

**ANNUAL REPORT OF THE ADVISORY GROUP  
OF THE UNITED STATES DISTRICT COURT**

**FOR THE**

**EASTERN DISTRICT OF KENTUCKY**

*appointed under the*

**CIVIL REFORM ACT OF 1990**

**SEPTEMBER 1994**

CIVIL JUSTICE REFORM ACT  
ADVISORY GROUP  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

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ANNUAL REPORT OF THE ADVISORY GROUP  
OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
APPOINTED UNDER THE CIVIL JUSTICE REFORM ACT OF 1990

SEPTEMBER, 1994

INTRODUCTION

Section 475 of the Civil Justice Reform Act of 1990 requires each United States district court that has promulgated a Civil Justice Delay and Expense Reduction Plan to annually reassess the state of its docket. This report is intended to examine and assess the implementation of the Civil Justice Expense and Delay Reduction Plan (hereinafter referred to as "Plan") promulgated by the judges of the United States District Court for the Eastern District of Kentucky which became effective in December 1993.

The Advisory Group met in July 1994 to consider the state of the civil and criminal dockets, evaluate the effect of events that have transpired since the implementation of the Plan, and to discharge its statutory obligation. That assessment is contained herein.

**SOURCES OF INFORMATION**  
**AND LIMITED FUNCTION OF**  
**THE INITIAL ASSESSMENT**

The primary sources of information which served as a basis for the Advisory Group's deliberations were data and information provided by the clerk of court, Leslie G. Whitmer, and comments and reactions provided by the judges of the court and any members of the Advisory Group themselves based upon their personal experiences and commentary by their colleagues at the bar.

The initial assessment of the Advisory Group's implemented Plan is limited by the fact that it has only been approximately eight (8) months since the Plan has been in full effect. However, certain events have transpired which have permitted the Advisory Group to make an assessment at this early stage.

**RESPONSE TO CRITICISM OF**  
**THE ADVISORY GROUP PLAN**

On April 1, 1994, the Sixth Circuit Judicial Council reviewed the Advisory Group's Plan to ensure that the Advisory Group had complied with the Civil Justice Reform Act of 1990.

According to its report, there were certain items that were not clear in the Advisory Groups's report and Plan which were required by the Civil Justice Reform Act of 1990 to be discussed and/or addressed.

A review of the Circuit Committee Report by the Advisory Group and the minutes of its meetings indicates that the Advisory Group did in fact consider and discuss the items indicated by the Circuit Committee to be omitted or unclear. Each of these items is addressed as follows.

(A) The Circuit Review Committee indicates that it is not clear whether the Advisory Group included, as required by §28 U.S.C. §472(b)(4), "an explanation of the manner in which the Advisory Group's recommended plan, or its recommendations in whatever other form, complies with the requirements of §28 U.S.C. §473."

A review of the Advisory Group's Plan indicates that the Advisory Group had addressed the questions of disparate civil or criminal caseloads by reviewing the statistics of caseload filings, etc., and in its discussions of Trends and Resources (Rep. p. 17, 18), Cost and Delay (Rep. p. 23) and references to the inordinate amount of social security and prisoner cases, (Rep. p. 29) and references to the geographical uniqueness of the District (Rept. p. 36).

(B) The Circuit Review Committee also indicated that it was not clear whether the plan reflected that the court considered "prohibition of discovery motions unless accompanied by certification by the moving party that a good faith effort was made to reach agreement with opposing counsel."

This matter was briefly discussed by the Advisory Group. The matter has been a part of the Joint Local Rules of the court since 1986. In the eight (8) years of its implementation, no problems had been perceived in the district regarding this subject; therefore no commentary action seemed warranted.

(C) The Circuit Review Committee report also indicated that the Advisory Group Plan did not reflect any consideration of a "requirement that counsel present a joint discovery/case management plan at the initial pre-trial conference."

The Advisory Group did in fact discuss this case management technique with the judges of the district. The consideration of this matter is reflected in Recommendation Number 3 of the Plan and the discussion of that recommendation that follows (Rep. p. 34-37). This recommendation was tempered by the proposed (at that time) changes to Federal Rule 26. This new rule, which became effective December 1, 1993, has been adopted by the Court of the Eastern District of Kentucky. The Advisory Group reaffirms that the judges need flexibility and autonomy over

these matters in the operation of the new rules. At this stage no problems have been perceived.

(D) The Circuit Review Committee Report also indicated that the Plan did not reflect any consideration "that each party be represented at each pretrial conference by an attorney with authority to bind that party to all matters previously identified by the court for discussion at the conference."

A review of the Minutes of the Advisory Committee reveals that this litigation technique was discussed along with (C) above and is implied as a part of its Recommendation Number 3. Additionally, it is a fact that it has been common practice by most of the judges of the district to require that the parties' representatives have authority to bind the parties to matters identified. This practice is also implied in Joint Local Rule 3(c) (Jt. L.R. p. 9).

(E) The Circuit Review Committee report also indicates that the Advisory Group Plan did not reflect any considerations of "a requirement that all requests for extension of discovery deadlines or for postponement of trial be signed by the attorney and the party."

A review of the Advisory Group's Minutes also reveals that this management technique is and has been adequately covered by



Joint Local Rules 6(a)(1) and 7(a). Those rules do not mention the requirement that a "party" be included in certification. The Advisory Group again discussed this and rejected the requirement of a "party" being included in the certification rule. This was rejected because such a requirement is too cumbersome. Trial continuances and requiring parties to sign the request have not been problems in our district and the Advisory Group saw no reason to recommend any such addition.

(F) The Circuit Review Committee report also indicates that the Advisory Group did not consider "a neutral evaluation program for presentation of the legal and factual basis of a case to a neutral court representative at an early non-binding conference."

A review of the Advisory Group Minutes and Report indicates that this case management technique was discussed and is implicitly a part of Recommendation No. 3 (Rep. p. 34-37). This technique is also a part of the discussion of Recommendation No. 2 (Rep. p. 34) in reference to the district judges' exercise of their inherent powers in making some settlement procedures mandatory.

(G) Lastly, the Circuit Review Committee Report also indicates that the Advisory Committee Plan does not reflect consideration of the case management technique of "a requirement that upon notice by the court, representatives of the parties

with authority to bind them in settlement discussions be present or available by telephone during settlement conferences."

This case management technique was discussed by the Advisory Group. The Group's findings were that this has been a common practice by most, but not all, of the judges of the Eastern District. It is and has been done on an ad hoc basis. The question remains whether this should be required. There was no full consensus either then or now. The discussion of this issue was a part of Recommendation No. 3 (Rep. p. 35).

In summary, the Advisory Committee did consider all of these matters in its various discussions regarding cost and delay. These matters, although not specifically stated, are implied and reflected in the Committee's recommendations. Perhaps these would have been clearer had a copy of the Joint Local Rules been attached as an appendix to its report. Accordingly, it is now attached herewith.

#### THE ANNUAL ASSESSMENT

At its July meeting, the Eastern District Advisory Group reviewed its recommendations to determine if there had been improvements in the Eastern District to the problems it had previously identified. The Advisory Group found that since

September 1, 1993, there have been some events that fulfill the recommendations of the Advisory Group as adopted by the court.

The Advisory Group had recommended that the Joint Local Rules be refined to reflect a standardization of procedures to reduce cost and delay (Rec. #1, Rep., p. 32). Currently, the Joint Commission on Local Rules is actively functioning and reporting to the Court on its recommended changes.

The Advisory Group recommended the implementation of a voluntary mediation program for use in the Eastern District (Rec. 2, Rep. p. 32 - 34). The Joint Commission on Local Rules is considering changes to Rule 23 of the Joint Local Rules to refine the rule. Currently the judges are referring cases to Kentucky Mediation Services and are continuing to assist in the settlement process, as they have in the past.

The Advisory Group recommended a mandatory status conference (certain cases excepted) to consider limiting interrogatories, etc. In December 1993 the new Rule 26 (F.R.C.P.) went into effect in the Eastern District. Certain cases such as criminal, prisoner, habeas corpus, extraordinary writs and United States cases concerning student loans and forfeitures have been exempted from its operation. Those case management techniques are contained in Recommendation No. 3 (Rep., p. 34) and are contained

in the new rule. The same is true for the Advisory Group's Recommendation No. 4.

The Advisory Group recommended that civil motions referred to the magistrate judges for report and recommendation should automatically revert back to the court if not ruled on within ninety (90) days of referral (Rep. Rec. #5, p. 38). Since the Plan's adoption by the court, the U.S. magistrate judges have been instructed in matters referred to them by district judges to resubmit to the district judge ninety (90) days from the date of submission (all briefs filed and hearings and oral arguments held) when the matter has not been acted on by the U.S. magistrate judges.

The Advisory Group recommended the filling of the Article III judgeship which was vacant since 1991. This vacancy has now be filled (Rept., Rec. #6, p. 38).

The Advisory Group recommended that each Article III judge of the district should have his or her own full time magistrate judge assigned to them (Rep., Rec. #7, p. 39). The Advisory Group has been advised that a committee of the Judicial Conference of the United States has recommended to the Fall, 1994, conference that a full-time magistrate judge position be authorized at London, Kentucky, replacing the part time Magistrate Judge. Realizing that this is a Congressional matter,

the Advisory Group encourages Congressional action, but is still firm in its position that each Article III judge needs his or her own magistrate judge. Even with a new full-time magistrate judge in London, Kentucky, one more full-time magistrate judge will be needed to have its recommendation fully implemented.

The Advisory Group recommended the assignment of an additional law clerk for each magistrate judge (Rep., Rec. #8, p. 40). This has not been done to date. The Advisory Group has been advised that no funds are available. The Advisory Group stands firm on its original recommendation.

The Advisory Group recommended an additional pro se law clerk and a full time secretarial position to be created to support the pro se law clerk (Rep., Rec. 9, p. 40). The Advisory Group has been advised that a half-time secretary position for the pro se law clerk has been made full-time. Also, one deputy clerk has been added through national court equalization procedures to the staffs at both London and Frankfort, Kentucky. The Advisory Group reaffirms its position as to the necessity of an additional pro se law clerk for the district.

The Advisory Group recommended full funding for court personnel, (Rep., Rec. #10, p. 41) and full funding for the physical facilities of the court (Rep., Rec. 11, p. 41). The

Advisory Group has been advised that there have been several developments since September 1, 1993, that appear to partially implement its recommendations. At this time new courthouses have been approved in the design and new acquisition phases for Covington and London, Kentucky, to begin in fiscal years 1995 or 1996.

Also, the pro se law clerk's offices and U.S. magistrate judges' chambers and courtroom in the Lexington Courthouse are now occupied and space realignment has been made. The judge's chambers at London are being remodeled. Also, the ICMS automated docketing system now applies to criminal as well as civil cases. Consequently, the London, Kentucky chambers will soon have a local area network like those available in Covington and Lexington, Kentucky. Three chambers are now also experimenting with CD ROM library services.

Overall, there has been significant updating of facilities, furniture, computer and office equipment throughout the district. The Advisory Group acknowledges that these valid needs are being met slowly and that the clerk's office is now operating at 89% staffing imposed by the Judicial Conference of the United States. Congress must continue to appropriately finance the court's operation in order to continually keep current and efficient. Inefficiency means delay.

## OVERALL ASSESSMENT AND CAVEATS

The Advisory Group's overall assessment of the state of the dockets of the Eastern District since the implementation of its Plan is that the judges of the Eastern District are doing a fantastic job in case management. There is little question that the partial improvement and funding of personnel, equipment, etc., by Congress have added to the efficiency of court operation. The formal implementation in the Eastern District of the new Rule 26, which had been partially the practice of the district for years through the Joint Local Rules, has also aided efficiency and reduced delay.

An assessment of the civil and criminal dockets of the court (Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990, SY 93 Statistical Supplement, September 1993) reveals that Social Security case filings are significantly higher in 1993 and that they continue to rise. Civil rights and personal injury cases were slightly, but not significantly, higher in 1993. Prisoner cases have continued to rise and have the potential of a dramatic rise in filings. The Advisory Group had been apprised of the fact that the federal prison in Lexington, which is currently exclusively a female inmate institution, will change to an all male population. Since most prisoner case filings have historically been filed by male inmates, it is anticipated that this could mean that there will

be a 50-100% increase in prisoner case filings by the end of 1996. Should this prove to be true, it will mean that court personnel increases must be made commensurate with the increased filings. Additionally, it is anticipated that the criminal docket in London, Kentucky, which is now second only to Covington, will become number one by November of 1994. This is probably due to the fact that a federal grand jury now is convened there as well as the location of a new Federal Bureau of Investigation office at London, Kentucky.

With regard to London, Kentucky, there is a problem developing which can be remedied by Congress' implementation of the Advisory Group's recommendation of a full time magistrate judge for London, Kentucky. While the Advisory Group is aware that such recommendation has been made by the Judicial Conference Committee, the actual replacement must be made with all possible dispatch. Currently, the newly appointed district judge has a civil docket at Owensboro, Kentucky. Her extensive travel has a significant impact on the London docket. An emergency temporary law clerk (allegedly recently approved) will not help matters. The Eastern District needs a full time magistrate judge at London, Kentucky. The Advisory Group emphatically reaffirms its previous recommendations. The Advisory Group also reaffirms this previous recommendation because of the backlog of Social Security cases in the district. The increase of Social Security case filings is evident in the SY 93 Statistical Supplement report and



it continues to rise. This, coupled with the rise in the increase in drug cases, will tax court efficiency to an intolerable level.

### CONCLUSION

Overall, the civil docket is doing well. Actual civil trials appear to be down from 1993 and the lifespan of a civil case has been reduced. Social Security cases and drug cases are significantly higher and unless the appropriate adjustments are made by Congress in accordance with the recommendations of the Court and its Advisory Group, improvements will be short lived. This must be continually monitored and must be answered with the appropriate response.

  
ROBERT M. BRATTON, REPORTER

A P P E N D I X   A

JOINT LOCAL RULES  
FOR THE  
UNITED STATES DISTRICT COURTS  
OF THE  
EASTERN AND WESTERN  
DISTRICTS  
OF  
KENTUCKY



1991

*(As Amended March 2, 1989 and  
February 27, 1991)*

*Distributed by:*

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## PREFACE

In January, 1986, the Chief Judges of these Courts appointed a Project Coordinator to develop uniform local rules for the two districts. The Kentucky Bar Association was invited to appoint a committee of lawyers and scholars to assist in the project. These JOINT LOCAL RULES are a result of their efforts.

The members of the original, 1986, Committee included:

The Honorable Douglas L. McSwain Chairman and Coordinator Lexington	The Honorable Charles E. English President, Ky Bar Association Bowling Green
The Honorable William T. Robinson Past President, Ky Bar Association Covington	The Honorable Bruce K. Davis Director, Ky Bar Association Frankfort
Professor Leslie W. Abramson University of Louisville School of Law Louisville	Professor Robert G. Schwemm University of Kentucky College of Law Lexington
The Honorable Charles S. Cassis Louisville	The Honorable Robert C. Cetrulo Covington
The Honorable J. David Cole Bowling Green	The Honorable Richard C. Roberts Paducah
The Honorable C. Cleveland Gambill Louisville	The Honorable John A. West Lexington
The Honorable Joseph G. Glass Louisville	The Honorable William E. Johnson Frankfort
The Honorable Gregory L. Monge Ashland	The Honorable Kurt A. Philips, Jr. Covington
The Honorable Lisa E. Hord Lexington	

After the adoption of these Joint Local Rules in 1987, pursuant to LR 24, a Joint Commission on Local Rules was appointed, consisting of lawyers designated by the Kentucky Bar Association and Judges of both Courts. The Commission has annually reviewed and made recommendations to the Court regarding suggestions for revisions, comments from the public and proposed changes to the Joint Local Rules.

*Joint Local Rules*

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The members of the Joint Local Rules  
Commission have included:

*Bar Members*

The Honorable Douglas L. McSwain  
Coordinator, JLR Commission  
Lexington

The Honorable Robert F. Houlihan, Jr.  
Lexington

The Honorable John G. Prather, Jr.  
Somerset

The Honorable Frank P. Doheny  
Louisville

The Honorable Richard C. Roberts  
Paducah

*Judge Members*

The Honorable William O.  
Bertelsman  
Covington Chambers

The Honorable Henry R. Wilhoit,  
Jr.  
Ashland Chambers

The Honorable Thomas A.  
Ballentine, Jr.  
Chief Judge  
Louisville Chambers

The Honorable Edward H.  
Johnstone  
Paducah Chambers

The Judges of both Courts are grateful to the many lawyers and scholars of the original Committee for their pioneering work and to the members of the Joint Local Rules Commission for their on-going efforts and review of the rules. The invaluable contribution of these lawyers has made for the success of the Joint Local Rules Project.

Comments and suggestions for the improvement of these RULES should be directed to a Clerk of the Court for the attention of the Joint Commission on Local Rules.

RULE 1

SCOPE, EFFECTIVE DATE, AND CITATION  
OF LOCAL RULES

(a) *Scope and Construction.* These Joint Local Rules of Practice for the United States District Courts for the Eastern District of Kentucky and the Western District of Kentucky provide standardized procedures for the convenience of the bench and bar. They supplement the FEDERAL RULES OF CIVIL PROCEDURE and the FEDERAL RULES OF CRIMINAL PROCEDURE and shall be construed to be consistent with those RULES and to secure the just, efficient and economical determination of civil and criminal actions. They do not eliminate the distinction between the statutory districts of the United States District Court for the Eastern and Western Districts of Kentucky.

(b) References in these RULES to "Court" or the "Clerk" shall mean the United States District Court for the Eastern District of Kentucky, or the Clerk of that Court, or the United States District Court for the Western District of Kentucky, or the Clerk of that Court.

(c) These RULES shall become effective July 1, 1987. They supersede all previous local rules and orders of the Courts, except for jury plans, speedy trial plans and criminal justice plans for each district.

(d) *Citation of Local Rules.* The Rules may be cited as "LR \_\_\_\_\_".

RULE 2

JURY DIVISIONS

2/12/01

(a) The United States District Court for the Eastern District of Kentucky shall be divided into the following jury divisions for civil and criminal cases:

67 counties



*Joint Local Rules*

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*Ashland Division.* By Counties:

Boyd	Lawrence
Carter	Lewis
Elliott	Morgan
Greenup	Rowan

*Covington Division.* By Counties:

Boone	Kenton
Bracken	Mason
Campbell	Pendleton
Gallatin	Robertson
Grant	

*Frankfort Division.* By Counties:

Anderson	Owen
Carroll	Shelby
Franklin	Trimble
Henry	

*Lexington Division.* By Counties:

Bath	Garrard	Mercer
Bourbon	Harrison	Montgomery
Boyle	Jessamine	Nicholas
Clark	Lincoln	Powell
Estill	Madison	Scott
Fayette	Menifee	Woodford
Fleming		

*London Division.* By Counties:

Bell	Laurel	Pulaski
Clay	Leslie	Rockcastle
Harlan	McCreary	Wayne
Jackson	Owsley	Whitley
Knox	Perry	

U.S. District Courts of the Eastern and Western Districts of Kentucky

*Pikeville Division. By Counties:*

Breathitt	Letcher
Floyd	Magoffin
Johnson	Martin
Knott	Pike
Lee	Wolfe

(b) The United States District Court for the Western District of Kentucky shall be divided into the following jury divisions for civil and criminal cases: *53 counties* <sup>2/12/01</sup>

*Louisville Division. By Counties:*

Breckinridge	Meade
Bullitt	Nelson
Hardin	Oldham
Jefferson	Spencer
Larue	Washington
Marion	

*Bowling Green Division. By Counties:*

Adair	Hart
Allen	Logan
Barren	Metcalf
Butler	Monroe
Casey	Russell
Clinton	Simpson
Cumberland	Taylor
Edmonson	Todd
Green	Warren

*Owensboro Division. By Counties:*

Daviess	McLean
Grayson	Muhlenberg
Hancock	Ohio
Henderson	Union
Hopkins	Webster

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*Paducah Division.* By Counties:

Ballard	Graves
Caldwell	Hickman
Calloway	Livingston
Carlisle	Lyon
Christian	McCracken
Crittenden	Marshall
Fulton	Trigg

(c) The assignment of counties to jury divisions may be changed by RULE or order.

**RULE 3**

**ATTORNEYS**

**(a) Admission.**

(1) **Eligibility of Applicant.** An attorney who has been admitted to practice before the Supreme Court of Kentucky who is in good standing with that Court and who is of good moral and professional character, is eligible to apply for admission to the Bar of the Court.

(2) **Procedure for Admission.** An applicant shall file with the Clerk an Application for Admission and Authorization and Release on the approved forms furnished by the Clerk. Thereafter, upon filing with the Clerk an affidavit of sponsorship of a member of the Bar, the Court shall act upon the application.

(3) **Admission Fee and Certificate.** After the application is granted by the Court and upon payment to the Clerk of a Thirty-five (\$35.00) Dollar fee, admission may be by mail or by appointment in open court:

(A) Upon receipt by the Clerk of the applicant's intent to be admitted to practice by the mail process, the Clerk shall promptly mail a Certificate of Admission to the applicant.

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(B) If the applicant notifies the Clerk that applicant desires to have the sponsor move to admit the applicant and have the attorney's oath administered in open court, the matter will be set for hearing.

(4) **Permission to Practice in a Particular Case.** Upon order of the Court and subject to the requirements of subsection (c) of this rule, an attorney who has not been admitted to practice as a member of the Bar of the Court but who is in good standing in the Bar of any state, territory, or the District of Columbia may be granted leave to appear pro hac vice in any case in which he or she is counsel of record.

**(b) Discipline of Attorneys.**

(1) **Discipline Generally.** Upon a showing to the Court that any member of its Bar or any attorney permitted to practice before the Court pursuant to subsection (a)(4) of this rule has been subjected to public discipline in any other court of record, or has been guilty of unprofessional conduct, the attorney or member shall be subject to discipline by the Court. Disbarment from the Bar of the Court may be utilized as a sanction for contempt of court under the procedures set forth in FED.R.CRIM.P. 42.

**(2) Discipline in Another Court; Procedure.**

(A) *Attorney's Duty to Notify of Disciplinary Action.* Any member of the Bar of the Court or any attorney permitted to practice before the Court shall, upon being subjected to public discipline in any other court of record, promptly inform the Clerk of that action.

(B) *Notice to the Attorney.* Upon the filing of a certified copy of a judgment or order demonstrating that an attorney has been disciplined by another court, the Court shall immediately issue a notice directed to the attorney containing:

- (i) a copy of the judgment or order from the other court; and,
- (ii) an order to show cause, within thirty (30) days after service of that order upon the attorney, personally or by mail, of any reason, based upon the grounds hereafter stated in

*Joint Local Rules*

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subsection (b)(2)(C), why the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.

(C) *Discipline Imposed; Grounds for Challenge.* Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of subsection (b)(2)(B) of this rule, the Court shall impose the identical discipline as that imposed by the other court unless the respondent-attorney demonstrates, or the Court finds, that upon the face of the record upon which the discipline in the other court is predicated, it clearly appears:

(i) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or,

(ii) that there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on that subject; or,

(iii) that the imposition of the same discipline by the Court would result in grave injustice; or,

(iv) that the misconduct established is deemed by the Court to warrant substantially different discipline.

If the Court determines that any of the foregoing grounds exist, it shall enter such other order as it deems appropriate.

(D) *Finality of the Other Court's Action.* Unless the Court determines that any of the grounds enumerated in subsection (b)(2)(C) of this rule exists, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in the Court. In the event the discipline imposed in the other court has been stayed or has not become a final decision, any reciprocal discipline imposed by the Court shall be deferred until the stay expires or the decision becomes final.

(E) *Unprofessional and Improper Conduct.* In all cases where it is shown to the Court that any member of its Bar or any attorney permitted to practice before the Court has been guilty

U.S. District Courts of the Eastern and Western Districts of Kentucky

of unprofessional conduct within the meaning of the standards of professional responsibility adopted by the Supreme Court of Kentucky or is guilty of other conduct unbecoming an officer of the Court, any judge may enter an order directing that attorney to show cause, within a specified time, why the Court should not take disciplinary action against the attorney. Upon the attorney's response to the rule to show cause, and if requested, after a hearing before the judge, or upon the expiration of the period set forth in the rule to show cause if no response has been made, the Court shall enter an appropriate order. Nothing in this RULE shall limit the power of the court to punish contempt.

(c) *Designation of Local Counsel.* Unless otherwise ordered by the Court, all parties except those appearing pro se shall be represented of record by a member of the Bar of the Court residing or having an office in this state. In cases involving governmental agencies, the requirement of this RULE shall not apply with respect to the necessity of local counsel to represent the agency. For computation of time purposes, service of papers upon local counsel shall constitute service within the meaning of FED.R.CIV.P. 5(b). A copy of all papers served upon local counsel shall be immediately sent to all other counsel of record. If a pleading is tendered without designation of local counsel, the Clerk shall accept it for filing, but shall advise the party of this RULE. The party shall then have thirty (30) days to designate local counsel. If after thirty (30) days a designation is not made, the Clerk shall refuse to accept any further papers for filing, and the Court may strike all pleadings of that party. Local counsel shall be sufficiently informed to answer status queries of the Court and to appear and adequately represent his client at any hearings before the Court, even on short notice and in the absence of trial counsel.

(d) *Officers of the Court Not to Practice before the Court.* No Partner or associate of a part-time United States Magistrate Judge may appear as counsel in any criminal case in the Court. No attorney who holds state, county, or municipal office, the obligations of which require him to sit in judgment upon or to

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prosecute criminal offenders, shall represent any defendant in a criminal case before the Court.

(e) *Appearance of Counsel.* Unless otherwise permitted by Court, an attorney shall be deemed to be an attorney of record in all actions by

- (1) making an in-court appearance on behalf of a party,
- (2) filing an entry of appearance,
- (3) signing a pleading as attorney for a party, or
- (4) having his name listed, other than of counsel, on a pleading as an attorney in the action.

(f) *Withdrawal of Attorney of Record.* An attorney of record shall move for permission to withdraw as counsel for a party only

(1) upon his or her written request with the written consent of his or her client and the entry of appearance of a substitute attorney of record, or

(2) upon his or her written request with notice to the client and a showing of good cause with the consent of the Court and upon such terms as the Court shall impose.

Within twenty (20) days of trial or of a hearing on any motion for judgment or dismissal, an attorney of record shall not be permitted to withdraw from an action, in the absence of a compelling reason.

**RULE 4**

**ASSIGNMENT OF CIVIL AND CRIMINAL  
CASES; PLACE OF FILING**

(a) *Filing of Pleadings, etc.* Pleadings, motions and other papers ("pleadings") may be filed in any of the divisional offices of the Clerk for the district in which the action is pending. The official filing stamp showing the Court, the date and location of the office of the Clerk shall be affixed to

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pleadings which are filed or tendered for filing. The pleadings shall be entered on the docket by the Clerk if filed in the division where the action is pending. If the pleading is filed in a division where it is not pending, the Clerk shall accept the filing and forward it to the divisional office where the case is pending for entry on the docket. If a pleading cannot be filed without an order of the Court, it shall be stamped "tendered" by the Clerk.

(b) **Assignment of Actions.** Civil or criminal actions shall be assigned to particular jury divisions of the Court in accordance with the provisions below. If an improper assignment of a case to a particular jury division is made by the Clerk, the validity of the filing of the action shall not be affected thereby and the case shall be transferred to the correct jury division.

(1) **Civil Actions.**

(A) An action against a single resident defendant, or multiple resident defendants who reside in the same jury division, shall be assigned to the jury division in which the defendant or defendants reside.

(B) An action against multiple resident defendants who reside in more than one jury division, or multiple defendants some of whom are resident and others non-resident in the district, shall be assigned to the jury division in which the claim arose, or, if the claim did not arise in the district, to the jury division in which the first named resident defendant resides.

(C) An action against only a non-resident defendant or defendants shall be assigned to the jury division in which the claim arose or, if the claim did not arise in the district, to the jury division in which the first named plaintiff resides.

(D) To assist the Clerk in assigning the action to the appropriate jury division, a party commencing a civil action shall include in the complaint, or other initial pleading, a statement of

- (i) the defendant's or defendants' residence,
- (ii) the plaintiff's or plaintiffs' residence, or



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(iii) the jury division in which the claim arose.

(2) **Criminal Actions.** If the indictment alleges that the crime occurred within the district, the action shall be assigned to the division in which the crime is alleged to have occurred. In cases where it is not alleged that the crime occurred in the district, or in cases in which it is unclear in which division the alleged crime occurred, the indictment shall be assigned to the division in which the first named resident defendant resides. In all other instances, the action shall be assigned to a division in the discretion of the Clerk.

(3) **Removal Cases and 28 U.S.C. §2254 Petitions.** A removal or state habeas corpus petition shall be assigned to the division within the district in which it is filed that includes the county of the court from which the removal is had or in which the challenged judgment, conviction or order was rendered.

(4) **Special Residency Requirements.** For purposes of this RULE, the United States, its agencies or officers when joined in an official capacity, shall not be deemed a resident of the district. A corporation shall be deemed to be a resident of the county in which it has its principal place of business within the district. If a corporation does business throughout the district and has no operation which is its principal place of business, or in the case of a non-resident corporation which does not maintain a place of business within the district, an action shall be assigned to the jury division in which the claim arose.

(c) **Transfer.** Upon motion of a party or the Court's own motion, any civil action or proceeding may, in the discretion of the Court, be transferred from the jury division in which it is pending to any other division for the convenience of the Court, parties, witnesses, or in the interest of justice. Any criminal trial or proceeding may be transferred in accordance with F.R.CRIM.P. 18.

(d) **Assignment Among Judges.** Cases shall be assigned among the various judges within a district in a manner established by general order of the Court.

(e) *Judge Not Available.* If it appears that any matter demands immediate attention and the judge to whom the cause has been assigned is not or will not be available, the Clerk, upon request, shall determine if another judge is available who will consent to hear the matter.

## RULE 5

### PREPARATION OF PROCESS

(a) *Preparation of Process—Generally.* Any attorney or any party appearing pro se requesting the issuance of any process or who initiates any proceeding in which the issuance of process is required by statute, rule or order shall prepare all forms, including the following:

- (1) Summons
- (2) Warrants of Seizure and Monition
- (3) Summons to Alleged Bankrupts
- (4) Subpoenas to Witnesses
- (5) Certificates of Judgment
- (6) Writs of Execution
- (7) Orders of Sale
- (8) All Process in Garnishment or Other Aid in Execution
- (9) Civil Cover Sheet
- (10) U.S. Marshal's Form 285
- (11) Notice of Stipulation to Magistrate Judge's Jurisdiction

and present them to the Clerk for signature and sealing. The Clerk shall, upon request, and subject to current availability, make reasonable supplies of all blank official forms of process available to any attorney admitted to practice in the Court or any party appearing pro se. The Clerk shall accept for filing any pleading or document tendered by counsel or a party even though it may be unaccompanied by the appropriate forms or

completed process as required by this RULE. Failure of counsel or a party to comply with this RULE within three (3) working days of the date of the filing of a pleading or document shall, however, result in the Court's issuing a SHOW CAUSE Order why the pleading or document filed should not be stricken for failure to comply with this RULE.

(b) *Preparation of Process to be Served Through the Secretary of State.* The Secretary of State's Office will not accept summons and complaints sent to it unless they are sent by certified mail, return receipt requested, in an envelope bearing the return address of the Clerk. Accordingly, counsel shall furnish the Clerk with the following:

- (1) An envelope in which the summons and complaint can be mailed along with the appropriate amount of postage; and
- (2) the return receipt provided by the postal service; and
- (3) the receipt for the certified mail after the number has been detached at the bottom and affixed to the envelope; and
- (4) two copies of the summons and two attested copies of the complaint to be sent to the Secretary of State with the statutory fee for each defendant to be served. Checks should be made payable to the Secretary of State.

(c) *Service of Subpoenas, Etc.* Subject to the provisions of Rules 4 and 45, FED.R.CIV.P., a party desiring service of a subpoena or summons by the United States Marshal shall, not less than seven (7) working days prior to the date specified in the subpoena or summons for compliance, present to the United States Marshal a properly completed subpoena or summons and USM Form 285 together with attendance fees and mileage to be tendered to the person to whom the subpoena or summons is directed. If the person sought as a witness is in federal or state custody or if there is a defendant in federal or state custody, a party desiring service of process by the marshal shall, not less than thirty (30) working days prior to the date specified in the process for compliance, present to the marshal's office properly completed process, and in the case of a

subpoena, shall include a writ of habeas corpus ad testificandum.

## RULE 6

### MOTION PRACTICE

(a) **Motions.** All motions shall state precisely the relief requested. Except for routine motions, such as for extensions of time, each motion shall be accompanied by a supporting memorandum which complies with the provisions of this RULE. Failure to do so may be grounds for denying the motion.

(1) **Motions for Extension of Time in Civil Actions.** Parties may by agreed order extend time limits required by the FED. R.CIV.P. or these RULES, subject to any deadlines established by the Court. If a request for an extension of time is opposed, the party seeking the extension shall file a motion setting forth the reasons why an extension is necessary together with a tendered order granting the motion. The party opposing the motion shall respond within five (5) days of service of the motion, setting forth the reasons why the requested extension should not be granted.

(2) **Motions for Discovery Order in Civil Actions.** Counsel have the duty to make a good faith effort to resolve any disputes which arise in the course of discovery. Only if counsel are unable to resolve a discovery dispute, may a motion to compel discovery or for a protective order, or for sanctions be filed pursuant to Rules 26 and 37, FED.R.CIV.P. The moving party shall attach to the motion a certification of counsel that counsel have conferred and that they have been unable to resolve their differences. The certification should detail the attempts of counsel to resolve the dispute.

(3) **Motions in Criminal Cases.** Unless otherwise permitted by the Court, motions and supporting memoranda in criminal cases shall be filed with the Clerk and a copy served upon the

United States Attorney within eleven (11) days after arraignment, or if there has been no arraignment when a trial date is set, not later than eleven (11) days after notice of such setting is given, unless a different time is fixed by order, statute or the FED.R.CRIM.P.

**(b) *Time for Filing Responses and Replies.***

**(1) *Civil Actions.***

(A) *Opposing Memorandum.* An opposing memorandum must be filed within fifteen (15) days from the date of service of the motion which may be extended for no more than thirty (30) additional days by written stipulation filed with the Court unless the stipulation would extend the time beyond a deadline established by the Court. Failure to file an opposing memorandum may be grounds for granting the motion.

(B) *Reply Memorandum.* A reply memorandum may be filed within eleven (11) days from the date of service of the opposing memorandum, which may be extended for no more than five (5) additional days by written stipulation filed with the Court unless the stipulation would extend the time beyond a deadline established by the Court. A reply memorandum shall be limited to matters newly raised in the opposing memorandum.

**(2) *Criminal Actions.***

(A) *Opposing Memorandum.* An opposing memorandum in a criminal action must be filed within eleven (11) days from the date of service of the motion. Failure to file an opposing memorandum may be grounds for granting the motion.

(B) *Reply Memorandum.* A reply memorandum may be filed within eleven (11) days from the date of service of the opposing memorandum. A reply memorandum shall be limited to matters newly raised in the opposing memorandum.

(C) *Extensions of Time.* Extensions of time in criminal actions will be granted only upon motion and affidavit for good cause shown, and not by agreement of the parties.

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(c) *Limitations on Memoranda.* Memoranda pertaining to motions are limited to (1) a supporting memorandum, (2) an opposing memorandum, and (3) a reply memorandum. Supporting and opposing memoranda shall not exceed forty (40) pages and reply memoranda shall not exceed fifteen (15) pages without leave of Court. Supporting and opposing memoranda which exceed fifteen (15) pages shall contain (1) an introduction, (2) a statement (or counterstatement) of points and authorities, (3) a statement (or counterstatement) of the case, (4) an argument, and (5) a conclusion.

(d) *Proposed Order.* No motion or supporting memorandum or memorandum in opposition thereto shall be accepted for filing by the Clerk unless accompanied by a tendered separate proposed order granting the requested relief or denying the motion, as the case may be. Any order imposing sanctions on an opposing party or attorney shall be set forth on a separate document that contains neither a motion nor an order pertaining to another matter.

(e) *Hearings on Motions.* A party may request a hearing on a motion by filing a motion for oral argument which sets forth the reasons why counsel believes that argument may assist the court in ruling on the motion. If a hearing is not requested, or if requested but not granted, a motion shall be submitted to the Court for decision after the reply memorandum is filed, or the time for filing such a memorandum has expired.

**RULE 7**

**BRIEFS, PLEADINGS AND MEMORANDA;  
PROOF OF SERVICE**

(a) *Name of Counsel.* All briefs, pleadings and memoranda filed with the Court shall include the name, address, and telephone number of each attorney of record for the party filing them.

(b) *Originals.* Originals of briefs, pleadings and memoranda filed in the Court shall not be withdrawn from the files except upon order of the Court.

(c) *Paper size and Binding.* 8½" x 11" paper stock shall be used for briefs, pleadings and memoranda filed in the Court, and shall not be side-bound or top-bound with binding that interferes with the inclusion of the papers or pleadings in the Court files unless permitted by the Court.

(d) *Citation Form.* All briefs, pleadings and memoranda shall use a generally accepted manner of citation.

(e) *Copies of Memoranda and Cases.* Parties shall file the original and one copy of all memoranda with the Clerk. Whenever a brief or a memorandum contains a citation to a case other than a UNITED STATES SUPREME COURT decision, or an opinion published in the FEDERAL REPORTER, FEDERAL REPORTER 2D, FEDERAL SUPPLEMENT, FEDERAL RULES DECISIONS, KENTUCKY REPORTS, or KENTUCKY DECISIONS, or a statute other than a Kentucky or federal statute, a copy of the cited case or statute shall be furnished to the Court.

(f) *Proof of Service.* All briefs, pleadings and memoranda filed with the Court shall have proof of service by written certification of counsel, except in an instance for which another method of proof of service is prescribed in the FED.R.CIV.P. In the case of an ex parte proceeding, proof may be by written certification of service or by affidavit of the person making the service. Proof of service shall state the date and manner of service.

## RULE 8

### DISCOVERY PRACTICE

(a) *Filing Discovery Material.* Except as herein provided, all discovery material required to be filed by the federal rules, including but not limited to all answers to interrogatories and

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responses to requests for production, inspection, or for admissions, shall be filed with the Clerk of Court subject to the conditions and limitations provided in this rule.

(1) **Documents Not to be Filed.** The following shall not be filed with the Court unless the Court orders otherwise:

(A) Interrogatories propounded under FED.R.CIV.P. 33;

(B) Requests for Production or Inspection made under FED.R.CIV.P. 34; and

(C) Requests for Admission propounded under FED. R.CIV.P. 36 unless the time for filing a response thereto has passed, in which event, counsel may file the original Requests for Admission previously served. No original Requests for Admission shall be filed pursuant to this provision unless the original Requests for Admission contain an appropriate proof of service bearing the precise date and manner of service upon the party requested to admit and the time provided under the federal rules for responding thereto, including time under FED.R.CIV.P. 6(c), if applicable, has expired.

(2) **Custodian of Documents.** The party responsible for service of the document shall retain the original and become the custodian. The custodian shall provide access to all parties of record during the pendency of the action.

(3) **When Documents May Be Filed.** If a document not filed pursuant to Rule 8(a)(1) is to be used at trial, or is necessary to a pretrial or post-trial motion, or is necessary for appeal purposes, the portion of the document to be used shall be filed with the Clerk at the commencement of the trial, or at the time of filing the motion, or at the time of the appeal, if the document's use can be reasonably anticipated.

(b) **Repetition of Question or Request Before Answer.** When answering interrogatories or requests for production or inspection, or for admissions, or in filing objections thereto, the replying party shall, as a part of his answer or objection and immediately preceding it set forth the question or the request with respect to which the answer or objection is given.



(c) *Limitation on the Number of Interrogatories and Requests to Admit.* Each party may propound a maximum of thirty (30) interrogatories and thirty (30) requests for admission to another party; for purposes of this RULE, each subpart of an interrogatory or request shall be counted as a separate interrogatory or request. Interrogatories requesting the following shall not be included in the maximum allowed:

- (1) the name and address of the person answering;
- (2) the names and addresses of the witnesses; and,
- (3) whether the person answering is willing to supplement his answers if information subsequently becomes available.

A party may move the Court for permission to propound interrogatories or requests for admission in excess of thirty (30).

## **RULE 9**

### **BOND REQUIREMENTS**

(a) *General Requirements.* In all civil, criminal and bankruptcy actions, the Clerk may accept as surety upon any bond, required by law or ordered by the Court, a surety company approved by the United States Department of Treasury, cash in an amount set by the Court, or an individual personal surety secured by acceptable real estate as defined in (b) below. A surety company approved by the Department of the Treasury may have on file with the Clerk, in the division of the Court where the action is pending, a power of attorney, designating an agent doing business in the Commonwealth of Kentucky, to execute bonds. In lieu of filing the power of attorney with the Clerk, a copy of the power of attorney must be appended to each bond executed. The Clerk shall not, however, accept as a personal surety on any bond an attorney, an officer or employee of the Court, or the United States Marshal or any deputy marshal.

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(b) *Personal Surety Secured by Real Estate.* Unless otherwise ordered by the Court, the Clerk shall accept a personal surety if the real estate offered as security is land located in the Commonwealth of Kentucky with an unencumbered value of at least 110% of the amount of the bond. Real estate owned by corporations or partnerships is not acceptable. Property held jointly is acceptable provided all joint tenants execute the bond.

(1) **Procedure for Posting Real Estate Bond.** An affidavit of sureties shall be executed providing the following information:

(A) Name and address of the owners;

(B) Affiant's statement as to assessed value from the Property Valuation Administrator's Office or, if not available, an appraisal by a licensed appraiser.

(C) A listing of all liens and mortgages on the property, including all but the current year's real estate taxes. On appearance bonds, the affidavit shall be incorporated by reference in the Justification of Sureties portion of the Appearance Bond Form.

(2) **Execution of Bond and Deposit of Deed.** All parties to the deed and the bond must execute the bond and take the oath. The deed or certified copy thereof for each tract shall be deposited with the Clerk and a receipt shall be given to the owner. If the bond is not forfeited, the deed will be returned to the property owner in person or by certified mail at the conclusion of the case.

(3) **Lis Pendens Notice and Fees.** The Clerk shall file a notice of lis pendens against the property in the County Clerk's Office of the county in which the property is located. The required fee for filing a notice and release of lis pendens for each county in which the property is located is required upon execution of the bond.

**RULE 10**

**NOTICE OF SETTLEMENTS**

When a civil or criminal action is settled by the parties, counsel for the parties shall notify the Clerk. Failure to give prompt notice may be grounds for assessing any costs of jury usage against one or more of the parties or their counsel.

**RULE 11**

**COURTROOM DECORUM**

**(a) *Persons Permitted Inside the Bar of the Courtroom.*** Unless otherwise ordered by the Court, in all proceedings held in open Court, only the following persons shall be permitted inside the bar of the courtroom:

(1) **Civil and Criminal Litigation.** In connection with civil or criminal litigation, only the parties, the witnesses when actually testifying, the jury, if any, attorneys duly admitted to practice before the Court and paralegals working under their direction, the bailiffs, marshals, and other officers and employees of the Court;

(2) **Naturalization Proceedings.** At naturalization proceedings, only candidates for naturalization and such other persons as have been previously approved by the Court;

(3) **Other Ceremonial and/or Memorial Proceedings.** In all other ceremonial and memorial proceedings, only the participants in such proceedings, and their immediate families, attorneys duly admitted to practice before the Court, and the bailiffs, marshals, and other officers and employees of the Court.

**(b) *Possession and Use of Certain Equipment.*** The operation or possession of tape recorders, radio or television broadcasting devices, or equipment for the taking of photographs in any courtroom, halls, corridors, or foyer of any building used as a

place of holding court whether or not court is actually in session, is prohibited. The presiding judge may, however, permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings. Any person violating this RULE shall be subject to punishment for contempt. Notice of this RULE shall be posted in a conspicuous place in all federal court buildings in Kentucky.

## RULE 12

### JURIES AND CONTACTS WITH JURORS

(a) *Number of Jurors in Civil Cases.* Unless otherwise ordered by the Court or required by law, in all civil jury cases the jury shall consist of six (6) persons and as many alternates as the Court orders.

(b) *Contact with Jurors.* No party, attorney, or representative of any party or attorney shall contact, communicate with or interview any juror before, during or after trial, except as permitted by the court, nor shall any other person contact, communicate with or interview a juror on any matter relating to the trial, before or during the trial.

(c) *Peremptory Jury Challenges.* Unless otherwise ordered by the Court, in the selection of the jury, the parties shall exercise their peremptory challenges simultaneously.

(d) *Attorneys Not To Request Excuse Of Any Person From Jury Service.* No attorney or employee of an attorney or firm of attorneys shall request any judge of the Court to excuse any person lawfully summoned for jury service. Violation of the RULE may be punished as a contempt.

**RULE 13**

**EXHIBITS**

The provisions below shall be followed unless otherwise ordered by the Court:

(a) *Advance Marking.* All exhibits and material intended to be used during a civil trial shall be marked for identification purposes with labels which are available, upon request, from the Clerk.

(b) *Method of Designation.* All exhibits shall be marked for identification purposes as follows:

(1) Joint exhibits (JX) shall be identified by numbers and be white;

(2) Plaintiff's exhibits (PX) shall be identified by numbers and be pink;

(3) Defendant's exhibits (DX) shall be identified by numbers and be blue;

(4) Third-party exhibits (TPX) shall be identified by numbers and be green;

(5) In all proceedings involving multiple plaintiffs or multiple defendants, the identification assigned each exhibit shall contain the surname of the individual plaintiff or defendant or the corporate name of the plaintiff or defendant.

(c) *Uniform Designation.* Proposed exhibits, including those appended to requests for admission, interrogatories and depositions, as well as those to be utilized during trial, shall be uniformly identified during all phases of the case.

(d) *List of Exhibits.* At the commencement of a civil trial, each party's counsel shall tender to the Court a list of all exhibits the party then intends to utilize at trial; the list shall contain the pre-marked number and a short description of the exhibit.

(e) *Copy for Judge.* Except upon cause shown or as provided otherwise in the final pretrial order, a copy of each document or written exhibit tendered or entered during trial shall be furnished to the judge for his information at the time of filing with the court reporter or deputy clerk, as the custom of the Court may be.

(f) *Disposition of Exhibits.* Three (3) months after the entry of a final order or upon filing of a mandate in a case appealed, the Clerk may direct counsel of record to retrieve all exhibits filed by them, which are still remaining in the Clerk's custody. The Clerk may deliver x-ray negatives, hospital records and medical reports to the witness through whom they were introduced in evidence. If not claimed within two (2) weeks after the final disposition of the case, the Clerk may deliver all contraband filed as exhibits to the appropriate investigating agency for disposition, and the Clerk may destroy all other exhibits not claimed within two weeks after the notice to counsel of record to retrieve all exhibits filed by them.

## RULE 14

### TIME FOR FILING PETITIONS FOR ATTORNEYS FEES AND COSTS

(a) *Attorney's Fees or Sanctions.* A petition for attorney's fees or for the imposition of sanctions in a civil proceeding shall be filed within thirty (30) days of the entry of final judgment, provided that the court, upon written motion and for good cause shown, may extend the time. A petition for attorney's fees shall be denied if it is not filed within the period established by this Rule, unless the petitioner shows that special circumstances would render such a denial unjust.

(b) *Bill of Costs.* Within thirty (30) days of the entry of a Judgment allowing costs, the prevailing party shall file a bill of costs with the Clerk and serve a copy of the bill on each adverse party. If the bill of costs is not filed within the thirty

days, costs other than those of the Clerk, taxable pursuant to 28 U.S.C. §1920, shall be waived. The Court may, on motion filed within the time provided for the filing of the bill of costs, extend the time for filing.

## **RULE 15**

### **POST CONVICTION RELIEF AND PRO SE CIVIL RIGHTS COMPLAINTS**

(a) *Habeas Corpus Petitions.* Pro se petitions for writs of habeas corpus and pro se motions filed pursuant to 28 U.S.C. §2254 or 28 U.S.C. §2255 by or on behalf of persons in custody shall be in writing, signed and verified. Petitions and motions shall be on forms supplied by the Court. Petitions tendered for filing which are not on the prescribed forms will be returned to petitioner by the Clerk along with sufficient copies of the prescribed form, instructions for its preparation and, in the case of a pro se petitioner proceeding in forma pauperis, a pre-addressed franked envelope.

(b) *Pro Se Civil Rights Complaints.* Pro se complaints, filed pursuant to 42 U.S.C. §1983 shall be in writing and signed. Complaints shall be on forms supplied by the Court. Complaints tendered for filing which are not on the prescribed forms will be returned by the Clerk with sufficient copies of the prescribed form, instructions for its preparation and, in the case of a plaintiff proceeding pro se and in forma pauperis, a pre-addressed franked envelope.

(c) *Petitions or Complaints In Forma Pauperis.*

(1) Habeas corpus petitions or pro se civil rights complaints taken in forma pauperis shall be accompanied by motion requesting leave to proceed in forma pauperis. Movant shall complete the affidavit attached to the reverse side of the form and furnish information to establish inability to pay the fees and costs of the action.

(2) Applications and motions received by the Clerk or addressed to the judges of the Court seeking to proceed in forma pauperis, shall be reviewed by the Clerk to determine whether the applications or motions comply with requirements of 28 U.S.C. §1915(a). If an application or motion does not substantially comply, the Clerk shall return it to the applicant or movant together with a statement of the reason for its return.

(d) *Filing of Petitions or Complaints.* Petitions, complaints and motions shall be addressed to the Clerk. The petitioner shall send to the Clerk an original and two conformed copies of the completed petition, complaint or motion form. A petition, complaint or motion addressed to an individual judge shall be directed to the Clerk for assignment pursuant to the RULES and orders of the Court, provided that motions under 28 U.S.C. §2255 shall, where possible, be assigned to the judge who presided at the movant's trial and imposed sentence or, if the judge who imposed sentence was not the trial judge, then the judge who was in charge of that part of the proceedings under attack.

## RULE 16

### DISMISSAL OF CIVIL ACTIONS FOR FAILURE TO PROSECUTE

Civil actions which have been on the docket of the Court for a period of one year without any action shall be dismissed, with prejudice, for failure to prosecute unless there is good cause shown why it should not be dismissed. Upon a determination by the Clerk that no action has been taken in a case for one year, the Clerk shall issue an order directing the plaintiff to show cause why the action should not be dismissed.



**RULE 17**

**ADVANCE PAYMENT OF FEES**

Fees for the filing of cases and fees for services rendered by the United States Marshal Service or any other officer of the Court entitled to collect fees for services rendered may be required to be paid in advance.

**RULE 18**

**UNITED STATES MAGISTRATE JUDGES**

(a) *Full-time Magistrate Judges.* All full-time magistrate judges may perform any of the duties authorized by 28 U.S.C. §636(a), (b) and (c). All full-time magistrate judges are specially designated within the meaning of 18 U.S.C. §3401 (a) to try persons accused of misdemeanor offenses and to sentence persons convicted of misdemeanor offenses. Upon consent of the parties, all full-time magistrate judges are designated within the meaning of 28 U.S.C. §636(c)(1) to conduct all proceedings in jury or nonjury civil matters and to order entry of judgment. In all civil actions filed in the Court, the Clerk shall furnish to plaintiff copies of notices setting forth the provisions of 28 U.S.C. §636(c)(2), and each plaintiff shall serve a copy of that notice with the summons and complaint on each defendant in the action. Upon the filing of a stipulation that the action may be tried before a magistrate judge, the Clerk shall reassign the case from the docket of the judge to the docket of the magistrate judge. In the event the parties stipulate that the appeal from the decision of the magistrate judge shall be to a district judge, the appeal shall be assigned to the judge to whom the case was originally assigned.

(b) *Part-time Magistrate Judges.* All part-time magistrate judges may perform any of the duties authorized by 28 U.S.C. §636(a) (1),(2), and (3). All part-time magistrate judges are designated within the meaning of 18 U.S.C. §3401(a) to try

persons accused of misdemeanor offenses and to sentence persons convicted of misdemeanor offenses.

## RULE 19

### PETTY OFFENSES AND COLLATERAL FORFEITURES

(a) *Collateral.*

(1) Pursuant to Rule 9 of the RULES OF PROCEDURE FOR THE TRIAL OF MISDEMEANOR OFFENSES BEFORE UNITED STATES MAGISTRATE JUDGE, a defendant charged with a petty offense, may post collateral in amounts specified by separate orders of the Court in lieu of appearance of the defendant; however, the posting of collateral shall be permitted only for those offenses specifically authorized by the Court. Upon the failure of the defendant to appear before the United States Magistrate Judge for trial of those offenses, the collateral shall be forfeited to the United States, and such forfeiture shall be a finding of guilty.

(2) For purposes of this RULE "petty offenses" are those offenses in 18 U.S.C. §1(3), whether originating under applicable federal statutes or regulations, or applicable state statutes by virtue of the Assimilative Crimes Act, 18 U.S.C. §13.

(b) *List of Offenses.* There shall be maintained in the Office of the Clerk and each United States Magistrate Judge a current list of the petty offenses and collateral applicable.

## RULE 20

### SOCIAL SECURITY CASES

(a) *Complaint Requirements.* In addition to the requirements of FED.R.CIV.P. 8(a), complaints filed in social security litigation shall contain the following information:

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(1) In cases involving claims for retirement, survivor, disability and health insurance benefits, the social security number of the worker on whose wage record the application for benefits was filed;

(2) In cases involving claims for supplemental security income benefits, the social security number of the plaintiff.

**(b) *Time Within Which Secretary May Answer.*** The Secretary, Department of Health and Human Services shall file an answer and transcript of the administrative proceedings within sixty (60) days. Extensions shall be granted only upon affidavit of the responsible official of the Social Security Administration detailing the circumstances which require an additional extension of time.

**(c) *Judicial Review.*** At the discretion of the judge to whom the case is assigned, judicial review shall be upon written motion or oral argument.

**(1) Motion Practice.**

(A) Upon the filing of the answer and administrative transcript, plaintiff shall have sixty (60) days in which to move for summary judgment or judgment on the pleadings.

(B) Within ninety (90) days of the filing of the answer and administrative transcript, the Secretary shall file a response or countermotion.

(C) Ninety (90) days after the filing of the answer and administrative transcript, the Clerk shall submit the case to the judicial officer.

(D) Extensions of time shall be granted only upon a showing of good cause.

**(2) Oral Argument Practice.**

(A) Within thirty (30) days of the filing of the answer and administrative transcript, plaintiff shall file a brief statement of specific errors upon which plaintiff relies for reversal of the Secretary's decision.

U.S. District Courts of the Eastern and Western Districts of Kentucky

(B) Within thirty (30) days of the filing of the statement of issues, the matter shall be assigned for oral argument. At the oral argument, each side shall be allowed fifteen (15) minutes to present its position, but additional time may be allowed for good cause shown. Counsel shall cite authority in support of their arguments and to support statements of fact by references to the administrative record.

(C) After oral arguments, the matter shall stand submitted for decision.

(d) *Attorney's Fees.* Within thirty (30) days after a favorable decision for claimant has become final, counsel for the plaintiff may petition for an attorney's fee.

(1) **Petition.** The petition should include an itemization of the services provided in both the administrative and judicial proceedings. A copy of the fee petition shall be served upon the claimant and the United States Attorney.

(2) **Response.**

(A) Within thirty (30) days after filing of the fee petition, the claimant may file a response. A copy of the claimant's response shall be served upon the attorney and the United States Attorney.

(B) Within thirty (30) days after filing of the fee petition, the United States Attorney shall file a response. The government's response shall include a statement of accrued benefits and shall advise the court as to whether the government considers the fee to be reasonable. A copy of the government's response shall be served upon the claimant and the petitioning attorney.

(C) At the expiration of thirty (30) days from the filing of the petition, the Clerk shall submit the petition to the judicial officer for decision.

(3) **Hearings.** There shall be no evidentiary hearing on the fee petition unless extraordinary circumstances warrant a hearing. In such cases, the United States Attorney, with leave of Court, may contact the claimant for information and

assistance regarding disputed matters. To prepare for the hearing, the parties shall have the benefit of full discovery.

## **RULE 21**

### **REFERENCE OF BANKRUPTCY MATTERS**

The powers of law, equity and admiralty vested in the district court are referred to the United States Bankruptcy Court as a unit of the district court.

(a) The following cases and proceedings shall be referred to the bankruptcy court judge for the district:

(1) Cases, matters and proceedings in cases, under the Bankruptcy Act pending in the Bankruptcy Court on July 9, 1984;

(2) All matters arising under Title 11 United States Code or arising in or related to cases under Title 11 United States Code that were pending in the Bankruptcy Court on July 9, 1984, except proceedings involving tort claims for personal injury or wrongful death.

(3) All matters arising under Title 11 United States Code or arising in or related to a case under Title 11 United States Code filed on or after July 10, 1984, except proceedings involving tort claims for personal injury or wrongful death; and,

(4) All actions for removal of claims relating to bankruptcy cases to the United States District Court under 28 U.S.C. §1452(a) and (b), except proceedings involving tort claims for personal injury or wrongful death.

(5) All venue matters relating to bankruptcy cases under 28 U.S.C. §§1406 and 1412.

(b) All matters and cases herein referred shall be filed with the Clerk of the Bankruptcy Court as provided in the LOCAL RULES of that court.

**RULE 22**

**EXEMPTIONS FROM FED.R.CIV.P. 16**

The following cases are exempt from the requirements of FED.R.CIV.P. 16(b): habeas corpus, pro se prisoner civil rights, social security, and civil penalty.

**RULE 23**

**ALTERNATE METHOD OF DISPUTE  
RESOLUTION**

A judge may, in his discretion, set any civil case for summary jury trial or other alternative method of dispute resolution.

**RULE 24**

**MODIFICATION OR AMENDMENT OF  
LOCAL RULES**

(a) Any LOCAL RULE may be modified by a judge in a case, provided a modifying order is entered in that case.

(b) These RULES may be amended by appropriate order of the Courts; entered in each District in accordance with the Local Rule Amendment procedures set out in FED.R.CIV.P. 83; however, no amendment shall be adopted until it has been considered by a Joint Commission on Local Rules, which shall be comprised of two judges and two practicing attorneys from each district. The practicing attorneys shall be designated by the Board of Governors of the Kentucky Bar Association, and the judges shall be designated by the Chief Judge of each district.

*Joint Local Rules*

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IN THE UNITED STATES DISTRICT COURTS  
FOR THE EASTERN DISTRICT OF KENTUCKY  
AND  
THE WESTERN DISTRICT OF KENTUCKY

O R D E R

The JOINT LOCAL RULES for the United States District Court for the Eastern District of Kentucky and the United States District Court for the Western District of Kentucky having been revised and unified,

IT IS ORDERED:

1. These JOINT LOCAL RULES are filed and promulgated, and shall become effective on July 1, 1987, repealing all previous LOCAL RULES adopted by these courts in these districts.

2. Copies of these JOINT LOCAL RULES shall be furnished by the Clerks of the Courts to the Judicial Council for the United States Court of Appeals for the Sixth Circuit and the Administrative Office of the United States Courts, and be made available to the public.

S/  
\_\_\_\_\_  
EUGENE E. SILER, JR.  
CHIEF JUDGE  
U. S. District Court for the  
Eastern District of Kentucky

S/  
\_\_\_\_\_  
WILLIAM O. BERTELSMAN,  
JUDGE

S/  
\_\_\_\_\_  
HENRY R. WILHOIT, JR.,  
JUDGE

S/  
\_\_\_\_\_  
KARL S. FORESTER, JUDGE

S/  
\_\_\_\_\_  
JOSEPH M. HOOD, JUDGE

S/  
\_\_\_\_\_  
G. WIX UNTHANK, SENIOR JUDGE

S/  
\_\_\_\_\_  
THOMAS A. BALLANTINE, JR.  
CHIEF JUDGE  
U. S. District Court for the  
Western District of Kentucky

S/  
\_\_\_\_\_  
EDWARD H. JOHNSTONE,  
JUDGE

S/  
\_\_\_\_\_  
RONALD E. MEREDITH,  
JUDGE

S/  
\_\_\_\_\_  
CHARLES R. SIMPSON, III,  
JUDGE

S/  
\_\_\_\_\_  
CHARLES M. ALLEN,  
SENIOR JUDGE

A P P E N D I X B

**Guidance to Advisory Groups  
Appointed Under the Civil Justice  
Reform Act of 1990**

**SY93 Statistics Supplement**

**September 1993**



Prepared for the Eastern District of Kentucky



NOTES:

(Except for the update to 1993 data, the next paragraph, and this parenthetical, this document is identical to the one entitled "Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990 SY92 Statistics Supplement, September 1992.")

In August, 1993, the Subcommittee on Judicial Statistics accepted provisionally a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in this edition of Chart 3 looking significantly different from previous editions.

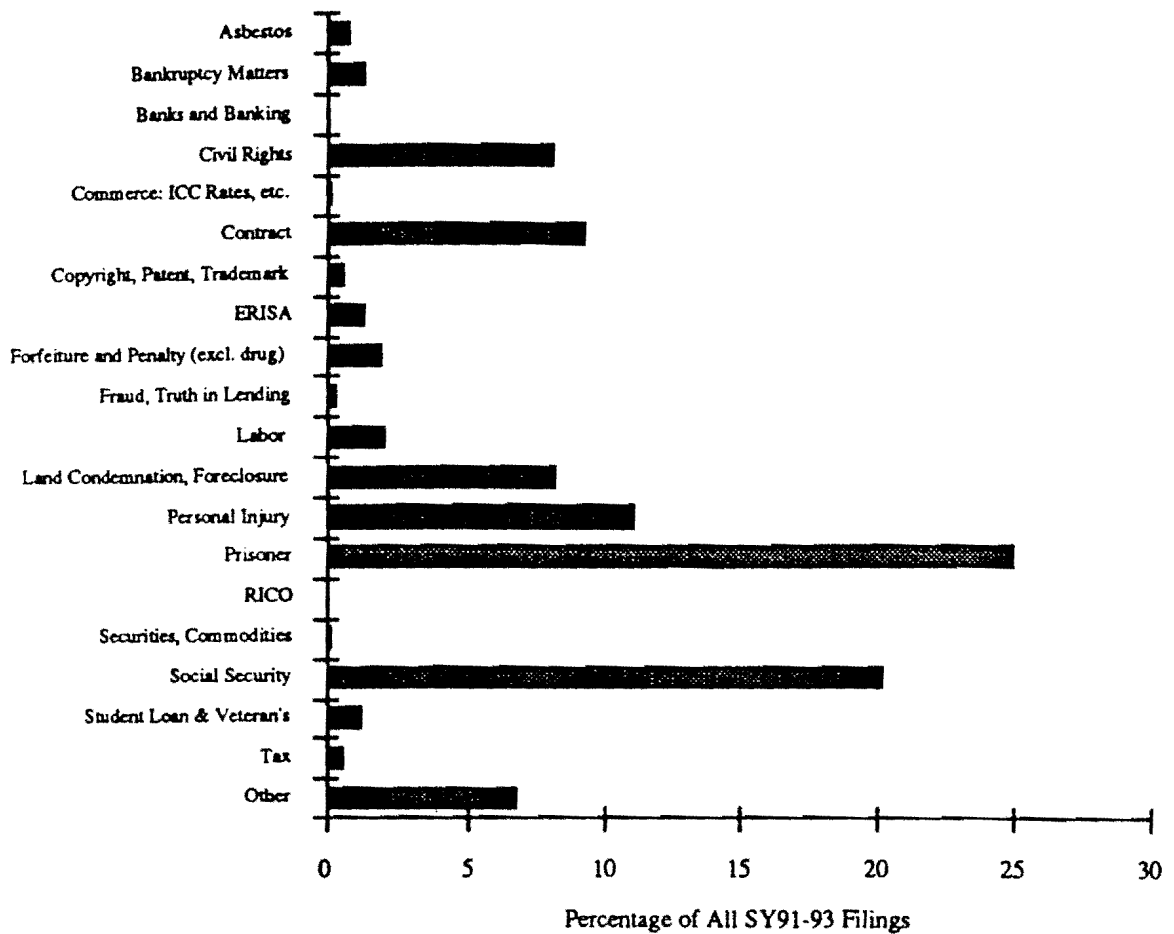
The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1993 (the twelve months ended June 30, 1993). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 (page 12) may show slightly different counts of case filings for recent years (e.g., SY89-92) than were shown in Table 1 of the original document. The variations arise from two sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing counts.
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been replaced in this update with a chart entitled "Chart 6 Corrected," which is based on all Type II cases. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this update.

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY91-93**  
Eastern District of Kentucky



**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY91-93**

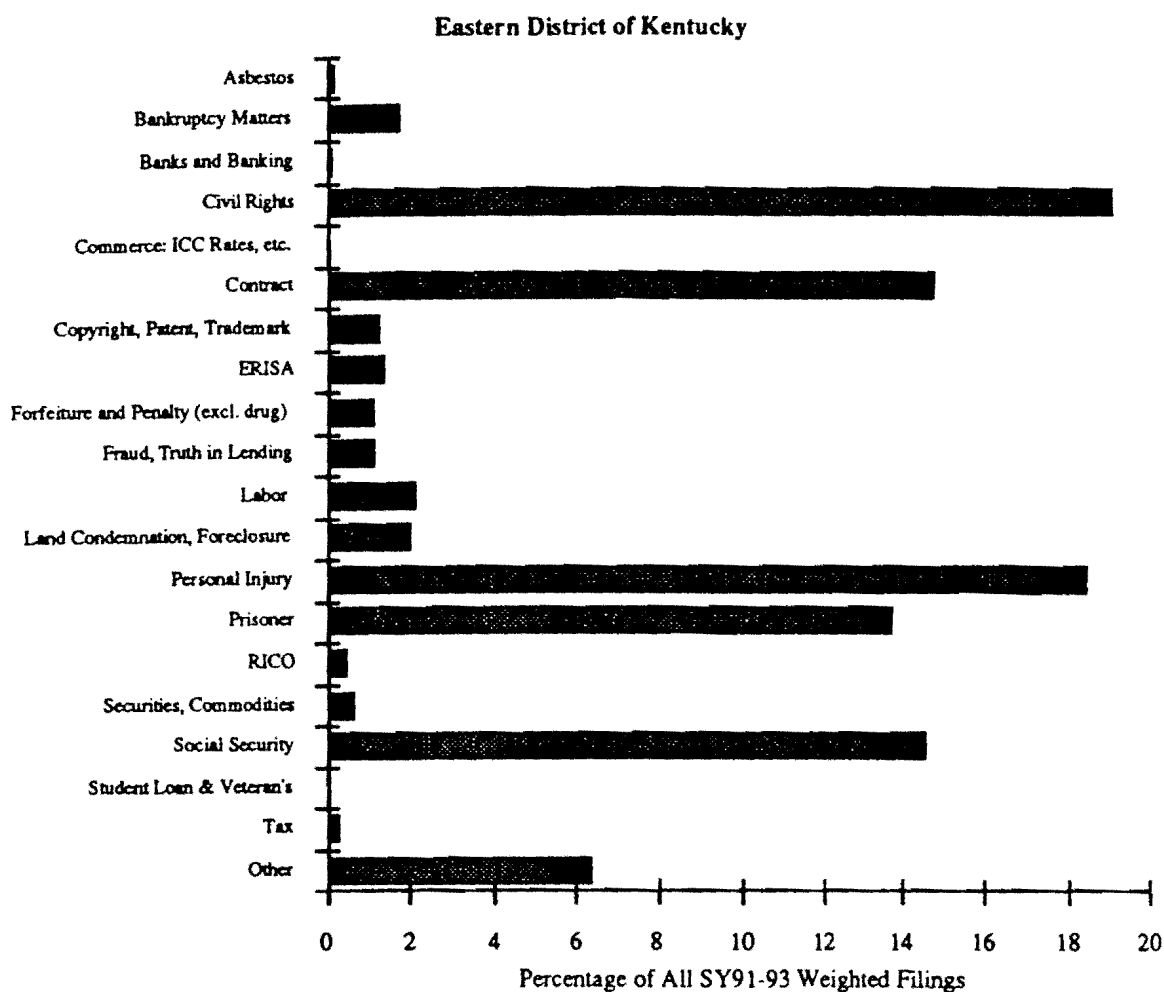
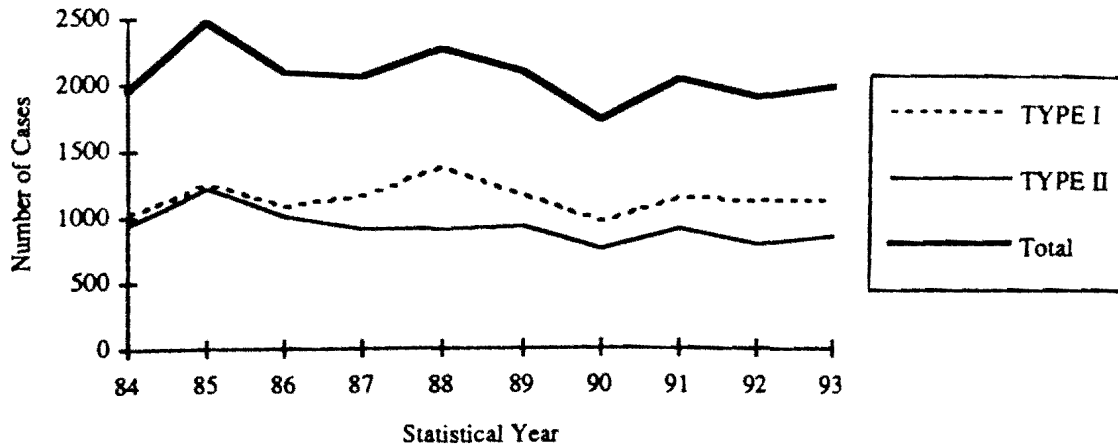


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY84-93**  
Eastern District of Kentucky



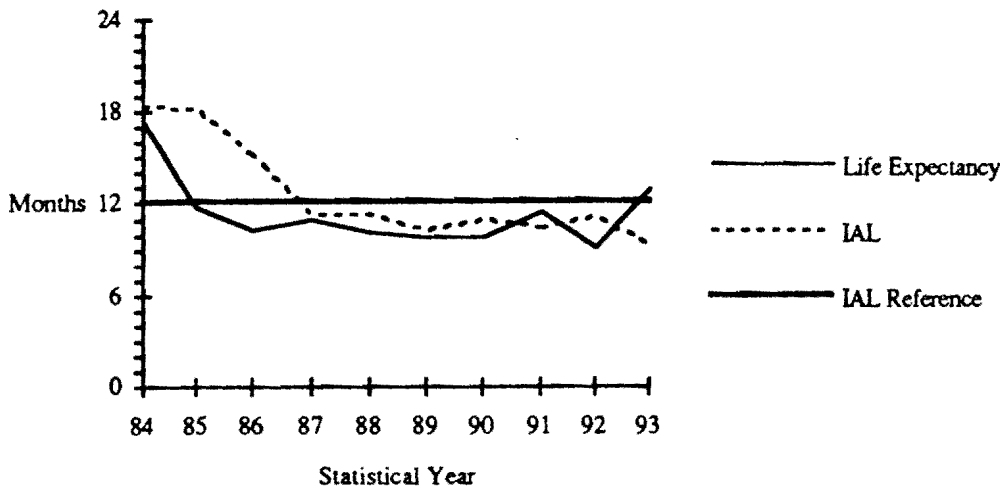
**Table 1: Filings by Case Type, SY84-93**

Eastern District of Kentucky	YEAR									
	84	85	86	87	88	89	90	91	92	93
Asbestos	0	0	0	4	26	12	21	32	11	4
Bankruptcy Matters	10	17	13	27	21	14	26	36	23	23
Banks and Banking	3	3	2	4	1	1	0	4	1	1
Civil Rights	100	120	150	118	114	116	119	117	166	189
Commerce: ICC Rates, etc.	5	8	3	2	3	1	0	6	2	2
Contract	264	284	301	288	288	271	189	193	167	181
Copyright, Patent, Trademark	13	18	24	12	12	16	9	14	11	14
ERISA	59	28	16	16	21	14	22	24	27	30
Forfeiture and Penalty (excl. drug)	144	315	85	54	70	92	32	40	36	38
Fraud, Truth in Lending	7	6	7	14	8	6	4	3	11	9
Labor	59	58	44	65	44	51	53	44	45	28
Land Condemnation, Foreclosure	84	82	83	113	131	94	121	115	204	160
Personal Injury	150	183	205	169	171	218	216	284	165	201
Prisoner	277	264	354	342	355	461	467	516	466	481
RICO	0	0	2	2	1	2	2	4	3	0
Securities, Commodities	9	15	7	9	13	5	1	8	4	2
Social Security	568	585	460	650	788	544	314	408	350	431
Student Loan and Veteran's	77	303	160	13	37	28	16	20	50	7
Tax	17	30	27	12	14	12	12	12	13	13
All Other	101	136	124	131	132	122	91	136	126	137
All Civil Cases	1947	2455	2067	2045	2250	2080	1715	2016	1881	1951

indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan: it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY84-93**  
Eastern District of Kentucky

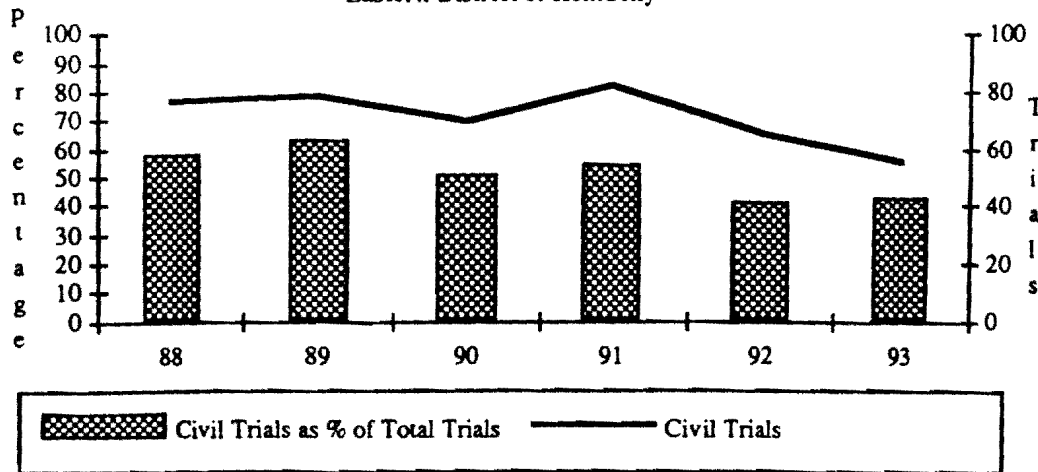


**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY84-93**  
Eastern District of Kentucky



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY88-93**  
Eastern District of Kentucky



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

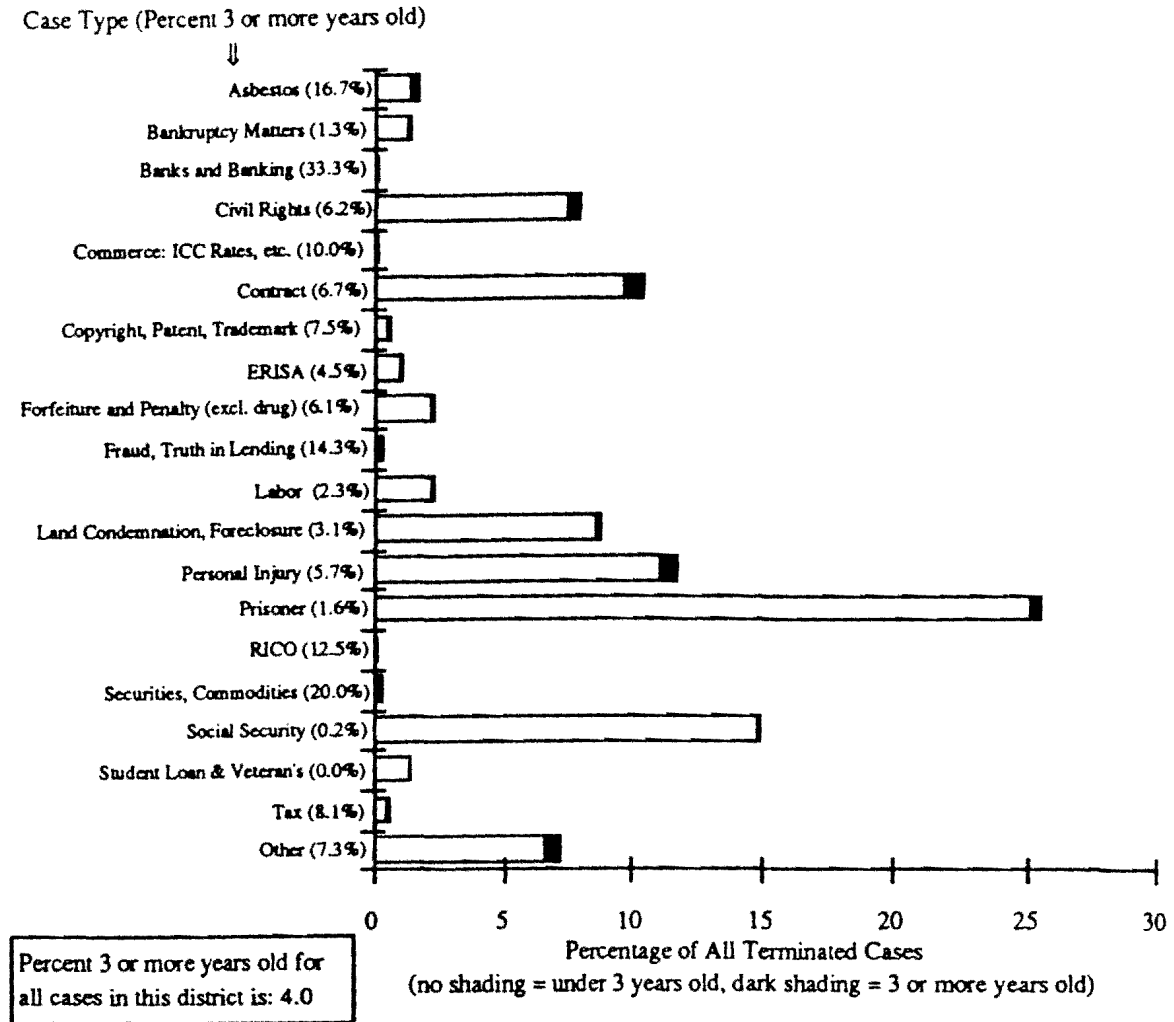
Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY91-93, By Case Type and Age**  
Eastern District of Kentucky



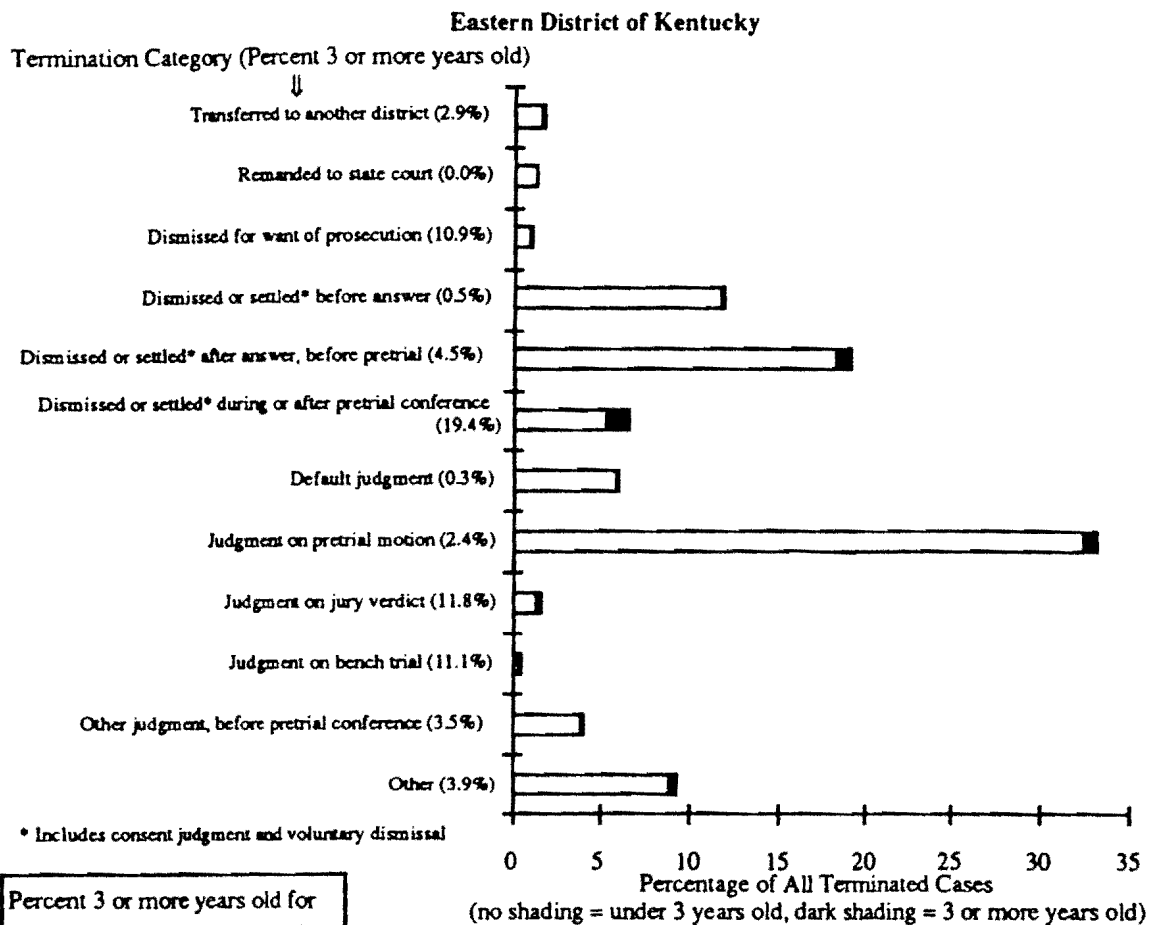
**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if



e. **Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

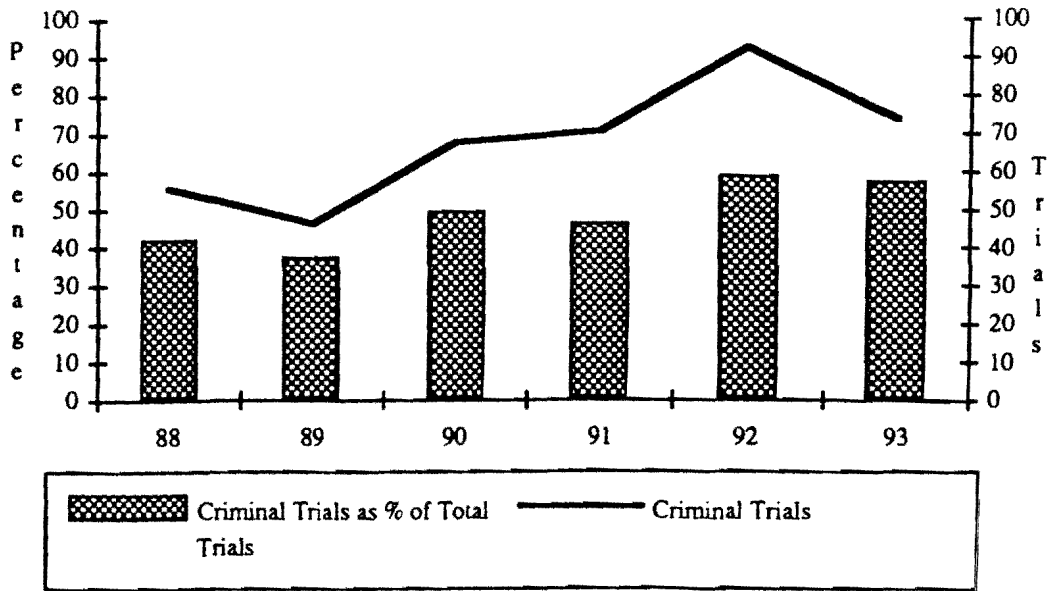
**Chart 7: Cases Terminated in SY91-93, By Termination Category and Age**



Percent 3 or more years old for all cases in this district is: 4.0

b. **The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY88-93**  
Eastern District of Kentucky



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from David Cook and his staff in the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070 or Mr. Cook at (202) 273-2240.

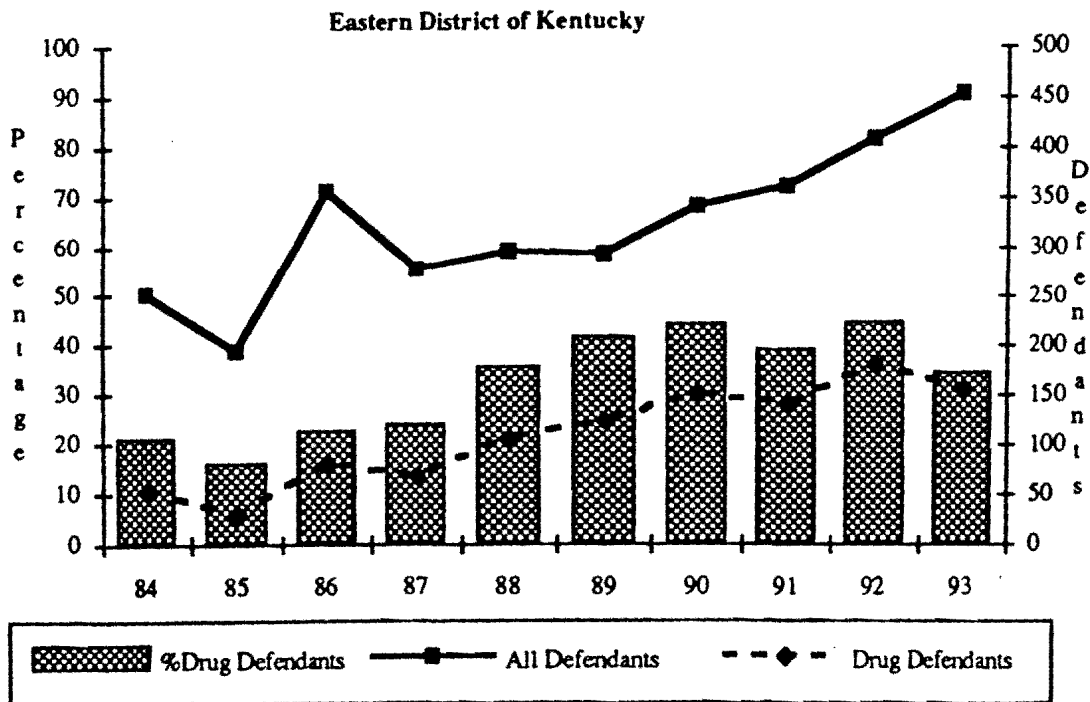
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY84-93**



U.S. DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
 Summary of Civil Case Statistics for Month Ending 06/30/94

DIVISIONAL OFFICE  
 -----

	Ash ---	Cov ---	Fkt ---	Lex ---	Lon ---	Pke ---	Total -----
Hon. Karl S. Forester U. S. District Judge -----							
Pending as of 06/01/94	4	0	1	240	7	3	255
Assigned (mo.)	0	0	0	40	0	0	40
Cases Closed (mo.)	1	0	0	51	0	0	52
Cases Trnsfrd: (mo.)	0	0	0	0	0	0	0
PENDING END OF MONTH:	3	0	1	229	7	3	243
Cases Assigned (yr)	4	0	0	171	2	1	178
Cases Closed (yr)	2	0	0	174	5	2	183
Cases Trnsfrd: (yr)	0	0	0	5	0	0	5
ASSIGNED LAST 06 MONTHS	4	0	0	171	2	1	178
ASSIGNED LAST 12 MONTHS	5	0	1	347	8	4	365
WTD FILINGS TO 03/31/94	4	1	0	233	26	1	265
WTD FILINGS TO 12/31/93	1	0	0	224	37	0	262

DIVISIONAL OFFICE  
 -----

	Ash ---	Cov ---	Fkt ---	Lex ---	Lon ---	Pke ---	Total -----
Hon. Joseph M. Hood U. S. District Judge -----							
Pending as of 06/01/94	8	2	80	0	0	174	264
Assigned (mo.)	0	0	8	0	0	16	24
Cases Closed (mo.)	1	0	12	0	0	20	33
Cases Trnsfrd: (mo.)	1	0	1	0	0	6	8
PENDING END OF MONTH:	6	2	75	0	0	164	247
Cases Assigned (yr)	1	2	51	0	1	86	141
Cases Closed (yr)	1	0	64	1	4	108	178
Cases Trnsfrd: (yr.)	3	0	2	0	1	18	24
ASSIGNED LAST 06 MONTHS	1	2	51	0	1	86	141
ASSIGNED LAST 12 MONTHS	5	2	102	1	6	208	324
WTD FILINGS TO 03/31/94	0	0	78	1	29	276	384
WTD FILINGS TO 12/31/93	0	1	79	2	35	315	432

U.S. DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
 Summary of Civil Case Statistics for Month Ending 06/30/94

Page 1

DIVISIONAL OFFICE  
 -----

	Ash ---	Cov ---	Fkt ---	Lex ---	Lon ---	Pke ---	Total -----
Hon. William O. Bertelsman Chief U.S. District Judge -----							
Pending as of 06/01/94	0	183	2	0	21	0	206
Cases Assigned (mo.)	0	23	0	0	0	0	23
Cases Closed (mo.)	0	17	1	0	1	0	19
Cases Trnsfrd: (mo.)	0	0	0	0	0	0	0
PENDING END OF MONTH:	0	189	1	0	20	0	210
Cases Assigned (yr)	0	101	0	0	3	0	104
Cases Closed (yr)	0	87	1	0	4	0	92
Cases Trnsfrd: (yr)	0	4	0	0	0	0	4
ASSIGNED LAST 06 MONTHS	0	101	0	0	3	0	104
ASSIGNED LAST 12 MONTHS	0	212	0	0	15	0	227
WTD FILINGS TO 03/31/94	0	209	1	1	46	0	257
WTD FILINGS TO 12/31/93	0	202	0	2	50	0	254

DIVISIONAL OFFICE  
 -----

	Ash ---	Cov ---	Fkt ---	Lex ---	Lon ---	Pke ---	Total -----
Hon. Henry R. Wilhoit, Jr. U. S. District Judge -----							
Pending as of 06/01/94	177	2	0	101	1	0	281
Cases Assigned (mo.)	30	0	0	14	1	0	45
Cases Closed (mo.)	24	0	0	11	1	0	36
Cases Trnsfrd: (mo.)	0	0	0	0	0	0	0
PENDING END OF MONTH:	183	2	0	104	1	0	290
Cases Assigned (yr)	141	1	0	66	2	0	210
Cases Closed (yr)	109	0	0	58	1	0	168
Cases Trnsfrd: (yr)	8	0	0	3	0	0	11
ASSIGNED LAST 06 MONTHS	141	1	0	66	2	0	210
ASSIGNED LAST 12 MONTHS	258	1	0	127	11	0	397
WTD FILINGS TO 03/31/94	141	0	0	90	22	2	255
WTD FILINGS TO 12/31/93	138	0	0	86	29	2	255

U.S. DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
 Summary of Civil Case Statistics for Month Ending 06/30/94

\*\*\* TOTALS BY OFFICE INCLUDE MAGISTRATE CASES \*\*\*

Page 4

	DIVISIONAL OFFICE						
	Ash	Cov	Fkt	Lex	Lon	Pke	Total
	---	---	---	---	---	---	-----
ALL CIVIL CASES							
-----							
Pending as of 06/01/94	261	202	86	369	412	409	1739
Cases Assigned (mo.)	36	28	8	59	44	31	206
Cases Closed (mo.)	35	18	13	66	29	35	196
PENDING END OF 06/30/94	262	212	81	362	427	405	1749
Assigned Yr to 06/30/94	174	115	52	253	244	181	1019
Closed: Yr to 06/30/94	142	92	67	251	195	219	966
ASSIGNED LAST 06 MONTHS	174	115	52	253	244	181	1019
ASSIGNED LAST 12 MONTHS	328	234	106	502	445	438	2053
WTD FILINGS TO 03/31/94	169	217	79	334	255	371	1425
WTD FILINGS TO 12/31/93	165	207	81	327	235	417	1432
-----							
HHS CASES							
-----							
Pending as of 06/01/94	69	8	0	28	152	217	474
Assigned (mo.)	7	3	1	5	17	14	47
Cases Closed (mo.)	7	1	0	4	15	15	42
PENDING END OF MONTH:	69	10	1	29	155	216	480
Cases Assigned (yr)	28	6	2	16	94	86	232
Cases Closed (yr)	28	4	1	18	72	107	230
TOTAL CASES-SELECTED TYPE							
-----							
MONTH							
-----							
Civil Rights, Non-prisoner	2	4	0	5	3	2	16
Civil Rights, Prisoner	8	1	3	16	7	2	37
Writ of Habeas Corpus	3	2	1	1	2	1	10
Motion to Vacate	1	2	1	4	1	1	10
YEAR							
-----							
Civil Rights, Non-prisoner	11	21	9	32	16	21	110
Civil Rights, Prisoner	42	1	11	60	43	11	168
Writ of Habeas Corpus	14	4	2	17	14	2	53
Motion to Vacate	1	6	1	6	3	2	19

U.S. DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY

Summary of Civil Case Statistics for Month Ending 06/30/94

Page 3

DIVISIONAL OFFICE

-----

	Ash	Cov	Fkt	Lex	Lon	Pke	Total
	---	---	---	---	---	---	-----
Hon. Jennfier B. Coffman							
U. S. District Judge							
-----							
Pending as of 06/01/94	0	2	0	0	222	0	224
Assigned (mo.)	0	0	0	0	26	0	26
Cases Closed (mo.)	0	0	0	0	11	0	11
Cases Trnsfrd: (mo.)	0	0	0	0	2	0	2
PENDING END OF MONTH:	0	2	0	0	235	0	237
Cases Assigned (yr)	0	2	0	0	142	0	144
Cases Closed (yr)	0	0	0	0	102	0	102
Cases Trnsfrd: (yr.)	0	0	0	0	9	0	9
ASSIGNED LAST 06 MONTHS	0	2	0	0	142	0	144
ASSIGNED LAST 12 MONTHS	0	2	0	0	239	0	241
WTD FILINGS TO 03/31/94	0	2	0	0	67	0	69
WTD FILINGS TO 12/31/93	0	0	0	0	20	0	20

DIVISIONAL OFFICE

-----

	Ash	Cov	Fkt	Lex	Lon	Pke	Total
	---	---	---	---	---	---	-----
Hon. G. Wix Unthank							
Senior U. S. District Judge							
-----							
Pending as of 06/01/94	69	8	0	28	153	217	475
Assigned (mo.)	7	3	0	5	16	14	45
Cases Closed (mo.)	7	1	0	4	15	15	42
Cases Trnsfrd: (mo.)	0	0	0	0	0	0	0
PENDING END OF MONTH:	69	10	0	29	154	216	478
Cases Assigned (yr)	28	6	0	16	93	86	229
Cases Closed (yr)	28	4	0	18	72	107	229
Cases Trnsfrd: (yr.)	0	0	0	0	0	0	0
ASSIGNED LAST 06 MONTHS	28	6	0	16	93	86	229
ASSIGNED LAST 12 MONTHS	58	10	0	26	159	208	461
W.D FILINGS TO 03/31/94	24	4	0	9	63	92	192
WTD FILINGS TO 12/31/93	25	4	0	13	59	101	202

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
Summary of Criminal Cases Statistics for June 1994

JUDICIAL OFFICER United States District Judge	DIVISIONAL OFFICE												TOTAL	
	ASH		COV		FKT		LEX		LON		PKE			
Hon. Henry R. Wilhoit, Jr.	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
Pending: June	10	11					15	21	0	0			25	32
Assigned: June	3	3					1	1	0	0			4	4
Closed: June	1	1					0	0	0	0			1	1
Transferred: June	1	1					2	6	0	0			3	7
<b>PENDING END OF JUNE</b>	<b>11</b>	<b>12</b>					<b>14</b>	<b>16</b>	<b>0</b>	<b>0</b>			<b>25</b>	<b>28</b>
Assigned: Year to Date	12	15					7	16	0	0			19	31
Closed: Year to Date	7	10					6	12	2	3			15	25
Transferred: Year to Date	2	2					2	6	0	0			4	8
<b>ASSIGNED LAST 06 MONTHS</b>	<b>12</b>	<b>15</b>					<b>7</b>	<b>16</b>	<b>0</b>	<b>0</b>			<b>19</b>	<b>31</b>
<b>ASSIGNED LAST 12 MONTHS</b>	<b>18</b>	<b>22</b>					<b>17</b>	<b>29</b>	<b>5</b>	<b>11</b>			<b>40</b>	<b>62</b>
<b>WTD FILINGS YEAR TO 12/31/93</b>		<b>29</b>						<b>63</b>		<b>22</b>				<b>114</b>
<b>WTD FILINGS YEAR TO 03/31/94</b>		<b>41</b>						<b>65</b>		<b>14</b>				<b>120</b>



**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for June 1994**

JUDICIAL OFFICER United States District Judge	DIVISIONAL OFFICE												TOTAL	
	ASH		COV		FKT		LEX		LON		PKE			
<b>Hon. William O. Bertelsman</b>	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
Pending June			68	74									68	74
Assigned June			7	8									7	8
Closed June			8	8									8	8
Transferred June			1	1									1	1
<b>PENDING END OF JUNE</b>			66	73									66	73
Assigned Year to Date			51	62									51	62
Closed Year to Date			45	51									45	51
Transferred Year to Date			2	2									2	2
<b>ASSIGNED LAST 06 MONTHS</b>			51	62									51	62
<b>ASSIGNED LAST 12 MONTHS</b>			90	106									90	106
<b>WTD FILINGS YEAR TO 12/31/93</b>				180										180
<b>WTD FILINGS YEAR TO 03/31/94</b>				211										211

**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for June 1994**

JUDICIAL OFFICER United States District Judge		DIVISIONAL OFFICE											TOTAL		
		ASH		COV		FKT		LEX		LON		PKE			
Hon. Joseph M. Hood		Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
ending:	June	0	0	1	3	14	19			1	1	32	66	48	89
assigned:	June	1	1	0	0	0	0			0	0	4	4	5	5
closed:	June	0	0	0	0	0	0			0	0	1	5	1	5
transferred:	June	0	0	0	0	0	0			0	0	0	0	0	0
ENDING END OF JUNE		1	1	1	3	14	19			1	1	35	65	52	89
assigned:	Year to Date	1	1	0	0	9	12			0	0	25	52	35	65
closed:	Year to Date	0	0	0	0	18	19			0	0	25	39	43	58
transferred:	Year to Date	0	0	0	0	0	0			0	0	0	0	0	0
ASSIGNED LAST 06 MONTHS		1	1	0	0	9	12			0	0	25	52	35	65
ASSIGNED LAST 12 MONTHS		1	1	1	1	28	35			5	10	53	90	88	137
WTD FILINGS YEAR TO 12/31/93					2		42				29		123		196
WTD FILINGS YEAR TO 03/31/94					2		45				10		122		179

**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for June 1994**

JUDICIAL OFFICER United States District Judge	DIVISIONAL OFFICE												TOTAL	
	ASH		COV		FKT		LEX		LON		PKE			
<b>Hon. Karl S. Forester</b>	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
Pending: June	0	0					11	15	0	0			11	15
Assigned: June	0	0					5	11	1	1			6	12
Closed: June	0	0					4	5	0	0			4	5
Transferred: June	0	0					0	0	0	0			0	0
<b>PENDING END OF JUNE</b>	<b>0</b>	<b>0</b>					<b>12</b>	<b>21</b>	<b>1</b>	<b>1</b>			<b>13</b>	<b>22</b>
Assigned: Year to Date	1	1					19	29	3	3			23	33
Closed: Year to Date	1	1					21	31	4	6			26	38
Transferred: Year to Date	0	0					0	0	0	0			0	0
<b>ASSIGNED LAST 06 MONTHS</b>	<b>1</b>	<b>1</b>					<b>19</b>	<b>29</b>	<b>3</b>	<b>3</b>			<b>23</b>	<b>33</b>
<b>ASSIGNED LAST 12 MONTHS</b>	<b>1</b>	<b>1</b>					<b>36</b>	<b>55</b>	<b>8</b>	<b>11</b>			<b>45</b>	<b>67</b>
<b>WTD FILINGS YEAR TO 12/31/93</b>								<b>77</b>		<b>27</b>				<b>104</b>
<b>WTD FILINGS YEAR TO 03/31/94</b>								<b>71</b>		<b>23</b>				<b>94</b>

**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for June 1994**

		DIVISIONAL OFFICE											TOTAL		
		ASH		COV		FKT		LEX		LON		PKE			
<b>* TOTALS BY OFFICE</b>		Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
ending:	June	11	12	69	77	14	19	26	36	46	67	32	66	198	277
signed:	June	3	3	7	8	0	0	4	6	12	12	4	4	30	33
posed:	June	2	2	8	8	0	0	4	5	6	8	1	5	21	28
ENDING END OF JUNE		12	13	68	77	14	19	26	37	52	71	35	65	207	282
signed:	Year to Date	12	15	51	62	9	12	24	39	41	52	25	52	162	232
posed:	Year to Date	8	11	46	52	18	19	27	43	26	48	25	39	150	212
ASSIGNED LAST 06 MONTHS		14	17	51	62	9	12	26	45	45	56	48	52	193	244
ASSIGNED LAST 12 MONTHS		20	24	91	107	28	35	53	84	91	144	98	90	381	484
TD FILINGS YEAR TO 12/31/93			29		182		42		142		147		123		665
TD FILINGS YEAR TO 03/31/94			41		213		45		138		143		122		702

Totals include Magistrate Judge and Visiting Judge Cases

**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for June 1994**

JUDICIAL OFFICER United States District Judge	DIVISIONAL OFFICE												TOTAL	
	ASH		COV		FKT		LEX		LON		PKE			
<b>Hon. Jennifer B. Coffman</b>	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts
Pending: June									45	66			45	66
Assigned: June									12	12			12	12
Closed: June									6	8			6	8
Transferred: June									1	1			1	1
<b>PENDING END OF JUNE</b>									50	69			50	69
Assigned: Year to Date									42	53			42	53
Closed: Year to Date									20	39			20	39
Transferred: Year to Date									3	3			3	3
<b>ASSIGNED LAST 06 MONTHS</b>									42	53			42	53
<b>ASSIGNED LAST 12 MONTHS</b>									73	112			73	112
<b>WTD FILINGS YEAR TO 12/31/93</b>														
<b>WTD FILINGS YEAR TO 03/31/94</b>									2	69				71
									2	96				98

22 Month	23 Year
JUNE	1994

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

24 District <b>EASTERN KENTUCKY</b>	25 District Code <b>0   6   4   3</b>
--	--

26 Judge <b>WILLIAM O. BERTELSMAN</b>	27 Judge Code <b>4   3   0   7</b>
--	---------------------------------------

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS OTHER THAN THOSE REPORTED ON PAGE 1 WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					35 Other Proceedings
			30 Arraignments/Pleas	31 Sentencings	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	
1	02	2.0			1			2
2	02	3.0		2				2
3	02	3.0				1		4
4								
5								
6								
7	02	1.0			1			11
8								
9	02	.5		4				
10	02	3.0				5		4
11								
12								
13								
14								
15	02	1.5						3
16	02	1.0						1
17								
18								

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					35 Other Proceedings
			30 Arraignments/Pleas	31 Sentencings	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	
19								
20	02	1.0						1
21	02	1.5						3
22								
23								
24								
25								
26								
27	02	1.5						2
28	02	.5	1	1				
29								
30	02	.5						2
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

02	20.0	1	7	2	6	--	35

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month 2 Year

**JUNE 1994**

District  
**EASTERN KENTUCKY**

4 District Code  
**0 6 4 3**

5 Judge  
**WILLIAM O. BERTELSMAN**

6 Judge Code  
**4 3 0 7**

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank)

8 No other court activity to report (Page 2 is blank)

### PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Issue Joined (Non-Prisoner Civil Cases Type Trial 1 2 B only) Month, Day, Year	16 Type of Trial	17 Date Trial Began Month, Day, Year	18 Total hours in Trial This Month (To the Nearest 0.1 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Def No (Crim Only)								
02	93	00076	1	1	2		5	6/10/94	1.0	1	1
02	93	00077	1	1	2		2	6/13-14-15/94	13.0	3	1
02	93	00055/68	1	1	2		5	6/21/94	1.0	1	1
02	94	00040	1	1	2		5	6/30/94	1.5	1	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc. (includes probation revocation)
- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued**
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month). This code is valid in Part B only.
  - 7 Jury Selection only this month trial scheduled for later month
  - 6 Continued to following month
- Trials Completed**
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**


\*Leave blank if land condemnation, prisoner, or Three-Judge Court

REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

PERSON COMPLETING FORM

Name Telephone No.

Check if FTS

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

24 District	25 District Code

26 Judge	27 Judge Code

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW. REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE. THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS.

28	29	30 Number of Proceedings						
		31	32	33	34	35	36	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								

28	29	30 Number of Proceedings						
		31	32	33	34	35	36	
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

36 TOTALS FOR EACH PLACE OF HOLDING COURT




# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
JUNE	1994

3 District EASTERN DISTRICT OF KENTUCKY	4 District Code 0   6   4   3
--	----------------------------------

5 Judge HENRY R. WILHOIT, JR.	6 Judge Code 4   3   0   9
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FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank)

8 No other court activity to report (Page 2 is blank)

### PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9	10			12	14	15	16	17	18	19	20	
	10	11	12									
Place of Holding Court	Docket Number			Number of Contested Defendants	Type of Case	Date Case Filed (Civil Cases Type Trial 1, 2, 3, only) Month/Day/Year	Type of Trial	Date Trial Began Month/Day/Year	Total Hours in Trial This Month (to the nearest 15 Hours)	Number of Separate Days of Trial This Month	Trial Status	
	Year	Sequence Number	Dkt. No. (Crim. Only)									

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc. (includes probation revocation)

- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued**
- 0 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "9" in prior months). This code is valid in Part B only.
  - 7 Jury Selection only this month, trial scheduled for later month
  - 6 Continued to following month
- Trials Completed**
- 8 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "0" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**


REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

22 Month	23 Year
June	1994

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

1 District Eastern District of Kentucky 25 District Code 0 | 6 | 4 | 3

26 Judge Karl S. Forester 27 Judge Code 4 | 3 | 1 | 0

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/ Pleas	31 Settlements	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	05	.5	1					
2	05	.5			1		1	1
3	05	1.0		2	1			
4								
5								
6	05	1.0			1	1		1
7	05	.5				1		1
8								
9	05	1.0						1
10	05	.5						2
11								
12								
13	05	1.0				1		
14	05	.5				1		1
15								
16	05	.5					1	
17	05	3.0	1	2				2
18								

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/ Pleas	31 Settlements	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	05	.5					1	
21								
22								
23								
24	05	1.5	4				1	
25								
26								
27								
28								
29								
30								
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

05	12.0	6	4	3	6	2	9

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
June	1994

3 District  
Eastern District of Kentucky

4 District Code  
0 | 6 | 4 | 3

5 Judge  
Karl S. Forester

6 Judge Code  
4 | 3 | 1 | 0

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank)

8 No other court activity to report (Page 2 is blank)

**PART A. TRIALS BEGINNING DURING THE REPORT MONTH.**

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Case Filed (Civil Cases Type Trial 1, 2 & only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/2 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Dist. No. (Crim Only)								
	05	94	00011								
05	94	00008	1	1	2		2	6/7/94	13.5	3	1
05	94	00018	1	2	2		5	6/10/94	1.0	1	1
05	93	0143			1	4/12/93	2	6/14/94	26.5	5	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc (includes probation revocation)
- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month). This code is valid in Part B only.
  - 7 Jury Selection only this month, trial scheduled for later month.
  - 6 Continued to following month.

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**

05	92	0115			1				5.5	1	1
----	----	------	--	--	---	--	--	--	-----	---	---

- Trials Completed
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

JK-10 Rev. 10/93

22 Month	23 Year
JUNE	94

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

District KY- PIKEVILLE	25 District Code 0   6   4   3	26 Judge JOSEPH M. HOOD	27 Judge Code 4   3   1   1
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ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE. THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS.

Day of the Month	26 Code for Place of Holding Court	28 Total Number of Hours	Number of Proceedings					
			29 Arrangements	31 Declarations	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	7	.5				1		
2	7	1.5					1	
3	7	1.5					2	
4								
5								
6	7	2.0	3			1		
7	7	2.5	3			1	1	
8								
9								
10								
11								
12								
13	7	1.5				3		
14	7	1.5		3				
15						1		
16	3	2.0					1	
17	3	1.5	1		1			
18								

Day of the Month	26 Code for Place of Holding Court	28 Total Number of Hours	Number of Proceedings					
			29 Arrangements	31 Declarations	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	3	2.0		1	2	3		
21								
22	0	1.5	1		1		1	
23								
24								
25								
26								
27								
28								
29								
30								
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

7	11.0	6	3	0	6	0	4
3	5.5	1	0	1	3	0	1
0	1.5	1		1			1



22 Month	23 Year
June	1994

MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

24 District: Eastern District of KY	25 District Code: 0   6   4   3
--	------------------------------------

26 Judge: Jennifer B. Coffman	27 Judge Code: 4   3   1   2
----------------------------------	---------------------------------

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS OTHER THAN THOSE REPORTED ON PAGE 1 WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					34 Grand Jury Proceedings	35 Other Proceedings
			30 Arrangements/Pleas	31 Sentencings	32 Motions	33 Pretrial Conferences			
1									
2	6	3.0		2		2			
3	6	0.5						1	
4									
5									
6									
7	6	0.5						1	
8									
9	6	0.5			1				
10	6	2.5	6		1				
11									
12									
13									
14									
15									
16	6	6.5		2		3		3	
17	6	2.0		1		2			
18									

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					34 Grand Jury Proceedings	35 Other Proceedings
			30 Arrangements/Pleas	31 Sentencings	32 Motions	33 Pretrial Conferences			
19									
20	6	1.5		3		2			
21	6	2.0	5				1	1	
22									
23									
24									
25									
26									
27									
28									
29									
30									
31									

38 TOTALS FOR EACH PLACE OF HOLDING COURT

6	19.0	11	8	2	10	6

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month  2 Year   
 June 1994

District: Eastern District of KY 4 District Code: 0643 5 Judge: Jennifer B. Coffman 6 Judge Code: 4312

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2

7 No trial activity to report (Page 1 is blank)  8 No other court activity to report (Page 2 is blank)

PART A. TRIALS BEGINNING DURING THE REPORT MONTH.											
9	Docket Number			13	14	15	16	17	18	19	20
Place of Holding Court	10	11	12	Number of Criminal Defendants	Type of Case	Date Issue Joined Non-Prisoner Civil Cases Type Trial 1 2 8 only Month/Day/Year	Type of Trial	Date Trial Began Month/Day/Year	Total Hours in Trial This Month To the Nearest Hour	Number of Separate Days of Trial This Month	Trial Status
	Year	Sequence Number	Def No (Crim Only)								
6	92	0065		1			2	6/6/94	10.0	2	1
6	93	00056		2			5	6/9/94	5.0	1	6
6	84	0303		1			2	6/13/94	19.5	3	1
PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.											
6	93	00062	(S)1	1	2				6.5	2	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc (includes probation revocation)
- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)
- TRIAL STATUS**
- Trials Continued**
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month) This code is valid in Part B only
  - 7 Jury Selection only this month. trial scheduled for later month
  - 6 Continued to following month
- Trials Completed**
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

\*Leave blank if land condemnation, prisoner, or Three-Judge Court

REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

PERSON COMPLETING FORM: Shirley Denny Name Telephone No. 606-864-5137 Check if FTS

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
Summary of Civil Cases Statistics for December, 1993

JUDICIAL OFFICER	DIVISIONAL OFFICE						TOTAL
	ASH	COV	FKT	LEX	LON	PKE	
<b>Hon. Karl S. Forester United States District Judge</b>							
Pending: December 1	0	0	1	218	8	3	230
Assigned: December	0	0	0	31	1	0	32
Closed: December	0	0	0	23	0	0	23
Trnsfrd: December	0	0	0	1	0	0	1
PENDING END OF December	0	0	1	225	9	3	238
Assigned: Year to Date	1	0	1	349	52	4	407
Closed: Year to Date	1	0	0	309	35	2	347
Trnsfrd: Year to Date	0	0	0	2	45	0	47
ASSIGNED LAST 06 MONTHS	0	0	1	178	23	3	205
ASSIGNED LAST 12 MONTHS	1	0	1	349	52	4	407
WTD FILINGS YEAR TO <u>6/30/93</u>	1	0	0	216	40	0	257
WTD FILINGS YEAR TO _____							
<b>Hon. Joseph M. Hood United States District Judge</b>							
Pending: December 1	6	1	84	1	2	204	298
Assigned: December	0	0	9	1	1	12	23
Closed: December	0	0	4	1	0	20	25
Trnsfrd: December	0	0	1	0	0	0	1
PENDING END OF December	6	1	88	1	3	196	295
Assigned: Year to Date	9	2	113	1	44	285	454
Closed: Year to Date	4	5	83	4	42	311	449
Trnsfrd: Year to Date	0	0	11	0	48	7	66
ASSIGNED LAST 06 MONTHS	6	0	56	1	19	133	215
ASSIGNED LAST 12 MONTHS	9	2	113	1	44	285	454
WTD FILINGS YEAR TO <u>6/30/93</u>	0	1	78	1	37	260	377
WTD FILINGS YEAR TO _____							



UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
Summary of Civil Cases Statistics for December, 1993

JUDICIAL OFFICER	DIVISIONAL OFFICE						TOTAL
	ASH	COV	FKT	LEX	LON	PKE	
Hon. William O. Bertelsman United States District Judge							
Pending: December 1	0	188	2	0	21	0	211
Assigned: December	0	17	0	0	3	0	20
Closed: December	0	18	0	0	1	0	19
Trnsfrd: December	0	0	0	0	0	0	0
PENDING END OF December	0	187	2	0	23	0	212
Assigned: Year to Date	0	217	0	0	51	0	268
Closed: Year to Date	0	214	2	0	35	0	251
Trnsfrd: Year to Date	0	5	0	0	43	0	48
ASSIGNED LAST 06 MONTHS	0	113	0	0	22	0	135
ASSIGNED LAST 12 MONTHS	0	217	0	0	51	0	268
WTD FILINGS YEAR TO <u>6/30/93</u>	0	166	0	0	43	0	209
WTD FILINGS YEAR TO							
Hon. Henry R. Wilhoit, Jr. United States District Judge							
Pending: December 1	158	1	0	99	1	0	259
Assigned: December	16	0	0	7	1	0	24
Closed: December	20	0	0	3	2	0	25
Trnsfrd: December	0	0	0	0	0	0	0
PENDING END OF December	154	1	0	103	0	0	258
Assigned: Year to Date	237	1	0	119	46	0	403
Closed: Year to Date	222	3	0	134	40	1	400
Trnsfrd: Year to Date	12	0	0	3	47	0	62
ASSIGNED LAST 06 MONTHS	121	0	0	59	19	0	199
ASSIGNED LAST 12 MONTHS	237	1	0	119	46	0	403
WTD FILINGS YEAR TO <u>6/30/93</u>	123	1	0	93	37	0	254
WTD FILINGS YEAR TO							

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
Summary of Civil Cases Statistics for December, 1993

JUDICIAL OFFICER	DIVISIONAL OFFICE						TOTAL
	ASH	COV	FKT	LEX	LON	PKE	
Hon. G. Wix Unthank Senior U. S. District Judge							
Pending: December 1	67	8	0	30	128	231	464
Assigned: December	6	0	0	0	13	17	36
Closed: December	4	1	0	1	6	13	25
Trnsfrd: December	0	0	0	0	0	0	0
PENDING END OF December	69	7	0	29	135	235	475
Assigned: Year to Date	59	9	1	29	133	226	457
Closed: Year to Date	38	10	2	14	84	154	302
Trnsfrd: Year to Date	0	0	0	1	1	0	2
ASSIGNED LAST 06 MONTHS	30	4	0	9	66	121	230
ASSIGNED LAST 12 MONTHS	59	9	1	29	133	226	457
WTD FILINGS YEAR TO <u>6/30/93</u>	25	5	1	13	60	88	192
WTD FILINGS YEAR TO _____							
HHS Cases Assigned: December	6	0	0	0	13	17	36
HHS Cases closed: December	4	1	0	1	6	13	25
<b>TOTALS BY OFFICE</b>	<b>*Totals include Magistrate Judge or Visiting Judge Cases</b>						
Pending: December 1	235	198	91	348	367	444	1683
Assigned: December	22	17	9	39	36	29	152
Closed: December	27	19	4	29	25	33	137
PENDING END OF December	230	196	96	358	378	440	1698
Assigned: Year to Date	300	228	116	498	379	509	2030
Closed: Year to Date	281	236	95	469	276	474	1831
ASSIGNED LAST 06 MONTHS	154	117	57	247	200	251	1026
ASSIGNED LAST 12 MONTHS	300	228	116	498	379	509	2030
WTD FILINGS YEAR TO <u>6/30/93</u>	153	174	80	327	221	351	1306
WTD FILINGS YEAR TO _____							

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
 Summary of Civil Cases Statistics for December, 1993

JUDICIAL OFFICER	DIVISIONAL OFFICE						TOTAL
	ASH	COV	FKT	LEX	LON	PKE	
Hon. Jennifer B. Coffman United States District Judge							
Pending: December 1					197		197
Assigned: December					17		17
Closed: December					14		14
Trnsfrd: December					1		1
<b>PENDING END OF DECEMBER</b>					<b>199</b>		<b>199</b>
Assigned: Year to Date					229		229
Closed: Year to Date					24		24
Trnsfrd: Year to Date					6		6
ASSIGNED LAST 06 MONTHS					229		229
ASSIGNED LAST 12 MONTHS					229		229
WTD FILINGS YEAR TO <u>6/30/93</u>					0		0
WTD FILINGS YEAR TO _____							

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
DEC.	1993

3 District: EASTERN KENTUCKY  
 4 District Code: 0 6 4 3

5 Judge: WILLIAM O. BERTRISMAN  
 6 Judge Code: 4 3 0 7

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank).

8 No other court activity to report (Page 2 is blank).

### PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Issue Joined (Non-Prisoner Civil Cases Type Trial 1, 2, 8, only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/2 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Def No (Crim. Only)								
02	93	00057	1	1	2		5	12/05/93	5	1	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc. (includes probation revocation)

- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued**
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month). This code is valid in Part B only.
  - 7 Jury Selection only this month; trial scheduled for later month
  - 6 Continued to following month

- Trials Completed**
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

### PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.

02	91	0147			1				6.0	1	1

\*Leave blank if land condemnation, prisoner, or Three-Judge Court

REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

PERSON COMPLETING FORM: MARY H. YELTON, D.C. (606) 292-3167 Check if FTS

Name Telephone No.

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY  
Summary of Civil Cases Statistics for December, 1993

	DIVISIONAL OFFICE						TOTAL
	ASH	COV	FKT	LEX	LON	PKE	
<b>HHS CASES</b>							
Pending: December 1	67	9	0	28	126	231	461
Assigned: December	6	0	0	0	13	17	36
Closed: December	4	1	0	1	6	13	25
<b>PENDING END OF December</b>	<b>69</b>	<b>8</b>	<b>0</b>	<b>27</b>	<b>133</b>	<b>235</b>	<b>472</b>
Assigned: Year to Date	59	9	1	28	131	226	454
Closed: Year to Date	38	10	2	14	85	154	303
<b>TOTAL CASES-SELECTED TYPE</b>							
<b>MONTH</b>							
Civil Rights, Non-prisoner	2	2	1	5	1	3	14
Civil Rights., Prisoner	3	2	5	11	9	0	30
Writ of Habeas Corpus	2	1	1	4	1	0	9
Motion to Vacate	0	0	0	0	3	0	3
Reopened	2	0	0	0	1	1	4
<b>YEAR</b>							
Civil Rights, Non-prisoner	6	21	9	43	8	90	177
Civil Rights., Prisoner	69	20	41	134	35	9	308
Writ of Habeas Corpus	49	20	7	47	11	6	140
Motion to Vacate	3	6	2	2	20	6	39
Reopened	19	0	7	19	10	26	81

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
DEC.	1993

3 District EASTERN DISTRICT OF KENTUCKY  
4 District Code 0 | 6 | 4 | 3

5 Judge HENRY R. WILHOIT, JR.  
6 Judge Code 4 | 3 | 0 | 9

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2

7 No trial activity to report (Page 1 is blank)

8 No other court activity to report (Page 2 is blank)

### PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Case Filed (Civil Cases Type Trial 1, 2, 3, only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/4 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Dist. No (Crim. Only)								
05	93	34	2	2	2		5	12/4/93	1.0	1	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc. (includes probation revocation)
- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)
- TRIAL STATUS**
- Trials Continued**
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month) This code is valid in Part B only
  - 7 Jury Selection only this month, trial scheduled for later month
  - 6 Continued to following month
- Trials Completed**
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**

9	10	11	12	13	14	15	16	17	18	19	20

CV (00)

22 Month	23 Year
DEC.	1993

MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

25 District Code  
 EASTERN KENTUCKY  
 0 | 6 | 4 | 3

26 Judge  
 WILLIAM O. BERTELSMAN  
 27 Judge Code  
 4 | 3 | 0 | 7

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS.

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arraignments/ Pleas	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	02	1.5				1		
2	02	2.5		1	2			1
3	05	2.0						2
4								
5								
6	02	1.5	2	1				
7								
8								
9	02	.5		1				
10	02	1.0			3	6		
11								
12								
13								
14	02	1.0						6
15								
16								
17	02	2.0			1			2
18								

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arraignments/ Pleas	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	02	1.5			3			2
21								
22								
23								
24								
25								
26								
27								
28	02	1.0			2	1		
29	02	.5			1			
30	02	3.0				3		
31								

36 TOTALS FOR EACH PLACE OF HOLDING COURT

02	16.0	2	3	12	11		11
05	2.0						2

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
12	93

3 District  
Eastern District of Kentucky

4 District Code  
0 | 6 | 4 | 3

5 Judge  
Karl S. Forester

6 Judge Code  
4 | 3 | 1 | 0

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank)

8 No other court activity to report (Page 2 is blank)

## PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Case Filed (Civil Cases Type Trial 1, 2, & only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/2 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Del. No. (Crim Only)								
	05	92	0387								
05	92	0346		1	8/20/92	2	12/13/93	2.0	1	2	
05	93	0009		1	1/6/93	4	12/20/93	6.0	1	6	
05	93	0245		1	6/18/93	4	12/27/93	22.5	4	6	

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc (includes probation revocation)

- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- 8 Trials Continued
    - 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month). This code is valid in Part B only
  - 7 Jury Selection only this month, trial scheduled for later month
  - 6 Continued to following month
  - Trials Completed
    - 5 Settled/Guilty Plea
    - 4 Directed Verdict
    - 3 Hung Jury
    - 2 Mistrial
    - 1 Completed by court decision or jury verdict

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**


REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS



22 Month	23 Year
DEC.	1993

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

District EASTERN DISTRICT OF KENTUCKY 25 District Code 0 | 6 | 4 | 3

26 Judge HENRY R. WILHOIT, JR. 27 Judge Code 4 | 3 | 0 | 9

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/Pleas	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	05	1.5	0	6	0	0	0	0
2	05	.5	0	2	0	0	0	0
3	05	2.0	0	0	0	2	0	0
4								
5								
6								
7								
8								
9	00	1.5	3	1	0	0	0	0
10								
11								
12								
13								
14	05	1.5	0	3	0	0	0	0
15								
16								
17	05	2.5	2	3	0	0	0	2
18								

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/Pleas	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

00	1.5	3	1	0	0	0	0
05	8.0	2	14	0	2	0	2

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
Dec	93

3 District  
Eastern District of Kentucky

4 District Code  
0 | 6 | 4 | 3

5 Judge  
Joseph M. Hood

6 Judge Code  
4 | 3 | 1 | 1

FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED. REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW. ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank).

8 No other court activity to report (Page 2 is blank).

## PART A. TRIALS BEGINNING DURING THE REPORT MONTH.

9 Place of Holding Court	10 Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Case Filed (Civil Cases Type Trial 1, 2, & only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/2 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10	11	12								
	Year	Sequence Number	Det. No. (Crim. Only)								
7	92	0375			1	11/18/92	2	12/01/93	7.5	1	1
7	93	0051	1	1	2		2	12/06/93	11.5	3	1
7	85	0582			1	12/31/85	2	12/09/93	5.5	2	5
7	93	5273 MI-3	2	2	2		5	12/09/93	1.0	1	1
3	93	0026	1	1	2		5	12/20/93	.5	1	1

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc. (includes probation revocation)

- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month) This code is valid in Part B only
  - 7 Jury Selection only this month, trial scheduled for later month
  - 6 Continued to following month

- Trials Completed
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

**PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.**


REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

22 Month	23 Year
12	93

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

District  
Eastern District of Kentucky

25 District Code  
0 | 6 | 4 | 3

26 Judge  
Karl S. Forester

27 Judge Code  
4 | 3 | 1 | 0

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arraignments/ Pleads	31 Subpoenas	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	05	1.0		1				
2	05	1.0			1			
3	05	2.0	6	2				
4								
5								
6								
7	05	.5			1			
8								
9								
10	05	1.0	1	1				
11								
12								
13	05	1.5			1	2		
14								
15								
16	05	.5				1	1	
17	05	2.5		4	1			
18								

Day of the Month	28 Code for Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arraignments/ Pleads	31 Subpoenas	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	05	.5				1		
21	05	.5	1					
22								
23								
24								
25								
26								
27								
28								
29								
30	05	1.0		1	1			
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

05	12.0	8	9	5	4	1	0

# MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY

1 Month	2 Year
Dec	1993

DISTRICT EASTERN DISTRICT OF KY	4 District Code 016143	5 Judge Jennifer B. Coffman	6 Judge Code 4   3   1   2
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FOR THE PURPOSES OF THIS REPORT A TRIAL IS DEFINED AS A CONTESTED PROCEEDING BEFORE A COURT OR JURY IN WHICH EVIDENCE IS INTRODUCED REPORT ONLY PROCEEDINGS WHICH FALL WITHIN THIS DEFINITION IN THE SPACE BELOW ALL OTHER PROCEEDINGS SHOULD BE REPORTED ON PAGE 2.

7 No trial activity to report (Page 1 is blank) <input checked="" type="checkbox"/>	8 No other court activity to report (Page 2 is blank) <input type="checkbox"/>
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PART A. TRIALS BEGINNING DURING THE REPORT MONTH.											
9 Place of Holding Court	Docket Number			13 Number of Criminal Defendants	14 Type of Case	15 Date Case Filed (Civil Cases Type Trial 1, 2, B. only) Month/Day/Year	16 Type of Trial	17 Date Trial Began Month/Day/Year	18 Total Hours in Trial This Month (To the Nearest 1/2 Hour)	19 Number of Separate Days of Trial This Month	20 Trial Status
	10 Year	11 Sequence Number	12 Def. No (Crim Only)								

- TYPE OF CASE**
- 1 Civil
  - 2 Criminal
  - 3 Bankruptcy
  - 4 Misc (includes probation revocation)
- TYPE OF TRIAL**
- 1 Non-Jury
  - 2 Jury
  - 3 Three-Judge Court
  - 4 Preliminary Injunctions and TRO
  - 5 All Other
  - 6 Non-Jury Land Condemnation
  - 7 Jury Land Condemnation
  - 8 Summary Jury Trials
  - 9 Sentencing Hearings (with contested issues)

- TRIAL STATUS**
- Trials Continued**
- 8 Settled after jury selection but before introduction of evidence (only for trials reported with trial status "7" in prior month) This code is valid in Part B only
  - 7 Jury Selection only this month, trial scheduled for later month
  - 6 Continued to following month
- Trials Completed**
- 5 Settled/Guilty Plea
  - 4 Directed Verdict
  - 3 Hung Jury
  - 2 Mistrial
  - 1 Completed by court decision or jury verdict

PART B. TRIALS CONTINUED FROM THE PREVIOUS MONTH. USE ONLY WHEN THE TRIAL WAS LAST REPORTED WITH A CODE "6" OR "7" IN THE TRIAL STATUS (BOX 20). IF THERE ARE NO TRIAL HOURS THIS MONTH, SHOW ZEROS UNDER COLUMNS 18 AND 19.											
9	10	11	12	13	14	15	16	17	18	19	20

REFER TO STATISTICS MANUAL, VOLUME XI, CHAPTER VI, FOR DETAILED INSTRUCTIONS

PERSON COMPLETING FORM | Shirley Denny

606-864-5137

22 Month	23 Year
Dec	93

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

District: Eastern District of Kentucky  
 25 District Code: 0 | 6 | 4 | 3

26 Judge: Joseph M. Hood  
 27 Judge Code: 4 | 3 | 1 | 1

ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS.

Day of the Month	28 Cats to Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/ Plans	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	7	.5						2
2								
3	5	.5	1					
4								
5								
6	7	1.0	2			1		
7	7	1.0		1				
8	7	1.5						2
9	7	1.0			2			
10								
11								
12								
13								
14	7	1.0				1		1
15	7	3.0	1		1	1		
16								
17								
18								

Day of the Month	28 Cats to Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/ Plans	31 Sentences	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	3	2.5	2	2		2		1
21	3	3.5	5	7	1	1		
22	3	2.5		1		1		
23								
24								
25								
26								
27								
28								
29								
30								
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

3	8.5	7	10	1	4		1
5	.5	1					
7	9.0	3	1	3	3		5

**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for December, 1993**

JUDICIAL OFFICER	DIVISIONAL OFFICE														Total	
	Ash		Cov		Fkt		Lex		Lon		Pke		Cs	Dfts		
	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts				
Hon. William O. Bertelsman United States District Judge																
Pending: December 1	0	0	62	65	0	0	0	0	0	0	0	0	62	65		
Assigned: December			7	8									7	8		
Closed: December			7	9									7	9		
Trnsfrd: December			0	0									0	0		
PENDING END OF December	0	0	62	64	0	0	0	0	0	0	0	0	62	64		
Assigned: Year to Date	0	0	83	120	0	0	0	0	0	0	0	0	83	120		
Closed: Year to Date	0	0	89	158	0	0	0	0	0	0	0	0	89	158		
Trnsfrd: Year to Date	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
ASSIGNED LAST 06 MONTHS	0	0	39	44	0	0	0	0	0	0	0	0	39	44		
ASSIGNED LAST 12 MONTHS	0	0	83	120	0	0	0	0	0	0	0	0	83	120		
WTD FILINGS YEAR TO <u>06/30/93</u>			251										251	0		
WTD FILINGS YEAR TO _____													0	0		
Hon. Henry R. Wilhoit, Jr. United States District Judge																
Pending: December 1	7	8	0	0	0	0	17	30	4	8	0	0	28	44		
Assigned: December	1	1					1	1	0	0			2	2		
Closed: December	1	1					3	13	2	3			6	17		
Trnsfrd: December							0	0	0	0			0	0		
PENDING END OF December	7	8	0	0	0	0	15	18	2	3	0	0	24	29		
Assigned: Year to Date	18	22	0	0	0	0	22	37	13	19	0	0	51	78		
Closed: Year to Date	14	21	0	0	0	0	21	36	15	27	0	0	50	84		
Trnsfrd: Year to Date	0	0	0	0	0	0	0	0	7	12	0	0	7	12		
ASSIGNED LAST 06 MONTHS	8	7	0	0	0	0	10	13	5	11	0	0	21	31		
ASSIGNED LAST 12 MONTHS	16	22	0	0	0	0	22	37	13	19	0	0	51	78		
WTD FILINGS YEAR TO <u>06/30/93</u>	29						50		30				109	0		
WTD FILINGS YEAR TO _____													0	0		
Hon. Karl S. Forester United States District Judge																
Pending: December 1	0	0	0	0			17	26	4	7	0	0	21	33		
Assigned: December							1	1	0	0			1	1		
Closed: December							4	4	2	3			8	7		
Trnsfrd: December							0	0	0	0			0	0		
PENDING END OF December	0	0	0	0	0	0	14	23	2	4	0	0	16	27		
Assigned: Year to Date	0	0	0	0	0	0	38	51	12	20	0	0	50	71		
Closed: Year to Date	0	0	0	0	0	0	37	43	20	32	0	0	57	75		
Trnsfrd: Year to Date	0	0	0	0	0	0	0	0	1	1	0	0	1	1		
ASSIGNED LAST 06 MONTHS	0	0	0	0	0	0	17	26	5	8	0	0	22	34		
ASSIGNED LAST 12 MONTHS	0	0	0	0	0	0	38	51	12	20	0	0	50	71		
WTD FILINGS YEAR TO <u>06/30/93</u>	2						82		48				132	0		
WTD FILINGS YEAR TO _____													0	0		

22 Month	23 Year
Dec	1993

**MONTHLY REPORT OF TRIALS AND OTHER COURT ACTIVITY**

District Eastern District of KY	25 District Code 0   6   4   3	26 Judge Jennifer B. Coffman	27 Judge Code 4   3   1   2
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ALL PROCEEDINGS INVOLVING THE PARTICIPATION OF THE JUDGE WHICH DO NOT FALL WITHIN THE DEFINITION OF A TRIAL (SHOWN ON PAGE 1) SHOULD BE REPORTED IN THE SPACE BELOW REPORT ALL PROCEEDINGS, OTHER THAN THOSE REPORTED ON PAGE 1, WHICH REQUIRE THE PRESENCE OF THE JUDGE AND THE PARTIES IN THE CASE THESE PROCEEDINGS SHOULD BE REPORTED WHETHER HELD IN COURTROOM OR CHAMBERS.

Day of the Month	28 Clerk to Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/Plen	31 Briefings	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
1	6	2.5	2		1			
2	6	2.5			1			2
3								
4								
5								
6	6	.5						1
7	6	1.0	1					2
8								
9								
10	6	2.5	4			2		
11								
12								
13								
14								
15								
16	6	.5			1			
17	6	5.0						12
18								

Day of the Month	28 Clerk to Place of Holding Court	29 Total Number of Hours	Number of Proceedings					
			30 Arrangements/Plen	31 Briefings	32 Motions	33 Pretrial Conferences	34 Grand Jury Proceedings	35 Other Proceedings
19								
20	6	3.5						11
21	6	3.5						12
22	6	3.5						9
23	6	1.5	7					
24								
25								
26								
27								
28								
29								
30								
31								

**36 TOTALS FOR EACH PLACE OF HOLDING COURT**

6	26.5	14		3	2		49

United States District Court

Eastern District of Kentucky


Office of the Clerk

Leslie G. Whitmer  
Clerk

P.O. Box 3074  
Lexington, KY 40596-3074

M E M O R A N D U M

TO: Advisory Committee Members  
Civil Justice Reform Act

FROM: Leslie G. Whitmer, Clerk 

DATE: July 26, 1994

RE: District and National Judicial  
Workload Profile Statistics  
12 Month Period Ended 9/30/93

Enclosed is a copy of the Kentucky Eastern District Court Judicial Workload Profile and United States District Courts National Judicial Workload Profile Statistics for a five year period ending September 30, 1993, compiled by the Administrative Office of the U. S. Courts, which may be of interest to you.

Again, I would like to remind you of our meeting Friday, July 29, at 10:00 A.M. in the Grand Jury Room of the courthouse at Lexington. Lunch will be served at noon.

See you there!

LGW:bea

Enclosure



**UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF KENTUCKY**  
**Summary of Criminal Cases Statistics for December, 1993**

JUDICIAL OFFICER	DIVISIONAL OFFICE														Total	
	Ash		Cov		Fkt		Lex		Lon		Pke		Total			
	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts	Cs	Dfts		
<b>Hon. Joseph M. Hood</b> United States District Judge																
Pending: December 1	0	0	1	3	23	25	0	0	6	7	33	48	63	83		
Assigned: December			0	0	3	5			0	0	3	5	6	10		
Closed: December			0	0	3	4			5	6	1	1	9	11		
Trnsfrd: December			0	0	0	0			0	0	0	0	0	0		
<b>PENDING END OF December</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>23</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>35</b>	<b>52</b>	<b>60</b>	<b>82</b>		
Assigned: Year to Date	0	0	1	1	28	33	0	0	16	24	75	99	120	157		
Closed: Year to Date	0	0	3	3	20	23	0	0	22	34	59	89	104	149		
Trnsfrd: Year to Date	0	0	0	0	0	0	0	0	4	8	0	0	4	8		
<b>ASSIGNED LAST 06 MONTHS</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>19</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>10</b>	<b>28</b>	<b>38</b>	<b>53</b>	<b>72</b>		
<b>ASSIGNED LAST 12 MONTHS</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>28</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>24</b>	<b>75</b>	<b>99</b>	<b>120</b>	<b>157</b>		
<b>WTD FILINGS YEAR TO 06/30/93</b>					<b>49</b>				<b>43</b>		<b>148</b>		<b>240</b>	<b>0</b>		
<b>WTD FILINGS YEAR TO</b>													<b>0</b>	<b>0</b>		
<b>Hon. Jennifer B. Coffman</b> United States District Judge																
Pending: December 1	0	0	0	0	0	0	0	0	20	40	0	0	20	40		
Assigned: December									12	19			12	19		
Closed: December									1	1			1	1		
Trnsfrd: December									0	0			0	0		
<b>PENDING END OF December</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>31</b>	<b>58</b>	<b>0</b>	<b>0</b>	<b>31</b>	<b>58</b>		
Assigned: Year to Date	0	0	0	0	0	0	0	0	32	60	0	0	32	60		
Closed: Year to Date	0	0	0	0	0	0	0	0	1	2	0	0	1	2		
Trnsfrd: Year to Date	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
<b>ASSIGNED LAST 06 MONTHS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>60</b>		
<b>ASSIGNED LAST 12 MONTHS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>60</b>		
<b>WTD FILINGS YEAR TO 06/30/93</b>									<b>0</b>				<b>0</b>	<b>0</b>		
<b>WTD FILINGS YEAR TO</b>													<b>0</b>	<b>0</b>		
<b>TOTALS BY OFFICE*</b>																
*Totals include Magistrate Judge and Visiting Judge Cases																
Pending: December 1	7	8	63	68	23	25	34	56	35	61	33	48	195	266		
Assigned: December	1	1	7	8	3	5	2	2	12	19	3	5	28	40		
Closed: December	1	1	7	9	3	4	7	17	10	13	1	1	29	45		
<b>PENDING END OF December</b>	<b>7</b>	<b>8</b>	<b>63</b>	<b>67</b>	<b>23</b>	<b>26</b>	<b>29</b>	<b>41</b>	<b>37</b>	<b>67</b>	<b>35</b>	<b>52</b>	<b>194</b>	<b>261</b>		
Assigned: Year to Date	16	22	86	123	28	33	60	88	62	104	75	99	327	469		
Closed: Year to Date	14	21	95	164	20	23	58	79	60	99	59	89	306	475		
<b>ASSIGNED LAST 06 MONTHS</b>	<b>6</b>	<b>7</b>	<b>40</b>	<b>45</b>	<b>19</b>	<b>23</b>	<b>27</b>	<b>39</b>	<b>35</b>	<b>69</b>	<b>28</b>	<b>38</b>	<b>155</b>	<b>221</b>		
<b>ASSIGNED LAST 12 MONTHS</b>	<b>16</b>	<b>22</b>	<b>86</b>	<b>123</b>	<b>28</b>	<b>33</b>	<b>60</b>	<b>88</b>	<b>62</b>	<b>104</b>	<b>75</b>	<b>99</b>	<b>327</b>	<b>469</b>		
<b>WTD FILINGS YEAR TO 06/30/93</b>	<b>31</b>		<b>260</b>		<b>51</b>		<b>132</b>		<b>126</b>		<b>148</b>		<b>748</b>	<b>0</b>		
<b>WTD FILINGS YEAR TO</b>													<b>0</b>	<b>0</b>		

# United States District Courts - National Judicial Workload Profile

			ALL DISTRICT COURTS					
			1993	1992	1991	1990	1989	1988
<b>OVERALL WORKLOAD STATISTICS</b>	Filings*		264,038	265,612	244,790	251,166	257,259	269,982
	Terminations		259,238	263,034	250,615	245,014	255,473	266,595
	Pending		252,697	262,805	260,095	273,301	267,440	269,646
	Percent Change in Total Filings - Current Year		Over Last Year	-6				
			Over Earlier Years		7.9	5.1	2.6	-2.2
	Number of Judgeships		649	649	649	575	575	575
	Vacant Judgeship Months		1,199.6	1,313.4	1,227.6	540.1	374.1	485.2
<b>ACTIONS PER JUDGESHIP</b>	FILINGS	Total	407	409	377	437	447	470
		Civil	354	355	325	381	393	419
		Criminal Felony	53	54	52	56	54	51
	Pending Cases		389	405	401	475	465	469
	Weighted Filings		419	412	386	427	439	437
	95% Confidence	Upper	444	436	408	453	466	465
		Lower	393	387	363	401	412	410
	Terminations		399	405	386	426	444	464
	Trials Completed		30	32	31	35	35	34
	<b>MEDIAN TIMES (MONTHS)</b>	From Filing to Disposition	Criminal Felony	6.3	5.9	5.8	5.4	5.2
Civil*			8	9	10	9	9	9
From Issue to Trial (Civil Only)		16	15	15	14	13	14	
<b>OTHER</b>	Number (and%) of Civil Cases Over 3 Years Old		18,451 8.3	17,249 7.7	21,252 9.4	25,672 10.6	23,137 9.7	21,918 8.9
	Average Number of Felony Defendants Filed per Case		1.5	1.6	1.5	1.5	1.5	1.6
	Jurors	Average Present for Jury Selection	38.33	37.64	37.43	35.60	36.07	32.70
		Percent Not Selected, or Challenged	34.0	34.1	34.3	33.9	35.4	33.7

1993 CIVIL AND FELONY FILINGS BY NATURE OF SUIT AND OFFENSE			
<b>TOTAL CIVIL</b>	<b>229,850</b>	<b>TOTAL CRIMINAL FELONY</b>	<b>33,3</b>
A-Social Security	11,747	A-Immigration	2.1
B-Recovery of Overpayments and Enforcement of Judgments	4,519	B-Embezzlement	1.2
C-Prisoner Petitions	53,451	C- Weapons and Firearms	3.7
D-Forfeitures and Penalties and Tax Suits	6,753	D-Escape	1.1
E-Real Property	7,884	E-Burglary and Larceny	1.1
F-Labor Suits	15,820	F-Marihuana and Controlled Substances	4.4
G-Contracts	30,627	G-Narcotics	6.6
H-Torts	43,259	H-Forgery and Counterfeiting	6.6
I-Copyright, Patent, and Trademark	6,560	I-Fraud	6.6
J-Civil Rights	27,655	J-Homicide and Assault	1.1
K-Antitrust	653	K-Robbery	1.1
L-All Other Civil	20,922	L-All Other Criminal Felony Cases	1.1

\*Filings in the "Overall Workload Statistics" section include criminal transfers, while filings "by nature of offense" do not.

**U.S. DISTRICT COURT -- JUDICIAL WORKLOAD PROFILE**

KENTUCKY EASTERN		TWELVE MONTH PERIOD ENDED SEPTEMBER 30						NUMERICAL STANDING WITHIN U.S. CIRCUIT		
		1993	1992	1991	1990	1989	1988			
<b>OVERALL WORKLOAD STATISTICS</b>	Filings*	2,300	2,049	2,277	1,915	2,272	2,425			
	Terminations	1,754	2,366	1,947	2,028	2,490	2,430			
	Pending	2,187	1,646	1,957	1,729	1,883	2,119			
	Percent Change In Total Filings Current Year	Over Last Year. . .	12.2						[ 8 ] [ 2 ]	
	Over Earlier Years. . .	1.0	20.1	1.2	-5.2			[ 57 ] [ 4 ]		
Number of Judgeships		4.50	4.50	4.50	4.50	4.50	4.50			
Vacant Judgeship Months**		6.0	12.0	.6	10.0	10.9	7.0			
<b>ACTIONS PER JUDGESHIP</b>	<b>FILINGS</b>	Total	511	455	506	426	505	539	[ 11 ] [ 2 ]	
		Civil	454	400	455	381	465	505	[ 11 ] [ 2 ]	
		Criminal Felony	57	55	51	45	40	34	[ 37 ] [ 3 ]	
	Pending Cases		486	366	435	384	418	471	[ 18 ] [ 1 ]	
	Weighted Filings**		444	397	439	353	377	387	[ 32 ] [ 2 ]	
	95% Confidence	Upper	474	424	473	374	401	413		
		Lower	415	369	406	332	353	360		
	Terminations		390	526	433	451	553	540	[ 50 ] [ 7 ]	
	Trials Completed		28	34	32	30	30	27	[ 48 ] [ 5 ]	
	<b>MEDIAN TIMES (MONTHS)</b>	From Filing to Disposition	Criminal Felony	5.2	6.0	6.1	5.1	5.6	5.5	[ 22 ] [ 1 ]
Civil**			7	9	8	8	8	8	[ 10 ] [ 2 ]	
From Issue to Trial (Civil Only)		21	21	21	17	20	22	[ 65 ] [ 7 ]		
<b>OTHER</b>	Number (and %) of Civil Cases Over 3 Years Old		83 4.1	53 3.6	92 5.2	91 5.7	125 7.0	95 4.7	[ 33 ] [ 4 ]	
	Average Number of Felony Defendants Filed per Case		1.5	1.6	1.8	1.6	1.6	1.7		
	Jurors	Avg. Present for Jury Selection**	39.56	39.56	39.07	36.36	36.20	31.34	[ 65 ] [ 7 ]	
		Percent Not Selected or Challenged**	37.8	34.0	28.7	26.6	33.6	23.7	[ 74 ] [ 7 ]	

**FOR NATIONAL PROFILE AND NATURE OF SUIT AND OFFENSE CLASSIFICATIONS  
SHOWN BELOW -- OPEN FOLDOUT AT BACK COVER**

1993 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	2044	455	5	540	60	174	59	179	252	16	218	-	86
Criminal*	249	6	15	29	9	4	45	25	3	73	-	16	24

\* Filings in the "Overall Workload Statistics" section include criminal transfers, while filings "by nature of offense" do not.  
 \*\* See Page 167.