



State of the Court

2001 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

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State of the Court

(Prepared remarks of an address given by Chief Judge Marvin E. Aspen to the Federal Bar Association on January 17, 2001, in Chicago.)

Good afternoon and thank you all for this opportunity to deliver the annual "State of the Court" speech on behalf of the United States District Court for the Northern District of Illinois.

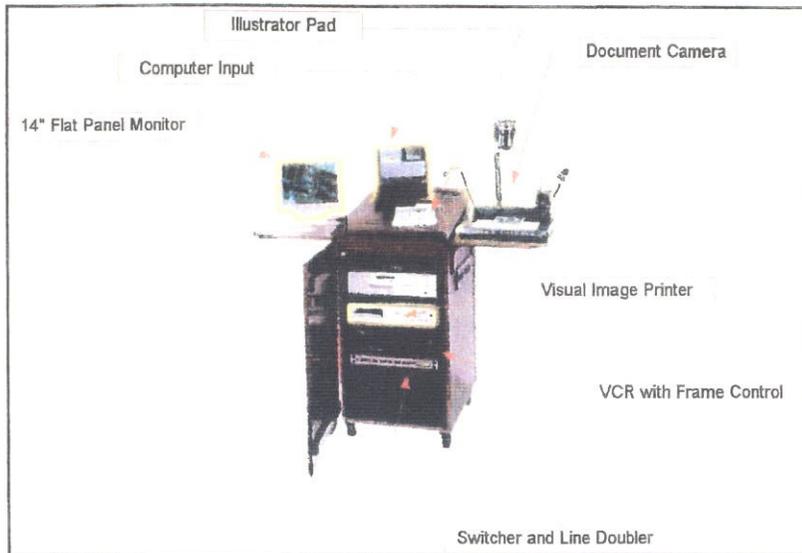
In sum, we accomplished a great deal in the year 2000, and plan to do much more in the current year. This is no idle boast. As I've said every year in this address, we of the District Court fully realize that it is our duty to administer our court system professionally, efficiently and effectively, so that we earn and keep the trust and confidence of the public and the bar. That obligation remains the constant goal of our court. I'd like to discuss just some of the highlights from this past year of our court's efforts to achieve that goal, as well as events to come.



Chief Judge Marvin E. Aspen delivers his address.

Technology

One of the major means being used to increase the court's efficiency is, not surprisingly, technology. This past April, we installed our first mobile Digital Evidence Presentation System, or DEPS, for use by counsel and litigants in the Dirksen Courthouse. As you likely know, electronic



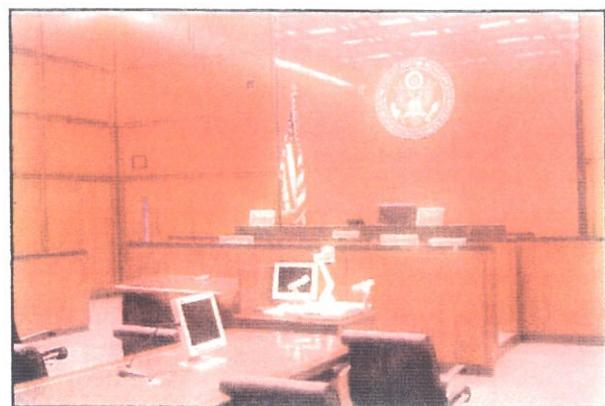
A mobile Digital Evidence Presentation System, or DEPS.

evidence presentation is becoming an integral part of today's trial strategies. Such systems give trial attorneys the capability of visually emphasizing critical physical evidence or having a witness demonstrate and annotate situations or scenarios on display monitors in front of the judge and jury. DEPS combines video and digital display technology to support all aspects of evidence presentation. By making DEPS available to all litigants, we level the playing field so that not only the

wealthiest clients and the largest law firms can take advantage of new demonstrative evidence technology. In the coming months, a second DEPS will be installed in the Rockford courthouse.

Also in April, the court installed three mobile video conferencing systems, two in Chicago and one in Rockford. These give us the capability of conducting two simultaneous video conferencing sessions in any one of the 46 courtrooms or conference rooms of the Dirksen Courthouse. This system can be used for a variety of video communication applications, including simple video conferencing, multi-source conferencing, and mixed output video conferencing, such as the presentation of documents, computer output and VCR tapes within a video conference. During 2000, this system was employed in 27 different proceedings, for a total of some 60 hours of video conferencing. This is just the start of employing this technology.

Further, the court began occupying the four newly constructed courtrooms on the 12th floor of the Dirksen Courthouse last March. These were designed with integrated evidence presentation and video conference systems. Six additional, existing courtrooms are being permanently wired for such devices, with major consideration given to preserve the decorum of the Ludwig Mies van der Rohe courtrooms when the systems are not in use. To help make all of this happen, the court in October added a Courtroom Technology Administrator, Joseph Novak, to the staff. He will support, train and promote use of these resources throughout the court.



A new 12th floor courtroom.

The court plans to work with local bar associations this year to demonstrate DEPS and video

conferencing, so any attorney who wants to use this technology knows how.

In addition, the court, along with the American Bar Association's Litigation Section and the Illinois State Bar Association, in November hosted a program stressing the importance of advances in technology and jury consultants and their wise use as part of a comprehensive trial presentation strategy. Featured speakers included Jo-Ellan Dimitrius and Donald E. Vinson, opposing jury consultants in the O.J. Simpson murder trial.



Chief Judge Aspen (left) with jury consultants Jo-Ellan Dimitrius and Donald E. Vinson.

And just on the horizon are case management/electronic case file systems that will replace the current core case management systems for all district courts, as well as the appellate and bankruptcy courts. As Chief Justice William Rehnquist noted in his year-end report to the Judicial Conference a few days ago, these systems have the potential to change dramatically court operations because they will also include electronic case filing capabilities that will reduce the volume of paper case files. Today's technological capabilities that allow relatively easy access to information require careful consideration of issues related to security and privacy. Because court documents often contain private or sensitive information, the Administrative Office, under the guidance of the Judicial Conference Committee on Court Administration and Case Management, is studying the privacy and security implications of electronic case files. Also, the Committee on Rules of Practice and Procedure is considering changes to the federal rules to accommodate the practicalities of digital processes.

Calendars and Workload

This technology helps the court keep up with its caseload, which remained high in 2000. Records show a very slight decrease in civil cases, with 9,028 cases opened last year. This was driven in large part by a long-term decline in the number of prisoner petition cases being filed. The available numbers suggest that the drop in prisoners filings, almost certainly a direct result of the Prisoner Litigation Reform Act of 1996, may have bottomed out.

Criminal cases, on the other hand, continue their steady increase and remain a substantial part of the court's workload. The criminal cases filed last year involved a total of 1,081 felony defendants, up from 965 in 1999. As in the recent past, the greatest number of the defendants were charged with violation of drug laws (33 percent), followed by fraud (22 percent). This continued a trend of too many drug cases landing in the federal system that normally are prosecuted by the state courts.

Happily, median disposition time for civil cases remains a strong suit of the court. We are still faster than the national average—8.2 months was the median disposition time for all districts in the most recent reporting period. Our court's performance was 5.1 months, making our court *the* most efficient large, metropolitan district court in the nation. As I've often said, this is a tradition

we are proud of and intend to maintain.

Also of significance, the court can report encouraging numbers from the Civil Justice Reform Act, more commonly called the Biden Report. Only 60 motions were reported in the most recent period as pending six months or longer before our District Court and magistrate judges, the same as the previous period. As some of you may recall, 60 motions is the lowest total recorded since these statistics started being tracked in 1991. Further, the number of three-year-old cases stood at 509, a modest increase from the 502 cases in the last period. As in the past, multi-district litigation cases continued to account for about 40 percent of these three-year-old cases, and without them, the number of older cases has been quite stable for several years. As with disposition times, our court ranks first among urban federal district courts in the least number of three-year-old cases and undecided, pending, fully briefed motions.

It must be noted here that although the District Court is No. 1 in efficiency, we by no means have the fewest number of filings per judge among the metropolitan federal district courts.

Also in keeping with the District Court's tradition of efficiency and service, the senior judges of our court and the magistrate judges continue to deliver significant service. Our senior judges opened 1,464 civil cases last year, and were assigned 62 criminal cases. This means the civil caseload carried by senior judges is the equivalent of about four average, active district judges, and their criminal caseload is the equivalent of three average, active district judges.

This laudable performance is also demonstrated by the magistrate judges. During the past year, civil case assignments on consent of the parties continued to climb. Such cases reached a total of 497 last year, more than in any previous year. Again, that's the equivalent of about one and a half average, active district judges, and more than twice the annual number of consent reassignments made in the early 1990s.

Our court also continues to look for ways to ease the costs—both economic and emotional—of litigation. That's why we started offering a mediation program aimed at settling civil rights cases alleging police excessive force and other official misconduct, employing a program developed by the Center for Employment Dispute Resolution. The City of Chicago has agreed to participate in this endeavor. This adds another piece to the court's menu of alternative dispute resolution efforts, such as the Lanham Act plan for trademark disputes and case referrals to specially trained judges of the U.S. Bankruptcy Court.

Changes in Court Composition

We began 2000 with two vacancies—one district and one magistrate judgeship—and immediately faced another when Judge George Marovich took senior status in January. First, Geraldine Soat Brown was selected to fill the magistrate judgeship vacancy created by the elevation of Ronald



Geraldine Soat Brown

A. Guzman to the District Court bench. Gerry has gotten off to a solid start, as expected of an attorney of her caliber and reputation. A special thanks must be extended here to the 18-member merit selection panel, chaired by Donald B. Hilliker, that assisted filling this vacancy.

That left Judge Marovich's post, as well as the seat vacated in late 1999 by Ann C. Williams upon her investiture as a judge of the Court of Appeals for the Seventh Circuit. Thankfully, Illinois' two senators, Richard Durbin and Peter Fitzgerald, worked together to make sure these vital seats were promptly

filled, avoiding the lengthy vacancies and political infighting that has recently engulfed other court appointments in our country. Our senators' bipartisan effort led to the swift nomination and confirmation of Joan H. Lefkow, an extremely talented and experienced federal trial judge, demonstrated during her years as a magistrate judge and U.S. Bankruptcy Court judge, and John Darrah, an accomplished and veteran state court judge and attorney from DuPage County. Both were tremendous additions to the court.



Joan H. Lefkow



John Darrah

With their investitures, the court had no vacant district judgeships for only the second time in some six years. Again, we owe much of this enviable situation to our senators from Illinois. In keeping with the court's long-time practice of seeking an open line of communication with our congressional representatives, the judges met with Senator Fitzgerald in an informal lunch at the Dirksen Courthouse, discussing issues of importance to the judiciary and the nation. We extend invitations to all newly elected congressmen. We plan to meet with U.S. Rep. Mark S. Kirk of the 10th Congressional District sometime this spring.

Court Initiatives

Let's start this topic with good—and not so good—items. On the plus side, the court will formally announce in the next few days that effective February 1, the fee for pro hac vice admissions will be reduced from \$100 to \$50. This will be applied to both the District Court and Bankruptcy Court. This fee was increased a number of years ago to help adequately fund a court account used to reimburse attorney expenses in assigned pro bono cases. Due to prudent administration of this fund over the years, not only will the fee be cut in half, but the maximum amount for pro bono expense reimbursement will be increased by 50 percent, from \$2,000 to \$3,000 per case, and a 17 percent increase for expenses in multiple party pro bono cases, from \$6,000 to \$7,000.

There continues, however, to be little new “good news” about courthouse security. As I've stated in the past, we are faced with very real—and not imagined—security issues at the Dirksen Courthouse. I am well aware of attorneys' concerns about delays encountered at the entry points in

the courthouse lobby. For the safety of *all* of us—judges, staff, litigants, visitors *and* attorneys—this inconvenience must be endured. It remains my hope that one day this situation will change, but until then, we must heed the advice of the U.S. Marshal’s Service.

Now on to a more positive note. The District Court’s Web site—if you haven’t visited us there, you must make a point to dial up www.ilnd.uscourts.gov—is becoming a vital part of a successful practice in this district. Currently, an average of 1,440 visitors tour the site every work day, with another 500 “hits” registered each weekend. Visits have come from all over the globe, from as far afield as Singapore, Bulgaria, Argentina and Saudi Arabia.

In addition to providing the most current source of information about the local rules, calendar procedures of every judge, and such items as who is serving as the emergency district judge and the duty magistrate judge, the site is being used every day to download forms and orders and opinions. Further, the Web site is the means to enter and use RACER—Real-Time Access to Court Electronic Records. RACER is reached by about 250 visitors each work day. Visitors can without charge inspect an image of every order entered, as well as every civil complaint and other important case-related documents—without traveling to the courthouse. This represents a potential huge time savings for attorneys, the media and other court users. Moreover, RACER puts hard copies of court documents just a “print button” away on the computer screen. More items are to be added to the list already available on RACER in the near future, once again making it a critical tool for those dealing with the District Court.

On the horizon of this year is the installation of touch-screen information kiosks in the lobby of the Dirksen Courthouse, as well as the elevator lobbies of the courthouse. These will allow visitors to more easily find information they need.

The courthouse has also become a center for education, outreach and recognition of special efforts in the practice of law. Last January, the court recruited the Chicago Public Schools and the Chicago Bar Association in creating a program wherein eighth grade students studying the United States Constitution are sent to the courthouse on a regular basis to witness and have explained the citizenship ceremonies and other activities of the courthouse.

To date, nearly 1,000 students have participated in this program.



New citizens are sworn in during a special naturalization ceremony in the Winter Garden of Chicago’s Harold Washington Library Center.

Our court started a “Courtroom As Classroom” program for first-year law students at law

schools within the district. Five schools have attended to date, getting first-hand insights from judges, prosecutors and defense attorneys on federal court practices and procedures.

The court has also aided the Federal Bar Association's "Law and Public Safety Academies" program with the Chicago Public Schools, hosting half-day visits for aspiring law and law enforcement students from several city high schools. The court also plans to participate in the program's upcoming "Groundhog Job Shadowing Day," set for February 2. A high school freshman will be assigned to a participating judge to get a first-hand look at the work performed by the judiciary.

In addition, 14 minority law students got a chance to learn the workings of the federal court



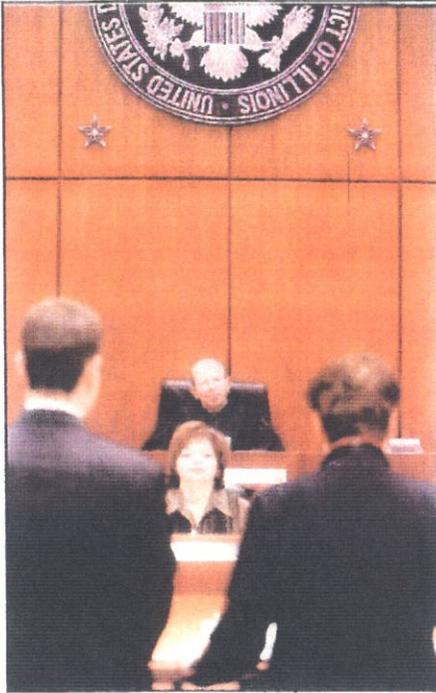
Katie Muckey of Downers Grove South High School poses a question during the Law Day 2000 program.

under a pilot program this past summer. Thanks to stipends from the American Bar Association's Section of Antitrust Law's Special Committee on Minority Clerkships, minority law students worked for judges in Chicago during an eight-week summer program. Another 100 students from five Chicago area high schools participated in the court's Law Day 2000 program, titled "Judicial Independence is For You." It was part of a national teleconference in which students served as judges in a mock hearing to suppress evidence obtained in a search

of a high school student's back pack.

The court noted the contribution of the "first" women to the law here in the Northern District of Illinois—the first female District Court judge, magistrate judge, assistant U.S. Attorney and Federal Defender staff attorney—in conjunction with the Women's Bar Association of Illinois and the CBA's Alliance For Women. Plus, the court marked the legacy of the late Judge James Benton Parsons, along with the Cook County Bar Association. That recognition is being moved into February as part of Black History Month, and some 150 students are slated to learn about this judicial legend, and career opportunities in the law, on February 27.

During the past year, the court also recognized the pro bono work of individual attorneys and law firms, featuring a presentation by the esteemed Abner Mikva. The second annual presentation of this event, co-sponsored by the Federal Bar Association, is set for March 7, 2001. We are very



A CITY 2000 photographer captured this scene, an attorney admission ceremony for the firm of Jenner & Block.

pleased to have as our featured speaker this year Martha Barnett, president of the American Bar Association, herself a major figure in pro bono service. She led work in the Florida legislature that won compensation for survivors of, and those who lost property in, the infamous 1923 Rosewood (Florida) Massacre.

Further, the court was involved in one other significant event in the life of the city, and launched two major initiatives of its own. CITY 2000, a group of photographers and editors, documented the year by following individuals and chronicling the work of institutions such as the District Court. It created an archive so that people in the future will know and understand what it was like to live in Chicago at that time. CITY 2000's initial display of photographs can be seen at the Chicago Cultural Center now through March 4.

At the Dirksen Courthouse, work is under way to restore and repair the frames of the judicial portraits in the ceremonial courtroom, and we are exploring the possibility of purchasing photographs of significant Chicago scenes and examples of Chicago architecture to hang in our jury rooms and the hallways outside of chambers. Both of these ventures will enhance the beauty and dignity of our great courthouse.

Thank You

Finally, as can be said every year, much of the positive changes we made in 2000 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 2000 and ask for your continued input in 2001.

Sincerely,

Marvin E. Aspen
Chief Judge