

# 2001 Caseload Highlights

## U.S. Courts of Appeals

- Rising for the seventh consecutive year, appeals filings grew 5 percent to an all-time high of 57,464.
- Original proceedings surged 48 percent, criminal appeals grew 5 percent, administrative agency appeals increased 2 percent, and civil appeals rose 1 percent.
- Bankruptcy appeals fell 5 percent.
- Both the number of appeals filed and the number terminated were 1,032 per authorized three-judge panel.

## U.S. District Courts

- Filings of criminal and civil cases in the district courts dropped 3 percent to 313,615.

### Criminal Filings

- Criminal case filings changed little, decreasing by 37 cases to 62,708, and the number of defendants dropped less than 1 percent.
- Drug case filings rose 5 percent, weapons and firearms case filings jumped 9 percent, and the numbers of new robbery and sex offense cases each increased 8 percent.
- Immigration case filings fell for the first time since 1992, decreasing 7 percent.
- The median case disposition time for defendants rose slightly to 6.0 months.

### Civil Filings

- Civil filings declined 3 percent, largely because cases with the United States as plaintiff dropped 34

percent, primarily due to a reduction in student loan recovery filings.

- Filings with the United States as defendant climbed 10 percent.
- Private case filings remained stable, decreasing less than 1 percent.
- The median disposition time for civil cases was 8.7 months, up from 8.2 months in 2000.

## U.S. Bankruptcy Courts

- Bankruptcy filings grew 14 percent to 1,437,354.
- Nonbusiness petitions rose 14 percent, and business petitions increased 7 percent.
- Filings jumped 16.5 percent under chapter 7, grew 7 percent under chapter 11, and rose 8 percent under chapter 13.

## Federal Probation and Pretrial Services System

- The number of persons under the supervision of the federal probation system on September 30, 2001, was 104,715, a rise of 4 percent over the previous year's total.
- Persons serving terms of supervised release increased 7 percent and constituted 65 percent of all persons under supervision.
- The number of defendants in cases opened in the pretrial services system remained stable, growing 1 percent to 86,140.
- The number of pretrial hearings rose less than 1 percent to 194,693.

# Judicial Business

## 2001

This report on the business of the federal Judiciary for the fiscal year ending September 30, 2001, provides statistical data on the work of the federal Judiciary, compares data for this year to that for previous fiscal years, and, wherever possible, explains why increases or decreases occurred in the judicial workload. Specific sections discuss the work of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal Judiciary. Totals for the major segments of the federal Judiciary appear in the table of judicial caseload indicators on page 16.

On September 11, 2001, four airplanes hijacked by terrorists crashed in New York City, near Washington, D.C., and in Shanksville, Pennsylvania. Many courts across the nation closed that day, and some courthouses remained closed longer. However, any impact of the events of September 11 on the workload of the federal Judiciary during the fiscal year—which ended a few weeks later—could not be determined by the time this report went to press. Although criminal case filings in the month of September 2001 were slightly lower than might have been expected, the number of criminal cases filed in 2001 was only 37 below that for 2000, which was the highest total since the Prohibition Amendment was repealed in 1933. The district courts terminated 58,718 criminal cases in 2001, an increase of 1 percent (this figure does not include the 75,380 petty offense cases concluded by magistrate judges). Civil filings in the district courts fell 3 percent, but were 9 percent higher than 10 years earlier. Filings in the U.S. courts of appeals increased 5 percent to an all-time high, and new petitions in the U.S. bankruptcy courts once again exceeded one million, climbing 14 percent to a fiscal year record. The number of persons under supervision of the probation system rose 4 percent.

Ten additional Article III judgeships were created on December 21, 2000, to address in part the growing workload of federal judges in

the U.S. district courts. However, even though the caseload of the U.S. appeals courts has grown 22 percent in the past decade, no new judgeships in the appellate courts have been authorized since 1990. Moreover, bankruptcy petitions have soared 47 percent over the past 10 years, but no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired since then.

## U.S. Courts of Appeals

Filings in the 12 regional courts of appeals rose 5 percent (up 2,767 appeals) to 57,464, reaching a record-breaking level for the sixth consecutive year and marking seven successive years of growth. Terminations rose 2 percent to 57,422. Filings per authorized three-judge panel equaled 1,032, as did terminations. Since 1997, filings have grown 10 percent, and terminations have risen 12 percent. Pending appellate cases remained stable this year, rising 0.1 percent to 40,303 as of September 30, 2001. 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 overall growth in appeals consisted of increases in original proceedings (up 48 percent), criminal appeals (up 5 percent), administrative agency appeals (up 2 percent), and civil appeals (up 1

Since 1997, the number of appeals related to immigrations laws has climbed 297 percent, consistent with the large growth in such filings in the district courts.

**Judicial Caseload Indicators**  
Fiscal Years 1992, 1997, 2000, and 2001

Judicial Caseload	1992	1997	2000	2001	% Change Since 1992	% Change Since 1997	% Change Since 2000
<b>U.S. Courts of Appeals<sup>1</sup></b>							
Cases Filed	47,013	52,319	54,697	57,464	22.2	9.8	5.1
Cases Terminated	44,373	51,194	56,512	57,422	29.4	12.2	1.6
Cases Pending	35,799	39,846	40,261 <sup>2</sup>	40,303	12.6	1.1	0.1
<b>U.S. District Courts</b>							
<b>Criminal (Includes Transfers)</b>							
Cases Filed	48,366	50,363	62,745	62,708	29.7	24.5	-0.1
Defendants Filed	68,668	70,201	83,963	83,252	21.2	18.6	-0.8
Cases Terminated	44,147	46,887	58,102	58,718	33.0	25.2	1.1
Cases Pending	34,078	37,237	47,677 <sup>2</sup>	51,677	51.6	38.8	8.4
<b>Civil</b>							
Cases Filed	230,509	272,027	259,517	250,907	8.8	-7.8	-3.3
Cases Terminated	231,304	249,641	259,637	248,174	7.3	-0.6	-4.4
Cases Pending	218,824	272,602	250,202 <sup>2</sup>	252,935	15.6	-7.2	1.1
<b>U.S. Bankruptcy Courts</b>							
Cases Filed	977,478	1,367,364	1,262,102	1,437,354	47.0	5.1	13.9
Cases Terminated	900,719	1,223,967	1,256,874	1,301,016	44.4	6.3	3.5
Cases Pending	1,220,102	1,326,136	1,378,139 <sup>2</sup>	1,514,477	24.1	14.2	9.9
<b>Federal Probation System</b>							
Persons Under Supervision	85,920	91,434	100,395	104,715	21.9	14.5	4.3
Presentence Reports	49,567	52,174	63,666	63,028	27.2	20.8	-1.0
<b>Pretrial Services</b>							
Total Cases Activated	60,478	71,107	87,513	88,049	45.6	23.8	0.6
Pretrial Services Cases Activated	58,098	69,283	85,617	86,140	48.3	24.3	0.6
Pretrial Diversion Cases Activated	2,380	1,824	1,896	1,909	-19.8	4.7	0.7
Total Released on Supervision	26,255	28,629 <sup>2</sup>	34,547	35,082	33.6	22.5	1.5
Pretrial Supervision	24,013	26,433 <sup>2</sup>	32,388	33,033	37.6	25.0	2.0
Diversion Supervision	2,242	2,196 <sup>2</sup>	2,159	2,049	-8.6	-6.7	-5.1

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

<sup>2</sup>Revised.

## Apprendi v. New Jersey

In *Apprendi v. New Jersey*, 530 U.S. 466 (2000), the U.S. Supreme Court held that any finding of fact providing grounds for an enhanced sentence greater than the statutory maximum must be made by a jury and proven beyond a reasonable doubt. This decision particularly implicates sentences for convictions in drug cases, for the maximum penalties in those cases vary depending on the type and amount of drugs involved. In response to *Apprendi*, many inmates have sought second or successive habeas corpus petitions to reduce their sentences. In 2001, rumors of a one-year deadline for filing petitions pursuant to *Apprendi* (no such deadline actually existed) resulted in a 77 percent jump in motions seeking such petitions in the U.S. courts of appeals. In the U.S. district courts, filings of motions by federal prisoners seeking to vacate their sentences grew 36 percent.

percent). Bankruptcy appeals, which accounted for 2 percent of all appeals filed, dropped 5 percent.

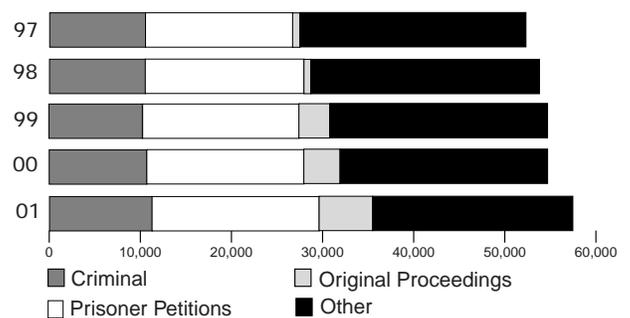
Higher filings were reported by seven courts of appeals, four of which had increases greater than 10 percent. Both the Ninth and Fourth Circuits had 13 percent rises. The primary sources of growth in seven circuits were original proceedings, prisoner petitions, and criminal appeals. The greatest decline occurred in the Second Circuit, where filings dropped 8 percent because of reductions in all types of appeals except original proceedings and bankruptcy appeals.

Totals for original proceedings have risen each year since 1998, when motions requesting authority to file second or successive habeas corpus prisoner petitions and pro se mandamus petitions for which filing fees were not paid were first added to the general docket for the courts of appeals. Original proceedings accounted for 1 percent of filings in the appeals courts in 1998, but accounted for 10 percent of total filings in 2001. Rumors of a one-year deadline for filing petitions pursuant to *Apprendi v. New Jersey*,

530 U.S. 466 (2000), led to a 77 percent surge in 2001 in motions by prisoners seeking to file second or successive habeas corpus petitions so that they could reduce their sentences (in fact, no such deadline existed). This year, motions requesting second or successive habeas corpus petitions by state prisoners constituted 74 percent of all original proceedings filed—a 12 percent increase over last year.

Filings of criminal appeals increased for the second consecutive year. This year's growth stemmed mainly from a 22 percent rise in appeals related both to immigration laws (up 297 appeals) and to weapons and firearms offenses (up 231 appeals). Since 1997, the number of appeals related to immigrations laws has climbed 297 percent (up 1,237 appeals), consistent with the large growth in such filings in the district courts. Although appeals related to national defense laws soared 844 percent (up 152 appeals) in 2001, this was linked to a likely one-time influx of filings in the First Circuit concerning appeals of charges related to protests at the military facility in Vieques, Puerto Rico.

Appeals Cases Filed



Following two years of decline, civil appeals filings rose 1 percent to 36,046. This increase was due predominantly to a 30 percent jump (up 799 appeals) in prisoner petition motions to vacate sentence. In addition, new tort actions surged 73 percent (up 199 appeals) as tort filings in the Third Circuit increased from 16 in 2000 to 229 in 2001, primarily due to cases related to bone screw litigation.

Appeals involving pro se litigants grew 9 percent to 27,265. A 56 percent jump (up 1,675 appeals) in pro se original proceedings contributed significantly to the rise, as did a 5 percent increase in pro se prisoner petitions (up 785 appeals) and a 21 percent climb in

pro se criminal appeals (up 197 appeals). Prisoner petitions still constituted the bulk of pro se filings, but in the past five years pro se original proceedings by prisoners moving for authority to file second or successive habeas corpus prisoner petitions have accounted for a larger portion. Pro se cases composed 42 percent of appeals filings in 1997 and 47 percent in 2001. Filings of pro se appeals grew in 10 circuits, with 4 reporting rises greater than 15 percent. The greatest numerical increases occurred in the Fourth Circuit (up 622 appeals), Ninth Circuit (up 553 appeals), and Eleventh Circuit (up 548 appeals), primarily because of growth in pro se prisoner petitions and pro se original proceedings. Supplemental Table S-4 contains summary data on pro se appeals.

Filings of administrative agency appeals rose 2 percent to 3,300. Growth in appeals of decisions by the Occupational Safety and Health Administration

Table 1  
U.S. Courts of Appeals  
Appeals Filed, Terminated, and Pending  
Fiscal Years 1997 Through 2001

Years	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
1997	167	52,319	940	51,194	920	39,846
1998	167	53,805	967	52,002	934	41,666
1999	167	54,693	983	54,088	972	42,225
2000	167	54,697	983	56,512	1,015	40,261*
2001	167	57,464	1,032	57,422	1,032	40,303
% Chg. 2001						
Over 2000	—	5.1	5.1	1.6	1.6	0.1

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 2000 and 2001

Source	2000	2001	Percent Change	Numerical Change
Total	54,697	57,464	5.1	2,767
U.S. District Courts				
Criminal	10,707	11,281	5.4	574
Civil—Total	35,780	36,046	0.7	266
Prisoner Petitions	17,252	18,343	6.3	1,091
U.S. Civil	3,740	3,567	-4.6	-173
Private Civil	14,788	14,136	-4.4	-652
Other Appeals				
Bankruptcy	1,007	961	-4.6	-46
Administrative Agency	3,237	3,300	1.9	63
Original Proceedings*	3,966	5,876	48.2	1,910

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.

(OSHA), National Labor Relations Board (NLRB), and the Immigration and Naturalization Service (INS) were the major contributors to the overall increase. In previous years, NLRB and INS filings were the driving force behind rises and declines in administrative agency appeals. However, this year's growth stemmed from filings arising from OSHA decisions (up 52 appeals). Most of these appeals involved disputes over newly adopted ergonomic regulations that subsequently were repealed.

Bankruptcy appeals fell for the third consecutive year, dropping 5 percent to 961 appeals, their lowest level since 1983. This decline is consistent with decreases in bankruptcy appeals filed in the U.S. district courts. Although half of the circuits reported higher filings, drops occurred in five circuits. The largest reductions occurred in the Eleventh

Circuit (down 36 appeals), Ninth Circuit (down 30 appeals), and Fifth Circuit (down 27 appeals). The greatest rises were reported by the Eighth Circuit (up 20 appeals) and the Second Circuit (up 18 appeals).

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

For the second consecutive year, filings in the U.S. Court of Appeals for the Federal Circuit dropped 2 percent (down 26 appeals), falling to 1,483. Many types of appeals declined in 2001, with the greatest decreases occurring in appeals of decisions by the Merit Systems Protection Board (MSPB), which fell 16 percent; the U.S. Court of Appeals for Veterans Claims, which dropped 37 percent; and the U.S. district courts, which declined 11 percent. These reductions were offset somewhat by a 272 percent surge in appeals of decisions by the U.S. Court of International Trade, which arose largely from appeals based on a single case involving the Harbor Maintenance Tax. In addition, appeals of decisions by the U.S. Court of Federal Claims grew 35 percent. The number of appeals terminated fell slightly (down 1 percent) to 1,500, which caused appeals terminated per panel to drop from 380 to 375. Because terminations outnumbered filings, the number of appeals pending as of September 30, 2001, totaled 1,085, a decline of 2 percent since last year.

The number of appeals filed in the Federal Circuit historically has fluctuated, often increasing one year, then declining the next. The total number of appeals filed in 2001 was 2 percent higher than the total for 1997.

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.

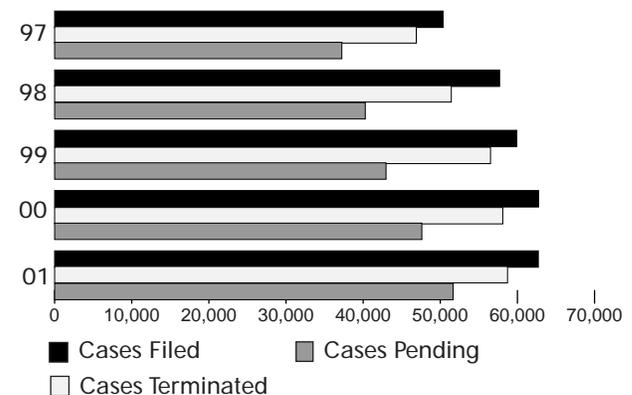
### U.S. District Courts

Total filings of criminal and civil cases in the U.S. districts courts declined slightly in 2001, falling 3 percent to 313,615. A 3 percent drop also occurred in case terminations, which equaled 306,892 (this figure does not include the 75,380 petty offense cases terminated by magistrate judges this year). Because filings exceeded terminations, the pending caseload grew 2 percent to 304,602.

### Criminal Filings .....

After six consecutive years of growth, in 2001 the number of criminal cases and defendants received by the federal district courts remained relatively stable. Filings of criminal cases dropped by 37 cases to 62,708, and the number of defendants decreased less than 1 percent to 83,252. As a result of the creation of 10 additional Article III judgeships during this period, criminal cases per authorized judgeship declined from 96 to 94. This was the first reduction in cases per judgeship since 1994, when federal courts began receiving large numbers of criminal filings involving immigration and drug law violations in districts along the southwestern border of the United States. Nationwide, district courts disposed of 1 percent more cases and 1 percent more defendants than in 2000. As filings outpaced dispositions, pending criminal cases and defendants grew 8 percent.

Criminal Cases Filed, Terminated, and Pending

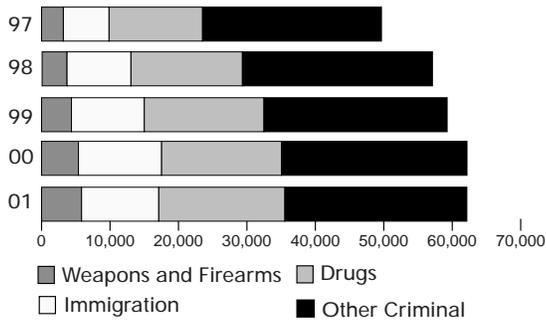


During the last month of this reporting period, many courts reported lower criminal filings than would have been expected based on historical trends for the month of September. After the attacks of September 11, 2001, the U.S. Department of Justice (DOJ) and Congress made statements regarding the need to direct resources toward preventing terrorist activities in the future. However, by the time this report went to press, no clear relationship between the events of September 11 and criminal filings in the year ending September 30, 2001, could be established. Thus, this year's report does not reflect any changes in prosecutorial policies that may have resulted from

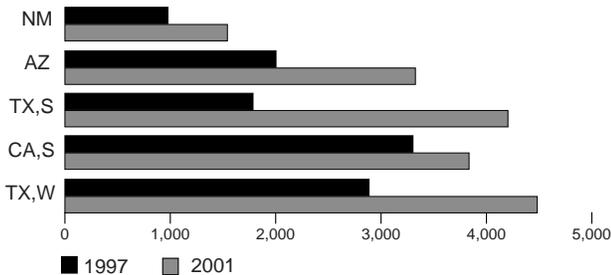
terrorist activities that occurred less than one month before the reporting period ended.

In 2001, the rise in criminal filings consisted largely of drug and firearms cases. Drug filings grew 5 percent to 18,425, and firearms filings surged 9 percent to 5,845. Filings of cases involving robbery and sex offenses increased 8 percent to 1,355 and 1,017, respectively. For the first time since 1992, immigration filings declined, falling 7 percent to 11,277.

Major Types of Criminal Cases Filed



Criminal Cases Filed in the Southwestern Border Districts



Filings of drug cases grew in 50 districts because of an ongoing highway drug interdiction program supported by the Drug Enforcement Agency and carried out by state and local agencies in “high intensity drug trafficking areas” designated by the Office of National Drug Control Policy. Drug filings also increased nationwide because of prosecutions under the Comprehensive Methamphetamine Control Act of 1996, which was enacted in response to the emergence of widespread use of this drug. Three of the

## Southwestern Border Districts

Filings of criminal cases (excluding transfers) in the U.S. district courts jumped 25 percent from 1997 to 2001, with new immigration and drug cases accounting for much of this rise. The largest growth in immigration and drug filings occurred in five districts along the southwestern border of the United States: the Southern District of California, Arizona, the Southern District of Texas, the Western District of Texas, and New Mexico. These districts have undergone increases in filings because of a Department of Justice (DOJ) strategy to obtain additional resources to reduce crime along the U.S. borders by focusing on illegal immigration, alien smuggling, and drug trafficking. Explosive growth in firearms filings since 1998 has stemmed from a DOJ strategy of prosecuting felons possessing firearms under federal laws. As their criminal filings have climbed, these five southwestern border districts have seen a 39 percent increase in persons under supervision of the probation system during the past five years, compared to a 15 percent rise for the nation as a whole.

five southwestern border districts received the highest number of drug cases in the nation. The Western District of Texas had 2,296 cases, the Southern District of California had 1,682 cases, and the Southern District of Texas had 1,499 cases. Nationally, the total number of defendants in drug cases rose 3 percent to 31,493.

Weapons and firearms filings increased in 55 districts as federal courts received yet another new record level of such cases. Firearms case filings began growing in 1998 in many districts across the nation as U.S. attorneys in cities with the highest violent crime rates began implementing special federal programs patterned after Project Exile in Richmond, Virginia, and Operation Ceasefire in Boston, Massachusetts. In these programs, federal, state, and local law enforce-

**Table 3**  
**U.S. District Courts**  
**Criminal Cases Filed, Terminated, and Pending (Including Transfers)**  
**Fiscal Years 1997 Through 2001**

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Cases per Judgeship	Drugs <sup>1</sup>		
1997	647	50,363	78	13,656	46,887	37,237
1998	646	57,691	89	16,281	51,428	40,277
1999	646	59,923	93	17,483	56,511	42,966
2000	655	62,745	96	17,505	58,102	47,677*
2001	665	62,708	94	18,425	58,718	51,667
<b>% Chg. 2001</b>						
Over 2000	—	-.01	—	5.3	1.1	8.4

<sup>1</sup> Excludes transfers.

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

\* Revised.

ment agencies seek to prosecute felons possessing firearms under federal laws, which often carry more severe penalties than do state laws.

Overall filings of fraud cases declined 3 percent. The number of national defense cases fell this year after President Bush announced a plan to have the U.S. Navy cease bombing exercises on the Puerto Rican island of Vieques in 2003 (when this report went to press, the plan to halt these exercises was being reconsidered). These misdemeanor cases, which mainly involved trespassing charges against persons conducting protests at the military facility in Vieques, peaked in 2000. However, fraud cases involving health care fraud, false claims and statements, and credit card fraud rose. Significant increases also occurred in case filings involving robbery, sexually explicit material, and failure to pay child support.

In 2001, the federal courts concluded proceedings against 75,650 defendants, an increase of 1 percent. Of these, 67,731 were convicted. The conviction rate grew one percentage point to 90 percent. Eighty-five percent of defendants disposed of pled guilty, the same as in 2000. The number of defendants imprisoned rose 2 percent to 53,910. The rate of imprisonment increased 1 percentage point to 80 percent, which was 6 percentage points higher than

the rate in 1997. The median case disposition time for criminal defendants rose from 5.9 months to 6.0 months.

Filings of criminal cases (excluding transfers) jumped 25 percent from 1997 to 2001. This increase stemmed largely from growth in filings involving immigration (up 69 percent), drugs (up 35 percent), and firearms law violations (up 84 percent). During that period, the contribution of these offenses to the overall criminal caseload rose from 47 percent to 57 percent.

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

### Civil Filings .....

Civil filings in the U.S. district courts declined 3 percent (down 8,610 cases) to 250,907 in 2001. A 34 percent decrease in civil filings with the United States as plaintiff was the primary contributing factor to the year's overall reduction. Excluding student loan filings, which accounted for the bulk of the national drop in U.S. plaintiff filings, total civil filings increased 1 percent. Total private filings were more stable, falling less than 1 percent. Civil filings per authorized district judgeship dropped from 396 to 377, but a decline of this magnitude occurred because of the creation of 10 new Article III district court judgeships. Despite the overall reduction in civil filings, weighted civil filings per authorized judgeship rose 1 percent in 2001 (see section on Weighted Filings per Authorized Judgeship below).

Over the past five years, civil filings have dropped 8 percent, mostly due to decreases in personal injury cases and prisoner petitions. Since 1997, personal injury cases have fallen 45 percent, largely because of declines in personal injury/product liability filings related to breast implants or oil refinery explosions. Total prisoner petitions have dropped 7 percent during the past five years, as civil rights prisoner petitions have declined 30 percent and motions to vacate sentence have decreased 26 percent. Beginning in 1997, filings of civil rights prisoner petitions were reduced markedly by the 1996 Prison Litigation Reform Act (PLRA), which imposed higher filing fees and other provisions intended to discourage frivolous petitions. In addition, motions to vacate sentence were greatly affected by the U.S. Supreme Court's ruling in *Bailey v. United States*, 516 U.S. 137 (1995), which

restricted the imposition of enhanced penalties for using firearms, and by the enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA), which established a one-year limitation period for filing prisoner petitions. Filings of both civil rights petitions and motions to vacate sentence initially increased, but thereafter subsided.

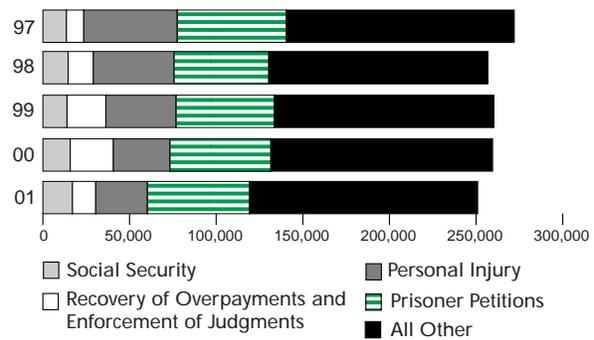
In 2001, filings with the United States as plaintiff or defendant fell 11 percent (down 7,785 cases) from the 2000 total, primarily as a result of a 46 percent decrease in cases with the United States as plaintiff seeking the recovery of overpayments and enforcements of judgments. A 47 percent drop in student loan recovery filings to 12,908 was the chief contributing factor in this substantial decline. Prior to this year, significantly higher numbers of these recovery cases had been filed since the 1990s in response to ongoing intensive debt collection procedures implemented by the U.S. Department of Education (DOE). In 2001, DOE implemented new administrative measures that caused fewer student loan cases to be filed in the federal courts. A 17 percent decrease in forfeiture and penalty cases, most of them involving drug-related seizures of property, also contributed to the overall reduction in cases filed with the United States as plaintiff. Drug-related seizures of property fell 11 percent (down 155 cases) as 39 courts reported declines in such filings last year. Officials at the U.S. Department of Justice have indicated that, with the passage of the Civil Asset Forfeiture Reform Act in 2000, the federal government now requires a higher standard of proof before these cases can be filed in court.

Despite the overall decline in total U.S. cases, filings with the United States as defendant grew 10 percent to 40,644. This was mostly due to a 23 percent increase in federal prisoner petitions and an 8 percent rise in Social Security filings. Motions to vacate sentence filed by federal prisoners grew 36 percent (up 2,303 cases), largely in response to *Apprendi v. New Jersey*, 530 U.S. 466 (2000). Federal habeas corpus (excluding death penalty) prisoner petitions rose 15 percent to 4,430 petitions, a total consistent with filing trends prior to the *Bailey* decision and the enactment of the PLRA and AEDPA. In 2001, Social Security filings related to supplemental security income and disability insurance grew 6 percent (up 497 cases) and 9 percent (up 599 cases), respectively. These increases occurred chiefly as a result of additional resources used by the Social

Security Administration to process a large pending backlog of Social Security cases dating back five years.

Total private cases remained relatively stable, decreasing less than 1 percent to 187,583 in 2001. In 2001, filings of civil cases related to federal question litigation and diversity of citizenship were greatly affected by the stabilization of personal injury/product liability case filings. Throughout much of the 1990s, the influx of cases related to breast implants, oil refinery explosions, and asbestos produced high numbers of these type of filings. Filings related to federal question jurisdiction (i.e., actions under the Constitution, laws, or treaties of the United States) were consistent with the stability in private cases, falling less than 1 percent (down 1,183 cases) to 138,441. Diversity of citizenship filings, which include numerous civil rights cases, rose by less than 1 percent to 48,998.

Civil Cases Filed



Civil case terminations decreased for the second consecutive year, declining 4 percent (down 1,463 terminations). Substantial reductions in terminations occurred in the Southern District of New York and the Northern District of Ohio, which had a combined drop of 5,008 terminations, mostly related to personal injury/product liability asbestos cases; the Eastern District of New York, which had a decline of 1,553 terminations, mostly related to student loan recovery cases; and the Eastern District of Michigan, which had a decrease of 1,241 terminations, mostly related to personal injury/product liability breast implant cases. However, more than 18,000 personal injury/product liability breast implant cases remain pending on the civil docket of the Eastern District of Michigan, awaiting final settlement.

The national median time from filing to disposition for civil cases was 8.7 months, up from 8.2 months in 2000. This increase stemmed from substantial reductions in case terminations related to student loans (down 4,935 terminations) and asbestos (down 2,222 terminations), which are generally processed at faster rates than many other types of civil cases. The number of pending civil cases rose 1 percent (up 2,733 cases) to 252,935.

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

### Arbitration Cases .....

In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. When a case

goes to arbitration, an outside neutral party or a panel of neutral parties presents to the litigants an opinion of the likely outcome of a trial. An arbitrator's decision is not binding; within 30 days after the decision's release, the parties can seek a trial, which will cause the case to be treated as if it never went through arbitration. The first districts authorized to use mandatory and voluntary arbitration were the Northern District of California, the Middle District of Florida, the Western District of Michigan, New Jersey, the Eastern District of New York, the Middle District of North Carolina, the Western District of Oklahoma, the Eastern District of Pennsylvania, the Western District of Missouri, and the Western District of Texas. The Judicial Conference later authorized 10 additional districts to use voluntary arbitration only, but the data presented herein address only the 10 original arbitration courts as required by Public Law 100-702.

In 2001, a total of 3,294 civil cases were referred to arbitration in 5 of the 10 original participating districts. The other five original arbitration courts referred no new cases to arbitration. This case total was a 24 percent decrease (down 1,032 cases) from last year, but only 2 percent below the 1999 total. In

Table 4  
U.S. District Courts  
Civil Cases Filed, Terminated, and Pending  
Fiscal Years 1997 Through 2001

Year	Authorized Judgeships	Filed						
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	All Other Cases	Terminated	Pending
1997	647	272,027	420	9,677	62,966	199,384	249,641	272,602
1998	646	256,787	398	14,577	54,715	187,495	262,301	262,573
1999	646	260,271	403	22,403	56,603	181,265	272,526	249,381
2000	655	259,517	396	24,838	58,257	176,422	259,637	250,202*
2001	665	250,907	377	13,409	58,805	178,693	248,174	252,935
% Chg. 2001 Over 2000	—	-3.3	-4.8	-46.0	0.9	1.3	-4.4	1.1

\*Revised.

Table 5  
U.S. District Courts  
Civil Cases Filed, by Jurisdiction  
Fiscal Years 1997 Through 2001

Year	Total	U.S. Cases		Private Cases		
		Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
1997	272,027	20,966	39,038	156,596	55,278	149
1998	256,787	23,389	34,463	146,827	51,992	116
1999	260,271	31,067	34,376	144,898	49,793	137
2000	259,517	34,124	36,985	139,624	48,626	158
2001	250,907	22,680	40,644	138,441	48,998	144
% Chg. 2001 Over 2000	-3.3	-33.5	9.9	-0.8	0.7	-8.4

the 11<sup>th</sup> year of arbitration reporting, arbitration cases represented 7 percent of total civil filings in the original 10 arbitration courts; however, they constituted 9 percent of civil filings in the five courts that reported new arbitration cases. The bulk of all participating districts' arbitration caseloads consisted of filings related to contracts, personal injuries, civil rights, and labor suits.

The District of New Jersey, the Eastern District of Pennsylvania, the Middle District of Florida, and the Eastern District of New York have been the most actively involved in using voluntary and mandatory arbitration since its inception. These four courts, along with the Eastern District of California, accounted for all new arbitration cases in the district courts during 2001. However, each court experienced a decline in arbitration referrals, with marked decreases occurring in the Eastern District of Pennsylvania (down 375 filings), New Jersey (down 333 filings), and the Northern District of California (down 207 filings). Cases referred to arbitration in the Middle District of Florida and the Eastern District of New York fell by 83 and 28, respectively. The five courts point to the increasing use of federal mediation procedures involving alternative dispute resolution as a major

reason for the continuing decline in arbitration filings. Mediation also involves 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.

For the fourth consecutive year, the Middle District of North Carolina, the Western District of Texas, the Western District of Michigan, and the Western District of Missouri reported no new arbitrations. In addition, the Western District of Oklahoma reported no new arbitration referrals in 2001. Each of these five courts now actively use federal mediation procedures. Currently, a total of 42 percent of all U.S. district courts (41 courts) use federal mediation procedures to settle cases eligible for alternative dispute resolution programs.

Supplemental Table S-12 summarizes the cases filed in 2000 and 2001 in the 10 districts authorized to use both voluntary and mandatory arbitration.

#### **Trials Completed** .....

For statistical purposes, district court trials include proceedings resulting in jury verdicts or other final judgments, as well as other contested hearings at

which evidence is presented. Except as specifically stated, the following statistics include only those trials conducted by active and senior Article III judges in the district courts.

In 2001, the total number of civil and criminal trials completed in the U.S. district courts declined 8 percent as judges in the district courts concluded 13,558 trials. Sixty-one districts reported decreases in total trials in 2001, with 20 districts reporting at least 30 fewer trials than last year. The overall drop in trials resulted from decreases in completed civil nonjury and jury trials and in criminal jury trials.

An 18 percent reduction in total civil trials (down 1,420 trials) in 2001 caused most of the decrease in total trials. The total number of civil trials dropped in 65 districts. Civil nonjury trials fell 22 percent to 3,533 (down 996 trials), and civil jury trials declined 12 percent to 2,980 (down 424 trials). Total criminal trials rose 4 percent (up 299 trials) to 7,045. Nonjury criminal trials jumped 13 percent to 3,687, mostly due to increases in hearings on contested proceedings. Criminal jury trials declined 4 percent to 3,358. Despite a 15 percent drop in the number of criminal jury trials since 1997, total criminal trials have risen 3 percent over the past five years due to the growth in the number of nonjury criminal trials.

These trends reflect the changing nature of case disposition in the federal district courts. Large numbers of cases resolved by court action before trial—including those disposed of by summary judgment, dismissal, or consent judgment—remain a major factor in the overall reduction in total civil trials this year. The implementation of alternative dispute resolution (ADR) programs in the district courts also likely has contributed to the termination of more cases without trial on the merits. ADR programs involving mediation and arbitration are currently active in 41 districts. Other possible factors include the increasing use, and judicial enforcement, of compulsory arbitration clauses in employment and other contracts. With regard to criminal matters, more defendants (particularly those charged with drug offenses and weapons or firearms violations) have been cooperating with U.S. attorneys and either reaching plea agreements or agreeing to nonjury rather than jury trials.

Judges in the district courts remain active in managing and disposing of their cases. Many case events not classified as “trials” require significant amounts of judges’ time, typically in the courtroom. These events include hearings on motions for summary judgment and other dispositive motions, sen-

tencing hearings, *Daubert* hearings on expert witnesses, hearings in prisoner cases, supervised release hearings, and various types of pretrial proceedings, including activities related to ADR and settlement conferences. Sentencing hearings in particular require time and activity from judges who must review legal standards and evaluate factual information before imposing sentences.

This year, judges terminated 200,222 civil cases before or during pretrial proceedings. This figure represents approximately 81 percent of all terminated cases, approximately the same percentage for the past five years. In addition, judges accepted pleas from 56,458 felony defendants, an increase of 1 percent. Also, 3,451 contested sentencing hearings were conducted in 2001.

Counting hearings on contested motions, restraining orders, and preliminary injunctions, 47 percent of all trials (6,332) were completed within a single day. In 2001, the number of trials lasting four days or longer decreased by 7 percent to 3,368. As in 2000, this represents 25 percent of all trials completed. Thirty-three civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 30 days. The longest civil trial was an environmental case lasting 76 days. In addition, 66 criminal trials required 20 or more days for completion, with the average of these trials lasting 22 days. The longest criminal trial was a foreign relations case lasting 107 days. In 2001, the median time from filing to trial in civil cases in which a trial was conducted was 21.6 months, up from 20 months last year. Appendix Tables C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges.

In addition to trials conducted by active and senior Article III judges, 10,663 trials were conducted by magistrate judges in 2001. These consisted of 4,768 petty offense trials, 1,079 civil consent trials, 589 misdemeanor trials, 3,690 evidentiary hearings, and 537 mental competency proceedings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

### Weighted Filings per Authorized Judgeship .....

Weighted filings per authorized judgeship account for the different amounts of time judges require to resolve various types of civil and criminal actions. 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 2001, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per authorized judgeship was 479, the same number of weighted filings as in 2000. (Weighted filings per authorized judgeship do not address whether judgeships are filled or vacant.) The total number of unweighted filings per judgeship in 2001 (i.e., the raw number of cases and defendants in categories that receive weights) declined 4 percent to 468, compared to 488 in 2000. The magnitude of this decrease stemmed largely from the creation of 10 Article III judgeships during this period. Without the additional judgeships, weighted filings per judgeship would have risen 1 percent, and unweighted filings would have fallen 3 percent. The 479 weighted filings per judgeship for 2001 was 5 percent lower than the 504 weighted filings for 1997. The total for unweighted filings in 2001 was 4 percent above that for 1997.

Compared to 2000, the total number of weighted criminal felony defendants per judgeship declined 1 percent to 165. This figure was 1 percent higher than the number of weighted felony defendants in 1997. In 2001, weighted criminal filings rose in 41 of the 91 district courts whose filings receive weights (weights are not assigned to civil cases and criminal defendants in the territorial courts of the Virgin Islands, Guam, and the Northern Mariana Islands), dropped in 48 districts, and remained unchanged in two districts. The largest percentage increases occurred in Idaho, the Southern District of Georgia, and the Northern District of West Virginia, where weighted filings rose 61 percent, 60 percent, and 53 percent, respectively. Significant growth in drug filings caused the increases in weighted filings in Idaho and the Southern District of Georgia, while the growth in West Virginia-Northern was caused by rises in both drug and firearms prosecutions.

This year's 1 percent decrease in weighted criminal felony defendants per judgeship reflects stability in the number of criminal felony defendants nationwide, which declined less than one percent. 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

## New Article III Judgeships

Public Law 106-553 created 10 new Article III judgeships—one each in Arizona, the Southern District of Florida, the Eastern District of Kentucky, Nevada, New Mexico, South Carolina, the Southern District of Texas, the Western District of Texas, the Eastern District of Virginia, and the Eastern District of Wisconsin—on December 21, 2000. The additional positions, which had not been filled as of September 30, 2001, caused the number of criminal cases filed per authorized district judgeship to fall from 96 to 94, the first such decline for criminal cases since 1994. Civil filings per authorized district judgeship dropped from 396 to 377. If the new judgeships had not been created, the total for criminal cases filed per authorized judgeships would have remained 96, and civil filings per authorized judgeship would have equaled 383. The additional judgeships also affected weighted filings, which account for the different amounts of time judges require to resolve various types of civil and criminal actions. In 2001, the number of weighted filings per authorized judgeship was 479, the same as in 2000. The total number of unweighted filings per judgeship in 2001 (i.e., the raw number of cases and defendants in categories that receive weights) declined 4 percent to 468. Without the additional authorized judgeships, weighted filings per judgeship would have grown 1 percent, and unweighted filings would have been 3 percent lower.

consume more time because they require greater involvement by judges and are more likely to go to trial (5 percent of criminal felony defendants went to trial compared to 2 percent of civil cases). In 2001, weighted criminal filings were higher than unweighted criminal filings in all 91 district courts whose filings receive weights. Appendix Table X-1A

provides, by district, weighted and unweighted filings per authorized judgeship in 2001.

The total number of weighted civil filings per authorized judgeship was 314, up 1 percent from the total for 2000. From 1997 through 2001, weighted civil filings per authorized judgeship declined 14 percent. The growth in weighted civil filings in 2001 contrasted with the 3 percent drop in overall civil filings. The decline in overall civil filings was caused by a 47 percent drop in student loan recovery cases, but because these filings have such a low case weight, the impact of this decline on weighted filings was negligible. Excluding student loan cases, both weighted and unweighted civil filings per authorized judgeship rose 1 percent in 2001. During 2001, weighted civil filings increased in 40 district courts, fell in 48, and remained unchanged in three districts. The largest increase occurred in the Western District of Missouri, where weighted civil filings soared 70 percent due to a 252 percent jump in Social Security cases and a 69 percent rise in civil rights filings. The largest decline, excluding the ten districts that received additional authorized judgeships, was in New Hampshire (down 18 percent). In that district, civil rights filings fell 38 percent and the number of securities, commodities, and exchange filings—which are assigned one of the highest civil case weights—dropped from 41 in 2000 to a single case during 2001.

In 81 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 Eastern District of Virginia (336 versus 543), 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 average civil case.

The federal Judiciary has employed techniques for assigning weights to cases since 1946. The current weighting system, which the Federal Judicial Center (FJC) developed in 1993, assigns weights to civil cases and to criminal felony defendants. The weighted and unweighted totals for criminal felony defendants include reopens and transfers. However, data on civil cases arising by reopening, remand, or transfer to the district by order of the Judicial Panel on Multidistrict Litigation are not included among the totals for weighted and unweighted filings.

## U.S. Magistrate Judges

Magistrate judges continue to serve as a crucial resource for the federal Judiciary. In 2000, their workload statistics were altered to give a more comprehensive depiction of their efforts. Supplemental Table S-17 summarizes these judges' workload.

Magistrate judges performed 873,948 judicial duties in 2001, including some tasks in categories for which data were not reported before 2000 (see Table S-17 footnotes). This year, magistrate judges' contributions to caseload management increased considerably, both overall and in the most time-consuming categories. Proceedings to accept felony guilty pleas rose 24 percent to 13,150 between 2000 and 2001. Probation/supervised release revocation hearings jumped 15 percent to 3,570. Reports and recommendations on case-dispositive motions grew 11 percent to 6,410 in felony cases, 5 percent to 12,294 in civil cases other than prisoner and Social Security matters, and 23 percent to 4,256 in federal habeas corpus cases. Although misdemeanor and petty offense adjudications declined 5 percent to 84,067, felony preliminary proceedings rose 8 percent to 286,299.

Continuing a long-standing trend, the volume of civil consent cases concluded by magistrate judges again increased, rising 5 percent to 12,024, although trials in such cases declined 17 percent to 1,079. Magistrate judge adjudication of civil consent cases has helped many courts make the most of their limited judicial resources.

## Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 9,541 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2001. The Panel transferred 8,970 cases originally filed in 91 district courts to 33 transferee districts for inclusion in coordinated or consolidated pretrial proceedings in which 571 actions already were pending in the transferee districts. This year, cases involving asbestos and Firestone tires were among the more significant of the Panel's transfer determinations. In addition, the Panel did not order transfer in 11 newly docketed litigations involving 46 actions.

Since the Panel's creation in 1968, it has centralized 170,691 civil actions for pretrial proceedings. As of September 30, 2001, a total of 9,802 actions had been remanded for trial, 315 actions had been reas-

signed within the transferee district, and 122,403 actions had been terminated in the transferee court. At the end of this fiscal year, 38,171 actions were pending throughout 47 transferee district courts.

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

## Criminal Justice Act Representations

This year, a total of 123,968 appointments of counsel took place under the Criminal Justice Act (CJA), an increase of 5 percent over the 118,494 appointments in 2000. 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 and/or by federal public or community defender offices.

This year, representations closed by the 70 federal or traditional community defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) rose 6 percent to 70,703. Appointments of private panel attorneys increased 3 percent to 53,265.

The growth in representations occurred mainly in four districts along the southwestern border of the United States. These districts accounted for more than half of the increase in representations closed by federal and traditional community defenders. Closings increased 4 percent in the Western District of Texas, 26 percent in the Southern District of Texas, 11 percent in Arizona, and 6 percent in the Southern District of California. Also of significance, the combined closings for five new offices that began taking cases after October 1, 1999—the offices of the Eastern District of Wisconsin, the Northern District of Indiana, South Dakota, and Utah, and the office serving both Vermont and the Northern District of New York—jumped from 588 to 1,506.

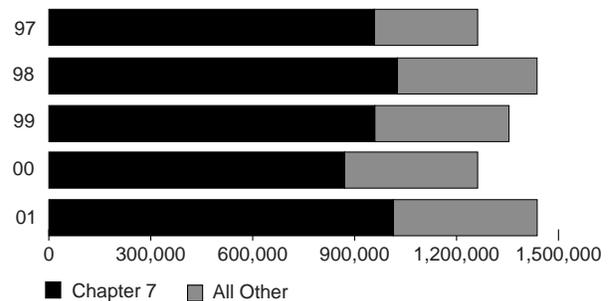
Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the last five years. Appendix Table K-1 presents information on the representations each federal public and

community defender organization provided during 2001.

## U.S. Bankruptcy Courts

Following two years of decline, bankruptcy filings climbed 14 percent to 1,437,354, a fiscal year record that exceeded by 5 percent the number of petitions received in 1997 (the only larger 12-month total was the all-time high of 1,442,549 filings for the year ending December 31, 1998). Only 3 of the 94 districts reported declines in petitions in 2001 (although the nation has 90 bankruptcy courts, data on bankruptcy and adversary proceedings are collected and reported for 94 judicial districts). Twenty-nine districts reported increases greater than 20 percent, and 26 districts reported rises between 15 percent and 20 percent. The largest numerical increases occurred in the Northern District of Ohio (up 7,289 cases), the Southern District of Ohio (up 6,876 cases), and the Middle District of Florida (up 6,300 cases). The numerical declines took place in the Northern District of California (down 1,822 cases), Puerto Rico (down 1,305 cases), and Delaware (down 898 cases).

Bankruptcy Petitions Filed



Several reasons appear to explain this year's jump in filings. Many persons likely filed petitions before Congress could pass a bankruptcy bill under consideration that would impose stricter limits on consumer debt dischargeability (at the time this publication went to press, no comprehensive bankruptcy measure had been enacted). Also, consumer debt levels remained high, and the economy began to slow. The high level of consumer debt relative to personal income has most likely been responsible for the consistently large number of bankruptcy petitions

**Table 6**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Code Cases Filed, Terminated, and Pending**  
**Fiscal Years 1997 Through 2001**

Year	Total	Filed		Terminated	Pending
		Nonbusiness	Business		
1997	1,367,364	1,313,112	54,252	1,223,967	1,326,136
1998	1,436,964	1,389,839	47,125	1,377,206	1,384,179
1999	1,354,376	1,315,751	38,625	1,356,026	1,377,985
2000	1,262,102	1,226,037	36,065	1,256,874	1,378,139*
2001	1,437,354	1,398,864	38,490	1,301,016	1,514,477
% Chg. 2001 Over 2000	13.9	14.1	6.7	3.5	9.9

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

filed over the last decade. Tables 6 and 7 contain national data on bankruptcy cases. Detailed data on filings, closings, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Although bankruptcy petitions have soared over the past 10 years, no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired since then, lowering the total number to 324. As a result, cases per judgeship grew from 2,998 in 1992 to 4,436 in 2001—a 48 percent increase. Cases closed in 2001 rose 4 percent to 1,301,016, or 4,003 closings per judgeship. Because the number of petitions filed exceeded the number closed, cases pending rose 10 percent to 1,514,477 as of September 30, 2001.

Overall, bankruptcy filings increased under all chapters of the bankruptcy code except chapter 12. Filings under chapter 7, which constituted 71 percent of total petitions filed, jumped 16.5 percent. Growth was reported in all districts except Puerto Rico and the Northern District of California, and 47 districts reported increases greater than 20 percent. The largest numerical growth in chapter 7 filings occurred in the Northern District of Ohio (up 6,501 petitions) and the

Southern District of Ohio (up 6,042 petitions). Under chapter 7, assets are liquidated for distribution to creditors in accordance with state law.

Chapter 13 filings, which accounted for 29 percent of all new petitions, increased 8 percent. Seventy-nine districts reported higher numbers of chapter 13 petitions filed. Nineteen districts reported rises greater than 20 percent. Under chapter 13, creditors may be repaid, in full or in part, in installments over a three- to five-year period.

Chapter 11 filings, which composed less than 1 percent of all petitions filed, rose 7 percent. Seventy-one districts reported growth under this chapter. Chapter 11 is used to allow businesses to continue operations while they formulate plans to reorganize and repay their

creditors, although individuals also may file under this chapter. Filings under chapter 11 generally require more involvement by judges than do filings under the other chapters of the bankruptcy code.

Filings under chapter 12, which was designed to help family farms reorganize their debts, have declined for the last five years. Large drops occurred in the last two years, primarily after the statutory provisions for chapter 12 expired on July 1, 2000. Public Law 107-8 extended the deadline for filing chapter 12 petitions to June 1, 2001; thereafter, Public Law 107-17 extended the deadline again to October 1, 2001 (legislation under consideration by Congress to re-enact and extend chapter 12 protections permanently was not passed before this report went to press). Chapter 12 filings constituted 0.07 percent of total bankruptcy filings in 1997 and 0.03 percent in 2001.

Higher totals were reported for both nonbusiness and business filings in 2001, although the overall rise stemmed primarily from the 14 percent growth in nonbusiness petitions. Over the past decade, nonbusiness (i.e., personal) filings have constituted an increasing portion of all petitions filed, ranging from 93 percent of filings in 1992, to 96 percent in 1997, to

more than 97 percent in 2001. This year, nonbusiness filings rose under all chapters of the bankruptcy code, growing 17 percent under chapter 7, growing 8 percent under chapter 13, and growing 5 percent under chapter 11.

Business filings increased 7 percent because of increases in filings under chapter 7 (up 10 percent) and chapter 11 (up 7 percent). Drops in business filings under chapter 12 (down 31 percent) and chapter 13 (down 3 percent) were not enough to offset increases in filings under the other chapters. Business bankruptcies, which have constituted a declining portion of all filings over the last 10 years, have fallen 46 percent since 1992 and 29 percent since 1997.

Following two years of reductions, filings of adversary proceedings increased 10 percent in 2001 to 67,140. However, this number was 8 percent lower than the number filed in 1997 and 26 percent below that for 1992. Adversary proceedings are civil actions that arise in bankruptcy cases and include actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts.

Fifty-two districts reported growth in adversary proceedings filings, and 41 districts reported declines (filings in 1 district remained stable). Twenty-one districts reported rises greater than 30 percent, and 10 districts reported increases greater than 50 percent. The greatest growth in adversary proceedings filed was reported in the districts of Delaware (up 3,959 cases)

Over the last decade, both the number and percentage of convicted defendants sentenced to prison have risen, and this has contributed to the growth in persons serving terms of supervised release.

Table 7  
U.S. Bankruptcy Courts  
Filings by Chapter of the Bankruptcy Code  
Fiscal Years 1997 Through 2001

Year	Total	Chapter				
		7	11	12	13	Other
1997	1,367,364	958,045	11,221	966	397,097	35
1998	1,436,964	1,026,134	8,765	879	401,151	35
1999	1,354,376	959,291	8,982	811	385,262	30
2000	1,262,102	870,805	9,835	551	380,880	31
2001	1,437,354	1,014,137	10,519	379	412,272	47
% Chg. 2001 Over 2000	13.9	16.5	7.0	-31.2	8.2	51.6

and the Middle District of Tennessee (up 1,229 cases). The increase in Delaware arose mainly from chapter 11 cases filed by large companies; the increase in the Middle District of Tennessee resulted from one chapter 11 case filed by a large retail establishment. The number of adversary proceedings closed dropped 15 percent to 59,061. Adversary cases pending grew 8 percent to 74,141 as of September 30, 2001. Data on adversary proceedings by district appear in Appendix Table F-8.

## Probation

The total number of persons under supervision on September 30, 2001, was 104,715, a 4 percent increase (up 4,320 persons) over the number reported on September 30, 2000, and a 15 percent rise over the number under supervision on September 30, 1997. Persons serving terms of supervised release following their release from prison climbed 7 percent (up 4,654) above the number for 2000, growing 34 percent since 1997. Over the last decade, both the number and percentage of convicted defendants sentenced to prison have risen, and this has contributed to the growth in persons serving terms of supervised release. From 1991 to 2001, the number of convicted defendants sentenced to prison soared 83 percent.

An increasing proportion of offenders supervised were serving terms of supervised release after leaving prison. Overall, persons serving terms of supervised release constituted 65 percent of all persons under supervision, compared to 64 percent one year earlier. The number of persons serving terms of supervised release following their release from prison totaled 68,447 on September 30, 2001. Cases involving probation imposed by district judges remained about the same, and those involving probation imposed by magistrate judges decreased 2 percent. Because of the continuing decline in cases under the responsibility of the Parole Commission, parole cases—including those involving special parole—dropped 10 percent, and those involving mandatory release fell 11 percent.

Consistent with the recent increases in criminal filings in the districts along the southwestern border of the United States (Arizona, New Mexico, California-Southern, Texas-Southern, and Texas-Western), this year the rise in persons under supervision along the southwestern border accounted for 28 percent of the national increase despite this region's having only 13 percent of the total number of persons under supervision. The composition of cases in the southwestern border districts differed somewhat from that for the nation as a whole. Persons under supervision in these districts were more likely to have committed drug offenses (53 percent were drug offenders, compared to 42 percent of those under supervision nationally). Eleven percent of the persons under supervision in the southwestern border districts committed immigration offenses, compared to 2 percent of those under supervision nationally. In addition, 11 percent of persons under supervision in the southwestern border districts had been convicted of fraud offenses, whereas the total for the nation was 20 percent.

The number of persons received for supervision (excluding transfers) increased 4 percent to 45,689. The number of persons received for terms of supervised release rose 6 percent. Parole cases, including those involving special parole, fell 27 percent. The number of persons received for all other forms of supervision rose 2 percent, primarily due to the addition of Bureau of Prisons custody supervision cases to the categories of supervision included in the

Table 8  
Persons Under Supervision of the Federal Probation System  
Fiscal Years 1997 Through 2001

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
1997	46,190	40,117	44,757	39,024	91,434
1998	45,586	39,925	43,903	38,897	93,737
1999	48,035	42,933	44,925	40,211	97,190
2000	48,653	43,923	45,051	40,545	100,395
2001	50,308	45,689	46,748	42,330	104,715
% Chg. 2001 Over 2000	3.4	4.0	3.8	4.4	4.3

statistical tables beginning in 2001. This year, 873 such cases were received. Persons received in this category are typically completing periods of incarceration under the responsibility of the Bureau of Prisons, but they may be in halfway houses or other facilities and are supervised by probation officers. Detailed probation data appear in Table 8 and in the E series of the appendix tables.

The number of persons received for supervision has been affected by the number of aliens, both legal and illegal, among those convicted and sentenced. Over the last 10 years, the number of convicted and sentenced aliens deported has risen. As a result, both legal and illegal aliens sentenced to supervision now generally are placed on inactive supervision status and deported rather than made to serve terms of supervised release. In 2001, U.S. probation offices received 6,595 illegal aliens and 2,501 legal aliens for inactive supervision. (The E series of tables in the appendix does not include data on persons on inactive supervision status.)

The number of presentence reports prepared by probation officers for sentencing hearings decreased 1 percent (638 reports) to 63,028. Collateral reports written to assist other districts in the preparation of presentence reports grew 4 percent (up 2,036) to 48,377. Probation officers also prepared 4 percent more violation reports (31,298) and 7 percent more

**Table 9**  
**Investigative Reports by Probation Officers**  
**Fiscal Years 2000 and 2001**

Type of Investigation	2000	2001	Percent Change
Presentence Report*	63,666	63,028	-1.0
Collateral Report for Another District	46,341	48,377	4.4
Alleged Violation	29,976	31,298	4.4
Pre-Release for a Federal Institution	23,639	25,287	7.0

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

pre-release reports (25,287). See Table 9 for data on these investigative reports. Investigative reports in these four major categories rose 3 percent to 167,990.

### Substance Abuse Treatment .....

Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, 12-step programs, the Veterans' Administration, and federally funded substance abuse treatment services. Across the nation, 56 percent of offenders with conditions indicating substance abuse received federally funded substance abuse treatment (these data do not include offenders with substance abuse conditions who received federally funded substance abuse treatment in earlier years). Supplement Table S-13 contains additional information on federally funded substance abuse treatment services.

## Pretrial Services

The number of defendants in pretrial services cases opened in 2001 rose 1 percent (up 523) to 86,140. This year's growth rate, which followed a 7 percent increase in 2000, was comparable to the relative stability of criminal filings in the district courts, which fell 1 percent in 2001. Although the rate of increase in pretrial services activities was smaller this year than in 2000, the overall rise in workload in recent years has been significant. The number of pretrial services cases opened in 2001 was 24 percent greater than the number opened five years ago.

Moreover, since 1997, the number of persons interviewed has climbed 16 percent, the number of pretrial services reports prepared has jumped 24 percent, and the number of defendants released on pretrial supervision has grown 25 percent.

Pretrial services officers (PSOs) collected and verified information on more defendants, and prepared more pretrial services reports, in 2001 than in 2000. Judicial officers use these 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.

PSOs prepared 82,709 pretrial services reports (up 1 percent) this year. Prebail reports constituted 93 percent of the pretrial services reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

PSOs interviewed 62,077 defendants (down 2 percent), a decline that reflected an increase of two percentage points in the proportion of defendants refusing interviews in 2001. The percentage of defendants detained at detention hearings remained the same as last year.

The proportion of defendants charged with offenses related to immigration, who typically are detained because they pose a high risk of flight, stabilized this year. Although the number of pretrial services cases opened in which immigration was the major offense charged has risen 55 percent in the past five years, immigration cases accounted for 17 percent of cases opened in pretrial services in 2001, down from the 18 percent of cases they constituted in 2000.

The pretrial services workload of judges grew at a rate consistent with the rise in cases in 2001. In conjunction with all pretrial services cases closed during the year, 194,693 pretrial hearings of all types were held, an increase of 0.5 percent over the total for 2000. Detention hearings rose 1 percent to 43,581, but bail review hearings fell 9 percent to 23,755, and violation hearings declined 2 percent to 3,817. Review hearings held at conviction and sentencing grew 3 percent to 115,015.

**Table 10**  
**Summary of Pretrial Services Cases**  
**Fiscal Years 2000 and 2001**

	2000	2001	Percent Change
Total Cases Activated	87,513	88,049	0.6
Pretrial Services Cases	85,617	86,140	0.6
Pretrial Diversion Cases	1,896	1,909	0.7
Total Released on Supervision	34,547	35,082	1.5
Pretrial Supervision	32,388	33,033	2.0
Diversion Supervision	2,159	2,049	-5.1
Type of Report			
Prebail	75,850	76,566	0.9
Postbail	4,320	3,835	-11.2
Other	1,945	2,308	18.7
No Report	3,502	3,431	-2.0

During 2001, detention hearings took place for 50 percent of defendants whose cases were activated, the same percentage as in 2000, and detention was ordered for 75 percent of defendants who had detention hearings, also the same percentage as last year. The number of defendants detained at these hearings increased 1 percent to 32,528. Overall, the courts detained 38 percent of activated defendants following initial detention hearings, the same as in 2000. Risk of flight was identified as the reason for detention in 45 percent of cases, danger to the community was cited for 9 percent of detained defendants, and a combination of danger and flight risk was cited for 47 percent of defendants detained; these were comparable to the percentages in 2000.

The number of defendants released at some point during the year following an initial hearing, a detention hearing, or a bail review hearing rose 1 percent to 38,129, of which 35,591 (93 percent) were released with restrictive conditions. In addition, 33,033 defendants were placed into the custody of PSOs, a 2 percent increase over the number received for supervision in 2000. For persons under supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services, and informed the courts and U.S. attorneys of all apparent violations of release conditions.

Restrictive conditions involving substance abuse testing and substance abuse treatment, which were the types ordered most frequently, were imposed on 23 percent (19,434) of defendants whose cases were opened in 2001, one percentage point more than last year. House arrest and electronic monitoring were ordered for 7 percent (6,430) of defendants, one percentage point less than last year and the same percentage as in 1999. 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. Mental health treatment conditions were imposed on 1,931 defendants whose cases were opened in 2001, a rise of 17 percent over the total for 2000. This growth was the result of increased attention to mental health needs as reflected in training initiatives and technical assistance specifically designed to help districts identify mental health issues.

Pretrial diversion is a period of supervision proposed by the U.S. attorney and agreed to by the defendant as an alternative to prosecution of criminal charges in federal court. In addition, diversion preserves prosecutorial and judicial resources for more serious criminal matters. In 2001, the number of pretrial diversion cases activated rose 1 percent to 1,909; this represented approximately 2 percent of activated cases in 2001, the same percentage as in 2000.

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 the clerk of the applicable national court.

Following two consecutive years of declines, the number of judicial complaints filed in 2001 increased

**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**  
**Fiscal Years 1999, 2000, and 2001**

	1999*	2000*	2001
Filed	782	698	766
Concluded	831	729	668
By Chief Judges	410	374	363
Dismissed	397	357	351
Corrective Action Taken	11	14	9
Withdrawn	2	3	3
By Judicial Councils	421	355	305
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	415	353	299
Withdrawn	2	—	1
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	2	—	4
Withdrawn	2	—	—
Action Taken	—	2	1
Referred to Judicial Conference	—	—	—
Pending	181	150	248

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

10 percent to 766. In contrast, a total of 668 complaints were concluded during 2001, down 8 percent from 2000. Chief judges terminated 363 complaints, and judicial councils terminated the other 305.

Of the complaints concluded by chief judges, 65 percent 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. Of the complaints concluded by judicial councils, 300 involved petitions for review of a chief judge's dismissal of a complaint and five involved reports by a special investigative committee appointed pursuant to §372(c)(4). All but one of the 300 petitions for review were dismissed without any action taken; the remaining complaint was withdrawn. Four of the five complaints concluded after a report was made by an investigative committee were dismissed; the remaining complaint resulted in private censure. Table 11

and Supplemental Table S-22 summarize judicial complaints activity from 1999 through 2001.

A single complaint may involve multiple allegations against numerous judges. This year, the allegations cited most often were abuse of judicial power, prejudice/bias, and "other." Over one-half of all complaints filed originated in the Second, Fifth, Sixth, and Ninth Circuits. The total number of judicial complaints that remained pending on September 30, 2001, was 248.

## Status of Article III Judgeships

On September 30, 2001, a total of 32 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, 9 more vacancies than reported one year earlier. This total was the highest since 38 positions were vacant on June 30, 1979. However, 35 of those previous vacancies resulted from new judgeship positions created in October 1978. None of the vacancies on September 30, 2001, arose from the creation of new judgeships, and 18 of the vacancies had existed more than 18 months. Table 12 provides information on the status of judgeship positions since 1997.

On September 30, 2001, in the U.S. district courts, 75 vacancies existed among the 665 positions authorized, an increase of 74 percent over the 43 vacancies reported one year earlier. One reason for the high number of vacancies is that 12 of the 19 Article III judgeships created by both Public Law 106-113 (which created 9 additional judgeships on November 29, 1999) and Public Law 106-553 (which created 10 new judgeships on December 21, 2000) remained unfilled as of September 30, 2001. The 75 vacancies is the highest total since 107 positions were vacant on June 30, 1993 (25 of those previous vacancies were for new positions created in December 1990). Twenty-seven of the 75 vacancies on September 30, 2001, had been unfilled for more than 18 months, nearly double the 15 positions that had been vacant that long one year earlier.

In addition to active judges, 93 senior appellate judges participating in appeals decisions were serving the Judiciary on September 30, 2001, a total of 7 more than the 86 senior judges who provided service during each of the last three years. In the U.S. district courts, the number of senior judges with staff totaled 281, also 7 more than one year earlier. The number of

Table 12  
Status of Judgeship Positions  
1997 Through 2001<sup>1</sup>

Year	U.S. Courts of Appeals			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>3</sup>	Authorized Judgeships	Vacancies	Senior Judges <sup>4</sup>
1997	179	24	87	647	69	278
1998	179	17	86	646	55	276
1999	179	24	86	646	38	273
2000	179	23	86	655	43	274
2001	179	32	93	665	75	281

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

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

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

<sup>4</sup>Senior judges with staff.

senior district judges has remained relatively stable for several years, ranging between 273 and 281 since September 30, 1997.

## Status of Bankruptcy Judge Appointments

On September 30, 2001, a total of 324 bankruptcy judgeships were authorized and funded. Of that number, 312 bankruptcy judgeships were filled, and 12 were vacant. In addition to these positions, 30 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2001. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2001.

## Appointments of Magistrate Judges

During 2001, a total of 68 full-time magistrate judges were appointed, 33 of them by reappointment. Of the 35 new appointments, 12 were for new positions. During the same period, 17 individuals were appointed to part-time magistrate judge positions, 9 of them by reappointment.

In 2001, the average age of new appointees to both full-time and part-time magistrate judge positions

was 46. New appointees had been members of the bar for an average of 19 years at the time of appointment. Of the new full-time magistrate judges, 17 had been in private practice, 7 had been assistant U.S. attorneys, 4 had been state court judges, and 2 had been part-time U.S. magistrate judges. Other new appointees included a full-time U.S. magistrate judge transferred from one district to another, a state assistant attorney general, a deputy district attorney, a general counsel, and a law clerk.

As of its September 2001 session, the Judicial Conference authorized 471

full-time magistrate judge positions, 59 part-time positions, and 3 combination clerk/magistrate judge positions. This year, 28 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 1997.

Table 13  
Status of Bankruptcy Judgeship Positions  
1997 Through 2001<sup>1</sup>

Year	Authorized Judgeships	Vacancies	Recalled Judges
1997	326	13	22
1998	326	11	25
1999	326	20	29
2000	325	18	30
2001	324	12	30

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

Table 14  
U.S. Magistrate Judge Positions  
Authorized by the Judicial Conference  
1997 Through 2001

	Year	Total	Full-Time	Part-Time	Combination
1997	Spring	508	429	76	3
	Fall	510	432	75	3
1998	Spring	510	436	71	3
	Fall	512	440	69	3
1999	Spring	518	447	68	3
	Fall	519	454	62	3
2000	Spring	521	456	62	3
	Fall	529	466	60	3
2001	Spring	532	470	59	3
	Fall	533	471	59	3

## U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases heard by this court address the classification and valuation of imported merchandise, the refund of customs duties, alleged unfair import practices by trading partners, and the administration and enforcement of customs and international trade laws of the United States. For 2001, the U.S. Court of International Trade reported 975 case filings, a decrease of 9 percent (down 88 cases). This decline reflected the continued drop in cases filed under *United States Shoe Corp. v. United States*, 523 U.S. 360 (1998), which declared the Harbor Maintenance Tax unconstitutional and caused filings to surge 80 percent in 1999 and 50 percent in 1998. In addition to filings addressing this tax, new cases in 2001 also included 355 filings under the Tariff Act of 1930 that involved approximately 2,355 denied protests covering 19,139 entries of merchandise. Under the rules

implemented by this court for the Customs Courts Act of 1970, importers were permitted to consolidate into a single civil action numerous denied protests and entries of merchandise, as long as these involved the same category of merchandise and presented common issues.

Case terminations decreased 25 percent from 1,057 to 792 due to the conclusion of some proceedings in the Harbor Maintenance Tax litigation. Because filings outnumbered terminations, pending cases rose 2 percent to 9,914 on September 30, 2001. Appendix Table G-1 provide a summary of cases filed and terminated during 2000 and 2001.

## U.S. Court of Federal Claims

This year, total case filings in the U.S. Court of Federal Claims remained relatively stable, dropping 1 percent to 783. The most significant increase occurred in vaccine injury compensation filings, which rose 33 percent to 219. This growth stemmed from claims related to vaccines for Hepatitis B, Hemophilus Influenza Type B (HIB), and Varicella (chicken pox) that were filed pursuant to legislation passed in 1999, 42 U.S.C. 300(aa)-16(b). The largest reductions occurred in property taken filings (down 19 cases), miscellaneous filings (down 19 cases) and tax filings (down 18 cases). The 1,060 case terminations outnumbered filings, which helped reduce the pending caseload 10 percent to 2,571.

For actions terminated in 2001, judgments rendered for claimants totaled \$483.2 million, a rise of 51 percent, of which \$131 million carried interest. Much of the increase was attributed to an award of \$156 million to oil companies in a single case. Many of the judgments were based on settlements. Judgments rendered for the United States on counterclaims or offsets totaled \$6.4 million. In nonmonetary actions under its jurisdiction, the court disposed of 51 contract cases seeking injunctive or declaratory relief, two more than in 2000.

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, 2001.