



State of the Court

2002 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

312-433-5600

STATE OF THE COURT

(From an address given February 6, 2002, by Chief Judge Marvin E. Aspen)

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

The year 2001 was, in many respects, a significant one for our Court.

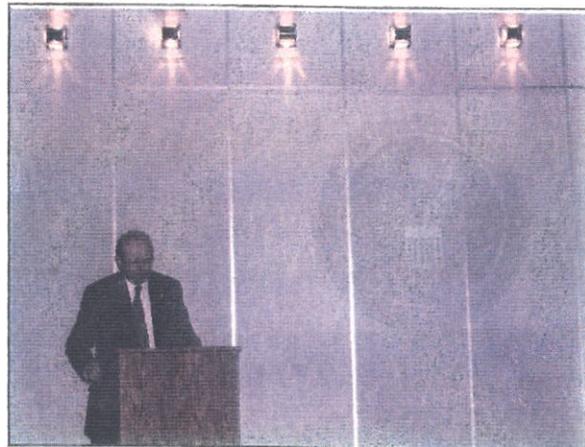
The tragedy of September 11 in particular was an historical milestone for our nation—and raised additional concerns for our already security conscious courthouse.

In most other respects the year 2001 was a good one for our Court. We persevered in our efforts to administer the court system professionally, efficiently and effectively, to improve our use of new technology and to enhance our Court's customer service and citizen outreach programs.

Here, then, are a few of the highlights from this past year.

Calendars and Workload

After declining slightly in 2000, civil filings were significantly higher in 2001. About one-half of this increase was due to a sharp jump in the number of student loan cases filed by the



Chief Judge Marvin E. Aspen addresses the Federal Bar Association February 6, 2002, in Chicago.

CIVIL CASE ACTIVITY 1997 - 2001

Type of Case	1997	1998	1999	2000	2001
Non-Prisoner Civil Rights	1900	2016	1829	1870	1,964
Prisoner Petitions	1325	1064	837	740	782
Mortgage Foreclosure	1285	1304	1579	1242	1,636
U.S. Contract (Includes Student Loan/VA)	266	121	194	255	1,046
All Other Civil	4804	4652	4827	4775	5211
Total	9580	9157	9266	8882	10639

Source: Data for 1997 - 2000 are taken from statistical reports published by the Administrative Office of the United States Courts. Figures for 2001 are based on internal ICMS reports.

United States government. Nearly 1,000 of these cases were filed last year, up from 225 student loans filed in 1991. There were increases in civil filings more or less across the board between 2000 and 2001.

The 10,639 civil cases filed last year represent a total that has been exceeded only in the mid-1980s, when student loan filings were exceptionally high. If contract cases (most of which are student loans) are excluded, civil filings for 2001 were the second highest in the court's history.

The court continues to close civil cases significantly faster than the national average. The most recent time frame for which comparative figures are available is the one-year period which ended September 30, 2001. The median disposition time for civil cases closed by the court during this period was 5.6 months. The national average for the period was 8.7 months. The civil disposition time achieved by the Northern District of Illinois was the third-fastest of all 94 districts in the country. In 2001 the court continued its tradition of having by far the best median disposition time for civil cases of all large, metropolitan district courts.

Another way of evaluating the efficiency of the court's overall calendar management is through semi-annual reports that identify motions pending in civil cases for six months or longer. These reports, a kind of statistical snapshot taken each year on March 31 and September 30, have been prepared since the fall of 1991.

District and magistrate judges had a total of 47 six-month-old, reportable motions pending as of March 31, 2001. This is the lowest number since the inception of the semi-annual reports. The number of six-month old motions reported in September of 2001 was 67. Though higher than the March figure, this total remains one of the lowest totals reported by our court.

As a matter of fact, in recent years, most of the district and magistrate judges had no six-month-old motions to report, and 2001 was no exception. For example, last September, 17 of the 21 active district judges of the Eastern Division of the Northern District of Illinois had no six-month-old motions to report. Seven of the ten magistrate judges had no motions to report.

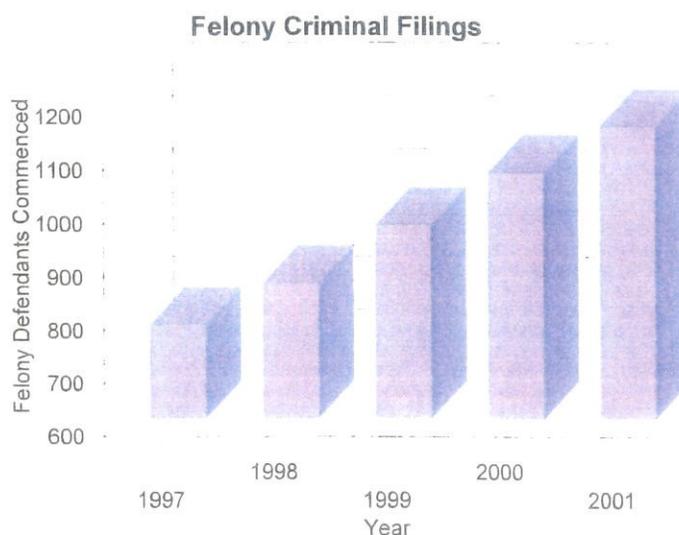
At the same time that it reports on six-month-old motions, the court reports on civil cases pending for three years or longer. The number of three-year-old cases pending in the court declined during 2001. The 457 three-year-old cases reported by the court last September 30th represent the fewest such cases since September of 1997. As in past years, about 40 percent of these three-year-old cases are associated with multi-district litigation cases. If these multi-district litigation cases are excluded, the population of three-year-old cases has been quite stable for several years.

Also in keeping with the District Court's tradition of efficiency, the senior judges of the court and the magistrate judges continue to deliver significant service. Our senior judges were assigned 1,933 civil cases last year, and received 98 criminal cases. In other words, the civil caseload carried by senior judges is the equivalent of about 5.2 active district judges, and their criminal caseload is the equivalent of 3.5 active district judges. Were it not for the performance of these senior Judges, we simply could not keep up with increased filings—particularly in times of Congressional zeal to federalize traditionally state crimes and create new statutes for civil cases of action.

This distinguished performance has also been demonstrated by the magistrate judges. During the past year, civil case assignments by consent of the parties continued to climb. Consent cases reached a total of 504 last year, more than in any previous year. Again, that's the equivalent case load of 1.4 active district judges, and more than twice the annual number of consent reassignments made in the early 1990s.

The court's criminal caseload has climbed steadily over the past few years. The felony cases involving 1,149 defendants during 2001 represent an 8.1 percent increase over the number for 2000, and a 48 percent increase over the comparable statistic for 1997.

As in past years, drug offenses are the most prevalent type of felony case filed in the court, representing nearly 30 percent of cases involving defendants commenced in 2001. The second most prevalent felony charge was fraud, which accounted for 20 percent of the defendants.



Let me comment as I have in past years on the disturbing trend of the prosecution of small scale drug cases in the federal system, which eventually could have a negative effect on the Court's processing of traditional federal civil and criminal litigation. Hopefully, our new U. S. Attorney will be able to influence positively the Department of Justice priorities in these cases.

Not unrelated to small drug case prosecution, I also regret to report that crowded conditions at the Metropolitan Correctional Center has resulted in the inconvenience of having to house people awaiting trial in outlying county jails. Our Court is taking a proactive stance in addressing this problem. Judicial and law enforcement officials will be meeting with Kathleen Hawk Sawyer, Director of the Federal Bureau of Prisons, on February 21 in my chambers to discuss short- and long-term solutions to the bedding shortage at the MCC.

A final word about trials. In recent years, the number of cases nationwide actually going to trial has been declining. Here, however, judges presided over a total of 159 jury trials during the 12-month

period ending November 30, 2001. Although Magistrate

	1997	1998	1999	2000	2001
Total Trial Hours	7,531	6,485	6,252	6,003	6,526
No. of Jury Trials	166	139	184	171	159

Judge consents have increased, Magistrate Judge trials have not, our magistrate judges handled 14.

There has been little fluctuation over the past five years in the number and hours of trials conducted by our judges. The total number of trial hours recorded during this period was 6,526.

A word about our visiting judges. Because we have had few judicial vacancies, we are relying less upon visiting judges than we have in the past. There are a few civil cases still remaining with past visiting judges; and our regular visitor, Sam King from Hawaii, will be with us again this August.

Technology

During 2001, the court's web site continued to expand as a rich source of information for the bar and the public. Last year an electronic repository of recent opinions was established that allows users to view scanned images of all recent opinions. You can now search for opinions in a specific case, or search for opinions based on case type, filing dates, or individual judges.

Scanned images of a much broader range of court documents are available through the web site using a system called RACER—Remote Access to Court Electronic Records. Using RACER requires registration and involves a small fee. The fee is more than offset, however, by the



benefit of having 24-hour-a-day remote access to images of almost all significant documents in our pending and recently closed civil and criminal case files. The Clerk of Court's office expanded the types of documents scanned during the course of 2001. Except in rare situations where documents are sealed by court order, users can now review scanned images of all complaints, indictments, and other initiating documents; all orders and opinions; all motions and related briefs; and all appeals.

Along with these new additions in 2001, the court's web site (www.ilnd.uscourts.gov) remains the most effective way for attorneys and other users to get information about the court's local rules, daily calendars of scheduled court activity, the individual motion practices and court routines of each judge, and a wide variety of other topics.

One of the areas where the court experienced considerable expansion during 2001 was in the use of teleconferencing technology. The number of teleconferences held last year was more than double the number held in 2000, accounting for more than 200 hours of activity. We expect the use of teleconferences to continue to expand in the new year, as this resource evolves from a technological novelty into a common courtroom tool.

To help make all of this happen, our Courtroom Technology Administrator, Joseph Novak, continues to hold training sessions, demonstrating all forms of technology available for use by attorneys involved in both criminal and civil proceedings before our court.

And finally, we installed touch-screen information kiosks in the lobby of the Dirksen Courthouse, as well as the elevator lobbies of the courthouse. These provide a wealth of information, allowing visitors to more easily find what they want.

Changes in Court Composition

On March 17, we lost our beloved Senior U.S. District Judge Abraham Lincoln Marovitz, one of the most well known legal figures in Chicago history. He was 95. On April 3, the District Court conducted "A Service of Celebration" that emphasized the accomplishments of Abe Marovitz and the positive impact he had on so many people.



Michael T. Mason

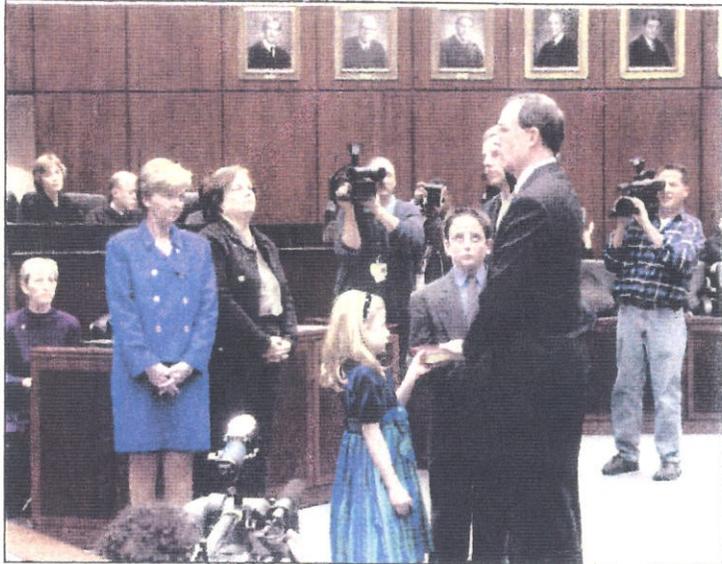
We gained a new judge in 2001 when Michael T. Mason was selected to fill the magistrate judgeship vacancy created with the retirement of W. Thomas Rosemond Jr.. Tom had served two terms, or 16 years, on our court. We are grateful for his service. Mike Mason has been a wonderful addition to the court, as was expected of such a respected and talented attorney. A special thanks must be extended here to the 28-member merit selection panel, chaired by Professor Leonard J. Schragger of The John Marshall Law School, that assisted in filling this vacancy.



Abraham Lincoln Marovitz

In a related development, the court was pleased to administer the oath of office to U.S. Attorney Patrick J. Fitzgerald on November 16. Pat began serving as the U.S. Attorney for the Northern District of Illinois on September 1, after he was initially appointed on an interim basis, succeeding Scott R. Lassar.

On the horizon is the recommendation of Amy J. St. Eve to the president by Senator Peter Fitzgerald, to fill the District Court judge vacancy created when Judge George W. Lindberg took senior status this past summer. We hope that this vacancy can be promptly filled, avoiding the lengthy vacancies and political infighting that has recently engulfed other court appointments in our country.



Patrick J. Fitzgerald is sworn in as the U.S. Attorney for the Northern District of Illinois.

Our Court is fortunate to enjoy an exceptionally fine relationship with both our United States Senators and with the Congressmen who serve our District. We have friends and a voice in Washington that have been especially helpful in filling our vacancies promptly.

Court Initiatives

Shortly after this address last year, the court was pleased to announce that the fee for admissions would be reduced to \$50 from \$100. That applied to both the District Court and Bankruptcy Court. This fee had been 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 was the fee cut in half, but the maximum amount for pro bono expense reimbursements was increased by 50 percent, to \$3,000 per case from \$2,000, and a 17 percent increase was made for expenses in multiple party pro bono cases, to \$7,000 from \$6,000.

As I stated earlier, the most significant date in 2001 for our court and the nation was September 11. For us, it has meant even more increased security at the Dirksen Courthouse. As I've told you in each of these addresses over the years, the security issues faced at the Dirksen Courthouse are real, and we know they are an inconvenience for the lawyers. Since September 11, we've taken necessary additional steps to secure the courthouse, at the same time being aware of the needs of the lawyers who practice here. For example, we've attempted to speed up clearing security checkpoints by staggering the morning motion calls of several judges. Also, those persons with disabilities can also now go straight to the front of the line.

Outside the building, we soon hope to replace the “Jersey barriers” with more esthetically pleasing security barriers. Once again, I repeat – for the safety of *all* of us – judges, staff, litigants, visitors *and* attorneys – these inconveniences are a hardship that must be endured.

There has been another important security change. The U.S. Marshal Service has assumed responsibility for courthouse security on a 24-hour basis, and is in the process of reconfiguring our security screening process.

In keeping with being as “customer focused” as possible, the court began accepting routine filings at a desk in the center of the lobby of the Dirksen Courthouse during peak afternoon filing hours. The court had already positioned drop boxes with time stamps at the ground floor elevator banks of the courthouse and just outside the doors to the north entrance (Adams Street side) of the clerk’s office. They remain in place for use when the building is open to the public, from 7 a.m. to 6 p.m., and when the clerk’s office is closed.



Customers take advantage of a Clerk’s Office desk in the courthouse lobby.

The courthouse continues to be a center for education, outreach and recognition of special efforts in the practice of law. The District Court, the Chicago Public Schools and the Chicago Bar Association once again this year offered 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 to them the citizenship ceremonies and other activities of the courthouse. To date, more than 2,000 students have participated in this program.



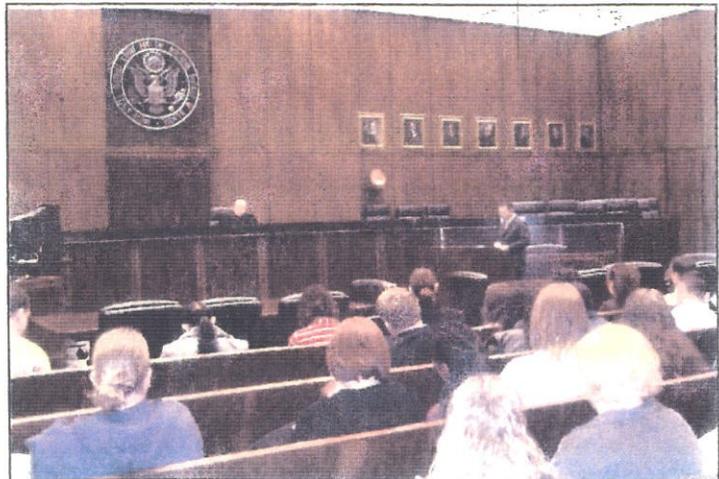
Judge James Holderman addresses a packed session of “2002 Update: Local Rules and Procedures.”

Our court’s “Courtroom As Classroom” program for first-year law students at law schools within the district has become another annual event. All seven law schools in the district participated this past fall, getting first-hand insights from judges, prosecutors and defense attorneys on federal court practices and procedures.

In a just-concluded, related event, the District Court hosted a three-day seminar titled “2002 Update: Local Rules and Procedures.” More than 450 attorneys heard from our court’s judges, key staff members and leaders of the

area's eight major bar associations on what is required to keep attorneys current in their practice of law before the court in the Northern District of Illinois. We are especially indebted to the assistance and guidance given the program by the Federal Bar Association's president, Fern C. Bomchill.

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 participated in the program's "Groundhog Job Shadowing Day" last year, in which students were assigned to a chambers to see firsthand how a judge and staff conduct their business.



Another 100 students from five Chicago area high schools participated in the national courts program, "Open Doors of Justice: The Bill of Rights in Your Life" this past fall. It was part of a national teleconference in which students witnessed a mock hearing to suppress evidence obtained in a search of a high school student's backpack.

Students listen to a mock hearing that was part of the national program, "Open Doors of Justice: The Bill of Rights in Your Life."

Also for the second year, 14 minority law students got a chance to learn the workings of the federal court 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.

The court continued to note the legacy of the late Judge James Benton Parsons. That program was moved into February as part of Black History Month, and some 125 high school students learned about this judicial legend and career opportunities in the law. The program is set to be held again this year, on February 20.

During the past year, the court again recognized the pro bono work of individual attorneys and the legal clinics of local law schools, highlighted by a keynote speech by then American Bar Association President, Martha Barnett. We are very pleased to have as our featured speaker this year A. P. Carlton, president-elect of the American Bar Association. This year's event is slated for April 3.

The court was involved in another significant event in the life of the city, and launched one major initiative of its own last year. The Parsons Memorial Courtroom was the site for attorneys to enact the powerful courtroom scenes from Harper Lee's classic story To Kill A Mockingbird and

for a follow-up discussion. This was part of the “Chicago Book Week: City of Big Readers” program. The mock trial program was co-sponsored by the U.S. District Court for the Northern District of Illinois, the Chicago Public Library and the Chicago Bar Association, and was attended by more than 200 people.

Our Court continues to be a key State Department destination for visiting judges, legal officials and academics from foreign nations.

Last year, the Court commissioned the writing of a “popular” history of the court. Veteran Chicago journalist Rich Cahan, a longtime Sun-Times editor and author of three books, is piecing together the rich story of our historic court in both words and photos. We are currently in the process of negotiating with publishers for the book.



Rich Cahan

Inside the Dirksen Courthouse, work is nearing completion on the restoration and repair of the frames of the judicial portraits in the ceremonial courtroom. And we’re about to unveil a major purchase of photographs of significant Chicago scenes and examples of Chicago architecture, which will hang in our jury rooms and the hallways outside of chambers. This will enhance the beauty and dignity of our courthouse. The photographs are currently being hung, and an unveiling is tentatively planned for March 26.

Thank You

I want to conclude on a personal note. My term as chief judge ends this summer. I have been privileged to lead the Court and be part of a period of significant accomplishment. Some of the highlights of the past seven years include our outreach programs discussed earlier; a reorganization of the court governance from only one standing committee to several specialized bodies; the refurbishing of the ceremonial courtroom and renaming it for Judge Parsons; getting the Dirksen Federal Building designated the Dirksen U.S. Courthouse, thus giving the court a greater say on maintenance and operations; new district judge and magistrate judge courtrooms on the 12th and 13th floors respectively; the refurbishing of and new furniture for the older courtrooms that date to 1964; a new sound system for all courtrooms; a complete overhaul and renovation of the clerk’s office; creation of a public exhibition space on the 25th floor; rehabilitation of all the elevator cabs; replacement of the exterior lobby glass with a shatterproof material; satellite training of our employees from the Federal Judicial Center in Washington; and finally, the now-everyday technology of e-mail, faxes, Internet access, a District Court Web site, state of the art telephones, two computer upgrades and a new kiosk system.

I owe a great debt of gratitude for these accomplishments to the cooperation and hard work of three groups.

First, my judicial colleagues. Without their yeoman efforts, good will and continued support, none of this could have been accomplished. In my view there is no finer, more dedicated group of judges in the nation.

Next, I must mention the Court's outstanding support personnel—during the past seven years we have enhanced our Court with the hiring or promotion of five talented people into key court positions – Michael Dobbins as Clerk of Court, Sally Elson as Staff Attorney, Richard Tracy as Chief Probation Officer, James Fogerty as Chief Pretrial Services Officer, and Daniel Lehmann as Public Information Officer – the first position of its kind by a District Court in the nation. Other key employees have been given added responsibility and have responded in an outstanding manner. They are: Ted Newman, Judicial Support Manager; Mark Tortorici, Systems Manager; Linda Rudolph, Jury Administrator; Donna Carey, Administrative Manager; Nelida Finch, Operations Manager; Olga Claesson, my Administrative Assistant, and my three secretaries – Linda Surprenant, Laurie Insalaco and Marsha Hildreth.



From left, Michael Dobbins, Sally Elson, Richard Tracy, James Fogerty and Daniel Lehmann.

Finally, I am most grateful for the tremendous encouragement and backing received from the lawyers who practice in the Northern District of Illinois—all great attorneys who have my enduring gratitude and admiration. I owe a special debt of gratitude to the area's bar groups and their officers who have worked with the Court on joint projects during recent years—the Asian American Bar Association, Chicago Bar Association, Chicago Council of Lawyers, Cook County Bar Association, Federal Bar Association, Hispanic Lawyers Association of Illinois, Illinois State Bar Association and the Women's Bar Association of Illinois.

So, for one last time, on behalf of all the judges of the Northern District of Illinois, I thank you for your support in 2001 and look forward to your continued input in 2002.

Sincerely,

Marvin E. Aspen
Chief Judge