

JUDICIAL BUSINESS: 2000

This report contains statistical data on the business of the federal judiciary during the fiscal year ending September 30, 2000, compares the caseload for this year to those of prior fiscal years, and, wherever possible, explains why increases or decreases occurred in the courts' caseload. Specific sections address the workload of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal judiciary. A table of judicial caseload indicators presents totals for the major segments of the federal court system (see page 14).



The most significant conclusion emerging from the data for 2000 is that the caseload of the federal courts reached or approached record levels with respect to appellate and criminal filings, although overall fil-

ings remained relatively stable in the U.S. courts of appeals and district courts. Criminal case filings in the district courts grew 5 percent to the highest total since the repeal of the Prohibition Amendment in 1933. As a result, defendants in cases opened in the pretrial services system climbed 7 percent. The district courts also disposed of 58,102 criminal cases, an increase of 3 percent (this total does not include the 79,459 petty offense cases terminated by magistrate judges). The number of persons under supervision of the probation system, which is not affected immediately by changes in criminal filings, rose 3 percent. Civil filings in the district courts essentially were stable, dropping less than three-tenths of 1 percent from the previous year's amount. In the 12 regional courts of appeals, an increase of 4 appeals caused filings to attain an all-time high. Filings in the U.S. bankruptcy courts fell 7 percent, although the number of new petitions continued to exceed one million.

Over the past five years, the workload of federal judges has expanded greatly. From 1996 to 2000, the following occurred:

- the number of appeals filed per authorized three-judge appellate panel increased 5 percent;
- criminal case filings (including transfers) per authorized district judgeship grew 30 percent; and
- bankruptcy filings per authorized bankruptcy judgeship rose 14 percent.

Judicial Caseload Indicators

Fiscal Years 1996, 1999, and 2000

| Judicial Caseload | 1996 | 1999 | 2000 | Percent Change Since 1996 | Percent Change Since 1999 |
|---|---------------------|------------------------|-----------|------------------------------|------------------------------|
| U.S. Courts of Appeals¹ | | | | | |
| Cases Filed | 51,991 | 54,693 | 54,697 | 5.2 | 0.0 |
| Cases Terminated | 50,413 | 54,088 | 56,512 | 12.1 | 4.5 |
| Cases Pending | 38,774 | 42,225 ² | 40,410 | 4.2 | -4.3 |
| U.S. District Courts | | | | | |
| Criminal (Includes Transfers) | | | | | |
| Cases Filed | 47,889 | 59,923 | 62,745 | 31.0 | 4.7 |
| Defendants Filed | 67,700 | 80,822 | 83,963 | 24.0 | 3.9 |
| Cases Terminated | 45,499 | 56,511 | 58,102 | 27.7 | 2.8 |
| Cases Pending | 32,156 | 42,966 ² | 47,609 | 48.1 | 10.8 |
| Civil | | | | | |
| Cases Filed | 269,132 | 260,271 | 259,517 | -3.6 | -0.3 |
| Cases Terminated | 250,387 | 272,526 | 259,637 | 3.7 | -4.7 |
| Cases Pending | 250,934 | 249,381 ² | 249,261 | -0.7 | -0.1 |
| U.S. Bankruptcy Courts | | | | | |
| Cases Filed | 1,111,964 | 1,354,376 | 1,262,102 | 13.5 | -6.8 |
| Cases Terminated | 1,005,025 | 1,356,026 | 1,256,874 | 25.1 | -7.3 |
| Cases Pending | 1,189,213 | 1,377,985 ² | 1,383,213 | 16.3 | 0.4 |
| Federal Probation System | | | | | |
| Persons Under Supervision | 88,966 | 97,190 | 100,395 | 12.8 | 3.3 |
| Presentence Reports | 51,662 | 61,207 | 63,666 | 23.2 | 4.0 |
| Pretrial Services | | | | | |
| Pretrial Services Cases Activated | 63,497 | 80,154 | 85,617 | 34.8 | 6.8 |
| Total Released on Supervision | 26,498 ² | 30,262 ² | 32,388 | 22.2 | 7.0 |

¹Excludes the U.S. Court of Appeals for the Federal Circuit.

²Revised.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals remained essentially stable at 54,697, rising by 4 appeals to a record-breaking level for the fifth consecutive year. Growth in original proceedings (up 18 percent) and criminal appeals (up 4 percent) offset declines in filings of bankruptcy appeals (down 9 percent), civil appeals (down 2 percent), and administrative agency appeals (down 1 percent). Since 1996, filings of appeals have climbed 5 percent. Case terminations also reached

an all-time high, totaling 56,512 and exceeding the number of filings for the first time since 1994. Terminations per authorized three-judge panel rose from 972 in 1999 to 1,015 (up 4.5 percent). Pending appellate cases declined 4 percent to 40,410 as of September 30, 2000.

Tables 1 and 2 contain summary data on the activity of the U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables.

Sources of increases and declines varied among the circuits. The most notable growth, which occurred in the Second Circuit (up 6 percent) and the District of Columbia (up 5 percent), largely consisted of increases in prisoner petition filings. The greatest decreases took place in the Eighth Circuit (down 6 percent) and Tenth Circuit (down 5 percent), where filings of many case types fell.

The number of original proceedings filed grew 18 percent (up 593), primarily due to a 38 percent jump in petitions by persons requesting authority to file second or successive habeas corpus petitions. In 2000, second or successive habeas corpus petitions by state prisoners constituted 62 percent of original proceedings.

A 45 percent rise in appeals related to immigration laws largely caused the increase in criminal appeals, with the most notable growth emanating from the Fifth Circuit, where immigration appeals surged 121 percent (up 312 appeals). This increase in immigration filings echoes the large growth in such filings in the district courts. Higher numbers of appeals involving bank robberies (up 17 percent) and fraud (up 6 percent) also contributed to the overall rise in appeals. This growth was offset somewhat by decreased filings in other categories, particularly appeals involving firearms and weapons (down 3 percent) and drugs (down 1 percent).

Civil appeals, which decreased 4 percent in 1999, fell another 2 percent in 2000 to 35,780. Reductions in many categories of appeals contributed to the overall decline, with the most significant drops occurring in prisoner petition appeals involving motions to vacate sentence (down 685), in prisoner civil rights appeals (down 211), and in appeals related to employment civil rights (down 234). Increases in habeas corpus prisoner petition appeals (up 816) and prison condition prisoner petitions (up 132) since 1999 offset declines in other types of prisoner petitions such that prisoner petitions overall grew less than one-half of 1 percent. The drop in employment civil rights appeals was offset slightly by a 2 percent rise (up 80 appeals) in civil rights appeals unrelated to employment.

In April 1996, Congress enacted two statutes to reduce filings of prisoner petitions in federal courts: the Prison Litigation Reform Act (PLRA) and Title I of the Antiterrorism and Effective Death Penalty Act (AEDPA). However, since 1996, prisoner petition appeals filings have grown 9 percent overall. Although the PLRA caused a drop in prisoner civil rights and prison condition petitions (down 37 percent), and the AEDPA reduced motions to vacate sentence 13 percent, state and federal habeas corpus appeals have surged



Since 1996, filings of appeals have climbed 5 percent.

Table 1

U.S. Courts of Appeals
 Appeals Filed, Terminated, and Pending
 Fiscal Years 1996 Through 2000

| Years | Authorized Judgeships | Filed | | Terminated | | Pending |
|--------------------------|-----------------------|--------|-----------------|------------|-----------------|---------|
| | | Number | Cases per Panel | Number | Cases per Panel | |
| 1996 | 167 | 51,991 | 934 | 50,413 | 906 | 38,774 |
| 1997 | 167 | 52,319 | 940 | 51,194 | 920 | 39,846 |
| 1998 | 167 | 53,805 | 967 | 52,002 | 934 | 41,666 |
| 1999 | 167 | 54,693 | 983 | 54,088 | 972 | 42,225* |
| 2000 | 167 | 54,697 | 983 | 56,512 | 1,015 | 40,410 |
| % Chg. 2000 Over 1999 | — | 0.0 | 0.0 | 4.5 | 4.5 | -4.3 |

Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit.

* Revised.

Table 2

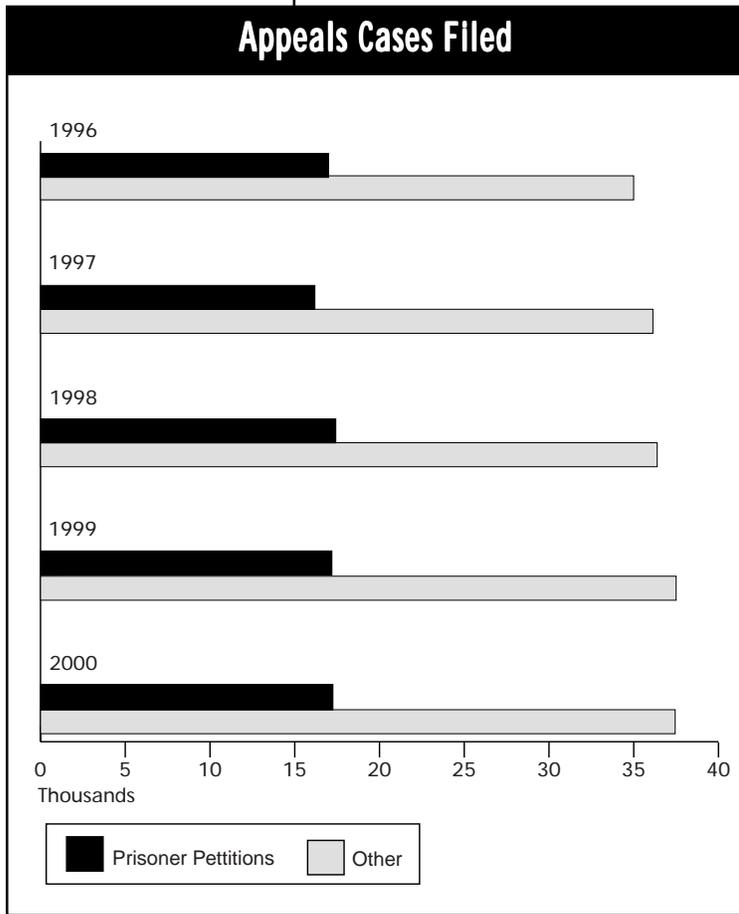
U.S. Courts of Appeals
 Sources of Appeals
 Fiscal Years 1999 and 2000

| Source | 1999 | 2000 | Percent Change |
|-----------------------|--------|--------|----------------|
| Total | 54,693 | 54,697 | 0.0 |
| U.S. District Courts | | | |
| Criminal | 10,251 | 10,707 | 4.4 |
| Civil—Total | 36,680 | 35,780 | -2.5 |
| Prisoner Petitions | 17,191 | 17,252 | 0.4 |
| U.S. Civil | 4,010 | 3,740 | -6.7 |
| Private Civil | 15,479 | 14,788 | -4.5 |
| Other Appeals | | | |
| Bankruptcy | 1,109 | 1,007 | -9.2 |
| Administrative Agency | 3,280 | 3,237 | -1.3 |
| Original Proceedings* | 3,373 | 3,966 | 17.6 |

Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit.

* Beginning October 1, 1998, data are reported for types of proceedings previously not presented in this table.

77 percent since 1996, resulting in the overall growth.



Appeals involving pro se litigants grew 2 percent to 24,938, mainly because of a 15 percent increase (up 381 appeals) in pro se original proceedings and an 18 percent rise (up 121 appeals) in appeals of administrative agency decisions. Filings of pro se appeals rose in 9 of the 12 circuits. The Tenth Circuit was the only circuit to report an increase greater than 10 percent; its rise of 14 percent primarily resulted from a 28 percent jump (up 184 appeals) in prisoner petition appeals. Pro se cases constituted 46 percent of all appeals filed in 2000, up from 45 percent in 1999. Supplemental Table S-4 contains summary data on pro se appeals.

Falling to their lowest level since 1986, bankruptcy appeals, which accounted for approximately 2 percent of all appeals filed, decreased 9 percent from

1999. Declines were reported in 9 of the 12 circuits, with the largest reductions in the Ninth Circuit (down 20 appeals), Fourth Circuit (down 19 appeals), Second and Sixth Circuits (each down 18 appeals), and Eleventh Circuit (down 17 appeals). Since 1996, drops have occurred in 11 of the 12 circuits, causing bankruptcy appeals to fall 30 percent overall in the past five years. These declines appear consistent with decreases in bankruptcy appeals filed in the U.S. district courts.

Filings of administrative agency appeals remained relatively stable, falling 1 percent to 3,237. Reductions in filings occurred in 8 of the 12 circuits, with the greatest numerical decline reported by the Second Circuit, where administrative agency filings fell by 76 appeals, primarily because of a 73-case drop in appeals of decisions by the Immigration and Naturalization Service (INS). This decrease was offset by increases in INS appeals in the Third, Fifth, and Eleventh Circuits (which saw rises of 18, 77, and 22 appeals, respectively). Lower numbers of administrative agency appeals from various sources in the Sixth Circuit (down 28 appeals) and the Eighth Circuit (down 21 appeals) also contributed to the overall decline.

U.S. Court of Appeals for the Federal Circuit The number of filings in the U.S. Court of Appeals for the Federal Circuit dropped 2 percent (down 34 appeals) to 1,509. Reductions in filings in 2000 were spread across many types of appeals, with the greatest decreases occurring in appeals of decisions by the Merit Systems Protection Board (MSPB), which fell 4 percent (down 22 appeals), and the U.S. Court of Federal Claims, which dropped 13 percent (down 21 appeals). The largest growth was a 32 percent increase in appeals of decisions by the Patent and Trademark Office (up 22 appeals). The number of appeals terminated rose 8 percent to 1,518. The

number of appeals pending as of September 30, 2000, totaled 1,103.

The caseload volume for the Federal Circuit historically tends to show much variability, often increasing one year, then declining the next. Since 1996, appeals filed in this court have grown 13 percent (up 172 appeals).

Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit. More detailed data are available from the Office of the Clerk of the U.S. Court of Appeals for the Federal Circuit.

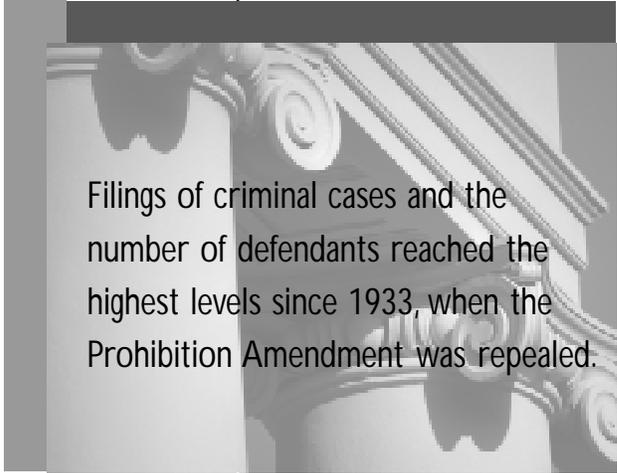
U.S. District Courts

In 2000, criminal and civil case filings in the U.S. district courts remained relatively constant, rising less than 1 percent to 322,262. During that period, case terminations dropped 3.5 percent to 317,739 (this figure does not include the 79,459 petty offense cases terminated by magistrate judges). Because filings outpaced terminations, the number of pending cases increased 1.5 percent to 296,870.

Criminal Filings For the sixth consecutive year, federal district courts received more criminal cases and defendants than in the previous year. Filings of criminal cases rose 5 percent to 62,745, and the number of defendants increased 4 percent to 83,963—reaching the highest totals since 1933, when the Prohibition Amendment was repealed. As a result, criminal cases per authorized district judgeship grew from 93 to 96, even though 9 additional Article III judgeships were created by the Consolidated Appropriations Act on November 29, 1999 (Pub. L. No. 106-113). The courts disposed of 3 percent more cases and 2 percent more defendants than in 1999. As filings outpaced dispositions, pending criminal cases and defendants jumped 11 percent.

Filings of criminal cases (excluding transfers) have increased 32 percent from 1996 to 2000. This increase has stemmed largely from the growth in the filings of cases involving immigration (up 120 percent), drugs (up 45 percent), and firearms law violations (up 70 percent). Although immigration and drug case filings have risen across the nation, the largest growth during this five-year period has occurred in five districts along the southwestern border of the United States: California-Southern, Arizona, Texas-Southern, Texas-Western, and New Mexico. Increases in filings have occurred there because of a strategy of the U.S. Department of Justice (DOJ) to reduce crime along the U.S. borders by focusing on illegal immigration, alien smuggling, and drug trafficking. In addition, drug case filings have increased across the United States because of a highway drug interdiction program supported by the Drug Enforcement Agency and carried out by state and local agencies in “high intensity drug trafficking areas” designated by the Office of National Drug Control Policy. Drug filings nationwide have also increased because of prosecutions under the Comprehensive Methamphetamine Control Act of 1996, which was enacted in response to the emergence of widespread use of this drug.

In 2000, the rise in filings of criminal cases consisted largely of immigration and firearms cases. Immigration filings increased 14 percent to 12,150, and firearms filings surged 23 percent to 5,387. Filings of fraud cases rose 2 percent, and drug case filings remained stable. The combined filings of cases in the four largest catego-



Filings of criminal cases and the number of defendants reached the highest levels since 1933, when the Prohibition Amendment was repealed.

Firearms Cases

Firearms case filings began growing in 1998 in many districts across the nation as U.S. attorneys in cities with the highest violent crime rates began implementing special federal programs patterned after Project Exile in Richmond, Virginia, and Operation Ceasefire in Boston, Massachusetts. In these programs, federal, state, and local law enforcement agencies seek to prosecute felons possessing firearms under federal laws, which often carry more severe penalties than do state laws.

ries—drugs, immigration, fraud, and firearms—accounted for 69 percent of the overall criminal caseload, one percentage point more than in 1999. However, the distribution of cases in categories of the overall criminal caseload changed. The propor-

tion of immigration cases increased from 18 to 20 percent, firearms cases rose from 7 to 9 percent, drug cases declined from 30 to

28 percent, and fraud cases remained stable at 13 percent of total filings.

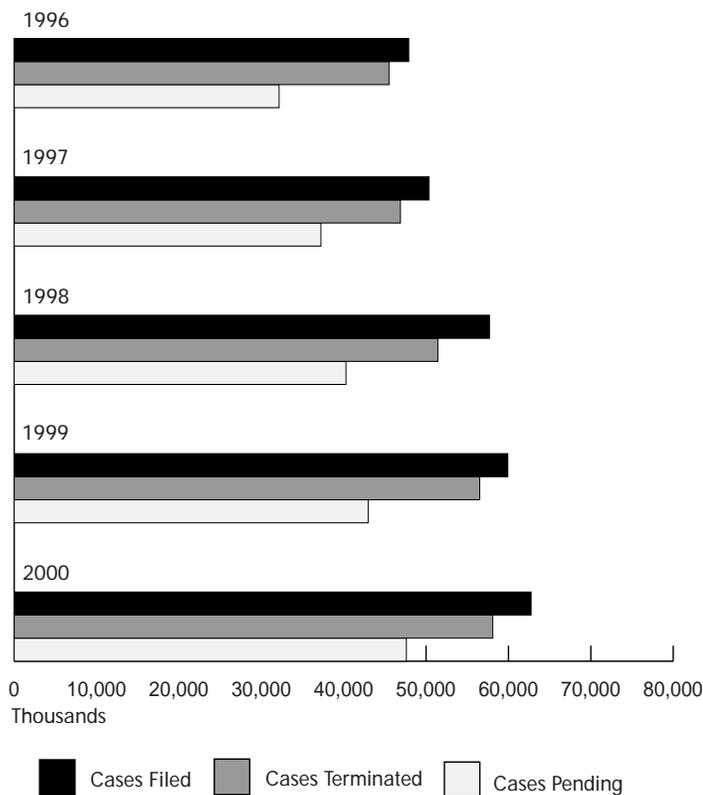
Nationwide, immigration case filings rose in 58 districts, but the district courts in the five southwestern border districts received 63 percent of the 12,150 immigration cases. The Southern District of California alone accounted for 16 percent of all new immigration cases, the highest portion of any district. Immigration cases in the Southern District of California climbed 24 percent to 1,918 cases because the DOJ provided additional border patrol positions there. Filings also grew in the following districts: Arizona (up 6 percent to 1,669), Texas-Western (up 8 percent to 1,633), Texas-Southern (up 13 percent to 1,568), and New Mexico (up 41 percent to 825). In 1995, these district courts began receiving massive numbers of criminal cases in response to Operation Gatekeeper in California, Operations Hold the Line and Rio Grande in Texas and New Mexico, and Operation Safeguard in Arizona.

Weapons and firearms case filings rose for the fourth consecutive year. In 2000, federal courts received 6,223 defendants in 5,387 firearms cases, the highest levels ever recorded. Firearms filings increased in 68 districts nationwide and at least doubled in 13 districts.

In 2000, filings of drug cases increased in 51 districts. However, such filings declined 18 percent (down 324 cases) in the Southern District of California, where, pursuant to an agreement with the state, U.S. attorneys diverted more drug cases to state courts. This reduction lowered this district's contribution to the national drug case total from 10 percent to 8 percent and offset the increases in drug filings that occurred in other federal courts, thereby causing drug filings nationwide to remain stable.

Nationally, filings of fraud cases in 2000 grew 2 percent, rising in 53 districts. However, the overall increase was tempered

Criminal Cases Filed, Terminated, and Pending



by a significant decline in cases involving false claims and statements in the District of Arizona and the Western District of Texas, mostly in misdemeanor cases addressing fraud and related activities in connection with identification documents and information.

Among the smaller categories of criminal cases, significant increases occurred in case filings involving assault, sexually explicit material, and the failure to pay child support. Also, in 2000, a large number of national defense cases were filed, primarily in response to protests at the military facility in Vieques, Puerto Rico, which resulted mostly in misdemeanor cases with trespassing charges. Some of this growth in case filings was offset by drops in filings of cases involving robbery, larceny, embezzlement, and traffic.

In 2000, the federal courts concluded proceedings against 75,071 defendants, an increase of 2 percent. Of these, 67,036 were convicted, a rise of 3 percent. The conviction rate grew one percentage point to 89 percent. Eighty-five percent of defendants disposed of pled guilty, 1 percentage point more than in 1999. The number of defendants imprisoned rose 6 percent to 53,047. The rate of imprisonment increased 2 percentage points to 79 percent, which was 7 percentage points higher than the rate in 1996. The conviction and imprisonment rates for drug and immigration defendants in the southwestern districts remained high because these defendants typically plead guilty, and defendants who are illegal aliens are imprisoned, then deported upon completion of their prison sentences. The median case disposition time for criminal defendants remained stable at 5.9 months.

Table 3 and the D series of the appendix tables contain detailed data on the criminal caseload by district.

Table 3

U.S. District Courts
Criminal Cases Filed, Terminated, and Pending (Includes Transfers)
Fiscal Years 1996 Through 2000

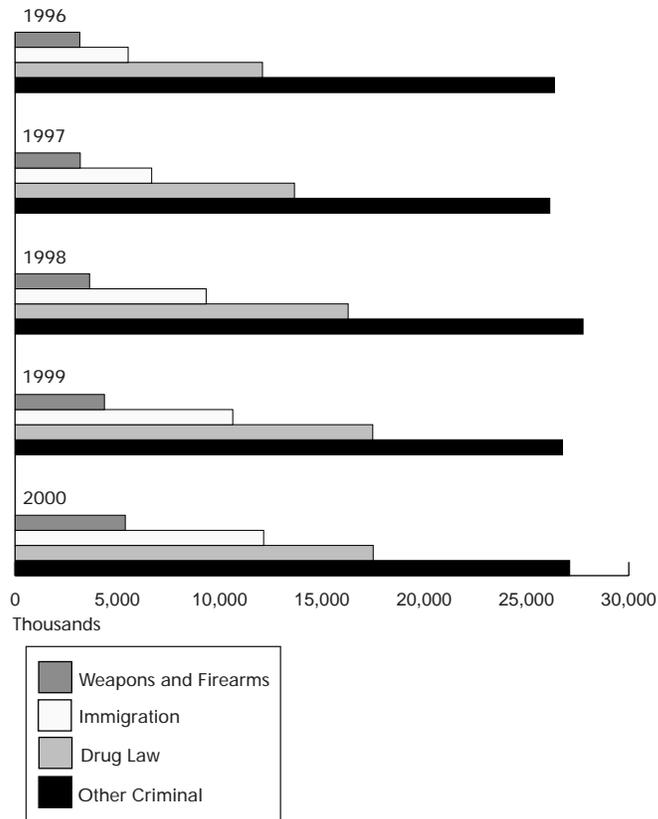
| Year | Authorized Judgeships | Filed | | | Terminated | Pending ² |
|-----------------------|-----------------------|--------|---------------------|--------------------|------------|----------------------|
| | | Total | Cases per Judgeship | Drugs ¹ | | |
| 1996 | 647 | 47,889 | 74 | 12,092 | 45,499 | 32,156 |
| 1997 | 647 | 50,363 | 78 | 13,656 | 46,887 | 37,237 |
| 1998 | 646 | 57,691 | 89 | 16,281 | 51,428 | 40,277 |
| 1999 | 646 | 59,923 | 93 | 17,483 | 56,511 | 42,966* |
| 2000 | 655 | 62,745 | 96 | 17,505 | 58,102 | 47,609 |
| % Chg. 2000 Over 1999 | — | 4.7 | 3.2 | 0.1 | 2.8 | 10.8 |

¹ Excludes transfers.

² Pending totals exclude cases in which all defendants were fugitives for more than one year.

* Revised.

Major Types of Criminal Cases Filed



Civil Filings Civil filings in the U.S. district courts remained essentially stable, declining by three-tenths of one percent (down 754 cases) to 259,517 in 2000. However, the composition of the civil caseload changed as some categories underwent significant increases and others registered significant decreases. Reductions occurred in cases involving federal question jurisdiction (i.e., actions under the Constitu-

tion, laws, or treaties of the United States) (down 4 percent) and diversity of citizenship (down 2 percent). These categories of cases caused an overall decline, leading civil filings per authorized district judgeship to fall from 403 to 396 in 2000.

Growth in civil filings with the United States as plaintiff or defendant (up 9 percent) largely offset this reduction.

Since 1996, civil filings have fallen 4 percent (down 9,615 cases), mostly as a result of decreases in prisoner petitions and personal injury/product liability cases. During this period, total prisoner petitions declined 15 percent (down 9,978 petitions), chiefly in response to a 38 percent drop in state prisoner petitions involving civil rights and a 35 percent drop in federal prisoner motions to vacate sentence. The enactment of 1996 Prison Litigation Reform Act, which imposed higher filing fees and other provisions to reduce frivolous petitions, initiated the drop in prisoner petitions alleging civil rights violations. Motions to vacate sentence were greatly affected by the U.S. Supreme Court's ruling in *Bailey v. United States*, 516 U.S. 137 (1995), which restricted the imposition of enhanced penalties for using firearms, and by the enactment in 1996 of the

Antiterrorism and Effective Death Penalty Act (AEDPA), which provided a one-year limitation period for filing prisoner petitions. Initially, *Bailey* caused motions to vacate sentence to jump markedly from 1996 to 1997 as federal prisoners filed numerous petitions to have sentences adjusted, but thereafter such filings subsided. Although the AEDPA helped shrink the numbers of federal habeas corpus petitions seeking motions to vacate sentence, state habeas corpus petitions rose during this period. During the past five years, personal injury/product liability filings, most of which addressed breast implants or oil refinery explosions, fell 48 percent (down 13,156 cases). Filings of breast implant cases in particular significantly affected total civil filings between 1995 and 1998, causing total civil and personal injury/product liability filings to peak in 1997.

In 2000, the 4 percent decrease in federal question litigation (down 5,274 cases) from the 1999 total was chiefly attributable to a 40 percent overall decline in personal injury cases, mostly in asbestos filings and breast implant cases. The 2 percent reduction in diversity of citizenship filings to 48,626 largely resulted from drops in personal injury/product liability filings.

Total U.S. cases in 2000 grew 9 percent to 71,109 (up 5,666 filings). Filings with the United States as plaintiff climbed 10 percent (up 3,057 filings) as filings involving contracts grew 9 percent. This occurred mainly because of an 11 percent rise in cases related to the recovery of overpayments and enforcement of judgments, which in turn stemmed from a 12 percent increase in student loan recovery filings to 24,329. Since 1995, higher numbers of these recovery cases have been filed in response to ongoing intensive debt collection procedures implemented by the Department of Education in the mid-1990s.

Filings with the United States as defendant grew in 2000, mostly as a result of a 14 percent increase in social security fil-



Civil filings with the United States as plaintiff or defendant grew 9 percent.

Table 4

U.S. District Courts

Civil Cases Filed, Terminated, and Pending
Fiscal Years 1996 Through 2000

| Year | Authorized Judgeships | Total | Filed | | | | Terminated | Pending |
|-----------------------|-----------------------|---------|---------------------|--------------------------------|--------------------|-----------------|------------|----------|
| | | | Cases per Judgeship | Recovery and Enforcement Cases | Prisoner Petitions | All Other Cases | | |
| 1996 | 647 | 269,132 | 416 | 5,139 | 68,235 | 195,758 | 250,387 | 250,934 |
| 1997 | 647 | 272,027 | 420 | 9,677 | 62,966 | 199,384 | 249,641 | 272,602 |
| 1998 | 646 | 256,787 | 398 | 14,577 | 54,715 | 187,495 | 262,301 | 262,573 |
| 1999 | 646 | 260,271 | 403 | 22,403 | 56,603 | 181,265 | 272,526 | 249,381* |
| 2000 | 655 | 259,517 | 396 | 24,838 | 58,257 | 176,422 | 259,637 | 249,261 |
| % Chg. 2000 Over 1999 | — | -0.3 | -0.2 | 10.9 | 2.9 | -2.7 | -4.7 | -0.1 |

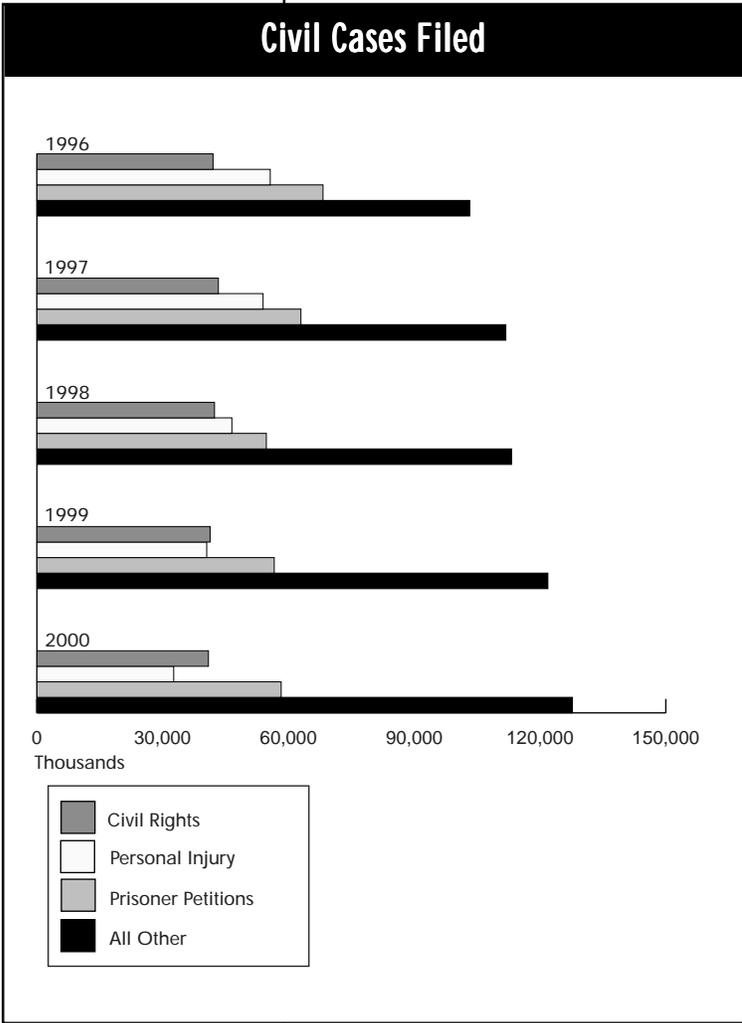
*Revised.

Table 5

U.S. District Courts

Civil Cases Filed, by Jurisdiction
Fiscal Years 1996 Through 2000

| Year | Total | U.S. Cases | | Private Cases | | |
|-----------------------|---------|------------|-----------|------------------|--------------------------|--------------------|
| | | Plaintiff | Defendant | Federal Question | Diversity of Citizenship | Local Jurisdiction |
| 1996 | 269,132 | 15,538 | 33,217 | 159,513 | 60,685 | 179 |
| 1997 | 272,027 | 20,966 | 39,038 | 156,596 | 55,278 | 149 |
| 1998 | 256,787 | 23,389 | 34,463 | 146,827 | 51,992 | 116 |
| 1999 | 260,271 | 31,067 | 34,376 | 144,898 | 49,793 | 137 |
| 2000 | 259,517 | 34,124 | 36,985 | 139,624 | 48,626 | 158 |
| % Chg. 2000 Over 1999 | -0.3 | 9.8 | 7.6 | -3.6 | -2.3 | 15.3 |



ings and a 9 percent rise in prisoner petitions. Social security supplemental security income cases jumped 19 percent (up by 1,073 cases), and disability insurance cases grew 11 percent (up 766 cases). These increases were attributed to the use of additional resources by the Social Security Administration to process a large pending backlog of social security cases dating back to 1997. The higher number of prisoner petitions stemmed from a 10 percent rise in motions to vacate sentence filed by federal prisoners and an 8 percent rise in federal habeas corpus petitions. These numbers are more consistent with filing trends reported by district courts before the *Bailey* decision and the enactment of the PLRA

and AEDPA caused prisoner petitions to jump sharply, then subside.

Civil case terminations decreased 5 percent to 259,637, after rising 4 percent in 1999. The increase in 1999 had resulted from large numbers of federal question case terminations, which consisted mostly of personal injury/product liability cases transferred as multidistrict litigation. Many of these cases were returned to originating district courts or remanded to state courts; however, more than 10,000 personal injury/product liability cases remain on the pending docket of the Eastern District of Michigan awaiting final settlement activity.

The national median time interval from filing to disposition for civil cases was eight months, two months less than in 1999. The number of pending civil cases fell by one-tenth of one percent (down 120 cases) to 249,261, as the number of case terminations was only slightly higher than the number of filings.

Tables 4 and 5 summarize key data on civil filings in the U.S. district courts. The C series of appendix tables provides detailed information on civil cases.

Arbitration Cases In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. When a case goes to arbitration, an outside neutral party or a panel of neutral parties presents to the litigants an opinion of the likely outcome of a trial. An arbitrator's decision is not binding; within 30 days after the decision's release, the parties can seek a trial, which will cause the

case to be treated as if it never went through arbitration. The first districts authorized to use mandatory and voluntary arbitration were California-Northern, Florida-Middle, Michigan-Western, New Jersey, New York-Eastern, North Carolina-Middle, Oklahoma-Western, Pennsylvania-Eastern, Missouri-Western, and Texas-Western. The Judicial Conference later authorized 10 additional districts to use voluntary arbitration only, but the data presented herein address only the 10 original arbitration courts.

During 2000, the tenth year of arbitration reporting, 4,326 cases were referred to arbitration in 7 of the 10 original participating districts, a 29 percent increase (up 978 cases) from 1999. This was the largest number of arbitrated cases since 1994. Arbitration cases represented 9 percent of total civil filings in the original 10 arbitration courts; however, they constituted 12 percent of civil filings in the 5 courts that reported a substantial number of new cases.

The districts that have made the greatest use of arbitration since its inception are New Jersey, Pennsylvania-Eastern, Florida-Middle, and New York-Eastern. In addition, the Northern District of California implemented a more extensive arbitration program in 2000 that has resulted in numerous arbitrations. These five courts had a combined total of 4,320 arbitrations, which accounted for 99 percent of all new arbitration cases in 2000. Marked increases occurred in New Jersey (up 482 filings), California-Northern (up 275 filings), Pennsylvania-Eastern (up 244 filings), and New York-Eastern (up 104 filings). In the Middle District of Florida, however, arbitrations declined (down 127 filings). The bulk of all participating districts' arbitration caseloads continued to consist of filings related to contract, personal injury, civil rights, and labor suits.

For the third consecutive year, North Carolina-Middle, Texas-Western, Michigan-Western, and Missouri-Western reported no new arbitrations. These four courts now actively use federal mediation procedures. Mediation also involves litigants' meeting with outside neutral parties (often subject matter experts) for discussion, but differs from arbitration in that it places a greater emphasis on reaching a settlement rather than on providing an opinion of the likely outcome at trial. Currently, a total of 35 districts courts use federal mediation procedures to settle cases eligible for alternative dispute resolution programs.

Supplemental Table S-12 summarizes the cases filed in 1999 and 2000 in the 10 districts authorized to use both voluntary and mandatory arbitration.

Trials Completed For statistical purposes, district court trials include proceedings resulting in verdicts by juries or in final judgments by the courts, as well as other contested hearings at which evidence is presented. The following statistics include trials conducted by district judges and senior judges in the district courts; however, this analysis does not cover trials conducted by magistrate judges. During 2000, the number of civil and criminal trials completed in the U.S. district courts fell 2 percent as district judges concluded 14,679 trials. Forty-five districts experienced decreases in total trials in 2000. Sixteen districts reported reductions of 25 or more trials. The overall drop in trials resulted from declines in completed civil nonjury and jury trials and in criminal jury trials. This reduction was offset somewhat by a 17 percent increase in criminal nonjury trials.

Since the early 1990s, the extensive use of various forms of alternative dispute resolution (ADR) programs, including mediation and arbitration, possibly has con-

tributed to the reduction in the number of civil cases going to trial. Judges recently have indicated that the increasing inclusion of arbitration clauses in employment and other contracts, and courts' willingness to enforce these clauses, may have been key factors in the drop in civil trials. In addition, the Federal Arbitration Act possibly prevented some cases that might have been tried from ever reaching that stage. The growing acceptance of ADR by bar associations and the increasing use of non-court ADR, which allows the parties more privacy than they would receive by going to court, may have helped produce the declines in civil trials, although no data are available to support this assumption. From 1996 to 2000, the total number of trials decreased 16 percent (down 2,866 trials), with civil trials declining 23 percent and criminal trials falling 6 percent. Civil nonjury trials dropped 24 percent during the period, while civil jury trials dropped 23 percent. Criminal jury trials decreased 14 percent; however, criminal nonjury trials increased 4 percent.

In 2000, a 7 percent reduction in civil trials (down 599 trials) accounted for most of the decrease in total trials. Total civil trials declined in 63 districts. Civil nonjury trials decreased 4 percent to 4,529 (down 208 trials), while civil jury trials dropped 10 percent to 3,404 (down 391 trials). The continuing increase in the number of cases settled before trial—including those resulting in summary judgments, dismissals, and consent judgments—was a major factor in the overall reduction in total civil trials in 2000.

Total criminal trials rose 4 percent (up 285 trials) to 6,746. Nonjury criminal trials climbed 17 percent to 3,257, mostly due to increases in hearings on contested proceedings. Officials in district courts where nonjury criminal trials rose significantly indicated that this growth also oc-

curred in part because more defendants, particularly those charged with violating laws involving drugs and weapons and firearms, are cooperating with U.S. attorneys and agreeing to nonjury trials in lieu of jury trials. In addition, as is true with civil trials, the increasing cost of litigation may have caused some defendants to consider jury trials financially unfeasible. Criminal jury trials declined 5 percent last year.

The overall reduction in total trials in 2000 was offset by the impact of the multiple types of judicial proceedings included in the caseloads of federal judges. Many nontrial events required significant amounts of judges' time, often in the courtroom. Such events included hearings on motions for summary judgment and other dispositive motions, contested sentencing hearings, Daubert hearings on expert witnesses, evidentiary hearings in prisoner pro se cases, various types of ADR proceedings, and settlement conferences. This year, judges terminated 210,173 civil cases before or during pretrial proceedings, a 5 percent decrease over the total for 1999. However, as in 1999, this figure represents approximately 81 percent of all terminated cases. In addition, judges accepted pleas from 55,727 felony defendants, an increase of 7 percent. Growth in the acceptance of felony defendant pleas occurred mainly in cases involving immigration (up 1,800 pleas), drugs (up 900 pleas), and weapons and firearms (up 700 pleas).

Counting hearings on contested motions, restraining orders, and preliminary injunctions, 47 percent of all trials were completed within a single day (up 3 percent). This rate has fluctuated little for each of the past six years. In 2000, the percentage of trials lasting four days or longer decreased 8 percent to 3,628. Forty civil trials took 20 or more days to reach completion, the longest being a civil rights case lasting 124 days. In addition, 70 criminal

trials required 20 or more days for completion, the longest being a fraud case lasting 141 days. Appendix Tables, C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials.

In addition to trials conducted by district judges and senior judges, 11,573 trials were conducted by magistrate judges in 2000. These consisted of 5,565 petty offense trials, 1,300 civil consent trials, 840 misdemeanor trials, and 3,868 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

Weighted Filings per Authorized Judgeship Weighted filings per authorized judgeship account for the different amounts of time judges require to resolve various types of civil and criminal actions. The federal judiciary has employed techniques for assigning weights to cases since 1946. The current weighting system, which the Federal Judicial Center (FJC) developed in 1993, assigns weights to civil cases and to criminal felony defendants. The weighted and unweighted totals for criminal felony defendants include reopens and transfers. However, data on civil cases arising by reopening, remand, and transfer to the district by order of the Judicial Panel on Multidistrict Litigation are not included among the totals for weighted and unweighted filings. Average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death penalty habeas corpus case is assigned a weight of 5.99); and cases demanding relatively little time from judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.031).

In 2000, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per authorized judgeship was 479, up from

472 during 1999. (Weighted filings per authorized judgeship do not address whether judgeships are filled or vacant.) The total number of unweighted filings per judgeship (i.e., the raw number of cases and defendants in categories that receive weights) rose 3 percent to 488.

The 479 weighted filings per judgeship total for 2000 was 1 percent higher than the weighted filings total for 1996. The total for unweighted filings in 2000 was 3 percent above that for 1996.

Compared to 1999, the total number of weighted criminal felony defendants per judgeship increased 4 percent in 2000 to 167. This was 25 percent higher than the number of weighted felony defendants in 1996. In 2000, weighted criminal filings rose in 51 of the 91 district courts whose filings receive weights (weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and the Northern Mariana Islands), dropped in 39

Additional Judgeships

The magnitude of the increases in weighted and unweighted filings per judgeship was moderated by growth in the number of authorized judgeships in 2000. A total of nine additional Article III judgeships—two in Nevada, three in Arizona, and four in the Middle District of Florida—were created with the enactment of the Consolidated Appropriations Act (Public Law Number 106-113) on November 29, 1999. Without the additional authorized judgeships, weighted filings per judgeship would have grown 3 percent, and unweighted filings would have been 4 percent higher.

districts, and remained unchanged in one district. By far, the largest percentage increase occurred in the Northern District of New York, where weighted criminal filings jumped 76 percent due to a 67 percent increase in unweighted criminal defendants filed and, more specifically, to a 42 percent increase (214 to 303) in drug defendants filed.

This year's 4 percent growth in weighted criminal felony defendants per

judgeship reflects the 5 percent rise in criminal felony defendants nationwide. As indicated by the weighting system, the typical criminal action makes more demands on a judge's time than does the average civil matter. Criminal cases generally consume more time because they require more involvement by judges and are more likely to go to trial (5 percent of criminal felony defendants went to trial compared to 2 percent of civil cases). In 2000, weighted criminal filings were higher than unweighted criminal filings in all 91 district courts whose filings receive weights. Appendix Table X-1A provides, by district, weighted and unweighted filings per authorized judgeship in 2000.

The total number of weighted civil filings per authorized judgeship was 311, the same total as for 1999. From 1996 through 2000, weighted civil filings per authorized judgeship declined 8 percent. The lack of change in weighted civil filings in 2000 was consistent with the less than one percent drop in overall civil filings. During 2000, weighted civil filings increased in 48 district courts and fell in 43. That 50 of the 91 districts experienced an increase or decrease of five percent or less provides further evidence of the stability in weighted civil filings this year. The largest increases occurred in Delaware and Idaho, where civil weighted filings increased by 28 percent and 26 percent, respectively. The largest declines, excluding the three districts that received additional authorized judgeships, were in Alaska (down 36 percent) and the Western District of Missouri (down 33 percent).

In 84 of the 91 districts, the totals for weighted civil filings per judgeship were lower than the totals for unweighted civil filings. The court with the lowest ratio of weighted filings to unweighted filings per judgeship was the Northern District of Ohio (342 versus 645), which once again had a substantial number of asbestos cases. As-

bestos cases receive a low weight (0.19) because these cases typically are transferred to the Eastern District of Pennsylvania as part of Multidistrict Litigation Docket Number 875 and, therefore, require less work for the originating district than does the usual civil case.

U.S. Magistrate Judges

As growth in filings continues to outpace increases in judicial resources, magistrate judges' contributions to caseload management become ever more critical. In late 1999, the Administrative Office revamped its magistrate judge workload statistics to provide a more comprehensive depiction of these judges' contributions. Supplemental Table S-17 summarizes the magistrate judges' workload.

Magistrate judges performed 806,452 judicial duties in 2000, including (as explained in the Table S-17 footnotes) some tasks in categories previously not reported. Totals for non-case-dispositive motions, pretrial conferences, and certain other duties now include data on more types of proceedings and therefore are not directly comparable to previous years' figures. The remaining totals for 2000, however, suggest a shift in the mix of duties performed by magistrate judges. Compared to 1999, reports and recommendations increased 10 percent to 5,778 in criminal cases and rose 17 percent to 11,729 in civil cases other than prisoner and social security matters. Evidentiary hearings declined 14 percent to 1,990 in felony cases and 22 percent to 501 in civil cases. Reports and recommendations in social security appeals decreased 10 percent to 5,516. Misdemeanor and petty offense adjudications declined 19 percent to 88,449.

Continuing a long-standing trend, the volume of civil consent cases concluded by magistrate judges increased 1 percent to 11,481, although trials in such cases de-

clined 13 percent to 1,300. Magistrate judge adjudication of civil consent cases continues to figure prominently among courts' efforts to make the greatest use of limited judicial resources.

Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 8,733 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2000. The Panel transferred 8,329 cases originally filed in 93 different district courts to 38 transferee districts for inclusion in coordinated or consolidated pretrial proceedings in which 404 actions already were pending in the transferee districts. This year, cases involving asbestos and diet drugs were among the highlights of the Panel's transfer determinations. In addition, the Panel denied the transfer of 80 actions in 13 newly docketed litigations.

Since the Panel's creation in 1968, it has centralized 161,155 civil actions for pretrial proceedings. As of September 30, 2000, a total of 9,694 actions had been remanded for trial, 314 had been reassigned within the transferee district, and 111,348 had been terminated in the transferee court. At the end of this fiscal year, 39,799 actions were pending throughout 50 transferee district courts.

Supplemental Tables S-19 and S-20 provide statistics on the number of cases transferred since the Panel was created and report data on the flow of cases into and out of the districts this year and since 1968. All statistical information on multidistrict litigation traffic in the federal courts is maintained by the Clerk's Office of the Judicial Panel on Multidistrict Litigation. Information on specific cases or districts may be obtained from that office.

Criminal Justice Act

In 2000, a total of 118,494 representations were provided under the Criminal Justice Act (CJA), an increase of 13 percent over 1999. The CJA provides funding for the representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing such representation, either by private panel attorneys or by federal public or community defender offices.

This year, representations closed by the 68 federal defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) rose 11 percent to 66,526. Appointments of private panel attorneys increased 15 percent to 51,968.

The growth in representations was concentrated mainly in the five districts along the southwestern border of the United States. These districts accounted for nearly three-fourths of the increase in representations closed by federal defenders, and closings were significantly higher in all five locations. Closings increased 23 percent in Texas-Western, 21 percent in Texas-Southern, and between 12 and 13 percent each in Arizona, California-Southern, and New Mexico.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the last five years. Appendix Table K-1 presents information on the representations each federal defender organization provided during 2000.

U.S. Bankruptcy Courts

For the second consecutive year, filings in the U.S. bankruptcy courts declined, falling 7 percent to 1,262,102. However, this amount was 14 percent greater than the number of petitions received in 1996, when filings first exceeded one million. The large

number of bankruptcy petitions filed in the last decade most likely has stemmed from the high level of consumer debt relative to personal income. Recent reductions in filings probably occurred in response to the high employment rate and continued general economic prosperity, which enabled consumers to pay their debts more easily. Tables 6 and 7 contain national data on bankruptcy cases. Detailed data on filings, terminations, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Although filings remained near record levels and were 29 percent higher than in 1992, no new bankruptcy judgeships have been authorized since that year. Moreover, one temporary judgeship created in 1992 lapsed this year. As a result, cases per judgeship grew from 2,998 in 1992 to 3,883 in 2000 (up 30 percent). The number of cases closed fell 7 percent from the 1,356,026 terminated in 1999 to 1,256,874. Because the number of petitions filed was not much larger than the number closed, the total for cases pending remained stable, rising less than one-half percent to 1,383,213 on September 30, 2000.

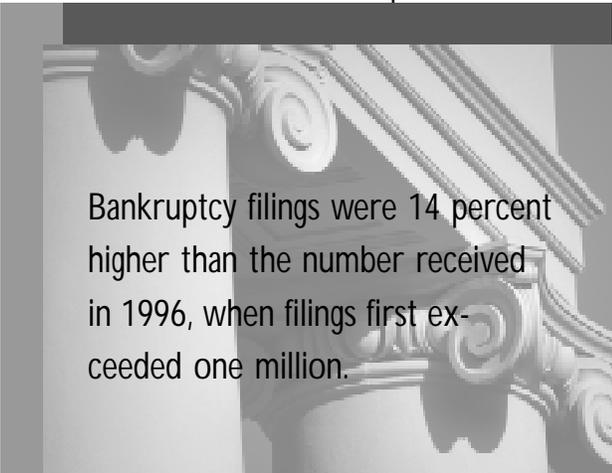
Once again, overall drops in petitions were reported for all 12 regional circuits; 24 districts reported growth, and 70 districts reported declines. Sixteen districts reported decreases greater than 10 percent; three districts reported increases greater than 10 percent. The largest numerical declines occurred in California-Central (down 22,145 cases), California-Northern (down 7,831 cases), California-Eastern

(down 5,254 cases), and New York-Eastern (down 5,238 cases). The largest numerical increases took place in Alabama-Northern (up 840 cases), Utah (up 796 cases), and Delaware (up 681 cases).

Filings of both nonbusiness and business petitions dropped 7 percent this year. Nonbusiness filings, which accounted for 97 percent of all bankruptcy filings, fell under all chapters of the bankruptcy code, with chapter 7 filings decreasing the most (down 9 percent). Despite this year's decline, however, since 1992 nonbusiness petitions have risen 35 percent to 1,226,037. Drops in business filings in 2000 occurred under all chapters of the bankruptcy code except chapter 11; filings under this chapter climbed 11 percent (up 897 cases). Business bankruptcies, which constituted 3 percent of all filings, have risen 50 percent since 1992.

Chapter 11 is used to allow businesses to continue operations while they formulate plans to repay their creditors, although individuals also may file under this chapter. Filings under chapter 11 generally require more involvement by judges than do filings under the other chapters of the bankruptcy code. Growing for the second consecutive year following seven years of decline, petitions under chapter 11 rose 9.5 percent in 2000. This increase stemmed primarily from a large number of filings in the District of Delaware. Filings in that district, which had soared 417 percent in 1999 (largely because a few companies filed nearly 1,700 petitions), rose an additional 47 percent in 2000 (up 792 petitions). These petitions were filed primarily by health care firms, funeral homes, and a maritime support business.

Despite the increase in chapter 11 filings, which accounted for less than 1 percent of all bankruptcy filings, drops in filings under all other chapters caused an overall decline. Chapter 7 petitions fell 9



Bankruptcy filings were 14 percent higher than the number received in 1996, when filings first exceeded one million.

percent, and chapter 13 petitions decreased 1 percent. Under chapter 7, which accounted for 69 percent of all bankruptcy filings this year, assets are liquidated for distribution to creditors. In chapter 7 cases involving businesses, all property is sold and the proceeds distributed to the creditors. In nonbusiness chapter 7 cases, individual debtors are allowed to retain certain exempt property while their remaining property is sold to raise funds for the creditors. Under chapter 13, which accounted for 30 percent of all bankruptcy filings, creditors may be repaid, in full or in part, in installments over a three- to five-year period.

Filings under chapter 12 dropped 32 percent (down 260 cases), in large part due to the expiration of the statutory provisions for chapter 12 on July 1, 2000. During the 106th session of Congress, legislation was introduced to re-enact Chapter 12 protections and to provide for the filing of petitions retroactively under this chapter. However, at the time this publication went to

press, this chapter had not been re-authorized. Chapter 12, which accounted for less than 0.05 percent of all bankruptcy filings, was designed to help family farms reorganize their debts.

Adversary proceedings arise from bankruptcy cases and include actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts. Filings of adversary proceedings declined 5 percent to 60,937, the lowest level since 1990. Five circuits registered increases in adversary proceedings filings, while 7 circuits reported decreases; 39 districts reported growth, and 54 districts reported reductions. Eleven districts reported increases in filings greater than 30 percent. The number of adversary proceedings terminated rose less than one percent to 69,682, and adversary cases pending dropped 14 percent to 68,805 as of September 30, 2000. Data on adversary proceedings by district appear in Appendix Table F-8.

Table 6

U.S. Bankruptcy Courts
 Bankruptcy Code Cases Filed, Terminated, and Pending
 Fiscal Years 1996 Through 2000

| Year | Total | Filed | | Terminated | Pending |
|-----------------------------|-----------|-------------|----------|------------|------------|
| | | Nonbusiness | Business | | |
| 1996 | 1,111,964 | 1,058,444 | 53,520 | 1,005,025 | 1,189,213 |
| 1997 | 1,367,364 | 1,313,112 | 54,252 | 1,223,967 | 1,326,136 |
| 1998 | 1,436,964 | 1,389,839 | 47,125 | 1,377,206 | 1,384,179 |
| 1999 | 1,354,376 | 1,315,751 | 38,625 | 1,356,026 | 1,377,985* |
| 2000 | 1,262,102 | 1,226,037 | 36,065 | 1,256,874 | 1,383,213 |
| % Chg. 2000 Over 1999 | -6.8 | -6.8 | -6.6 | -7.3 | 0.4 |

Note: Bankruptcy Act case data are available separately.
 *Revised.

Table 7

U.S. Bankruptcy Courts

Filings by Chapter of the Bankruptcy Code
Fiscal Years 1996 Through 2000

| Year | Total | Chapter | | | | |
|--------------------------|-----------|-----------|--------|-------|---------|-------|
| | | 7 | 11 | 12 | 13 | Other |
| 1996 | 1,111,964 | 761,652 | 12,554 | 1,096 | 336,615 | 47 |
| 1997 | 1,367,364 | 958,045 | 11,221 | 966 | 397,097 | 35 |
| 1998 | 1,436,964 | 1,026,134 | 8,765 | 879 | 401,151 | 35 |
| 1999 | 1,354,376 | 959,291 | 8,982 | 811 | 385,262 | 30 |
| 2000 | 1,262,102 | 870,805 | 9,835 | 551 | 380,880 | 31 |
| % Chg. 2000 Over 1999 | -6.8 | -9.2 | 9.5 | -32.1 | -1.1 | 3.3 |

Probation

On September 30, 2000, the total number of persons under supervision was 100,395, a 3 percent increase (up 3,205 persons) over the number reported as of September 30, 1999.

Persons serving terms of supervised release following their release from prison climbed 7 percent (up 4,343).

The growth in persons serving terms of supervised release resulted from a steady rise in both the number and percentage of convicted defendants sentenced to prison over the last

decade. From 1990 to 2000, the number of convicted defendants sentenced to prison jumped 160 percent.

Persons serving terms of supervised release following their release from prison

totaled 63,793 on September 30, 2000.

Overall, persons serving terms of supervised release constituted 64 percent of all persons under supervision, compared to 61 percent one year earlier. Cases involving probation imposed by district judges declined one percent, and those involving probation imposed by magistrate judges decreased 3 percent. Parole cases dropped 7 percent, and those involving mandatory release fell 16 percent.

As with criminal filings, much of the growth in persons under supervision occurred in districts along the southwestern border of the United States (Arizona, New Mexico, California-Southern, Texas-Southern, and Texas-Western). Over the past five years, persons under supervision in those districts rose 31 percent; the increase for the nation was 13 percent. This year, the growth in persons under supervision along the southwestern border accounted for 33 percent of the national increase in persons under supervision despite this region's having only 12 percent of per-

The growth in persons serving terms of supervised release resulted from a steady rise in both the number and percentage of convicted defendants sentenced to prison over the last decade.

sons under supervision. The composition of cases in the southwestern border districts was quite different from that for the nation as a whole. Fifty-two percent of persons under supervision in these districts committed drug offenses, 12 percent fraud, and 10 percent immigration offenses. Nationally, 41 percent of persons under supervision committed drug offenses, 20 percent fraud, and 2 percent immigration offenses.

The number of persons received for supervision (excluding transfers) increased 2 percent to 43,923. The number of persons received for terms of supervised release rose 7 percent. Due to the District of Columbia Revitalization Act—which became effective on August 6, 2000—parole cases grew by 14 cases. This was the first increase in parole cases received in more than eight years. The act abolished the District of Columbia Parole Board and gave jurisdiction over its cases to the U.S. Parole Commission. U.S. probation offices in the District of Maryland and the Eastern District of Vir-

ginia working under the auspices of the U.S. Parole Commission now supervise D.C. parolees who left prison after the District of Columbia Parole Board was abolished. This change caused the District of Maryland to undergo a 482 percent surge in parole cases (up 217 cases) resulting from the transfer of cases of D.C. parolees residing in Maryland who previously had been supervised by state probation offices. Parole cases rose by only 1 case in the Eastern District of Virginia as it began supervising the D.C. parole cases of Virginia residents released from prison after August 6, 2000. Nationally, the number of persons received for all other forms of supervision declined 5 percent. Detailed probation data appear in Table 8 and in the E series of the appendix tables.

Although the rise in persons received for supervision stemmed from the growth in persons convicted and sentenced, the effect of this increase was tempered by the number of aliens, both legal and illegal,

Table 8

Persons Under Supervision of the Federal Probation System
Fiscal Years 1996 Through 2000

| Year | Received | | Removed | | Persons Under Supervision on September 30 |
|--------------------------|----------|----------------------|---------|----------------------|---|
| | Total | Total Less Transfers | Total | Total Less Transfers | |
| 1996 | 48,367 | 41,877 | 45,804 | 39,380 | 88,966 |
| 1997 | 46,190 | 40,117 | 44,757 | 39,024 | 91,434 |
| 1998 | 45,586 | 39,925 | 43,903 | 38,897 | 93,737 |
| 1999 | 48,035 | 42,933 | 44,925 | 40,211 | 97,190 |
| 2000 | 48,653 | 43,923 | 45,051 | 40,545 | 100,395 |
| % Chg. 2000 Over 1999 | 1.3 | 2.3 | 0.3 | 0.8 | 3.3 |

Table 9

Investigative Reports by Probation Officers

Fiscal Years 1999 and 2000

| Type of Investigation | 1999 | 2000 | Percent Change |
|---|----------------|----------------|----------------|
| Total | 192,904 | 203,845 | 5.7 |
| Presentence Report* | 61,207 | 63,666 | 4.0 |
| Collateral Report for Another District | 43,088 | 46,341 | 7.6 |
| Pretransfer | 4,750 | 4,524 | -4.8 |
| Alleged Violation | 28,349 | 29,976 | 5.7 |
| Pre-Release for a Federal Institution | 22,251 | 23,639 | 6.2 |
| Special Regarding a Prisoner in Confinement | 4,982 | 5,357 | 7.5 |
| Furlough/Work-Release | | | |
| Report for Bureau of Prisons Institutions | 5,336 | 5,129 | -3.9 |
| Supervision Report | 22,225 | 24,590 | 10.6 |
| Parole Revocation | 716 | 623 | -13.0 |

*Presentence report includes postsentence-for-institution investigations and investigations for petty offenses.

among those convicted and sentenced. Over the last 10 years, the number of convicted and sentenced legal aliens who were deported has risen. As a result, both legal and illegal aliens sentenced to supervision now generally are placed on inactive supervision status and deported rather than made to serve terms of supervised release. In 2000, U.S. probation offices received 5,651 illegal aliens and 2,394 legal aliens for inactive supervision. (The E series of tables in the appendix does not include data on persons on inactive supervision status.)

Investigative Reports Probation officers prepared 203,845 investigative reports in 2000, a rise of 6 percent over last year. The largest increases occurred for supervision reports, which climbed 11 percent (up 2,365 reports), and collateral reports, which grew 8 percent (up 3,253 reports). Collateral reports are written to assist an-

other district in the preparation of a presentence report. Presentence reports, which are prepared for sentencing hearings, increased 4 percent (2,459 reports) to a five-year high of 63,666.

Substance Abuse Treatment Federal probation offices spent \$22,450,634 on federally funded substance abuse treatment in 2000. Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, 12-step programs, the Veterans' Administration, and federally funded substance abuse treatment services. Across the nation, 54 percent of offenders with conditions indicating substance abuse received federally funded substance abuse treatment (these data do not include offenders with substance abuse conditions who received federally funded substance abuse treatment in earlier years). Supple-

mental Table S-13 contains additional information on federally funded substance abuse treatment services.

Pretrial Services

The number of defendants in cases opened in the pretrial services system rose 7 percent (up 5,463) to 85,617. This growth was greater than the rise that occurred in 1999 and somewhat higher than the increase in criminal filings in the district courts in 2000. As pretrial services officers (PSOs) collected, verified, and reported information on more defendants, the number of interviews, bail hearings, pretrial services reports, defendants supervised, and defendants detained also rose. Judicial officers use the pretrial services reports to decide whether to release or detain defendants and to determine the least restrictive release conditions that offer reasonable assurance that defendants will honor future court commitments and will not endanger the community.

The number of pretrial services cases opened in 2000 was 35 percent greater than the number opened five years ago. Since 1996, the number of persons interviewed has climbed 26 percent, the number of pretrial services reports prepared has jumped 35 percent, and the number of defendants released on supervision has grown 22 percent. The increase in defendants released on supervision was relatively smaller than the other increases because of the growing number of defendants charged with offenses related to immigration, who typically are detained because they pose a high risk of flight. The number of pretrial services cases opened in which immigration was the major offense charged has soared 101 percent in the past five years. Immigration cases accounted for 12 percent of cases opened in pretrial services in 1996, but constituted 18 percent of cases in 2000.

During 2000, PSOs interviewed 63,059 defendants (up 6 percent) and prepared 82,115 pretrial services reports (up 7

Table 10

Summary of Pretrial Services Cases

Fiscal Years 1999 and 2000

| | 1999 | 2000 | Percent Change |
|------------------------------------|---------|--------|----------------|
| Pretrial Services Cases Activated | 80,154 | 85,617 | 6.8 |
| Pretrial Diversion Cases Activated | 2,018* | 1,896 | -6.0 |
| Released on Supervision | 30,262* | 32,388 | 7.0 |
| Type of Report | | | |
| Prebail | 70,819 | 75,850 | 7.1 |
| Postbail | 4,175 | 4,320 | 3.5 |
| Other | 1,663 | 1,945 | 17.0 |
| No Report | 3,497 | 3,502 | .1 |

*Revised.

percent). Prebail reports constituted 92 percent of the pretrial services reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

The workload of judicial officers also increased as the number of cases rose in 2000. In conjunction with all pretrial services cases closed during the year, 194,092 pretrial hearings of all types were held, an increase of 8 percent over the total for 1999. Detention hearings grew 9 percent to 43,292, bail review hearings grew 18 percent to 26,188, and violation hearings rose 4 percent to 3,884. Review hearings held at conviction and sentencing rose 5 percent to 112,113.

Detention hearings took place for 50 percent of defendants whose cases were activated during the year. Detention was ordered for 75 percent of defendants who had detention hearings, as the number of defendants detained at these hearings increased 10 percent to 32,236. Overall, the courts detained 38 percent of activated defendants following initial detention hearings, one percentage point more than in 1999. Risk of flight was identified as the reason for detention in 44 percent of cases, danger to the community was cited for 9 percent of detained defendants, and a combination of danger and flight risk was cited for the other 47 percent of defendants detained; these were the same percentages as in 1999.

The number of defendants released following hearings increased 5 percent to 37,933, of which 35,352 (93 percent) were released with restrictive conditions. In addition, 32,388 defendants released following hearings (85 percent) were placed into the custody of PSOs. For persons under supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services, and

informed the courts and U.S. attorneys of all apparent violations of release conditions.

The most frequently ordered restrictive conditions involved substance abuse testing and substance abuse treatment and were imposed on 22 percent (18,752) of defendants whose cases were opened in 2000, the same percentage as last year. House arrest and electronic monitoring, restrictive conditions which are less expensive alternatives to detention, were ordered for 8 percent (6,452) of defendants, one percentage point more than last year. A defendant in the house arrest program must remain in his or her residence between specific hours. To ensure that this requirement is honored, some defendants must wear ankle bracelets that are electronically monitored by a monitoring center. If a defendant violates the confinement condition, the center is notified automatically, and its staff in turn notifies the supervising officers.

Pretrial diversion is a period of supervision proposed by the U.S. attorney and agreed to by the defendant as an alternative to prosecution of criminal charges in federal court. In addition, diversion preserves prosecutorial and judicial resources for more serious criminal matters. In 2000, the number of defendants placed in the pretrial diversion program fell 6 percent to 1,896; this represented approximately 2 percent of activated cases in 2000, one percentage point less than in 1999.

Pretrial services statistics appear in the H series of the appendix tables.

Complaints Against Judicial Officers

Pursuant to Title 28 U.S.C. Section 372(c), any person alleging that a circuit judge, a district judge, a bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expedi-

tious administration of the business of the courts, or alleging that such an officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or the clerk of the applicable national court.

The number of judicial complaints filed in 2000 declined 11 percent to 696. This decrease marked the second consecutive year that filings of complaints fell below the total for the previous year. Table 11 summarizes judicial complaints activity from 1998 through 2000.

A single complaint may involve multiple allegations against numerous judicial officers. This year, the allegations cited

most often were “abuse of judicial power,” “prejudice/bias,” and “other.” Approximately two-fifths of all complaints filed originated in the Fifth, Ninth, and Eleventh Circuits.

A total of 715 complaints were terminated during 2000, down 14 percent from 1999 and 29 percent from 1998. Chief judges terminated 359 of these complaints. Seventy-four percent of the complaints terminated by chief judges were found to be outside the jurisdiction of Title 28 U.S.C. Section 372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. Judicial councils terminated the other 356 complaints, ter-

Table 11

Judicial Complaints Filed, Concluded, and Pending

Fiscal Years 1998, 1999, and 2000

| | 1998* | 1999* | 2000 |
|--|-------|-------|------|
| Filed | 1,035 | 782 | 696 |
| Concluded | 1,011 | 831 | 715 |
| By Chief Judges | 750 | 410 | 359 |
| Dismissed | 742 | 397 | 343 |
| Corrective Action Taken | 3 | 11 | 13 |
| Withdrawn | 5 | 2 | 3 |
| By Judicial Councils | 261 | 421 | 356 |
| After Review of Chief Judge's Dismissal ¹ | | | |
| Dismissed | 257 | 417 | 354 |
| Withdrawn | — | — | — |
| Action Taken | — | — | — |
| Referred to Judicial Conference | — | — | — |
| After Report by Investigative Committee | | | |
| Dismissed | 2 | 2 | — |
| Withdrawn | — | 2 | — |
| Action Taken | 2 | — | 2 |
| Referred to Judicial Conference | — | — | — |
| Pending | 230 | 181 | 162 |

¹Petition for review of a chief judge's dismissal of a complaint.

*Revised.

Table 12

Status of Judgeship Positions

1996 Through 2000¹

| Year | U.S. Courts of Appeals ² | | | U.S. District Courts | | |
|------|-------------------------------------|-----------|----------------------------|-----------------------|-----------|----------------------------|
| | Authorized Judgeships | Vacancies | Senior Judges ³ | Authorized Judgeships | Vacancies | Senior Judges ⁴ |
| 1996 | 179 | 18 | 82 | 647 | 44 | 274 |
| 1997 | 179 | 24 | 87 | 647 | 69 | 278 |
| 1998 | 179 | 17 | 86 | 646 | 55 | 276 |
| 1999 | 179 | 24 | 86 | 646 | 38 | 273 |
| 2000 | 179 | 23 | 86 | 655 | 43 | 274 |

¹Data are as of September 30.

²Positions in the Court of Appeals for the Federal Circuit are included.

³Sitting senior judges who participated in appeals dispositions.

⁴Senior judges with staff.

minating 354 on petitions for review and two after reports by a special investigative committee appointed pursuant to Section 372(c)(4). All of the 354 petitions for review were dismissed without any action taken; the remaining two complaints were consolidated and resulted in a single public censure. For more information on judicial complaints, see Table 11 and Supplemental Table S-22.

Because the number of complaint terminations outnumbered the number of complaint filings, pending judicial complaints decreased 10 percent to 162.

Status of Article III Judgeships

On September 30, 2000, a total of 23 vacancies existed among the 179 judgeships authorized for the U.S. courts of ap-

peals, one less vacancy than occurred one year earlier, but six more than the total for two years ago. One of those vacancies was in a position created on December 1, 1990, by the Federal Judgeship Act of 1990 and never filled. That vacancy and 7 others that had existed more than 18 months have been declared "judicial emergencies." Table 12 provides information on the status of judgeship positions since 1996.

On September 30, 2000, in the U.S. district courts, 43 vacancies existed among the 655 positions authorized, an increase of five vacancies from the total reported one year earlier. One cause for the additional vacancies is the enactment of the Consolidated Appropriations Act on November 29, 1999 (Public Law Number 106-113), which created nine additional Article III judgeships. As of September 30, 2000, four of these nine new judgeships remained vacant. (Two of these new positions, as well

as two other vacancies, were filled, however, when four judicial nominees were confirmed on October 3, 2000. On December 15, 2000, the number of authorized positions rose to 665 with the enactment of Public Law Number 106-553, which created 10 new district judgeships.) Despite the slight rise in vacancies this year, the number of vacancies on September 30 was 12 fewer than two years earlier, and 26 fewer than three years earlier. Of these vacancies, 15 had existed for at least 18 months, down two from the number of positions that had been vacant that long as of September 30, 1999.

In addition to active judges, 86 senior appellate judges participating in appeals decisions were serving the judiciary on September 30, 2000, the same number as in both 1998 and 1999. In the U.S. district courts, the number of senior judges with staff providing such service totaled 274, one more than one year earlier and two fewer than two years earlier. The number of senior district judges has remained relatively stable for several years, ranging

between 273 and 278 since September 30, 1996.

Status of Bankruptcy Judge Appointments

On September 30, 2000, a total of 325 bankruptcy judgeships were authorized and funded. Of that number, 307 bankruptcy judgeships were filled, and 18 were vacant. In addition to these positions, 30 recalled bankruptcy judges were providing service to the judiciary on September 30, 2000. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2000.

Appointments of Magistrate Judges

During 2000, a total of 82 full-time magistrate judges were appointed, 48 of them by reappointment. Of the 34 new appointments, 11 were for new positions. During the same period, 13 individuals

Table 13

**Status of Bankruptcy Judgeship Positions
1996 Through 2000¹**

| Year | Authorized Judgeships | Vacancies | Recalled Judges |
|------|-----------------------|-----------|-----------------|
| 1996 | 326 | 13 | 23 |
| 1997 | 326 | 13 | 22 |
| 1998 | 326 | 11 | 25 |
| 1999 | 326 | 20 | 29 |
| 2000 | 325 | 18 | 30 |

¹ Data are as of September 30.

Table 14

U.S. Magistrate Judge Positions
 Authorized by the Judicial Conference
 1996 Through 2000

| | Year | Total | Full-Time | Part-Time | Combination |
|------|--------|-------|-----------|-----------|-------------|
| 1996 | Spring | 496 | 416 | 77 | 3 |
| | Fall | 502 | 422 | 77 | 3 |
| 1997 | Spring | 508 | 429 | 76 | 3 |
| | Fall | 510 | 432 | 75 | 3 |
| 1998 | Spring | 510 | 436 | 71 | 3 |
| | Fall | 512 | 440 | 69 | 3 |
| 1999 | Spring | 518 | 447 | 68 | 3 |
| | Fall | 519 | 454 | 62 | 3 |
| 2000 | Spring | 521 | 456 | 62 | 3 |
| | Fall | 529 | 466 | 60 | 3 |

were appointed to part-time magistrate judge positions, 12 of them by reappointment.

In 2000, the average age of new appointees to full-time magistrate judge positions was 49; the average age of new appointees to part-time magistrate judge positions was 42. New full-time appointees had been members of the bar for an average of 23 years at the time of appointment; part-time magistrate judges averaged 17 years of bar membership. Of the new full-time magistrate judges, 23 had been in private practice, 4 had been state court judges, and 2 had been part-time U.S. magistrate judges. Other new appointees included a U.S. attorney, an assistant U.S. attorney, a federal public defender, a general counsel, and an assistant commissioner.

As of September 2000, the Judicial Conference authorized 466 full-time magistrate judge positions, 60 part-time

positions, and 3 combination clerk/magistrate judge positions. This year, 23 retired magistrate judges served on a recall basis pursuant to 28 U.S.C. 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 1996.

U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases heard by this court address the classification and valuation of imported merchandise, the refund of customs duties, alleged unfair import practices by trading partners, and the administration and enforcement of customs and international trade laws of the United States. For 2000, the U.S. Court of

International Trade reported 1,063 cases filed, a decrease from 1999 of 80 percent (down 5,370 cases). However, this decline followed an 80 percent surge in 1999 and a 50 percent increase in 1998 consisting largely of new cases seeking refunds of payments of the Harbor Maintenance Tax, which was declared unconstitutional by the U.S. Supreme Court in *United States Shoe Corp. v. United States*, 523 U.S. 360 (1998).

Terminations dropped from 6,343 to 1,057. However, terminations were unusually high in 1999 due to the settlement of the Harbor Maintenance Tax cases. Because filings only slightly outnumbered terminations, pending cases remained relatively stable, rising one-tenth of 1 percent to 9,731 on September 30, 2000. Appendix Table G-1 provides a summary of cases filed and terminated during 1999 and 2000.

U.S. Court of Federal Claims

During 2000, overall filings in the U.S. Court of Federal Claims declined 24 percent from 1,049 to 793. Filings involving vaccine injury compensation petitions,

which had grown sharply the past several years and jumped 32 percent in 1999 alone in response to an expiring statutory deadline under the Vaccine Injury Compensation Act, dropped 60 percent (down 247 cases) to levels more typical of the number of vaccine filings this court received in previous years. In addition, contract filings fell 15 percent to 225. Case terminations declined 15 percent to 868, while the pending caseload fell 2 percent to 2,844 on September 30, 2000.

For actions terminated in 2000, judgments rendered for claimants totaled \$320 million, a reduction of 15 percent, of which \$114 million carried interest. Judgments rendered for the United States on counterclaims or offsets totaled \$3.5 million. In nonmonetary actions under its jurisdiction, the court disposed of 49 contract cases seeking injunctive or declaratory relief, 4 percent fewer than in 1999.

Pursuant to 28 U.S.C. 791(c), each January the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and their dispositions. Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims for the year ending September 30, 2000.