

**ANNUAL REPORT TO THE
U.S. SIXTH CIRCUIT COURT OF APPEALS
FROM THE U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

The year 2007 was one of continued technological innovation and implementation of systems and reporting programs to enhance the operations of each of the District and Magistrate Judge courts and the administrative and financial functions of the Clerk's Office. One of the highlights of the year was the renaming of the Federal Building in Memphis to honor our deceased colleague, **Judge Odell Horton, Sr.**

THE RENAMING CEREMONY

On August 24, 2007, the Clifford Davis Federal Building in which the district court is housed was renamed the Clifford Davis/Odell Horton Federal Building. The **Honorable Steve Cohen**, Congressman for Tennessee's Ninth District, was the master of ceremonies and remarks were made by **Senator Lamar Alexander, Congressman Cohen, Shelby County Mayor A.C. Wharton, and City of Memphis Mayor W.W. Herenton**. Additionally, Court of Appeals **Judges Ronald Gilman and Julia Gibbons** were recognized for remarks, as were each of the active District Judges and Magistrate Judges of the Western District of Tennessee. The unveiling of the granite sign displaying the new name of the building was by the Odell Horton Family including Judge Horton's wife, **Evie Horton**, their two sons, and Judge Horton's grandchildren.

The renaming ceremony was the culmination of the efforts of many individuals and elected officials and was a distinct honor for Judge Horton, his family and the Court.

Summarized below are some of the activities completed by the Court and Clerk's Office during the last twelve months.

BUDGET, FINANCE AND PROCUREMENT

A comprehensive overhaul of our entire financial management and reporting system was completed in preparation for the Court's cyclical financial audit, which was conducted in June 2007. Earlier financial audits had uncovered material findings of noncompliance. Our June 2007 audit resulted in no findings other than the need for ongoing work on internal controls. In the process of preparing for this audit and to correct previous financial management and reporting problems, the staff under the leadership to **Tom Gould**, Clerk of Court, and Chief Deputy Clerks **Ron Dowling** and **Wendy Oliver** constructed an in-house accounting system that has worked flawlessly in balancing all of our receipts, ledgers and finances every evening since its launch in January 2007. Details of other improvements can be provided as requested.

SPACE AND FACILITIES

A number of tenant alterations and remodeling projects were completed without the need for supplemental funding, including: the creation of CM/ECF Q/C and Magistrate Judge Case Manager offices and a new finance unit records room; reconfiguration of the walk-in vault for sensitive and sealed records; conversion of the former trial exhibit room into a second jury assembly area; creation of a pro se client research and data retrieval room; conversion of a former storage area into an electronic training and conference center containing more than 20 PC terminal stations; installation of a CM/ECF training lab for two attorney or legal staff trainees; construction of a new on-site physical asset inventory storage center; conversion of unused storage area into a 347 square foot secure financial research room, including a secured separate walk-in room for contraband, weapons and treasury stock; construction of a court reporter storage room for transcription rolls and audio tapes; partial remodeling of the I.T. staff area (with balance to be completed in FY08); complete reconstruction of the public lobby, public counter and Intake Unit, including a private office for the Intake Unit supervisor; and general cyclical maintenance throughout the Clerk's Office.

As a separate project, by careful budgeting, funding has been located within our local court budget to pay for the cost of relocating four judicial officers within or between our divisional offices, including the cost of remodeling and refurbishing these chambers and physically moving each of the affected Judges to their new chambers and courtrooms.

COURT TECHNOLOGY AND TELECOMMUNICATIONS

In addition to building in-house a completely electronic accounting and financial reporting system, a number of other projects were completed, including: successful conversion of CM/ECF from Version 2.5 to Versions 3.05 and 3.1; training for the entire staff related to the conversions of CM/ECF; creation of a new computer application for tracking and managing pro se staff attorney operations, including a menu-driven reporting function available to all judicial officers; design and construction of an entirely new external website located at <http://www.tnwd.uscourts.gov>; commencement of electronically scanning of administrative paperwork and moving to an all-electronic administrative operation; installation of an entirely new digital telephone system in the Eastern and Western Divisions in the District Court; and installation and adaptation of a computerized jury management and information system.

PERSONNEL AND TRAINING

Another year was completed without the need to implement staff furloughs, layoffs or terminations. Additionally, funding was set aside to launch a comprehensive employee training program in the areas of leadership, basic supervisory and personnel management skills, communication skills, organization and juggling multiple priorities techniques, employment-related stress management, and ways to deal with difficult customers. These training sessions (which were actually conducted during FY08 on a cross-over purchase order) were handled by instructors from the University of Memphis.

DISASTER RECOVERY SYSTEMS

Agreements were entered into with a Memphis-area facility to serve as our alternate court site in the event that our primary courthouse facility is destroyed or rendered uninhabitable due to a natural or man-made disaster. These arrangements, which were handled by the Clerk's Office on behalf of the District Court, the Probation and Pretrial Services Units, the Federal Public Defender, the U.S. Immigration Court and the U.S. Attorney's Office, were completed at no cost to the court system or any other agency.

Additionally, the acquisition (at no cost) was completed of fully operative surplus military vehicles and equipment for the construction of a completely mobile electronic court system that can provide for a DCN and Internet-ready court facility within four hours of arriving at any disaster site. This capacity does not even require on-site power since our mobile units include portable, diesel-powered electric generators. This mobile courtroom was successfully tested over 600 miles from Memphis. The entire system was trucked to a remote site and a minimal number of staff (four in all) was able to reconstitute an electronic courtroom, including access to the Internet as well as the AOUSC's DCN pipeline, within a few hours of arrival.

Other disaster recovery operations included preliminary work on a secure mail opening facility (following three episodes of the Clerk receiving contaminated mail) and completion of COOP, OEP and SIP Plans by the Clerk's Office. Additionally, the Clerk's Office implemented ongoing air quality testing operations in response to fungus and spore contamination resulting from water infiltration into the Memphis federal building housing our primary Clerk and District Court operations.

SEMINARS, CONFERENCE AND SPECIAL EVENTS

A full calendar of educational events was conducted by or participated in by the Court and/or the Clerk's Office, including: a summer series of six CLE sessions for the Federal Bar Association; the 2007 Annual Federal Practice CLE Conference for the Federal Bar Association; a half-day presentation for the Memphis Bar Association's 2007 Bench/Bar Conference; the 2007 Immigration Law CLE Conference; the 2007 Law School for Journalism sponsored by the District Court and the University of Memphis Law School; a special presentation by the Clerk of Court to the Shelby County Court Judiciary and County Administration on electronic filing and case management systems; a special presentation to the Memphis Bar (major firm executives) on the enhancements in the District Court's Civil Pro Bono Program (this program resulted in a large number of civil attorneys joining the Court's pro bono panel); a special all-day series of presentations and events for a USPTO delegation of Vietnamese Judges and Prosecutors; a new Law Clerk Orientation Program; and our ongoing monthly courtroom technology training sessions for attorneys preparing to try cases in our federal courtrooms. In addition, the Clerk of Court also presents outreach sessions to Memphis-area elementary and junior high schools covering the federal court system, the U.S. Constitution and Bill of Rights, principles of government and the court system.

LEGAL AND ADMINISTRATIVE FUNCTIONS

The Local Rules of Court were revised and policies and procedures adopted to add Magistrate Judges to the Civil Case assignment system. This plan was implemented in early July 2007 and Magistrate Judges were assigned to serve as presiding judges in civil actions shortly thereafter. Monthly statistical reports are prepared by the Clerk of Court detailing the status and progress of these new civil case assignments.

The District Court was also selected to serve as the backdrop for a motion picture shot in Memphis (working title “Nothing but the Truth”). This activity was successfully completed. No extra expense was incurred by the Court or any other court unit.

CASELOAD STATISTICS

For 2006, our Court ranked 1st in the Sixth Circuit and 11th in the country for the category of Trials Completed Per Judge. For 2007, our Court ranked 1st in the Sixth Circuit and 3rd in the country for the category of Trials Completed Per Judge. Despite this high ranking in Trials Completed Per Judge, our Court is a “congested” court. For 2006, we ranked 9th in the Sixth Circuit and 87th in the country for “Median Time from Case Filing to Case Disposition” for felony criminal cases. For 2007, the rankings were 8th in the Sixth Circuit and 85th nationally. Civil case dispositions had similar results. In 2006, our Court ranked 5th in the Sixth Circuit and 76th nationally, and in 2007 the ranking fell to 8th in the Sixth Circuit and 82nd nationally.

The Court is examining steps that can be taken to reduce court congestion. A major factor contributing to court congestion is the large number of criminal cases that go to trial, as well as a significant number of complex civil cases that have proceeded to trial over the last several years. Additionally, because of the large number of pro se filings which impact the efficient disposition of cases, the Court has implemented both analytical and reporting steps within the pro se staff to improve case disposition rates.