



State of the Court

2007 Address of Chief Judge Holderman



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

219 SOUTH DEARBORN STREET
CHICAGO, IL 60604

Chief Judge Delivers State of the Court Address

On Wednesday, May 16, 2007, Chief Judge James F. Holderman delivered the 2007 State of the Court Address at a luncheon hosted by the Chicago Chapter of the Federal Bar Association. In a word, Chief Judge Holderman reported that the state of the court was "Good!"

In his first State of the Court Address since becoming Chief Judge in June, 2006, Chief Judge Holderman covered three main areas of interest:

1. Changes on the Court, including judicial personnel, caseload, and procedures involving e-filing and technology;
2. Judicial and Courthouse Security, including changes regarding jury service; and
3. Court Initiatives, including better access to court information and outreach programs that aim to aid the public and other branches of government in better understanding the work of the federal courts.

Chief Judge Holderman also recognized the leadership of the Clerk's Office and the individual officers and managers of the Court, crediting the Court's successes of the last year to their hard work and support, as well as that of the Judges of the Court.

A. Judicial Changes

Changes on the bench include the retirement of Senior Judge Paul E. Plunkett, after 24 years of service; Judge Phillip G. Reinhard's switch to senior status after 15 years of active service; and the retirement of Magistrate Judge Ian H. Levin after 9 years of service.

Filling the position left open by Judge Reinhard's move to senior status is former Illinois Appellate Court Justice Frederick J. Kapala. Judge Kapala's nomination was confirmed by the U.S. Senate on Tuesday of last week, and he has hit the ground running with a full case load in the Western Division. Chief Judge Holderman also acknowledged the services of District Judge James B. Zagel, who served as the active District Judge in Rockford during the nomination and confirmation of Judge Kapala.

In April, the District Judges of the Northern District of Illinois selected Magistrate Judge Designate Susan E. Cox to fill Magistrate Judge Levin's vacancy. Chief Judge Holderman reported that the Bankruptcy Court bench remains at full strength, although the District Court bench is short one active judge, due to the vacancy created when former Chief Judge Kocoras took senior status. There are currently 12 Senior District Judges, including Judge Kocoras, who continue in their service with the Court.

B. Caseload

Chief Judge Holderman reported that the trend of fewer annual civil and criminal filings continued in 2006, though less dramatically than in past years. However, he also reported that, on the civil docket, if student loan and mortgage foreclosure cases are separated from the rest of the civil litigation, the statistics demonstrate that civil filings actually increased in 2006 by 17% over 2005. Chief Judge Holderman noted that the Northern District of Illinois continues to rank in the top 10 nationwide for efficiency in median times from filing to disposition of civil cases. On the criminal side, as measured by the number of felony defendants, filings went down 16% in 2006 from the 2005 figure.

C. E-Filing and Technology

Chief Judge Holderman reported a smooth transition to the mandatory e-filing system, thanking the Clerk's Office for its assistance in the training and implementation required to ensure the system's success. The Northern District currently has nearly 14,700 e-filers registered and is averaging between 450 and 500 e-filings per business day – approximately one filing per second. Chief Judge Holderman announced that, by the end of the year, he hoped that the Northern District would be able to accept initial civil complaints and filing fees electronically.

Other technological improvements include upgrades of the electronic systems in the Courtrooms, increasing use of real-time transcripts, and a planned upgrade to the District Court's website for the purpose of making it more user friendly and informative.

D. Judicial Security

Chief Judge Holderman recognized the efforts of Senator Dick Durbin, in heading the effort in Congress, and of the United States Marshal's Service, in implementing security programs, to ensure that judges are secure in their homes and that the Courthouse is more secure, as well. While these efforts have certainly added to the safety and security of the Courthouse, the public, and Court personnel, Chief Judge Holderman also reaffirmed that the Court continues to look for new ways to improve its security measures.

E. Jury Service

Since the last State of the Court Address, the Northern District has implemented a system of prospective juror criminal background checks conducted by the Pretrial Services and Probation

Departments of the Court, at the request of a presiding trial judge. Chief Judge Holderman noted that this system seems to be working well, with judges and lawyers reporting satisfaction with the new process.

In March of this year, the District Court was confronted with claims that two unrelated grand jurors were fired from their jobs based on their grand juror status. Pursuant to Title 18, United States Code § 1875, Chief Judge Holderman found probable merit to these claims and appointed counsel to assist each grand juror in further pursuing his or her grievances. Title 18, United States Code § 1875 forbids an employer from retaliating or discriminating against an employee based on his or her juror status. Chief Judge Holderman noted the subtle (or not so subtle) pressure applied to potential jurors by their employers to get out of jury service, and he vowed to take such concerns seriously.

F. Court Initiatives

In 2006, the Northern District created, with the help of numerous volunteers and Ms. Laurie Wardell at the Chicago Lawyer's Committee for Civil Rights Under Law, a new service for pro se plaintiffs called the Settlement Assistance Program. The Settlement Assistance Program builds on the successes of a pilot program developed by the Magistrate Judges of the Northern District of Illinois. Under this program, pro se litigants are appointed attorneys for the limited purposes of settlement. The program, which supplements the District Court's pro se help desk program, ensures that pro se litigants can participate in settlement conferences and have their interests represented, while providing the additional benefit of resolving more cases effectively and efficiently.

G. Media

On the public information/media front, earlier this year the Court obtained the services of well-known lawyer and former Channel 7 news anchor Joel Daly as the Court's Information Officer. Mr. Daly has acted as both a spokesperson for the Court and a point person for media personnel and journalists with questions regarding newsworthy trials.

Also this year, the court initiated new guidelines for the lobby area of the Courthouse to ensure the appropriate balance of First Amendment rights and public safety. Chief Judge Holderman reported that the new guidelines were implemented smoothly and have been successful thus far in managing media activity in the lobby.

H. Outreach Programs

Finally, Chief Judge Holderman expressed a need for the general public to have an accurate understanding of what takes place within our country's courts and the role the courts have in the separation of powers. Noting the recent lack of emphasis on civics and social studies in our country's educational system, Chief Judge Holderman recognized a potential gap in the knowledge of future generations of Americans. To help address this gap, the Northern District provides access

to organizations like the Constitutional Rights Foundation and to various schools in hopes of educating students about the role of the Courts in our society and the proper function of judges.

Chief Judge Holderman also expressed his desire to enhance the Court's lines of communication with Congressional leaders and members of the Executive branch as a means of reaching a better understanding of each branch's function and proper role in the balance of powers. In furtherance of this goal, the Northern District has and will continue to make its facilities available to Congressional leaders for purposes of hosting Congressional hearings. Chief Judge Holderman believes there must be mutual respect, understanding, and dialogue among the branches for the government to properly function for the benefit of the citizens.

In closing, Chief Judge Holderman pledged to continue the Northern District's commitment to justice by providing that each and every case that comes before the Judges of the Court is dealt with fairly, impartially, and efficiently.

Date: May 11, 2007

State of the Court Address – May 16, 2007

Good afternoon. Welcome to the 2007 “State of the Court” address on behalf of all the people that are the United States District Court for the Northern District of Illinois. I would specifically like to extend my thanks to the President of the Chicago Chapter of the Federal Bar Association, Joel Skinner, and the other officers and members for this invitation. I am grateful to have the opportunity to continue this annual tradition of providing a time for the Chief District Judge to deliver this address.

I especially want to personally thank each of you for joining me today as I am today celebrating the anniversary of my induction as a U.S. District Judge 22 years ago today. I feel honored to have been able to work over these 22 years with so many dedicated people such as you folks in this room. Thank you for your dedication and for being here today. The “State of the Court” is, in a word, “Good.” To provide a more detailed analysis, I will discuss the state of the court in three main areas:

1. Changes on the Court, including judicial personnel, caseload, and procedures involving e-filing and technology;
2. Judicial and Courthouse Security, as well as some new things we are doing regarding Jury Service;

3. Court Initiatives to assist access to justice, access to court information, and outreach programs to aid the public and other branches of government to better understand what we do.

So what has changed at the District Court since the 2006 “State of the Court” address? Well, perhaps the most obvious change is that I am standing here before you. Last June, my predecessor, now Senior Judge Charles P. Kocoras, who served our court as Chief Judge for four years, stepped down from the position of Chief Judge.

During my first year as Chief Judge, I have had tremendous support from my colleagues on the bench. I cannot tell you how much I appreciate their advice, wisdom, assistance, and friendship. As I speak with other Chief Judges around the country, I feel blessed by the collegiality we have on our Court, and the mutual respect we share for one another’s views.

I feel equally blessed to have the excellent people we have working in our Court’s Clerk’s Office. I would like to take a moment to recognize some of the supervisory people of that office who have joined us. Of course, most of you already know Mr. Michael W. Dobbins, the Clerk of Court, who has been here in the Northern District of Illinois for over 10 years and has worked in the United States Court system for 31 years. He is an outstanding Clerk of Court and we are fortunate to have him. I also would like to recognize the top managers of our

Clerk's Office: Mr. Ted Newman, Judicial Support Manager; Ms. Nellie Finch, Operations Manager (on vacation); Ms. Donna Carey, Administrative Services Manager; and Mr. Mark Tortorici, Systems Manager. Also at that table is Mr. Richard Tracy, our Court's Chief Probation Officer. Mr. Tracy's 95 probation officers have the responsibility of preparing presentence reports for every criminal defendant our judges sentence and monitor the post-incarceration conduct of over 2,500 offenders during their supervised release. Ms. Ann Marie Carey is our Chief Pretrial Services Officer. Ms. Carey has 23 Pretrial Services Officers on her staff of 32, and they provide reports and monitor pretrial defendants out on bond for the judges of our Court.

During this past year, we have had to press Mr. Tracy's and Ms. Carey's offices into double duty for our judges as it is their officers that have accepted the responsibility to cooperatively conduct the criminal background checks on prospective jurors when requested by our judges. We appreciate their outstanding work in all areas of their responsibilities.

Additionally, I would like to recognize and introduce to you my chambers staff and give you a face to put with the names of the people with whom you may be in contact when working with my chambers. First, Ms. Alyce Mobley Morris is my Courtroom Deputy, who not only deals with my public caseload but also the non-public caseload responsibilities traditionally addressed in our District by the

Chief Judge. The non-public cases are virtually a full docket in themselves. Mr. Larry Collins is my Administrative Assistant, who keeps the programs and facilities at our Chicago Courthouse running. (Larry couldn't be with us today, because he is busy escorting the daughters of William Kunstler, who are filming a movie about their father's legal career and wanted authentic footage of the courtroom in which the "Chicago Seven" trial took place.) Many of my staff members perform double-duty, as does my court reporter, Ms. Colleen Conway, who volunteers her services to other judges who may need a court reporter. (Today, Colleen is helping another Judge who is on trial, and thus she couldn't be with us). Colleen also assists other reporters in our building by setting-up various seminars to enhance their expertise. Other staff members include my two secretaries, Ms. Sandra Julun and Ms. Catherine Biddinger. (Cathy couldn't be here because, just yesterday afternoon, her home in Indiana was damaged by a tornado). Sandi and Cathy are the pleasant voices on the phone who assist you when you call my chambers.

Additionally, I'd like to introduce my Senior Law Clerk, Ms. Halley Guren, who sadly will be leaving in the fall of this year for more lucrative endeavors in the legal profession after serving her term of 2 years with me. Also, my Executive Law Clerk, Ms. Amy Dickerson. You will come to know Ms. Dickerson better as the years roll by during my tenure as Chief because she has agreed to continue to

work as my Executive Law Clerk throughout that period. If any of you ever have any questions or issues, you can always talk to any of these people and they will be happy to help you.

A court is comprised of three fundamental component areas of people: the judges of the Court, the Clerk and support people of the Court, and you, the lawyers who are members of the Court's bar, the officers of the Court. I have often said that I believe we have some of the finest lawyers in the country in our Court and as Chief Judge my belief is even more fervently held. Thank you for doing the outstanding job you do for your clients and for justice.

A. Judicial Changes

First, Senior Judge Paul Plunkett retired this year after 24 years of service on our Court. In addition, Judge Phillip Reinhard of the Western Division of the Northern District of Illinois has taken senior status after 15 years of active service. Both Judge Plunkett and Judge Reinhard provided outstanding service as judges with our Court, and we look forward to many more years of having Senior Judge Reinhard with us on our bench. In addition, Magistrate Judge Ian H. Levin retired from his post on June 30, 2006. He also provided outstanding service to our Court and this legal community.

As for the new judges, on Tuesday of last week, May 8, the United States Senate confirmed former Illinois Appellate Court Justice Frederick J. Kapala of the 2nd Appellate District in Elgin by a 91 to 0 vote to fill Judge Reinhard's vacancy in Rockford. President Bush promptly signed his Certificate of Appointment on Thursday, May 10, 2007, and Judge Kapala is already hard at work in our District's Rockford courthouse. The speed of confirmation reflects his high qualifications for the job. Along with welcoming Judge Kapala, I take this opportunity to thank Judge James B. Zagel, who graciously volunteered and has been serving as the active District Judge in Rockford as Judge Kapala's nomination and confirmation proceeded. Judge Zagel, in performing his double-duty, kept both his Eastern Division cases and the cases of the Western Division

moving.

It is also my pleasure to introduce the newest Magistrate Judge of our Court. The District Judges of the Northern District of Illinois on April 19 selected Magistrate Judge Designate Susan E. Cox to fill Magistrate Judge Levin's vacancy. Magistrate Judge Susan Cox is an extremely well-qualified addition to our Court and we judges all look forward to working with her, as I am sure, you do. When Magistrate Judge Cox comes on board, our magnificent group of Magistrate Judges will again be at the full strength of 11, under the continued excellent leadership of Presiding Magistrate Judge Morton Denlow.

Our excellent Bankruptcy Court bench remained at full strength throughout 2006 under the very able leadership of Chief Bankruptcy Judge Eugene Wedoff. Our Bankruptcy Judges remain very busy assisting parties in the resolution of their matters.

On the District Court bench, we are still down one judge, the vacancy caused by former Chief Judge Kocoras taking senior status. We are blessed to have 12 Senior District Judges, including Judge Kocoras, carrying a part of our Court's case load. As for the next District Judge, we have always received great support from our Senators Durbin and Obama and we hope that President Bush will act in the not too distant future on that district judge position here in Chicago, because it will have been vacant for a year at the end of next month.

B. Caseload

Moving from the people of the Court to the business of the Court, the trend of fewer annual civil and criminal filings continued in 2006, though less dramatically than in past years. Total civil filings in 2006 were at 97.5% of what they were in 2005. However, separating out the student loan cases and mortgage foreclosure cases from the rest of the civil litigation that we District Judges handle, our civil filings actually increased in 2006 by 17% over 2005.

Our judges continue to work hard. Our District Court has continued to rank in the top 10 nationwide for efficiency in median times from filing to disposition of civil cases.

On the criminal side, as measured by the number of felony defendants, filings went down 16% in 2006 from the 2005 figure.

C. E-Filing and Technology

Moving from case statistics to procedures and our E-filing system, I feel very fortunate that before I became Chief Judge to have had the opportunity to serve as our Court's Judicial Coordinator regarding the transition to E-filing. It gave me a better basis for understanding and appreciating what you members of the bar have had to go through as our Court dealt with this change mandated by Washington, D.C. I am pleased that our Court's transition to the E-filing system went as smoothly as it did. And my thanks goes out for the work of our Clerk's Office, spearheaded by the Clerk's Office leaders, whom I introduced earlier, as well as by all you lawyers and your office personnel who assisted in the E-filing training and learning process. As a result of everyone's efforts, we now have nearly 14,700 E-filers registered and are averaging between 450 and 500 E-filings per business day, which is about one filing per second throughout the business day. In addition, 92% of our Court's active legal practitioners have made the transition to E-filing. Of course that means that the Court must address the 8% active practitioners who are not yet in compliance. I hope that we can assist these folks promptly, but it takes everyone's efforts. E-filing is here to stay, and those of you who have become proficient understand its benefits.

Also on the E-Filing front, before the year's end we are planning on being able to accept initial civil complaints and filing fees electronically where we have not been able to do so before.

There are also some other technological improvements our Court will be making soon. We are upgrading our electronic systems in our courtrooms. Additionally, our court reporters are increasingly being trained to provide real-time transcripts on computers or laptops to judges, lawyers, and parties during trials and hearings.

Also, we will be upgrading our Court's website during the next year to make it more user friendly and informative. I will be sending an E-letter to you, the members of the bar, in the next few weeks asking for your input as to how we can make the website better and more instructive for you.

D. Judicial Security

With the support of Senator Dick Durbin heading the effort in Congress and efficient implementation by our United States Marshal's Service, our judges are now more secure in their homes, and we are all more secure in our District's Courthouses. Further improvements can always be made and we will continue to look for ways and procedures that make us all more safe as we carry on our responsibility to provide justice in this District.

E. Jury Service

Some points regarding jury service. As you know, because of some concerns raised last year, our court has implemented a system of prospective juror background checks conducted by authorized court personnel in Mr. Tracy's and Ms. Carey's offices, when a presiding trial judge requests it. So far I believe the system is working out well. The judges and lawyers in the trials, where the procedures have been used seem, satisfied with the process. We intend to continue this procedure.

Also on the jury service front, in March of this year, our Court saw the unusual situation in which two unrelated grand jurors raised claims that they were fired from their jobs based on their grand juror status. On a preliminary review, I found probable merit that the former employers each violated Title 18, United States Code § 1875, which forbids an employer from retaliating or discriminating against an employee based on his or her juror status. The statute provides, upon such a finding of probable merit, for the appointment of counsel, and so I appointed each grand juror counsel to further pursue the matter. My hope is that the publicity garnered by our Court's reaction to firing of these two grand jurors and my appointment of counsel for both of them will alert employers and individuals alike to the importance of serving jury duty.

F. Court Initiatives

In 2006 our Court created, with the help of numerous volunteers and Ms. Laurie Wardell at the Chicago Lawyer's Committee for Civil Rights Under Law, a new service for pro se plaintiffs called the Settlement Assistance Program. The Settlement Assistance Program builds on the successes of a pilot program developed by the Magistrate Judges of the Northern District of Illinois. Under this program, pro se litigants are appointed attorneys for the limited purposes of settlement. These limited appointment attorneys provide free legal assistance to pro se parties regarding settlement of their cases. The program, which supplements our Court's pro se help desk program, ensures that pro se litigants can participate in settlement conferences and have their interests represented, while providing the additional benefit of resolving more cases effectively and efficiently.

G. Media

On the public information/media front, so that our Court could better assist the media providing information about court proceedings to the public, we obtained the services of well-known lawyer and former Channel 7 news anchor Mr. Joel Daly as the Court's Information Officer. So far, Joel has acted as both a spokesperson for the Court and a point person for media personnel and journalists with questions regarding newsworthy trials. Of course throughout the past year, our Court has had several newsworthy trials and more are coming up this year. So stay tuned.

To assist and protect the media's access to our Court proceeding, we also initiated at the beginning of 2007 some new guidelines for the lobby area to ensure the appropriate balance of 1st Amendment rights and public safety. So far the balance seems to be working, and we appreciate everyone's efforts and understanding.

H. Our Court's Outreach Programs

(1) Public Education

The public's accurate understanding of what happens in our country's courts and the role the court's have in the separation of powers is crucial to our way of government. The fact that education and social studies have been deemphasized will create a void in the knowledge of future generations of Americans, about the concepts of separation of powers and judicial independence. Former U.S. Supreme Court Justice Sandra Day O'Connor was recently in Chicago to raise awareness on this subject which she called a "Crisis."

At our Court, we continue to provide access to organizations like the Constitutional Rights Foundation and to schools to aid in informing students what the role of the Courts is in our society and our function as judges.

(2) Government Relations

As we in this room know, our system of government was explicitly designed by our Constitution to create and maintain tensions among the branches of our government. We in the Northern District of Illinois are committed to maintain the proper checks and balances, and assist in that we are establishing with our Congressional leaders and those in the Executive branch what I consider to be neglected lines of communication to promote a better understanding among us.

Verbal attacks on judges by people in power only diminishes public respect for all areas of government. We have opened lines of communication and court facilities to promote our better mutual understanding among the branches of government. For example, the Northern District has made – and will continue to make – its facilities available to Congressional leaders for purposes of hosting Congressional hearings. In order for the government to properly function for the benefit of the citizens, I believe there must be mutual respect, understanding, and dialogue among all of the branches of government.

I. Questions

Let me close by saying that I and everyone with our Court are committed to provide justice fairly and efficiently in each and every case before us. We pledge our continued commitment to that endeavor. Does anyone have any questions?

J. Conclusion

Those are all the areas I wanted to focus on in my personal remarks.

Thank you again to the Chicago Chapter of the Federal Bar Association for this invitation to speak to you all this afternoon, and for you each attending. I am honored to be our District Court's Chief Judge and I look forward to future State of the Courts addresses with you.