

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

**Michael E. Hegarty
United States Magistrate Judge**

**TRIALS IN 2015 FOR THE U.S. DISTRICT COURT, DISTRICT OF COLORADO
*and other interesting facts**

This memorandum analyzes trial results and statistics.¹ in civil and criminal cases in the District of Colorado ("the District") from January 1-December 31, 2015.

I. SUMMARY

In 2015, the District saw 68 cases tried to verdict. This included 42 civil cases and 16 criminal cases to a jury for a total of 58, with nine civil cases and one criminal case to the bench.² This is a 9.7% increase from the 62 civil and criminal trials in 2014, somewhat lower than the 74 trials in 2013, far fewer than the 91 trials in 2012, and many more than the low of 25 trials held in 2010.

II. CIVIL JURY TRIALS

A. Overview

The District tried 42 civil cases to jury verdicts in 2015, out of 2,857 filed civil actions - a ratio of 1.47%, and the second-highest rate of civil jury trials in the past nine years. The date of filing of each case tried to verdict in 2015 is reported below:

¹Statistics reflect trial verdicts as opposed to dispositions entered by the court through some other mechanism.

²Two civil cases settled during jury trials; another settled during a bench trial; and one jury trial was disposed of through a judgment as a matter of law. These are not included in the statistics.

<u>Year Filed</u>	<u>No. Tried in 2015</u>
2014	12
2013	16
2012	10
2011	1
2010	2
2009	1

B. Time to Trial

The average time from case filing to a jury trial in 2015 was 26.4 months, which is a decrease of 6.6 months from 2014. The shortest time from filing to trial was 13 months in an employment case involving gender discrimination/retaliation, while the longest time was 71 months, in a civil rights (disability) case. Further, 23 of the 42 cases (54.76%) were tried within two years of filing. Although the table below demonstrates that jury trials before Magistrate Judges went to trial more quickly than the overall average (14.2 months on average), this fact had relatively little impact on the overall average time due to the small sample size of the Magistrate Judges' trials (5). Additionally, when excluding the Magistrate Judges' trials, the District Judges still went to trial in an average of 28 months, significantly more quickly than in past years.

C. Volume of Trials

The number of civil jury trials in 2015 (42) rose significantly over the number in 2014, when only 33 civil trials were tried to verdict. This is an increase of 27.2%. If the number of civil jury trials were to increase at the current pace, the District of Colorado would try approximately 54 civil cases to verdict in 2016. Additionally, the number of civil cases filed in 2015 saw a dramatic decrease, the largest in recent history, with a decline of approximately 19% over 2014 (a drop of 659 cases), constituting the lowest number of civil cases filed since 2008. Indeed,

until 2015, the biggest change year to year in raw case filings since the District (i.e. Magistrate Judge Boland) began tracking numbers was a 244-case increase from 2011-12 (a 7.7% increase), while the biggest percentage change was 2002-03 (8.4% increase). Thus, 2015 saw a significant change (more-than-doubling of the prior largest difference) in case filings year to year.

The number of civil jury trials to verdict in each of the last 14 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>
2015	2,857	42	1.47%
2014	3,516	33	0.94
2013	3,444	40	1.16
2012	3,380	53	1.57
2011	3,136	30	0.96
2010	3,177	25	0.79
2009	3,042	34	1.12
2008	2,838	29	1.02
2007	2,726	36	1.32
2006	2,607	38	1.46
2005	2,679	35	1.30
2004	2,698	51	1.89
2003	2,672	47	1.75
2002	2,464	52	2.10
Avg:	2,945	39	1.32%

D. Parties' Success Rates

Defendants prevailed in 22 of the 42 civil jury trials (52.4%), while Plaintiffs prevailed in 20 of the trials (47.6%). As noted above, two cases settled during trial and one resolved before verdict on judgment as a matter of law.

Rates of success since 2003 are reported below:

<u>Year</u>	<u>No. Of Civil Jury Trials</u>	<u>Plaintiff(s) Prevailed</u>	<u>Defendant(s) Prevailed</u>	<u>Split Verdicts</u>
2015	42	20 (47.6%)	22 (52.4%)	0

2014	33	13 (39.4%)	20 (60.6%)	0
2013	40	14 (35.0%)	26 (65.0%)	0
2012	53	25 (47.2%)	28 (52.8%)	0
2011	30	15 (50.0%)	15 (50.0%)	0
2010	25	13 (52.0%)	11 (44.0%)	1
2009	34	15 (44.1%)	16 (47.1%)	3
2008	29	12 (41.4%)	17 (58.6%)	0
2007	36	15 (41.7%)	21 (58.3%)	0
2006	38	24 (63.2%)	14 (36.8%)	0
2005	35	23 (65.7%)	11 (31.4%)	1
2004	51	25 (49.0%)	26 (51.0%)	0
<u>2003</u>	<u>47</u>	<u>26 (55.3%)</u>	<u>21 (44.7%)</u>	<u>0</u>
TOTAL	493	240 (48.7%)	248 (50.3%)	5 (1.0%)

Although since 2003, success rates of plaintiffs and defendants are similar, a broader timeframe shows that for the past nine years, plaintiffs have prevailed in 45% of trials and defendants in 55%.

E. Amount of Plaintiffs' Verdicts

The largest verdict in 2015 was \$14,968,100 in a race/national origin employment discrimination case. The smallest verdict was for \$220 in a consumer credit case. The average verdict amount was \$1,410,087.10. Eliminating the large \$15 million verdict, the average was \$696,507.47. The following chart reports the jury verdicts in 2015 from high to low.

Rank	Amount	Type of Case
1	\$14,968,100	Employment Discrimination: Race/National Origin
2	\$4,000,000	Breach of Contract: Insurance, Bad Faith
3	\$3,261,000	Common Law Tort: Antitrust
4	\$2,200,000	Civil Rights: Disability Discrimination
5	\$750,000	Employment Discrimination: Race/National Origin

6	\$654,291	Common Law Tort: Auto Negligence
7	\$481,032	Breach of Contract: Insurance, Bad Faith
8	\$400,000	Civil Rights: Excessive Force
9	\$400,000	Breach of Contract: Interference, Unjust Enrichment
10	\$395,561	Breach of Contract: Insurance, Bad Faith
11	\$306,400	Employment Discrimination: Gender (Pregnancy)
12	\$100,004	Employment Discrimination: Sexual, Retaliation
13	\$81,708	Breach of Contract: Insurance, Bad Faith
14	\$72,583	Civil Rights: Unreasonable Search & Seizure
15	\$70,871	Breach of Contract: Insurance, Bad Faith
16	\$55,000	Intellectual Property: Copyright Infringement
17	\$2,500	Employment Discrimination: Gender (Pregnancy)
18	\$1,031	Common Law Tort: Consumer Credit
19	\$439	Employment Discrimination: Gender (Pregnancy)
20	\$220	Common Law Tort: Medical Malpractice

Active District Judges presided over 24 jury trials; senior District Judges presided over 13 jury trials; and Magistrate Judges presided over five jury trials.

The following is a breakdown of the civil jury trials in 2015 by presiding judge:

Judge	Type of Case	Prevailing Party	Amount of Verdict
MSK	1. Civil Rights: Prisoner Rights	D	--
REB	1. Common Law Tort: Consumer Credit 2. Employment: Gender Discrimination 3. Common Law Tort: Premises Liability	P D D	\$220.50 -- --
PAB	1. Intellectual Property: Copyright Infringement and Interference	P	\$55,000
CMA	1. Employment: Race/National Origin 2. Civil Rights: Excessive Force 3. Employment: Sexual, Retaliation 4. Civil Rights: Prisoner Rights 5. Civil Rights: Excessive Force	P P P D D	\$14,968,100 \$400,000 \$100,004 -- --
WJM	1. Common Law Tort: Antitrust 2. Civil Rights: Disability Discrimination 3. Employment: Gender Discrimination (Pregnancy) 4. Breach of Contract: Fraud 5. Civil Rights: Excessive Force	P P P D D	\$3,261,000 \$2,200,000 \$2,500 -- --
RBJ	1. Breach of Contract: Interference, Unjust Enrichment 2. Breach of Contract: Insurance, Bad Faith 3. Intellectual Property: Patent Infringement 4. Breach of Contract: Insurance, Bad Faith 5. Common Law Tort: Product Liability 6. Employment: Race/National Origin 7. Common Law Tort: Product Liability	P P D D D D D	\$400,000 \$70,871 -- -- -- -- --
RM	1. Common Law Tort: Consumer Credit 2. Civil Rights: Prisoner Rights	P D	\$1,031 --
RPM	1. Breach of Contract: Insurance, Bad Faith 2. Breach of Contract: Insurance, Bad Faith 3. Civil Rights: Unreasonable Search & Seizure 4. Breach of Contract: Insurance, Bad Faith	P P P D	\$395,561 \$81,708.41 \$72,583 --
JLK	1. Breach of Contract: Insurance, Bad Faith 2. Breach of Contract: Fraudulent Inducement	P P	\$4,000,000 \$750,000
LTB	1. Employment: Race/National Origin	D	--
WYD	1. Common Law Tort: Auto Negligence 2. Common Law Tort: Consumer Credit	P D	\$654,291.52 --

	3. Common Law Tort: Medical Malpractice 4. Common Law Tort: Consumer Credit 5. Employment Discrimination: Race/National Origin	D D D	-- -- --
JAP	1. Employment Discrimination: Gender Discrimination	P	\$306,400
MEH	1. Employment Discrimination: Gender (Pregnancy)	P	\$439.22
KLM	1. Breach of Contract: Insurance, Bad Faith 2. Employment Discrimination: Retaliation	P D	\$481,032.74 --
KMT	1. Breach of Contract: Insurance, Bad Faith	D	--
NYW	1. Breach of Contract: Insurance, Bad Faith	D	--

F. Trial Lengths

Civil jury trials in 2015 required 202 trial days. The longest lasted 11 days (an employment discrimination case with five plaintiffs); the shortest was one day (a prisoner rights case). The average trial length was 4.8 days, while the most common trial length was five days (14 cases). The trials days/case were as follows: 11 days (1), nine days (1), eight days (1), seven days (5), six days (4), five days (14), four days (5), three days (4), two days (6), one day (1).

G. Nature of Claims

The jury trials conducted in 2015 fall into six categories:

Category	Number of Cases	% of Cases Tried
Breach of Contract	11	26%
Employment	11	26%

Civil Rights	8	19%
Common Law Torts	6	14%
Federal Statutory Claims	4	10%
Intellectual Property	2	5%

1. Breach of Contract

Breach of contract cases increased by 37.5%, going from eight in 2014 to 11 in 2015, surpassing civil rights cases as the most common case presented to a jury during the year. During the last 14 years, there have been 94 jury trials alleging breach of contract, an average of 6.7 per year. Of those, the plaintiffs prevailed in 58 cases (61.7%); defendants prevailed in 33 cases (35.1%); and there were three split verdicts (3.2%).

In 2015, plaintiffs prevailed in six cases, while defendants prevailed in five cases. The average verdict for breach of contract was \$905,028, and the median was \$397,780. Notably, nine of the cases were insurance and bad faith cases. These insurance trials lasted from four to seven days. Of the insurance cases, four resulted in a verdict for the defendant. In the five cases in which the plaintiff prevailed in an insurance case, the average judgment was \$1,006,034, with awards ranging from \$70,871 to \$4,000,000.³ If one excludes the unusually large \$4,000,000 verdict the average then becomes \$257,293.50. An additional case was for fraud, and another was for interference and unjust enrichment. The results for breach of contract cases are reported below.

³Historical averages on breach of contract cases are not available because there was not enough information to make a calculation.

Nature of Claim	Prevailing Party	Amount of Verdict
Breach of Insurance Contract, Bad Faith		
1.	P	\$4,000,000
2.	P	\$481,032
3.	P	\$395,561
4.	P	\$81,709
5.	P	\$70,872
6.	D	--
7.	D	--
8.	D	--
9.	D	--
Interference with a contract to form a partnership, unjust enrichment as a result	P	\$400,000. ⁴
Fraud and breach of contract in a business agreement	D	--

2. Employment

Employment cases also increased in 2015, going from seven in 2014 to 11 this year, a 57% increase. Approximately 25% of all jury trials in 2015 were employment cases. The plaintiffs prevailed in 54% (6) of the cases, a 29% increase from 2014 and surpassing the 47% success rate seen in the last 14 years. Defendants prevailed in the remaining five cases (45%). The results by nature of the alleged discrimination are reported below.

Nature of Claim	Prevailing Party	Verdict
Race/National Origin		
1.	P	\$14,968,100
2.	D	--
3.	D	--
4.	D	--
Fraudulent Representation	P	\$750,000
Sexual Harassment/Retaliation	P	\$100,004

⁴ The jury found the plaintiff equally at fault for the interference and split the \$800,000 in damages equally between the defendant and plaintiff.

Gender Discrimination (pregnancy) 1. Pregnancy 2. Pregnancy 3. Pregnancy	P P P	\$306,400 \$2,500 \$439
Retaliation 1. 2.	D D	-- --

In the last 14 years, 170 employment cases have been tried to verdict. The employment claims most frequently tried are retaliation (41) and gender (39). The plaintiffs prevailed in 81 employment cases (48%), and the defendants prevailed in 89 cases (52%). Historical verdicts rendered by nature of the claim asserted during the past 14 years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiff	Plaintiff's Success Rate
retaliation	41	26	63%
gender	39	17	44
race/national origin	31	8	26
disability	23	12	52
age	11	3	27
public employee	10	5	50
religion	2	2	100
public policy violation	5	3	60

luring	1	0	0
breach of contract	4	2	50
negligent misrep.	2	2	100
FSLA	1	1	100
Total	170	81	48

3. Common Law Torts

Common law torts also saw an increase, from five jury trials in 2014 to six in 2015. These cases made up 14% of all cases tried to a jury in 2015. Two alleged product liability, while the remaining cases brought claims regarding premises liability, auto negligence, medical malpractice, and antitrust. The plaintiff prevailed in the antitrust and auto negligence cases.

The tort claims are delineated in the table on the following page.

Type of Case	Prevailing Party	Verdict
Antitrust	P	\$3,261,000
Auto Negligence	P	\$654,291
Product Liability 1.	D	--
2.	D	--

Medical Malpractice	D	--
Premises Liability	D	--

In the last 14 years, 82 negligence claims have been tried to verdict. Plaintiffs prevailed 38 times (46.3%); defendants have won 44 times (53.7%). The total amount of damages awarded to plaintiffs in negligence cases in the last 14 years is \$65,905,603, for an average of \$1,734,358 per plaintiff's verdict. Notably, while 15 medical malpractice cases have been tried to verdict, no plaintiff has prevailed in any of the cases, including those tried in 2015.

Historical verdicts by nature of claim asserted over the last 14 years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiff	Plaintiffs' Success Rate
Personal Injury (n.o.s.)	18	13	72.2%
Product Liability	20	10	50
Medical Malpractice	15	0	0
Legal Malpractice	1	0	0
Ski Accidents	8	5	62.5
Auto Accidents	11	7	63.6
Premises Liability	6	1	16.7

Property Damage	2	1	50
Antitrust	1	1	100
Total	82	38	46.3

4. Civil Rights

The number of civil rights cases remained the same from the previous year at eight trials. In 2015, there were three prisoner rights cases (one alleged deliberate indifference, another alleged excessive force, and a third alleged poor prison conditions), three excessive force cases, one search and seizure case, and one disability discrimination case. Plaintiffs prevailed in three of the eight cases.

Nature of Claim	Prevailing Party	Verdict
Disability Discrimination	P	\$2,200,000
Unreasonable Search	P	\$72,583
Prisoner Rights 1. Deliberate Indifference 2. Excessive Force 3. Prison Conditions	D D D	-- -- --
Excessive Force 1. 2. 3.	P D D	\$400,000 -- --

In the last 14 years, 88 civil rights cases have been tried to verdict. The plaintiffs won 22 cases (25%), and the defendants prevailed in 66 cases (75%).

Historically, the largest verdict in the last 14 years was a deliberate indifference claim

resulting in a \$11,399,936 verdict. The smallest verdicts were \$1 in each of three cases.

Plaintiffs' verdicts over the last 14 years are reported below:

Nature of Claim	Amount of Verdict
Deliberate Indifference	\$11,399,936
Excessive Force	4,650,000
Disability Discrimination	2,200,000
Unlawful Arrest	1,790,000
Unlawful Arrest	1,000,000
Employment Discrimination	650,000
Excessive Force	400,000
Unreasonable Search and Seizure	190,000
4 th and 14 th Amendment Violations	72,583
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: 1 st Amendment	1,791
Retaliation	1,500
Equal Protection	630
Unlawful Arrest	1
Excessive Force	1
Unreasonable Search	1
Average	\$978,562
Total	\$22,506,945

The average verdict in civil rights cases is \$978,562. If one excludes the anomalous \$11 million verdict from 2014, the average then becomes \$504,864.

5. Federal Statutory Claims

The District in 2015 tried four federal statutory cases, three of which plaintiffs brought pursuant to the Fair Debt Collection Practices Act and one to the Equal Opportunity Act. The

plaintiffs prevailed in two of the Fair Debt cases, whereas the defendant prevailed in the other Fair Debt case as well as the Equal Opportunity Act claim. Plaintiffs' verdicts amounted to \$1,031 and \$220.

6. Intellectual Property

For the second year in a row, juries saw at least one intellectual property case, with 2015 bringing two of them. One involved patent infringement and the other copyright infringement (along with a breach of contract and interference claim). The plaintiff prevailed on the later case and received a verdict of \$55,000,⁵ while the defendant prevailed on the former case.

Historically, plaintiffs have fared well in intellectual property cases in this district. In the last 14 years, 24 intellectual property cases have been tried to verdict, and the plaintiffs prevailed in 20 of them (83%).

The historical results over the last 14 years are reported below:

Nature of Claim	Cases Tried	Cases Won by Plaintiffs	Plaintiffs' Success Rate
patent infringement	10	8	89%
trademark infringement	5	3	60
breach on non-disclosure	1	1	100
piracy	1	1	100

⁵The jury awarded the plaintiff \$20,000 for the copyright infringement claim and \$35,000 for the interference claim.

theft of trade secrets	3	3	100
copyright infringement	3	3	100
Lanham Act	1	1	100
Total	24	20	83

III. CIVIL BENCH TRIALS

Nine cases were tried to the court in 2015. The plaintiffs prevailed in five cases; defendants prevailed in three cases; and one case is pending judgment as of the date of this memo.

The average time from filing to a bench trial in 2015 was 25 months, slightly shorter than the amount of time from filing to a jury trial (26 months). This is less than the average in 2014, which saw an average of 32 months from filing to a bench trial, and 33 months from filing to a jury trial.

The average length of a bench trial was three days. Again, this is less than 2014, in which the average was four days. The longest bench trial was seven days, the shortest bench trials only one day (three cases).

One of the cases resulted in a ruling on the same day, three were decided within three weeks or less, three took an average of 2.2 months to decide, one took thirteen months, while another remains 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	Civil: Employment - FSLA	27	P	\$13,285
PAB	Breach of Contract: lease ejection	20	Pending	--
RBJ	1. Breach of Contract: Stock Agreements, Separation	15	P	\$2,157,000
	2. Civil Rights: RICO, 1983, Defamation	21	P	\$1,500
RM	Intellectual Property: Lanham Act, Trademark Infringement	43	P	\$378,006
RPM	Common Law Tort: Medical Malpractice	28	D	--
JLK	Fed Statute: Fair Debt Collection Practices Act	16	P	\$1,000
WYD	Employment: FLSA	39	D	--
CBS	Common Law Tort: Medical Malpractice	17	D	--

IV. CRIMINAL TRIALS

There were 495 criminal cases filed in 2015, 17 fewer (-3%) than the 512 in 2014. Fifteen (15) felony cases proceeded to jury trial, as did one misdemeanor trial. One petty offense trial was tried to the bench. The government achieved convictions in every case.

A. Felony Trials

Defendants have been sentenced in 11 of the 15 cases. The most severe sentences imposed arose from two different murder cases in which the defendants both received life sentences. The least severe sentence was for 60 months following a conviction for a felon in

possession of a firearm. The average time from a defendants' initial appearance to trial in 2015 was 15 months, a 50% rise from the previous year's 10-month average. No felony cases were brought to trial within 70 days, but three cases came close (one was three months and two more were four months). The longest delay from the defendant's initial appearance to trial was a murder case that took 59 months.

The felony trials involved diverse charges: distribution, possession of, or conspiracy to distribute a controlled substance (4); assault (3); possession of a firearm or ammunition by a prohibited person (3); murder (2); sale or transfer of a firearm to a prohibited person (1); failure to register as a sex offender (1); and alleged tax evasion (1).

The felony prosecutions in 2015 are reported below:

Judge	Crime Charged	Verdict	Sentence
MSK	Possession of a Firearm by a Prohibited Person	Convicted	Pending
REB	1. Murder 2. Distribution of a Controlled Substance	Convicted Convicted	Life Pending
PAB	1. Assault 2. Possession of a Controlled Substance 3. Failure to Register as a Sex Offender 4. Assault	Convicted Convicted Convicted Convicted	720 mos. (60 yrs.) 240 mos. (20 yrs.) 120 mos. (10 yrs.) 100 mos. (8 yrs.)
CMA	1. Assault 2. Tax Evasion 3. Distribution of a Controlled Substance	Convicted Convicted Convicted	90 mos. (7.5 yrs.) Pending 121 mos. (10 yrs.)
RBJ	1. Murder 2. Felon in Possession of a Firearm	Convicted Convicted	Life 60 mos. (5 yrs.)

RM	1. Sale/Transfer to a Prohibited Person	Convicted	Pending
	2. Felon in Possession of Ammunition	Convicted	120 mos. (10 yrs.)
	3. Conspiracy to Distribute a Controlled Substance	Convicted	240 mos. (20 yrs.)

The trials for these 15 felony cases took up 83 days, for an average of 5.5 days per trial.

B. Misdemeanor Trials

Judge Philip A. Brimmer oversaw a misdemeanor trial where, after a three-day trial, the defendant was convicted of the charge of theft/embezzlement of federal property. The defendant was sentenced to 30 days in jail with a fine of \$1,784.

C. Petty Offense Trials

Judge David L. West oversaw a petty offense bench trial which lasted one day. The defendant was charged and convicted of residing on national forest land without authorization.

V. OTHER INTERESTING FACTS

A. Consent

In February 2014, the District initiated a Pilot Project on Consent, utilizing the full-time Magistrate Judges in the drawing of civil lawsuits. Under this project and the subsequent Local Rule arising therefrom, the Magistrate Judges are given an equal draw of civil cases with the District Judges.

Through December 2015, under the direct assignment of cases, the Magistrate Judges received collectively 1,712 cases in 23 months, so about 12.5 cases per Magistrate Judge per month. In those 1,712 cases, a consent decision was made in 1,106, with 494 consenting and

612 not consenting, for a consent success rate of 45%.⁶ For the other 606 cases in which no consent decision had been made, there were 178 awaiting a consent decision, 393 were terminated prior to a consent decision (23%), and the remaining 35 cases were re-drawn due to the assigned judicial officer recusing or transferring the case.

As of December 31, 2015, the Magistrate Judges had 406 consent cases among them, for an average (per full-time Magistrate Judge) of 67.67. In December 2013 (the year prior to the Pilot Project), the Magistrate Judges had 37 cases, or six each. Obviously, this has been a substantial change in the District.

By way of comparison, as of December 31, 2013, the active District Judges in Colorado averaged 224 civil cases, while as of December 31, 2015, they averaged 173. The Senior District Judges averaged 161 cases in December 2013, and 142 in December 2015.

B. Alternative Dispute Resolution

In November 2011 the District instituted a new paradigm concerning ADR, offering an Early Neutral Evaluation (ENE) as the presumptive process, with settlement conferences occurring only upon motion to the presiding judicial officer. In 2009, the first full year with six full-time Magistrate Judges, the District had 717 settlement conferences. In 2011, the last (essentially) full year of Magistrate Judges conducting settlement conferences on a regular basis, the District had 486 settlement conferences.

After the ENE was instituted, the District saw the following activity:

⁶This appears to compare very favorably with other districts which utilize our system of direct assignment with early decisionmaking on consent. There are districts in which parties have both a direct draw and may engage in traditional consent until the time of trial and, indeed, are encouraged to do so by both District Judges and Magistrate Judges. Such districts experience a higher rate of consent.

2012 :	166 settlement conferences	18 ENEs
2013:	116 settlement conferences	15 ENEs
2014:	122 settlement conferences	8 ENEs
2015:	79 settlement conferences	13 ENEs
Totals:	483 settlement conferences	54 ENEs

Therefore, we have moved from approximately 650 settlement conferences per year to approximately 120 settlement conferences and 13 ENEs.