

Judicial Business

The major trend emerging from the 1999 data is that the federal courts' caseload rose in some areas and declined in others. Criminal case filings in the U.S. district courts rose 4 percent while civil filings remained relatively stable, increasing 1 percent. Filings in the 12 regional courts of appeals rose 2 percent because of a change in reporting procedures for original proceedings. Excluding original proceedings, appeals filings fell 3 percent. Filings in the U.S. bankruptcy courts dropped 6 percent, after reaching record levels in 1998.

This report contains statistical data on the business of the federal judiciary during fiscal year 1999, compares the caseload for this year to those of prior fiscal years, and, wherever possible, explains why increases or decreases occurred in the courts' caseload. Specific sections address the workload of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal judiciary. A table of judicial caseload indicators presents totals for the major segments of the federal court system (see page 16).

The major trend emerging from the 1999 data (see Caseload Highlights section) is that the federal courts' caseload rose in some areas and declined in others. Following a 15 percent jump in 1998, criminal case filings in the U.S. district courts continued to increase in 1999, rising 4 percent. This led to a 2 percent gain in pretrial services cases activated, while the number of persons under supervision of the probation system, which is less directly affected by criminal filings, rose 4 percent. Civil filings in the U.S. district courts remained relatively stable compared to the previous year, increasing 1 percent. Filings in the 12 regional courts of appeals rose 2 percent because of a change in reporting procedures for original proceedings. Excluding original proceedings, appeals filings fell 3 percent. Filings in the U.S. bankruptcy courts dropped 6 percent in 1999, the first decline following four years of steep growth and a record level of filings in 1998.

Federal judges have seen their caseload and associated workload rise significantly over the last five years. From 1995 to 1999, the following occurred:

- the number of appeals filed per authorized three-judge panel (excluding original proceedings) rose 4 percent;
- criminal case filings (including transfers) per authorized judgeship rose 31 percent; and
- bankruptcy filings per authorized judgeship soared 53 percent to 4,155.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals increased 2 percent to 54,693. However, this increase stemmed from a 349 percent surge in the total for original proceedings that resulted from changes in reporting procedures implemented in 1999 related to the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Prison Litigation Reform Act (PLRA). Excluding original proceedings, total appeals filings declined 3 percent as filings of civil appeals fell 2 percent, criminal appeals fell 3 percent, bankruptcy appeals fell 8 percent, and administrative agency appeals fell 14 percent. Terminations per authorized three-judge panel rose from 934 to 972 due to a 4 percent increase in appeals terminated. Since 1995, filings of appeals (not including original proceedings) have risen 4 percent. 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.

Starting on October 1, 1998, reporting procedures were changed such that pro se mandamus petitions for which filing fees were not paid and motions for orders authorizing second or successive habeas corpus applications began to be recorded as original proceedings requiring judicial review on the merits. Previously, these types of filings had not been included in appellate statistics. Under the PLRA, a prisoner who does not pay a fee at the time a mandamus

Judicial Caseload Indicators
Fiscal Years 1995, 1998, and 1999

Judicial Caseload	1995	1998	1999	% Change Since 1995	% Change Since 1998
U.S. Courts of Appeals¹					
Cases Filed	50,072	53,805	54,693	9.2	1.7
Cases Terminated	49,805	52,002	54,088	8.6	4.0
Cases Pending	37,310	41,666 ²	42,271	13.3	1.5
U.S. District Courts					
Criminal (Includes Transfers)					
Cases Filed	45,788	57,691	59,923	30.9	3.9
Defendants in Cases Filed	64,771	79,008	80,822	24.8	2.3
Cases Terminated	41,527	51,428	56,511	36.1	9.9
Cases Pending	28,738	40,277 ²	43,689	52.0	8.5
Civil					
Cases Filed	248,335	256,787	260,271	4.8	1.4
Cases Terminated	229,820	262,301	272,526	18.6	3.9
Cases Pending	234,008	262,573 ²	250,318	7.0	-4.7
U.S. Bankruptcy Courts					
Cases Filed	883,457	1,436,964	1,354,376	53.3	-5.7
Cases Terminated	892,796	1,377,206	1,356,026	51.9	-1.5
Cases Pending	1,086,453	1,384,179 ²	1,382,529	27.3	-0.1
Federal Probation System					
Persons Under Supervision	85,822	93,737	97,190	13.2	3.7
Presentence Reports	43,151	57,794	61,207	41.8	5.9
Pretrial Services					
Pretrial Services Cases Activated	60,020	78,603	80,154	33.5	2.0
Total Released on Supervision	23,317 ²	29,974	30,652	31.5	2.3

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

²Revised.

petition is filed generally must pay the full filing fee in installments, a change that has largely eliminated the distinction between fee-paid mandamus cases previously included in appellate statistics and in forma pauperis cases. The AEDPA created a new type of appellate proceeding by requiring prisoners to file motions for authorization before filing second or successive habeas corpus applications.

As a result of these changes, the number of original proceedings reported for 1999 was 2,621 higher than the number reported last year. Significant growth in original proceedings was reported in all circuits.

Excluding original proceedings, 3 of the 12 circuits reported overall increases in appeals filed in 1999. The most notable increase occurred in the Eleventh Circuit (up 6 percent) and the Tenth Circuit (up 2 percent). The greatest declines took place in the District of Columbia (down 16 percent), Third Circuit (down 10 percent), and Fourth Circuit (down 10 percent).

This year's reduction in civil appeals filings primarily stemmed from a 4 percent decrease in civil rights appeals and a 1 percent dip in prisoner petition appeals. Filings of nonemployment federal question civil rights appeals, which fell 9 percent (down 354 appeals) to the level reported in 1995, were chiefly responsible for the decline. Prisoner petition appeals dropped slightly this year because of a 17 percent reduction in motions to vacate sentence and a 10 percent decrease in prisoner civil rights appeals (including those addressing prison conditions), which offset a 16 percent rise in habeas corpus prisoner petition appeals. Since 1995, prisoner petition appeals filings have grown 15 percent overall, with habeas corpus appeals up 78 percent and motions to vacate sentence up 52 percent.

The habeas corpus reform provisions of Title I of the AEDPA appear to have contributed to the decline in filings of

motions to vacate sentence, but have not reduced habeas corpus prisoner petition appeals. The AEDPA set strict time limits for filing these petitions and required that all issues be consolidated into a single appeal. In addition, it required state prisoners to exhaust all state remedies first and to obtain certificates of appealability from a district or circuit judge before filing habeas corpus petitions in U.S. courts of appeals. Motions to vacate sentence (filed by federal prisoners) and habeas corpus prisoner petition appeals (predominantly filed by state prisoners) both constitute appeals addressing the legality of sentences. However, despite the AEDPA's additional filing requirements for state prisoners, filings of habeas corpus appeals continued to increase.

The growth in habeas corpus petitions was offset by a drop in filings of prisoner civil rights/prison condition appeals. This decline occurred largely in response to the PLRA, which was intended to reduce these types of appeals.



Appeals involving pro se litigants rose 6 percent to 24,416 due to a 717 percent (up 2,301 appeals) surge in pro se original proceedings in response to the change in reporting procedures discussed above. Filings of pro se appeals increased in 10 of the 12 circuits, with the District of Columbia,

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 1995 Through 1999

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
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	41,666*
1999	167	54,693	983	54,088	972	42,271
% Chg. 1999 Over 1998	—	1.7	1.7	4.0	4.0	1.5

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 1998 and 1999

Source	1998	1999	Percent Change
Total	53,805	54,693	1.7
U.S. District Courts			
Criminal	10,535	10,251	-2.7
Civil—Total	37,522	36,680	-2.2
Prisoner Petitions	17,422	17,191	-1.3
U.S. Civil	4,292	4,010	-6.6
Private Civil	15,808	15,479	-2.1
Other Appeals			
Bankruptcy	1,203	1,109	-7.8
Administrative Agency	3,793	3,280	-13.5
Original Proceedings*	752	3,373	348.5

Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit
*Beginning October 1, 1998, data are reported for types of proceedings previously not presented in this table.

Tenth, and Eleventh Circuits each experiencing growth greater than 15 percent. Pro se cases constituted 45 percent of all appeals filed in 1999, up from 43 percent last year and from 40 percent in 1995. Supplemental Table S-4 contains summary data on pro se appeals.

Criminal appeals related to immigration laws and to weapons and firearms increased 9 percent and 35 percent, respectively. However, growth in these types of criminal appeals was offset by decreased filings in other categories, particularly appeals involving drugs (down 7 percent) and fraud (down 6 percent), which caused the overall decline.

Bankruptcy appeals, which constituted approximately 2 percent of all appeals filed, decreased 8 percent from 1998 to 1999, falling to their lowest level since 1990. Declines were reported in 8 of the 12 circuits, with the greatest numerical drops registered in the Fourth and Fifth Circuits, where filings fell by 38 and 30 appeals, respectively. Since 1995, filings of bankruptcy appeals have shrunk 34 percent, with 82 percent of the overall reduction involving the Fourth Circuit (down 457 appeals), which previously had received an unusually large number of appeals related to the A.H. Robbins

bankruptcy case filed in the Eastern District of Virginia.

Filings of administrative agency appeals were 14 percent below the number reported in 1998, but were less than 1 percent lower than the total for 1995. Decreases in appeals of decisions of the Immigration and Naturalization Service, Federal Energy Regulatory Commission, and Internal Revenue Service primarily were responsible for this year's overall decline. Reductions in such filings were reported in 9 of the 12 circuits, with drops greater than 20 percent reported in the Second, Third, Fourth, and Eleventh Circuits.

U.S. Court of Appeals for the Federal Circuit

Filings in the U.S. Court of Appeals for the Federal Circuit rose 6 percent (up 89 appeals) to 1,543. This growth primarily resulted from increases in appeals of decisions of the U.S. Court of Appeals for Veterans Claims, previously named the Court of Veterans Appeals, which grew 59 percent (up 72 appeals); Merit Systems Protection Board (MSPB), which grew 13 percent (up 61

Five-Year Analysis of Federal Circuit Filings

Since 1995, filings of appeals of decisions of the U.S. Court of Appeals for Veterans Claims have jumped 159 percent (up 119 appeals), and U.S. district court appeals have grown 25 percent (up 93 appeals). Increased resources at the Board of Veterans Appeals, along with its obtaining authorization to decide cases by a single judge rather than by a panel of three, led to increases in appeals filed in the U.S. Court of Appeals for Veterans Claims in recent years. Despite this rise, however, a 46 percent drop in MSPB appeals (down 447 cases) over the last five years caused total filings of appeals in the Federal Circuit to fall 16 percent (down 304 cases) since 1995.

appeals); and the U.S. district courts, which grew 11 percent (up 47 appeals). A statutory change (38 U.S.C. 7111) involving the authority of the U.S. Court of Appeals for Veterans Claims' to review cases for "clear and unmistakable error" led to the larger number of appeals of rulings by this court.

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

A total of 320,194 cases were filed in the U.S. district courts in 1999, a rise of 2 percent over the total for 1998. Case terminations increased 5 percent to 329,037. Because the number of terminations exceeded the number of filings, the pending caseload fell 3 percent to 294,007.

Criminal Filings

Filings of criminal cases rose 4 percent from 57,691 to 59,923 in 1999, the highest number since 1933, when the Prohibition Amendment was repealed. The increase caused filings per authorized judgeship to rise from 89 to 93 cases. The number of defendants grew 2 percent from 79,008 to 80,822. This growth followed double-digit percentage increases in 1998 in criminal cases and defendants filed, which last year surged 15 percent and 13 percent, respectively. Criminal case terminations grew 10 percent in 1999 to 56,511. With filings outpacing terminations, the pending caseload rose 8 percent to 43,689. Table 3 summarizes the number of criminal cases filed, terminated, and pending for the past five years.

Criminal case filings (excluding transfers) rose each of the past five years and grew 32 percent from 1995 to 1999. This growth stemmed largely from increased filings of cases involving drugs and immigration law violations. During that period, drug cases jumped 52 percent, and immigration cases soared 169 percent, primarily because of the U.S. Department of Justice's strategy to reduce crime along the U.S. borders by focusing on illegal immigration, alien smuggling, and drug trafficking. Also, during that five-year period, weapons and firearms cases rose 21 percent.

In 1999, the combined filings of cases in the three largest criminal categories—drugs, fraud, and immigration—accounted for 60 percent of all criminal cases, the same proportion as in 1998. However, the proportion of drug and immigration case filings rose and that of fraud case filings declined. Drug case filings accounted for 30 percent of all criminal cases, one percentage point more than last year; immigration filings accounted for 18 percent of all criminal cases, two percentage points more than last year; and fraud filings accounted for 13 percent of all criminal cases, two percentage points less than in 1998.

Drug case filings climbed 7 percent to 17,483 in 1999, while the number of drug defendants increased 4 percent to 30,671. The defendants-to-case ratio for drug cases remained 1.8, the same as in 1998; the ratio for all criminal filings was 1.4 defendants per case. Drug case filings rose or remained stable in 57 districts because of anti-drug efforts across the United States and along the southwestern border by the Drug Enforcement Administration (DEA). Across the United States, the DEA supported the highway drug interdiction program carried out by state and local agencies in "high intensity drug trafficking areas" designated by the Office of National Drug Control Policy. The DEA also worked on the Southwest Border Initiative that focuses on controlling

Southwestern Border Districts Receive Large Portion of Criminal Case Filings

Since 1993, the Immigration and Naturalization Service (INS) has more than doubled the number of Border Patrol agents to more than 8,000, with the vast majority stationed along the southwestern border of the United States. Through programs such as Operation Gatekeeper, Operation Safeguard, and Operation Rio Grande, INS treats the entire 2,000-mile southwestern border as a single, seamless entity. INS also participates actively in the Southwest Border Initiative, an interagency drug law enforcement effort. These endeavors have resulted in phenomenal growth in case filings in some of the districts along the southwestern border. Since 1995, immigration case filings in the District of Arizona have increased 918 percent, and during that period jumped 492 percent in the district of New Mexico, 454 percent in Western District of Texas, 343 percent in the Southern District of Texas, and 49 percent in the Southern District of California. However, from 1994 to 1997, case filings soared 339 percent in the Southern District of California as early implementation there of Operation Gatekeeper caused that district to lead the nation in immigration filings. Thereafter, immigration filings in that district remained stable in 1998 and declined 14 percent in 1999. These five southwestern districts received 27 percent of all criminal case filings in the United States in 1999, a statistic attributable mostly to the large numbers of immigration and drug trafficking cases in states bordering Mexico.

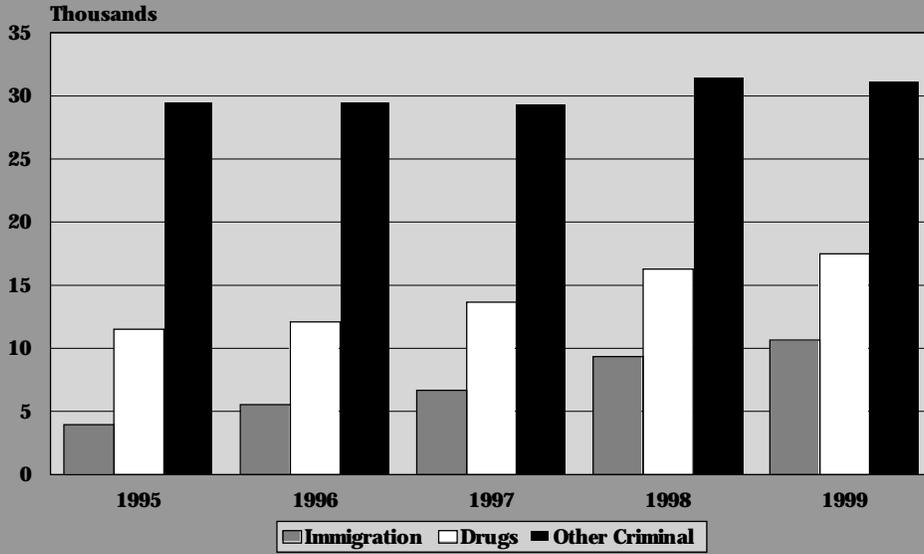
drugs and violence along the southwestern border of the United States, which the DEA considers a major point of entry for approximately 70 percent of all illicit drugs smuggled into the nation. The Western District of Texas led the nation in filings of drug cases (1,870) and drug defendants (2,603). The Southern District of California was second with 1,807 cases and 2,243 defendants.

Immigration case filings climbed 14 percent to 10,641, while the number of immigration defendants filed grew 13 percent to 11,461. Although immigration case filings rose or remained stable in 65 districts, the majority of immigration cases—consistent with the trend of recent years—were filed in district courts along the southwestern border of the United States. The District of Arizona,

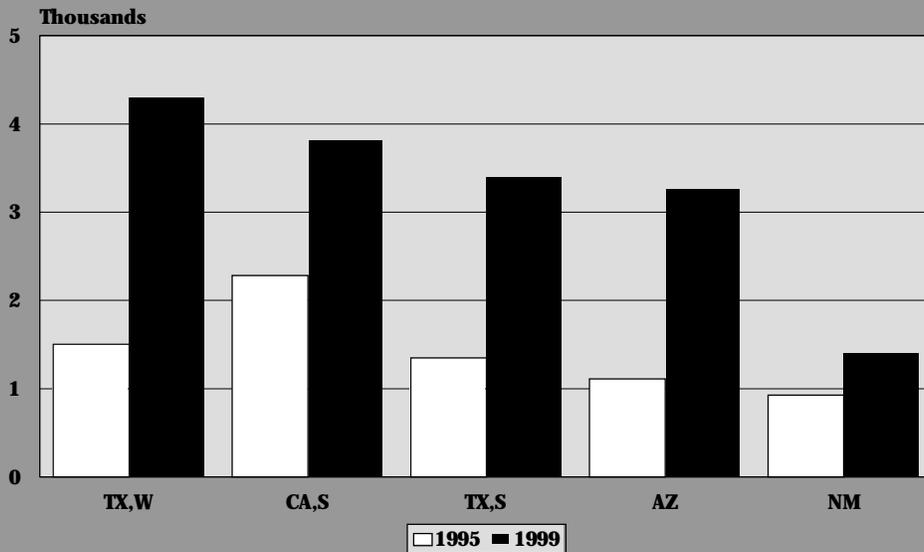
with 1,578 cases, led the nation in immigration case filings for the first time ever. The Southern District of California, despite a 14 percent decline in filings, was second with 1,541 cases; the Western District of Texas received 1,518 cases. Other southwestern districts with large increases in immigration case filings were the District of New Mexico, which received 586 cases (up 284 cases), and the Southern District of Texas, which received 1,383 cases (up 178 cases).

Weapons and firearms case filings surged 20 percent from 3,641 to 4,367, and filings of defendants in such cases increased 15 percent from 4,441 to 5,114. These numbers represent record highs for filings for these offenses and resulted in part because U.S. attorneys prosecuted in the federal courts

Criminal Cases Filed



Criminal Cases Filed in Five Southwestern Border Districts



defendants identified by state and local law enforcement agencies; in the past, such defendants would have been prosecuted in state courts. Aggressive federal prosecutions of firearms-related defendants, which were modeled after Project Exile underway in the Eastern District of Virginia, doubled case filings in 10 districts. Weapons and firearms case filings rose or remained stable in 56 districts across the nation.

Filings of bank and health care fraud, sex offense, and child support cases rose. However, this increase was offset by declines in filings of cases involving assault, robbery, and fraud other than bank and health care fraud. After growing for four consecutive years, overall fraud case filings declined 8 percent.

The number of criminal defendants convicted this year rose 8 percent (up 4,930) to 64,815. The conviction rate remained sta-

ble at 88 percent, and 84 percent of defendants disposed of pleaded guilty, one percentage point more than the previous year's total. The number of defendants imprisoned grew 11 percent (up 4,910) to 50,076. The rate of imprisonment increased two percentage points from 75 percent in 1998 to 77 percent in 1999 and was eight percentage points higher than in 1995. The conviction and imprisonment rates for drug and immigration defendants in the southwestern districts remained high because these defendants typically plead guilty, and defendants who are illegal aliens are imprisoned prior to deportation.

The median case disposition time for criminal defendants rose from 5.6 months in 1998 to 5.9 months in 1999, probably because of the increased workload imposed by the large number of cases courts received in 1998. That year, criminal case filings for

Table 3
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending (Includes Transfers)
Fiscal Years 1995 Through 1999

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
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	40,277*
1999	646	59,923	93	17,483	56,511	43,689
% Chg. 1999 Over 1998	—	3.9	3.9	7.4	9.9	8.5

¹ Excludes transfers.

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

* Revised.

Summary of Five-Year Data for Civil Filings

Over the past five years, civil filings rose 5 percent (up 11,936 cases), mostly as a result of increases in U.S. cases involving recovery and enforcement of judgments, social security, and federal prisoner petitions. Since 1995, student loan recovery filings have exploded, rising from 1,142 to 21,915 because the U.S. Department of Education began employing greatly enhanced debt collection procedures during the mid-1990s to improve the overall processing of such filings. Social security case filings surged 49 percent (up 4,566 cases) during that period because of large increases in disability insurance and supplemental security income filings. Prisoner petitions filed by federal prisoners, which fluctuated yearly during this five-year period in response to significant court rulings and legislation, jumped 21 percent (up 1,908 petitions). Despite the overall rise in civil filings over the last five years, filings of private cases fell 5 percent (down 10,349 cases) as large declines occurred in federal question jurisdiction filings related to personal injury/product liability (mostly breast implant cases) and prisoner petitions filed by state prisoners (mostly civil rights petitions). Filings of these cases had grown substantially in 1995 and 1996, but 1999 marked the third consecutive year in which federal question personal injury/product liability filings fell and the second consecutive year in which state prisoner petition filings declined.

the first time since 1972 registered a double-digit percentage increase.

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

Civil Filings

Civil filings in the U.S. district courts rose 1 percent in 1999 to 260,271. This growth caused civil filings per authorized judgeship to climb from 398 to 403. The overall increase in filings of civil cases was related primarily to a rise in cases with the United States as plaintiff. Reductions occurred in private cases involving both federal question jurisdiction (i.e., actions under the Constitution, laws, or treaties of the United States) and diversity of citizenship, as well as in cases

with the United States as defendant.

Filings of breast implant cases significantly affected overall civil filings in district courts from 1995 to 1998. In 1995, more than 15,000 federal question personal injury/product liability cases were filed. Most of these consisted of breast implant cases removed from state courts to federal courts following the bankruptcy of the Dow Corning Company. Increases in breast implant filings continued in 1996, but much of that year's growth comprised cases previously removed from state courts to federal courts that subsequently were transferred to the Northern District of Alabama as part of Multidistrict Litigation Docket Number 926. In 1997, a decision by the U.S. Court of Appeals in the Sixth Circuit led to the transfer of more than 10,000 preexisting breast implant cases or claims to

the Eastern District of Michigan, where the bankruptcy case involving Dow Corning had been filed. As a result of the significant increase in breast implant cases filed or transferred during this period, total civil case filings and total personal injury/product liability filings peaked at more than 272,000 and 32,000 cases, respectively, in 1997.

In 1999, filings of cases with the United States as a party increased 13 percent from 57,852 to 65,443, up 7,591 over the total for 1998. Filings with the United States as plaintiff rose 33 percent (up 7,678 filings), largely as a result of a 54 percent jump in cases related to the recovery of overpayments and enforcement of judgments. Student loan recovery filings continued to rise sharply, growing from 14,080 filings to 21,915. This 56 percent surge reflected the continued results of intense debt collection procedures implemented by the U.S. Department of

Education in the mid-1990s. Agency officials indicated that the use of additional debt collection processing centers has resulted in the more efficient overall processing of student loan cases.

Filings with the United States as defendant remained essentially stable in 1999, dropping less than 1 percent. This decrease was related mostly to a 4 percent reduction in social security cases (down 650 filings) and a 9 percent decline in motions to vacate sentence filed by federal prisoners. Social security disability insurance and supplemental security income filings dropped 6 percent and 3 percent, respectively. Motions to vacate sentence fell by 535 cases, likely indicating the conclusion of the effects of the 1995 *Bailey v. United States* Supreme Court ruling that restricted the imposition of enhanced penalties for using firearms. This decision had produced a

Table 4
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 1995 Through 1999

Year	Authorized Judgeships	Cases Filed					Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	All Other Cases		
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	262,573*
1999	646	260,271	403	22,403	56,603	181,265	272,526	250,318
% Chg. 1999 Over 1998		1.4	1.3	53.7	3.5	-3.3	3.9	-4.7

*Revised.

Table 5
U.S. District Courts
Civil Cases Filed, by Jurisdiction
Fiscal Years 1995 Through 1999

Year	U.S. Cases			Private Cases		
	Total	Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
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
1999	260,271	31,067	34,376	144,898	49,793	137
% Chg. 1999 Over 1998	1.4	32.8	-0.3	-1.3	-4.2	18.1

substantial increase in motions to vacate sentence between 1996 and 1997. A 55 percent jump in federal habeas corpus filings (up 1,261 cases) largely offset the declines in other categories of cases with the United States as defendant.

Federal question jurisdiction and diversity of citizenship filings declined 1 percent and 4 percent, respectively. Federal question jurisdiction filings dropped from 146,827 to 144,898 (down 1,929 filings), mainly because filings of personal injury cases decreased 14 percent, with product liability filings (mostly breast implant cases) declining 58 percent. However, despite the overall drop in federal question jurisdiction filings, habeas corpus petitions filed by state prisoners increased 9 percent. Diversity of citizenship filings fell from 51,992 to 49,793 (down 2,199 filings) as a result of a large reduction in personal injury/product liability

breast implant cases.

In 1999, civil case terminations increased 4 percent from 262,301 to 272,526. The major reason for this rise was the termination of more than 18,000 breast implant cases in the Northern District of Alabama. The large number of breast implant cases terminated in the Northern District of Alabama contributed to an increase in the national median time interval from filing to disposition and to a substantial decrease in civil cases pending. The national median time interval from filing to disposition for civil cases was nine months, an increase of one month over the 1998 total. The number of civil cases pending fell 5 percent to 250,318 (down 12,255 cases); the number of civil cases pending for three years or more fell 33 percent to 17,126.

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.

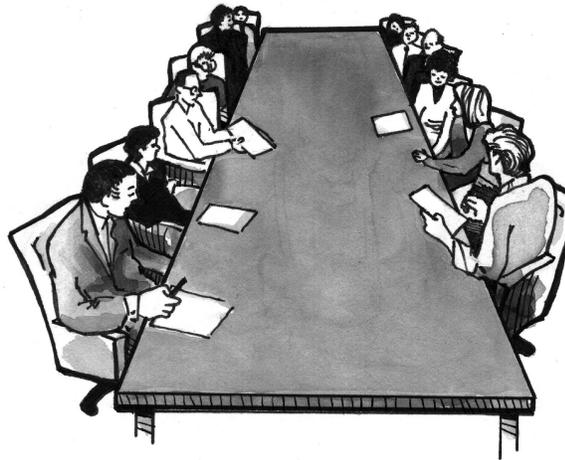
ARBITRATION CASES

In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provided for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. When a case goes to arbitration, an outside neutral party or a panel of neutral parties presents to the litigants an opinion of the likely outcome of a trial. An arbitrator's decision is not binding; within 30 days after the decision's release, the parties can 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 1999, the ninth year of arbitration reporting, 3,122 cases were referred to arbitration in 6 of the 10 original participating districts, a 22 percent decrease (down 862 cases) from 1998. (As discussed below, four of the original participating districts reported no referrals to arbitration in 1999.) This represents the largest decline in such referrals since the inception of mandatory and voluntary arbitration, and is the first decrease since 1995. In these six courts, 8 percent of total civil filings were referred to arbitration.

The courts that have made the greatest

use of arbitration since its inception are New Jersey, Florida-Middle, Pennsylvania-Eastern, and New York-Eastern. These four courts accounted for 99 percent of referrals to arbitration in 1999. However, of the courts that reported arbitration activity, Florida-Middle was the only one that had an increase in cases referred, a rise of 38 percent (up 199 referrals). Marked reductions in referrals to arbitration occurred in Pennsylvania-Eastern (down 60 percent), New York-Eastern (down 32 percent), Oklahoma-Western (down 96 percent), and California-Northern (down 58 percent). All participating districts'



arbitration referrals consisted mostly of filings related to contract, personal injury, civil rights, and labor suits.

For the third consecutive year, four courts—North Carolina-Middle, Texas-Western, Michigan-Western, and Missouri-Western—reported no new arbitration referrals. Three of these courts—North Carolina-Middle, Michigan-Western, and Missouri-Western—now actively use federal mediation procedures. Mediation also involves litigants' meeting with 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 opi-

nion of the likely outcome at trial. The continuing decline in arbitration referrals in the 10 original districts appears to have resulted from the increased use of federal mediation procedures to settle cases eligible for alternative dispute resolution programs (ADR). Currently, at least 35 districts courts use this method of ADR.

Supplemental Table S-12 summarizes the cases filed in 1998 and 1999 in the 10 districts authorized to use both voluntary and mandatory arbitration.

Savings and Loan Filings

In 1999, the U.S. Department of Justice and the Federal Deposit Insurance Corporation (FDIC) again reported low numbers of filings of savings and loan (S&L) cases in the U.S. Supreme Court and in the district, bankruptcy, federal claims, and appellate courts. The continued decline in filings of S&L cases confirms that S&L filings peaked in 1992. In 1999, criminal case filings involving financial fraud at savings and loan (S&L) institutions dropped to 5 major cases brought against 14 defendants by U.S. attorneys. This was an 18 percent reduction from the 17 defendants in major S&L cases filed in 1998. 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 in 1999 fell from 21 to 14.

A total of 235 new noncriminal S&L cases were filed in the federal courts during 1999, a reduction of 27 percent from the total for 1998. These filings represent all noncriminal S&L filings, as the automated reporting system at FDIC does not identify "major" noncriminal cases. Of these filings, 125 were

litigation matters (98 percent of which were filed in the district courts), 67 were bankruptcy matters (nearly one-half of last year's total, with 97 percent filed in the bankruptcy courts), 41 were appeals (80 percent of which were filed in the courts of appeals), and 2 were professional liability matters (both of which were filed in the district courts).

Given the continued significant overall decline in criminal and noncriminal S&L cases in the last seven years, such cases had little impact on the overall caseload of the U.S. courts.

Trials Completed

For statistical reporting purposes, district court trials include proceedings resulting in verdicts by juries or in final judgments by the courts, as well as other contested hearings at which evidence is presented. (Trials conducted by district or appellate judges in the district courts are included in these statistics.) During 1999, the number of



completed civil and criminal trials fell 7 percent as judges completed 14,993 trials. All 12 regional circuits experienced decreases in to-

tal trials, with 71 district courts reporting overall declines. Twenty-four districts reported reductions of 25 or more completed trials. The overall drop resulted from declines in completed civil nonjury and jury trials.

From 1995 to 1999, the total number of trials completed decreased 16 percent (2,823 fewer trials). Among the reasons for the drop in trials are: an increase in guilty pleas in criminal cases, growth in the settlement of civil cases, and greater use of alternative dispute resolution programs. Civil trials declined 18 percent over the past five years, with civil nonjury trials falling 23 percent and civil jury trials dropping 11 percent. Both criminal jury and nonjury trials decreased 13 percent.

In 1999, a 9 percent decrease in civil trials (down 817 trials) accounted for most of the decline in total trials. Drops in total civil trials occurred in all 12 circuits, with reductions reported for 53 districts. Civil nonjury trials declined 9 percent to 4,737 (down 487 trials), while civil jury trials fell 8 percent to 3,795 (down 330 trials). The overall decrease in total civil trials in 1999 was attributable mostly to the continuing increase in the numbers of parties that settled cases before trial.

Total criminal trials declined 6 percent (down 386 trials) to 6,461. Nonjury trials fell 9 percent to 2,775, with decreases occurring in 9 of the 12 circuits.

The overall decline in total trials in 1999 reflected the impact of the many other kinds of judicial proceedings included in the caseloads of federal judges. This year, judges terminated 221,962 civil cases before or during pretrial proceedings, a 3 percent increase over the total for 1998. In addition, judges accepted pleas from 52,251 felony defendants, an increase of 12 percent over 1998. Substantial growth in the acceptance of felony defendant pleas occurred in cases involving drug laws (up 2,800 pleas) and immigration (up 1,700 pleas).

Including hearings on contested motions, restraining orders, and preliminary injunctions, 44 percent of all trials were completed within a single day (down 1 percent). This rate has changed little for each of the preceding five years. In 1999, the percentage of trials lasting four days or more remained stable at 26 percent (3,947). This year, 45 civil trials took 20 days or more to reach completion, the longest being an anti-trust case lasting 73 days. In addition, 89 criminal trials required 20 or more days for completion, the longest being a drug case lasting 88 days. Appendix Tables, C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials. Appendix Table M-5 provides separate data on civil trials conducted by magistrate judges.

Weighted Filings Per Authorized Judgeship

Weighted filings per authorized judgeship account for the different amounts of time judges require to resolve various types of civil and criminal actions. The federal judiciary has employed a weighted filing system since 1946. The current weighting system, which the Federal Judicial Center (FJC) developed in 1993, assigns weights to civil cases and to criminal felony defendants, but only to those cases first filed in district courts. Thus, data on reopens, remands, appeals from magistrate judges' judgments, and multidistrict litigation are not included among the totals for weighted and unweighted filings. Average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death penalty habeas corpus case is assigned a weight of 5.99); and cases demanding relatively little time from judges receive lower weights (e.g., a defaulted student loan case is

assigned a weight of 0.031).

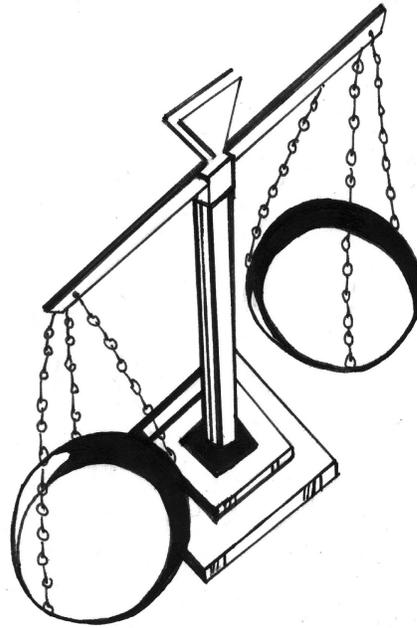
In 1999, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per judgeship was 472, down 2 percent from 484 in 1998. The total number of unweighted filings (i.e., the raw number of cases and defendants in categories that receive weights) remained stable at 476 compared to 474 for 1998. Despite the recent decline, weighted filings per judgeship were 5 percent higher in 1999 than in 1995. The total for unweighted filings in 1999 was 7 percent above that for 1995.

The total number of weighted criminal felony defendants per judgeship rose 3 percent in 1999 to 161, which was 26 percent higher than the number of weighted felony defendants in 1995. Weighted criminal filings grew in 53 of the 91 district courts whose filings receive weights (weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and the Northern Mariana Islands), dropped in 36 districts, and remained unchanged in 2 districts. By far, the largest increase occurred in the Northern District of West Virginia, where weighted criminal filings rose 81 percent due to a 62 percent increase in unweighted criminal defendants filed and, more specifically, to an increase of greater than 100 percent for drug defendants filed from 85 to 175.

This year's 3 percent growth in weighted criminal felony defendants per judgeship reflects the 2 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 greater 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 1999, weighted criminal filings were higher than unweighted criminal filings in all 91 district courts whose

filings receive weights. Appendix Table X1-A provides, by district, weighted and unweighted filings per authorized judgeship in 1999.

The total number of weighted civil filings was 311, a decrease of 5 percent over the total for 1998. From 1995 through 1999, weighted civil filings per authorized judgeship



declined 3 percent. The drop in weighted civil filings in 1999 was consistent with the one percent drop in civil filings for which case weights are assigned. (Total civil filings rose one percent over this period due, in part, to a 58 percent increase in reopened cases, which are not among the cases that receive weights.) Overall, weighted civil filings increased in 37 districts and declined in 54. By a wide margin, the greatest decline in weighted civil filings was a 66 percent decrease in the Eastern District of Michigan (MI-E). This reduction followed a 51 percent drop in weighted civil filings in MI-E in 1998. During 1997, more than 10,000 personal injury/product liability cases or claims involving breast implants had been

transferred to the Eastern District of Michigan from other districts or from state courts. The influx of breast implant cases into this district slowed considerably in 1998 as personal injury/product liability filings fell 56 percent to 4,582, then came to a halt altogether in 1999. In 1999, personal injury/product liability filings in MI-E declined 96 percent to 168.

In 84 of the 91 districts, the totals for weighted civil filings per judgeship were lower than the totals for unweighted civil filings. The court with the lowest ratio of weighted filings to unweighted filings per judgeship was the Northern District of Ohio (318 versus 557), which once again had a substantial number of asbestos cases. Asbestos cases receive a low weight (0.19) because these cases typically are transferred to the Eastern District of Pennsylvania as part of Multidistrict Litigation Docket Number 875 and, therefore, require less work for the originating district than does the usual civil case.

U.S. Magistrate Judges

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-18 summarizes the magistrate judges' workload.

In 1999, magistrate judges performed 647,970 judicial duties, 6 percent more than in 1998. Among these were 163,218 civil pretrial duties, including handling 68,043 motions, 24,666 settlement conferences, and 39,265 other conferences. They also performed 55,607 felony pretrial duties, including handling 24,623 motions, 5,793

conferences, and 2,302 evidentiary hearings.

Magistrate judges terminated 11,320 civil cases with litigants' consent in 1999, an increase of 10 percent over 1998. 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 submitted 25,791 recommended dispositions in prisoner cases, a drop of 6 percent over 1998, as prison litigation reform legislation continued to affect this segment of the workload. They completed 6,132 reports and recommendations in social security appeals, a rise of 17 percent. They disposed of 109,101 misdemeanor and petty offense cases, a 13 percent increase over 1998. Magistrate judges conducted 282,933 felony preliminary proceedings, 8 percent more than in 1998. Magistrate judges' volume of detention hearings (which are among the lengthiest of felony preliminary proceedings) reached 36,381 in 1999, an increase of 10 percent.

Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 11,570 civil actions pursuant to 28 U.S.C. 1407 during the twelve-month period ending September 30, 1999. The Panel transferred 11,219 cases originally filed in 92 different district courts to 40 transferee districts for inclusion in coordinated or consolidated pretrial proceedings. The Panel denied the transfer of 71 actions. This year, cases involving asbestos, diet drugs, and breast implants were featured among the Panel's major determinations.

Since the Panel's creation in 1968, it has centralized 152,424 civil actions for pretrial

proceedings. As of September 30, 1999, a total of 9,315 actions had been remanded for trial, 313 had been reassigned within the transferee district, and 103,102 had been terminated in the transferee court. At the end of this fiscal year, 39,694 actions were pending throughout 49 transferee district courts.

Supplemental Tables S-20 and S-21 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 processing 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 Representations

In 1999, a total of 104,928 appointments of counsel were made under the Criminal Justice Act (CJA), an increase of 4 percent over 1998. 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 64 federal or traditional community defender organizations (including representations in appeals, habeas corpus, revocation, and criminal matters) rose 4 percent to 59,862. Appointments of private attorneys increased 3 percent to 45,066. The increases in the numbers for representations and appointments of 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 a number of districts, the growth in representations once again was concentrated in the five districts along the southwestern border of the United States. These districts accounted for nearly three-fourths of the increase in representations closed by federal and traditional community defenders, although the rates of increase for closings in these districts varied considerably. Closings in the Southern and Western Districts of Texas and in the District of New Mexico grew by 1,564 representations, while closings in the Southern District of California and in the District of Arizona grew by 108 representations.

Supplemental Table S-22 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 1999.

U.S. Bankruptcy Courts

Following four years of increases to record heights, filings in the U.S. bankruptcy courts fell 6 percent to 1,354,376. The recent reduction in filings most likely resulted from lower interest rates last year, high employment, and continued general economic prosperity, which enabled consumers to pay their debts more easily. Tables 6 and 7 contain national data on bankruptcy cases. Detailed data on filings, terminations, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

This year overall drops in petitions were reported for all 12 regional circuits; 17 dis-

tricts reported increases, and 77 districts reported declines. The District of Delaware reported an increase of 47 percent primarily because it received more than 1,700 chapter 11 cases (many of those chapter 11 filings involve a few companies and are likely to be administered jointly). Fifteen districts reported decreases of 10 percent or more. The largest numerical declines this year occurred in the Central District of California (down 12,675 cases), the Northern District of California (down 5,272 cases), and the Eastern District of Virginia (down 3,105 cases).

This year's drop in petitions filed resulted from decreases in both nonbusiness and business petitions, which fell 5 percent and 18 percent, respectively. Nonbusiness filings, which constituted 97 percent of all bankruptcy filings, grew 58 percent from 1995 to 1999. Business filings, which accounted for 3 percent of all filings, were 24 percent below the 1995 total and fell to their lowest level since 1979. This year's decline in business filings resulted from drops of 20 percent in petitions under chapter 7 (down 5,730 cases), 34 percent in petitions under chapter 13 (down 3,051 cases), and 8 percent in petitions under chapter 12 (down 68 cases).

Following seven years of decline, filings of petitions under chapter 11 rose 2 percent.

This increase was due mostly to the unusually large number of filings in the District of Delaware noted above. These petitions were filed primarily by health care firms, funeral homes, and a maritime support business. Chapter 11, which accounted for 1 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.

The overall decrease in petitions this year resulted from drops in filings under all other chapters. Reductions in chapter 7 petitions (down 7 percent) and chapter 13 petitions (down 4 percent) largely caused the overall decline, with drops occurring in both business and nonbusiness filings. Under chapter 7, which accounted for 71 percent of all bankruptcy filings this year, assets are liquidated for distribution to creditors. In chapter 7 cases involving businesses, all property is sold and the proceeds distributed to the creditors. In nonbusiness chapter 7 cases, individual debtors are allowed to retain certain exempt property while their remaining property is sold to raise funds for the creditors. Under chapter 13, which accounted for 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 under chapter 12 fell 8 per-

Bankruptcy Filings Undergo Steep Rise Since 1995

Beginning in 1985, bankruptcy filings grew for eight years, then declined in 1993 and 1994. Although filings dropped in 1999, the number of petitions filed this year was 53 percent greater than the number filed in 1995. Because no new bankruptcy judgeships have been approved since the Bankruptcy Judgeship Act of 1992, the ratio of filings per authorized judgeship has risen from 2,710 filings per judgeship in 1995 to 4,155 in 1999. The large number of bankruptcy filings in the last five years most likely stemmed from the high level of consumer debt relative to personal income.

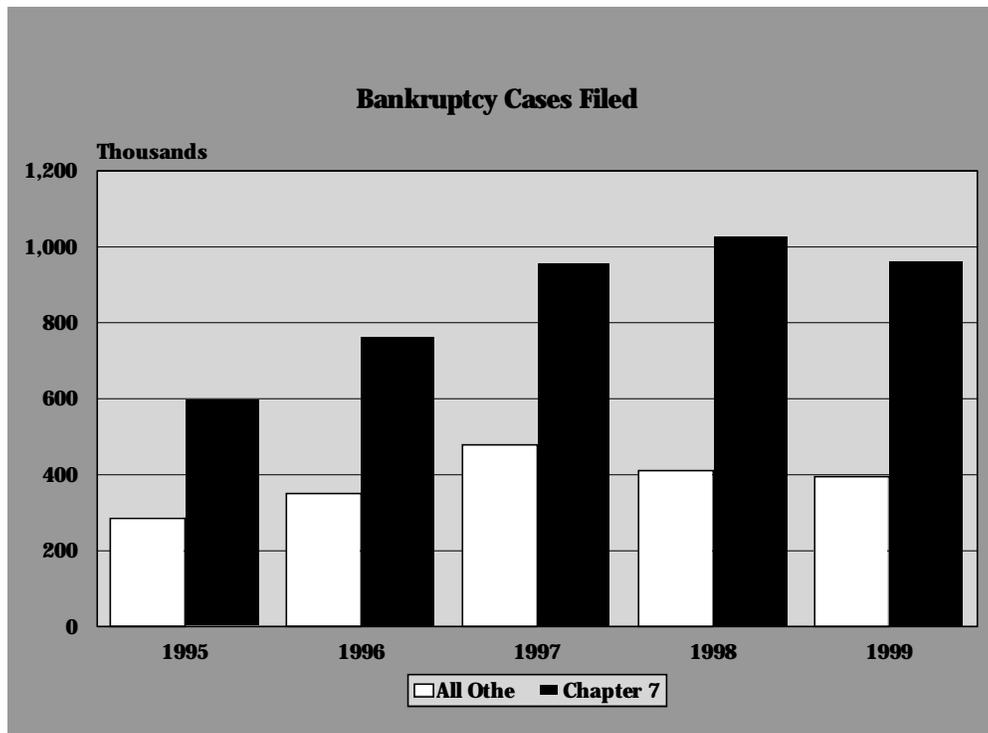
Table 6
U.S. Bankruptcy Courts
Bankruptcy Code Cases Filed, Terminated, and Pending
Fiscal Years 1995 Through 1999

Year	Total	Filed		Terminated	Pending
		Nonbusiness	Business		
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	1,384,179*
1999	1,354,376	1,315,751	38,625	1,356,026	1,382,529
% Chg. 1999 Over 1998	-5.7	-5.3	-18.0	-1.5	-0.1

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

Table 7
U.S. Bankruptcy Courts
Filings by Chapter of the Bankruptcy Code
Fiscal Years 1995 Through 1999

Year	Total	Chapter				
		7	11	12	13	Other
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
1999	1,354,376	959,291	8,982	811	385,262	30
% Chg. 1999 Over 1998	-5.7	-6.5	2.5	-7.7	-4.0	-14.3



cent. 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 dropped 1.5 percent to 1,356,026. This total was 52 percent higher than the number of bankruptcy petitions terminated in 1995. Pending bankruptcy cases remained stable, falling 0.1 percent to a total of 1,382,529 cases pending as of September 30, 1999, although 27 percent more bankruptcy cases were pending on September 30, 1999, than on the same date in 1995.

Adversary proceedings arise from bankruptcy cases and include actions to object to or revoke discharges, to determine the dischargeability of debts, and to obtain injunctions or other equitable relief. Filings of adversary proceedings dropped 26 percent to 64,047, the lowest level since 1990. This drop, however, followed an unusual increase last year of adversary proceedings arising from a single bankruptcy case in the

Northern District of New York, where more than 12,000 associated actions were filed. All circuits experienced decreases in adversary proceedings filings; 71 districts reported drops, and 23 districts reported growth. Five districts reported increases in filings greater than 30 percent. The number of adversary proceedings terminated fell 12 percent to 69,425, and adversary cases pending dropped 7 percent to 80,118 as of September 30, 1999. Data on adversary proceedings by district appear in Appendix Table F-8.

Probation

On September 30, 1999, the total number of persons under supervision was 97,190, a 4 percent rise over the number reported as of September 30, 1998. Persons serving terms of supervised release following their release from prison grew 8 percent. This

stemmed from a steady rise in both the number and percentage of convicted defendants sentenced to prison. From 1989 to 1999, the number of convicted defendants sentenced to prison jumped 99 percent, mostly because of a 49 percent increase (up 21,336 defendants) in criminal convictions. In addition, the percentage of convicted defendants sentenced to prison grew from 58 percent in 1989 to 77 percent in 1999. A higher percentage of defendants were imprisoned because of laws passed in the last 10 years requiring mandatory minimum sentences. (Although the U.S. Sentencing Guidelines could require lower sentences than the mandatory minimums set by Congress, thus far they have not done so.) As a result of these more punitive requirements and the increase in convictions, more

defendants are being sentenced to prison and serving terms of supervised release upon leaving prison.

The total number of persons under supervision rose 13 percent between 1995 and 1999, largely as a result of an increase in persons convicted and sentenced. As the number of persons under supervision has increased, the proportion of persons supervised for drug offenses has grown every year, rising from 36 percent in 1995 to 41 percent in 1999. This year, persons under supervision for drug offenses increased 6 percent to 39,777.

Persons serving terms of supervised release following their release from prison totaled 59,450, up 8 percent from 54,819 on September 30, 1998. Overall, persons serving terms of supervised release constituted 61

Table 8
Persons Under Supervision of the Federal Probation System
Fiscal Years 1995 Through 1999

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
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
1999	48,035	42,933	44,925	40,211	97,190
% Chg. 1999 Over 19985`	.4	7.5	2.3	3.4	3.7

percent of all persons under supervision, compared to 58 percent one year earlier. Cases involving probation imposed by district judges declined one half of one percent, and those involving probation imposed by magistrate judges decreased 4 percent. Because of the continuing decline in cases under the responsibility of the Parole Commission, parole cases dropped 11 percent, and those involving mandatory release fell 10 percent.

Although the number of persons under supervision has increased every year since 1995, the number of persons received for supervision has fluctuated. For example, the number of persons received for supervision in 1999 was 1 percent less than the number received in 1996. However, in 1999, the number of persons received for supervision (including transfers) increased 5 percent over the 1998 total to 48,035. The number of persons received for terms of supervised release rose 12 percent and for probation imposed by district judges increased 6 percent; 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.

The rise in persons received for supervision stemmed in part from the 39 percent increase in persons convicted and sentenced over the last five years, but the effect of this increase was tempered by the number of aliens, both legal and illegal, among those convicted and sentenced. Over the last 10 years, Congress has passed several laws that have resulted in the increased deportation of convicted and sentenced legal aliens. This has meant that both legal and illegal aliens sentenced to supervision generally are placed on inactive supervision status and deported rather than made to serve terms of supervised release. The number of persons received for inactive supervision in 1999 increased 23 percent over the total for 1998, climbing

from 7,489 to 9,178. (The E series of tables in the appendix does not include data on persons on inactive supervision status.) The types of actions in inactive supervision cases and the relatively small number of persons under supervision for immigration offenses suggest that the inactive supervision cases primarily involve aliens who have been deported. In 1999, a total of 1,885 persons were under supervision for immigration offenses, whereas the number of persons convicted and sentenced for immigration offenses rose from 3,648 persons in 1995 to 10,232 in 1999.

INVESTIGATIVE REPORTS

Probation officers prepared 192,904 investigative reports in 1999, a rise of 3 percent over last year. The largest increases occurred for collateral reports, which rose 9 percent (up 3,627 reports), and presentence reports, which grew 6 percent (up 3,413 reports). Collateral reports are written to assist another district in the preparation of a presentence report. Presentence reports are prepared for sentencing hearings.

Substance Abuse Identification/Treatment

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 was 65 percent, the same as in 1998. All other offenders receiving substance abuse treatment services obtained them directly from probation offices. Sixty-six percent of the drug-dependent clients and 58 percent of the alcohol-dependent clients received services from providers under contract.

Table 9
Investigative Reports by Probation Officers
Fiscal Years 1998 and 1999

Type of Investigation	1998	1999	Percent Change
Total	186,776	192,904	3.3
Presentence Report*	57,794	61,207	5.9
Collateral Report for Another District	39,461	43,088	9.2
Pretransfer	5,773	4,750	-17.7
Alleged Violation	29,701	28,349	-4.6
Pre-Release for a Federal Institution	20,524	22,251	8.4
Special Regarding a Prisoner in Confinement	6,686	4,982	-25.5
Furlough/Work-Release			
Report for Bureau of Prisons Institutions	5,463	5,336	-2.3
Supervision Report	20,355	22,225	9.2
Parole Revocation	1,019	716	-29.7

*Presentence report includes postsentence-for-institution investigations.

Supplemental Table S-15 shows that the number of alcohol- and drug-dependent offenders rose 4 percent in 1999 to 25,154. The number of drug-dependent offenders increased 7 percent to 23,298; the number of alcohol-dependent offenders declined 21 percent to 1,856.

Pretrial Services

In 1999, the number of defendants in cases activated in the pretrial services system increased 2 percent (up 1,551) to 80,154.

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, pretrial 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 the community.

In 1999, the PSOs interviewed 59,542 defendants (up 1 percent) and prepared

76,657 pretrial reports (up 1 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 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 18 percent to 22,267, violation hearings grew 10 percent to 3,718, and detention hearings grew 3 percent to 39,698. In 1999, the number of defendants detained rose 2 percent to 29,338; detention was ordered for 74 percent of defendants who had detention hearings. Overall, the courts detained 37 percent of activated defendants, the same percentage as in 1998. Risk of flight was the primary reason cited for 91 percent of defendants detained, one percentage point more than in 1998.

In 1999, the number of defendants released increased 1 percent to 36,213. Of those released, 30,652 defendants (85 percent) were placed into the custody of PSOs, and 32,846 defendants (91 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 22 percent (17,564) of activated defendants, one percentage point more than last year. House arrest and electronic monitoring, which are less expensive alternatives to detention, were other restrictive conditions ordered for 7 percent (5,436) of activated defendants, one percentage point more than last year. A defendant in the house arrest program must remain in his or her residence between specific hours. To ensure that this requirement is honored, some defendants must wear ankle bracelets that are electronically monitored by a monitoring center. If a defendant violates the confinement condition, the center is notified automatically, and its staff in turn notifies the supervising officers.

Pretrial diversion is 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

Five-Year Review of Pretrial Services Activity

Over the past five years, case activations in pretrial services rose 34 percent. Since 1995, the number of pretrial reports prepared jumped 33 percent, the number of persons interviewed climbed 24 percent, and the number of defendants released on supervision grew 31 percent.

Table 10
Summary of Pretrial Cases
Fiscal Years 1998 and 1999

	1998	1999	Percent Change
Pretrial Cases Activated	78,603	80,154	2.0
Pretrial Diversion Cases Activated	2,968	2,716	-8.5
Released on Supervision	29,974	30,652	2.3
Type of Report			
Prebail	69,844	70,819	1.4
Postbail	4,424	4,175	-5.6
Other	1,492	1,663	11.5
No Report	2,843	3,497	23.0

by the defendant as an alternative to prosecution of criminal charges in federal court. In 1999, the number of defendants placed in the pretrial diversion program fell 8 percent to 2,716; this represented approximately 3 percent of activated cases in 1999, one percentage point less than in 1998.

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 or for the applicable national court.

The number of judicial complaints filed in 1999 fell 24 percent to 781. This decrease marked the first time in four years that the number of complaints filed fell below the total for the previous year. In 1998, however, complaint filings grew 52 percent as a result of the use of relatively new Internet and fax-on-demand services, which made information on procedures for filing complaints more widely accessible. The number of

complaints filed in 1999 was 15 percent greater than the number filed in 1997. Table 11 summarizes judicial complaints activity from 1997 through 1999.

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." More than one-half of all complaints filed originated in the Second, Fifth, and Ninth Circuits.

During 1999, a total of 826 complaints were terminated. This figure was 18 percent below the total for 1998, but 69 percent

greater than the total for 1997. Chief judges terminated 406 of these complaints. Seventy-four percent of the complaints terminated by chief judges 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. Judicial councils terminated the remaining 420 complaints, 416 on petitions for review and 4 after a report by a special investigative committee appointed pursuant to Section 372(c)(4); all were dismissed or withdrawn without any action taken.

Table 11
Judicial Complaints Filed, Concluded, and Pending

	1997*	1998*	1999
Filed	680	1,033	781
Concluded	489	1,007	826
By Chief Judges	274	747	406
Dismissed	266	739	393
Corrective Action Taken	2	3	11
Withdrawn	6	5	2
By Judicial Councils	215	260	420
After Review of Chief Judge's Dismissal ¹			
Dismissed	213	256	414
Withdrawn	—	—	2
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	1	2	2
Withdrawn	—	—	2
Action Taken	1	2	—
Referred to Judicial Conference	—	—	—
Pending	202	228	183

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

Because the number of complaint terminations outnumbered the number of complaint filings, the number of pending judicial complaints decreased 20 percent to 183.

Status of Article III Judgeships

On September 30, 1999, a total of 24 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, an increase of 7 vacancies from the previous year's total and the same number as two

years ago. 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 1995.

On September 30, 1999, in the U.S. district courts, 38 vacancies existed among the 646 positions authorized, a drop of 17 vacancies from the total reported one year earlier. This is the lowest number of vacancies since the Federal Judgeship Act of 1990 was enacted in December 1990. Of these vacancies, 17 have existed for at least 18 months; a total of 24 positions had been vacant that long as of September 30, 1998.

Table 12
Status of Judgeship Positions
1995 Through 1999¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships	Vacancies	Senior Judges ⁴
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
1999	179	24	86	646	38	273

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.

Table 13
Status of Bankruptcy Judgeship Positions

Year	Authorized Judgeships	Vacancies	Recalled Judges
1995	326	11	23
1996	326	13	23
1997	326	13	22
1998	326	11	25
1999	326	20	29

In addition to active judges, 86 senior appellate judges were serving the judiciary on September 30, 1999, the same number as one year ago. In the U.S. district courts, the number of senior judges totaled 273, three fewer than on September 30, 1998. The number of senior district judges has remained stable for several years, ranging between 273 and 278 since September 30, 1996.

Status of Bankruptcy Judge Appointments

On September 30, 1999, a total of 326 bankruptcy judgeships were authorized and funded. Of that number, 306 bankruptcy judgeships were filled and 20 were vacant. In addition to these positions, 29 recalled bankruptcy judges were providing service to the judiciary on September 30, 1999. Table 13 summarizes the status of bankruptcy

judgeship positions through September 30, 1999.

Appointments of Magistrate Judges

During fiscal year 1999, a total of 47 full-time magistrate judges were appointed, 22 of them by reappointment. Of the 25 new appointments, 8 were for new positions. During the same period, 22 individuals were appointed to part-time magistrate judge positions, 20 of them by reappointment.

In 1999, the average age of new appointees to full-time magistrate judge positions was 46; the average age of new appointees to part-time magistrate judge positions was 49. 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 24 years of bar membership. Of the new full-time

Table 14
U.S. Magistrate Judge Positions
Authorized by the Judicial Conference
1995 Through 1999

	Year	Total	Full- Time	Part-Time	Combi- nation
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
1999	Spring	518	447	68	3
	Fall	519	454	62	3

magistrate judges, 10 had been in private practice, 7 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, and a deputy commissioner.

Through its September 1999 session, the Judicial Conference authorized 454 full-time magistrate judge positions, 62 part-time positions, and 3 combination clerk/magistrate judge positions. This year, 24 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 1995.

U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases this court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners. For 1999, the U.S. Court of International Trade reported 6,433 cases filed, an increase of 80 percent over 1998. In the past five years, the number of filings has grown by 4,890 cases from the 1,543 cases filed in 1995. Filings have soared because of 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.

New filings outnumbered terminations, causing pending cases to rise 1 percent to 9,725 cases on September 30, 1999.

Terminations grew substantially from 936 to 6,343, a 578 percent increase due to the settlement of the Harbor Maintenance Tax cases. Appendix Table G-1 provides a summary of cases filed and terminated during 1998 and 1999.

U.S. Court of Federal Claims

During 1999, overall filings in the U.S. Court of Federal Claims declined 5 percent from 1,105 to 1,049. The most significant decreases were a 74 percent drop in filings involving property taken without compensation (down 137 cases), which had jumped 64 percent in 1998 in response to federal restrictions on sales of cigarettes to minors through vending machines, and a 68 percent reduction in filings involving taxes (down 214 cases), which had grown 19 percent in 1998. These reductions more than offset a rise in filings of vaccine injury compensation petitions from 124 to 412, which increased because claimants faced an expiring statutory deadline for filing actions related to three types of vaccines. Case terminations decreased 13 percent to 1,025, while the pending caseload grew less than 1 percent to total 2,895 on September 30, 1999.

For actions terminated in 1999, judgments rendered for claimants totaled \$1.8 billion, of which \$454.1 million carried interest. This high amount rendered for plaintiffs stemmed largely from judgments in actions involving savings and loan institutions, of which one resulted in an initial damages phase award of \$908 million, and another produced an award of \$22 million.

Judgments rendered for the United States on counterclaims or offsets totaled \$8.1 million, most of which was awarded in four contract cases. In nonmonetary actions under its jurisdiction, the court disposed of 51 contract cases seeking injunctive or declaratory relief, an increase of 38 percent. This rise was attributed to counselors' increasingly electing to use the U.S. Court of Federal Claims to resolve procurement cases in which disappointed bidders for federal contracts file post-contract-award actions. In 1997, Congress expanded the court's jurisdiction to cover such cases, which previously were reviewed only in the U.S. district courts.



Pursuant to 28 U.S.C. 791(c), each January the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and their dispositions. Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims for the year ending September 30, 1999.