

Clerk's Office Year in Review



2013

Paul L. Maloney
Chief Judge

Tracey Cordes
Clerk of Court



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A Message from the Chief Judge

Dear Friends and Colleagues:

Like most others, calendar year 2013 was filled with challenges and accomplishments. With our dedicated bench, hardworking staff, and talented bar, we have weathered some storms and we now celebrate a job well done. In FY 2013, we ranked first in the Circuit in cases filed but also in cases terminated per judge. We ranked second in the number of supervised hearings conducted. As you know, we are a busy court.

In 2013, we lost two cherished colleagues, Court of Appeals Judge Albert Engel at age 89, and District Court Judge Wendall Miles at age 97. President Richard Nixon nominated Judge Engel as federal judge for our district in 1970; three years later, Judge Engel was nominated to the United States Court of Appeals where he served with distinction until his retirement in 2002. President Nixon also nominated Judge Miles to the bench in 1974 where our colleague continued to hear cases until 2008.

On a much brighter note, our court celebrated the reappointment of Magistrate Judge Timothy Greeley who, since 1988 has served as the lone magistrate judge and jack of all trades in our northern division.

As you read this, we are already writing our story for 2014. We are again facing a rocky fiscal future and other challenges, but we will continue to adhere to our high standards and to meet your high expectations in our service to the Western District of Michigan.

Paul L. Maloney
Chief Judge



A Message from the Clerk of Court

Greetings:

With considerable pride, I present to you a report of the accomplishments of our court in calendar year 2013. In the face of threats of a government shut down and budgetary uncertainty, our staff have continued to show up each day ready to provide the high level of service they demand of themselves and that you have come to expect.

In addition to the productivity of our judges, Clerk's staff processed a high volume of work in 2013 in spite of a reduced workforce. For example, our Operations staff touched roughly 10,000 CM/ECF entries per month; the Information Technology (IT) team responded to 2,645 service calls from staff and judicial officers throughout the year; and our Finance and Procurement unit processed 19,456 collections transactions and nearly 10,000 disbursements in calendar year 2013. And this is but a slice of the work they do.

These numbers are impressive standing alone. The accomplishment is even greater, however, when one considers that our staff performed this very large volume of work with five fewer staff on board than in years past (35 nonchambers Clerk's staff, down from 40). These vacancies have gone unfilled as a result of budget reductions.

Whatever the budget situation, workload, or staffing levels, however, we do not view ourselves as being in the case processing, IT or collections and disbursements business. Rather, we are in the customer service business. I, therefore, welcome your comments and suggestions throughout the year.

Tracey Cordes
Clerk of Court



Court History¹

Congress created the District Court of Michigan with the Act of July 1, 1836.² At the time, Michigan was one Judicial District and the court was to hold two sessions at the seat of the government which was then in Detroit. The Act of February 24, 1863,³ divided Michigan into two districts, with Grand Rapids designated as the judicial center of the Western District and Detroit as the center for the Eastern District. In 1878, the Western District of Michigan was divided into two divisions, Southern and Northern. The Act of June 19, 1878,⁴ designated Grand Rapids as the court seat of the Southern Division and Marquette as the court seat of the Northern Division. Grand Rapids held the term of court for the Southern Division of the Western District until 1954, when court was authorized to be held in Kalamazoo and Mason.⁵ The Act of May 19, 1961,⁶ authorized a session of court to be held in the state capital, Lansing, and eliminated the term in Mason.

Who Appointed the Western District of Michigan Article III Judges? (listed chronologically)

<u>Judge</u>	<u>Appointing President</u>
Solomon L. Withey	Abraham Lincoln
Henry F. Severens	Grover Cleveland
George P. Wanty	William McKinley
Loyal E. Knappen	Theodore Roosevelt
Arthur C. Denison	William Howard Taft
Clarence W. Sessions	William Howard Taft
Fred M. Raymond	Calvin Coolidge
Raymond W. Starr	Harry S. Truman
W. Wallace Kent	Dwight D. Eisenhower
Noel P. Fox	John F. Kennedy
Albert J. Engel, Jr.	Richard M. Nixon
Wendell A. Miles	Richard M. Nixon

¹ Adapted from the Sixth Circuit Court of Appeals website.

² 5 Stat. 62.

³ Act of February 24, 1863, 12 Stat. 660.

⁴ Act of June 19, 1878, 20 Stat. 177.

⁵ Act of February 10, 1954, 68 Stat. 11.

⁶ Act of May 19, 1961, 75 Stat. 81.



Judge

Douglas W. Hillman
Benjamin F. Gibson
Richard Alan Enslen
Robert Holmes Bell
David W. McKeague
Gordon J. Quist
Paul L. Maloney
Robert J. Jonker
Janet T. Neff

Appointing President

Jimmy Carter
Jimmy Carter
Jimmy Carter
Ronald Reagan
George H.W. Bush
George H.W. Bush
George W. Bush
George W. Bush
George W. Bush

**Western District of Michigan
Succession of Article III Judges**

First Seat

Solomon L. Withey
Henry Franklin Severens
George Proctor Wanty
Loyal Edwin Knappen
Arthur Carter Denison
Clarence William Sessions ¹

Second Seat

Fred Morton Raymond
Raymond Wesley Starr
Noel P. Fox
Richard Alan Enslen
Paul L. Maloney

Third Seat

W. Wallace Kent
Albert J. Engel, Jr.
Wendell A. Miles
Robert Holmes Bell

Fourth Seat

Benjamin F. Gibson ²

Fifth Seat

Douglas W. Hillman
David W. McKeague
Janet T. Neff

Sixth Seat

Gordon J. Quist
Robert J. Jonker

¹ Clarence W. Sessions' death on April 1, 1931, created the first vacancy following the expiration of the temporary judgeship authorized by the act of February 17, 1925, 43 Stat. 949, and accordingly no successor was appointed.

² Benjamin F. Gibson's retirement on January 31, 1999, created the first vacancy following the expiration of the temporary judgeship authorized by the act of December 1, 1990, 104 Stat. 5089, and accordingly no successor was appointed.



Western District of Michigan Magistrate Judges

<u>Magistrate Judge</u>	<u>Dates of Service</u>	<u>Location</u>
Stephen W. Karr	July 20, 1971 - October 1, 1973 (part-time) October 2, 1973 - December 31, 1987	Grand Rapids
Lloyd R. Fayling	July 26, 1971 - November 8, 1982 (part-time)	Kalamazoo
John R. Weber	March 13, 1972 - January 10, 1988 (part-time)	Marquette
Stuart D. Hubbell	June 13, 1972 - October 23, 1973 (part-time) January 30, 1974 - July 31, 1979 (part-time)	Grand Rapids
Hugh W. Brenneman, Jr.	April 1, 1980 - present	Grand Rapids
Doyle A. Rowland	July 23, 1984 - January 15, 1985 (part-time) January 16, 1985 - February 29, 2000	Kalamazoo
Timothy P. Greeley	January 11, 1988 - December 20, 1989 (part-time) December 21, 1989 - present	Marquette
Joseph G. Scoville	January 28, 1988 - present	Grand Rapids
Ellen S. Carmody	October 10, 2000 - present	Grand Rapids

Grand Rapids Federal Courthouses



1879 - 1909



1909 - 1973

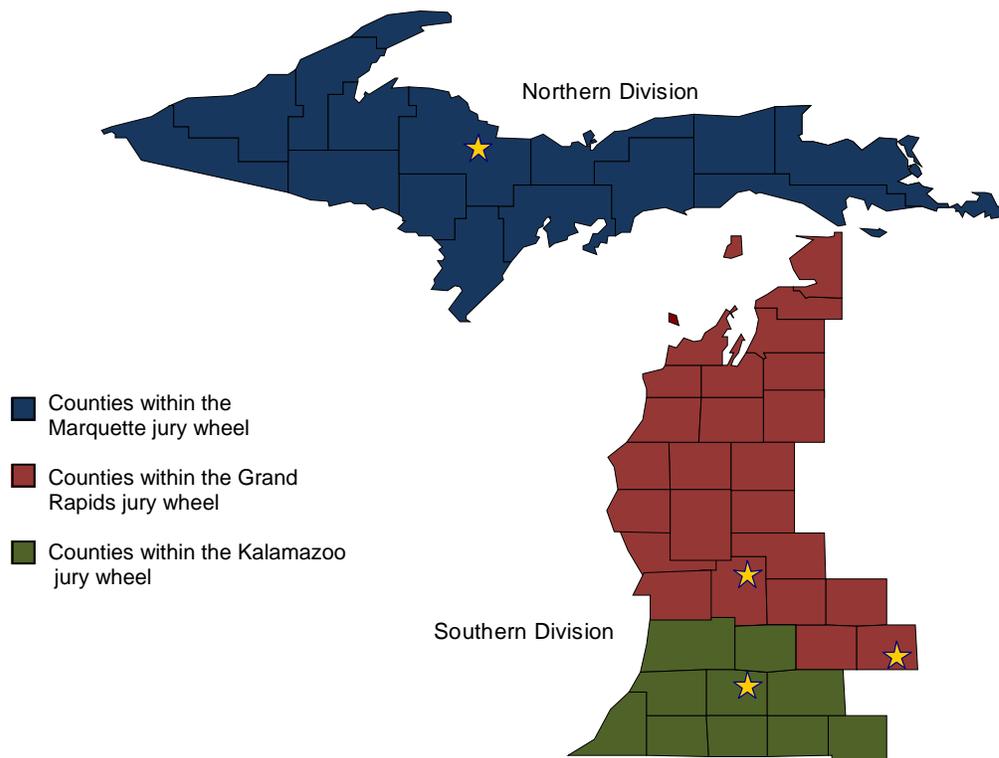


1973 - present



The United States District Court for the Western District of Michigan

The U.S. District Court for the Western District of Michigan 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, covering over 35,000 square miles. The district is divided into two divisions, the Northern Division and the Southern Division. 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 and there are divisional offices in Marquette, Kalamazoo and Lansing.





Judicial Officers & Staff



Chief Judge Paul L. Maloney

Chief Judge: July 18, 2008 - present

Judicial Assistant: Kathy Wright

Case Manager: Amy Redmond

Law Clerks: Rod Phares; Joshua Feasel/Successor: Laura Danielson

Court Reporter: Kathleen Thomas



Judge Robert Holmes Bell

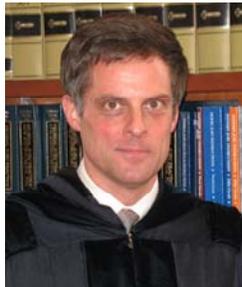
Chief Judge: June 1, 2001 - July 17, 2008

Judicial Assistant: Kim Briggs

Case Manager: Sue Bourque

Law Clerks: Julie Clough; Bill Briggs / Successor: Elliot Gruszka

Court Reporter: Kevin Gaugier



Judge Robert J. Jonker

Judicial Assistant: Yvonne Carpenter

Case Manager: Melva Ludge

Law Clerks: Margaret Khayat Bratt; Mark Thomson / Successor:
Heather Abraham

Court Reporter: Glenda Trexler



Judge Janet T. Neff

Judicial Assistant: Chris Bockheim

Case Manager: Rick Wolters

Law Clerks: Kathleen Geiger; Rita Buitendorp

Court Reporter: Kathy Anderson



Judge Gordon J. Quist

Senior Status: January 1, 2006 - present

Judicial Assistant: Jane Tepper

Law Clerks: Phil Henderson; Heather Abraham / Successor: Elizabeth
Geary



Judicial Officers & Staff (continued)



Judge R. Allan Edgar

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

Judicial Assistant: Cathy Moore

Law Clerks: Mike Hooper; Molly Phillips



Magistrate Judge Hugh W. Brenneman, Jr.

Judicial Assistant: Faith Webb

Law Clerk: James Dion

Courtroom Deputy: Lindsey Alley / Successor: Jennifer Manders



Magistrate Judge Timothy P. Greeley

Judicial Assistant: Cathy LeBoeuf

Law Clerk: Rodney Kurzawa

Courtroom Deputy: Pam Chant



Magistrate Judge Joseph G. Scoville

Judicial Assistant: Marge Hetherington

Law Clerk: Christopher Williams

Courtroom Deputy: Diane Hand

Staff Attorneys:

Anne Bartish

Todd Broberg

Lisa DeFerrari

Catherine Halverson

Suzanne Royce

Kristin Vandenberg



Magistrate Judge Ellen S. Carmody

Judicial Assistant: Cynthia Hosner

Law Clerk: Russ Ambrose

Courtroom Deputy: Julie Lenon

Staff Attorneys'

Administrative Assistant:

Stephanie Carpenter



Marquette



Federal Building
Marquette, MI

Resident Deputy-in-Charge - *Carole Poggi*
Case Administrator - *Sandy Kivela*
Case Administrator - *Michele Carlson*

Kalamazoo



Federal Building
Kalamazoo, MI

Resident Deputy-in-Charge - *Vacant*
Case Administrator - *Barb Dowdle*
Case Administrator - *Martha Strong*

Lansing



Charles E. Chamberlain Federal Building
Lansing, MI

Resident Deputy-in-Charge - *Jodi Gerona*
Case Administrator - *DeWinda Webb*
Case Administrator - *Paula Woods*



Additional Service to the Judiciary

Chief Judge Paul L. Maloney was elected by the Sixth Circuit Judicial Council to serve a three-year term as the Circuit's District Judge Representative to the Judicial Conference. He attended an orientation for new conference members in Washington, D.C. in December. As our District's Chief Judge, he attended the 2013 Chief United States District Judges' Conference and continues as a member of the Sixth Circuit Judicial Council, serving on the Judicial Investigations Committee and also as Chair of the Circuit's Employment Dispute Resolution Ad Hoc Committee. Chief Judge Maloney remains an Ex Officio Member of the Western District of Michigan Historical Society.

Judge Robert Holmes Bell completed his three year appointment as Chair of the Criminal Law Committee of the Judicial Conference of the United States in October 2013. He was in the forefront of the effort to focus on repeal of mandatory minimum sentences, which now is becoming a Congressional issue. Judge Bell also sat by designation with the Ninth Circuit Court of Appeals in Pasadena, California in January 2013, and the Sixth Circuit Court of Appeals in Cincinnati, Ohio in November 2013.

Judge Robert J. Jonker continued to serve as a member of the U.S. Judicial Conference Advisory Committee on Bankruptcy Rules. He was appointed Chairman of the Subcommittee on Attorney Conduct and Healthcare effective January 1, 2013.

Also in January, Judge Jonker presided over a 10-day patent infringement trial resulting in a jury verdict of \$70 million in compensatory damages in favor of Stryker Corporation. The jury also found willful infringement. This and other post-verdict matters ultimately led to entry of judgment of over \$210 million. This is the largest jury verdict and judgment in the Western District of Michigan to date. (1:10-cv-1223, *Stryker Corporation, et al. v. Zimmer Inc., et al.*)

On December 4, 2013, Judge Jonker presided over a Naturalization ceremony in the Rotunda of the Michigan State Capitol Building in Lansing, MI. This was the first Naturalization ceremony ever held in the Capitol Building. As the ceremony proceeded, participants could see the official portrait of former Governor Jennifer Granholm, herself a naturalized citizen of the United States. Michigan's current Governor, Rick Snyder, gave the keynote address and three Michigan State Representatives also spoke. Twenty-five new citizens took the Oath of Allegiance and became naturalized citizens during the ceremony.

Judge Gordon J. Quist sat by designation as a visiting judge in the following locations: the Sixth Circuit Court of Appeals, the Ninth Circuit Court of Appeals and the District of Arizona.

Judge R. Allan Edgar sat by designation as a visiting judge in the Eastern District of Michigan and the Eastern District of Kentucky. He presided over two Naturalization ceremonies that involved a total of 43 new citizens taking the Oath of Allegiance.



Operations

Continued Focus on Efficiencies and Cost Savings

The Operations Department continued its focus on efficiencies and cost containment. Changes included: altering shipping methods for our divisional offices, saving monthly service charges; holding some of the mail distribution among divisional offices for dates when staff are traveling to these locations; scanning certain pieces of mail for divisional offices, saving postage costs; scanning older case files and uploading them into the CM/ECF system, saving shipping and record storage costs; scanning older pleadings and uploading them into the CM/ECF system rather than shipping them to the Sixth Circuit Court of Appeals, saving postage costs; and modifying the CM/ECF interface to allow staff to review docket entries in a more efficient manner. Taken individually, the savings are small, but when combined, the resources impact has been significant.

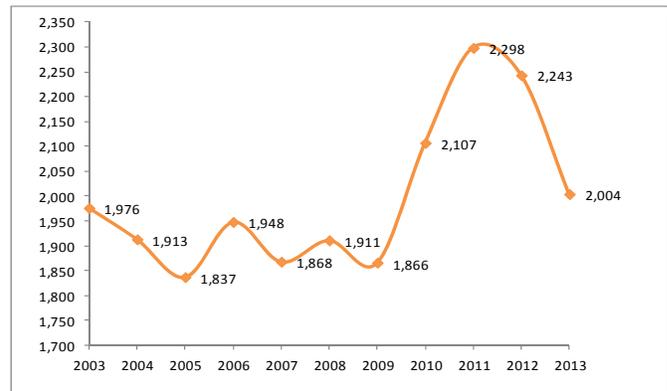
Also as a result of the reduction in staff resulting from unfilled vacancies, the Operations department redistributed workload among each of the Court's four office locations in October. The prior year's transition to a team-based, one-court work model allowed case administration responsibilities to be distributed by case number digit rather than by judge and to be spread more evenly among staff and around the four offices.

Case Filing Statistics

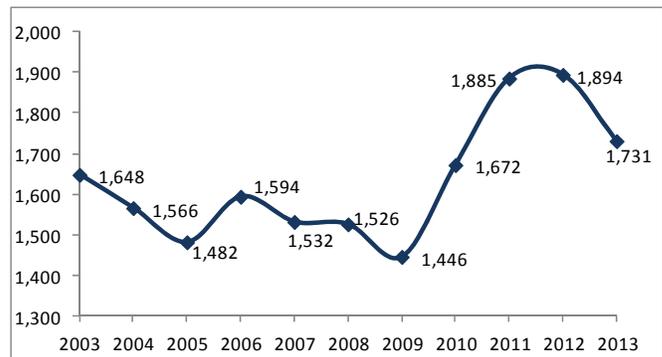
In 2013, parties filed 2,004 civil and criminal cases in the Western District of Michi-

gan, an 11 percent decrease overall from 2012. Civil cases decreased 9 percent while criminal cases decreased 22 percent.

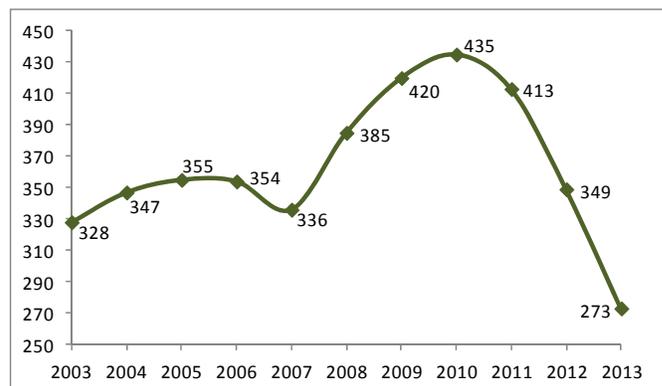
Total Case Filings



Civil Case Filings



Criminal Case Filings



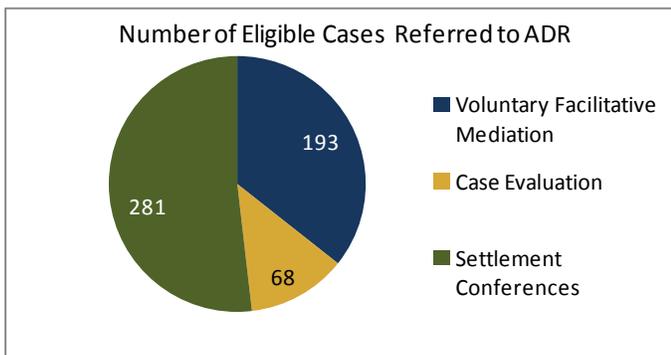


Special Programs

Alternative Dispute Resolution (ADR)

The Judges of the Western District of Michigan offer five alternative methods for resolving disputes: Voluntary Facilitative Mediation (VFM), Case Evaluation, Early Neutral Evaluation (ENE), Summary Jury and Bench Trials, and Settlement Conferences.

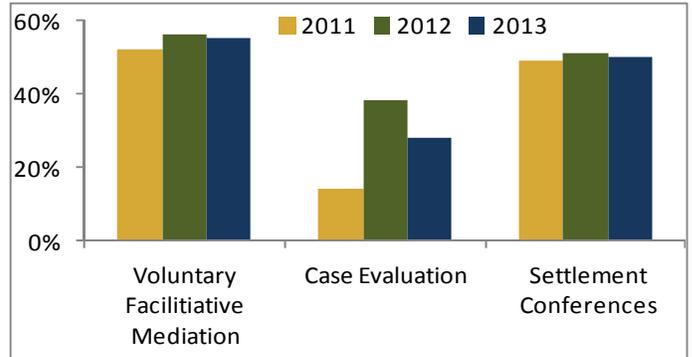
Of the 1,731 civil case filings in 2013, 793 cases were eligible for referral to some form of ADR.¹ Of the eligible cases, 68 percent were referred:² 193 cases to VFM, 68 cases to Case Evaluation, and 281 cases to a Settlement Conference.



In 2013, 55 percent of cases completing Voluntary Facilitative Mediation settled; 28 percent of cases completing Case Evaluation settled; and 50 percent of cases completing a Settlement Conference settled.

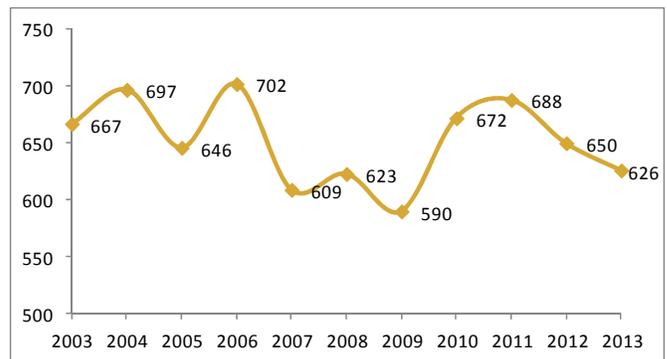
1. Cases that are exempt from a scheduling/planning order are ineligible for referral to ADR (e.g., § 2255 motions, habeas corpus petitions, prisoner civil rights cases, prisoner petitions, social security appeals, student loan actions and bankruptcy appeals). Refer to Local Civil Rule 16.1(g).
2. Parties must consent to referral to ADR, therefore not all eligible cases are referred to some form of ADR.

What follows is a three-year comparison of the settlement percentages for cases completing the three most common forms of ADR.



Attorney Admissions

During 2013, 626 attorneys were admitted to practice in the Western District of Michigan. As of the end of the year, a total of 22,546 attorneys have been admitted since the Court was created in 1863. Numbers of admissions vary from year to year, as shown below.



Naturalization

In 2013, our judges presided over 29 naturalization ceremonies at which 1,890 new citizens from 124 countries were represented. The countries of origin shown on the next page are listed as identified by the naturalized citizens.

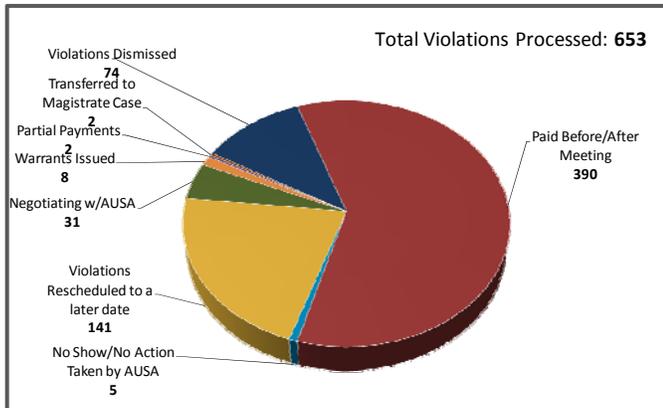


Afghanistan	Georgia	Pakistan
Albania	Germany	Panama
Algeria	Ghana	Peru
Antigua-Barbuda	Grenada	Philippines
Argentina	Guatemala	Poland
Armenia	Guinea	Portugal
Australia	Guyana	Romania
Azerbaijan	Haiti	Russia
Bahamas	Honduras	Rwanda
Bangladesh	Hong Kong	Saudi Arabia
Belarus	Hungary	Senegal
Belgium	India	Serbia
Belize	Indonesia	Sierra Leone
Benin	Iran	Slovakia
Bhutan	Iraq	Somalia
Bolivia	Israel	South Africa
Bosnia-Herzegovina	Italy	South Korea
Brazil	Jamaica	Spain
Bulgaria	Japan	Sri Lanka
Burma	Jordan	St. Kitts-Nevis
Burundi	Kampuchea	Sudan
Cambodia	Kazakhstan	Sweden
Cameroon	Kenya	Syria
Canada	Kosovo	Taiwan
Cape Verde	Laos	Tajikistan
Chile	Latvia	Tanzania
China	Lebanon	Thailand
Colombia	Liberia	Trinidad & Tobago
Congo-Kinshasa	Libya	Tunisia
Croatia	Macedonia	Turkey
Cuba	Malawi	Uganda
Cyprus	Malaysia	Ukraine
Czech Republic	Mauritius	United Kingdom
Dominica	Mexico	Uzbekistan
Dominican Republic	Moldova	Venezuela
Ecuador	Montenegro	Vietnam
Egypt	Morocco	Western Samoa
El Salvador	Namibia	Yemen
Eritrea	Nepal	Zambia
Estonia	Netherlands	Zimbabwe
Ethiopia	Nicaragua	
France	Nigeria	



Central Violations Bureau (CVB)

The Central Violations Bureau is tasked with processing violation notices (citations) issued and payments received for petty offenses committed on federal property. In 2013, the Court processed 653 violations.



CM/ECF

Two thousand thirteen was a year focused on efficiency, cost and time savings. A number of significant changes, particularly for other agencies, occurred.

Electronic Grand Jury Return Process

In March, we implemented an electronic Grand Jury return process. As the Grand Jury approves indictments, they are electronically signed in the Grand Jury Room by both the Foreperson and the Assistant U.S. Attorney and presented to a magistrate judge who views the documents electronically. Once the judge accepts the returns, the documents are immediately ready for assignment of case numbers and judges. This electronic process improves the visual quality of the documents, pro-

vides a text-searchable document, and saves time for court staff.

Electronic Warrant Returns - U.S. Marshal E-Filing

In late September, we implemented an electronic mechanism for processing warrant returns. Southern Division U.S. Marshal deputies and staff were trained to electronically enter warrant execution and arrest information in CM/ECF from the control room while the arrested individual is being processed. In November, the Northern Division deputies were trained, making the process district-wide. All involved have offered positive comment on it including that it saves them from having to track down paperwork.

Electronic Juror Questionnaires

Juror supplemental questionnaires are now available to judges, court staff and attorneys electronically through CM/ECF. Chief Judge Maloney and Judge Jonker each had the opportunity to pilot the process and experienced positive outcomes. Attorneys have commented that they appreciate the new efficiencies created.

Electronic Transfer of Criminal Cases

The CM/ECF system provides an automated means to transfer civil cases between districts but previously lacked a similar means for criminal cases. Our CM/ECF Administrator made improvements to a system developed by another court, thus bringing electronic criminal case transfer capability to our district. Utilizing this process improves efficiency by saving court staff time when sending and receiving



criminal cases and expediting information to the receiving district.

Electronic Orders Rejecting Pleadings

Our court piloted an electronic process for handling orders rejecting pleadings in 2013. Judge Scoville began piloting the new process in October. His staff shared positive feedback on the project and it will be implemented with all magistrate judges in early 2014.

Quality Control (QC)

The QC Editor feature of CM/ECF tracks quality control review of cases and entries. Along with a docket activity report run in QC mode, the system provides a means to ensure all docket entries are reviewed, indicating by whom and when. It offers efficiencies in record keeping of quality review and also provides accountability for both the first-tier and second-tier reviewers. In addition, case administrators, data quality analysts, and supervisors can communicate with each other about follow-up tasks using the notes feature. The Operations staff began using this feature in October. Employing this report has been a major shift in how work gets done, but everyone is acclimating well.

FINANCE

The Finance & Procurement Unit supports the administrative functions of the Court in the following areas:

- Accounts Receivable
- Accounts Payable

- Fund Management & Control
- Internal Controls & Accounting Procedures
- Procurement & Inventory Management

Fund Management and Control

Under the oversight of the Clerk and Chief Probation Officer, the Finance Unit is charged with administering the district's budget on a day-to-day basis. To accomplish this, the court units' budgetary requirements are determined and spending plans are defined. Spending is monitored to ensure obligations and expenditures conform to the spending plan, do not exceed authorized amounts, and follow applicable guidelines, rules, and regulations.

Accounts Payable*

Although the largest volume of disbursements are done for District Court, the Finance Unit also processes disbursements for Bankruptcy Court, Probation & Pretrial Services Office, Office of the Federal Public Defender, and Sixth Circuit Court of Appeals (travel-related only). Overall, disbursements in calendar year 2013 decreased to 9,982 from 10,620 in 2012, a decrease of 6.4 percent. Payable totals specific to all court entities decreased when compared to calendar year 2012, although restitution payments to victims increased (4,807 payments up from 4,409 in 2012). The following table is an analysis of payments specific to each entity.

* The Terms "accounts payable," "disbursements" and "payments" are used interchangeably.



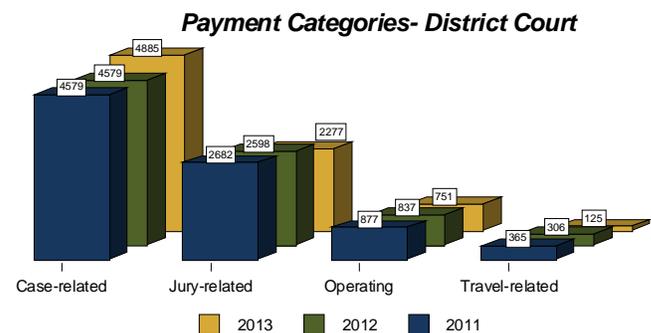
Entity	% of disbursement workload	2013	2012
District Court	80.5%	8,038	8,320
Bankruptcy Court	6.2%	615	714
Probation/Pretrial Services	9.6%	956	1,040
Federal Public Defender	3.7%	373	546
Total		9,982	10,620

Within the District Court, payments are divided into four categories:

- Case-related: consists of payments to restitution victims in criminal cases, refunds to correctional facilities as a result of the overpayment of Prison Litigation Reform Act (PLRA)-related civil or appeal case filing fees by inmates in state or federal custody, and other financial activities. This category comprised approximately 61 percent of all payments in 2013.
- Jury-related: comprises payments to all grand and petit jurors. Approximately 28 percent of all payments in 2013 were jury-related.
- Operating Expenses: incorporates all payments revolving around routine court business (i.e., equipment maintenance, telephone/cellular ser-

vices, office supplies, etc.). Operating expense payments were approximately 9 percent of all payments in 2013.

- Travel-related: encompasses all payments to chambers and Clerk’s Office staff involving travel. During 2013, approximately 2 percent of all payments were travel-related.



Accounts Receivable

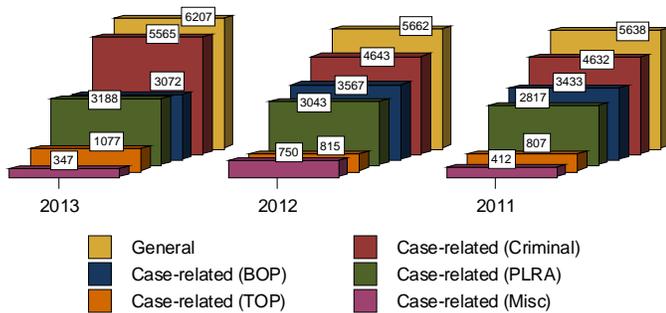
The Finance unit processes collections for all court units, with the exception of the Bankruptcy Court. Overall, calendar year 2013 transactions increased 5.3 percent from the prior year. Within the district, collections are divided into the following categories:

- General - Statutory collections, i.e., filing fees
- Case Related (Criminal) - fines and restitution received via mail/over counter
- Case Related (BOP) - fines and restitution received via the Bureau of Prisons
- Case Related (PLRA) - Prisoner Litigation Reform Act collections



- Case Related (TOP) - fines and restitution received via Treasury Offset Program
- Case Related (Misc) - Misc collections, i.e. attorney admission

Collections by Category



Collections are processed in various ways depending on the transaction type and payment method. General collections include civil and appeal filing fees, copy fees, and miscellaneous fees, and are received over the counter or through the mail. Other case-related transactions are processed using a number of Treasury-directed initiatives. The majority of collections in 2013 (68.1 percent) were case-related, while other general collections make up the balance (31.9 percent).

Pay.gov is a secure government-wide collection portal that was developed for federal agencies to allow electronic payment processing via the Internet. Pay.gov-related transactions for three years are shown below.

Transaction Type	2013	2012	2011
Civil	732	765	529
Appeal	83	66	67

Internal Controls and Accounting Procedures

The Administrative Office (A.O.) carries out cyclical audits in order to ensure the integrity of the District Courts' financial information and internal controls. During 2013, the A.O. reviewed the Court's financial processes for the period of April 2009 through March 2013. Our audits raise no issues of significant concern, however, any suggestions for further strengthening of controls are welcomed.

District Courts are required to conduct additional periodic internal evaluations in the years that a cyclical audit is not scheduled. These assessments, historically performed by a local auditing firm, are documented and all corrective actions are retained for review by the A.O. auditors during the next cyclical audit.

Reviewing and strengthening internal controls is an ongoing priority. In 2013, the A.O. rolled out a tool for use by courts at the district level to help us identify potential separation of duties violations among the various financial system users.

Procurement & Inventory Management

Procurement staff are responsible for day-to-day purchases for all divisional offices of the District Court and Probation and Pre-trial Services Office. Generally, purchases fluctuate from year-to-year based on funding availability and need. During calendar year 2013, procurement staff processed 324 purchase orders, a nominal decrease from the prior year total of 330.



Information Technology

In 2013, the Information Technology (IT) Department continued its support of the District Court and the Probation/Pretrial Services Office in all areas of technology, and provided service consistent with the focus areas identified by the IT Committee. The focus areas identified for Fiscal Year 2014 are Infrastructure, Customer Service and Security Awareness.

Infrastructure

Courtroom Technology

The IT staff maintained and enhanced the existing technology in all courtrooms during the year. Judge Quist's courtroom in Grand Rapids was upgraded to full evidence presentation capabilities including annotation monitors and integrated video conferencing. Video conferencing upgrades for Judge Bell's Grand Rapids courtroom were procured with installation to occur early in 2014.

Technology Upgrades

Local and wide area networks are the center of the technology infrastructure in the District and security of these systems is critical. Network and security activities included file server upgrades, network switch upgrades, and ongoing security awareness training to ensure the networks are protected and meet the demands of the present and the future.

Computers, printers, scanners, and other devices are also crucial to the Court's infrastructure. Replacements and upgrades occurred throughout the year and were an

important ongoing activity to ensure all District Court and Probation/Pretrial Services staff have the tools they need.

Enterprise applications, which support electronic communication, case management, electronic filing and other mission critical functions, were upgraded and enhanced throughout the year, thus ensuring court staff have the latest features and capabilities needed for their work.

All court staff continue to be more mobile and to work remotely. The use of smart phones and tablets continued to expand during 2013, providing judges, probation officers and other staff with additional flexibility whether inside or away from the courthouse.

Customer Service

During 2013, IT staff responded to 2,645 Helpdesk requests submitted by staff. The Helpdesk system continues to enhance IT service delivery by allowing staff a consistent way to submit their requests and by allowing the IT staff to acknowledge, assign and respond to those requests.

To ensure a continued focus on IT service, all court staff had the opportunity to complete an IT customer service satisfaction survey during 2013. A high response rate revealed a high rate of satisfaction with overall IT service and the technology currently implemented in the District. While providing overwhelmingly positive feedback, the survey also identified areas where IT service delivery can be further enhanced. Security awareness training is scheduled to occur in early 2014.



Jury

Again in 2013, jurors expressed high satisfaction with staff service and courtesy and with their service as a whole. A handful of initiatives in 2013 have contributed to these positive reviews.

eJuror

The eJuror program enables prospective jurors to complete and submit their initial juror qualification questionnaires and juror information via the internet. Once registered, jurors can update their information, check their status, request an excuse or deferment, and obtain reporting instructions on-line. Approximately one-third of the prospective jurors who received qualification questionnaires in 2013 utilized the eJuror system. We expect more growth in the use of this system as we continue to promote its use.

Jury Process Review

A Jury Process Improvement Workgroup began meeting in February 2013 to review the current processes used in the Western District of Michigan including, but not limited to, how jurors are qualified, summoned, excused, notified, and held accountable, and to make recommendations for efficiency, improvement and cost-effectiveness. The most notable changes in 2013 resulting from the work of this group were the centralization of our Jury Department to the Grand Rapids office and the transition to one-step jury processing.

Previously, as a two-step jury court, we would first qualify potential jurors, then

summons those who are qualified to report for jury duty at a later time. This process required a mass mailing of approximately 20,000 qualification questionnaires at the beginning of a two-year jury wheel, with subsequent lesser mailings every two weeks summoning jurors to appear.

As a one-step court, the two steps described above are combined into one. Now, instead of a large mass mailing up front, we mail both the qualification questionnaire and summons together to jurors as they are needed based upon the trial calendars.

Studies suggest that overall jury yields are higher for one-step courts because the qualified pool of jurors is built as we go - there is no lapse in time from when prospective jurors are qualified. This change of process not only results in savings of staff time, but also significant savings of printing and postage costs.

The work of this group is expected to continue into 2014.

eJuror/Jury Management System (JMS) Working Group

Jury Administrator Diane Hopkins was re-appointed to the national eJuror/Jury Management System (JMS) Working Group in 2013. Members of this group provide advice, guidance and assistance to the Administrative Office relating to eJuror and JMS issues. Over the next two years the group will evaluate outstanding modification requests, participate in pilot testing and provide feedback regarding an enhanced IVR (juror call-in) system, kiosk and kiosk



software solutions, and centralized NCOA (National Change of Address) and mail services.

Jury Statistics

In 2013, 1,001 petit jurors reported for service in 31 scheduled trials. This marked a decrease from the 1,265 petit jurors present and available for 38 trials in 2012. Of those present for selection, 294 were selected and sat as jurors and 342 were challenged and excused. There were 365 jurors (36.46 percent) called to our Court for service that were not ultimately impaneled, which is a slight increase from 2012. A total of 1,884 grand jurors convened in 2013 for 575 hours of service over 93 days.

Space and Facilities

The major space and facilities project for 2013 was the renovation of permanent space for the Court's pro se staff attorneys. This project remodeled existing space in the Grand Rapids facility into more functional, contiguous office space for the team that includes a reception space, attorney offices, and a conference room.

Persistence and optimism paid off at the Marquette facility as a secured judicial parking area was completed. This project designated five parking areas in an alley adjacent to the courthouse facility, fenced it off, and installed electronic access and gates. This project was funded by the U.S. Marshal Service and was a culmination of a long period of Tenant Agreement amendment negotiations between GSA (General

Services Administration) and the U.S. Postal Service. Construction was completed over the summer and became operational in November of 2013.

Personnel

The Court ended 2013 with a total of 73 staff members (67 full-time and 6 part-time staff). These employees supported four District Judges, two Senior Judges, four Magistrate Judges and the Clerk of Court.

The Court made conservative staffing decisions in 2013, deciding to hold open vacancies caused by retirement and promotions in order to ensure the Court was able to meet all salary obligations. On board staff worked through funding uncertainties and the threat of a government shutdown, but accomplished the most critical court functions through it all.

Human Resource Specialist Advisory Group (HRSAG)

In January 2013, the Administrative Office selected Human Resources Specialist, Melanie Vugteveen, as the Sixth Circuit representative to serve on the Human Resources Specialists Advisory Group (HRSAG) for a two-year term. The HRSAG provides advice, assistance, and recommendations to the Administrative Office regarding various human resources, payroll, and benefits administration issues in order to enhance the quality and timeliness of services to the courts.



Shared Administrative Services

Human resource representatives from the District Court, Probation & Pretrial Services Office and Bankruptcy Court met throughout the year to identify any duplication of efforts among the three Human Resources departments and to formulate plans for greater collaboration. The representatives coordinated the dissemination of materials and information during the past open season for all three court units. They continue to discuss additional opportunities for collaboration.

Volunteers/Interns

The court is open to qualified individuals seeking work on a volunteer basis and /or as interns as part of their educational program. During the year, a number of interns worked in various judges' chambers. Once again the court was able to benefit from qualified individuals providing important assistance.

Training

The Clerk's office continued to emphasize employee training in 2013.

Benefit for Life Webinars

Several court staff participated in weekly Benefit for Life webinars sponsored by the Administrative Office. The webinars provide continuous education on the various Federal Judiciary Benefit Programs and are recorded so staff may view them at their convenience.

Code of Conduct

Court employees regularly face ethical issues during the administration of their duties. When confronted with these challenges employees must recognize and choose the appropriate course of action if the public's trust in the Judiciary is to be maintained. In June 2013, staff from the District Court, Bankruptcy Court, and Probation and Pretrial Services Office participated in Code of Conduct training sponsored by the Federal Judicial Center. The training consisted of a review of the Code of Conduct and small group discussions of ethics scenarios.

Individual Retirement Counseling Sessions

During September 2013, a representative from the Benefits Division of the Administrative Office traveled to Grand Rapids to meet with retirement-eligible District Court, Bankruptcy Court, and Probation office staff as part of an ongoing effort to provide retirement benefit education to employees. Participants found the sessions informational and extremely beneficial.

Active Shooter Training

Recognizing that security awareness is essential for staff, a representative of the Federal Protective Service presented "Active Shooter" training. The training session consisted of a video, power point presentation, and discussion that provided building tenants suggestions on ways to react during an active shooter situation.



Finance Department Training

The Finance Department staff took advantage of many training opportunities throughout 2013 including: Managing the Court Budget, Functional Review Board-CCAM Enhancements, FY14 New Year Initialization Procedure Guide Testing, Design Review Board-CCAM Enhancements, Over the Counter (OTC) Remittance Documents Data Assessment, CR Migration Implementation Testing, Judiciary Purchase Card Program #2 and Payment Card Industry (PCI) Assist training.

Operations Department Training

In a continuing effort to enhance performance across all divisional offices and function as a single court unit, the Operations Department participated in many skill-building courses throughout the year including: Centralized Case Processing, Criminal Case Administration, Grand Jury Return Processing, Quality Control Systems, and Written Communications. Various internal training programs were also developed to help transition staff members to new positions and/or duties.

Court Highlights

Reappointment of Magistrate Judge

In December, the Judges of the Court approved the reappointment of Magistrate Judge Timothy P. Greeley to commence a new eight year term. Magistrate Judge Greeley was honored in a ceremony in Marquette on November 13, 2013, and in Grand Rapids on December 6, 2013.

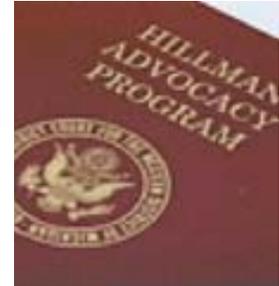
Magistrate Judge Greeley has served the Court since January 11, 1988.

32nd Annual Hillman Advocacy Program

January 23-25, 2013

“Trial lawyers are made, not born.” That’s what Judge Douglas W. Hillman believed. And while

he was a Judge in our District, he acted on his belief by founding what we now call, in his honor, The Hillman Advocacy Program. In January of 2013, the Hillman Program completed its 32nd annual program.



The Hillman Program builds trial skills for both new and novice attorneys in a powerful, learn-by-doing format pioneered by the National Institute for Trial Advocacy. The format requires all participants to conduct mock opening statements, closing arguments and direct and cross examination of both lay and expert witnesses. The students receive immediate feedback from master trial advocates. They also receive private, one-on-one feedback with a master advocate who reviews a videotape of the performance with the student. The most experienced students have the opportunity to conduct a full day mock jury trial, and then observe jury deliberations and receive critique from the jurors.

The Hillman Program is unique in the country because of the support it receives from the Bench and Bar. The Federal Courthouse defers regular business and opens its doors to the Program for two full days. Participants not only learn-by-doing, they



do so in the actual courtrooms and with the actual evidence presentation equipment used in regular Court business every day. Plus, our District and Magistrate Judges circulate throughout the program and provide their own critique of student performances. Program faculty are master advocates in the District who have demonstrated success in both the practice and teaching of their craft. They volunteer their time over three days to help students develop the skills they need to carry on a tradition of excellence in advocacy. Very few Bar Associations in the nation are blessed with such generosity.

During the last several years, the Program continued to enjoy the special insights of Brian Johnson, a national expert in communications. Brian helps students focus on fundamental voice, gesture and communication skills that help in both formal courtroom advocacy and any other formal presentation setting.

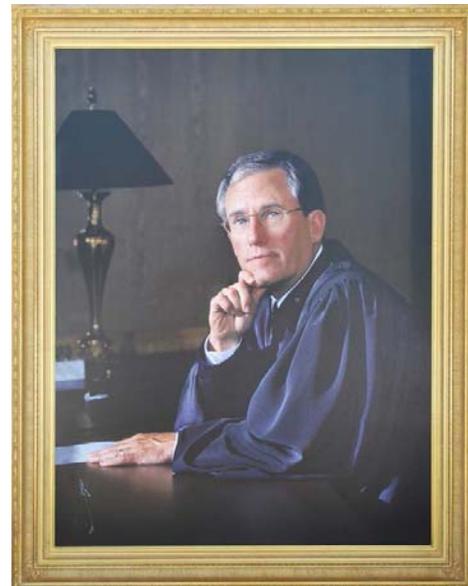
Three years ago, the Program began a tradition of making a Hillman Award to a person who has demonstrated a long-term commitment to the Program and contributed in significant ways to its more than 30 years of success. The Program honored Jon G. March with the Award in January 2013.

Portrait Ceremony for Honorable David W. McKeague

On May 7, 2013, a portrait dedication ceremony was held in honor of U.S. Court of Appeals Judge David W. McKeague in Judge Bell's sixth floor courtroom. Chief District Judge Paul L. Maloney presided

over the ceremony and made opening remarks and introductions.

Many notable speakers shared memories and remarks including Magistrate Judge Joseph G. Scoville, Kent County Circuit Court Judge Hon. James Robert Redford, attorney William W. Jack, and U.S. District Court Judge Gordon J. Quist. Chief Judge Paul L. Maloney and Jennifer McManus, President of the West Michigan Federal Bar Association presented the portrait.



Hon. David W. McKeague was appointed to the U.S. District Court for the Western District of Michigan in 1992 by President George H. W. Bush. In 2005, President George W. Bush appointed him to the United States Court of Appeals for the Sixth Circuit. Judge McKeague has been appointed by the Chief Justice of the United States Supreme Court to the Defender Services Committee and the Budget Committee of the Judicial Conference of the United States. He also served as Chairman of the District Judge Education Committee for the Federal Judicial Center. Be-



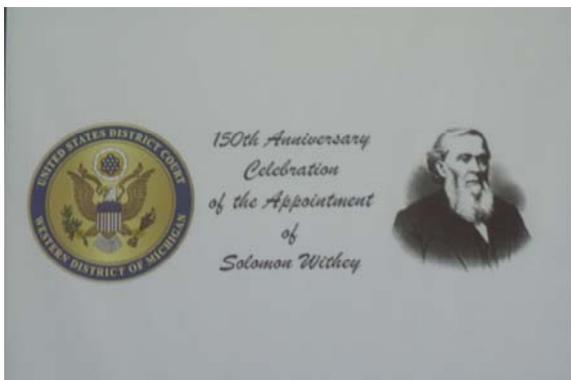
fore taking the bench, he was in private practice with Foster, Swift, Collins, and Smith from 1971 to 1992.

Judge McKeague is an adjunct professor at Michigan State University College of Law and University of Michigan Law School. He is also a frequent lecturer for other educational programs. He co-authors a chapter on Removal Jurisdiction in the third edition of *Business and Commercial Litigation in Federal Courts*. He serves on the Board of Trustees for Michigan State University College of Law and the Arts Council of Lansing. He is a founding master and past president of the American Inns of Court Chapter at Michigan State University College of Law and past president of the Wharton Center Advisory Council.

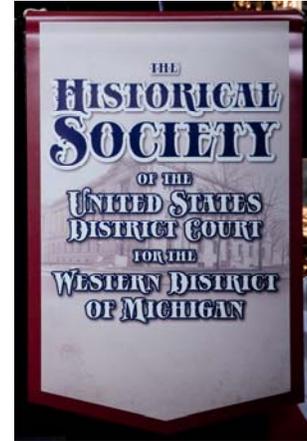
Judge McKeague received a Bachelor of Business Administration from the University of Michigan in 1968 and his Juris Doctor from the University of Michigan in 1971.

150th Anniversary Celebration

On March 12, 2013, the Court, in concert with the court's Historical Society and the Federal Bar Association, celebrated the 150th Anniversary of the creation of the federal court in Western Michigan, and Abraham Lincoln's nomination of Solomon Withey as the first judge of the court.



One hundred fifty years earlier, on March 12, 1863, the Union had been in daily danger of losing the War with the South. Both sides were still reeling from the recent Battle at Antietam, the bloodiest day of the Civil War. Nine days earlier, the unpopular Union draft had been enacted into law. Four days earlier Confederate cavalry raider John Mosby had kidnapped a Union general at Fairfax Court House, barely 25 miles west of the White House. But if the days leading up to the creation of the court in West Michigan were marked by an ominous uncertainty, perhaps it was significant that Judge Withey first called the new court to order on July 1, 1863, the opening day of the Battle of Gettysburg, the turning point of that war.



The gala was held at the Amway Grand Plaza Hotel, site of Judge Withey's first courtroom, and was attended by some 400 guests, some in period dress. The Master of Ceremonies was David J. Gass, Presi-



dent of the Historical Society. Distinguished guests included presidents of the State Bar of Michigan, the Federal Bar Association and the Grand Rapids Bar Association, as well as numerous state and federal judges, members of the bar, other dignitaries and members of the public. Music was provided by the Fifth Michigan Regimental Band, originally formed in 1861 in Detroit and reconstituted in 1974, which treated the guests to authentic Civil War music. Also present was the Third Michigan Voluntary Infantry Company F, whose members served as living historians and provided the Color Guard.

Two distinguished guests had personal ties to Lincoln and the War. The oldest was Harold Becker, age 95, whose father, Charles Becker, had actually fought in the Civil War. Harold was born when his father was 70 years old. Charles enlisted on March 7, 1864 (149 years ago) as a private in Company H of the 128th Indiana Infantry at the age of 17. Harold is the last known son of a Civil War soldier in Michigan. Also present was the Rev. Mark S. Gurley, the great-great grandson of the Rev. Phineas D. Gurley, who was President Lincoln's pastor at the New York Avenue Presbyterian Church, located just a few blocks from the White House. Rev. Phineas Gurley was present at President Lincoln's death.

Keynote speaker for the evening was presidential scholar Richard Norton Smith, former curator and director of the Gerald R. Ford Presidential Museum, who spoke about Abraham Lincoln, the man. Professor Smith was introduced by Gleaves Whitney, Director of the Hauenstein Center for

Presidential Studies and a trustee of the Historical Society. Professor Smith's remarks are reprinted in Volume 11, Issue 2, of the Society's journal, *The Stereoscope*, which may be found on the Historical Society's website (<http://www.federalcourthistoricalwdmi.org>).

President Lincoln, accompanied by his wife, Mary, recounted the nomination of Solomon Withey. Chief Judge Paul Maloney then introduced a historical mini-documentary, entitled "Thank God for Michigan," which recounted the formation of the Western District of Michigan in 1863 and described Grand Rapids during the Civil War. The documentary was narrated by Grand Rapids Historian and Society member Gordon Olson. It can be viewed on the Historical Society's website, along with a selection of 200 photographs depicting Grand Rapids in the mid-1850's. The photographs were obtained from the nationally recognized collection at the Grand Rapids Public Library and were part of a slide show projected on large screens at the gala.

During dessert, guests were treated to Civil War music by Grand Rapids Symphony Orchestra violinist Diane McElfish Helle and Symphony Orchestra piano emeritus Nancy Mitchell Poltrock, who played the haunting "Ashokan Farewell" theme from Ken Burns' Civil War





series. Guests were also treated to souvenirs, including a booklet furnished in conjunction with the Library for the Sixth Circuit Court of Appeals, containing the portraits and biographies of every district judge appointed to the district, along with challenge coins designed by former U.S. Attorney Donald A. Davis. This singular event, both a birthday celebration and civics lesson rolled into one, could not have been achieved without the generous financial support of a number of law firms in West Michigan.

Good Works

Combined Federal Campaign (CFC)

The Combined Federal Campaign (CFC) is the world's largest and most successful annual workplace charity campaign. In spite of threats of government shutdown and budget uncertainty, Clerk's Office staff collectively raised nearly \$20,000 to benefit various local, national and international agencies.

Leave Share Program

The Leave Share Program allows employees to donate annual leave to other court staff across the country who risk financial hardship because of absences due to illness or injury. In 2013, the generosity of Clerk's office and chamber's staff was demonstrated through their donating over four weeks of annual leave to several recipients from other courts.

Holiday Giving

In December, many employees from the court came together to provide Christmas gifts to families in need identified through local service organizations. Grand Rapids staff and judicial officers donated to two families through D.A. Blodgett-St. John's Christmas Match program and the Marquette judges and staff donated to a family through the Salvation Army Adopt-a-Family Christmas program. Donations included winter gear, clothing, grocery gift cards, laundry and cleaning supplies, toys and other needed household items. Staff members look forward to this time of year and enjoy helping to create memorable holidays for others.





Special Recognition

Each year we make a point to offer special recognition to those who join our Court family and those who have achieved landmarks in their length of service to the Court. In addition, we offer special good-byes to those who begin down other paths in their journeys.

Appointments

Stephanie Carpenter—Pro Se Administrative Assistant
Suzanne Royce—Pro Se Attorney

Retirements

Kathy Devlin—16 years
Gloria Frayer—23 years
Sue Tanner—13 years

Service Awards



Lindsey Alley
Angie Doezema
Nicki Gleeson
Rick Wolters



Cathy Moore
Amy Redmond



Lisa DeFerrari



Kris Vanden Berg



Pam Chant
Julie Clough
Marge Hetherington
Diane Hopkins

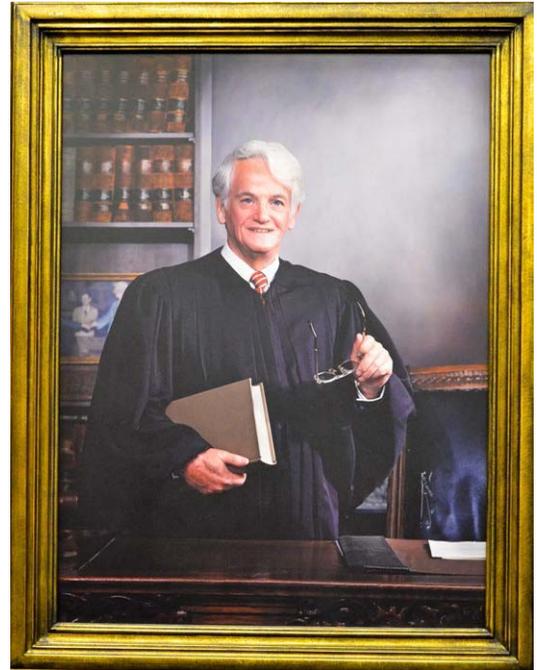


In Memoriam

Wendell A. Miles

April 17, 1916 - July 31, 2013

Wendell A. Miles was born in Holland on April 17, 1916. He received a B.A. from Hope College in 1938, an M.A. from the University of Wyoming in 1939, and his Juris Doctor from the University of Michigan in 1942. He proudly served his country in the U.S. Army during World War II, completing his service as Captain of the 493rd Military Police Escort Guard, which was involved in transporting and interrogating German prisoners of war. After the war, he continued as an officer of the Judge Advocate General (JAG) Corps in Marseille, France. While serving in Strasbourg, France, as the JAG Director of Claims, he met Mariette Bruckert, a Frenchwoman who assisted him with translating. Mariette became his wife in 1946 and they later had three children: Lorraine, Michele, and Thomas. They moved to Heidelberg, Germany, where he became a Law Officer in the Third Army's General Court.



In 1953, President Dwight D. Eisenhower appointed him United States Attorney for the Western District of Michigan. On April 17, 1974, he was appointed United States District Judge for the Western District of Michigan by President Richard M. Nixon, assuming the bench on May 9, 1974. In 1989, he was appointed by Chief Justice William H. Rehnquist to serve on the Foreign Intelligence Surveillance Court for a seven year term. Although he took inactive status and resigned from the bench at the end of 2008, he continued to maintain regular office hours until the week before his death at age 97. He had a great interest in history and enjoyed serving as the Court Historian.

Albert J. Engel, Jr.

March 21, 1924 - April 5, 2013

Albert J. Engel, Jr. was born on March 21, 1924 in Lake City, to U.S. Representative Albert J. Engel and Bertha Engel. He enlisted in the U.S. Army Air Corps in 1944 and proudly served his country during World War II. He rose to the rank of Captain by age 21 and lead a bomb disposal squadron tasked with disarming unexploded Allies and German ordinance in France, Denmark and Germany. After his return to the United States, he earned his undergraduate and law degrees in 1950 from the University of Michigan. In 1952 he met and married Eloise Ruth Bull. They had four children, Joe, Kate, Jim and Mary.



In 1970, President Richard M. Nixon appointed him United States District Judge for the Western District of Michigan. Three years later he was nominated to the United States Court of Appeals. He became Chief Judge of the United States Court of Appeals for the Sixth Circuit in April 1988 and served in that capacity until he assumed senior status in October 1989. Judge Engel continued to manage a caseload until his formal retirement in 2002.





The Chief Judge and the Clerk of Court express their appreciation to the many individuals who contributed to the 2013 Year in Review.

