



2016 ANNUAL REPORT
presented at the
State of the Court Luncheon
October 6, 2016

Chief Judge Denise Page Hood

STATE OF THE COURT MESSAGE

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I. Judicial Officers

On January 1, 2016, Judge Denise Page Hood became Chief Judge of the United States District Court for the Eastern District of Michigan, taking over for former Chief Judge Gerald E. Rosen who served as chief judge for more than seven years.

Last year, then Chief Judge Rosen reported that all previous vacancies in the Eastern District of Michigan were filled. That continues to be the case as there are no new vacancies in our District. Judge Rosen will be taking senior status on October 26, 2016 however, and that will create a new vacancy for our Court.

Magistrate Judge Stephanie Dawkins Davis was appointed to the Eastern District of Michigan on January 4, 2016, filling the vacancy created by the retirement of Magistrate Judge Michael Hluchaniuk in our Flint divisional office. Magistrate Judge Davis was formerly employed as the Executive Assistant United States Attorney for the Eastern District of Michigan.

Magistrate Judge Michael J. Hluchaniuk departed from the Court on January 3, 2016. He retired on December 23, 2016 after the completion of his term, but continued to serve in recall status until the appointment of Magistrate Judge Davis on January 4, 2016. Magistrate Judge Hluchaniuk served as the resident magistrate judge in Flint for eight years.

Eight senior judges continue to contribute substantially to the work of the Court. Judges Avern Cohn, Bernard A. Friedman, Robert H. Cleland, Nancy G. Edmunds, John Corbett O'Meara, Arthur J. Tarnow, George Caram Steeh and Marianne O. Battani receive cases at the same rate as district judges in active service.

As of this writing there are 23 district judges (15 in active service and 8 in senior status) and seven magistrate judges serving in the Eastern District of Michigan.

Bankruptcy Judge Phillip J. Shefferly continues to serve as Chief Judge of the Bankruptcy Court. Chief Judge Shefferly is in the third year of his current term, which will end on April 24, 2017. The Sixth Circuit Court of Appeals recently appointed Judge Maria Oxholm to sit in our District – she was actually appointed by the Eighth Circuit but is sitting in Detroit pursuant to an agreement between

the two circuits. Bankruptcy Judge Walter Shapero continued to serve the Bankruptcy Court in recall status during the past year, but retired on September 30, 2016. There are six bankruptcy judges serving in the Eastern District of Michigan.

II. Clerk’s Office Statistical Information

A. Civil and Criminal Case Information – Calendar Years 2014 and 2015

	<u>2014</u>	<u>2015</u>	<u>%</u>	<u>Circuit %</u>	<u>National %</u>
Civil Cases Filed	5,090	4,659	-8.5	-3.9	-4.5
Civil Cases Terminated	5,153	4,948	-4.0	6.0	4.8
Criminal Cases Filed	659	662	.5	-4.6	-1.8
Criminal Cases Terminated	708	605	-14.5	-8.2	-3.5
Criminal Defendants Filed	960	955	-.5	-3.9	-.9
Criminal Defendants Terminated	1,044	962	-7.9	-8.4	-5.2

Our 4,659 civil filings for 2015 rank our district 1st in the Sixth Circuit and 18th nationally, and our 4,948 civil terminations rank us 2nd in the Sixth Circuit and 16th nationally. On the criminal side, our 662 filings and 605 terminations rank us 1st in the Sixth Circuit and 18th nationally in both categories.

B. Civil Cases – Median Time Intervals from Filing to Disposition of Civil Cases Terminated During the 12-Month Period Ending June 30, 2016

	<u>Total Cases</u>	<u>Median Time Interval In Months</u>
Cases Disposed of With No Court Action	668	3.0
Cases Disposed of Before Pretrial	1,411	5.5
Cases Disposed of During or After Pretrial	1,610	13.0
Cases Disposed of By Trial	41	22.0

Our total number of 3,730 civil cases disposed of during this time period, with an overall median time interval of 8.2 months, ranks us 1st in the Sixth Circuit and 29th nationally.

C. Criminal Defendants – Median Time Intervals from Filing to Disposition of Criminal Defendants During the 12-Month Period Ending June 30, 2016

	<u>Total</u> <u>Defendants</u>	<u>Median Time</u> <u>Interval In Months</u>
Defendants Dismissed	50	12.5
Plea of Guilty	824	11.2
Defendants Disposed of By Trial	41	21.7

Our total number of 915 criminal defendants disposed of during this time period, with an overall median time interval of 11.7 months, ranks us 7th in the Sixth Circuit and 70th nationally.

III. Bankruptcy Court Statistical Information

	<u>2014</u>	<u>2015</u>	<u>%</u>	<u>Circuit %</u>	<u>National %</u>
Bankruptcy Filings	27,107	25,450	-6.1	-6.9	-9.9
Bankruptcy Terminations	31,256	27,883	-10.8	-10.3	-10.3

The Bankruptcy Court's 25,450 filings and 27,883 terminations ranks us 1st in the Sixth Circuit in both categories, and 5th nationally in both categories.

IV. Probation Department Statistical Information

	<u>2014</u>	<u>2015</u>
Persons Supervised	1,609	1,716

The number of persons supervised in our district is the 4th highest in the Sixth Circuit and represents 14% of the total number of persons under supervision in the Sixth Circuit. Nationally, the Eastern District of Michigan ranks 27th in the number of persons under supervision. The three major categories of offenses are firearms, economic, and violations of drug laws. Additionally, we have seen a significant increase in racketeering and sex offense cases. There continues to be a decrease in illegal immigration cases.

V. Pretrial Services Agency Statistical Information

	<u>2014</u>	<u>2015</u>
Pretrial Initial Appearances	1,084	1,109
Pre-Bail Reports	959	1,011

The 1,109 initial appearances and the 1,011 pre-bail reports are the highest in the Sixth Circuit, and nationally our district is 12th for initial appearances and 13th for pre-bail reports. Additionally, our Pretrial Services Agency has a 63.3% release rate for the period of April 1, 2015 to March 31, 2016, well above the national average of 53.5% for the same period.

Also of note regarding the Pretrial Services Agency, current Chief Pretrial Services Officer Alan Murray will be retiring on October 31, 2016. Mr. Murray began working for the Court as a Pretrial Services Officer in March 1987 and was promoted several times before he was named Chief Pretrial Services Officer in January 2008. He faced mandatory retirement in April 2015, however the Court was able to extend his term for an additional 18-month period that will conclude at the end of this month.

VI. Building Renovation Project

A \$140-million program to upgrade mechanical, electrical and other systems within the U.S. Courthouse in downtown Detroit officially got underway on Monday, September 12 with a golden sledge hammer ceremony in the 82-year-old facility. The groundbreaking-type event included judges and the regional administrator of the General Services Administration.

The four-year project at the historic courthouse is one of the largest projects the General Services Administration has undertaken in Detroit in many years. The work will be completed without having to relocate building tenants to external space. The 770,000 square foot building will remain fully occupied through the duration of the project.

The construction work started over the summer. In December of 2016, major work items will begin and will include the renovation of the parking and loading dock area in the basement, modernization of the eight passenger elevators, the replacement of three existing chillers and a new electrical switchboard. Most work will occur outside of normal business hours.

Starting in January 2017 the contractor will begin construction of a new stair and elevator tower in the interior light court, creation of a new contractors' entrance on Shelby (this will become the employee entrance at the completion of the project), the construction of a new Duty Court on the 1st floor and the start of the infrastructure improvements on the 9th and 10th floors. Then floor by floor infrastructure improvements will continue based on a sequencing plan to minimize interruption of court operations. The project is scheduled to be completed by the end of 2019.

The GSA has developed a sequencing plan to complete this work while still allowing the USDC to operate without any major interruption to their mission.

The Court has an ad hoc committee consisting of Chief Judge Hood and Judges Rosen, Cleland and Cox in order to be available for project progress updates and to provide critical design and construction input and feedback throughout the project life cycle.

The Court thanks you in advance for your patience and cooperation through this project. After completion, the building will be greatly improved for many years to come to house the Court family and better receive the public and the Bar.

VII. Budget

The fiscal year 2016 budget, which ends on September 30, 2016, remained steady with the funding levels from the prior 2015 fiscal year for the Federal Judiciary, including the Eastern District of Michigan. The District Court Fiscal Year 2016 local budget provided an increase of two hundred thousand dollars more than Fiscal Year 2015.

The Court did not receive its final fiscal year 2016 budget until January 2016. The District Clerk's Office, Probation Department and Pretrial Services Agency payroll accounts were funded near their staffing formulas. In fiscal year 2016, the District Clerk's Office authorized staffing decreased by 7.8 work units, Probation Department decreased 10.2 authorized work units and Pretrial Services Agency increased 1.5 work units. The operational and information technology accounts were reduced by 1.3% across-the-board for the District Clerk's Office, Probation Department and Pretrial Services Agency.

Congress restoring our Fiscal Year 2016 and 2015 local budget levels has allowed us to hire additional Clerk's Office staff, Probation Department and Pretrial Services Agency officers. This has allowed the Court to restore all normal operational levels to the public and the Bar to levels prior to sequestration.

The final budget picture for fiscal year 2017 is not yet known. The Senate and House Appropriations Committees of the FY 2017 Financial Services and General Government (FSGG) Appropriations Bill provided the Judiciary with 3.1% and 2.6% overall increases, respectively, above our 2016 budget level.

We expect to be on a Continuing Resolution (CR) starting the beginning of the fiscal year, October 1, 2016 at one percent above our fiscal 2016 budget level until a final budget is passed.

Congressional action in Fiscal Year 2016 and 2015 resulted in very good budget years. To date, Fiscal Year 2017 Judiciary appropriations are very encouraging and reflect the hard work of the Judicial Conference's Budget Committee, and judges around the country involved in Congressional outreach efforts.

I am very encouraged that the last two fiscal years have been extremely good for the Judiciary, and the prospects for 2017 appear to be positive as well.

I want to personally thank our outstanding staff who have been doing more with less for several lean years. I also want to thank Congress for making the Judiciary a funding priority in order to allow us to continue to provide the level of services that the Court historically has provided to the public and the Bar for many years.

I will continue to keep you informed on FY 2017 funding for the Judiciary as it progresses through the full Congress and ultimately the President of the United States.

VIII. Space & Facilities Projects

The Court recently completed a renovation of Room 115, the large multi-purpose room on the first floor of the Levin Courthouse. This room is used for naturalization ceremonies and FBA functions, as well as numerous Court activities. For many visitors, this is the only room in the Courthouse that they will see. With this in mind, the Court upgraded the lighting and finishes, as well as revising the original corridor signage. In an effort to make that room a showcase for its visitors, we incorporated a display of numerous pictures of old Detroit. This room is now known as "The Detroit Room".

The Media Room was also recently renovated. The new space doubled in size and was upgraded with video screens so the press can monitor any trial in progress. Additionally, the space can be separated into two rooms in the event that there is more than one high profile case occurring at the same time.

The former Clerk's Office space in Ann Arbor was renovated to accommodate the Probation Office. This new space allows for as many as six Probation Officers to work at that location, twice the previous capacity.

Pretrial Services renovated the Intake area in the Levin Courthouse. That area received new finishes and upgraded lighting. Also, the intake counter was rebuilt to accommodate a built-in workstation for processing new clients.

The Probation Department has initiated a new project to consolidate their staff on the 9th floor of the Levin Courthouse. With all of the recent technology

improvements, Probation Officers can perform most of their work in the field. When this project is complete, the Probation Department will vacate all of their space on the 10th floor. The design of the project is complete and construction should begin early 2017.

The Courthouse in Port Huron is undergoing an extensive renovation that includes both the chambers and courtroom. All of the finishes in chambers are being replaced, as well as the lighting and millwork. The courtroom is getting new finishes and AV upgrades. With this project, the Court now has the hi-tech courtroom features in all of its divisional locations with the district. The Court anticipates Judge Robert H. Cleland will relocate to the Port Huron Courthouse in the Fall of 2016 following the completion of the renovations at that facility.

IX. Special Sessions of Court

On October 16, 2015, the Court held the Portrait Presentation of Judge Robert H. Cleland.

On January 28, 2016, the Court held the Passing of the Gavel Ceremony commemorating the passing of the chief judgeship from former Chief Judge Gerald E. Rosen to current Chief Judge Denise Page Hood.

On April 14, 2016, the Court held the Investiture of Magistrate Judge Stephanie Dawkins Davis who was officially appointed on January 4, 2016.

On June 20, 2016, the Court held the Portrait Presentation of Judge Nancy G. Edmunds.

X. Naturalization Ceremonies

In calendar year 2015, the Eastern District of Michigan naturalized 10,328 new citizens, up slightly from 10,084 in 2014. Through the end of August 2016, the Court has sworn in 7,177, which puts us on track to meet a similar number this year. The Court continues to hold three ceremonies each week in the Detroit Room and in Courtroom 100. In addition to these ceremonies, judicial officers presided over several large off-site ceremonies throughout the Eastern District of Michigan including venues such as Comerica Park, the Macomb Intermediate School District, and several local community festivals.

XI. Court Ombudsman

Judge Fred M. Mester continues to serve as the Ombudsman for the Eastern District of Michigan. Judge Mester is a former Circuit Court Judge for the Sixth Judicial Circuit in Michigan and is currently a certified mediator, arbitrator and

facilitator, as well as a visiting judge for the Sixth Judicial Circuit of Michigan. He is an active member of the Federal Bar Association, both locally and nationally, and is a member of several other well-known bar associations.

The Ombudsman's role for the Eastern District of Michigan is as an intermediary between judicial officers of the Eastern District and the Bar. He acts on an informal basis to interface and address those matters lacking an institutional mechanism or forum for redress.

XII. Public Information Officer

The Court appointed prominent Detroit journalist David Ashenfelter as the new Public Information Officer on September 1, 2016. Mr. Ashenfelter will handle media inquiries, issue news releases and advisories in high-profile court cases, and assist the Court on other media matters. Mr. Ashenfelter won Pulitzer Prizes at the Detroit News and Detroit Free Press during his tenure there over the span of four decades. He retires from the Free Press in late 2012 and has worked as a freelance journalist.

Mr. Ashenfelter succeeds Rod Hansen, a highly-respected former WJR radio reporter who passed away earlier this year. When Mr. Hansen was appointed in January 2010, he was the Court's first Public Information Officer, hired specifically to assist with media relations in the *Abdulmuttalab* trial. He continued on with the Court following that trial and assisted with other high profile cases such as the Detroit corruption cases, City of Detroit bankruptcy, Highwaymen gang trial, and many more. During his career prior to the Court, Mr. Hansen received two Peabody Awards, several awards from the Michigan Association of Broadcasting and Society of Professional Journalism, and a Lifetime Achievement Award from the Associated Press.

XIII. Security

The Court's Security Committee, chaired by Judge John Corbett O'Meara, continues to meet regularly with the Marshals Service to discuss security concerns and means by which our federal court facilities can remain safe for judges, the Bar, court staff and the public. Additionally, the expanded District-Wide Security Committee continues to meet twice annually. This expanded committee includes members from the Court, as well as from the U.S. Attorney's Office, Federal Defender Office, General Service Administration and Federal Protective Service.

XIV. Clerk's Office

In the past year, the Court has implemented a number of new programs and improvements that allow attorneys easier access to the many functions of the Clerk's Office. For instance, dozens of attorneys were trained to use CJA eVoucher System, a web-based solution for submission, monitoring and management of all Criminal Justice Act functions. CJA panel attorneys can electronically create and submit vouchers directly to the Court, significantly streamlining the previous "snail mail" based process.

Attorneys can also now request and receive a certificate of good standing and/or a duplicate certificate of admission electronically, via the Court website. Payment is collected online using pay.gov, a system already familiar to e-filing attorneys that have paid new case filing fees and appeal filing fees online for the past several years. Additional online attorney admissions functions are currently being evaluated and should be implemented in the near future.

In Duty Court, the transition has been made from carbon copied papers to electronic forms. Bond papers are now signed using an electronic signature pad. This has dramatically increased the efficiency of the duty court and the readability of the paperwork. Audio recordings of duty court proceedings are still being uploaded to CM/ECF and now more than 2,600 audio recordings have been downloaded from PACER.

XV. Pro Bono

The Court's Pro Bono Committee, assisted by the Federal Bar Association Pro Bono Committee, continues the work of the Federal Pro Bono Council, an initiative to increase the number of firms, bar associations, and solo practitioners participating in the Court's Pro Bono Program. Past FBA President Thomas McNeill spearheaded this effort several years ago, and Lynn Shecter Chairs the Council's Steering Committee. A mediation component of the Council is co-chaired by Antoinette Raheem, Ed Pappas and Marty Reisig. A Recruitment Committee made up of several local and special bar associations is chaired by Marla Linderman. The Resource and Training Subcommittee is chaired by Fred Herrmann.

The pro bono attorney participants have accepted assignments in approximately 20 cases over the past year. Volunteers include not only law firms, individual attorneys, and bar associations, but also an ADR organization and a litigation services company. Court staffs, including judges' staff members and Clerk's Office managers, have been invaluable in continuing this program. The Court is

also grateful to those firms and individuals who have taken on pro bono cases this year.

The Law Day “Ask the Lawyer” program sponsored by the Court and the FBA continues to be a success with lawyers, law students, and staff assisting persons who have filed pro se cases in our Court.

The Court looks forward to continued combined efforts to assist those who appear in our court without representation. This service to the community is greatly needed and our program provides a unique opportunity for lawyers and other volunteers to use their skills to fulfill their pro bono commitment to the profession.

Last year the Court held a Pro Bono Recognition Ceremony and Reception on November 12, 2015 to recognize the hard work and dedication of all those involved in this program. We will be hosting another such reception in the near future.

XVI. Court History Program

A history of the United States Bankruptcy Court for the Eastern District of Michigan was introduced at an event held in the Detroit Room at the Theodore Levin United States Courthouse on June 9, 2016. Written by Kevin Ball, the book "Adversity and Justice" is a chronological history of the Bankruptcy Court from its beginning, and includes an account of the recent city of Detroit bankruptcy case. This year's joint Federal Bar Association-Historical Society luncheon is scheduled for November 15th, 2016, at the Westin Book Cadillac and will feature Kevin Ball as the speaker.

At the December 10, 2015 FBA Annual Holiday Party, the Historical Society awarded the Avern Cohn Award for Excellence in the Collection, Preservation and Interpretation of Michigan Legal History to Peter Hammer and Trevor Coleman for “Crusader of Justice,” their book on Circuit Judge Damon Keith.

The oral history program continues with interviews in the past year with Chief Judge Gerald E. Rosen on the Detroit bankruptcy mediation and with retired Magistrate Judge Charles Binder in Bay City on his life and career. In October Judge Nancy Edmunds will be interviewed. The oral histories can be found in the Ralph M. Freeman Memorial Library inside the Levin Courthouse, and are available for on-site viewing only. They are also available for public viewing at the Bentley Historical Library at the University of Michigan in Ann Arbor. The oral history program is managed by Judy Christie.

The American Association for State and Local History had its annual conference here in Detroit from September 14-17, 2016. About 15 attendees were treated to a tour of the courthouse followed by refreshments.

XVII. Law Day 2016

The Court and the FBA co-hosted a Law Day event on May 2, 2016. This year's national theme was "*Miranda: More Than Words*", marking the 50th anniversary of perhaps the nation's best-known U.S. Supreme Court case, *Miranda v. Arizona*. Several federal agencies, as well as Court departments set up booths to inform attendees of their purpose and provide demonstrations. Some of these agencies include the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Customs and Border Protection; U.S. Coast Guard; U.S. Drug Enforcement Agency; Federal Bureau of Investigation; Internal Revenue Service, the U.S. Postal Inspection Service, and many more. Law Day guests included local high school students, college students, and members of the Bar and public.

The Court, in conjunction with the Federal Bar Association and the Wolverine Bar Association, continued with the always popular "Ask the Lawyer" program where attorney volunteers provided free legal advice to people who have cases pending in our Court and do not have lawyers representing them, as well as other persons with legal questions, was a success as well. This year's "Ask the Lawyer" program included 22 volunteer attorneys who provided legal advice to the 47 litigants who attended. We also had six student volunteers from Cooley Law School and Wayne State University Law School, and eight court volunteers assist with the program.