



## U.S. District & Bankruptcy Courts for the District of Idaho 2001 Annual Report Summary



### Overview

The District and Bankruptcy Courts for the District of Idaho are committed to the highest level of service. We continue to be dedicated to the timely and fair resolution of disputes, enhanced accessibility to court facilities and information, and equal treatment to all those who come before the Court.

The events of September 11, 2001 reinforced our commitment to the principles outlined in the United States Constitution. This terrorist act unified America in its unrelenting pursuit of freedom and justice for all.

During the last year, the Court met with Senator Craig, Senator Crapo and other Congressional Representatives to gain support for a third district judgeship. The State Bar also passed a resolution supporting the need for an additional judge. A bill for an additional judge was introduced in the Senate by Senator Craig, and the Court continued to emphasize the urgent need for another judge to assist with heavy caseloads and the challenges of conducting court in Boise, Moscow, Pocatello and Coeur d'Alene.

During 2001, the Court completed a new grand jury/hearing room in Coeur d'Alene and worked with the Northern Facilities Committee to develop a long-term solution for space in Coeur d'Alene.

The Court continued to emphasize community outreach efforts through programs such as the "Open Doors of Justice," participation in a FJTN television broadcast on Idaho's service to the bar and public, and continued support for the Citizen's Law Academy and Mock Trials.

In the area of automation, the Court introduced a fax noticing program that allows members of the District Court bar to receive court orders and notices of hearings electronically on the same day they are entered by the Court.

With the assistance of the lawyer representatives, the Court developed a community outreach program to improve communication and understanding of the judicial branch and legal processes. The Court also developed a pro se pro bono program that reimburses attorneys for out-of-pocket expenses incurred in representing pro se litigants in district and bankruptcy court proceedings.

We continue to work hard in support of our mission to provide an impartial and accessible forum for the just, timely and economical resolution of legal proceedings, and to protect individual rights, and promote public trust and confidence in the Judiciary.

**B. Lynn Winmill, Chief District Judge**  
**Larry M. Boyle, Chief Magistrate Judge**

**Jim D. Pappas, Chief Bankruptcy Judge**  
**Cameron S. Burke, Court Executive**

### *"Access to Justice"...*

### New District Judge Needed

During 2001, meetings were held with Congressional leaders in Washington, D.C. concerning the possibility of a third district judgeship in Idaho. Both Idaho Senators, as well as the leadership in the Senate and House Judiciary Committees, have expressed support for a third district judgeship in Idaho. Also, the Idaho State Bar approved a resolution endorsing the proposal and a Bar committee will be appointed to further advance this effort.

U.S. Senator Larry Craig introduced S-1757 creating a third judgeship in Idaho. Initially, there was some concern that the Judicial Conference formula would not provide additional resources in our district. However, recently released statistics for the 12-month period ending December 2001, reflect that weighted filings increased to 504 per judgeship, which exceeds the Judicial Conference threshold for authorizing new judges. The creation of another district judge continues to be the highest priority in the District of Idaho.

## Coeur d'Alene Courthouse

New Grand Jury facilities were constructed in the Coeur d'Alene courthouse during 2001. The facility is used to conduct grand jury hearings and is used as an overflow hearing room for the busy district and bankruptcy court calendars in this area. This new facility also is used as a video conferencing room for court proceedings.

## Space Planning

Chief District Judge Winmill appointed a Northern Facilities Committee to review the long term space needs in Northern Idaho. During a meeting on August 9, 2001 in Coeur d'Alene, a preliminary feasibility study was presented that recommended the construction of an annex in the Coeur d'Alene division.

After reviewing this material and full discussion, the Committee agreed to refer Idaho's space requirements to the Ninth Circuit Space and Security Committee. In a letter to the Circuit, the Court emphasized that the existing courtroom cannot handle the growing district and bankruptcy caseload in northern Idaho. Further, it was noted the existing courtroom does not have a 12-person jury box, needs improvement in accessibility, and is not large enough to handle multiple party cases. A decision on this is expected in 2002.

In regard to planning for Boise facilities, the Court contracted with Hummel Architects to extensively renovate two 6<sup>th</sup>-Floor courtrooms to provide improved accessibility, enhanced technological capabilities and state-of-the-art audio/visual features. The courtrooms have largely been unchanged since 1968.

## Internet

The District of Idaho's award-winning website, [www.id.uscourts.gov](http://www.id.uscourts.gov) continues to be at the forefront of judicial websites in all areas, including per capita usage. During 2001, the number of successful "hits" topped 9.6 million, which represented a 45% increase over the previous year. Total number of user sessions also rose by 38%.

During the past two years, the website was extensively revised and refined to improve navigation and generally make it even more "user-friendly." The document imaging project, which now includes all judgments and legal documents filed with the court, has made documents available free of charge over the Internet.

Access to this system provides timely information on such items as notices of upcoming events, court calendars, statistical data, judges' opinions, local rules, general orders plus an interactive version of many on-line forms. Our Internet webpage also includes the popular "History & Student Information" section, which traces the History of the Federal Court in Idaho and contains articles on selected Idaho territorial judges, biographies on all past and present Idaho federal judges and a "Historical Prospective" authored by current Chief District Judge B. Lynn Winmill. It also provides useful links to various national historical documents.

## District Court Fax Noticing Program

Implementation of this new program during 2001 now makes it possible for attorneys to receive orders, judgments and notices filed in the District of Idaho in all civil and criminal cases directly via facsimile transmission, thereby having the benefit of immediate notification. If the document cannot be transmitted due to equipment failures or busy conditions, the document is automatically printed and mailed with a note describing the reason for the fax failure. To enroll, attorneys simply have to log on to our website then fill out and electronically submit the form.

## Courtroom Technology

Digital Audio Recording Systems have now been installed in most courtrooms and at all divisional locations. This system consists of a PC and CD-Rom burner and allows an entire day of audio from a court proceeding to be captured on one CD. This format offers much more convenience in that it can be played in any multi-media PC without the need for special equipment. Digital audio recordings are available for all bankruptcy and magistrate judge courtroom proceedings. End users need only download the free FTR Player software from the website and follow the easy instructions.

## Video Conferencing

The use of this valuable resource continues to expand beyond court hearings and committee meetings. During the last twelve month period, it is estimated that we conducted video conferences on more than 105 separate days with hearings lasting in excess of 230 hours. This results in substantial savings with respect to time, personnel resources, and travel costs.

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## “Community Outreach” ...

### Annual District Conference

The 2001 Annual District Conference /Federal Practice Program was held on July 11<sup>th</sup> at the Owhyee Plaza Hotel in Boise. After introductory comments by the respective District and Bankruptcy Chief Judges, morning plenary sessions explored the topics of Intellectual Property and Environmental Policy in a panel-discussion format. The afternoon program included a Federal Judge Question & Answer Procedural Panel followed by a presentation on Emerging Trends in Federal Court Jurisdiction. Subsequently, three concurrent break-out sessions convened focusing on relevant civil, criminal or bankruptcy matters. 6.25 CLE credits were awarded to attendees. During the upcoming year, the District of Idaho plans to conduct regional workshops in Northern, Eastern and Southern Idaho.

### Training & Outreach Programs

Once again, the District of Idaho actively participated in a national satellite broadcast produced by the federal courts, which aired on October 25, 2001, whose theme was “Open Doors of Justice: The Bill of Rights in Your Life.” This program brought together students, teachers, judges, court staff, lawyers, and other community members inside the doors of justice. Over 200 students participated in Boise, Pocatello and Moscow. The target audience for the 2001 national broadcast was high school juniors, selected because they have, or soon will, register to vote--one way to enter the federal jury pool. This program was designed to heighten high school juniors' knowledge, understanding, and involvement in the federal courts and created an experience at the courthouse for students to interact with judges and other members of the bar.

The Court continues to emphasize community education by conducting regular tours, sponsoring state-wide mock trial competitions, and encouraging elementary students to learn about the Judicial Branch by conducting mock trials such as the *Government vs. Goldilocks*.

During 2001, Idaho was selected to participate in a nationally televised program which highlighted courts that effectively and efficiently serve the bench, bar and public. During this program, court employees provided strategies and suggestions relative to Idaho's success in providing the highest level of service to the community.

### Community Outreach Grant Program

In support of promoting public trust and confidence in the Judiciary, the Court and its lawyer representatives developed a Community Outreach Grant Program in 2001. Under this program, agencies or individuals may apply for grant funding for projects which improve communication and understanding of the judicial branch and legal processes, enhance public trust and confidence in the Judiciary; or to provide information to the community which we serve. Applications for this grant program are available on the Court website.

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## “Public Trust and Confidence” ...

### FAS4T

The District of Idaho was instrumental in coordinating a two-day national conference during 2001, held in Cleveland for all FAS<sub>4</sub>T- user courts. FAS<sub>4</sub>T is the automated financial accounting system for the federal judiciary. During this national program, the judiciary's best accounting practices were reviewed and recommended to all courts. Idaho coordinated the development of the educational curriculum, hosted the website for conference information, and continues to mentor courts where implementation will take place. All participants were given CD's containing all the educational materials and innovations developed by FAS<sub>4</sub>T courts across the country.

## Death Penalty Cost Control Program

An interactive case management/budgeting software package designed to monitor and contain the burgeoning costs associated with capital habeas corpus cases in the Ninth Circuit was developed by the District of Idaho's Financial Administrator. The product will be used by judges, court staff and CJA panel attorneys who work on these extremely costly, complex and lengthy cases. The software is a critical element in the Ninth Circuit's plan to better manage these cases. This program will be a tremendous cost and labor-saving device for the courts and the CJA panel attorneys. It benefits case management by the courts, it facilitates budget reviews and it helps with the data gathering process that the circuit staff need so that statistical analysis can be presented to the Judicial Council for the eventual development of bench marks, as well as reports to the Administrative Office and Congress. It is currently being tested by selected attorneys in Idaho, California and Arizona. The initial feedback has been extremely positive. A Special Achievement Award from the Ninth Circuit Judicial Council was given to the District of Idaho Financial Administrator in recognition of his outstanding work and contributions.

## Budget

The total budget allotment for Fiscal Year 2002 was approximately \$4,266,877. Under a decentralized budget system, the savings derived from unfilled personnel allocations constitutes the major source of funding for the numerous projects, programs and initiatives undertaken throughout the year. During 2001, the District of Idaho was able to earmark over \$441,500 for the upcoming Boise Courtroom renovation and contribute over \$141,000 toward the recently completed Coeur d'Alene Grand Jury facilities.

## Consolidation

The District and Bankruptcy Courts in Idaho are one of only three courts in the nation to be consolidated. It is estimated that this administrative structure results in annual savings of at least \$200,000 in the District of Idaho. Some of the benefits include sharing of court facilities, flexibility and reduction of personnel resources, convenience, and consistent delivery of services to bar and public.

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## *“Cooperation and Collaboration”...*

## Federal & State Judiciary Joint Efforts

Court Interpreter orientation, skill-building workshop & certification testing were held several times during 2001, in Boise and Coeur d'Alene. Past and current initiatives where the state and federal courts work collaboratively include: Equality and Fairness, Civility, Alternative Dispute Resolution (ADR), and the sharing of courtrooms & facilities. The semi-annual meetings between the two courts have proven to be invaluable opportunities to exchange ideas and undertake projects which benefit the entire judicial system.

## Reciprocal Admission

The Idaho State Bar recently approved a reciprocal attorney admission policy for those practicing in Oregon and Washington who want to appear in the state courts in Idaho. After full discussion, the Board of Judges for the District of Idaho approved reciprocal admission in the federal court. If the applicant from Oregon or Washington meets all the State Bar requirements and is admitted under their Reciprocal Admission program, upon application to the federal court the attorney will be admitted by paying the same fee (\$75.00) as Idaho bar members. This policy becomes effective immediately. The District and Bankruptcy Local Rules Committees will review to see if any future changes will be required in the Local Rules.

## New Lawyer Representative Appointed

R. Bruce Owens was appointed to a three-year term as a lawyer representative for the United States District and Bankruptcy Court for the District of Idaho. He joins current lawyer representatives Steve Tolman and Larry Westberg. Ted Creason, a member of the Ninth Circuit Judicial Conference Executive Committee, also serves as a lawyer representative. Typical duties of the lawyer representatives include: serving as the representative of the Bar to advance opinions and suggestions for improvement; assisting the Court in the implementing new programs or procedures, serving on Federal Court committees, and developing curriculum for training programs. A Lawyer Representative Selection Plan, adopted a few years ago and based on bar membership in the various state judicial districts, ensures state-wide representation.

## Public Service Survey

During 2001, the opinion of the Bar was sought regarding the various services offered by Court. The questionnaire measured performance in several areas, including: access to justice; expedition and timeliness; equality, fairness and integrity; independence and accountability; and public trust and confidence. The survey was disseminated by mail to attorneys in our data base. An electronic version was also available on our website which could be filled out on-line and submitted electronically. In response to questions rating clerks office personnel and service, the bar strongly agreed that: clerk's office personnel were friendly and courteous (95%), were available to answer questions (92%), were responsive to questions (92%), provided service in a professional manner (94%) and answered inquiries in a timely manner (92%).

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## *"Expedition and Timeliness" ...*

## Alternative Dispute Resolution (ADR)

The three models of Alternative Dispute Resolution (ADR) offered by the District of Idaho (arbitration, mediation, and settlement conferences) continue to gain in acceptance and use. During 2001, there were 30 Judicial Settlement Conferences conducted by the magistrate judges, which achieved a combined settlement rate of over 60%. A total of 67 cases were referred to mediation in the District of Idaho during 2001. Although approximately one-half have not yet been formally scheduled, pending completion of discovery, 12 cases did in fact reach settlement through mediation. The District of Idaho continues its representation on the Ninth Circuit Committee, which has been at the forefront of the national ADR movement and has adopted a Model ADR Local Rule. These rules are expected to improve litigants ability to settle lawsuits at reduced costs. The revised ADR rules were incorporated into the current District Court Local Rules, which became effective January 1, 2001.

## Case Management

The substantial reduction in median disposition time for both civil and criminal cases continued during 2001. Through a combination of the diligence of our judges and support staff, the heightened sense of awareness and accountability by the Idaho Federal Bar together with selected presentations and workshops on case management by renown experts in this field, the District of Idaho has managed to trim a full four months off the median disposition time for civil cases from filing to termination over the last few years. Similarly, the median disposition time for criminal cases is at its lowest level in years.

In the Bankruptcy Court, while the number of case filings reached the largest number in the history of the court (8191 filings), the ratio of pending to filed cases was reduced during 2001. The median disposition of chapter 7 cases was 3.8 months, below the national average, and for chapter 13 cases, the median disposition time was 31.8 months, which was substantially below the national median disposition time of 38.1 months. The hard work of the judges, support staff and trustees has resulted in excellent case management despite huge increases in workload.

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## *"Independence and Accountability"...*

### **New Appointment for Chief Magistrate Judge**

The Honorable William Rehnquist, Chief Justice of the United States Supreme Court, recently reappointed Chief Magistrate Judge Larry M. Boyle to the United States Judicial Conference Committee on the

Administration of the Magistrate Judges System, for a second, three-year term. The Committee includes a total of twelve judges from all areas of the United States, with nine District Judges and three Magistrate Judges. Some of the duties of this committee include approving additional judgeships and making recommendations and adopting policies for the United States Court system. Chief Magistrate Judge Boyle is the Ninth Circuit's representative to the Conference.

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## *"Equality, Fairness, and Integrity"...*

### **Pro Se Pro Bono Program**

The Court has consistently been committed to the fair and efficient resolution of pro se cases. In order to assist in the administration of justice, the Court authorized limited funding for attorneys, legal interns and law students appointed in civil and bankruptcy pro se matters to cover out-of-pocket expenses. Funds for this program

come from the District of Idaho's Non-Appropriated Fund (derived from attorney admission fund and pro hac vice fees).

During 2001, there were 203 pro se civil case filed in the District of Idaho, however, only a small fraction would meet the Ninth Circuit's legal standard for appointment of counsel in potentially meritorious actions. In those cases, the Clerk contacts an attorney on the Pro Bono list to inquire about appointment to the case. Before any formal appointment is made, the lawyer is able to review the file and discuss the case with the plaintiff. It is our intent to develop a state-wide panel of lawyers and law firms that would be willing to accept appointment on a rotating basis. These cases will provide an excellent opportunity for attorneys to obtain federal court procedural and litigation experience. This new program is being offered as part of the Idaho Volunteer Lawyers' Program. As a result, primary malpractice insurance coverage is available through the IVLP to attorneys who accept cases on a pro bono basis. In addition, volunteer lawyers will be eligible to attend free CLE training courses on litigating civil rights cases in Federal Court.

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### **District of Idaho Judicial & Administrative Officers**

Stephen S. Trott	Judge, Ninth Circuit Court of Appeals
Thomas G. Nelson	Judge, Ninth Circuit Court of Appeals
B. Lynn Winmill	Chief District Judge
Edward J. Lodge	District Judge
Jim D. Pappas	Chief Bankruptcy Judge
Terry L. Myers	Bankruptcy Judge
Larry M. Boyle	Chief Magistrate Judge
Mikel H. Williams	Magistrate Judge
Cameron S. Burke	Court Executive
Sue Beitia	Chief Deputy Clerk

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**Please Note:** This is meant only as a brief summary. A more detailed and statistically complete version is accessible on our website at [www.id.uscourts.gov](http://www.id.uscourts.gov) under Publications / Reports.

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## 2001 Caseload Highlights

### Civil

- % Civil filings down 12%.
- % Civil terminations up 8%.
- % Number of civil trials up 26%.
- % Civil trial days up 94%.
- % Civil trial hours up 111%.
- % Civil Rights cases up 55%.
- % Prisoner petitions up 86%.
- % Median disposition time for civil cases has decreased from 13 to 10 months during past two years.

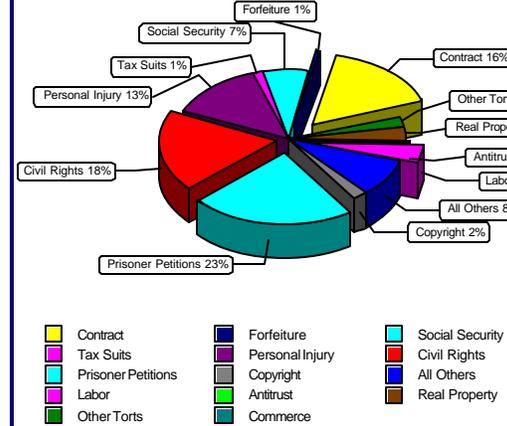
### Criminal

- % Criminal case filings up 23%.
- % Criminal case terminations down 13%.
- % Pending criminal cases up 59%.
- % Criminal defendant filings up 55%.

### Civil Workload

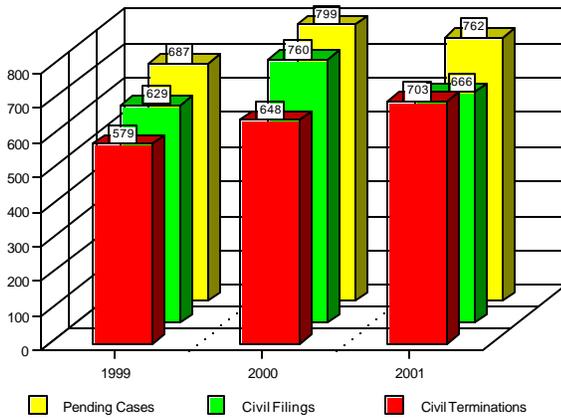
	1999	% Change	2000	% Change	2001
Civil Filings	629	21%	760	-12%	666
Civil Terminations	579	12%	648	8%	703
Pending Civil Cases	687	16%	799	-5%	762

### 2001 CIVIL CASE FILINGS BY TYPE



### ANNUAL CIVIL WORKLOAD

For 12 Month Period Ending December 31



### District Court Judge Trial and Hearing Activity

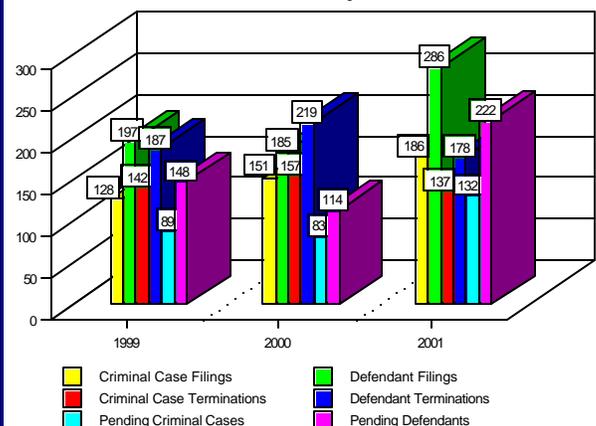
	1999	% Change	2000	% Change	2001
<b>Civil</b>					
Number of Trials	23	0%	23	26%	29
Days in Trial	96	-19%	78	94%	151
Hours in Trial	485	-26%	361	111%	763
<b>Criminal</b>					
Number of Trials	46	24%	57	-39%	35

### Criminal Workload

	1999	% Change	2000	% Change	2001
Criminal Case Filings	128	18%	151	23%	186
Defendant Filings	197	-6%	185	55%	286
Criminal Case Terminations	142	11%	157	-13%	137
Defendant Terminations	187	17%	219	-19%	178
Pending Criminal Cases	89	-7%	83	59%	132

### CRIMINAL CASE WORKLOAD

For the 12 Month Period Ending December 31



## 2001 Caseload Highlights

### Bankruptcy

- % Bankruptcy filings up 16% overall.
- % Chapter 7 filings up 23%.
- % Chapter 11 filings up 65%.
- % Chapter 13 filings down 12%.
- % Bankruptcy filings up in all locations.
- % Boise filings up 18%.
- % Coeur d'Alene filings up 19%.
- % Pocatello filings up 12%.
- % Bankruptcy Court hours up 48%.
- % Boise Bankruptcy hours up 41%.
- % Pocatello Bankruptcy hours up 132%.

### Other Noteworthy Items

- % Percentage of jurors not selected, serving or challenged declines 6%.
- % Internet web site hits top 9.6 million.

### Bankruptcy Filings by Chapter

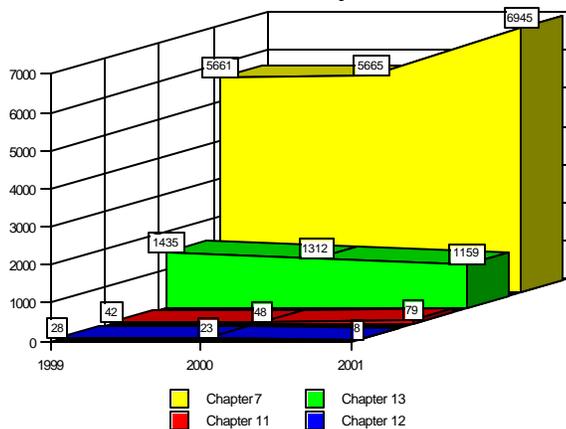
	1999	% Change	2000	% Change	2001
Chapter 7	5,661	0%	5,665	23%	6,945
Chapter 11	42	14%	48	65%	79
Chapter 12	28	-18%	23	-65%	8
Chapter 13	1,435	-9%	1,312	-12%	1,159

### Bankruptcy Filings by Location

	Boise	Pocatello	Moscow	Coeur d'Alene	Twin Falls	Total
1999	3,421	1,393	509	1,097	746	7,166
%Change	-4%	4%	-18%	0%	8%	-2%
2000	3,294	1,442	416	1,095	802	7,049
% Change	18%	12%	20%	19%	10%	16%
2001	3,887	1,619	499	1,300	886	8,191

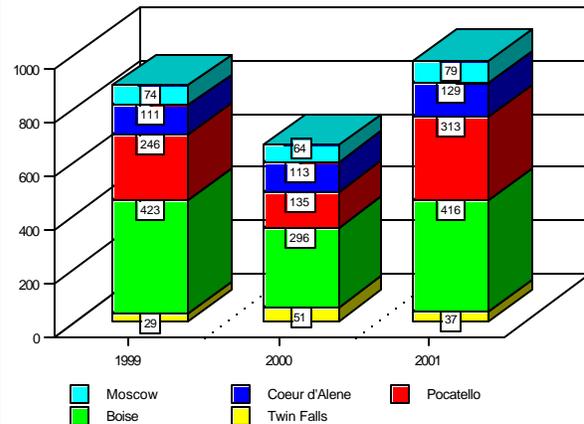
### BANKRUPTCY FILINGS BY CHAPTER

For the 12 Month Period Ending December 31



### BANKRUPTCY COURT HOURS BY LOCATION

For the 12 Month Period Ending December 31



### Internet Website Usage

	1999	% Change	2000	% Change	2001
Total Number of Successful Hits	3,457,325	93%	6,659,273	45%	9,625,403
Total Number of User Sessions	169,320	127%	383,645	38%	530,311
Average Hits per Day	9,472	92%	18,194	45%	26,370
Average User Sessions per Day	463	126%	1,048	39%	1,452

### Juror Utilization

	1999	% Change	2000	% Change	2001
Civil Jury Trials	19	-32%	13	-23%	10
Criminal Jury Trials	11	73%	19	-32%	13
Total Jury Trials	30	7%	32	-28%	23
Selected or Serving	285	0%	285	-13%	248
Challenged	399	0%	399	-22%	311
Not Selected, Serving or Challenged	165	0%	165	-41%	98
Jurors Reporting	849	0%	849	-23%	657
% Not Selected, Serving or Challenged	19%	2%	21%	6%	15%