



U.S. DISTRICT & BANKRUPTCY COURTS FOR THE DISTRICT OF IDAHO 2005 ANNUAL REPORT SUMMARY



OVERVIEW

The year 2005 will long be remembered in the District of Idaho because it marked the official beginning of the “electronic case filing” era in Idaho, which will forever change the way the Federal Courts process cases. The Idaho Bar accepted and embraced this new technology as reflected by one of the highest percentage rates of use of electronic filing in the country, for both the Bankruptcy and District Courts. This transition was the culmination of thousands of hours of “behind the scenes” work on behalf of the judges, Clerk’s Office and entire Court staff.

If the implementation of the electronic filing system (CM/ECF) defined the start of 2005, the Bankruptcy Reform Act, which took effect on October 17, 2005, shaped the last half of the year. Never before in the history of our Court had we experienced the volume of filings receiving during the two-weeks in October leading up to the effective date of this legislation. Although Bankruptcy Courts across the country were inundated with last-minute filings, it would not have been humanly possible to process all these transactions without the prior implementation of the Electronic Case Filing System.

Managing the District Court caseload continues to be a challenge without a third District Judge. Without the help of 125 visiting judges over the past three years, we could have not managed our caseload.

As you will see from the subsequent summary of accomplishments, 2005 was indeed quite a year!

B. LYNN WINMILL, CHIEF DISTRICT JUDGE
LARRY M. BOYLE, CHIEF MAGISTRATE JUDGE

TERRY L. MYERS, CHIEF BANKRUPTCY JUDGE
CAMERON J. BURKE, COURT EXECUTIVE

“Access to Justice” ...

THIRD DISTRICT JUDGESHIP EFFORTS

The Judicial Conference of the United States approved a third District Judgeship for the District of Idaho in 2004 but this bill has not moved in Congress. Currently, the legislation is tied to a Bill to Split the Ninth Circuit Court of Appeals.

ELECTRONIC CASE FILING (CM/ECF)

CM/ECF, the new electronic filing system, which officially began on January 1, 2005, was truly a massive undertaking. Under the new CM/ECF program, registered attorneys can now electronically file cases, documents and pleadings in pdf (portable document format) via the Internet and receive electronic notification by e-mail. Although this program is being implemented nationwide using standardized software, each District has developed its own rules and procedures. The District of Idaho was the first combined District & Bankruptcy Court to “go live” on CM/ECF at the same time. Likewise, we

were the only District to accomplish this feat in less than nine months. In addition, Idaho was the only District to successfully complete formal, hands-on training of over 1700 attorneys and paralegals in just a three-month period. Training classes were held throughout the state at the federal courthouses, computer labs, hotels and at individual law firms. The District of Idaho has had a very high percentage of documents submitted electronically compared to other districts. In the Bankruptcy Court, approximately 87% of all new cases are now filed electronically. Already, this program has resulted in a savings of both time and money for the Courts and the Bar alike.

BANKRUPTCY REFORM ACT

The Court worked extremely hard in its preparatory efforts for the implementation of the Bankruptcy Reform Act on October 17, 2005. This event mandated sweeping changes, not only in the Bankruptcy Rules, but also in all procedures, forms, software, systems applications, and scores of other areas. Because of the more stringent requirements imposed by this new legislation, debtors scrambled to file before the Act became effective. Therefore, during the period from October 1st through 16th, the District of Idaho had 3560 filings! (To put this in perspective, during 1994 the District of Idaho only had 3,303 for that entire year.) Handling the volume of bankruptcy filings generated by the Bankruptcy Reform Act during this timeframe would not have been humanly possible before the advent of the Electronic Case Filing System.

COEUR D'ALENE PROJECT

The District of Idaho received final approval from the Ninth Circuit Space and Security Committee for approximately 25,000 square feet of expansion space in Coeur d'Alene. The schedule reflects that the bids on this project are due by May 2006 with a May 2008 completion date. This new leased facility will include a full-sized district courtroom and chambers, a bankruptcy/magistrate judge courtroom and chambers, a Grand Jury /hearing room, jury facilities, ancillary courtroom facilities and expansion space for the Clerk's Office, and Probation & Pretrial Services.

INTERNET

The creation of special sections on the District of Idaho's website: www.id.uscourts.gov entirely devoted to CM/ECF and the Bankruptcy Reform Act were developed to enhance communication with the Bar and public during the implementation and transition phases of both the new electronic case filing system and the Bankruptcy Reform Act legislation. For example, the Bar could watch a streaming video that outlined the benefits of CM/ECF, familiarize themselves with CM/ECF terminology, simulate electronic filings in bankruptcy, civil and criminal training modules, and register online for court-sponsored training.

With respect to the Bankruptcy Reform Act, the website contained links to the most up-to-date information on the new legislation, redline/strikeout versions of the Rules and Code changes, links to the appropriate "means testing" tables and interactive versions of the newly-adopted official Bankruptcy forms, and the new events used in ECF.

Our Internet site continues to receive recognition both within the Judiciary and from outside organizations for its comprehensive scope, intuitive layout and ease of navigation. A recent redesign of the layout of the extensive forms pages has enhanced its organization and space saving qualities and proven to be very user-friendly.

CEO CALENDAR

In conjunction with the implementation of CM/ECF, the District of Idaho was selected as a development partner to evaluate and test a calendar program. This CEO calendar program, short for Chambers Electronic Organizer, was developed by another consolidated district, the Southern District of Texas. During 2005, the

District of Idaho successfully installed and utilized both a Bankruptcy and District version and will participate in future software development.

"Community Outreach" ...

ANNUAL DISTRICT CONFERENCE

The 2005 Annual District Conference and Federal Practice Program was sponsored by the Idaho Chapter of the Federal Bar Association and held on July 15th in Post Falls in conjunction with the Idaho State Bar Conference. In 2006, the Annual District Conference / Federal Practice Program will return to its "road show" format and be conducted in Boise, Pocatello, and Coeur d'Alene.

COMMUNITY OUTREACH GRANT PROGRAM

The District of Idaho Community Outreach Program awarded three grants for calendar year 2005. The worthy recipients included: the Commercial Law & Bankruptcy Section of the Idaho State Bar, which will produce a video and materials on financial literacy and the wise use of credit for target groups such as schools; the University of Idaho Law School's Legal Aid Society, which will provide hands-on ECF training to Legal Aid Clinic students and other College of Law students; and the Citizens' Law Academy, which will replicate the Citizens' Law Academy in the 1st and 5th Judicial Districts and provide continued support for the 2nd, 3rd, 6th and 7th Districts.

Each year, subject to the availability of sufficient funds in the District of Idaho's Non-Appropriated Fund, a portion of the proceeds are awarded to programs that enhance public trust and confidence in the judiciary; promote a better understanding of the judiciary and legal processes; and improve communication with the public about the role of courts and the legal process. The grant funding must be related in some way to community education. The application deadline is April 1st of each calendar year. The Court has announced that a total of \$12,750 has been allocated for the 2006 Community Outreach Program.

PRO SE / PRO BONO PROGRAM

During 2005, the Court revised the Pro Se / Pro Bono Program. This Program was initiated to assist with the out-of-pocket expenses for attorneys appointed to represent indigent litigants in meritorious civil and bankruptcy cases not covered by the Criminal Justice Act (CJA). In recognition that volunteer legal services impose a financial burden, out-of-pocket expenses are now reimbursed up to \$1500, or more in complex litigation. These cases provide an excellent opportunity for attorneys to gain valuable federal court procedural and litigation experience.

FEDERAL BAR ASSOCIATION

Now in its second year, the Idaho Chapter of the Federal Bar Association boasts over 100 members. During 2005, in addition to sponsoring the Federal Practice Program held in conjunction with the Idaho State Bar Association Conference in July, a Tri-State CLE (involving Idaho, Utah & Wyoming) was held in October in Jackson Hole, Wyoming. The Association assists with continuing legal education and serves as a resource to the Lawyer Representatives and Court in conducting educational programs such as the District Conferences. One of the various committees of the Idaho Chapter of the Federal Bar Association will focus on the needs of the Federal Court in Idaho, including a plan to create a third judgeship as well as work with Congressional representatives regarding the budget shortfall.

PEGGY SATTERFIELD MEMORIAL GARDEN

The Peggy Satterfield Wildlife Memorial Garden was officially dedicated during a ceremony held on May 20, 2005. The butterfly and bird-friendly garden is located adjacent to the James A. McClure

Federal Building and United States Courthouse and features native plants and bird feeders. Peggy was a cherished member of Judge Lodge's court staff, a dedicated court reporter and federal employee. This is the first Federal Building & U.S. Courthouse in the United States to be certified by the National Wildlife Federation as a Workplace Habitat for Wildlife.

"Public Trust and Confidence" ...

JUDICIAL SERVICE ON NATIONAL & CIRCUIT COMMITTEES

Chief District Judge B. Lynn Winmill was asked during 2005 by former United States Supreme Court Chief Justice William Rehnquist to continue his service on the United States Judicial Conference Committee on Information Technology. The membership term of this prestigious appointment has been extended until October 2008. Some of the duties of this committee include reviewing and recommending programs that support information technology such as electronic public access, courtroom technology, electronic filing and voice telecommunications programs. During 2005, Chief Judge Winmill also served on the Ninth Circuit Court of Appeals Judicial Council representing the Conference of Chief District Judges. The Ninth Circuit Judicial Council promulgates all necessary and appropriate orders for the effective and expeditious administration of justice within the Circuit.

Chief Magistrate Judge Larry M. Boyle continues to serve an unprecedented additional two-year term on the United States Judicial Conference Committee on the Administration of the Magistrate Judges System. The Committee consists of eleven district judges and three magistrate judges representing all of the federal circuits. The Committee makes policy recommendations to the United States Judicial Conference relating to the administration of the Magistrate Judge System.

VISITING JUDGES

The District of Idaho continues to rely heavily upon visiting judges to assist in managing its caseload. During the past three years, 125 visiting judges have assisted our district. In 2005, visiting judges accounted for 420 hours of court proceedings in our District

"Independence and Accountability" ...

BANKRUPTCY JUDGE APPOINTED TO BAP

Jim D. Pappas, U. S. Bankruptcy Judge for the District of Idaho, was appointed during 2005 to the Ninth Circuit's Bankruptcy Appellate Panel for a seven-year term. Judge Pappas will continue to serve as a Bankruptcy Judge for the District of Idaho. The Bankruptcy Appellate Panel (BAP) reviews decisions by the bankruptcy courts within the Ninth Circuit. The BAP was established by the Judicial Council of the Ninth Circuit in 1979 as an alternative forum to the district courts for hearing bankruptcy appeals. Last year, the BAP disposed of nearly 500 appeals. There are six current members of the BAP from districts throughout the Circuit, which hears appeals in three-judge panels.

"Expedition and Timeliness" ...

CM/ECF WEBPAGE, HELP DESK & HELPFUL HINTS

In connection with the implementation of CM/ECF, the Court produced a resource webpage exclusively devoted to CM/ECF that contains all relevant links. In addition, a "Help Desk" was established whereby CM/ECF users could talk to court staff during regular working hours regarding any problem they were experiencing with the electronic filing system. To further assist practitioners in the CM/ECF process, the Court periodically publishes a series of "Helpful Hints" designed to address specific problems encountered by CM/ECF users.

CASE MANAGEMENT

During 2005, the Bankruptcy Court reached a record 11,808 filings, which represented a 27% increase from the previous year. In anticipation of the implementation of the Bankruptcy Reform Act on October 17, 2005, there were 3,560 filings during the first 16 days of October. Also during 2005, criminal case filings increased 6%. In fact, over the past eleven years, bankruptcy filings have increased 257%. During that same time span, criminal filings have risen 117%.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The District of Idaho's ADR program currently offers: (1) private mediation; (2) arbitration; and (3) settlement conferences hosted by visiting Judges or our District's Magistrate Judges. During 2005, 106 cases were referred to the mediation program, which had a settlement rate of 61%. In addition, 29 cases participated in judicially-supervised settlement conferences, with a settlement rate of over 60%. The use of ADR in civil cases over the past year has proven helpful in assisting parties in resolving their disputes.

WI FI SYSTEM FOR COURTROOMS

The Court has approved the installation of a Wi Fi system in all courtrooms in Boise, Pocatello and Coeur d Alene, which will allow attorneys to access the ECF system and private e-mail. The Court will address standards for attorney decorum in regard to the use of notebook computers while in the courtroom. The project is being funded by the Attorney Admission Fund and will be accomplished sometime in the Spring of 2006.

"Cooperation and Collaboration" ...

FEDERAL & STATE JUDICIARY JOINT EFFORTS

The State / Federal Judicial Council met several times in 2005 and worked on several initiatives including interpreter certification, Bankruptcy Reform, emergency preparedness, and the use of electronic certification of documents. Chief Bankruptcy Judge Terry L. Myers gave a presentation to the Idaho State District Court Judges Conference on the profound impact of the new Bankruptcy Reform Act. In addition, during 2005, the state and federal judiciary jointly sponsored a number of court interpreter orientation and skill-building workshops as well as offering the certification examination. This project has resulted in the certification of additional Spanish Interpreters that are used in both the state and federal courts.

LAWYER REPRESENTATIVES

Debora Kristensen was appointed to a three-year term as a lawyer representative for the United States District & Bankruptcy Courts for the District of Idaho, joining current lawyer representatives Ron Kerl and Keith Roark. Ms. Kristensen is a partner in the firm of Givens Pursley LLP in Boise, Idaho.

Debora has served as the President of the Idaho State Bar, Commissioner on the Idaho State Bar's Board of Commissioners, was a founding member of several Media and Court Committees and has also served on various civic and community Boards. Deb has published more than fifty articles and is a frequent speaker for media and legal associations. In addition, Ms. Kristensen was the recipient of the 2005 Kate Feltham Award, which is awarded to individuals who have made an extraordinary effort to promote equal rights and opportunities for women and minorities within the legal profession of Idaho.

In addition, Joe Meier was selected as the vice-Chair of the Lawyer Representative Coordinating Committee, which assists in managing the annual Judicial Conference. Joe will take over the chair's duties in 2006 for this influential Ninth Circuit Committee.

ANNUAL CJA CONFERENCE

The 2005 Annual CJA (Criminal Justice Act) Conference, jointly sponsored by the U S District Court and Federal Defenders of Eastern Washington & Idaho, took place on August 19th at the Boise Centre on the Grove. Topics of presentations from the esteemed faculty included: "Opportunity Knocks"; "Evidence Warrioring, Creativeness with Rules"; Cross of Snitches, Poisoning the Rat"; "Closings, Tying it all Together"; and "Ethics, Is Winning Everything?" The Capital Habeas Conference was held the next day at the same location. CLE credits were awarded to all attendees.

REVISED BANKRUPTCY LOCAL RULES

During 2005, the District of Idaho Bankruptcy Local Rules Committees successfully completed revisions of the Bankruptcy Court Local Rules, which after a month-long comment period, became effective on January 1, 2006. In addition, a new Model Chapter 13 Plan was adopted. In addition, the nationwide implementation of the Bankruptcy Reform Act on October 17, 2005 necessitated the adoption of an entire series of Interim Rules. Conversely, only some minor technical changes were made to certain District Court Local Rules during the past year.

IDAHO LEGAL HISTORICAL SOCIETY

The District of Idaho is looking forward to continued involvement with the newly-formed Idaho Legal Historical Society. Some of this organization's initiatives include: (1) taking judge and attorney oral histories; (2) writing historical articles for publication in the *Advocate* and, (3) conducting a series of fundraising events for the benefit of the Society. In the summer of 2007, the ILHS plans to perform a re-enactment of the famous Bill Haywood trial at the Boise Little Theater. The Society will encourage the participation of High School government classes in this event, which hopefully can be aired on Idaho Public TV.

APPOINTMENTS TO NINTH CIRCUIT ADVISORY COMMITTEES

During 2005, Ninth Circuit Chief Judge Mary M. Schroeder appointed Candy W. Dale, from Hall, Farley, Oberrecht & Blanton, to a three-year term on the Ninth Circuit Advisory Board. The mission of this Committee is to research issues and assist the Ninth Circuit on such initiatives as improving relations between the Judiciary and Congress,

supporting new judgeships and enhanced budgets. In addition, lawyer representative Joe Meier was selected as the Chair-elect of the Lawyer Representative Coordinating Committee. This Circuit-wide advisory committee provides recommendations and assistance to the Ninth Circuit Judicial Conference.

CONTINUITY OF OPERATIONS PLAN (COOP)

During 2005, the District of Idaho revised its Continuity of Operations Plan (COOP) to reflect some of the advancements in new technology. This Plan provides alternatives to the Court in the event of an emergency. Some of the issues specifically covered include: defining the essential functions of the court and devising strategies that would ensure their prompt resumption or continuation in either short or long-term emergencies; determining possible alternative courtroom and clerks office locations; developing contingency plans for automation support at new locations; and addressing communication strategies.

"Equality, Fairness, and Integrity"...

JURY SYSTEM ENHANCEMENTS

It is the goal of the District of Idaho that its jury pool be a fair cross-representation of the community with a term of jury service as short and as least burdensome as possible. In mid-2005, the term of service in the Northern division was further reduced to one month, one appearance or one trial, as utilized in both the Southern and Eastern divisions.

The District of Idaho continues to be one of the nation's leaders in effectively managing the number of jurors who report for service. The use of the automated Jury Management System (JMS) and an automated voice messaging system (AJIS), which reminds jurors of their reporting date, has resulted in an efficient and cost-effective jury administration system.

DISTRICT COURT SPANISH FORMS

During 2005, under the leadership of Magistrate Judge Mikel H. Williams, the District of Idaho completed a year-long project that resulted in the creation of a Spanish version for nine separate forms, routinely used by the Court throughout the course of the criminal process. This was a joint effort that included chambers and court staff, as well as several federal and/or state court certified Spanish interpreters. It is hoped that having these forms available for Spanish speaking defendants will help them better understand their legal rights and the court process. These forms, which can be filled out on-line, are available on our website under Forms/ District/ Spanish Forms - Espanolas Formularios.

NEW CHIEF DEPUTY CLERK

The District of Idaho selected Tony Anastas to become its new Chief Deputy Clerk. Tony has brought a wealth of federal court management experience with him, having previously served as Chief Deputy Clerk for the Western District of New York, Clerk of Court for the U.S. District Court of Massachusetts, and Facilities Manager for the Circuit Executive's Office for the United States First Circuit Court of Appeals.

**District of Idaho
Judicial & Administrative Officers**

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

Please Note: A more detailed and statistically complete version is accessible on our website at www.id.uscourts.gov under Publications / Reports.

2005 Caseload Highlights

Civil

- % Civil filings down 18% after similar increase the prior year.
- % Civil terminations down 7%
- % Civil pending cases down 6%.
- % Pro Se filings accounted for 34% of all civil filings, up 3% from last year.
- % Northern civil filings up 22%.

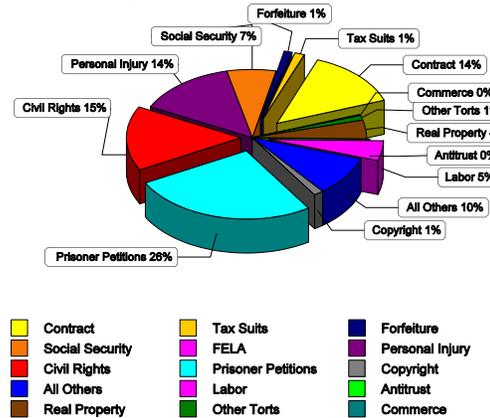
Criminal

- % Criminal case filings up 6%.
- % Criminal defendant filings up 1%.
- % Criminal case terminations up 3%.
- % Pending criminal defendants up 5%.
- % Pending criminal cases up 6%.
- % Eastern criminal case filings up 58%.
- % Eastern criminal def. filings up 47%.
- % Number of criminal trials up 26%.
- % Federal Statutes cases up 38%.

Civil Workload

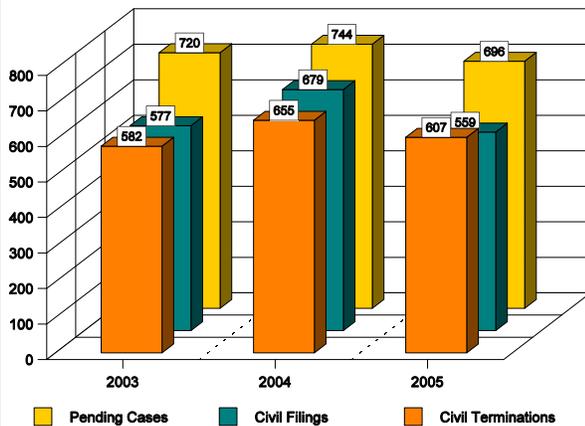
	2003	% Change	2004	% Change	2005
Civil Filings	577	18%	679	-18%	559
Civil Terminations	582	13%	655	-7%	607
Pending Civil Cases	720	3%	744	-6%	696

2005 CIVIL CASE FILINGS BY TYPE



ANNUAL CIVIL WORKLOAD

For 12 Month Period Ending December 31



District Court Judge Trial and Hearing Activity

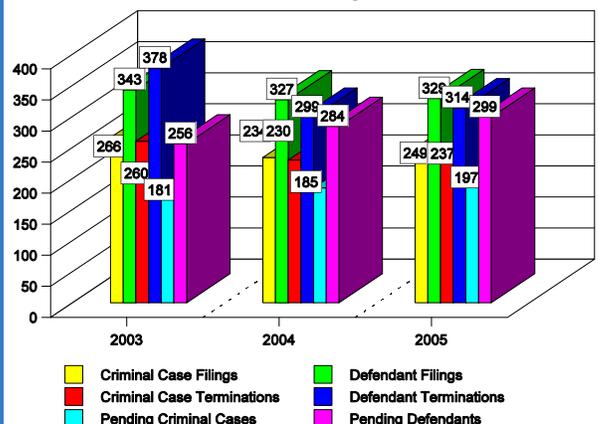
	2003	% Change	2004	% Change	2005
Civil					
Number of Trials	15	27%	19	-26%	14
Days in Trial	82	6%	87	-62%	33
Hours in Trial	424	7%	454	-69%	141
Criminal					
Number of Trials	54	-20%	43	26%	54
Days in Trial	128	-7%	119	-18%	98
Hours in Trial	518	-2%	507	-28%	363

Criminal Workload

	2003	% Change	2004	% Change	2005
Criminal Case Filings	266	-12%	234	6%	249
Defendant Filings	343	-5%	327	1%	329
Criminal Case Terminations	260	-12%	230	3%	237
Defendant Terminations	378	-21%	299	5%	314
Pending Criminal Cases	181	2%	185	6%	197
Pending Criminal Defendants	256	11%	284	5%	299

CRIMINAL CASE WORKLOAD

For the 12 Month Period Ending December 31



2005 Caseload Highlights

Bankruptcy

- % Bankruptcy filings set a new record.
- % Bankruptcy filings up 27%.
- % Chapter 7 filings up 31%.
- % Chapter 13 filings up 4%.
- % Bankruptcy filings for first 16 days of October totaled 3560 but only 147 for rest of year.
- % Bankruptcy Court hours down 11%.
- % Moscow hours up 29%.

Other Noteworthy Items

- % Total jury trials down 15%.
- % Civil jury trials down 11%.
- % Criminal jury trials down 17%.
- % Jurors not Selected, Serving or Challenged down 55%.

Bankruptcy Filings by Chapter

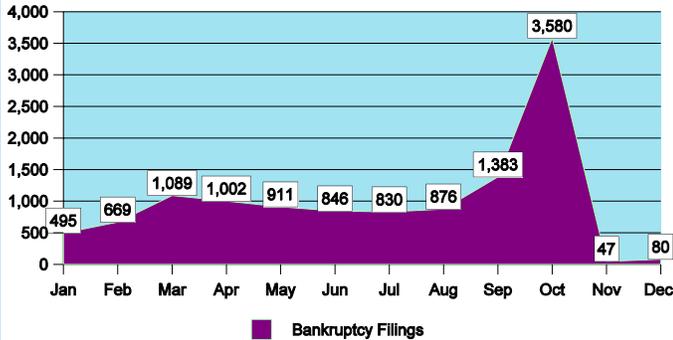
	2003	% Change	2004	% Change	2005
Chapter 7	8,214	-2%	8,015	31%	10,484
Chapter 11	43	-33%	29	-41%	17
Chapter 12	23	-100%	0	-	9
Chapter 13	1,222	3%	1,253	4%	1,298
Sub-Total	9,502	-2%	9,297	27%	11,808

Bankruptcy Filings by Location

	Boise	Pocatello	Moscow	Coeur d'Alene	Twin Falls	Total
2003	4,713	1,717	484	1,547	1,041	9,502
%Change	-1%	-2%	1%	-7%	-1%	-2%
2004	4,660	1,680	491	1,435	1,031	9,297
% Change	24%	45%	31%	15%	28%	27%
2005	5,772	2,428	641	1,646	1,321	11,808

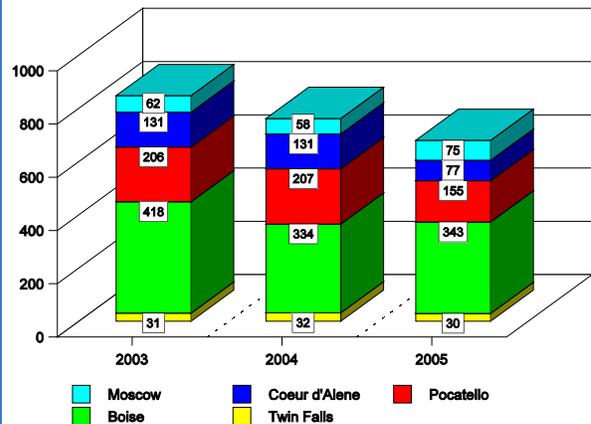
2005 Bankruptcy Filings - District of Idaho

For the 12 Month Period Ending December 31



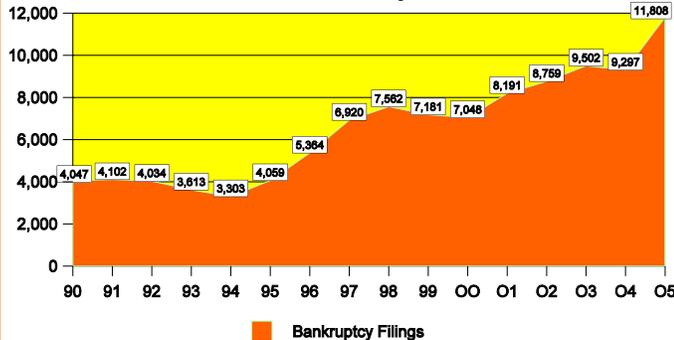
BANKRUPTCY COURT HOURS BY LOCATION

For the 12 Month Period Ending December 31



Bankruptcy Filings by Year - District of Idaho

For the 12 Month Period Ending December 31



Juror Utilization

	2003	% Change	2004	% Change	2005
Civil Jury Trials	8	13%	9	-11%	8
Criminal Jury Trials	20	-10%	18	-17%	15
Total Jury Trials	28	-4%	27	-15%	23
Selected or Serving	319	-15%	271	-5%	257
Challenged	433	-1%	430	-5%	410
Not Selected, Serving or Challenged	165	39%	229	-55%	102
Jurors Reporting	917	1%	930	-17%	769
% Not Selected, Serving or Challenged	18%		25%		13%