

1998 CASELOAD HIGHLIGHTS

U.S. Courts of Appeals

- Appeals filings rose 3 percent to an all-time high for the third consecutive year.
- Civil appeals filings increased 6 percent as prisoner petition appeals jumped 8 percent.
- Criminal appeals filings grew nearly 1 percent.

U.S. District Courts

Criminal Filings

- Criminal case filings increased 15 percent, and defendants in criminal cases filed grew 13 percent.
- Immigration case filings soared 40 percent and accounted for 16 percent of all criminal filings.
- Drug case filings jumped 19 percent, and defendants charged with drug offenses rose 14 percent.

Civil Filings

- Civil filings declined for the first time in five years, falling 6 percent due to 6 percent reductions in private cases related to federal question litigation and diversity of citizenship jurisdiction.
- Filings with the United States as defendant dropped 12 percent as federal prisoner petitions decreased 34 percent.

U.S. Bankruptcy Courts

- Bankruptcy petitions increased 5 percent to a record level for the third consecutive year.
- Nonbusiness filings grew 6 percent; business filings dropped 13 percent.
- Chapter 7 filings rose 7 percent, and chapter 13 filings increased 1 percent.

Federal Probation and Pretrial Services System

- The number of persons under supervision rose 3 percent to 93,737 on September 30, 1998.
- The number of persons serving terms of supervised release rose 7 percent and accounted for 58 percent of all persons under supervision.
- The number of pretrial services defendants grew 13 percent to 78,603.

JUDICIAL BUSINESS



“The major trend emerging from the 1998 data . . . is that the federal courts’ caseload rose in most program areas this year. Once again, record numbers of cases were filed in the appellate and bankruptcy courts, . . . [and] the numbers of criminal case filings and criminal defendants in cases filed this year registered double-digit percentage increases for the first time since 1972. . . .”

This report contains statistical data on the business of the federal judiciary during fiscal year 1998, 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 and pretrial services system; and other components of the federal judiciary. A table of judicial caseload indicators presents totals for all major segments of the federal courts (see page 16).

The major trend emerging from the 1998 data (see Caseload Highlights section) is that the federal courts' caseload rose in most program areas this year. Once again, record numbers of cases were filed in the appellate and bankruptcy courts, which reported increases of 3 percent and 5 percent, respectively. Although filings of new civil cases in U.S. district courts dropped 6 percent after five years of sustained growth, causing overall district court filings to decline 2 percent, civil case filings were 9 percent higher in 1998 than in 1994. Moreover, the numbers of criminal case filings and criminal defendants in cases filed this year registered double-digit percentage increases for the first time since 1972, rising 15 percent and 13 percent, respectively. As of September 30, 1998, the federal probation system reported having 3 percent more persons under supervision than it did one year earlier, and the number of pretrial services cases activated surged 13 percent.

Federal judges have seen their caseload and associated workload rise significantly over the last five years. From 1994 to 1998, 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 16 percent to 484;
- the number of appeals filed per three-judge panel grew 11 percent;
- bankruptcy filings per authorized judgeship soared 72 percent to 4,408.

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

U.S. Courts of Appeals

Reaching a record-breaking level for the third consecutive year, filings in the 12 regional courts of appeals grew 3 percent to 53,805. Increases in civil appeals (up 6 percent) and bankruptcy appeals (up 4 percent) were responsible for the overall

Judicial Caseload Indicators
Fiscal Years 1994, 1997, and 1998

Judicial Caseload	1994	1997	1998	% Change Since 1994	% Change Since 1997
U.S. Courts of Appeals¹					
Cases Filed	48,322	52,319	53,805	11.3	2.8
Cases Terminated	49,184	51,194	52,002	5.7	1.6
Cases Pending	37,269	39,846*	41,649	11.8	4.5
U.S. District Courts					
Criminal (Includes Transfers)					
Cases Filed	45,484	50,363	57,691	26.8	14.6
Defendants in Cases Filed	62,956	70,201	79,008	25.5	12.5
Cases Terminated	45,129	46,887	51,428	14.0	9.7
Cases Pending	26,328	37,237*	43,500	65.2	16.8
Civil					
Cases Filed	236,391	272,027	256,787	8.6	-5.6
Cases Terminated	228,361	249,641	262,301	14.9	5.1
Cases Pending	223,759	272,602*	267,088	19.4	-2.0
U.S. Bankruptcy Courts					
Cases Filed	837,797	1,367,364	1,436,964	71.5	5.1
Cases Terminated	869,771	1,223,967	1,377,206	58.3	12.5
Cases Pending	1,110,428	1,326,136*	1,385,894	24.8	4.5
Federal Probation System					
Persons Under Supervision	89,103	91,434	93,737	5.2	2.5
Presentence Reports	44,434	52,174	57,794	30.1	10.8
Pretrial Services					
Pretrial Services Cases Activated	56,070	69,283	78,603	40.2	13.5
Total Released on Supervision	24,568	26,879*	29,974	22.0	11.5

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

*Revised.

growth. A 2 percent rise in appeals terminated caused terminations per authorized three-judge panel to grow from 920 to 934. Tables 1 and 2 contain summary data on the activity of the U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables.

The number of appeals filed has climbed steadily since 1994, increasing 11 percent overall. Growth in appeals has continued despite the enactment of the Prison Litigation Reform Act (PLRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) in 1996, both of which contain provisions aimed at reducing prisoner petitions. Although the number of prisoner petition filings in the appellate courts fell 5 percent in 1997 as a result of these acts, that reduction was offset by increases in appeals of administrative agency decisions and original proceedings, which jumped 56 percent and 16 percent, respectively. In 1998, prisoner petitions rose 8 percent, once again driving an overall rise in appeals filed.

This year, seven circuits reported increases in appeals filed, with the most notable growth taking place in the Fifth Circuit (up 7 percent) and the District of Columbia Circuit (up 6 percent). The greatest declines in appeals filed took place in the Seventh and Tenth Circuits, which both reported reductions of 2 percent. Filings in the First, Second, and Eighth Circuits remained relatively stable, dropping less than 1 percent.

The overall growth in civil appeals in 1998 was linked to an 8 percent increase in prisoner petition appeals and a 7 percent increase in civil rights appeals. Habeas corpus petitions surged 36 percent to surpass filings of civil rights prisoner petition appeals for the first time despite the enactment of the AEDPA. A 36 percent jump in habeas corpus filings by state prisoners was largely responsible for the overall increase, with the Fifth Circuit showing the most significant growth, a rise of 72 percent (up 575 appeals). A 5 percent increase in motions to vacate sentence also contributed to the overall rise in prisoner petitions.

In contrast, civil rights prisoner petitions (including those addressing prison conditions) fell 11 percent from 1997 to 1998. This followed a 20 percent drop from 1996 to 1997 that most likely stemmed from the enactment of the PLRA.

Filings in the 12 regional courts of appeals reached the third consecutive all-time high, with increases reported in 7 circuits.



Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 1994 Through 1998

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
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	39,846*
1998	167	53,805	967	52,002	934	41,649
% Chg. 1998 Over 1997	—	2.8	2.8	1.6	1.6	4.5

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 1997 and 1998

Source	1997	1998	Percent Change
Total	52,319	53,805	2.8
U.S. District Courts			
Criminal	10,521	10,535	0.1
Civil—Total	35,414	37,522	6.0
Prisoner Petitions	16,188	17,422	7.6
U.S. Civil	3,803	4,292	12.9
Private Civil	15,423	15,808	2.5
Other Appeals			
Bankruptcy	1,158	1,203	3.9
Administrative Agency	4,412	3,793	-14.0
Original Proceedings	814	752	-7.6

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

Cases involving pro se litigants (66 percent of them prisoners) rose 6 percent in 1998. Pro se cases constituted 44 percent of all appeals filed, up from 42 percent last year. Filings of pro se appeals increased in 8 of the 12 circuits, with the District of Columbia, Eleventh, and Fifth Circuits experiencing growth greater than 10 percent. Increases also occurred in the number of pro se litigants filing civil rights appeals (up 9 percent) and prisoner petitions appeals (up 6 percent). Supplemental Table S-4 contains summary data on pro se appeals.

Bankruptcy appeals climbed 4 percent this year. Growth in such filings was reported in 6 of the 12 circuits, with increases ranging from 9 to 60 percent.

Criminal appeals remained relatively stable this year, rising less than 1 percent. Increases in appeals related to immigration laws (up 66 percent) and drugs (up 2 percent) offset declines in those involving weapons and firearms (down 14 percent) and fraud (down 10 percent).

Filings of administrative agency appeals and original proceedings declined 14 percent and 8 percent, respectively. Decreases in appeals of Benefits Review Board and Environmental Protection Agency decisions, which returned to more typical levels after registering unusual growth in 1997, were primarily responsible for the overall decline in administrative agency appeals.

Appeals involving pro se litigants rose 6 percent in 1998.



.S. Court of Appeals for the Federal Circuit

Filings in the U.S. Court of Appeals for the Federal Circuit remained constant, as totals for appeals filed in 1997 and 1998 each equaled 1,454. Overall movement in filings in the Federal Circuit typically is linked to activity involving the Merit Systems Protection Board (MSPB). This year, however, a 15 percent decline (down 82 cases) in appeals of MSPB decisions was offset largely by increases in appeals arising from the U.S. Court of Federal Claims, which rose 28 percent (up 42 appeals); the U.S. Court of Veterans' Appeals, which rose 45 percent (up 38 appeals); and U.S. district courts, which rose 6 percent (up 24 cases).

Since 1994, filings of appeals in the Federal Circuit have decreased 15 percent (down 251 cases). Although filings of U.S. district court appeals have increased every year for the past five years and have grown 27 percent (up 89 cases) since 1994, this has not compensated for the 43 percent drop (down 348 cases) in MSPB appeals during that period.

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

Criminal Filings

In 1998, percentage increases for criminal cases and for defendants in cases filed both reached double digits. The last year in which criminal case filings showed a double-digit percentage increase was 1972, when filings jumped 14 percent as a result of the Comprehensive Drug Abuse Prevention and Control Act of 1970. Case filings climbed 15 percent from 50,363 in 1997 to 57,691 in 1998, which caused filings per authorized judgeship to rise from 78 to 89 cases. The number of defendants grew 13 percent from 70,201 to 79,008. Criminal case terminations increased 10 percent to 51,428. With filings outpacing terminations, the pending caseload rose 17 percent to 43,500. Table 3 summarizes the number of criminal cases filed, terminated, and pending for the past five years.

Criminal case filings (excluding transfers) have increased each year since 1994 and rose 28 percent from 1994 to 1998. This growth has stemmed largely from increased filings of cases involving drug and immigration law violations. During that period, drug cases jumped 43 percent, and immigration cases soared 260 percent, primarily because of U.S. Department of Justice (DOJ) initiatives 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. Also during that five-year period, fraud cases rose 18 percent, although some of these cases involved immigration-related fraud.

In 1998, filings of all major types of criminal cases increased. The combination of drug, fraud, and immigration filings accounted for 60 percent of all criminal cases and for 65 percent of all criminal defendants, a three percentage point rise in cases and a two percentage point rise in defendants over last year. For the first time in 26 years, immigration filings exceeded fraud filings to become second only to drug filings in numbers of cases. Immigration filings accounted for 16 percent of all criminal cases and 13 percent of all criminal defendants.

Drug case filings climbed 19 percent to 16,281, while defendants in drug cases filed increased 14 percent to 29,472. These record high levels resulted from increased resources made available to U.S. attorneys in districts along the nation's southwestern border. Drug case filings rose or remained stable in 57 districts, in part because U.S. attorneys prosecuted in the federal courts defendants identified by state and local law enforcement agencies. The recent rise in drug case filings is also consistent with the U.S. Office of Drug Control Policy's emphasis on the U.S.-Mexico border in the war

The 28 percent growth in criminal case filings since 1994 has stemmed largely from filings of cases involving drugs and immigration.

Table 3
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending
(Includes Transfers)
Fiscal Years 1994 Through 1998

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
1994 ³	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	37,237*
1998	646	57,691	89	16,281	51,428	43,500
% Chg. 1998 Over 1997	—	14.6	14.2	19.2	9.7	16.8

¹ Excludes transfers.

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

³ Data for cases have been revised.

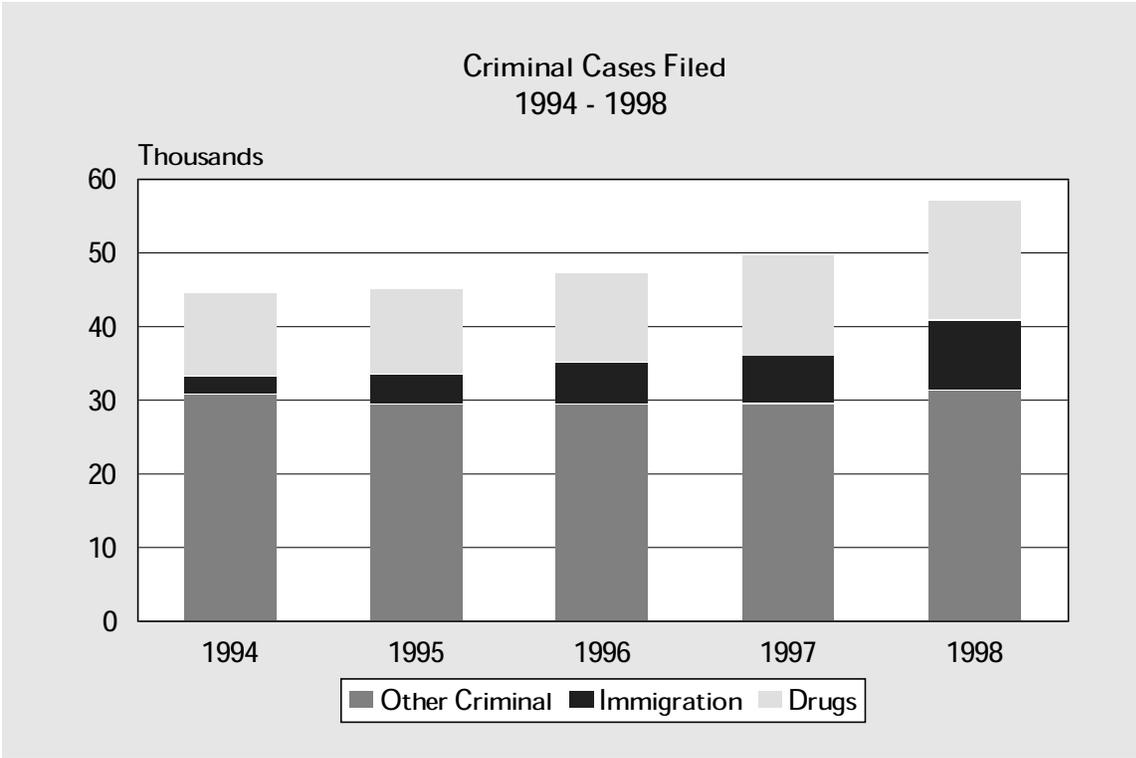
* Revised.

against drugs and with DOJ's policies that emphasize prosecuting drug offenses and violent crimes under federal laws, which typically carry more severe sentences than state laws.

With the increase in drug cases exceeding the increase in drug defendants, the defendants-to-case ratio for such cases declined from 1.9 to 1.8; however, this ratio remained higher than the ratio of 1.4 defendants per case for all criminal filings. This reduction in the defendants-to-case ratio stemmed from a rise in drug cases associated with immigration law violations, which often had one defendant per case.

The Western District of Texas led the nation in numbers of drug cases (1,593) and drug defendants (2,320). The Southern District of California was second with 1,564 cases and 2,046 defendants. Combined, the growth in three southwestern districts—the Southern District of California, Southern District of Texas, and Western District of Texas—accounted for 57 percent of the increase in drug case filings.

Immigration case filings soared 40 percent to 9,339, while the number of defendants in immigration cases filed grew 38 percent to 10,147. Once again, the majority of immigration cases were filed in district courts along the southwestern border of the United States. The Southern District of California continued to lead the nation for



this offense, having 19 percent of all immigration cases (1,799 cases), although immigration case filings in this district remained stable. Other southwestern districts with large numbers of immigration filings were the Southern District of Texas (1,205 cases), the District of Arizona (1,165 cases), and the Western District of Texas (1,143 cases). Combined filings for these three districts accounted for 60 percent of the rise in immigration case filings.

Fraud and firearms offenses were the other major crimes for which case filings rose, also largely due to increases in filings in the southwestern border districts. Fraud case filings rose for the fourth consecutive year, growing 6 percent primarily because of fraud filings associated with immigration law violations and to a lesser extent because of lending institution and security and exchange fraud. After rising for three consecutive years, filings of false claims and statements cases declined 4 percent in 1998.

Weapons and firearms case filings rose or remained stable in 62 districts across the nation, in part because U.S. attorneys prosecuted in the federal courts defendants identified by state and local law enforcement agencies. Total weapons and firearms case filings climbed 14 percent from 3,184 to 3,641, and defendants in such cases increased 11 percent from 3,988 to 4,441.

The number of criminal defendants convicted this year rose 8 percent (up 4,237) to 59,885. The conviction rate remained stable at 88 percent. The number of defendants imprisoned grew 10 percent (up 4,061) to 45,166. The rate of imprisonment increased one percentage point from 74 percent in 1997 to 75 percent in 1998 and was five percentage points higher than in 1994. The conviction and imprisonment rates for drug, immigration, and fraud defendants in the Southern District of California, the Southern District of Texas, the Western District of Texas, and the District of Arizona remained high because these defendants typically plead guilty, and defendants who are illegal aliens are imprisoned prior to deportation.

The number of criminal defendants convicted rose 8 percent.

The median time from the filing of a criminal case to the disposition of the defendant declined from 5.8 months in 1997 to 5.6 months in 1998. This lower median time stemmed from a rise in cases in districts along the nation's southwest border that consisted of actions that generally were less complex and were processed quickly.

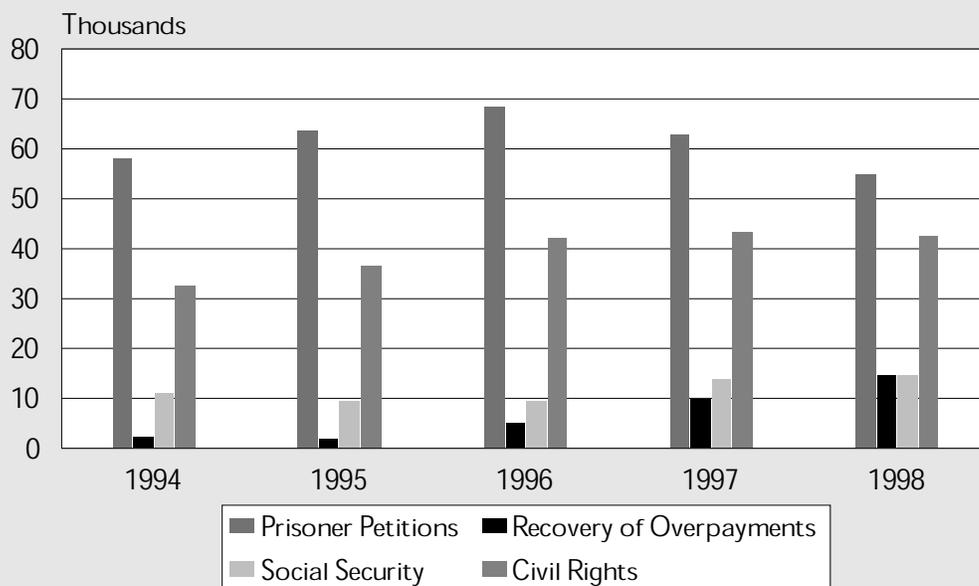
The D series of the appendix tables contains detailed data on the criminal caseload by district.

Civil Filings

Civil case filings in the U.S. district courts decreased 6 percent to 256,787—the first drop in civil filings in five years. This caused civil filings per authorized judgeship to fall from 420 to 398. The reduction in civil filings resulted primarily from declines in private cases related to federal question (i.e., the federal courts' interpretation and application of the U.S. Constitution, acts of Congress, or treaties) and diversity of citizenship litigation, as well as filings involving the United States as defendant.

Despite the drop in 1998, civil filings have risen 9 percent over the past five years, primarily due to increases in contract actions (up 35 percent), mostly in cases involving defaulted student loans; civil rights filings (up 30 percent), mostly in employment cases that likely rose as a result of the Americans with Disabilities Act of 1991 and the Civil Rights Act of 1991; personal injury filings (up 5 percent), mostly in personal injury/product liability cases related to breast implants and asbestos; and social security cases (up 33 percent), mostly in disability and supplemental security income claims. Since 1994, filings of prisoner petitions have declined 6 percent, mainly as a result of reductions in the number of civil rights prisoner petitions filed (down 32 percent). Civil filings per authorized judgeship have grown 9 percent from 364 cases in 1994 to 398 cases in 1998. District judges, on average, achieved a 15 percent increase in the number of civil case terminations per judge during this period. Over the past five years, pending cases increased 19 percent, however, largely because of the influx of breast implant cases in 1995 and 1996.

Civil Filings 1994 - 1998



In 1998, private cases fell 6 percent, chiefly due to 6 percent drops in both federal question litigation (down 9,769 cases to 146,827) and diversity of citizenship filings (down 3,286 cases to 51,992). The decline in federal question litigation was attributable mostly to a 22 percent reduction in personal injury cases, of which product liability filings (mostly breast implant cases) fell 26 percent (down 4,340 cases). Filings in the Eastern District of Michigan decreased 40 percent (6,671 cases), returning to more typical levels after a year in which an unusually large number of preexisting breast implant cases or claims filed in other districts had been transferred there in accordance with a 1997 decision by the U.S. Court of Appeals for the Sixth Circuit. This transfer caused an uncommon 10,000-case surge in civil filings in that district in 1997. In addition, federal question litigation involving state prisoner petitions fell 7 percent (down 3,234 petitions), mostly because prisoner petitions involving civil rights and prison conditions decreased 8 percent (down 2,180 petitions). (Data on prisoner petitions addressing prison conditions began to be collected as a separate category in January 1997.) The overall reduction in state prisoner petitions reflects the continued effects of the Prison Litigation Reform Act. The decrease in diversity of citizenship filings consisted mostly of an 8 percent drop (down 2,379 cases) in personal injury/product li-

Table 4
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 1994 Through 1998

Year	Authorized Judgeships	Cases Filed					Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	All Other Cases		
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	272,602*
1998	646	256,787	398	14,577	54,715	187,495	262,301	267,088
% Chg. 1998 Over 1997	—	-5.6	-5.2	50.6	-13.1	-6.0	5.1	-2.0

*Revised.

ability filings. This resulted largely from a 10 percent reduction (down 1,591 cases) in breast implant litigation one year after the transfer of more than 10,000 of these cases to the Eastern District of Michigan.

Filings with the United States as defendant fell 12 percent from 39,038 to 34,463. This decline stemmed chiefly from a 34 percent reduction in prisoner petitions filed by federal inmates. Motions to vacate sentence dropped 46 percent (down 5,388 filings). From 1996 to 1997, such filings rose markedly because of the *Bailey v. United States* Supreme Court ruling, which restricted the imposition of enhanced penalties for using firearms in violent crimes or drug trafficking offenses, and the 1996 Antiterrorism and Effective Death Penalty Act (AEDPA), which provided a one-year limitation period for filing state habeas corpus petitions and federal motions to vacate sentence. District court officials now believe that the effects of *Bailey* and the AEDPA are waning and that filings are returning to lower levels. Combined, federal and state prisoner petitions declined 13 percent (down 8,251 petitions) in 1998.

Table 5
U.S. District Courts
Civil Cases Filed, by Jurisdiction,
Fiscal Years 1994 Through 1998

Year	Total	U.S. Cases		Private Cases		
		Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
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
1998	256,787	23,389	34,463	146,827	51,992	116
% Chg. 1998 Over 1997	-5.6	11.6	-11.7	-6.2	-5.9	-22.1

Despite the overall drop in civil filings, actions with the United States as plaintiff increased 12 percent from 20,966 to 23,389. This growth occurred primarily because filings related to defaulted student loans continued to climb, jumping 55 percent to 14,043 and accounting for 60 percent of all U.S. plaintiff filings. Growth in defaulted student loan filings occurred in 11 of 12 circuits, with large increases reported for the Second Circuit, where filings increased by more than 1,400 cases in the Eastern District of New York; the Sixth Circuit, where filings increased by more than 800 cases in the Eastern District of Michigan; the Ninth Circuit, where filings increased by more than 400 cases in the Central District of California and by nearly 250 cases in the Northern District of California; and the Fourth Circuit, where filings increased by more than 400 cases in the District of Maryland. U.S. Department of Justice officials continue to attribute these rises to intensified efforts by the U.S. Department of Education to submit defaulted student loans for collection.

Civil case terminations rose 5 percent, climbing from 249,641 to 262,301. The major reasons for this growth were significant increases in case terminations in the Northern District of Ohio (up more than 2,100 terminations), mostly in asbestos cases; the Eastern District of New York (up more than 2,000 terminations), mostly in defaulted student loans; the Middle District of Louisiana (up more than 1,200 terminations), mostly in oil refinery explosion cases; the Eastern District of Texas (up more

than 1,100 terminations), mostly in asbestos cases; and the Southern District of Florida (up more than 1,100 terminations), mostly in cases involving defaulted student loans, prisoner petitions, and civil rights cases. The median time interval from filing to disposition for civil cases remained the same as in 1997 at eight months.

As terminations exceeded filings, the number of civil cases pending fell 2 percent to 267,088. Large reductions in civil caseloads occurred in the Northern District of Ohio (down more than 2,300 cases), the Middle District of Louisiana (down 1,800 cases), and the Southern District of Florida (down nearly 700 cases).

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

ARBITRATION CASES

In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. 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 1998, the eighth year of arbitration reporting, 3,984 cases were referred to arbitration in 6 of the 10 original participating districts, a 4 percent increase (up 157 cases) over 1997. Arbitration cases filed represented 11 percent of total civil filings in these six courts, nearly the

The number of cases referred to arbitration grew 4 percent.



same percentage they accounted for last year. Filings in the District of New Jersey and the Eastern District of Pennsylvania, which have made the greatest use of court-referred arbitration since its inception, accounted for the national increase in arbitration case filings in 1998. Filings in the former jumped 60 percent to 1,631 (up 598 referrals), while filings in the latter rose 3 percent to 1,201 (up 32 referrals). Both districts' arbitration caseloads consisted primarily of filings related to contract, personal injury, civil rights, and labor suits. Arbitration case filings declined in the Middle District of Florida (down 233 referrals), the Northern District of California (down 128 referrals), and the Western District of Oklahoma (down 111 referrals). Most of these decreases occurred in contract, personal injury, civil rights, and labor suits.

For the second consecutive year, four courts—North Carolina-Middle, Texas-Western, Michigan-Western, and Missouri-Western—reported no new arbitration case filings. Each now actively uses federal mediation procedures authorized for alternative dispute resolution under the Civil Justice Reform Act. 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.

Supplemental Table S-12 summarizes the cases filed in 1997 and 1998 in the 10 districts authorized to use both voluntary and mandatory arbitration.

Savings and Loan Filings

The continued decline of filings of savings and loan (S&L) cases in 1998 confirms that S&L filings peaked in 1992. In 1998, criminal case filings involving financial fraud at savings and loan (S&L) institutions dropped to 17 major cases brought against as many defendants by U.S. attorneys. This was a 35 percent reduction from the 26 defendants in major S&L cases filed in 1997. A major case is defined as one in which the amount of fraud or loss was \$100,000 or more; the defendant was an officer, director, owner, or shareholder; the schemes involved multiple borrowers in the same institution; or other major factors were involved. The number of defendants sentenced fell from 46 to 21.

Last year, the Federal Deposit and Insurance Corporation (FDIC) again reported low numbers of S&L filings in the U.S. Supreme Court and in the district, bankruptcy, federal claims, and appellate courts. According to FDIC officials, major S&L filings are no longer specifically tracked under their new automated reporting system because filings of such cases have declined sharply over the past six years.

A total of 321 new noncriminal S&L cases were filed in the federal courts during 1998, down 26 percent from last year. Of these filings, 153 were litigation matters (97

percent of which were filed in the district courts), 126 were bankruptcy matters (98 percent of which were filed in the bankruptcy courts), 35 were appeals (97 percent of which were in the courts of appeals), and 7 were professional liability matters (of which 4 matters were filed in the district courts).

Given the significant decline in criminal and noncriminal S&L case filings in the last six years, these cases do not have a substantial impact on the overall caseload of the U.S. 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 1998, the number of civil and criminal trials completed in the U.S. district courts dropped 5 percent as district judges completed 16,196 trials. Nine of the 12 circuits reported decreases in total trials, with 55 district courts reporting overall declines. Seventeen districts reported reductions of 25 or more trials. The overall drop in trials stemmed from declines in civil nonjury and jury trials completed. An increase in criminal nonjury trials was nearly offset by a reduction in criminal jury trials. As a result, criminal trials remained essentially stable, rising less than one percent.

In the past five years, the increased use of various forms of alternative dispute resolution programs, including mediation and arbitration, appears to have reduced the number of civil cases going to trial. Since 1994, the total number of trials has decreased 9 percent (down 1,575 trials), with civil trials declining 11 percent and criminal trials falling 6 percent. Since 1994, civil nonjury trials have dropped 14 percent, while civil jury trials have declined 6 percent. During that period, criminal jury trials have decreased 8 percent, and criminal nonjury trials have fallen 4 percent.

In 1998, an 8 percent decrease in civil trials (down more than 800 trials) accounted for most of the decline in total trials. Drops in total civil trials occurred in 9 of the 12 circuits, with reductions reported for 57 dis-

The increased use of alternative dispute resolution programs appears to have reduced the number of civil cases going to trial.



tricts. Civil nonjury trials dropped 8 percent to 5,224 (down 440 trials), while civil jury trials fell 8 percent to 4,125 (down 366 trials). Large declines in civil jury and nonjury trials occurred in the Second and Fifth Circuits. Nonjury trials fell by 27 in the District of Connecticut, by 24 in the Eastern District of New York, and by 88 in the Northern District of Texas. Jury trials fell by 33 in the Southern District of New York, by 20 in the District of Connecticut, and by 49 in the Southern District of Texas. Overall, the reduction in total civil trials was attributable mostly to the continuing increase in the number of parties settling cases before trial.

Total criminal trials remained stable, rising less than 1 percent (up 33 trials) to 6,847. Nonjury trials rose 5 percent to 3,036, with increases occurring in 8 of the 12 circuits. Substantial growth in nonjury trials occurred in the Ninth Circuit, Sixth Circuit, and Fifth Circuit. Nonjury trials increased by 80 in the Central District of California, by 16 in the Western District of Kentucky, and by 28 in the Southern District of Texas. Criminal jury trials fell 3 percent, with declines in the Ninth Circuit and in the Second Circuit. Jury trials decreased by 44 in the District of Arizona and by 14 in the Eastern District of New York.

The overall decline in total trials also reflected the impact of the many other kinds of judicial proceedings included in the caseloads of federal judges. In 1998, judges terminated 215,354 civil cases before or during pretrial proceedings, a 6 percent increase over last year. In addition, judges accepted pleas from 46,708 felony defendants, an increase of 9 percent. Counting hearings on contested motions, restraining orders, and preliminary injunctions, 45 percent of all trials were completed within a single day (up 1 percent). This rate has changed little over the preceding five years. Twenty-six percent of all trials (4,211) lasted four days or longer, down two percent. In 1998, a total of 65 civil trials were completed that required 20 or more days, the longest being a securities, commodities, and exchange case lasting 152 days. In addition, 97 criminal trials required 20 or more days to complete, the longest being an extortion, racketeering, and threats case lasting 116 days. Appendix Tables, C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials.

W 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 in the U.S. district courts. Average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death

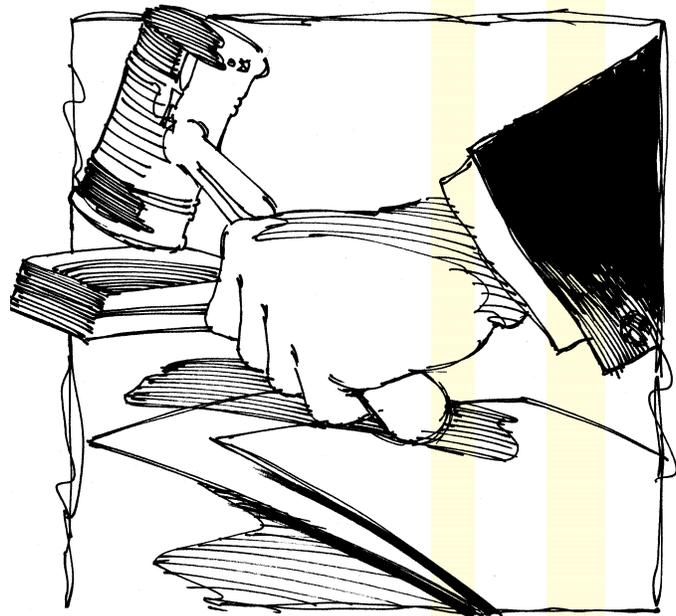
penalty habeas corpus case is assigned a weight of 5.99); and cases demanding relatively little time from judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.031).

In 1998, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per judgeship in the U.S. district courts was 484, down 4 percent from 1997. The total number of unweighted filings (i.e., the raw number of cases and defendants in categories that receive weights) per judgeship fell 2 percent. Despite the recent decline, weighted filings per judgeship were 16 percent higher in 1998 than in 1994, and the total for unweighted filings was 14 percent above that for 1994. In 1998, the total number of weighted criminal felony defendants per judgeship rose 12 percent to 157, well above the 102 unweighted felony defendants per judgeship. For 1998, the total number of weighted civil filings was 327, a decrease of 10 percent from last year. Weighted criminal filings were 28 percent higher in 1998 than in 1994, and weighted civil filings increased 10 percent during that period. Appendix Table X1-A provides, by district, weighted and unweighted filings per authorized judgeship in 1998.

This year's 12 percent increase in weighted criminal felony defendants per judgeship reflects the 13 percent rise in criminal felony defendants nationwide. As indicated by the weighting system, the typical criminal action makes more demands on a judge's time than does the average civil matter. Criminal cases generally consume more time because they require more 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). In 1998, weighted criminal filings were higher than unweighted criminal filings in all of the 91 district courts whose filings receive weights (weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and the Northern Mariana Islands).

Weighted civil filings fell 10 percent during 1998, a steeper rate of decline than the 6 percent drop in overall civil filings. This reduction occurred primarily because of a 51 percent decrease in weighted civil filings in the Eastern District of Michigan, which saw its filings return to more typical levels in 1998 after the transfer to that district in 1997 of more than 10,000 personal injury/product liability cases or claims involving breast implants that previously had been filed in other districts or in state

Weighted criminal felony defendants per judgeship rose 12 percent as criminal felony defendants increased nationwide.



courts (see discussion of these cases above under "Civil Filings"). Without a similar influx of such cases in 1998, personal injury/product liability filings in that district fell 56 percent to 4,582.

In 80 of the 91 districts, the totals for weighted civil filings per judgeship were lower than the totals for unweighted civil filings. The court with the lowest ratio of weighted filings to unweighted filings per judgeship was the Northern District of Ohio (376 versus 799), which once again had more personal injury filings related to asbestos than did all other courts combined. Asbestos cases receive a low weight because these cases are typically transferred to the Eastern District of Pennsylvania as part of Multidistrict Litigation Docket Number 875, and, therefore, require less work for the originating district than the usual civil case.

The federal judiciary has employed a weighted filing system since 1946. The current system, which uses the same scale derived from the FJC's previous federal district court time study of 1979, assigns weights only when cases are first filed in district court. Thus, data on reopens, remands, appeals from magistrate judges' judgments, and multidistrict litigation are not included among the totals for weighted and unweighted filings.

U.S. Magistrate Judges

Magistrate judges serve the federal judiciary and the public by performing diverse judicial duties as assigned by district judges. Their flexibility continues to be an asset to courts that must manage increasing caseloads with limited judicial resources. Supplemental Table S-19 summarizes the magistrate judges' workload.

In 1998, magistrate judges performed 612,440 judicial duties, a 6 percent increase over 1997. Among these were 161,889 civil pretrial duties, including 69,517 motions, 23,113 settlement conferences, and 40,107 other conferences. They also performed 53,396 felony pretrial duties, including 24,071 motions, 5,763 conferences, and 1,998 evidentiary hearings.

Magistrate judges terminated 10,339 civil cases with litigants' consent in 1998, an increase of 3 percent over 1997. This use of magistrate judges to resolve civil cases, facilitated by means such as including them in a court's civil case assignment system, has been a key component of many courts' efforts to make the best use of judicial resources.

Magistrate judges performed 6 percent more judicial duties in 1998.

Magistrate judges submitted 26,436 recommended dispositions in prisoner cases, a drop of 7 percent over 1997, as recently enacted prison litigation reform legislation continued to affect this segment of the workload. They completed 5,261 reports and recommendations in social security appeals, a rise of 16 percent. They disposed of 96,832 misdemeanor and petty offense cases, a 14 percent increase over 1997. Magistrate judges conducted 262,600 felony preliminary proceedings, 9 percent more than in 1997. Magistrate judges' volume of detention hearings (among the lengthiest of felony preliminary proceedings) reached 32,948 in 1998, an increase of 14 percent.

Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 16,594 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 1998. The Panel transferred 15,735 cases originally filed in 93 different district courts to 40 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 859 actions already pending in the transferee districts. The Panel denied the transfer of 181 actions. This year cases involving asbestos, the Norplant contraceptive, the orthopedic bone screw, and breast implants were the subjects of the Panel's most significant determinations.

Since the Panel's creation in 1968, it has centralized 140,867 civil actions for pretrial proceedings. As of September 30, 1998, a total of 4,952 actions had been remanded for trial, 279 had been reassigned within the transferee district, and 83,107 had been terminated in the transferee court. At the end of this year, 52,529 actions were pending throughout 51 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.

In 1998, the Judicial Panel on Multidistrict Litigation transferred cases involving asbestos, contraceptives, orthopedic bone screws, and breast implants.

Criminal Justice Act Representations

In 1998, a total of 101,133 appointments of counsel were made under the Criminal Justice Act (CJA), an increase of 12 percent over 1997. The CJA provides funding for the representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing such representation either by private panel attorneys or by federal public or community defender offices.

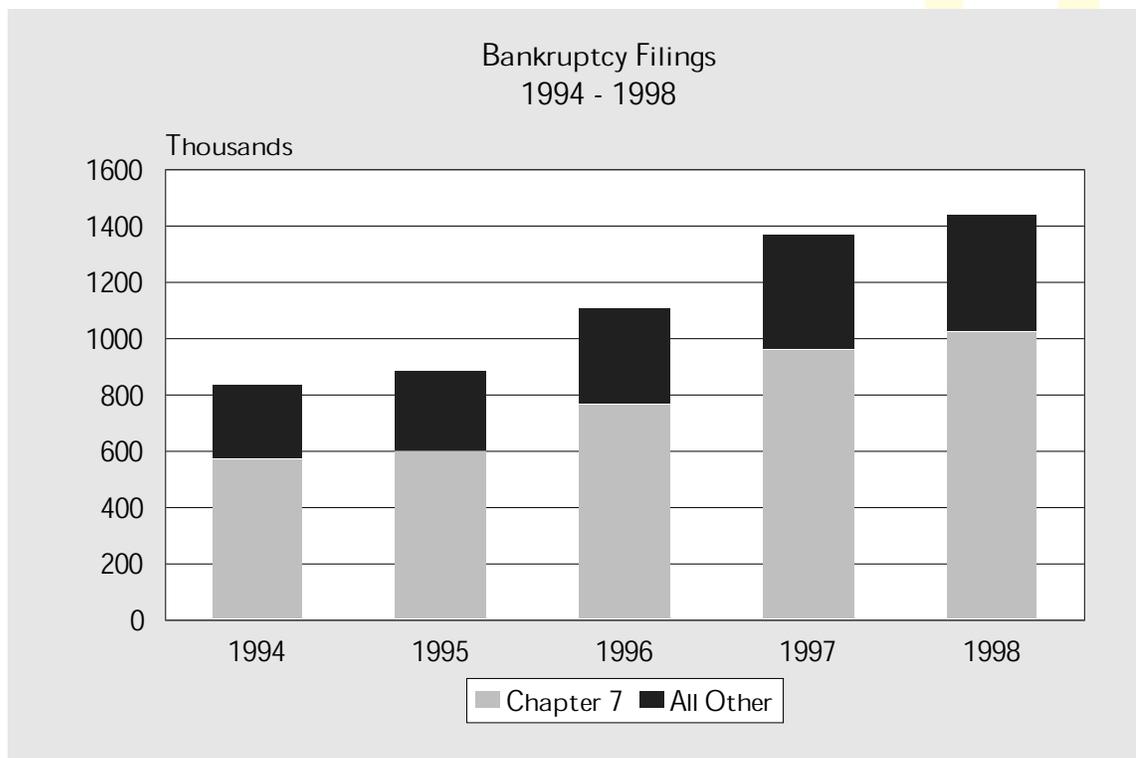
This year, representations closed by the 63 federal or traditional community defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) rose 10 percent to 57,554. Appointments of private attorneys increased 15 percent to 43,579. The increases in the numbers for representations and counsel are consistent with the increases in both the numbers of defendants in cases disposed of and the numbers of defendants who appealed the decisions of district courts. Although representations for all defendants rose in districts across the nation, more than half of the growth consisted of representations in districts along the southwestern border of the United States, where most of the increases in criminal filings occurred.

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 1998.

U.S. Bankruptcy Courts

Reaching another all-time high, filings in the U.S. bankruptcy courts rose 5 percent to 1,436,964. Once again, this year's record number of bankruptcy filings most likely was linked to the continued high level of consumer debt as a percentage of personal income. The rate of growth, however, slowed significantly. Last year, 93 of the 94 districts recorded increased filings, whereas this year 76 districts reported

Although bankruptcy filings hit record levels, the rate of growth slowed significantly.



higher numbers. Also, last year 82 districts experienced rises greater than 15 percent, whereas this year 9 districts reported such growth. The largest numerical increases this year occurred in the Central District of California (up 4,862 cases), the District of Maryland (up 4,515 cases), and the District of New Jersey (up 4,475 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.

Although the growth this year was relatively modest, filings have soared 72 percent since 1994. Filings of petitions under chapters 7 and 13 jumped 79 percent and 61 percent, respectively, during this period, although filings under chapters 11 and 12 dropped 45 percent and 6 percent, respectively. Since 1994, nonbusiness filings have increased 77 percent, and business filings have declined 13 percent. During that period, terminations of bankruptcy petitions increased 58 percent, while 25 percent more bankruptcy cases were pending on September 30, 1998, than on the same date in 1994.

A 6 percent rise in nonbusiness petitions caused this year's growth. Nonbusiness filings have constituted an increasingly larger percentage of overall bankruptcy

Table 6
U.S. Bankruptcy Courts
Bankruptcy Code Cases Filed, Terminated, and Pending
Fiscal Years 1994 Through 1998

Year	Total	Filed		Terminated	Pending
		Nonbusiness	Business		
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	1,326,136*
1998	1,436,964	1,389,839	47,125	1,377,206	1,385,894
% Chg. 1998 Over 1997	5.1	5.8	-13.1	12.5	4.5

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

filings for more than a decade, climbing from 82 percent in 1984 to 97 percent in 1998. Business filings, which accounted for 3 percent of all filings this year, dropped 13 percent in 1998 to their lowest level since 1981.

The overall growth in bankruptcy filings this year stemmed from a 7 percent rise in chapter 7 cases and a 1 percent increase in chapter 13 cases. Because business filings under these chapters fell, the overall growth was due entirely to increases in nonbusiness petitions, which rose 8 percent under chapter 7 and 2 percent under chapter 13. Under chapter 7, which accounted for 71 percent of all bankruptcy filings this year, 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 28 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 dropped 22 percent this year. Business and nonbusiness petitions both declined 22 percent. This reduction most likely resulted from the combined effects of an improved business environment with fewer finan-

cially troubled businesses and the Bankruptcy Reform Act of 1994, which raised the debt limits for filing under chapter 13 and allowed petitioners a more favorable alternative to filing under chapter 11. Chapter 11, which accounted for 0.6 percent of all bankruptcy filings this year, normally is used to allow businesses to continue operations while they formulate plans to repay their creditors, although individuals also may file under this chapter.

Filings under chapter 12 fell 9 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 increased 13 percent to 1,377,206 this year. Pending bankruptcy cases rose 5 percent to a total of 1,385,894 cases pending as of September 30, 1998.

Filings of adversary proceedings climbed 18 percent to 86,588 in 1998. This increase primarily stemmed from adversary proceedings arising from a single bankruptcy case in the Northern District of New York, where more than 12,000 associated actions were filed. Although 42 districts experienced growth in adversary proceed-

Table 7
U.S. Bankruptcy Courts
Filings by Chapter of the Bankruptcy Code
Fiscal Years 1994 Through 1998

Year	Total	Chapter				
		7	11	12	13	Other
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
1998	1,436,964	1,026,134	8,765	879	401,151	35
% Chg. 1998 Over 1997	5.1	7.1	-21.9	-9.0	1.0	0

ings, 51 showed decreases. In 10 districts, adversary proceedings jumped 40 percent or more. 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. The number of adversary proceedings terminated fell 1 percent to 78,932, and adversary cases pending increased 8 percent to 86,229 as of September 30, 1998. Data on adversary proceedings by district appear in Appendix Table F-8.

Probation

On September 30, 1998, the total number of persons under supervision was 93,737, a 3 percent increase over the number reported for September 30, 1997. Persons serving terms of supervised release following their release from prison rose 7 percent as persons sentenced under the Sentencing Commission's guidelines accounted for a larger portion of persons under supervision than in previous years. The number of persons received for supervision (including transfers) fell 1 percent to 45,586.

The total number of persons under supervision rose 5 percent between 1994 and 1998. The number of persons received for supervision in 1998 was 1 percent less than the number received in 1994, but this annual total underwent much fluctuation during the last five years, decreasing in 1994 and 1995, rising in 1996, and falling in 1997 and 1998.

Persons serving terms of supervised release totaled 54,819, up from 51,036 on September 30, 1997. Overall, persons serving terms of supervised release constituted 58 percent of all persons under supervision, compared to 56 percent one year earlier. Cases involving probation imposed by district judges declined 3 percent, and those involving probation imposed by magistrate judges grew 3 percent. Given the continuing reduction in cases under the responsibility of the Parole Commission, parole cases fell 13 percent, and those involving mandatory release dropped 16 percent.

The number of persons received for terms of supervised release and for probation imposed by magistrate judges increased 3 percent. The number of persons received for all other forms of supervision fell 9 percent. Detailed probation data appear in Table 8 and in the E series of the appendix tables.

Although the number of illegal aliens entering the probation system in recent years has increased, this growth has not led to a corresponding increase in persons received for supervision. Illegal aliens are usually placed in inactive supervision status and deported rather than made to serve terms of supervised release.

Seven percent more persons were serving terms of supervised release on September 30, 1998, following their release from prison.

**Table 8
Persons Under Supervision of the Federal Probation System
Fiscal Years 1994 Through 1998**

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
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
1998	45,586	39,925	43,903	38,897	93,737
% Chg. 1998 Over 1997	-1.3	-5	-1.9	-.3	2.5

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.

The number of persons on inactive supervision status grew to 24,564. (The E series of tables in the appendix does not include data on persons on inactive supervision status.) About 50 percent of persons on inactive supervision status probably are illegal aliens who were deported, a conclusion reinforced by the relatively small number of persons under supervision for immigration offenses. Persons under supervision for immigration offenses declined 4 percent in 1998.

INVESTIGATIVE REPORTS

Probation officers prepared 186,776 investigative reports in 1998, a rise of 8 percent over last year. The largest increases occurred for presentence reports (up 5,620 reports), which are prepared for sentencing hearings; these grew 11 percent as the number of persons convicted and sentenced rose 8 percent. Increases also occurred for collateral reports (up 4,500 reports) and pre-release investigations for federal institutions (up 2,878 reports). Pre-transfer reports decreased 5 percent, and parole revoca-

Table 9
Investigative Reports by Probation Officers
Fiscal Years 1997 and 1998

Type of Investigation	1997	1998	Percent Change
Total	172,806	186,776	8.1
Presentence Report*	52,174	57,794	10.8
Collateral Report for Another District	34,961	39,461	12.9
Pretransfer	6,088	5,773	-5.2
Alleged Violation	29,847	29,701	-0.5
Pre-Release for a Federal Institution	18,362	20,524	11.8
Special Regarding a Prisoner in Confinement	6,545	6,686	2.2
Furlough/Work-Release			
Report for Bureau of Prisons Institutions	5,151	5,463	6.1
Supervision Report	18,477	20,355	10.2
Parole Revocation	1,201	1,019	-15.2

*Presentence report includes postsentence-for-institution investigations.

tion reports dropped 15 percent. Table 9 presents data for 1997 and 1998 on investigative reports by probation officers.

Substance Abuse Identification and Treatment Services

Federal offenders may receive substance abuse treatment services either from local service providers under contract to probation offices or directly from probation offices that can provide these services. The percentage of offenders receiving contract services for drug and alcohol dependency rose to 65 percent in 1998, up from 60 percent in 1997. Thirty-five percent of all offenders receiving substance abuse treatment services obtained them directly from probation offices. Sixty-six percent of the drug-dependent clients and 55 percent of the alcohol-dependent clients received services from providers under contract.

Supplemental Table S-16 indicates that the number of alcohol- and drug-dependent offenders rose 2 percent to 24,168 in 1998. The number of drug-dependent offenders increased 5 percent to 21,830; the number of alcohol-dependent offenders declined 19 percent to 2,338.

Pretrial Services

In 1998, the number of defendants in cases activated in the pretrial services system increased 13 percent (up 9,320) to 78,603. This growth was consistent with the growth in criminal filings in the district courts. Because pretrial services officers (PSOs) collected, verified, and reported information on more defendants, the number of interviews, 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.

Pretrial case activations have risen each year since 1994, and this year's total is 40 percent higher than that for 1994. During this period, the number of pretrial reports prepared jumped 41 percent, the number of persons interviewed climbed 40 percent, and the number of defendants released on supervision grew 22 percent. The increase in defendants released on supervision was relatively smaller because of the large number of defendants charged with offenses related to immigration, who typically are detained because they pose a high risk of flight.

In 1998, PSOs interviewed 59,074 defendants (up 10 percent) and prepared 75,760 pretrial reports (up 14 percent). Prebail reports constituted 92 percent of the pretrial reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including

The 13 percent rise in pretrial services cases activated increased judicial officers' workloads by raising the numbers of bail review hearings, detention hearings, and violation hearings.

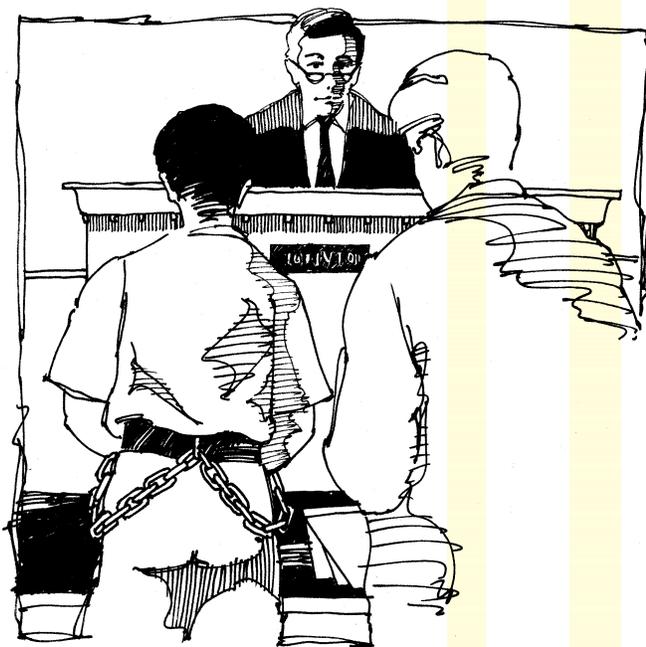


Table 10
Summary of Pretrial Cases
Fiscal Years 1997 and 1998

	1997	1998	Percent Change
Pretrial Cases Activated	69,283	78,603	13.5
Pretrial Diversion Cases Activated	2,402	2,968	23.6
Released on Supervision	26,879*	29,974	11.5
Type of Report			
Prebail	60,892	69,844	14.7
Postbail	3,939	4,424	12.3
Other	1,639	1,492	-9.0
No Report	2,813	2,843	1.1
*Revised.			

hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

The rise in cases activated also increased the work of judicial officers as bail review hearings grew 26 percent to 18,948, detention hearings grew 17 percent to 38,429, and violation hearings grew 9 percent to 3,393. The courts detained 37 percent (28,800) of activated defendants following detention hearings, three percentage points more than in 1997. This year, detention was ordered for 76 percent of defendants for whom detention hearings took place, three percentage points more than last year. Risk of flight was the primary reason cited for 90 percent of defendants detained, the same as in 1997.

The courts released 49 percent (36,032) of activated defendants. This overall 49 percent release rate was two percentage points lower than the rate for 1997. This decline is consistent with the increase in district courts' caseloads involving drugs and immigration, because defendants charged with such offenses are more likely to be detained. Of those released, 29,974 defendants (83 percent) were placed in the custody of PSOs, and 31,116 defendants (86 percent) were released with 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 testing and treatment and were imposed on 21 percent (16,697) of activated defendants, two percentage points more than last year. House arrest and electronic monitoring, which are less expensive alternatives to detention, were other restrictive conditions ordered for 6 percent (5,063) of activated defendants, the same percentage 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 1998, a total of 2,968 defendants were placed in the pretrial diversion program, equaling approximately 4 percent of activated cases, one percentage point more than in 1997.

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

Restrictive conditions involving substance abuse testing and treatment were imposed on 21 percent of defendants.

Complaints Against Judicial Officers

Pursuant to Title 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 or of the applicable national court.

The number of judicial complaints filed in 1998 totaled 1,051. This larger-than-normal number of complaints filed may be attributable to the increased use of the Internet and fax-on-demand services, which publicized information on procedures to

Table 11
Judicial Complaints Filed, Concluded, and Pending

	1996*	1997*	1998
Filed	529	679	1,051
Concluded	610	486	1,002
By Chief Judges	361	273	742
Dismissed	351	266	734
Corrective Action Taken	3	2	3
Withdrawn	7	5	5
By Judicial Councils	249	213	260
After Review of Chief Judge's Dismissal ¹			
Dismissed	248	212	256
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	1	—	2
Action Taken	—	1	2
Referred to Judicial Conference	—	—	—
Pending	21	214	263

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

file complaints and made it easier for dissatisfied litigants to organize mass filings of complaints against particular judicial officers. Table 11 summarizes judicial complaints activity from 1996 through 1998.

A single complaint may involve multiple allegations against numerous judicial officers. This year, the allegations cited most often were prejudice/bias, abuse of judicial power, and "other." Over one-half of all complaints were filed in the Third, Ninth, and Eleventh Circuits, all of which faced campaigns of mass complaint filings.

In 1998, a total of 1,002 complaints were terminated. Chief judges terminated 742 of these complaints. Seventy-two percent of the complaints terminated by chief judges were found to be outside the jurisdiction of Title 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. Of the remaining 260 complaints, judicial councils terminated 256 following receipt of petitions for review of chief judges' dismissal. The remaining four complaints were investigated by special investigating committees, which resulted in two sanctions orders and two dismissals by judicial councils under 28 U.S.C. 372(c)(6).

This year, the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, pursuant to 28 U.S.C. 372(c)(10), ruled on seven related petitions for review, all arising out of a judicial conduct complaint proceeding in the Fifth Circuit. On December 31, 1997, the Judicial Council of the Fifth Circuit, following receipt of the report of a special investigating committee, issued an order imposing sanctions against a district judge because of the judge's "intemperate, abusive and intimidating treatment of lawyers, fellow judges, and others." The judicial council ordered under 28 U.S.C. 372(c)(6)(B)(vi) that the judge receive a public reprimand, ordered under 28 U.S.C. 372(c)(6)(B)(iv) that no new cases be assigned to the judge for a period of one year, and ordered under 28 U.S.C. 372(c)(6)(B)(vii) that the judge not participate for three years in certain defined cases involving certain listed attorneys.

On September 18, 1998, the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, ruling on seven petitions for review brought by the district judge from the order of the Judicial Council of the Fifth Circuit, substantially affirmed the order. The only change the committee made was to modify the judicial council's order such that no new cases are to be assigned to the judge for a period of one year "unless and until the Council finds that [the judge's] conduct indicates that he has seized the opportunity for self-appraisal and deep reflection in good faith and that he has made substantial progress toward improving his conduct."

Because complaint filings outnumbered terminations, 263 judicial complaints remained pending on September 30, 1998.

Status of Article III Judgeships

On September 30, 1998, a total of 17 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, a decline of 29 percent from the previous year's total. One of those vacancies was in a position created on December 1, 1990, by the Federal Judgeship Act of 1990. That vacancy, along with 11 others, has existed for more than 18 months. Table 12 provides information on the status of judgeship positions since 1994.

Eighty-six senior appellate judges and 276 senior district judges were serving the judiciary on September 30, 1998.

**Table 12
Status of Judgeship Positions
1994 Through 1998 ¹**

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships	Vacancies	Senior Judges ⁴
1994	179	18	81	649	60	228
1995	179	11	81	649	46	255
1996	179	18	82	647	44	274
1997	179	24	87	647	69	278
1998	179	17	86	646	55	276

¹ Data are as of September 30.

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

³ Sitting senior judges who participated in appeals dispositions.

⁴ Senior judges with staff.

On September 30, 1998, in the U.S. district courts, 55 vacancies existed among the 646 positions authorized, a drop of 20 percent from the total reported one year earlier. Of these vacancies, 24 have existed for at least 18 months; a total of 21 positions had been vacant that long as of September 30, 1997. The two positions created by the Federal Judgeship Act of 1990 that had remained vacant as of September 30, 1997, were filled during 1998. The number of authorized district judgeships fell by one with the loss of a temporary judgeship in the Eastern District of Pennsylvania that had been created by the Federal Judgeship Act of 1990.

In addition to active judges, 86 senior appellate judges and 276 senior district judges were serving the judiciary on September 30, 1998.

Table 13
Status of Bankruptcy Judgeship Positions

Year	Authorized Judgeships	Vacancies	Recalled Judges
1994	326	12	22
1995	326	11	23
1996	326	13	23
1997	326	13	22
1998	326	11	25

Status of Bankruptcy Judge Appointments

On September 30, 1998, a total of 326 bankruptcy judgeships were authorized and funded. Of that number, 315 bankruptcy judgeships were filled and 11 were vacant. In addition to these positions, 25 recalled bankruptcy judges were providing service to the judiciary on September 30, 1998. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 1998.

Appointment of Magistrate Judges

During fiscal year 1998, a total of 72 full-time magistrate judges were appointed, 44 of them by reappointment. Of the 28 new appointments, 10 were for new

Table 14
U.S. Magistrate Judge Positions
Authorized by the Judicial Conference
1994 Through 1998

Year		Total	Full-Time	Part-Time	Combination
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
1998	Spring	510	436	71	3
	Fall	512	440	69	3

positions. During the same period, 14 individuals were appointed to part-time magistrate judge positions, 7 of them by reappointment. Of the seven new appointments, one was to a new position.

In 1998, the average age of new appointees to full-time magistrate judge positions was 47; the average age of new appointees to part-time magistrate judge positions was 42. New full-time appointees had been members of the bar for an average of 19 years at the time of appointment; part-time magistrate judges averaged 15 years of bar membership. Of the new full-time magistrate judges, 13 had been in private practice, 6 had been assistant U.S. attorneys, and 2 had been state superior court judges. Other new appointees included a part-time U.S. magistrate judge, a state district judge, a federal public defender, an assistant federal public defender, a law clerk, an assistant U.S. trustee, and an assistant general counsel.

Through its September 1998 session, the Judicial Conference has authorized 440 new full-time magistrate judge positions, 69 part-time positions, and 3 combina-

tion positions. This year, 15 retired magistrate judges served on a recalled basis pursuant to Title 28 U.S.C. 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 1994.

U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of cases this court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners. During 1998, a total of 3,575 cases were filed in the U.S. Court of International Trade, an increase of 57 percent. Filings soared because of 1,300 new cases seeking refunds after the U.S. Supreme Court ruled in *United States Shoe Corp. v. The United States* that the Harbor Maintenance Tax was unconstitutional.

Because new filings outnumbered terminations, pending cases rose 38 percent to 9,635 cases on September 30, 1998. Appendix Table G-1 provides a summary of cases filed and terminated during 1997 and 1998.

After the Supreme Court declared the Harbor Maintenance Tax unconstitutional, 1,300 cases were filed seeking refunds.

U.S. Court of Federal Claims

During 1998, total case filings in the U.S. Court of Federal Claims rose 18 percent from 935 to 1,105. The most significant increases occurred in claims involving property taken, taxes, and vaccinations. New cases alleging unconstitutional seizure of property without compensation jumped 64 percent to 186 in response to federal restrictions on cigarette sales to minors through vending machines. Tax filings grew 19 percent to 313. Vaccine injury compensation filings rose 16 percent to 124. The 1,179 case terminations outnumbered filings, which helped reduce the pending caseload 3 percent from 2,944 on October 1, 1997, to 2,870 one year later.

For actions terminated in 1998, judgments rendered for claimants totaled \$1.7 billion, of which \$1.4 billion carried interest. The high amount rendered for plaintiffs

Federal restrictions on cigarette sales to minors through vending machines led to a 64 percent jump in new cases alleging unconstitutional seizure of property without compensation.

and petitioners this year resulted from the resolution of a large number of property taken cases filed in previous years. Judgments rendered for the United States on counterclaims or offsets totalled \$822,000. In nonmonetary actions under its jurisdiction, the court disposed of 37 contract cases seeking injunctive or declaratory relief, 9 more than 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 dispositions. Appendix Tables G-2A and G-2B provide summary data on the caseload of the Court of Federal Claims for the year ending September 30, 1998.

