

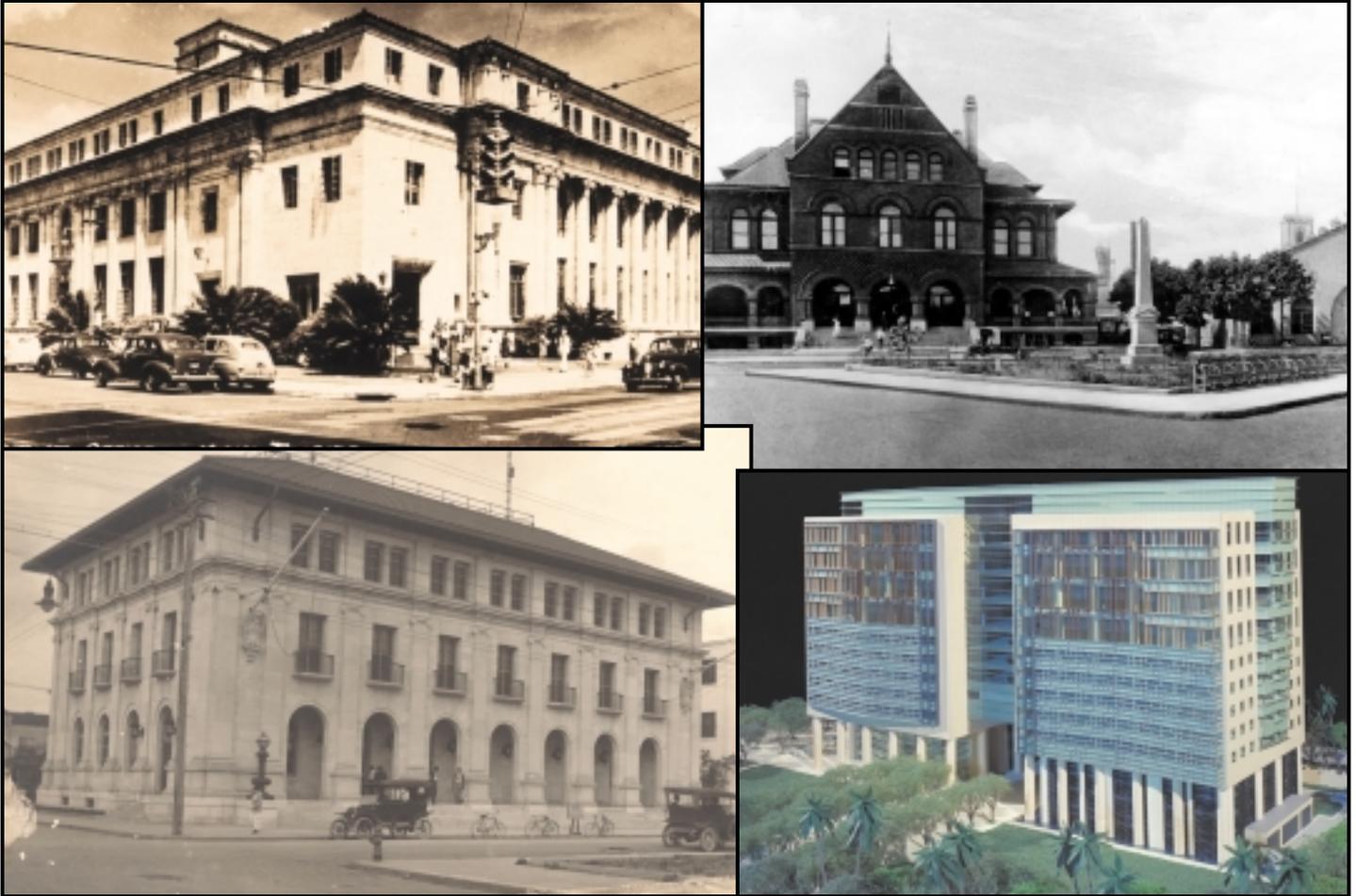
# STATE OF THE COURT 2002



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

## Planning for Excellence: Innovation and Continuous Improvement



*Clockwise from upper left: The David W. Dyer Federal Building and United States Courthouse circa 1933; the 1891 Key West Federal Customs House and Courthouse circa 1910; Architect's Model, new Miami Courthouse; and 1914 Federal Courthouse in Miami circa 1915.*

### **2002 ANNUAL REPORT OF THE COURT ADMINISTRATOR • CLERK OF COURT**

This Report was prepared by the  
Executive Offices of the Court Administrator • Clerk of Court  
United States District Court, Southern District of Florida  
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# MESSAGE FROM CHIEF JUDGE ZLOCH

I owe gratitude to my colleagues for their support and commitment to the administration of justice. The Southern District of Florida continues to be among the most productive trial courts in the land because of our tireless efforts. Total filings decreased by a substantial amount during the last fiscal year; weighted filings, however, remained over 660 per authorized judgeship and in the top tier among federal jurisdictions, declining only slightly from 2001. As with years past, the District's Judges continued to lead the Nation in total jury trials and total criminal jury trials, while averaging 562 case dispositions per authorized judgeship. This is also among the federal judiciary's highest echelon. These results were achieved notwithstanding two vacancies that remained unfilled for all but the final ten days of the fiscal year.

Anyone who has been a chief judge in the federal judiciary knows the incredible volume of paper that flows through chambers daily — for those who have not been chief judge, I can assure you the volume is

onerous. The additional administrative duties and stewardship responsibilities associated with the office of chief judge, coupled with judicial workload, can be daunting.

I am, therefore, pleased about the success of our governance process which allows me to receive advice concerning administrative, fiscal, technical, security, and policy matters from several standing committees comprised of members of the Court. The process allows each District Judge and most of our Magistrate Judges to participate on a standing committee and be involved in setting direction for the Court, thereby sharing with me in the District's leadership. I have found the work of our committees to be of invaluable benefit in administering to the needs of our busy Court.

As you read this Report, you will see that most tangible indicators reflect the Court's efficiency. I am proud to be a part of a Bench so long dedicated to the administration of justice in this community and grateful to all the Court's staff, who labor in our support.

*Chief United States District Judge  
William J. Zloch*

# THE SOUTHERN DISTRICT OF FLORIDA

## Meeting the Tide of Growth

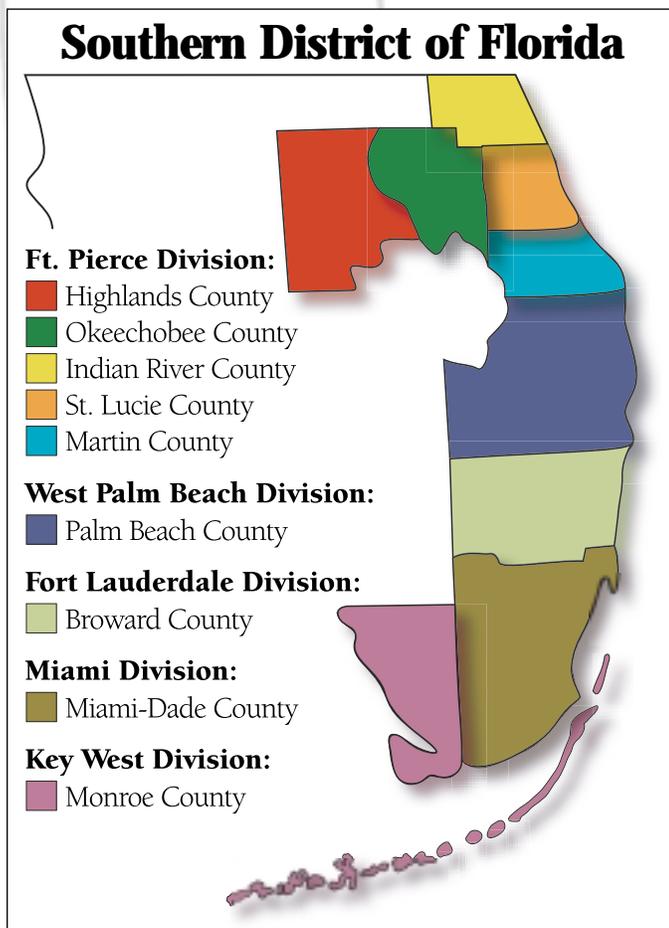
**T**he Southern District of Florida continues to adapt to crushing caseloads and record-setting population growth. As South Florida changes, our District strives to satisfy the demands of that population explosion. The Court continually searches for more efficient and economical means of providing top quality service to our customers to meet the tide of that change.

During 2002, in pursuing the Court's paramount goal of top quality service, we came to fully recognize and embrace the mantra "better, cheaper, faster." This guiding principle suggests that both what we do and how we do it must change. The 2000 United States Census indicates a total population count for the

District exceeding 5.6 million persons. The Florida Legislature's Office of Economic and Demographic Research projects growth for the District's population at 55.1% for the 25 years spanning 1990-2015, reaching a population of 7.1 million in 2015. This trend is significantly ahead of anticipated growth trends for the Country as a whole, and reflects but one of many areas in which the population demographics and trends in the Southern District outstrip typical national patterns.

Despite the District's large geographic area, our population is dense, averaging 590.6 persons per square mile district-wide (with a high in Broward County of 1346.9 persons per mile) compared to the national average of 79.6 persons per square mile. Since 1990, the national population growth rate has been 16.0%; in South Florida, the growth rate has been 27.5%. The population of this District is also incredibly diverse, when compared to national averages. For example, while the population breakdown nationally per self-defined classification is 69.1% "White alone," 12.1% "Black or African American alone," and 12.5% "Hispanic or Latino" (any race), in the Southern District, those percentages are 47.9% "White alone," 17.0% "Black or African American alone," and 31.3% "Hispanic or Latino" (any race). Additionally, our population is significantly older than the general population, with 17.4% of the residents of South Florida being 65 years of age or older, compared to only 12.4% nationally.

Congress recognizes the need to augment judicial resources available to serve the public in South Florida. The Southern District of Florida closed 2002 with 16 active Judges, filling 17 authorized District judgeships. Seven Article III Judges currently serve in senior status, and the



District is authorized 13.5 Magistrate Judge positions with one recalled position. During the year, however, the Court received authorization for an additional District judgeship — the Court's 18<sup>th</sup> District Judge — to be filled during the coming year. The Judicial Conference of the United States also authorized three additional Magistrate Judge positions to be filled during 2003.

Additional judicial positions, of course, require additional personnel and supporting resources. The Court's personnel ranks have risen to 338 employees (excluding Judges), made up of 236 Clerk's Office employees and

102 chambers staff. During fiscal year 2002, which stretched from October 1, 2001, through September 30, 2002, Court personnel managed 7499 new civil cases, 1743 new criminal cases involving 2651 defendants, 1967 new appeal filings, 264 jury trials, 72 non-jury trials, and countless hearings, proceedings, and other court appearances. Indicative of this workload, this year the staff of the Southern District of Florida saw the highest number of jury trials in the federal judiciary with 264. Additionally, our District had the highest number of criminal jury trials in the federal judiciary for the 11<sup>th</sup> year in a row with 184.



*Clockwise from upper left: United States Post Office and Courthouse, Fort Pierce; Paul G. Rogers Federal Building and United States Courthouse, West Palm Beach; United States Federal Building and Courthouse, Key West; and United States Federal Building and Courthouse, Fort Lauderdale.*

# THE JUDGES OF THIS DISTRICT

## DISTRICT JUDGES



**Chief Judge William J. Zloch**

Nominated by: President Ronald W. Reagan  
Commission Date: November 4, 1985  
J.D. University of Notre Dame  
School of Law 1974  
A.B. University of Notre Dame 1966



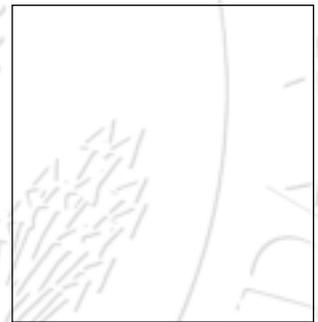
**Judge Federico A. Moreno**

Nominated by: President George H. W. Bush  
Commission Date: July 16, 1990  
J.D. University of Miami School of Law 1978  
B.A. University of Notre Dame 1974



**Judge Donald L. Graham**

Nominated by: President George H. W. Bush  
Commission Date: September 16, 1991  
J.D. The Ohio State University  
College of Law 1974  
B.A. West Virginia State College 1971



**Judge K. Michael Moore**

Nominated by: President George H. W. Bush  
Commission Date: February 10, 1992  
J.D. Fordham University School of Law 1976  
B.A. Florida State University 1972



**Judge Ursula Ungaro-Benages**

Nominated by: President George H. W. Bush  
Commission Date: October 9, 1992  
J.D. University of Florida College of Law 1975  
B.A. University of Miami 1973



**Judge Wilkie D. Ferguson, Jr.**

Nominated by: President William J. Clinton  
Commission Date: November 22, 1993  
J.D. Howard University School of Law 1968  
B.S. Florida A&M University 1960



**Judge Daniel T.K. Hurley**

Nominated by: President William J. Clinton  
Commission Date: March 11, 1994  
J.D. George Washington University  
National Law Center 1968  
A.B. Saint Anselm's College 1964



**Judge Joan A. Lenard**

Nominated by: President William J. Clinton  
Commission Date: December 26, 1995  
J.D. Antioch School of Law 1976  
B.A. Roger Williams College 1973



**Judge Donald M. Middlebrooks**

Nominated by: President William J. Clinton  
Commission Date: May 27, 1997  
J.D. University of Florida College of Law 1972  
B.S., B.A. University of Florida 1968



**Judge Alan S. Gold**

Nominated by: President William J. Clinton  
Commission Date: July 1, 1997  
LL.M. University of Miami School of Law 1974  
J.D. Duke University School of Law 1969  
B.A. University of Florida 1966  
A.A. University of Florida 1964



**Judge William P. Dimitrouleas**

Nominated by: President William J. Clinton  
Commission Date: May 22, 1998  
J.D. University of Florida College of Law 1975  
B.A. Furman University 1973



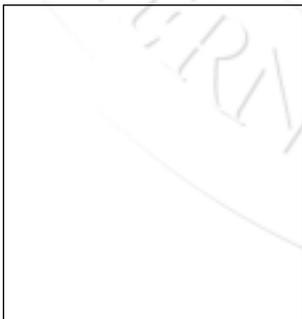
**Judge Patricia A. Seitz**

Nominated by: President William J. Clinton  
Commission Date: October 1, 1998  
J.D. Georgetown University Law Center 1973  
B.A. Kansas State University, Manhattan 1968



**Judge Adalberto Jordan**

Nominated by: President William J. Clinton  
Commission Date: September 9, 1999  
J.D. University of Miami School of Law 1987  
B.A. University of Miami 1984



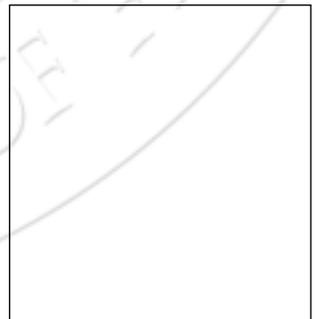
**Judge Paul C. Huck**

Nominated by: President William J. Clinton  
Commission Date: July 11, 2000  
J.D. University of Florida College of Law 1965  
B.A. University of Florida 1962



**Judge Kenneth A. Marra**

Nominated by: President George W. Bush  
Commission Date: September 13, 2002  
J.D. Stetson University College of Law 1977  
B.A. State University of New York  
at Stony Brook 1973



**Judge Jose E. Martinez**

Nominated by: President George W. Bush  
Commission Date: September 17, 2002  
J.D. University of Miami School of Law 1965  
B.B.A. University of Miami 1962



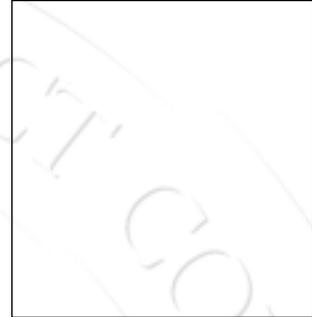
**Senior Judge James Lawrence King**

Nominated by: President Richard M. Nixon  
Commission Date: October 19, 1970  
LL.B. University of Florida College of Law 1953  
B.A.E. University of Florida 1949



**Senior Judge Norman C. Roettger**

Nominated by: President Richard M. Nixon  
Commission Date: June 2, 1972  
LL.B. Washington and Lee University  
School of Law 1958  
B.A. Ohio State University 1952



**Senior Judge William M. Hoeveler**

Nominated by: President Jimmy Carter  
Commission Date: April 26, 1977  
LL.B. Harvard University School of Law 1950  
B.A. Bucknell University 1947



**Senior Judge Jose A. Gonzalez, Jr.**

Nominated by: President Jimmy Carter  
Commission Date: July 28, 1978  
J.D. University of Florida College of Law 1957  
B.A. University of Florida 1952



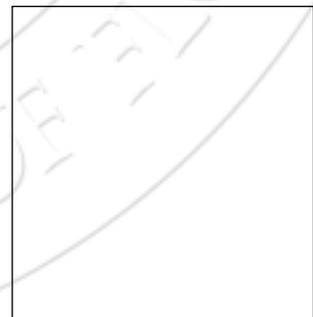
**Senior Judge James C. Paine**

Nominated by: President Jimmy Carter  
Commission Date: October 5, 1979  
LL.B. University of Virginia School of Law 1950  
B.S. Columbia University  
School of Business 1947  
A.A. University of Florida 1943



**Senior Judge Kenneth L. Ryskamp**

Nominated by: President Ronald W. Reagan  
Commission Date: April 24, 1986  
LL.B. University of Miami School of Law 1956  
A.B. Calvin College 1955



**Senior Judge Shelby Highsmith**

Nominated by: President George H. W. Bush  
Commission Date: September 16, 1991  
LL.B. University of Kansas City  
School of Law 1958  
J.D. University of Missouri at Kansas City 1958  
B.A. University of Missouri at Kansas City 1955  
A.A. Georgia Military College 1949

# MAGISTRATE JUDGES



**Chief Magistrate Judge  
Linnea R. Johnson**



**Magistrate Judge  
Charlene H. Sorrentino**



**Magistrate Judge  
William C. Turnoff**



**Magistrate Judge  
Lurana S. Snow**



**Magistrate Judge  
Ann E. Vitunac**



**Magistrate Judge  
Ted E. Bandstra**



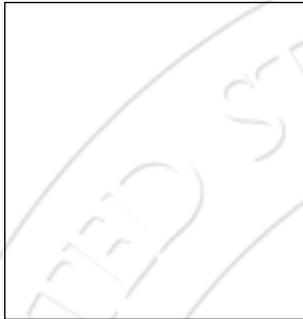
**Magistrate Judge  
Stephen T. Brown**



**Magistrate Judge  
Barry S. Seltzer**



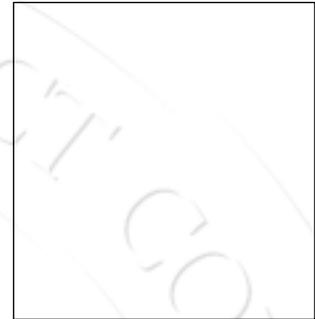
**Magistrate Judge  
Barry L. Garber**



Magistrate Judge  
Frank J. Lynch, Jr.



Magistrate Judge  
Robert L. Dubé



Magistrate Judge  
Andrea M. Simonton



Magistrate Judge  
John J. O'Sullivan



Magistrate Judge  
Hugh J. Morgan



Magistrate Judge  
Peter R. Palermo  
(Recalled)

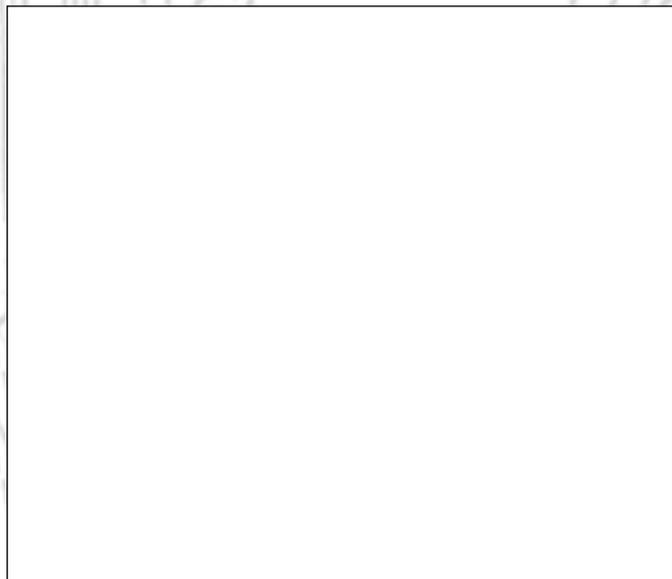
## Judiciary and Congress Respond to Burgeoning Caseloads

**W**ith the signing of the Department of Justice Appropriations Authorization Act on November 21, 2002, President Bush authorized a “temporary” 18<sup>th</sup> Article III judgeship for the Southern District to become effective July 15, 2003. Recognizing the strongest growth trends in the Northern Division of the District, the Court determined to locate this much-anticipated position in Fort Pierce, Florida, the first Article III judgeship at that location. The new appointee will receive life-time tenure as would any other appointee. The position is “temporary” only in the sense that if the position is not made permanent by Congress within ten years of the incumbent’s commission, the next vacancy on the Court thereafter would not be refilled, reducing the total number of authorized judgeships on the Court by one at that time.

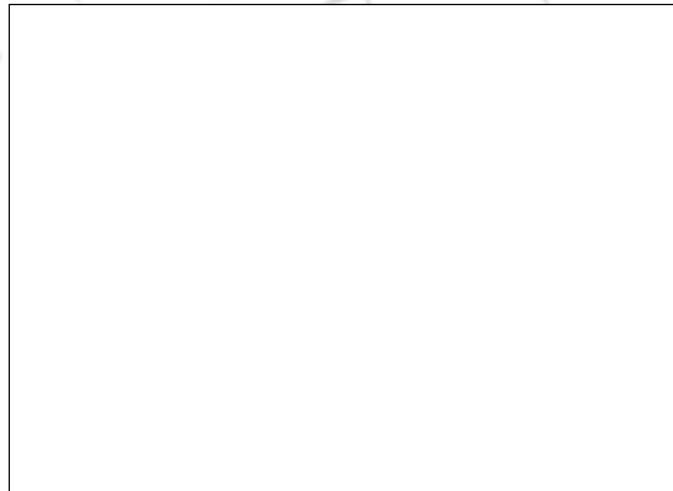
In September 2002, the Judicial Conference of the United States recognized the workload of Magistrate Judges in this District by approving three additional full-time magistrate judgeships, subject to funding during the new fiscal year. The Magistrate Judges filling these positions will be chambered at Fort Lauderdale, Miami, and West Palm Beach. The positions become effective April 1, 2003, or when appropriated funds become available thereafter.

# TRANSITIONS, MILESTONES AND CEREMONIES

**T**he past year proved to be a rarity, as our Court saw not one, but two new District Judges join its ranks. Judge Kenneth A. Marra was formally sworn in to fill the District's 17<sup>th</sup> authorized Article III judgeship as a United States District Judge for the Southern District of Florida on December 20, 2002, in the Ceremonial Courtroom of the Paul G. Rogers Federal Building and United States Courthouse in West Palm Beach, Florida. Judge Marra was enrobed by his wife of 25 years, Louise Marra. Prior to his appointment to the federal Bench, Judge Marra served as a Circuit Court Judge in Florida's Fifteenth Judicial Circuit in the Civil, Family, Criminal, and Trial Divisions (1996-2002). Judge Marra joined the state bench after extensive private sector experience (1980-1996), during which time he engaged exclusively in civil litigation at both the trial and appellate levels. From 1977-1980, Judge Marra was one of a few select participants in the Department of Justice's Honors Graduate Program, where he worked as a trial attorney in the Indian Resources Section of the Land and



*Judge Marra's Investiture.*



*Judge Martinez being sworn.*

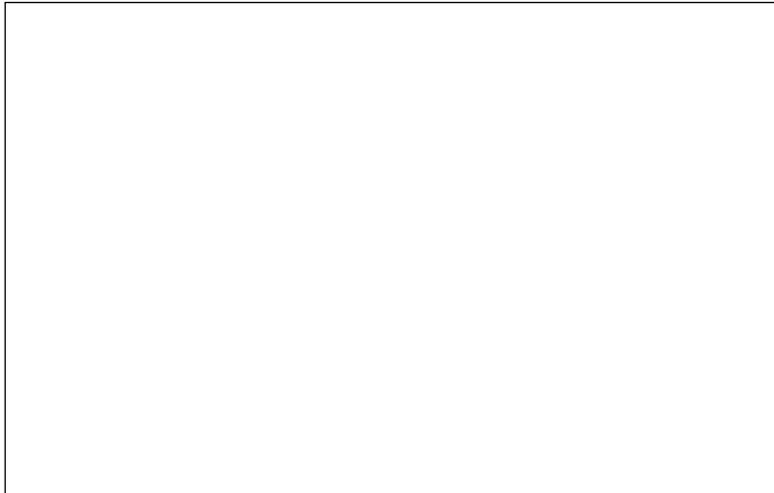
Natural Resources Division. This position dealt extensively with matters involving infringement of Native American treaties and statutes relative to rights to water and land.

Jose E. Martinez was formally invested as a United States District Judge on November 22, 2002, in the Central Courtroom of the David W. Dyer Federal Building and United States Courthouse in Miami, Florida. Judge Martinez was appointed to fill the vacancy resulting from Chief Judge Edward B. Davis' retirement on June 30, 2000, and was enrobed by his wife, Mary Anne Martinez, along with members of his family. Born in the Dominican Republic, Judge Martinez became a naturalized citizen in 1961. After graduation from law school, he joined the United States Navy serving in various capacities, ultimately achieving the rank of Captain in the United States Naval Reserve. Following his release from active duty in 1968, he served as an Assistant United States Attorney and was called upon to serve as a Special Assistant United States Attorney for the District of Puerto Rico (1969). After a brief period in private practice, Judge Martinez was requested to take a position as Regional Director in the Department of Justice

Office for Drug Abuse Law Enforcement (1972-1973). At the conclusion of that appointment, Judge Martinez returned to private practice, where he specialized in products liability defense, practicing with distinction until his appointment to the Bench. Judge Martinez is also known as the color commentator for University of Miami football games on Spanish language radio in Miami.

Judge Shelby Highsmith elected to take senior status effective March 15, 2002, after more than ten years with this Court. Judge Highsmith's accomplishments were recognized during a Portrait Presentation Ceremony held on November 8, 2002, in the Central Courtroom of the David W. Dyer Federal Building and United States Courthouse in Miami. After remarks by former Florida Governor Claude Kirk, the portrait was unveiled by Judge Highsmith's wife, Mary Jane, and their family. Chief Judge Zloch accepted the portrait on behalf of the Southern District of Florida, and it currently hangs in the same Central Courtroom where it was presented, along with those of Judge Highsmith's distinguished predecessors on the Bench of this Court.

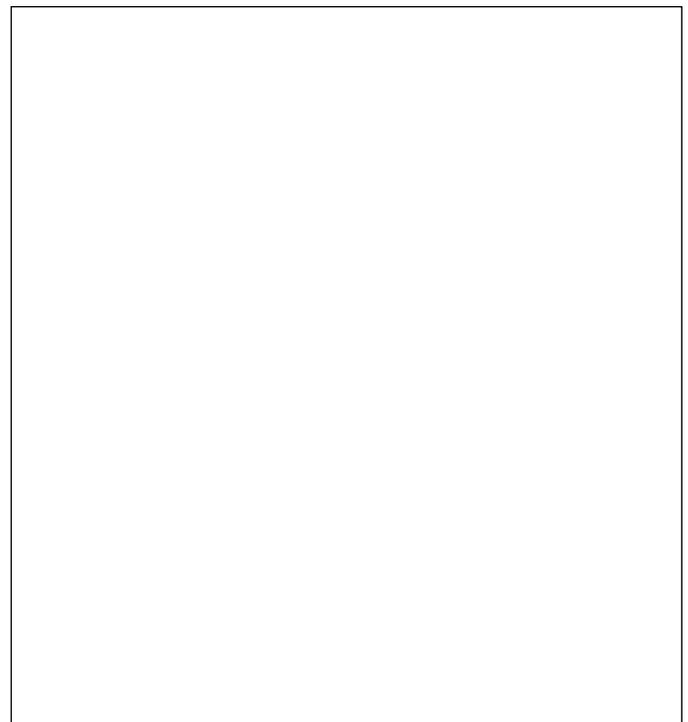
On April 18, 2002, an Awards Ceremony was held in the Central Courtroom of the David W. Dyer Federal Building and United States Courthouse in Miami commemorating the University of Miami School of Law, Center for



*Senior Judge Highsmith and Portrait.*

Ethics & Public Service's first annual William M. Hoever Award. The Award for Ethics and Leadership, bearing his name, was bestowed upon Senior United States District Judge William M. Hoever of this Court. With Chief Judge Zloch officiating, numerous speakers — includ-

ing former United States Ambassador to Spain Richard G. Capen and Federal Trade Commissioner Mozelle Thompson — recognized Judge Hoever for his lifetime contribution to professionalism in our legal community.



*Senior Judge Hoever.*

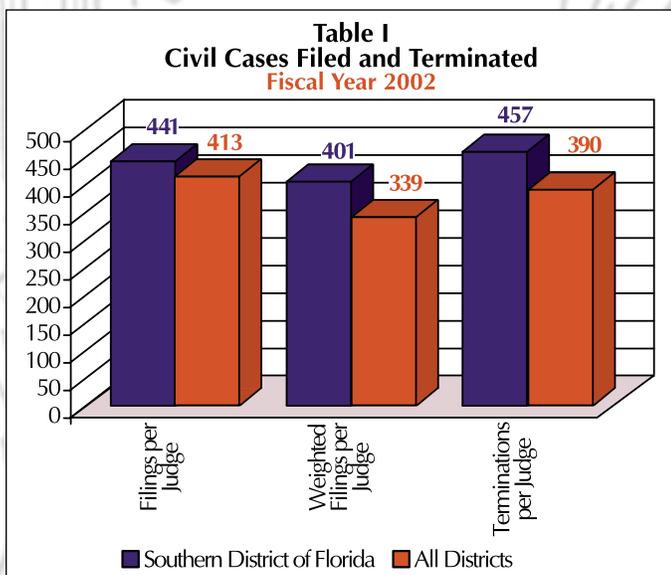
# CASE PROCESSING AND DISPOSITION: Managing Volume Through Efficiency

Over the last several years, our Court's Annual Report has emphasized through comparative statistics this District's meteoric growth in filings over the last decade. While the filings growth halted this past year, this Court continues to be one of the busiest in the land, conducting more jury trials than any other district court. While these accomplishments are important and continue to be among the most significant definers of the Southern District of Florida as a whole, this year we intend to focus less on historical growth and more on how the work is done; how cases progress through the Court; and at what point during the process cases are concluded.

## Civil Cases

Last year, there were 7499 new civil cases filed in this District, and 7761 terminated. This computes to an average of 441 new filings and 457 terminations per authorized judge, which is 7% and 17% higher, respectively, than the national averages. (See Table I.) The average weighted civil caseload in this District was 401, which is 18% higher than the national average. (*Id.*)

This year's filings were distributed among our five divisional offices as shown in Table II. As South Florida's population continues to grow, our



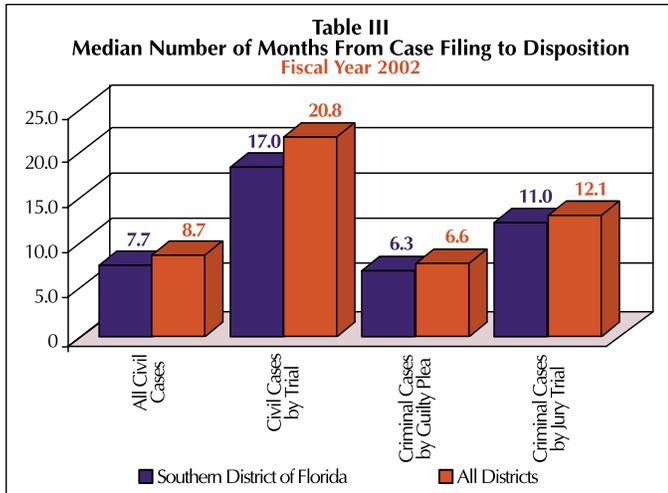
**Table II**  
**Southern District of Florida**  
**Civil and Criminal Cases Filed**  
**Fiscal Year 2002**

|                 | Civil Filings | Criminal Filings | Total Filings |
|-----------------|---------------|------------------|---------------|
| Miami           | 4043          | 1094             | 5137          |
| Ft. Lauderdale  | 1792          | 300              | 2092          |
| West Palm Beach | 1171          | 211              | 1382          |
| Ft. Pierce      | 393           | 96               | 489           |
| Key West        | 100           | 42               | 142           |
| Total           | 7499          | 1743             | 9242          |

Northern Division workload — which includes the Fort Pierce, West Palm Beach and Fort Lauderdale offices — becomes increasingly significant. As a result, the Court made the decision to locate its next authorized judgeship — the 18<sup>th</sup>, authorized by Public Law 107-273, Section 312, on November 2, 2002 — in Fort Pierce. The Fort Pierce office currently supports a resident Magistrate Judge, who has been assigned there full time since 1992, but has never had a resident District Judge.

More important than the quantity of cases processed, however, is the speed and efficiency with which they are processed. This District, despite a per-judge volume of filings far higher than the national average, continues to dispose of cases more quickly than the average district court. Our median time from filing to disposition of all civil cases was 7.7 months: the national median was 8.7 months. (See Table III.) For those civil cases that went to trial, the median time from filing to disposition in this District was 17.0 months, compared to a national median of 20.8 months. (*Id.*) Despite high caseloads, civil cases do not 'age' in this District at the same rate they do nationally. For example, while 14.9% of all cases in the land were more than three years old during fiscal year 2002, only 3.2% reached the triennial mark in this District during that same period. The Court completed 80 jury and 53 non-jury trials in civil cases in 2002.

Civil cases take many and varied forms in this Court. The most common civil cause of

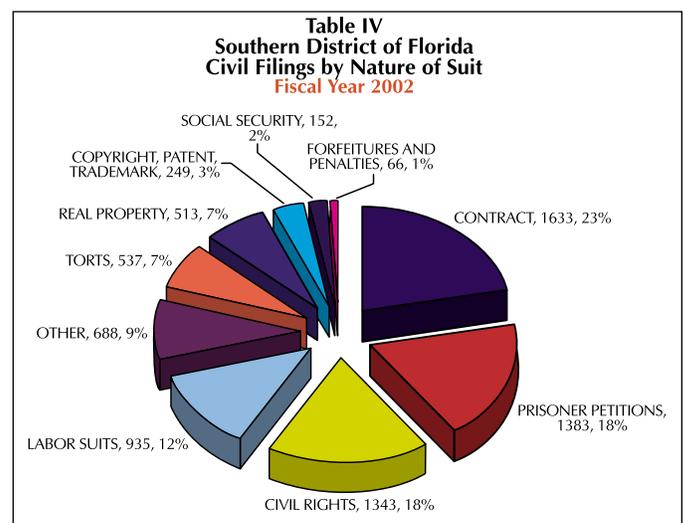


action is brought based upon a contract claim: those cases represented 23% of the total civil cases filed in fiscal year 2002. (See Table IV.) Civil rights cases were a significant portion of the whole, at 18%, followed closely by labor and employment actions, at 12%. (*Id.*)

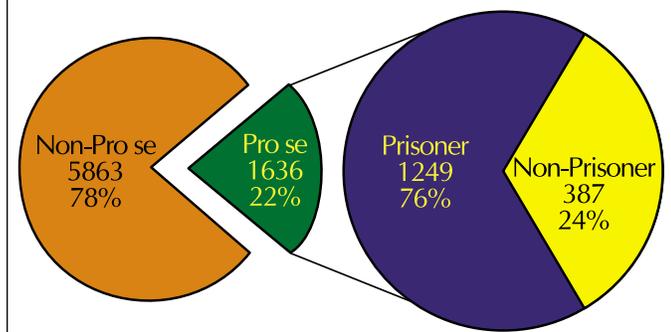
A significant number of the civil cases filed in this District are brought by *pro se* plaintiffs. This is a growing trend across the Country: more and more litigants, whether by choice or necessity, choose to represent themselves in this Court, without the assistance of an attorney. A good portion of these *pro se* litigants are prisoners: *pro se* prisoner actions constituted 17% of all civil cases filed in fiscal year 2002. These prisoner actions usually took the form of habeas corpus actions challenging a state-imposed conviction and/or sentence, pursuant to 28 U.S.C. § 2254; motions to vacate pursuant to 28 U.S.C. § 2255 brought by federal prisoners challenging convictions and sentences that occurred in this District; and civil rights actions alleging constitutional violations associated with the conditions of confinement, brought pursuant to 28 U.S.C. § 1983 and *Bivens*.<sup>1</sup> Prisoners are not, however, the only *pro se* litigants in this Court. Of total *pro se* civil cases filed, in 2002, 24% were brought by non-prisoner litigants. (See Table V.)

*Pro se* cases can be quite time consuming. Many complaints and petitions brought by the unrepresented are hand-written and are not constructed in the fashion that is the norm for formally trained attorneys. Extra time and care need be devoted by Clerk's Office staff to interpret hand-written pleadings and ensure that they are properly filed and appropriately routed. Although the task is difficult, this District, like all United States Courts, gives cases brought by *pro se* litigants the same careful consideration and deliberation that is afforded every litigant, whether self-represented or represented by the finest team of lawyers available.

The work on all cases starts immediately when a new civil case is filed, even before the case gets to a Judge. The intake clerk who receives the case will determine the nature of the case and the proper venue, randomly assign it to a Judge through our automated case assignment system, and then officially "open" the case in our automated case management system. This case opening step establishes the matrix for the docket sheet, upon which every filing in the case will then be recorded. All civil filings come through our intake sections. The case-initiating documents discussed here are a small percentage of the overall paper flow: in fiscal year 2002, our intake section processed 375,808 documents.



**Table V**  
**Southern District of Florida**  
**Pro se Civil Filings**  
**Fiscal Year 2002**



From intake, the new filing will be sent to a docket clerk, who will enter it on the docket sheet, turn it into an image that will be electronically accessible via PACER, then send the paper to our records section for filing, all within 24 hours of the original receipt of the document. Our clerks docketed 491,288 filings in this manner during fiscal year 2002, and created 3,822,984 pages of electronic images.

When the pleading that initiates a civil case is filed, it is randomly assigned to a District Court Judge and a Magistrate Judge who is “paired” with that District Judge. The pairing of each Magistrate Judge with a particular District Judge is established by Administrative Order and is changed every three years. The only variation from the established pairing scheme is when the case is filed by a *pro se* prisoner. As discussed above, the high volume of such cases in this District necessitates a full-time Magistrate Judge position devoted exclusively to processing these filings. That Magistrate Judge is assisted by an additional staff of eight, including seven *pro se* law clerks and a *pro se* writ clerk, who exclusively devote their efforts to processing *pro se* prisoner cases.

Magistrate Judges are an integral component of the District Court, and perform every civil and criminal task that the law allows. This District’s high civil caseload results in a corps of Magistrate

Judges who are also amongst the busiest in the land. Nationally, our Magistrate Judges ranked 3<sup>rd</sup> in the total number of proceedings conducted, and no lower than 4<sup>th</sup> in any other significant category. (See Table VI.) Our Magistrate Judges also preside over all aspects of an increasing number of civil cases pursuant to the consent of the parties: in fiscal year 2002, they terminated 158 cases by consent. The burgeoning caseload of our Magistrate Judges has been recognized and addressed. In September, 2002, the Judicial Conference of the United States approved three additional full-time Magistrate Judge positions for the District. The positions become effective April 1, 2003, or when appropriated funds thereafter become available. Current plans call for a new Magistrate Judge position in each of our three largest locations — Fort Lauderdale, Miami, and West Palm Beach.

Once the case is filed, assigned, opened, and docketed, our Judges begin their work, and the case begins its journey toward disposition. The majority of civil cases are disposed of without a trial. Disposition can occur at any stage of the case’s progress through the Court.

**Table VI**

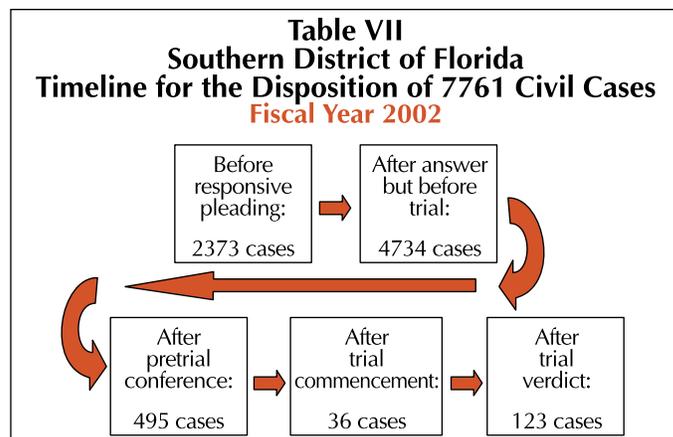
| DISTRICT  | PRELIMINARY PROCEEDINGS<br>28:636 (A) | MATTERS DISPOSED<br>28:636 (B, C) | EVIDENTIARY PROCEEDINGS CONDUCTED<br>28:636 (B, C) | TOTAL   |
|---|---------------------------------------|-----------------------------------|--|---------|
| <b>NATIONAL SUMMARY</b>   |                                       |                                   |  |         |
| ALL DISTRICTS   | 293,002                               | 426,705                           | 3,449  | 723,156 |
| AVG/DISTRICT  | 3,185                                 | 4,638                             | 37   | 7,860   |
| <b>TOP TEN DISTRICTS RANKED BY COMBINED PRELIMINARY PROCEEDINGS, MATTERS DISPOSED, AND EVIDENTIARY PROCEEDINGS CONDUCTED.</b> |                                       |                                   |  |         |
| AZ  | 23,253                                | 11,535                            | 70   | 34,858  |
| TX, S   | 19,905                                | 9,855                             | 109  | 29,869  |
| FL, S   | 12,974                                | 16,387                            | 429  | 29,790  |
| NM  | 12,491                                | 14,217                            | 20   | 26,728  |
| NY, E   | 5,123                                 | 17,859                            | 74   | 23,056  |
| FL, M   | 6,319                                 | 16,503                            | 84   | 22,906  |
| TX, W   | 15,239                                | 7,289                             | 58   | 22,586  |
| CA, S   | 11,743                                | 9,344                             | 2  | 21,089  |
| NJ  | 2,623                                 | 16,473                            | 0  | 19,096  |
| CA, C   | 10,595                                | 5,684                             | 15   | 16,294  |

Termination can occur at an early stage in some cases, before the opposing parties even see the complaint, much less respond to it. The reasons for dismissal before a response are various: for example, the complaint may be deficient on its face; the plaintiff may voluntarily dismiss; or the case may be dismissed for failure to prosecute. Of the 7761 civil case terminations that occurred in fiscal year 2002, approximately 31% of them — 2373 — occurred before any defendant filed an answer. (See Table VII.)

The largest percentage of civil terminations occur after a defendant files a response but before a pretrial hearing pursuant to Federal Rule of Civil Procedure 16 is held. In 2002, 57% of civil terminations — 4734 — occurred at this stage. (See Table VII.) These terminations include Federal Rule of Civil Procedure 12 dismissals; grants of motions for summary judgment; consent judgments and settlements; and voluntary dismissals.

Settlement can be reached at any point during the course of civil litigation. Of the 1930 civil matters that were settled in this Court last year, 253 of them settled before a responsive pleading was filed; 1442 after answer but before trial; 229 after a pretrial conference had been held; and 6 after the commencement of trial. (See Table VIII.) A docket as extensive as the average Southern District Judge's would be virtually unmanageable if a significant number of cases did not settle. To that end, parties are affirmatively encouraged at every stage of litigation to settle. Local Rule 16.1 requires, among other things, that the parties meet, discuss, and report on the possibility of settlement at several stages of the litigation. Local Rule 16.2 requires that most civil cases be referred to mediation well before trial and that a report of the results of that mediation be filed. Last year, 3125 cases were mediated or referred to mediation; 487 of them settled after such referral.

If a case does not settle, survives judgment on the pleadings, and summary judgment is not entered, a pretrial conference is held as required by



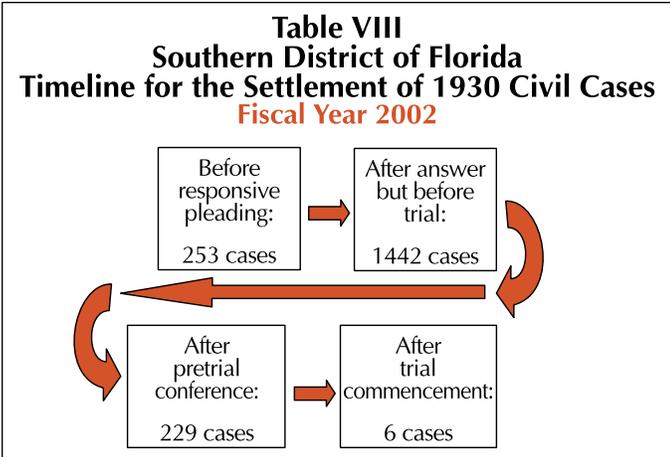
Local Rule 16.1.C. Last year 654 cases made it to the pretrial hearing stage. (See Table VII.) Out of those 654 cases, 495 were disposed after the pretrial conference, 36 after trial commenced, and 123 after verdict. (*Id.*)<sup>2</sup> Thus, less than 2% of the terminations last year resulted from trials. The average length of a civil trial in the District last year was 4.2 days, with the longest lasting 29 days.

### Criminal Cases

This District continues its long-standing reputation as one of the busiest criminal courts in the land. Last fiscal year, 1743 criminal cases were initiated in this District, involving 2651 defendants. This equated to an average of 103 new criminal filings per authorized judge, 23% greater than the national average. (See Table IX.) At 156, the defendant-per-authorized-judge average in this District was 34% higher than the national average. (*Id.*) Terminations by judge in this Court also dwarfed the national average: an average of 139 defendants per judge were terminated after a guilty plea, 54% higher than the national per-judge average, and 11 after trial, an amazing 175% greater than the national per-judge average. (*Id.*) The distribution of criminal filings across our five divisional offices during fiscal year 2002 is reflected in Table II, *supra*.

The typical criminal case in this District continues to be drug-related: 752 cases involving drugs were filed in fiscal year 2002, representing

**Table VIII**  
**Southern District of Florida**  
**Timeline for the Settlement of 1930 Civil Cases**  
**Fiscal Year 2002**



over 43% of total filings. (See Table X.) Fraud-related offenses followed at 332, representing 19% of the total. (*Id.*) These two categories of cases are more complex than many other criminal cases, and as a result are given a greater statistical weight by the Administrative Office of the United States Courts. For example, drug cases are assigned weights that range from 1.43 to 2.27, while fraud cases are assigned weights up to 5.31. As Table IX illustrates, higher-weighted cases are a significantly higher percentage of the total in this District than in the average district: this District's weighted-criminal-caseload-per-judge average was a phenomenal 49% higher than the national average (263 vs. 176).

Magistrate Judges and their staffs perform a significant amount of the early work in a criminal case. Presiding over a wide variety of critical pretrial proceedings, our Magistrate Judges receive grand jury returns, accept waivers of indictments, conduct initial appearances and preliminary examinations, conduct arraignments and accept not guilty pleas. During fiscal year 2002, our Magistrate Judges presided over 3330 initial appearances and 2471 arraignments, among other pretrial proceedings, including evidentiary hearings on such matters as motions to suppress. The deputy clerks who support the Magistrate Judges have administrative responsibilities in addition to their courtroom and case-management duties, as

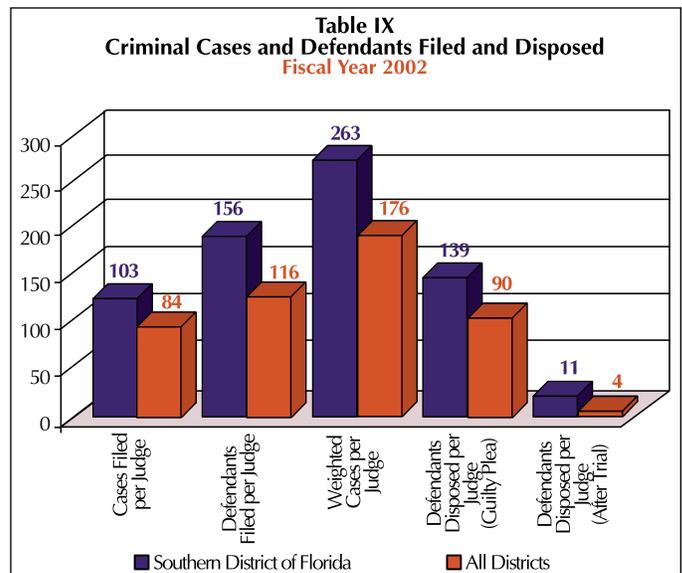
they are charged with the task of assigning and opening all newly-filed criminal cases.

This Court processes criminal cases with the same efficiency as it does civil cases, despite the disproportionately large numbers of complex cases filed. This District's average processing time for criminal cases, from commencement to disposition, was also lower than the national averages, as illustrated in Table III, *supra*.

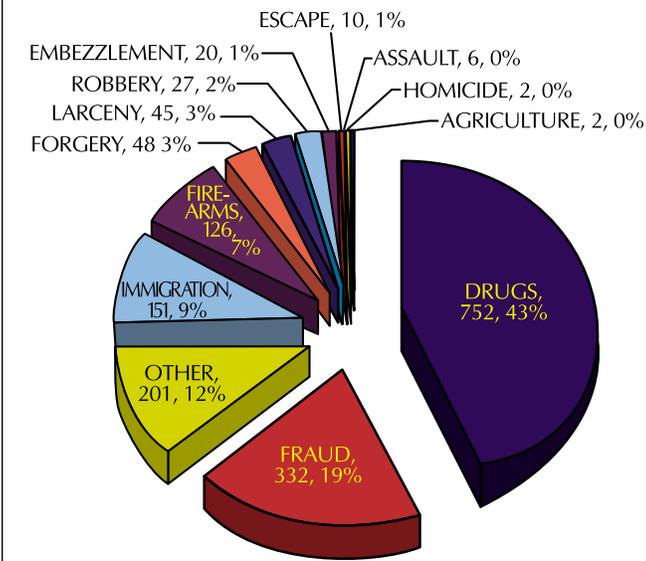
Although the percentage of cases that actually proceed to trial is much higher in the criminal arena than in civil, trials represent only a fraction of total terminations. In fiscal year 2002, of the 2494 defendants who were convicted of felonies, 2366 of them plead guilty.

This District continued to lead the Nation in the number of criminal jury trials with 184. (See Table XI.) Drug and drug-related offenses continue to be the subject of the "typical" trial in this District: of this past fiscal year's total 203 criminal trials,<sup>3</sup> comprising both bench and jury trials, 46% involved drugs. The average number of defendants per trial was 1.5, and the average length of trial was 5 days.

Although criminal defendants are promptly brought to trial in this District, the complexity of the criminal cases brought here can result in some

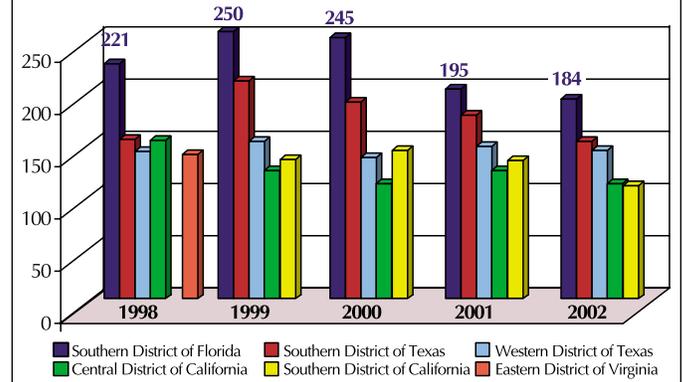


**Table X**  
**Southern District of Florida**  
**Criminal Filings by Offense**  
**Fiscal Year 2002**



lengthy trials. In 2002, this District's Judges collectively spent 5959 hours trying criminal cases. This year's most lengthy criminal trial involved a long-running conspiracy that encompassed more than 60 separate charges, including bribing jurors and murder. That case required 85 trial days to complete, during which time the jury was totally sequestered.

**Table XI**  
**Top 5 Districts in Criminal Jury Trials**  
**Fiscal Year 2002**



As might be expected, this District's sentencing statistics are also much higher than most other courts. During this past fiscal year, 2494 defendants were sentenced, a per-judge average of 147, 56% higher than the national average. Of those defendants, 2215 were sentenced to terms of imprisonment. The average sentence per defendant was 63 months, with the longest sentences imposed being life imprisonment. The greater than national average length of sentence, and the number of life sentences imposed in this District — 18, the highest in the Nation — is a function of the complexity and severity of the criminal charges routinely tried here.

## Interpreting Section Reflects Diversity

**A**ccording to 2000 United States Census Bureau statistics, over 32.2% of the residents of this District are foreign born (compared to the national average of 11.1%), including a high of 50.9% of the residents of Miami-Dade County. Over 11.3% of the population of the District over the age of 5 either cannot speak English or cannot speak English well (21.2% in Miami-Dade County), compared to the national average of 4.2%. Reflecting this rich diversity, the Southern District's interpreting section has become one of the finest — and busiest — in the Nation. Comprised of six full-time staff interpreters and using the services of dozens of free-lance contract interpreters, in 2002 the interpreting section provided support for 5431 in-court events in 28 languages. To facilitate these efforts, the Court retrofitted ten courtrooms with new sound systems containing state-of-the-art infra-red interpreting systems. As one of only four courts that provide interpreting services to other courts under the Administrative Office's national Telephone Interpreting Program, the Southern District provided coverage for 367 proceedings in seven languages for other federal courts ranging from Memphis, Tennessee to Anchorage, Alaska.



# CLERK'S MESSAGE

## Planning for Excellence: Innovation and Continuous Improvement

**F**irst of all, I want to recognize the staff of the United States District Court for the Southern District of Florida's Clerk's Office for their wonderful efforts, day-in and day-out, to ensure that this busy federal court remains among the models for success in our judicial system. We maintain this standard by providing the same high level of service to the customer with routine needs that we provide to the customer with extraordinary needs. I am proud of all our staff, who demonstrate daily their commitment to making this organization better.



At the time of this writing, we are advised that the Federal Judiciary faces a funding shortfall of about 11% under full-funding requirements projected for the current fiscal year — 2003. This current projected shortfall is in contrast to the two most recent fiscal years: in 2001, we received 100% of our projected funding needs; and in 2002 — now considered a boon year — we received 97% of our projected funding needs. Good stewardship is a point of constant reference on our management compass. The current fiscal climate commands that creativity and hard work likewise be reference points.

In a post- 9/11 world, we seem to be more cognizant of our relationships to people and security, and of the many ways that technology can be used for bridging gaps to facilitate communication and the conduct of business. While we have always been concerned about the appropriate use of resources allocated to the District, our concerns and attentions are particularly acute against today's federal budget backdrop of projected exploding deficits and anticipated funding shortfalls. We are challenged to provide a high level of public service and to remain accessible while increasing security to protect our resources and work product. Yet, we must do so with less funding than is needed to support our operations, according to established formulae.

Given this backdrop, some of the most significant initiatives commenced or completed during 2002 become even more notable:

- We have commenced a pilot project that we anticipate will allow electronic filing for all parties via the Internet by mid-2003. This effort was undertaken to provide virtual 24-hour access to the Clerk's Office for filing purposes; as a security enhancement to reduce foot traffic and mail delivery volume received in the Clerk's Office; and to streamline mail processing procedures and substantially reduce scanning functions.
- We are participating in the Federal Judicial Center's study of electronic access to criminal case information because of our long-time practice of providing access to virtually all case-record information to parties electronically through the PACER system. This study may lead to recommendations about treatment and availability of such information for the Judiciary as a whole.
- We continue efforts to implement the Jury Management System (JMS) in a busy, true one-step trial court. Our high-volume and efficiency requirements create unique challenges for successful implementation.
- During the past 18 months, we supported efforts to secure a 20% increase in transcript fee rates for the District's official court reporters. Those efforts culminated in success last December.
- During the past year, the District was authorized substantial additional judicial resources that must now be accommodated in locations where space had not previously been available. Our space planning and construction efforts in support of these new resources are ongoing, as are our efforts to support the District's longer-term space needs.
- Mindful of a deteriorating fiscal environment, we were able to execute a financial plan in fiscal year

2002 that better positioned the organization to withstand the funding shortfall that appears to be imminent.

- We made a commitment to our staff's training needs by hiring and supporting a full-time trainer. Creating an employee orientation program and a leadership development curriculum became the



Certificate of Excellence Recipient, Warren Condon.

initial training priorities. Efforts currently are expanding to include a broader automation component as well as a curriculum more inclusive of the organization's staff in general.

- We continue to engage in a broadening strategic planning effort that will likely become more team-oriented and goal-focused in the coming year.

Our efforts are undertaken with the support of the District's Judges and its Bar. As collective groups, their support for and attention to our work contributes to our ability to be successful in their service. This Report will inform you about many aspects of our work. As in the past, I would be pleased to receive your comments or suggestions about this Report.

Clarence Maddox,  
Court Administrator • Clerk of Court

## 2002 Employee Premier Performers

*Congratulations to all our 2002 Premier Performers who were recognized with cash awards and certificates of recognition at the Clerk's Office Annual Staff Meeting in September:*

### Individual Awards:

#### Certificate of Excellence

- Warren P. Condon •

#### High Achievers Award (for High Level of Docketing Achievement)

- Sheila M. Gonzalez • Lisa I. Streets •
- Aaron A. Tijerino •

#### Certificate of Recognition (for Excellent Performance and Continuing Commitment)

- Sandra T. Acevedo • Marilyn P. Carter •
- Deborah L. Donovan • Clara A. Foster •
- Emily Guerrero • Jacob M. Hasbun •
- Stephanie A. Lee • Pilar Maya •
- Valarie C. Thompkins •

### Group or Team Awards:

#### Team Achievement Award (for Excellent Juror Utilization)

Awarded to jury clerks, courtwide

#### Team Achievement Award (for Implementation of the Scan-Docket Project)

Awarded to 17 docket clerks, courtwide.

#### Extraordinary Team Service (for mail-handling during a challenging time)

Awarded to 9 intake and mail handling clerks, courtwide.

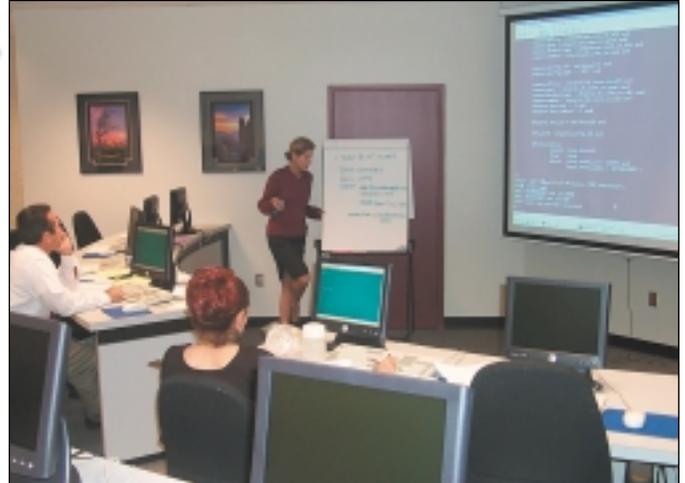
# INVESTING IN THE FUTURE

**O**ur Court initiated extensive planning efforts in 2002 to meet the demands caused by workload and budget constraints. Efficient use of limited governmental resources is of paramount concern for our Court employees, who take their responsibilities as stewards of the public trust quite seriously. Particularly where long-term needs are anticipated, it is imperative that the Court have a clear, cohesive multi-year plan for maximizing the use of our finite resources. In fiscal year 2002, the District Court's overall budget was approximately \$16 million, of which 81% was committed to "fixed" costs. Therefore, effective planning and wise use of the Court's remaining 19% of the allocated budget on "discretionary spending" items mandates that the Court keep a clear focus on the priorities for its future growth. In the past, our Court has invested for that future growth, and throughout 2002, in conjunction with the Court's Committee on Budget and Fiscal Management chaired by Judge Federico A. Moreno, we focused our planning efforts in areas where investments will provide significant long-term benefits.

## **Training Court Personnel**

The 236 Clerk's Office employees and 102 chambers staff of this District are among the Court's most valuable resources, and in fiscal year 2002, the Court began in earnest implementing plans to invest in the long-term productivity and well-being of that workforce. As our work has become more complex — and often more automated — it has become necessary for the Court to insure that our employees are prepared with the skills necessary to perform in the workplace of the future.

One of the first and most important steps in our drive during 2002 was the implementation of a comprehensive training plan for Court employees. Late in 2001, the Court hired a full-time, professional trainer with the clear and expressed directive to provide a solid learning



environment that would promote the growth and development of our Court team.

The initiative for 2002 was to establish a training infrastructure that would address the professional needs of employees in four distinct areas. This was accomplished by developing a four-track training system: Fast Track — a New Employee Orientation program; STAR Track — Staff Training and Resources for employees; LeDe Track — Leadership Development for the management team; and Tech Track — to enhance the technical skills of all employees. Commencing during the latter part of 2002, between October and December, our new training initiative presented 35 training sessions throughout the District with 81 employees attending various classes and workshops. Additionally, 24 management team members attended weekly training sessions and received certificates from the Federal Judicial Center for completing Phase One of the LeDe program.

Another objective of our inaugural training program was to promote a mind set of creativity, respect for diversity, and encouragement of open expression and ideas. These "training values" were reinforced through constant solicitation of suggestions for improvement of both the content and curriculum of the training program. Respecting diverse styles of learning

and thinking, training sessions were designed to promote an open environment in which participants were encouraged to interact and exercise their skills. Sessions incorporated various learning activities such as small group exercises, deductive reasoning, and hands-on activities, and used creative tools to reinforce learning. Workshops focused on a variety of topics, including Customer Service, Writing Skills, Train-the-Trainer, Public Speaking, Team Building, Morale Building, Transition Management, and Leadership Dynamics.

Another aim of the new training initiative was to adopt training practices and theories that motivate our participants to achieve their professional goals. To accomplish this result, curriculum development focused on selecting programs that stimulated interest within our Court staff to participate in training. Also, our training leader steered development of the programs towards utilization of technology and teaching methods that not only held our students' interest, but maximized their ability to learn while in class.

Our training program also debuted a series of personal interest topics for our Court family. This "Learn-At-Lunch" series brought in local experts to discuss subjects of everyday interest in our lives. Sessions included "Teen Alert — Understanding the Struggles of Teenagers" and "Coping with the Elderly."



*Original Key West Federal Courthouse, circa 1885.*

Finally, late in the year, the Court made a further commitment to future training by hiring a second, full-time trainer specializing in technology. This focus will keep the organization in tune with technology trends, thereby maximizing our day-to-day efficiency and productivity. In 2003, the Court intends to move forward with the view that a better trained workforce is both a great public service asset, as well as benefit to employees by providing better job satisfaction, growth opportunities, and potential promotional avenues.

## **Building Construction and Renovation**

Working with a tradition of courthouse construction dating to the early 1800's, this past year proved to be one of mixed outcomes concerning the Court's progress towards optimizing its spaces to meet the needs of the litigating public. Significant steps forward were made, as the summer of 2002 ushered in a swirl of heavy construction activity on the site of the new fourteen story Miami courthouse, which will house most of the District Judges in Miami, as well as the vast majority of Clerk's Office operations and functions. A formal groundbreaking ceremony was held on October 24, 2002, attended by national and local dignitaries. Scheduled for completion in 2005 - 2006, this modern courthouse structure is anticipated to bring a bright, efficient venue for the hub of District Court operations in the future.

The Nation's general economic downturn is an impediment to courthouse construction projects throughout the Country and has hampered our efforts to secure new courthouses in other overcrowded divisional locations. This District has construction projects slated for three of the remaining four court locations outside of Miami with Fort Pierce and Fort Lauderdale leading the way. Given the condition of the Court's facilities in those locations, our ability to continue

providing optimal service to the Bar and public will be stressed and may be compromised if the national courthouse construction schedule is encumbered by further setbacks.

On a smaller scale, the Court moved forward in 2002 with renovation projects to improve existing facilities. In that respect, the Court embarked on a flurry of refurbishment including interior painting, carpeting, wall coverings, and re-upholstery, affecting many public spaces, Clerk’s Office working spaces, judicial chambers, and courtrooms throughout the District. Some of these locations had not seen a paint brush nor carpet installer for more than ten years. Not only did this brighten the daily working atmosphere for Court personnel, but it also provided an improved atmosphere for the litigating public.

The Court also tackled construction projects that went beyond the cosmetic into the realm of structural enhancement. For example, throughout 2002, the Court completed renovations — enabled by augmented funding from the Eleventh Circuit Judicial Council and the Administrative Office of the United States Courts of approximately \$500,000 — to correct acoustical problems in nine courtrooms in the United States Courthouse (the Tower Building) in Miami. The Court also completed the design and renovation of a courtroom and chambers in the David W. Dyer Federal Building and United States Courthouse in Miami, as well as new



*Architectural drawing, United States Courthouse Complex, Miami, circa 1980.*

temporary chambers in the United States Federal Building and Courthouse in Fort Lauderdale for use by new District Judge Kenneth A. Marra. Future projects necessary to meet the Court’s immediate expansion needs include a new District Judge courtroom and chambers in Fort Lauderdale, a new Magistrate Judge courtroom and chambers in Fort Lauderdale, a new Magistrate Judge courtroom and chambers in West Palm Beach, and a new chambers and additional Clerk’s Office space in Fort Pierce.

### **Harnessing Technology**

Fiscal year 2002 proved to be a banner year for our Court on the technology front. Working under the guidance and direction of the Court’s Committee on Automation and Technology, chaired by Judge Alan S. Gold, the Court made

strides in improving our systems infrastructure, our computer capabilities, and our software resources. Seeking to avoid the trap of arbitrarily making new acquisitions of the latest “gadgets” or enhancements, our Court instead embarked on a coherent

## **Courthouse Construction Schedule**

Current Courthouse funding and building schedules for the Southern District are as follows:

|                 | <b>Site/Design Funding</b> | <b>Construction Commencement</b> | <b>Construction Completion</b> |
|-----------------|----------------------------|----------------------------------|--------------------------------|
| Miami           |                            | 2002                             | 2005-2006                      |
| Fort Pierce     | 2003                       | 2005                             | 2008-2009                      |
| Fort Lauderdale | 2004                       | 2006                             | 2009-2010                      |
| West Palm Beach | 2007                       | 2009                             | 2011-2012                      |

technology plan — across budget years — for using our limited dollars in this area. For example, the Court proceeded with the installation of additional electronic Evidence Presentation Systems strategically located throughout the District, and embarked on a cyclical replacement schedule for computer equipment to insure our users' desktops are kept up-to-date. Through such efforts, we sought to both improve capabilities inside our courtrooms, as well as to improve our connections with the outside world.

Our electronic filing project, which uses state-of-the-art Internet programming and security features, allows authorized users to log on to our system via our website and upload their filings directly to a separate, secure server. That server automatically records the time and date of

filing, and notifies Court personnel when the filing has been successfully uploaded. When the deputy clerk opens and reviews the filing, it is stamped with the date it was uploaded by the user, and a stamped electronic copy is returned to the filer as confirmation. Thereafter, the filing is docketed and uploaded into the Court's electronic database in a very short period of time. Filings may be submitted at any time of the day or any time of the week: no matter what time they are actually docketed, they will be file-stamped with the date they were uploaded by the filer.

The pilot was designed for gradual implementation with the current schedule calling for three phases. The first phase began in December of 2002, with a limited number of applicants initially enrolled for civil cases. Phase



*New Miami Courthouse construction and groundbreaking.*

two will see a great expansion of participants throughout the spring until all interested civil litigants are enrolled by May of 2003. The third phase will encompass expansion of the program to criminal cases — starting with the Federal Public Defender’s Office and Criminal Justice Act (CJA) attorneys — culminating in all interested criminal case litigants being enrolled by July of 2003. Information about the classification of cases in which electronic filings may be accepted and who may electronically file may be found on the Court’s website.

The Court implemented a local research database system to store jury instructions and opinions, both published and unpublished. The primary purpose for this internal research tool was to provide a mechanism to store and research these locally generated documents. The documents are available to all Court personnel and are stored in a text searchable PDF format, a worldwide standard. The search engine used on these databases performs basic keyword and phrase searches, and allows for more advanced boolean, proximity, and file type look-ups.

In another step forward into the electronic information age, the Court in 2002 redesigned its Internet website to make it easier to use and more comprehensible. The newly designed site displays all available menu information on one



simple screen, eliminating the need to search each menu item for topics of interest.

Expanding topics available through the site, the Court added new sections containing Forms, Administrative Orders, and an Electronic Filing portal. The Court’s website has been reconfigured in a new development language that will be more amenable to web-based interaction with the public. The Court has already begun to expand its reach in such areas. For example, in 2002, the Court utilized its website to seek input from the bar and the public on a proposal to change the Court’s practices concerning after-hours and night box filings, with an integrated link for submission of comments via e-mail. The Court’s Internet address is: <http://www.flsd.uscourts.gov/>

### **Serving Our Constituencies**

The Court’s planning efforts during 2002 focused on an increased awareness of our responsibilities, as public servants, to provide the best and most efficient service possible to the public. That quest for customer service excellence took many routes, all of which progressed with an unwavering eye toward making the public’s interaction with our Court and Clerk’s Office as positive as possible. We explored many avenues for better serving both



our traditional customers — the general public, litigants and the bar — as well as our constituent base within the judicial system, including other federal agencies, the United States Attorney's Office, and the Federal Public Defender's Office.

Nowhere was the Court's focus on improving customer service more apparent than in our jury section. Given the fact that our District has more jury trials per year than any other federal trial court and that we summon over 144,000 jurors annually, the comfort and convenience of our jurors is of utmost importance to the Court. Jurors summoned for service in this District during 2002 began to see a marked improvement in the amenities attendant to their jury service, implemented at the direction and under the guidance of the Court's Committee on Court Services chaired by Judge Ursula Ungaro-Benages.

Jury service is considered by some to be an unwelcome process: jurors are asked to put their lives "on hold" for two weeks, during which time they are asked to call in daily to determine whether they are needed to report for service. Once called to report, they may be required to be present for a day or more, while jury selection in one or more cases occurs. If selected for service, they may need to serve on a jury anywhere from one day to many months. Recognizing that fulfilling the public duty of jury service may be onerous, the Court Services Committee and the Clerk's Office examined each step of the jury service process and began implementing changes and improvements for easing that burden, beginning at points even prior to each juror's first contact with the Court.

One of the most important improvements undertaken by the Court positively impacts jurors in ways that they likely would not even

## Juror Utilization Statistics

**T**he most recent national data on federal courts' juror utilization released by the Administrative Office of the United States Courts covers fiscal year 2002, ending September 30, 2002. The accepted measure of a court's effectiveness with prospective jurors is called the "NSSC," representing the percentage of jurors who were not selected, serving or challenged on their first day of jury service. This District's NSSC of 22.8% for fiscal year 2002 — which was a remarkable drop from fiscal year 2001's already stellar NSSC rate of 28.8% — was significantly better than the national average of 39.3% and the Judicial Conference's benchmark goal of 30%. By lowering our NSSC rate by 6 percentage points, this Court conserved more than \$44,330 in juror payments, and over 800 prospective jurors were saved from reporting for service and not being utilized in the trial selection process.

The largest courts generally have the most difficult time utilizing jurors. According to Administrative Office statistics, the other five largest, trial-heavy districts — each having more than 10,000 jurors report for service during the year — averaged 51.0% on their NSSC's. The fact that our Court had such a low NSSC is particularly striking given the facts that this District saw 13,434 jurors report for service in fiscal year 2002 and historically has had more jury trials than any other federal court in the country. Our excellent utilization of jurors has been the result of the hard work, coordination, and cooperation of all areas of our Court.



recognize. During 2002, the Court extensively revised its Plan for Random Selection of Grand and Petit Jurors, the guide by which the Clerk's Office summons and prepares jury panels. Two changes in that Plan are particularly significant. First, the Plan was revised so that the "Master Wheel," the pool of registered voters from which jury panels are selected, henceforth would be created every two years rather than every four years. By using a shorter term, the addresses of prospective jurors will be more current and will produce more jurors for service, so that fewer prospective jurors will need to be summoned. Second, the revised Plan instituted a procedure that streamlines the process by which jurors can be excused by allowing the Clerk and his deputies to handle routine written requests for release from service under the supervision of the Court.

Each prospective juror in 2002 began to see a number of enhancements in the jury service process from the point of their first contact with the Court. Late in the year, the Court began developing new directional maps for summons — with magnified depictions of each downtown

area surrounding our courthouses — to assist jurors in finding their way to those courthouses and designated parking locations. The Court's website was expanded to include better instructions for jurors, frequently asked questions on jury service, and maps to courthouses and parking locations, all to provide more detailed information for jurors about their service before they even arrive at the courthouse. The Court located and negotiated improved parking facilities to provide jurors with easier access to parking while reporting for their jury service.

Jurors historically have suggested that making it easier for them to stay in contact with their families, schools, or jobs would make their service more enjoyable. To address this issue, last year the Court began installing free public telephones (local service only) for jurors' use, as well as computer workstations that will ultimately have Internet access. This last feature also addresses one of the other most common observations by jurors, that an ability to maximize waiting or "down time" would make their service more rewarding.

## Fink Mural Memorializes History

**T**hroughout this Annual Report, readers will note historical photos of some of the District's earliest courthouses. Another of this District's strongest links to the past is a mural gracing the Central Courtroom of the David W. Dyer Federal Building and United States Courthouse in Miami. Painted by local architect and artist Denman Fink, the mural is entitled "Law Guides Florida Progress" and dates to 1941. The piece depicts the development of the state of Florida under the wise instruction and oversight of the federal court. Measuring 25 feet by 11 feet, this breathtaking mural overlooks the District's largest, and oldest, ceremonial courtroom, adding majesty and elegance to en banc proceedings and ceremonial occasions that often occur in that locale.



Finally, the Court also embarked on an effort to improve the physical environment of jury service where possible. This included work to paint, wallpaper, re-upholster and re-carpet many jury assembly rooms. The Court began purchasing improved television systems for entertaining jurors waiting in assembly rooms and also installed filtered water for jurors. Many jury deliberation rooms are being similarly enhanced, with installation of refrigerators and other amenities. These improvements signal our Court's recognition that jury service is one of the most solemn civic contributions that the public undertakes, and that our Court places the utmost value on the contributions that jurors make as a cornerstone in the American system of justice.

Another customer service initiative embraced in 2002 related to "stale" registry deposits for cases involving writs of garnishment. By way of background, parties seeking the issuance of writs of garnishment deposit monies with the Clerk's Office (\$25 per writ in older cases, and \$100 per writ in newer cases) to secure the costs and attorneys fees incurred by the recipients of those writs. Upon written request and Court authorization, those deposits are released to the appropriate party. Many neglect to seek release of their monies, and therefore, as of the beginning of 2002, the Clerk's Office had approximately \$133,000 on deposit in 682 cases, securing costs and fees relating to over 1500 writs of garnishment. In some instances, the monies had been on deposit almost 20 years, and most of these garnishment deposits had remained in the Court's registry for years after the case in question had concluded.

The efforts of Chief Judge Zloch, the Court Committee on Rules and Manuals chaired by Judge Donald L. Graham, the Ad Hoc Committee on Rules and Procedures, and the Clerk's Office ultimately culminated in Administrative Order 2001-69 and Local Rule 67.1, which established a procedure for disbursing the deposits to either



the depositor or the recipient of the writ (or their attorneys), depending upon the circumstances of each case. These new procedures direct the Clerk's Office to make automatic distributions without waiting for a specific distribution order as to each deposit.

To implement Administrative Order 2001-69 and Local Rule 67.1, each writ had to be individually researched to determine the proper distributee; once the proper distributee was determined, a current name and address had to be ascertained. Although case files after 1996 could be researched through the Court's system of imaged case files, approximately 400 archived files from cases closed between 1981 through 1996 had to be ordered from the Federal Records Center outside Atlanta. Many of the involved individuals, businesses, banks,

and law firms had long since moved, merged, dissolved, changed names, or seemingly disappeared. Using skills tantamount to those of a private investigator and researching several sites on the Internet, the financial section of the Clerk's Office was able to overcome most of these problems and to successfully disburse virtually all of the past monies on deposit.

Through this customer service initiative, as of December 1, 2002, approximately 98% of the initial \$133,000 of garnishment deposits that were held by the Clerk's Office — or \$131,000 — had been disbursed from the Court's registry to members of the litigating public or members of the bar. The procedures and forms developed for this project are now being used for processing all writ of garnishment deposits received by the Court, ensuring that future cost deposits will be put in the hands of the public without the necessity of waiting for a specific request for distribution as to each deposit.

### **Community Partnerships**

Throughout 2002, the Southern District of Florida's deep tradition of community involvement and partnerships flourished on many levels. Continuing a longstanding history, the Court received extensive support from local bar associations, bar members, and the public in many activities vital to the Court's continued success. In turn, our Court expanded its tradition of community support through various endeavors.

Individual members of the bar and public provided special service to the Court,

serving on three Magistrate Judge Merit Selection Panels, reviewing applications and conducting interviews to make recommendations to the Court concerning the retention of incumbent Magistrate Judges and the appointment of a new Magistrate Judge. Members of the local bar also worked tirelessly in conjunction with numerous committees crucial to the efficient functioning of the Court, including the Ad Hoc Committee on Rules and Procedures (the Local Rules Committee), the Ad Hoc CJA Panel Selection Committee, and the Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance. The hard work of all involved in these endeavors — and countless others — was an invaluable service to the Court.

Community education and partnership remained at the forefront for our Court in 2002. Many chambers hosted law school legal interns

throughout the year and high school students during the summer school hiatus. Several Judges hosted visiting tours throughout the year as students learned more about the judicial process. Art students from Ransom Everglades School in Coconut Grove displayed their works of art during an afternoon display hosted by a judicial officer.

The community activities of the Court's employees were varied and diverse. The Court's charitable efforts were directed at the Combined Federal Campaign, with a theme of Giving People Help, Helping People Give for



CFC 2002. Court employees partnered with volunteers from various government agencies and private organizations at the Volunteer Kickoff Event, “All Over Haulover,” to renovate one of Miami-Dade County’s favorite public beach/parks. Throughout the campaign, employees came together to help people give by organizing a bake sale, a bagel mania morning, and an afternoon ice cream social. Dedicated to improving the health of the Court, more than 40 runners and walkers from the District Court family hit the streets of Miami, along with other public and private sector partners, participating in the Miami Corporate Run in



May. Judges from the District Court and Bankruptcy Court, along with senior management from the Clerk’s Office, Probation, and Pretrial Services contributed to provide a tent for the runners. Among the other varied activities throughout the year, a group of Court employees partici-

parted in an overnight walking relay as part of a fund-raiser benefitting cancer research, dedicating their efforts to the late Senior Judge Lenore C. Nesbitt, and Judges and staff banded together to participate in a local program to provide holiday gifts for over 100 under-privileged foster teens and children during the holidays.

## Open Doors to Federal Courts

**T**he topic of civic education was a matter of national importance for the judiciary this year, as emphasized when United States Supreme Court Justice Anthony M. Kennedy and national representatives of the federal judiciary hosted a Summit titled, “Civic Education Idea Exchange with Federal Judges” in Washington D.C. in June.

Consistent with the focus of that Summit, in November, Judges, attorneys, and volunteer employees in the Southern District participated in the Judiciary’s flagship outreach program, “Open Doors to Federal Courts — Jury Service: A Rite of Passage.” More than 200 high school students from Miami to West Palm Beach were “summoned” to court to experience jury service first hand. Each received a summons, filled out a juror questionnaire, and participated in voir dire and jury selection. After being placed on mock juries, the students observed complete (albeit condensed) trials, with opening arguments, testimony and closings presided over by Judges in their courtrooms. Each of the mock juries then undertook authentic deliberations to verdict, introducing each student to the privilege and responsibility of jury service.



# THE YEAR IN SUMMARY

## Refusing to Rest on Our Past Accomplishments

**A**s our Court and Nation move further into the twenty-first century, the challenge to us, as public stewards, to do more with less becomes increasingly evident. Our Judges certainly value this maxim, as reflected by the Court's statistics indicating that our Judges are working harder and more efficiently to keep pace with their burgeoning caseloads. Our managers have embraced this notion, adopting a planning strategy to insure that our future resources are utilized in a consistent, long-term coherent way to maximize the impact of the limited funding dollars that the Court receives annually. And finally, our personnel have taken the idea as their own, demonstrated by their increased processing output and implementation of innovations from the bottom up to better serve Court users and the public.

During 2002, our Court stared down some serious challenges. Our case processing and disposition statistics reflect that our Judges and personnel kept pace with demands in this District: civil case terminations per judge in this District were 17% higher than the national average; the average time from filing to disposition for civil cases was less than the national average; and the Court's share of old cases

(those pending three years or more) was about one-fifth of the national average. As to criminal cases, on a per-judge basis, Judges in this District terminated 40% more criminal cases than the national average; sentenced 56% more felony defendants than the national average; and continued to maintain disposition times from commencement to disposition at lower than the national average.

This past year also saw many new initiatives aimed at benefitting our Court personnel and our constituency. From training programs, to construction activities, to technology enhancements, and to process improvement projects, our Court's efforts focused on enhancing services and programs offered in the District.

Our Court's collective challenge in the coming year is to build on these accomplishments. Successful planning efforts are long-term, constant, and repetitive, rather than episodic. In the coming year, we intend to focus on continuing to improve training for our staff, our facilities infrastructure, our technology systems, and our community relationships. Our Judges, managers and personnel intend to build upon the accomplishments of the past year and continue to improve in the future.



*Miami Federal Courthouse Square; clockwise from the left rear: The United States Courthouse; The Federal Detention Center; the James Lawrence King Federal Justice Building; and the David W. Dyer Federal Building and United States Courthouse.*

## ENDNOTES:

- <sup>1</sup> **Bivens v. Six Unknown Federal Narcotics Officers**, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed. 619 (1972).
- <sup>2</sup> The Court completed 133 civil trials in 2002, as defined by Administrative Office guidelines. However, statistics relating to 2002 dispositions may include cases tried and reported in earlier years, but not terminated until 2002. The statistical events underlying trial completion and case disposition do not necessarily occur in the same year.
- <sup>3</sup> The Court completed 203 criminal trials in 2002, as defined by Administrative Office guidelines. However, statistics relating to individual defendants filed, convicted or terminated utilize different statistical guidelines, and do not correlate directly with this figure.

## SOURCES:

*Unless otherwise noted, all statistical data reported in this Annual Report was taken from the following sources:*

**U.S. Census Bureau**; 2000 Summary File 1, (Table) P12; 2000 Summary File 3, (Table) P7; last revised 31 October 2002. Available at <http://factfinder.census.gov/servlet/BasicFactsServlet> [accessed 12/16/02].

**U.S. Census Bureau; State and County Quick Facts**; last revised 24 September 2002. Available at <http://quickfacts.census.gov/qfd/states/12000.html> [accessed 12/16/02].

**Office of Economic and Demographic Research**. The Florida Legislature. Total County Population: April 1, 1970-2020; last revised August 2002. Available at <http://www.state.fl.us/edr/population.htm> [accessed 12/16/02].

**Administrative Office of the United States Courts**, Statistics Division File Exchange, 2002. Available at <http://156.119.80.10/library/sd/download.html> [accessed 12/15/02].

**Southern District of Florida, Office of the Clerk of Court**, ICMS Docketing System, 2002.

## HISTORICAL IMAGES:

Title page: The photographs of the original 1914 Federal Courthouse in Miami (circa 1915) and of the David W. Dyer Federal Building and Courthouse (circa 1933) appear courtesy of the Miami Historical Museum. The photograph of the 1891 Key West Federal Customs House and Courthouse (circa 1910) appears courtesy of the Monroe County Public Library.

Page 19: The photograph of the 1833 Key West Federal Building and Courthouse (circa 1885) appears courtesy of the Monroe County Public Library.

Page 20: The architectural rendering of the United States Courthouse Complex, Miami (circa 1980) is published courtesy of the Miami Historical Museum.

