

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

**2013 ANNUAL REPORT**

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

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

THIS 2013 ANNUAL REPORT WAS PREPARED BY THE  
OFFICE OF THE CLERK

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**Cover Page Photo**

This is a photo of the Lewis and Clark statue located on the St. Louis riverfront just south of the Eads Bridge.



# SERVING THE PUBLIC, THE BENCH, AND THE BAR

2013 ANNUAL REPORT

## DEDICATION

**THE 2013 ANNUAL REPORT IS DEDICATED TO JAMES G. WOODWARD, CLERK OF COURT, FOR HIS 22 YEARS OF DEDICATED SERVICE TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI. DURING HIS TENURE, JIM LED THE DISTRICT COURT IN EXPANDING SERVICES TO THE PUBLIC, ENHANCING COURT OPERATIONS, AND PROMOTING COMMUNITY OUTREACH. JIM REPRESENTED THE DISTRICT COURT WITH THE HIGHEST LEVEL OF PROFESSIONALISM AND ALWAYS HELD CLOSE THE MISSION OF THE UNITED STATES COURTS. JIM WILL RETIRE AS CLERK OF COURT ON JUNE 30, 2014.**



# 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 U.S. COURTHOUSE  
NORTHERN DIVISION  
801 BROADWAY  
HANNIBAL, MISSOURI 63401**

View of the  
Thomas F. Eagleton U.S. Courthouse  
in St. Louis, Missouri

THOMAS F. EAGLETON



# TABLE OF CONTENTS



View of the courtroom in the Hannibal Federal Building and U.S. Courthouse before a naturalization ceremony

<b>1</b>	<b>THE JUDGES OF THE EASTERN DISTRICT OF MISSOURI IN 2013</b>
<b>2</b>	<b>A MESSAGE FROM THE CHIEF JUDGE</b>
<b>3</b>	<b>A MESSAGE FROM THE CLERK OF COURT</b>
<b>4</b>	<b>2013 JUDICIAL BUSINESS HIGHLIGHTS</b>
<b>5</b>	<b>SECTION ONE: SERVING THE PUBLIC</b>
<b>28</b>	<b>SECTION TWO: SERVING THE BENCH</b>
<b>32</b>	<b>SECTION THREE: SERVING THE BAR</b>
<b>35</b>	<b>SECTION FOUR: CLERK'S OFFICE REPORTS</b>
<b>42</b>	<b>SECTION FIVE: COMMUNITY INVOLVEMENT</b>
<b>50</b>	<b>APPENDICES</b>
<b>61</b>	<b>NOTES</b>
<b>65</b>	<b>ACKNOWLEDGMENTS</b>



# THE JUDGES OF THE EASTERN DISTRICT OF MISSOURI IN 2013

## UNITED STATES DISTRICT JUDGES

CATHERINE D. PERRY  
CHIEF JUDGE

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  
JEAN C. HAMILTON

## UNITED STATES MAGISTRATE JUDGES

THOMAS C. MUMMERT III  
CHIEF MAGISTRATE JUDGE

DAVID D. NOCE  
FREDERICK R. BUCKLES  
LEWIS M. BLANTON  
TERRY I. ADELMAN  
NANNETTE A. BAKER  
SHIRLEY P. MENSAH  
NOELLE C. COLLINS

WE HOLD THESE TRUTHS TO BE SELF-EVIDENT,  
THAT ALL MEN ARE CREATED EQUAL,  
THAT THEY ARE ENDOWED BY THEIR CREATOR  
WITH CERTAIN UNALIENABLE RIGHTS,  
THAT AMONG THESE ARE LIFE, LIBERTY  
AND THE PURSUIT OF HAPPINESS.

JURY ASSEMBLY





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

The Judicial Learning Center in the  
Thomas F. Eagleton U.S. Courthouse

**T**his year the judges of this court and the citizens of the Eastern District of Missouri owe a huge debt of gratitude to the unsung heroes of the judiciary: our employees.

Working for the court can be a very satisfying career, but it can also be stressful in the best of times. Our employees have complicated, technical jobs, and they often deal with rapidly changing situations, such as arranging for emergency hearings or dealing with non-lawyer members of the public who may not always understand the way the court works. Unrealistic demands from the public, lawyers, or judges are an occupational hazard. Despite this, our employees are very proud of serving the public and seeing that justice is delivered in a speedy and efficient way. They repeatedly report that working for the court is an honor.

The year was challenging for us all because of issues relating to the federal budget process. Although the Court itself ultimately did not have to furlough employees, we went through significant amounts of uncertainty until a budget agreement was reached by the other branches of government. Our court implemented a plan that required us to cancel criminal hearings on two Fridays each month because the United States Attorney's Office, the United States Marshals Service, and the Federal Public Defenders were all required to furlough employees. For the Court, including the offices of the Clerk of Court, the United States Probation Office, Pretrial Services, and judges' chambers, all non-essential spending was frozen. The employees in our financial department spent countless hours planning for the worst-case scenarios, and trying to stretch the funding available to cover those expenses that were absolutely necessary. This meant that job openings caused by retirements or other vacancies could not be filled. Discretionary raises that otherwise would have been paid to our employees were not paid. Some employees who had long-scheduled family vacations or planned surgeries found those had to be canceled or delayed because only essential employees (i.e., those who were able to come to work every day during the crisis) could be paid. Needed computer and other purchases were delayed.

We were fortunate, of course, because as things turned out, we were able to pay our employees without delay and did not have to furlough anyone. But people who have never had to deal with such an uncertain environment may not understand how stressful this can be for working men and women.

Despite facing these difficult issues, our employees never wavered in their dedication. They continued to perform their jobs, often with fewer resources than they needed. Many found their workloads were significantly increased, because we could not fill vacant positions. But the exceptional performance of the people who have dedicated their careers to service in the judicial branch is not acknowledged and recognized as much as it should be. They are an exceptional workforce.

While we judges often receive recognition for our service to the public, our employees are the ones who should be honored more often for what they do. They are engaged in important work each day, supporting judges and assisting attorneys as they resolve complex civil and criminal disputes, often short deadlines and under very difficult situations. Without them, our system of justice could not function. Judges and staff have a genuine sense that "we are all in this together," which fosters a feeling of value for all involved. An important goal of any chief judge is to sustain the good qualities of the district court as a workplace, because it is only by working together that we can fulfill our mission to the public.

On behalf of all of the judges of this court, I am honored to take this opportunity to say to our employees: Thank you for your exceptional service in 2013!



**Catherine D. Perry**  
Chief United States District Judge  
Eastern District of Missouri





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

Continuity is an important value in the law. Indeed, among the core elements that characterize the rule of law is an emphasis on a stable, predictable and ordered society. Courts tend to reflect this continuity in their daily operations. No one can doubt that courthouse traditions are important, or that clear rules are needed to govern most procedures, that judges should always deliberate with caution, and outcomes ought to be based on precedent. But if the justice system is to be responsive to changing times, the embrace of continuity cannot rule out fresh approaches to new challenges. For those judges and staff with management responsibilities in the federal courts, each new year seems to test the resolve to preserve core principles while adjusting appropriately to external forces and events. In that sense, 2013 was a year marked both by change and continuity in the United States District Court because no viable institution can afford to stop moving forward. “Continuity gives us roots, while change gives us branches to let us grow and reach new heights.” These principles are not inconsistent.

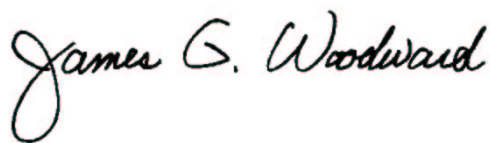
The resolution of more than 3000 disputes, civil and criminal, was the focus of much of the district court’s collective energy and resources in 2013. While that responsibility always must take priority, the court was also busy making progress on several other important fronts during 2013. Consider offenders released from incarceration, returning to the community on court supervised release only to confront profound challenges. Those hurdles can be escalated for people who struggle with mental illness because so few resources are available. The district court’s new mental health court is an innovative intervention that assists these individuals with judicial support, treatment referrals and positive behavioral changes, in order to reduce recidivism. This specialized mental health program joins our existing re-entry services offered in drug court, gang court and veterans court.

Improving the performance of the court’s alternative dispute resolution program also was a priority in 2013, with the launch of a new on-line ADR participant survey and the Eastern District’s participation in the first national study of outcomes in federal court mediation programs. For nearly twenty years, the district court has provided litigants options

for resolving civil disputes informally through mediation. This year the court added a policy for appointing limited scope counsel to assist at the mediation stage when a party is not represented by an attorney, helping to assure that the process is fair and productive for all parties.

In the court’s relationships with the public, especially prospective jurors, the priority is to communicate clearly and provide helpful information about policies and procedures in order to remove as much mystery as possible. We take seriously our commitment to respectful treatment of citizens reporting for jury duty, and work hard to utilize their time at the courthouse efficiently. The Eastern District of Missouri is proud to be ranked among the best courts in the nation in 2013 for effective utilization of jurors, saving time for those called to serve and money for taxpayers.

Each of the initiatives described in this annual report aligns with the court’s fundamental mission to enhance the delivery of justice. If they are viewed by some as unconventional, the district court is comfortable adopting a broader perspective of what justice can be as we reach for new heights of public service. In the words of Nelson Mandela, “We must use time wisely and forever realize that the time is always ripe to do right.” In the end, the continuity that is so important in the law does not imply complacency or indifference to emerging trends in service to the community.



**James G. Woodward**  
Clerk of Court  
Eastern District of Missouri



# 2013 JUDICIAL BUSINESS HIGHLIGHTS

## CIVIL CASELOAD STATISTICS

- Total civil case filings<sup>1</sup> in the Eastern District of Missouri increased 7.7 percent from 2012 to 2013 (2780 v. 2994). New civil case filings<sup>2</sup> increased 8.3 percent from 2012 to 2013 (2710 v. 2934). The new civil case filings total in 2013 includes 551 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation (MDL), an increase of 94.7 percent from 2012 to 2013 (283 v. 551). When MDL cases are excluded from the new civil case filing total, new civil case filings originating in the Eastern District of Missouri decreased 1.8 percent from 2012 to 2013 (2427 v. 2383). In St. Louis (Eastern Division), new civil filings increased 9.2 percent (2401 v. 2621), while new civil filings in Cape Girardeau (Southeastern Division) decreased 8.8 percent from 2012 to 2013 (216 v. 197). New civil filings in Hannibal (Northern Division) increased 24.7 percent from 2012 to 2013 (93 v. 116).
- The following noteworthy trends in civil filings by case type were identified from 2012 to 2013 in the Eastern District of Missouri: **Contract case filings** decreased 1.2 percent (258 v. 255); **real property case filings** decreased 11.4 percent (35 v. 31); **tort case filings** increased 32.6 percent (685 v. 908); **civil rights case filings** decreased 6.0 percent (348 v. 327); **prisoner petition case filings** decreased 3.0 percent (532 v. 516); **forfeiture/penalty case filings** did not observe a percentage change (13 v. 13); **labor case filings** increased 26.6 percent (192 v. 243); **immigration case filings** decreased 33.3 percent (3 v. 2); **intellectual property rights case filings** decreased 2.9 percent (104 v. 101); **social security case filings** decreased 11.9 percent (344 v. 303); **tax suit case filings** decreased 33.3 percent (12 v. 8); **bankruptcy case filings** increased 100.0 percent (5 v. 10); and **other statute case filings** increased 11.2 percent (249 v. 277).

## CRIMINAL CASELOAD STATISTICS

- Felony criminal filings in the Eastern District of Missouri increased 13.7 percent from 2012 to 2013 (459 v. 522). In St. Louis, felony criminal filings increased 12.4 percent (388 v. 436). Felony criminal filings in Cape Girardeau increased 21.1 percent (71 v. 86). Total misdemeanor criminal filings in the district court decreased 45.5 percent from 2012 to 2013 (88 v. 48). Misdemeanor criminal filings decreased 3.1 percent in St. Louis from 2012 to 2013 (32 v. 31). In Cape Girardeau, misdemeanor criminal filings decreased 69.6 percent (56 v. 17).
- Felony criminal defendant filings in the district court increased 16.4 percent from 2012 to 2013 (672 v. 782). In St. Louis, felony criminal defendant filings increased 17.3 percent (578 v. 678). Felony criminal defendant filings in Cape Girardeau increased 10.6 percent from 2012 to 2013 (94 v. 104). Misdemeanor criminal defendant filings decreased 45.5 percent (88 v. 48). Total criminal defendant filings increased 9.2 percent from 2012 to 2013 (760 v. 830).
- Total criminal filings (includes felony and misdemeanor criminal cases) increased 4.2 percent from 2012 to 2013 (547 v. 570). Total criminal filings in St. Louis increased 11.2 percent (420 v. 467). In Cape Girardeau, total criminal filings decreased 18.9 percent from 2012 to 2013 (127 v. 103).

## TRIAL STATISTICS

- Total trial starts (including jury and bench trials) in the Eastern District of Missouri increased 29.4 percent from 2012 to 2013 (51 v. 66). The number of civil trial starts (including jury and bench trials) increased 35.5 percent (31 v. 42). Criminal trial starts (including jury and bench trials) increased 20.0 percent from 2012 to 2013 (20 v. 24).
- At the close of the 2013 calendar year, there were 66 total trial starts (including jury and bench trials) in the Eastern District of Missouri. Of those 66 total trial starts, 54 completed the trial process. In 2013, trials in the district court had a completion percentage of 81.8 percent, compared to 82.4 percent in 2012. Of the 42 civil trial starts (including jury and bench trials), 37 completed the trial process. Of the 24 criminal trial starts (including jury and bench trials), 17 completed the trial process.

1 – Total civil case filings include sealed civil cases, Multidistrict Litigation transfer cases, and reopened cases.

2 – New civil case filings include sealed civil cases and MDL transfer cases, but exclude reopened cases.





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

## 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 2013 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

Refer to *Appendices A-C* (pgs. 51-53) for 2013 Civil Caseload Statistical Tables

Total civil case filings<sup>1</sup> in the Eastern District of Missouri increased 7.7 percent from 2012 to 2013 (2780 v. 2994). New civil case filings<sup>2</sup> increased 8.3 percent from 2012 to 2013 (2710 v. 2934). At the national level, civil filings increased 2.2 percent, while civil filings in the Eighth Circuit<sup>3</sup> decreased 4.5 percent<sup>4</sup>. New civil cases in 2013 were filed at an average rate of 245 per month compared to an average rate of 226 per month in 2012. The new civil case filings total in 2013 includes 551 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation (MDL), an increase of 94.7 percent from 2012 to 2013 (283 v. 551). When MDL cases are excluded from the new civil case filings total, new civil case filings originating in the Eastern District of Missouri decreased 1.8 percent from 2012 to 2013 (2427 v. 2383).

In St. Louis (Eastern Division), new civil filings increased 9.2 percent from 2012 to 2013 (2401 v. 2621). Since 2009, St. Louis has averaged 2370 new civil filings each year. The total of new civil filings in 2013 is 10.6 percent above the five year average from 2009 to 2013. While new civil filings in St. Louis increased in 2013, new civil filings in Cape Girardeau (Southeastern Division) decreased 8.8 percent from 2012 to 2013 (216 v. 197). From 2009 to 2013, Cape Girardeau has averaged 207 new civil filings each year. Cape Girardeau is 4.8 percent below the five year average. New civil filings in

<sup>1</sup> Total civil case filings include sealed civil cases, Multidistrict Litigation (MDL) transfer cases, and reopened cases.

<sup>2</sup> New civil case filings include sealed civil cases and MDL transfer cases, but exclude reopened cases.

<sup>3</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 the District of South Dakota.

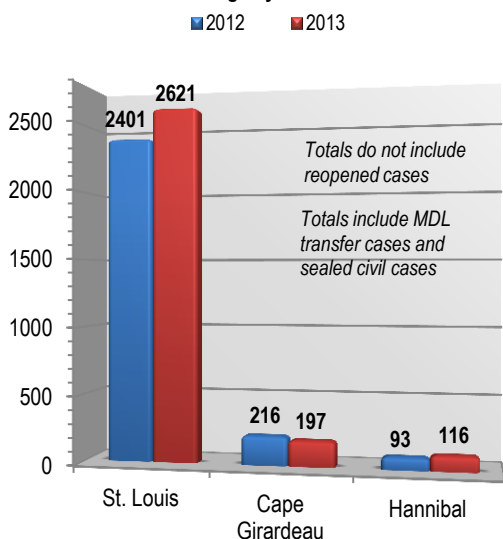
<sup>4</sup> Civil filings for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).



Hannibal (Northern Division) increased 24.7 percent from 2012 to 2013 (93 v. 116). For Hannibal, new civil filings in 2013 are the highest total of new case filings in the last five years. From 2009 to 2013, Hannibal averaged 92 new civil filings each year. Hannibal in 2013 is 26.1 percent above the five year average.

The termination rate for civil cases increased 11.8 percent from 2012 to 2013 (2490 v. 2783). At the national level, civil case terminations decreased 6.0 percent, while civil terminations in the Eighth Circuit increased 10.2 percent<sup>5</sup>. In 2013, the average rate of civil case terminations was 232 civil case terminations per month (2783 civil cases closed) compared to 208 civil case terminations per month (2490 civil cases closed) in 2012. In 2013, tort cases had the most civil terminations in the Eastern District of Missouri, comprising 18.9 percent of the civil termination total (525 of 2783). In St. Louis, torts also had the most civil terminations including 19.8 percent of the civil termination total (485 of 2448). Prisoner petition cases had the most civil terminations in Cape Girardeau during 2013, comprising 31.3 percent of the total civil terminations (73 of 233). In Hannibal, social security terminations led the way with over 45.0 percent of the total civil terminations (46 of 102).

**New Civil Case Filings by Division: Jan 1 - Dec 31**



The Eastern District of Missouri observed a 5.4 percent increase in pending civil cases from 2012 to 2013 (3492 v. 3679). At the national level, pending civil cases increased 10.8 percent, while pending civil cases in the Eighth Circuit decreased 20.8 percent<sup>6</sup>. When MDL cases are excluded from the pending civil case total, pending civil cases

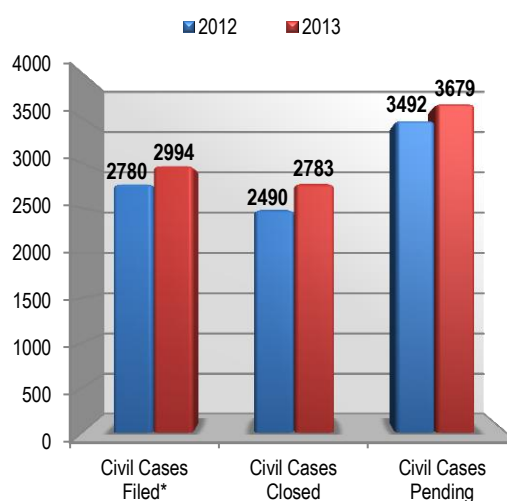
<sup>5</sup> Ibid., Civil case terminations.

<sup>6</sup> Ibid., Civil cases pending.

decreased 10.6 percent in the district court from 2012 to 2013 (2329 v. 2081). The average age<sup>7</sup> of the pending civil caseload in the Eastern District of Missouri as of December 31, 2013 was 20.0 months, compared to 17.9 months on December 31, 2012, and compared to 17.3 months on December 31, 2011. In St. Louis, pending civil cases increased 6.8 percent from 2012 to 2013 (3184 v. 3399), while pending civil cases in Cape Girardeau decreased 20.5 percent from 2012 to 2013 (210 v. 167). Hannibal observed an increase in pending civil cases of 15.3 percent from 2012 to 2013 (98 v. 113).

In 2013, three civil case types comprised the majority of pending civil cases in the Eastern District of Missouri. Torts, prisoner petitions, and social security cases made up 74.5 percent of the pending civil cases in 2013 (2741 of 3679). In St. Louis, tort cases comprised 52.7 percent of the pending civil caseload (1792 of 3399). Prisoner petition and social security cases made up 54.5 percent of pending civil cases in Cape Girardeau in 2013 (91 of 167). In Hannibal, social security cases included 58.4 percent of the pending civil caseload in 2013 (66 of 113).

**Civil Caseload Profile: Jan 1 - Dec 31**



\*Civil cases filed includes sealed civil cases, MDL transfer cases, and reopened cases

Pending civil cases by length of time pending observed notable changes in the Eastern District of Missouri from 2012 to 2013. For civil cases pending less than one year, there was an increase of 2.4 percent in the district court from 2012 to 2013 (1806 v. 1849). Nationally, civil cases pending less than one year increased 11.9 percent, while in the Eighth Circuit, civil cases pending less than one year decreased 4.4

<sup>7</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.





percent<sup>8</sup>. For civil cases pending one year, but less than two years of age, there was a 6.0 percent decrease in the Eastern District of Missouri from 2012 to 2013 (811 v. 762). At the national level, civil cases pending between one and two years of age increased 15.1 percent, while in the Eighth Circuit, civil cases pending between one and two years of age decreased 18.8 percent<sup>9</sup>. For civil cases pending two years, but less than three years of age, there was a decrease of 9.4 percent from 2012 to 2013 (521 v. 472). Nationally, civil cases pending between 2 and 3 years of age increased 6.2 percent, while in the Eighth Circuit; there was a 40.1 percent decrease for civil cases pending between 2 and 3 years of age<sup>10</sup>.

The most notable change in civil cases pending by length in Eastern Missouri was for cases pending three years or longer. For civil cases pending three years or longer, there was a 68.4 percent increase from 2012 to 2013 (354 v. 596). The significant increase in civil cases pending three years or longer is directly attributable to MDL cases. If MDL cases are removed from this category, the civil pending increases from 62 in 2012 to 77 in 2013. Nationally, there was a 10.6 percent decrease in civil cases pending three years or longer, compared to a 44.6 percent decrease in the Eighth Circuit<sup>11</sup>.

The *inventory control index (index)*<sup>12</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, 2013, the index of the Eastern District of Missouri was 15.9 months, lower than the index of 16.8 months as of December 31, 2012. From 2006 to 2011, the index gradually increased in the district court from 9.1 months to 17.0 months. However, in the last two years (2012 & 2013), the index has decreased a combined 6.5 percent.

<sup>8</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 ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table C-6 – U.S. District Courts: Civil Cases Pending, by District and Length of Time Pending*).

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

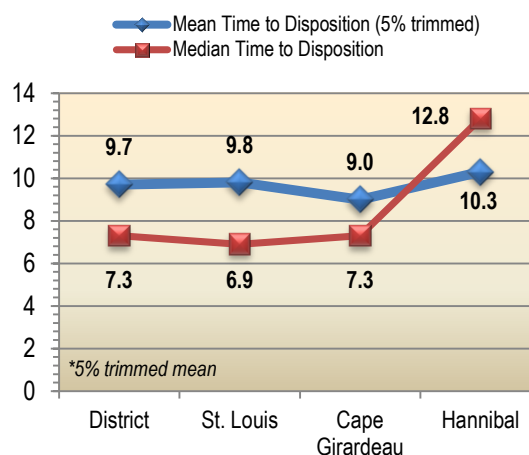
<sup>10</sup> *Ibid.*, Civil cases pending two years to less than three years.

<sup>11</sup> *Ibid.*, Civil cases pending three years or longer.

<sup>12</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.

The *mean time to disposition*<sup>13</sup> for all civil cases termed during 2013 was 9.7 months, a decrease of 15.7 percent from 2012 (11.5 v. 9.7). In addition, the *median time to disposition*<sup>14</sup> in 2013 was 7.3 months, a decrease of 17.0 percent from 2012 (8.8 v. 7.3). At the national level, the median time to disposition for all civil cases was 8.5 months, an increase of 9.0 percent from 2012, while in the Eighth Circuit; the median time to disposition was 13.3 months, an increase of 12.7 percent from 2012<sup>15</sup>.

**Mean\*/Median Times to Disposition for Civil Cases (in months): Jan 1 - Dec 31, 2013**



<sup>13</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 on the calculated mean.

<sup>14</sup> The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for civil cases excludes data from the following types of cases: land condemnation, prisoner petitions, deportation reviews, recovery of overpayments, and enforcement of judgments. The median time to disposition for the Eastern District of Missouri is based on all civil case types termed during a reporting period.

<sup>15</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 ending September 30, 2012 and 2013 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*).



## MULTIDISTRICT LITIGATION CASELOAD

Refer to *Appendix C* (pg. 53) for 2013 Multidistrict Litigation Statistical Table

In 2013, 551 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 18.8 percent of new civil filings in 2013, compared to 10.4 percent of new civil filings in 2012, and compared to 11.5 percent of new civil filings in calendar year 2011. There were 116 MDL cases terminated in 2013, a decrease of 53.4 percent from 2012 (249 v. 116). At the start of 2013, there were six consolidations pending in the Eastern District of Missouri. Depicted in *Table 1* (located below) are the six consolidations pending at the start of calendar year 2013.

During 2013, two of the six consolidations terminated. The first consolidation to terminate was MDL 1907 in February. The second consolidation to terminate was MDL 1736 in September. In October, Schnuck Markets, Inc., Customer Data Security Breach Litigation (MDL 2470) was transferred to the Eastern District of Missouri. Listed in *Table 2* (located at the top of the right-hand column on page 8) are the five consolidations pending at the close of calendar year 2013.

At the close of 2013, there were 1598 MDL transfer cases pending in the Eastern District of Missouri, an increase of 37.4 percent from 2012 (1163 v. 1598). Listed in *Table 3* (located in the right-hand column on page 8) is the litigation caseload activity during 2013 beginning with the pending MDL transfer case totals from 2012.

**TABLE 1: PENDING LITIGATION AT THE START OF 2013**

	Litigation	Docket Number
1	Genetically Modified Rice Litigation	1811
2	Nuvaring Products Liability Litigation	1964
3	Celexa and Lexapro Products Liability Litigation	1736
4	Express Scripts, Inc., Pharmacy Benefits Management Litigation	1672
5	Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practice Litigation	2382
6	Aurora Dairy Corp. Organic Milk Marketing and Sales Practice Litigation	1907

**TABLE 2: PENDING LITIGATION AT THE CLOSE OF 2013**

	Litigation	Docket Number
1	Genetically Modified Rice Litigation	1811
2	Nuvaring Products Liability Litigation	1964
3	Express Scripts, Inc., Pharmacy Benefits Management Litigation	1672
4	Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practice Litigation	2382
5	Schnuck Markets, Inc., Customer Data Security Breach Litigation	2470

**TABLE 3: LITIGATION CASELOAD ACTIVITY**

MDL Docket Number	2012 Pending	2013 Filings	2013 Terminations	2013 Pending
1811	74	2	62	14
1964	1038	545	17	1566
1736*	13	0	13	Term
1672	9	0	3	6
2382	8	0	0	8
2470	0	4	0	4
1907*	21	0	21	Term
<b>Total</b>	<b>1163</b>	<b>551</b>	<b>116</b>	<b>1598</b>

\*MDL Litigation in docket numbers 1736 and 1907 was terminated in 2013.

## PRO SE CASELOAD

Refer to *Appendix C* (pg. 53) for 2013 Pro Se Statistical Table

Pro se filings are separated into two separate and distinct groups in the Eastern District of Missouri: (1) Pro Se (also referred to as Self-Represented/SR); and (2) Prisoner Pro Se (also referred to as Self-Represented Prisoner/SRP). In 2013, there were a total of 672 pro se filings in the district court, a decrease of 6.3 percent from 2012 to 2013 (717 v. 672). At the national level, pro se filings decreased 0.5 percent. In the Eighth Circuit, pro se filings decreased 5.6 percent<sup>16</sup>. Pro se filings comprised 28.2 percent of new civil case filings originating in the Eastern District of Missouri, compared to 29.5 percent in 2012. Nationally, pro se filings comprised 27.2 percent of civil filings, while in the Eighth Circuit, they comprised 29.7 percent<sup>17</sup>. Of those 672 pro se filings in the district court, 191

<sup>16</sup> Civil pro se filings for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table C-13 – U.S. District Courts: Civil Pro Se and Non-Pro Se Filings, by District, for all NOS*).

<sup>17</sup> *Ibid.*, Civil pro se filings.



filings were by self-represented (SR) parties and 481 were by self-represented prisoners (SRP).

In 2013, civil rights case filings comprised 76.4 percent of SR filings (146 filings out of 191 filings). Prisoner petition case filings and social security case filings made up 12.6 percent of the total SR filings in 2013 (24 filings out of 191 filings). The rest of the SR filings (21 cases) were distributed among contracts, real property, torts, labor, tax suits, and other statute filings.

SRP filings comprised 71.6 percent of pro se filings in the Eastern District of Missouri during 2013 (481 filings out of 672 filings). SRP filings are primarily made up of the following case types: (1) prisoner civil rights suits and civil confinement cases; (2) state habeas petitions; (3) federal habeas petitions; and (4) mandamus and other miscellaneous prisoner filings.

### CIVIL CASE FILINGS BY TYPE

Refer to *Appendix B* (pg. 52) for 2013 Civil Case Filings by Type Statistical Table

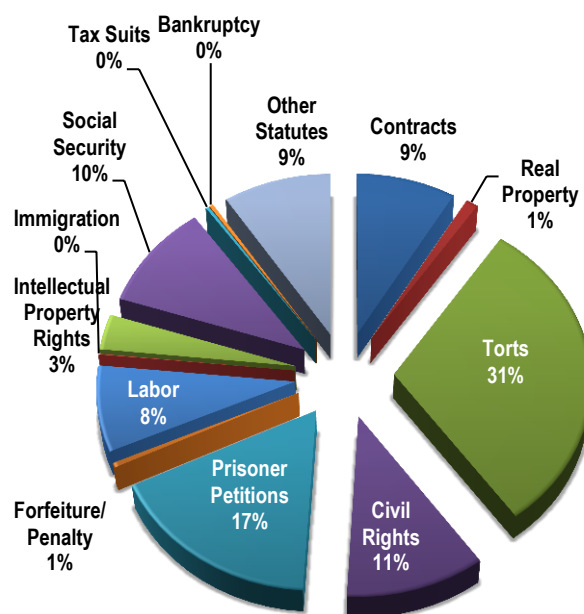
There were several noteworthy trends in new civil case filings by type in the Eastern District of Missouri from 2012 to 2013 both locally and nationally. **Contract case filings** decreased 1.2 percent from 2012 to 2013 (258 v. 255). At the national level, contract case filings decreased 0.5 percent. This minimal decrease nationally may, in part, have to do with insurance filings increasing 30.0 percent, but defaulted student loan filings decreasing 30.2 percent<sup>18</sup>. **Real property case filings** decreased 11.4 percent from 2012 to 2013 (35 v. 31). Real property actions at the national level decreased 17.0 percent<sup>19</sup>.

**Tort case filings** in the Eastern District of Missouri increased 32.6 percent from 2012 to 2013 (685 v. 908). Since 2011, tort case filings in Eastern Missouri have increased 53.4 percent. Nationally, tort case filings increased 10.5 percent, but it should be noted that within the last twelve months asbestos case filings decreased 96.0 percent and other tort case filings increased 91.0 percent<sup>20</sup>. **Civil rights case filings** decreased 6.0 percent from 2012 to 2013 (348 v. 327), while in 2012, civil rights case filings increased 9.4 percent. At the national level, civil rights case filings decreased 6.4 percent, very similar to Eastern Missouri<sup>21</sup>.

**Prisoner petition case filings** decreased 3.0 percent from 2012 to 2013 (532 v. 516), while filings at the national level

increased 4.9 percent<sup>22</sup>. **Forfeiture/penalty case filings** did not observe a percentage change from 2012 to 2013 (13 v. 13). Nationally, forfeiture/penalty case filings decreased 6.7 percent<sup>23</sup>. Moreover, **labor case filings** increased 26.6 percent from 2012 to 2013 (192 v. 243). At this point in 2012, labor case filings had decreased 9.0 percent in the Eastern District of Missouri. Despite the increase in labor filings locally in 2013, nationally, filings decreased 7.2 percent<sup>24</sup>. **Immigration case filings** decreased 33.3 percent (3 v. 2), while, nationally, immigration case filings decreased 0.4 percent<sup>25</sup>.

Percentage of Civil Case Filings by Type  
Jan 1 - Dec 31



Totals include sealed civil cases, MDL transfer cases, and reopened cases

**Intellectual property rights case filings** decreased 2.9 percent from 2012 to 2013 (104 v. 101). At the national level, intellectual property rights case filings increased 14.3 percent<sup>26</sup>. Additionally, **social security case filings** decreased 11.9 percent from 2012 to 2013 (344 v. 303), while national filings increased 13.2 percent<sup>27</sup>. **Tax suit case filings** decreased 33.3 percent from 2012 to 2013 (12 v. 8).

<sup>18</sup> Contract case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ending September 30, 2009 through 2013 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>19</sup> *Ibid.*, Real property case filings.

<sup>20</sup> *Ibid.*, Tort case filings.

<sup>21</sup> *Ibid.*, Civil rights case filings.

<sup>22</sup> *Ibid.*, Prisoner petition case filings.

<sup>23</sup> *Ibid.*, Forfeiture/penalty case filings.

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

<sup>25</sup> *Ibid.*, Immigration case filings.

<sup>26</sup> *Ibid.*, Intellectual property case filings.

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





Nationally, tax suit case filings decreased 7.4 percent<sup>28</sup>. **Bankruptcy case filings** increased 100.0 percent from 2012 to 2013 (5 v. 10), while bankruptcy case filings decreased 33.0 percent at the national level<sup>29</sup>. **Other statute case filings** increased 11.2 percent from 2012 to 2013 (249 v. 277). Nationally, other statute case filings increased 5.9 percent<sup>30</sup>.

Table 4 (located below) provides a look at the filing activity of the civil case types for the past three calendar years. The plus sign (+) indicates positive growth from the previous calendar year, while the negative sign (-) represents a decrease in filings from the previous calendar year.

**TABLE 4: 2011-2013 CIVIL CASE FILING TRENDS**

Civil Case Types	12 Month Period Ending		
	12/31/11	12/31/12	12/31/13
Contracts	-17.3%	-6.9%	-1.2%
Real Property	+19.4%	-5.4%	-11.4%
Torts	-9.3%	+15.7%	+32.6%
Civil Rights	+3.6%	+9.4%	-6.0%
Prisoner Petitions	+4.1%	-5.3%	-3.0%
Forfeiture/Penalty	-32.3%	-38.1%	0.0%
Labor	-3.7%	-9.0%	+26.6%
Immigration	+66.7%	-40.0%	-33.3%
Intellectual Property Rights	-30.3%	+50.7%	-2.9%
Social Security	+5.1%	+3.6%	-11.9%
Tax Suits	+150.0%	+20.0%	-33.3%
Bankruptcy	-40.0%	+66.7%	+100.0%
Other Statutes	-20.1%	+8.3%	+11.2%

<sup>28</sup> Ibid., Tax suit case filings.

<sup>29</sup> Ibid., Bankruptcy case filings.

<sup>30</sup> Ibid., Other statute case filings.

## CRIMINAL CASELOAD

Refer to *Appendices A, D, & E* (pgs. 51, 54, 55) for 2013 Criminal Caseload Statistical Tables

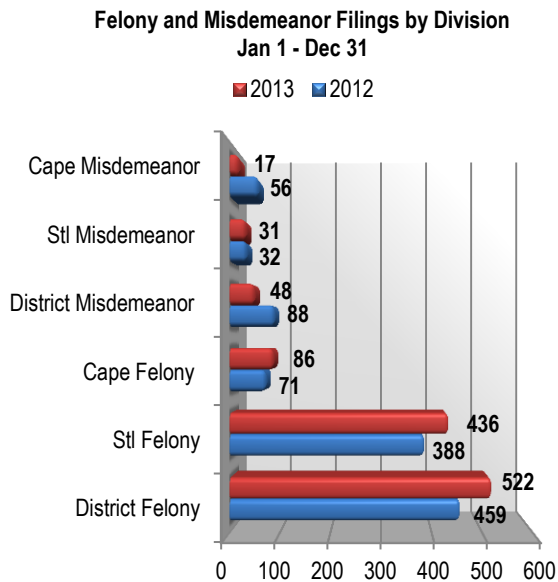
Felony criminal filings in the Eastern District of Missouri increased 13.7 percent from 2012 to 2013 (459 v. 522), while in 2012, there was a 11.6 percent decrease in felony criminal filings. In St. Louis, felony criminal filings increased 12.4 percent from 2012 to 2013 (388 v. 436), however in the previous year, felony criminal filings in St. Louis decreased 12.0 percent. Felony criminal filings in Cape Girardeau increased 21.1 percent from 2012 to 2013 (71 v. 86). In comparison, felony criminal filings in Cape Girardeau in 2012 decreased 9.0 percent. Moreover, misdemeanor criminal filings in the district court decreased 45.5 percent from 2012 to 2013 (88 v. 48). Although there was a decrease in total misdemeanor criminal filings in 2012, the reduction in filings was not as significant at 2.2 percent. In St. Louis, misdemeanor criminal filings decreased 3.1 percent from 2012 to 2013 (32 v. 31), while in Cape Girardeau, misdemeanor criminal filings decreased 69.6 percent from 2012 to 2013 (56 v. 17).

Total criminal filings (including felony and misdemeanor criminal cases) in the Eastern District of Missouri increased 4.2 percent from 2012 to 2013 (547 v. 570), compared to a 10.2 percent decrease in 2012. Criminal filings in 2013 comprised 16.3 percent of the overall workload (excluding miscellaneous cases) of the court, compared to 16.8 percent in 2012. At the national level, criminal filings decreased 3.3 percent, while in the Eighth Circuit, criminal filings increased 9.2 percent<sup>31</sup>. Criminal filings in the district court (excluding probation/supervised release transfers) were filed at an average rate of 48 per month in 2013, compared to 46 per

<sup>31</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 ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending*).



month in 2012. Total criminal filings in St. Louis increased 11.2 percent from 2012 to 2013 (420 v. 467). In Cape Girardeau, total criminal filings decreased 18.9 percent from 2012 to 2013 (127 v. 103), contributing to the significant decrease in the misdemeanor filings of the district court.

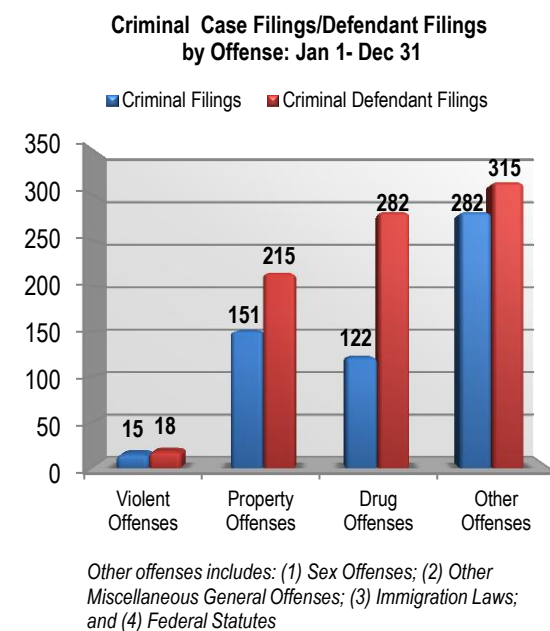


In 2013, criminal case filings were distributed among thirteen offense types. **Other miscellaneous general offenses** comprised 30.5 percent of the criminal case filings in the court (174 filings out of 570 filings). **Fraud** and **controlled substances offenses** had the second and third most filings in the district during 2013, comprising together 28.8 percent of the criminal case filings. In St. Louis, other miscellaneous general offenses, fraud, and controlled substances offenses comprised 60.6 percent of criminal filings in the division (283 filings out of 467 filings). In Cape Girardeau, other miscellaneous general offenses, controlled substances offenses, and **federal statutes** comprised 63.1 percent of criminal filings in the division (65 filings out of 103 filings).

Criminal case terminations in the Eastern District of Missouri decreased 26.0 percent from 2012 to 2013 (753 v. 557), compared to a 4.0 percent decrease in 2012. Nationally, criminal case terminations decreased 6.8 percent and in the Eighth Circuit terminations decreased 1.3 percent<sup>32</sup>. The average termination rate for criminal cases in 2013 was 46 cases per month (557 criminal cases closed), compared to 63 cases per month in 2012 (753 criminal cases closed). In St. Louis, criminal case terminations decreased 28.3 percent from 2012 to 2013 (619 v. 444). Criminal case terminations in Cape Girardeau decreased 15.7 percent from 2012 to 2013 (134 v. 113).

<sup>32</sup> Ibid., Criminal case terminations.

**Other miscellaneous general offenses, fraud, and marijuana drug offenses** had the most criminal case terminations in 2013 comprising 54.4 percent of the terminations (303 terminations out of 557 terminations). Not far behind the totals from the previous three were **controlled substances offenses, sex offenses, and federal statutes** making up 26.8 percent of criminal case terminations in the district (149 terminations out of 557 terminations). In St. Louis, other miscellaneous general offenses, fraud, marijuana drug offenses, and larceny & theft represented the majority of criminal case terminations in the division. Federal statutes, other miscellaneous general offenses, and controlled substances offenses comprised 65.5 percent of the terminations in Cape Girardeau in 2013 (74 terminations out of 113 terminations).



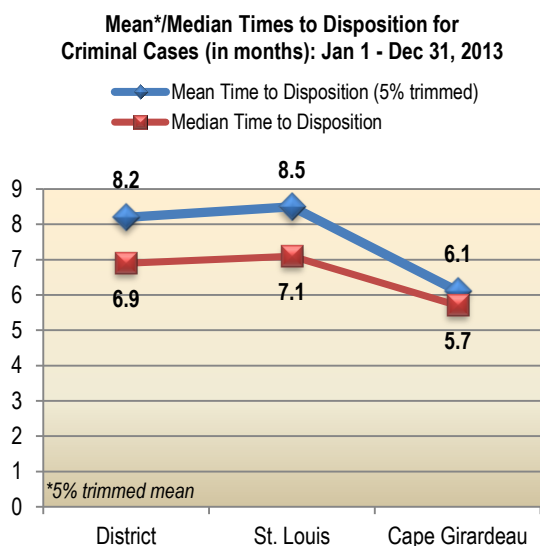
The *mean time to disposition*<sup>33</sup> for all criminal cases termed in 2013 was 8.2 months, compared to 8.2 months reported as the mean time to disposition in 2012. In St. Louis, the mean time to disposition was 8.5 months, while in Cape Girardeau; the mean time to disposition was 6.1 months. The *median time to disposition*<sup>34</sup> for criminal cases in 2013 was 6.9 months, compared to 7.3 months in 2012. Nationally, the

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

<sup>34</sup> The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for 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.



median time to disposition was 6.8 months, a 1.5 percent increase from the previous reporting period, compared to 8.8 months in the Eighth Circuit<sup>35</sup>. The median time to disposition in St. Louis was 7.1 months, while in Cape Girardeau; the median time was 5.7 months.



The pending criminal caseload in the Eastern District of Missouri decreased 3.2 percent from 2012 to 2013 (497 v. 481), compared to a 9.8 percent decrease in 2012. At the national level, pending criminal cases increased 0.2 percent and in the Eighth Circuit increased 10.4 percent<sup>36</sup>. Pending criminal cases in St. Louis did not observe a change from 2012 to 2013 (417 v. 417), while pending criminal cases in Cape Girardeau decreased 20.0 percent (80 v. 64). The average age<sup>37</sup> of the pending criminal caseload in the district court as of December 31, 2013 was 8.2 months, compared to 9.1 months in 2012, and compared to 8.8 months in 2011.

A closer examination of the pending criminal caseload in the district revealed that the distribution of criminal cases pending by length observed changes in 2013. For criminal cases pending less than one year, there was an increase of 11.3 percent from 2012 to 2013 (326 v. 363), compared to a 13.8

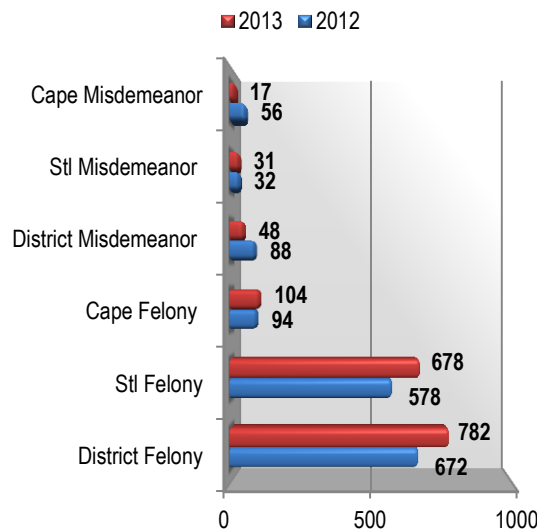
<sup>35</sup> The national median time to disposition for the U.S. District Courts and the Eighth Circuit is based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D-6 – U.S. District Courts: Median Time from Filing to Disposition of Criminal Defendants Disposed of*).

<sup>36</sup> Criminal cases pending for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending*).

<sup>37</sup> The average age of the pending criminal 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.

percent decrease in 2012. Other miscellaneous general offenses, controlled substances offenses, and fraud cases comprised 63.6 percent of the pending criminal cases less than one year. Criminal cases pending one year to less than two years of age decreased 65.6 percent from 2012 to 2013 (64 v. 22). Sex offenses had the largest number of pending criminal cases in this category. For criminal cases pending two years to less than three years, there was a 30.8 percent decrease from 2012 to 2013 (26 v. 18). Pending fraud cases have the largest number of cases in this category. Criminal cases pending three years or longer decreased 3.7 percent from 2012 to 2013 (81 v. 78), compared to a 6.6 percent increase in 2012. Marijuana drug offenses have the most pending criminal cases in this category comprising 29.5 percent of criminal cases pending three years or more (23 pending cases out of 78 pending cases).

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



**CRIMINAL DEFENDANT CASELOAD**

Refer to *Appendix F* (pg. 56) for 2013 Criminal Defendant Caseload Statistical Table

In the Eastern District of Missouri, total felony defendant filings increased 16.4 percent from 2012 to 2013 (672 v. 782), compared to a decrease of 14.7 percent in 2012. At the national level, felony defendant filings decreased 3.6 percent, while in the Eighth Circuit; felony defendant filings increased 9.9 percent<sup>38</sup>. The number of felony defendant filings in St. Louis increased 17.3 percent from 2012 to 2013

<sup>38</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 ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D-1 – U.S. District Courts: Criminal Felony and Criminal Non-Felony Defendants Commenced, Terminated, and Pending (including Transfers)*).





(578 v. 678), compared to a 13.7 percent decrease in 2012. In Cape Girardeau, felony defendant filings increased 10.6 percent from 2012 to 2013 (94 v. 104), compared to a 20.3 percent decrease in 2012. Moreover, misdemeanor defendant filings in the district court decreased 45.5 percent from 2012 to 2013 (88 v. 48). Nationally, misdemeanor defendant filings increased 2.7 percent and in the Eighth Circuit misdemeanor defendant filings increased 21.4 percent<sup>39</sup>. In St. Louis, misdemeanor defendant filings decreased 3.1 percent from 2012 to 2013 (32 v. 31). The number of misdemeanor defendant filings in Cape Girardeau decreased 69.6 percent from 2012 to 2013 (56 v. 17).

Total criminal defendant filings in the Eastern District of Missouri increased 9.2 percent from 2012 to 2013 (760 v. 830), compared to a 13.4 percent decrease in 2012. Nationally, criminal defendant filings decreased 3.0 percent, however, in the Eighth Circuit; criminal defendant filings increased 9.8 percent<sup>40</sup>. In St. Louis, criminal defendant filings increased 16.2 percent from 2012 to 2013 (610 v. 709), compared to a 13.8 percent decrease in 2012. Additionally, the number of criminal defendant filings in Cape Girardeau decreased 19.3 percent from 2012 to 2013 (150 v. 121), compared to an 11.8 percent decrease in 2012.

**Other miscellaneous general offenses, controlled substances offenses, and fraud** collectively had the highest number of defendant filings in the district court in 2013 comprising 60.1 percent of total defendant filings. Nationally, the three previous offense types decreased a combined 7.0 percent<sup>41</sup>. In St. Louis, other miscellaneous general offenses, controlled substances offenses, and fraud represented 61.1

<sup>39</sup> Ibid., Misdemeanor criminal defendant filings.

<sup>40</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 ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Defendants Commenced, Terminated, and Pending*).

<sup>41</sup> Other miscellaneous general offenses, controlled substances offenses, and fraud filings for the U.S. District Courts are based on national caseload data for the twelve month periods ending September 30, 2009 through 2013

percent of defendant filings in the division. Other offense types with notable defendant filings in 2013 in St. Louis were **marijuana drug offenses** and **sex offenses**. At the national level, sex offenses increased 10.3 percent, while the number of criminal defendant filings in marijuana drug offenses decreased 7.8 percent<sup>42</sup>. In Cape Girardeau, other miscellaneous general offenses comprised 32.3 percent of defendant filings in the division during 2013.

*Table 5* (pictured below) provides a look at the filing activity of criminal defendants for the past three calendar years. The table identifies three categories of criminal defendant filings: (1) Total defendant filings including felony and misdemeanor criminal defendants in the district; (2) Felony defendant filings by division; and (3) Misdemeanor (MIS) defendant filings by division. The plus sign (+) indicates positive growth from the previous calendar year, while the negative sign (–) represents a decrease in filings from the previous calendar year.

**TABLE 5: CRIMINAL DEFENDANT FILING TRENDS**

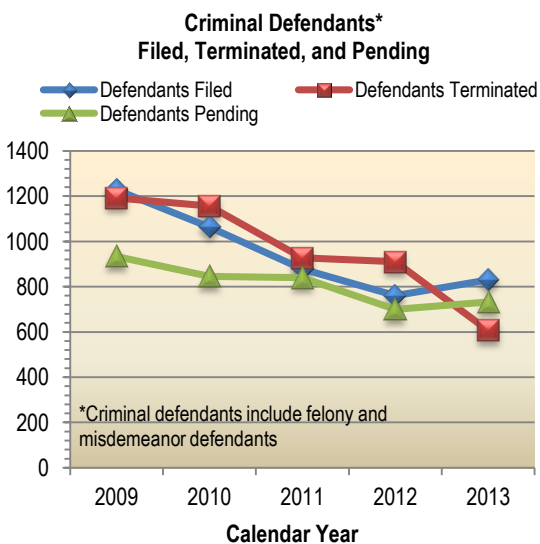
Type of Criminal Defendant Filings	12 Month Period Ending		
	12/31/11	12/31/12	12/31/13
<b>1) Total District</b>	-17.4%	-13.4%	+9.2%
Total St. Louis	-22.1%	-13.8%	+16.2%
Total Cape	+10.4%	-11.8%	-19.3%
<b>2) District Felony</b>	-18.0%	-14.7%	+16.4%
St. Louis Felony	-21.9%	-13.7%	+17.3%
Cape Felony	+14.6%	-20.3%	+10.6%
<b>3) District MIS</b>	-11.8%	-2.2%	-45.5%
St. Louis MIS	-25.5%	-15.8%	-3.1%
Cape MIS	+2.0%	+7.7%	-69.6%

reported by the Administrative Office of the U.S. Courts (*Table D-2 – U.S. District Courts: Criminal Defendants Commenced by Offense*).

<sup>42</sup> Ibid., Sex offenses and marijuana drug offenses.



Criminal defendant terminations in 2013 decreased 33.4 percent from 2012 to 2013 (911 v. 607), compared to a decrease of 1.7 percent in 2012. The average termination rate for criminal defendants in 2013 was 51 per month (607 criminal defendant terminations) compared to 76 per month in calendar year 2012 (911 criminal defendant terminations). **Other miscellaneous general offenses, fraud, and marijuana drug offenses** comprised 55.2 percent of criminal defendant terminations in the district court during 2013. Nationally, criminal defendant terminations decreased 6.4 percent and the Eighth Circuit observed a 4.3 percent decrease in terminations<sup>43</sup>. In St. Louis, criminal defendant terminations decreased 34.8 percent from 2012 to 2013 (753 v. 491), compared to a 3.7 percent decrease in 2012. Fraud, marijuana drug offenses, and **larceny & theft** represented 39.1 percent of the criminal defendant terminations in the division in 2013. While criminal defendant terminations in Cape Girardeau increased by 9.0 percent in 2012, criminal defendant terminations in 2013 decreased 26.6 percent (158 v. 116). **Federal statutes** comprised 28.4 percent of the criminal defendant terminations in Cape Girardeau.



The number of criminal defendants pending in the Eastern District of Missouri increased 4.6 percent from 2012 to 2013 (700 v. 732), compared to a 16.6 percent decrease in 2012. **Controlled substances offenses** have the most criminal defendants pending in the district at the close of 2013 and comprise 25.3 percent of the pending criminal defendants. At the national level, criminal defendants pending increased 0.2

<sup>43</sup> Criminal defendant terminations for the U.S. District Courts and the Eight Circuit are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Defendants Commenced, Terminated, and Pending*).

percent, while criminal defendants pending in the Eighth Circuit increased 12.7 percent<sup>44</sup>.

The number of criminal defendants pending in St. Louis increased 7.9 percent (604 v. 652), while in Cape Girardeau, criminal defendants pending decreased 16.7 percent (96 v. 80). In St. Louis, controlled substances offenses, other miscellaneous general offenses, and fraud comprised 65.2 percent of the pending criminal defendants in St. Louis. Other miscellaneous general offenses and controlled substances offenses represented more than 50.0 percent of the pending criminal defendants in Cape Girardeau.

## WEIGHTED FILINGS PER AUTHORIZED JUDGESHIP

Weighted filings<sup>45</sup> statistics take into account the different amounts of time it takes a judge to resolve various types of civil and criminal actions. The Federal Judiciary has employed techniques for assigning weights to cases since 1946. The average civil case or criminal defendant each receives a weight of approximately 1.0. For more time-consuming cases, higher weights are assessed (e.g., a death-penalty habeas corpus case is assigned a weight of 12.89), while cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10).

In 2013, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship in the Eastern District of Missouri increased 3.2 percent from 2012 to 2013 (404 v. 417). Nationally, the total number of weighted filings per authorized judgeship increased 4.8 percent in 2013 (520 v. 545)<sup>46</sup>.

The total number of weighted civil filings per authorized judgeship decreased 0.3 percent from 2012 to 2013 (312 v. 311). At the national level, the total number of weighted civil filings per authorized judgeship increased 6.7 percent (405 v. 432)<sup>47</sup>.

Criminal weighted filings per authorized judgeship increased 14.9 percent in the Eastern District of Missouri from 2012 to 2013 (87 v. 100), while, nationally, criminal weighted filings per authorized judgeship decreased 2.7 percent (110 v.

<sup>44</sup> *Ibid.*, Criminal defendants pending.

<sup>45</sup> Administrative Office of the United States Courts. 2012 Annual Report of the Director: Judicial Business of the United States Courts. Washington, D.C.: U.S. Government Printing Office, 2013. Retrieved from <http://www.uscourts.gov/Statistics/JudicialBusiness/2012/us-district-courts.aspx>.

<sup>46</sup> Weighted filings for the U.S. District Courts are based national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table X-1A: U.S. District Courts: Weighted and Unweighted Filings Per Authorized Judgeship*)

<sup>47</sup> *Ibid.*, Civil weighted filings.

107)<sup>48</sup>. The total number of weighted supervised release hearings per judgeship grew 17.3 percent from 2012 to 2013 (5.27 v. 6.18). This total includes probation revocation hearings. Evidentiary supervised release hearings and probation revocation hearings receive a weight of 0.22; non-evidentiary hearings receive a weight of 0.14. At the national level, the total number of weighted supervised release hearings increased 2.8 percent (5.43 v. 5.58)<sup>49</sup>.

Table 6 (pictured below this paragraph) displays weighted filings per authorized judgeship in the Eastern District of Missouri from 2009 to 2013. The case weights are based on the 2003-2004 District Court Case Weighting Study conducted by the Federal Judicial Center (FJC). This table excludes civil cases arising by reopening, remand, or transfer to the district by the order of the Judicial Panel on Multidistrict Litigation. This table includes defendants in all felony and Class A misdemeanor cases, but includes only those petty offense defendants whose cases have been assigned to district judges. Remands and reopenings for criminal defendants are excluded. Due to rounding, subtotals for weighted civil, criminal, and revocation filings may not equal totals for weighted filings.

**TABLE 6: WEIGHTED FILINGS PER AUTHORIZED JUDGESHIP**

	2009	2010	2011	2012	2013
<b>Civil</b>	275	303	293	312	311
<b>Criminal</b>	146	120	106	87	100
<b>Supervision Hearings</b>	4.30	3.96	5.17	5.27	6.18
<b>Total</b>	<b>425</b>	<b>427</b>	<b>404</b>	<b>404</b>	<b>417</b>

## TRIAL STARTS

Refer to *Appendix G* (pg. 57) for 2013 Trials Statistical Table

Trial starts (including jury and bench trials) in the Eastern District of Missouri increased 29.4 percent from 2012 to 2013 (51 v. 66), compared to a 4.1 percent increase in 2012. At the national level, trial starts decreased 4.3 percent in 2013, while in the Eighth Circuit, trial starts increased 4.8 percent<sup>50</sup>. The recent increase in trial starts contrasts with the picture two years ago in the district court. From 2008 to 2011, trial start totals in the Eastern District of Missouri significantly decreased from a high of 93 in 2008 to a low of 49 in 2011. The increase in trial starts in each of the last two years (2012 & 2013) accounts for a combined growth of over 30.0 percent, in comparison to the 2011 trial start total.

<sup>48</sup> Ibid., Criminal weighted filings.

<sup>49</sup> Ibid., Supervised release weighted filings.

<sup>50</sup> Trial starts for the U.S. District Courts and the Eighth Circuit are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table T-4 – U.S. District Courts: Civil and Criminal Trials, by District*).

Of the 66 trial starts in 2013, there were 57 located in St. Louis and 9 in Cape Girardeau. The number of civil trial starts (including jury and bench trials) increased 35.5 percent from 2012 to 2013 (31 v. 42), compared to a 6.9 percent increase in 2012. Nationally, civil trial starts decreased 3.7 percent, while civil trial starts in the Eighth Circuit increased 2.2 percent<sup>51</sup>. By civil trial type, jury trial starts increased 43.5 percent (23 v. 33) and bench trial starts increased 12.5 percent (8 v. 9) from 2012 to 2013. At the national level, civil jury trial starts decreased 5.2 percent and jury trial starts also decreased in the Eighth Circuit by 2.7 percent. In regards to non-jury trials, nationally, there was a decrease of 0.1 percent, while in the Eighth Circuit; there was an increase of 28.6 percent<sup>52</sup>.

**TABLE 7: CIVIL TRIAL STARTS BY CASE TYPE**

Eastern District of Missouri	2011	2012	2013
<b>Contracts</b>	4	6	11
<b>Real Property</b>	1	0	3
<b>Torts</b>	8	6	11
<b>Civil Rights</b>	9	10	9
<b>Prisoner Petitions</b>	3	2	3
<b>Labor</b>	1	1	2
<b>Intellectual Property Rights</b>	2	2	3
<b>Tax Suits</b>	1	0	0
<b>Other Statutes</b>	0	4	0
<b>Total</b>	<b>29</b>	<b>31</b>	<b>42</b>

\* Trial starts include jury and bench trials

**TABLE 8: CRIMINAL TRIAL STARTS BY OFFENSE**

Eastern District of Missouri	2011	2012	2013
<b>Larceny &amp; Theft</b>	0	0	2
<b>Embezzlement</b>	0	0	1
<b>Fraud</b>	1	3	4
<b>Forgery &amp; Counterfeiting</b>	0	0	1
<b>Sex Offenses</b>	4	3	2
<b>Marijuana Drug Offenses</b>	1	2	10
<b>Controlled Substances Offenses</b>	2	2	1
<b>Other Miscellaneous General Offenses (including Firearms &amp; Weapons)</b>	8	9	1
<b>Immigration Laws</b>	0	0	1
<b>Federal Statutes</b>	4	1	1
<b>Total</b>	<b>20</b>	<b>20</b>	<b>24</b>

\* Trial starts include jury and bench trials

The number of criminal trial starts (including jury and bench trials) increased 20.0 percent from 2012 to 2013 (20 v. 24). In comparison to the national level, criminal trial starts (including

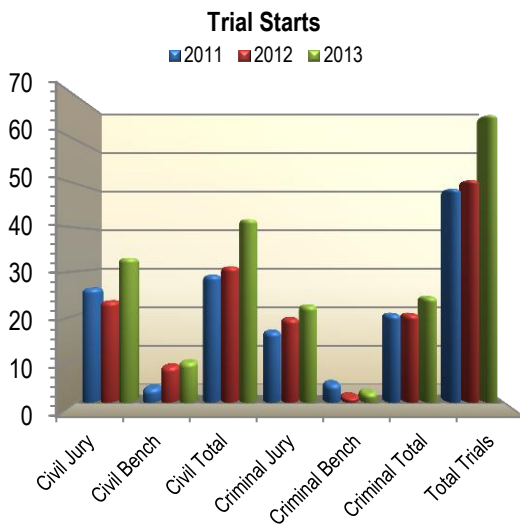
<sup>51</sup> Ibid., Civil trial starts.

<sup>52</sup> Ibid., Civil jury and non-jury trial starts.



jury and bench trials) decreased 4.8 percent, while in the Eighth Circuit; criminal trial starts increased 7.6 percent<sup>53</sup>. By criminal trial type, the number of jury trial starts increased 15.8 percent (19 v. 22) and the number of criminal bench trial starts increased 100.0 percent from 2012 to 2013 (1 v. 2). Nationally, criminal jury trial starts decreased 2.6 percent, while criminal jury trial starts in the Eighth Circuit increased 12.6 percent. Criminal non-jury trial starts nationally decreased 23.5 percent and in the Eighth Circuit decreased 55.3 percent<sup>54</sup>.

The average time to disposition for all cases (including jury and bench trials) that had a trial start and terminated in 2013 was 28.3 months, compared to 26.1 months in 2012. The average time to disposition for all civil cases (including jury and bench trials) that had a trial start and terminated in 2013 was 31.6 months, compared to 29.6 months in 2012. The average time to disposition for all criminal cases (including jury and bench trials) that had a trial start and terminated in 2013 was 20.6 months, compared to 17.3 months in 2012. The average time to disposition for all civil cases that completed a jury trial and terminated in 2013 was 33.0 months, compared to 31.7 months in 2012. The average time to disposition for all criminal cases that completed a jury trial and terminated in 2013 was 22.7 months, compared to 18.0 months in 2012.



## TRIALS COMPLETED

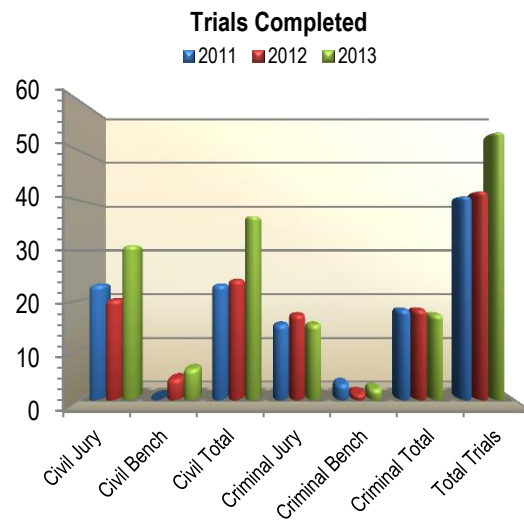
Refer to *Appendix G* (pg. 57) for 2013 Trials Statistical Table

**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

<sup>53</sup> Ibid., Criminal trial starts.

<sup>54</sup> Ibid., Criminal jury and non-jury trial starts.

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 2013, there were 66 total trial starts (including jury and bench trials). Of those 66 trial starts, 54 completed the trial process. There were 42 civil trial starts (including jury and bench trials) and 37 completed the trial process. There were 24 criminal trial starts (including jury and bench trials) and 17 completed the trial process. As of December 31, 2013, trials in the Eastern District of Missouri had a completion percentage of 81.8 percent, compared to 82.4 percent in 2012. The number of completed trials in the district court increased 28.6 percent from 2012 to 2013 (42 v. 54), in comparison, nationally, completed trials decreased 3.1 percent, but increased 5.9 percent in the Eighth Circuit<sup>55</sup>. Completed civil trials (including jury and bench trials) increased 54.2 percent from 2012 to 2013 (24 v. 37), while completed civil trials decreased 8.2 percent nationally and 7.4 percent regionally in the Eighth Circuit<sup>56</sup>. Completed criminal trials decreased 5.6 percent from 2012 to 2013 (18 v. 17), compared to a 0.5 percent increase nationally and a 13.7 percent increase in the Eighth Circuit<sup>57</sup>.



The average length of a completed trial in 2013 (including all completed civil and criminal trials) was 4.0 days, compared to 5.5 days in 2012. The average length of a completed civil trial (including jury and bench trials) was 4.1 days, compared to 4.9 days in 2012. The average length of a completed civil jury trial in 2013 was 4.6 days, compared to 3.7 days in 2012. For

<sup>55</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 ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials Completed, by District*).

<sup>56</sup> Ibid., Civil trials completed.

<sup>57</sup> Ibid., Criminal trials completed.

completed civil bench trials, the average length was 1.2 days, compared to 2.0 days in 2012. The average length of a completed criminal trial (including jury and bench trials) was 3.8 days, compared to 6.3 days in 2012. For criminal jury trials, the average length was 4.2 days, compared to 6.5 days in 2012. In 2013, the average length of a completed criminal bench trial was 1.0 day, in comparison to 3.0 days in 2012.

In 2013, there were 54 trials (including civil, criminal, jury, and bench trials) that started and completed the trial process in the Eastern District of Missouri. Of the 54 completed trials, 7 trials lasted one day, compared to 4 trials in 2012. Nationally, completed trials lasting one day decreased 1.1 percent<sup>58</sup>. In 2013, there were 9 completed trials lasting two days, compared to 5 completed trials in 2012. Completed trials lasting two days nationally decreased 10.5 percent<sup>59</sup>. In the district court, there were 12 completed trials lasting 3 days, compared to 9 completed trials in 2012. At the national level, completed trials lasting three days decreased 6.9 percent<sup>60</sup>. Completed trials lasting between four and nine days increased 15.0 percent from 2012 to 2013 (20 v. 23), while at the national level, completed trials of the same length decreased 4.6 percent<sup>61</sup>. Completed trials lasting between four and nine days comprised 42.6 percent of the completed trials in the district court during 2013, compared to 47.6 percent in 2012. There were 3 completed trials that lasted between ten and nineteen days, compared to 3 completed trials in 2012. In 2013, there were no completed trials that lasted twenty or more days, compared to 1 completed trial in 2012. Nationally, completed trials lasting twenty or more days increased 5.8 percent<sup>62</sup>.

**TABLE 9: CIVIL TRIALS COMPLETED BY CASE TYPE**

Eastern District of Missouri	2011	2012	2013
<b>Contracts</b>	4	4	10
<b>Real Property</b>	0	0	2
<b>Torts</b>	6	5	9
<b>Civil Rights</b>	8	7	8
<b>Prisoner Petitions</b>	3	2	3
<b>Labor</b>	0	1	2
<b>Intellectual Property Rights</b>	2	1	3
<b>Tax Suits</b>	0	0	0
<b>Other Statutes</b>	0	4	0
<b>Total</b>	<b>23</b>	<b>24</b>	<b>37</b>

\* Trials completed includes jury and bench trials

<sup>58</sup> Lengths of completed trials for the U.S. District Courts are based on national caseload data for the twelve month periods ending September 30, 2012 and 2013 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>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

**TABLE 10: CRIMINAL TRIALS COMPLETED BY CASE TYPE**

Eastern District of Missouri	2011	2012	2013
<b>Larceny &amp; Theft</b>	0	0	2
<b>Embezzlement</b>	0	0	1
<b>Fraud</b>	0	3	3
<b>Forgery &amp; Counterfeiting</b>	0	0	1
<b>Sex Offenses</b>	4	3	0
<b>Marijuana Drug Offenses</b>	1	1	6
<b>Controlled Substances Offenses</b>	2	2	1
<b>Other Miscellaneous General Offenses (including Firearms &amp; Weapons)</b>	7	8	1
<b>Immigration Laws</b>	0	0	1
<b>Federal Statutes</b>	4	1	1
<b>Total</b>	<b>18</b>	<b>18</b>	<b>17</b>

\* Trials completed includes jury and bench trials

In 2013, the median time interval from filing to trial of civil cases (including jury and bench trials) in which a trial was completed was 21.8 months, compared to 27.7 months in 2012. In comparison, the national level had a median time interval from filing to trial of 26.1 months, an increase of 2.4 percent from the previous reporting period (25.5 v. 26.1). In the Eighth Circuit, there was a median time interval from filing to trial of 23.5 months, a 7.1 percent decrease from the previous reporting period (25.3 v. 23.5)<sup>63</sup>.

The median time interval from filing to trial of completed civil jury trials was 23.5 months in 2013, compared to 27.7 months in 2012. At the national level, the median time interval from filing to trial of completed civil jury trials was 27.5 months, which represented a 5.0 percent increase from the previous reporting period (26.2 v. 27.5). The Eighth Circuit observed an 8.6 percent decrease in the median time interval from filing to trial of completed civil jury trials in 2013 (25.7 v. 23.5)<sup>64</sup>.

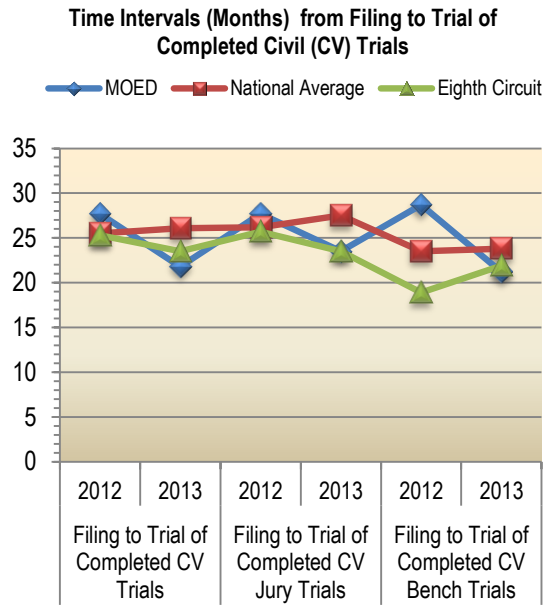
The median time interval from filing to trial of completed bench trials was 21.2 months, compared to 28.7 months in 2012. Nationally, the median time interval from filing to trial of completed civil non-jury trials was 23.8 months, an increase 1.3 percent. In the Eighth Circuit, median time interval from filing to trial of completed civil non-jury trials was 21.9 months, an increase of 15.9 percent<sup>65</sup>.

<sup>63</sup> Time intervals from filing to trial of civil cases in which a trial was completed by district during the twelve month periods ending September 30, 2012 and 2013 reported by the Administrative Office of the U.S. Courts. It should be noted that national data includes trials conducted by district and appellate judges only. All trials conducted by magistrate judges are excluded. Data excludes the following trials: land condemnation; forfeiture and penalty cases; prisoner petitions; bankruptcy petitions; and three-judge court cases (Table T-3 – U.S. District Courts: 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, 2012 and 2013).

<sup>64</sup> Ibid., Jury trials.

<sup>65</sup> Ibid., Non-jury trials.





## 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>66</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 2012, the court ranked sixth among U.S. District Courts with 539 civil consent dispositions<sup>67</sup>. In 2013, the court ranked eighth among U.S. District Courts with 546 civil consent dispositions<sup>68</sup>. The Eastern District of Missouri recorded the following number of total civil consent dispositions from 2010 through 2013: 491 in 2010; 604 in 2011; 539 in 2012; and 546 in 2013.

### 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 11* (pictured below) identifies, in part, the civil caseload assigned to U.S. Magistrate Judges in the Eastern District of Missouri from 2011 to 2013. As illustrated in *Table 11*, for the past three years, the U.S. Magistrate Judges have been assigned on average 41.1 percent of new civil filings.

**TABLE 11: U.S. MAGISTRATE JUDGE UTILIZATION**

Filing Assignments	2011	2012	2013	Total
New Civil Case Filings	2583	2710	2934	8227
New Civil Case Filings Assigned Exclusively to U.S. District Judges	313	313	321	947
New Civil Cases Available to U.S. Magistrate Judges	1972	2114	2062	6148
New Civil Cases Assigned to U.S. Magistrate Judges	963	810	754	2527
Percentage of New Civil Filings Assigned to U.S. Magistrate Judges	48.8%	38.3%	36.6%	41.1%

### 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 non-jury 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 opt out, which is a request for the random reassignment of the case to a district judge.<sup>69</sup> In August 2013, a new procedure began in social security case initially assigned to a U.S. District Judge and referred to a U.S. Magistrate Judge, pursuant to 28 U.S.C. § 636(b). With this change, parties now have the option, pursuant to 28 U.S.C. § 636(c), to consent to the exercise of full dispositive jurisdiction in the case by the U.S. Magistrate Judge to whom the matter has been referred. The primary advantage of consenting to the disposition of the matter by the U.S. Magistrate Judge is the likelihood of a speedier resolution.

In new civil filings initially assigned to magistrate judges in 2013, the full consent rate was 65.2 percent. During the five year period from 2009 to 2013, the full consent rate has remained high with an average of 65.5 percent.

<sup>66</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 2013 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>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> It should be noted that not every civil case assigned to a magistrate judge results in either full consent or an opt out. If neither option is selected, other actions are possible such as a recusal or default. However, the choices of full consent or opt out are the most commonly received actions.

## ALTERNATIVE DISPUTE RESOLUTION

Please refer to *Appendix H* (pg. 58) for 2013 ADR Statistical Table

### 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.

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 on the top of page 11 in the right-hand column are the ADR Advisory Committee members as of December 31, 2013.

### 2013 ADR Advisory Committee

<b>E. Richard Webber</b> Chair	Senior U.S. District Judge
<b>Audrey G. Fleissig</b>	U.S. District Judge
<b>David D. Noce</b>	U.S. Magistrate Judge
<b>Thomas C. Mummert III</b>	Chief U.S. Magistrate Judge
<b>Michael Calvin</b>	Court-Certified Neutral
<b>Jerry Diekemper</b>	Court-Certified Neutral
<b>Tonie FitzGibbon</b>	Professor, Saint Louis University School of Law
<b>Lenny Frankel</b>	Court-Certified Neutral
<b>Mike Geigerman</b>	Court-Certified Neutral
<b>John Grimm</b>	Court-Certified Neutral
<b>James Reeves</b>	Court-Certified Neutral
<b>Karen Tokarz</b>	Professor, Washington University School of Law
<b>Jim Woodward</b>	Clerk of Court

### ADR ADVISORY COMMITTEE UPDATE

At the close of the 2013 calendar year, Chair of the ADR Advisory Committee and Senior U.S. District Judge E. Richard Webber expressed his sincere appreciation for the tireless effort from committee members who seek to continually improve and grow the ADR program. Judge Webber also stated that he would like, "...to credit the excellent staff support received by the committee from Jim Woodward, Clerk of Court, Lori Miller Young, Chief Deputy Clerk, Coley Lewis, Policy and Research Analyst, and Laura Dreon, ADR Coordinator".

After the passing of The Honorable Stanley Grimm, John W. Grimm, his son, was appointed to serve on the committee. John began his legal career as a law clerk to Retired Senior U.S. District Judge Stephen N. Limbaugh Sr. from 1987 to 1989. He was a member of the Limbaugh Firm from 1989 until 1993. From 1993 to 2003, John served as a Circuit Judge for the 32nd Judicial Circuit. In 2003, he rejoined the Limbaugh firm.

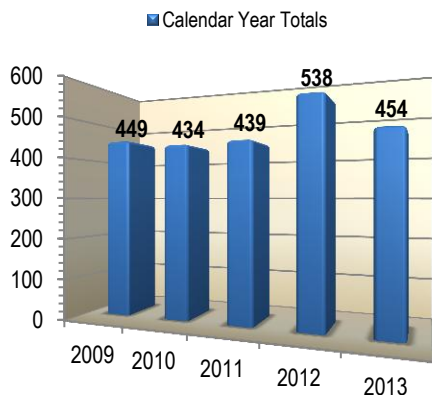
Planning began in 2013 for a seminar designed for the court's certified neutrals. The seminar is scheduled to be held on January 24, 2014 at Saint Louis University Law School. The seminar provides neutrals of the Eastern District of Missouri the opportunity to increase their skills and directly interact with United States District and Magistrate Judges.



### 2013 ADR CALENDAR YEAR ACTIVITY REPORT

Referrals to ADR totaled 454 for 2013, compared to 538 referrals to ADR in 2012, and compared to 439 referrals to ADR in 2011. The number of referrals to ADR decreased 15.6 percent from 2012 to 2013 (538 v. 454). Despite observing a decrease from 2012 to 2013, the ADR referral total in 2013 is still the highest number of referrals to ADR since 2005 (excluding 2012).

**Referrals to ADR: Totals from 2009 to 2013**



The civil case types that received the most referrals to ADR during 2013 were *civil rights*, *torts*, and *contracts* in that order. These three civil case types comprised 66.5 percent of the referrals to ADR during 2013, compared to 73.0 percent of the referrals to ADR during 2012, and compared to 74.0 percent of the referrals to ADR during 2011. When comparing 2012 and 2013, the number of contract case referrals decreased 26.5 percent (117 v. 86). Tort referrals decreased 25.8 percent from 2012 to 2013 (124 v. 92). Referrals of civil rights cases decreased 19.1 percent from 2012 to 2013 (152 v. 123).

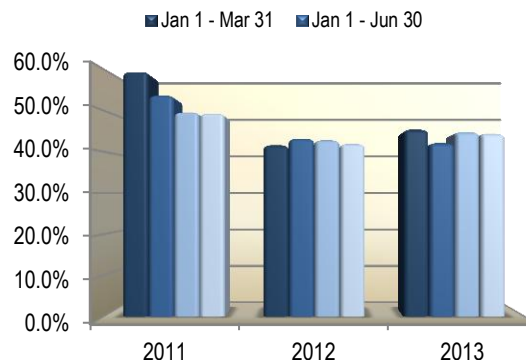
The nature of suits (NOS) in civil cases that received the most referrals to ADR during 2013 were NOS 442 – *Civil Rights Jobs*; NOS 440 – *Other Civil Rights*; and NOS 190 – *Other Contract Actions*. These three nature of suits comprised approximately 34.8 percent of the referrals to ADR during 2013 (158 referrals out of 454 referrals). In 2012, the same nature of suits comprised approximately 33.3 percent of the referrals to ADR (179 referrals out of 538 referrals). When comparing the most selected nature of suits from 2012 to 2013, NOS 442 referrals decreased 16.7 percent (72 v. 60); NOS 440 referrals decreased 3.4 percent (59 v. 57); and NOS 190 referrals decreased 14.6 percent (48 v. 41).

In 2013, there were 2,934 new civil filings (does not include reopened cases) in the Eastern District of Missouri. Of that number, 672 were pro se filings. The 672 pro se filings are categorized into two subtypes: (1) Non-prisoner; and (2) Prisoner. In 2013, there were 191 non-prisoner pro se filings

and 481 prisoner pro se filings. Of the 672 total pro se filings, 42 were referred to ADR (37 non-prisoner pro se cases and 5 prisoner pro se cases).

The settlement rate was 44.6 percent among ADR-referred cases in which a compliance report was filed during 2013, compared to 42.1 percent in 2012, and compared to 49.5 percent in 2011. In 2013, there were 336 compliance reports filed, compared to 375 compliance reports in 2012. Civil rights, torts, and contracts comprised 72.3 percent of the compliance reports filed in 2013 (243 of 336), compared to 77.1 percent of the compliance reports filed in 2012 (289 of 375). Of the civil case types referred most often, civil rights had a settlement rate of 42.4 percent in 2013 (42 settled v. 57 not settled). Tort cases had a settlement rate of 48.6 percent in 2013 (35 settled v. 37 not settled). Contract cases had a settlement rate of 43.1 percent in 2013 (31 settled v. 41 not settled).

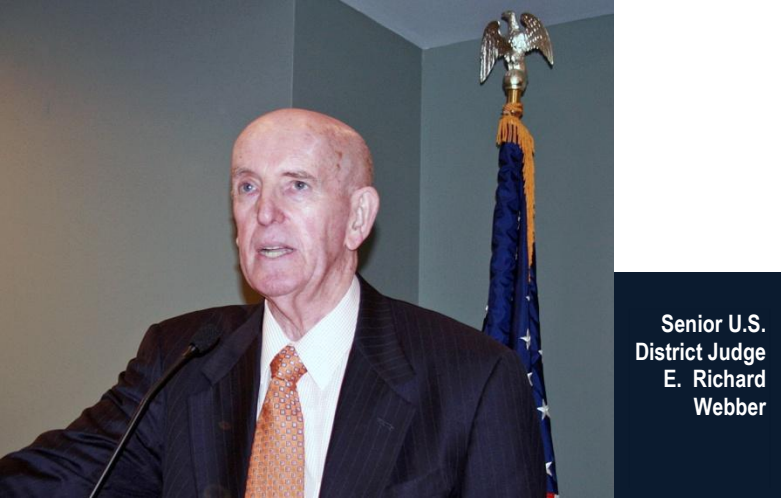
**ADR Settlement Rates**



In 2013, the average time to disposition for ADR-referred cases that terminated in 2013 was 17.7 months, compared to 17.3 months in 2012, and compared to 16.7 months in 2011. The median time to disposition in these cases was 15.4 months in 2013. The average time to disposition for ADR-referred cases that achieved a settlement and terminated in 2013 was 14.3 months, compared to 13.6 months in 2012, and compared to 14.4 months in 2011. The median time to disposition in these cases was 12.6 months in 2013. The average time to disposition for ADR-referred cases that did not achieve a settlement and terminated in 2013 was 21.4 months, compared to 21.3 months in 2012, and compared to 20.1 months in 2011. The median time to disposition in these cases was 18.3 months in 2013. Please refer to *Table 12* (illustrated below) for average time to disposition statistics.

**TABLE 12: AVERAGE TIME TO DISPOSITION**

Year	ADR-Referred Cases	Settlement Achieved	Settlement Not Achieved
2011	16.7	14.4 mths	20.1 mths
2012	17.3	13.6 mths	21.3 mths
2013	17.7	14.3 mths	21.4 mths



Senior U.S.  
District Judge  
E. Richard  
Webber

### **Pro Bono Limited Scope Representation Program**

On September 1, 2011, amendments to local rule 6.02 took effect, which authorized the appointment of counsel to provide limited scope representation for a litigant whose case has been referred by a judge to ADR. The ADR Advisory Committee recruited attorneys in the Eastern District of Missouri who would be willing to provide pro bono service to unrepresented civil litigants in the U.S. District Court. A panel of volunteer attorneys was identified to serve as counsel for an unrepresented party in the ADR phase of a civil case. Since the inception of the program, twenty-seven (27) cases have been referred to the Pro Bono Limited Scope Representation Program. The settlement rate in cases referred to the Pro Bono Limited Scope Representation Program that have terminated was 53.8 percent as of December 31, 2013.

### **ADR Participant Survey**

On May 10, 2013, the Eastern District of Missouri launched an on-line survey via its website to provide ADR participants the opportunity to evaluate their experience with court sponsored mediation. The survey instrument was designed and tested by members of the ADR Advisory Committee. The survey asks participants to measure their satisfaction with the ADR program and the mediator in their case. Survey responses will be closely reviewed by the court in order to address concerns by participants and identify measures to improve the program. Since the survey launch in May, responses have been overwhelmingly positive. The survey serves as a valuable resource to the court as a way to connect with ADR participants.

### **National Study of ADR Programs**

At the direction of the Judicial Conference of the United States, the Federal Judicial Center (FJC) initiated a study in 2013 designed to examine alternative dispute resolution techniques in the district courts. The goals are to provide a thorough profile of the variety of ways in which federal courts have implemented ADR systems and to assemble reliable performance data to serve as a gauge of their success. The FJC is expected to analyze the costs, benefits and effects of the alternative dispute resolution options found in nearly half of the district courts. Chief Judge Catherine Perry was informed in July 2013 that the Eastern District of Missouri had

been selected as one of the districts to be examined in depth for this ground breaking national study. In his letter announcing this selection, FJC Director Judge Jeremy Fogel stated: "We have selected the Eastern District because of its well established mediation program that relies primarily on private sector mediators and on the discretion of judges and lawyers for case referrals. We think your district will provide an especially good example of this approach to ADR." Eight districts have been selected for the study, scheduled to be completed by late 2014.

Researchers will be focusing on empirical data reflecting how these programs function based on objective information obtained from electronic court records of cases that were referred to an alternative dispute resolution option. In addition, the study will examine survey data collected from attorneys, judges and neutrals who have had experience with the ADR program in the selected district courts. With this range of information, the FJC expects to be able to describe accurately the benefits of ADR, the experience of participants, and the characteristics of programs that are particularly effective. One of the challenges inherent in the study, according to Senior Researcher Donna Stienstra, is the variability among the districts with ADR programs, which will make it difficult to generalize findings across all program types. But with a research design that includes eight sites representing a range of program models, it will be possible to describe how the benefits and costs of ADR differ across this group. When this national study is published in 2014, the findings will shed important light on the extent to which ADR adds value to the courts' dispute resolution mission by using various processes and delivery systems.

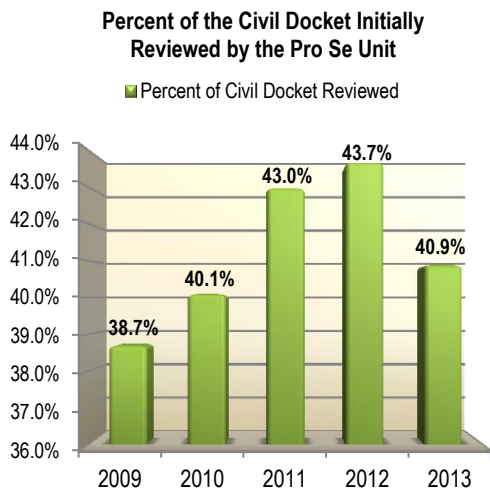
The Eastern District's ADR Advisory Committee chaired by Judge Richard Webber received regular reports throughout 2013 on the progress of this study. Committee members are pleased that the Eastern District of Missouri has been included, and clerk's office staff has been assisting the research team with data collection. The real value for the Eastern District will come from the ability to compare program performance measures with other similar courts around the country.

### **PRO SE UNIT ACTIVITY**

**T**he Pro Se Unit is staffed by three full-time attorneys. In 2013, there were 2383 new civil case filings originating in the Eastern District of Missouri excluding Multidistrict Litigation transfer cases (MDL). Of those new civil filings, 974 cases were initially reviewed by the Pro Se Unit, which equals approximately 40.9 percent of the court's civil docket. The 974 cases initially reviewed by the Pro Se Unit in 2013 included the following case types: 170 prisoner civil rights and



civil confinement suits; 215 state habeas petitions<sup>70</sup>; 82 federal habeas petitions; 14 mandamus and other miscellaneous prisoner filings; 191 non-prisoner pro se suits; and 302 social security appeals. In 2013, the Pro Se Unit prepared approximately 2,691 draft orders, an increase of 0.9 percent from 2012 (2,668 v. 2,691).



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 when appropriate. This function ensures that non-frivolous cases proceed to their designated track in an efficient manner.

In 2013, the preservice dismissal rate for §1983 cases was approximately 70.0 percent, compared to 81.0 percent in 2012, and compared to 80.0 percent in 2011. The preservice dismissal rate for §2254 cases was approximately 44.0 percent, compared to 40.0 percent in 2012, and compared to 29.0 percent in 2011. The preservice dismissal rate for §2255 cases was approximately 60.0 percent, compared to 54.0 percent in 2012, and compared to 17.0 percent in 2011. The preservice dismissal rate for non-prisoner civil cases was approximately 70.0 percent in 2013, compared 60.0 percent in 2012, and compared to 64.0 percent in 2011. The numbers listed above do not include the additional cases for which the unit drafted partial dismissals.

<sup>70</sup>The state habeas petitions includes seven miscellaneous petitions. Such as audita querela, etc.

## JUROR UTILIZATION

Please refer to *Appendix I* (pg. 59) for 2013 Juror Usage Table

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 2013, the NSSC rate for the Eastern District of Missouri was 21.8 percent, compared to 29.2 percent in 2012, and compared to 34.1 percent in 2011. With the decrease in the NSSC rate from 2012, the court performed better than the national average rate of 37.7 percent and the judicial conference goal of 30.0 percent<sup>71</sup>. In 2013, the Eastern District of Missouri ranked fourth in the Eighth Circuit and ranked thirteenth in the nation<sup>72</sup>.

By division, St. Louis recorded a 23.4 percent, which represented a decrease of 7.5 percent from 2012 (30.9 v. 23.4). In Cape Girardeau, the juror utilization rate was 13.6 percent, a decrease of 0.7 percent from 2012 (14.3 v. 13.6). There were no trials in Hannibal during 2012 and 2013. Please refer to *Table 13* below for additional juror utilization statistics.

<b>TABLE 13: JUROR UTILIZATION 2011-2013</b>			
January 1 – December 31 Reporting Period			
	2011	2012	2013
Number of people sent qualification questionnaires	26,500	26,200	31,500
Number of jurors summoned for jury duty	10,136	10,920	10,463
Number of jurors who appeared for jury duty	1,560	1,696	1,640
Number of jurors who participated in voir dire <sup>1</sup>	1,225	1,576	1,589
Number of jurors who were selected for trial	415	441	545
Number of jury trial starts (civil and criminal)	42	42	55

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

<sup>71</sup>Petit Juror Service on Days Jurors were selected for trial during the twelve month period ended Dec. 31, 2013 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, 2013*).

<sup>72</sup>Ibid.

## 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 then 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 14 (pg. 24)* displays in part the results of the surveys.

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 IN TRIAL.

In 2013, 831 jurors completed the survey. Organized by division, there were 640 surveys completed in St. Louis and 191 surveys completed in Cape Girardeau. The number of jurors who completed surveys increased 1.5 percent from 2012 to 2013 (819 v. 831). Of the 831 completed surveys, 551 jurors completed voir dire but were not selected for service, 234 jurors completed voir dire and were selected to serve on a panel, and 46 jurors did not participate in the selection process.

The jury service questionnaire is divided into seven sections, including an area at the end for comments and suggestions. The first section of the survey has two parts. The first part of the of the first 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 53.1 percent of jurors used eJuror, while 44.8 percent of jurors did use the program. A marginal number of jurors did not respond to the question. The surveys revealed that only 23.2 percent of jurors in Cape Girardeau used eJuror, while 75.4 percent of jurors did not use the program. This contrasts sharply with results from St. Louis, which showed that 51.3 percent of jurors used the program, while 46.4 percent of jurors in St. Louis jurors did not use eJuror.

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 97.6 percent of jurors who used the program found it to be helpful. This nearly unanimous figure shows that the automated response

program is a helpful instrument to facilitate the completion of mandatory jury service forms.

The second section of the survey asked jurors to rate their experience of jury service in the Eastern District of Missouri. The responses from the survey indicated that 41.9 percent of jurors found the experience more favorable than expected, while 50.8 percent of jurors indicated the experience was about what they expected. There were about 4.7 percent of jurors who found the experience less favorable than first expected and 2.6 percent of jurors did not provide a response 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 14 (pg. 24)* reflect an overall high degree of satisfaction with the listed elements of jury service.

The fourth section of the survey asked if the jurors requested to be excused or deferred from service. The survey results revealed that 9.3 percent of jurors asked to be deferred or excused, while 86.4 percent did not. A marginal number of jurors (4.3 percent) did not answer the question.

The fifth section of the survey asked jurors to select their age group from six possible categories. Age groups 55-64, 45-54, and 35-44 comprised 65.7 percent of jurors who completed the surveys. The sixth section of the survey asked jurors to identify their gender. Of the 831 jurors who completed the survey, 48.0 percent were identified as female, 39.4 percent were identified as male, and 12.6 percent did not identify a gender.

The final section of the survey gave jurors the opportunity to make comments or suggestions regarding the jury service experience. Of the 831 completed surveys, 107 jurors (12.9 percent) provided feedback to the court in the comments sections. The majority of the comments were compliments directed toward the experience itself, court personnel, or the presiding judge at the trial. One juror who was selected for trial stated, "It was a very good experience—thanks for the opportunity!" Another juror who participated in voir dire, but was not selected to serve on a panel stated, "I was very impressed with the organization and the accommodations of the court system. Even though I was not selected, I still felt that it was an educational experience." All other issues and suggestions described in the comments section are reviewed by court personnel for possible modifications to current practices and procedures.



“Very impressed with the organization and accommodations of the federal court system. Even though I was not selected, I still felt it was an educational experience.”

- Juror Survey Comment



**TABLE 14: JURORS' RATINGS OF JURY SERVICE**

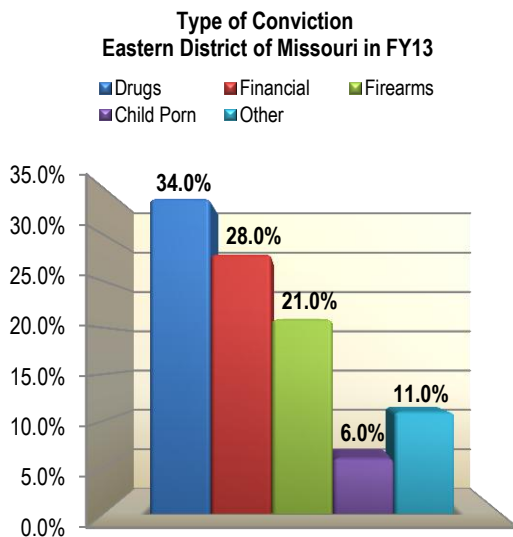
JULY 1, 2013 – DECEMBER 31, 2013 REPORTING PERIOD

Jury Service Aspects	RATING SCALE (PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH)					
	EXCELLENT	GOOD	SATISFACTORY	FAIR	POOR	NOT RATED
Information provided	54.3%	34.7%	6.9%	1.6%	0.0%	2.6%
Initial orientation	54.9%	36.7%	5.5%	0.5%	0.0%	2.4%
Treatment by court personnel	78.5%	17.6%	1.3%	0.5%	0.0%	2.2%
Physical comforts	51.9%	34.9%	8.7%	1.9%	0.2%	2.4%
Parking facilities	42.0%	39.4%	11.0%	1.8%	0.8%	5.1%
Scheduling your time	39.8%	40.0%	13.2%	3.1%	1.1%	2.8%
Automated phone notification	51.6%	31.2%	7.2%	1.9%	0.8%	7.2%
Term of service	35.7%	34.4%	19.3%	4.3%	2.0%	4.2%

## U.S. PROBATION OFFICE

### PRESENTENCE INVESTIGATIONS

A total of 664 guideline presentence reports were submitted during Fiscal Year 2013 (FY13), a decrease of 23.9 percent from 2012 (873 v. 664). Drug offenses accounted for the type of crime most charged in the Eastern District of Missouri. Drug offenses comprised 224 of the presentence reports prepared in FY13. The number of financial cases in FY13 increased 4.0 percent in comparison to FY12. There was a decrease in the number of sex offender prosecutions from FY12.



The U.S. Probation Office for the Eastern District of Missouri also completed 65 presentence reports for the Northern District of Texas. The Eastern District of Missouri volunteered to assist Northern Texas when they experienced a significant increase in the number of assigned reports. In addition, the Eastern District of Missouri has entered into an agreement with the Southern District of Illinois to assist them with the completion of presentence reports for the upcoming fiscal year.

### SUPERVISION OF RELEASED OFFENDERS

The supervision caseload at year end totaled 2,103, a decrease of 1.5 percent from FY12. 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 FY13. Approximately 50.0 percent of the individuals were convicted of a drug offense, 16.0 percent for an firearms offense, and 8.0 percent for a sex offense.

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. 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. The revocation rate in FY13 was 7.9 percent. There were 248 individuals removed from supervision during FY13. This was lower than the revocation rate in 43 of the 94 district courts. This success can be attributed to not only holding those under supervision accountable through enforcing conditions of supervision, but also providing each individual with opportunities and tools to create change.

Sequestration reduced program funding and staffing levels, as a result, probation staff developed innovative alternatives to incarceration. Moral Reconciliation Therapy (MRT) groups led by certified U.S. Probation staff provided cognitive training to assist moderate and high risk ex-offenders with problem solving, while in the Residential Reentry Center (RRC) and under supervision.

Treatment resources were targeted for moderate and high risk offenders. The Probation Office maintained over 60 contracts with drug treatment and mental health providers. During FY13, \$314,105 was invested on mental health programming, \$216,003 was spent on sex offender treatment, and \$753,361 was appropriated for drug treatment.

The Eastern District of Missouri is one of only two district courts in the country with an in-house GED program. Individuals are also encouraged to enroll in higher education. Through the Reach Higher community partnership with the Caritas Connection and St. Gerard Majella Catholic Church, fifteen computers were donated to Residential Reentry Centers to create employment resource centers to assist inmates in obtaining employment. Laptops were also donated to college students to assist them in graduating from school. Other community partnerships such as Money Smart, a financial literacy program, and Project Home continue to assist individuals with improving financial stability and home ownership.

Second Chance Act resources provided skill training in construction, welding, solar panel installation, Certified Nurses Aid, and Commercial Driver License certification. Additionally, Second Chance Act provided emergency services to assist with transportation, housing, and utility assistance. Eastern Missouri utilized more Second Chance Act funding than any other district court in the nation, keeping the unemployment rate among the lowest in the system.



U.S. District Judge Carol E. Jackson addressed the graduates at the Project EARN ceremony on November 14, 2013



a

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

- **Project EARN (a)** (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. While there are approximately 40 similar programs across the country, Judge Jackson's program was among the first five and has been held out as a model for the federal system.



a

U.S. Attorney General Eric Holder provided remarks at the Project EARN graduation on November 14, 2013

- **Project GRIP (b)** (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. Project GRIP in Eastern Missouri is the only one available in the Federal Judiciary.

U.S. District Judge Henry E. Autrey spoke to the graduates at the Project GRIP ceremony



b

- **Veterans Court (c)** 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. There is only one other Veterans Court in the Federal Judiciary.

A new Mental Health Court commenced in Eastern Missouri in December 2013. The Mental Health Court will provide mental health resources to participant in need of medication and other services. U.S. District Judge John A. Ross and U.S. Magistrate Judge Nannette A. Baker will serve as the program judges for the district court.



c

U.S. District Judge Stephen N. Limbaugh Jr. (center) along with Probation Officer Specialist Kimberly S. Bramlett (left of judge) standing with members of the Veterans Court

Despite the programming opportunities available for ex-offenders, a number of them will continue criminal activity. The U.S. Probation Office in Eastern Missouri is the only district court in the nation to expand the immediate sanctions available in reentry courts to all cases under supervision through an agreement with the Bureau of Prisons. Use of location monitoring has been increased to monitor the location and movement of high risk offenders. The U.S. Probation Office also has nationally recognized search and surveillance teams who are available to respond immediately to prevent criminal activity and apprehend those who re-offend. These teams provide training to other district courts and have assisted with national policy development.

## U.S. PRETRIAL SERVICES

The Eastern District of Missouri Pretrial Services Office operates in the Thomas F. Eagleton U.S. Courthouse in St. Louis and the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri. On September 30, 2013, Chief Cindy Bochantin retired and Mark Reichert was appointed as the Acting Chief on October 1, 2013. Staffing dropped once again from 20 to 17 as a result of two retirements and one resignation. The Pretrial Services Office hired two full-time officers at the close of 2013.

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 increased to 1037 compared to 905 in 2012. The Pretrial Services Office completed 135 collateral investigations for other districts during 2013.

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 2013, there were 80 cases classified as “low intensity” supervision with 575 classified as greater risk, due to the high level of activities and services required of officers in the supervision of these defendants. In 2013, 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.

Pretrial Services recently began an in-house cognitive behavior group to offset costs of treatment. Moral Reconciliation Therapy (MRT) is a cognitive treatment approach that targets substance abusers, alcoholics, sex offenders, anti-social behaviors or other problems. The fundamental goal of MRT is to reduce recidivism by reducing substance abuse, increasing awareness, and making commitments to appropriate goals in the present and future. Since the inception in February 2013, the Pretrial Moral Reconciliation Therapy Program has reached 29 participants and has saved \$13,446 in treatment costs.

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. As of June 30, 2013, the Eastern District of Missouri led the nation in cases activated (117). By the end of the year, 164 individual “divertees” were actively supervised by Pretrial Services officers. Individuals referred for participating in the 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 divertee. The Pretrial Services Office collected and distributed \$130,340 in restitution to victims in 2013.

Pretrial Services worked with various colleges and universities to provide internship opportunities for graduate and undergraduate students. Students from the University of Missouri at St. Louis were mentored by officers to assist them in “translating” their classroom and textbook knowledge to work in the criminal justice system. Additionally, internships provided the students 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 and completed local and national leadership programs. 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.



## SECTION TWO

# SERVING THE BENCH

### 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. As the TIP events increased with each year, so did the estimated savings. In 2008, the increase in the number of TIP events leveled off. From 2008 to 2011, the number of TIP events reversed decreasing with each calendar year.

In 2012, after several years of regression, the number of TIP events increased 47.5 percent, compared to 2011 (141 v. 208). In 2012, the amount of estimated savings from TIP significantly increased from 2011 (91.4 percent). This was due to the measure enacted by the Administrative Office of the U.S. Courts in October 2012 to include travel costs as part of the cost savings. This measure only impacted the final quarter of the 2012 calendar year.

2013 marked the first full calendar year under the new system and the estimated savings increased 71.3 percent compared to the total of estimated savings in 2012 (\$74,763 v. \$128,057). In 2013, there were 119 TIP events compared 208 in 2012. Despite the decrease in TIP events, the average

savings per TIP event increased 199.7% from 2012 to 2013 (\$359 v. \$1,076). *Table 15* below displays the TIP statistics in the Eastern District of Missouri dating back to 2003.

**TABLE 15 – 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
2013	119	\$2,809	\$128,057
TOTAL	1658	\$50,568	\$605,170
AVERAGE	151	\$4,597	\$55,015

*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 25th and 26th, 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 federal 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.

## NATIONAL AND CIRCUIT COMMITTEE ACTIVITY

The Eastern District of Missouri is privileged to have United States District Judges and United States Magistrate Judges who serve beyond the bench and work on national and circuit committees to support policy development. Listed below are the judges from the district court who currently serve or did serve on a national and/or circuit committee during the 2013 calendar year.

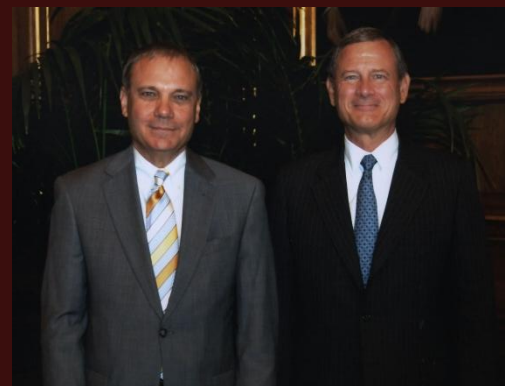
- **Chief U.S. District Judge Catherine D. Perry** is the district representative to the Eighth Circuit Judicial Council.
- **U.S. District Judge Carol E. Jackson** serves on the Judicial Conference Committee on the Administration of the Magistrate Judges System. Judge Jackson serves on the Federal Judicial Center District Judge Education Advisory Committee. Judge Jackson also serves on the Administrative Office OSCAR Working Group.
- **U.S. District Judge Rodney W. Sippel** serves on the Judicial Conference of the United States as an Eighth Circuit representative. Judge Sippel serves on the Executive Committee of the Judicial Conference. Judge Sippel serves as the United States Judiciary delegate at the Conference of Chief Justices. Judge Sippel is also an Ex-Officio Member of the Judicial Conference Committee on Federal-State Jurisdiction. Judge Sippel is an Ex-Officio Member of the Eighth Circuit Judicial Council. In 2013, Judge Sippel completed a two-year term on the Executive Committee of the Federal Judge's Association.
- **U.S. District Judge Stephen N. Limbaugh Jr.** serves on the Committee on Model Jury Instructions for the Eighth Circuit.
- **Senior U.S. District Judge Jean C. Hamilton** serves on the Bankruptcy Rules Committee for the Judicial Conference of the United States.
- **Chief U.S. Magistrate Judge Thomas C. Mummert III** serves as the Magistrate Judge Observer on the Judicial Conference of the United States and as the Ex-Officio Member of the Judicial Conference of the Magistrate Judges Committee. Judge Mummert also serves on the Federal Judicial Center Committee on Magistrate Judge Education.
- **U.S. Magistrate Judge David D. Noce** serves on the Subcommittee on Model Civil Jury Instructions for the Eighth Circuit and serves as the Chairman of the Subcommittee on Model Civil Jury Instructions for the Eighth Circuit – Admiralty.



U.S. District Judge  
Rodney W. Sippel



Senior U.S.  
District Judge  
Jean C. Hamilton



Chief U.S.  
Magistrate Judge  
Thomas C. Mummert III  
(left) and  
Chief Justice  
John G. Roberts Jr.



U.S Magistrate Judge  
David D. Noce





U.S. Magistrate Judge Frederick R. Buckles

U.S. Magistrate Judge Terry I. Adelman speaking at Judge Buckles' Retirement Ceremony

Senior U.S. District Judge Charles A. Shaw with U.S. Magistrate Judge Noelle C. Collins

## JUDICIAL TRANSITIONS

The United States 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 five senior judges. Three of the senior judges are active participants in the work of the court. At the close of 2013, there is one Article III judgeship vacancy.

### SENIOR U.S. DISTRICT JUDGE STATUS

U.S. District Judge Jean C. Hamilton assumed senior status on July 1, 2013. Judge Hamilton was appointed as a U.S. District Judge in 1990 by President George H.W. Bush. Before joining the district court, Judge Hamilton served as a Circuit Judge for the Twenty-Second Judicial Circuit of Missouri beginning in 1982 until 1988. From 1988 to 1990, Judge Hamilton served as a Judge for the Missouri Court of Appeals, Eastern District.

### U.S. MAGISTRATE JUDGE RETIREMENT CEREMONY

U.S. Magistrate Frederick R. Buckles retired on November 30, 2013. Judge Buckles was first appointed as a U.S. Magistrate Judge for the Eastern District of Missouri on December 1, 1989. During his tenure, Judge Buckles served as Chief U.S. Magistrate Judge. Before joining the district court, Judge Buckles served as an Assistant U.S. Attorney for the Eastern District of Missouri from 1974 to 1989.

### U.S. MAGISTRATE JUDGE APPOINTMENT

The Honorable Noelle C. Collins began her new duties as a United States Magistrate Judge for the Eastern District of Missouri on December 1, 2013 when she took the oath of office. She fills a vacancy created when U.S. Magistrate Judge Frederick R. Buckles retired on November 30, 2013. The term of office for a 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 U.S. Courthouse in St. Louis with some duties performed in the court's division locations in Cape Girardeau and Hannibal.

Before joining the district court, Judge Collins served as an assistant United States Attorney for the Eastern District of Missouri from 2004 to 2013. She began her career there as a Special Assistant U.S. Attorney and then, beginning in 2005, as an Assistant U.S. Attorney specializing in the prosecution of human trafficking crimes. Judge Collins was in private law practice with Stinson, Morrison Hecker, LLP in St. Louis from 2001 to 2004. Judge Collins was an active civil and criminal litigator in state and federal courts for more than twelve years, gaining experience in commercial litigation and employment law before changing her focus to federal criminal law practice. She handled complex prosecutions of narcotics conspiracies, gun crimes, money laundering, and led a task force of state and federal law enforcement agencies to coordinate prosecutions for human trafficking offenses. In addition, Judge Collins was responsible for training and professional development of law enforcement officers and social service providers to promote victim-service programs.

Judge Collins has a distinguished record of service to the legal profession and to the St. Louis community, serving on the board of the Missouri Women's Council, as a volunteer mentor in Join Hands ESL's program for at-risk girls, and as Girl Scout Troop Leader for a St. Louis area school. She is a member of the Theodore McMillian American Inn of Court and the Women's Lawyers' Association of Greater St. Louis. Additionally, she has experience teaching as an adjunct professor of Legal Studies at Webster University.

Before launching her legal career, Judge Collins worked as a journalist in New York City from 1995 until 1998. She authored and edited articles for *American Heritage* and *Travel Holiday* magazines. Judge Collins earned her undergraduate degree and master of science degree in journalism from Northwestern University, and is a 2001 graduate of the University of Illinois College of Law where she served as associate editor of *The Elder Law Journal*. She is admitted to practice law in Missouri.



Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau, MO



U.S. Magistrate Judge Lewis M. Blanton

**U.S. MAGISTRATE JUDGE RETIREMENT ANNOUNCEMENT**

U.S. Magistrate Judge Lewis M. Blanton announced in 2013 that he will retire on March 1, 2014. Judge Blanton has served as a U.S. Magistrate Judge for the Eastern District of Missouri since October 18, 1991. The duty station for Judge Blanton has been in Cape Girardeau with some duties performed in the court's division locations in St. Louis and Hannibal.

**U.S. MAGISTRATE JUDGE SELECTION**

Abbie Crites-Leoni has been selected by the district judges of the United States District Court to fill a vacancy for United States Magistrate Judge in the Southeastern Division. Ms. Crites-Leoni will fill a vacancy created when Judge Lewis M. Blanton retires on March 1, 2014. The duty station for this position will be at the Rush Hudson Limbaugh Sr. United States Courthouse in Cape Girardeau with some duties performed in the court's division locations in St. Louis and Hannibal.

Ms. Crites-Leoni currently is an assistant United States Attorney for the Eastern District of Missouri, assigned to the Southeastern Division office. She has been employed in that position since 2000, first as a Special Assistant U.S. Attorney and then, beginning in 2004, as an Assistant U.S. Attorney specializing in the prosecution of drug trafficking, child exploitation, and government program fraud crimes. Before joining the staff of the United States Attorney, Crites-Leoni served as attorney for the 32nd Judicial Circuit Juvenile Office and as assistant prosecutor for Cape Girardeau County. Ms. Crites-Leoni has been an active litigator in state and federal courts for more than fifteen years, gaining experience in complex state and federal criminal law practice. She has handled prosecutions, from the investigation stage through trial and appeal, of narcotics conspiracies, gun crimes, child exploitation and government program fraud cases.

Beyond her current responsibilities as a federal prosecutor, Ms. Crites-Leoni has a distinguished record of service to the legal profession and to the Southeast Missouri community, serving on the board of the Rotary Club of Cape Girardeau, the Alumni Association Board of Directors for Southeast Missouri State University and as a volunteer Sunday school teacher. Additionally, she has experience teaching as an adjunct professor of Criminal Justice at Southeast Missouri State University.

In preparation for her legal career, Crites-Leoni earned an undergraduate degree from Southeast Missouri State University, and a master of arts degree in speech communication from Southern Illinois University at Carbondale. She is a 1998 graduate of Southern Illinois University Law School where she served on the board of editors of the *SIU Law Journal*. She is admitted to practice law in Missouri.



Magistrate Judge Designee Abbie Crites-Leoni





U.S. Magistrate Judge Shirley P. Mensah

### JUDICIAL HONORS AND AWARDS

In 2013, a number of the judges from the Eastern District of Missouri were recognized for their achievement on and off the bench. Listed below are the judges from the district court who were acknowledged for their dedication to public service in 2013:

- **U.S. District Judge Rodney W. Sippel** was awarded the *Catholic Committee on Scouting's Bronze Pelican Award* in recognition of outstanding service to the spiritual development of Catholic youth in the program of the Boy Scouts of America.
- **Senior U.S. District Judge E. Richard Webber** was awarded the *Distinguished Lawyer Award from the Bar Association of Metropolitan St. Louis (BAMSL)*. This award is given to a lawyer who has made a great and lasting contribution to the St. Louis region in the area of law and community service, motivated other lawyers to work in the public interest, and who exemplifies lawyers as good citizens contributing significantly to the community. Judge Webber was awarded the *William L. Weiss Award from BAMSL*. This award was presented to Judge Webber for his numerous years of involvement and participation, distinguished leadership and guidance to lawyers, and significant service to the public. In 2013, Judge Webber was also awarded the *Clarence Darrow Public Interest Advocate Award from Saint Louis University (SLU)*. This award was presented to Judge Webber for his dedication and services to the legal profession, an attorney who has demonstrated conviction in his work, and exceptional courage in the face of adversity. On the award, there is a quote from Clarence Darrow stating the following, "I have lived my life and I fought my battles, not against the weak and the poor – anybody can do this – but against power, against injustice, against oppression."

- **U.S. Magistrate Judge Frederick R. Buckles** was awarded a *Distinguished Alumni Award from the University of Missouri at St. Louis*.
- **U.S. Magistrate Judge Shirley P. Mensah** was recognized by BAMSL for her efforts in mentoring women lawyers in the St. Louis legal community and her contributions to BAMSL's Women in the Legal Profession Section.

### SECTION THREE

## SERVING THE BAR

### CRIMINAL JUSTICE ACT PANEL ATTORNEY SEMINAR

The Eleventh Annual Criminal Justice Act (CJA) Panel Attorney Seminar was held May 23rd at the Thomas F. Eagleton United States 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 Chief U.S. District Judge Catherine D. Perry and Lee Lawless, Federal Public Defender for the Eastern District of Missouri. Panel discussions at the seminar addressed the following topics:  
*(Topics are on page 33)*

**Chief U.S. District Judge Catherine D. Perry provided the opening remarks at the CJA Panel Attorney Seminar in May 2013**

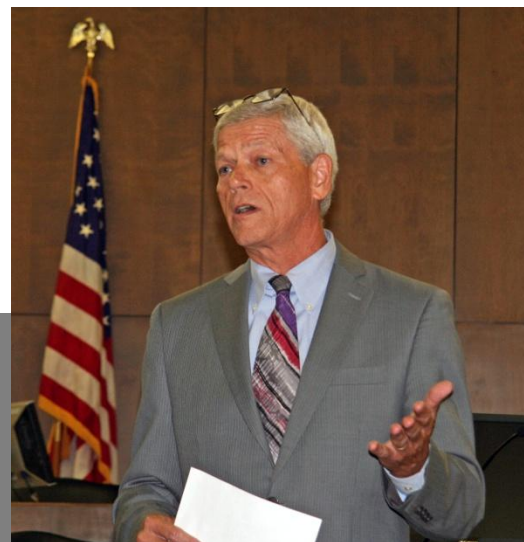


- **Criminal Law and Procedure Opinions in the 2011-2012 Term of the United States Supreme Court: Discussion, Analysis, and Predictions** – Presented by Paul Rashkind, Assistant Federal Public Defender from the Southern District of Florida;
- **Immigration Consequences of Conviction** – Presented by Evita Tolu, Esq., Stientjes and Tolu LLC;
- **Ethical Duties in Perfecting, Preserving and Pursuing Appeals** – Presented by Michael Gans, Esq., Clerk of Court for the U.S. Courts of Appeals for the Eighth Circuit, Michael Gorla, Esq., Law Offices of Michael Gorla, and Caterina DiTraglia, Esq., Assistant Federal Public Defender for the Eastern District of Missouri;
- **Ethics of Client Relations** – Presented by John Lynch, Esq., Law Offices of John Lynch, and Lucy Liggett, Esq., Assistant Federal Public Defender for the Eastern District of Missouri;
- **Ethical Responsibilities in a Post-Frye World** – Presented by Carrie Costantin, Esq., First Assistant United States Attorney, U.S. Magistrate Judge Frederick R. Buckles, and Kevin Curran, Esq., Assistant Federal Public Defender for the Eastern District of Missouri; and
- **Bureau of Prisons Designations and Credits for Time Served.**

### SOUTHEASTERN DIVISION BENCH AND BAR SEMINAR

The Third Annual Bench and Bar Seminar for the Southeastern Division was held May 24, 2013 at the Rush Hudson Limbaugh Sr. U.S. Courthouse. The seminar was designed for lawyers located in the Southeastern Division. The seminar provided lawyers educational instruction on various topics as well as an opportunity to interact with other federal practitioners and judges from the Eastern District of Missouri.

Chief U.S. District Judge Catherine D. Perry welcomed the attendees to the courthouse and provided an overview of the program. Twenty-five lawyers from the Southeastern Division were in attendance for the seminar. The first session was held by a panel of judges including Chief Judge of the U.S. Court of Appeals for the Eighth Circuit William J. Riley, U.S. Court of Appeals Judge for the Eighth Circuit Raymond W. Gruender, and U.S. Court of Appeals Judge for the Eighth Circuit Duane W. Benton. The judges discussed with attendees their work in federal appellate practice. The next session to follow was led by Alan Pratzel, Chief Disciplinary Counsel. Pratzel discussed the always important and relevant topic of ethical behavior. The final segment was led by Dr. H. Hamner Hill from the Department of Philosophy and Political Science from Southeast Missouri State University. The professor spoke on the changes in law and society since the 9/11 terrorist attacks.



Clerk of Court  
Jim Woodward  
at the Northern  
Division Bench  
and Bar Seminar

### NORTHERN DIVISION BENCH AND BAR SEMINAR

The Second Annual Northern Division Bench and Bar Seminar in Hannibal was held June 7, 2013 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 Chief Justice Mary R. Russell from the Supreme Court of Missouri. Judge Russell discussed with the attendees Missouri's innovations in state court justice. The following session entitled, "What Country Music Can Teach Lawyers About Ethical Behavior" was led by Alan Pratzel, Chief Disciplinary Counsel.

The next session was held by a panel including Judge Charles E. Rendlen III from the U.S. Bankruptcy Court for the Eastern District of Missouri, Gary Streeting, U.S. Bankruptcy Court Attorney Advisor, and Donna Bard, U.S. Bankruptcy Court Operations Manager. They held a discussion on bankruptcy practice tips and procedures. 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 ATTORNEY APPOINTMENTS

A profile of attorney appointments/assignments in criminal cases over the past three calendar years (2011-2013) is displayed in *Tables 16-18* (listed on page 34). 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 16-18**

<b>CJA = CRIMINAL JUSTICE ACT</b>	<b>FPD = FEDERAL PUBLIC DEFENDER</b>	<b>RET = RETAINED</b>
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**TABLE 16: CLIENT REPRESENTATIONS<sup>1</sup>**  
JANUARY 1 – DECEMBER 31 REPORTING PERIOD

APPOINTMENT	2011	2012	2013	TOTAL
CJA	383	316	282	981
FPD	874	645	727	2246
RET	479	346	406	1231
TOTAL	1736	1307	1415	4458

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

**TABLE 17: CJA BY NUMBER OF APPOINTMENTS PER ATTORNEY**  
JANUARY 1 – DECEMBER 31 REPORTING PERIOD

APPOINTMENT	2011	2012	2013	TOTAL
1-3	69	67	43	179
4-9	27	32	33	92
10 OR MORE	9	1	2	12
TOTAL	105	100	78	283

**TABLE 18: CJA v. FPD APPOINTMENTS**  
JANUARY 1 – DECEMBER 31 REPORTING PERIOD

APPOINTMENT	2011	2012	2013	TOTAL
CJA	383	316	282	981
FPD	874	645	727	2246
TOTAL	1257	961	1009	3227

The total number of attorney appointments (CJA and FPD) increased 5.0 percent from 2012 to 2013 (961 v. 1009). In comparison to 2011, the total number of attorney appointments in 2013 (CJA and FPD) decreased 19.7 percent (1257 v. 1009). Criminal case filings were lower in the 2013 calendar year compared to 2011 (479 v. 467).

In 2013, 27.9 percent of the attorney appointments were CJA (282 CJA appointments), while in 2012, CJA appointments accounted for 32.9 percent (316 CJA appointments) of attorney appointments. The number of CJA appointments decreased 10.8 percent from 2012 to 2013 (316 v. 282).

FPD appointments made up 72.1 percent of the attorney appointments in 2013, while in 2012, FPD appointments accounted for 67.1 percent of attorney appointments. The number of FPD appointments increased 12.7 percent from 2012 to 2013 (645 v. 727). When comparing 2011 to 2013, FPD appointments decreased 16.8 percent (874 v. 727).

The number of private counsel retained by defendants increased 17.3 percent from 2012 to 2013 (346 v. 406), while

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

Criminal defense representation (including CJA, FPD, and RET) increased 8.3 percent from 2012 to 2013 (1307 v. 1415). When comparing criminal defense representations from 2011 to 2013, representation decreased 18.5 percent (1736 v. 1415). From 2011 to 2013, on average, there were 327 CJA appointments, 749 FPD appointments, and 410 defendants with retained counsel.

**REVISIONS TO LOCAL RULES**

Local court rules are a constant focus of attention, both from judges and members of the bar. These rules are important because they guide attorneys and the public through the adjudication process for civil and criminal cases and therefore must be clear, fair and coherent. Rules are considered for amendment or revision as new problems come to light, or experience suggests that there may be a better approach. A few of those circumstances surfaced in 2013, resulting in the local rule changes noted below.

On the recommendation of the court’s Alternative Dispute Resolution Advisory Committee, an amendment to Local Rule 6.02 (C) was approved clarifying the responsibility of counsel appointed by the Court for the limited purpose of providing representation to a pro se party in connection with court-ordered mediation. This amendment addresses the concern that an attorney providing representation under a limited scope appointment could be handicapped by resistance from a represented opposing party who refuses discovery requests or other contacts from an attorney appointed only for mediation representation. The amended rule now provides that an attorney serving as limited scope counsel is empowered under the rule to “provide such services as counsel deems appropriate”, with specific reference to counsel’s authority on behalf of the client to review pleadings, communicate with opposing counsel, interview witnesses and conduct or participate in such discovery as may be necessary in advance of the ADR. The new language expresses the Court’s clear intention that a limited scope appointment is limited only in its duration, not in the range of legal services to be performed by counsel when deemed essential to effective representation of a client in connection with court ordered ADR.

Another of the alternative dispute resolution rules to come under review in 2013 was Local Rule 6.03(A), which describes the requirements that must be satisfied by those applying to the Court for certification as a neutral. These certification requirements were originally established by the Court in 1994 and have remained largely unchanged for almost twenty years. A study by the ADR Advisory Committee in 2012 disclosed that most courts have enhanced the basic

requirements for neutrals to achieve certification status in a court-sponsored ADR program. A series of upgrades was considered and ultimately recommended to the Court for approval, with a goal of offering the public a high quality mediation service by neutrals who possess the best credentials. Beginning with the foundational training requirement, the amended rule increased the minimum hours from sixteen to thirty-two. Instead of allowing generalized ADR training content, the revised rule is very specific about the theoretical content and the practical skills that must be covered in the course of training. For the first time, the rule added a requirement for each applicant to have completed at least two mediation observations conducted by an experienced neutral. In addition, all certified neutrals now are required to attend four hours of alternative dispute resolution continuing legal education courses during each two year period, beginning in 2014. Those neutrals who were approved for service prior to January 1, 2014 are exempt from the new certification requirements, except they must fulfill the four hour continuing legal education standard every two years.

### **ATTORNEY ADMISSIONS**

Beginning 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) database system.

### **ATTORNEY ADMISSION STATISTICS**

In FY 2013, there were 316 admission fees processed for newly admitted attorneys. There was a decrease of 4.5 percent in processed admission fees for newly admitted attorneys from 2012 to 2013 (331 v. 316).

The number of fees processed for attorneys granted pro hac vice admission was 905 in 2013. This was a 14.6 percent decrease in the number of fees processed for attorneys granted pro hac vice admission from 2012 to 2013 (1,060 v. 905).

### **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 2013 in Jefferson City, Missouri. The spring session took place on April 17, 2013. U.S. Magistrate Judge David D. Noce along with U.S. Magistrate Judge Matthew J. Whitworth from the Western District of Missouri administered the oath of admission to 26 new attorneys.

In the fall session, due to the large number of attorneys, there were two admission ceremonies performed on October 4, 2013; 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 48 new attorneys. Later, at the afternoon ceremony, the judges administered the oath of admission to 93 new attorneys.

## **SECTION FOUR**

# **CLERK'S OFFICE REPORTS**

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### **DEPARTMENT AND UNIT REPORTS**

#### **MANAGEMENT TEAM STRATEGIC PLANNING**

At the close of each year, the Clerk's Office Management Team meets at an offsite location to review its performance in the year just ended and identify goals for the upcoming year. While reviewing performance from the previous year, the management team relies on the Trial Court Performance Standards (TCPS) established by the National Center for State Court (NCSC). 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 19* (pg. 36) provides an overview of the goal setting exercise for 2014 at the management strategic planning session to be held in January 2014. 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 2013 were agreed upon by the management team at the 2013 strategic planning session. The following were the long-term goals identified for 2013:

- 1) Pro Bono Volunteer Attorney Panel**
- 2) Personnel Evaluations**
- 3) Adding Services to the Pro Se Self-Help Resource Center**
- 4) Staffing the Office with Less**





- 5) Transitioning Video Conference and Courtroom Internet Access
- 6) Cyclical Audit and Court On-Line Banking (COLB)
- 7) Case Assignment Analysis

The following long-term goals were fully realized in 2013: First, in order to provide the best possible access to the public, bench and bar, the team created a Pro Bono Volunteer Attorney Panel to use when counsel is appointed in civil cases. The volunteers range from sole practitioners to attorneys at very large law firms in the metropolitan area. In further support of the bar and the public, additional work was completed on the E-Pro Se program, designed by the Eastern District of Missouri. The program allows self-represented litigants to complete and print civil complaints and related documents on-line from any location that has an internet connection. Prior to this enhancement, the program could only be used on a terminal in the Clerk's Office.

Secondly, a comprehensive review of the Personnel Evaluation form was completed. The revised evaluation form identifies core competencies that the employee should strive to achieve throughout their career. Information sessions will be held in early 2014 to educate the staff on the new performance instrument.

Thirdly, an exhaustive review of the overall staff in the Clerk's Office was done in order to determine where the elimination of positions could be made, due to efficiencies created by enhanced technology. The positions identified for termination were eliminated by attrition due to retirements and other voluntary methods.

Although not all long-term goals were achieved in 2013, substantial progress was made on a number of them in the calendar year. Many should be ready for implementation in early 2014 such as transitioning video conferencing to digital, providing wireless internet connections for judges and staff in

the courtrooms, and the final conversion from WordPerfect to Word.

TABLE 19: OVERVIEW OF GOALS AND PERFORMANCE STANDARDS FOR 2013	
GOALS FOR 2013	COURT PERFORMANCE STANDARD
Pro Bono Volunteer Attorney List	<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>
Personnel Evaluations	<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>
Adding Services to the Pro Se Self-Help Resource Center	<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>
Staffing the Office with Less	<p><b>Standard 4.5 – Response to Change</b> <b>Standard 4.2 – Accountability for Public Resources</b></p>
Transitioning Video Conference and Courtroom Internet Access	<p><b>Standard 4.5 – Response to Change</b></p>
Cyclical Audit and Court On-Line Banking (COLB)	<p><b>Standard 4.2 – Accountability for Public Resources</b></p>
Case Assignment Analysis	<p><b>Standard 2.1 – Case Processing</b> The trial court establishes and complies with recognized time lines for timely case process while keeping current with its incoming caseload.</p> <p><b>Standard 4.5 – Response to Change</b></p>

1: The Trial Performance Standards (TCPS) listed above were established by the National Center for State Courts (NCSC).

2: The description of each performance standard is provided only once when it is first identified as a court performance standard for a goal.

**ADMINISTRATIVE SERVICES DEPARTMENT**

The Administrative Services Department began the year with a cyclical audit of the United States District Court. Preparation for the audit began months before by gathering requested documentation and completing responses to internal control questionnaires.

**FINANCE** – The finance department focused primarily on the audit as the calendar year began. The cyclical audit covered over four years of financial operations. Naturally, many things change over time and there are many financial documents to review and discuss over the course of four budget years. The audit resulted in a few areas to implement additional procedures or controls and also indicated that our inventory of information technology (IT) equipment needed to be verified. Following the audit, the finance department worked with the IT department to help validate the IT inventory and enhance control procedures.

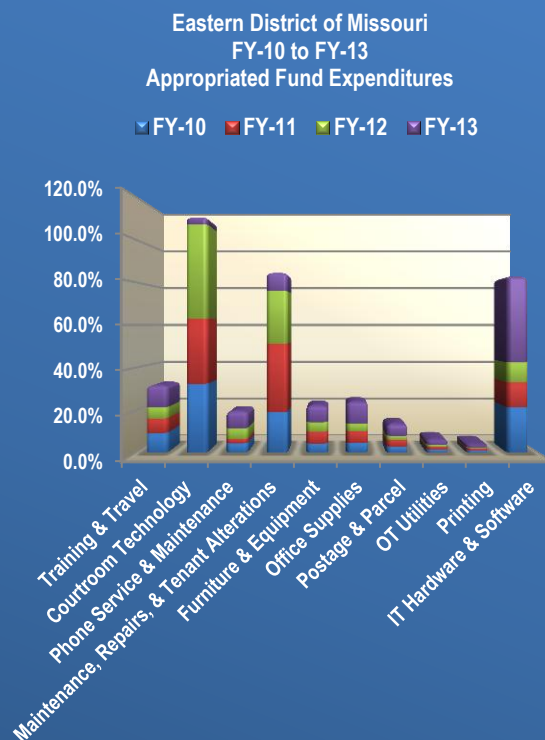
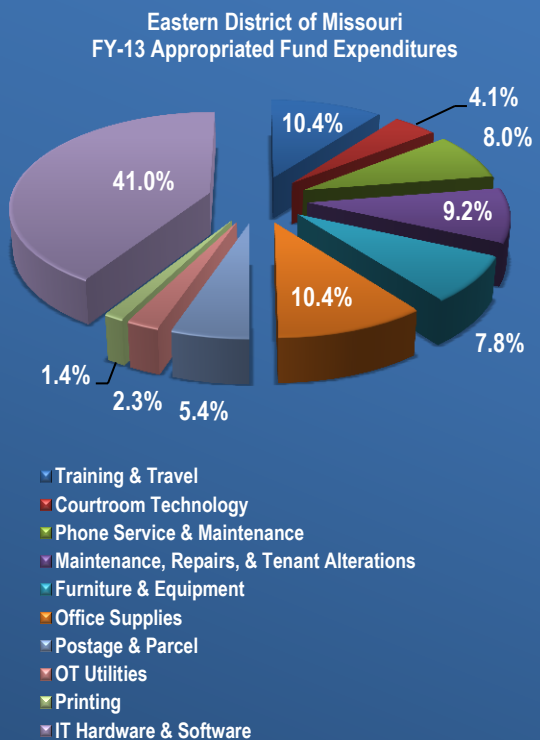
The implementation of officer certification in each of the court unit in the Eastern District of Missouri also took place during the calendar year. The district court took the lead in educating each of the court units on the proper segregation of duties with the addition of these new responsibilities. Discussions also took place with each court unit on the new procedures for creating, approving and certifying payment documents and the changes to the flow of information to the district court where the check is ultimately issued. The district court also instructed the other court units on their new responsibilities

for certifying payments, cancelling and recertifying payments, limited payability, and voucher corrections. The transition to certifying officers in each court unit went smoothly and with minimal delays in processing.

While the final budget for the Clerk’s Office decreased for the year from previous allotments, the Clerk’s Office has been able to work within the limitations by attrition and continuously finding ways to decrease expenditures and operate more efficiently.

Listed below are the 2013 transaction totals from the financial department:

- \$5,580,740.79 was collected in restitution, civil garnishments, and refunds. Of this figure, \$847,996.95 was collected through the Treasury Offset Program.
- There were 11,325 restitution, civil garnishments, and refund payments issued to victims and creditors in the amount of \$4,892,678.47.
- As of December 31, 2013, the restitution balance (to be paid to victims) was \$1,373,948.73.



Note: These graphics represent non-personnel expenditures from FY-13 Appropriated Funds



**PROCUREMENT** – Much of the year has been spent assisting U.S. Magistrate Judge Shirley P. Mensah with obtaining furnishing and supplies to meet the needs of chambers. Procurement activities for Judge Mensah were all finalized by fiscal year end and installation was completed by the end of the year. In December, new U. S. Magistrate Judge Noelle C. Collins joined the district court. Activities began immediately by the procurement staff to make sure the chambers was functioning with all necessary supplies. Procurement staff also began working with the new judge to obtain furnishings and supplies for the new chambers.

Procurement staff have also been busy on many other projects throughout the year. One of these projects has been to assist Judge Webber in the recording of oral histories for senior and retired judges from the Eastern District of Missouri. This is a rather unique and rewarding project that is outside of the regular duties of the department.

#### **OPERATIONS DEPARTMENT**

The Operations Department continued to perfect its operation under the restructuring that occurred in August of 2012 with the three Deputies in Charge. The Deputies in Charge perform the second-tier quality control on a rotating basis as well as many other quality control aspects of case management through automatically generated reports that are received by e-mail.

One of the significant accomplishments in 2013 was the reorganization of the Operations Support Unit. With a new two member team, this unit handles MDL transfers out and transfers in to our District, the issuance of garnishments in all cases, and the handling of all pleadings in search warrant cases as well as other sealed Magistrate and Miscellaneous cases. This team also opens all criminal cases including assignment of case numbers and issuing warrants on new indictments. A comprehensive procedures manual was prepared, revised, and updated during a period of several months and has been an invaluable tool for this unit.

In 2013, the team leaders met and drafted instructions of various docketing procedures for the case management teams. These instructions are being utilized as a reference to ensure procedures are performed consistently by all case managers.

#### **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 2013, ISD completed several projects and made significant progress on others. Listed below are the various projects and their status at the close of 2013.

- **National Video Conferencing Bridge Conversion** – Converted the district court's video conferencing system with the AO's National Video Conferencing bridge over internet protocol (IP). This conversion provides for greater connectivity to outside participants and will allow for the district court to reduce cost by cancelling integrated services digital network (ISDN) lines.
- **Thomas F. Eagleton U.S. Courthouse Eleventh Floor Build-Out** – ISD participated in the layout and design of the network and power for the floor build out for Probation's Presentence Unit. ISD was responsible for the shut-down, removal, moving, reconfiguring, and reinstallation of all information technology (IT) equipment from Probation's former Goodfellow office location to the new floor in the Eagleton Courthouse.
- **Mobile Officer** – As part of the relocation of Probation's Supervision Officers from the Goodfellow office location to the new floor in the Eagleton Courthouse, ISD researched and designed a solution that allowed for select Probation Officers to setup their offices at home.
- **PACTS (Pretrial Services Automated Cases Tracking System) Upgrade to NEXTGEN** – Due to the upgrade of PACTS to the latest version NEXTGEN, all in-house applications and reports had to be rewritten to support the new system architecture.
- **Server Virtualization** – This is an ongoing project to virtualize current and new servers to reduce hardware and utility costs.
- **JED I Program Upgrade** – JED I allows for Probation and Pretrial Service Officers to file their documents directly into CM/ECF and then at the close of business these documents are transferred to PACTS. The Eastern District of Missouri continues to assist other districts with implementation of this locally developed solution.
- **WordPerfect to Word Transition** – The Eastern District of Missouri finalized training and conversion of in-house applications and reports to Microsoft Word. Training was held for all court units.
- **IT Inventory Project** – ISD assisted the Administrative Services Department sighting and verifying IT inventory, in preparation for a revamped property control system.

## MANAGEMENT SUPPORT DEPARTMENT

Management Support is a diverse department that performs an assortment of critical functions for the district court including, but not limited to policy analysis and development, statistical data analysis, performance reporting, project management, naturalization ceremonies, ADR support, event planning and community outreach, telecommunications, database administration, case appeals, and case initiation. In order to consolidate its areas of responsibility, Management Support is organized into four main units: (1) Courthouse Events and Program Support; (2) CM/ECF Database Administration and Assistance; (3) Telecommunications; and (4) Policy Analysis and Performance Reporting. *Courthouse Events and Program Support*, management support performed the following responsibilities:

- Scheduled, coordinated, prepared, conducted, participated in and assisted with naturalization ceremonies both on and off site, including tasks related to volunteers, guests and presenters;
- Provided ADR case management support including monitoring cases and working with appointed neutrals;
- Prepared space for and hosted functions for the district court, other organizations, dignitaries, and judicial staff;
- Produced, distributed, and revised court manuals, brochures, and pamphlets;
- Reviewed In Forma Pauperis (IFP) applications, forwarded and/or prepared documentation and orders for signature;
- Provided and distributed pro se information and documents.

For *CM/ECF Database Administration and Assistance*, management support performed the following tasks:

- Adjusted cards in case assignment decks/verified number of cards allocated;
- Responded to telephone and e-mail inquiries regarding CM/ECF and related procedures;
- Created, maintained, and tested events, tables, forms and other programs in CM/ECF, including record management, case assignment, etc.;
- Communicated with server support staff regarding needs to upgrade, purge, and reconcile systems files;
- Entered the attorney admissions data in automated system;
- Reviewed attorney admission records for access to ECF and registration.

The court's telephone administrator performs all telecommunications functions for over 600 court personnel in the Thomas F. Eagleton Courthouse. In 2013, the Telephone Administrator completed the following projects:

- Installed cable infrastructure supporting WiFi network for the U.S. Court of Appeals;

U.S. Magistrate Judge Nannette A. Baker (left) and Congresswoman Ann Wagner (right) standing with a naturalized citizen at the Independence Day Naturalization Ceremony



- Procured and installed software upgrading the court legacy Voice Messaging System and Customer Support Center;
- Engineered and installed data lines supporting the U.S. Probation Office in the Cape Girardeau division office;
- Completed work orders and special projects supporting all St. Louis and Cape Girardeau court units, Court Security Office, U.S. Marshals Service, Social Security Administration, Federal Bureau of Investigation, and the U.S. Secret Service;
- Administered maintenance continuity for the Internet Protocol Telephone (IPT) system supporting the district court, probation, and pretrial services;
- Serving as the Project Manager responsible for the cut over of the U.S. Court of Appeals and the U.S. Bankruptcy Court to the AT&T Internet Protocol Telephone System.

Concerning policy analysis and performance reporting, the court's Policy and Research Analyst completed the following tasks and projects in 2013:

- Managed data collection and analysis to provide technical reports evaluating key performance indicators (KPI) for use by judges, court managers, and other court agencies;
- Utilized IT applications to efficiently and effectively monitor weighted filings and magistrate consent;
- Implemented a new system for tracking, adjusting, and verifying statistical data submitted to the AO;
- Supported the ADR Advisory Committee with comprehensive statistical reports and analyses of program data including strategies on specialized issues;
- Directed the collection, analysis, and reporting of data for the Federal Judiciary's Digital Video Pilot including project scheduling and communication with parties;
- Served as project lead in designing, developing, and creating the Annual Report for the United States District Court.



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

In 2013, the Human Resources (HR)/Community Relations department celebrated its first year as a consolidated department. In 2012, HR and the Case Initiation/Intake department were consolidated to create the HR/Community Relations department. The new department is a multi-functional unit that performs a wide variety of duties for the court and the community. The employees who work in the department provide Human Resources support, such as benefit counseling, recruitment, policy guidance, training and labor relations assistance. Employees also coordinate tours within the courthouse, assist with community and educational events, quality control new civil case filings, process appeals and manage cashier responsibilities. The consolidation of the departments created an opportunity for the court to more effectively utilize resources to generate costs savings. Throughout the integration, employees worked tirelessly to ensure that work was completed timely, accurately and with the highest level of customer service as possible. They remain diligent in their efforts to continue that high level of service and quality today and will continue to do so in the future.

Part of the responsibilities of the HR/Community Relations department is to provide relevant and meaningful training for employees. In 2013, the district court partnered with other federal agencies in the Thomas F. Eagleton U.S. Courthouse to develop a training partnership. The agencies that belong to the training partnership are the U.S. District Court, Probation, Pretrial Services, U.S. Bankruptcy Court, U.S. Court of Appeals, Circuit Executive, Eighth Circuit Library and Staff Attorney's Office. The training partnership was developed to maximize resources available for training and reduce training redundancy among agencies. The partnership has been very successful at providing training opportunities for all employees with minimal costs to the agencies in the partnership. In 2013, multiple training opportunities were offered throughout the year as a result of the training partnership's work. Some of the training provided was structured writing, active shooter training, Word training, time management and a wellness event.

In 2013, the HR/Community Relations department gained responsibility for all civil case opening duties. Prior to 2013, the department was responsible for a portion of the civil case opening duties. Other duties in the department were reassigned as needed. The transition went very smoothly, with noted improvement in civil case opening data quality and consistency. As the department moves forward with its new duties employees are committed to continuously improving data quality, timeliness, consistency and customer service.

Public service and community outreach is also a function of the HR/Community Relations department. In 2013, the court held many fundraising events such as the Oklahoma tornado relief effort, Philippine relief fundraiser, and even donated

their time at the St. Louis Food Bank. Most of the funds are raised by jeans days, bake sales, chili cook-off's, and silent auctions that are held throughout the year. Employees in the HR/Community Relations department often help to coordinate fundraisers, community work, and other events for district court personnel. They usually work as part of a committee to develop and manage the events. The events are very successful. Employees are very proud of the community outreach and public service work they do and consider it a valuable part of their employment with the court. The HR/Community Relations department is grateful to be part of this valuable experience.

## **JURY UNIT**

During the spring of 2013, a new Master Jury list (Wheel) consisting of 83,000 names of prospective jurors was implemented. The master list is created every two years by random selection from voter registration lists, supplemented with records of drivers' license holders, and non-driver identification holders. In 2013, the jury unit sent out 31,500 Qualification Questionnaires for all divisions, and 10,463 persons were summoned for jury service in the district court.

The Eastern District of Missouri was a member of the Administrative Office's Jury Management System (JMS)/eJuror Working Group, and had the opportunity to be a Monitored Live Operations Court for new scanner software. The new software enables courts to scan Qualification Questionnaires, upload the data from the questionnaire, and create an image of the form which can be readily retrieved in the Jury Management Program. This new capability has eliminated the need to put qualification forms in order manually and has been helpful in the event a juror would like to discuss the qualification form that has been submitted.

In 2013, the Eastern District of Missouri observed Juror Appreciation in St. Louis on May 13th with 36 jurors present and May 15th with 46 jurors present. Juror Appreciation was celebrated on May 16, 2013 in Cape Girardeau. In St. Louis, Jim Woodward, Clerk of Court addressed the jurors on the significance of jury service. In Cape Girardeau, U.S. Magistrate Judge Lewis M. Blanton provided remarks about the occasion to 20 grand jurors.

During June, the Eastern District of Missouri assisted the Attorney Advisor for Jury from the Administrative Office at a Court Management Review in Louisiana. The objective of the review was to develop proposals for the court's jury management system. In August, Jury Unit personnel attended a Jury Management Workshop, which yielded a number of good ideas to enhance juror satisfaction and encourage jurors to complete their Qualification Questionnaires online. The Juror Information brochure has since been condensed to a single insert card with a checklist to follow and directs jurors to the Court's website for further information.

## CM/ECF ACTIVITY

CM/ECF is the federal courts' case management and electronic case files system. It provides courts enhanced and updated docket management. It allows courts to maintain case documents in electronic form. And it gives each court the option of permitting case documents - pleadings, motions, petitions - to be filed with the court over the internet.

**Training and Support** – In 2013, the CM/ECF database was upgraded to version v6.0 and v6.1 in the test CM/ECF database. The CM/ECF Live upgrade is scheduled for January 25, 2014. The Eastern District of Missouri provided users of CM/ECF with various levels of support and training opportunities during 2013. 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;
- Transcripts filed electronically are made available after a waiting period of ninety days.

**Attorney Registration Totals** – Since 2003, 9,361 attorneys have docketed pleadings in CM/ECF. In 2013, 3,043 attorneys docketed pleadings in CM/ECF.

**Attorney Docketing** – In 2013, attorneys logged 52,042 entries in CM/ECF. From 2012 to 2013, there was a 10.1 percent decrease in the number of logged entries from (57,887 v. 52,042).

**Staff Docketing** – In 2013, court personnel and judges logged 143,180 transactions in CM/ECF. This is a 3.7 percent increase in the number of transactions logged by court personnel from 2012 to 2013 (138,127 v. 143,180). During 2013, U.S. Probation and Pretrial Services docketed 9,312 entries. The Clerk's Office docketed 117,328 entries, an increase of 5.4 percent from 2012 (111,358 v. 117,328). Chambers docketed 3,199 entries.

## 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). In September 2013, the Judicial Conference agreed to extend the federal judiciary's pilot project until July 18, 2015.

In September 2013, the district court participated in the video recording of a hearing on a motion for summary judgment in a case presided over by Chief U.S. District Judge Catherine D. Perry. This recording and other recordings from the Eastern District of Missouri can be found on the website of the Administrative Office (AO) of the U.S. Courts at the following link: <http://www.uscourts.gov/Multimedia/cameras.aspx>.

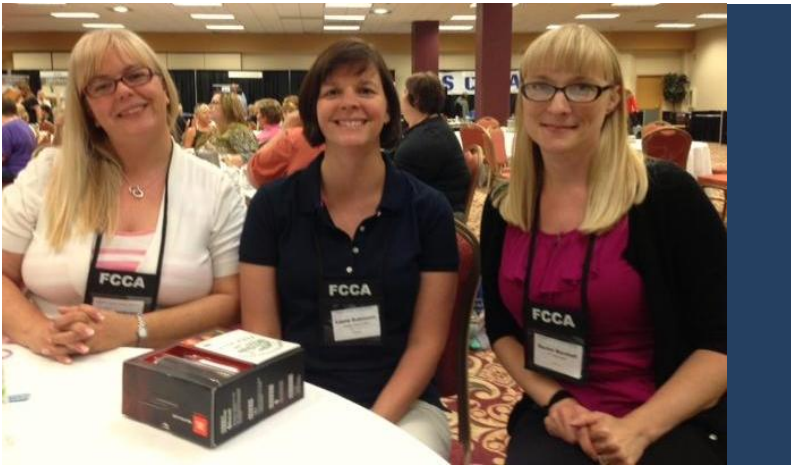
## CONTINUITY OF OPERATIONS (COOP)/EMERGENCY PREPAREDNESS

In 2013, the district court participated in a virtual table top exercise (VTTX) that was sponsored by FEMA with other local, state, and federal agencies. The exercise was a tornado event that went through multiple scenarios in which each agency had to determine how their COOP plan would respond. Participating in these types of exercises helps the court gain a better understanding of the issues and challenges that may arise during a real emergency. It allows the court to resolve issues in advance of emergencies and mitigate vulnerabilities that would prevent it from reconstituting its essential functions in a timely manner. In addition to the exercise, the Occupant Emergency Plan (OEP) for the Thomas F. Eagleton U.S. Courthouse was updated and an active shooter training was held. The OEP addresses many types of emergency situations inside and outside the building and how employees should respond. Part of the plan addresses active shooter situations. The active shooter training made the OEP plan become more realistic and allowed employees to apply what they learned in the plan. The training will be beneficial to employees if they ever find themselves in this type of situation at work or at other public places.

## FEDERAL COURT CLERKS ASSOCIATION CONFERENCE

In 2013, the Federal Court Clerks Association (FCCA) Conference was held in Des Moines, Iowa from August 18th to 22th. 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





Clerk's Office Staff (left to right): Cindy Kornberger, Laura Robinson, Rachel E. Marshall

management. The following members from the Clerk's Office represented the Eastern District of Missouri at the conference: Cindy Kornberger, Rachel E. Marshall, and Laura Robinson.

The conference offered a wide selection of professional development workshops such as strategic planning, 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). Rachel E. Marshall, Public Education and Community Outreach Administrator for the Eastern District of Missouri, was the instructor for one of the courses offered at the conference entitled *Court, Community and Communication*. 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.

### 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 December 5, 2013, the Clerk's Office acknowledged the following thirteen employees who have served the court at least 20 years:

- **Kathy Schroeder** has provided 30 years of federal service. She began her term of service on June 14, 1983. She began her career in federal service with the U.S. Attorney's Office. She is currently the Judicial Assistant for U.S. Magistrate Judge Terry I. Adelman.
- **Bill Fauks** has provided 30 years of federal service. He began his term of service on October 12, 1983. He began his career in federal service with the United States Army. Bill is currently the Pro Se Writ Clerk for the United States District Court.

- **Abby Mendillo** has served the federal courts for 20 years. She began her term of service on February 11, 1993. Abby is currently the Law Clerk for U.S. Magistrate Judge Noelle C. Collins.
- **Patti Dunn Wecke** has served the federal courts for 20 years. She began her term of service on April 5, 1993. Patti is currently a Court Reporter for the United States District Court.
- **Bonnie Day** has served the federal court for 20 years. She began her term of service on July 25, 1993. Bonnie is currently is a Law Clerk for Chief U.S. Magistrate Judge Thomas C. Mummert III.

For the occasion, Chief U.S. Magistrate Judge Thomas C. Mummert III presided over the ceremony and spoke of the qualities to each recipient. Judge Mummert went on to note some of their personal achievements. To conclude his remarks, Judge Mummert thanked the employees for their great service to the court and the public. Each recipient serves as an inspiration to their court colleagues.

### RETIREMENTS

**Teri Hopwood** – Teri began her career with the Southern District of Illinois on October 1, 1981 as a court reporter to U.S. District Judge William L. Beatty. On June 12, 1985, Teri transferred to the Eastern District of Missouri as a court reporter primarily serving Chief U.S. District Judge Catherine D. Perry. Teri served as Judge Perry's primary assigned Court Reporter until she retired on February 28, 2013.

## SECTION FIVE

# COMMUNITY INVOLVEMENT

### COMMUNITY OUTREACH

#### THOMAS F. EAGLETON U.S. 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 court agencies in the Thomas F. Eagleton U.S. Courthouse provided a total of 131 tours to the public in 2013, an increase of 20.2 percent from 2012 (109 v. 131). The total attendance for all tours and programs was 3,922 people, an increase of 8.3 percent from 2012 (3,623 v. 3,922). 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 2013 included public and private schools, scouts, summer camps, undergraduate and law school programs, teachers, and adult community organizations.

These visits to the Thomas F. Eagleton U.S. 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

**Mock Trial Competitions** – The U.S. Courts provided courtroom space and logistical support for a variety of mock trial competitions in 2013. The use of the Thomas F. Eagleton U.S. Courthouse adds to the professionalism of the competition and is often noted as the highlight of the mock trial competitive season. The Bar Association of Metropolitan St. Louis (BAMSL) hosted the Missouri High School Mock Trial state finals at the Eagleton Courthouse on Saturday, April 6th and Sunday, April 7th. Saint Louis University's Billiken Barrister Mock Trial Tournament was held at the Eagleton Courthouse on Saturday, November 3rd and Sunday, November 4th.

**Youth in Government Day** – The U.S. Courts, along with the U.S. Attorney's Office and U.S. Marshals Service, at the Rush H. Limbaugh Sr. U.S. Courthouse participated in the annual event. The event was held on April 24, 2013 and welcomed top high school students from southeast Missouri to the federal courthouse for a true-to-life experience. The students met with U.S. Magistrate Judge Lewis M. Blanton, as well as Clerk's Office staff, an Assistant Federal Public Defender, a Probation Officer, an Assistant U.S. Attorney, and a Deputy U.S. Marshal. They participated in a simulated courtroom hearing and also toured the U.S. Marshals Service. The event is sponsored each year by the Optimist Club.

**Law Day** – Each year the district court honors Law Day by welcoming high school students to participate in courthouse activities. On May 1, 2013, 60 students and 3 teachers from Crystal City High School arrived at the Thomas F. Eagleton U.S. Courthouse for a full day of activities.



U.S. District Judge John A. Ross (top), U.S. District Judge Audrey G. Fleissig (left), and Chief U.S. District Judge Catherine D. Perry (bottom right) spoke to student groups visiting the Thomas F. Eagleton U.S. Courthouse



Prior to arriving at the Eagleton Courthouse, students from Crystal City High School participated in an essay contest around the law day theme for 2013, Realizing the Dream: Equality for All. The entries were screened by our staff and two essay winners were later selected at the Law Day event. In addition, students worked through a series of lesson plans created by court staff as preparation for the Law Day events to be held on May 1st. These lessons included a historical study of equality, civil rights, and activities based on *Lilly Ledbetter v. Goodyear*. In April, the lesson plans were sent to the teachers, along with an invitation to participate in a donation drive for "Almost Home." Almost Home is an organization that offers important services to women in the area. The mission of Almost Home is to inspire teenage mothers to create a better life for themselves and their children.

At the Law Day event, the students were welcomed by Chief U.S. District Judge Catherine D. Perry, followed by a live panel discussion with several experts, on the topic of "Employment Equality and the Law." The students brought questions they had written during their work at school to ask the panelists. The panel included U.S. Magistrate Judge





HEC-TV Live! broadcasting from the Judge William Webster Courtroom in the Thomas F. Eagleton U.S. Courthouse on Constitution Day

Panel Members (left to right): Host Tim Gore, Richard Callahan, U.S. Attorney for the Eastern District of Missouri, U.S. District Judge Henry E. Autrey, and Lee Lawless, Federal Public Defender for the Eastern District of Missouri

Shirley P. Mensah, Christina Moore, Assistant U.S. Attorney – Civil Division, and James R. Neely, Jr., Director, U.S. EEOC – St. Louis District Office.

After a very interesting panel discussion, the students observed a criminal hearing. Following the hearing, Senior U.S. District Judge E. Richard Webber engaged the students in a meaningful conversation about equality under law.

In the afternoon, the Executive Director of “Almost Home” spoke to the students about the important services provided by the organization. Through a combined effort, the U.S. Courts and Crystal City High school presented the executive director with a donation of \$1,700 plus 3 boxes of items.

**Constitution Day** – September 17 marks the anniversary of the signing of the Constitution. The date is designated as Constitution Day and Citizenship Day by the United States Congress. Each year the U.S. District Court celebrates Constitution Day by welcoming high school students to participate in courthouse activities. In 2013, the United States Courts at the Thomas F. Eagleton U.S. Courthouse partnered with the Missouri Bar and HEC-TV to host the annual Missouri Bar Constitution Day Program.

The theme for the 2013 Constitution Day was “The Ongoing Impact of *Gideon v. Wainwright*”. 2013 marked the 50th anniversary of the United States Supreme Court case, *Gideon v. Wainwright*, 372 U.S. 335 (1963). *Gideon* established that a defendant, pursuant to the Sixth Amendment to the U.S. Constitution, has a fundamental right to legal counsel in a criminal trial and if the defendant cannot afford legal counsel, the trial court must appoint one.

On the event day, two expert panels discussed the impact the *Gideon* case had on the justice system in this country as well as in Missouri. Students groups from St. Louis and surrounding counties in Missouri and Illinois participated in the live panel discussion broadcasted from the Judge William

H. Webster Courtroom. In addition, schools from other locations in Missouri as well as schools in Texas, Ohio, New York, Oklahoma, and Florida joined the conversation via the web or videoconference. Videos of the programs and corresponding lesson plans are now posted and available on the HEC-TV website.

The morning panel included U.S. District Judge Henry E. Autrey, Richard Callahan, U.S. Attorney for the Eastern District of Missouri, and Lee Lawless, Federal Public Defender for the Eastern District of Missouri. The schools in attendance for the morning panel discussion were Fort Zumwalt South High School from St. Peters, Missouri and Clayton High School from Clayton, Missouri.

The afternoon panel included Senior U.S. District Judge E. Richard Webber, Bevy Beimdiek, Capital Attorney for the Missouri State Public Defender’s Office, and Eric Zahnd, President of the Missouri Association of Prosecuting Attorneys and Prosecutor of Platte County, Missouri. The schools in attendance for the afternoon panel were Cleveland NJROTC Academy from St. Louis, Missouri, Central Visual and Performing Arts High School from St. Louis, Missouri, and Belleville West High School from Belleville, Illinois.

**Women Lawyers’ Association Law Day** – The U.S. Courts at the Thomas F. Eagleton U.S. Courthouse partnered with the Women Lawyers’ Association of Greater St. Louis for a Law Day event for local high school students.

On Thursday, October 17, a diverse group of judges from state and federal courts as well as legal professionals from the St. Louis area interacted with female high school students from Innovative Concept Academy at the Thomas F. Eagleton U.S. Courthouse.

The Innovative Concept Academy is a one-of-a kind school located in St. Louis, Missouri. It is the only school in America overseen by a court system dedicated to the education and



rehabilitation of delinquent teens. Frustrated with seeing juveniles leave his courtroom only to return to the streets and a home life fraught with problems, St. Louis Circuit Court Judge Jimmie Edwards opened the school in the fall of 2009.

While at the courthouse, the girls visited the Judicial Learning Center and a courtroom. They talked to U.S. Magistrate Judge Nannette A. Baker, as well as a court reporter and a courtroom deputy. To conclude the day, U.S. District Judge Carol E. Jackson provided a very moving and motivational talk to the group from Innovative Concept Academy.

**New City School Mock Trial Event** – On November 15, 2013, the entire fourth grade from New City School visited the Thomas F. Eagleton U.S. Courthouse in St. Louis for an annual mock trial activity. During the mock trial, a student was accused of “littering in the first degree.” The student defendant was represented by a student attorney and an Assistant Federal Public Defender. The prosecution team was made up of a student attorney and an Assistant U.S. Attorney, and presented the testimony of a student witness. Chief U.S. District Judge Catherine D. Perry presided over the trial. Student jurors deliberated and announced their verdict. The group also visited the Eighth Circuit En Banc Courtroom and the Judicial Learning Center.

**The Tinker Tour** – On Wednesday, November 20, the U.S. Courts and the Judicial Learning Center welcomed the Tinker Tour to St. Louis. Mary Beth Tinker and a few other teenagers brought suit against their school in the 1960s. They were punished for wearing black armbands in protest of the Vietnam War. Their case began in the Southern District of Iowa, moved through the Eighth Circuit Court of Appeals, and eventually on to a victory for the students in the U.S. Supreme Court.

The case, *Tinker v. Des Moines*, is still cited in nearly every student First Amendment case, and is mentioned in nearly all American civics and history textbooks. Mary Beth Tinker and attorney Mike Hiestand toured the country in 2013, talking to student groups and giving them a real-life civics lesson.

On event day, the Tinker Tour RV was parked in front of the Thomas F. Eagleton U.S. Courthouse. University City High School students arrived for a full day of activities. Interestingly enough, Mary Beth and her family moved to St. Louis while the case was still working its way through the courts, and Mary Beth graduated from University City High School in 1970.

The student guests were welcomed by Chief U.S. District Judge Catherine D. Perry. Following the welcome, they were treated to an interactive and engaging presentation by Mary Beth Tinker, titled “My Story.” Following the presentation, the students toured the building, visiting the Judicial Learning Center, the U.S. District Court, and the Eighth Circuit Court of Appeals. In the Court of Appeals, the students learned about the appeal process by tracing the path of the *Tinker* case. After the tour, the students learned about important landmarks in First Amendment rights of public school students from Mike Hiestand, Student Press Law Center attorney.

**Saint Louis University Pre-Law Studies Observation Program** – Undergraduate students from the Pre-Law Program at Saint Louis University participated in the court observation program during the spring and fall semesters of 2013. Throughout the semester, groups of students sign up and visit both the Missouri Courts and the U.S. Courts for a half-day experience. Visits include courtroom observations and face-to-face conversations with judges and attorneys. Students are required to attend at least one visit per course semester.

#### SCOUT EVENTS AND PROGRAMS

**Scout Badge Programs** – Several Boy Scout Merit Badge programs for the badge “Citizenship in the Nation” were offered to the community in 2013. To earn the complete badge, Scouts are required to register in advance, and complete a set of pre-requisite assignments from the badge requirements. On the day of the program, they participated in a collection of activities designed to fulfill the remaining requirements. These included observing a courtroom, meeting U.S. District Judge Rodney W. Sippel, and rotating through several short presentations. In 2013, programs were offered in St. Louis and in Cape Girardeau. Dates were July 2 and 17, August 2, and December 30. A total of 195 Boy Scouts earned their Merit Badge in 2013.





Scouts visiting the Judicial Learning Center in the Thomas F. Eagleton U.S. Courthouse

Several programs were offered for Girl Scouts in 2013. In February, the U.S. Courts provided an instructor for a badge program designed to help Girl Scouts earn the "Inside Government" badge. In June, a group of Girl Scouts visited the Thomas F. Eagleton U.S. Courthouse for a mock trial activity and a career overview. This helped them meet some requirements toward earning their "Amaze" Journey. In October, a troop of American Heritage Girls attended a courthouse tour and received assistance earning their "Citizenship and Government" badge.

#### TEACHER WORKSHOPS

**Summer Teacher Institute** – On July 9th, teachers from Missouri and Illinois attended the full-day "Teaching About the Judicial Branch" workshop at the Thomas F. Eagleton U.S. Courthouse. The teachers attended sessions about federalism, Article III, the appellate process, and also about the executive branch. They observed a hearing in a courtroom, after which they met with U.S. District Judge Rodney W. Sippel. During the program, they were introduced to a wealth of resources and lessons to use in the classroom.

**National Council for the Social Studies (NCSS) Pre-Conference Clinic** – On November 21st, teachers from all around the country attended the half-day "A Look Inside the Least Understood Branch" workshop at the Thomas F. Eagleton U.S. Courthouse. This program was offered as an optional event to attendees of the NCSS Annual Conference in St. Louis. The teachers attended a variety of sessions and were given the opportunity to meet Rebecca Fanning, National Outreach Manager for the U.S. Courts. They also observed a hearing in a courtroom, after which they met with U.S. District Judge Rodney W. Sippel.

#### PUBLIC EVENTS AND PROGRAMS

**Freedom Riders Exhibit and Lecture Event** – The U.S. Courts and The Judicial Learning Center hosted the national traveling exhibition "Freedom Riders," from the Gilder Lehrman Institute of American History and American Experience. The exhibit looks at six months in 1961 when more than 400 courageous Americans — old and young, black and white, men and women, Northern and Southern — risked their lives to challenge segregated facilities in the South.

The exhibition panels were displayed on the third floor of the Thomas F. Eagleton U.S. Courthouse in January 2013. A corresponding lecture event took place at the courthouse on January 18, 2013. Speakers included John C. Raines, who participated in the Freedom Riders in 1961. CLE credit was available for attorneys.

During the month of January, the exhibit and lecture event drew approximately 900 people to the courthouse, including students, teachers, attorneys, and members of the general public.

**Mini-Law School** – The U.S. District Court partnered with Saint Louis University School of Law to offer an evening session in The Missouri Bar's Mini-Law School for the Public on October 30, 2013. Approximately fifty adults attended the event. Participants were given a tour of the Judicial Learning Center and then visited a district courtroom. In the courtroom, they learned about courtroom technology from court staff and an Assistant U.S. Attorney. The evening ended with a presentation on the court system by U.S. Magistrate Judge Nannette A. Baker.

**Judicial Speakers Bureau** – The inaugural year of the Eastern District of Missouri Judicial Speakers Bureau was a



huge success. The judges of Eastern Missouri gave 11 off-site presentations to the following community groups: Gravois Kiwanis, Dent County Rotary, St. Charles Kiwanis, St. Charles Optimists, Florissant Rotary, Harvester Kiwanis, Meramec Criminal Justice class, South County Kiwanis, JCCA Retirement Community, Epworth Chafee Program, and St. Louis College of Pharmacy.

## COMMUNITY OUTREACH AWARD

In 2013, the Missouri Bar Citizenship Education Program announced that Rachel E. Marshall, Public Education and Community Outreach Administrator for the United States Courts in St. Louis, was the 2013 recipient of the E.A. Richter Award. The Missouri Bar Advisory Committee for Citizenship Education established the Richter Award to recognize outstanding contributions to citizenship education efforts in the state. The award is named for E. A. "Wally" Richter, long-time law-related education director for The Missouri Bar. Former winners include outstanding secondary and elementary teachers, college professors and exemplary secondary and elementary law-related education programs. Ms. Marshall's recognition comes from her efforts to promote the U.S. Courts' Judicial Learning Center and for her exceptional support of The Missouri Bar's annual Constitution Day Program, which often is broadcast from the Thomas F. Eagleton U.S. Courthouse. The Missouri Bar presented the award to Ms. Marshall on Constitution Day, September 17, during the Constitution Day Program.



## COMMUNITY SERVICE

The Clerk's Office of the U.S. District Court is dedicated to reaching out and helping those in need. Over the years, Judiciary staff have volunteered their services for organizations such as Habitat for Humanity, Stray Rescue of St. Louis, St. Louis Crisis Nursery, and Motion for Kids. In addition to community service projects, members of the Clerk's Office have also coordinated numerous fundraising efforts allowing for donations to many charitable groups like the Haiti Relief Fund, American Cancer Society, Susan G. Komen Foundation, Lupus Foundation of America, and St. Patrick's Center. From the many community service projects and fundraising events completed by the Clerk's Office in 2013, three are highlighted below.



Chief U.S. District Judge Catherine D. Perry and District Court staff at the St. Louis Area Food Bank

## TYPHOON RELIEF FUND

In the fall of 2013, a typhoon (also known as Typhoon Haiyan) devastated parts of Southeast Asia, in particular the Philippines. The Clerk's Office reacted quickly to this tragedy and organized a series of fundraisers to support the victims in the Philippines. Through the diligent efforts of judiciary staff, the court collected and donated \$1,300.00 to Habitat for Humanity International.

## WOUNDED WARRIOR PROJECT

The Clerk's Office raised \$1,100.00 for the Wounded Warrior Project (WWP). The mission of WWP is to raise public awareness and support, help injured service members aid and assist each other, and provide programs and services to meet the needs of injured service members.

## ST. LOUIS AREA FOOD BANK

In August 2013, the Clerk's Office performed a community service project at the St. Louis Area Food Bank. Through teamwork, dedicated volunteers were able to provide 8,882 meals for the hungry. At the close of the calendar year, the Clerk's Office made a charitable donation of \$336.50 to the St. Louis Area Food Bank along with 305 pounds of collected food.

## 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

# UNITED STATES DISTRICT COURT CLERK'S OFFICE STAFF



conducted. The final interview with the judge serves as the capstone to each oral history.

At the close of 2013, the oral history on retired U.S. District Judge William H. Webster was completed and made available in the Judicial Learning Center located in the Thomas F. Eagleton U.S. Courthouse. During the year, Judge Webber interviewed retired Senior U.S. District Judge Limbaugh Sr. at the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau to complete his oral history. The oral history of Judge Limbaugh Sr. will be available for viewing in the Judicial Learning Center in 2014.

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 entitled *...And Justice For All*. The book was completed in 2013 and will be made available to the public in 2014.

In addition to the work on the oral histories, progress was made in 2013 on the profiles of the seventeen most significant cases from the Eastern District of Missouri. The seventeen most significant cases were selected by the History Committee of the Eastern District of Missouri. The review of the case history will include recorded interviews with parties involved with the cases and those individuals who have conducted extensive research on them.

In 2013, two cases of the seventeen cases were nearly completed. The Dred Scott decision in the federal courts was completed in 2013. Missouri Supreme Court Archivist Joseph F. Benson was interviewed for this case and provided a thorough analysis of its complex background. At the close of 2013, the profile of *Hazelwood School District v. Kuhlmeier 484 U.S. 260 (1984)* was nearly completed. This was a free speech case and is often used in moot court arguments. The profile of the case will be completed in 2014. Once work in *Hazelwood School District v. Kuhlmeier (1984)* is completed,

the court will next direct its attention to the case *McDonnell Douglas Corp. v. Percy Green 411 U.S. 792 (1973)*. This was a labor discrimination case. Interviews with Percy Green and Thomas Walsh will be conducted for the profile of the case.

Judge Webber expressed his sincere appreciation for support provided by Clerk's Office staff. Judge Webber stated that, "Adam Zipprich and John Stanka played an important role in the production of both the oral and case histories. Judge Webber also added that, "Clerk of Court Jim Woodward's support of the oral history project facilitated its realization."

## NATURALIZATION CEREMONIES

In 2013, the Eastern District of Missouri including the U.S. District Court and the U.S. Bankruptcy Court performed a total of forty-two naturalization ceremonies in which 2,724 petitioners became United States citizens. The U.S. District Court held thirty ceremonies and 2,054 petitioners became United States citizens. Of the new citizens, the League of Women Voters registered a total of 949 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 2013. At the bankruptcy ceremonies, 670 petitioners became United States citizens. The League of Women Voters registered a total of 383 new voters at the bankruptcy court naturalization ceremonies. In total, the League of Women Voters registered 1,332 new voters at naturalization ceremonies in 2013.

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. A diverse group of individuals from government officials to legal



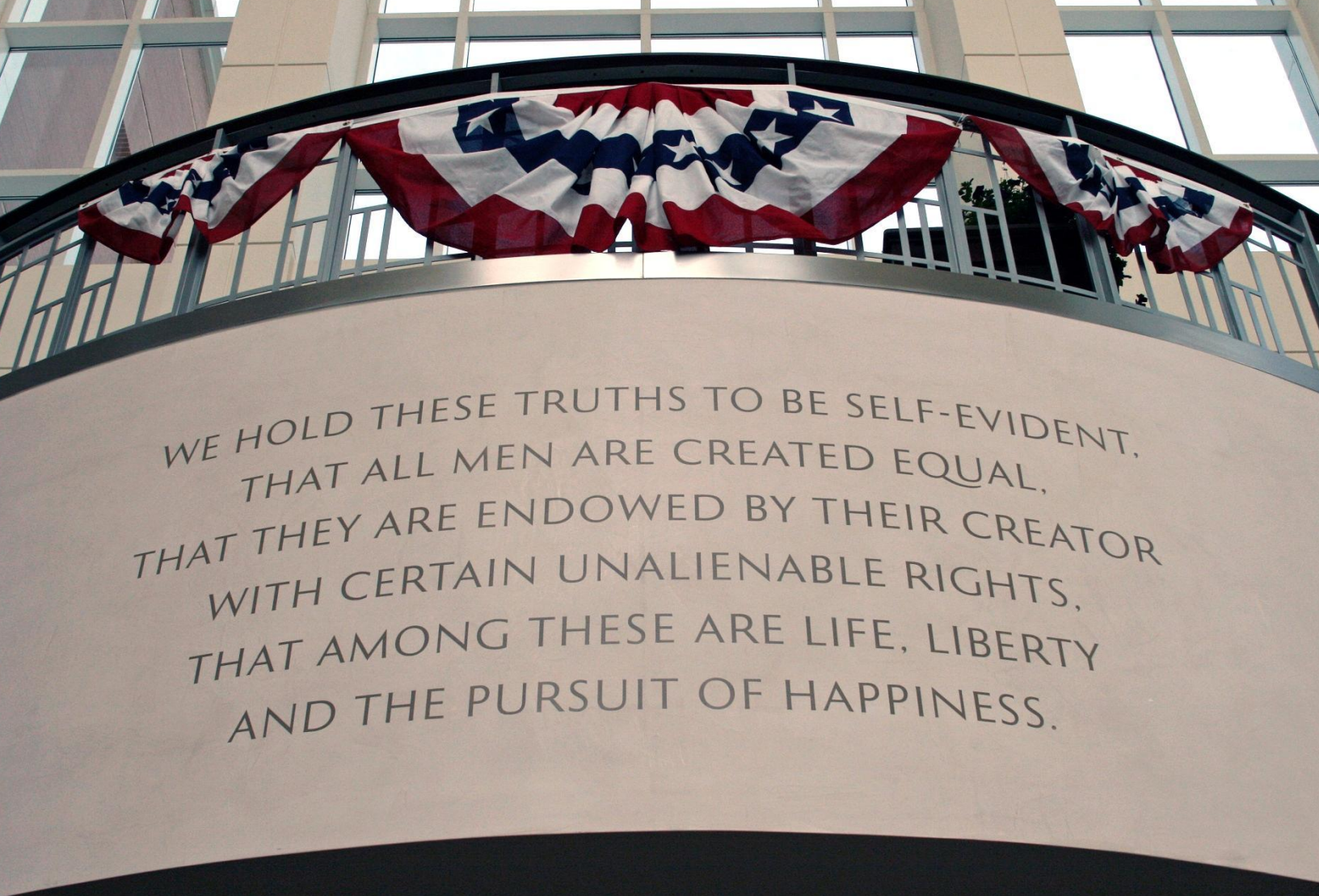
professionals shared their time and talents as speakers or singers at the ceremonies. American Legion posts from metropolitan St. Louis donated flags to new U.S. citizens. Troops from the Boy Scouts of America from across the state of Missouri and various posts of the American Legion acted as Color Guard at many of the naturalization ceremonies. Administration and staff from the National Parks Service at the Jefferson National Expansion Memorial, Saint Louis University, Ulysses S. Grant National Historic Site, Harris-Stowe State University, and Soldan International Studies High School graciously made their facilities available for selected ceremonies in 2013.

#### **Law Day Ceremony**

A special naturalization ceremony was held on Law Day at the Rush Hudson Limbaugh Sr. U.S. Courthouse in Cape Girardeau on May 1st. U.S. District Judge Stephen N. Limbaugh Jr. presided at the ceremony. There were 29 petitioners who took the *Oath of Allegiance* at the ceremony. Chris Koster, Missouri Attorney General, addressed the crowd on the special occasion. Trudy Lee was also involved in the naturalization ceremony as the vocalist for the event.

#### **CONSTITUTION DAY CEREMONY**

The Constitution Day naturalization ceremony was held at the Old Courthouse in St. Louis, Missouri on September 17th. U.S. District Judge Henry E. Autrey presided at the ceremony and administered the *Oath of Allegiance* to America's newest citizens. There were 54 petitioners at the ceremony. The new Americans were originally from 26 different countries. The guest speaker for the ceremony, Maria M. Odom, Citizenship and Immigration Services Ombudsman, provided inspiring words to the group of new citizens. The Black Robe Choir from DeSmet Jesuit High School also contributed to the naturalization program.



Inscription inside the Rush Hudson Limbaugh Sr. U.S. Courthouse

## Appendices A-J

Appendix A:	2011-2013 New Case Filings Report	51
Appendix B:	2013 Civil Caseload Report – I	52
Appendix C:	2013 Civil Caseload Report – II	53
Appendix D:	2013 Criminal Caseload Report – I	54
Appendix E:	2013 Criminal Caseload Report – II	55
Appendix F:	2013 Criminal Defendant Report	56
Appendix G:	2013 Trial Starts and Completions Report	57
Appendix H:	2013 Alternative Dispute Resolution (ADR) Activity Report	58
Appendix I:	2013 Juror Usage Report	59
Appendix J:	United States District Court for the Eastern District of Missouri Jurisdiction	60



## APPENDIX A

2011-2013 New Case Filings Report January 1 – December 31					
DIVISION/CASE TYPE	2011	11-12 PERCENT CHANGE	2012	12-13 PERCENT CHANGE	2013
<i>PERCENTAGES ARE ROUNDED TO THE NEAREST TENTH</i>					
<b>CIVIL CASES<sup>1</sup></b>					
EASTERN CIVIL CASES	2257	6.4%	2401	9.2%	2621
SOUTHEASTERN CIVIL CASES	229	-5.7%	216	-8.8%	197
NORTHERN CIVIL CASES	97	-4.1%	93	24.7%	116
<b>TOTAL CIVIL CASES</b>	<b>2583</b>	<b>4.9%</b>	<b>2710</b>	<b>8.3%</b>	<b>2934</b>
<b>CRIMINAL CASES<sup>2</sup></b>					
EASTERN CRIMINAL CASES	479	-12.3%	420	11.2%	467
▪ <i>FELONY CASES</i>	441	-12.0%	388	12.4%	436
▪ <i>MISDEMEANOR CASES</i>	38	-15.8%	32	-3.1%	31
SOUTHEASTERN CRIMINAL CASES	130	-2.3%	127	-18.9%	103
▪ <i>FELONY CASES</i>	78	-9.0%	71	21.1%	86
▪ <i>MISDEMEANOR CASES</i>	52	7.7%	56	-69.6%	17
<b>TOTAL FELONY CASES</b>	<b>519</b>	<b>-11.6%</b>	<b>459</b>	<b>13.7%</b>	<b>522</b>
<b>TOTAL MISDEMEANOR CASES</b>	<b>90</b>	<b>-2.2%</b>	<b>88</b>	<b>-45.5%</b>	<b>48</b>
<b>TOTAL CRIMINAL CASES</b>	<b>609</b>	<b>-10.2%</b>	<b>547</b>	<b>4.2%</b>	<b>570</b>
<b>CRIMINAL DEFENDANTS</b>					
EASTERN CRIMINAL DEFENDANTS	708	-13.8%	610	16.2%	709
▪ <i>FELONY DEFENDANTS</i>	670	-13.7%	578	17.3%	678
▪ <i>MISDEMEANOR DEFENDANTS</i>	38	-15.8%	32	-3.1%	31
SOUTHEASTERN CRIMINAL DEFENDANTS	170	-11.8%	150	-19.3%	121
▪ <i>FELONY DEFENDANTS</i>	118	-20.3%	94	10.6%	104
▪ <i>MISDEMEANOR DEFENDANTS</i>	52	7.7%	56	-69.6%	17
<b>TOTAL FELONY DEFENDANTS</b>	<b>788</b>	<b>-14.7%</b>	<b>672</b>	<b>16.4%</b>	<b>782</b>
<b>TOTAL MISDEMEANOR DEFENDANTS</b>	<b>90</b>	<b>-2.2%</b>	<b>88</b>	<b>-45.5%</b>	<b>48</b>
<b>TOTAL CRIMINAL DEFENDANTS</b>	<b>878</b>	<b>-13.4%</b>	<b>760</b>	<b>9.2%</b>	<b>830</b>
<b>MISCELLANEOUS CASES<sup>3</sup></b>					
EASTERN MISCELLANEOUS CASES	747	-4.3%	715	-7.3%	663
SOUTHEASTERN MISCELLANEOUS CASES	56	-37.5%	35	14.3%	40
<b>TOTAL MISCELLANEOUS CASES</b>	<b>803</b>	<b>-6.6%</b>	<b>750</b>	<b>-6.3%</b>	<b>703</b>
<b>TOTAL NEW CASE FILINGS<sup>4</sup></b>	<b>3995</b>	<b>0.3%</b>	<b>4007</b>	<b>5.0%</b>	<b>4207</b>

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

2 – New criminal case filings include sealed criminal cases and excludes probation/supervised release transfers.

3 – New miscellaneous case filings include sealed miscellaneous cases.

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

## APPENDIX B

<b>2013 Civil Caseload Report – I</b>				
	District	St. Louis	Cape Girardeau	Hannibal
Total Civil Case Filings <sup>1</sup>	<b>2994</b>	<b>2675</b>	<b>201</b>	<b>118</b>
New Civil Case Filings <sup>2</sup>	2934	2621	197	116
Reopened Case Filings	60	54	4	2
Transfers In / Transfers Out	429/423	378/374	33/33	18/16
<b>Civil Case Filings by Type</b>	<b>2994</b>	<b>2675</b>	<b>201</b>	<b>118</b>
Contracts	255	217	23	15
Real Property	31	25	4	2
Torts	908	884	15	9
Civil Rights	327	277	35	15
Prisoner Petitions	516	432	65	19
Forfeiture/Penalty	13	12	1	0
Labor	243	235	7	1
Immigration	2	2	0	0
Intellectual Property Rights	101	100	1	0
Social Security	303	216	37	50
Tax Suits	8	7	1	0
Bankruptcy	10	9	0	1
Other Statutes	277	259	12	6
<b>Civil Cases Closed by Type</b>	<b>2783</b>	<b>2448</b>	<b>233</b>	<b>102</b>
Contracts	272	238	27	7
Real Property	38	34	3	1
Torts	525	485	27	13
Civil Rights	382	337	31	14
Prisoner Petitions	521	434	73	14
Forfeiture/Penalty	18	15	3	0
Labor	229	224	4	1
Immigration	5	5	0	0
Intellectual Property Rights	117	113	4	0
Social Security	356	260	50	46
Tax Suits	5	4	1	0
Bankruptcy	13	12	0	1
Other Statutes	302	287	10	5
<b>Civil Cases Pending by Type</b>	<b>3679</b>	<b>3399</b>	<b>167</b>	<b>113</b>
Contracts	229	202	15	12
Real Property	30	26	3	1
Torts	1814	1792	16	6
Civil Rights	230	193	25	12
Prisoner Petitions	552	490	49	13
Forfeiture/Penalty	13	13	0	0
Labor	184	177	6	1
Immigration	1	1	0	0
Intellectual Property Rights	73	71	2	0
Social Security	375	267	42	66
Tax Suits	10	8	2	0
Bankruptcy	1	1	0	0
Other Statutes	167	158	7	2
<b>Civil Caseload Performance Measures</b>				
Average Age of Pending Cases <sup>3</sup>	20.0 months	20.6 months	12.0 months	9.7 months
Filed/Closed Ratio	1.08	1.09	0.86	1.16
Mean Time to Disposition	11.6 months	11.7 months	10.3 months	10.8 months
Mean Time to Disposition (5% trimmed) <sup>4</sup>	9.7 months	9.8 months	9.0 months	10.3 months
Median Time to Disposition	7.3 months	6.9 months	7.3 months	12.8 months
Inventory Control Index	15.9 months	16.7 months	8.6 months	13.3 months

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

2 – New civil case filings include sealed civil cases and MDL transfer cases, but exclude reopened 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.



## APPENDIX C

<b>2013 Civil Caseload Report – II</b>				
	District	St. Louis	Cape Girardeau	Hannibal
<b>Total MDL Transfer Case Filings<sup>1</sup></b>	<b>551</b>	<b>551</b>	<b>0</b>	<b>0</b>
MDL 1811	2	2	0	0
MDL 1964	545	545	0	0
MDL 1672	0	0	0	0
MDL 2382	0	0	0	0
MDL 2470	4	4	0	0
<b>Pro Se Filings by Type</b>	<b>672</b>	<b>583</b>	<b>68</b>	<b>21</b>
<b>Self-Represented (SR)</b>	<b>191</b>	<b>180</b>	<b>8</b>	<b>3</b>
Contracts	6	5	1	0
Real Property	3	3	0	0
Torts	5	4	1	0
Civil Rights	146	140	3	3
Prisoner Petitions <sup>2</sup>	10	8	2	0
Forfeiture/Penalty	0	0	0	0
Labor	1	1	0	0
Immigration	0	0	0	0
Intellectual Property Rights	0	0	0	0
Social Security	14	13	1	0
Tax Suits	1	1	0	0
Bankruptcy	0	0	0	0
Other Statutes	5	5	0	0
<b>Self-Represented Prisoner (SRP)</b>	<b>481</b>	<b>403</b>	<b>60</b>	<b>18</b>
Contracts	0	0	0	0
Real Property	0	0	0	0
Torts	1	1	0	0
Civil Rights	0	0	0	0
Prisoner Petitions	480	402	60	18
Forfeiture/Penalty	0	0	0	0
Labor	0	0	0	0
Immigration	0	0	0	0
Intellectual Property Rights	0	0	0	0
Social Security	0	0	0	0
Tax Suits	0	0	0	0
Bankruptcy	0	0	0	0
Other Statutes	0	0	0	0
<b>Civil Cases Pending by Type by Age</b>	<b>Less 1 Year</b>	<b>1 &amp; 2 Years</b>	<b>2 &amp; 3 Years</b>	<b>Greater 3 Years</b>
<b>Total Civil Cases Pending</b>	<b>1849</b>	<b>762</b>	<b>472</b>	<b>596</b>
Contracts	145	57	16	11
Real Property	16	6	5	3
Torts	692	313	291	518
Civil Rights	145	62	13	10
Prisoner Petitions	257	148	115	32
Forfeiture/Penalty	5	2	3	3
Labor	134	31	11	8
Immigration	1	0	0	0
Intellectual Property Rights	50	15	3	5
Social Security	274	93	7	1
Tax Suits	5	4	1	0
Bankruptcy	1	0	0	0
Other Statutes	124	31	7	5

1 – MDL refers to Multidistrict Litigation

2 – Prisoner petition cases include miscellaneous cases filed by non-prisoners attacking convictions, such as petitions for writ of coram nobis or audita querela.

## APPENDIX D

<b>2013 Criminal Caseload Report – I</b>				
	District	St. Louis	Cape Girardeau	Hannibal
Total Criminal Case Filings <sup>1</sup>	<b>570</b>	<b>467</b>	<b>103</b>	<b>0</b>
Felony Case Filings	522	436	86	0
Misdemeanor Case Filings	48	31	17	0
Transfers In / Transfers Out	62/65	43/46	19/19	0/0
<b>Criminal Case Filings by Offense</b>	<b>570</b>	<b>467</b>	<b>103</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	7	2	5	0
Assault	8	7	1	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	36	35	1	0
Embezzlement	7	5	2	0
Fraud	88	80	8	0
Auto Theft	3	3	0	0
Forgery & Counterfeiting	17	14	3	0
Sex Offenses	57	52	5	0
Marijuana Drug Offenses	46	35	11	0
Controlled Substances Offenses	76	62	14	0
Other Miscellaneous General Offenses	174	141	33	0
Immigration Laws	24	22	2	0
Federal Statutes	27	9	18	0
<b>Criminal Cases Closed by Offense</b>	<b>557</b>	<b>444</b>	<b>113</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	3	1	2	0
Assault	1	1	0	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	45	45	0	0
Embezzlement	7	5	2	0
Fraud	85	76	9	0
Auto Theft	1	1	0	0
Forgery & Counterfeiting	18	16	2	0
Sex Offenses	50	42	8	0
Marijuana Drug Offenses	56	45	11	0
Controlled Substances Offenses	52	36	16	0
Other Miscellaneous General Offenses	162	137	25	0
Immigration Laws	30	25	5	0
Federal Statutes	47	14	33	0
<b>Criminal Cases Pending by Offense</b>	<b>481</b>	<b>417</b>	<b>64</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	7	4	3	0
Assault	10	9	1	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	20	19	1	0
Embezzlement	5	3	2	0
Fraud	83	77	6	0
Auto Theft	1	1	0	0
Forgery & Counterfeiting	11	9	2	0
Sex Offenses	54	50	4	0
Marijuana Drug Offenses	54	46	8	0
Controlled Substances Offenses	87	76	11	0
Other Miscellaneous General Offenses	119	97	22	0
Immigration Laws	8	7	1	0
Federal Statutes	22	19	3	0

1 – Criminal case filings include sealed criminal cases.

## APPENDIX E

<b>2013 Criminal Caseload Report – II</b>				
	Less 1 Year	1 & 2 Years	2 & 3 Years	Greater 3 Years
<b>Criminal Cases Pending by Offense by Age</b>	<b>363</b>	<b>22</b>	<b>18</b>	<b>78</b>
Homicide	0	0	0	0
Robbery	5	1	0	1
Assault	8	2	0	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	19	1	0	0
Embezzlement	5	0	0	0
Fraud	58	3	5	17
Auto Theft	1	0	0	0
Forgery & Counterfeiting	9	0	0	2
Sex Offenses	43	5	1	5
Marijuana Drug Offenses	26	2	3	23
Controlled Substances Offenses	67	4	4	12
Other Miscellaneous General Offenses	106	2	3	8
Immigration Laws	5	1	0	2
Federal Statutes	11	1	2	8
<b>Criminal Caseload Performance Measures</b>	<b>District</b>	<b>St. Louis</b>	<b>Cape Girardeau</b>	<b>Hannibal</b>
Average Age of Pending Cases <sup>1</sup>	8.2 months	8.4 months	7.1 months	0
Filed/Closed Ratio	1.02	1.05	0.91	0
Mean Time to Disposition	10.2 months	10.8 months	6.3 months	0
Mean Time to Disposition (5% trimmed) <sup>2</sup>	8.2 months	8.5 months	6.1 months	0
Median Time to Disposition	6.9 months	7.1 months	5.7 months	0

1 – 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.

2 – 5% trimmed mean excludes the lowest and highest 2.5% of disposition times from the calculation of the mean



## APPENDIX F

<b>2013 Criminal Defendant Report</b>				
	District	St. Louis	Cape Girardeau	Hannibal
Total Criminal Defendant Filings	<b>830</b>	<b>709</b>	<b>121</b>	<b>0</b>
Felony Defendant Filings	782	678	104	0
Misdemeanor Defendant Filings	48	31	17	0
Criminal Defendants Filed/Closed Ratio	1.37	1.44	1.04	0
<b>Criminal Defendant Filings by Offense</b>	<b>830</b>	<b>709</b>	<b>121</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	10	2	8	0
Assault	8	7	1	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	36	35	1	0
Embezzlement	8	6	2	0
Fraud	121	113	8	0
Auto Theft	21	21	0	0
Forgery & Counterfeiting	29	23	6	0
Sex Offenses	57	52	5	0
Marijuana Drug Offenses	109	97	12	0
Controlled Substances Offenses	173	154	19	0
Other Miscellaneous General Offenses	205	166	39	0
Immigration Laws	25	23	2	0
Federal Statutes	28	10	18	0
<b>Criminal Defendants Closed by Offense<sup>1</sup></b>	<b>607</b>	<b>491</b>	<b>116</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	3	1	2	0
Assault	1	1	0	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	47	47	0	0
Embezzlement	7	5	2	0
Fraud	99	90	9	0
Auto Theft	1	1	0	0
Forgery & Counterfeiting	20	17	3	0
Sex Offenses	50	42	8	0
Marijuana Drug Offenses	66	55	11	0
Controlled Substances Offenses	63	45	18	0
Other Miscellaneous General Offenses	170	146	24	0
Immigration Laws	33	27	6	0
Federal Statutes	47	14	33	0
<b>Criminal Defendants Pending by Offense</b>	<b>732</b>	<b>652</b>	<b>80</b>	<b>0</b>
Homicide	0	0	0	0
Robbery	10	4	6	0
Assault	10	9	1	0
Burglary, Breaking & Entering	0	0	0	0
Larceny & Theft	21	20	1	0
Embezzlement	5	3	2	0
Fraud	145	139	6	0
Auto Theft	2	2	0	0
Forgery & Counterfeiting	16	11	5	0
Sex Offenses	54	50	4	0
Marijuana Drug Offenses	98	90	8	0
Controlled Substances Offenses	185	170	15	0
Other Miscellaneous General Offenses	144	116	28	0
Immigration Laws	9	8	1	0
Federal Statutes	33	30	3	0

<sup>1</sup> – Defendants whose probation/supervised release were revoked during the reporting period are not included in the closed defendants' totals.

## APPENDIX G

2013 Trial Starts and Completions Report													
	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	Jun 2013	Jul 2013	Aug 2013	Sep 2013	Oct 2013	Nov 2013	Dec 2013	2013
<b>Civil Trial Starts</b>													
Jury Trial Starts	4	2	5	5	2	0	4	3	2	3	2	1	33
Bench Trial Starts	1	0	0	1	2	0	1	2	0	2	0	0	9
<b>Total</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>42</b>
<b>Civil Trials Completed</b>													
Jury Trials Completed	4	2	4	6	2	0	4	3	0	4	2	0	31
Bench Trials Completed	0	0	0	0	0	2	0	1	0	1	1	1	6
<b>Total</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>37</b>
<b>Criminal Trial Starts</b>													
Jury Trial Starts	4	2	1	2	1	1	1	2	2	3	2	1	22
Bench Trial Starts	0	0	0	2	0	0	0	0	0	0	0	0	2
<b>Total</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>24</b>
<b>Criminal Trials Completed</b>													
Jury Trials Completed	2	2	1	2	1	1	0	2	1	1	2	0	15
Bench Trials Completed	0	0	0	2	0	0	0	0	0	0	0	0	2
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>17</b>
<b>Trial Start Totals</b>													
Jury Trial Starts	8	4	6	7	3	1	5	5	4	6	4	2	55
Bench Trial Starts	1	0	0	3	2	0	1	2	0	2	0	0	11
<b>Total</b>	<b>9</b>	<b>4</b>	<b>6</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>2</b>	<b>66</b>
<b>Total Trials Completed</b>													
Jury Trials Completed	6	4	5	8	3	1	4	5	1	5	4	0	46
Bench Trials Completed	0	0	0	2	0	2	0	1	0	1	1	1	8
<b>Total</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>10</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>54</b>

57 trials (including civil/criminal and jury/bench) held in St. Louis

9 trials (including civil/criminal and jury/bench) held in Cape Girardeau

2013 Lengths of Civil and Criminal Trials Completed							
	1 Day	2 Days	3 Days	4-9 Days	10-19 Days	20+ Days	Total
Civil Trials (including jury and bench)	5	6	6	18	2	0	37
Criminal Trials (including jury and bench)	2	3	6	5	1	0	17
<b>Total</b>	<b>7</b>	<b>9</b>	<b>12</b>	<b>23</b>	<b>3</b>	<b>0</b>	<b>54</b>

## APPENDIX H

<b>2013 Alternative Dispute Resolution (ADR) Activity Report</b>					
Civil Case Types	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Dec
<b>Referrals to ADR</b>					
Contracts	27	14	27	18	<b>86</b>
Real Property	1	0	2	1	<b>4</b>
Torts	27	23	27	16	<b>93</b>
Civil Rights	40	27	32	24	<b>123</b>
Labor	13	18	18	12	<b>61</b>
IP Rights	3	7	7	1	<b>18</b>
Tax Suits	0	0	1	0	<b>1</b>
Other	16	24	12	16	<b>68</b>
<b>Total</b>	<b>127</b>	<b>113</b>	<b>126</b>	<b>88</b>	<b>454</b>
<b>ADR Settlement Rate</b>					
Contracts	45.0%	29.4%	41.2%	55.6%	<b>43.1%</b>
Real Property	0.0%	33.3%	0.0%	0.0%	<b>25.0%</b>
Torts	45.5%	46.7%	58.3%	47.8%	<b>48.6%</b>
Civil Rights	43.8%	50.0%	43.3%	28.6%	<b>42.4%</b>
Labor	37.5%	22.2%	86.7%	66.7%	<b>58.5%</b>
IP Rights	50.0%	50.0%	66.7%	33.3%	<b>46.7%</b>
Tax Suits	0.0%	0.0%	0.0%	0.0%	<b>0.0%</b>
Other	62.5%	16.7%	20.0%	28.6%	<b>32.3%</b>
<b>Total</b>	<b>45.6%</b>	<b>39.3%</b>	<b>50.0%</b>	<b>43.5%</b>	<b>44.6%</b>



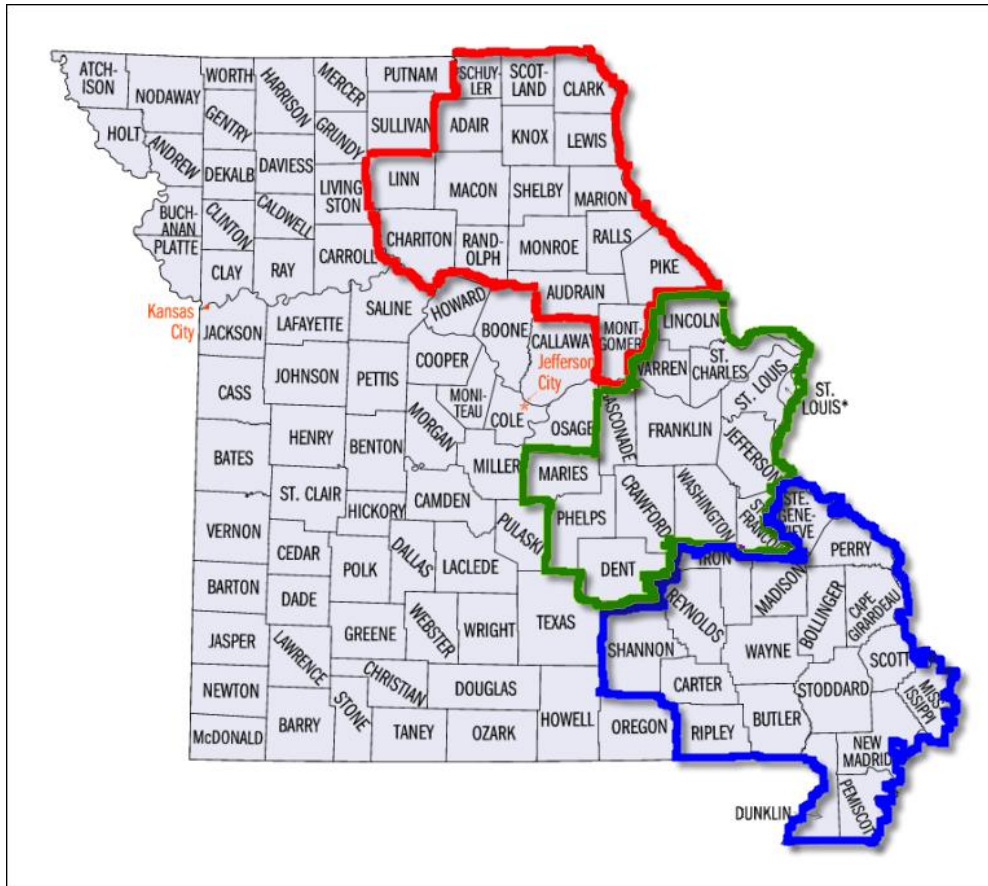
## APPENDIX I

2013 Juror Usage Report					
District	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Dec
Civil Juries	11	7	9	6	<b>33</b>
Criminal Juries	7	4	5	6	<b>22</b>
Total Number of Jurors	440	329	503	368	<b>1640</b>
Selected (S)	187	110	121	127	<b>545</b>
Challenged (C)	212	156	196	174	<b>738</b>
Participated in Voir Dire	38	63	140	65	<b>306</b>
No Voir Dire	3	0	46	2	<b>51</b>
Juror Usage Performance Measures					
Jurors not S/C who participated in Voir Dire	8.6%	19.1%	27.8%	17.7%	<b>18.7%</b>
Jurors not S/C who did not participate in Voir Dire	0.7%	0.0%	9.1%	0.5%	<b>3.1%</b>
Jurors participated in Voir Dire	99.3%	100.0%	90.9%	99.5%	<b>96.9%</b>
Juror Utilization (NSSC)	9.3%	19.1%	37.0%	18.2%	<b>21.8%</b>

1- 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.

## APPENDIX J

### United States District Court for the 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

# NOTES

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## *Acknowledgments*

The United States District Court for the Eastern District of Missouri would like to acknowledge the contributions of the following individuals to the 2013 Annual Report:

Coley Lewis was the project manager for the 2013 Annual Report.

John Stanka, Jeff Jones, Adam Zipprich, and Burma Wilkins contributed the photos for the 2013 Annual Report.







**SERVING THE PUBLIC, THE BENCH, AND THE BAR IN 2013**  
**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI**  
**THOMAS F. EAGLETON U.S. COURTHOUSE**  
**111 S. 10TH STREET, SUITE 3.300**  
**ST. LOUIS, MISSOURI 63102**  
**(314) 244-7900**  
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