

Court Information Release



United States District Court
Northern District of Illinois, Eastern Division
219 South Dearborn Street, Chicago, Illinois 60604

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Contact: Joel Daly
(312) 435-5693 (phone)
(312) 554-8239 (fax)
joel_daly@ilnd.uscourts.gov

CHIEF JUDGE JAMES F. HOLDERMAN SPEAKS ON THE STATE OF THE COURT

CHICAGO – After a moment of silence in memory of departed Judge James B. Moran, who died on April 21, Chief Judge Holderman said the state of the court was, in a word, “good” and reported the following:

The judicial vacancy created by Judge Mark Filip, who resigned in March 2008, remains unfilled. Two other district judges, Robert Gettleman and David Coar, have announced their intention to take senior status on May 5 and August 12, 2009, respectively, which will result in two additional judicial vacancies on the district court. Magistrate Judge Martin Ashman has also expressed his intention to retire later this year.

The district court’s number of civil filings in 2008 (7,681 new cases) is a 2.7% increase over 2007. The court continued to rank in the top 10% of district courts in efficiency in disposing of civil cases, with a median disposition period of 6.2 months.

The number of criminal defendants charged with felonies increased 9.7% in 2008, with a total of 1,015. Bankruptcy filings in 2008 totaled 40,105 cases, an increase of 40% over 2007.

The district court is now in its fourth year of e-filing. As of March 1, 2009, the court had 20,951 registered e-filers, a 20% increase over the number on March 1, 2008. In the summer of 2008, transcripts of court proceedings began to be e-filed in the court records. In early 2009, the district court began transmitting court records to the Seventh Circuit electronically. Petitions for admission to the general bar and trial bar of the court are now accepted on line. The court is participating in a pilot program, which allows jurors to visit the court’s website and not only submit their jury forms, but also get updates on their jury service.

The security of the E.M. Dirksen U.S. Courthouse was placed entirely in the hands of the U.S. Marshal's Service as of January 2009 as part a pilot program being conducted in five U.S. District Courts across the country. The construction of the new U.S. Courthouse in Rockford remains on schedule for completion in late 2010. That courthouse will be named the Stanley J. Roszkowski U.S. Courthouse, thanks to a bill introduced in Congress by Illinois' Senior Senator Dick Durbin.

The court constantly tries to better its procedures through improvements in its local rules, and recently proposed new Local Patent Rules. The public is invited to comment through May 22, 2009.

Throughout 2008, the court continued its *pro bono* access to justice programs such as the court's *Pro Se* Help Desk and Settlement Assistance Program.

The judges of the court continue to be active on national court governance committees. They also are currently presiding in more than 700 multi-district litigation cases and several of the court's judges volunteered in 2008 to assist other courts, both trial and appellate, throughout the country.

Several judges of the court in 2008 continued to participate as faculty in numerous continuing legal education programs and at law schools. Additionally, in the fall of 2008 the court made educational materials for high school and junior high students available on the court's website, for teachers to use in planning student educational field trips to the court.

The E.M. Dirksen U.S. Courthouse was the site of several congressional hearings in 2008 conducted by members of both the U.S. House and U.S. Senate.

Judges and other dignitaries from several foreign countries also made official visits to the court to observe and discuss procedures employed in providing justice here in the United States.

Chief Judge Holderman thanked the people who work for or with the court for their assistance in the court's administration of justice throughout the past year, and stated that he looked forward to working with them on the challenges of the year to come.

**PREPARED TEXT FOR THE
“STATE OF THE COURT” ADDRESS ON APRIL 28, 2009
by Chief Judge James F. Holderman**

Good afternoon. Welcome to the 2009 “State of the Court” address. I would specifically like to thank the Chicago Chapter of the Federal Bar Association, President Paul Freehling, and the other officers, directors and members for this invitation. I am grateful to have the opportunity to continue this annual tradition.

As you know, a week ago today, we lost one of our dearest and most beloved colleagues, Judge James B. Moran. He was a wonderful person, a wonderful friend, and a wonderful judge. He always sat to my left during our monthly District Judges’ Meeting. He was a man of great wisdom, great compassion, and great love. We all will miss him dearly. If you would just join me in a brief moment of silence in his memory and honor, I believe it would be fitting. Thank you.

Other than losing Jim, the “State of the Court” is, in a word, “Good.” I know I said the same thing the last couple of years, and I hope I am able to say it each year I give this address, because the “State of the Court” remains “Good” only due to the efforts and dedication of the people in this room.

To provide a more detailed analysis, I will discuss the “State of the District Court” in three main areas:

1. The first is what I call “Core Court Functions” including key court personnel changes, caseload, and procedures as well as advancements in e-filing, court services, and information technology.
2. The second is “Court Security and Construction,” the changes that have taken place during the past year continue underway; and
3. The third is “Court Initiatives” to provide better access to justice in our court and court outreach programs to not only aid the public and provide public education

about court processes in our District, but to assist other courts, both other district courts and courts of appeals, and to build better relations with other branches of government in our country and with judiciaries of other countries elsewhere in the world.

Before I discuss these particular areas, I want to say: A court like ours is comprised of three fundamental component areas of people:

First, the judges of the court and the people in our respective chambers, who help us judges administer justice in the cases before us;

Second, the Court Clerk, and the Clerk's office's personnel, Department Heads and people in the Court's supporting departments. These folks keep the court's operations running in a way that allows us to carry out our mission; and

The third component is you, the lawyers who are members of our 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 appearing in our Court and as your Chief Judge my belief is even more fervently held. All the judges on our Court appreciate the job you do for your clients to further justice in our district.

During my time as Chief Judge, I have had tremendous support from my colleagues on the bench. I cannot tell you how much I appreciate their hard work, advice, wisdom, assistance, and friendship. When I speak with other Chief District Judges from around the country, as I did at the annual Chief District Judges Meeting in D.C. last week, I feel blessed by the collegiality we have on our district court, and the mutual respect we judges on our court share for one another.

I feel equally blessed to have the excellent people we have working in our Court's Clerk's Office. I would like to recognize some of the key supervisory personnel of our Clerk's Office and other Court Department Heads. Of course, Mr. Michael W. Dobbins is the Clerk of Court. He

unfortunately is out sick today, but Mike has been with us here in the Northern District of Illinois for over a decade, and has worked in the United States Court system for 33 years. He is an outstanding Clerk, and his advice is not only sought here and in Washington, D.C., but by judicial systems in other parts of the world.

With us are some of the top managers of our District Court's Clerk's Office: Ms. Nellie Finch, Operations Manager; Ms. Donna Carey, Administrative Services Manager; and Mr. Mark Tortorici, Systems Manager. The fourth Clerk's Office Manager, Mr. Ted Newman, could not be with us due to other commitments. But also with us is our Court's Chief Probation Officer, Mr. Richard Tracy. Chief Tracy's probation officers have the responsibility of preparing pre-sentence reports for every criminal defendant our judges sentence and monitoring the post-incarceration conduct of over 2,500 offenders during their supervised release. Under Chief Tracy, the Probation Department has carried on a tradition of excellence. We appreciate their work.

Also here is our Chief Pretrial Services Officer, Ms. Ann Marie Carey. Chief Carey's pretrial services officers monitor pretrial defendants out on bond and provide the key informational reports to allow us judges to determine when pretrial bond is appropriate. We appreciate the excellence of her department during her tenure as Chief.

Chief Carey and Chief Tracy have implemented a number of new programs to assist convicted people under their supervision, and their families, to better acclimate to prison life, and to better assimilate back into society when their prison terms are concluded. Programs such as their education programs and the "Helpful Hanger" program, which provides business attire to people re-entering the work force, provide great assistance and reduce recidivism.

We have some new programs on the horizon, which are still in the formative stage. I will talk about those programs next year when, hopefully, they are underway.

Before I leave Chief Tracy and Chief Carey, I should mention that their offices also continue to do double-duty in conducting the criminal background checks on prospective jurors when requested by our judges.

We are also honored to have present Ms. Gretchen Van Dam. She is the outstanding Seventh Circuit Librarian. Her headquarters library, the William J. Campbell Library, is located on the 16th floor of the Dirksen U.S. Courthouse. Ms. Van Dam not only is a terrific head of our circuit's library services, but she always works beyond her job description. She made tremendous contributions to the Court's 190th Anniversary Celebration and Exhibit. Her efforts were invaluable to its success. I thank her.

As most of you know, on March 3rd, the day of our District Court's 190th Anniversary, we had a terrific program of commemoration. On that point, I want to pause and also thank Magistrate Judge Jeff Cole, who prepared this booklet on the 190 year history of the court. Those of you who have cases before Magistrate Judge Cole know what a clear and concise writer he is. He captured 190 years in 25 pages plus cover.

I also want to thank the Court Historical Association headed by attorney Peter Sonderby, and the contributions of the Federal Bar Association. The March 3rd 190th Program was very well received, as has been the 190th Anniversary Exhibit on the 2nd floor of the Dirksen U.S. Courthouse, south end. If you have not seen the exhibit, please do so. It is open during court business hours, but only through the end of this week, May 1, 2009.

Additionally, I would like to recognize and introduce my chambers staff to provide you the faces to put with the names of the people with whom you may be in contact when working with my chambers. First, our Court Information Officer, Mr. Joel Daly, who needs no introduction to the

Chicago legal community. With the high-profile cases our Court continues to have, we are thankful and honored to have a man of Joel's stature working with our court.

Next, 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, or what I call "the secret stuff," such as grand juries and electronic surveillance matters, as well as under seal qui tam matters, are virtually a full docket in themselves. Alyce does an excellent job.

Mr. Larry Collins is my Administrative Assistant, who keeps the programs and facilities at our Chicago Courthouse running smoothly; without him we could not accomplish what we do.

Many of my staff members perform double-duty, as does my court reporter, Ms. Colleen Conway, who not only handles my courtroom, but also volunteers her court reporting services to other judges when they are in need of a court reporter. Colleen also assists other court reporters in our building by organizing various continuing education seminars to enhance their expertise.

Also, I'd like to recognize my two outstanding law clerks, my Executive Law Clerk, Ms. Amy Rettberg, and my Senior Law Clerk, Ms. Ann Walls. They assist the court in numerous ways and help me in addressing the legal issues of my case load, both in public cases and non-public cases. I would also like to introduce Ms. Marron Mahoney, my incoming law clerk. She is currently at K&L Gates (Bell, Boyd & Lloyd combined with them as of March 1, 2009). We are very happy to have Marron joining our chambers this coming September.

Additionally, I would like to introduce my two judicial assistants, Ms. Margaret Winkler and Ms. Gabriela Kennedy. Peggy and Gaby are the pleasant and efficient voices on the phone who assist you when you call my chambers.

I appreciate everyone's excellent work very much.

If any of you ever have any questions with which you think my chambers can assist you, you can contact any of these folks and they will be happy to help you.

I. CORE COURT FUNCTIONS

A. Key Court Personnel Changes

I now turn to our court's judges and our current and upcoming judicial vacancies.

We began this year as we did the last year, down one active district judge. The vacancy created by Mark Filip's departure remains unfilled. Judge Robert Gettleman is assuming senior status in one week, on May 5th, and Judge Coar will be assuming senior status in August. I met last week with Senator Dick Durbin at his Senate Office in D.C. to discuss our situation. Senator Durbin yesterday announced an advisory committee to assist him in his federal appointments. He has a committee for each of the federal judicial districts of Illinois - Northern Central, and Southern - to review candidates for federal presidentially appointed positions, such as judges. Senator Durbin assured me that we will have new judges on our court as promptly as the nomination and confirmation process will allow.

As for other changes in our court family, Mr. Terry MacCarthy, the Director of the Federal Defender Office, stepped down on January 1st, after 42 years. We could not have had a finer person in that position over that period. Deputy Director Carol Brook has agreed to assume the position of Director, and we could not have a finer person taking Terry's place. Long standing Federal Defender John Murphy has taken Carol's slot.

On our Magistrate Judge bench, Judge Sid Schenkier continues to do an excellent job serving as the Presiding Magistrate Judge, and the Magistrate Judge workload has continued to grow so much we are seeking an additional position which we hope will be approved this summer by the U.S. Judicial Conference.

Also, Magistrate Judge Marty Ashman has announced his retirement for later this year, and I am trying to convince him to take on what is called “recalled status.”

So, to recap, I expect we will have 3 district judge vacancies and 2 magistrate judge positions to fill coming this fall.

As you may know, Magistrate Judge Michael Mason, later this year, will celebrate the completion of his 8-year term, to which he was appointed in 2001. He has expressed his willingness to stay-on, and so, late last year, I instituted the statutorily mandated process that our court must follow to evaluate whether to renew a magistrate judge’s term. Attorney Jim Figliuolo has headed that Review Panel for the Court. I received the Panel’s report yesterday, and hope to complete the process of re-appointing Magistrate Judge Mason to another 8-year term at the District Judges’ Meeting in May.

Our Bankruptcy Court bench has remained steady this passed year. We have a great group of judges there. Chief Judge Carol Doyle remains at the helm overseeing, because of the economic times, an ever-increasing case load. In fact, 2008 saw a 40% increase over 2007 , with 40,105 new bankruptcy cases commenced.

B. Caseload

As for the district court’s caseload, the total civil filings in 2008 increased slightly, up 2.7% of the 2007 level - for a total of 7,681 civil case filings in 2008. I predict that for 2009 we may see further changes, perhaps a greater increase in civil case filings, resulting from the economic times in which we live. Actual numbers, of course, are not yet available. We will to have wait and see.

As far as efficiency is concerned, our court, in 2008, continued to remain in the top 10% of U.S. District Courts across the country with a median time from filing to disposition of civil cases of 6.2 months.

On the criminal side, 2008 saw 1,015 defendants against whom felony cases were commenced compared to 933 defendants in 2007 – a 9.6% increase. I also expect further increases in this area in 2009. Our district has weathered the impact of the retroactivity of changes in the crack cocaine sentencing guidelines, which went into effect a little over a year ago, on March 5, 2008. Approximately 400 previously sentenced defendants have had to be reevaluated for re-sentencing. Judge Ruben Castillo, who is on the U.S. Sentencing Commission, has chaired the District Court Committee overseeing that. We appreciate his leadership and guidance. That Committee is comprised of judges, as well representatives of Chief Tracy’s Probation Department, the U.S. Attorney’s Office, and the Federal Defender’s Office.

C. Electronic Filing And Information Technology

1. Electronic Filing and Electronic Record Maintenance

We are now in our fourth year since the conversion to electronic filing in 2005. We have for 18 months been accepting electronic filing of civil complaints. Using the on-line pay.gov system, filing fees are paid electronically.

There are now over 20,000 registered electronic filers in our district, in fact, 20,951 to be exact as of March 1, 2009, which is about 20% more than we had a year ago in March 2007.

a. E-Transcripts

Last summer, our Court began providing for the e-filing of transcripts by court reporters in accordance with Judicial Conference guidelines. As a group, our Court’s court reporters were very helpful in making this transition relatively smooth. This is a change that has been welcomed by Pacer users across the district.

b. E-Records to 7th Circuit

We recently began the electronic transmission of appellate records to the 7th Circuit in certain cases. This step should bring an end to the practice that required our Clerk's Office to print out the district court record, which had only existed in electronic format, for the purpose of delivering those records to the 7th Circuit.

c. E-Admission of Attorneys to General and Trial Bars

Also, our Court's systems staff has developed an online method for the electronic submission of general and trial bar petitions. This new approach will improve services to attorneys and will significantly reduce the labor involved in handling new admissions to the bar. We have already been contacted by other districts across the country who are anxious to adopt this innovative tool in their own courts. In the coming months, the Clerk's Office hopes to develop similar approaches for a number of additional services involving the payment of fees.

d. E-Juror Pilot Program

Our court is one of a small group of pilot courts that will shortly begin using a system called E-Juror. This new application gives the thousands of people who are summoned each year for jury service the option of visiting the Court's website to provide information and communicate with the Court's jury department. Early indications are the E-Juror system will increase our ability to serve jurors, our administrative efficiency, and will reduce operating costs. The E-Juror application will begin to be installed nationally in the next few months. We are pleased to have been part of the pilot team for this project.

i. Jury Project Report On-Line

While we are on the topic of jury service, the 7th Circuit American Jury Project Commission issued its final report in September 2008. The idea was to use the actual procedures suggested by

the American Bar Association Jury Commission. We did so in 50 trials - 22 judges, 86 attorneys, and 434 jurors provided input. The final report is on-line at www.7thCircuitBar.org. Several judges of our court continue to use one or more of the procedures tested in civil trials, as do I.

ii. Juror Checks and Protection

Also with regard to jurors, we continue to conduct juror criminal background checks in specific cases at the request of the presiding judge. We thank Chiefs Tracy and Carey for their double-duty work on this. Additionally, we judges on the court also continue to seek to protect jurors, both trial jurors and grand jurors, from discrimination by their employers and that trend seems to have slowed, but we remain prepared to provide protection to those citizens who assist us in providing justice through jury trials. I firmly believe our efforts in getting the word out to employers through our website sections of “Message to Employers” and “Job Protection” has aided the court in this goal.

2. Information Technology - Website

The court’s website at www.ilnd.uscourts.gov, both the on-line version and mobile version, which went “live” a little over a year ago, have received good feedback. We can always improve, and if you have a suggestion, please e-mail me and let me know.

I appreciate the efforts of Mark Tortorici, and the key folks from our Systems Department, Michael Gombosi and Arnold Dizon, in keeping our website current and useful to the bar.

II. COURT SECURITY AND COURT CONSTRUCTION

A. Security

We now have completed the security transition I announced at last year’s “State of the Court” address. The U.S. Marshal’s Service, which includes the CSOs, are now responsible for courthouse security at the Dirksen U.S. Courthouse and the security of all persons in the Courthouse, taking over

all the duties previously performed by the Federal Protective Service at the Dirksen U.S. Courthouse. This new program is a part of a pilot program in 5 districts across the country. It seems to be going fine as we work out the final staffing issues. It is good to have one federal agency to look to for the safety of all of us.

The U.S. Marshal's Service is also still overseeing the security systems installed in each of our judges' homes to protect us and our families there. We appreciate their diligence.

In addition to my other responsibilities as chief judge, I chair the Court Security Committee and am personally committed to ensuring the safety of every person who works in or comes to the courthouses both here and in Rockford. I consider it my number one job as chief judge.

B. Construction

On the Rockford Courthouse construction front, we broke ground on May 28, 2008, a framework is up, and we remain on schedule for opening in late 2010. I brought an architect's sketch of what it will look like.

Also, Senator Dick Durbin has introduced a Bill in Congress which will name the Courthouse "The Stanley J. Roszkowski United States Courthouse." We are thrilled with that decision. It is fitting and well-deserved.

Judge Phil Reinhard in Rockford has been working hard for a number of years on this courthouse project. He and Judge Fred Kapala continue to be very involved as we move forward. I will keep you apprised of the progress.

III. OTHER COURT INITIATIVES

A. Local Patent Rules

Our court has recently proposed Local Rules for patent cases as part of an on-going effort to improve our Local Rules and the procedures we employ in handling your cases. The Local Patent

Rules were drafted by a committee of lawyers and judges, chaired by Judge Matt Kennelly. They are available on our website for public comment until May 22, 2009. If you are interested, we are conducting a town hall type program on these proposed Local Patent Rules on May 5th in the Parsons Memorial Courtroom over the lunch hour to gather further feedback.

B. Pro Bono Service

In addition to the items I have mentioned to make the justice more available to all in our court, we judges from time to time over the years have called upon you, our Trial Bar members, for your professional assistance, and you have generously given of your professional time *pro bono* to assist us in bettering our court processes and furthering access to justice in our court for those who can not afford counsel.

We judges appreciate your *pro bono* efforts and to say “thank you,” as we have done for the past ten years, in conjunction with the Chicago Chapter of the Federal Bar Association, we have set aside an afternoon each year to acknowledge those members of our bar whose *pro bono* efforts are worthy of special recognition.

1. May 29, 2009 Awards Ceremony

In approximately one month, on May 29, 2009, at 3:30 p.m., we are once again doing so. The awards ceremony will be held in the James B. Parsons Memorial Courtroom on the 25th floor of the Dirksen U.S. Courthouse. It is open to everyone.

2. Access to Justice

As for further continuing initiatives providing access to justice, we continue to carry-on, with funding assistance from the Chicago Bar Foundation, our court’s *Pro-Se* Help Desk operated by attorneys Catherine Caporusso and Deanne Medina. We also have our *Pro Se* Settlement Assistance Program, overseen by attorney Laurie Wardell of the Chicago Lawyers’ Committee for Civil Rights

Under the Law. In fact, we have recently expanded the Settlement Assistance Program to the prison civil rights area with the prisoner assistance program headed by attorney Jim Chapman, who for years has trained and tutored volunteer attorneys on the means to assist those incarcerated with enforcing their civil rights.

Attendance at the court-sponsored training sessions of the Settlement Assistance Program and subsequent appointment as settlement counsel provides credit towards becoming a member of the Trial Bar.

We, through these initiatives and others, continue to strengthen and support the valuable public service you provide to promote access to justice in our court.

C. Media

Turning now to providing access to information about justice in our court, as you know, consistent with our court's tradition, we have had some high profile trials, court proceedings, indictments, and sentencings this past year, a trend that will certainly continue. Our attempts to keep the media informed and to assist the media in covering these and other cases will continue and we are always open to suggestions. The media personnel have, for the most part, cooperated, and the vast majority are appreciative of our need to balance the public's right to know with other concerns, such as safety, privacy and the right of each party in each case to a fair trial.

We will continue to try to assist them in reporting the news about our court.

D. Our Court's Outreach Programs

1. National Judicial Involvement and Assisting Other Courts

a. MDL

Many of our judges continue to be involved on a national level. For example, in addition to handling our own assigned cases in the Northern District of Illinois, 13 of our judges in 2008 also dealt with over 700 cases assigned to us by the U.S. Multi-District Litigation Panel.

b. U.S. Judicial Conference

Additionally, several of our judges serve on national advisory committees to the United States Judicial Conference, the governing body of the U.S. Courts. For the past 2 ½ years, Judge Wayne Andersen has been a member of the Judicial Conference and Chair of the District Court Committee. We appreciate his work.

c. Voluntary Work with Other Courts

Moreover, several of our judges also volunteered this past year to serve by designation on other federal courts, at both the trial and appellate levels. In doing so, we judges not only assist those other courts with their case loads, but again it helps us stay attuned to how we can do things better, which is helpful to you and to us here in our district.

2. Education Programs

Several judges of our court have continued to volunteer their time on a variety of continuing legal education programs put on by Bar Associations and Inns of Court, and to teach at various law schools. We encourage our judges to participate in such endeavors. Not only are these programs good for bench/bar relations, but we judges always learn something that makes us better at our job.

3. Visitors to Our Court

Also, our court is constantly being visited by people ranging from young school children from the Chicagoland area to judges and dignitaries of foreign governments. We encourage this also.

As for the experiences we provide to school children and young adults, I consulted with and appointed a court annexed committee of educators who helped us develop uniform education programs. We placed these materials on our website to enhance the students' field trips from their schools to the Courthouse. I believe it is important that students, who are the future of our country, fully understand the judiciary's proper roll in our government. These educational materials are designed to that goal.

As I mentioned, we are visited by foreign judges and dignitaries, who come to learn more about our procedures and legal concepts, such as Judicial Independence, the application of the principles of the Rule of Law we have in our country, and about our Constitution and its bedrock doctrine of Separation of Powers. This past year, judges and other dignitaries from China, Japan, Indonesia, Germany, France, Liberia, and Serbia came on official visits to our Dirksen U.S. Courthouse and spoke with judges of our court. There is no question that these discussions have developed better relations for our country around the world.

4. Home-Front Government Relations

Turning to home-front government relations, this past year our Chicago courthouse hosted several different Congressional hearings for House and Senate members. This experience not only aided the public and those congressional bodies, but also enhanced relations within our own governmental branches.

Our court also, this past year, provided facilities for a dozen different federal agency administrative law judges at various times throughout the year to assist them in better serving the public.

IV. CONCLUSION

In conclusion, I hope this gives you each some insight into our judges' and court's work this past year. We have a number of new initiatives and programs on the horizon to better serve the public and the bar in the coming year. I look forward to reporting to you on those next year. Until then, I assure you that our court will continue its mission to administer justice by upholding the Constitution and the Rule of Law for all people.

As the judges of our court know, I consider that my role as chief judge is to provide each judge all the support and assistance that I can, in every way I can, to allow them all to administer justice in the best way they can.

It is an honor and privilege to serve as our court's chief judge. I thank each of you, who work for or with the court, for your assistance this past year, and I look forward to working with you on the challenges of the year to come.

Thank you.