

# 1997 Caseload Highlights

## U.S. Courts of Appeals

- Appeals filings rose 1 percent to reach an all-time high.
- Administrative agency appeals increased 56 percent, primarily because of an 81 percent surge in appeals of Immigration and Naturalization Service decisions.
- Civil appeals filings declined 2 percent as prisoner petition appeals dropped 5 percent.
- Criminal appeals filings fell 3 percent, with the most significant reduction occurring in drug-related appeals (down 7 percent).

## U.S. District Courts

- Total filings in U.S. district courts rose 2 percent.
- Weighted filings increased 10 percent to 519 per authorized judgeship.

## Civil Filings

- Civil filings grew 1 percent, mostly because filings with the United States as a party increased 23 percent.
- Civil filings per authorized judgeship reached 420, the highest level in 10 years.
- Federal question litigation dropped 2 percent as state prisoner petitions fell 31 percent.

## Criminal Filings

- Criminal case filings increased 5 percent and criminal defendant filings grew 4 percent.
- Immigration case filings jumped 21 percent and accounted for 13 percent of all criminal filings.
- Drug case filings grew 13 percent, and defendants charged with drug offenses rose 8 percent.

## U.S. Bankruptcy Courts

- Bankruptcy petitions climbed 23 percent to a record level.
- Nonbusiness filings soared 24 percent to surpass one million; business filings rose 1 percent.
- Chapter 7 filings jumped 26 percent and chapter 13 filings grew 18 percent.

## Federal Probation System/Pretrial Services

- As of September 30, 1997, a total of 91,434 persons were under the supervision of the federal probation system, a 3 percent increase over 1996.
- The number of persons serving terms of supervised release rose 11 percent, accounting for 56 percent of all persons under supervision.
- The number of pretrial services defendants grew 9 percent to 69,283.



**T**his report contains statistical data on the business of the federal judiciary during fiscal year 1997, 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 work of the appellate, district, and bankruptcy courts; the probation/pretrial systems; and other components of the federal judiciary. A table of judicial caseload indicators presents totals for all major segments of the federal courts.

# Judicial Business

Once again, the major trend emerging from the 1997 data (see Caseload Highlights section) is that the federal courts' caseload increased in each program area. Filings of new cases in the appellate and bankruptcy courts reached record heights, rising 1 percent and 23 percent, respectively. Overall, 2 percent more cases were filed in the district courts than in fiscal year 1996, with filings of criminal cases and defendants attaining their highest levels in more than 60 years. As of September 30, 1997, the federal probation system reported having 3 percent more persons under supervision than on that

date the previous year, and pre-trial services cases jumped 9 percent.

The caseload and associated workload of federal judges has risen significantly over the last five years. From 1993 to 1997, the following occurred:

- the total number of weighted civil and criminal filings per district judgeship (which are based on weights that account for differences in the time judges need to resolve various types of civil and criminal actions) climbed 24 percent from 419 to 519;
- the number of appeals terminated per three-judge panel grew 7 percent;

— bankruptcy filings per authorized judgeship rose 52 percent.

Despite these increases, no new Article III judgeships have been created in seven years, and the number of bankruptcy judges authorized and funded has not changed since 1993.

## U.S. Courts of Appeals

The number of appeals filed in the 12 regional courts of appeals rose 1 percent in 1997, attaining an all-time high of

**Judicial Caseload Indicators**

Fiscal Years 1993, 1996, and 1997

Judicial Caseload	1993	1996	1997	% Change Since 1993	% Change Since 1996
<b>U.S. Courts of Appeals<sup>1</sup></b>					
Cases Filed	50,224	51,991	52,319	4.2	0.6
Cases Terminated	47,790	50,413	51,194	7.1	1.5
Cases Pending	38,156	38,774	39,899	4.6	2.9
<b>U.S. District Courts</b>					
<b>Civil</b>					
Cases Filed	229,850	269,132	272,027	18.3	1.1
Cases Terminated	226,165	250,387	249,641	10.4	-0.3
Cases Pending	218,041	250,934	273,320	25.4	8.9
<b>Criminal (Includes Transfers)</b>					
Cases Filed	46,786	47,889	50,363	7.6	5.2
Defendants Filed	65,653	67,700	70,201	6.9	3.7
Cases Terminated	44,800	45,499	46,887	4.7	3.1
Cases Pending	28,701	32,156	35,632	24.1	10.8
<b>U.S. Bankruptcy Courts</b>					
Cases Filed	897,231	1,111,964	1,367,364	52.4	23.0
Cases Terminated	958,408	1,005,025	1,223,967	27.7	21.8
Cases Pending	1,152,824	1,189,213	1,332,610	15.6	12.1
<b>Federal Probation System</b>					
Persons Under Supervision	86,823	88,966	91,434	5.3	2.8
Presentence Reports	47,454	51,662	52,174	9.9	1.0
<b>Pretrial Services</b>					
Pretrial Services Cases Activated	57,036	63,497	69,283	21.5	9.1
Total Released on Supervision	28,029	30,502	30,757	9.7	0.8

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

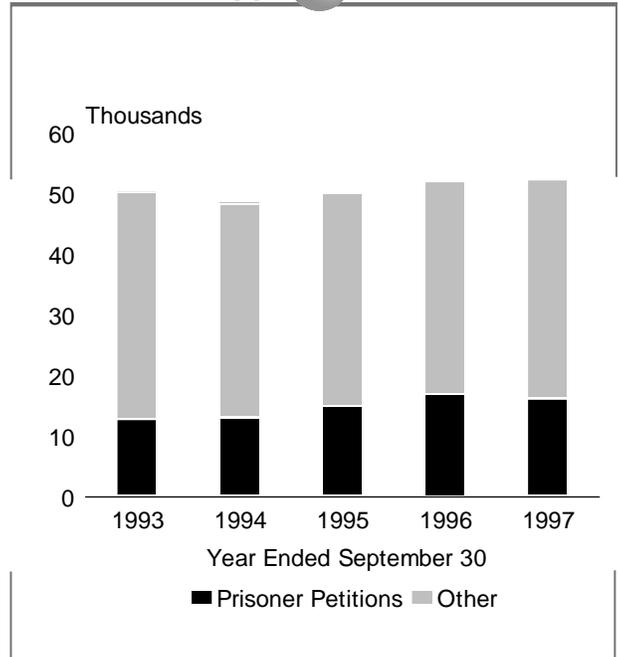
52,319. This growth resulted mainly from increases in appeals of administrative agency decisions (up 56 percent) and in original proceedings (up 16 percent). Appeals terminated rose 2 percent, which led appeals closed per authorized three-judge panel to increase from 906 to 920. Tables 1 and 2 contain summary data on the activity of the U.S. courts of appeals. Detailed data for the appeals courts appear in the B series of the appendix tables.

Eight circuits reported increases in appeals filed in 1997, with the largest growth taking place in the District of Columbia (up 14 percent), the First Circuit (up 6 percent), and the Second Circuit (up 6 percent). The greatest percentage declines in appeals filed occurred in the Third and Fourth Circuits, which had drops of 4 percent and 3 percent, respectively. The Third Circuit experienced decreases in both criminal and prisoner petition appeals, whereas the Fourth Circuit's reduction consisted primarily of a decline in prisoner petitions.

Filings of administrative agency appeals and original proceedings both increased, reversing last year's decrease for such filings and offsetting this year's drop in criminal, civil, and bankruptcy appeals (down 3 percent, 2 percent, and 19 percent, respectively). Administrative agency appeals rose 56 per-

cent, primarily because of an 81 percent surge in appeals of Immigration and Naturalization Service decisions, which particularly affected the Ninth and Eleventh Circuits, following the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) on September 30, 1996. This legislation overhauled the exclusion and deportation process, revised certain grounds for excludability and deportability, and narrowed some available waivers. Growth also occurred in appeals of decisions by the Benefit Review Board (BRB), which jumped 110 percent (up 267 cases); the Federal Communications Commission (FCC), which climbed 114 percent (up 146 cases); and the Environmental Protection Agency (EPA), which rose 148 percent (up 129 cases). Although increases in BRB appeals were widespread, the vast majority originated in the Fifth Circuit, where such filings rose 546 percent (up 142 cases). This most likely happened because the Omnibus Appropriation Act (Public Law 104-134) enacted in 1996 provides that any decision pending in the BRB for more than one year shall automatically be affirmed if not acted upon. In the Fifth Circuit, a majority of the BRB appeals were associated with the Longshore and Harbor Worker's Compensation Act. Increases in

### Appeals Filed



FCC and EPA appeals, which were concentrated in the District of Columbia Circuit, occurred primarily in response to new regulations or changes in statutes. In particular, multiple EPA appeals filings involved the Clean Air Act.

The decline in criminal appeals primarily stemmed from appeals related to drug offenses, which fell 7 percent. This decrease in criminal appeals occurred despite this year's large increase in filings of immigration and drug cases in district courts along the southwestern border of the United States. However, most of these cases were disposed of in district courts by guilty pleas.

Just as much of the growth in civil appeals in recent years

**Table 1**

**U.S. Courts of Appeals  
Appeals Filed, Terminated, and Pending  
Fiscal Years 1993 Through 1997**

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
1993	167	50,224	902	47,790	859	38,156
1994	167	48,322	868	49,184	884	37,269
1995	167	50,072	899	49,805	895	37,310
1996	167	51,991	934	50,413	906	38,774*
1997	167	52,319	940	51,194	920	39,899
% Chg. 1997						
Over 1996	—	0.6	0.6	1.5	1.5	2.9

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 1996 and 1997**

Source	1996	1997	Percent Change
<b>Total</b>	<b>51,991</b>	<b>52,319</b>	<b>0.6</b>
U.S. District Courts			
Criminal	10,889	10,521	-3.4
Civil—Total	36,137	35,414	-2.0
Prisoner Petitions	16,996	16,188	-4.8
U.S. Civil	4,304	3,803	-11.6
Private Civil	14,837	15,423	3.9
Other Appeals			
Bankruptcy	1,434	1,158	-19.2
Administrative Agency	2,827	4,412	56.1
Original Proceedings	704	814	15.6

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

was linked to growth in prisoner petition appeals, the decline in civil appeals this year was associated with a 5 percent decline in prisoner petitions. This reduction resulted from the enactment of the Prison Litigation Reform Act in April 1996, which was intended to reduce the filing of frivolous petitions by, in part, imposing filing fees. Last year, many inmates filed petitions before the fee requirement took effect. This produced an 8 percent jump in filings of civil rights prisoner petitions between March and June 1996, followed by a marked decline of 32 percent from June 1996 to September 1997.

This year, the overall number of cases involving pro se litigants (65 percent of which were filed by prisoners) declined 2 percent. Pro se cases constituted 42 percent of all appeals filed in 1997, down from 43 percent last year. The number of pro se appeals increased in 5 of the 12 circuits, with the First Circuit having the greatest increase (up 24 percent). Although the number of pro se litigants filing prisoner petitions fell 6 percent, the number filing employment civil rights appeals rose 17 percent. Supplemental Table S-4 contains summary data on pro se appeals.

Bankruptcy appeals, which accounted for 2 percent of all appeals filed, dropped 19

percent this year to their lowest level since 1990. Decreases in filings were reported for 9 of the 12 circuits, with reductions ranging from 12 to 43 percent.

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

Filings in the U.S. Court of Appeals for the Federal Circuit rose 9 percent (up 121 appeals) to 1,458, reversing direction after last year's 28 percent drop in filings, which was the lowest total since 1987. Just as last year's reduction in filings resulted primarily from a decline in appeals of Merit Systems Protection Board (MSPB) decisions, this year's growth stemmed largely from a 15 percent jump (up 69 cases) in MSPB appeals. Increased filings of cases from the U.S. Court of International Trade and the U.S. Court of Veterans Appeals, which climbed 66 percent (up 33 cases) and 42 percent (up 25 cases), respectively, also contributed to the overall growth. The rise in appeals of U.S. Court of International Trade decisions was linked to last year's filings of more than 2,000 actions in that court challenging the constitutionality of the Harbor Maintenance Tax. Filings of appeals involving the Patent and Trademark Office, how-

ever, dropped 19 percent (down 17 cases). 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**

Filings in U.S. district courts in 1997 totaled 322,390, a 2 percent increase over 1996 (up 5,369 filings) that led filings per authorized judgeship to climb from 490 to 498. Case terminations remained relatively stable at 296,528 (a rise of less than 1 percent). Because filings outnumbered terminations, the pending caseload grew 9 percent to 308,952 on September 30, 1997.

### **Civil Filings**

In 1997, civil filings in the U.S. district courts increased 1 percent to 272,027. This marked the fourth consecutive year in which the national civil caseload rose. As a result, civil filings per authorized judgeship grew from 416 to 420, the highest total in 10 years. The increase in filings resulted prima-

rily from growth in actions involving the United States as a plaintiff or defendant. Filings under federal question jurisdiction (i.e., the federal courts' interpretation and application of the U.S. Constitution, acts of Congress, or treaties) and diversity of citizenship declined. Summary data on civil filings in U.S. district courts appear in Tables 3 and 4.

Actions with the United States as a plaintiff or defendant rose 23 percent from 48,755 to 60,004. U.S. plaintiff cases

jumped 35 percent, mainly because filings involving defaulted student loans more than doubled from 4,460 to 9,043. All 12 circuits experienced growth in such cases, and in more than half of the circuits such filings climbed 100 percent or more. U.S. Department of Justice officials attributed this increase to intensified efforts by the Department of Education to submit defaulted student loans for collection.

The number of filings with the United States as defendant

grew 18 percent from 33,217 to 39,038. This increase stemmed from a 46 percent surge in social security filings and a 14 percent rise in prisoner petitions, most of which consisted of motions to vacate sentence. Higher numbers of social security disability insurance cases (up 47 percent) caused the total number of social security filings to grow by more than 2,400. In 10 of the 12 circuits, filings of disability insurance cases increased by more than 100, with the Second, Fourth, Sixth, and Eighth

**Table 3**

**U.S. District Courts  
Civil Cases Filed, Terminated, and Pending  
Fiscal Years 1993 Through 1997**

Cases Filed									
Year	Authorized Judgeships	Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	All Other Cases	Terminated	Pending	
1993	649	229,850	354	4,519	53,451	171,880	226,165	218,041	
1994	649	236,391	364	2,330	57,940	176,121	228,361	223,759	
1995	649	248,335	383	1,822	63,550	182,963	229,820	234,008	
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	273,320	
% Chg. 1997 Over 1996		—	1.1	1.0	88.3	-7.7	1.9	-0.3	8.9

\*Revised.

Circuits each reporting more than 300 new cases. For the second consecutive year, the rise in social security filings resulted mostly from the speedier processing of backlogged cases by the Social Security Administration.

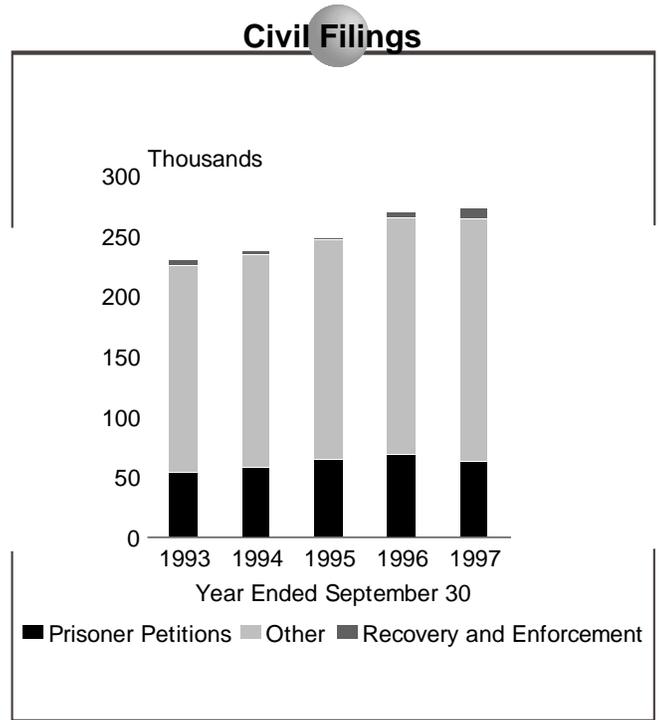
Motions to vacate sentence jumped 20 percent, partly because of the *Bailey v. United States* Supreme Court ruling and the enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA) in 1996. The *Bailey* decision, which restricted the imposition of enhanced penalties for using firearms in violent crimes or drug trafficking offenses, caused many federal prisoners serving such sentences to seek to vacate them. The AEDPA established a one-year limitation period for filing prisoner petitions under 28 U.S.C. 2255, leading numerous prisoners to file motions to vacate sentence before the period expired. Another contributor to the overall rise in U.S. defendant prisoner petitions was a 12 percent increase in habeas corpus prisoner petitions.

Although total civil filings increased in 1997, private cases declined 4 percent. Federal question litigation fell 2 percent to 156,596, mostly as a result of a 31 percent drop in state prisoner petitions to 27,658 (down more than 12,000 petitions), the lowest level since

1991. This reduction stemmed primarily from the enactment of the Prison Litigation Reform Act. Despite the overall decline in federal question litigation, a 90 percent surge occurred in personal injury/product liability cases, many of which involved breast implants. Civil filings in the Eastern District of Michigan soared by more than 10,000 cases as a result of a recent decision of the U.S. Court of Appeals for the Sixth Circuit that led to the transfer to that district of preexisting cases or claims filed in other districts (or, in some instances, in state courts). The Eastern District of Michigan is where Chapter 11 federal bankruptcy proceedings involving the Dow Corning Corporation are now pending.

Diversity of citizenship filings fell 9 percent (down more than 5,400 filings). In the Northern District of Alabama, a decrease in personal injury/product liability cases (down 14 percent) arising from a reduction in breast implant cases made total civil filings in that district fall 59 percent (down 7,250 cases).

Civil case terminations remained stable in 1997, declining less than 1 percent from 250,387 in 1996 to 249,641. A reduction of more than 6,000 personal injury/product liability case terminations in the Southern District of Texas was the chief factor in the overall na-



tional decrease in civil terminations. In 1996, this district had an unusually high number of personal injury/product liability terminations as numerous breast implant cases were either remanded to state courts or transferred to the Northern District of Alabama.

The median time interval from filing to disposition for civil cases was eight months in 1997, an increase of one month over 1996. Most of this increase involved contract, civil rights, and social security cases.

The number of civil cases pending rose 9 percent to 273,320, largely based on the growing caseload in the Eastern District of Michigan, where pending cases tripled (up nearly

**Table 4**

**U.S. District Courts  
Civil Cases Filed, by Jurisdiction,  
Fiscal Years 1993 Through 1997**

Year	Total	U.S. Cases		Private Cases		
		Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
1993	229,850	20,482	31,242	126,271	51,445	410
1994	236,391	15,805	29,605	135,853	54,886	242
1995	248,335	14,130	29,028	153,489	51,448	240
1996	269,132	15,538	33,217	159,513	60,685	179
1997	272,027	20,966	39,038	156,596	55,278	149
% Chg. 1997 Over 1996	1.1	34.9	17.5	-1.8	-8.9	-16.8

11,000 cases) as a result of the increase in personal injury/product liability breast implant filings. In addition, five other district courts (the Eastern District of Texas, the Eastern District of Pennsylvania, the Eastern District of New York, the Southern District of Florida, and the Central District of California) reported that their pending caseloads each grew by more than 1,000 cases. Personal injury/product liability cases accounted for much of the increase in the Eastern District of Texas and the Eastern District of Pennsylvania. The pending caseload in the Eastern District

of Texas rose as a result of filings related to the Norplant birth control device under Multidistrict Litigation Docket Number 1038; the growth in the Eastern District of Pennsylvania stemmed from filings related to the ACROMED bone screw device under Multidistrict Litigation Docket Number 1014. The increases in the Eastern District of New York, the Southern District of Florida, and the Central District of California involved a mixture of cases. The number of civil cases pending for three years or more rose 40 percent to 22,642, mainly because of the large number of

personal injury/product liability breast implant cases pending in the Northern District of Alabama.

The C series of the appendix tables provides detailed information on civil matters.

**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

both parties' consent; 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 panel of neutral parties presents the litigants with 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 file for 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.

During 1997, the seventh year of arbitration reporting, 3,827 cases were referred to arbitration in the 10 original districts, a 7 percent decrease (down 273 cases) over 1996. These cases represented 8 percent of total civil filings (48,341) in these courts, down slightly from the 9 percent they accounted for last year.

The Eastern District of Pennsylvania and the District of

New Jersey made the greatest use of court-referred arbitration, reporting 1,169 cases and 1,033 new cases, respectively. The largest numerical increases in arbitration referrals occurred in the Western District of Oklahoma (up 249 referrals), the Eastern District of Pennsylvania (up 94 referrals), and the Northern District of California (up 90 referrals). Of the 10 original courts, 4 reported rises in arbitration referrals, 2 reported declines, and 4 reported they had no arbitration referrals this year. In previous years, court officials reported that the overall decrease in arbitration cases resulted from the full implementation of expense and delay reduction plans under the Civil Justice Reform Act, which, in part, authorizes arbitration courts to use other means of alternative dispute resolution. The four districts that reported no arbitration referrals (Michigan-Western, Missouri-Western, North Carolina-Middle, and Texas-Western) now use federal mediation procedures to settle cases that would have been referred to arbitration in the past. 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.



As in the past four years, the cases that the 10 courts referred to arbitration in 1997 primarily consisted of personal injury cases (mostly motor vehicle cases), contract actions, labor suits, and civil rights actions. Supplemental Table S-12 summarizes the cases filed in 1996 and 1997 in the 10 districts authorized to use both voluntary and mandatory arbitration.

### Criminal Filings

In 1997, filings of both criminal cases and defendants rose to their highest levels since 1933, the year the Prohibition Amendment was repealed. Case filings grew 5 percent to 50,363, which caused filings per authorized judgeship to in-

crease from 74 to 78 cases. Defendant filings climbed 4 percent to 70,201. Criminal case terminations rose 3 percent. With filings outpacing terminations, the pending caseload grew 11 percent to 35,632. Table 5 summarizes the number of criminal cases filed, terminated, and pending for the past five years.

This year's increase consisted primarily of filings related to drugs and immigration. Higher totals for both these offenses resulted from initiatives

by the Department of Justice (DOJ) to secure the southwestern border of the United States. These initiatives emphasize the prosecution of alien smuggling and of attempted reentry by deported aliens or aliens previously convicted of felonies. The U.S. Attorneys' offices in these districts also received additional resources that led to increased prosecution of these offenses. Cases involving immigration typically have one defendant per case, so the numbers of cases and defendants rose at almost

the same rate, growing by 2,474 and 2,501, respectively. Fraud filings and forgery and counterfeiting filings also grew. The combination of drugs, fraud, and immigration filings accounted for 57 percent of all criminal cases and for 63 percent of all criminal defendants, a 2 percentage point increase in both categories over last year. Some of the overall increase was offset by declines in larceny and embezzlement cases.

Filings of drug cases climbed 13 percent to 13,656,

**Table 5**

**U.S. District Courts  
Criminal Cases Filed, Terminated, and Pending  
(Includes Transfers)  
Fiscal Years 1993 Through 1997**

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Cases per Judgeship	Drugs <sup>1</sup>		
1993	649	46,786	72	12,238	44,800	28,701
1994 <sup>3</sup>	649	45,484	70	11,369	45,129	26,328
1995	649	45,788	71	11,520	41,527	28,738
1996	647	47,889	74	12,092	45,499	32,156*
1997	647	50,363	78	13,656	46,887	35,632
% Chg. 1997 Over 1996	—	5.2	5.4	12.9	3.1	10.8

<sup>1</sup> Excludes transfers.

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

<sup>3</sup> Data for cases have been revised.

\* Revised.

while filings of drug defendants rose 8 percent to 25,885. These were record high levels for this offense, which resulted from increased resources made available to U.S. attorneys in districts along the nation's southwestern border. With the increase in drug cases exceeding the increase in drug defendants, the defendants-to-case ratio for such cases declined from 2.0 to 1.9; however, this ratio was much higher than the ratio of 1.4 defendants per case for all criminal filings. The Western District of Texas led the nation in numbers of drug cases (1,140) and drug defendants (1,699). The Southern District of California, a frequent leader in drug filings, was a close second with 1,079 cases and 1,461 defendants. Together, these two districts contributed 45 percent of the increase in all drug case filings.

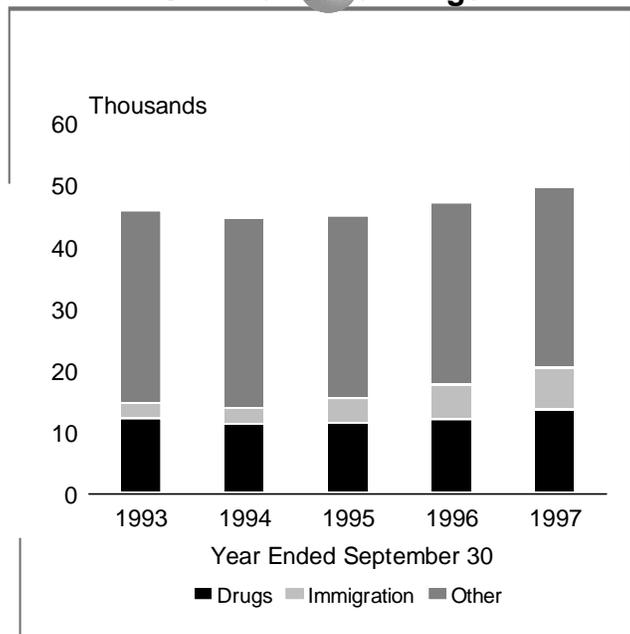
Immigration case filings rose 21 percent to 6,677, while the number of defendants grew 20 percent to 7,328. Such filings amounted to 13 percent of all criminal cases and 11 percent of all criminal defendants, more than three times their proportions in 1992. The Southern District of California continued to lead the nation for this offense, having 28 percent of all immigration cases. This district's 1997 total of 1,860 immigration case filings was more than five times (up 564 percent) its total

for 1992. Other southwestern districts with large numbers of immigration filings were the Western District of Texas (727 cases), the Southern District of Texas (623 cases), and the District of Arizona (578 cases). Combined, these four districts contributed 80 percent of the rise in immigration case filings.

Fraud case filings increased for the third consecutive year. This year's 3 percent growth consisted primarily of fraud filings associated with false claims and statements; filings of such cases jumped 20 percent to 2,031, while defendants rose 18 percent to 2,251. Some of these cases were related to immigration prosecutions and some involved health care fraud. With 640 filings, the Western District of Texas again led the nation in fraud cases filed. Overall, however, defendants in fraud cases declined 2 percent, primarily because of a 21 percent decline in postal, interstate wire, and radio-related fraud defendants. This decline lowered the defendants-to-case ratio for this fraud category from 1.9 to 1.5, making it consistent with the levels recorded prior to 1996. The 1996 ratio was unusually high because a large number of multi-defendant cases were filed in the District of Nevada that year.

Weapons and firearms filings remained unchanged this year after declining 13 percent

### Criminal Case Filings



in 1996 following the *Bailey v. United States* decision. Drunk driving and traffic violations also remained stable.

The number of criminal defendants convicted this year rose 6 percent (up 3,378) to 55,648. This increase, which raised the conviction rate from 87 percent to 88 percent, consisted primarily of drug, immigration, and fraud defendants in the Southern District of California, the Western District of Texas, and the District of Arizona. Defendants charged with drug and immigration offenses in these districts typically plead guilty, so higher numbers of these defendants increased the overall conviction rate.

In 1997, the median time from the filing of a criminal

case to the disposition of the criminal defendant remained 5.8 months, the same as in 1996. This stability in median time occurred despite a rise in drug cases, because the rise in cases in districts along the nation's southwest border consisted of actions that generally were less complex and were processed quickly. Historically, however, increases in drug cases have lengthened the time from filing to conviction because such cases often have multiple defendants and thus entail scheduling complexities resulting from the interrelationships among the defendants.

The D series of the appendix tables contain detailed data on the criminal caseload by district.

## Savings and Loan Caseload

In 1997, data on savings and loan (S&L) cases further confirmed that S&L filings nationwide probably peaked in 1992. Criminal case filings stemming from financial fraud at S&L institutions dropped to 26 major cases (i.e., those involving \$1 million or more) brought against as many defendants before federal courts by U.S. attorneys. This was a 46 percent reduction from the 48 defendants in major S&L cases filed in 1996. The number of defendants sentenced declined slightly from 48 to 46. Nationally, S&L criminal case filings constituted one tenth of one percent of all criminal cases filed.

This year, the Federal Deposit and Insurance Corporation (FDIC) again reported low numbers of noncriminal S&L filings in the U.S. Supreme Court and in the U.S. appellate, district, bankruptcy, and federal claims courts. According to FDIC officials, major S&L filings no longer are specifically tracked under their new automated reporting system because filings of such cases have declined sharply over the past five years. A total of 434 new noncriminal S&L cases were filed in the federal courts in 1997. Of these filings, 245 were litigation matters (72 percent of which were filed in the district courts), 125 were

bankruptcy matters (98 percent of which were filed in the bankruptcy courts), 41 were appeals (85 percent of which were filed in the courts of appeals), and 23 were professional liability matters (91 percent of which were filed in the district courts).

## Trials Completed

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. During 1997, the number of civil and criminal trials completed in the U.S. district courts fell 3 percent as district judges completed 16,969 trials. Fifty-three courts reported decreases in total completed trials. The overall drop stemmed from reductions in completed criminal jury and nonjury trials and in completed civil nonjury trials.

A 5 percent drop in criminal trials (down nearly 400 trials) accounted for most of the downturn in total trials. Decreases in total criminal trials completed occurred in 51 districts, of which 7 districts reported declines of 25 or more trials. Four of these courts (New York-Eastern, Texas-Southern, Texas-Northern, and Massachusetts) reported decreases of 25 or more nonjury criminal trials. Once again, court officials re-



ported that these reductions occurred because increasing numbers of defendants are pleading guilty, thereby avoiding trial.

In 1997, total civil trials fell 2 percent to 10,155. Civil nonjury trials declined 5 percent, while civil jury trials increased 2 percent.

The overall decline in total trials also reflected the impact of the many other judicial proceedings included in the caseload of federal judges. In 1997, judges terminated 203,432 civil cases before or during pretrial proceedings. The increased use of various forms of alternative dispute resolution programs, including mediation and arbitration, may have reduced the number of civil cases going to trial. In addition, judges accepted pleas from 42,945 felony defendants, an increase of 11 percent over the 1996 total.

Appendix Table C-8 shows the lengths of all trials completed by district judges during 1997. Counting hearings on contested motions, restraining orders, and preliminary injunctions (which are included in this table's figures), 44 percent of all trials were completed in a single day—the same rate achieved in the last two years. In 1997, a total of 28 percent of all trials (4,734) lasted four days or longer; this was consistent with the percentages for the past five years. Appendix Tables C-7,

C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials.

### 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 current weighting system, which the Federal Judicial Center (FJC) developed in 1993, assigns weights to civil cases and to criminal felony defendants. Average civil cases and criminal defendants each receive a weight of approximately 1.0; those requiring more time from judges are assessed higher weights (e.g., a bankruptcy fraud case is assigned a weight of 5.31); and those demanding relatively little time from judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.031).

In 1997, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per judgeship was 519, up 10 percent from 1996. In contrast, the total number of unweighted filings (i.e., the raw number of cases and defendants in categories that receive weights) per judgeship rose 3 percent. Appendix Table X-1A provides, by district,

weighted and unweighted filings per authorized judgeship in 1997.

Weighted civil filings increased 12 percent during 1997 to 379, a much higher rate than the 1 percent rise in overall civil filings, primarily because more than 10,000 breast implant personal injury/product liability cases were filed in the Eastern District of Michigan. This type of case receives a higher weight

(1.740) than the average civil case. In approximately three-fourths of the districts, total weighted civil filings per judgeship totals were lower than total unweighted civil filings. The court with the lowest ratio of weighted civil filings to unweighted civil filings per judgeship was the Northern District of Ohio (419 versus 791), which once again had a large number of asbestos personal injury filings. The Eastern District of Michigan had the highest ratio (1536 versus 1084) as a result of the large influx of breast implant cases.

The total number of weighted criminal felony defendants per judgeship grew 4 percent to 140, reflecting the 6 percent increase in criminal felony defendants filed. This was well above the 89 unweighted felony defendants per judgeship. Once



*The number of weighted filings per authorized judgeship was 519, up 10 percent.*

again, weighted criminal filings were higher than unweighted criminal filings in all district courts. Criminal filings generally have higher weights than civil filings because they require more attention from judges and are more likely to go to trial (7 percent of criminal defendants went to trial compared to 3 percent of civil cases).

The federal judiciary has employed a weighted filing system since 1946. The current system assigns weights only when cases are first filed in district court. Thus, data on re-opens, remands, appeals from magistrate judges' judgments, and multidistrict litigation are not included among the totals for weighted and unweighted filings. Weights are not assigned to civil cases and criminal defen-

dants in the Virgin Islands, Guam, and the Northern Mariana Islands.

## U.S. Magistrate Judges

Magistrate judges are statutorily authorized to perform a wide array of judicial duties as assigned by district courts. Courts continue to rely on the services of magistrate judges for help in confronting the challenges of scarce judicial resources and expanding caseloads. Supplemental Table S-19 summarizes the magistrate judges' workload.

In 1997, magistrate judges performed 5 percent more duties overall than in 1996. Magistrate judges conducted 7 percent more preliminary proceedings in felony cases—a time-consuming workload category—than they did last year. Petty offense adjudications by magistrate judges rose 16 percent in 1997 following a statutory change that for some of these cases abolished the requirement that defendants consent to adjudication by a magistrate judge.

The consensual use of magistrate judges for civil case dispositions has continued to expand, facilitated in many courts by means such as includ-

ing magistrate judges in the random "draw" system for assigning civil cases. In 1997, dispositions of civil cases by magistrate judges exceeded 10,000 for the first time, a 1 percent increase over 1996.

Magistrate judges conducted 23,549 settlement conferences in 1997, a rise of 5 percent over 1996. They also devoted bench time to a larger number of motion hearings and oral arguments, with increases of 2 percent for civil cases and 10 percent for felony cases. The numbers of reports and recommendations by magistrate judges declined 20 percent for prisoner civil rights cases, but grew 6 percent for habeas corpus matters.

## Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 14,864 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 1997. The Panel transferred 13,909 cases filed originally in 92 different district courts to 38 transferee districts for inclusion in coordinated or consolidated pretrial proceedings; 955 actions already were pending in the



transferee districts. The Panel denied the transfer of 192 actions. This year, the Panel's significant determinations included cases involving asbestos, the Norplant contraceptive device, and breast implants.

Since its creation in 1968, the Panel has centralized 124,274 civil actions for pretrial proceedings. A total of 3,781 actions have been remanded for trial, 279 have been reassigned within the transferee district, and 66,168 have been terminated in the transferee court. On September 30, 1997, a total of 54,046 actions were pending throughout 45 transferee district courts.

Supplemental Tables S-21 and S-22 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 1997, a total of 90,032 appointments of counsel were made under the Criminal Justice

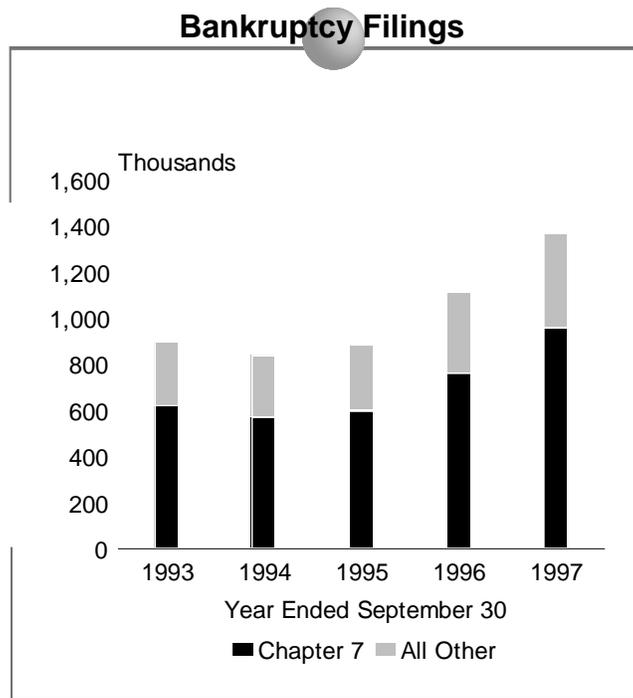
Act (CJA), an increase of 8 percent over 1996. The CJA provides funding for the representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing such representation by private panel attorneys or by federal public or community defender offices.

This year, representations by the 63 federal defender organizations (including representations in appeals, habeas corpus, revocation, and criminal matters) rose 9 percent to 52,195. Appointments of private panel attorneys grew 6 percent to 37,837.

Supplemental Table S-23 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 1997.

### U.S. Bankruptcy Courts

Reaching an all-time high, filings in the U.S. bankruptcy courts soared 23 percent to 1,367,364 in 1997. Once again, the surge in bankruptcy filings most likely was linked to the rise in consumer debt as a per-



centage of personal income. Filings rose in 93 of the 94 districts, with 82 courts experiencing growth greater than 15 percent. The largest numerical increases occurred in the Central District of California (up 18,375 cases), the District of New Jersey (up 8,687), the Middle District of Florida (up 8,414 cases), and the District of Maryland (up 8,138 cases). 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.

This year's appreciable growth primarily comprised nonbusiness filings, which climbed 24 percent. Nonbusiness filings have constituted an

increasingly larger percentage of overall bankruptcy filings for more than a decade, climbing from 82 percent in 1984 to 96 percent in 1997. Business filings accounted for a small part of the overall increase in 1997, rising just over one percent.

The overall growth in bankruptcy filings this year emanated from a 26 percent surge in chapter 7 cases and an 18 percent jump in chapter 13 cases. Both nonbusiness and business filings under these

chapters increased, but the overall increase in filings resulted mainly from nonbusiness petitions, which rose 27 percent under chapter 7 and 18 percent under chapter 13. Under chapter 7, which accounted for more than 70 percent of all bankruptcy filings, individuals or businesses are allowed to retain certain exempt property while their remaining property is sold to repay creditors. Under chapter 13, which accounted for 29 percent of all bankruptcy filings,

creditors may be repaid, in full or in part, in installments over a three- to five-year period.

Filings of petitions under chapter 11 fell 11 percent as a result of declines in both business and nonbusiness cases, which decreased 11 percent and 6 percent, respectively. This reduction most likely stemmed from an improved business environment with fewer financially troubled businesses, particularly large businesses. Chapter 11, which accounted for less than 1

**Table 6**

**U.S. Bankruptcy Courts  
Bankruptcy Code Cases Filed, Terminated, and Pending  
Fiscal Years 1993 Through 1997**

Year	Total	Filed		Terminated	Pending
		Nonbusiness	Business		
1993	897,231	832,374	64,857	958,408	1,152,824
1994	837,797	783,372	54,425	869,771	1,110,428
1995	883,457	832,415	51,042	892,796	1,086,453
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	1,332,610
% Chg. 1997 Over 1996	23.0	24.1	1.4	21.8	12.1

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

**Table 7**

**U.S. Bankruptcy Courts  
Filings by Chapter of the Bankruptcy Code  
Fiscal Years 1993 Through 1997**

Year	Total	Chapter				
		7	11	12	13	Other
1993	897,231	621,071	20,111	1,355	254,667	27
1994	837,797	571,971	15,920	931	248,942	33
1995	883,457	598,250	12,639	883	271,650	35
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
% Chg. 1997 Over 1996	23.0	25.8	-10.6	-11.9	18.0	-25.5

percent of all bankruptcy filings, is generally used to allow a business to continue operations while formulating a plan to repay its creditors, although individuals also may file under this chapter. Filings under chapter 12 dropped 12 percent. Chapter 12, which accounted for less than 0.1 percent of all bankruptcy filings, addresses the needs of financially distressed family farmers.

Terminations of bankruptcy petitions jumped 22 percent to 1,223,967. Because filings exceeded terminations by more than 140,000 cases, the pending bankruptcy caseload

increased 12 percent to a total of 1,332,610 cases pending as of September 30, 1997.

Filings of adversary proceedings rose 3 percent to 73,174 in 1997. Adversary proceedings arise from bankruptcy cases and include actions to object to or revoke discharges, actions to determine the dischargeability of debts, and actions to obtain injunctions or other equitable relief. Although filings of adversary proceedings grew overall, only 57 bankruptcy courts experienced increases, with 16 reporting rises greater than 20 percent. Terminated adversary proceedings de-

clined 5 percent to 79,949, but because terminations exceeded filings, adversary cases pending dropped 10 percent to 79,933 as of September 30, 1997. Data on adversary proceedings by district appear in Appendix Table F-8.

## Probation

On September 30, 1997, a total of 91,434 persons were under the supervision of the U.S. probation system, a 3 percent increase over the number reported for September 30, 1996. This growth resulted pri-

**Table 8**

**Persons Under Supervision of the Federal Probation System  
Fiscal Years 1993 Through 1997**

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
1993	48,722	41,275	48,032	40,568	86,823
1994	46,273	39,820	44,864	38,231	89,103
1995	45,163	38,745	45,041	38,879	85,822
1996	48,367	41,877	45,804	39,380	88,966
1997	46,190	40,117	44,757	39,024	91,434
% Chg. 1997 Over 1996	-4.5	-4.2	-2.3	-.9	2.8

Note: The decrease in persons under supervision in 1995 resulted from a review of the probation statistical data base, which identified and closed case records that had been coded incorrectly.

marily from an 11 percent jump in the number of persons serving terms of supervised release following their release from prison. Persons serving terms of supervised release totaled 51,036, up from 45,911 on September 30, 1996. Overall, persons serving terms of supervised release constituted 56 percent of all persons under supervision, compared to 52 percent one year earlier. Cases involving probation imposed by district

judges declined 3 percent, those involving probation imposed by magistrate judges declined 3 percent, those involving parole fell 18 percent, and those involving mandatory release dropped 17 percent.

The number of persons received for supervision (including transfers) fell 5 percent in 1997 to 46,190, probably as a result of a freeze in assistant U.S. district attorney positions from April 1993 to September 1994.

This freeze caused a 7 percent decline from 1993 to 1995 in the number of defendants imprisoned after conviction. Because nearly half of imprisoned defendants receive prison terms of three years or less, the effect of this earlier decrease in persons imprisoned is now reflected in the reduced numbers received for supervision. Unlike the total for persons under supervision, the number of persons received for terms of super-

vised release remained stable at 22,122. The number of persons received for all other forms of supervision declined 9 percent. Detailed probation data appear in Table 8 and in the E series of the appendix tables.

**Investigative Reports**

Probation officers prepared 172,806 investigative reports in 1997, nearly the same number they produced last year. The largest increases occurred for reports addressing alleged violations of probation and parole (up 3,088 reports), pre-

release investigations for federal institutions (up 1,812 reports), and collateral reports for other districts (up 1,372 reports). Furlough/work-release reports for Bureau of Prisons institutions and supervision reports declined the most, dropping by 3,641 reports and 1,996 reports, respectively. The number of presentence reports rose 1 percent (up 512 reports) despite a 6 percent increase in criminal convictions. This difference mainly resulted from a substantial increase in immigration cases for which presentence reports are not normally pre-

pared. Table 9 presents data on investigative reports prepared by probation officers in 1996 and 1997.

**Substance Abuse Identification and Treatment Services**

Substance abuse services are available to federal offenders either from local service providers under contract to probation offices or directly from proba-

**Table 9**

**Investigative Reports by Probation Officers  
Fiscal Years 1996 and 1997**

Type of Investigation	1996	1997	Percent Change
<b>Total</b>	<b>173,054</b>	<b>172,806</b>	<b>-0.1</b>
Presentence Report*	51,662	52,174	1.0
Collateral Report for Another District	33,589	34,961	4.1
Pretransfer (Probation and Parole)	6,590	6,088	-7.6
Alleged Violation (Probation and Parole)	26,759	29,847	11.5
Pre-Release for a Federal Institution	16,550	18,362	10.9
Special Regarding a Prisoner in Confinement	7,142	6,545	-8.4
Furlough/Work-Release			
Report for Bureau of Prisons Institutions	8,792	5,151	-41.4
Supervision Report	20,473	18,477	-9.7
Parole Revocation	1,497	1,201	-19.8

\*Presentence report includes postsentence-for-institution investigations.

tion offices that can provide these services. The percentage of offenders receiving contract services for drug and alcohol dependency rose to 60 percent in 1997, up from 57 percent in 1996. Forty percent of all offenders receiving such services obtained them directly from probation offices. Of the drug-dependent clients, 62 percent received services from providers under contract; 47 percent of the alcohol-dependent clients received services from providers under contract.

Supplemental Table S-16 shows that the number of alcohol- and drug-dependent offenders rose 3 percent in 1997 to 23,604. The number of

drug-dependent offenders increased 7 percent to 20,713; the number of alcohol-dependent offenders declined 15 percent to 2,891.

## Pretrial Services

In 1997, the number of defendants activated in the pretrial services system increased 9 percent (up 5,786) to 69,283. This growth was consistent with the rise in criminal defendant filings in the district courts. Because pretrial services officers (PSOs) collected, verified, and reported information on more defendants, the number of inter-

views, bail hearings, bail reports, defendants supervised, and defendants detained also rose. Judicial officers use the 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 community safety.

The PSOs interviewed 7 percent more defendants (up 3,553) and prepared 9 percent more bail reports (up 5,620) than in 1996. Prebail reports constituted 92 percent of the bail reports prepared. The remaining reports were provided to the courts for other hearings

**Table 10**

### Summary of Pretrial Cases Fiscal Years 1996 and 1997

	1996	1997	Percent Change
Pretrial Cases Activated	63,497	69,283	9.1
Pretrial Diversion Cases Activated	2,198	2,402	9.3
Released on Supervision	30,502	30,757	.8
Type of Report			
Prebail	55,331	60,892	10.1
Postbail	4,005	3,939	-1.6
Other	1,514	1,639	8.3
No Report	2,647	2,813	6.3

in which pretrial services release was an issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

The courts released 37 percent (25,343) of activated defendants at initial hearings and 13 percent (8,688) at detention hearings. This overall 50 percent release rate was 2 percentage points lower than the rate for 1996. The decline is consistent with the increase in district courts' caseload involving drugs and immigration, because defendants charged with such offenses are more likely to be detained. Of those released, 30,757 defendants (90 percent) were placed into the custody of PSOs; 27,785 of these defendants also received restrictive conditions. For persons under supervision, the 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 and were imposed on 16,536 defendants (up 6 percent). From 1996 to 1997, the number of defendants receiving such conditions remained stable as a percentage of all active defendants

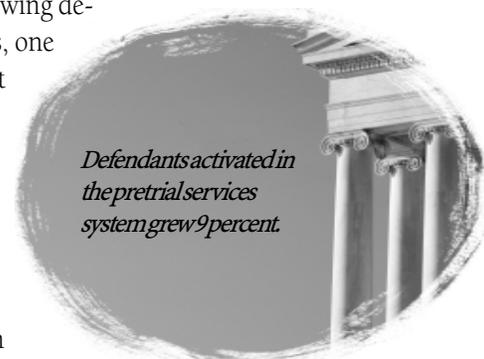
(69,283 defendants), but rose 2 percentage points as a percentage of all defendants with restrictive conditions (27,785 defendants).

House arrest and electronic monitoring, which are less expensive alternatives to detention, were other restrictive conditions ordered for 6 percent (4,747) of activated defendants, almost the same proportion as 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 another program intended to preserve prosecutorial and judicial resources for more serious criminal matters. 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 1997, a total of 2,402 defendants were placed in the pretrial diversion program, equaling approximately 3 percent of activated cases, the same percentage as in 1996.

The courts detained 34 percent (23,863) of activated defendants following detention hearings, one percentage point more than in 1996. In both years, detention was ordered for 73 percent of defendants for whom detention hearings took place. Risk of flight was the primary reason cited for 90 percent of defendants detained, the same as in 1996.

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



## Complaints Against Judicial Officers

Pursuant to 28 U.S.C. 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 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

**Table 11**

**Judicial Complaints Filed, Concluded, and Pending**

	1995*	1996*	1997	Percent Change 1997 over 1996 <sup>1</sup>
Filed	567	529	679	28.4
Concluded	557	608	482	-20.7
By Chief Judges	401	359	270	-24.8
Dismissed	387	349	263	-24.6
Corrective Action Taken	12	3	2	—
Withdrawn	2	7	5	—
By Judicial Councils	156	249	212	-14.9
After Review of Chief Judge's Dismissal <sup>2</sup>				
Dismissed	155	249	212	-14.9
Action Taken	1	—	—	—
Referred to Judicial Conference	—	—	—	—
After Report by Investigative Committee				
Dismissed	—	—	—	—
Action Taken	—	—	—	—
Referred to Judicial Conference	—	—	—	—
Pending	188	109	306	180.7

<sup>1</sup>Percent not calculated for fewer than 10 cases.

<sup>2</sup>Petition for review of a chief judge's dismissal of a complaint.

\*Revised.

or for the applicable national court. The number of judicial complaints filed in 1997 totaled 679, a 28 percent increase over the previous year. Table 11 summarizes judicial complaints activity from 1995 through 1997.

A single complaint may involve multiple allegations against numerous judicial officers. In 1997, the Eighth and Ninth Cir-

cuits received an unusual number of complaints filed against multiple judges. For the judiciary as a whole, the allegations cited most often were prejudice/bias, abuse of judicial power, and "other."

Of the 482 complaints terminated in 1997, chief judges dismissed 270 for which no petitions were filed

for review by judicial councils. Judicial councils terminated the remaining 212 complaints on petitions for review, all of which were dismissed without any action taken. Eighty percent of the complaints dismissed by chief judges without the appointment of a special committee were found to be outside the jurisdiction of 28 U.S.C. 372(c) because

they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints.

**Status of Article III Judgeships**

On September 30, 1997, a total of 24 vacancies existed among the 179 judgeships au-

thorized for the U.S. courts of appeals, an increase of 33 percent over the previous year's total and more than twice the number of vacancies on September 30, 1995. One of these vacancies was in a position created on December 1, 1990, by the Federal Judgeship Act of 1990. That vacancy, along with eight others, had existed for more than 18 months. Table 12 provides information on the sta-

tus of judgeship positions since 1993.

On September 30, 1997, in the U.S. district courts, 69 vacancies existed among the 647 positions authorized, a rise of 57 percent over the total reported one year earlier. Of these vacancies, 21 had existed for at least 18 months; only 13 positions had been vacant that long as of September 30, 1996. Two of these vacancies once again involved new positions created by

**Table 12**

**Status of Judgeship Positions  
1993 Through 1997 <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	Vacancies	Senior Judges <sup>4</sup>
1993	179	20	72*	649	107	242
1994	179	18	81	649	60	292
1995	179	11	81	649	46	255
1996	179	18	82	647	44	274
1997	179	24	87	647	69	278

<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> Senior judges with staff.

\* Revised.

**Table 13**

**Status of Bankruptcy Judgeship Positions**

<b>Year</b>	<b>Authorized Judgeships</b>	<b>Vacancies</b>	<b>Recalled Judges</b>
1993	326	2	12
1994	326	12	22
1995	326	11	23
1996	326	13	23
1997	326	13	22

the Federal Judgeship Act of 1990.

In addition to active judges, 87 senior appellate judges and 278 senior district judges were serving to the judiciary on September 30, 1997.

**Status of Bankruptcy Judge Appointments**

On September 30, 1997, a total of 326 bankruptcy judgeships were authorized and funded. Of that number, 313 bankruptcy judgeship positions were filled and 13 were vacant. In addition to these positions, 22 recalled bankruptcy judges were providing service to the judiciary on September 30, 1997. Table 13 summarizes the status

of bankruptcy judgeship positions through September 30, 1997.

**Appointment of Magistrate Judges**

During fiscal year 1997, a total of 35 full-time magistrate judges were appointed, 11 of them by reappointment. Of the 24 new appointments, 12 were for new positions. During the same period, 19 individuals were appointed to part-time magistrate judge positions, 14 of them by reappointment. Of the five new part-time appointments, two were new positions.

In 1997, the average age of new appointees to full-time magistrate judge positions was

48 years; the average age of new appointees to part-time magistrate judge positions was 40 years. New full-time appointees had been members of the bar for an average of 20 years at the time of appointment; part-time magistrate judges averaged 13 years of bar membership. Of the new full-time magistrate judges, 15 had been in private practice and 3 had been assistant U.S. attorneys. Other new appointees included a part-time U.S. magistrate judge, a state superior court judge, a state circuit judge, a state district judge, a state common pleas court judge, and a federal public defender.

Through its September 1997 session, the Judicial Conference authorized 432 full-time magistrate judge positions, 75 part-time positions, and 3 combination clerk of court/magis-

**Table 14**

**U.S. Magistrate Judge Positions  
Authorized by the Judicial Conference  
1992 Through 1997**

	<b>Year</b>	<b>Total</b>	<b>Full-Time</b>	<b>Part-Time</b>	<b>Combination</b>
1992	Spring	479	369	104	6
	Fall	479	374	100	5
1993	Spring	483	381	97	5
	Fall	482	385	93	4
1994	Spring	492	396	92	4
	Fall	494	406	85	3
1995	Spring	498	413	82	3
	Fall	497	416	78	3
1996	Spring	496	416	77	3
	Fall	502	422	77	3
1997	Spring	508	429	76	3
	Fall	510	432	75	3

trate judge positions. This year, 20 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 1992.

**U.S. Court of  
International  
Trade**

The U.S. Court of International Trade has jurisdiction over cases arising throughout the nation, most of which involve the classification and valu-

ation of imported merchandise, customs duties, and allegedly unfair import practices by trading partners. For 1997, the U.S. Court of International Trade reported 2,275 cases filed, a reduction of 21 percent from the 2,885 filed in 1996, but an increase of 47 percent over the 1,543 filed in 1995. Filings in 1996 had soared 87 percent over 1995 when the court received more than 2,000 filings challenging the constitutionality of the Harbor Maintenance Tax. Plaintiffs contesting the Harbor Maintenance Tax began filing actions in November 1994. After 1996, few new complaints

addressing this issue were submitted.

New filings outnumbered terminations, causing pending cases to rise 29 percent to 6,996 cases on September 30, 1997. Appendix Table G-1 provides a summary of cases filed and terminated during 1996 and 1997.

**U.S. Court  
of Federal  
Claims**

During 1997, a total of 935 cases were filed in the U.S. Court of Federal Claims, an increase of 9 percent over last



year's 857 filings. This growth consisted primarily of tax claims and vaccine injury compensation petitions. Tax filings rose to 263 (up 69 cases). Vaccine in-

jury compensation actions jumped from 88 in 1996 to 107 in 1997, most likely because three additional vaccines were added to those covered under the National Vaccine Injury Compensation Act of 1988. The 1,010 case terminations outnumbered filings, which helped reduce the pending caseload 2 percent from 3,023 on October 1, 1996, to 2,948 one year later.

For actions terminated in 1997, judgments rendered for claimants totaled \$757.8 million, of which \$199.1 million carried interest. Judgments rendered for the United States on counterclaims or offsets totaled \$36.6 million. In nonmonetary actions under its jurisdiction, the court disposed of 28 contract cases seeking injunctive or declaratory relief, a 15-case increase that more than doubled

the number disposed of last year. This growth occurred because in 1997 Congress expanded the court's jurisdiction to include procurement cases in which disappointed bidders for federal contracts file post-award actions. Previously, all federal post-award actions were reviewed by the U.S. district courts, and the Court of Federal Claims reviewed only those actions brought before contracts were awarded.

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 disposition. Appendix Tables G-2A and G-2B provide summary data on the caseload of Court of Federal Claims for the year ending September 30, 1997.