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# JUDICIAL BUSINESS

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# CASELOAD HIGHLIGHTS



## U.S. Courts of Appeals

- In the regional appeals courts, filings rose 9 percent to an all-time high of 68,473.
- Criminal appeals jumped 28 percent.
- Appeals of administrative agency decisions grew 2 percent, mostly because of filings arising from the Board of Immigration Appeals.
- A 23 percent increase in original proceedings consisted mainly of second and successive motions for habeas corpus relief.

## U.S. District Courts

- Total filings of criminal and civil cases in the district courts decreased 8 percent to 322,848.

## Civil Filings

- Civil filings dropped 10 percent to 253,273, largely because of an 83 percent reduction in federal question jurisdiction cases in the District of South Carolina, which in 2004 had received more than 19,000 cases addressing personal property.
- Diversity of citizenship filings declined 8 percent as personal injury/product liability filings fell 15 percent.
- Filings with the United States as plaintiff or defendant grew 8 percent.

## Criminal Filings

- Criminal case filings decreased 2 percent to 69,575, and defendants fell 1 percent to 92,226 (both numbers include transfers).
- Drug cases dropped 1 percent, but defendants in such cases rose 1 percent.
- Cases and defendants involved with firearms and explosives both declined 4 percent.
- Immigration filings grew less than 1 percent, but the 17,134 cases and 18,322 defendants received this year set new records.

## U.S. Bankruptcy Courts

- Bankruptcy filings climbed 10 percent to the highest total ever recorded—1,782,643—as debtors filed petitions before the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 took effect in October 2005.
- Filings grew 17 percent under chapter 7 and 53 percent under chapter 12, but dropped 36 percent under chapter 11 and 6 percent under chapter 13.
- Nonbusiness petitions rose 10 percent, but business petitions fell 2 percent
- Bankruptcy petitions filed during the three-month period ending September 30, 2005, grew 37 percent over the number filed during that same period one year earlier.

## U.S. Probation and Pretrial Services System

- On September 30, 2005, the number of persons under post-conviction supervision remained relatively stable compared to one year earlier, increasing by 48 persons to 112,931.
- Presentence reports prepared by probation officers rose less than 1 percent to 66,227.
- Persons serving terms of supervised release after leaving prison rose 5 percent and accounted for 73 percent of all persons under supervision.
- Defendants in cases opened in the pretrial services system, including pretrial diversion cases, declined less than 1 percent from the previous year's record level to 99,365.
- The proportion of defendants charged with immigration offenses grew from 24 percent in 2004 to 26 percent in 2005.

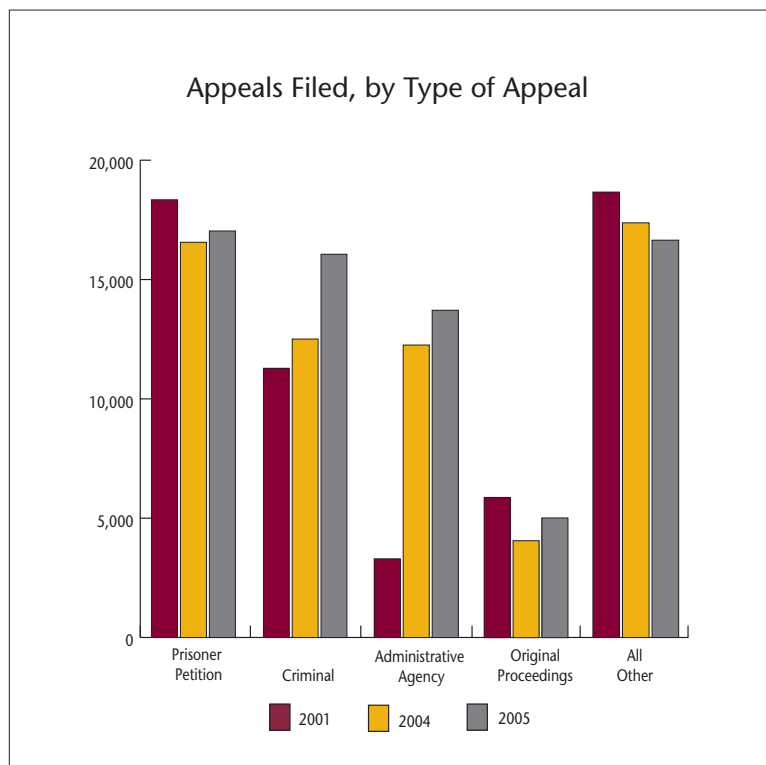
This report on the business of the federal Judiciary for the fiscal year ending September 30, 2005, provides statistical data on the work of the federal Judiciary, compares data for this year to that for previous fiscal years, and, wherever possible, explains why increases or decreases occurred in judicial caseload. Specific sections discuss the work of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal Judiciary. Totals for the major programs of the federal Judiciary appear in the table of judicial caseload indicators on page 14.

Filings of bankruptcy petitions climbed 10 percent to exceed 1.7 million, the largest total ever received. Appeals filings also reached an all-time high, rising 9 percent to 68,473. Caseloads in other areas of the federal court system remained at high levels notwithstanding some reductions in filings. The number of defendants in pretrial services cases opened in 2005 stayed close to the previous year's record level, declining by less than 1 percent to 99,365. The number of persons under post-conviction supervision grew by 48 to 112,931. In the U.S. district courts, filings of criminal cases dropped 2 percent to 69,575, and criminal defendants decreased 1 percent to 92,226 (both totals include transfers). Civil case filings fell 10 percent to 253,273, after increasing 11 percent in 2004.

No new judgeships have been authorized for the appellate courts since 1990, even though appeals filings have increased 68 percent since that date. Fifteen additional judgeships were authorized for the district courts in 2003, but since that time, two temporary judgeships created in 1990 have lapsed. Filings per authorized judgeship in the district courts dropped from 514 in 2002 to 476 in 2005. Although 28 bankruptcy judgeships were added effective April 20, 2005, the surge in petitions has caused bankruptcy filings per authorized judgeship to jump 48 percent from 3,411 in 1996 to 5,064 in 2005.

## U.S. COURTS OF APPEALS

Filings in the regional courts of appeals rose 9 percent to an all-time high of 68,473, marking the 10<sup>th</sup> consecutive record-breaking year and 11 consecutive years of growth. This increase stemmed from upswings in criminal appeals, original proceedings, and prisoner petitions following the U.S. Supreme Court's decisions in *Blakely v. Washington*, 124 S. Ct. 2531 (2004), and *United States v. Booker*, 125 S. Ct. 738 (2005) (see sidebar on page 16), as well as from continued growth in appeals of administrative agency decisions involving the Board of Immigration Appeals (BIA). The overall increase, however, was diminished by the effects of Hurricane Katrina on the Fifth Circuit's operations (see sidebar on page 17). The Fifth Circuit reported only 92 filings for



**Judicial Caseload Indicators**  
**Fiscal Years 1996, 2001, 2004, and 2005**

<b>Judicial Caseload</b>	<b>1996</b>	<b>2001</b>	<b>2004</b>	<b>2005</b>	<b>% Change Since 1996</b>	<b>% Change Since 2001</b>	<b>% Change Since 2004</b>
<b>U.S. Courts of Appeal <sup>1</sup></b>							
Cases Filed	51,991	57,464	62,762	68,473	31.7	19.2	9.1
Cases Terminated	50,413	57,422	56,381	61,975	22.9	7.9	9.9
Cases Pending	38,774	39,996	51,226 <sup>2</sup>	57,724	48.9	44.3	12.7
<b>U.S. District Courts</b>							
<b>Civil</b>							
Cases Filed	269,132	250,907	281,338	253,273	-5.9	0.9	-10.0
Cases Terminated	250,387	248,174	252,761	271,753	8.5	9.5	7.5
Cases Pending	250,934	250,622	284,696	266,216	6.1	6.2	-6.5
<b>Criminal (Includes Transfers)</b>							
Cases Filed	47,889	62,708	71,022	69,575	45.3	11.0	-2.0
Defendants Filed	67,700	83,252	93,349	92,226	36.2	10.8	-1.2
Cases Terminated	45,499	58,718	64,621	66,561	46.3	13.4	3.0
Cases Pending	32,156	49,696	65,900 <sup>2</sup>	68,914	114.3	38.7	4.6
<b>U.S. Bankruptcy Courts</b>							
Cases Filed	1,111,964	1,437,354	1,618,987	1,782,643	60.3	24.0	10.1
Cases Terminated	1,005,025	1,301,016	1,671,177	1,581,287	57.3	21.5	-5.4
Cases Pending	1,189,213	1,512,438	1,658,081 <sup>2</sup>	1,859,437	56.4	22.9	12.1
<b>Post-Conviction Supervision</b>							
Persons Under Supervision	88,966	104,715	112,883	112,931	26.9	7.8	0.0
Presentence Report	51,662	63,028	66,118 <sup>2</sup>	66,227	28.2	5.1	0.2
<b>Pretrial Services</b>							
Total Cases Activated	65,187	88,049	100,005	99,365	52.4	12.9	-0.6
Pretrial Services Cases Activated	63,497	86,140	98,152	97,508	53.6	13.2	-0.7
Pretrial Diversion Cases Activated	1,690 <sup>2</sup>	1,909	1,853	1,857	9.9	-2.7	0.2
Total Released on Supervision	28,668	35,082	34,840	34,860	21.6	-0.6	0.1
Pretrial Supervision	26,498 <sup>2</sup>	33,033	32,993	32,968	24.4	-0.2	-0.1
Diversion Supervision	2,170 <sup>2</sup>	2,049	1,847	1,892	-12.8	-7.7	2.4

<sup>1</sup> Excludes the U.S. Court of Appeals for the Federal Circuit.

<sup>2</sup> Revised.

the month of September 2005, a significant drop from the 700 to 1,000 filings it had reported for each month from October 2004 to August 2005.

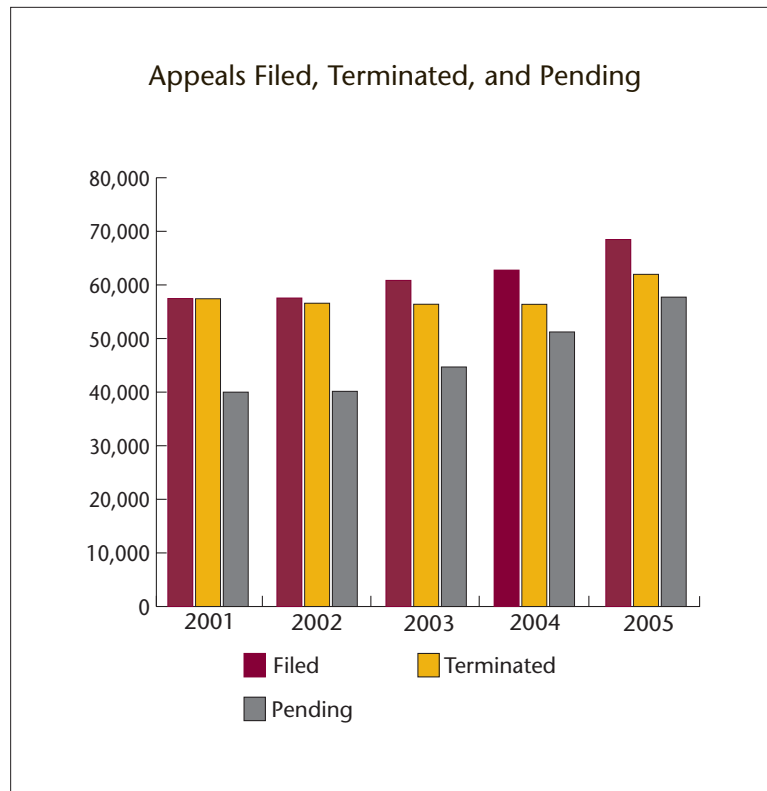
Terminations of appeals climbed 10 percent to 61,975; terminations per panel grew from 1,013 to 1,113. As filings continued to outnumber terminations, pending appeals grew 13 percent to 57,724. The median time from filing of a notice of appeal to final disposition rose from 10.5 months in 2004 to 11.8 months in 2005, in part because of the impact of *Booker*.

In 2005, the largest numeric increase was in criminal appeals, which jumped 28 percent to 16,060. Growth in such appeals involved nearly all types of crimes. The most significant rises were related to drugs (up 31 percent to 6,099), immigration (up 55 percent to 2,896), firearms and explosives (up 23 percent to 2,505), and property (up 15 percent to 1,967).

Administrative agency appeals grew 12 percent to 13,713, primarily due to challenges to BIA decisions, which increased 14 percent to 12,349. Appeals of BIA decisions began rising in 2002, when the BIA “streamlined” its procedures to expedite its processing of cases by expanding the use of summary procedures and allowing single board members—rather than three-member panels—to decide cases. These changes enabled the BIA to reduce its pending caseload by 56,000 cases and to process 40,000 more appeals annually. However, these changes also raised the proportion of BIA decisions challenged in the courts of appeals, as the new procedures allowed board members to reject appeals by affirming rulings without issuing opinions and by dismissing appeals summarily. In 2005, most BIA appeals were filed in the Ninth Circuit (53 percent) and the Second Circuit (21 percent).

Original proceedings in the appeals courts climbed 23 percent to 5,017 as state and federal prisoners filed 3,617 second or successive motions for permission to file habeas corpus petitions (up 42 percent) following the *Blakely* and *Booker* decisions.

Overall, civil appeals remained relatively stable, declining 1 percent to 32,818 appeals. A 3 percent rise in prisoner petitions (up 473 petitions) was more than offset by a 4 percent reduction in other civil appeals (down 730 appeals).



Appeals of federal civil cases grew 12 percent to 9,229, primarily because of a 41 percent jump to 3,709 in motions to vacate sentence filed by federal prisoners in response to *Booker*. Prisoner civil rights cases grew 6 percent to 3,083 as a result of increased filings by both federal and state prisoners. Bankruptcy appeals totaled 865 (up 3 appeals).

Criminal appeals accounted for a larger proportion of overall appeals, climbing from 20 percent to 23 percent. Original proceedings rose from 6 percent to 7 percent of total filings, and civil appeals fell from 53 percent to 48 percent. The proportions constituted by administrative agency appeals (20 percent) and bankruptcy appeals (1 percent) remained the same as in 2004.

Appeals filings grew in 11 of the 12 regional courts of appeals. The largest numeric increase occurred in the Ninth Circuit, a rise of 1,763 appeals, about two-thirds of which comprised BIA cases and one-third criminal appeals. Filings declined by 11 appeals in the D.C. Circuit.

Appeals involving pro se litigants climbed 7 percent (up 1,759 appeals) to 28,559. Growth occurred in all types of pro se appeals except U.S. civil and private civil appeals. The largest numeric increase was in pro se filings related to origi-

**BLAKELY V. WASHINGTON AND UNITED STATES V. BOOKER**

After the U.S. Supreme Court declared the Washington state sentencing system unconstitutional in *Blakely v. Washington*, 124 S. Ct. 2531 (2004), judges in the federal appeals courts and district courts had questions about the application of *Blakely* to the U.S. Sentencing Guidelines. Many courts delayed decisions on pending and new cases until they received guidance from the Supreme Court, which heard arguments about federal sentencing in *United States v. Booker* and *United States v. Fanfan*, which were consolidated.

On January 12, 2005, the Supreme Court held in *Booker*, 125 S. Ct. 738 (2005), that the guidelines that had governed sentencing in federal courts since 1987 henceforth were advisory rather than mandatory because, pursuant to the Sixth Amendment of the U.S. Constitution, facts used to enhance a sentence must be found by a jury or admitted by the defendant.

Thereafter, prosecutors filed superseding indictments to address sentencing issues raised by *Booker*, defense attorneys challenged sentences to which *Booker* applied, and appeals courts remanded cases for retrial and resentencing pursuant to their interpretations of *Blakely* and *Booker*. The additional time required to process criminal cases in the U.S. district courts may be reflected in the increase from 6.2 months to 6.8 months in the median time from filing to sentencing for those cases. In addition, filings of criminal cases likely declined because prosecutors had to do additional work to process ongoing cases and thus had less time to initiate new prosecutions.

nal proceedings, which rose 24 percent to 4,062 appeals. Pro se petitions filed by prisoners grew 3 percent to 15,030, pro se administrative agency filings increased 15 percent to 3,501, pro se criminal filings climbed 7 percent to 1,215 appeals, and pro se bankruptcy filings rose 1 percent to 236 appeals. Pro se filings increased in all circuits except the D.C. Circuit and the Fifth Circuit.

From 2001 to 2005, appeals filings increased 19 percent (up 11,009 appeals). During that period, administrative agency appeals soared 316 percent (up 10,413 appeals) in response to a 602 percent rise in BIA appeals (up 10,589 appeals). Criminal appeals jumped 42 percent (up 4,779 appeals) as appeals involving most criminal offenses rose. Significant growth occurred in criminal appeals involving drugs, which increased 37 percent (up 1,646 appeals); immigration, which grew 74 percent (up 1,235 appeals); and firearms and explosives, which surged 91 percent (up 1,194 appeals). Civil appeals declined 9 percent (down 3,228 appeals), with the largest reductions occurring in prisoner petitions (down 7 percent to 17,034 appeals) and filings related to civil rights (down 10 percent to 6,588 petitions). Bankruptcy appeals filings decreased 10 percent (down 96

appeals). In the past five years, appeals terminations have risen 8 percent (up 4,553 appeals), and the pending caseload has grown 44 percent.

Tables 1 and 2 contain summary data on the activity of the regional U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables. Beginning this year, a number of changes have been made in the way criminal appeals data are presented in these tables (see sidebar on page 23).

**Bankruptcy Appellate Panels**

The five bankruptcy appellate panels (BAPs) saw filings decrease 7 percent (down 68 appeals) to 921 in 2005. Filings declined for two of the five panels. The largest percentage reduction occurred in the Ninth Circuit, which reported a drop of 15 percent (down 99 appeals to 546). The largest percentage increase took place in the Tenth Circuit, whose filings grew 26 percent (up 26 appeals to 127). This growth stemmed primarily from the addition of the District of Colorado to the Tenth Circuit's BAP in January 2005. From 2001 to 2005, overall BAP filings fell 10 percent (down 101 appeals).

**Table 1  
U.S. Courts of Appeals  
Appeals Filed, Terminated, and Pending  
Fiscal Years 2001 Through 2005**

Year	Autho- rized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
2001	167	57,464	1,032	57,422	1,032	39,996*
2002	167	57,555	1,034	56,586	1,017	40,149*
2003	167	60,847	1,093	56,396	1,013	44,690
2004	167	62,762	1,127	56,381	1,013	51,226*
2005	167	68,473	1,230	61,975	1,113	57,724
% Chg. 2005 Over 2004						
	—	9.1	—	9.9	—	12.7

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 2004 and 2005**

Source	2004	2005	Percent Change
Total	62,762	68,473	9.1
U.S. District Courts			
Criminal	12,506	16,060	28.4
Civil—Total	33,075	32,818	-0.8
Prisoner Petitions	16,561	17,034	2.9
U.S. Civil	3,239	2,971	-8.3
Private Civil	13,275	12,813	-3.5
Other Appeals			
Bankruptcy	862	865	0.3
Administrative Agency	12,255	13,713	11.9
Original Proceedings	4,064	5,017	23.4

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

Detailed data for the bankruptcy appellate panels appear in the B series of the appendix tables.

### U.S. Court of Appeals for the Federal Circuit

The jurisdiction of the U.S. Court of Appeals for the Federal Circuit is defined by subject matter rather than by geographical boundaries. This court is responsible for appeals involving U.S. customs and patents, rulings by the U.S. Court of Federal Claims, and decisions by several federal administrative boards.

Filings of appeals in the Federal Circuit historically have fluctuated. In 2005, filings in the Federal Circuit fell 2 percent (down 37 appeals) to 1,555. This decline resulted from decreases in 10 of 11 sources of appeals filed in the Federal Circuit. The largest reduction occurred in appeals of decisions by the Merit Systems Protection Board, which dropped 11 percent (down 58 appeals).

The number of appeals terminated in 2005 fell 9 percent (down 174 appeals) to 1,662, which caused appeals terminated per panel to drop

from 459 to 416. Despite this reduction, terminations outnumbered filings, so the number of appeals pending as of September 30, 2005, decreased 9 percent to 1,094.

From 2001 to 2005, filings in the Federal Circuit increased 5 percent (up 72 cases). During that period, terminations of appeals grew 11 percent (up 162 appeals), and the number of appeals pending stayed relatively stable, rising by 9 appeals.

Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit.

## U.S. DISTRICT COURTS

After rising 9 percent in 2004, total filings of civil and criminal cases in the U.S. district courts fell 8 percent to 322,848 in 2005. Civil filings dropped 10 percent to 253,273 cases, and criminal filings decreased 2 percent

### Hurricane Katrina

In August 2005, Hurricane Katrina caused massive damage to persons and property in the Gulf Coast region of the United States. The storm affected more than 1,500 federal Judiciary employees and disrupted phone and telecommunications services for 70 court units. The courts hit hardest were the Fifth and Eleventh Circuit Courts of Appeals and the district and bankruptcy courts in the Eastern, Middle, and Western Districts of Louisiana; the Southern District of Mississippi; and the Southern District of Alabama.

The affected courts had been preparing to respond to disasters well before Katrina's arrival and used their continuity of operations plans to safeguard staff and property. However, damage to court facilities and to the infrastructure in surrounding communities disrupted the work of many courts, causing some reductions in case filings during the final quarter of the fiscal year. One week after the storm's arrival, the Fifth Circuit Court of Appeals moved its headquarters from Louisiana to Texas. The Eastern District of Louisiana, which for a time was barred by statute from conducting any business outside its district boundaries, suspended operations for 90 days except to process emergency orders and new arrests; in September, Public Law 109-63 was passed to grant emergency authority for a court to conduct proceedings and other court business outside its territorial jurisdiction. The Southern District of Mississippi performed court services at alternate locations within the district.

The Eastern District of Louisiana reopened for business in New Orleans more than two months after the mandatory evacuation of that city. In December 2005, the Fifth Circuit Court of Appeals returned to New Orleans and planned to become fully operational in January 2006. The Southern District of Mississippi was expected to resume operations in its Gulfport courthouse in early 2006.

to 69,575 cases. Civil and criminal case terminations rose 7 percent to 338,314 (this number does not account for the 84,808 petty offense defendants terminated in 2005 by magistrate judges). As terminations exceeded filings, the number of cases pending declined 4 percent to 335,130.

### Civil Filings

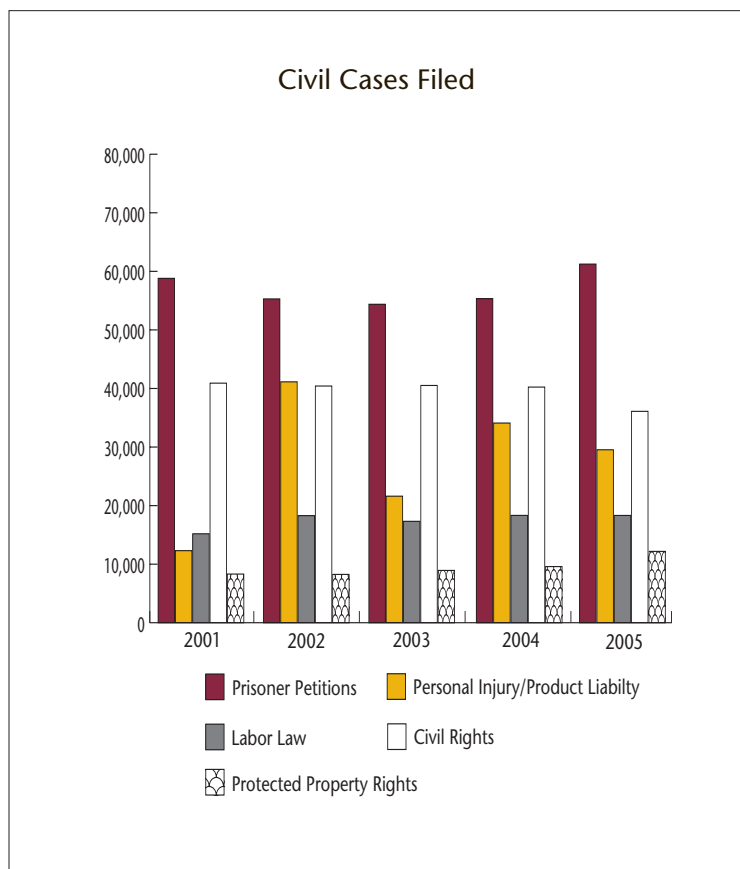
After growing 11 percent in 2004, civil filings in the U.S. district courts fell 10 percent (down 28,065 cases) to 253,273 in 2005. This reduction resulted largely from decreased filings related to federal question jurisdiction (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party in the case) in a single jurisdiction. Excluding these filings, civil cases dropped 3 percent from 2004 to 2005. The drop in total civil filings also was significantly affected by a decline in diversity of citizenship filings. As a result of the overall reduction in civil filings, the number of civil filings per authorized judgeship fell from 414 to 374.

Federal question filings dropped 16 percent (down 26,545 cases), primarily due to an 83 percent reduction in such filings in the District of South Carolina. In 2004, that jurisdiction had received more than 19,000 cases related to one bankruptcy case that addressed personal property financial investments and had been filed by two plaintiffs; in 2005, only 27 such cases were filed there. In addition, federal question filings involving civil rights fell 10 percent (down 3,719 cases), mostly because of declines in cases related to employment civil rights and “other civil rights.”

Diversity of citizenship filings decreased 8 percent (down 5,433 cases). Personal injury/product liability filings fell 15 percent in response to reductions in product liability cases in the District of Minnesota (down 1,970 cases), the Central District of California (down 1,333 cases), and the Northern District of Ohio (down 1,323 cases). The District of Minnesota reported a large decline in cases related to the anticholesterol drug Baycol. The Central District of California received fewer cases alleging injuries arising from hormone replacement therapy (Multidistrict Litigation Docket Number 1507) and diet drugs (Multidistrict Litigation Docket Number 1203). The Northern District of Ohio had a major decrease in filings addressing injuries purportedly caused by welding rods containing manganese (Multidistrict Litigation Docket Number 1535). Excluding personal injury/product liability cases, diversity filings fell 2 percent.

Filings with the United States as plaintiff or defendant rose 8 percent (up 3,924 cases) to 52,386. Cases with the United States as defendant climbed 9 percent, as prisoner petitions jumped 29 percent (up 4,102 petitions). A 45 percent surge in motions to vacate sentence (up 3,224 petitions) and a 15 percent increase in federal habeas corpus prisoner petitions (up 760 petitions) contributed significantly to the growth in prisoner petitions. This rise can be attributed at least in part to the U.S. Supreme Court’s decision in *United States v. Booker* (see sidebar on page 16). In contrast, state prisoner petitions increased 4 percent (up 1,808 petitions).

Two district courts, the Southern District of Mississippi and the Eastern District of Texas, had reduced filings for the month of September 2005 as a result of hurricanes Katrina and Rita (see





**Table 3**  
**U.S. District Courts**  
**Civil Cases Filed, Terminated, and Pending**  
**Fiscal Years 2001 Through 2005**

Year	Authorized Judgeships	Filed							
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases	Terminated	Pending
2001	665	250,907	377	13,409	58,805	29,789	148,904	248,174	250,622
2002	665	274,841	413	5,651	55,295	58,997	154,898	259,537	261,118
2003	680	252,962	372	3,073	54,378	39,563	155,948	253,015	257,476
2004	679	281,338	414	2,830	55,330	50,594	172,584	252,761	284,696*
2005	678	253,273	374	3,309	61,238	47,364	141,362	271,753	266,216
% Chg. 2005 Over 2004	—	-10.0	-9.9	16.9	10.7	-6.4	-18.1	7.5	-6.5

\*Revised.

sidebar on page 17). Civil filings for that month fell 29 percent in the Southern District of Mississippi and 7 percent in the Eastern District of Texas compared to filings for September 2004.

Civil case terminations rose 8 percent (up 18,992 terminations) to 271,753. This growth consisted primarily of more than 19,700 terminations of personal property investment cases in the District of South Carolina. In addition, the Eastern District of Pennsylvania reported an increase of more than 2,800 terminations, mostly of cases related to diet drugs. As case terminations exceeded filings, the pending civil caseload declined 6 percent to 266,216.

The national median time from filing to disposition for civil cases was 9.5 months, up from 8.5 months in 2004. Forty-eight district courts reported higher median times in 2005.

Over the past five years, civil filings have climbed 1 percent. From 2001 to 2005, filings involving personal injury/product liability have fluctuated from 12,300 cases to 41,200 cases. Excluding these cases, civil filings have declined 6 percent. Contracts filings have decreased 35

percent, and civil rights filings have fallen 12 percent. Increases have occurred in filings of prisoner petitions (up 2,443 petitions), cases involving labor laws (up 3,127 suits), and copyright cases (up 3,350 cases).

Tables 3 and 4 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 may seek a trial, which will cause the case to be treated as if it never went through arbitration. The first district courts authorized to use mandatory arbitration were the Northern District of California, Middle District of Florida, Western District of Michigan, District of New Jersey, Eastern District of New York, Middle District of North Carolina, Western District of Oklahoma, Eastern District of Pennsylvania, Western District of Missouri, and Western District of Texas. The Judicial Conference later authorized 10 additional districts to use voluntary arbitration only, as required by statute.

The District of New Jersey, Eastern District of Pennsylvania, and Eastern District of New York have regularly reported the most voluntary and mandatory arbitration referrals since 1989. These three courts and the Western District of Oklahoma, Northern District of California, and Middle District of Florida accounted for all new arbitration cases in the original participating district courts during 2005. This fiscal year, 1,467 civil cases were referred to arbitration in the six districts using arbitration, a decline of 18 percent (down 321 cases) from 2004. Arbitration cases accounted for 3 percent of civil filings (43,584) in these six courts. For the third consecutive year, the

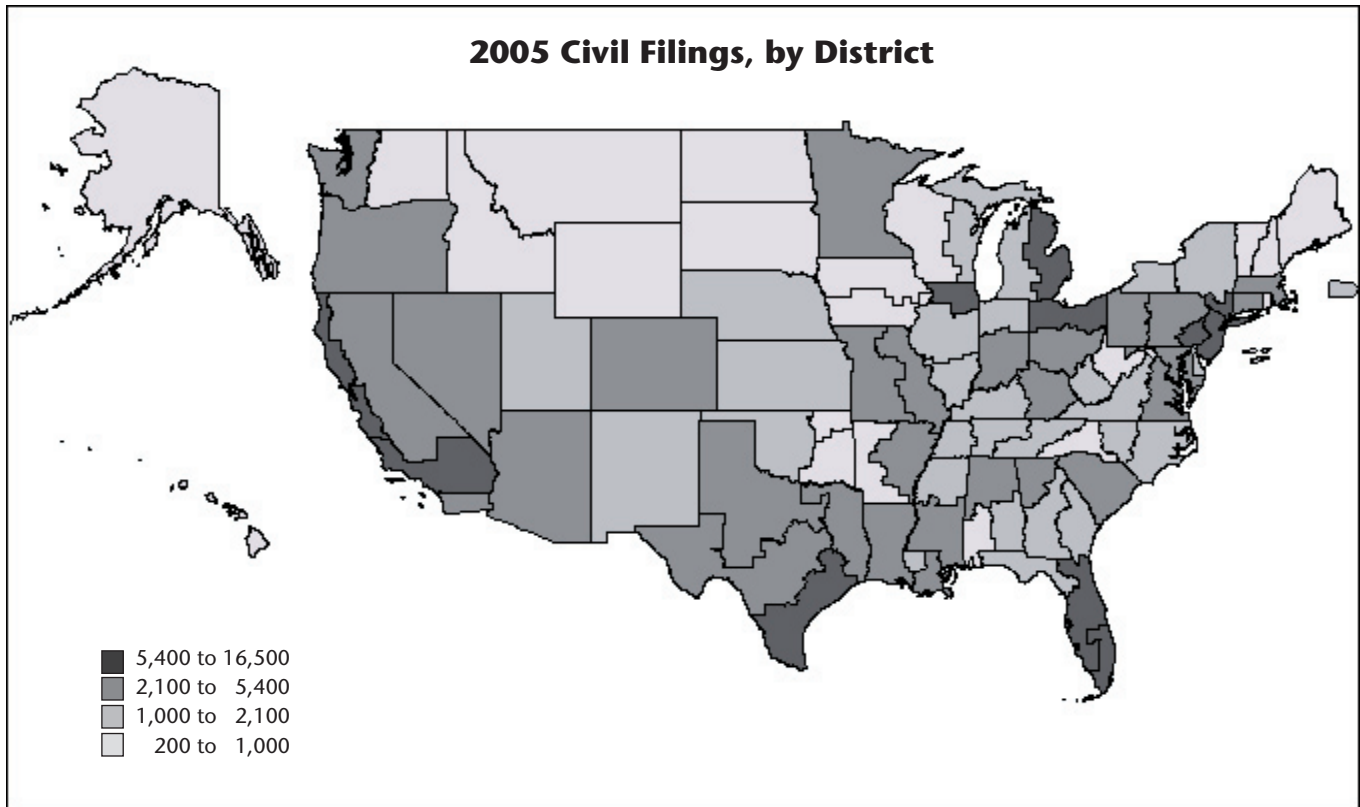
District of New Jersey made the greatest use of arbitration, as 9 percent of its civil filings consisted of arbitration referrals. The Eastern District of New York reported that 4 percent of its civil filings were referred to arbitration, and the Eastern District of Pennsylvania reported that 4 percent of its civil filings were referred to arbitration. As in prior years, the majority of all participating districts' arbitration caseloads consisted of filings related to contract, personal injury, civil rights, and labor suits.

Four courts reported reductions in new arbitration cases in 2005. Filings fell by 521 cases in the District of New Jersey, by 74 cases in the Western District of Oklahoma, by 61 cases in the Northern District of California, and by 3 cases in the Middle District of Florida. Of the two courts who reported increases in arbitration filings, the Eastern District of Pennsylvania had an increase of 322 cases and the Eastern District of New York had a rise of 16 cases.

For the eighth consecutive year, the Middle District of North Carolina, Western District of Texas, the Western District of Michigan, and the Western District of Missouri reported no new arbitration referrals. These courts now actively use federal mediation procedures. Mediation involves meeting with outside neutral

**Table 4**  
**U.S. District Courts**  
**Civil Cases Filed, by Jurisdiction**  
**Fiscal Years 2001 Through 2005**

<b>Year</b>	<b>Total</b>	<b>U.S. Plaintiff</b>	<b>U.S. Defendant</b>	<b>Federal Question</b>	<b>Diversity of Citizenship</b>	<b>Local Jurisdiction</b>
2001	250,907	22,680	40,644	138,441	48,998	144
2002	274,841	14,479	39,518	163,890	56,824	130
2003	252,962	10,946	38,254	142,591	61,156	15
2004	281,338	10,071	38,391	165,241	67,624	11
2005	253,273	10,400	41,986	138,696	62,191	—
% Chg. 2005 Over 2004	-10.0	3.3	9.4	-16.1	-8.0	-100.0



parties (often subject-matter experts) for discussion, but differs from arbitration in that it places more emphasis on reaching a settlement than on providing an opinion of the likely outcome at trial. Supplemental Table S-12 summarizes the cases filed in 2004 and 2005 in the first 10 districts authorized to use mandatory arbitration.

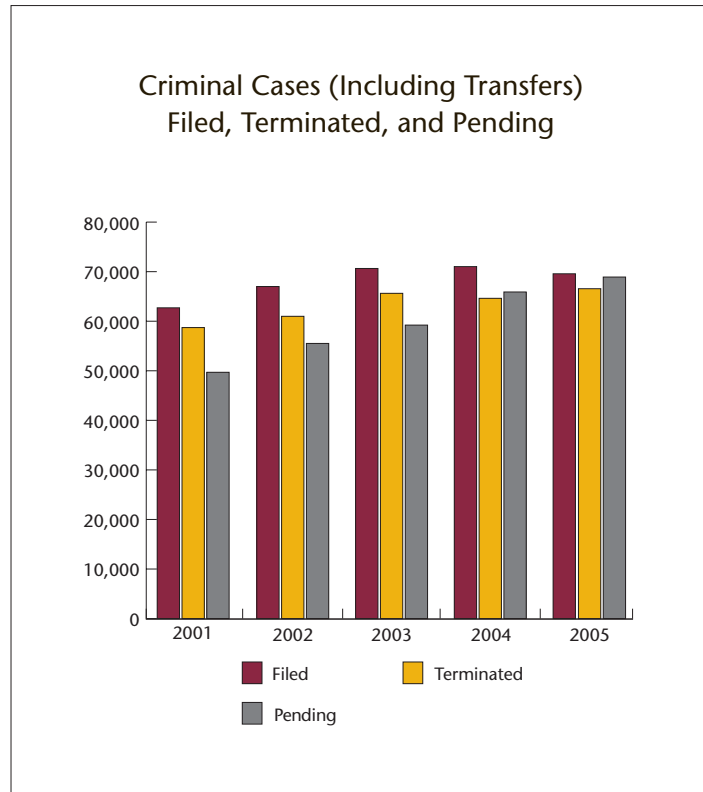
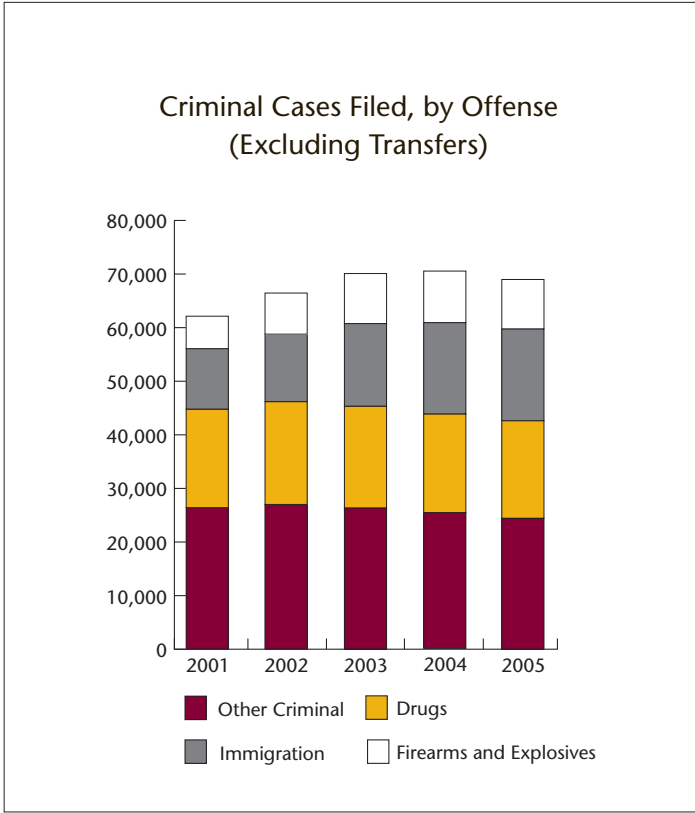
## Criminal Filings

In 2005, criminal case filings decreased 2 percent to 69,575, and defendants in these cases dropped 1 percent to 92,226. Filings were affected by Hurricane Katrina (see sidebar on page 17) and by changes made in criminal case processing pursuant to the U.S. Supreme Court's decisions in *Blakely v. Washington* and *United States v. Booker* (see sidebar on page 16). Criminal cases filed per authorized judgeship fell from 105 in 2004 to 102 in 2005. Nationwide, district courts terminated 66,561 cases (up 3 percent) and 86,616 defendants (up 4 percent). Because filings exceeded terminations, pending cases rose 5 percent to 68,914, and defendants in these cases grew 6 percent to 96,668. The median case

disposition time for defendants climbed from 6.2 months in 2004 to 6.8 months in 2005.

Despite the overall decline in filings, increases occurred in cases involving drugs other than marijuana, sex offenses, and immigration offenses. Overall drug cases dropped 1 percent to 18,198, although defendants charged with drug crimes rose 1 percent to 32,637. Immigration filings grew less than 1 percent to record highs of 17,134 cases and 18,322 defendants. Sex offense filings climbed 9 percent to 1,779 cases, and defendants in such cases climbed 8 percent to 1,828, primarily due to increases in filings related to sexually explicit material. Reductions occurred in property offense filings, returning filings for some such offenses to levels reported prior to September 11, 2001 (after that date, federal courts began receiving more filings of such cases as the U.S. Department of Justice directed resources toward preventing terrorist activities).

The largest numeric increase in 2005 was in drug filings other than marijuana cases. Non-marijuana drug cases rose 5 percent to 13,102, and defendants in those cases climbed 6 percent to 25,121. Filings of non-marijuana drug cases grew from 68 percent to 72 percent of total drug fil-



ings, and the defendants in those cases rose from 74 percent to 77 percent of total drug defendants.

The overall increase in sex offense filings stemmed primarily from growth in sexually explicit material cases and defendants, which both rose 18 percent to 1,102 cases and 1,112 defendants. Filings have quadrupled since 1996, when legislation was enacted to allow the federal prosecution of such cases. With regard to charges of transportation for illegal sexual activity, cases rose to 242, and defendants climbed to 256.

Charges of improper reentry by an alien accounted for 68 percent of all immigration cases and 64 percent of immigration defendants, 2 percent more for each category than in 2004. Although overall immigration cases remained stable and immigration defendants rose only 1 percent, increases occurred for alien smuggling, improper reentry, and misuse of visas. Filings declined for improper first-time entry.

Firearms and explosives cases and defendants both fell 4 percent to 9,207 cases and 10,328 defendants. Such filings, which peaked in 2004, dropped this year for the first time since 1996. These filings had increased in response to special initiatives—the most recent of which was Project Safe Neighborhoods—to build cooperative coalitions between federal, state, and local law enforcement agencies to prosecute firearm law violations in federal courts.

Fraud cases rose 1 percent; defendants charged with fraud declined 1 percent. The most notable change in fraud offense filings was a 61 percent increase in the totals for identification document and information fraud, which grew to 1,069 cases and 1,338 defendants.

Overall filings for traffic offenses on federal grounds such as military facilities and national parks dropped 10 percent to 4,140 cases and 4,142 defendants. The reductions occurred because of a 26 percent drop in cases involving traffic offenses other than drunk driving. Drunk driving cases rose 26 percent, which caused drunk driving cases to grow from 31 percent of all traffic offense cases in 2004 to 44 percent in 2005.

Excluding transfers, the federal courts concluded proceedings against 86,000 defendants, an increase of 4 percent over the total for 2004. Of

**Table 5  
U.S. District Courts  
Criminal Cases Filed, Terminated, and Pending  
(Including Transfers)  
Fiscal Years 2001 Through 2005**

Year	Authorized Judgeships	Filed				
		Total	Cases per Judgeship	Drugs <sup>1</sup>	Terminated	Pending <sup>2</sup>
2001	665	62,708	94	18,383*	58,718	49,696
2002	665	67,000	101	19,184*	60,991	55,518
2003	680	70,642	104	18,973*	65,628	59,218
2004	679	71,022	105	18,414*	64,621	65,900*
2005	678	69,575	102	18,198*	66,561	68,914
% Chg. 2005 Over 2004	—	-2.0	—	-1.2	3.0	4.6

<sup>1</sup> Excludes transfers.

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

\* Revised.

these defendants, 77,339 were convicted, a 90 percent conviction rate, the same as in 2004. Eighty six percent of defendants disposed of (i.e., convicted or dismissed) pled guilty, also the same as in 2004.

From 2001 to 2005, filings of criminal cases (including transfers) climbed 11 percent. This increase arose largely from growth in filings involving immigration (up 52 percent) and firearms law violations (up 52 percent). During the past five years, the contribution of these offenses to the overall criminal caseload has increased from 28 percent to 38 percent.

Table 5 and the D series of the appendix tables contain detailed data on the criminal caseload by district. Beginning this year, many changes have been made in the ways data are presented in these tables (see sidebar on this page).

### Trials Completed

For statistical purposes, district court trials include proceedings resulting in jury verdicts and other final judgments by the courts, as well as

other contested hearings at which evidence is presented.

The number of civil and criminal trials completed in 2005 in the U.S. district courts by Article III judges remained relatively stable, dropping 1 percent to 12,771 (down 167 trials). Decreases occurred in civil jury and nonjury trials and in criminal jury trials. Civil trials fell 4 percent (down 198) to 5,294, as 57 of the 94 district courts reported lower numbers of civil trials. Civil nonjury trials declined 3 percent (down 99 trials), and civil jury trials dropped 4 percent (down 99).

Total criminal trials rose less than 1 percent to 7,477 (up 31 trials); 50 districts reported fewer criminal trials in 2005. Criminal nonjury trials grew 1 percent (up 37 trials). Judges accepted guilty pleas from 67,015 felony defendants, a rise of 6 percent. From 2001 to 2005, the number of guilty pleas accepted by judges climbed 19 percent as more felony defendants accepted plea agreements to avoid going to trial and facing the risk of more severe sentences. Criminal jury trials fell by only 6 trials to 3,768 as 41 districts reported fewer such proceedings.

### Changes in Tables Presenting Criminal Data

In 2005, appendix tables presenting criminal data (the B and D series of tables) underwent some changes. These changes do not affect national and district totals for criminal cases and defendants.

First, the criminal offense classification scheme used prior to 2005, which had been established in 1961 to follow standard criminal offense classifications used at that time, was replaced. The new classification scheme is based generally on groupings of offenses for which the federal courts either receive a significant number of cases or expend significant resources. This change affects appendix tables B-1A, B-7, D-2, D-3, D-4, D-5, D-8, D-9, and D-10.

Second, the ways in which cases and defendants are counted in some tables were altered. Previously, defendants charged in two or more cases were counted only once in some tables that present data on criminal terminations. Starting in 2005, a defendant with two or more cases is counted separately for each case. This change affects all appendix tables from D-4 through D-12 except table D-8.

Because of these two changes, the data in tables for 2005 and thereafter are not comparable to the data published in prior years. To make comparisons, see tables S-25 and S-26, which present data on criminal cases and defendants, by the new offense classification scheme, for the 12-month periods ending September 30, 1996 to 2000.

In addition to conducting trials, judges perform many other case-related functions, including those requiring courtroom activity and those related to motions for summary judgment and other dispositive motions, hearings on sentencing issues, *Daubert* hearings on expert witnesses, evidentiary hearings in pro se prisoner and other cases, supervised release and probation revocation hearings; alternative dispute resolution activities, and settlements. In 2005, a total of 44 districts operated mediation and arbitration programs that involved more than 15,000 civil cases.

The number of trials lasting four days or longer decreased 4 percent to 3,180. Thirty-six civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 33 days. The longest civil trial lasted 112 days. In civil cases in which trials were conducted, the median time from filing to trial was 22 months, up from 21 months in 2004. Eighty-six criminal trials required 20 or more days for completion, with the average of these trials lasting 34 days. The longest criminal trial lasted 136 days.

Appendix Tables C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges.

In addition to trials conducted by active and senior Article III judges, 7,618 trials were conducted by magistrate judges in 2005. These comprised 3,274 petty offense trials, 613 civil consent trials, 151 misdemeanor trials, and 3,580 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

### **Weighted Filings per Authorized Judgeship**

**W**eighted filings statistics account for the different amounts of time district judges require to resolve various types of civil and criminal actions. The federal Judiciary has employed techniques for assigning weights to cases since 1946. In 2004, the Judicial Resources Committee approved a new civil and criminal case weighting system developed by the Federal Judicial Center. Under this system, the average civil cases or criminal defendants each receive a weight of approxi-

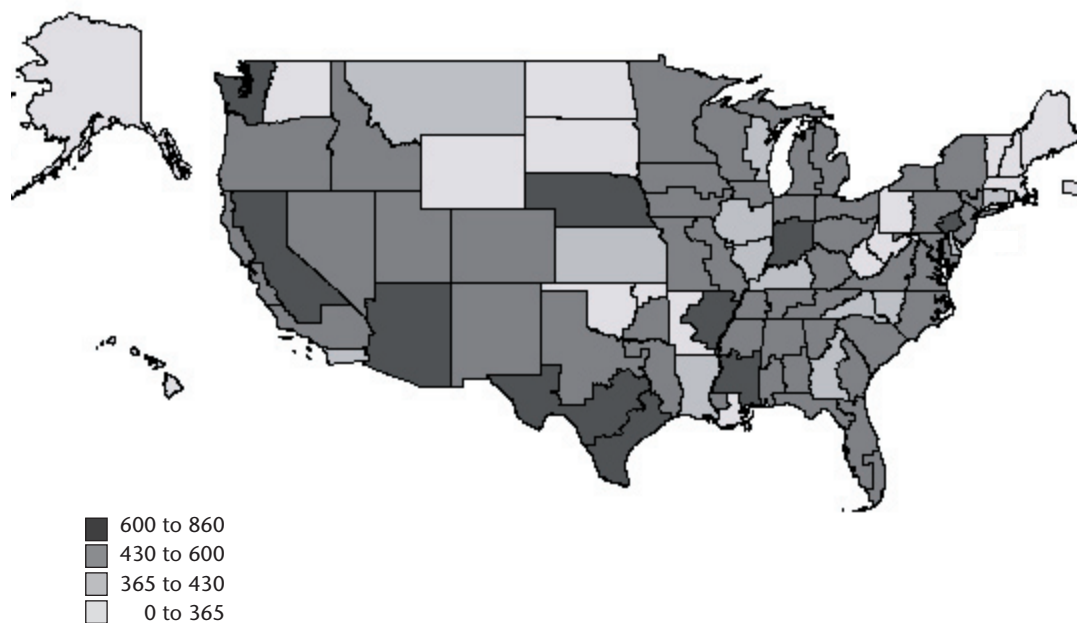
mately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death-penalty habeas corpus case is assigned a weight of 12.89); and cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10). All criminal defendants are weighted separately, and reopened, remanded, or retried criminal cases are excluded. Civil cases arising by reopening, remand, and transfer to the district by order of the Judicial Panel on Multidistrict Litigation also are not included among the totals for weighted filings. Weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and Northern Mariana Islands. In addition, the totals for the judgeships in the civil and criminal weighted tables exclude judges in these territorial courts.

In 2005, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship declined 8 percent to 489 (down 40 filings) from the total for 2004. The total number of weighted civil filings per judgeship fell 10 percent to 374 compared to the 414 weighted filings reported for the 675 positions authorized one year earlier. This decrease stemmed mostly from a reduction in civil filings in the District of South Carolina. The number of authorized judgeships fell to 674 after a temporary judgeship in the Eastern District of California lapsed on November 1, 2004.

The overall reduction in weighted civil filings per judgeship reflects the 10 percent decrease in overall unweighted civil filings in 2005. Weighted civil filings fell in 63 of the 91 district courts whose filings receive weights, rose in 27 districts, and remained the same in 1 district. A reduction of 1,953 weighted filings in the District of South Carolina stemmed from the filing of fewer personal property investment cases (more than 19,000 such cases had been filed there the previous year). Significant declines in weighted filings in 2005 also occurred in the District of Delaware (down 111 filings), District of Minnesota (down 98 filings), and Western District of Arkansas (down 79 filings).

Criminal weighted filings per judgeship remained the same as in the previous year at 111. Forty-eight of the 91 courts that report weighted filings experienced declines.

## 2005 Weighted Filings per Judgeship, by District



The total number of weighted supervised release hearings per judgeship increased from 4.14 to 4.23 in 2005. Probation revocation hearings are included in this total under the new case weighting system. Evidentiary supervised release hearings and probation revocation hearings receive a weight of 0.22; non-evidentiary hearings receive a weight of 0.14. Fifty-two district courts reported increases.

Between 2001 and 2005, total weighted civil and criminal filings per authorized judgeship dropped less than 1 percent. However, during that period, combined civil unweighted filings per authorized judgeship and criminal unweighted defendant filings per authorized judgeship climbed 5 percent. Over the past five years, overall unweighted civil filings have risen, mostly as a result of growth in cases related to personal injury/product liability, labor laws, and protected property rights. Most of the increase in criminal unweighted defendant filings was related to growth associated with immigration and firearms offenses.

Appendix Table X-1A provides, by district, data on weighted filings, unweight-

ed filings, weighted supervised release hearings, and unweighted supervised release hearings per authorized judgeship in 2005.

## U.S. MAGISTRATE JUDGES

As district courts seek to sustain productivity, they continue to rely on magistrate judges. Although magistrate judges' civil workload decreased slightly in 2005, their criminal workload held steady, and the number of certain time-consuming duties they completed increased.

Magistrate judges handled 941,632 judicial duties, down 2 percent from 2004. They performed 289,647 individual civil case duties, a decline of 5 percent. However, they held a higher number of evidentiary hearings (up 83 percent to 942), which tend to demand much judicial time. Magistrate judges produced 5,486 reports and recommendations on Social Security ap-

peals, down 11 percent from 2004. They submitted 24,129 reports and recommendations in all categories of prisoner litigation, 1 percent fewer than in 2004, although such submissions increased by 38 percent to 4,866 for federal habeas corpus petitions, which can be highly time consuming. Magistrate judges adjudicated 12,282 civil cases with litigants' consent, down 6 percent from 2004.

As for the criminal side of the docket, magistrate judges performed 157,064 felony pretrial duties, down 2 percent from 2004, and held 321,164 felony preliminary proceedings, 478 fewer than in 2004. However, notable increases occurred in their handling of search warrant applications (up 2 percent to 34,246), arrest warrant applications (up 10 percent to 32,882), and felony pretrial conferences (up 8 percent to 15,870). Magistrate judges also completed many more time-consuming felony assignments such as evidentiary hearings (up 11 percent to 2,042) and reports and recommendations (up 27 percent to 8,044). Continuing a growth trend begun in 1993, magistrate judges conducted 19,698 felony guilty plea proceedings, a rise of 9 percent from 2004. Magistrate judges' dispositions of misdemeanor cases fell 12 percent to 8,101, but their petty offense case dispositions climbed 2 percent to 84,808.

Supplemental Table S-17 and the M series of the appendix tables provide detailed information on the work of magistrate judges.

## JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**T**he Judicial Panel on Multidistrict Litigation acted upon 17,151 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2005. The Panel transferred 8,874 cases originally filed in 92 district courts to 43 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 8,277 actions initiated in the transferee districts. A large number of the Panel's transfer determi-

nations addressed product liability cases involving the arthritis pain medication Vioxx and diet drugs. The Panel did not order transfer in 30 newly docketed litigations involving 291 actions.

Since the Panel's creation in 1968, it has centralized 228,466 civil actions for pretrial proceedings. As of September 30, 2005, a total of 11,289 actions had been remanded for trial, 393 actions had been reassigned within the transferee districts, and 147,688 actions had been terminated in the transferee courts. At the end of this fiscal year, 69,096 actions were pending in 53 transferee district courts.

Supplemental Tables S-19 and S-20 provide statistics on the number of cases transferred since the Panel was created, present data on the flow of cases into and out of the districts in 2005 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.

## U.S. BANKRUPTCY COURTS

**F**ilings in the U.S. bankruptcy courts surged to a new record, climbing 10 percent to 1,782,643. In the previous several years, the large number of petitions filed most likely arose from high consumer debt combined with slow economic growth. However, the increase in 2005 occurred largely in response to the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), as many debtors rushed to file petitions before the law's general effective date of October 17, 2005 (see sidebar on page 28). The number of petitions filed during the three-month period ending September 30, 2005, was 542,002, an increase of 37 percent over the number filed during the same period one year earlier and the highest number filed in U.S. bankruptcy courts in any three-month period. Thereafter, explosive growth occurred in bankruptcy peti-

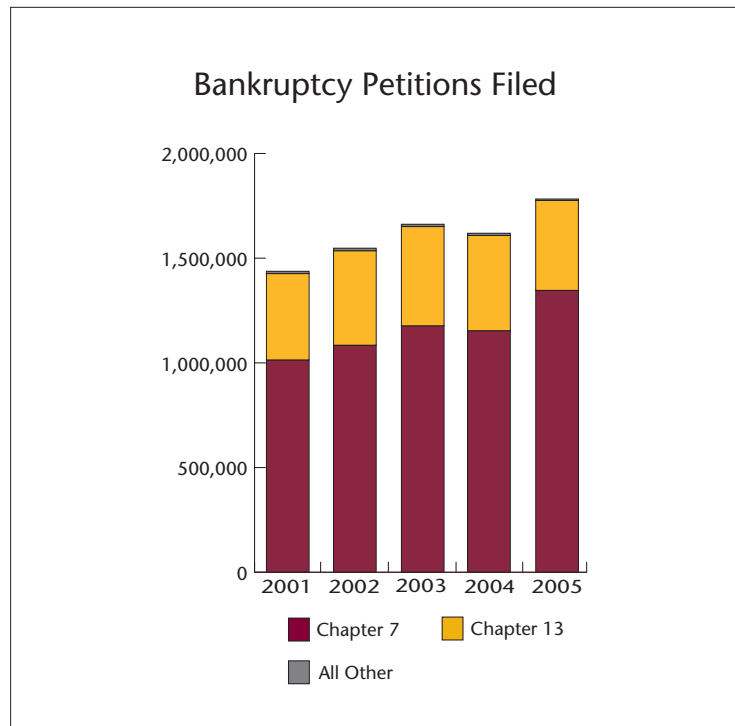


tions filed from October 1, 2005, through October 17, 2005, which will be discussed in *2006 Judicial Business of the United States Courts*. Tables 6 and 7 display national data on bankruptcy cases.

In 2005, filings rose in 11 of the 12 regional circuits and in 81 districts. Excluding districts with fewer than 100 filings, four districts had growth of 25 percent or more: the District of Alaska (up 28 percent), the Northern District of West Virginia (up 27 percent), the District of North Dakota (up 25 percent), and the Northern District of Iowa (up 25 percent). The largest numeric increases occurred in the Northern District of Ohio (up 10,622 cases), the Eastern District of Michigan (up 8,910 cases), and the Southern District of Ohio (up 8,235 cases). The greatest numeric declines occurred in the Southern District of Georgia (down 1,501 cases), the Eastern District of Virginia (down 891 cases), and the District of Puerto Rico (down 851 cases).

With the passage of BAPCA, bankruptcy petitions are filed under six basic chapters. Under chapter 7, assets are liquidated for distribution. In 2005, chapter 7 filings rose 17 percent to 1,346,201 and constituted 76 percent of all petitions filed. In the final quarter of the fiscal year, chapter 7 petitions jumped 54 percent over the number filed during the final quarter of the prior fiscal year. Many debtors filed chapter 7 petitions before BAPCA took effect because they believed that this law would limit their ability to make such filings thereafter. Chapter 7 filings grew in 87 districts and fell in only 7. The largest numeric increase occurred in the Eastern District of Michigan (up 10,094 petitions), and the largest numeric decline occurred in the Eastern District of Virginia (down 650 cases).

Chapter 11 allows businesses to continue operating while they formulate plans to reorganize and repay their creditors; individuals also may file under this chapter, although relatively few do. Chapter 11 petitions generally require more involvement by judges than do petitions filed under other chapters, but they account for a relatively small proportion of overall filings (less than 1 percent in 2005). During this fiscal year, chapter 11 petitions fell 36 percent to 6,637. However, much of this decline can be attributed to a reduction in filings in the Southern District of New



York, which in 2004 had reported a 220 percent rise in such cases, most of which involved a footwear company. Excluding the Southern District of New York, chapter 11 cases decreased 17 percent. Although 25 districts experienced growth in these petitions, 66 districts had declines, and filings in 2 districts remained stable. The District of the Northern Mariana Islands reported no chapter 11 petitions in either 2004 or 2005. The greatest numeric increase occurred in the Eastern District of Michigan (up 59 cases), and the greatest numeric reduction was in the Southern District of New York (down 2,499 cases). The Northern District of Ohio and the Western District of Oklahoma had no change in chapter 11 filings.

Chapter 12 was designed to help family farmers reorganize their debts. Chapter 12 filings increased 53 percent to 364. The previous fiscal year, chapter 12 filings had declined 66 percent to 238, as the legislation authorizing this chapter expired on January 1, 2004. On October 25, 2004, the President signed into law an 18-month extension of chapter 12 of the Bankruptcy Code, retroactive to January 1, 2004. Reporting 30 petitions, the District of Nebraska had the greatest number of chapter 12 filings in 2005. BAPCA made chapter 12 a permanent part of the Bankruptcy Code.

## NEW BANKRUPTCY LAW

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), Pub. L. 109-8, was signed into law on April 20, 2005. BAPCPA, which exceeds 500 pages in length and affects virtually every aspect of bankruptcy cases, took effect on October 17, 2005.

Changes required by BAPCPA include the following:

- adjustments to the Federal Rules of Bankruptcy Procedure;
- expansion of the collection and publication of bankruptcy statistics by the federal Judiciary;
- introduction of a “means test” for eligibility for relief under chapter 7 of the U.S. Bankruptcy Code;
- collection of debtors’ tax returns;
- permanent authorization of chapter 12 of the U.S. Bankruptcy Code;
- creation of chapter 15 of the U.S. Bankruptcy Code to govern cross-border insolvency and a foreign court’s receipt of aid from a U.S. bankruptcy court;
- expansion of the circumstances under which judgments, orders, or decrees issued in bankruptcy cases may be appealed directly to the U.S. courts of appeals;
- establishment of audit procedures;
- establishment of credit counseling as a precondition, with some exceptions, to filing a consumer bankruptcy petition.

The effects of BAPCPA on the work of the courts are currently being examined by the Judicial Conference’s Committee on the Administration of the Bankruptcy System and the Advisory Committee on Bankruptcy Rules. Within the Administrative Office of the U.S. Courts, analysis of BAPCPA is being conducted by the Bankruptcy Judges Division, the Bankruptcy Court Administration Division, and court advisory and working groups.

Under chapter 13, an individual with regular income and with debts below a statutory threshold may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan. Chapter 13 filings, which accounted for 24 percent of all new petitions, fell 6 percent to 429,316. Fifty-seven districts reported declines, and 37 reported increases. The largest numeric decrease occurred in the Central District of California (down 2,450 cases), and the largest increase occurred in the Western District of Louisiana (up 890 cases). The passage of BAPCPA apparently had little effect on chapter 13 petitions prior to the law’s effective date. During the three-month period ending September 30, 2005, chapter 13 petitions decreased 4 percent from the number filed during the three-month period ending September 30, 2004. BAPCPA may affect chapter 13 filings next year, as it will make it more difficult for individuals to file petitions under chapter 7.

Petitions filed under chapter 9 involve municipalities, and those filed under section 304 involve foreign entities; both types of petitions usually account for a small portion of overall filings. During 2005, the combined total for these cases was 125. BAPCPA has created a new chapter—chapter 15—to govern cross-border insolvency and a foreign court’s receipt of aid from a U.S. bank-

ruptcy court. The new chapter effectively replaces section 304 and represents the domestic adoption by the United States of the Model Law on Cross-Border Insolvency promulgated by the United Nations Commission on International Trade Law.

During 2005, nonbusiness filings, which accounted for 98 percent of overall filings, increased 10 percent to 1,748,421. Nonbusiness chapter 7 filings climbed 17 percent, nonbusiness chapter 11 filings fell 8 percent, and nonbusiness chapter 13 filings dropped 6 percent.

Business petitions decreased 2 percent to 34,222 during 2005. Business petitions filed under chapter 7 grew 15 percent, and those filed under chapter 12 climbed 53 percent. In contrast, business petitions filed under chapter 11 and chapter 13 fell 39 percent and 3 percent, respectively. However, excluding business chapter 11 cases in the Southern District of New York, overall business bankruptcy petitions rose 6 percent during 2005.

The number of bankruptcy cases closed declined 5 percent to 1,581,287, or 4,492 cases terminated per authorized judgeship. Because filings exceeded terminations, the pending caseload increased 12 percent to 1,859,437 during 2005. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

**Table 6**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Cases Filed, Terminated, and Pending**  
**Fiscal Years 2001 Through 2005**

Year	Total	Nonbusiness	Business	Terminated	Pending
2001	1,437,354	1,398,864	38,490	1,301,016	1,512,438
2002	1,547,669	1,508,578	39,091	1,445,101	1,618,262
2003	1,661,996	1,625,813	36,183	1,568,087	1,710,428
2004	1,618,987	1,584,170	34,817	1,671,177	1,658,081*
2005	1,782,643	1,748,421	34,222	1,581,287	1,859,437
% Chg. 2005 Over 2004	10.1	10.4	-1.7	-5.4	12.1

\* Revised.

**Table 7**  
**U.S. Bankruptcy Courts**  
**Filings by Chapter of the Bankruptcy Code**  
**Fiscal Years 2001 Through 2005**

Year	Chapter					
	Total	7	11	12	13	Other
2001	1,437,354	1,014,137	10,519	379	412,272	47
2002	1,547,669	1,084,336	11,669	322	451,258	84
2003	1,661,996	1,177,292	10,144	698	473,763	99
2004	1,618,987	1,153,865	10,368	238	454,412	104
2005	1,782,643	1,346,201	6,637	364	429,316	125
% Chg. 2005 Over 2004	10.1	16.7	-36.0	52.9	-5.5	20.2

Over the past five years, bankruptcy petitions have soared 24 percent. Since 2001, non-business filings have risen 25 percent, and this year's total marks the fourth consecutive year that these filings have exceeded 1.5 million. Business filings have fallen 11 percent over the last five years and have accounted for a steadily declining portion of overall filings. Even with the addition of 28 judgeships under BAPCPA effective April 20, 2005, filings per judgeship have increased from 4,436 in 2001 to 5,064 in 2005, a 14 percent rise. In addition, although terminations per judgeship increased from 4,015 in 2001 to 4,492 in 2005, the tremendous growth in filings during this period led the number of pending cases per judgeship to grow 13 percent.

### Adversary Proceedings

Adversary proceedings are civil actions that arise in connection with 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 fell 13 percent in 2005 to 80,495. However, that total was 20 percent greater than the total for 2001.

In 2005, a total of 56 districts reported fewer filings of adversary proceedings. Twenty-six districts had decreases of more than 20 percent, and two districts saw filings drop more

than 50 percent. The greatest numerical reduction in filings of adversary proceeding occurred in the Southern District of New York (down 5,509 cases). Increases were reported for 37 districts.

The number of adversary proceedings closed declined 4 percent to 91,307. As terminations exceeded filings, pending adversary cases fell 11 percent to 86,149 as of September 30, 2005.

## CRIMINAL JUSTICE ACT REPRESENTATIONS

The Criminal Justice Act (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.

In 2005, a total of 163,185 appointments of counsel took place under the CJA, a decrease of 1 percent from the 165,422 appointments in 2004. Representations opened by the 74 federal public and community defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) dropped

3 percent in 2005 to 97,777. Appointments of private attorneys increased 2 percent to 65,408.

The reduction in representations occurred mainly along the southwestern border of the United States. Openings fell 24 percent from 5,313 cases to 4,031 cases in the Southern District of California, in part because of decreases in immigration prosecutions. A drop in drug cases was largely responsible for a 15 percent reduction in openings in the Southern District of Texas. Temporary staffing limitations contributed to a 14 percent decline in openings in New Mexico. Openings decreased 2 percent in Arizona. Openings rose 10 percent in the Western District of Texas.

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 public and community defender organization provided during 2005.

## POST-CONVICTION SUPERVISION

On September 30, 2005, the number of persons under post-conviction supervision was 112,931, an increase of less than one-tenth of 1 percent (up 48 persons) over the number for Sep-

tember 30, 2004, and an 8 percent rise over the number for September 30, 2001. Persons serving terms of supervised release after leaving prison grew 5 percent (up 4,238) above the number for 2004 and 21 percent above that for 2001.

The 82,832 persons serving terms of supervised release on September 30, 2005, following release from prison represented a 5 percent increase over the total one year earlier and accounted for 73 percent of all persons under supervision, compared to 70 percent the previous year. Cases involving probation imposed by district judges and magistrate judges fell 8 percent and accounted for 24 percent of all persons under post-conviction supervision (down from 26 percent in 2004). Parole cases, including those involving special parole and military parole, decreased 5 percent, and those involving mandatory release dropped 9 percent. Bureau of Prisons (BOP) custody supervision cases declined by 1,686 cases (82 percent). This came in response to the revision in 2003 of Monograph 109, *The Supervision of Federal Offenders*, a document initially approved in 1991 by the Judicial Conference Committee on Criminal Law and the Administration of the Probation System to set national policy for the supervision of federal offenders. The 2003 revision requires probation officers to conduct supervision planning before prisoners are released and placed under actual post-conviction supervision. In previous years, these cases were coded under the BOP custody category, but beginning in the fourth

**Table 8**  
**Federal Post-Conviction Supervision**  
**Fiscal Years 2001 Through 2005**

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2001	50,308	45,689	46,748	42,330	104,715
2002	54,062	49,238	50,529	45,933	108,792
2003	55,734	50,920	53,814	49,121	110,621
2004	64,161	59,437	62,559	57,932	112,883
2005	59,086	55,093	58,798	54,755	112,931
% Chg. 2005 Over 2004	-7.9	-7.3	-6.0	-5.5	0.0

quarter of fiscal year 2004, these cases were coded under the “term of supervised release” category.

The proportion of persons supervised who had been convicted of drug offenses was 44 percent in 2005, up from 42 percent in 2001. Fraud was the second-most common offense of persons under post-conviction supervision; 18 percent of persons under supervision had been convicted of fraud, down from 20 percent in 2001. Weapons and firearms offenses accounted for 8 percent of persons under post-conviction supervision in 2005, up from 5 percent in 2001.

The number of persons received for supervision (excluding transfers) fell 7 percent to 55,093 from 2004 to 2005. This reduction was driven by the changes to Monograph 109 whereby 6,800 cases that otherwise would have been counted as received in 2005 were counted as received in 2004 because that was the year in which officers commenced release planning in those cases for inmates due for release in 2005. The number of persons received for terms of supervised release following release from prison climbed 10 percent.

Judge probation cases received grew 5 percent over the total for 2004. Magistrate judge probation cases received decreased 24 percent. Parole cases received, including those involving special parole and military parole, declined 8 percent to 1,058 cases. Cases received involving mandatory release fell 25 percent.

During 2005, the number of persons removed from post-conviction supervision (excluding persons reinstated, re-released, and deceased) dropped 1 percent (down 609) to 47,910.

Detailed data on post-conviction supervision appear in Table 8 and in the E series of the appendix tables.

## Investigative Reports

In 2005, the number of presentence reports prepared by probation officers remained essentially unchanged from 2004, rising by 109 reports to 66,227. Collateral reports written to help other districts prepare presentence reports declined 9 percent to 48,013. Probation officers also wrote 25,950 pre-release reports (down 7 percent) and 46,974 violation reports. In 2005,

**Table 9**  
**Investigative Reports by Probation Officers**  
**Fiscal Years 2004 and 2005**

Type of Investigation	2004	2005	Percent Change
Presentence Report	66,118*	66,227	0.2
Collateral Report for Another District	52,576	48,013	-8.7
Alleged Violation <sup>1</sup>	39,964	46,974	N.A.
Pre-Release for a Federal Institution	27,938	25,950	-7.1
Other <sup>2</sup>	4,214*	5,825	38.2

<sup>1</sup> The violation report data for 2005 are not comparable to data published previously. Prior to 2005, districts were not required to report a violation when a probation officer had the authority to respond to the violation without further intervention by the court. However, in 2005, districts were encouraged to report such violations.

<sup>2</sup> Includes post-sentence-for institution investigations, investigations for petty offenses, supplemental reports to the Bureau of Prisons modified presentence reports, and treaty cases.

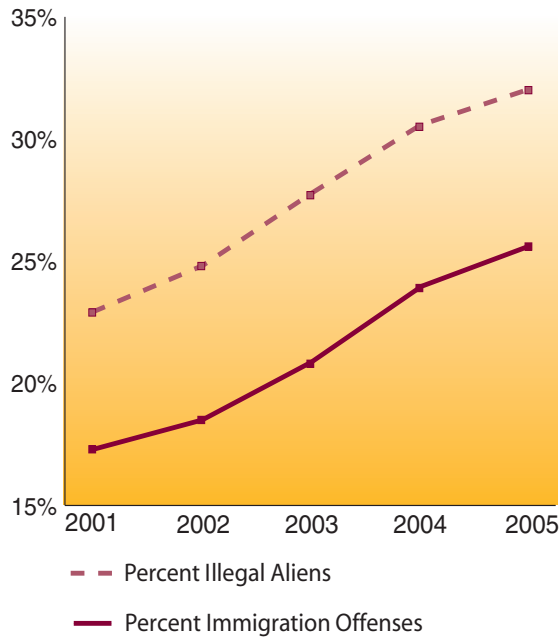
\* Revised.

totals for violation reports began to include reports of minor instances of noncompliance by offenders that were reported to the courts but for which probation officers recommended no action. Thus, the total for violation reports for 2005 is not comparable to that for 2004. See Table 9 for data on these investigative reports.

## Substance Abuse Treatment

Federal probation offices spent \$25,649,069 on judiciary-funded substance abuse treatment in 2005. Of the 72,553 defendants under supervision with substance abuse conditions, 29,473 received judiciary-funded substance abuse treatment. Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, self-help groups, the Department of Veterans’ Affairs, and judiciary-funded substance abuse treatment services. The data reflect only judiciary-funded substance abuse treatment and exclude substance abuse testing. Nationwide, 41 percent of offenders with conditions requiring substance abuse treatment received judiciary-funded treatment, down from 44 percent from 2004. Supplemental Table S-13 contains additional information on judiciary-funded substance abuse treatment services in the federal probation system.

Proportion of Illegal Aliens and Immigration Offenses in Pretrial Services Cases Activated



## PRETRIAL SERVICES

The number of defendants in cases opened in the pretrial services system, including pretrial diversion cases, dropped less than 1 percent (down 640) to 99,365. This total for cases activated was second only to the all-time high of 100,005 reported for 2004. Growth in the number of defendants charged with immigration offenses and drug offenses—primarily those involving controlled substances (i.e., drugs other than marijuana and narcotics)—was offset by declines in cases involving other offenses, including robbery, embezzlement, and other federal statutes.

The proportion of defendants charged with immigration offenses increased from 24 percent of defendants in cases opened in 2004 to 26 percent in 2005. Immigration was the major offense charged in 24,941 pretrial services cases opened, a rise of 6 percent. The number of defendants in pretrial services cases opened in which the major offense charged involved

drugs grew one-half of one percent, after falling 1 percent in 2004, but the proportion of defendants charged with drug offenses remained stable at 34 percent. Cases involving marijuana decreased 12 percent, and cases involving narcotics dropped 9 percent, but cases where the offense involved controlled substances jumped 26 percent (up 2,527). After rising steadily each year since 2001, the number of cases in which the major offense charged involved firearms remained essentially stable in 2005 (down 20 cases to 8,561).

Pretrial services officers (PSOs) prepare pretrial services reports that help ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for selecting the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. PSOs prepared 94,771 pretrial services reports, a rise of 1 percent. The vast majority were prebail reports, which constituted 93 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.

Initial hearings were held for all pretrial services cases activated, and 26 percent of defendants were released at their initial hearings (1 percentage point fewer than in 2004). Most were detained pending separate detention hearings (55 percent), and the remainder were either detained because they could not meet release conditions that were set (9 percent), detained without release conditions set at the initial hearings (8 percent), or held in temporary detention (2 percent).

Detention hearings were held for 53,669 defendants, an increase of 2 percent over the total for 2004, and the number of defendants detained following these hearings fell one-half of 1 percent to 43,054. Detention was ordered for 80 percent of defendants who had detention hearings, 2 percentage points fewer than last year. Forty-four percent of all pretrial services defendants whose cases were activated in 2005 were detained at detention hearings, the same per-

**Table 10**  
**Summary of Pretrial Services Cases**  
**Fiscal Years 2004 and 2005**

	<b>2004</b>	<b>2005</b>	<b>Percent Change</b>
Total Cases Activated	100,005	99,365	-0.6
Pretrial Services Cases	98,152	97,508	-0.7
Pretrial Diversion Cases	1,853	1,857	0.2
Total Released on Supervision	34,840	34,860	0.1
Pretrial Supervision	32,993	32,968	-0.1
Diversion Supervision	1,847	1,892	2.4
Type of Report			
Prebail	86,855	88,274	1.6
Other Reports (Including Postbail)	7,361	6,497	-11.7
No Report	3,936	2,737	-30.5

centage as in 2004. Risk of nonappearance was the reason for detention in 54 percent of cases, 8 percentage points more than last year; danger to the community was the reason in 7 percent of cases; and a combination of danger and nonappearance was the reason in 39 percent of cases.

A total of 34,860 defendants were placed under supervision in the pretrial services system in 2005, a rise of 20 defendants over the number for 2004. An increase in the proportion of defendants who were illegal aliens, along with growth in the number of immigration offenders, continued to affect the number of persons received for supervision, because illegal aliens and defendants charged with immigration offenses usually are detained given their high risk of flight. Thirty-two percent of defendants in pretrial services cases were illegal aliens, compared to 30 percent in 2004.

For persons under pretrial services supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services (such as substance abuse treatment), and informed the courts and U.S. attorneys of all apparent violations of release conditions. Nearly all (98 percent) of defendants who were released following hearings were released with restrictive conditions (35,638). For defen-

dants placed under pretrial services supervision, the most frequently ordered restrictive conditions were substance abuse testing and substance abuse treatment, which were imposed on 19 percent (18,754) of defendants in cases opened in 2005, the same percentage as last year. Home detention and electronic monitoring were ordered for 6 percent (5,757) of defendants.

For pretrial services cases closed during the year, 231,060 pretrial hearings of all types were held, an increase of 4 percent over the total for 2004. These included detention hearings (up 2 percent to 53,818), bail review hearings (down 2 percent to 21,796), and review hearings at conviction hearings and sentencing hearings (up 3 percent to 138,761). Violation hearings grew 2 percent to 4,556.

Pretrial diversion is a period of supervision proposed by a U.S. attorney and agreed to by a defendant as an alternative to the prosecution of criminal charges in federal court. Diversion thus preserves prosecutorial and judicial resources for more serious criminal matters. In 2005, the number of pretrial diversion cases activated remained essentially unchanged (up 4 cases to 1,857); this represented approximately 2 percent of activated cases in 2005, the same proportion as in 2004.

Over the past five years, the overall workload in pretrial services has risen. The number of cases opened in the pretrial services system in 2005 was 13 percent greater than the number opened in 2001. During this period, the number of persons interviewed increased 13 percent, and the number of pretrial services reports prepared climbed 15 percent. The number of defendants placed under supervision in the pretrial services system dropped 1 percent.

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

## COMPLAINTS AGAINST JUDICIAL OFFICERS

Pursuant to 28 U.S.C. 351(a) and 363, any person alleging that a circuit judge, a district judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious 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. A single complaint may involve multiple allegations against numerous judicial officers.

The number of judicial complaints filed in 2005 fell 18 percent to 642. The number of complaints concluded declined 19 percent to 667. Because the number of complaints concluded outnumbered the number of complaints filed, pending judicial complaints decreased 12 percent to 187.

In 2005, the allegations cited most often were prejudice/bias, abuse of judicial power, and “other.” More than one-half of all complaints filed originated in the Third, Fifth, Ninth, and Eleventh Circuits.

Of the 667 complaints that were concluded, chief judges terminated 400 complaints, and judicial councils terminated 267. Of the complaints

concluded by chief judges, 80 percent were found to be not covered under 28 U.S.C. 351 - 364 because they were directly related to the merits of the decisions or to procedural rulings rendered by the judges named in the complaints. The remaining complaints were concluded because they did not conform with the statute, they were frivolous, appropriate action already had been taken, action no longer was necessary, or the complaints had been withdrawn.

All of the complaints that were concluded by judicial councils were dismissed. All but five of the complaints were terminated following the review of a chief judge’s dismissal. Those five complaints, which had been filed in the Second Circuit and arose from the same matter, were concluded after a report was made by an investigative committee. For those complaints, the judicial council concluded that appropriate sanctions and corrective actions already had been taken and dismissed the complaints in all other respects.

Table 11 and Supplemental Table S-22 summarize judicial complaints activity from 2003 through 2005.

## STATUS OF ARTICLE III JUDGESHIPS

On September 30, 2005, a total of 12 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, an 8 percent decline (1 fewer vacancy) from the number reported one year earlier. Seven of the vacancies had been unfilled for more than 18 months (nine had been vacant that long one year earlier). Table 12 provides information on the status of judgeship positions since 2001.

On September 30, 2005, a total of 36 vacancies existed among the 678 positions authorized in the district courts, an increase of 20 compared to the 16 vacancies reported for the 679 positions authorized at the end of the previous fiscal year (a temporary judgeship in the Eastern District of California lapsed on Novem-



**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**  
**Fiscal Years 2003, 2004, and 2005**

	<b>2003*</b>	<b>2004*</b>	<b>2005</b>
Filed	859	784	642
Concluded	752	820	667
By Chief Judges	430	486	400
Dismissed	401	471	381
Corrective Action Taken	13	12	13
Withdrawn	8	3	6
By Judicial Councils	322	334	267
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	321	332	262
Withdrawn	—	—	—
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report of Investigative Committee			
Dismissed	—	2	5
Withdrawn	—	—	—
Action Taken	1	—	—
Referred to Judicial Conference	—	—	—
Pending	248	212	187

\* Revised.

<sup>1</sup> Petition for review of a chief judge's dismissal of a complaint.

ber 1, 2004). Five of the vacancies had existed for more than 18 months, two more than the number of positions vacant for that long in 2004.

In addition to active judges, 100 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2005—2 fewer than the number serving one year earlier. In the U.S. district courts, the number of senior judges with staff was 292, which was 1 more than the number reported at the end of the previous fiscal year. The number of senior district judges with staff has grown 4 percent over the past five years, increasing from 281 to 292.

As of September 30, 2005, a total of 20 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 5 more than the number identified on September 30, 2004. For the courts of appeals, which

had 9 judicial emergencies, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighting pro se appeals as one-third of a case) per panel are in excess of 700, or any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel. For the district courts, which had 11 judicial emergencies, a judicial emergency is defined as a vacancy of any duration where weighted filings per judgeship are in excess of 600, or any vacancy longer than 18 months in a district court with weighted filings between 430 and 600 per judgeship, or any vacancy in a district court with more than one authorized judgeship and only one active judge.

**Table 12**  
**Status of Judgeship Positions**  
**Fiscal Years 2001 Through 2005<sup>1</sup>**

Year	U.S. Courts of Appeals <sup>2</sup>			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>3</sup>	Authorized Judgeships <sup>4</sup>	Vacancies	Senior Judges <sup>5</sup>
2001	179	32	93	665	75	281
2002	179	28	92	665	50	285
2003	179	17*	91	680	29	275
2004	179	13	102	679	16*	291
2005	179	12	100	678	36	292

<sup>1</sup> Data are as of September 30.

<sup>2</sup> Positions in the Court of Appeals for the Federal Circuit are included.

<sup>3</sup> Sitting senior judges who participated in appeals dispositions.

<sup>4</sup> Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.

<sup>5</sup> Senior judges with staff.

\* Revised.

## STATUS OF BANKRUPTCY JUDGE APPOINTMENTS

On September 30, 2005, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 315 bankruptcy judgeships were filled, and 37 were vacant. In addition to these positions, 32 recalled bankruptcy

judges were providing service to the Judiciary on September 30, 2005. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2005.

## APPOINTMENTS OF MAGISTRATE JUDGES

During 2005, a total of 46 full-time magistrate judges were appointed, including 24 by reappointment. Of the 22 new appointments, 4 were for new positions. During the same period, 19 individuals were appointed to part-time magistrate judge positions, 14 of them by reappointment.

In 2005, the average age of new appointees to full-time magistrate judge positions was 50 years; the average age of new appointees to part-time magistrate judge positions was 57 years. New full-time appointees had been members of the bar for an average of 22 years at the time of appointment; new part-time magistrate judges averaged 27 years of bar membership. Of the new full-time magis-

**Table 13**  
**Status of Bankruptcy Judgeship Positions**  
**Fiscal Years 2001 Through 2005<sup>1</sup>**

Year	Authorized Judgeships	Vacancies	Recalled Judges
2001	324	12	30
2002	324	22	31
2003	324	15	35
2004	324	11	35
2005	352	37	32

<sup>1</sup> Data are as of September 30.

trate judges, 10 had been in private practice at the time of their appointment, 5 had been part-time assistant U.S. attorneys, 3 had been state court judges, 2 had been assistant federal public defenders, 1 had been a corporate counsel, and 1 had been a Department of Justice trial attorney.

Through its September 2005 session, the Judicial Conference authorized 503 full-time magistrate judge positions, 45 part-time positions, and 3 combination clerk/magistrate judge positions. During the fiscal year, 34 retired magistrate judges were recalled to service under Title 28 U.S.C. Section 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2001.

## U.S. COURT OF INTERNATIONAL TRADE

The jurisdiction of the U.S. Court of the International Trade extends throughout the United States. The majority of the cases this

court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners. In 2005, this court reported 741 cases filed, a decrease of 3 percent from 2004 (down 26 cases). New civil actions included 407 cases filed under 28 U.S.C. of the Tariff Act of 1930, which involved 13,549 entries of merchandise.

Case terminations decreased 4 percent from 476 to 455. Because filings outnumbered terminations, pending cases rose 3 percent to 11,155 on September 30, 2005. Appendix Table G-1 provides a summary of cases filed, terminated, and pending during 2004 and 2005.

## U.S. COURT OF FEDERAL CLAIMS

The U.S. Court of Federal Claims has nationwide jurisdiction over a variety of monetary claims against the federal government, including those involving tax refunds, federal taking of private property for public use, pay and dismiss-

**Table 14**  
**U.S. Magistrate Judge Positions Authorized**  
**by the Judicial Conference**  
**Fiscal Years 2001 Through 2005**

<b>Year</b>	<b>Period</b>	<b>Total</b>	<b>Full Time</b>	<b>Part Time</b>	<b>Combination</b>
2001	Spring	532	470	59	3
	Fall	533	471	59	3
2002	Spring	534	477	54	3
	Fall	540	486	51	3
2003	Spring	540	487	50	3
	Fall	543	491	49	3
2004	Spring	546	495	48	3
	Fall	548	500	45	3
2005	Spring	548	500	45	3
	Fall	551	503	45	3

al of federal civilian employees, pay and dismissal of military personnel, land claims raised by Native Americans and/or their tribes, contract disputes, bid protests, patents and copyright, congressional reference, and the National Vaccine Injury Compensation Act.

In 2005, filings in the court decreased 30 percent to 1,672. This largely resulted from a 40 percent reduction (down 479 cases) in vaccine case filings. Such cases had surged in 2003 and mostly alleged that autism spectrum disorder arose from the measles-mumps-rubella vaccine and/or the inclusion of the preservative thimerosal in some vaccines. Filings involving civilian pay rose 44 percent in 2005 to 82 cases. Filings related to the taking of private property dropped 52 percent to 112 cases.

Case terminations increased 12 percent from 939 to 1,051. As filings outnumbered terminations, pending cases rose 9 percent from 6,909 to 7,530.

In cases terminated in 2005, judgments for claimants exceeded \$934 million, of which more than \$7 million was interest. Three percent of these judgments were based on settlements between the parties. Judgments for the United States on counterclaims or offsets totaled nearly \$2 million. Under its nonmonetary jurisdiction, the court disposed of 58 contract bid protest cases seeking injunctive or declaratory relief.

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, 2005.