



State of the Court

2000 Address of Chief Judge Aspen



UNITED STATES DISTRICT COURT

Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604

Chief Judge Marvin E. Aspen

312-435-5600

State of the Court*

The past year has been marked by both change and continuity. While the Court has evolved in several ways, it maintains its tradition of striving for optimum judicial administration. We are continually exploring new methodology and technology to achieve justice while serving the public and the bar. Yet this exploration of new methodology has not cost us in terms of the Court's traditional judicial efficiency. If anything, the changes we made in 1999 and plan for the future should help make all of us, on both sides of the bench, more efficient while at the same time preserving the high quality of justice in the Northern District of Illinois. Here are but a few of the highlights from the Court this past year:



Chief Judge Marvin E. Aspen delivers his State of the Court address using some of the electronic technology available to the court that is changing the way it operates.

Calendars and Workload

The Court's civil caseload remained high in 1999. Our records show that 8,993 civil cases were filed last year. That number was down slightly from the total for

**An address given to the Federal Bar Association on January 28, 2000*

1998, due largely to a continuing decline in the number of prisoner petition cases filed. Although prisoner filings are down, other filings are up. What that means is that the Court's workload is actually increasing, because as a practical matter a greater number of our cases are now of substance and therefore more time consuming.

Criminal cases continue to represent a substantial part of the Court's workload. The criminal cases filed last year involved a total of 813 felony defendants. This figure is slightly lower than the total for 1998, but higher than the annual totals for the rest of the 1990s. As in the recent past, the greatest number of the Court's criminal defendants were charged with violation of drug laws (44 percent). 13 percent were charged with fraud.

Despite the Court's large workload, it remains a place where justice is served without delay. The median disposition time for civil cases closed last year was six months. The median disposition time for civil cases in the Northern District of Illinois is faster than the time for all of the large metropolitan districts and much faster than the national average, which is about nine months. This is a tradition we are proud of.

Of similar significance, steady progress has been made in reducing the number of civil motions pending more than six months. That number stood at 268 in 1995, and dropped to 83 in 1999. In addition, the Court has worked hard at lowering the percentage of civil cases pending for more than three years. In 1998, the last year for complete numbers, that figure was 8.5 percent, compared with a national average of 9.6 percent. Thus, we are leading the pack of metropolitan courts in all objective measures of efficiency - not only in disposal time of civil matters, but also in deciding civil motions promptly and reducing older cases on our docket.

We are receiving significant assistance in managing the workload from the senior judges of the Court, who continue to provide outstanding judicial performance, closing 1,284 civil and 59 criminal cases during 1999. That means they performed the work equivalent of approximately three-and-one-half regular, active judges.

Occasionally joining the senior judges in hearing the Court's cases are visiting judges and members of the United States Court of Appeals for the Seventh Circuit. As far as visiting judges are concerned, we have taken great care to bring in only experienced and talented trial judges from other districts to help us. From the Court of Appeals, special recognition must be extended to Chief Judge Richard A. Posner and Judge Frank H. Easterbrook. Both men closed cases in the District Court this past year and continue to volunteer for new assignments, and the Court is indebted to them for their assistance.

We could not have achieved this enviable record without the stellar performance of the Court's magistrate judges. During the past year, the utilization of magistrate judges continued to expand. The number of civil cases reassigned to magistrate judges on consent of the parties reached 481 cases in 1999, more than in any previous year, and more than twice the annual number of consent reassignments made in the early 1990s.

Special Recognitions

Also deserving recognition are members of the Court's Trial Bar. As you know, the Court requires that attorneys practicing as first chairs must be available to take one indigent, civil case a year on a pro bono basis. I know that the attorneys who are selected at random to provide this service take their tasks seriously, and the Court is extremely appreciative of those efforts that result in quality representations in the courtroom, and a more expeditious disposition of the cases on the Court's calendar. We are also proud that we are able to pay these volunteer attorneys up to \$2,000 from the District Court Fund for out-of-pocket expenses, so attorneys are only donating their time and not their resources as well.

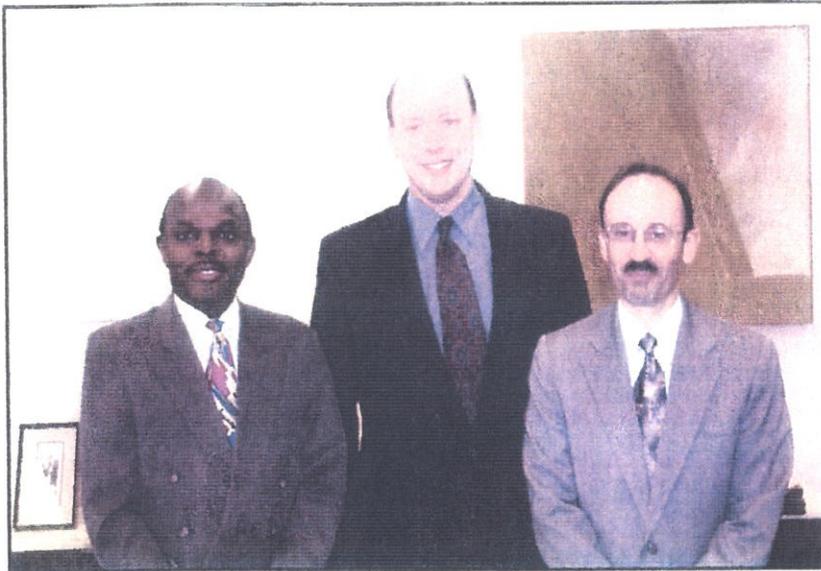
Special mention also must be made of the service provided by Jim Chapman and Eric Dorkin of the Federal Court Prison Litigation Project, and Cynthia Wilson of the Federal Court Employment Law Project. These lawyers provide backup and assistance in their respective fields to lawyers appointed by the Court to represent prisoners in civil rights cases of merit, or work-related cases of the indigent. Jim, Eric and Cynthia have also written handbooks in their fields to aid newly appointed attorneys. The text of these handbooks can also be found on our Court's Web site. More on that later. It should be noted that these services are offered by the Court through purchase of service contracts, which are paid from trial bar membership dues. So in effect, the dues do come back to help those who pay them.

I must inject here the deep appreciation the Court also has for members of the Federal Defender Panel, who serve under the supervision of Federal Defender Terence MacCarthy and his staff. These attorneys help assure that quality legal representation is available to everyone in the District, regardless of economic status. During 1999, the hourly rate for private panel attorneys was increased to \$70 an hour for in-court and \$50 an hour for out-of-court work. While not as much as the Administrative Office had requested of Congress for such an important service, it was nonetheless a positive step in the right direction. We will continue to lobby for increasing these fees.

Our Court continues to experiment with alternative dispute resolution programs - consistent with our philosophy that no litigant who so desires will be discouraged from receiving his or her full day in court. As you know, we have provided settlement and negotiation training for our magistrate judges. A panel of bankruptcy judges helps in the settlement of cases, many of which involve aspects of complex finance. We are grateful for their efforts. Under our local rules we have a mediation program for Trademark cases and this year we are cooperating in a similar mediation program for employment discrimination cases. We are anxious to pursue all the new techniques of resolving disputes quickly and less expensively, but at the same time - as I have said - preserving every litigant's right to a full trial.

Changes in the Composition of the Court

We began 1999 with three vacant district judgeships. Two were filled during the summer with the swearings-in of Matthew F. Kennelly and William J. Hibbler. Both have gotten off to a solid start, as was expected given their proven abilities before joining the Court. In December, Ronald A.



From left, Judges William J. Hibbler, Matthew F. Kennelly and Ronald A. Guzman.

Guzman, who sat for nine years as a magistrate judge, was sworn in, filling a vacancy that had been open since 1996. With Judge Guzman's investiture, the Court had no vacant district judgeships for the first time in about five years.

This somewhat enviable condition proved short lived. In November, Judge Ann C. Williams was confirmed by the U.S. Senate as a judge of the Court of Appeals for the Seventh Circuit, and she became a member of that court in December.

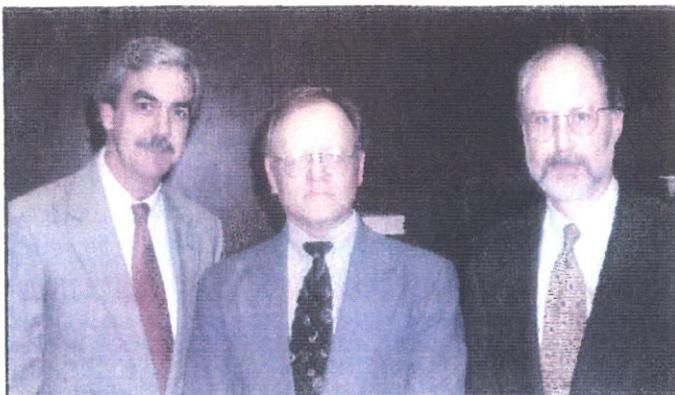
We ended 1999, then, with one district judge vacancy. A second vacancy was created at the start of this month when Judge George M. Marovich took senior status.

We have urged Senators Durbin and Fitzgerald to work to fill these vacancies promptly and they have assured us that in a bipartisan spirit they are doing so.

By the way, speaking of Congress, I know you have read about legislation authorizing us to hold court in Wheaton. Let me tell you that because of fiscal restraints, a freeze on the construction of new courthouses and the lack of the number of DuPage filings which would statistically support holding court in Wheaton, we will not be opening a court facility there in the foreseeable future, if ever.

The court is also in the process of filling the vacant magistrate judgeship created by the elevation of Judge Guzman. We expect a report this week from Don Hilliker, chair of our Merit Selection Commission, which will allow us to fill this position soon. In addition, the court was pleased in 1999 to reappoint P. Michael Mahoney to a second term as the magistrate judge assigned to the District's Western Division in Rockford.

Also last year, the Court was pleased to appoint Richard L. Tracy as Chief Probation Officer, and James P. Fogerty as Chief of Pretrial Services. Both are veterans of the Court. Rich Tracy started as a line probation officer in 1983 and became director of the supervision division in 1995, while Jim Fogerty began as a line probation officer in 1974, and served as a supervisor in that office for eight years before becoming deputy chief for 14 years prior to moving over to Pretrial Services.



From left, Chief Probation Officer Richard L. Tracy; Senior Probation Officer Terry D. Childers, and Pretrial Services Chief James P. Fogerty.

On a related note, I am happy to report that Senior Probation Officer Terry D. Childers of our Court was the recipient of the Federal Probation and Pre-Trial Officers Association's 1999 Richard F. Doyle Award, singling him out as the top probation officer nationwide.

Technological Developments

The Court's Web site represents a resource in which we began 1999 with high hopes. Early in the year, the Web site netted about 200 visitors each day. By the end of the year, that number mushroomed to nearly 1,000 visitors daily. The Web site has rapidly grown from a technological novelty into an integral part of the Court's operation. Attorneys and the public can use the site for a variety of purposes, including research of local and federal rules, review of dockets locally as well as nationally through our Court's PACER system, communicate via e-mail with the Chief Judge, the Clerk of Court and others, and download standard forms.

We are already seeing the availability of some court opinions and minute orders on the Web site. In a few months, we expect to be able to post every order and opinion on the Web site. More about that in a moment.

If you have not already visited the Court's Web site, I urge you to do so. The address is www.ilnd.uscourts.gov. Familiarity with the site will, I believe, soon be a necessary part of a successful legal practice in this District.

The past twelve months also saw the continued growth in the use of video conferences by the Court. Several judges employed these electronic tools, resulting in dozens of video conference proceedings. We expect further use of this technology this year.

An area where we plan significant technological developments in just a few weeks is electronic imaging of certain records. Imaging technology offers the potential of allowing orders, opinions and other documents to be posted on the Web in a way that would allow multiple users to simultaneously review the critical documents in case files from their own personal computers. This is the final step

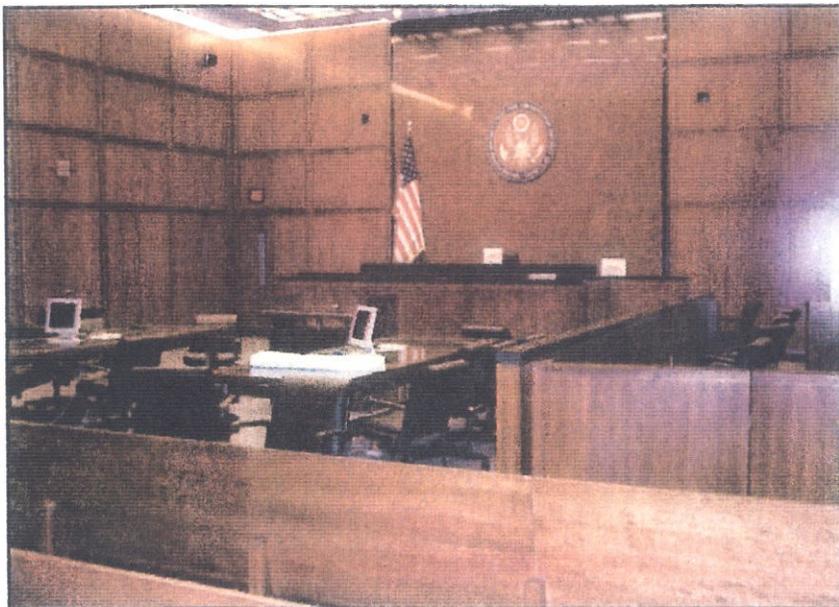
toward full electronic filing. The Administrative Office of the U.S. Courts is conducting electronic filing pilot programs in a few courts and we hope to have this electronic filing technology installed in our Court by next year. Over time, this approach to information management should reduce costs and increase access for the Court, the bar, and the public.

Another technological development we expect this year will come with the spread of electronic evidence presentation systems. These systems allow the innovative use of video projection, PCs and other tools in an effort to improve courtroom evidence presentation. We have already started to prepare our courtrooms for the increased use of these resources.

The Court also implemented new local rules in 1999, to bring our rules numbering system into alignment with the federal rules. This also gave us an opportunity to cull the local rules of administrative matters that only concern the internal operations of the Court. More than 350 attorneys attended a Court-sponsored seminar on the new local rules and new technology, receiving a disk of the rules. Our new rules can now also be downloaded from the Court's Web site.

Improved Facilities and New Programs

A highlight of 1999 was the dedication of four new District Court judge courtrooms on the 12th floor, and four magistrate judge courtrooms on the 13th floor. Occupancy of these courtrooms is likely to start in March. This construction was complemented by the renovation of all elevator



One of the new courtrooms on the 12th floor.

lobbies in the Everett McKinley Dirksen United States Courthouse. This year we also concluded our two-year project of refinishing and refurbishing our older courtrooms. These older courtrooms and jury rooms have been restored to pristine condition. All of these modernizations reflect the Court's determination to be a good shepherd of its resources, and its resolve to maintain the architectural gem designed by the fabled Ludwig Mies Van Der Rohe. We are the beneficiaries of the only courtrooms designed by Van Der Rohe.

I wish that I could report that every aspect of your visit to our courthouse will be a rosy one.

One practice that has met a less than enthusiastic reception among frequent courthouse visitors is our continued heightened security measures. I am very much aware of attorneys' and

others' complaints about delays encountered at the entry points in the courthouse lobby. This screening is just one of several necessary security operations performed by the U.S. Marshal's Service. Others include the granite planters around the courthouse, the guard booth at the entrance to the garage and steps that I cannot detail in public.

I must stress that these measures were taken because of very real—and not imagined—security concerns. Like you, I look forward to the day—and I hope it will be soon—when the threat of violence is reduced in our nation and we can relax our guard. Until then, we need to endure this kind of temporary inconvenience for our collective safety.

Back to a more positive note, the Court has begun construction of a kiosk in the center of the Dirksen Courthouse lobby. This booth will provide information about the day's activities of the Court, as well as a time stamp and drop box for case filings. Later this year, touch-screen information kiosks will be placed in all the elevator lobbies of the courthouse, allowing visitors to more easily find what they want.

The historical society for the Northern District of Illinois continues to compile and preserve the history of our Court. Not to be overlooked on a trip to the Dirksen Courthouse is the Court's new display case on the 25th floor. This handsome wood, glass and polished metal repository of history contains artifacts, photographs and accounts of the people, cases and places that made the Court famous. In February our display case will feature the contributions of African-American federal judges and lawyers, in celebration of Black History Month. Still evolving for the future, the display will showcase such memorable events in the life of the Court as the Chicago Seven and Al Capone trials, the career of Judge and later Major League Baseball Commissioner Kenesaw Mountain Landis, and the citizenship applications of architect Mies Van Der Rohe and physicist Enrico Fermi. I will be commenting in just a moment about some of the ways we have improved public access to our naturalization ceremonies.



The 25th floor display case.

All of this, of course, requires adequate funding. We have been very successful over the years in obtaining enough money to build the Court's resources and improve its infrastructure. However, after adjusting for inflation and cost of living pay increases, the Court received 3 percent less in funding from Congress for the current budget year than it did in 1999. While 3 percent might not sound like a lot, it is a significant figure for a branch of government that accounts for less than two-tenths of 1 percent of the total annual federal budget. Nevertheless, rest assured that we here in the Northern District of Illinois will do all in our power to ensure that this funding challenge does not diminish the services of our Court.

I should also like to take this opportunity to thank the bar associations, and the Federal Bar Association especially, for lobbying with and for us to help maintain the financial and personnel needs of our Court. Let me assure you that the judges of our court have taken important steps to promote our relationship with members of Congress from Northern Illinois through regular luncheon meetings and other contacts. As a result, we have established productive relationships with both of our Senators and the Congressmen who represent our district.

Last year the Court launched a variety of media and community outreach programs through its new public information officer position. This effort got off to a strong start in February under Christopher Allen. After Chris' untimely death in June, the post was filled by Daniel Lehmann, who came to the Court from the Chicago Sun-Times. Through this position, the Court has sponsored several highly successful events, such as marking National Law Day with a mock trial and interactive program with Chicagoland high school students acting as a mass jury. We also celebrated the anniversary of James Benton Parsons' elevation to the local bench as the nation's first African-American District Court judge, and conducted a seminar called "The Art of Argument," which was geared to help and encourage minority attorneys in their practice before the Court.



Daniel
Lehmann

More programs are planned for the coming months, such as recognizing the pro bono work of individual attorneys and law firms, and the contributions of women to the law here in the Northern District of Illinois. Plus, the Court on Tuesday of this week announced a joint venture with the Chicago Public Schools and Chicago Bar Association in which classes of students will be sent on a regular basis to witness and have explained by the CBA lawyers the citizenship ceremonies conducted at the courthouse.

By the way, we have posted on the Court's Web site a list of naturalization ceremonies, so that all citizens will know when they are held should they wish to attend, and that lawyers may check if one is being conducted which they may wish to observe during a visit by them to the courthouse.

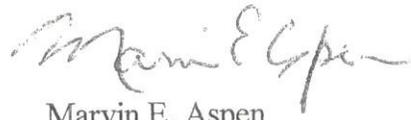
Finally, I'd be remiss if I did not express my appreciation for the ongoing managerial and technological innovations that Michael Dobbins has launched in the Clerk of Court's Office, and for the stellar service Staff Attorney Sally Elson has performed in Indigent Services.

In sum, we accomplished a great deal in 1999, and plan to do more in 2000. In order to earn and keep the trust and confidence of the public and bar, we fully realize that it is the Court's duty to provide effective and efficient judicial administration. It is an obligation that we take seriously, and strive daily to achieve.

Much of the positive changes we have made in 1999 could not have been accomplished without the active support of the lawyers who practice in the Northern District. I welcome your letters, your telephone calls, your comments in the suggestion box in the Clerk's office and over our Court's Web site, again at www.ilnd.uscourts.gov.

On behalf of all the judges of the Northern District of Illinois, I thank you for your support in 1999 and ask for your continued input in 2000.

Sincerely,



Marvin E. Aspen
Chief Judge



Overview of Activity in the Northern District of Illinois: 1995 - 1999

	1995	1996	1997	1998	1999
Civil Cases Filed	8,168	9,006	9,401	9,158	8,993
Felony Defendants Commenced	764	789	728	843	813
Civil Cases Reassigned on Consent to Magistrate Judges	234	345	417	434	481

Source: Data for 1995 through 1998 are taken from statistical reports published by the Administrative Office of the United States Courts. Figures for 1999 are based on internal ICMS reports.