSONNEL*

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#### NEW HIRES

##### CLERK'S OFFICE

Brittany Porter was hired as an Assistant Case Manager for the Clerk's Office at the Eastern Division office in St. Louis, Missouri. She officially began her duties on March 14, 2011. Brittany has a Bachelor of Science degree in paralegal studies from Southern Illinois University-Carbondale. She also has a certification as a paralegal. She worked previously at the Jackson County, Illinois State's Attorney's Office in Carbondale, Illinois.

Ryan Kilduff was hired as an Assistant Case Manager for the Clerk's Office at the Eastern Division office in St. Louis, Missouri. He officially began his duties on April 11, 2011. Ryan has a Bachelor of Arts degree in the Administration of Justice from SIU-Carbondale. He worked nearly fifteen years in juvenile and adult probation in the state courts of Illinois. Before joining the court, he worked as a career specialist for the Madison County, Illinois Employment and Training Center.

Cindy Kornberger transferred from the Finance Department of the U.S. District Court to a case management team. Cindy has been with the court since September 1996. She is assigned to the Eastern Division office in St. Louis, Missouri. She officially began her duties on September 12, 2011. Cindy received her Bachelor of Arts degree in Criminal Justice from Lindenwood University.

Keya Murdock was hired as an Assistant Case Manager for the Clerk's Office at the Eastern Division office in St. Louis, Missouri. She officially began her duties on September 12, 2011. Before joining the court, Keya served as a legal professional at Thompson Coburn and most recently at Littler Mendelson. Keya received her Bachelor of Arts degree in Legal Studies and Master of Arts degree in Legal Studies from Webster University.

Alison Garagnani was hired as a Court Reporter for the Southeastern Division in Cape Girardeau, Missouri. She officially began her duties on November 7, 2011. Alison serves as the Court Reporter to U.S. District Judge Stephen N. Limbaugh Jr. and also covers court for other judges holding trials and hearings in the division courthouse.

##### CHAMBERS

Shomari Figures was hired as a law clerk to U.S. Magistrate Judge Nannette A. Baker. He officially began his position on February 8, 2011.

Colby Jackson was hired as a judicial assistant to U.S. Magistrate Judge Nannette A. Baker. He officially began his position on February 8, 2011.

Susan Cooper was hired as a law clerk to U.S. District Judge Audrey G. Fleissig. She officially began her position on July 25, 2011.

Jason Meyer was hired as a law clerk to Chief U.S. District Judge Catherine D. Perry. He officially began his position on August 9, 2011.

Amanda Katz was hired as a law clerk to Chief U.S. District Judge Catherine D. Perry. She officially began her position on August 16, 2011.

Cori Garland was hired as a law clerk to Senior U.S. District Judge E. Richard Webber. She officially began her position on September 1, 2011.

Darin Shreves was hired as a law clerk to Senior U.S. District Judge E. Richard Webber. He officially began his position on September 1, 2011.

Annette Prock was hired as a judicial assistant to U.S. District Judge John A. Ross. She officially began her position on November 1, 2011.

Marie Woodruff was hired as a law clerk to U.S. District Judge John A. Ross. She officially began her position on November 2, 2011.

Alicia Konstantinovich was hired as a law clerk to U.S. District Judge Jean C. Hamilton. She officially began her position on November 21, 2011.

#### RETIREMENTS

##### CLERK'S OFFICE

Lynne Shrum retired from the U.S. District Court on August 31, 2011 after 31 years of dedicated service. Lynne began her term of service for the U.S. District Court on June 30, 1980. She last served as a Court Reporter for U.S. District Judge Stephen N. Limbaugh Jr.

##### CHAMBERS

Lynn Stone began her career at the U.S. District Court as a Judicial Assistant to retired Senior U.S. District Judge Stephen N. Limbaugh Sr. on August 15, 1983. After more than 25 years of service, she retired on September 30, 2008, but decided rather quickly she was not ready for retirement. On February 2, 2009, Lynn was hired as Administrative Support for the Clerk's Office at the Eastern Division office in St. Louis, Missouri. On August 16, 2010, Lynn transferred from the Clerk's Office to become the Judicial Assistant to Senior U.S.

District Judge Donald J. Stohr. During this time, Lynn also served as a temporary Judicial Assistant in other judges' chambers when personnel were on leave. Her final day at the U.S. District Court was March 31, 2011.

## HONORS AND AWARDS

### U.S. MARSHALS AND COURT SECURITY OFFICERS LUNCHEON

On June 2, 2011, the U.S. District Court held the first annual luncheon at the Thomas F. Eagleton Courthouse in St. Louis to recognize and honor the men and women of the U.S. Marshals Service (USM) and Court Security Officers (CSO) for their dedicated service. The court has made a commitment to hold a similar event each year. Two special presentations were made at the luncheon. For the first, Chief U.S. District Judge Catherine D. Perry and Clerk of Court Jim Woodward presented the men and women who served on March 8, 2011 with a commemorative award for their heroic actions on that fateful day. Deputy U.S. Marshal John Perry along with other Deputy U.S. Marshals and task force officers from the St. Louis Metropolitan Police Department were serving an arrest warrant on a residence in St. Louis, Missouri when a shootout ensued. Deputy Perry died from gunshot wounds received during the shootout. Fellow Deputy U.S. Marshal Theodore Abegg and a task officer suffered injuries from the shootout. For the second presentation, Deputy U.S. Marshal John Perry's children were presented with check for over \$10,000, a donation made by the court to their benefit fund. It was an emotional day for the entire court family as the court paid tribute to those who served alongside Deputy Perry on March 8th.



*In front: Chief U.S. District Judge Catherine D. Perry (left), the children of Deputy U.S. Marshal John Perry (center), Clerk of Court Jim Woodward (right). In back: Members of the U.S. Marshals Service who served on March 8, 2011 with Deputy U.S. Marshal John Perry*

### PUBLIC SERVICE RECOGNITION CEREMONY

Each quarter the Clerk's Office recognizes court personnel with service awards. However, in special circumstances, the Clerk's Office celebrates those employees who have achieved milestones of 20, 25, or 30 years or more of service to the court. At a ceremony on October 27, 2011, the Clerk's Office acknowledged the following five employees who have served the court at least 20 years:

- Teri Hopwood has served the federal courts for 30 years. She began her term of service on October 1, 1981. Teri started as a Court Reporter for U.S. District Judge William Beatty in the Southern District of Illinois. Teri transferred to the Eastern District of Missouri in 1995 to serve as a Court Reporter. She was primarily assigned to Chief U.S. District Judge Catherine D. Perry and currently serves in that capacity.
- Lori Miller-Taylor has served the court for 25 years. She began her term of service on October 27, 1986. Lori started as a Deputy Clerk and later transferred to a team as an Assistant Case Manager. From there Lori was promoted to Operations Manager, then Chief Deputy Clerk. Lori is currently the Chief Deputy Clerk for the Eastern District of Missouri.
- Michele Crayton has served the court for 25 years. She began her term of service on May 12, 1986. Michele started as a Deputy Clerk and was promoted to an Intake Supervisor. Michele transferred to a team as an Assistant Case Manager and was later promoted to Team Leader. Michele currently serves as the Team Leader for the Fleissig/Shaw/Buckles team.
- Jeanne Pattrin has served the court for 20 years. She began her term of service on March 11, 1991. Jeanne started with the Bankruptcy Court as an Administrative Assistant/Intake Clerk. In 1999, Jeanne transferred to the District Court as an Administrative Assistant to the Clerk of Court Bob St. Vrain. Jeanne later transferred to Human Resources and was promoted to HR Specialist/Training Coordinator.
- Melanie Berg has served the federal courts for 20 years. She began her term of service on December 30, 1991 with the Central District of Illinois. Melanie started as a Deputy Clerk and transferred to a team as an Assistant Case Manager. Melanie was promoted to Team Leader and currently serves as the Team Leader to the Perry/Webber/Mummert team.
- Marcella Mack has served the court for 20 years. She began her term of service on October 21, 1991. Marcella started as U.S. Magistrate Judge Lewis Blanton's Judicial Assistant and is still working with Judge Blanton today.

For the occasion, Senior U.S. District Judge Charles A. Shaw presided over the ceremony and spoke of the qualities inherent to each recipient. Judge Shaw went on to note some of their personal achievements. To conclude his presentation, Judge Shaw thanked the employees for their great service to the court and the public. Each recipient serves as an inspiration to their court colleagues.



From left to right: Teri Hopwood, Michele Crayton, Jim Woodward, Senior U.S. District Judge Charles A. Shaw, Melanie Berg, Jeanne Patrin, and Lori Miller-Taylor

## IN MEMORIAM

### DEPUTY U.S. MARSHAL JOHN B. PERRY

Deputy U.S. Marshal John Brookman Perry died in the line-of-duty Tuesday, March 8, 2011 from gunshot wounds received while serving an arrest warrant at a residence in St. Louis, Missouri.

Deputy Perry was born in Glen Ellyn, Illinois, a suburb of Chicago. As the son of a bankruptcy court judge and grandson of a district court judge in Chicago, Deputy Perry grew up amid the federal courts and spent time as a child around Deputy U.S. Marshals assigned to protecting the federal judiciary. His grandfather, who began his career as a coal miner and worked his way up to the federal bench, was a great influence on Deputy Perry.

Deputy Perry graduated Glenbard West High School in Glen Ellyn, Illinois in 1980. He then proceeded to earn a bachelor's degree in geology from Southern Illinois University in Edwardsville in 1984.

Deputy Perry's first job in law enforcement came in the Madison County Probation Office in Edwardsville, Illinois. Deputy Perry worked at the Madison County Probation Office for 16 years serving in various positions including pretrial supervision and high-risk supervision. Bartley Perry, his brother, has been a supervisory probation officer with the state of Illinois in Joliet for 25 years.

Deputy Perry had been assigned to the U.S. Marshals Office in the Eastern District of Missouri at the St. Louis divisional office since July 2005. At this location, Deputy Perry served as team leader on the fugitive task force and was the district's firearms instructor. He had been with the U.S. Marshals Service since graduating from the U.S. Marshals Academy in 2001. Immediately following graduation, Deputy Perry served in the District of Columbia Superior Court where, in addition to his duties to the court, he served as a volunteer to the call center for the television series *America's Most Wanted*. Deputy Perry was posthumously promoted to Protective Intelligence Investigator by the U.S. Marshals Service<sup>78</sup>.

A memorial service and celebration of Deputy Perry's life was held Sunday, March 13, 2011 at Powell Symphony Hall in St. Louis, Missouri. Deputy Perry is survived by his mother, Pamela Roberts of Rio Verde, Arizona; brother, Bartley Perry of Joliet, Illinois; sister, Meredith Neill of Phoenix, Arizona; Kathy Perry, mother of daughter Laura Perry; Kimberly McQuay, mother of son Sam Perry and daughter Brooke McQuay; and fiancé Pam Robtoy.



Deputy U.S. Marshal John Brookman Perry

<sup>78</sup> U.S. Marshals Service, "Obituary: Deputy U.S. Marshal John Perry," U.S. Marshals Service, Available from <http://www.usmarshals.gov/news/chron/2011/031111.htm> (Accessed on February 21, 2012).

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**APPENDIX A**

**NEW CASE FILINGS  
2009-2011 (JANUARY 1 – DECEMBER 31)**

<b>DIVISION/CASE TYPE</b>	<b>2009</b>	<b>09-10 PERCENT CHANGE</b>	<b>2010</b>	<b>10-11 PERCENT CHANGE</b>	<b>2011</b>
<i>PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH</i>					
<b>CIVIL CASES<sup>1</sup></b>					
EASTERN CIVIL CASES	2126	15.0%	2445	-7.7%	2257
SOUTHEASTERN CIVIL CASES	182	17.0%	213	7.5%	229
NORTHERN CIVIL CASES	66	33.3%	88	10.2%	97
<b>TOTAL CIVIL CASES</b>	<b>2374</b>	<b>15.7%</b>	<b>2746</b>	<b>-5.9%</b>	<b>2583</b>
<b>CRIMINAL CASES<sup>2</sup></b>					
EASTERN CRIMINAL CASES	735	-15.4%	622	-23.0%	479
▪ <i>FELONY CASES</i>	705	-19.0%	571	-22.8%	441
▪ <i>MISDEMEANOR CASES</i>	30	70.0%	51	-25.5%	38
SOUTHEASTERN CRIMINAL CASES	172	-24.4%	130	0.0%	130
▪ <i>FELONY CASES</i>	126	-37.3%	79	-1.3%	78
▪ <i>MISDEMEANOR CASES</i>	46	10.9%	51	2.0%	52
<b>TOTAL CRIMINAL CASES</b>	<b>907</b>	<b>-17.1%</b>	<b>752</b>	<b>-19.0%</b>	<b>609</b>
<b>CRIMINAL DEFENDANTS</b>					
EASTERN CRIMINAL DEFENDANTS	1028	-11.6%	909	-22.1%	708
▪ <i>FELONY DEFENDANTS</i>	998	-14.0%	858	-21.9%	670
▪ <i>MISDEMEANOR DEFENDANTS</i>	30	70.0%	51	-25.5%	38
SOUTHEASTERN CRIMINAL DEFENDANTS	199	-22.6%	154	10.4%	170
▪ <i>FELONY DEFENDANTS</i>	149	-30.9%	103	14.6%	118
▪ <i>MISDEMEANOR DEFENDANTS</i>	50	2.0%	51	2.0%	52
<b>TOTAL CRIMINAL DEFENDANTS</b>	<b>1227</b>	<b>-13.4%</b>	<b>1063</b>	<b>-17.4%</b>	<b>878</b>
<b>MISCELLANEOUS CASES<sup>3</sup></b>					
EASTERN MISCELLANEOUS CASES	690	13.0%	780	-4.2%	747
SOUTHEASTERN MISCELLANEOUS CASES	44	4.5%	46	21.7%	56
<b>TOTAL MISCELLANEOUS CASES</b>	<b>734</b>	<b>12.5%</b>	<b>826</b>	<b>-2.8%</b>	<b>803</b>
<b>TOTAL NEW CASE FILINGS<sup>4</sup></b>	<b>4015</b>	<b>7.7%</b>	<b>4324</b>	<b>-7.6%</b>	<b>3995</b>

1 – Civil case filings include sealed civil cases and Multidistrict Litigation (MDL) transfer cases, but exclude reopened cases.

2 – Criminal case filings include sealed criminal cases and exclude probation/supervised release transfers.

3 – Miscellaneous case filings include sealed miscellaneous cases.

4 – Total new case filings are comprised of civil, criminal, and miscellaneous case filings.

**APPENDIX B**

<b>2011 MONTHLY CASELOAD REPORT</b>													
	<b>JAN 2011</b>	<b>FEB 2011</b>	<b>MAR 2011</b>	<b>APR 2011</b>	<b>MAY 2011</b>	<b>JUN 2011</b>	<b>JUL 2011</b>	<b>AUG 2011</b>	<b>SEP 2011</b>	<b>OCT 2011</b>	<b>NOV 2011</b>	<b>DEC 2011</b>	<b>2011</b>
<b>CIVIL CASES</b>													
CASES FILED <sup>1</sup>	239	190	235	202	251	204	202	218	225	207	211	199	2583
CASES REOPENED	14	5	6	6	12	6	5	4	10	3	7	6	84
CASES CLOSED	201	191	303	146	156	198	163	203	222	154	176	158	2271
CURRENT CASES PENDING	2899	2899	2832	2891	2994	3005	3048	3067	3077	3130	3171	3217	3217
AVERAGE AGE OF PENDING CASES <sup>3</sup> (MTHS)	15.3	15.2	15.1	15.4	15.7	16.1	16.2	16.4	16.7	16.8	17.0	17.3	17.3
FILED/CLOSED RATIO	1.26	1.02	0.80	1.42	1.69	1.06	1.27	1.09	1.06	1.36	1.24	1.30	1.17
MEAN DISP. TIME (MTHS)	9.7	11.7	13.0	7.3	7.7	7.8	9.9	11.0	12.7	11.8	8.8	10.3	10.4
MEAN DISPOSITION TIME [5% TRIMMED <sup>4</sup> ]	8.3	10.0	11.8	6.7	6.2	6.9	8.9	9.6	11.9	9.6	7.9	8.9	9.0
MEDIAN DISPOSITION TIME	6.4	6.4	10.2	5.4	3.5	4.5	7.5	8.0	12.5	7.3	7.5	7.9	7.3
<b>CRIMINAL CASES</b>													
TOTAL CASES FILED <sup>2</sup>	40	45	75	55	60	78	31	35	47	52	42	49	609
▪ FELONY CASES FILED	33	35	52	50	48	77	29	33	37	50	42	33	519
▪ MISDEMEANOR CASES FILED	7	10	23	5	12	1	2	2	10	2	0	16	90
CASES CLOSED	75	62	82	62	66	71	59	56	74	66	53	58	784
CURRENT CASES PENDING	584	575	585	585	591	601	580	568	553	549	550	551	551
AVERAGE AGE OF PENDING CASES <sup>3</sup> (MTHS)	9.9	9.5	9.5	9.9	9.3	9.4	9.0	9.0	9.4	9.1	9.4	8.8	8.8
FILED/CLOSED RATIO	0.53	0.73	0.91	0.89	0.91	1.10	0.53	0.63	0.64	0.79	0.79	0.84	0.78
DEFENDANTS FILED	54	61	91	87	77	130	56	68	70	72	55	57	878
▪ FELONY DEFS FILED	47	51	68	82	65	129	54	66	60	70	55	41	788
▪ MISDEMEANOR DEFS FILED	7	10	23	5	12	1	2	2	10	2	0	16	90
DEFENDANTS CLOSED <sup>5</sup>	88	78	106	85	77	73	66	64	83	81	55	71	927
DEFENDANTS PENDING	822	806	791	793	793	871	862	865	850	853	855	839	839
DEFS FILED/CLOSED RATIO	0.61	0.78	0.86	1.02	1.00	1.78	0.85	1.06	0.84	0.89	1.00	0.80	0.95
MEAN DISP. TIME (MTHS)	10.3	7.1	12.4	7.7	8.6	8.8	7.3	8.5	8.8	14.9	9.9	9.1	9.6
MEAN DISPOSITION TIME [5% TRIMMED <sup>4</sup> ]	8.7	7.0	8.3	7.6	7.7	7.3	6.7	7.7	7.5	9.6	8.5	7.9	7.8
MEDIAN DISPOSITION TIME	7.1	6.4	7.7	7.9	7.1	6.4	6.7	7.9	6.9	9.9	7.1	7.5	7.2

1 – Civil case filings include sealed civil cases and Multidistrict Litigation (MDL) transfer cases.

2 – Criminal case filings include sealed criminal cases.

3 – Count begins with the case filing date. The count excludes (1) reopened cases; (2) cases pending 60 days or less; and (3) cases in unassigned.

4 – 5% trimmed mean excludes the lowest and highest 2.5% of disposition times from the calculation of the mean.

5 – Defendants whose probation/supervised release were revoked during the reporting period are not included in the closed defendants' totals.

**APPENDIX C**

<b>2010-2011 MONTHLY CASELOAD PERCENTAGE CHANGE REPORT</b>													
	<b>JAN 10-11</b>	<b>FEB 10-11</b>	<b>MAR 10-11</b>	<b>APR 10-11</b>	<b>MAY 10-11</b>	<b>JUN 10-11</b>	<b>JUL 10-11</b>	<b>AUG 10-11</b>	<b>SEP 10-11</b>	<b>OCT 10-11</b>	<b>NOV 10-11</b>	<b>DEC 10-11</b>	<b>10-11</b>
<b>CIVIL CASES</b>													
CASES FILED <sup>1</sup>	23.2%	-4.5%	0.9%	-26.0%	19.5%	9.7%	-22.9%	-12.1%	-7.4%	-18.2%	1.9%	-16.4%	-5.9%
CASES REOPENED	133.3%	25.0%	-14.3%	50.0%	300.0%	-14.3%	NC	-33.3%	42.9%	-87.0%	40.0%	-25.0%	-1.2%
CASES CLOSED	31.4%	-3.0%	19.3%	-13.6%	-8.8%	19.3%	-23.8%	12.2%	-6.7%	-9.9%	-10.2%	-18.6%	-1.4%
CASES PENDING	20.6%	20.5%	18.5%	15.8%	18.1%	17.3%	16.8%	14.4%	14.4%	12.1%	13.0%	12.8%	12.8%
AVG. AGE PENDING <sup>3</sup>	7.7%	5.6%	6.3%	6.9%	9.0%	11.8%	11.0%	10.1%	12.1%	13.5%	14.9%	15.3%	15.3%
FILED/CLOSED RATIO	-3.8%	-1.0%	-14.9%	-13.4%	35.2%	-6.0%	1.6%	-22.1%	1.0%	-15.5%	14.8%	2.4%	-4.9%
MEAN DISPOSITION	22.8%	1.7%	-2.3%	-1.4%	10.0%	-19.6%	4.2%	26.4%	16.5%	25.5%	-11.1%	18.4%	7.2%
MEAN DISPOSITION [5% TRIMMED <sup>4</sup> ]	16.9%	-2.9%	-4.1%	1.5%	1.6%	-16.9%	7.2%	26.3%	21.4%	23.1%	-4.8%	20.3%	7.1%
MEDIAN DISPOSITION	30.6%	-27.3%	-15.7%	14.9%	-16.7%	-29.7%	29.3%	60.0%	111.9%	82.5%	50.0%	71.7%	21.7%
<b>CRIMINAL CASES</b>													
TOTAL CASES FILED <sup>2</sup>	-41.2%	-40.8%	-23.5%	-1.8%	57.9%	20.0%	-55.1%	-25.5%	-11.3%	-1.9%	-23.6%	-33.8%	-19.0%
▪ FELONY CASES	-21.4%	-50.0%	-35.0%	4.2%	26.3%	42.6%	-53.2%	-15.4%	-30.2%	16.3%	-14.3%	-54.2%	-20.2%
▪ MISDEMEANOR CASES	-73.1%	66.7%	27.8%	-37.5%	NS	-90.9%	-71.4%	-75.0%	NS	-80.0%	NS	700.0%	-11.8%
CASES CLOSED	-11.8%	12.7%	-22.6%	-36.1%	-31.3%	-10.1%	-39.8%	-9.7%	-22.9%	-10.8%	-18.5%	-6.5%	-19.6%
CASES PENDING	-11.8%	-16.4%	-15.7%	-12.2%	-5.1%	-4.0%	-6.5%	-8.8%	-6.4%	-5.7%	-5.3%	-8.9%	-8.9%
AVG. AGE PENDING <sup>3</sup>	15.1%	13.1%	13.1%	16.5%	1.1%	2.2%	-5.3%	-7.2%	-8.7%	-12.5%	-6.0%	-10.2%	-10.2%
FILED/CLOSED RATIO	-33.8%	-47.1%	-1.1%	53.4%	127.5%	34.1%	-24.3%	-17.1%	16.4%	9.7%	-7.1%	-29.4%	1.3%
DEFENDANTS FILED	-42.6%	-42.5%	-26.6%	11.5%	51.0%	-5.1%	-33.3%	17.2%	-9.1%	NC	-21.4%	-49.1%	-17.4%
▪ FELONY DEFS	-30.9%	-49.0%	-35.8%	17.1%	27.5%	2.4%	-29.9%	32.0%	-22.1%	12.9%	-14.1%	-62.7%	-18.0%
▪ MISDEMEANOR DEFS	-73.1%	66.7%	27.8%	-37.5%	NS	-90.9%	-71.4%	-75.0%	NS	-80.0%	NS	700.0%	-11.8%
DEFENDANTS CLOSED	-18.5%	18.2%	-17.8%	-24.8%	-31.3%	-25.5%	-41.1%	-8.6%	-26.5%	-18.2%	-23.6%	10.9%	-19.8%
DEFS PENDING	-10.6%	-15.8%	-16.8%	-13.3%	-7.3%	-2.7%	-0.6%	0.9%	3.8%	7.6%	7.5%	-0.7%	-0.7%
DEFENDANTS FILED/CLOSED RATIO	-29.9%	-51.6%	-10.4%	47.8%	117.4%	27.1%	13.3%	27.7%	23.5%	21.9%	3.1%	-54.3%	3.3%
MEAN DISPOSITION	19.8%	-26.8%	36.3%	NC	16.2%	NC	-36.5%	-15.8%	2.3%	71.3%	-13.2%	-3.2%	5.5%
MEAN DISPOSITION [5% TRIMMED <sup>4</sup> ]	8.8%	-19.5%	-1.2%	1.3%	10.0%	-8.8%	-27.2%	-1.3%	-7.4%	23.1%	-12.4%	3.9%	-3.7%
MEDIAN DISPOSITION	-10.1%	-19.0%	10.0%	8.2%	10.9%	-12.3%	-2.9%	14.5%	-1.4%	37.5%	-15.5%	27.1%	-1.4%

PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH

NC = No change in civil or criminal numbers

NS = Percent change not significant (when one number is zero)

**APPENDIX D**

<b>2011 MONTHLY CIVIL CASE FILINGS BY TYPE REPORT</b>														
<b>[NUMBERS ARE DISPLAYED AS FILED AND REOPENED/REOPENED; I.E. 27/1]</b>														
	JAN 2011	FEB 2011	MAR 2011	APR 2011	MAY 2011	JUN 2011	JUL 2011	AUG 2011	SEP 2011	OCT 2011	NOV 2011	DEC 2011	2011	
1.) CONTRACTS	20/3	21	30	23	20/1	22/1	29/2	17/1	21/2	24/1	21/2	29	277/13	
2.) REAL PROPERTY	2	4/1	4/1	4	4	2	2	2	5	2	4	2	37/2	
3.) TOTAL TORTS	80/8	47	58/3	42/1	54/3	46	41/1	48	60/1	31	39/1	46/3	592/21	
TORTS	A. PERSONAL INJURY	71/8	40	55/2	34/1	48/3	32	37/1	42	51/1	28	37/1	46/3	521/20
	B. PERSONAL PROPERTY	9	7	3/1	8	6	14	4	6	9	3	2	0	71/1
4.) CIVIL RIGHTS	18/1	29/1	37	21	31/3	28/1	25	34/1	32/1	18/1	24/1	21	318/10	
5.) TOTAL PRISONER PETITIONS	61/1	41/2	42/1	56/3	55/3	42/1	43/1	47/1	41/2	53	43/2	38/2	562/19	
HABEAS CORPUS	A. PRISONER PETITIONS (§2255)	14	6	8	10/2	6	7	8	8	7	16	10	5/2	105/4
	B. GENERAL (§2254)	18	16	11/1	21	15/1	20	17	17	13/2	11	13	20	192/4
	C. DEATH PENALTY (§2254)	0	0	0	1/1	0	0	0	0	0	0	0	0	1/1
	D. ALIEN DETAINEE	0	0	0	0	0	0	0	0	0	0	0	0	0
E. MANDAMUS & OTHER	2	0	2	1	3	1	0	0	2	0	1	1	13	
F. CIVIL RIGHTS	27/1	18/2	21	22	29/2	12/1	18/1	22/1	15	26	19/2	12	241/10	
G. PRISON CONDITION	0	1	0	1	2	2	0	0	4	0	0	0	10	
6.) FORFEITURE/PENALTY	1	4	1	2	3	4	1	1	2	0	1	1	21	
7.) LABOR	18	12	16	16/1	19	16/2	13/1	19	23/2	22/1	23	14	211/7	
8.) IMMIGRATION	1	0	0	0	1	0	0	0	0	2	1	0	5	
9.) INTELLECTUAL PROPERTY RIGHTS	3	7/1	5	5	9	7	5	5/1	9/1	3	5	6	69/3	
10.) SOCIAL SECURITY	26	9	21/1	21	35	21	35	39	23	33	35/1	34	332/2	
11.) FEDERAL TAX SUITS	0	0	2	1	2	1	1	0	0	1	2	0	10	
12.) BANKRUPTCY	0	0	0	0	1/1	0	1	0	0	0	1	0	3/1	
13.) OTHER STATUTES	23/1	21	25	17/1	29/1	21/1	11	10	19/1	21	19	14/1	230/6	
<b>TOTAL CIVIL CASE FILINGS</b>	<b>253/14</b>	<b>195/5</b>	<b>241/6</b>	<b>208/6</b>	<b>263/12</b>	<b>210/6</b>	<b>207/5</b>	<b>222/4</b>	<b>235/10</b>	<b>210/3</b>	<b>218/7</b>	<b>205/6</b>	<b>2667/84</b>	

- Civil case filings by type include: (1) Sealed Civil Cases; (2) Multidistrict Litigation (MDL) transfer cases; and (3) Reopened Cases
- The first term in the ratio includes both new and reopened civil filings. The second term only reflects the number of reopened cases



**APPENDIX E**

<b>2010-2011 MONTHLY PERCENTAGE CHANGE IN CIVIL CASE FILINGS BY TYPE REPORT</b>														
[NUMBERS ARE DISPLAYED AS FILED AND REOPENED/REOPENED; I.E. 27/1]														
	JAN 10-11	FEB 10-11	MAR 10-11	APR 10-11	MAY 10-11	JUN 10-11	JUL 10-11	AUG 10-11	SEP 10-11	OCT 10-11	NOV 10-11	DEC 10-11	10-11	
1.) CONTRACTS	11.1%	-27.6%	7.1%	-34.3%	-33.3%	15.8%	20.8%	-41.4%	-22.2%	-38.5%	-30.0%	7.4%	-17.3%	
2.) REAL PROPERTY	-66.7%	NA	NA	300.0%	100.0%	NC	-66.7%	-50.0%	NC	-33.3%	300.0%	100.0%	19.4%	
3.) TOTAL TORTS	60.0%	46.9%	-15.9%	-55.8%	NC	27.8%	-28.1%	-27.3%	7.1%	-52.3%	143.8%	-19.3%	-9.3%	
TORTS	A. PERSONAL INJURY	73.2%	66.7%	-12.7%	-63.4%	-5.9%	3.2%	-28.8%	-25.0%	4.1%	-44.0%	270.0%	-4.2%	-8.3%
	B. PERSONAL PROPERTY	NC	-12.5%	-50.0%	300.0%	100.0%	180.0%	-20.0%	-40.0%	28.6%	-80.0%	-66.7%	NA	-16.5%
4.) CIVIL RIGHTS	-14.3%	-6.5%	48.0%	-48.8%	-3.1%	16.7%	8.7%	41.7%	33.3%	5.9%	26.3%	-19.2%	3.6%	
5.) TOTAL PRISONER PETITIONS	74.3%	13.9%	-4.5%	43.6%	103.7%	31.3%	-21.8%	20.5%	-22.6%	-23.2%	-31.7%	-20.8%	4.1%	
HABEAS CORPUS	A. PRISONER PETITIONS (\$2255)	27.3%	20.0%	-11.1%	25.0%	-14.3%	-22.2%	-27.3%	-27.3%	-22.2%	-5.9%	25.0%	-28.6%	-6.3%
	B. GENERAL (\$2254)	157.1%	166.7%	-26.7%	40.0%	87.5%	66.7%	NC	54.5%	-27.8%	-31.3%	-13.3%	42.9%	24.7%
	C. DEATH PENALTY (\$2254)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.0%
	D. ALIEN DETAINEE	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.0%
E. MANDAMUS & OTHER	NA	NA	100.0%	NA	200.0%	NC	-100.0%	NA	100.0%	NA	NA	-50.0%	8.3%	
F. CIVIL RIGHTS	80.0%	-5.3%	23.5%	46.7%	163.6%	20.0%	-21.7%	46.7%	-37.5%	-21.2%	-51.3%	-47.8%	-1.2%	
G. PRISON CONDITION	-100.0%	-80.0%	NA	NC	NA	NA	-100.0%	NA	300.0%	NA	NA	NA	-41.2%	
6.) FORFEITURE/PENALTY	NC	33.3%	NA	100.0%	NA	300.0%	-83.3%	-66.7%	-50.0%	NA	-83.3%	-75.0%	-32.3%	
7.) LABOR	5.9%	-40.0%	-23.8%	166.7%	72.7%	-33.3%	-23.5%	-13.6%	-14.8%	NC	64.3%	-22.2%	-3.7%	
8.) IMMIGRATION	-50.0%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	66.7%	
9.) INTELLECTUAL PROPERTY RIGHTS	-62.5%	40.0%	-50.0%	NC	28.6%	-50.0%	-61.5%	-37.5%	200.0%	-57.1%	-50.0%	-33.3%	-30.3%	
10.) SOCIAL SECURITY	4.0%	-59.1%	-19.2%	-27.6%	25.0%	5.0%	2.9%	50.0%	35.3%	-43.5%	29.6%	-12.8%	5.1%	
11.) FEDERAL TAX SUITS	NA	NA	NA	NC	NA	NC	NA	NA	NA	NA	100.0%	NA	150.0%	
12.) BANKRUPTCY	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	-40.0%	
13.) OTHER STATUTES	35.3%	-16.0%	78.6%	-26.1%	31.8%	5.0%	-65.6%	-67.7%	-44.1%	-25.0%	-24.0%	-17.6%	-20.1%	
TOTAL CIVIL CASE FILINGS	26.5%	-3.9%	0.4%	-24.9%	23.5%	8.8%	-22.5%	-12.6%	-6.0%	-23.9%	2.8%	-16.7%	-5.9%	

Civil case filings include: (1) Sealed Civil Cases; (2) Multidistrict Litigation (MDL) transfer cases; and (3) Reopened Cases  
 NS = Percentage change not significant (there must be at least 10 cases in one month and 20 cases annually for comparative analysis)  
 NC = No change in civil case filings

APPENDIX F

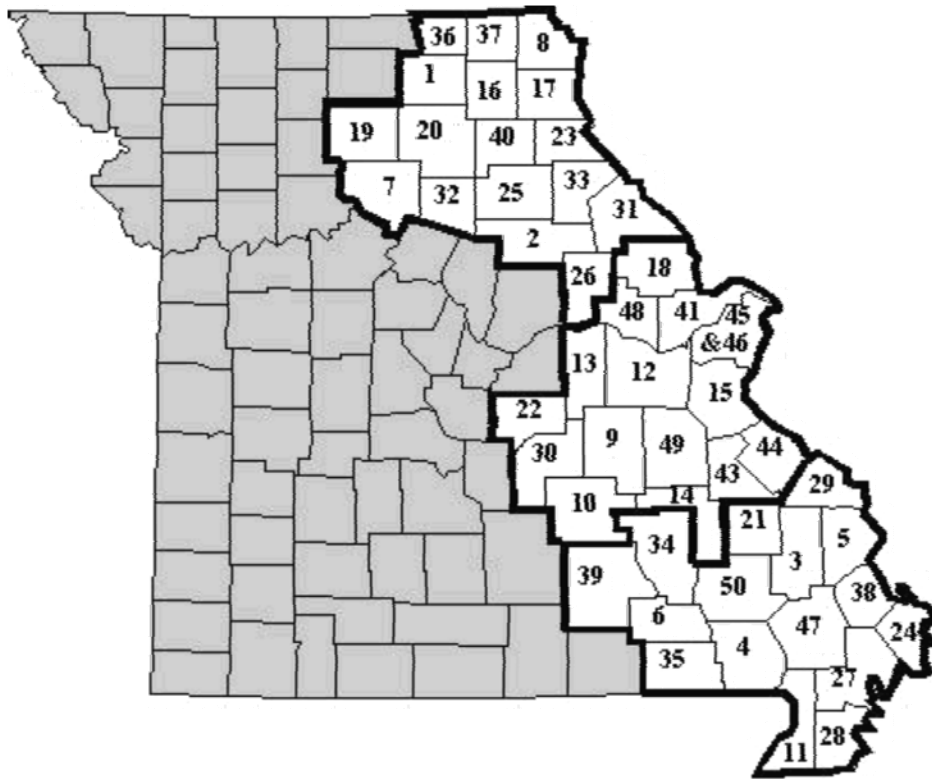
2011 MONTHLY TRIAL STARTS AND COMPLETIONS REPORT													
	JAN 2011	FEB 2011	MAR 2011	APR 2011	MAY 2011	JUN 2011	JUL 2011	AUG 2011	SEP 2011	OCT 2011	NOV 2011	DEC 2011	TOTAL
<b>CIVIL TRIAL STARTS</b>													
JURY TRIAL STARTS	2	6	2	3	1	1	1	3	3	2	1	1	26
BENCH TRIAL STARTS	0	0	0	0	0	0	0	0	1	0	0	2	3
TOTAL	2	6	2	3	1	1	1	3	4	2	1	3	29
<b>CIVIL TRIALS COMPLETED</b>													
JURY TRIALS COMPLETED	2	4	3	3	0	1	1	2	3	2	1	1	23
BENCH TRIALS COMPLETED	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	2	4	3	3	0	1	1	2	3	2	1	1	23
<b>CRIMINAL TRIAL STARTS</b>													
JURY TRIAL STARTS	1	2	0	1	1	2	2	1	1	1	3	1	16
BENCH TRIAL STARTS	0	0	0	0	3	0	0	1	0	0	0	0	4
TOTAL	1	2	0	1	4	2	2	2	1	1	3	1	20
<b>CRIMINAL TRIALS COMPLETED</b>													
JURY TRIALS COMPLETED	1	1	1	1	1	2	2	1	1	1	3	0	15
BENCH TRIALS COMPLETED	0	0	0	0	2	0	0	1	0	0	0	0	3
TOTAL	1	1	1	1	3	2	2	2	1	1	3	0	18
<b>TRIAL START TOTALS</b>													
JURY TRIAL STARTS	3	8	2	4	2	3	3	4	4	3	4	2	42
BENCH TRIAL STARTS	0	0	0	0	3	0	0	1	1	0	0	2	7
TOTAL	3	8	2	4	5	3	3	5	5	3	4	4	49
<b>TOTAL TRIALS COMPLETED</b>													
JURY TRIALS COMPLETED	3	5	4	4	1	3	3	3	4	3	4	1	38
BENCH TRIALS COMPLETED	0	0	0	0	2	0	0	1	0	0	0	0	3
TOTAL	3	5	4	4	3	3	3	4	4	3	4	1	41

**APPENDIX G**

2011 Juror Usage Report January 1 – December 31 Reporting Period													
District	Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	Jun 2011	Jul 2011	Aug 2011	Sep 2011	Oct 2011	Nov 2011	Dec 2011	Totals
<b>Juror Usage in District</b>													
Civil Juries*	2	6	2	3	1	1	1	3	3	2	1	1	26
Criminal Juries*	1	2	0	1	2	1	2	1	1	1	3	1	16
Total Number of Jurors	91	252	49	118	106	243	135	139	139	78	173	37	1560
Selected Jurors	29	74	18	36	36	22	33	35	35	29	47	21	415
Challenged Jurors	46	112	16	63	59	28	54	52	49	39	79	16	613
Jurors who participated in voir dire [excess jurors]	16	17	15	19	2	32	10	12	55	10	9	0	197
Jurors who did not participate in voir dire	0	49	0	0	9	161	38	40	0	0	38	0	335
<b>Juror Usage Statistics in District</b>													
Jurors not selected or challenged who participated in voir dire	17.6%	6.7%	30.6%	16.1%	1.9%	13.2%	7.4%	8.6%	39.6%	12.8%	5.2%	0.0%	12.6%
Jurors not selected or challenged who did not participate in voir dire	0.0%	19.4%	0.0%	0.0%	8.5%	66.3%	28.1%	28.8%	0.0%	0.0%	22.0%	0.0%	21.5%
Jurors who participated in voir dire	100.0%	80.6%	100.0%	100.0%	91.5%	33.7%	71.9%	71.2%	100.0%	100.0%	78.0%	100.0%	78.5%
Juror Utilization	17.6%	26.2%	30.6%	16.1%	10.4%	79.4%	35.6%	37.4%	39.6%	12.8%	27.2%	0.0%	34.1%

\*These monthly jury figures do not include bench trials in the totals.

Appendix H  
U.S. District Court – Eastern District of Missouri Jurisdiction



Counties by Division		
Eastern Division	Northern Division	Southeastern Division
9. CRAWFORD	1. ADAIR	3. BOLLINGER
10. DENT	2. AUDRAIN	4. BUTLER
12. FRANKLIN	7. CHARITON	5. CAPE GIRARDEAU
13. GASCONADE	8. CLARK	6. CARTER
14. IRON	16. KNOX	11. DUNKLIN
15. JEFFERSON	17. LEWIS	21. MADISON
18. LINCOLN	19. LINN	24. MISSISSIPPI
22. MARIES	20. MACON	27. NEW MADRID
30. PHELPS	23. MARION	28. PEMISCOT
41. ST. CHARLES	25. MONROE	29. PERRY
43. ST. FRANCOIS	26. MONTGOMERY	34. REYNOLDS
44. STE. GENEVIEVE	31. PIKE	35. RIPLEY
45. ST. LOUIS COUNTY	32. RANDOLPH	38. SCOTT
46. ST. LOUIS CITY	33. RALLS	39. SHANNON
48. WARREN	36. SCHUYLER	47. STODDARD
49. WASHINGTON	37. SCOTLAND	50. WAYNE
	40. SHELBY	





# *Acknowledgments*

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*A view of the Old Courthouse from Market Street in St. Louis, Missouri*



*Serving the Public, the Bench, and the Bar in 2011*  
*United States District Court – Eastern District of Missouri*  
*Thomas F. Eagleton Courthouse*  
*111 S. 10th Street, Suite 3.300*  
*St. Louis, Missouri 63102*  
*(314) 244-7900*  
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