

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**Boyd N. Boland
United States Magistrate Judge**

303-844-6408

March 4, 2013

THE BUSINESS OF THE DISTRICT COURT: 2012

The United States District Court for the District of Colorado had a banner year in 2012, trying 53 civil jury trials to verdict; conducting 12 civil trials to the court; concluding 22 felony trials; and trying four petty offenses. This is a total of 91 civil and criminal trials, far exceeding the 50 total trials in 2011. It was the busiest trial year in the court's recent history. The business of the court is reported below.

I. CIVIL JURY TRIALS

A. Overview

Fifty-three civil cases were tried to jury verdicts in 2012, while 3,380 civil actions were filed. The ratio of cases tried to cases filed is 1.57%.

The comparison is imprecise because none of the cases tried in 2012 was filed then. The date of filing of each case tried to verdict in 2012 is reported below:

<u>Year Filed</u>	<u>No. Tried in 2011</u>
2011	12
2010	26
2009	9
2008	4
2007	1
2004	1

The average time from filing to a jury trial in 2012 was 28 months (2.3 years). The shortest time from filing to trial was 11 months in an employment case alleging race discrimination. Twenty-five of the 53 jury trials (47%) were tried within two years of filing.

The number of civil jury trials in 2012 rose by 77% over those in 2011, when only 30 civil cases were tried to verdict. Fifty-three civil trials to verdict is the most in more than a decade.

The number of civil jury trials to verdict in each of the last eleven years is reported below:

<u>Year</u>	<u>No. of Cases Filed</u>	<u>No. of Civil Jury Trials</u>	<u>Rate of Trials</u>
2012	3,380	53	1.57%
2011	3,136	30	0.88
2010	3,177	25	0.79
2009	3,042	34	1.10
2008	2,838	29	1.00
2007	2,726	36	1.30
2006	2,607	38	1.50
2005	2,679	35	1.30
2004	2,698	51	1.89
2003	2,672	47	1.75
2002	2,464	52	2.10

B. Verdict Amounts

The plaintiffs prevailed in 25 of the 53 jury trials (47%) and the defendants prevailed in 28 (53%). Rates of success since 2003 are reported below:

<u>Year</u>	<u>No. of Civil Jury Trials</u>	<u>Plaintiffs Prevailed</u>	<u>Defendants Prevailed</u>	<u>Split Verdicts</u>
2012	53	25 (47%)	28 (53%)	0
2011	30	15 (50%)	15 (50%)	0
2010	25	13 (52%) ¹	11 (44%) ¹	1 (4%)
2009	34	15 (44%) ²	16 (47%) ²	3 (9%)
2008	29	12 (41%)	17 (59%)	0
2007	36	15 (42%) ³	21 (58%) ³	0
2006	38	24 (63%)	14 (37%)	0
2005	35	23 (66%) ⁴	11 (31%) ⁴	1 (3%)
2004	51	25 (49%)	26 (51%)	0
<u>2003</u>	<u>47</u>	<u>26 (55%)</u>	<u>21 (45%)</u>	<u>0</u>
TOTAL	370	189 (51%)	176 (48%)	5 (1%)

The largest verdict in 2012 was \$7,117,961 (in a negligence case involving flavored popcorn), and the smallest were \$0.⁵ The average verdict was \$1,160,505, and the median was \$325,000. The following chart reports the jury verdicts in 2012 from high to low:

¹In one case tried in 2010, the verdict for the defendant included an award of \$221,631 on a counterclaim.

²In one case tried in 2009, the verdict for the defendant included an award of \$5,350,000 on a counterclaim.

³In one case tried in 2007, the verdict for the defendant included an award of \$16,000,000 on a counterclaim.

⁴In 2005, there was one split verdict, with the plaintiff being awarded \$57,672 on his claim for invasion of privacy and the defendant being awarded \$140,520 on its counterclaim for breach of the duty of loyalty.

⁵The jury found in an employment discrimination case that the employer retaliated against the employee but awarded no damages. In a second case, the plaintiff voluntarily dismissed its claims and the jury found for the plaintiff on the defendant's counterclaim for abuse of process, awarding the defendant nothing.

Rank	Amount	Type of Case
1	\$7,117,961	negligence (flavored popcorn)
2	6,410,268	breach of contract
3	4,056,000	negligence: personal injury
4	2,575,000	breach of contract
5	2,500,000	breach of contract
6	1,392,000	outrageous conduct
7	1,262,894	employment: race
8	975,000	breach of contract
9	825,000	breach of contract
10	400,004	Fair Housing Act
11	386,000	breach of insurance contract
12	325,000	breach of insurance contract
13	311,600	employment: public policy
14	187,706	employment: retaliation
15	88,000	employment: disability
16	60,000	outrageous conduct
17	45,000	civil rights: excessive force
18	33,045	FLSA
19	32,002	civil rights: cruel and unusual punishment
20	19,000	employment: retaliation
21	9,142	breach of insurance contract
22	2,000	civil rights: cruel and unusual punishment
23	1	trespass
24	0	employment: retaliation
25	0	abuse of process

Active district judges presided over 38 jury trials; senior district judges presided over nine jury trials; visiting judges presided over three jury trials; and magistrate judges presided over three jury trials.

A breakdown of the trials by presiding judge follows:

Judge	Type of Case	Prevailing Party	Amount of Verdict
WYD	1 negligence (the popcorn case)	P	\$7,117,961
	2 breach of contract	P	975,000
	3 breach of contract	D	--
	4 employment: disability	D	--
	5 civil rights: deliberate indifference	D	--
MSK	1 breach of contract	P	\$2,575,000
	2 civil rights: excessive force	P	45,000
	3 civil rights: excessive force	D	--
	4 civil rights: excessive force	D	--
	5 negligence: products liability	D	--
	6 breach of insurance contract	D	--
REB	1 breach of insurance contract	P	\$386,000
	2 civil rights: cruel and unusual punishment	P	2,000
	3 employment: retaliation	D	--
PAB	1 civil rights: excessive force	D	--
	2 civil rights: cruel and unusual punishment	D	--
	3 FDCPA	D	--
CMA	1 breach of contract	P	\$2,500,000
	2 breach of contract	P	825,000
	3 employment: retaliation	P	0
	4 employment: race	D	--
	5 civil rights: excessive force	D	--
	6 negligence: medical malpractice	D	--
	7 civil rights: cruel and unusual punishment	D	--
WJM	1 negligence	P	\$4,056,000
	2 negligence: product liability	D	--
	3 FLSA	P	33,045
	4 employment: race	D	--
	5 Fair Credit Reporting Act	D	--
RBJ	1 trespass	P	\$1
	2 employment: age	D	--
	3 employment: race	D	--
	4 employment: 1st Amendment	D	--
	5 Americans With Disabilities Act	D	--
	6 outrageous conduct	P	1,392,000
	7 employment: race	D	--
	8 negligence: product liability	D	--
	9 Fair Housing Act	P	400,004
RPM	1 breach of contract	P	\$6,410,268
	2 employment: retaliation	P	19,000
	3 civil rights: excessive force	D	--
	4 employment: public policy	P	311,600
	5 breach of insurance contract	P	9,142
JLK	1 abuse of process (on a counterclaim)	P	\$0

Judge	Type of Case	Prevailing Party	Amount of Verdict
LTB	1 employment: retaliation	P	\$187,706
	2 employment: disability	P	88,000
	3 employment: retaliation	D	--
DMEbel	1 breach of insurance contract	P	\$325,000
JAParker	1 employment: race	P	\$1,262,894
KHVratil	1 civil rights: cruel and unusual punishment	P	\$32,002
CBS	1 negligence: ski accident	D	--
MEH	1 outrageous conduct	P	\$60,000
KLM	1 civil rights: excessive force	D	--

The civil jury trials in 2012 consumed 290 trial days. The longest trial lasted twelve days (the popcorn case); the shortest were two days each. The average trial length was 5.5 days. The most common trial lengths were three and four days (10 cases each).

C. Analysis by Nature of the Claim

The jury trials conducted in 2012 fall into six categories based on the nature of the plaintiff's claim:

Category	No. of Cases	% of Cases Tried
employment	15	28%
civil rights	9	23
breach of contract	9	19
negligence	7	13
misc. federal statutes (ADA; FLSA; FDICPA; Fair Credit Reporting Act; Fair Housing Act)	5	9
common law torts (trespass; abuse of process; outrageous conduct)	4	8

At least 32 of the 53 (60%) cases tried involved claims which permitted the award of attorneys fees to a prevailing plaintiff. The plaintiffs won 15 of the 32 cases (47%). The court

awarded attorneys fees of \$234,147 in an FLSA case and \$179,630 in a breach of contract case where the contract included an attorneys fees clause. The court refused to award attorneys fees in an employment discrimination/retaliation case where the jury awarded no damages. Three of the cases settled post-trial but before the attorneys fee issue was decided.

Costs were awarded in 23 cases: eleven times to plaintiffs and twelve times to defendants. The average cost award to plaintiffs was \$9,164; the average award to defendants was \$9,960.

1. Employment

Fifteen of the 53 jury trials (28%) involved employment claims. The plaintiffs prevailed in six of the 15 (40%). The results by nature of the alleged discrimination are reported below:

Nature of Claim	Prevailing Party	Verdict
retaliation		
1	P	\$187,706
2	P	19,000
3	P	0
4	D	--
5	D	--
race		
1	P	\$1,262,894
2	D	--
3	D	--
4	D	--
5	D	--
disability		
1	P	\$88,000
2	D	--
age	D	--
1st Amendment	D	--
public policy (obstructing collective bargaining efforts)	P	\$311,600

In the last eleven years, 138 employment cases have been tried to verdict. The employment claims most frequently tried are retaliation (34) and gender (32). The plaintiffs prevailed in 64 employment cases (46%), and the defendants prevailed in 74 cases (54%).

The historical verdicts rendered by nature of the claim asserted over the past eleven years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate	Average Verdict
retaliation	34	22	65%	\$254,894
gender	32	13	41%	521,248
race/national origin	23	6	26%	680,636
disability	19	10	53%	1,138,010
age	10	3	33%	342,832
public employee	9	4	50%	414,681
religion	2	2	100%	535,000
public policy violation	4	2	50%	446,872
luring	1	0	0%	--
breach of contract	4	2	50%	140,001
TOTAL	138	64	47%	447,417

The 64 cases tried to plaintiffs' verdicts in the last eleven years have resulted in awards totaling \$42,155,409.

2. Civil Rights (other than employment)

Civil rights cases (other than employment) accounted for twelve of the 53 jury trials (23%). Seven of the twelve cases (58%) alleged excessive force. Four of the cases (33%) involved claims of cruel and unusual punishment. One case (8%) alleged deliberate indifference to a serious medical need. The plaintiffs prevailed in one excessive force case and two cruel and unusual punishment cases. The results are reported below:

Nature of Claim	Prevailing Party	Verdict
excessive force		
1	P	\$45,000
2	D	--
3	D	--
4	D	--
5	D	--
6	D	--
7	D	--
cruel and unusual punishment		
1	P	\$32,002
2	P	2,000
3	D	--
deliberate indifference		
1	D	--

Historically, civil rights cases have been among the most difficult for plaintiffs to win. In the last eleven years, 66 civil rights cases have been tried to juries. The plaintiffs won 14 cases (21%), and the defendants prevailed in 52 (79%). The largest verdict in a civil rights case was \$1,000,000, involving the unlawful arrest of a state judge. (That verdict was reversed on appeal.) The smallest verdicts were \$1 each. The plaintiffs' verdicts over the last eleven years are reported below:

Nature of claim	Amount of verdict
unlawful arrest	\$1,000,000
unreasonable search	190,000
excessive force	45,000
cruel and unusual	32,002
excessive force	10,000
unlawful arrest	10,000
unreasonable search	6,500
unlawful arrest	5,000
cruel and unusual	2,000
retaliation: 1st Amendment	1,791
retaliation	1,500
equal protection	630
unlawful arrest	1
excessive force	1

The average verdict in civil rights cases over the last eleven years is \$93,173. When the anomalous \$1 million verdict (which was reversed) is removed from the calculation, the average verdict is \$23,417. The median verdict is \$5,000.

3. Breach of Contract

Ten of the 53 trials (19%) involved claims for breach of contract. Four alleged breach of insurance contracts, and six involved various commercial contracts. The plaintiffs prevailed in seven of the ten cases (70%), as follows:

Nature of Claim	Prevailing Party	Amount of Verdict
breach of contract		
1 (oil & gas lease)	P	\$6,410,268 ⁶
2 (drilling contract)	P	2,575,000
3 (stock purchase)	P	2,500,000
4 (guaranty)	P	975,000
5 (distribution contract)	P	825,000
6 (contract to develop land)	D	--
breach of insurance contract		
1	P	386,000
2	P	9,142
3	D	--
4	D	--

The average verdict for breach of contract was \$1,954,344.

4. Negligence

Seven of the 53 jury trials (13%) in 2012 involved negligence claims. Three involved product liability; two involved personal injuries (n.o.s.); and one each involved a ski accident and a claim of medical malpractice. The plaintiffs prevailed in two of the seven cases (29%), receiving verdicts of \$7,117,961 and \$4,056,000 respectively.

Trial outcomes by nature of the claim are reported below:

Nature of Claim	Prevailing Party	Amount of Verdict
personal injury		
1 (flavored popcorn)	P	\$7,117,961
2 (drilling rig accident)	P	4,056,000
product liability		
1 (brush chipper)	D	--
2 (semi sleeper compartment)	D	--
3 (child's car seat)	D	--
ski accident	D	--
medical malpractice	D	--

The average plaintiff's verdict in a negligence case in 2012 was \$3,761,981.

⁶The jury determined liability, and the judge assessed the damages.

Sixty-six negligence cases have been tried to verdict in the last ten years. The plaintiffs prevailed in 35 negligence cases (53%), and the defendants prevailed in 31 (47%). The total amount of damages awarded to plaintiffs in negligence cases over the last ten years is \$61,158,312. Significantly, although 11 medical malpractice cases have been tried to verdict, the plaintiff has never prevailed.

The historical verdicts by nature of the claim asserted over the last ten years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate	Average Verdict
personal injury (n.o.s.)	18	13	72%	\$1,804,120
product liability	18	10	56%	3,237,237
medical malpractice	11	0	0%	--
ski accidents	8	5	62.5%	571,566
auto accidents	7	5	71%	477,911
premises liability	2	1	50%	85,000
property damage	2	1	50%	0
TOTAL	66	35	53%	1,747,380

5. Federal Statutory Claims

Five jury trials in 2012 involved claims under various federal statutes--the Americans With Disabilities Act; Fair Debt Collection Practices Act; Fair Labor Standards Act; Fair Credit Reporting Act; and the Fair Housing Act. The plaintiff prevailed in the Fair Housing Act case and was awarded \$400,004. The plaintiffs also prevailed an FLSA action and were awarded \$33,045. The defendants prevailed in the other three cases.

6. Common Law Tort Claims

Finally, four of the 53 jury trials involved common law tort claims--outrageous conduct, trespass, and abuse of process. The plaintiffs prevailed in all four cases, as reported below:

Nature of Claim	Prevailing Party	Verdict
outrageous conduct		
1 (water purifier)	P	\$1,392,000
2 (offensive sexual conduct)	P	60,000
trespass	P	1
abuse of process (by counterclaim)	P	0

7. Intellectual Property

Surprisingly, no case tried to verdict in 2012 involved an intellectual property claim.

Historically, plaintiffs have fared exceptionally well in intellectual property cases in this district.

In the last eleven years, 21 intellectual property cases have been tried to verdict, and the plaintiffs prevailed in 19 of them (90%).

The historical results over the last eleven years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate
patent infringement	8	8	100%
trademark infringement	5	3	60%
breach of non-disclosure	1	1	100%
piracy	1	1	100%
theft of trade secrets	3	3	100%
copyright infringement	2	2	100%
Lanham Act	1	1	100%

The verdicts in the intellectual property cases have ranged as follows:

Nature of Claim	Amount of Verdict
patent infringement	\$51,000,000
misappropriation of trade secrets	41,980,131
trademark infringement	15,199,936
patent infringement	14,320,283
misappropriation of trade secrets	12,719,176
breach of non-disclosure	9,340,000
patent infringement	5,350,000
trademark infringement	4,462,000
patent infringement	1,850,000
patent infringement	1,679,616
patent infringement	1,205,000
patent infringement	728,484
copyright infringement	511,910
misappropriation of trade secret	100,000
patent infringement	74,863
piracy	10,000 ⁷
copyright infringement	635
trademark infringement	82
Lanham Act	0
Total	160,532,116

The average verdict over the last eleven years in intellectual property cases is \$8,499,059; the median verdict is \$1,850,000.

⁷The plaintiff sought statutory damages only, which were awarded by the trial judge and not the jury.

II. CIVIL TRIALS TO THE COURT

Twelve cases were tried to the court in 2012. The plaintiffs prevailed in five; the defendants prevailed in four; and three cases await a decision.

The average time from filing to a bench trial in 2012 was 34.8 months (2.9 years). This is nearly seven months longer than the average time to trial in jury cases (28 months), but the outcome is skewed by one case, remanded from the circuit court, which took 103 months (8.6 years) to reach retrial. When that anomalous case is removed from the calculation, the average time to a bench trial is 28.6 months.

The average length of a bench trial was 4.8 days. The longest bench trial was ten days in a medical malpractice case, and the shortest was one day in a civil rights case alleging a violation of an inmate's Eighth Amendment right against cruel and unusual punishment.

Six of the bench trials resulted in rulings on the last day of trial or within days thereafter. In the other three bench trials where decisions have been rendered, the judge took two, two, and three months, respectively, after the trial to render a decision. The remaining three cases have been pending decision for nine, seven, and seven months, respectively.

The specifics of the 12 bench trials are reported below:

Judge	Type of Case	Time to Trial (mos.)	Prevailing Party	Award
MSK	1 fraud	36	D	--
REB	1 securities fraud 2 reformation of insurance contract	16 103	pending P	contract reformed
PAB	1 trademark infringement 2 trademark infringement 3 civil rights: right to petition 4 civil rights: cruel and unusual punishment 5 negligence: medical malpractice	23 25 26 24 24	P pending pending D D	\$2,299 -- --
RBJ	1 civil rights: cruel and unusual punishment 2 civil rights: cruel and unusual punishment 3 breach of IP license agreement	24 16 43	P D P	injunction -- \$613,443
RPM	1 breach of contract	58	P	\$1

III. CIVIL MISTRIALS AND ALTERNATIVE DISPUTE RESOLUTION

The District of Colorado saw an unusually large number of civil mistrials in 2012. Five mistrials were declared, including three due to jury deadlock.

In December 2011 the court changed its policy concerning alternative dispute resolution (ADR). Prior to December 2011, the magistrate judges were heavily involved in ADR efforts. In the five years leading up to the policy change, the magistrate judges conducted 2,973 settlement conferences, as follows:

<u>Year</u>	<u>Settlement Conferences</u>
2011	475
2010	592
2009	718
2008	622
2007	566

The new ADR policy is contained in local rule 16.6, D.C.COLO.LCivR, and provides:

Pursuant to 28 USC § 652, all litigants in civil cases shall consider the use of an alternative dispute resolution process. A district judge or a magistrate judge exercising consent jurisdiction may direct the parties to a suit to engage in an early neutral evaluation or other alternative dispute resolution proceeding.

In 2012, following adoption of the new ADR policy, the magistrate judges conducted 166 settlement conferences and 22 early neutral evaluations.

It is too early to know if the change in the ADR policy has materially impacted the number of trials, including jury trials. At least one measure--civil cases pending per district judge--indicates that the change in the ADR policy has not substantially impacted the rate of settlements. While the number of civil case filings in 2012 declined by 1% from 2011, the number of civil cases pending per district judge rose by 1.5%. Consequently, the backlog of civil cases per district judge increased by 2.5%. In addition, the increase in the number of trials may be the result of the fact that the ranks of the district judges were at full strength with seven active district judges and three senior judges. Finally, two judges who generally do not refer cases to the magistrate judges (RBJ and RPM) accounted for 18 of the 65 civil trials (28%).

Some settlements result in greater efficiencies than do others. In 2012, eleven cases settled less than one week before trial was scheduled to begin or after trial started. Thus, although 65 civil cases have proceeded through trial, eleven of the 76 cases (14%) that reached the eve of trial settled before judicial determination. Last-minute settlements are an enormous (and avoidable) drain on judicial resources.

IV. CRIMINAL TRIALS

A. Felony Trials

Five hundred twenty-seven felony prosecutions were commenced in 2012. Twenty-two felony cases proceeded to trial involving 34 defendants. Twenty-nine defendants were convicted and five were acquitted, resulting in a conviction rate of 85%. An additional eight defendants entered guilty pleas one week or less prior to trial.

The most severe sentence imposed was life in prison following conviction of second degree murder. The least severe sentence was one year's probation and a \$5,000 fine in a case involving misbranding of medical devices. Nine defendants convicted of felonies have not yet been sentenced.

Despite the Speedy Trial Act which generally requires that a felony defendant be tried within 70 days, the average time from a defendant's initial appearance to trial in 2012 was 15.5 months. Only one felony prosecution proceeded to trial within 70 days of the defendant's initial appearance--an unlawful reentry case. The longest delay from the defendant's initial appearance to trial occurred in a case involving fraud against the United States, which took 46 months (3.8 years) to bring to trial.

The felony trials involved charges of myriad crimes. Eight cases involved white collar crime, ranging from health care fraud to identity theft to theft of mail. Five cases involved firearms charges; two cases involved the distribution of illegal drugs; and one prosecution each involved charges of murder, kidnaping, assault on a prison guard, sexual assault of an inmate, robbery, illegal reentry, and sale of illegally killed wildlife.

Details of the felony prosecutions in 2012 are reported below:

Judge	Crime Charged	Trial Days	Verdict	Sentence
WYD	1 possession of firearm during drug trafficking offense	4	convicted	130 mos.
	2 misbranded medical devices	17	D1 convicted D2 acquitted	1 yr. probation, \$5,000 fine --
MSK	1 identity theft/forgery	5	acquitted	--
	2 defrauding the United States	24	convicted	pending
REB	1 2d degree murder	8	convicted	life in prison
	2 mail fraud	13	D1 convicted	108 mos., \$1.6MM restitution
			D2 convicted	120 mos., \$1.6MM restitution
	3 kidnaping	7	D1 convicted D2 convicted D3 convicted	600 mos. 600 mos. 300 mos.
4 possession of illegal firearms/body armor	5	acquitted	--	
PAB	1 felon in possession of a firearm	3	convicted	262 mos.
CMA	1 assault/resisting prison guard	2	convicted	720 mos.
	2 sexual assault of prison inmate	4	D1 convicted	262 mos.
			D2 convicted	120 mos.
			D3 convicted	180 mos.
	3 sale of illegally killed wildlife	8	convicted	41 mos.
	4 distribution of methamphetamine	4	convicted	151 mos.
5 felon in possession of a firearm	3	convicted	30 mos.	
6 armed robbery/discharge of a firearm	7	D1 convicted	pending	
		D2 acquitted	--	
WJM	1 wire fraud	15	D1 convicted	pending
			D2 convicted	pending
			D3 convicted	pending
RBJ	1 unlawful reentry	2	convicted	77 mos.
JLK	1 distribution of methamphetamine	2	convicted	120 mos.
LTB	1 health care fraud	5	acquitted	--
DME	1 possession of illegal firearms	2	convicted	120 mos.

KHV	1 theft of mail	9	convicted	120 mos., \$112,235 restitution
	2 wire fraud	16	D1 convicted D2 convicted D3 convicted D4 convicted	pending pending pending pending

Trial of the 22 felony cases consumed a total of 165 days, for an average of 7.5 days per trial. By comparison, trial of 53 civil jury trials consumed 290 trial days, with an average of 5.5 days per trial.

B. Petty Offense Trials

The magistrate judges conducted four petty offense trials concerning four defendants.

Three cases resulted in convictions and one in an acquittal. Details are reported below:

Judge	Crime Charged	Verdict	Sentence
BNB	1 possession of marijuana/fireworks in National Forest	convicted	3 mos.
	2 commerce in National Forest without a permit	convicted	\$2,500 fine (\$2,000 suspended)
MEH	1 harassment	acquitted	--
GPGallagher	1 damage to natural feature (soil) in National Forest	convicted	pending

V. CONCLUSION

In the busiest trial year in a decade, the judges of the District of Colorado conducted 48 civil jury trials, with plaintiffs prevailing in 25 trials and defendants prevailing in 28. Only three of the civil jury trials were tried by magistrate judges on the consent of the parties. The judges conducted 12 bench trials, with the plaintiffs prevailing in five, the defendants prevailing in four, and three awaiting decision. None of the bench trials was to a magistrate judge. District judges tried 22 felony cases, with a conviction rate of 85%. Meanwhile, the magistrate judges tried four petty offenses, resulting in three convictions and one acquittal.