



United States District Court  
Eastern District of Missouri

SERVING THE PUBLIC, THE BENCH, AND THE BAR

2012 Annual Report

Cover Page Photo:

This is a picture of the Old Courthouse located in St. Louis, Missouri. The Old Courthouse is a part of the Jefferson National Expansion Memorial operated by the National Park Service.

SERVING THE PUBLIC,  
THE BENCH, AND  
THE BAR

2012 ANNUAL REPORT

THIS REPORT WAS PREPARED BY THE  
OFFICE OF THE CLERK

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View of the Thomas F. Eagleton  
Courthouse from the St. Louis  
Citygarden



# COURTHOUSES OF THE EASTERN DISTRICT OF MISSOURI

THOMAS F. EAGLETON U.S. COURTHOUSE  
EASTERN DIVISION  
111 S. 10TH STREET  
SUITE 3.300  
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RUSH HUDSON LIMBAUGH SR.  
U.S. COURTHOUSE  
SOUTHEASTERN DIVISION  
555 INDEPENDENCE STREET  
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HANNIBAL FEDERAL BUILDING AND  
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NORTHERN DIVISION  
801 BROADWAY  
HANNIBAL, MISSOURI 63401

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## UNITED STATES DISTRICT JUDGES

CATHERINE D. PERRY  
CHIEF JUDGE

JEAN C. HAMILTON  
CAROL E. JACKSON  
RODNEY W. SIPPEL  
HENRY E. AUTREY  
STEPHEN N. LIMBAUGH JR.  
AUDREY G. FLEISSIG  
JOHN A. ROSS

## UNITED STATES SENIOR DISTRICT JUDGES

EDWARD L. FILIPPINE  
DONALD J. STOHR  
E. RICHARD WEBBER  
CHARLES A. SHAW

## UNITED STATES MAGISTRATE JUDGES

MARY ANN L. MEDLER  
CHIEF MAGISTRATE JUDGE

DAVID D. NOCE  
FREDERICK R. BUCKLES  
LEWIS M. BLANTON  
TERRY I. ADELMAN  
THOMAS C. MUMMERT III  
NANNETTE A. BAKER  
SHIRLEY A. PADMORE MENS AH (NOT PICTURED)

# THE JUDGES OF THE EASTERN DISTRICT OF MISSOURI IN 2012



UNITED STATES  
DISTRICT COURT  
  
EASTERN  
DISTRICT  
OF  
MISSOURI

# 2012 JUDICIAL BUSINESS HIGHLIGHTS

## CIVIL CASELOAD STATISTICS

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- New civil filings in the Eastern District of Missouri increased 4.9 percent from 2011 to 2012 (2583 v. 2710). If reopened civil cases are added to new civil filing totals, civil case filings increased 4.2 percent from 2011 to 2012 (2667 v. 2780). The new civil filings total in 2012 includes 283 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation (MDL), a decrease of 5.0 percent from 2011 to 2012 (298 v. 283). When MDL cases are excluded from the civil case filing total, new civil case filings originating in the Eastern District of Missouri increased 6.2 percent from 2011 to 2012 (2285 v. 2427). In St. Louis (Eastern Division), new civil filings increased 6.4 percent (2257 v. 2401), while new civil filings in Cape Girardeau (Southeastern Division) decreased 5.7 percent from 2011 to 2012 (229 v. 216). New civil filings in Hannibal (Northern Division) decreased 4.1 percent from 2011 to 2012 (97 v. 93).
- The following noteworthy trends in new civil filings by case type were identified from 2011 to 2012 in the Eastern District of Missouri: *Contract cases* decreased 6.9 percent (277 v. 258); *tort cases* (including personal injury and personal property cases) increased 15.7 percent (592 v. 685); *civil rights cases* increased 9.4 percent (318 v. 348); *prisoner petition cases* decreased 5.3 percent (562 v. 532); *prisoner petition – civil rights cases* decreased 17.8 percent (241 v. 198); *labor cases* decreased 9.0 percent (211 v. 192); *intellectual property rights cases* increased 50.7 percent (69 v. 104); *social security cases* increased 3.6 percent (332 v. 344); and *other statute cases* increased 8.3 percent (230 v. 249).

## CRIMINAL CASELOAD STATISTICS

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- Felony criminal filings in the Eastern District of Missouri decreased 11.6 percent from 2011 to 2012 (519 v. 459). In St. Louis, felony criminal filings decreased 12.0 percent (441 v. 388). Felony criminal filings in Cape Girardeau decreased 9.0 percent (78 v. 71). Misdemeanor criminal filings in the district court decreased 2.2 percent from 2011 to 2012 (90 v. 88). Misdemeanor criminal filings decreased 15.8 percent in St. Louis from 2011 to 2012 (38 v. 32). In Cape Girardeau, misdemeanor criminal filings increased 7.7 percent (52 v. 56).
- Felony criminal defendant filings decreased 14.7 percent from 2011 to 2012 (788 v. 672). In St. Louis, felony criminal defendant filings decreased 13.7 percent (670 v. 578). Felony criminal defendant filings in Cape Girardeau decreased 20.3 percent from 2011 to 2012 (118 v. 94). Misdemeanor defendant filings in the Eastern District of Missouri decreased 2.2 percent (90 v. 88). Combined felony and misdemeanor defendant filings decreased 13.4 percent from 2011 to 2012 (878 v. 760).
- Total criminal filings (includes felony and misdemeanor criminal cases) decreased 10.2 percent from 2011 to 2012 (609 v. 547). Criminal filings in St. Louis decreased 12.3 percent (479 v. 420). In Cape Girardeau, criminal filings decreased 2.3 percent from 2011 to 2012 (130 v. 127).

## TRIAL STATISTICS

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- Total trial starts (including jury and bench trials) in the Eastern District of Missouri increased 4.1 percent from 2011 to 2012 (49 v. 51). The number of civil trial starts (including jury and bench trials) increased 6.9 percent (29 v. 31). Criminal trial starts (including jury and bench trials) did not observe a change from 2011 to 2012 (20 v. 20).
- At the close of 2012 calendar year, there were 51 total trial starts (including jury and bench trials) in the Eastern District of Missouri. Of those 51 total trial starts, 42 completed the trial process. In 2012, trials in the district court had a completion percentage of 82.4 percent. Of the 31 civil trial starts (including jury and bench trials), 24 completed the trial process. Of the 20 criminal trial starts (including jury and bench trials), 18 completed the trial process.



## A Message from the Chief Judge The Honorable Catherine D. Perry

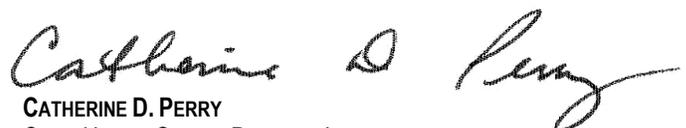
**B**y any measure, 2012 was a busy year for the judges and staff of the United States District Court. But with public service at the very heart of this court's mission, we are obliged to focus our efforts on results that matter to those we serve. As Henry David Thoreau once admonished a friend, "It is not enough to be busy. So are the ants. The question is: What are we busy about?" Thoreau's observation is a blunt reminder that it is always healthy, both for individuals and institutions, to examine not just whether they are actively engaged but whether they are moving in the right direction. I recognize as Chief Judge that courts cannot allow hurdles to function as barriers, for the important service the federal judiciary provides to the public must be dependable, consistent and uninterrupted. Despite the swirl of national debates witnessed in this 2012 election year concerning budget cuts and deficit spending, immigration policy and gun control, voter turnout and a sharply divided electorate, I am proud to report that the work of the district court continued unimpeded by the temper of the times. While the political branches of our government compete regularly for voter approval and policy victories, the judicial branch is expected to remain neutral and dispassionate. This demands nothing less than a full-fledged commitment to the administration of impartial justice, a commitment exhibited every day by judges and support personnel who serve in this district. The fair and impartial resolution of disputes is undeniably a mission that more than just occupies our time, but keeps me and my colleagues busy each year doing what is required to support the rule of law.

To keep the court moving in the right direction, good planning has been essential. I appreciate that planning with vision takes far more effort than responding to the short term events that sometimes dominate the court's agenda. Because we are benefiting now from innovative plans we implemented long ago, the district court consistently has succeeded in fulfilling its core functions skillfully and directing its resources toward important goals designed to serve the people of the Eastern District of Missouri. For example, our courthouses are modern state of the art facilities because we developed strategies in the early 1990's to win funding commitments for

**IN FACT, SO MUCH OF HOW THE DISTRICT COURT FUNCTIONS TODAY IS THE PRODUCT OF JUDGES AND MANAGERS WHO LED WITH VISION AND PLANNED FOR LONG TERM OBJECTIVES LINKED TO OUR MISSION OF JUSTICE.**

these projects and to design them with long term requirements in mind. Ten years ago judges and staff began to plan for the implementation of electronic case filing, an innovation that today has revolutionized the way in which the court conducts its business. Without the efficiencies that resulted from this technology, the court would not have been able to absorb staffing reductions that have been required in recent years. But for the commitment to innovative criminal docket problem-solving programs like drug court, gang court and veterans court, offenders today would have fewer options for success in the community following incarceration and recidivism rates would continue to rise. Additionally, our long term experience utilizing magistrate judges in the assignment of civil cases and our administration of a highly successful alternative dispute resolution program originated from ideas developed almost twenty years ago. Both programs now contribute significantly to this court's ability to manage its workload efficiently. In fact, so much of how the district court functions today is the product of judges and managers who led with vision and planned for long term objectives linked to our mission of justice.

Another sign of our strength is the court's ability to stay the course even in the face of personnel changes. This year Judge Mary Ann Medler retired after nearly twenty years of service to the court. While Judge Medler has been sorely missed, we welcomed Judge Shirley Padmore Mensah in September as the newest member of the court family. In addition to its dedicated judicial officers, the professional and support personnel employed by the court are its greatest asset. Although the composition of our family changes from time to time, the core mission to public service is the steady guidepost. With an eye always to the horizon, the business of the court is conducted by talented colleagues on the bench and staff members who are tireless in the pursuit of justice. As a means of holding ourselves accountable, the court publishes this annual report to capture the significant performance measurements and service objectives that characterized a productive 2012.



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



## A Message from the Clerk of Court James G. Woodward

Most people would be surprised to know that the judicial branch of the federal government is a miniscule portion of the \$3.7 trillion federal budget, amounting to a mere two tenths of one percent of the total. Though the level of funding for the courts may be comparatively small, the experience of leading a trial court during a time of extended economic crisis can be disconcerting. It is a reminder to leaders that there is no anchor to the status quo, but only a resolve to reach the end of the crisis in order to begin anew. There is a good chance, however, that the current state of fiscal affairs is becoming the new normal for all components of the federal government including the judicial branch. Fundamental change may be our destiny. While constitutionally mandated functions of the United States government, including the work of the judicial system, will continue, courts will be forced to reorder priorities and focus limited resources where they are most needed. These conditions have been challenging for judges and court staff, but our success this year has been attributable to the commitment of those who have chosen public service in the judicial branch as a career. The virtue of persistence, in the words of Theodore Roosevelt, lies in its emphasis on “doing what you can, with what you have, where you are.” If this austere economic climate is our call to action, there is no hesitation in the district court to rise collectively to the occasion.

There is clear evidence of that persistence in this annual report, describing a track record of a high level of service and overall performance worthy of the public’s trust. Resources may be in shorter supply recently, but the district court has sustained throughout 2012 the same standards of performance with a growing caseload and expanded programs designed to benefit litigants as well as the general public. For example, in 2012 more civil cases were referred to the court’s alternative dispute resolution program (538) than at any time in the past eight years. While the number of civil filings rose in 2012, the judges of the district court kept pace by disposing of more cases than in recent prior years. Magistrate judges continue to perform substantial service to the court through the direct assignment of cases, resulting in their ability to adjudicate nearly 600 cases in 2012. The district court’s

**THESE CONDITIONS HAVE BEEN CHALLENGING FOR JUDGES AND COURT STAFF, BUT OUR SUCCESS THIS YEAR HAS BEEN ATTRIBUTABLE TO THE COMMITMENT OF THOSE WHO HAVE CHOSEN PUBLIC SERVICE IN THE JUDICIAL BRANCH AS A CAREER.**

commitment to special re-entry programs for drug offenders, offenders with gang affiliations, and military veteran offenders continues to provide successful paths to productive lives for those completing these demanding supervision requirements following release from incarceration. To promote the best in service from attorneys who practice law in this court, four educational seminars were offered in 2012 addressing key topics in federal civil and criminal practice. Outreach to the public continued to be another area of emphasis, as the court hosted over 3600 visitors to the Eagleton and Limbaugh Courthouses, representing a fifty percent increase over 2011. Special events included merit badge programs for Boy Scouts and a mock trial tournament for pre-law undergraduate students, plus a range of education events designed in cooperation with the Judicial Learning Center housed in the Eagleton Courthouse. To maintain the functionality, safety and efficiency of our courtrooms and public areas, cost-effective technologies have been upgraded in both St. Louis and Cape Girardeau. This is consistent with our commitment to provide state of the art public facilities to lawyers, litigants and the public whose needs and expectations are often quite different

Retreating from this court’s dual mission of justice and service to the public is simply not an option, even when times are hard. The district court is an environment where excellence is expected, and that expectation has never been conditioned on abundant resources. In the words of Dr. Martin Luther King, “*The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.*” The same can be said of the district court, and this report serves as the tangible measure of our success in meeting that challenge in 2012.



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



Naturalization Ceremony at the  
Rush Hudson Limbaugh Sr. U.S.  
Courthouse in Cape Girardeau

## Section One

# Serving the Public

### JUDICIAL BUSINESS OF THE U.S. DISTRICT COURT

This report presents statistics on the work of the United States District Court for the Eastern District of Missouri for the 2012 calendar year, comparing data for this year to data for prior years and, when possible, explaining increases or decreases in caseload performance measures.

#### CIVIL CASELOAD REPORT

Refer to *Appendices A-C* (pgs. 48-50) for a detailed analysis of the Civil Caseload in 2012

New civil case filings in the Eastern District of Missouri increased 4.9 percent from 2011 to 2012 (2583 v. 2710). If reopened civil cases are added to new civil filing totals, civil case filings increased 4.2 percent from 2011 to 2012 (2667 v. 2780). The new civil filings total in 2012 includes 283 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation (MDL), a decrease of 5.0 percent in MDL filings from 2011 to 2012 (298 v. 283). When MDL cases are excluded from the civil case filing total, new civil case filings originating in the Eastern District of Missouri increased 6.2 percent from 2011 to 2012 (2285 v. 2427). In St. Louis (Eastern Division), new civil filings increased 6.4 percent (2257 v. 2401), while new civil filings in Cape Girardeau (Southeastern Division) decreased 5.7 percent from 2011 to 2012 (229 v. 216). New civil filings in Hannibal (Northern Division) decreased 4.1 percent from 2011 to 2012 (97 v. 93).

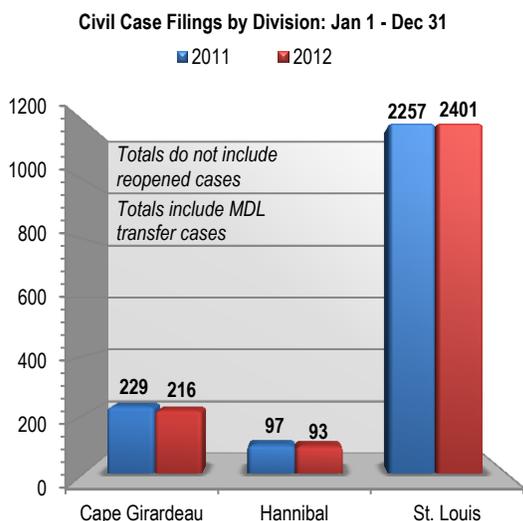
New civil cases in 2012 were filed at an average rate of 226 per month compared to an average rate of 215 per month in 2011. While the Eastern District of Missouri observed an increase in new civil filings during 2012, the Eighth Circuit<sup>1</sup> as a whole saw a decrease of 2.1 percent in new civil filings. At the national level, new civil filings increased 3.7 percent over a twelve month reporting period ended September 30, 2012<sup>2</sup>.

The termination rate for civil cases increased from 2011 to 2012. In 2012, the average rate of civil case terminations was

<sup>1</sup>The Eighth Circuit is comprised of the following United States District Courts: Eastern District of Arkansas, Western District of Arkansas, Northern District of Iowa, Southern District of Iowa, District of Minnesota, Eastern District of Missouri, Western District of Missouri, District of Nebraska, District of North Dakota, and District of South Dakota.

<sup>2</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, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).

208 per month (2490 civil cases closed) compared to 189 civil case terminations per month (2271 civil cases closed) in 2011. The overall increase in civil case terminations was 9.6 percent from 2011 to 2012 (2271 v. 2490). At the national level, civil case terminations decreased 10.4 percent, while in the Eighth Circuit, civil case terminations increased 9.4 percent over a twelve month reporting period ending September 30, 2012<sup>3</sup>.



The inventory control index<sup>4</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 31, 2012, the inventory control index of the Eastern District of Missouri was 16.8 months, lower than the index of 17.0 months as of December 31, 2011. From 2006 to 2011, the inventory control index gradually increased in the district court from 9.1 months to 17.0 months. However, the inventory control index in the 2012 calendar year caseload report (16.8 months) marks the first decrease in the performance measure in six years.

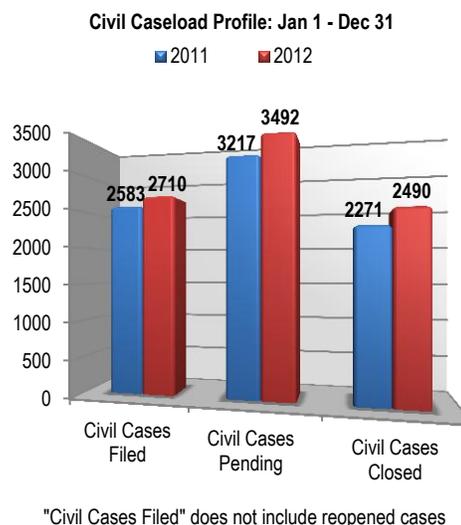
Despite the increase in civil case terminations in 2012, the number of pending civil cases increased 8.5 percent from 2011 to 2012 (3217 v. 3492). At the national level, pending civil cases increased 2.6 percent, but decreased 8.0 percent in the Eighth Circuit<sup>5</sup>. The average age<sup>6</sup> of the pending civil

<sup>3</sup>Ibid., Civil case terminations.

<sup>4</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>5</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, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending).

caseload in the Eastern District of Missouri as of December 31, 2012 was 17.9 months, compared to 17.3 months on December 31, 2011, an increase of 3.5 percent.



A closer examination of the pending civil caseload in the Eastern District of Missouri reveals the distribution of civil cases pending by length observed changes in 2012. For civil cases pending less than one year, there was an increase of 5.7 percent in the district court from 2011 to 2012 (1709 v. 1806). At the national level, civil cases pending less than one year increased 5.4 percent, while in the Eighth Circuit civil cases pending less than one year decreased 4.6 percent<sup>7</sup>. For civil cases pending one year, but less than two, there was a 0.6 percent decrease in the Eastern District of Missouri from 2011 to 2012 (816 v. 811). At the national level, civil cases pending between one and two years of age increased 4.8 percent, while in the Eighth Circuit, such cases decreased 14.0 percent<sup>8</sup>. The most notable change in civil cases pending by length in Eastern Missouri was in cases pending two years to less than three years. In the district court, there was a 41.2 percent increase in civil cases pending between two and three years of age from 2011 to 2012 (369 v. 521), compared to a 12.8 percent increase at the national level and a 42.4 percent increase in the Eighth Circuit<sup>9</sup>. For civil cases pending three years or longer, the Eastern District of Missouri observed an increase of 9.6 percent from 2011 to 2012 (323 v. 354). At the national level, there was a 25.0 percent de-

<sup>6</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>7</sup>Civil cases pending less than one year for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table C-6 – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending).

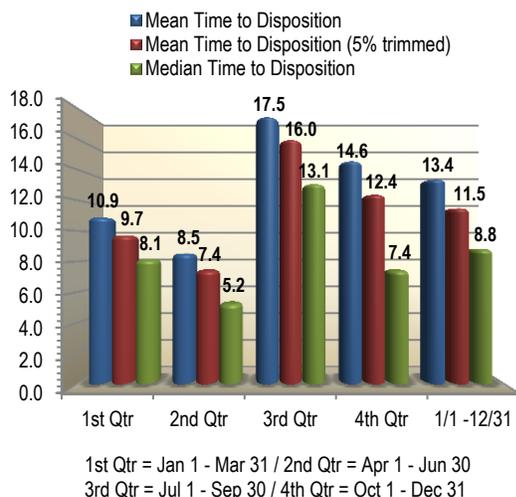
<sup>8</sup>Ibid., Civil cases pending one year to less than two years.

<sup>9</sup>Ibid., Civil cases pending two years to less than three years.

crease in civil cases pending three years or longer, compared to a 24.1 percent decrease in the Eighth Circuit<sup>10</sup>.

The increase in pending civil cases is in part due to the number of MDL cases transferred to the Eastern District of Missouri in 2012 for pretrial case management by order of the Judicial Panel on Multidistrict Litigation. From 2009 to 2012, there have been, on average, 303 MDL cases transferred to the Eastern District of Missouri during each calendar year. However, the number of MDL cases transferred to the Eastern District of Missouri may not have the same effect on the pending civil caseload in the future. While MDL transfers to this district have remained consistent in recent years, the number of MDL cases terminated has significantly increased in the past two years. From 2010 to 2011, the number of MDL cases terminated in this court increased 133.3 percent (36 v. 84). From 2011 to 2012, the number of MDL cases terminated in this court increased 196.4 percent (84 v. 249). In the last two years, the district court has averaged 167 MDL cases terminated during a calendar year, while in 2009 and 2010; the average number of terminated MDL cases in a calendar year was 38.

**Mean/Median Times to Disposition for Civil Cases  
(in months): Jan 1 - Dec 31, 2012**



The mean time to disposition<sup>11</sup> for all civil cases termed during 2012 was 11.5 months, which was higher than the mean time to disposition for all civil cases termed during 2011 (9.0 v. 11.5). Furthermore, the median time to disposition<sup>12</sup> in

<sup>10</sup>*ibid.*, Civil cases pending three years or longer.

<sup>11</sup>The mean time to disposition reported is 5 percent trimmed, which means that the lowest and highest 2.5 percent of disposition times are excluded from the calculation of the mean. The trimming of the mean reduces the effect of extreme values of the calculated mean.

<sup>12</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 excluded data from the following types of cases: land condemnation, prisoner petitions, deportation reviews, recovery of overpayments, and enforcement of

2012 was 8.8 months, which was higher than the median time to disposition of 7.3 months for all civil cases termed during the twelve month period ended September 30, 2011. At the national level, the median time to disposition for all civil cases termed during the twelve month period ended September 30, 2012 was 7.8 months, a 6.8 percent increase from the twelve month period ended September 30, 2011 (7.3 v. 7.8). In the Eighth Circuit, the median time to disposition was 11.8 months, an increase of 22.9 percent from the twelve month period ended September 30, 2011 (9.6 v. 11.8)<sup>13</sup>.

## MULTIDISTRICT LITIGATION TRANSFER CASELOAD

In 2012, 283 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 10.4 percent of new civil filings in 2012, compared to 11.5 percent of new civil filings in calendar year 2011. There were 249 MDL cases terminated in 2012, an increase of 196.4 percent from 2011 (84 v. 249). As of December 31, 2012, six consolidations make up the 1,163 MDL transfer cases pending in this court. The six consolidations present in the Eastern District of Missouri are the following:

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

*Minshew et al v. Express Scripts, Inc.* (4:05-md-01672) involves Employee Retirement Income Security Act (ERISA) cases. The MDL did not have new filings in calendar year 2012. As of December 31, 2012, there were 9 MDL transfer cases pending in this consolidation. *In Re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation* (4:12-md-02382) involves allegations of consumer fraud. The MDL was transferred to the Eastern District of Missouri in August 2012 and began receiving new filings within the same month. In 2012, the MDL had 8 new filings. As of December 31, 2012, there were 8 MDL transfer cases pending in this consolidation. *In Re: Genetically Modified Rice Litigation*

judgments. The median time to disposition for the Eastern District of Missouri is based on all civil case types termed during a reporting period.

<sup>13</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, 2011 and 2012 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*).

(4:06-md-01811) involves property damage/product liability cases. This case did not have any new filings in the calendar year 2012. This MDL consolidation terminated 238 MDL cases in 2012. At the close of the calendar year, there were 74 MDL transfer cases pending in this consolidation.

*In Re: Celexa and Lexapro Products Liability Litigation* (4:06-md-01736) and *In Re: Nuvaring Products Liability Litigation* (4:08-md-01964) are both personal injury/product liability cases. *In Re: Celexa and Lexapro Liability Litigation* (4:06-md-01736) did not have new filings in calendar year 2012. One MDL case in this consolidation terminated during 2012. At the end of the reporting period, there were 13 MDL transfer cases pending in this consolidation. *In Re: Nuvaring Products Liability Litigation* (4:08-md-01964) had 275 new filings in 2012. Ten MDL cases in this consolidation terminated during 2012. In this consolidation, 1038 MDL transfer cases were pending as of December 31, 2012. *In Re: Aurora Dairy Corporation Organic Milk Marketing and Sales Practice Litigation* did not have new filings in 2012. 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. 51-52) for a detailed analysis of Civil Case Filings by Type in 2012

There were several noteworthy trends in new civil case filings by type from 2011 to 2012 both locally and nationally. *Contract cases* decreased 6.9 percent from 2011 to 2012 (277 v. 258). Much like the Eastern District of Missouri, contract cases at the national level also observed a decrease in filings. Nationally, contract cases decreased 11.1 percent for the twelve month reporting period ended September 30, 2012<sup>14</sup>. The decrease in contract filings at the national level was in large part due to the decrease in cases related to defaulted student loans (also referred to as recovery of overpayments and enforcement of judgments), which observed a decrease of 35.0 percent<sup>15</sup>.

*Real property case filings* decreased 5.4 percent from 2011 to 2012 (37 v. 35). Real property actions at the national level in the twelve month reporting period ended September 30, 2012 observed an increase of 21.3 percent in filings<sup>16</sup>. The increase in real property actions can be partially attributed to filing increases to several case types under real property such as foreclosure. Tort filings in the Eastern District of Missouri increased 15.7 percent from 2011 to 2012 (592 v. 685). At the national level, tort actions decreased 21.6 percent<sup>17</sup>.

<sup>14</sup>Contract case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 through 2012 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit*).

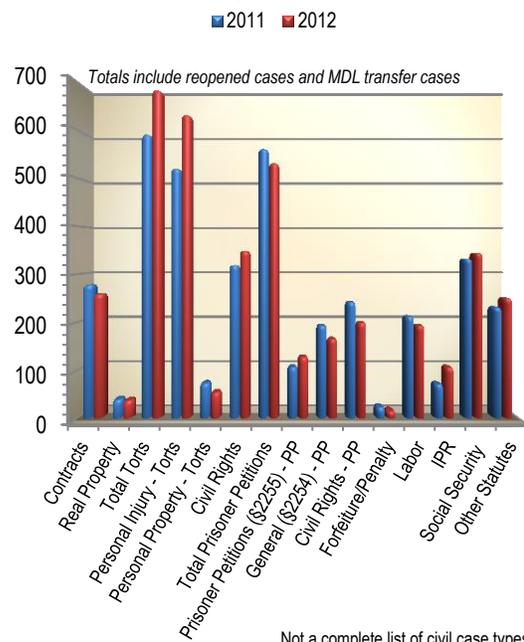
<sup>15</sup>Ibid., Recovery of overpayments and enforcement of judgments.

<sup>16</sup>Ibid., Real property case filings.

<sup>17</sup>Ibid., Tort case filings.

Among tort actions, *personal injury filings* increased 21.5 percent from 2011 to 2012 in the Eastern District of Missouri (521 v. 633), while *personal property filings* decreased 21.5 percent (71 v. 52). At the national level, personal injury filings decreased 22.5 percent and personal property damage filings decreased 6.1 percent<sup>18</sup>. A reduction in the number of overall tort filings at the national level can be partially attributed to the diminished number of personal injury case filings related to asbestos. Asbestos filings decreased 59.8 percent when comparing the twelve month reporting periods ended September 30, 2011 and 2012<sup>19</sup>.

Civil Case Filings by Type: Jan 1 - Dec 31



Not a complete list of civil case types

*Civil rights cases* increased 9.4 percent from 2011 to 2012 (318 v. 348), while there was a 1.9 percent increase in civil rights filings at the national level<sup>20</sup>. *Prisoner Petitions* (PP), including among others habeas corpus general cases (§2254) and civil rights cases, observed a decrease of 5.3 percent from 2011 to 2012 (562 v. 532). At the national level, prisoner petition filings increased 1.3 percent<sup>21</sup>. *General cases* (§2254) decreased 14.6 percent from 2011 to 2012 (192 v. 164). Nationally, general cases (§2254) decreased 3.9 percent<sup>22</sup>. Prisoner civil rights cases decreased 17.8 percent from 2011 to 2012 (241 v. 198). At the national level, prisoner civil rights cases decreased 0.5 percent<sup>23</sup>.

<sup>18</sup>Ibid., Personal injury and personal property case filings.

<sup>19</sup>Ibid., Asbestos case filings.

<sup>20</sup>Ibid., Civil rights case filings.

<sup>21</sup>Ibid., Prisoner petition case filings.

<sup>22</sup>Ibid., Habeas corpus general case filings.

<sup>23</sup>Ibid., Prisoner civil rights case filings.

Labor case filings decreased 9.0 percent from 2011 to 2012 (211 v. 192). Nationally, labor filings increased 8.2 percent<sup>24</sup>. Intellectual property rights (IPR) case filings increased 50.7 percent from 2011 to 2012 (69 v. 104), compared to a 17.4 percent increase at the national level<sup>25</sup>. Prior to the recent increase in local filings, intellectual property rights filings decreased 30.3 percent in the previous calendar year comparison from 2010 to 2011 (99 v. 69). At the national level, both copyright and patent cases observed significant filing increases from one reporting period to the next. Copyright filings increased 33.8 percent, while patent case filings increased 29.2 percent compared to the twelve month reporting period ended September 30, 2011<sup>26</sup>. Social security filings increased 3.6 percent locally from 2011 to 2012 (332 v. 344). Nationally, social security filings increased 12.4 percent<sup>27</sup>.

TABLE 1: MOED CIVIL CASE FILING TRENDS

2012 EASTERN MISSOURI CIVIL CASE FILING TRENDS		
CIVIL CASE TYPES	12 MONTH PERIOD ENDED	
	12/31/11	12/31/12
<b>INCREASES</b>		
IPR	-30.3%	+50.7%
PP (§2255)	-6.3%	+20.0%
Torts	-9.3%	+15.7%
Torts – PI	-8.3%	+21.5%
<b>DECREASES</b>		
Prisoner Petitions	+4.1%	-5.3%
PP (§2254)	+24.7%	-14.6%
PP Civil Rights	-1.2%	-17.8%
Real Property	+19.4%	-5.4%
<b>NEGLIGIBLE CHANGE</b>		
Social Security	+5.1%	+3.6%

(1) + identifies increases / – identifies decreases

(2) IPR = Intellectual Property Rights

(3) PP = Prisoner Petitions

(4) Torts includes personal injury and personal property cases

(5) PI = Personal Injury

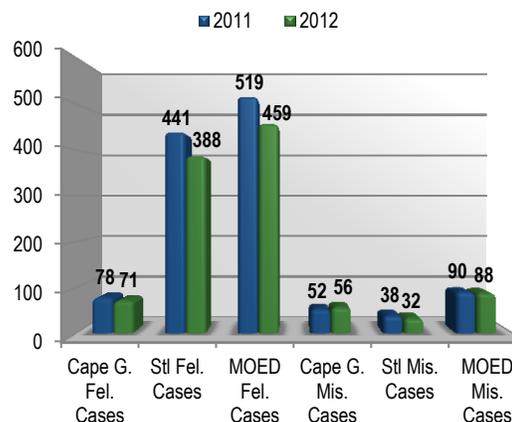
## CRIMINAL CASELOAD

Refer to Appendices A-C (pgs. 48-50) for a detailed analysis of the Criminal Caseload in 2012

Felony criminal filings in the Eastern District of Missouri decreased 11.6 percent from 2011 to 2012 (519 v. 459). In St. Louis, felony criminal filings decreased 12.0 percent (441 v. 388). Felony criminal filings in Cape Girardeau decreased 9.0 percent (78 v. 71). Misdemeanor criminal filings in the district court decreased 2.2 percent from 2011 to 2012 (90 v. 88). Misdemeanor criminal filings de-

creased 15.8 percent in St. Louis from 2011 to 2012 (38 v. 32). In Cape Girardeau, misdemeanor criminal filings increased 7.7 percent (52 v. 56).

Felony and Misdemeanor Filings by Division:  
Jan 1 - Dec 31



New criminal filings overall (including felony and misdemeanor criminal cases) in the Eastern District of Missouri decreased 10.2 percent from 2011 to 2012 (609 v. 547), while the national trend observed a decrease of 9.1 percent in new criminal filings and the Eighth Circuit saw filings decrease 8.5 percent<sup>28</sup> (including felony and misdemeanor criminal case filings). New criminal filings in the district court in 2012 (excluding probation/supervised release transfers) were filed at an average rate of 46 per month compared to 51 per month in 2011. New criminal filings in St. Louis decreased 12.3 percent from 2011 to 2012 (479 v. 420). In Cape Girardeau, new criminal filings decreased 2.3 percent (130 v. 127). New criminal filings in 2012 comprised 16.8 percent of the overall workload (excluding miscellaneous cases) of the court, which is less significant than 19.1 percent represented in 2011.

The average termination rate for criminal cases in 2012 was 63 cases per month (753 criminal cases closed) compared to 65 terminations per month (784 criminal cases closed) in 2011. As a whole, criminal case terminations decreased 4.0 percent from 2011 to 2012 (784 v. 753), compared to the national level where criminal case terminations decreased 6.9 percent and the Eighth Circuit observed a decrease of 5.2 percent in criminal case terminations<sup>29</sup>. The pending criminal caseload of the district court decreased 9.8 percent (551 v. 497). At the national level, there was a decrease of 4.0 percent in pending criminal case filings. In the Eighth Circuit,

<sup>24</sup>Ibid., Labor case filings.

<sup>25</sup>Ibid., Intellectual property rights case filings.

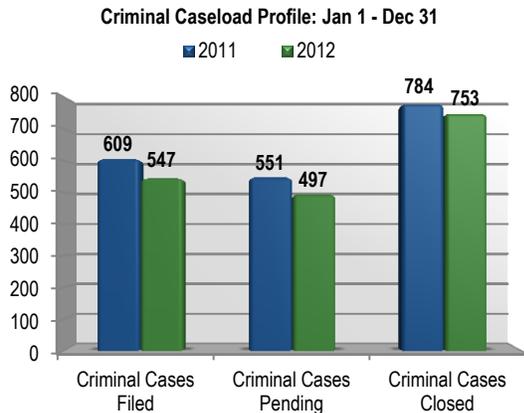
<sup>26</sup>Ibid., Copyright and patent case filings.

<sup>27</sup>Ibid., Social security case filings.

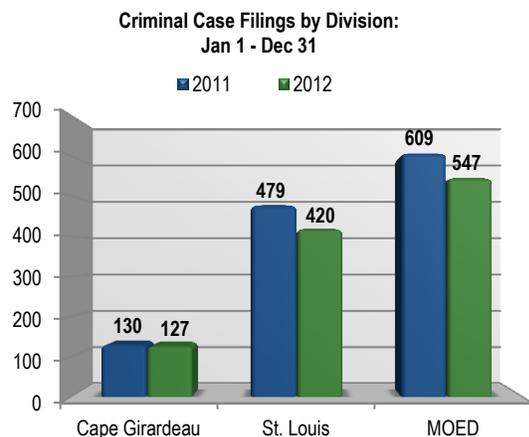
<sup>28</sup>Criminal case filings for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending).

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

there was a 4.0 percent decrease in pending criminal cases<sup>30</sup>. The average age<sup>31</sup> of the pending criminal caseload in the Eastern District of Missouri as of December 31, 2012 was 9.1 months, compared to 8.8 months on December 31, 2011, an increase of 3.4 percent.



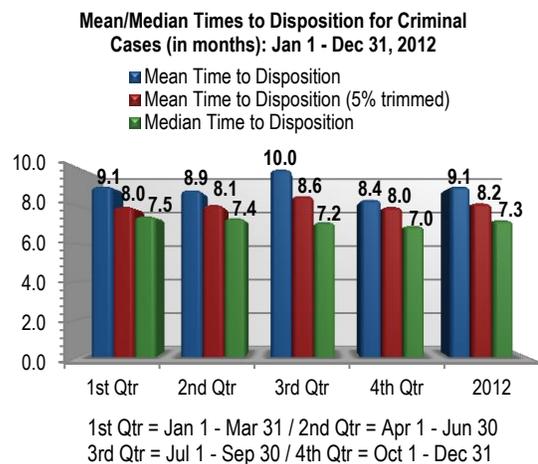
A closer examination of the pending criminal caseload in the Eastern District of Missouri reveals that the distribution of criminal cases pending by length observed changes in 2012. For criminal cases pending less than one year, there was a decrease of 13.8 percent from 2011 to 2012 (378 v. 326). Criminal cases pending one year to less than two years decreased 9.9 percent from 2011 to 2012 (71 v. 64). For criminal cases pending two years to less than three years, there was no change in the number of pending cases from 2011 to 2012 (26 v. 26). The only category to see an increase in the pending criminal caseload was in criminal cases pending three years or longer. In this group, there was a 6.6 percent increase from 2011 to 2012 (76 v. 81).



<sup>30</sup>ibid., Pending criminal cases.

<sup>31</sup>The average age of the pending caseload is calculated by adding the number of days since filing for eligible cases and dividing it by the number of pending criminal cases. The count excludes the following from the calculation: reopened cases; cases pending less than 60 days; and cases in unassigned.

The mean time to disposition for all criminal cases termed in 2012 was 8.2 months, compared to 7.8 months reported as the mean time to disposition in 2011<sup>32</sup>. This represents an increase of 5.1 percent from 2011 to 2012 (7.8 v. 8.2). The median time to disposition for criminal cases in 2012 was 7.3 months, which was higher than the 7.2 months reported as the median time to disposition in 2011<sup>33</sup>. These numbers reflect a 1.4 percent increase in the median time to disposition from 2011 to 2012 (7.2 v. 7.3). At the national level, the median time to disposition for criminal cases for the twelve months ended September 30, 2012 was 6.7 months, compared to 6.4 months on September 30, 2011. Nationally, the median time to disposition increased 4.7 percent. In the Eighth Circuit, the median time to disposition was 8.9 months, an increase of 7.2 percent from the previous reporting period<sup>34</sup>.



## CRIMINAL DEFENDANT CASELOAD

Refer to *Appendices A-C* (pgs. 48-50) for a detailed analysis of the Criminal Defendant Caseload in 2012

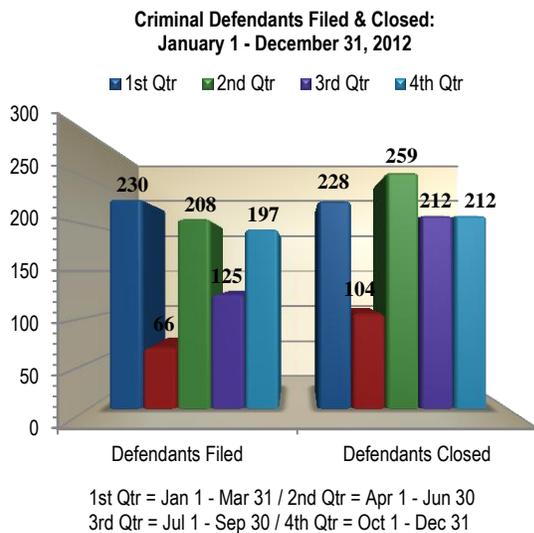
In St. Louis, there were 610 criminal case defendant filings, which is a 13.8 percent decrease from 2011 to 2012 (708 v. 610). Within those 610 criminal case defendant filings in

<sup>32</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>33</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.

<sup>34</sup>The national median time to disposition for the U.S. District Courts and the Eighth Circuit is based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 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*).

St. Louis, there was a 13.7 percent decrease in felony criminal defendant filings (670 v. 578). The number of misdemeanor defendant filings in St. Louis also decreased and it reduced by 15.8 percent from 2011 to 2012 (38 v. 32). In Cape Girardeau, there were 150 criminal case defendant filings in 2012 compared to 170 defendant filings in 2011, which represents a 11.8 percent decrease (170 v. 150). The number of felony defendant filings in Cape Girardeau decreased 20.3 percent from 2011 to 2012 (118 v. 94). Additionally, misdemeanor defendant filings increased 7.7 percent from 2011 to 2012 (52 v. 56).



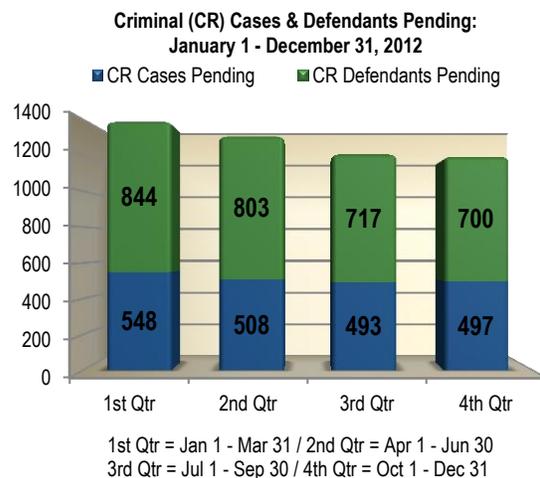
Total felony defendant filings in the Eastern District of Missouri decreased 14.7 percent from 2011 to 2012 (788 v. 672). At the national level, felony defendant filings decreased 7.2 percent and in the Eighth Circuit felony defendant filings decreased 9.2 percent<sup>35</sup>. On the whole, there were 760 criminal defendant filings in 2012, which represents a 13.4 percent decrease in defendant filings when compared to the total number of criminal defendant filings from 2011 (878 v. 760). Nationally, criminal defendant filings have decreased 8.6 percent and in the Eighth Circuit criminal defendant filings decreased 9.0 percent<sup>36</sup>. Taken as a whole, misdemeanor defendant filings decreased 2.2 percent from 2011 to 2012 (90 v. 88). Comparatively, misdemeanor defendant filings decreased 19.4 percent nationally in the twelve months

<sup>35</sup>Felony criminal defendant 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, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table D-1 – U.S. District Courts: Criminal Defendants Commenced, Terminated, and Pending).

<sup>36</sup>Criminal defendant 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, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table D – Criminal Defendants Commenced, Terminated, and Pending).

ended September 30, 2012, while misdemeanor defendant filings decreased only 1.8 percent in the Eighth Circuit<sup>37</sup>.

The average termination rate for criminal defendants in 2012 was 76 per month (911 criminal defendant terminations) compared to 77 per month (927 criminal defendant terminations) in 2011. Overall, the number of defendants terminated decreased 1.7 percent from 2011 to 2012 (927 v. 911), while the national trend also observed a decrease of 3.7 percent in criminal defendant terminations. In the Eighth Circuit, there was a marginal increase in criminal defendant terminations at 0.4 percent<sup>38</sup>. In St. Louis, criminal defendant terminations decreased 3.7 percent from 2011 to 2012 (782 v. 753). However, in Cape Girardeau, criminal defendant terminations increased 9.0 percent from 2011 to 2012 (145 v. 158).



The number of criminal defendants pending in the Eastern District of Missouri decreased 16.6 percent from 2011 to 2012 (839 v. 700). At the national level, pending criminal defendants decreased 3.8 percent. Within the Eighth Circuit, there was a decrease of 4.5 percent in pending criminal defendants<sup>39</sup>. In St. Louis, pending criminal defendants observed a decrease of 17.8 percent from 2011 to 2012 (735 v. 604). Criminal defendants pending in Cape Girardeau decreased 7.7 percent from 2011 to 2012 (104 v. 96).

## TRIAL STARTS

Refer to *Appendix F* (pg. 53) for a detailed analysis of Trial Starts in 2012

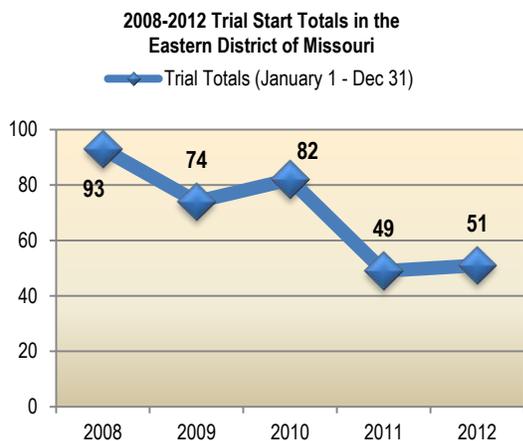
**T**rial starts overall (including jury and bench trials) in the Eastern District of Missouri increased 4.1 percent from 2011 to 2012 (49 v. 51). Despite the slight increase in

<sup>37</sup>Ibid., Misdemeanor criminal defendant filings.

<sup>38</sup>Ibid., Criminal defendant terminations.

<sup>39</sup>Ibid., Criminal defendants pending.

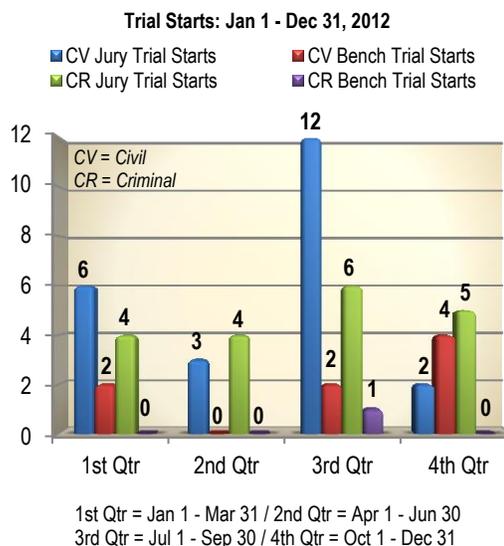
2012 trial starts in the district court, trial starts remain down in comparison to previous years. Compared to the 82 trial starts in 2010, trials starts have decreased 37.8 percent in 2012 (82 v. 51). Against the trial start total in 2009, the 2012 trial start total represents a 31.1 percent decrease (74 v. 51).



Of the 51 trial starts in 2012, there were 44 located in St. Louis and 7 were set in Cape Girardeau. At the national level, trial starts (including jury and bench trials) decreased 1.8 percent, while trial starts in the Eighth Circuit increased 15.1 percent<sup>40</sup>. The number of civil trial starts (including jury and bench trials) increased 6.9 percent from 2011 to 2012 (29 v. 31). Nationally, civil trial starts increased 1.7 percent, but in the Eighth Circuit civil trial starts increased 34.3 percent<sup>41</sup>. By civil trial type, jury trial starts decreased 11.5 percent (26 v. 23) and bench trial starts increased 166.7 percent (3 v. 8) from 2011 to 2012. At the national level, civil jury trial starts increased 2.5 percent and the number of non-jury trial starts decreased 0.2 percent. The Eighth Circuit observed an increase of 48.0 percent in civil jury trial starts and a 10.2 percent decrease in non-jury trial starts<sup>42</sup>.

The number of criminal trial starts (including jury and bench trials) did not observe any changes from 2011 to 2012 (20 v. 20). In comparison to the national level, criminal trial starts (including jury and bench trials) decreased 5.3 percent and the Eighth Circuit saw a 1.0 percent decrease in criminal trial starts<sup>43</sup>. By criminal trial type, the number of jury trial starts increased 18.8 percent (16 v. 19), but the number of criminal bench trial starts decreased 75.0 percent (4 v. 1) from 2011 to 2012. At the national level, criminal jury trial starts decreased 6.2 percent, while criminal jury trial starts in the

Eighth Circuit decreased 3.2 percent<sup>44</sup>. Across the country, criminal non-jury trial starts decreased 36.0 percent, but increased 36.4 percent in the Eighth Circuit<sup>45</sup>.



The average time to disposition for all cases (including jury and bench trials) that had a trial start and terminated in 2012 was 26.1 months, compared to 25.1 months in 2011. The average time to disposition for all civil cases (including jury and bench trials) that had trial starts and terminated in the 2012 was 29.6 months, compared to 31.8 months in 2011. The average time to disposition for all criminal cases (including jury and bench trials) that had a trial start and terminated in 2012 was 17.3 months, compared to 12.3 months in 2011. The average time to disposition for all civil cases that completed a jury trial and terminated in 2012 was 31.7 months, compared to 32.4 months in 2011. The average time to disposition for all criminal cases that completed a jury trial and terminated in 2012 was 18.0 months, compared to 13.5 months in 2011.

## TRIALS COMPLETED

Refer to *Appendix F* (pg. 53) for a detailed analysis of Trials Completed in 2012

**T**rials completed is a statistic that examines the number of cases that complete the trial process during a specific reporting period. In order for jury trial to be considered completed, the jury must render a verdict in the case. In bench trials, the presiding judge must deliver a judgment in the case for it to be considered completed. There are a number of reasons a jury or bench trial may not be completed, such as a mistrial or a case settlement. In 2012, there were 51 total trial starts (including jury and bench trials).

<sup>40</sup>Trial Starts for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table T-4 – U.S. District Courts: Civil and Criminal Trials, by District).

<sup>41</sup>Ibid., Civil trial starts.

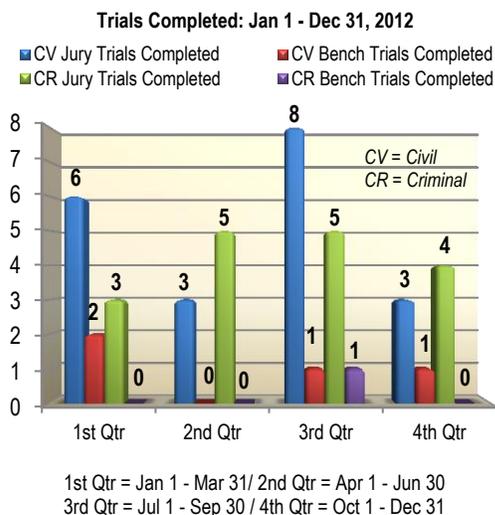
<sup>42</sup>Ibid., Civil jury and non-jury trial starts.

<sup>43</sup>Ibid., Criminal trial starts.

<sup>44</sup>Ibid., Criminal jury trial starts.

<sup>45</sup>Ibid., Criminal non-jury trials.

Of those 51 trial starts, 42 completed the trial process. There were 31 civil trial starts (including jury and bench trials) and 24 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, 2012, trials had a completion percentage of 82.4 percent, compared to 83.7 percent in 2011, and 79.3 percent in 2010. While the Eastern District of Missouri observed a 2.4 percent increase in completed trials from 2011 to 2012 (41 v. 42), nationally, completed trials decreased 2.6 percent. However, in the Eighth Circuit, completed trials increased 24.7 percent<sup>46</sup>.



The average length of a completed trial in 2012 (including all civil and criminal trials) was 5.5 days, compared to 3.3 days in 2011. Despite the higher average trial length in 2012, there were no extended trials connected to a MDL consolidation. The average length of a completed civil trial (including jury and bench trials) was 4.9 days, compared to 3.7 days in 2011. The average length of a completed civil jury trial was 5.5 days, while in 2011, the average length of a completed civil jury trial was 3.7 days. In 2012, the average length of a completed civil bench trial was 2.0 days. There were no completed civil bench trials in 2011. The average length of a completed criminal trial (including jury and bench trials) was 6.3 days, compared to 2.8 days in 2011. The average length of a completed criminal jury trial was 6.5 days in 2012, while in 2011, the average length of a completed criminal jury trial was 3.0 days. In 2012, the average length of a completed criminal bench trial was 3.0 days, compared to 2.0 days in 2011.

<sup>46</sup>Civil and criminal trials completed for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table T-1 – U.S. District Courts: Civil and Criminal Trials Completed, by District).

In 2012, there were 24 civil trial starts (including jury and bench trials) that completed the trial process in the Eastern District of Missouri. Of the 24 civil trial starts that completed the trial process, 9 trials lasted at least one day, but no more than three days, which represents a 25.0 percent decrease from 2011 (12 v. 9). Nationally, there was an increase of 4.7 percent with completed civil trials between one and three days in length. In the Eighth Circuit, completed civil trials lasting between one and three days in length increased 32.8 percent<sup>47</sup>. While the national level as well as the Eighth Circuit observed decreases in completed civil trials lasting between four and nine days, the Eastern District of Missouri saw an increase of 18.2 percent from 2011 to 2012 (11 v. 13)<sup>48</sup>.

In 2012, there were 18 criminal trial starts (including jury and bench trials) that completed the trial process. Of the 18 criminal trial starts that completed the trial process, 9 trials lasted between one and three days, a decrease of 25.0 percent from 2011 (12 v. 9). At the national level, there was a decrease of 6.8 percent in completed criminal trials of this length, while the Eighth Circuit observed an increase of 30.4 percent<sup>49</sup>. Completed criminal trials in the Eastern District of Missouri lasting between four and nine days increased 16.7 percent from 2011 (6 v. 7), compared to 3.4 percent increase at the national level or a 14.8 percent decrease in the Eighth Circuit<sup>50</sup>.

The median time interval from filing to trial of civil cases (including jury and bench trials) in which a trial was completed by the Eastern District of Missouri was 27.7 months in 2012, compared to 23.0 months in 2011. In comparison, the national level had a median time interval from filing to trial of 25.5 months, an increase of 2.8 percent from the previous reporting period (24.8 v. 25.5). In the Eighth Circuit, there was a median time interval from filing to trial of 25.3 months, a 1.2 percent increase from the previous reporting period (25.0 v. 25.3)<sup>51</sup>. The median time interval from filing to trial of completed civil jury trials in 2012 was 27.7 months, compared to 23.0 months in 2011. At the national level, the median time interval from filing to trial of completed civil jury trials was 26.2 months, which represented a 0.4 percent increase from the previous reporting period. The Eighth Circuit also observed a 0.4

<sup>47</sup>Lengths of civil trials completed for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ended September 30, 2011 and 2012 reported by the Administrative Office of the U.S. Courts (Table T-2 – U.S. District Courts: Lengths of Civil and Criminal Trials Completed, by District).

<sup>48</sup>Ibid.

<sup>49</sup>Ibid., Lengths of criminal trials completed.

<sup>50</sup>Ibid.

<sup>51</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, 2011 and 2012 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, 2011 and 2012).

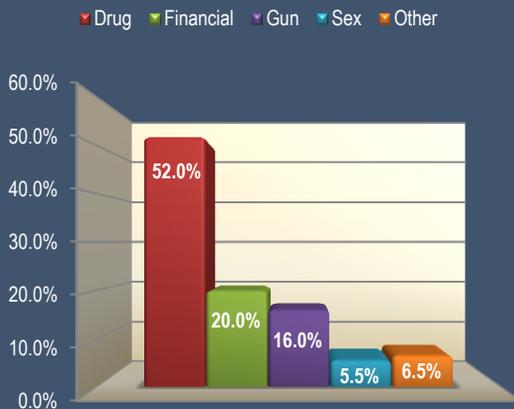
percent increase in the median time interval from filing to trial of completed civil jury trials. It took 25.7 months in 2012, compared 25.6 in 2011<sup>52</sup>.

## U.S. PROBATION OFFICE ACTIVITY REPORT

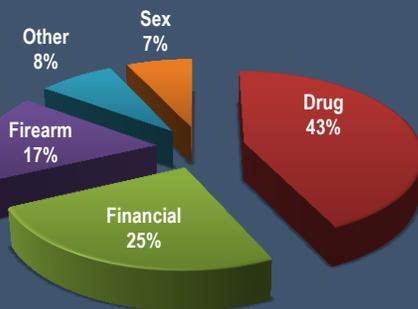
### PRESENTENCE INVESTIGATIONS

A total of 873 guideline presentence reports were submitted during Fiscal Year 2012 (FY12), a slight increase over FY11. Drug offenses accounted for the type of crime most charged in the Eastern District of Missouri. Drug offenses comprised 373 of the presentences prepared in FY12. The number of financial cases in FY12 increased in comparison to FY11 both in total numbers and a percent of all reports. Sex offender cases were prosecuted in Eastern Missouri during FY12 in large numbers, especially in comparison to other districts across the country.

Type of Conviction - Eastern Missouri FY 2012



873 Guideline Defendants Sentenced Offense Type - Eastern Missouri FY 2012



<sup>52</sup>ibid., Time intervals from filing to trial of civil cases in which a jury trial was completed.

### SUPERVISION OF RELEASED OFFENDERS

The supervision caseload at year end totaled 2,136, an increase of 9.5 percent from FY11. 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 FY12.

Each U.S. Probation Office is required to perform a Risk Prediction Index (RPI) 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. The high overall risk level can be attributed to prosecutions in the district court targeting high-risk defendants. More than half of the individuals on supervision were convicted of a drug offense, while one in five were convicted of a financial crime. Despite having the supervision caseload most at risk, the U.S. Probation Office has experienced considerable success with helping ex-offenders prosper and not recidivate. In FY12, there were 3,131 individuals on supervision. Of these, 995 individuals were removed from supervision during the year. The Probation Office had 237 individuals fail supervision and return to prison during FY12. This is a failure rate of 7.5 percent. In comparison to other district courts across the country with lower risk caseloads during FY12, these district courts reported failure rates of at least 28 percent.

There are a number of reasons for the success with the ex-offender caseload. The Probation Office in Eastern Missouri has the most recognized ex-offender employment program in the nation, which has kept the caseload unemployment rate often lower than the rate of the general public. This program is now reinforced by the use of funds through the Second Chance Act. Examples include obtaining training, tools and uniforms for employment, and assisting with transportation. Eastern Missouri utilized more Second Chance programming than any other probation office in the country.

Counseling programs are used to help people adapt and thrive in the community. The Probation Office has over 60 contracts with drug treatment and mental health providers. During FY12, \$364,379 was spent on mental health programming, while \$937,178 was utilized on drug treatment. The District also has an on-site drug laboratory to test for drug abuse.

Community partnerships and programs conducted by probation staff also has helped keep the revocation rate down. Cognitive programs, which teach ex-offenders to stop and think before reacting, were expanded during the FY12. Other programs, such as financial literacy and home ownership, are ongoing and have proven beneficial. Eastern Missouri has one of only three GED programs located in a Federal Court-house.

The U.S. Probation Office in Eastern Missouri operates three programs aimed at reducing recidivism:

- **Project EARN** (Expanding Addicts' Recovery Network) 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. U.S. District Judge Carol E. Jackson represents the District Court as the program judge.
- **Project GRIP** (Gang Reentry Initiative Project) is a voluntary intensive supervision program that aims to assist gang-involved individuals with their chances of success upon release from incarceration. This program targets violent gang members who are at high-risk for reoffending, and routinely has resulted in interventions of planned violent crime. The participants of this program often have extensive criminal histories involving firearms. U.S. District Judge Henry E. Autrey represents the District Court as the program judge.
- **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. U.S. District Judge Stephen N. Limbaugh Jr. serves as the program judge for the District Court.

Despite the programming opportunities available for ex-offenders in Eastern Missouri, a number of ex-offenders are not willing to give up their criminal activity. To intervene and more tightly supervise these individuals, the probation office has both a surveillance team and a search team trained to prevent criminal activity and apprehend those who re-offend.



U.S. District Judge Carol E. Jackson congratulating a graduate of Project EARN at a ceremony on September 6, 2012



Chief U.S. District Judge Catherine D. Perry speaking at a Project EARN graduation ceremony

## U.S. PRETRIAL SERVICES ACTIVITY REPORT

The Eastern District of Missouri Pretrial Services Office operates in the Thomas F. Eagleton U.S. Courthouse in St. Louis (headquarters) and the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri. Staffing dropped from 23 to 20 as a result of two retirements and one resignation. To fill the void created by the vacancies, Pretrial Services entered into a shared services agreement with the U.S. Probation Office.

The primary responsibility of the Pretrial Services Office is to conduct pretrial investigations of newly arrested defendants to assist the Magistrate Judges in matters pertaining to release and detention and as ordered, provide pretrial supervision of defendants by enforcing and monitoring court ordered conditions of release. Pretrial case activations decreased 12.5 percent in comparison to 2011 with 905 regular cases activated. The detention rate held steady at 58.2 percent in 2012. When defendants not eligible for release were removed from the formula, the detention rate declined to 56.3 percent. Both rates are below the national average.

Pretrial supervision of defendants required officers to make referrals and monitor the progress of defendants in various treatment programs, balancing the least restrictive approach, while addressing public safety. In 2012, there were 134 cases classified as "low intensity" supervision with 476 classified as greater risks, due to the high level of activities and services required of officers in the supervision of these defendants. In 2012, addressing substance abuse issues utilizing drug testing and counseling was the most pressing need identified in supervising defendants. Mental health treatment and counseling are also frequently utilized to assist defendants and control risks of non-appearance and danger.

The Pretrial Services Office continued to operate a Pretrial Diversion program under an agreement with the office of the U.S. Attorney in Eastern Missouri. Referrals to the program increased 15 percent over the previous year resulting in 123 diversion investigations and 118 individual "divertees" actively supervised by pretrial services officers. Individuals referred

for participation in this program are typically non-aggressive first-time offenders or individuals who have significant mental health issues that led to involvement in criminal conduct. A Pretrial Services Officer specialist worked closely with local community treatment providers to engage those under supervision with counseling and treatment options that extend beyond the 18-month term of diversion supervision. Pretrial Services has also been successful in collecting and disbursing restitution to individuals and government agencies who sustained a financial loss as a result of criminal activity by a diveree.

Pretrial Services worked with various colleges and universities to provide internship opportunities for graduate and undergraduate students. Students from Saint Louis University, University of Missouri at St. Louis, and Southern Illinois University were mentored by officers to assist them in “translating” their classroom and textbook knowledge to work in the criminal justice system, in particular, the work of the district court. Additionally, internships provided the student exposure to the various career paths and opportunities in the federal system.

Pretrial Services staff served as members of the following advisory and working groups at the national level: Information and Technology; Federal Judicial Center Education; Pretrial Services; Location Monitoring; Detention/Release Team; District Review Team, and Workforce Development. Pretrial staff have participated in district-wide educational programs for OASIS senior citizen and Girl Scout groups. In the realm of community service, again this year, Pretrial staff organized “Motion for Kids” for the entire district. They worked with the local bar association to coordinate 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>53</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 2011, the court ranked fifth among U.S. District Courts<sup>54</sup>. In

<sup>53</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 2012 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>54</sup>Ibid.

2012, the court ranked sixth among U.S. District Courts with 539 civil consent dispositions<sup>55</sup>. The Eastern District of Missouri recorded the following number of total civil consent dispositions from 2010 through 2012: 491 in 2010; 604 in 2011; and 539 in 2012.

### 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 2* (pictured below) identifies, in part, the civil caseload assigned to U.S. Magistrate Judges in the Eastern District of Missouri from 2010 to 2012. As illustrated in *Table 2*, for the past three years, the U.S. Magistrate Judges have been assigned on average 42.2 percent of new civil filings.

**TABLE 2 – U.S. MAGISTRATE JUDGE UTILIZATION<sup>1</sup>**  
JANUARY 1 – DECEMBER 31 REPORTING PERIOD

	10	11	12	Totals
NEW CIVIL CASE FILINGS	2746	2583	2710	8039
NEW CIVIL CASE FILINGS ASSIGNED EXCLUSIVELY TO U.S. DISTRICT JUDGES	316	313	313	942
NEW CIVIL CASES AVAILABLE TO U.S. MAGISTRATE JUDGES	2040	1972	2114	6126
NEW CIVIL CASES ASSIGNED TO U.S. MAGISTRATE JUDGES	811	963	810	2584
PERCENTAGE OF NEW CIVIL FILINGS ASSIGNED TO U.S. MAGISTRATE JUDGES*	39.8%	48.8%	38.3%	42.2%

<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.

\*Percentages are rounded to the nearest tenth

### 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>56</sup> In

<sup>55</sup>Ibid.

<sup>56</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.

new civil filings initially assigned to magistrate judges in 2012, the full consent rate was 61.0 percent. During the six year period from 2007 to 2012, the full consent rate has remained high with an average of 64.5 percent.

## 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 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, with 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.

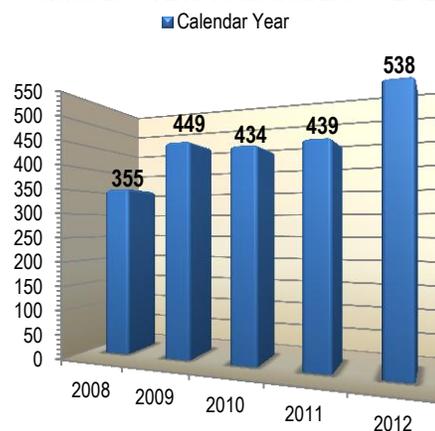
To insure that the goals of ADR are being met, an ADR Advisory Committee was formed in June 1999. The committee makes recommendations for improvement to program practices and procedures. The committee is comprised of District Court personnel, law professors, court-certified neutrals, and U.S. District and Magistrate Judges. Listed below are the committee members as of December 31, 2012:

- SENIOR U.S. DISTRICT JUDGE E. RICHARD WEBBER  
*COMMITTEE CHAIR*
- U.S. DISTRICT JUDGE AUDREY G. FLEISSIG
- 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
- MIKE GEIGERMAN, COURT-CERTIFIED NEUTRAL
- JAMES REEVES, COURT-CERTIFIED NEUTRAL
- PROFESSOR KAREN TOKARZ, WASHINGTON UNIVERSITY SCHOOL OF LAW
- JIM WOODWARD, CLERK OF COURT

### 2012 ADR CALENDAR YEAR ACTIVITY REPORT

Referrals to ADR totaled 538 for 2012, compared to 439 referrals to ADR in 2011, and compared to 434 referrals to ADR in 2010. The number of referrals to ADR increased 22.6 percent from 2011 to 2012 (439 v. 538). The 2012 ADR Referral total was the highest since calendar year 2004. In 2012, the referrals to ADR were remarkably consistent by quarter. In previous years, a high referral total one quarter would often be followed by a low referral quarter total the next. Each quarter during 2012 reflected the highest referral total in at least three years.

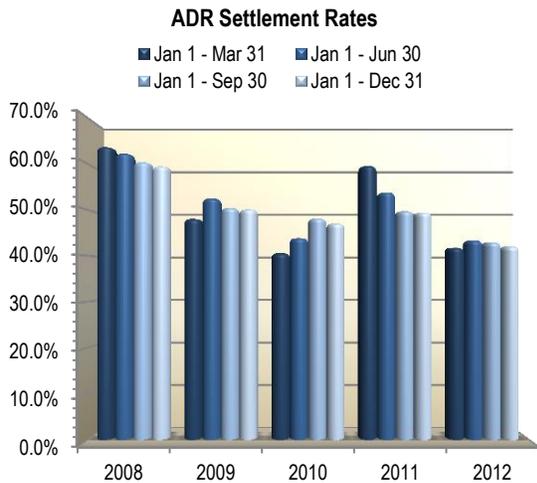
Referrals to ADR: Totals from 2008 to 2012



The civil case types that received the most referrals to ADR during 2012 were *civil rights*, *torts*, and *contracts* in that order. These three civil case types comprised approximately 73.0 percent of the referrals to ADR during 2012, compared to

74.0 percent of the referrals to ADR during 2011, and compared to 78.3 percent of the referrals to ADR in 2010. When comparing 2011 and 2012, the number of contract referrals stayed the same at 117, but both the referrals to civil rights and torts increased significantly. Referrals of civil rights cases increased 31.0 percent (116 v. 152), while tort referrals increased 34.8 percent from 2011 to 2012 (92 v. 124).

The settlement rate was 42.1 percent among ADR-referred cases in which a compliance report was filed during 2012, compared to 49.5 percent in 2011, and compared to 47.1 percent in 2010. This is the third consecutive calendar year that the settlement rate has finished below 50.0 percent and represents the third time since 2000 where a settlement rate has failed to reach 50.0 percent by the end of the calendar year. In 2012, there were 375 compliance reports filed, compared to 295 compliance reports in 2011. Civil rights, torts, and contracts comprised 77.1 percent of the compliance reports filed in 2012 (289 of 375), compared to 76.3 percent of the compliance reports filed in 2011 (225 of 295). Of the civil case types referred most often, civil rights had a settlement rate of 46.8 percent in 2012 (51 settled v. 58 not settled), compared to a settlement rate of 53.8 percent (42 settled v. 36 not settled) in 2011. Tort cases had a settlement rate of 41.6 percent in 2012 (37 settled v. 52 not settled), compared to a settlement rate of 50.7 percent in 2011 (36 settled v. 35 not settled). Contract cases had a settlement rate of 34.1 percent in 2012 (31 settled v. 60 not settled), compared to a settlement rate of 51.3 percent in 2011 (39 settled v. 37 not settled).



The average time to disposition for ADR-referred cases that terminated in 2012 was 17.3 months compared to 16.7 months in 2011, and compared to 17.2 months in 2010. The average time to disposition for ADR-referred cases that achieved a settlement and terminated in 2012 was 13.6 months, compared to 14.4 months in 2011, and 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 2012 was 21.3 months, compared to 20.1 months in 2011, and compared to 21.8 months in 2010.

In 2012, 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 710 – *Fair Labor Standards Act* at 12.9 months (no data available in 2011 for comparison), NOS 110 – *Contracts Insurance* at 14.0 months compared to 14.8 months in 2011, and NOS 442 – *Civil Rights Jobs* at 14.8 months compared to 16.1 months in 2011.

The three nature of suits with the slowest times to disposition with at least ten terminated (settled and not settled) cases in 2012 were NOS 190 – *Other Contract Actions* at 21.8 months compared to 15.9 months in 2011, NOS 446 – *Americans with Disabilities Act* at 18.6 months (no data available in 2011 for comparison), and NOS 360 – *Other Personal Property* at 16.5 months (no data available in 2011 for comparison).

**Table 3: Time to Disposition for Settlements Achieved and Not Achieved**

Year	Settlement Achieved	Settlement Not Achieved
2010	13.4 mths	21.8 mths
2011	14.4 mths	20.1 mths
2012	13.6 mths	21.3 mths

**Table 4: Fastest Times to Disposition in 2012**

NOS	2011 Time to Disp (mths)	2011 Settlement Rate	2012 Time to Disp (mths)	2012 Settlement Rate
710	n/a	n/a	12.9	92.3%
110	14.8	69.2%	14.0	47.1%
442	16.1	60.9%	14.8	68.0%

n/a = No cases were available

**Table 5: Slowest Times to Disposition in 2012**

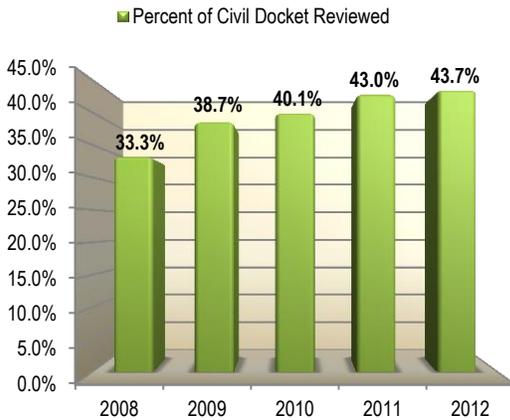
NOS	2011 Time to Disp (mths)	2011 Settlement Rate	2012 Time to Disp (mths)	2012 Settlement Rate
190	15.9	55.9%	21.8	33.3%
446	n/a	n/a	18.6	44.4%
360	n/a	n/a	16.5	56.1%

n/a = No cases were available

## PRO SE UNIT ACTIVITY REPORT

The Pro Se Unit is staffed by three full-time attorneys. In 2012, there were 2,427 new civil case filings originating in the Eastern District of Missouri excluding Multidistrict Litigation transfer cases (MDL). Of those new civil filings, 1,061 cases were initially reviewed by the Pro Se Unit, which equals approximately 43.7 percent of the court's civil docket. In comparison to 2011, the Pro Se Unit initially processed 9.2 percent more cases in 2012 (972 v. 1,061). The 1,061 cases initially reviewed by the Pro Se Unit in 2012 included the following case types: 209 prisoner civil rights and civil confinement suits; 167 state habeas petitions<sup>57</sup>; 122 federal habeas petitions; 22 mandamus and other miscellaneous prisoner filings; 197 non-prisoner pro se suits; and 344 social security appeals.

**Percent of the Civil Docket Initially Reviewed by the Pro Se Unit**



Title 28 U.S.C. § 1915 mandates that the Court review all cases filed *in forma pauperis* and that it dismiss such cases if they are frivolous, malicious, fail to state a claim upon which relief can be granted, or seek monetary relief from a defendant who is immune from such relief. Additionally, § 1915A requires that all prisoner cases against government officials receive this same review regardless of whether they pay the full filing fee. The pro se law clerks are charged with conducting this review initially and preparing draft preservice dismissal orders. This serves a gatekeeping function that prevents wasting of judicial resources and ensures that non-frivolous cases proceed to their designated track in an efficient manner. In 2012, the preservice dismissal rate for §1983 cases was approximately 81.0 percent, compared to 80.0 percent in 2011. The preservice dismissal rate for §2254 cases was approximately 40.0 percent, which represented an increase of 11.0 percent from 2011 (29.0 percent v. 40.0 percent). The preservice dismissal rate for §2255 cases was approximately

<sup>57</sup>The state habeas petitions includes seven miscellaneous petitions. Such as audita querela, etc.

54.0 percent, compared to 17.0 percent in 2011. The preservice dismissal rate for non-prisoner civil cases was approximately 60.0 percent in 2012, compared to 64.0 percent in 2011. The numbers listed above do not include the additional cases for which the unit drafted partial dismissals.

In 2012, the Pro Se Unit prepared approximately 2,668 draft orders, an increase of 8.5 percent from 2011 (2,459 v. 2,668). The number of non-prisoner filings increased 89.4 percent from 2011 to 2012 (104 v. 197).

## 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 2012, the NSSC rate for the Eastern District of Missouri was 29.2 percent, compared to 34.1 percent in the preceding year. With the decrease in the NSSC rate from 2011, the court performed better than the national average rate of 37.9 percent and the judicial conference goal of 30.0 percent<sup>58</sup>. In 2012, the Eastern District of Missouri ranked fifth in the Eighth Circuit and ranked twenty-fifth in the nation<sup>59</sup>.

By division, St. Louis (Eastern Division) recorded 30.9 percent, which represented a decrease of 8.0 percent from 2011. In Cape Girardeau (Southeastern Division), the juror utilization rate was 14.3 percent, an increase of 5 percent from 2011. There were no trials in Hannibal (Northern Division) during 2012. Although the NSSC rate increased in Cape Girardeau, the NSSC rate decreased significantly in St. Louis during 2012.

As mentioned previously, the Eastern District of Missouri has been continually improving its juror management over the past several years. Table 6 (refer to page 20) displays statistics on juror utilization for calendar years 2010, 2011, and 2012. When comparing the statistics from 2011 and 2012, there were significant changes to several categories. For example, the number of jurors required to appear for jury duty increased 8.7 percent from 2011 to 2012 (1,560 v. 1,696).

<sup>58</sup>Petit Juror Service on Days Jurors were selected for trial during the twelve month period ended Dec. 31, 2012 reported by the Administrative Office of the U.S. Courts (Table J-2 – Petit Juror Service on Days Jurors were selected for trial during the twelve month period ended Dec. 31, 2012).

<sup>59</sup>Ibid.

The number of jurors who participated in voir dire increased 28.7 percent from 2011 to 2012 (1,225 v. 1,576). The number of jurors selected for trial increased 6.3 percent from 2011 to 2012 (415 v. 441). For a complete breakdown for monthly juror usage in 2012, please refer to *Appendix G* on page 54.

<b>TABLE 6: JUROR UTILIZATION 2010-2012</b>			
<b>JANUARY 1 – DECEMBER 31 REPORTING PERIOD</b>			
	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>NUMBER OF PEOPLE SENT QUALIFICATION QUESTIONNAIRES</b>	23,970	26,500	26,200
<b>NUMBER OF JURORS SUMMONED FOR JURY DUTY</b>	10,876	10,136	10,920
<b>NUMBER OF JURORS WHO APPEARED FOR JURY DUTY</b>	2,358	1,560	1,696
<b>NUMBER OF JURORS WHO PARTICIPATED IN VOIR DIRE<sup>1</sup></b>	2,140	1,225	1,576
<b>NUMBER OF JURORS WHO WERE SELECTED FOR TRIAL</b>	720	415	441
<b>NUMBER OF JURY TRIAL STARTS (CIVIL AND CRIMINAL)</b>	71	42	42

*1 - 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 8* (page 21) 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 2012, 819 jurors completed the survey. Organized by division, there were 734 surveys completed in St. Louis and 85 surveys were completed in Cape Girardeau. The number of jurors who completed surveys increased 18.4 percent from 2011 to 2012 (692 v. 819). Of the 819 completed juror surveys, 519 jurors completed voir dire, but were not selected for

service, 212 jurors completed voir dire and were selected to serve on a panel, and 88 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 47.3 percent of jurors used eJuror in the district, while 50.9 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 49.7 percent of jurors used eJuror, while 48.4 percent did not use the program. In Cape Girardeau, 25.9 percent used eJuror and conversely 72.9 percent did not use the program.

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 99.5 percent of jurors who used the program found it helpful. 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 45.4 percent found the experience more favorable than first expected, while 48.5 percent found the experience to be about what they expected. There were about 3.3 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 8* (page 21) 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 15.8 percent of jurors asked to be deferred

<b>Table 7: Juror Age Groups</b>	
<b>JULY 1, 2012 – DECEMBER 31, 2012</b>	
<b>REPORTING PERIOD</b>	
<b>AGE GROUPS</b>	<b>PERCENT</b>
<b>AGES 18-24</b>	5.1%
<b>AGES 25-34</b>	17.2%
<b>AGES 35-44</b>	17.9%
<b>AGES 45-54</b>	24.1%
<b>AGES 55-64</b>	22.6%
<b>AGES 65-OVER</b>	10.5%
<b>NOT RATED</b>	2.6%

or excused, while 79.2 percent did not. A marginal amount of jurors (5.0 percent) did not answer the question. The fifth section of the survey asked jurors to select their age group from six possible categories. *Table 7* depicts the percent of age groups represented in the 2012 survey

“It was my first time as a juror and I was impressed by the professionalism and kindness of all involved. Thank you!”

- Juror Survey Comment



**TABLE 8: JURORS' RATINGS OF JURY SERVICE**  
 JULY 1, 2012 – DECEMBER 31, 2012 REPORTING PERIOD

JURY SERVICE ASPECTS	RATING SCALE (PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH)					
	EXCELLENT	GOOD	SATISFACTORY	FAIR	POOR	NOT RATED
INFORMATION PROVIDED	55.2%	33.1%	6.8%	1.7%	0.6%	2.6%
INITIAL ORIENTATION	58.0%	32.7%	5.3%	0.6%	0.0%	3.4%
TREATMENT BY COURT PERSONNEL	77.6%	16.8%	2.7%	0.2%	0.0%	2.7%
PHYSICAL COMFORTS	53.8%	31.1%	9.6%	2.4%	0.5%	2.6%
PARKING FACILITIES	44.7%	35.2%	12.2%	2.6%	0.4%	4.9%
SCHEDULING YOUR TIME	42.7%	34.3%	14.7%	3.3%	1.7%	3.3%
AUTOMATED PHONE NOTIFICATION	50.5%	27.2%	10.9%	0.9%	1.1%	9.4%
TERM OF SERVICE	39.4%	33.1%	16.8%	4.3%	2.0%	4.4%

results. The sixth section of the survey asked jurors to identify their gender. Of the 819 jurors who completed the survey, 46.4 percent were women, 41.5 percent were men, and 12.1 percent did not identify their gender.

The final section of the survey gave jurors the opportunity to make comments regarding the jury service experience. Of the 819 completed surveys, 131 jurors (16.0 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, "It was my first time as a juror and I was impressed by the professionalism and kindness of all involved. Thank you!" Another juror stated, "It was my first experience and it went great!" All other issues described in the comments section are reviewed by court personnel for possible modifications to current practices and procedures.

## Section Two

# Serving the Bench

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### 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 Clerk's Office, the U.S. Probation Office, and U.S. Pretrial Services. Listed below are the upgrades made in 2012 to the U.S. Magistrate Judge 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

A portable video conference solution was devised, designed, and implemented for use in all courtrooms within the Eagleton Courthouse that do not have an integrated system. The new portable unit facilitates the use and effectiveness of audio and visual components.

### 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. 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.**

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 compared to 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. In 2012, the court performed 208 TIP events, an increase of 47.5 percent from 2011 (141 v. 208). The events cost a total of \$8,551 with an estimated savings of \$74,763. The average savings per event in 2012 was \$359.00. As of October 2012, the Administrative Office



Judges of the Eastern District of Missouri applaud at the investiture ceremony of U.S. District Judge John A. Ross on March 30, 2012

(AO) of the U.S. Courts will now include travel costs as part of the savings. *Table 9* (below) displays the TIP statistics in the Eastern District of Missouri dating back to 2003.

**TABLE 9 – TIP STATISTICS**  
JANUARY 1 – DECEMBER 31 REPORTING PERIOD

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
2012	208	\$8,551	\$74,763
<b>TOTAL</b>	<b>1539</b>	<b>\$47,759</b>	<b>\$477,113</b>
<b>AVERAGE</b>	<b>154</b>	<b>\$4,776</b>	<b>\$47,711</b>

1 – TIP costs are paid from a centralized, nationwide budget  
2 – Estimated savings for interpreter travel costs are not calculated due to the variability in airfare and lodging costs

## NEW LAW CLERK ORIENTATION

On September 11th and 12th, 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.

## 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. Two of the senior judges are active participants in the work of the court. At the close of 2012, there were no Article III judgeship vacancies.

### U.S. DISTRICT JUDGE INVESTITURE CEREMONY

The Honorable John A. Ross was confirmed by the Senate on September 20, 2011 to join the Eastern District of Missouri as a U.S. District Judge. Judge Ross had a public investiture ceremony on March 30, 2012. Before joining the Eastern District of Missouri, 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.

### U.S. MAGISTRATE JUDGE RETIREMENT CEREMONY

U.S. Magistrate Judge Mary Ann L. Medler retired on September 7, 2012. Judge Medler began her service to the Eastern District of Missouri on August 2, 1993. On October 1, 2008, Judge Medler was designated Chief U.S. Magistrate Judge, a position she held until her retirement. Before joining the Eastern District of Missouri, Judge Medler was an associate at Thompson and Mitchell from 1983 to 1985. From 1985 to 1992, Judge Medler served as an Assistant Circuit Attorney in the Office of the Circuit Attorney. In 1992 until her appointment as a U.S. Magistrate Judge, Judge Medler held the position of general attorney for the Union Pacific Railroad Company.



Chief U.S. District Judge Catherine D. Perry speaking at the retirement ceremony of U.S. Magistrate Judge Mary Ann L. Medler

### U.S. MAGISTRATE JUDGE APPOINTMENT

The Honorable Shirley A. Padmore Mensah began her new duties as a U.S. Magistrate Judge for the Eastern District of Missouri on September 10, 2012 when she took the oath office. She fills a vacancy created when Judge Mary Ann L. Medler retired on September 7, 2012. The term of office for magistrate judge is eight years, with the opportunity to renew the appointment for additional terms. The duty station for this position is at the Thomas F. Eagleton Courthouse in St. Louis, with some duties performed in the court's division locations in Cape Girardeau and Hannibal.



Chief U.S. District Judge Catherine D. Perry swearing-in U.S. Magistrate Judge Shirley A. Padmore Mensah

Before joining the district court, Judge Mensah was a partner with the Husch Blackwell, LLP law firm in Clayton, Missouri. She has been engaged in the practice of law since 1995, first as an associate in the litigation department of Husch & Eppenberger and later as a partner when the firm merged with Blackwell Sanders. Judge Mensah has been an active civil litigator in state and federal courts, as well as in arbitration proceedings across the United States. She has experience in business and complex commercial litigation related to financial services, construction and biotechnology. In addition, Judge Mensah has been responsible for training and professional development of associates and paralegals in the firm's business litigation department. Beyond her law firm responsibilities, Judge Mensah has had a distinguished record of service to the legal profession and to the St. Louis community. Her volunteer activities have included service on the board of Women's Support and Community Services (now Safe Connections) which assists victims of domestic violence. She also has been an active supporter of The Links, Incorporated, which conducts various outreach activities to address the needs of at-risk high school aged girls. As an attorney, Judge Mensah was recognized by the St. Louis Business Journal in the 2004 class of "40 Under 40" and is also a graduate of the 2006-2007 Leadership St. Louis class. Additionally, Judge Mensah has experience teaching trial practice and procedure as an adjunct professor at Washington University School of Law.

Born in Liberia, Judge Mensah came to the United States with her family at the age of ten. She became a naturalized United States citizen in 1988. She earned her undergraduate degree at the University of Pennsylvania and is a graduate of Washington University School of Law. She is admitted to practice law in both Missouri and Illinois.

#### **NEW CHIEF U.S. MAGISTRATE JUDGE**

In September 2012, U.S. Magistrate Judge Thomas C. Mummert III was designated Chief U.S. Magistrate Judge for a term of five years. Judge Mummert replaced U.S. Magistrate Judge Mary Ann L. Medler as Chief U.S. Magistrate Judge.



Judge Mummert was first appointed as a U.S. Magistrate Judge for the Eastern District of Missouri on May 15, 1995.

Before joining the Eastern District of Missouri, Judge Mummert has served the legal community for many years. Judge Mummert began his legal career in private practice from 1976 to 1984. From 1981 to 1984, he served as a judge for the St. Louis Municipal Court. Judge Mummert served as a Circuit Judge from 1984 to 1993. From 1993 to 1995, Judge Mummert served as Presiding Judge for the Missouri Circuit Court in the 22nd Judicial Circuit. Judge Mummert has also served as an adjunct professor for the Washington University School of Law. He earned his undergraduate degree at the University of Dayton and is a graduate of St. Mary's University School of Law.

#### **JUDICIAL HONORS AND AWARDS**

##### **JUDGE EDWARD L. FILIPPINE RECOGNITION RECEPTION**

On June 12, 2012, the Eastern District of Missouri held a reception for Senior U.S. District Judge Edward L. Filippine at the Thomas F. Eagleton Courthouse in St. Louis celebrating his many years of dedicated service to the legal community. Over one hundred people attended the occasion including members of his family. A large number of friends and colleagues came to honor the well-respected and admired judge for his years of service.

The celebratory affair invited select friends and colleagues from his career to speak on behalf of Judge Filippine. The speakers at the ceremony included among others Chief U.S. District Judge Catherine D. Perry, U.S. District Judge Rodney W. Sippel, Retired U.S. District Judge Stephen N. Limbaugh Sr., and Federal Public Defender Lee Lawless. Each speaker recounted different instances of Judge Filippine'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 Filippine thanked everyone for making the day special and stated what a privilege it has been working with such talented and dedicated people.

Judge Filippine earned his A.B. and law degrees from Saint Louis University. He served in the U.S. Air Force from 1951 to 1953. He began his legal career in private practice in Clayton and St. Louis, Missouri from 1957 until 1977. From 1963 to 1964, Judge Filippine served as a special assistant attorney general in the state of Missouri. From 1969 to 1974, Judge Filippine served as a staff assistant to U.S. Senator Thomas Eagleton. In 1974, Judge Filippine was the campaign director for U.S. Senator Thomas Eagleton. On June 22, 1977, President Jimmy Carter nominated Judge Filippine for a seat on the U.S. District Court. His nomination was confirmed by the Senate on July 21, 1977 and received commission on July 22, 1977. Judge Filippine served as chief judge from 1990 to 1995. Judge Filippine assumed senior status on June 11, 1995.



##### **THE 2012 SPIRIT OF JUSTICE AWARD**

The Judicial Learning Center is the proud recipient of a 2012 Spirit of Justice Award. The Spirit of Justice Awards recognize lawyers, non-lawyers, and programs that have demonstrated accomplishment, leadership, and integrity in fostering and maintaining the rule of law and in facilitating and promoting improvement of the administration of justice.



Chief U.S. District Judge Catherine D. Perry accepting the 2012 Spirit of Justice Award

The 2012 Spirit of Justice Awards were presented on October 5, 2012 at the St. Louis Bar Foundation's 5th Annual Golden Gala at the Chase Park Plaza's Starlight Ballroom. The award is displayed in The Judicial Learning Center, on the 1st Floor of the Thomas F. Eagleton U.S. Courthouse. Chief U.S. District Judge Catherine D. Perry accepted the award on behalf of the Board of Directors of the not-for-profit Judicial Learning Center. Judge Perry stated that "...the Learning Center is a gift to the people of St. Louis from the lawyers of St. Louis."

#### **JUDGE E. RICHARD WEBBER RECOGNITION AWARD**

In May 2012, members of the Riverview Gardens Navy Junior Reserve Officers Training Corps (NJROTC) Unit visited the Thomas F. Eagleton Courthouse to present Senior U.S. District Judge E. Richard Webber with an award for his dedication and contributions to the Riverview Gardens NJROTC Unit. Present at this ceremony was Court Security Officer (CSO) Joe Robinson. Before becoming a CSO at the Thomas F. Eagleton Courthouse, Joe served in the U.S. Navy and achieved the rank of Lieutenant Commander. After completing over eight years of active duty, Joe continued his service to the Navy by joining the Naval Reserve.



Senior U.S. District Judge E. Richard Webber accepting an award from members of the Riverview Gardens NJROTC

### Section Three

## Serving the Bar

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#### **ST. LOUIS PARALEGAL ASSOCIATION TRAINING**

On March 20, 2012, the Eastern District of Missouri held a tutorial for members of the St. Louis Paralegal Association at the Thomas F. Eagleton U.S. Courthouse in St. Louis, Missouri. The topic for the instructional program was entitled "How A Civil Case Proceeds Through the Federal Court." The subjects covered in the program included among others the filing of the complaint, Rule 16 Orders, Rule 16 Conferences, Case Management Orders (CMOs), and ADR Orders. The tutorial session was led by a panel consisting of Chief Deputy

Clerk Lori Miller-Taylor, Operations Manager Karen Moore, Case Manager/Team Leader Melanie Berg, Case Manager/Team Leader Michele Crayton, and Operations Support Deputy Kim Klein. There were 25 paralegals who attended the program.

#### **SOUTHEASTERN DIVISION BENCH AND BAR SEMINAR**

The Second Annual Bench and Bar Seminar in Cape Girardeau was held May 4, 2012 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.

U.S. District Judge Stephen N. Limbaugh Jr. 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 Samuel P. Jordan, Assistant Professor of Law at Saint Louis University. Jordan discussed with attendees the recent developments in federal jurisdiction and venue. Another session entitled, "Federal Motion Practice – Views from the Bench" was led by U.S. District Judge Stephen N. Limbaugh Jr., U.S. District Judge John A. Ross, U.S. Magistrate Judge Lewis M. Blanton, and U.S. Magistrate Judge Frederick R. Buckles. Judge Stan Grimm and Clerk of Court Jim Woodward followed the panel of federal judges from Eastern Missouri to discuss pro bono limited scope appointment of counsel in Alternative Dispute Resolution (ADR). At the conclusion of the seminar, the lawyers had the opportunity to have a question and answer session with the federal judges in attendance.

#### **CRIMINAL JUSTICE ACT PANEL ATTORNEY SEMINAR**

The Tenth Annual Criminal Justice Act (CJA) Panel Attorney Seminar was held May 17th 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.

The seminar opened with welcoming remarks from U.S. District Judge Carol E. Jackson and Lee Lawless, Federal Public Defender for the Eastern District of Missouri. Panel discussions at the seminar addressed the following topics: (Topics listed on page 27)



Participants in the CJA Seminar at the Eagleton Courthouse

- *Annual Supreme Court Review 2011-2012 Term* – Presented by Paul Rashkin, Appellate Division of the Federal Public Defender’s Office for the Southern District of Florida;
- *United States Sentencing Guidelines Update* – Presented by Adam Fein, Rosenblum, Schwartz, Glass, & Rogers, PC, and Janet Hinton, Chief Paralegal for the Federal Public Defender’s Office for the Eastern District of Missouri;
- *Ethics of Witness Preparation and Presentation* – Presented by Peter Joy, Vice Dean and Harry Hitchcock Professor of Law at the Washington University School of Law;
- *Ethical Duties of Counsel Post Sentencing* – Presented by Lee Lawless, Federal Public Defender for the Eastern District of Missouri;
- *Crimes of Violence: Defining the Undefinable* – Presented by Caterina M. DiTraglia and Katherine Douglas, Research & Writing Specialists of the Federal Public Defender’s Office for the Eastern District of Missouri;
- *Introduction to the Eastern District’s Fast Track Policy* – Presented by Diane L. Dragan, Assistant Federal Public Defender for the Eastern District of Missouri;
- *Model Jury Instruction Update* – Presented by Kevin C. Curran, First Assistant Federal Public Defender for the Eastern District of Missouri.

## CRIMINAL JUSTICE ACT ATTORNEY APPOINTMENTS

A profile of attorney appointments/assignments in criminal cases over the past three calendar years (2010-2012) is displayed in *Tables 10-12* (pictured to the right). 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.

LEGEND FOR TABLES 10-12		
CJA = CRIMINAL JUSTICE ACT	FPD = FEDERAL PUBLIC DEFENDER	RET = RETAINED

TABLE 10: CLIENT REPRESENTATIONS <sup>1</sup> JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2010	2011	2012	TOTAL
CJA	401	383	316	1100
FPD	675	874	645	2194
RET	456	479	346	1281
TOTAL	1532	1736	1307	4575

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

TABLE 11: CJA BY NUMBER OF APPOINTMENTS PER ATTORNEY JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2010	2011	2012	TOTAL
1-3	65	69	67	201
4-9	23	27	32	82
10 OR MORE	10	9	1	20
TOTAL	98	105	100	303

TABLE 12: CJA V. FPD APPOINTMENTS JANUARY 1 – DECEMBER 31 REPORTING PERIOD				
APPOINTMENT	2010	2011	2012	TOTAL
CJA	401	383	316	1100
FPD	675	874	645	2194
TOTAL	1076	1257	961	3294



The Honorable John C. Danforth speaking at the Fourth Annual Danforth-Eagleton Lecture on June 14, 2012 at the Hilton St. Louis at the Ballpark

The total number of attorney appointments (CJA and FPD) decreased 23.5 percent from 2011 to 2012 (1257 v. 961). In comparison to 2010, the total number of attorney appointments in 2012 (CJA and FPD) decreased 10.7 percent (1076 v. 961). Criminal case filings were also lower in the 2012 calendar year compared to 2011 and 2010.

In 2012, 32.9 percent of the attorney appointments were CJA (316 CJA appointments), while in 2011, CJA appointments accounted for 30.5 percent (383 CJA appointments) of attorney appointments. The number of CJA appointments decreased 17.5 percent from 2011 to 2012 (383 v. 316).

FPD appointments made up 67.1 percent of the attorney appointments in 2012, while in 2011, FPD appointments accounted for 69.5 percent of attorney appointments. The number of FPD appointments decreased 26.2 percent from 2011 to 2012 (874 v. 645). When comparing 2010 to 2012, FPD appointments decreased 4.4 percent (675 v. 645).

The number of private counsel retained by defendants decreased 27.8 percent from 2011 to 2012 (479 v. 346), while from 2010 to 2011 (456 v. 479), there was a 5.0 percent decrease in the number of private counsel retained by defendants.

Criminal defense representation (including CJA, FPD, and RET) decreased 24.7 percent from 2011 to 2012 (1736 v. 1307). When comparing criminal defense representations from 2010 to 2012, representation decreased 14.7 percent (1532 v. 1307). From 2010 to 2012, on average, there were 367 CJA appointments, 731 FPD appointments, and 427 defendants with retained counsel.

#### FOURTH ANNUAL DANFORTH-EAGLETON LECTURE

The Honorable John C. Danforth, former United States Ambassador to the United Nations and former U.S. Senator from Missouri, was the keynote speaker at the Fourth Annual Danforth-Eagleton Lecture Series hosted by the Judicial Learning Center, Inc. and the Bar Association of Metropolitan St. Louis (BAMSL) at the Hilton St. Louis at the Ballpark on June 14, 2012.

Thomas E. Wack, President of The Judicial Learning Center, introduced The Honorable John C. Danforth. In his keynote address, Senator Danforth spoke of the increasing political unrest between the parties and how such dissonance creates new challenges to effective government. A primary cause of this current political climate lays at the feet of many politicians who are unwilling to compromise. Danforth stated that, "The purpose of the law isn't endless, fruitless combat. It's the peaceful resolution of differences."<sup>60</sup> The work of government will continue to face resistance in the United States unless compromise can be reached between the political parties.

Born in St. Louis, Missouri, Senator Danforth attended both law and divinity graduate schools at Yale University. Senator Danforth began his legal career at the New York law firm of Davis Polk & Wardwell. From 1969 to 1977, Senator Danforth served as the Attorney General of Missouri. In 1970, Senator Danforth ran for the U.S. Senate seat, but lost in a close race. In 1976, he ran again for the Senate and this time won. Senator Danforth served in the U.S. Senate until 1995.

<sup>60</sup>Donna Walter, "Danforth calls government broken," *The Countian*, June 18, 2012, Volume 132, No. 170, pg. 5.

## NORTHERN DIVISION BENCH AND BAR SEMINAR

The First Annual Northern Division Bench and Bar Seminar in Hannibal was held June 28, 2012 at the Hannibal Federal Building and U.S. Courthouse. The seminar was designed for lawyers located in the Northern 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. The first session was led by Rigel C. Oliveri, Associate Professor of Law at the University of Missouri at Columbia School of Law. Oliveri discussed with the attendees the recent developments in federal jurisdiction and venue. The following session entitled, "Bankruptcy Practice Tips – A View from the Bench" was led by Judge Kathy Surratt-States and Judge Charles E. Rendlen, both judges from the U.S. Bankruptcy Court for the Eastern District of Missouri. Carl E. Schaeperkoetter, Office of Chief Disciplinary Counsel, followed the panel of judges from Eastern Missouri to discuss a topic entitled, "Conflicts of Interest: When is Loyalty to the Civil or Criminal Client Impaired?" At the conclusion of the seminar, the lawyers had the opportunity to have a question and answer session with the federal judges in attendance.

## FEDERAL PRACTICE FUNDAMENTALS SEMINAR



Chief Deputy Clerk Lori Miller-Taylor

The Eighth Annual Federal Practice Fundamentals Seminar, sponsored by the U.S. District Court and The Federal Practice Memorial Trust, was held October 25, 2012 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.

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, speakers, and special guests 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.



Clerk of Court Jim Woodward

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 Overview*, and a *Judges' Roundtable*. Each segment focused on information relevant to new federal practitioners.



Judges of the Eastern District of Missouri participating in the Judges' Roundtable at the Federal Practice Fundamentals Seminar

## REVISIONS TO LOCAL RULES

The court approved two amendments to Local Rules in 2012. In a revision to Rule 4.01, language was added to clarify the amount of time allowed a party opposing a motion in a civil case to file a memorandum in opposition. Seven days after service of the motion is allowed for this filing, unless the Court orders otherwise. However, motions for summary judgment are treated differently. New paragraph (F) was added to address the time for filing any memorandum in opposition to a motion for summary judgment. The requirement for this filing to be made within twenty-one days after service of the motion for summary judgment was not changed by this amendment, but by setting this filing time frame apart in a separate paragraph it eliminates any confusion with the seven day rule that applies to all other motions.

Also amended was Local Rule 12.01, which addresses requirements for admission of an attorney to the bar of the district court. To facilitate the conversion of the application process to an electronic format, the amended rule directs attor-



neys to discontinue filing paper application documents. In addition, the rule was amended to eliminate the requirement for two sponsor statements to accompany an application. Finally, new paragraph (D) was added to establish criteria for limited admission to the bar for attorneys representing government entities.

### **ATTORNEY ADMISSIONS**

In 2012, the attorney admission process for the U.S. District Court became automated, eliminating its paper-intensive requirements. Applicants for admission to the bar of the court are now able to complete their application by utilizing forms in Adobe Acrobat. The application, application fee, and certificate(s) of good standing are now submitted through the Case Management/Electronic Case Filing (CM/ECF) system. When applying for admission to the court, the attorney will go to the AttorneyReg system in CM/ECF. AttorneyReg is an extension for CM/ECF that allows attorneys to apply for admission into the court bar and for a CM/ECF login. There are two components of AttorneyReg: (1) First, there is a website for attorneys to fill out their applications; and (2) Second, court personnel are able to manage and approve applications through this program. Once logged into the system, attorneys can check the status of their application.

### **ATTORNEY ADMISSION STATISTICS**

In FY 2012, there were 331 admission fees processed for newly admitted attorneys. There was an 11.4 percent in-

crease in processed admission fees for newly admitted attorneys from 2011 to 2012 (297 v. 331).

The number of fees processed for attorneys granted pro hac vice admission was 1,060 in 2012. This was a 53.0 percent increase in the number of fees processed for attorneys granted pro hac vice admission from 2011 to 2012 (693 v. 1,060).

### **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 2012 in Jefferson City, Missouri. The spring session took place on April 27, 2012. U.S. District Judge John A. Ross along with U.S. Magistrate Judge Matthew J. Whitworth from the Western District of Missouri administered the oath of admission to 47 new attorneys.

In the fall session, due to the large number of attorneys, there were two admission ceremonies performed on October 5, 2012; one in the morning and one in the afternoon. U.S. District Judge Rodney W. Sippel 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 86 new attorneys. Later, at the afternoon ceremony, the judges administered the oath of admission to 96 new attorneys.

## Section Four

# Clerk's Office Reports

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### 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>61</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.

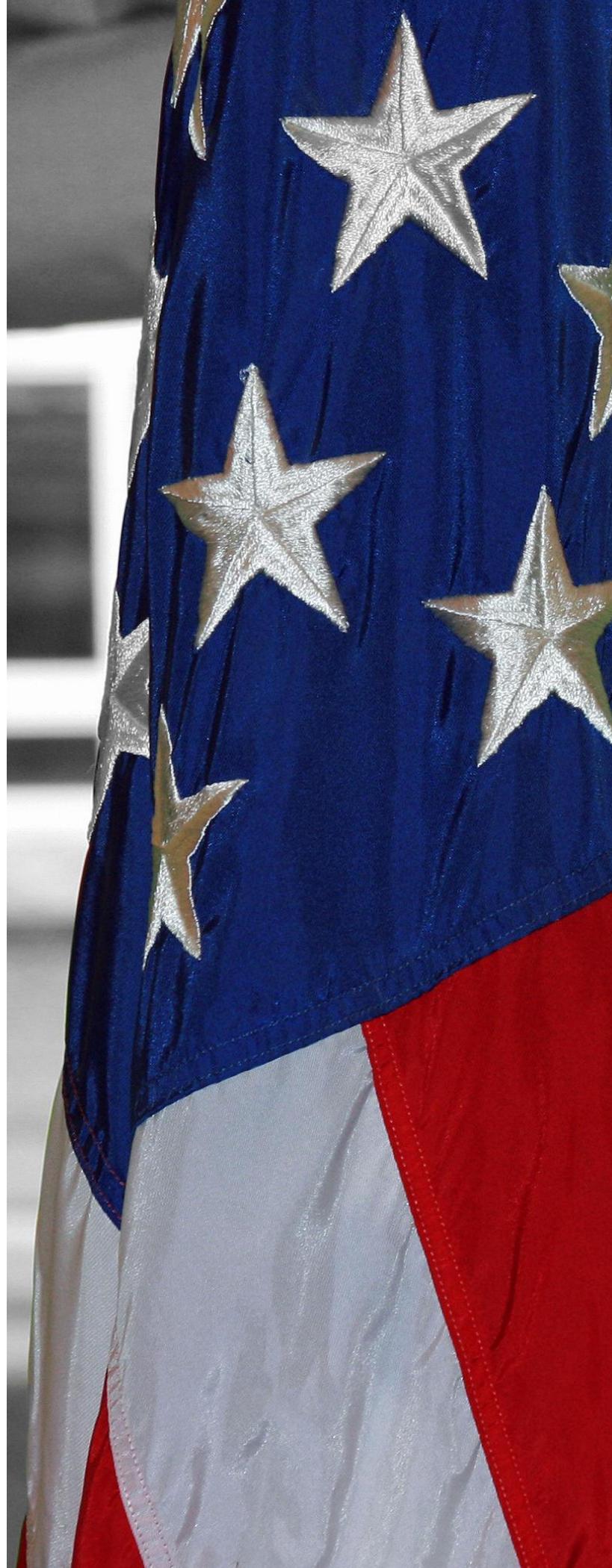
*Table 13* (Refer to pg. 32) provides an overview of the goal setting exercise for 2013 at the management retreat in January 2013. The performance standard or standards associated with each goal links activities with essential court objectives. The long-term goals and the associated performance standards for 2012 were agreed upon by the management team at the 2011 fall annual retreat. The following were the long-term goals identified for 2012:

- 1) **Attorney Admissions: The last paper process**
- 2) **Web-based judges' recusal list program**
- 3) **Increase wireless network access**
- 4) **Shared services analysis / Strategic workforce management planning**
- 5) **Internal controls manual review and HR audit**
- 6) **Streamline IT processes**
- 7) **Team leader review**
- 8) **Standardize content of jury orientation**
- 9) **Federal Practice Committee – Planning for the 2013 Federal Practice Seminar**
- 10) **WordPerfect to Microsoft Word transition**

The following long-term goals were fully realized in 2012: First, in order to provide the best possible access to the public, bench and bar, the attorney admissions process became paperless. By becoming paperless, attorneys seeking admission to the bar of Eastern Missouri can do so by using the

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<sup>61</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).



court's CM/ECF system as opposed to completing extensive paperwork by hand. In further support of the bar, extensive work was completed on the 2013 Federal Practice Seminar. The seminar is quadrennial and is sponsored by the Federal Practice Memorial Trust and the Eastern District of Missouri. Hundreds of lawyers from around the district are expected to attend the seminar held in April 2013.

Furthermore, a comprehensive review was conducted on the services performed by Clerk's Office personnel. From this review, the following goals were achieved: (1) shared services analysis/strategic workforce management planning; (2) streamline IT processes; and (3) team leader review. The review also identified future opportunities for sharing of staff resources as well as areas where additional training of court personnel might prove beneficial to court operations.

Thirdly, after performing a thorough analysis of existing IT services and programs, the court identified several areas where improvements in performance could be made. For example, the court transitioned from WordPerfect to Microsoft Word, created an internal web-based judges' recusal program, and increased wireless access throughout the Thomas F. Eagleton Courthouse. Although not all long-term goals were fully achieved in 2012, substantial progress was made on a number of them in the calendar year and should be ready for implementation in early 2013.

#### OPERATIONS DEPARTMENT

In 2012, the Clerk's Office experienced a significant personnel transition with the retirement of the Operations Manager. The position was restructured and the responsibilities were divided primarily among three newly created Deputies in Charge. Two deputies in charge are located in St. Louis, while the third works in Cape Girardeau.

In a major departure from prior department practices, access to Case Management/Electronic Case Filing (CM/ECF) was expanded to include the offices of 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 from the offices of Probation and Pretrial to Chambers' staff. After the second full year of operation under this new system, the new practice continues to be a success. The use of e-filing 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, "quality control" 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

**TABLE 13: OVERVIEW OF GOALS AND PERFORMANCE STANDARDS FOR 2013**

GOALS FOR 2013	COURT PERFORMANCE STANDARD
<b>Pro Bono Attorney List</b>	<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 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>
<b>Personnel Evaluations</b>	<p><b>Standard 4.5 – Response to Change</b> <b>Standard 4.2 – Accountability for Public Resources</b> The trial court responsibly seeks uses and accounts for its public resources.</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>
<b>Adding Services to the Pro Se Resource Center</b>	<p><b>Standard 1.3 – Effective Participation</b> <b>Standard 1.5 – Affordable Costs of Access</b> <b>Standard 4.4 – Public Education</b> The trial court informs the community about its programs.</p>
<b>Staffing the Office with Less</b>	<p><b>Standard 4.5 – Response to Change</b> <b>Standard 4.2 – Accountability for Public Resources</b></p>
<b>Transitioning Video Conference and Courtroom Internet Access</b>	<p><b>Standard 4.5 – Response to Change</b></p>
<b>Cyclical Audit and Court On-Line Banking (COLB)</b>	<p><b>Standard 4.2 – Accountability for Public Resources</b></p>
<b>Case Assignment</b>	<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 case-load.</p> <p><b>Standard 4.5 – Response to Change</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 identified as a court performance standard for a goal

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 2012 are listed below:

**NEW CASES OPENED**

- 2,710 CIVIL CASES
- 547 CRIMINAL CASES
- 750 MISCELLANEOUS CASES

**ORDERS PROCESSED**

- 19,452 CIVIL ORDERS
- 14,829 CRIMINAL ORDERS

**ELECTRONIC FILING TRANSACTIONS**

- 57,887 ATTORNEY TRANSACTIONS
- 138,127 COURT PERSONNEL TRANSACTIONS

**TRIAL STARTS COVERED BY STAFF**

- 31 CIVIL TRIAL STARTS  
23 JURY TRIALS AND 8 BENCH TRIALS
- 20 CRIMINAL TRIAL STARTS  
19 JURY TRIALS AND 1 BENCH TRIAL

**CRIMINAL CASE PROCESS**

- GUILTY PLEAS – 715 DEFENDANTS
- SENTENCINGS – 835 DEFENDANTS
- JUDGMENTS – 1,172 DEFENDANTS

**MDL TRANSFER CASE MANAGEMENT**

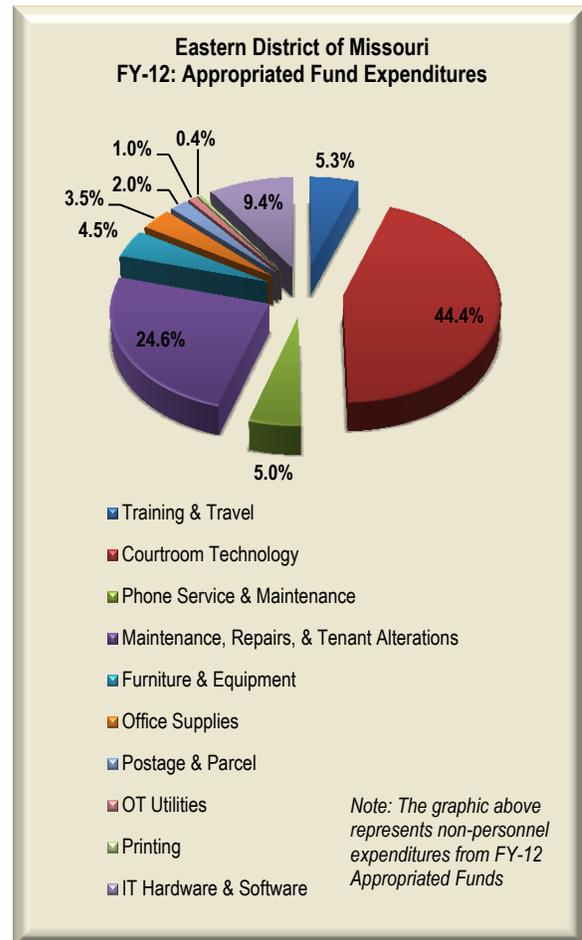
- 1) MINSHEW ET AL V. EXPRESS SCRIPTS, INC.
- 2) IN RE: EMERSON ELECTRIC Co. WET/DRY VAC MARKETING AND SALES PRACTICES LITIGATION
- 3) IN RE: GENETICALLY MODIFIED RICE LITIGATION
- 4) IN RE: CELEXA AND LEXAPRO PRODUCTS LIABILITY LITIGATION
- 5) IN RE: NUVARING PRODUCTS LIABILITY LITIGATION
- 6) IN RE: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

**ADMINISTRATIVE SERVICES DEPARTMENT**

The Administrative Services Department managed a wide range of projects in 2012, which included the rebuild of the courtrooms after the flood in 2011 as well as uncertainty with court funding for the fiscal year. In 2012, the district court operated on a continuing resolution until midway into the second quarter of the year. From this experience, the district court is anticipating a decrease in all future funding.

*Finance* – The finance department continued workload adjustments to compensate for the transfer of one staff member to the Operations Department. Department responsibilities were identified, reviewed, and analyzed to ensure an appropriate distribution of assignments between staff members. Even with reduced staffing, the finance department was able

to maintain the normal financial functions in addition to handling a unique restitution case with over 1,100 victims.



The finance department also continued its participation in a national working group on Criminal Fines and Restitution under the District Methods Analysis Program (DMAP). As a result of this working group, the Restitution Questionnaire, created in the Eastern District of Missouri, is being presented nationally as part of the solution to obtaining complete victim information on criminal cases with restitution ordered. DMAP will be presenting the Restitution Questionnaire to the Judicial Council as the beginning piece of a new process to gather victim information and move it electronically to the PSR, criminal judgment, and then to the Civil Criminal Accounting Module (CCAM) in our financial system.

The finance department also worked extensively with the reports used to assist in attorney appointments for Criminal Justice Act (CJA) cases. The report that is generated monthly looks back at prior month assignments, year-to-date assignments, and the last 12 months assignments for each CJA attorney. This report has proven to be a useful tool for judges to review as appointments are made to cases. The report is primarily driven by the case management system, however,



this report is also verified against the CJA payment system to support the data and make sure that both systems are current. The finance department also examined the eVouchering programs developed for handling CJA appointments and vouchers through final payment. A eVouchering program in Nevada was analyzed, but it was determined that this instrument was not a solution for this district. Much emphasis was given to the attorney involvement and time moving and using a new system. The court was hesitant to move to a new system without knowledge that this system would be transferable to a new national payment system when it is available. Since a large part of this system will be used by the CJA attorneys to input data, the court is searching for a better and more complete solution.

The finance department's disbursing support and payment certification continued during 2012 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 2012 transaction totals from the financial department:

- \$7,832,269.62 was collected in restitution, civil garnishments, and refunds. Of this figure, \$628,600.90 was collected through the Treasury Offset Program.
- There were 10,037 restitution, civil garnishments, and refund payments issued to victims and creditors in the amount of \$8,245,259.26.
- As of December 31, 2012, the restitution balance (to be paid to victims) was \$799,717.64

*Procurement* – In 2012, construction activity in the courtrooms, jury rooms and hallways as a result of the flood damage from 2011 kept the district court very busy. GSA was in charge of the demolition and reconstruction, however the court was very involved in monitoring the ongoing process and work being accomplished. The court also worked very closely with GSA to help select finishes for the damaged areas and obtain court approval. All flood repairs were completed by September 2012.

Several other projects were also ongoing during the 2012 calendar year. Procurement worked extensively with U. S. District Judge John A. Ross, who was new to the federal bench in 2011, to obtain furnishing and supplies to meet the new chambers' needs. In September 2012, the court was also joined by new U.S. Magistrate Judge Shirley A. Padmore Mensah. Although work on Judge Mensah's chambers began in 2012, completion of her chambers will not be reached until 2013. Some of the clerk's office staffing units were also modi

fied to bring them in line with other staff work areas as well as making the units more user friendly. The department also assisted in other moves within the district court, most notably assisting with the formation of a consolidated reference library for the district court in connection with the 3 North chambers.

#### **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.

In 2012, ISD was involved in the completion of two major projects: Courtroom Restoration and National Internet Protocol Telephones (IPT). In cooperation with Quantum Technology International, ISD staff worked to restore the courtroom technology infrastructure to all courtrooms affected by the flood in August 2011 to their previous condition. Additionally, the telephone system that supports the U.S. District Court at its divisional offices in St. Louis, Cape Girardeau, and Hannibal was converted to the Administrative Office's (AO) National IPT. The conversion to National IPT will reduce costs and eliminate the need for local cyclical replacements of telephone systems. The National IPT supports the AO's unified communication framework and the centralized deployment and hardware standardization to control costs.



Participants at the Federal Practice Fundamentals Seminar

In addition to the completion of two major projects, ISD was involved in a number of other projects during 2012. Eastern Missouri was selected as a pilot court for the AO's new mobile device management, which allows for ISD staff to re-

motely manage iPhones, Android, and Blackberry devices. In 2012, Eastern Missouri also became a pilot court for the AO's National Videoconferencing Bridge, which is a service provided through the AO's unified communication framework. This service allows the court to leverage the existing internet protocol (IP) network for videoconferencing, therefore, eliminating expensive local integrated services digital network (ISDN) (integrated services digital network) costs. Moreover, ISD staff converted the clerk's office and chambers from WordPerfect to Microsoft Word. In 2012, ISD also began a server virtualization project to reduce the total number of server hardware by virtualizing the servers and running them off a centralized server. By making this change, the amount of hardware and electrical needs will be reduced as well as providing a way to replicate entire servers to Cape for continuity of operations plan (COOP) purposes.

#### **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, 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 Information; (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 and management of community outreach events at the courthouse;
- Provided ADR case management support.

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 2012, the telephone administrator completed the following projects:

- Project lead for the migration of the St. Louis and Cape Girardeau courthouses to the AT&T National Internet Protocol Telephone (IPT) system
  - Assisted in the designation and installation of more than 800 telephone and analog circuits;
  - Provided technical support in the testing and acceptance of all telecommunications circuits;
  - Maintained communication with the AT&T staff to resolve telephone errors;
  - Provided support and training to court personnel;
- Upgraded legacy Nortel telephone system with Voice Over Internet Protocol capability (VOIP)
  - Installed and programmed VOIP hardware and software to support 680 court personnel;
  - Installed new battery backup and server equipment in support of the court's contact center and voicemail systems;
  - Provided on-site training to court personnel for VOIP iPhones, softphones, and Lotus Notes voice messaging software.

Regarding statistical reporting and policy analysis, the court's policy and research analyst completed the following projects in 2012:

- Managed data collection and analysis to generate monthly and quarterly technical reports evaluating performance metrics for use by judges, court managers, and other court agencies;
- Utilizes Information Technology (IT) applications to monitor and evaluate caseload distribution to ensure effective caseflow;
- Identified operational risks and implemented improvement initiatives to adapt to changing standards and developing needs within the court;
- Supported the ADR Advisory Committee with comprehensive analysis of program data including reports and recommendations on specialized issues;
- Directed training, organized project scheduling, and advised staff on project tasks for the Administrative Office (AO) Work Measurement Study;
- Responsible for developing data collection forms, coordinating the management of project components, and maintaining communication with stakeholders for the Cameras in the Courtroom pilot project;
- Project lead in designing and developing the Annual Report for the U.S. District Court.

#### **HUMAN RESOURCES & COMMUNITY RELATIONS DEPARTMENT**

The calendar year 2012 marked a number of significant changes and transitions in the clerk's office. Several retirements in 2012 led to a reorganization in the Clerk's office. The combination of retirements and reorganization created new opportunities for employees to be promoted or transferred to new positions. It also provided the District Court the opportunity to save money through attrition as duties were reassigned to other employees and departments. Due to the reorganization, the Human Resources (HR) and Case Initiation/Intake departments were consolidated to create the HR and Community Relations department. The new HR and Community Relations department includes members of the former HR and Case Initiation/Intake department. The employees of this new department will continue to provide important services to both employees and the community.

The HR department strives to provide meaningful training and development opportunities for employees throughout the year. Some of the training offered in 2012 was ethics/code of conduct, federal benefits seminars, social media training, and retirement planning seminars. In addition, the HR department hosted a wellness event at the Thomas F. Eagleton U.S. Courthouse to provide employees with information on how to live and sustain a healthy lifestyle. The wellness event offered free blood pressure and cholesterol checks, vision screenings, a smoking cessation program, "Walking Works" and a diabetes awareness and prevention information. The program had many participants and we hope to expand the event to include more information and exhibits in 2013.

The HR and Community Relations department also assists with planning and preparation of the clerk's office's teambuilding event each year. In 2012, members of the department worked diligently to ensure that the event provided motivational training, team building, and community service opportunities. In the past few years, the clerk's office has incorporated community service within its team building and training activities.

*Continuity of Operations Plan (COOP) Emergency Preparedness Exercise* - The U.S. District Court, along with several other federal agencies, participated in a COOP testing and training exercise on September 27, 2012 called St. Louis SLICE '12 TTX. The exercise was developed by FEMA and was based on an inclement weather event that might affect the ability of the government and private sector to provide essential functions and services to local citizens. It was a tabletop exercise that consisted of three major events followed by an evaluation to discuss the outcome of the exercise. The purpose of the SLICE TTX was to increase continuity of operations awareness for federal, state, territorial, tribe, local organizations, and to discuss the special considerations that severe weather poses to emergency planners. It also enhanced the capability of continuity of operations planners to prepare for and mitigate vulnerabilities during a natural

disaster, identify gaps or weaknesses in the court's continuity plan, and policies and procedures.

#### **JURY UNIT**

In 2012, the Jury Unit sent out 26,200 Juror Qualification Questionnaires to prospective jurors and 10,920 people were summoned for jury service in the Eastern District of Missouri. In the Eastern Division (St. Louis), in addition to the biweekly pools of jurors summoned, there were six trials that required separate pools of jurors. In these cases, judges ordered pre-screening surveys or jury questionnaires, due to the length of the trial or the notoriety of the case that required special processing and monitoring.

The Eastern District of Missouri observed Juror Appreciation in St. Louis on May 21, 2012 with 39 jurors present and on May 23, 2012 with 17 jurors in attendance. U.S. Magistrate Judge Terry I. Adelman and Chief Deputy Clerk Lori Miller Young addressed the jurors and read the Proclamation in Appreciation of jurors on these days. In Cape Girardeau, Juror Appreciation was observed on May 10, 2012 with 21 jurors present. U.S. District Judge Stephen N. Limbaugh Jr. and U.S. Magistrate Judge Lewis M. Blanton offered remarks to the group.

The Eastern District of Missouri is a member of the Administrative Office's (AO) Jury Management System (JMS)/eJuror Working Group. During 2012, the working group focused on requirements and testing of the upcoming scanner software release, which will enable the district courts to both process qualification questionnaires and maintain scanned images of qualification questionnaires, juror Information forms, and attachments. These documents will be readily available in JMS for reference or to print. The program and scanner have been installed in the Eastern District of Missouri and are currently being tested.

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.

#### **CM/ECF ACTIVITY**

##### **TRAINING AND SUPPORT**

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

- Availability of attorney admissions online;
- 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, 8,837 attorneys have docketed pleadings in CM/ECF. In 2012, 3,114 attorneys docketed pleadings in CM/ECF.
- **CALENDAR YEAR ATTORNEY REGISTRATIONS** – From January 1 to December 31, 2012, there were 330 new attorney registrations for electronic filing, while in 2011, there were 261 new attorney registrations for electronic filings. From 2011 to 2012, the number of new attorney registrations increased 26.4 percent (261 v. 330).
- **ATTORNEY DOCKETING** – In 2012, attorneys logged 57,887 transactions in CM/ECF. From 2011 to 2012, there was a 5.4 percent increase in the number of logged transactions from (54,954 v. 57,887).
- **STAFF DOCKETING** – In 2012, court personnel and judges logged 138,127 transactions in CM/ECF. This is a 2.5 percent increase in the number of transactions logged by court personnel from 2011 to 2012 (134,716 v. 138,127). During 2012, U.S. Probation and Pretrial Services docketed 9,480 transactions. The Clerk's Office docketed 111,358 transactions. Chambers docketed 3,255 transactions.

##### **DIVISIONAL REALIGNMENT**

Effective December 4, 2012, the counties of Iron and Sainte Genevieve moved to the Southeastern Division of the U.S. District Court for the Eastern District of Missouri. From this point forward, all new civil and criminal filings that originate from these two counties will be assigned to the Southeastern Division. Cases that were filed and opened on or before December 3, 2012 will remain in the Eastern Division and will not be reassigned. The divisional realignment is due to the Divisional Realignment Act of 2012. The legislation realigns divisions within the Eastern District of Missouri and the Northern District of Mississippi. The legislative proposal was adopted by the Judicial Conference of the United States on March 13, 2012, upon the recommendation of the Court Administration and Case Management Committee (CACM). Refer to *Appendix H* on page 55 for a map of the counties.

## CAMERAS IN THE COURTROOM UPDATE

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.

On December 3, 2012, the district court participated in its first recording. The recording captured the beginning of a jury trial with Chief U.S. District Judge Catherine D. Perry presiding. The recording can be found on the website of the Administrative Office (AO) of the U.S. Courts under the Cameras in the Courtroom tab.

## FEDERAL COURT CLERKS ASSOCIATION CONFERENCE

In 2012, the Federal Court Clerks Association (FCCA) Conference was held in Las Vegas, Nevada from May 20th to 24th. 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: Stephanie Jones, Debbie O'Leary, Jeanne Kadane, and Jim Woodward.



Left to Right: Stephanie Jones, Debbie O'Leary, Jeanne Kadane, and Jim Woodward

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, along with Jim Berchtold, Supervising Attorney for Clark County Civil Law Self-Help Center in Las Vegas, Nevada, were the instructors for one of the courses offered at the conference entitled *Access to Federal Justice: What Clerk's Offices Can Do To Improve the Experience for Self-Represented Litigants in the District Courts*. 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.

## CM/ECF DISTRICT OPERATIONAL PRACTICES FORUM

In 2012, the CM/ECF District Operational Practices Forum was held at the Gaylord National in National Harbor, Maryland from August 13th to 15th. 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: Michele Crayton, Cathy Gould, Kim Klein, Lori Rife, and Katie Spurgeon.

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.

## 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 November 15, 2012, the Clerk's Office acknowledged the following thirteen employees who have served the court at least 20 years:

- **Carrie Lippold** has served the federal courts for 30 years. She began her term of service on August 2, 1982 as an Intake Clerk in the Clerk's Office. From there, she served as a Docket Clerk, Courtroom Deputy, and Assistant Case Manager until she was promoted to a Case



Service Award Recipients

Left to Right: Deneen LaNasa, Gary Bond, Linda Wehner, Cathy Gould, Kim Klein, Sally Keasler, Jim Woodward, Mary Michenfelder, Kathleen Cookson, Carrie Lippold, and Mindy Finan (not pictured Laura Dreon and Ellen Edwards)

Manager Team Leader. Carrie is currently the Case Manager Team Leader for the Hamilton/Autrey/Baker team.

- **Mindy Finan** has served the federal courts for 25 years. She began her term of service on September 18, 1987. She started as a Law Clerk in the Bankruptcy Court of the Southern District of Illinois, then was hired as a Law Clerk to Judge Beatty in the SDIL. On February 25, 2002, Mindy transferred to the Eastern District of Missouri as a Law Clerk to Judge Perry. On October 28, 2002, Mindy became U.S. District Judge Henry E. Autrey's Law Clerk.
- **Ellen Edwards** has served the federal courts for 25 years. She began her term of service on September 14, 1987 as a Staff Attorney for the U.S. Court of Appeals. On April 16, 1992 she transferred to the U.S. District Court as a Pro Se Law Clerk and continues to serve in that position today.
- **Laura Dreon** has served the federal court for 25 years. She began her term of service on September 21, 1987 as an Intake Clerk in the Clerk's Office. From there, Laura served as a Docket Clerk, Courtroom Deputy, Case Manager, Team Leader, and is currently the ADR Coordinator/Management Support Administrator.
- **Mary Michenfelder** has served the federal courts for 25 years. She began her term of service on September 28, 1987 as an Intake Clerk in the Clerk's Office. Mary then worked as a Statistical Clerk and Training Coordinator in the Clerk's Office. On December 4, 1989, Mary took a position as U.S. Magistrate Judge Frederick R. Buckles' Judicial Assistant. On September 25, 1995, Mary became Judge Buckles' Law Clerk and currently retains that position today.
- **Deneen LaNasa** has served the federal court for 25 years. She began her term of service on March 16, 1987 in the Bankruptcy Court for Eastern Missouri. Deneen

transferred to the U.S. District Court on April 18, 1994 to work as a Jury Clerk and she continues to hold that position today.

- **Kim Klein** has served the federal courts for 25 years. She began her term of service on June 15, 1987 in the Bankruptcy Court of the Eastern District of Missouri. She transferred to the U.S. District Court on October 17, 1994 as a Docket Clerk. In July 1997, Kim transferred to the Operations Unit and became an Operations Support Clerk. She currently holds that position today.
- **Gary Bond** has served the federal courts for 20 years. He began his term of service on February 9, 1992 as a Court Reporter for the Southern District of California. On June 20, 1994, Gary was hired as a Court Reporter for the Eastern District of Missouri to primarily serve U.S. District Judge Carol E. Jackson. Gary currently serves in that position today.
- **Sally Keasler** has served the federal court for 20 years. She began her term of service on August 31, 1992 as a Judicial Assistant to U.S. Magistrate Judge Harry McKee in the Eastern District of Texas. On November 3, 1997, Sally transferred to the Eastern District of Missouri to become U.S. Magistrate Judge Mary Ann L. Medler's Judicial Assistant. Sally was Judge Medler's Judicial Assistant September 2012 when Judge Medler retired. Sally was hired by Judge Mensah to be her Judicial Assistant.
- **Cathy Gould** has served the federal court for 20 years. She began her term of service on April 27, 1992 as a Deputy Clerk for the Clerk's Office in the Southeastern Division of the Eastern District of Missouri. On November 11, 1994, Cathy became the Deputy in Charge of Cape Girardeau. Cathy is still the Deputy in Charge in Cape Girardeau and currently works with the St. Louis Deputies in Charge to manage the Operations Department. Cathy



## Retirements

Left to Right: Barb Quarles, Fran Hearing, Joyce Webb, (pictured with retirees, Jim Woodward), and Karen Moore

is also a member of the senior management team in the Clerk's Office.

- **Kathleen Cookson** has served the federal courts for 20 years. She began her term of service on October 19, 1992 as the Financial Administrator. In March 1995, Kathleen was promoted to the Administrative Manager position and currently holds that position today. Kathleen is also a member of the senior management team in the Clerk's Office.
- **Linda Wehner** has served the federal courts for 20 years. She began her term of service on May 8, 1992 as a Judicial Assistant to Senior U.S. District Judge Donald J. Stohr. Linda was Judge Stohr's Judicial Assistant until August 16, 2010 when she became Senior U.S. District Judge Charles A. Shaw's Judicial Assistant.
- **Jim Woodward** has served the federal courts for 20 years. He began his term of service on June 1, 1992 as Chief Deputy Clerk. Jim became Acting Clerk of Court on September 30, 1999 after Bob St. Vrain retired. On January 14, 2000, Jim was officially appointed Clerk of Court and currently holds that position today. Jim is also part of the senior management team in the Clerk's Office.



U.S. District Judge Audrey G. Fleissig speaking at the Public Service Recognition Ceremony

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

## RETIREMENTS

**Fran Hearing** – Fran began her service with the court October 9, 2000 through an AARP work placement program. Fran worked part-time as a Clerical Assistant in the Jury Unit until she retired on July 31, 2012.

**Karen Moore** – Karen started her career with the U.S. Army. Her entrance on duty (EOD) date was August 1980. She worked with the Army as a Clerk/Stenographer. Karen transferred to the court on December 26, 1983 as a Deputy Clerk. The position titles changed in the clerk's office through the years and Karen became a Case Manager. On July 31, 2000 Karen was promoted to Operations Manager and held that position until she retired on August 31, 2012.

**Barb Quarles** - Barb started with the court on October 9, 2000 through an AARP work placement program. Barb worked part-time as a Clerical Assistant in the Management Support Unit until she retired on July 31, 2012.

**Joyce Webb** - Joyce started with the U.S. Army Research and Development Command in September 1980 as a Procurement Clerk/Typist. She was hired with the court on October 6, 1997 as a Case Initiation Clerk. Through the years Joyce worked as a Deputy Clerk, Assistant Case Manager and Case Initiation Clerk. Joyce retired from the court on July 31, 2012 as a Case Initiation Clerk.



Students from New Haven High School participating in the Open Doors to Federal Courts program

## Section Five

# Community Involvement

### COMMUNITY OUTREACH

#### THOMAS F. EAGLETON COURTHOUSE TOURS

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 109 tours to the public in 2012. The total attendance for all tours and programs was 3,623 people, an increase of 49.8 percent from 2011 (2,419 v. 3,623). A tour can be customized to meet the needs of the group, and can include a district courtroom observation, a visit with a judge, attorney, U.S. Marshal, probation or pretrial officer. Tour participants in 2012 included public and private schools, scouts, summer camps, undergraduate and law school programs, teachers, and adult community organizations.

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.

### STUDENT GROUP PROGRAMS

**Open Doors to Federal Courts** – “Open Doors to Federal Courts” is a national initiative led by the Administrative Office of the Federal Courts in Washington D.C. The annual event is held at federal courthouses across the nation and brings high school students together with federal judges, attorneys, and court staff. The program is an interactive, true-to-life courtroom simulation that centers on an issue of importance to teens. Through their participation, students will learn the basics about how the courts work, and why it matters to them.

The 2012 topic, texting while driving, was based on a realistic scenario that could happen to any teenager. The scenario centers on a high school driver who may have been texting while driving and had an accident that put a friend, from another state, in the hospital. It is an example of how a seemingly harmless action “that everybody does” can have long-term consequences.

On Friday, January 27, 2012, the Eastern District of Missouri hosted the annual “Open Doors to Federal Courts” event at the Thomas F. Eagleton Courthouse. The district court welcomed students from the New Haven High School Future Business Leaders of America club. Prior to the field trip, the students worked on lesson plans about the judicial process and studied the scenario for the case. Some students were assigned speaking parts for the mock trial.

The highlight of the program was a scripted mock trial of a negligence lawsuit, stemming from the car accident allegedly caused by a texting driver. U.S. Magistrate Judge Thomas C. Mummert III presided over the trial. While at the courthouse, the students from New Haven High School also visited the Judicial Learning Center and the Eighth Circuit Court of Appeals.

HEC-TV Live!  
broadcasting from  
the William Webster  
Courtroom in the  
Eagleton Courthouse  
on Constitution Day



**Saint Louis University Mock Trial Tournament** – Saint Louis University’s Mock Trial team held the Eighth Annual Billiken Barrister Mock Trial tournament at the Thomas F. Eagleton Courthouse on Saturday, October 27 and Sunday, October 28, 2012.

The invitational included twelve undergraduate teams from universities throughout the Midwest. Each team competed in four trials throughout the weekend. By the end of the competition on Sunday, the top three teams were extremely close in win/loss records and separated by just a few points. First place went to the team from the University of Kansas with the University of Notre Dame coming in second, and Saint Louis University coming in a very close third. U.S. District Judge Henry E. Autrey presided over the final round.



U.S. District Judge Henry E. Autrey presiding over the final round of the SLU Mock Trial Tournament

**Law Day** – Each year, the district court honors Law Day by welcoming high school students to participate in courthouse activities. The 2012 program took place at the Eagleton Courthouse on May 3rd and was a finalist for the American Bar Association Outstanding Law Day Activity Award.

The participating schools were Seckman High School from the Fox C-6 School District and Cleveland NJROTC from the St. Louis Public Schools. Prior to the event, students participated in an essay contest around the theme for 2012, No

Courts – No Justice – No Freedom. The entries were screened by court staff and Chief U.S. District Judge Catherine D. Perry selected two winners. The students worked through a series of lesson plans exploring concepts of justice, with a focus on criminal justice and aims of punishment, and an introduction to restorative justice, problem solving courts, and drug courts.

The students from both schools visited the Judicial Learning Center, then observed a criminal sentencing hearing with U.S. District Judge Rodney W. Sippel. Prior to the hearing, Judge Sippel led a discussion with the students.

The U.S. Probation Office gave a presentation about Project EARN, the drug court for the Eastern District of Missouri. During this presentation, a recent drug court graduate spoke with the students, telling her personal story. The students then participated in an activity that simulated a drug court session, during which they made decisions as if they were a member of the team. The students came away with a deeper understanding of the relationship between courts and justice.

**Constitution Day** – Each year the U.S. District Court honors Constitution Day by welcoming high school students to participate in courthouse activities. The 2012 activity was sponsored by The Missouri Bar and HEC-TV.

On September 17, 2012, the William Webster Courtroom was turned into a television studio for a live broadcast of the award-winning show “HEC-TV Live!” Twice during the day, a panel of experts appeared before a live audience of students, to discuss the topic “Constitution Day 2012: Free Speech and Political Campaigns.”

The panelists were retired U.S. Magistrate Judge Mary Ann L. Medler, Jack Oliver, former chairman of the Republican National Committee, Diana Bartelli Carlin, Saint Louis University Vice President of Graduate Education and creator of the national research project, Debate Watch, and former Governor Robert Holden, Governor of Missouri from 2001 to 2005.

For the morning session, students from Northwest Academy of Law and Clayton High School made up the live audience. Additionally, student groups from schools all over the country joined by videoconference or via the internet.

For the afternoon session, students from Clayton High School, Westminster Christian Academy, and Bayless High School comprised the live audience. Additionally, student groups from schools all over the country joined by videoconference or via the internet.

School groups and the general audience in St. Louis City and County were able to view the program via Charter Cable on HEC-TV, and were invited to e-mail questions and comments during the program as well.

#### **SCOUT EVENTS AND PROGRAMS**

**Merit Badge University** – For the second year in a row, Public Education and Community Outreach Administrator Rachel Marshall participated in the Merit Badge University held at Southeast Missouri State University in Cape Girardeau. The event, sponsored by the Alpha Phi Omega service fraternity, offers full-day Merit Badge opportunities for Boy Scouts from Missouri and Illinois. On Saturday, February 18, 2012, Ms. Marshall led 24 Scouts through a program allowing them to earn their Citizenship in the Nation badge, a requirement for Eagle rank.

**Merit Badge Skill Center – St. Louis** – The U.S. District Court hosted the second annual Citizenship in the Nation Skill Center at the Thomas F. Eagleton Courthouse on July 13, 2012. Over 60 Boy Scouts attended this full day program to earn their Merit Badge. They registered in advance and com-

pleted a set of pre-requisite activities. On the day of the event, they started downtown with a tour of the Old Historic Courthouse. After the tour, the group walked to the Eagleton Courthouse for the remainder of the day. Activities included a visit to the Judicial Learning Center, a courtroom observation and talk with U.S. District Judge Rodney W. Sippel, and several break-out sessions taught by court personnel.

**Merit Badge Skill Center – Cape Girardeau** – Due to the popularity of the St. Louis programs, an additional Skill Center for the Citizenship in the Nation Merit Badge was offered in 2012. On July 27, 2012, 46 Boy Scouts attended this full day program to earn their Merit Badge. They registered in advance, and completed a set of pre-requisite activities. On the day of the event, they started downtown with a tour of Common Pleas Courthouse. After the tour, the group walked to the Rush Hudson Limbaugh Sr. Courthouse for the remainder of the day. Activities included a visit to the Judicial Education and History Center, a courtroom observation and talk with U.S. District Judge Rodney W. Sippel, and several break-out sessions taught by court personnel.

**Girl Scout Career Exploration** – On December 5, 2012, the U.S. District Court hosted the second annual Career Exploration program for local Girl Scouts. The girls who attended were able to meet and talk to a variety of female professionals, including U.S. Magistrate Judge Nannette A. Baker, a court reporter, a law clerk, a pretrial services officer, and a U.S. Marshal. The group also visited several parts of the Eagleton courthouse, including the Judicial Learning Center.

U.S. District Judge Rodney W. Sippel speaking to Boy Scouts at the Eagleton Courthouse





Dred and Harriet Scott Statue Dedication Ceremony on June 8, 2012

**PUBLIC EVENTS AND PROGRAMS**

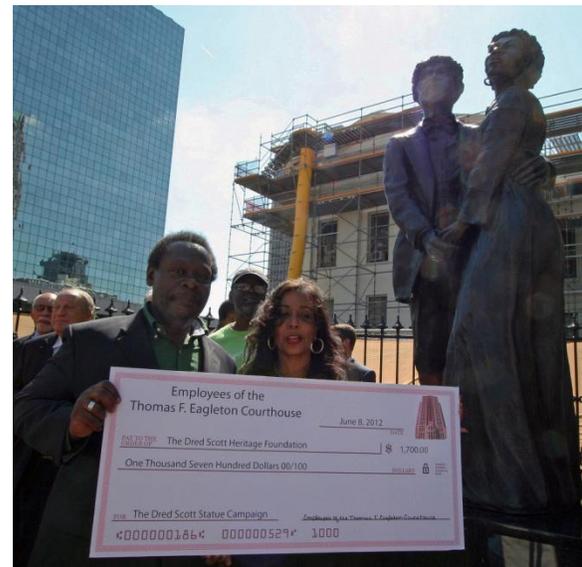
**Judicial Speakers Bureau** – The judges of the U.S. District Court unveiled a new community outreach initiative in 2012, The Judicial Speakers Bureau. By request, a district or magistrate judge will visit with adult civic, service and professional organizations interested in learning more about the judicial branch. The speakers bureau was designed to offers free, engaging presentations designed to educate and inform adults in the community about the federal courts.

**National Touring Exhibition** – The Gilder Lehrman Institute of American History’s national touring panel exhibition, “Free at Last: A History of the Abolition of Slavery in America,” was displayed on the 3rd Floor of the Thomas F. Eagleton Courthouse in March and April 2012. Important documents, speeches, letters, and photographs gave school groups, visitors, and building employees an opportunity to trace the debate over slavery in the U.S. from the framing of the Constitution to the Civil War. A portion of the exhibit focused on “Slavery, the Courts and the Law,” including the impact of the Dred Scott decision. This limited engagement was made possible by the United States Courts and the Judicial Learning Center.

**“Freedom and the Courts” Lecture** – On April 16, 2012, the “Freedom and the Courts” lecture was attended by 167 people. The lecture, jointly hosted by the United States Courts and the Judicial Learning Center, explored the legacy of the Dred Scott decision and its effects on the abolition movement in America. Distinguished speakers included Lynne M. Jackson, President and Founder of the Dred Scott Heritage Foundation as well as great-great granddaughter of Dred and Harriet Scott, Judge Duane Benton, United States Court of Appeals for the Eighth Circuit, and Dr. Robert Moore, historian from The Old Courthouse, National Park Service.

On June 8, 2012, the new statue of Dred and Harriet Scott located in front of the Old Courthouse on Dred Scott Way was unveiled at the dedication ceremony. Mr. McGraw Milhaven

was the Master of Ceremonies and acknowledged the special guests in attendance including Mrs. Lynne M Jackson, great-great granddaughter of Dred and Harriet Scott, Mayor Francis Slay, City of St. Louis, President Lewis Reed, Board of Aldermen, and Congressman William Lacy Clay. At the ceremony, U.S. District Judge Henry E. Autrey presented a check to Mrs. Lynne M. Jackson in the amount of \$1,700.00 supporting the work of The Dred Scott Heritage Foundation, with funds donated by U.S. District Court personnel.



U.S. District Judge Henry E. Autrey presenting a check to Mrs. Lynne M. Jackson at the Dred and Harriet Scott Statue Dedication Ceremony

**THE JUDICIAL LEARNING CENTER**

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 2012, Senior U.S. District Judge E. Richard Webber was appointed to sit on the Board of Directors for

Judicial Learning Center, Inc. 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 mentioned earlier in this report, the JLC is the proud recipient of the 2012 Spirit of Justice Award.

#### **NEW WEBSITE FOR THE JUDICIAL LEARNING CENTER**

In 2012 the not-for-profit organization, The Judicial Learning Center, Inc., unveiled a new website at the following address: [www.JudicialLearningCenter.org](http://www.JudicialLearningCenter.org). The website is a result of a summer-long partnership between the U.S. District Court and the Judicial Learning Center Board of Directors, with input from a Summer Teaching Fellow. The website is designed to inform the public about The Judicial Learning Center in the Thomas F. Eagleton Courthouse, and includes opportunities to register for a tour, apply for a transportation grant, or request further information. The site also includes content-rich areas for students and teachers. The Student Center helps learners of all ages explore the judicial branch of government, and test their new knowledge with interactive Student Challenges. The Educator Center provides a variety of resources for teachers of civics, government, and history. There are simple, printer-ready resources and in-depth lesson plans available to correspond with each topic section.

#### **TRANSPORTATION GRANTS**

The Judicial Learning Center, Inc., maintains a transportation grant program to allow school groups to visit the Judicial Learning Center and the Thomas F. Eagleton Courthouse. The Board of Directors accepts applications from teachers and school administrators whose schools are unable to fund the costs of transportation. In 2012, The Judicial Learning Center, Inc., awarded 15 transportation grants totaling \$4250. These grants allowed 750 students to attend a courthouse field trip.

#### **ORAL HISTORY PROJECT UPDATE**

In 2004, Senior U.S. District Judge E. Richard Webber 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.

At the close of 2012, the oral history on retired U.S. District Judge William H. Webster is nearly complete. During the year, Judge Webber had the opportunity to interview Judge Webster when he visited St. Louis on May 3, 2012. The interview was conducted at the Thomas F. Eagleton Courthouse in the special proceedings courtroom that was designated in his name in 2010. With the interview of Judge Webster complete, the oral history will be available in the Judicial Learning Center by the close of 2013. In addition, work is underway on the oral history of retired Senior U.S. District Judge Stephen N. Limbaugh Sr.



Left to Right: Retired U.S. District Judge William H. Webster and Senior U.S. District Judge E. Richard Webber

Judge Webber along with U.S. Magistrate Judge David D. Noce, Dana McWay, Clerk of Missouri Eastern Bankruptcy Court, Joan Voelker, Archives Librarian, and Katie Pappageorge, Library Technician, began in 2012 to collect pictures of each judge who has served in the Eastern District of Missouri.

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. With the editing portion of the book completed in 2012, the book will be published and available to the public in 2013.



Naturalization Ceremony at the  
Ulysses S. Grant National Historic Site

In addition to the work on the oral histories, work has begun on the profile of *Hazelwood School District v. Kuhlmeier* 484 U.S. 260 (1984). *Hazelwood School District v. Kuhlmeier* is one of the seventeen most significant cases from the Eastern District of Missouri and 2013 marks its 25th anniversary. 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.

A special thanks goes out to Clerk's Office staff Adam Zipprich and John Stanka who played important roles in the production of both the oral and case histories. Additionally, Clerk of Court Jim Woodward's support of the oral history project has facilitated its realization.

## NATURALIZATION CEREMONIES

In 2012, the Eastern District of Missouri including the U.S. District Court and the U.S. Bankruptcy Court performed a total of thirty-eight naturalization ceremonies in which 2,570 petitioners became United States citizens. The U.S. District

Court held twenty-six ceremonies and 1,899 petitioners became U.S. citizens. Of the new citizens, the League of Women Voters registered a total of 865 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 Kadane. The U.S. Bankruptcy Court performed 12 naturalization ceremonies in 2012. At the bankruptcy ceremonies, 671 petitioners became United States citizens. The League of Women Voters registered a total of 397 new voters at the bankruptcy court naturalization ceremonies. In total, the League of Women Voters registered 1,262 new voters at naturalization ceremonies in 2012.

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. 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, Soldan International Studies High School, National Personnel Records Center, Brentwood High School, Harris-Stowe State University, and the Ulysses S. Grant National Historic Site graciously made their facilities available for selected ceremonies in 2012.

### Ceremony at the Ulysses S. Grant National Historic Site

A special naturalization ceremony was held at the Ulysses S. Grant National Historic Site on May 7th in St. Louis, Missouri. Chief U.S. Magistrate Judge Mary Ann L. Medler presided at the ceremony. There were 101 petitioners who took the *Oath of Allegiance* at the ceremony. Christopher W. Dempsey, Senior Litigation Counsel for National Security at the U.S. Department of Justice - Civil Division, addressed the crowd on the special occasion. Carin Thyssen was also involved in the naturalization ceremony as the vocalist for the event.

### 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 3rd. U.S. District Judge Rodney W. Sippel presided at the ceremony and administered the *Oath of Allegiance* to America's newest citizens. There were 52 petitioners at the ceremony in St. Louis, Missouri. The new Americans were originally from 24 different countries. Mayor Francis G. Slay, City of St. Louis, provided inspiring words to the group of new citizens. Boy Scout Troop 685 advanced and retired the colors. Air National Guard – Band of the Central States and Boy Scout Troop 685 also contributed to the naturalization program.

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**APPENDIX A**

**NEW CASE FILINGS  
2010-2012 (JANUARY 1 – DECEMBER 31)**

<b>DIVISION/CASE TYPE</b>	<b>2010</b>	<b>10-11 PERCENT CHANGE</b>	<b>2011</b>	<b>11-12 PERCENT CHANGE</b>	<b>2012</b>
<i>PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH</i>					
<b>CIVIL CASES<sup>1</sup></b>					
EASTERN CIVIL CASES	2445	-7.7%	2257	6.4%	2401
SOUTHEASTERN CIVIL CASES	213	7.5%	229	-5.7%	216
NORTHERN CIVIL CASES	88	10.2%	97	-4.1%	93
<b>TOTAL CIVIL CASES</b>	<b>2746</b>	<b>-5.9%</b>	<b>2583</b>	<b>4.9%</b>	<b>2710</b>
<b>CRIMINAL CASES<sup>2</sup></b>					
EASTERN CRIMINAL CASES	<b>622</b>	<b>-23.0%</b>	<b>479</b>	<b>-12.3%</b>	<b>420</b>
▪ <i>FELONY CASES</i>	571	-22.8%	441	-12.0%	388
▪ <i>MISDEMEANOR CASES</i>	51	-25.5%	38	-15.8%	32
SOUTHEASTERN CRIMINAL CASES	<b>130</b>	<b>0.0%</b>	<b>130</b>	<b>-2.3%</b>	<b>127</b>
▪ <i>FELONY CASES</i>	79	-1.3%	78	-9.0%	71
▪ <i>MISDEMEANOR CASES</i>	51	2.0%	52	7.7%	56
<b>TOTAL CRIMINAL CASES</b>	<b>752</b>	<b>-19.0%</b>	<b>609</b>	<b>-10.2%</b>	<b>547</b>
<b>CRIMINAL DEFENDANTS</b>					
EASTERN CRIMINAL DEFENDANTS	<b>909</b>	<b>-22.1%</b>	<b>708</b>	<b>-13.8%</b>	<b>610</b>
▪ <i>FELONY DEFENDANTS</i>	858	-21.9%	670	-13.7%	578
▪ <i>MISDEMEANOR DEFENDANTS</i>	51	-25.5%	38	-15.8%	32
SOUTHEASTERN CRIMINAL DEFENDANTS	<b>154</b>	<b>10.4%</b>	<b>170</b>	<b>-11.8%</b>	<b>150</b>
▪ <i>FELONY DEFENDANTS</i>	103	14.6%	118	-20.3%	94
▪ <i>MISDEMEANOR DEFENDANTS</i>	51	2.0%	52	7.7%	56
<b>TOTAL CRIMINAL DEFENDANTS</b>	<b>1063</b>	<b>-17.4%</b>	<b>878</b>	<b>-13.4%</b>	<b>760</b>
<b>MISCELLANEOUS CASES<sup>3</sup></b>					
EASTERN MISCELLANEOUS CASES	780	-4.2%	747	-4.3%	715
SOUTHEASTERN MISCELLANEOUS CASES	46	21.7%	56	-37.5%	35
<b>TOTAL MISCELLANEOUS CASES</b>	<b>826</b>	<b>-2.8%</b>	<b>803</b>	<b>-6.6%</b>	<b>750</b>
<b>TOTAL NEW CASE FILINGS<sup>4</sup></b>	<b>4324</b>	<b>-7.6%</b>	<b>3995</b>	<b>0.3%</b>	<b>4007</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>2012 MONTHLY CASELOAD REPORT</b>													
	<b>Jan 2012</b>	<b>Feb 2012</b>	<b>Mar 2012</b>	<b>Apr 2012</b>	<b>May 2012</b>	<b>Jun 2012</b>	<b>Jul 2012</b>	<b>Aug 2012</b>	<b>Sep 2012</b>	<b>Oct 2012</b>	<b>Nov 2012</b>	<b>Dec 2012</b>	<b>2012</b>
<b>CIVIL CASES</b>													
Cases Filed <sup>1</sup>	197	216	256	204	231	233	214	244	201	286	234	194	<b>2710</b>
Cases Reopened	2	5	11	3	12	6	3	7	6	4	7	4	<b>70</b>
Cases Closed	164	170	235	180	158	191	198	349	277	257	157	154	<b>2490</b>
Current Cases Pending	3253	3304	3335	3361	3443	3489	3505	3406	3334	3366	3446	3492	<b>3492</b>
Average Age of Pending Cases <sup>3</sup> (mths)	17.5	17.9	18.2	18.3	18.5	18.9	19.3	18.7	18.4	17.7	18.0	17.9	<b>17.9</b>
Filed/Closed Ratio	1.21	1.30	1.14	1.15	1.54	1.25	1.10	0.72	0.75	1.13	1.54	1.29	<b>1.12</b>
Mean Disp. Time (mths)	8.3	9.4	13.8	10.5	7.3	7.6	8.5	21.2	19.4	20.6	9.6	9.7	<b>13.4</b>
Mean Disposition Time [5% trimmed <sup>4</sup> ]	7.4	8.1	12.7	9.4	6.0	6.6	7.6	20.6	17.9	19.1	8.3	8.1	<b>11.5</b>
Median Disposition Time	5.0	6.0	12.9	7.0	3.3	4.6	6.2	16.1	14.3	9.8	6.4	5.8	<b>8.8</b>
<b>CRIMINAL CASES</b>													
Total Cases Filed <sup>2</sup>	40	59	61	46	46	37	29	34	49	58	44	44	<b>547</b>
▪ <i>Felony Cases Filed</i>	36	49	44	37	45	31	28	29	47	42	35	36	<b>459</b>
▪ <i>Misdemeanor Cases Filed</i>	4	10	17	9	1	6	1	5	2	16	9	8	<b>88</b>
Cases Closed	73	53	72	65	66	84	54	50	64	66	47	59	<b>753</b>
Current Cases Pending	533	549	548	540	535	508	495	491	493	498	501	497	<b>497</b>
Average Age of Pending Cases <sup>3</sup> (mths)	9.2	9.4	10.0	10.4	9.6	9.6	9.5	9.7	9.4	9.2	9.1	9.1	<b>9.1</b>
Filed/Closed Ratio	0.55	1.11	0.85	0.71	0.70	0.44	0.54	0.68	0.77	0.88	0.94	0.75	<b>0.73</b>
Defendants Filed	67	86	77	61	81	66	35	35	55	81	58	58	<b>760</b>
▪ <i>Felony Defs Filed</i>	63	76	60	52	80	60	34	30	53	65	49	50	<b>672</b>
▪ <i>Misdemeanor Defs Filed</i>	4	10	17	9	1	6	1	5	2	16	9	8	<b>88</b>
Defendants Closed <sup>5</sup>	90	56	82	81	74	104	64	65	83	84	56	72	<b>911</b>
Defendants Pending	818	848	844	826	837	803	774	744	717	715	715	700	<b>700</b>
Defs Filed/Closed Ratio	0.74	1.54	0.94	0.75	1.09	0.63	0.55	0.54	0.66	0.96	1.04	0.81	<b>0.83</b>
Mean Disp. Time (mths)	8.0	8.8	10.6	8.5	9.1	9.0	8.4	10.2	11.1	9.4	7.9	7.5	<b>9.1</b>
Mean Disposition Time [5% trimmed <sup>4</sup> ]	7.5	8.1	8.5	7.6	8.4	8.3	7.7	9.3	8.8	8.9	7.7	7.2	<b>8.2</b>
Median Disposition Time	7.5	7.6	7.4	6.8	7.4	8.1	6.4	7.8	7.1	8.0	6.8	6.7	<b>7.3</b>

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>2011-2012 MONTHLY CASELOAD PERCENTAGE CHANGE REPORT</b>													
	<b>Jan 11-12</b>	<b>Feb 11-12</b>	<b>Mar 11-12</b>	<b>Apr 11-12</b>	<b>May 11-12</b>	<b>Jun 11-12</b>	<b>Jul 11-12</b>	<b>Aug 11-12</b>	<b>Sep 11-12</b>	<b>Oct 11-12</b>	<b>Nov 11-12</b>	<b>Dec 11-12</b>	<b>11-12</b>
<b>CIVIL CASES</b>													
Cases Filed <sup>1</sup>	-17.6%	13.7%	8.9%	1.0%	-8.0%	14.2%	5.9%	11.9%	-10.7%	38.2%	10.9%	-2.5%	<b>4.9%</b>
Cases Reopened	-85.7%	0.0%	83.3%	-50.0%	0.0%	0.0%	-40.0%	75.0%	-40.0%	33.3%	0.0%	-33.3%	<b>-16.7%</b>
Cases Closed	-18.4%	-11.0%	-22.4%	23.3%	1.3%	-3.5%	21.5%	71.9%	24.8%	66.9%	-10.8%	-2.5%	<b>9.6%</b>
Cases Pending	12.2%	14.0%	17.8%	16.3%	15.0%	16.1%	15.0%	11.1%	8.4%	7.5%	8.7%	8.5%	<b>8.5%</b>
Avg. Age Pending <sup>3</sup>	14.4%	17.8%	20.5%	18.8%	17.8%	17.4%	19.1%	14.0%	10.2%	5.4%	5.9%	3.5%	<b>3.5%</b>
Filed/Closed Ratio	-3.6%	27.3%	42.8%	-19.3%	-8.8%	18.0%	-13.7%	-34.2%	-29.4%	-17.3%	23.9%	-0.9%	<b>-4.9%</b>
Mean Disposition	-14.4%	-19.7%	6.2%	43.8%	-5.2%	-2.6%	-14.1%	92.7%	52.8%	74.6%	9.1%	-5.8%	<b>28.8%</b>
Mean Disposition [5% trimmed <sup>4</sup> ]	-10.8%	-19.0%	7.6%	40.3%	-3.2%	-4.3%	-14.6%	114.6%	50.4%	99.0%	5.1%	-9.0%	<b>27.8%</b>
Median Disposition	-21.9%	-6.3%	26.5%	29.6%	-5.7%	2.2%	-17.3%	101.3%	14.4%	34.2%	-14.7%	-26.6%	<b>20.5%</b>
<b>CRIMINAL CASES</b>													
Total Cases Filed <sup>2</sup>	0.0%	31.1%	-18.7%	-16.4%	-23.3%	-52.6%	-6.5%	-2.9%	4.3%	11.5%	4.8%	-10.2%	<b>-10.2%</b>
▪ <i>Felony Cases</i>	9.1%	40.0%	-15.4%	-26.0%	-6.3%	-59.7%	-3.4%	-12.1%	27.0%	-16.0%	-16.7%	9.1%	<b>-11.6%</b>
▪ <i>Misdemeanor Cases</i>	-42.9%	0.0%	-26.1%	80.0%	-91.7%	500.0%	-50.0%	150.0%	-80.0%	700.0%	NA	-50.0%	<b>-2.2%</b>
Cases Closed	-2.7%	-14.5%	-12.2%	4.8%	0.0%	18.3%	-8.5%	-10.7%	-13.5%	0.0%	-11.3%	1.7%	<b>-4.0%</b>
Cases Pending	-8.7%	-4.5%	-6.3%	-7.7%	-9.5%	-15.5%	-14.7%	-13.6%	-10.8%	-9.3%	-8.9%	-9.8%	<b>-9.8%</b>
Avg. Age Pending <sup>3</sup>	-7.1%	-1.1%	5.3%	5.1%	3.2%	2.1%	5.6%	7.8%	0.0%	1.1%	-3.2%	3.4%	<b>3.4%</b>
Filed/Closed Ratio	2.7%	53.4%	-7.4%	-20.2%	-23.3%	-59.9%	2.2%	8.8%	20.5%	11.5%	18.1%	-11.7%	<b>-6.5%</b>
Defendants Filed	24.1%	41.0%	-15.4%	-29.9%	5.2%	-49.2%	-37.5%	-48.5%	-21.4%	12.5%	5.5%	1.8%	<b>-13.4%</b>
▪ <i>Felony Defs</i>	34.0%	49.0%	-11.8%	-36.6%	23.1%	-53.5%	-37.0%	-54.5%	-11.7%	-7.1%	-10.9%	22.0%	<b>-14.7%</b>
▪ <i>Misdemeanor Defs</i>	-42.9%	0.0%	-26.1%	80.0%	-91.7%	500.0%	-50.0%	150.0%	-80.0%	700.0%	NA	-50.0%	<b>-2.2%</b>
Defendants Closed	2.3%	-28.2%	-22.6%	-4.7%	-3.9%	42.5%	-3.0%	1.6%	0.0%	3.7%	1.8%	1.4%	<b>-1.7%</b>
Defs Pending	-0.5%	5.2%	6.7%	4.2%	5.5%	-7.8%	-10.2%	-14.0%	-15.6%	-16.2%	-16.4%	-16.6%	<b>-16.6%</b>
Defendants Filed/Closed Ratio	21.3%	96.4%	9.4%	-26.4%	9.5%	-64.4%	-35.5%	-49.3%	-21.4%	8.5%	3.6%	0.3%	<b>-11.9%</b>
Mean Disposition	-22.3%	23.9%	-14.5%	10.4%	5.8%	2.3%	15.1%	20.0%	26.1%	-36.9%	-20.2%	-17.6%	<b>-5.2%</b>
Mean Disposition [5% trimmed <sup>4</sup> ]	-13.8%	15.7%	2.4%	0.0%	9.1%	13.7%	14.9%	20.8%	17.3%	-7.3%	-9.4%	-8.9%	<b>5.1%</b>
Median Disposition	5.6%	18.8%	-3.9%	-13.9%	4.2%	26.6%	-4.5%	-1.3%	2.9%	-19.2%	-4.2%	-10.7%	<b>1.4%</b>

PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH

NA = One number in one month is zero

**APPENDIX D**

<b>2012 MONTHLY CIVIL CASE FILINGS BY TYPE REPORT</b>														
[NUMBERS ARE DISPLAYED AS FILED AND REOPENED/REOPENED; I.E. 27/1]														
	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	Jun 2012	Jul 2012	Aug 2012	Sep 2012	Oct 2012	Nov 2012	Dec 2012	2012	
1.) Contracts	22	16	18/1	25	26/1	29/2	17/1	25/1	20/1	20	26/2	14	<b>258/9</b>	
2.) Real Property	4	3	4	3	5	11	0	0	0	4	1	0	<b>35</b>	
3.) Total Torts	29	48/1	64/6	47	60/9	54	50/1	65	62/2	109/3	51	46	<b>685/22</b>	
Torts	a. <i>Personal Injury</i>	25	47/1	58/6	44	52/9	49	48/1	58	57/2	107/2	48	40	<b>633/21</b>
	b. <i>Personal Property</i>	4	1	6	3	8	5	2	7	5	2/1	3	6	<b>52/1</b>
4.) Civil Rights	23	29/1	44/2	29/1	31	28	33	26/2	26/1	28	31/1	20/1	<b>348/9</b>	
5.) Total Prisoner Petitions	41	48/3	44	37	42/1	44/1	35	47/2	36/1	55/1	61/3	42/1	<b>532/13</b>	
Habeas Corpus	a. <i>Prisoner Petitions (\$2255)</i>	9	12	10	6	7	11	7	10/1	11/1	18/1	15/1	10	<b>126/4</b>
	b. <i>General (\$2254)</i>	8	16	9	12	9	17/1	11	16	12	16	24	14	<b>164/1</b>
	c. <i>Death Penalty (\$2254)</i>	0	0	0	0	1	0	0	2	0	0	0	2/1	<b>5/1</b>
	d. <i>Alien Detainee</i>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
	e. <i>Mandamus &amp; Other</i>	1	1	2	2	1	0	1	0	3	5	4	2	<b>22</b>
	f. <i>Civil Rights</i>	22	18/2	21	15	22/1	15	13	16/1	9	15	18/2	14	<b>198/6</b>
	g. <i>Prison Condition</i>	0	0	0	2	2	0	2	1	1	1	0	0	<b>9</b>
	h. <i>Civil Detainee – Conditions of Confinement</i>	1	1	2	0	0	1	1	2	0	0	0	0	<b>8</b>
6.) Forfeiture/Penalty	1/1	0	1	0	2	1	1	5	0	1	1	0	<b>13/1</b>	
7.) Labor	22	16	37/2	13/1	18/1	11/2	19	12	16/1	9	12/1	7	<b>192/8</b>	
8.) Immigration	0	0	0	0	0	0	0	0	0	1	0	2	<b>3</b>	
9.) Intellectual Property Rights	5	5	12	13	7	8	6	7	6	19	11	5	<b>104</b>	
10.) Social Security	30	33	28	17	28	33	34	41	17	33	20	30	<b>344</b>	
11.) Federal Tax Suits	2	0	0	1	0	5	1	2/1	0	0	0	1/1	<b>12/2</b>	
12.) Bankruptcy	0	0	0	0	2	1	0	1	0	0	1	0	<b>5</b>	
13.) Other Statutes	20/1	23	15	22/1	22	14/1	21/1	20/1	24	11	26	31/1	<b>249/6</b>	
<b>Total Civil Case Filings</b>	<b>199/2</b>	<b>221/5</b>	<b>267/11</b>	<b>207/3</b>	<b>243/12</b>	<b>239/6</b>	<b>217/3</b>	<b>251/7</b>	<b>207/6</b>	<b>290/4</b>	<b>241/7</b>	<b>198/4</b>	<b>2780/70</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>2011-2012 MONTHLY PERCENTAGE CHANGE IN CIVIL CASE FILINGS BY TYPE REPORT</b>														
[NUMBERS ARE DISPLAYED AS FILED AND REOPENED/REOPENED; I.E. 27/1]														
	<b>Jan 11-12</b>	<b>Feb 11-12</b>	<b>Mar 11-12</b>	<b>Apr 11-12</b>	<b>May 11-12</b>	<b>Jun 11-12</b>	<b>Jul 11-12</b>	<b>Aug 11-12</b>	<b>Sep 11-12</b>	<b>Oct 11-12</b>	<b>Nov 11-12</b>	<b>Dec 11-12</b>	<b>11-12</b>	
1.) Contracts	10.0%	-23.8%	-40.0%	8.7%	30.0%	31.8%	-41.4%	47.1%	-4.8%	-16.7%	23.8%	-51.7%	<b>-6.9%</b>	
2.) Real Property	100%	-25.0%	0.0%	-25.0%	25.0%	450.0%	-100%	-100%	-100%	100%	-75.0%	-100%	<b>-5.4%</b>	
3.) Total Torts	-63.8%	2.1%	10.3%	11.9%	11.1%	17.4%	22.0%	35.4%	3.3%	251.6%	30.8%	0.0%	<b>15.7%</b>	
<b>Torts</b>	a. <i>Personal Injury</i>	-64.8%	17.5%	5.5%	29.4%	8.3%	53.1%	29.7%	38.1%	11.8%	282.1%	29.7%	-13.0%	<b>21.5%</b>
	b. <i>Personal Property</i>	-55.6%	-85.7%	100%	-62.5%	33.3%	-64.3%	-50.0%	16.7%	-44.4%	-33.3%	50.0%	NA	<b>-26.8%</b>
4.) Civil Rights	27.8%	0.0%	18.9%	38.1%	0.0%	0.0%	32.0%	-23.5%	-18.8%	55.6%	29.2%	-4.8%	<b>9.4%</b>	
5.) Total Prisoner Petitions	-32.8%	17.1%	4.8%	-33.9%	-23.6%	4.8%	-18.6%	0.0%	-12.2%	3.8%	41.9%	10.5%	<b>-5.3%</b>	
<b>Habeas Corpus</b>	a. <i>Prisoner Petitions (\$2255)</i>	-35.7%	100%	25.0%	-40.0%	16.7%	57.1%	-12.5%	25.0%	57.1%	12.5%	50.0%	100%	<b>20.0%</b>
	b. <i>General (\$2254)</i>	-55.6%	0.0%	-18.2%	-42.9%	-40.0%	-15.0%	-35.3%	-5.9%	-7.7%	45.5%	84.6%	-30.0%	<b>-14.6%</b>
	c. <i>Death Penalty (\$2254)</i>	NA	NA	NA	-100%	NA	NA	<b>400.0%</b>						
	d. <i>Alien Detainee</i>	NA	NA	<b>NA</b>										
	e. <i>Mandamus &amp; Other</i>	-50.0%	NA	0.0%	100%	-66.7%	-100%	NA	NA	50.0%	NA	300.0%	100%	<b>69.2%</b>
	f. <i>Civil Rights</i>	-18.5%	0.0%	0.0%	-31.8%	-24.1%	25.0%	-27.8%	-27.3%	-40.0%	-42.3%	-5.3%	16.7%	<b>-17.8%</b>
	g. <i>Prison Condition</i>	NA	-100%	NA	100%	0.0%	-100%	NA	NA	-75.0%	NA	NA	NA	<b>-10.0%</b>
	h. <i>Civil Detainee – Conditions of Confinement</i>	NA	NA	<b>NA</b>										
6.) Forfeiture/Penalty	0.0%	-100%	0.0%	-100%	-33.3%	-75.0%	0.0%	400.0%	-100%	NA	0.0%	-100%	<b>-38.1%</b>	
7.) Labor	22.2%	33.3%	131.3%	-18.8%	-5.3%	-31.3%	46.2%	-36.8%	-30.4%	-59.1%	-47.8%	-50.0%	<b>-9.0%</b>	
8.) Immigration	-100%	NA	NA	NA	-100%	NA	NA	NA	NA	-50.0%	-100%	NA	<b>-40.0%</b>	
9.) Intellectual Property Rights	66.7%	-28.6%	140.0%	160.0%	-22.2%	14.3%	20.0%	40.0%	-33.3%	533.3%	120.0%	-16.7%	<b>50.7%</b>	
10.) Social Security	15.4%	266.7%	33.3%	-19.0%	-20.0%	57.1%	-2.9%	5.1%	-26.1%	0.0%	-42.9%	-11.8%	<b>3.6%</b>	
11.) Federal Tax Suits	NA	NA	-100%	0.0%	-100%	400.0%	0.0%	NA	NA	-100%	-100%	NA	<b>20.0%</b>	
12.) Bankruptcy	NA	NA	NA	NA	100%	NA	-100%	NA	NA	NA	0.0%	NA	<b>66.7%</b>	
13.) Other Statutes	-13.0%	9.5%	-40.0%	29.4%	-24.1%	-33.3%	90.9%	100%	26.3%	-47.6%	36.8%	121.4%	<b>8.3%</b>	
<b>Total Civil Case Filings</b>	<b>-21.3%</b>	<b>13.3%</b>	<b>10.8%</b>	<b>-0.5%</b>	<b>-7.6%</b>	<b>13.8%</b>	<b>4.8%</b>	<b>13.1%</b>	<b>-11.9%</b>	<b>38.1%</b>	<b>10.6%</b>	<b>-3.4%</b>	<b>4.2%</b>	

Civil case filings include: (1) Sealed Civil Cases; (2) Multidistrict Litigation (MDL) transfer cases; and (3) Reopened Cases  
 NA = One number in one month is zero

**APPENDIX F**

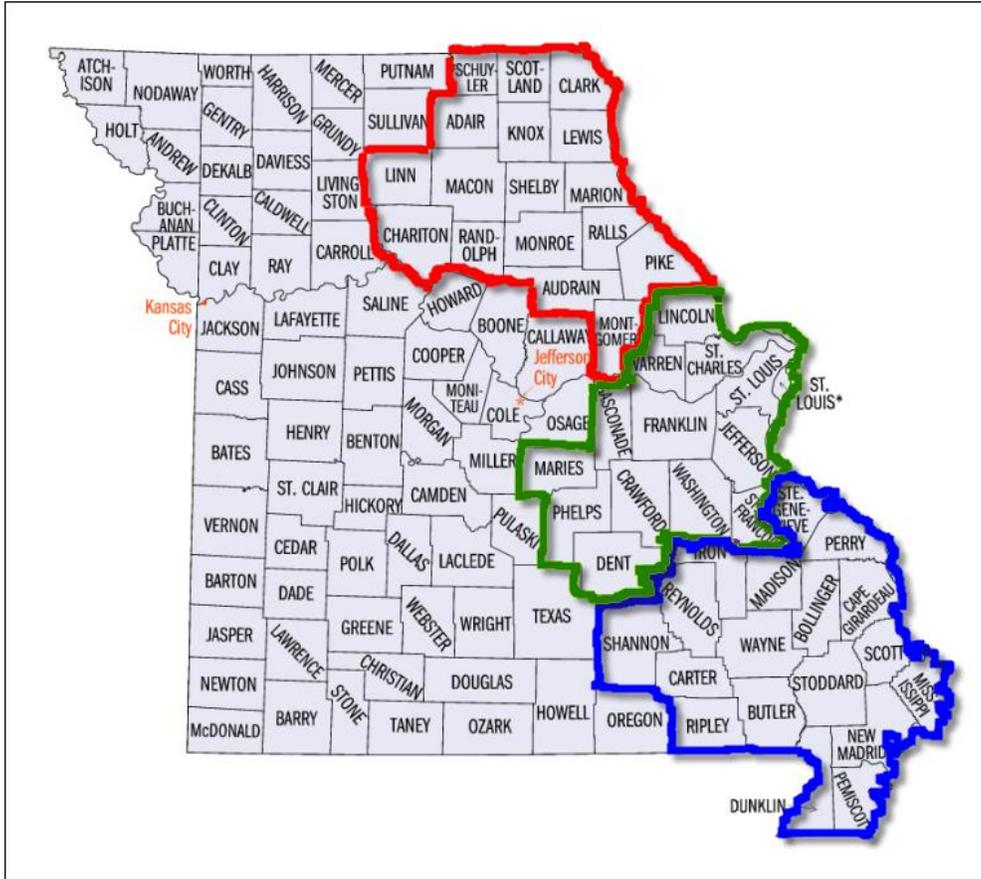
<b>2012 MONTHLY TRIAL STARTS AND COMPLETIONS REPORT</b>													
	<b>Jan 2012</b>	<b>Feb 2012</b>	<b>Mar 2012</b>	<b>Apr 2012</b>	<b>May 2012</b>	<b>Jun 2012</b>	<b>Jul 2012</b>	<b>Aug 2012</b>	<b>Sep 2012</b>	<b>Oct 2012</b>	<b>Nov 2012</b>	<b>Dec 2012</b>	<b>2012</b>
<b>CIVIL TRIAL STARTS</b>													
Jury Trial Starts	1	3	2	3	0	0	3	6	3	0	1	1	<b>23</b>
Bench Trial Starts	1	1	0	0	0	0	0	1	1	2	1	1	<b>8</b>
<b>Total</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>31</b>
<b>Civil Trials Completed</b>													
Jury Trials Completed	0	2	4	3	0	0	0	6	2	1	1	1	<b>20</b>
Bench Trials Completed	0	1	1	0	0	0	0	1	0	0	0	1	<b>4</b>
<b>Total</b>	<b>0</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>24</b>
<b>Criminal Trial Starts</b>													
Jury Trial Starts	1	1	2	0	2	2	2	2	2	1	3	1	<b>19</b>
Bench Trial Starts	0	0	0	0	0	0	1	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>20</b>
<b>Criminal Trials Completed</b>													
Jury Trials Completed	1	1	1	1	2	2	1	2	2	0	2	2	<b>17</b>
Bench Trials Completed	0	0	0	0	0	0	1	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>18</b>
<b>Trial Start Totals</b>													
Jury Trial Starts	2	4	4	3	2	2	5	8	5	1	4	2	<b>42</b>
Bench Trial Starts	1	1	0	0	0	0	1	1	1	2	1	1	<b>9</b>
<b>Total</b>	<b>3</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>51</b>
<b>Total Trials Completed</b>													
Jury Trials Completed	1	3	5	4	2	2	1	8	4	1	3	3	<b>37</b>
Bench Trials Completed	0	1	1	0	0	0	1	1	0	0	0	1	<b>5</b>
<b>Total</b>	<b>1</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>9</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>42</b>

**APPENDIX G**

<b>2012 Juror Usage Report</b>													
<b>January 1 – December 31 Reporting Period</b>													
<b>USDC-MOED</b>	<b>Jan 2012</b>	<b>Feb 2012</b>	<b>Mar 2012</b>	<b>Apr 2012</b>	<b>May 2012</b>	<b>Jun 2012</b>	<b>Jul 2012</b>	<b>Aug 2012</b>	<b>Sep 2012</b>	<b>Oct 2012</b>	<b>Nov 2012</b>	<b>Dec 2012</b>	<b>Totals</b>
<b>Juror Usage in District</b>													
Civil Juries*	1	3	2	3	0	0	2	6	3	0	1	1	<b>22</b>
Criminal Juries*	1	1	2	0	2	2	2	2	2	1	3	1	<b>19</b>
Total Number of Jurors	89	174	151	114	179	92	178	198	158	170	133	60	<b>1696</b>
Selected Jurors	25	36	45	26	27	27	43	73	52	18	48	21	<b>441</b>
Challenged Jurors	41	66	72	41	59	45	73	96	93	61	74	38	<b>759</b>
Jurors who participated in voir dire [excess jurors]	23	72	34	8	91	2	25	28	8	73	11	1	<b>376</b>
Jurors who did not participate in voir dire	0	0	0	39	2	18	37	1	5	18	0	0	<b>120</b>
<b>Juror Usage Statistics in District</b>													
Jurors not selected or challenged who participated in voir dire	25.8%	41.4%	22.5%	7.0%	50.8%	2.2%	14.0%	14.1%	5.1%	42.9%	8.3%	1.7%	<b>22.2%</b>
Jurors not selected or challenged who did not participate in voir dire	0.0%	0.0%	0.0%	34.2%	1.1%	19.6%	20.8%	0.5%	3.2%	10.6%	0.0%	0.0%	<b>7.1%</b>
Jurors who participated in voir dire	100.0%	100.0%	100.0%	65.8%	98.9%	80.4%	79.2%	99.5%	96.8%	89.4%	100.0%	100.0%	<b>92.9%</b>
Juror Utilization	25.8%	41.4%	22.5%	41.2%	52.0%	21.7%	34.8%	14.6%	8.2%	53.5%	8.3%	1.7%	<b>29.2%</b>

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

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



**EASTERN DIVISION**

CRAWFORD  
 DENT  
 FRANKLIN  
 GASCONADE  
 JEFFERSON  
 LINCOLN  
 MARIES  
 PHELPS  
 ST. CHARLES  
 ST. FRANCOIS  
 ST. LOUIS CITY  
 ST. LOUIS COUNTY  
 WARREN  
 WASHINGTON

**NORTHERN DIVISION**

ADAIR  
 AUDRAIN  
 CHARITON  
 CLARK  
 KNOX  
 LEWIS  
 LINN  
 MACON  
 MARION  
 MONROE  
 MONTGOMERY  
 PIKE  
 RALLS  
 RANDOLPH  
 SCHUYLER  
 SCOTLAND  
 SHELBY

**SOUTHEASTERN DIVISION**

BOLLINGER  
 BUTLER  
 CAPE GIRARDEAU  
 CARTER  
 DUNKLIN  
 IRON  
 MADISON  
 MISSISSIPPI  
 NEW MADRID  
 PEMISCOT  
 PERRY  
 REYNOLDS  
 RIPLEY  
 SCOTT  
 SHANNON  
 STE.GENEVIEVE  
 STODDARD  
 WAYNE





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Coley Lewis was the project lead in developing, designing, and authoring the 2012 Annual Report.

John Stanka and Jeff Jones contributed the photos of the 2012 Annual Report.

Adam Zipprich provided support with the design elements of the 2012 Annual Report.



SERVING THE PUBLIC, THE BENCH, AND THE BAR IN 2012  
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