

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

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

303-844-6408

December 5, 2013

**JUSTICE BY THE NUMBERS
THE BUSINESS OF THE DISTRICT OF COLORADO: 2013¹**

The United States District Court for the District of Colorado experienced a slowdown in trials in 2013, conducting 38 civil jury trials to verdict; nine civil trials to the court; 17 felony trials; and trying two petty offenses. This is a total of 66 civil and criminal trials, down from 91 total trials in 2012, or a decrease of 28%. The business of the court is reported below.

I. CIVIL JURY TRIALS

A. Overview

Thirty-eight civil cases were tried to jury verdicts in 2013, while 3,233 civil actions have been filed. The ratio of cases tried to cases filed is 1.17%.

The comparison is imprecise because none of the cases tried in 2013 was filed then. The date of filing of each case tried to verdict in 2013 is reported below:

| <u>Year Filed</u> | <u>No. Tried in 2013</u> |
|-------------------|--------------------------|
| 2012 | 7 |
| 2011 | 15 |
| 2010 | 10 |
| 2009 | 3 |
| 2008 | 3 |

¹This report is for calendar year 2013 through November 25, 2013.

The average time from filing to a jury trial in 2013 was 28 months (2.3 years), which is unchanged from 2012. Three of the cases followed appeals to the Tenth Circuit Court of Appeals. When the cases subject to appeals are excluded, the average time to a jury trial was 26.2 months. The shortest time from filing to trial was eight months, achieved in two cases--a slip and fall and an FDCPA case. Sixteen of the 38 jury trials (42%) were tried within two years of filing. The longest average time to trial was MSK at 37.6 months; the shortest was BNB at 14.6 months. Although REB initially sets cases for trial not more than 14 months from filing, the average time to trial in an REB case was 23 months.

The number of civil jury trials in 2013 fell by 28% compared to 2012, when a record 53 civil jury cases were tried to verdict. The number of civil jury trials to verdict in each of the last twelve 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> |
|-------------|---------------------------|---------------------------------|-----------------------|
| 2013 | 3,233 | 38 | 1.17% |
| 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

Defendants fared particularly well in 2013, prevailing in 25 of the 38 civil jury trials (66%), while the plaintiffs prevailed in only 13 cases (34%). 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> |
|-------------|---------------------------------|-----------------------------|-----------------------------|-----------------------|
| 2013 | 38 | 13 (34%) | 25 (66%) ² | 0 |
| 2012 | 53 | 25 (47%) | 28 (53%) | 0 |
| 2011 | 30 | 15 (50%) | 15 (50%) | 0 |
| 2010 | 25 | 13 (52%) | 11 (44%) ³ | 1 (4%) |
| 2009 | 34 | 15 (44%) | 16 (47%) ⁴ | 3 (9%) |
| 2008 | 29 | 12 (41%) | 17 (59%) | 0 |
| 2007 | 36 | 15 (42%) | 21 (58%) ⁵ | 0 |
| 2006 | 38 | 24 (63%) | 14 (37%) | 0 |
| 2005 | 35 | 23 (66%) | 11 (31%) ⁶ | 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 | 408 | 202 (49.5%) | 201 (49.2%) | 5 (1.2%) |

The largest verdict in 2013 was \$4,480,000 (in a breach of insurance contract case involving a fatal auto crash), and the smallest were \$1.⁷ The average verdict was \$533,306, and

²In one case tried in 2013, the verdict for the defendant included an award of \$39,076 on a counterclaim.

³In one case tried in 2010, the verdict for the defendant included an award of \$221,631 on a counterclaim.

⁴In one case tried in 2009, the verdict for the defendant included an award of \$5,350,000 on a counterclaim.

⁵In one case tried in 2007, the verdict for the defendant included an award of \$16,000,000 on a counterclaim.

⁶In 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.

⁷Juries awarded nominal damages in two cases, one involving a claim for breach of an insurance contract and the other alleging employment discrimination based on gender.

the median was \$93,552. The following chart reports the jury verdicts in 2013 from high to low:

| Rank | Amount | Type of Case |
|------|--------------|--|
| 1 | \$ 4,480,000 | breach of insurance contract |
| 2 | 1,382,000 | breach of insurance contract |
| 3 | 647,563 | employment: retaliation |
| 4 | 440,000 | misrepresentation: LASIK advertisement |
| 5 | 183,000 | employment: retaliation |
| 6 | 109,000 | employment: disability |
| 7 | 92,552 | employment: public policy |
| 8 | 40,000 | civil rights: excessive force |
| 9 | 39,076 | unjust enrichment (counterclaim) |
| 10 | 29,543 | employment: disability |
| 11 | 21,550 | employment: retaliation |
| 12 | 2,000 | TILA |
| 13 | 1 | breach of insurance contract |
| 14 | 1 | employment: gender |

Active district judges presided over 28 jury trials; senior district judges presided over six jury trials; and magistrate judges presided over four jury trials.

A breakdown of the trials by presiding judge follows:

| Judge | Type of Case | Prevailing Party | Amount of Verdict |
|-------|---|------------------|-------------------|
| MSK | 1. employment: retaliation | P | \$183,000 |
| | 2. employment: retaliation | P | 21,550 |
| | 3. employment: gender | D | -- |
| REB | 1. civil rights: excessive force | P | 40,000 |
| | 2. civil rights: excessive force | D | -- |
| | 3. employment: retaliation | D | -- |
| | 4. misrepresentation (appraisal) | D | -- |
| PAB | 1. breach of insurance contract | P | 1,382,000 |
| | 2. breach of insurance contract | D | -- |
| | 3. employment: gender | P | 1 |
| | 4. employment: age | D | -- |
| | 5. civil rights: deliberate indifference | D | -- |
| | 6. negligence: medical malpractice | D | -- |
| | 7. premises liability: slip & fall | D | -- |
| CMA | 1. employment: retaliation | P | 647,563 |
| | 2. employment: disability | P | 29,543 |
| | 3. employment: public policy | P | 92,552 |
| | 4. breach of insurance contract | D | -- |
| | 5. civil rights: illegal search | D | -- |
| WJM | 1. employment: disability | P | 109,000 |
| | 2. employment: disability | D | -- |
| | 3. breach of insurance contract | D | -- |
| | 4. assault & battery (workplace) | D | -- |
| | 5. premises liability: slip & fall | D | -- |
| RBJ | 1. unjust enrichment (counterclaim) | D | 39,076 |
| | 2. employment: disability | D | -- |
| | 3. civil rights: excessive force | D | -- |
| | 4. antitrust | D | -- |
| RPM | 1. misrepresentation: LASIK advertisement | P | 440,000 |
| | 2. breach of insurance contract | P | 1 |
| | 3. employment: race | D | -- |
| | 4. premises liability: slip & fall | D | -- |
| | 5. EMTALA | D | -- |
| WYD | 1. negligence: auto accident | D | -- |
| BNB | 1. breach of insurance contract | P | 4,480,948 |
| | 2. TILA | P | 2,000 |
| | 3. FDCPA | D | -- |
| KLM | 1. civil rights: 1st Amendment | D | -- |

The civil jury trials in 2013 consumed 190 trial days. The longest trial lasted 19 days, and the shortest were two days each (five cases). The average trial length was five days. The

most common trial length was four days (13 cases).

The judge conducting the longest trials on average was RBJ at 7.75 days per trial. This may be explained by the fact that he allows jurors to ask questions of witnesses.

C. Analysis by Nature of the Claim

The jury trials conducted in 2013 fall into five categories based on the nature of the plaintiff's claim:

| Category | No. of Cases | % of Cases Tried |
|------------------------|--------------|------------------|
| employment | 13 | 34% |
| common law torts | 8 | 21 |
| breach of contract | 7 | 18 |
| civil rights | 6 | 16 |
| misc. federal statutes | 4 | 11 |

At least 23 of the 38 (60.5%) cases tried involved claims which permitted the award of attorneys fees to the prevailing plaintiff. The plaintiffs won eight of the 23 qualifying cases (35%). The court awarded attorneys fees of \$34,230 in a TILA case. One case settled while the attorneys fee issue was pending. Requests for attorneys fees are pending in five cases.

Costs were awarded in 20 cases: nine times to plaintiffs and eleven times to defendants. The average cost award to plaintiffs was \$6,551, and the average award to defendants was \$9,726. The largest cost award was \$44,806 to the defendant in a breach of insurance contract case.

1. Employment

Thirteen of the 38 jury trials (34%) involved employment claims. The plaintiffs prevailed in seven of the 13 (54%). The results by nature of the alleged discrimination are reported below:

| Nature of Claim | | Prevailing Party | Verdict |
|-----------------|----|------------------|-----------|
| age | | D | -- |
| disability | 1. | P | \$109,000 |
| | 2. | P | 29,543 |
| | 3. | D | -- |
| | 4. | D | -- |
| gender | 1. | P | -- |
| | 2. | D | -- |
| public policy | | P | 92,552 |
| race | | D | -- |
| retaliation | 1. | P | 647,563 |
| | 2. | P | 183,000 |
| | 3. | P | 21,550 |
| | 4. | D | -- |

In the last twelve years, 151 employment cases have been tried to verdict. The employment claims most frequently tried involve retaliation (38) and gender (34). The plaintiffs prevailed in 71 employment cases (47%), and the defendants prevailed in 80 cases (53%).

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

| Nature of Claim | Cases Tried | Cases Won by Plaintiffs | Plaintiffs' Success Rate | Average Verdict |
|-------------------------|--------------------|--------------------------------|---------------------------------|------------------------|
| retaliation | 38 | 25 | 66% | \$257,311 |
| gender | 34 | 14 | 41% | 484,016 |
| race/national origin | 24 | 6 | 25% | 680,636 |
| disability | 23 | 12 | 52% | 959,887 |
| age | 11 | 3 | 27% | 342,832 |
| public employee | 9 | 4 | 50% | 414,681 |
| religion | 2 | 2 | 100% | 535,000 |
| public policy violation | 5 | 3 | 60% | 328,765 |
| luring | 1 | 0 | 0% | -- |
| breach of contract | 4 | 2 | 50% | 140,001 |
| TOTAL | 151 | 71 | 47% | 414,313 |

The 71 cases tried to plaintiffs' verdicts in the last twelve years have resulted in awards totaling \$43,211,618.

2. Common Law Torts

Eight of the 38 jury trials to verdict (21%) involved common law tort claims. Two alleged negligence; three involved premises liability based on slips and falls; two involved misrepresentations; and one alleged assault and battery (in the workplace). The plaintiff prevailed in only one tort case, involving misrepresentations in connection with a LASIK surgery advertisement.

The tort claims, by category, are specified below:

| Nature of Claim | Prevailing Party | Amount of Verdict |
|-------------------------------|------------------|-------------------|
| negligence | | |
| 1. medical malpractice | D | -- |
| 2. automobile accident | D | -- |
| slip and fall | | |
| 1. | D | -- |
| 2. | D | -- |
| 3. | D | -- |
| misrepresentation | | |
| 1. LASIK ad | P | \$440,000 |
| 2. appraisal | D | -- |
| assault & battery (workplace) | D | -- |

In the LASIK ad case, the jury awarded the plaintiffs damages of \$440,000 but also found that a non-party was 85% at fault. The judgment entered in favor of the plaintiffs was reduced by 85% to \$66,030.

Seventy-one negligence cases have been tried to verdict in the last twelve years. The plaintiffs prevailed in 35 of them (49%), and the defendants prevailed in the remaining 36 (51%). The total amount of damages awarded to plaintiffs in negligence cases over the last twelve years is \$61,158,312. Significantly, although 12 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 twelve 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 | 12 | 0 | 0% | -- |
| ski accidents | 8 | 5 | 62.5% | 571,566 |
| auto accidents | 8 | 5 | 62.5% | 477,911 |
| premises liability | 5 | 1 | 20% | 85,000 |
| property damage | 2 | 1 | 50% | 0 |
| TOTAL | 71 | 35 | 49% | 1,747,380 |

3. Breach of Contract

Seven of the 38 trials (18%) involved claims for breach of contract. Five alleged breach of insurance contracts; one claimed breach of a construction contract; and one defendant asserted a counterclaim for unjust enrichment. The plaintiffs prevailed in two breach of insurance contract cases, leading to the two largest verdicts of the year--\$4,480,948 and \$1,382,000 respectively. The plaintiff prevailed in the construction contract case, but was awarded only nominal damages of \$1. A defendant prevailed on its unjust enrichment counterclaim and was awarded \$39,076. The results are reported below:

| Nature of Claim | Prevailing Party | Amount of Verdict |
|----------------------------------|------------------|-------------------|
| breach of insurance contract | | |
| 1. | P | \$4,480,948 |
| 2. | P | 1,382,000 |
| 3. | D | -- |
| 4. | D | -- |
| 5. | D | -- |
| breach of construction contract | P | 1 |
| unjust enrichment (counterclaim) | D | 39,076 |

The average verdict for breach of contract was \$1,475,506.

In one case, involving a plaintiff's verdict for breach of an insurance contract, the jury awarded the plaintiff \$1,382,000. The trial judge reduced the verdict to \$750,000, the limits of the insurance policy. He then doubled the award to \$1.5 million based on section 10-3-1116(1), C.R.S., which provides that a first party insured whose claim is unreasonably delayed or denied may recover two times the covered benefit plus attorneys fees and costs. The trial judge subsequently amended the judgment and increased it by an additional \$75,000, reasoning that section 10-13-1116(1) allows an award of the contract damages of \$750,000, plus a penalty of two times the damages (\$1.5 million), for a total award of 2.25 million.

4. Civil Rights (other than employment)

Civil rights cases (other than employment) accounted for six of the 38 jury trials (16%). Three of the six cases (50%) alleged excessive force. One case each alleged deliberate indifference to a serious medical need, illegal search, and violation of the First Amendment. The plaintiff prevailed in one excessive force case and was awarded \$40,000. The defendants prevailed in the remaining cases. The results are reported below:

| Nature of Claim | Prevailing Party | Verdict |
|-------------------------|------------------|----------|
| excessive force | | |
| 1. | P | \$40,000 |
| 2. | D | -- |
| 3. | D | -- |
| deliberate indifference | D | -- |
| illegal search | D | -- |
| 1st Amendment violation | D | -- |

Historically, civil rights cases have been among the most difficult for plaintiffs to win. In the last twelve years, 72 civil rights cases have been tried to juries. The plaintiffs won 15 cases

(21%), and the defendants prevailed in 57 (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 twelve years are reported below:

| Nature of claim | Amount of verdict |
|----------------------------|--------------------------|
| unlawful arrest | \$1,000,000 |
| unreasonable search | 190,000 |
| excessive force | 45,000 |
| excessive force | 40,000 |
| 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 twelve years is \$89,628. When the anomalous \$1 million verdict (which was reversed) is removed from the calculation, the average verdict is \$24,602. The median verdict is \$6,500.

5. Miscellaneous Federal Statutory Claims

Four jury trials in 2013 involved claims under various federal statutes--the Emergency Medical Transfer and Active Labor Act; Fair Debt Collection Practices Act; Truth In Lending Act; and Sherman Antitrust Act. The plaintiff prevailed in the Truth In Lending Act case and was awarded statutory damages of \$2,000. The defendants prevailed in the other three cases.

6. Intellectual Property

For the second year in a row, no case tried to verdict in 2013 involved an intellectual property claim. Historically, plaintiffs have fared exceptionally well in intellectual property cases in this district. In the last twelve 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 twelve 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 ⁸ |
| copyright infringement | 635 |
| trademark infringement | 82 |
| Lanham Act | 0 |
| Total | 160,532,116 |

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

⁸The plaintiff sought statutory damages only, which were awarded by the trial judge and not the jury.

II. CIVIL TRIALS TO THE COURT

Nine cases were tried to the court in 2012. The plaintiffs prevailed in two; the defendants prevailed in five; and two cases await a decision.

The average time from filing to a bench trial in 2013 was 33.6 months (2.8 years). This is approximately six months longer than the average time to trial in jury cases (28 months).

The average length of a bench trial was 3 days. The longest bench trial was six days in an employment case alleging race discrimination, and the shortest were one day (2 cases).

Two of the bench trials resulted in rulings on the last day of trial or within days thereafter. In the other five bench trials where decisions have been rendered, the judges took an average of 1.4 months after the trial to render a decision. Two cases remain under advisement.

The nature of the bench trials and their outcomes are reported below:

| Judge | Type of Case | Time to Trial (mos.) | Prevailing Party | Award |
|-------|--|----------------------|------------------|-----------------------|
| MSK | 1. breach of contract (counterclaim) | 33 | D | \$217,596 |
| REB | 1. interpleader (life insurance proceeds) | 14 | pending | |
| RBJ | 1. declaratory judgment: successor liability | 16 | P | decl. of no liability |
| | 2. constitutional challenge to ordinance | 11 | P | ordinance unconst. |
| | 3. employment: race | 48 | D | -- |
| | 4. civil rights: 1st Amendment | 22 | D | -- |
| RM | 1. Federal Torts Claim Act (postal vehicle) | 19 | D | -- |
| RPM | 1. Fair Labor Standards Act | 60 | pending | |
| BNB | 1. due process: city license | 80 ⁹ | D | -- |

⁹The action was filed in October 2006. The parties consented to magistrate judge jurisdiction in July 2011, and the case was tried in June 2013.

III. MAGISTRATE JUDGE UTILIZATION

A. Alternative Dispute Resolution

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. Subsequently, the involvement of the magistrate judges in ADR has dropped off significantly, as indicated below:

| <u>Year</u> | <u>Settlement Conferences</u> | <u>Early Neutral Evaluations</u> |
|-------------|-------------------------------|----------------------------------|
| 2013 | 100 | 15 |
| 2012 | 166 | 22 |
| 2011 | 475 | |
| 2010 | 592 | |
| 2009 | 718 | |
| 2008 | 622 | |
| 2007 | 566 | |

There is no indication that the change in the ADR policy has had an adverse impact on case disposition in the District of Colorado. To the contrary, over the past two years the number of cases filed has increased by approximately 1% over the number filed in 2011. At the same time, the number of civil cases pending per district judge has fallen by 5%.

Some settlements result in greater efficiencies than do others. In 2013, thirteen cases settled less than one week before the trial was scheduled to begin or after the trial started. Thus, although 47 civil cases proceeded through trial (jury and bench), thirteen of the 60 cases that reached the eve of trial settled before judicial determination. In other words, 22% of the cases that reach trial settle anyway. Last-minute settlements are an enormous (and avoidable) drain on judicial resources and the resources of clients.

B. Consent Jurisdiction

Consent to magistrate judge jurisdiction under 28 U.S.C. § 636(c) continues to be underutilized in the District of Colorado. In 2013, the parties consented to magistrate judge jurisdiction in only 40 of the 3,233 cases filed (1.2%). By comparison, parties consent to magistrate judge jurisdiction far more often in some districts in the Tenth Circuit, as indicated below:

| <u>District</u> | <u>Consent Rate</u> |
|-----------------|---------------------|
| E.D. Oklahoma | 29% |
| New Mexico | 21% |
| Utah | 14% |

Significantly, each of these districts has adopted a plan providing for the direct assignment of cases to magistrate judges, subject to the later consent of the parties--in the vernacular, the magistrate judges are "on the wheel."

The average civil caseload for each full time district judge in the District of Colorado on October 31, 2013, was 215 cases. If the magistrate judges were on the wheel and received consent in a proportion equal to the draw of each active district judge, the average caseload per judge (active district and magistrate) would be reduced to 116 cases. It seems apparent that the time to disposition for cases, by either motion or trial, would be substantially reduced.

IV. CRIMINAL TRIALS

A. Felony Trials

Four hundred seventy-eight felony prosecutions were commenced in 2013. Seventeen felony cases proceeded to trial. The United States achieved convictions in 16 of the prosecutions, resulting in a conviction rate of 95%.

The most severe sentence imposed was 660 months (55 years) following conviction of assault with intent to murder. The least severe sentence was time served in an illegal reentry case. Seven 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 2013 was 13 months. Only one felony prosecution proceeded to trial within 70 days of the defendant's initial appearance--a case charging felon in possession of a firearm. The longest delay from the defendant's initial appearance to trial occurred in a case involving child pornography, which took 26 months to bring to trial.

The felony trials involved charges of myriad crimes. Three cases involved firearms; two charged drug crimes; two involved sex offenses; two involved assaults; and one each charged theft of mail, mail fraud, forced labor, illegal reentry, counterfeiting, threatening communications, fraud in connection with citizenship, and tax evasion.

Details of the felony prosecutions in 2013 are reported below:

| Judge | Crime Charged | Verdict | Sentence |
|-------|--|--|--|
| MSK | 1. theft of mail 2. forced labor | convicted convicted | 1 year probation: \$1,000 fine 240 mos. (20 yrs.) |
| REB | 1. assault | convicted | 660 mos. (55 yrs.) |
| PAB | 1. felon in possession | convicted | pending |
| CMA | 1. supplying firearms 2. counterfeit court seal 3. failure to register: sex offender 4. tax evasion | convicted convicted convicted convicted | 41 mos. 2 mos. pending pending |
| WJM | 1. threatening communication | convicted | pending |
| RBJ | 1. felon in possession 2. possession of cocaine with intent to distribute | convicted convicted | 100 mos. (8 yrs. 4 mos.) pending |
| JLK | 1. distribution of methamphetamine 2. unlawful procurement of citizenship | convicted convicted | 137 mos. (11 yrs. 5 mos.) pending |
| WYD | 1. illegal reentry 2. child pornography 3. assault of federal officer | convicted convicted acquitted | time served pending -- |
| DME | 1. mail fraud | convicted | 72 mos. (6 yrs.) |

Trial of the 17 felony cases consumed a total of 71 days, for an average of 4.2 days per trial. By comparison, trial of 38 civil jury trials consumed 190 trial days, with an average of five days per trial.

B. Petty Offense Trials

The magistrate judges conducted two petty offense trials. One case charged damage to forest land and the other charged assault. Both resulted in convictions.

V. CONCLUSION

The judges of the District of Colorado conducted 38 civil jury trials, with plaintiffs prevailing in 13 trials (34%) and defendants prevailing in 25 trials (66%). Only three of the civil jury trials were tried by magistrate judges on the consent of the parties. The judges conducted

nine bench trials, with the plaintiffs prevailing in two, the defendants prevailing in five, and two awaiting decision. One bench trial was to a magistrate judge. District judges tried 17 felony cases, with a conviction rate of 95%. Meanwhile, the magistrate judges tried two petty offenses, both resulting in convictions.