

2009



Clerk's Office Year in Review

Paul L. Maloney, Chief Judge

Tracey Cordes, Clerk of Court



A Message From the Chief Judge...

Dear Friends and Colleagues,

I have completed my first full year as Chief Judge and it has been a privilege. Again I would like to acknowledge the superlative performance of the members of our Court family.

In January, 2009, we welcomed our new Clerk of Court, Tracey Cordes. Tracey practiced law and served in several administrative positions in the State Courts of Oregon before returning to Michigan. A Michigan State University undergrad, she received her law degree from Lewis & Clark Law School.

Public safety is the number one priority of our Probation Office. During 2009, under the able leadership of Valerie Martin, our District took additional steps toward implementation of evidence-based supervision practices. Over the years, our offender population has dramatically changed. The Western District consistently remains in the top 20 nationally when measuring the risk to re-offend of our supervised releasee population.

The District experienced a slight decrease in civil filings and a small uptick in criminal cases in 2009. Through the past fiscal year, the District was highest in the Sixth Circuit when measuring case filings per judge and best in the Circuit in case dispositions per judge.

Our Court continues its leadership in electronic case filings and technology. The expertise of our staff is continually tapped by other Districts for technical assistance and for the latest cutting edge upgrades.

As in the past, the Court's many accomplishments could not have been achieved without the total dedication of our employees. I would like to take this opportunity to recognize each member of the Court Team for perseverance, competence and dedication to serve others. Our Court's successes could not have been attained without them. I continue to be proud to lead such dedicated, knowledgeable, public servants.

PAUL L. MALONEY
CHIEF UNITED STATES DISTRICT JUDGE



A Message From the Clerk...

This message—my first as Clerk of Court—simply must begin with a heartfelt note of thanks. I assumed my duties early in 2009 and have been greeted, without exception, with overwhelming kindness and offers of support. I have come to understand that this is not unusual but, rather, it embodies the spirit of this place I have come to call “home.”

By virtue of my many years of working with judges, with court staff, and with members of the bar, I can safely reflect that the United States District Court for the Western District of Michigan is indeed a special place. Your judges are hardworking and respectful, your staff is conscientious and dedicated, and the attorneys who appear in this Court are experienced, professional, and prepared. It is not just one of these things that makes this Court work so well. It is that all of these things combine to work together.

With that, we offer you this Clerk’s Office Year in Review. We provide it not just to inform, but also to celebrate our accomplishments in 2009.

Sincerely,

Tracey Cordes



Table of Contents

Court History	5
Map & General Information.....	7
Judicial Officers	9
Judicial Staff	
Judicial Assistance	
Clerk's Office Staff	12
Case Management/Electronic Case Filing (CM/ECF)	13
Innovations and Efficiency Measures	
Updates	
Finance.....	14
Consolidation of District Court and Probation Office Financial and Procurement Unit	
Procurement	
Audit	
Jury.....	18
Information Technology	20
Operations	21
Civil and Criminal Case Filings	
Alternative Dispute Resolution	
Naturalization	
Attorney Admissions	
Personnel	25
Employee Service Awards	
Space and Facilities	27
2009 Highlights, Special News & Events.....	28
Annual Hillman Advocacy Program	
Senior Judge Wendell A. Miles takes Inactive Status	
Senior Judge Richard Alan Enslin takes Inactive Status	
Federal Bar Association Reception for Law Firm Summer Associates and Interns	
Western District FBA Presents Service to the Profession Award to Senior Judge Enslin	
Historical Society	
Ronald C. Weston, Sr. - Clerk of Court Retires	
Tracey Cordes - New Clerk of Court	
Official Court Reporters Update	
Creation of the Court Compensation and Performance Management Work Group	
Local Forms Committee Revision and Implementation of over 50 New Forms	
Holiday Giving by the Grand Rapids Courthouse	
Lansing Courtroom	



Court History

The United States District Court for the Western District of Michigan was created in 1863. Solomon L. Withey was named the first judge of this district by President Lincoln. Since its creation, the following judges have been appointed to the U.S. District Court for the Western District of Michigan:

<u>Judge</u>	<u>Appointment Date</u>	<u>Appointed Position</u>
Solomon L. Withey	March 11, 1863	U.S. District Judge
Henry F. Severens	May 25, 1886	U.S. District Judge
	February 20, 1900	elevated to U.S. Circuit Judge
George P. Wanty	March 13, 1900	U.S. District Judge
Loyal E. Knappen	December 10, 1906	U.S. District Judge
	January 31, 1910	elevated to U.S. Circuit Judge
Arthur C. Denison	January 31, 1910	U.S. District Judge
	March 2, 1911	elevated to U.S. Circuit Judge
Clarence W. Sessions	March 2, 1911	U.S. District Judge
Fred M. Raymond	May 8, 1925	U.S. District Judge
Raymond W. Starr	July 25, 1946	U.S. District Judge
W. Wallace Kent	June 10, 1954	U.S. District Judge
	December 18, 1970	elevated to U.S. Circuit Judge
Noel P. Fox	July 31, 1962	U.S. District Judge
Albert J. Engel, Jr.	December 18, 1970	U.S. District Judge
	December 19, 1973	elevated to U.S. Circuit Judge
Stephen W. Karr	July 20, 1971	Part-time U.S. Magistrate
	October 1, 1973	U.S. Magistrate
Lloyd R. Fayling	July 26, 1971	Part-time U.S. Magistrate
John R. Weber	March 13, 1972	Part-time U.S. Magistrate
Stuart D. Hubbel	June 13, 1972	Part-time U.S. Magistrate
Wendell A. Miles	April 17, 1974	U.S. District Judge
Douglas W. Hillman	September 26, 1979	U.S. District Judge
Benjamin F. Gibson	September 26, 1979	U.S. District Judge
Richard Allan Enslin	December 21, 1979	U.S. District Judge
Hugh W. Brenneman, Jr.	April 1, 1980	U.S. Magistrate Judge
Doyle A. Rowland	July 23, 1984	U.S. Magistrate Judge



<u>Judge</u>	<u>Appointment Date</u>	<u>Appointed Position</u>
Robert Holmes Bell	July 2, 1987	U.S. District Judge
Timothy P. Greeley	January 11, 1988	Part-time U.S. Magistrate Judge
	December 20, 1989	U.S. Magistrate Judge
Joseph G. Scoville	January 28, 1988	U.S. Magistrate Judge
David W. McKeague	February 10, 1992	U.S. District Judge
	June 10, 2005	elevated to U.S. Circuit Judge
Gordon J. Quist	June 30, 1992	U.S. District Judge
Ellen S. Carmody	October 10, 2000	U.S. Magistrate Judge
Paul L. Maloney	July 13, 2007	U.S. District Judge
Robert W. Jonker	July 16, 2007	U.S. District Judge
Janet T. Neff	August 6, 2007	U.S. District Judge



1879 - 1909

Grand Rapids

Federal

Courthouses

1909 - 1973



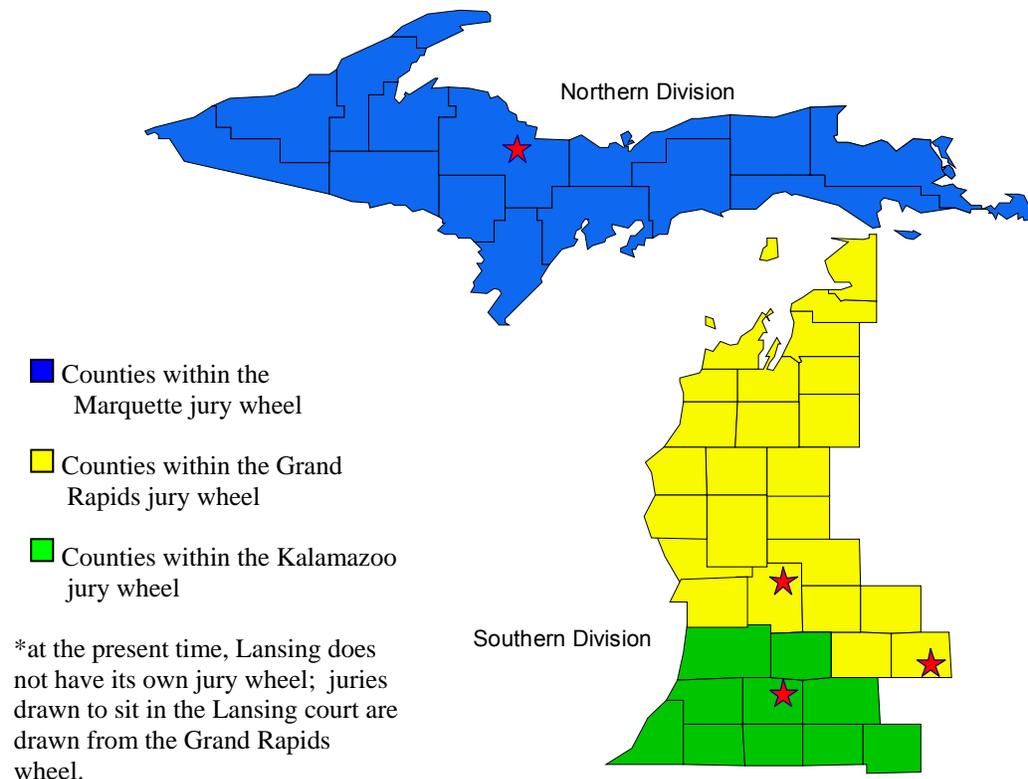
1973 - present





The United States District Court for the Western District of Michigan

- ▶ The Court is one of two federal district courts in the state of Michigan.
- ▶ The district includes the entire Upper Peninsula and the western half of the Lower Peninsula.
- ▶ There are over 35,000 square miles covered by the district.
- ▶ The district is divided into two divisions, the Northern Division and the Southern Division.





The Gerald R. Ford Federal Building
Grand Rapids, MI



Federal Building
Marquette, MI



Federal Building
Kalamazoo, MI



Charles E. Chamberlain Federal Building
Lansing, MI

- ▶ There are 49 counties in the Western District; 15 counties in the Northern Division and 34 counties in the Southern Division.
- ▶ The Court's main office is in Grand Rapids.
- ▶ There are also divisional offices located in Marquette, Kalamazoo and Lansing.



Judicial Officers

U.S. District Judges



Chief U.S. District Judge
Paul L. Maloney



U.S. District Judge
Robert Holmes Bell



U.S. District Judge
Robert J. Jonker



U.S. District Judge
Janet T. Neff

U.S. District Judges - Senior Status

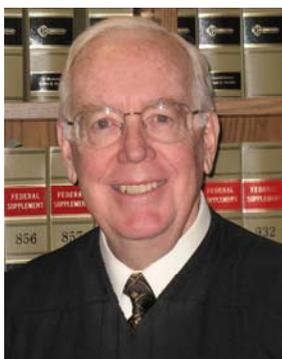


U.S. District Judge
Gordon J. Quist



U.S. District Judge
R. Allan Edgar

U.S. Magistrate Judges



U.S. Magistrate Judge
Hugh W. Brenneman, Jr.



U.S. Magistrate Judge
Timothy P. Greeley



U.S. Magistrate Judge
Joseph G. Scoville



U.S. Magistrate Judge
Ellen S. Carmody



Judicial Staff

Chief Judge Paul L. Maloney

Chief Judge: July 18, 2008 - Present

Alice Baker, Judicial Assistant; Amy Redmond, Case Manager; Rod Phares, Law Clerk;
John Brendel, Law Clerk; Kathleen Thomas, Court Reporter.

Judge Robert Holmes Bell

Chief Judge: June 1, 2001 - July 17, 2008

Kim Briggs, Judicial Assistant; Sue Bourque, Case Manager; Julie Clough, Law Clerk;
Todd Broberg, Law Clerk; Kevin Gaugier, Court Reporter.

Judge Robert J. Jonker

Yvonne Carpenter, Judicial Assistant; Melva Ludge, Case Manager; Margaret Khayat Bratt,
Law Clerk; Reid Mullen, Law Clerk/Successor - Jeanne Long; Glenda Trexler, Court Reporter.

Judge Janet T. Neff

Chris Bockheim, Judicial Assistant; Susan Smith, Case Manager;
Kathleen Geiger, Law Clerk; Rita Buitendorp, Law Clerk; Kathy Anderson, Court Reporter.

Judge Gordon J. Quist

Senior Status: January 1, 2006 - present

Jane Tepper, Judicial Assistant; Phil Henderson, Law Clerk;
Matthew Harris, Law Clerk/Successor - Neil Marchand.

Judge R. Allan Edgar

Senior Status and Designated to WDMI: October 7, 2005 - present

Cathy Moore, Judicial Assistant/Case Manager (WDMI).

Magistrate Judge Hugh W. Brenneman, Jr.

Faith Webb, Judicial Assistant; James Dion, Law Clerk;
Diane Kettner, Courtroom Deputy.

Magistrate Judge Timothy P. Greeley

Cathy LeBoeuf, Judicial Assistant; Rodney Kurzawa, Law Clerk;
Pam Chant, Courtroom Deputy.



Judicial Staff (continued)

Magistrate Judge Joseph G. Scoville

Marge Hetherington, Judicial Assistant; Christopher Williams, Law Clerk;
Diane Hand, Courtroom Deputy.

Magistrate Judge Ellen S. Carmody

Cynthia Hosner, Judicial Assistant; Russ Ambrose, Law Clerk;
Julie Lenon, Courtroom Deputy.

Staff Attorneys

Anne Bartish, Lisa DeFerrari, Catherine Halverson, Carol Rowland
Kristin VandenBerg, Claire Whitman;



Judicial Assistance

Chief Judge Maloney is a member of the Sixth Circuit Judicial Council. He also sat by designation as a visiting judge at the Sixth Circuit Court of Appeals in October 2009.

Judge Bell sat by designation as a visiting judge at the Sixth Circuit Court of Appeals in January 2009. He continues to serve as a member of the Criminal Law Committee of the Judicial Conference.

Judge Quist sat by designation as a visiting judge in the following locations: Eleventh Circuit Court of Appeals in Atlanta, Georgia in March 2009; the Ninth Circuit Court of Appeals in Pasadena, California in April 2009; and the Eleventh Circuit Court of Appeals in Miami, Florida in September 2009. Judge Quist also travelled to Chicago, Illinois and Russia to meet with Russian judges for discussions on judicial ethics and discipline.



Clerk's Office Staff

Administration

Clerk of Court - *Tracey Cordes*
Chief Deputy Clerk - *Kim A. Foster*
Administrative Analyst - *Michelle Rush*
Administrative Secretary - *Kathy Devlin*
CM/ECF Administrator - *Kelly Van Dyke*
Jury Administrator - *Diane Hopkins*
Personnel Specialist - *Melanie Vugteveen*

Finance & Procurement

Financial Administrator - *Mike Polkowski*
Procurement & Financial Specialist -
Katie Campbell
Procurement Clerk - *Nicki Gleeson*
Financial Technician - *Melissa Spriggs*

Information Technology

IT Manager - *Deloy Johnson*
Assistant IT Managers - *Kim Greer*
Mitch Van Dyke
IT Help Desk Specialist - *Amy Jensen*
IT Specialists - *Tom La*
Bill Simaz
Sue Tanner
Ed Van Portfliet

Operations

Operations Manager - *Michelle Benham*
Asst. Operations Supervisor - *Kristi Taylor*
Resident Deputies - *Linda Dack (LN)*
Carole Poggi (MQ)
DeWinda Webb (KZ)
ADR Case Administrator - *Mary Clapp*
Case Administrators - *Ellen Copple (GR)*
Barb Dowdle (KZ)
Gloria Frayer (GR)
Jodi Gerona (LN)
Sandy Kivela (MQ)
Cathy Moore (MQ)
Martha Strong (GR)
Ruth Westcott (KZ)
Paula Woods (LN)
Case Opening Clerk - *Carleen Rather*
Data Quality Analysts - *Matt Allen*
Cindy Idema
Kathy Wright
Generalist Clerks - *Lauren Packard*
Rick Wolters
Operations Support Clerk - *Angie Doezema*



Case Management/Electronic Case Filing (CM/ECF)

Innovations and Efficiency Measures

In early January, our CM/ECF Administrator, Kelly Van Dyke, set up the appeals clerk at the US Bankruptcy Court to electronically file the bankruptcy record on appeal and the notice of transmittal. This new process is a time saver for both the Bankruptcy Court as well as the District Court, as it eliminates the need to transfer many voluminous files between the Courts.

Also in January, Kelly created a capability for issuing and e-filing summonses electronically. Previously this was a paper process requiring multiple copies of the summons and separate memoranda that were sent to other agencies. Under the new process the probationer/supervised releasee is still served by certified mail, however the rest of the process is electronic, with other parties and agencies being notified electronically from CM/ECF. The new process has been a time saver for both probation and the clerk's office.

Chief Judge Maloney requested that a new process be put in place for the Probation Department to notify him and set a hearing for any offender sentenced by him or Judge Enslin, who has terminated or plans to terminate their employment within one to two weeks of the BOP discharge date or within one month of commencement of their term of supervised release. The purpose of the employment hearing is to quickly address those offenders. Accordingly, CM/ECF was set up to receive the new hearing type and for Probation to e-file a notice of Employment Hearing.

The "Monthly Trials and Other Court Activity Report," (JS-10) is a report of district judge time in court that the clerk is required to submit to the Administrative Office of the U.S. Courts (A.O.) each month. The information to complete the report has been gathered manually in the past. Beginning April 1, 2009, statistical information to report court time was gathered via CM/ECF during the process of e-filing minutes of hearings. The judicial assistants and case managers participated in a training session conducted by Cindy Idema, one of our Data Quality Analysts, to explain the report and how to utilize the system to facilitate accurate reporting. The process required test reports to be submitted initially, with the system going "live" in July.

Updates

In November, CM/ECF was upgraded to Version 3.2.3 of the software. The new version changed behind the scenes functionality for computation of time and also required attorneys to acknowledge their responsibility to redact personal identifiers in compliance with the Federal Rules of Civil and Criminal Procedure, each time they log in to CM/ECF. The computation of time functionality changes were in anticipation of amendments to the Federal Rules of Civil, Criminal, and Appellate Procedure, which



took effect on December 1, 2009. The amendments required numerous changes in CM/ECF to deadlines, event titles, automatically-generated docket text and forms.

The presence of our staff at the national level continued in 2009. Kelly Van Dyke's two-year term on the national CM/ECF Working Group was extended an additional year at the request of the Administrative Office Director. Kelly also served on three national subcommittees: Requirements, Operations, and Modification Request.

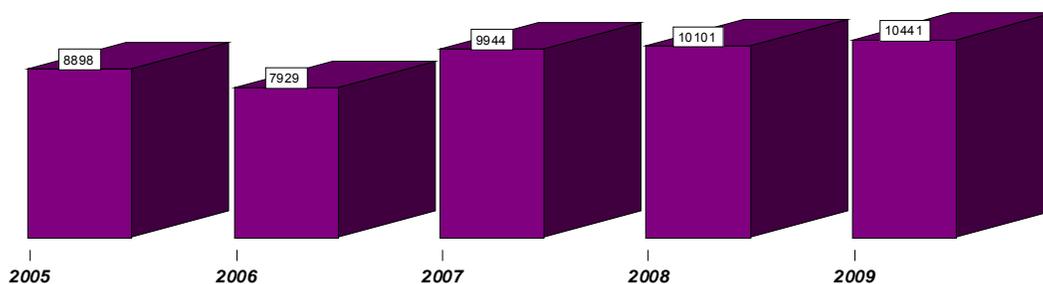
Finance

The finance department processes disbursements for all court units within the district - District Court, Bankruptcy Court, Probation & Pre-Trial Services, as well as the Federal Public Defender offices. Additionally, travel-related payment authorizations are processed for three judges from the Court of Appeals for the Sixth Circuit and their staff.

Disbursements in 2009 increased a little over 3% from the prior year. During the twelve month period, the finance area processed 10,441 payment authorizations, a small increase from 2008. The breakdown by court unit is as follows:

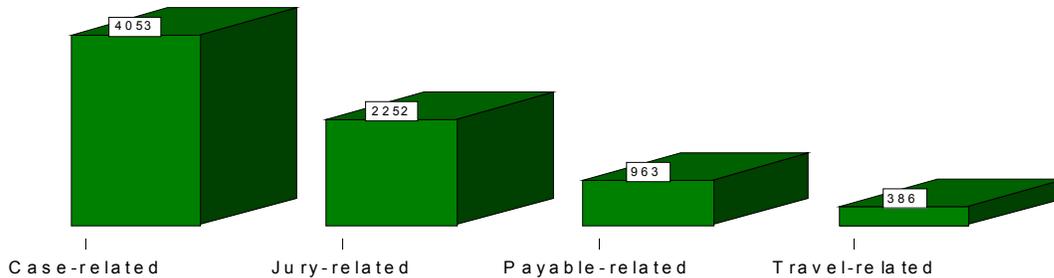
	<u>2009</u>	<u>%</u>	<u>2008</u>	<u>+ - %</u>
U.S. District Court	7,654	73.3%	7,374	0.3%
U.S. Probation Office	1,269	12.1%	1,092	1.3%
U.S. Bankruptcy Court	957	9.2%	965	(0.4%)
Federal Public Defender	561	5.4%	670	(1.2%)

Payments Processed- All Court Units





Payments Processed - District Court

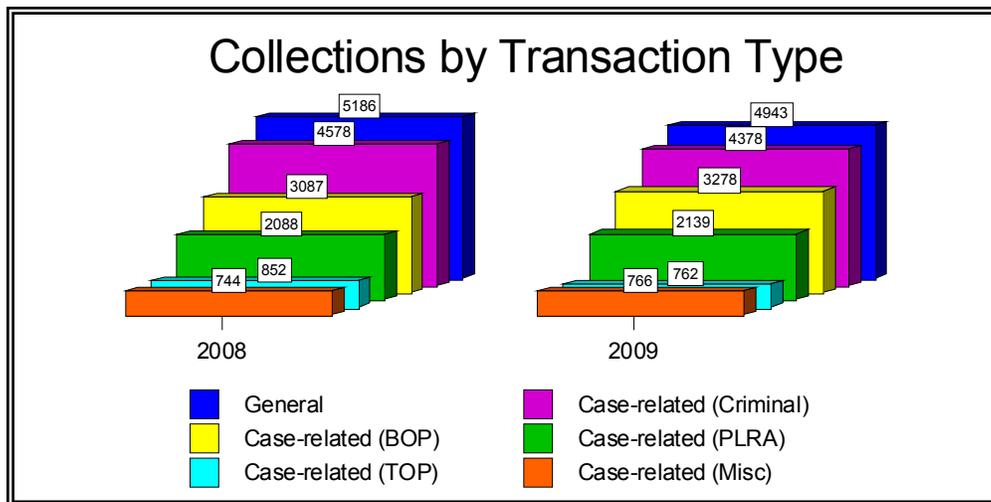


The finance department also processes collections for all court units, excluding the Bankruptcy Court. Receipt transactions decreased slightly in 2009 from a total of 16,515 in 2008 to 16,266. Generally, case-related collections comprise approximately 70% of all transactions in any given year. The breakdown by transaction type is as follows:

	<u>2009</u>	<u>%</u>	<u>2008</u>	<u>%</u>
General (all other) Collections	4,943	30.4%	5,186	31%
Case-related Collections	11,323	69.6%	11,349	69%

The following chart identifies collections by the type of transaction. General receipt transactions incorporate all Treasury-related transactions, such as filing fees, copy fees, etc. Case-related transactions incorporate a number of similar, yet uniquely different, transactions. These transaction types are defined as follows:

- Criminal- Fine/restitution collections received through mail/over counter
- BOP- Fine/restitution collections received through the Bureau of Prisons
- PLRA- Prisoner Litigation Reform Act collections (prisoner civil rights filing fees)
- TOP- Fine/restitution collections received through Treasury Offset Program
- Misc- Miscellaneous collections, i.e., Administrative Fund, overpayments



Consolidated District Court and Probation Office Finance and Procurement Unit

The District Court and Probation Office consolidated their finance and procurement units in 2008 and the transition and changes continued in 2009. As a result of staffing changes and additions made at the beginning of the year, 2009 could be characterized as our first complete year as a fully-staffed and operational consolidated unit. Acknowledging the primary focus of the unit is to perform accounting and financial management activities in a manner that emphasizes accountability, the necessity to educate and cross-train staff was one of the primary tasks of the unit.

One essential aspect of the vision for the consolidated unit was to create an integrated and effective team. This required that staff be brought up to speed as quickly as possible. To that end, staff took on the additional task of quickly acquiring knowledge and skills in all areas of **FAS⁴T** and **CCAM**, the court's automated financial management systems. In an effort to further expand their knowledge base, Katie Campbell and Nicki Gleeson, procurement specialists for their respective units, traveled to San Antonio, Texas in June to attend training at the GSA Expo and to familiarize themselves with GSA policies, programs and vendors. Melissa Spriggs, financial technician, also traveled to San Antonio in August to attend the **FAS⁴T** User training course for new staff.

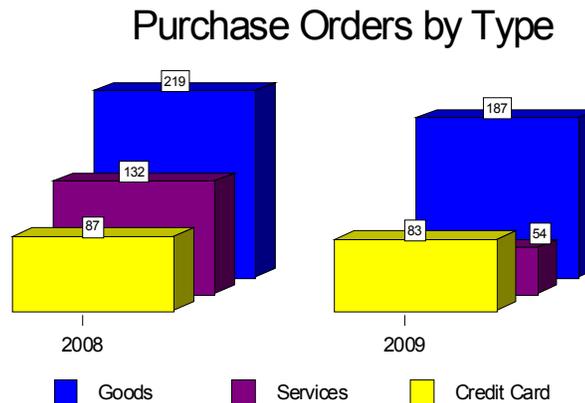
We plan to continue our mission of creating an integrated, effective and accessible finance/procurement unit that promotes high-quality service and support to all district court and probation office staff. Since we remain committed to being responsive to the needs of all staff and supporting them in every area to allow them to do their jobs better, additional training initiatives will be sought out in future years.

Procurement

The procurement department processes purchases for all offices within the District Court, including judges' chambers. We made 324 purchases in 2009, which is a de-



crease from the previous year in which there were 438 purchases. The most significant decrease was with regard to service-oriented purchase orders. The decrease in these types of purchases from 2008 to 2009 is the result of the completion of many chamber and courtroom renovation projects which began in 2007 and carried over into 2008.



Audit

Calendar year 2009 can also be referred to as the year of the audit. The district's routine cyclical evaluation was initially scheduled to take place early in the year. However, following the retirement of the Clerk of Court and the hiring of his replacement in January 2009, a change of clerk audit was also added to the mix. Taking into consideration the time this type of transition encompasses, it was determined a consolidation of the two audits would result in a more efficient use of staff resources. As such, the audit was completed in June 2009, with only minor deficiencies being identified in current processes.

All districts are also required to perform an internal, self-evaluation at least annually. In the past, these self-reviews were performed internally by management staff within the clerk's office. In an effort to expand the review process and afford ourselves the opportunity to gain a brand-new perspective of how our financial operations are carried out, we contracted this review out to a local audit firm. This review took place in September 2009, and as anticipated, our office's financial policies and procedures were validated with only minor weaknesses being identified. In the end, newer staff were introduced to the complexities of the Judiciary's audit activities and as a result, we were able to strengthen our current processes and procedures.

Other initiatives completed during calendar year 2009 included:

- the complete physical inventory of furniture and furnishings in all divisions;
- the use of GSAXess to sell excess furniture;
- the acquisition of a GSA government vehicle by the District Court to help lessen the impact of travel-related expenses that come with intra-district travel; and
- participation at a national level in an AO-sponsored DACUM workshop (an acronym for **Developing a Curriculum**) to start the process of creating a training curriculum for new financial specialists in district courts nationwide.



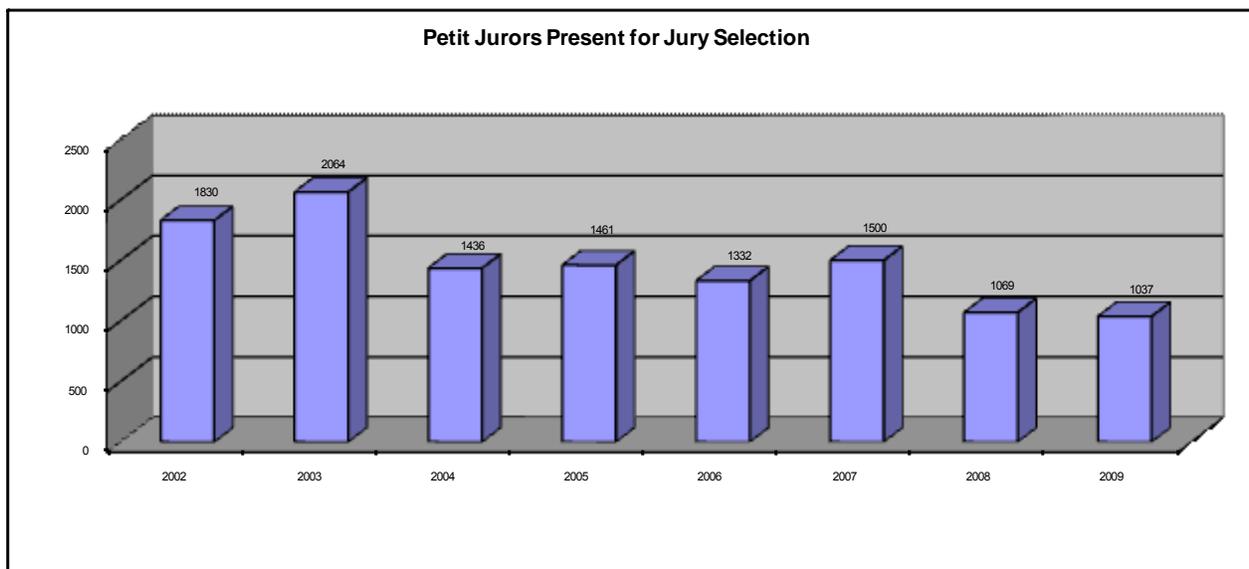
Jury

The Western District of Michigan was in the first wave of courts to go live with the E-juror software system in the fall of 2009. The Grand Rapids division went live in August and the other divisions received training in September and went live shortly thereafter.

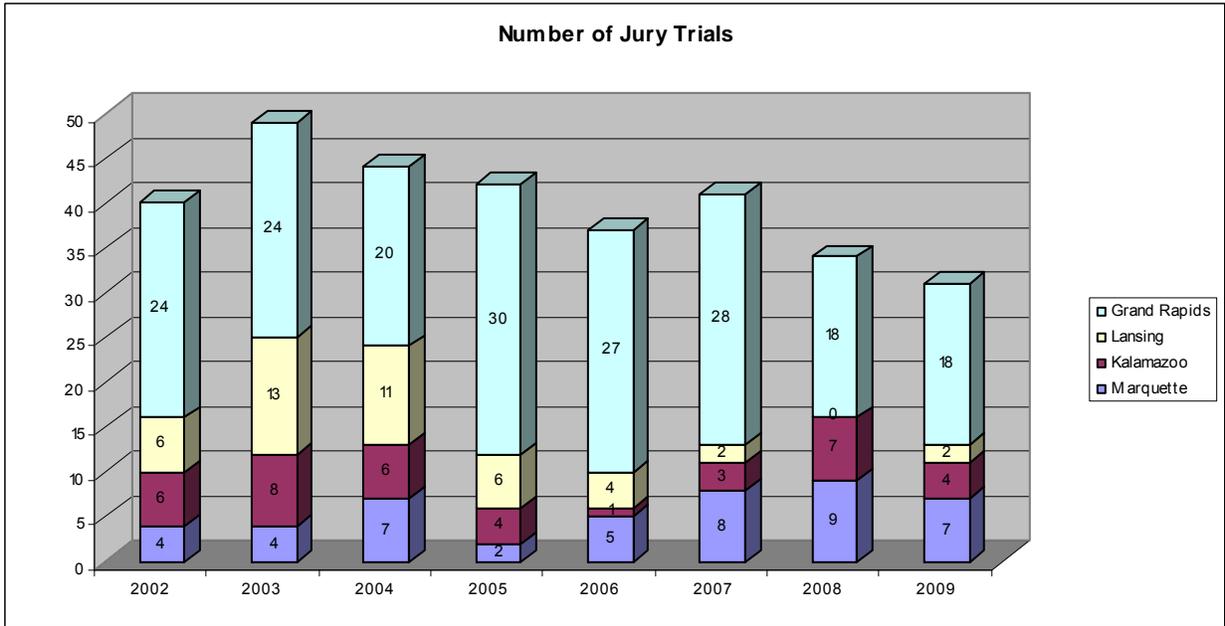
E-juror, which runs in conjunction with the Jury Management System (JMS) has significantly impacted the way jurors can interact with the court regarding jury service. Prospective jurors receiving qualification questionnaires are able to access E-juror on-line to complete the questionnaire. Jurors determined to be qualified are directly input into JMS, which allows these people to be immediately available for summons. Questionnaires submitted with changes, such as names or addresses, or those with questionable qualification status, are flagged for jury personnel review.

Jurors summoned for jury service are not only able to update their personal information, such as name, address, telephone number and email address, but are also able to defer themselves to a new date or submit a request to be excused. Reporting information is updated when a pool is called for selection or canceled. We continue to work in conjunction with other courts to update the E-juror system to further create an effective, user friendly, jury operating system.

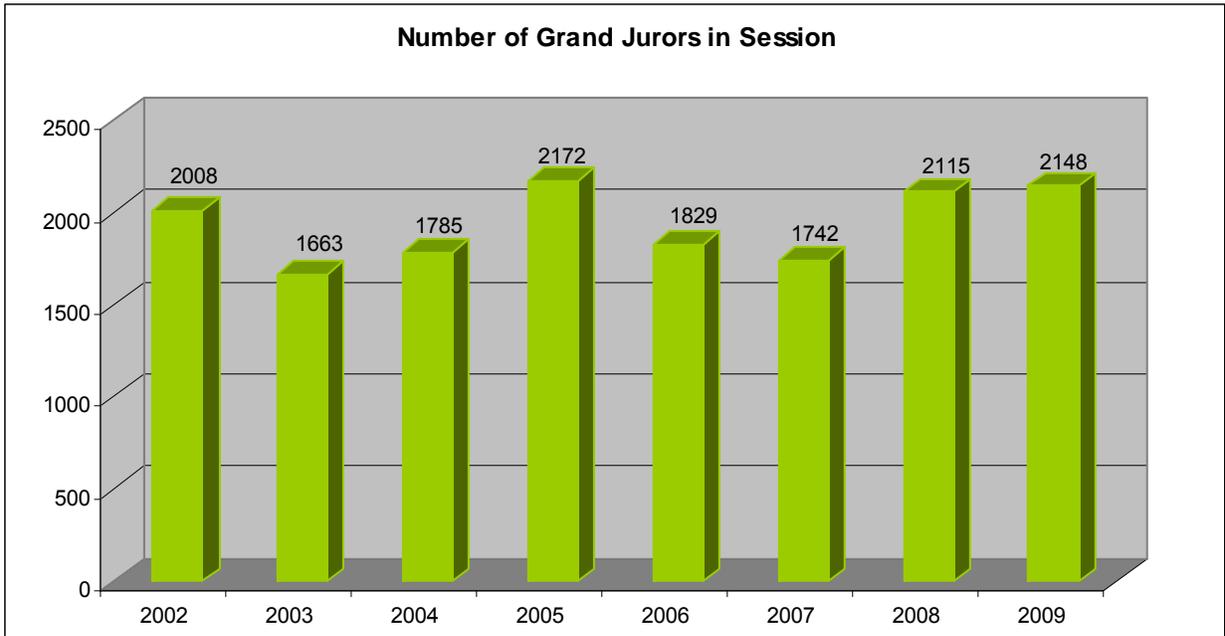
In 2009, the Western District of Michigan called upon 1,037 petit jurors to be present for jury selection for 31 trials. Of those jurors present for selection, 345 were selected and 319 were challenged.



Of the 31 trials held in 2009, 28 continued to verdict; 1 criminal case was changed to a bench trial prior to selection; and 2 criminal cases resulted in guilty pleas being entered prior to voir dire.



In 2009, eight grand juries met in session over a period of 622 hours in the Western District of Michigan. Three of the eight grand juries completed their term of service during 2009 and were discharged; one grand jury was extended for six months. A total of 2,148 grand jurors met on 105 days during 2009.





Information Technology

During 2009, the United States District Court & Probation/Pretrial Services Office for the Western District of Michigan continued to build on its existing technology. Through cyclical upgrades and special funding the Judges, Probation Officers and all staff continue to utilize personal and notebook computers, printers, scanners, smartphones, cellular phones and other technology that are current and up-to-date. Along with the hardware used by the Judges, Probation Officers and all staff, the software also continues to be updated as new versions are released and as these new versions fit the requirements of staff.

Our national and enterprise applications continue to be fully utilized and current. Upgrades were installed over the past year for CM/ECF, PACTS, FAS4T, JMS, Lotus Notes, Microsoft Office, WordPerfect, Internet Explorer, Firefox and Adobe Acrobat. In addition to the JMS application upgrade, the eJuror component was also implemented providing the ability for jurors to respond and receive information via the Internet.

More and more staff are utilizing the benefits of being able to work remotely from home or when travelling. All district court staff and most probation office staff have accounts for the Judiciary's Virtual Private Network (VPN) allowing them to utilize the Judiciary's Internet remote access service (JPORT) to access e-mail, CM/ECF and other Judiciary applications. Also, the Citrix remote access servers maintained by the court received both hardware and software upgrades.

Video conferencing capabilities continue to expand. New systems are now installed in all four court locations with additional smaller systems available for all Probation locations. Use of video conferencing for court proceedings, pretrial and presentence interviews, committee meetings, etc. continues to increase.

The court installed a new phone system during 2009 for the Lansing location. The system services the Court of Appeals, District Court, Probation/Pretrial and Bankruptcy Court staff. A new system was also procured for Marquette and is to be installed early in 2010.

The Probation Office continued to work toward the implementation of electronic document management and implemented new pretrial tools and online reporting tools for use in monthly supervision reporting.

Courtroom technology upgrades were completed in Chief Judge Maloney and Judge Quist's courtrooms. Full scale implementations were initiated for Judge Jonker and Judge Neff's courtrooms.

Deloy Johnson, our IT Manager, completed his official participation in the national Information Technology Security & Network Management Working Group, but continues to lead the development of network management training for technical staff and for court unit executives all over the country.



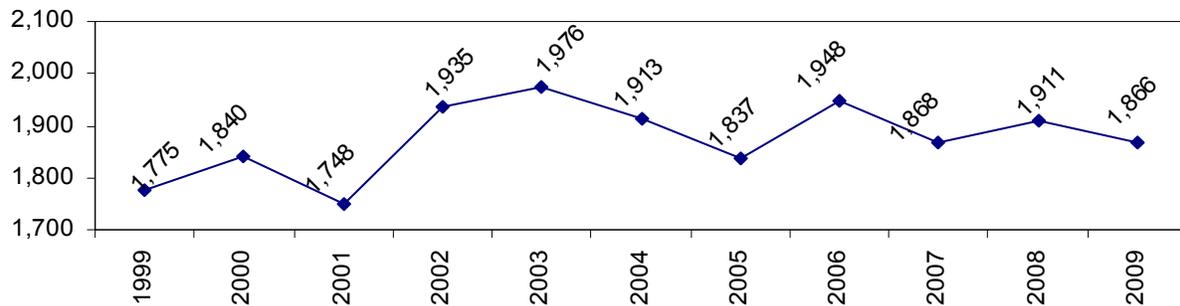
Operations

Historically, the integral role of the Clerk's office function was to maintain the docket of case files of the court. With the implementation of electronic filing, the role of the Operations Department of the Clerk's office has evolved into more quality control functions to the chambers and the Bar.

Civil and Criminal Case Filings

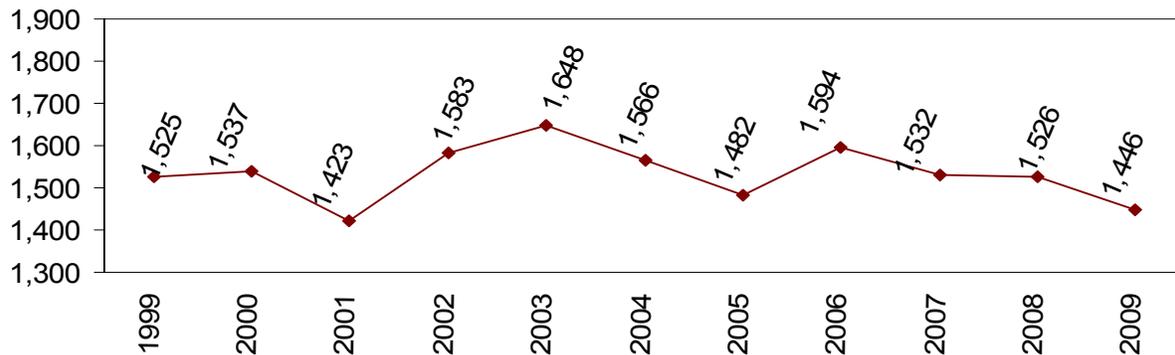
In 2009, there were 1,866 civil and criminal case filings in the Western District of Michigan. This was a two percent decrease from 2008. Over the past ten years, civil and criminal filings have fluctuated from as low as 1,748 in 2001 to as high as 1,976 in 2003.

Civil and Criminal Case Filings



Of the 1,866 total case filings, there were 1,446 civil case filings. Civil filings have remained fairly steady over the last ten years, with a few dips in 2001, 2005 and now in 2009. During Fiscal Year 2009, a majority of the civil case filings - approximately forty percent - were prisoner petitions.

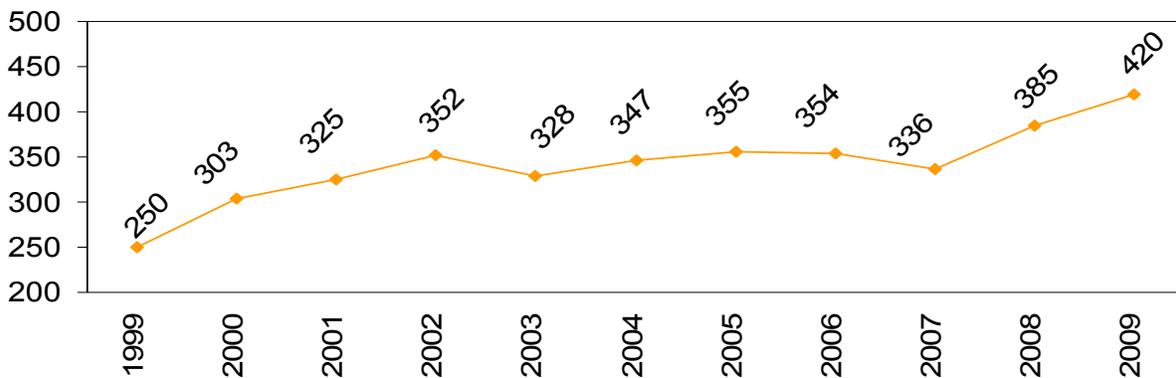
Civil Case Filings





Of the 1,866 total case filings, there were 420 criminal filings. Criminal filings have generally shown a fairly steady incline since 1999. During Fiscal Year 2009, the majority of criminal filings - approximately one-third of the total filings - were felony immigration matters.

Criminal Case Filings



Alternative Dispute Resolution

The judges of the Western District of Michigan offer alternative dispute resolution (ADR) methods in those cases where the parties and the Court agree that ADR may help resolve the case. The Court offers a broad selection of programs, including voluntary facilitative mediation (VFM), case evaluation, early neutral evaluation (ENE), and court-annexed arbitration, as well as summary jury trials, summary bench trials, and settlement conferences conducted by judges of this district.

Voluntary facilitative mediation is a flexible, nonbinding dispute resolution process in which an impartial third party -- the mediator -- facilitates negotiations among the parties to help them reach settlement. A hallmark of mediation is its capacity to expand traditional settlement discussion and broaden resolution options, often by going beyond the legal issues in controversy.

Case evaluation is a process largely patterned after the program extensively used in the state courts of Michigan. Case evaluation principally involves establishment of the settlement value of a case by a panel of three attorneys.

Early neutral evaluation is conducted by an experienced, objective and neutral attorney, who generally meets with the parties early in their case to evaluate its strengths, weaknesses and value, and who also attempts to negotiate a settlement.



Court-annexed arbitration is authorized for certain cases by 28 U.S.C. §§ 651-658. The arbitrator hears evidence in a formal hearing, at which the rules of evidence apply, and issues an award reflecting the merits of the case, as opposed to its settlement value. This is the least commonly utilized ADR method in our district.

Summary Jury or Bench Trial is an abbreviated proceeding during which the parties' attorneys summarize their case before either a six-person jury or a judge or magistrate judge. Unless the parties stipulate otherwise, the verdict is advisory only.

Settlement Conference is an off-the-record conference usually held before a judge who is not the presiding judge in the case. All parties, or a representative with full settlement authority, must be present. The judge works with the parties towards an agreed settlement in the case. If settlement is reached, the settlement is typically put on the record in open court. This is the most commonly utilized ADR method in our district.

Cases Referred to Alternative Dispute Resolution in 2009													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Voluntary Facilitative Mediation	14	10	17	4	10	14	14	17	14	15	9	11	149
Case Evaluation	2	2	7	3	3	4	2	5	3	1	2	5	39
Early Neutral Evaluation	1	0	0	0	0	0	0	1	0	1	0	0	3
Settlement Conference	23	17	24	16	23	17	19	25	23	31	12	20	250
Summary Jury Trial	0	0	0	0	0	0	0	0	0	0	1	0	1
TOTAL	40	29	48	23	36	35	35	48	40	48	24	36	442

Of the 1,446 civil case filings in 2009, 815 cases were eligible for referral to some form of alternative dispute resolution under the rules of our district.¹ Of those eligible cases, 442 cases were referred to alternative dispute resolution.²

1 Cases that are exempt from a scheduling/planning order are ineligible for referral to ADR (e.g. § 2255 motions, habeas corpus petitions, prisoner civil rights cases, prisoner petitions, social security appeals, student loan actions and bankruptcy appeals). Refer to Local Civil Rule 16.1(g).

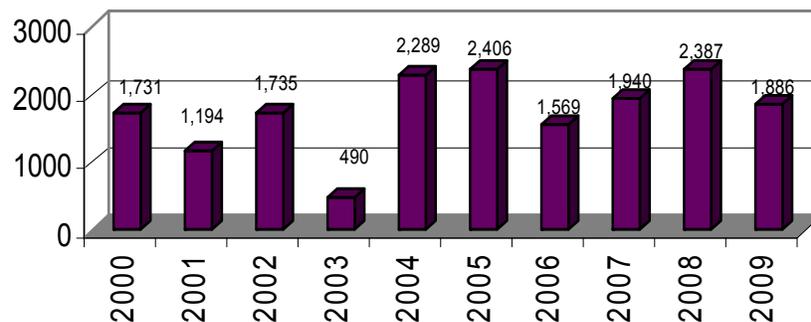
2 Parties must consent to referral to ADR, therefore, not all eligible cases are actually referred to some form of ADR.



Naturalization

In 2009, there were twenty-eight naturalization ceremonies conducted by the Judges of the Western District of Michigan. Our judges administered the oath of allegiance to 1,886 new citizens.

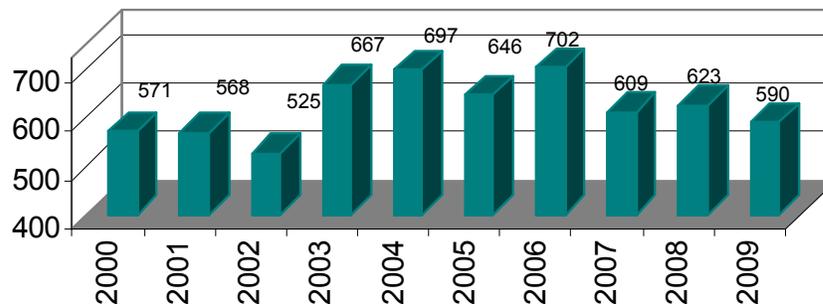
Naturalized Citizens



Attorney Admissions

In 2009, our Court admitted 590 additional attorneys to practice in the Western District of Michigan. As of the end of the year, a total of 19,908 attorneys have been admitted since the Court was created in 1863. Attorney admission ceremonies are held several times a year, giving attorneys the opportunity to join local, state and federal bars.

Attorney Admissions





Personnel

Compared to previous years, the clerk's office had very low staff turnover this year. However, the clerk's office did experience a major change in leadership, due to the retirement of Ron Weston, Clerk of Court, after 15 years of service. Tracey Cordes began her tenure as Clerk of Court upon his retirement. Tracey came to Michigan most recently from Portland, Oregon, where she practiced law for 12 years and spent an additional 7 years in court administration at the state court level. The dedication and courtesy of Court and clerk's office staff was demonstrated by how they welcomed Tracey to the Court family and by their persistent efforts to work through this important transition while keeping court operations running smoothly.

Throughout 2009, Clerk's office staff continue to participate in online training on various subjects available through the Judiciary Online University and satellite broadcasts. In September 2009, several Clerk's office staff participated in a Train-the-Trainer class facilitated by Lou Gil of the San Antonio Training Center. The primary focus of the class was to assist attendees in acquiring appropriate platform and interpersonal communications skills which, when combined with subject matter expertise, result in productive training experiences for students.

The Clerk's Office is fortunate to benefit from the generous volunteer efforts of two special retirees who continue to come back year after year and make significant contributions to the Court. We would like to acknowledge and thank Art Langeveld, who retired from the Court in 1992, and Lois Ripma, who retired from the Court in 2004, for their continued help in the areas of jury and naturalization.

Each fall the Grand Rapids and Marquette divisional offices participate in the Combined Federal Campaign (CFC). The CFC gives federal employees the opportunity to give back. This year, we collectively raised over \$21,000 to help local, national and international agencies.

The generosity of Court staff is also demonstrated each year through annual leave donations. This program allows staff to donate certain amounts of annual leave to other

2009 Personnel Changes

Appointments/Reassignments

Melissa Spriggs
Financial Technician

Tracey Cordes
Clerk of Court

Retirements

Ron Weston
15 years (37 years combined fed svc)

Ruth Westcott
25 years

Carole Rowland
13 years



Court staff across the country who risk financial hardship because of long-term absences due to illness or injury. In 2009, three recipients within the district received an unbelievable 680 hours (17 weeks) and four recipients from outside the district received 83 hours of annual leave donated from our court staff. This is the highest amount of annual leave ever donated by our staff during a given year.

Throughout 2009, staff increased their comfort with and use of two electronic personnel programs. The Human Resource Management Information System (HRMIS) eService gives court employees electronic access to view and change their personal and payroll information, make changes to their federal withholding and direct deposits, and to view pay statements. With printed earnings statements coming to an end in October 2009, staff were forced to get into eService to view and/or print any future earnings statements. Also in the fall of 2009, our Court began using the electronic Official Personnel Folder (eOPF) system. This system is basically an electronic version of the paper official personnel file that is housed at the Administrative Office. Instead of receiving hard copy notices of personnel actions and requesting to see their local personnel file, staff may now go online at anytime to see what is in their folder. This shift toward employee self-sufficiency has allowed the Personnel Specialist to shift more time and energy toward the completion of other projects.

Employee Service Awards

Each year, employees who have served the Court and/or other federal agencies for five years or more, are recognized with a certificate or pin. In 2009, the following employees were recognized:



Anne Bartish
Jodi Gerona
Amy Jensen
Susan P. Rodgers



Russ Ambrose
Ellen Copple
Kathleen Thomas
Paula Woods



Faith Webb



Paul Brandenburg
Bard Dowdle
Molly Hamilton
Deloy Johnson
Cathy LeBoeuf



Ruth Westcott



Michele Pazur



Space and Facilities

During 2009, two major ceiling and lighting renovation projects were completed in Grand Rapids for Courtroom 401, assigned to the Honorable Janet Neff, and Courtroom 699, assigned to the Honorable Robert Jonker. The projects included removal of old ceiling and lighting and installation of a newly redesigned ceiling with pendant lighting.

Acoustics issues in the Kalamazoo Courtroom continued as a focus for 2009. In 2008 the Court contracted with Spectrum Engineers to address ongoing acoustics problems. After a thorough study of the Kalamazoo facility, recommendations for an improved, quieter HVAC fan, acoustical wall panels, and new ceiling design were recommended. As a result, the HVAC fan replacement occurred, improving the background noise immensely. Additionally, the designs were completed for the construction of the new ceiling and acoustical wall panels, with construction on those aspects of the project scheduled to begin in early 2010.

Courtroom Technology continued as a focus for 2009. The Court funded and completed infrastructure design as well as full audio/video systems design for the two remaining courtrooms in Grand Rapids, 401 and 699. Final infrastructure construction and system installation will occur in 2010.

The Court also funded some remodeling for Judge Scoville's Courtroom to address security needs. The project added an additional door to the public corridor to enhance prisoner transport; reduced some public seating to expand counsel area; and added new carpet and wall covering. The project was completed in early spring 2009.

The National Asset Management Study recommended expansion of the Magistrate Judge space on the 6th Floor of the Gerald R. Ford Courthouse. Work began on a preliminary design and the Court funded the project from local funds in 2009. Design and construction work will continue into 2010.

Another Asset Management Study recommendation was to relocate the District Court Clerk's Office in Kalamazoo from its current basement location, to vacant space on the first (main) floor of the facility. The 6th Circuit funded the design component for such a move in 2009. The design work began in 2009 and construction funding will be sought from the Circuit in 2010.

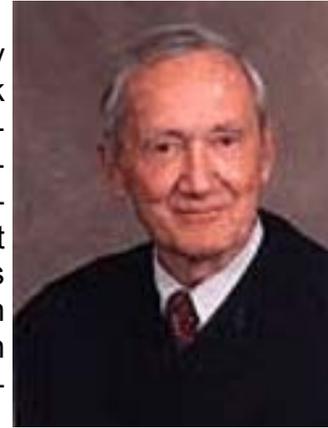
The Court requested and received supplemental funding from the 6th Circuit to proceed with an expansion of the jury deliberation room in the Marquette Courthouse. This project would not only provide more space to the Grand Jury for their deliberations, but also to make the space more viable as a multi-purpose room for the tenants of that facility. It is a simple project that would involve removing a wall of the current jury deliberation room and expanding into an underutilized storage space of the Clerk's Office. Actual construction is expected to occur in 2010.



2009 Highlights, Special News & Events

Annual Hillman Advocacy Program - January 21 - 23, 2009

This year marked the 28th anniversary of the Hillman Advocacy Program. Scheduled to occur every year during the third week of January, this learn-by-doing workshop utilizes trial skills training techniques patterned after those used at the National Institute of Trial Advocacy (NITA) in Boulder, Colorado, with the appreciably added benefit of being conducted in the federal district courthouse. Many believe the Hillman Advocacy Program is one of the best trial advocacy programs in the country due in large part to the fact that instruction occurs in the courtroom with the assistance and support of the federal judges and magistrates.



Hon. Douglas Hillman

Sponsored jointly by the United States District Court for the Western District of Michigan and the Western District of Michigan Chapter of the Federal Bar Association (FBA), the Hillman Advocacy Program gives 62 young lawyers an opportunity each year to practice and improve their trial skills. They benefit from the wisdom and experience of the faculty, comprised of a rotating roster of West Michigan's top courtroom lawyers, all of whom volunteer their time. Given a case scenario, students hone themes, conduct direct and cross-examinations of live witnesses (also comprised of talented volunteers including lawyers, paralegals, and court staff), deliver a closing argument, and practice impeaching witnesses and introducing exhibits. Advanced students participate in an all-day mock trial in front of a live jury, and are able to watch deliberations by way of a video feed into the jury room.



The FBA gave nine scholarships this year to young lawyers in public service or otherwise unable to pay the entry fee. Law firms and corporate contributors also generously underwrite this worthwhile program.

In addition to the workshop, students participate in a "Lunch with the Judges," where a district, magistrate, and/or state circuit court judge is assigned to each class of students. Over lunch in the judges' chambers or jury room, the students have an opportunity to converse with the judges on an informal basis. Students and judges alike mark this lunch as one of the highlights of the program.



Faculty demonstrations this year included direct and cross-examinations by Fernando Bedevia, Rob Buchanan and Teresa Decker, with the venerable Jon March serving as the witness, Bill Jack serving as the moderator, and Chief Judge Paul Maloney serving as the Presiding Judge. Closing arguments were performed by Jeff Fields and Eric Eggan, with Bill Jack serving as the moderator and Judge Robert Jonker serving as the Presiding Judge.

Communications expert Brian Johnson came down with a case of laryngitis the week of the Program, so his partner Marsha Hunter filled his shoes with great success. Her practical tips and strategies on how to effectively communicate with a jury were universally well received and immediately enhanced the student demonstrations.



The Honorable Jane M. Beckering served as Chairperson of the Hillman Advocacy Program Steering Committee, and Roosevelt Thomas served as Vice Chairperson. Brenda Scudder and Kristen Bryant served as Program Co-Coordinators. The Hillman Advocacy Program also launched its own website in time for use during the 2009 program, from which students and faculty were able to download their agendas and other program materials. The website address is www.hillmanadvocacy.com.

Senior Judge Wendell A. Miles Takes Inactive Status

Wendell Alverson Miles was born April 17, 1916, in Holland, Michigan. He received an A.B. from Hope College in 1938 and an M.A. from the University of Wyoming in 1939. In 1942 he received his J.D. from the University of Michigan Law School. Judge Miles served in the US Army from 1942 - 1947.



Upon returning from his service in the Army, Judge Miles was in private practice and also served as an instructor at Hope College from 1948 - 1953. He was a prosecuting attorney in Ottawa County, MI from 1949 - 1953, at which time he was appointed as the United States Attorney for the Western District of Michigan where he served until 1960. He returned to private practice in 1961 and continued until 1970 when he became a Circuit Judge for the 20th Judicial Circuit of Michigan.

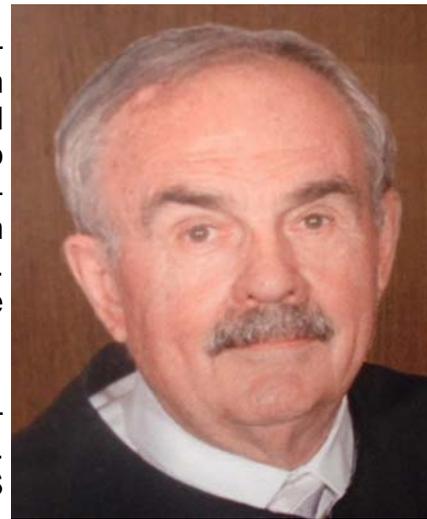
On April 17, 1974, President Richard M. Nixon appointed Judge Miles as a US District Judge for the



Western District of Michigan. He served as Chief Judge from January 1, 1980 - April 17, 1986, and took Senior Status on May 6, 1986. In 1989 Judge Miles was appointed to a seven year term as a judge on the US Foreign Intelligence Surveillance Court. Judge Miles worked primarily out of the main Grand Rapids office, although he provided notable service to the Northern Division in Marquette. As of January 1, 2009, Judge Miles took inactive status. Judge Miles was married to his wife, Mariette, for over 50 years. Together they have three children. Judge Miles continues to reside in Grand Rapids, Michigan.

Senior Judge Richard Alan Enslin Takes Inactive Status

Richard Alan Enslin was born May 28, 1931, in Kalamazoo, Michigan. He attended Kalamazoo College from 1949-1951, at which time he joined the US Air Force and served during the Korean conflict. Upon returning to Michigan in 1954 he enrolled at Western Michigan University and then transferred to Wayne State University in 1955. In 1958 he graduated with his LL.B. degree. Judge Enslin also received his LL.M. degree from the University of Virginia in May, 1986.



After becoming admitted to the bar of the state of Michigan, he practiced law in Kalamazoo from 1960 - 1967. He then left his law practice to become Director of the US Peace Corps in Costa Rica. Upon returning to Michigan, he served as a Judge in the Kalamazoo Municipal Court (1968-1969) and as a state of Michigan District Judge (1969-1970). He returned to private practice from 1970 - 1979.

On December 21, 1979, President Jimmy Carter appointed Judge Enslin to the US District Court for the Western District of Michigan. He served as Chief Judge from May 1, 1995 - May 30, 2001, took Senior Status on September 1, 2005 and took inactive status as of January 1, 2009. During his tenure with the Court Judge Enslin worked out of our Kalamazoo divisional office. His career with the Western District of Michigan spanned 29 years. Judge Enslin is married to Pamela and has seven children. He continues to reside in Kalamazoo, Michigan.

Federal Bar Association Reception for Law Firm Summer Associates and Interns

In association with the Court, the West Michigan Federal Bar Association held the annual Reception for Law Firm Summer Associates and Interns on July 23rd. Attendees were given a tour of the Court facility, and Judges and the Clerk of Court offered comments about the mechanics of the Federal Court.



Western District Federal Bar Association Presents Service to the Profession Award to Senior Judge Richard Alan Enslin

At its annual meeting on October 8, 2009, the West Michigan Chapter of the Federal Bar Association (FBA) awarded its Service to the Profession award to the Honorable Richard Alan Enslin, Senior District Judge. The FBA established the Service to the Profession Award in 1984 to recognize outstanding service in the improvement of the administration of justice in the federal courts or to perfecting the skills of those who serve as advocates in those courts. The FBA presented the award to Judge Enslin to recognize his lifetime of extraordinary contributions to the administration of justice in the Western District of Michigan.

Historical Society

Under the leadership of President John Logie, the Historical Society is pursuing its dual goals of gathering and disseminating history related to the federal court in Western Michigan. The Society continues to collect the oral history of federal judges, attorneys, and court personnel, and has undertaken a preservation program to recondition paintings in the courthouses and collect historic documents. Persons interested in providing an oral history or interviewing others are invited to contact the Society.

The Society's well-received journal, *The Stereoscope*, continues under the editorship of Patrick Mears. Recent issues have included a story about the Rose of Aberlone, *Sherwood v. Walker*, 66 Mich. 568 (1887); an article about former District Judge Wallace Kent based upon the remembrances of his children; an article on a pioneer magistrate judge in this district, the Honorable Stephen W. Karr; and delightful vignettes surrounding the dedication of the 1909 federal courthouse in Grand Rapids, Michigan, involving such diverse people as U.S. Senator William Alden Smith, Booker T. Washington, Clarence Darrow, and Alice Roosevelt Longworth. Senior Judge Wendell A. Miles continues his work on authoring a history of the court.

The annual meeting this year was held in conjunction with the Western District of Michigan Chapter of the Federal Bar Association's Annual Meeting at the Frederick Meijer Gardens on October 8, 2009. Officers this year include James A. Mitchell, Vice President; Michael W. Puerner, Secretary; and James H. Geary, Treasurer. Other trustees include James S. Brady, David Coey, Tracey Cordes, David J. Gass, Ray B. Loeschner, Michael A. MacDonald, Patrick E. Mears, Gordon Olson, the Honorable James R. Redford, Webb A. Smith, Gleaves Whitney and Myra L. Willis. Ex Officio Trustees include the Honorable Paul L. Maloney, Chief Judge; the Honorable Wendell A. Miles, Court Historian; and U.S. Magistrate Judge Hugh W. Brenneman, Jr. The Archivist is Joan Byerly, Librarian, Sixth Circuit Court of Appeals.



Ronald C. Weston, Sr. - Clerk of Court Retired

Ron Weston, Clerk of Court for over 13 years, retired on February 6, 2009. Ron was with the U.S. Department of Housing and Urban Development for 23 years before joining the Court as Chief Deputy Clerk in 1994. He was selected as Clerk of Court in 1995 and continued as Clerk until his retirement. Under Ron's leadership, the U.S. District Court for the Western District of Michigan served as a beta court for the implementation of CM/ECF - electronic filing of documents - and the installation of evidence presentation equipment in courtrooms. Ron was active in the community in Grand Rapids, serving on the Board of Directors for North Kent Guidance Services, Dwelling Place, Inc., West Michigan Federal Executive Association Torch Club of Grand Rapids, and the Board of Advisors for Grand Valley State University School of Public Administration. Ron and his wife, Ruby, are enjoying retirement in a warm, sunny community just outside of Houston, Texas.



Tracey Cordes - New Clerk of Court



The judges selected Tracey Cordes as the new Clerk of Court. She began her official duties on February 9, 2009. Tracey came to the U.S. District Court for the Western District of Michigan from Portland, Oregon where she served as the Deputy Court Administrator of the largest state trial court in Oregon. Her work with the court emphasized family and criminal court operations, as well as professional training and development of staff. Prior to her work in Portland, Tracey served as the Trial Court Administrator in Corvallis, Oregon. Tracey served

on Oregon Judicial Department committees focused on employment classification issues, performance measures, education and training, legislative review, and Uniform Trial Court Rules. She was selected as a Fellow for the 2007 Oregon State Bar Leadership College. Before entering the court administration world, Tracey practiced law in Oregon for over a decade in both civil and criminal areas, in the public and private sector, and in both urban and rural communities.



Official Court Reporters Update

Automated Court Reporter Application (ACRA): ACRA was implemented during July and August 2009. This system allows court reporters to deliver data electronically for mandatory quarterly and annual reports. Using ACRA helps district courts streamline and automate a labor and paper intensive process and does away with the need for courts to fax/mail in paper forms. Because ACRA includes various data validation checks, it also helps courts increase the accuracy of the data reported.

Creation of the Court Compensation and Performance Management Work Group

In September 2007, the Judicial Conference approved a recommendation to alter the Court Personnel System (CPS) salary progression policy and funding, and develop national performance guidelines for local implementation. The recommendation reduced a court unit's funding for CPS salary progressions and also slowed progression through the CPS pay table. In order to grant additional salary steps, a court unit is required to have a performance management plan in place, ideally describing the policy and procedures for planning, monitoring, developing, appraising and rewarding employee performance.

In response to the above-mentioned requirements, the Clerk of Court established a Court Compensation and Performance Management Work Group in June 2009 and tasked the group with reviewing and updating our current performance standards and review tools. At least one representative from each department, from line staff to supervisors, were included in the work group. The work group consisted of: Tracey Cordes, Kim Foster, Angie Doezema, Michelle Benham, Shelly Rush, Deloy Johnson, Ed Van Portfliet, Mike Polkowski and Melanie Vugteveen. The main focus of the committee was to update the performance standards for each position and develop a new performance appraisal tool that would serve as a basis/justification for awarding discretionary steps. The Work Group met several times through the remainder of the year and spent hours developing lists of major duties or critical elements for each position. The group began the arduous, but necessary, process of developing performance standards that are specific, measurable, achievable, relevant and trackable. The goal is to implement the new performance standards and use of the new evaluation tool by May 2010. This will allow staff the opportunity to become familiar with the standards and tools before money/step increases are tied to them beginning October 1, 2010.

Local Forms Committee Revision and Implementation of over 50 New Forms

In January 2009, the Administrative Office (AO) provided all district courts with 56 new and restyled forms. In response, our local Forms Committee undertook a review of the suggested changes for the purpose of making recommendations to the judges of our district regarding use of the forms. Committee members include Magistrate Judge



Greeley, Chair, Kelly Van Dyke, Shelly Rush, Michelle Benham, Diane Hand, Diane Kettner, Pam Chant, Julie Lenon, Sue Bourque and Susan Smith.

The Committee's work was presented to the judges at their July 2009 meeting, at which time, the judges approved all of the recommendations. The next phase of the project was to incorporate all of the recommended revisions, in addition to customizing each AO form to reference our Court's information. This task was accomplished by the formation of another sub-group, under the guidance of our Clerk of Court, Tracey Cordes, which consisted of the following individuals: Shelly Rush, Cynthia Hosner, Julie Lenon, Diane Hand, Pam Chant, Sue Bourque, Michelle Benham, Kathy Devlin, Kathy Wright and Matt Allen. This voluminous project was successfully completed and rolled out to both the internal court and external users in the beginning of September 2009.

Holiday Giving by the Grand Rapids Courthouse



In December, many employees from the Grand Rapids office joined together to support the D.A. Blodgett for Children Christmas Match Program. The program matches able sponsors with local families in need, so that they can provide Christmas memories through donations. The generosity of the Court really shined in that we were able to sponsor two families, which included a total of seven kids. Donations included coats, hats, gloves, laundry supplies, and gift cards for groceries, in addition to many toys and activities for the children. What a wonderful way for our staff to share our good fortune with community members in need.

Lansing Courtroom

The courtroom at our Lansing divisional office continued to be utilized during 2009. Chief Judge Maloney held some jury trials and various criminal hearings, in addition to the rotation by the Magistrate Judges. Judge Carmody conducted a two week trial during March and Judge Greeley utilized the courtroom several times during each quarter. The use of the Lansing courtroom is a convenience for parties located in the Lansing geographic area and will continue in 2010. In addition to those hearings, Magistrate Judge Greeley and FBA President Tim VerHey launched a brown bag lunch series for Lansing area Bar members. The sessions featured various distinguished guest speakers from within the district. The series proved to be a success and will continue in 2010.



The Chief Judge and the Clerk of Court express their appreciation to the individuals who contributed to the 2009 Year in Review.

