

2002



Judicial Business of the United States Courts

**Annual Report of the Director
Leonidas Ralph Mecham**

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Office of Human Resources and Statistics
Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building
Washington, DC 20544

Telephone: (202) 502-1441
E-mail: sd_information@ao.uscourts.gov

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2002 Caseload Highlights

U.S. Courts of Appeals

- Appeals filings remained at a record level, increasing by only 91 appeals to 57,555.
- Administrative agency appeals surged 75 percent, largely due to cases involving immigration, and criminal appeals rose 3 percent.
- Original proceedings dropped 34 percent, bankruptcy appeals dropped 12 percent, and civil appeals dropped 2 percent.
- The number of appeals filed per authorized three-judge panel was 1,034, and the number terminated was 1,017.
- The median time from notice of appeal to final disposition was 10.7 months, and the median time from filing in a lower court to final appellate disposition was 25.9 months.

U.S. District Courts

- Filings of criminal and civil cases in the district courts grew 9 percent to 341,841.

Civil Filings

- Civil filings climbed 10 percent as personal injury cases surged 98 percent.
- Civil filings per authorized judgeship rose from 377 to 413.
- Filings with the United States as plaintiff or defendant fell 15 percent.
- The median time from filing to disposition for civil cases once again was 9 months.

Criminal Filings

- Criminal case filings increased 7 percent, with growth occurring in 65 of the 94 districts.
- Firearms case filings rose 26 percent, immigration case filings rose 12 percent, drug case filings rose 4 percent, and fraud case filings rose 8 percent.
- Filings in five southwestern border districts accounted for 66 percent of all immigration cases, one percentage point more than in 2001.
- The median case disposition time for defendants rose from 6.0 months to 6.2 months.

U.S. Bankruptcy Courts

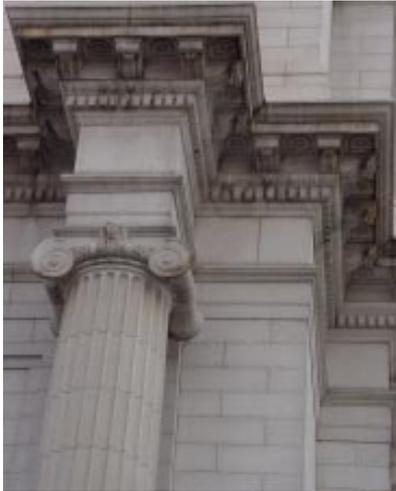
- Bankruptcy filings grew 8 percent.
- Nonbusiness petitions climbed 8 percent, and business petitions increased 2 percent.
- Filings increased 11 percent under chapter 11, 9.5 percent under chapter 13, and 7 percent under chapter 7.

Federal Probation and Pretrial Services System

- The number of persons under the supervision of the federal probation system on September 30, 2002, was 108,792, a 4 percent rise over the total one year earlier.
- Persons serving terms of supervised release increased 7 percent and accounted for 67 percent of all persons under supervision.
- The number of defendants in cases opened in the pretrial services system grew 4 percent to 89,421.
- A total of 206,715 pretrial hearings took place, a rise of 6 percent.

2002

The Year...



Judicial Business

This report on the business of the federal Judiciary for the fiscal year ending September 30, 2002, provides statistical data on the work of the federal Judiciary, compares data for this year to that for previous fiscal years, and, wherever possible, explains why increases or decreases occurred in judicial caseload. Specific sections discuss the work of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal Judiciary. Totals for the major programs of the federal Judiciary appear in the table of judicial caseload indicators on page 14.

The federal courts experienced record levels of activity in 2002. Bankruptcy filings grew 8 percent to an all-time high of 1,547,669. In the U.S. district courts, civil case filings climbed 10 percent to 274,841 as personal injury actions involving federal question jurisdiction more than quadrupled. Filings of criminal cases rose 7 percent to 67,000, the highest amount since the Prohibition Amendment was repealed in 1933, and criminal defendants increased 6 percent to 88,354. The number of persons on probation and supervised release went up 4 percent to a new record of

108,792. This increase was matched by a 4 percent gain in the number of defendants in pretrial services cases opened this year. Appeals filings reached their highest total ever, 57,555 (up 0.2 percent).

Bankruptcy petitions have surged 72 percent since 1993, but no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired since then. Although appeals filings have risen nearly 15 percent in the past 10 years, the last time new judgeships were authorized for the appellate courts was 1990. District court filings have increased 29 percent since 1990, but authorized judgeships have grown only 2 percent from that date through the end of 2002 (15 additional judgeships have been authorized to take effect July 15, 2003).

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals remained essentially stable, rising 0.2 percent (up 91 appeals) to 57,555, attaining a record-breaking level for the seventh consecutive year and marking eight successive years of growth. Increases in administrative agency appeals (up 75 percent) and criminal appeals (up 3 percent) offset declines in original proceedings

Judicial Caseload Indicators
Fiscal Years 1993, 1998, 2001, and 2002

Judicial Caseload	1993	1998	2001	2002	% Change Since 1993	% Change Since 1998	% Change Since 2001
U.S. Courts of Appeals¹							
Cases Filed	50,224	53,805	57,464	57,555	14.6	7.0	0.2
Cases Terminated	47,790	52,002	57,422	56,586	18.4	8.8	-1.5
Cases Pending	38,156	41,666	39,996 ²	40,965	7.4	-1.7	2.4
U.S. District Courts							
Civil							
Cases Filed	229,850	256,787	250,907	274,841	19.6	7.0	9.5
Cases Terminated	226,165	262,301	248,174	259,537	14.8	-1.1	4.6
Cases Pending	218,041	262,573	250,622 ²	265,926	22.0	1.3	6.1
Criminal (Includes Transfers)							
Cases Filed	46,786	57,691	62,708	67,000	43.2	16.1	6.8
Defendants Filed	65,653	79,008	83,252	88,354	34.6	11.8	6.1
Cases Terminated	44,800	51,428	58,718	60,991	36.1	18.6	3.9
Cases Pending	28,701	40,277	49,696 ²	55,705	94.1	38.3	12.1
U.S. Bankruptcy Courts							
Cases Filed	897,231	1,436,964	1,437,354	1,547,669	72.5	7.7	7.7
Cases Terminated	958,408	1,377,206	1,301,016	1,445,101	50.8	4.9	11.1
Cases Pending	1,152,824	1,384,179	1,512,438 ²	1,615,006	40.1	16.7	6.8
Federal Probation System							
Persons Under Supervision	86,823	93,737	104,715	108,792	25.3	16.1	3.9
Presentence Reports	47,454	57,794	63,028	65,156	37.3	12.7	3.4
Pretrial Services							
Total Cases Activated	59,106	80,882	88,049	91,314	54.5	12.9	3.7
Pretrial Services Cases Activated	57,036	78,603	86,140	89,421	56.8	13.8	3.8
Pretrial Diversion Cases Activated	2,070	2,279 ²	1,909	1,893	-8.6	-16.9	-0.8
Total Released on Supervision	30,293	31,985 ²	35,082	34,880	15.1	9.1	-0.6
Pretrial Supervision	28,029	29,474 ²	33,033	32,808	17.1	11.3	-0.7
Diversion Supervision	2,264	2,511 ²	2,049	2,072	-8.5	-17.5	1.1

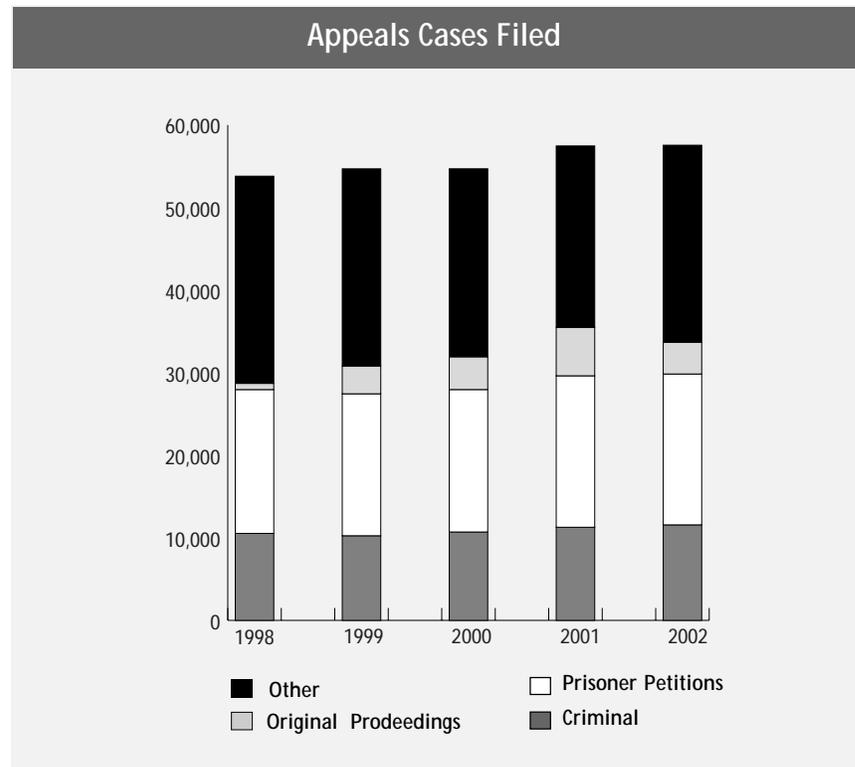
¹Excludes the U.S. Court of Appeals for the Federal Circuit.

²Revised.

(down 34 percent), bankruptcy appeals (down 12 percent), and civil appeals (down 2 percent). Filings per authorized three-judge panel reached 1,034 (up 2 cases per judgeship over 2001). Terminations declined 2 percent to 56,586 (1,017 cases closed per authorized three-judge panel). Pending appellate cases rose 2 percent to 40,965 as of September 30, 2002. The median time from notice of appeal to final disposition was 10.7 months, and the median time from filing in a lower court to final appellate disposition was 25.9 months.

Increases in filings were reported by 4 of the 12 courts of appeals, with the Ninth Circuit reporting the greatest rise (up 10 percent). The primary reason for this growth in the Ninth Circuit was a high volume of appeals of administrative agency decisions related to immigration. The greatest decline occurred in the District of Columbia Circuit, where filings dropped 20 percent because of reductions in all types of appeals except bankruptcy appeals (which rose by one case).

The driving force maintaining the current high level of appellate filings was the receipt of cases related to Board of Immigration Appeals decisions. In February 2002, Attorney General Ashcroft ordered the Board of Immigration Appeals to clear its backlog of cases, stating that this step was needed to help prevent terrorist attacks and enforce the nation's immigration laws. As a direct result, immigration administrative agency appeals filed in the 12 regional courts of appeals climbed 153 percent over 2001 (up 2,689 appeals), with eight courts reporting growth greater than 100 percent. The greatest numerical increases in these cases were rises of 1,015 appeals in the Ninth Circuit (a 180 percent jump), 363 appeals in the Second Circuit (a 214 percent



jump), and 177 appeals in the Eleventh Circuit (a 288 percent jump).

For the third consecutive year, filings of criminal appeals grew (up 288 appeals). The largest increases were a 9 percent rise in firearms cases (up 120 appeals) and a 4 percent rise in drug-related appeals (up 159 appeals). The most notable decrease was a drop from 170 to 28 in criminal appeals involving national defense laws, which had risen by 152 appeals in 2001 due to an influx of filings in the First Circuit concerning charges arising from protests at the military facility in Vieques, Puerto Rico.

Civil appeals filings fell to 35,499 (down 547 appeals). Reductions in prisoner petitions (down less than 1 percent) and other civil appeals (down 3 percent) contributed to the decline. In 2001, two events had driven an overall rise in civil appeals. First, prisoner petitions involving motions to vacate sentence rose in response to the Supreme Court decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000),

that any fact that could increase a penalty beyond the statutory maximum must be submitted to a jury and proven beyond a reasonable doubt. Second, tort actions related to bone screws were filed in the Third Circuit. Drops in these types of appeals in 2002 offset a 2 percent rise in civil rights appeals (up 158 appeals) and a 6 percent increase in civil prisoner rights petitions (up 170 appeals).

Appeals involving pro se litigants fell 2 percent to 26,624. A 35 percent drop (down 1,619 appeals) in pro se original proceedings offset an 80 percent surge (up 613 appeals) in pro se administrative agency appeals and a 2 percent increase (up 242 appeals) in pro se prisoner petitions. Pro se cases constituted 43 percent of appeals filings in 1998 and 46 percent in 2002. Filings of pro se appeals grew only in the Ninth Circuit (up 676 appeals, most of which involved administrative agency decisions on immigration) and the Fifth Circuit (up 233 appeals across

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 1998 Through 2002

Years	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
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	39,996*
2002	167	57,555	1,034	56,586	1,017	40,965
% Chg. 2002						
Over 2001	—	0.2	0.2	-1.5	-1.5	2.4

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 2001 and 2002

Source	2001	2002	Percent Change	Numerical Change
Total	57,464	57,555	0.2	91
U.S. District Courts				
Criminal	11,281	11,569	2.6	288
Civil—Total	36,046	35,499	-1.5	-547
Prisoner Petitions	18,343	18,272	-0.4	-71
U.S. Civil	3,567	3,359	-5.8	-208
Private Civil	14,136	13,868	-1.9	-268
Other Appeals				
Bankruptcy	961	843	-12.3	-118
Administrative Agency	3,300	5,789	75.4	2,489
Original Proceedings*	5,876	3,855	-34.4	-2,021

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.

many categories). The greatest numerical decline occurred in the Fourth Circuit (down 585 appeals), primarily because of drops in pro se prisoner petitions and pro se original proceedings. Supplemental Table S-4 contains summary data on pro se appeals.

Following three years of considerable growth, filings of original proceedings fell 34 percent in 2002 to 3,855. Decreases in filings were reported in every circuit, with declines ranging from 18 percent to 53 percent, as fewer prisoners moved for permission to file second or successive habeas corpus petitions. This type of original proceeding was first added to the general docket for the courts of appeals in October 1998, after such motions were mandated by the Antiterrorism and Effective Death Penalty Act of 1996. An initial rise in original proceedings occurred after these petitions began to be included in total filings, and petitions filed pursuant to *Apprendi v. New Jersey* led to a 77 percent surge in 2001 in motions by prisoners seeking to file second or successive habeas corpus petitions to reduce their sentences. In 2002, motions requesting second or successive habeas corpus petitions by state prisoners constituted 59 percent of all original proceedings filed, a 15 percentage point reduction over the previous year.

Falling to the lowest level since 1983, bankruptcy appeals declined for the fourth consecutive year to 843 appeals. This reduction was consistent with decreases in bankruptcy appeals filed in the U.S. district courts. In 2002, seven circuits had higher filings, and five circuits had lower numbers. The largest drops were in the Ninth Circuit (down 86 appeals) and Sixth Circuit (down 25 appeals). The greatest increases were reported by the First and Third Circuits (each up 11 appeals). Since 1998, bank-

ruptcy appeals filings have fallen 30 percent (down 360 appeals). During that time, bankruptcy appellate panel filings have dropped 25 percent (down 343 appeals).

From 1998 to 2002, the number of criminal appeals climbed 10 percent, with the most notable increase occurring in filings related to immigrations laws. These grew 142 percent (up 986 appeals), consistent with the large growth in immigration law filings in the district courts. Since 1998, civil appeals filings have declined 5 percent (down 2,023 appeals). During this five-year period, habeas corpus prisoner petitions jumped 30 percent (up 2,005 appeals) and prison condition prisoner petitions climbed 18 percent (up 366 appeals), but these filings were offset by reductions of 12 percent in civil rights appeals (down 1,018 appeals), 24 percent in prisoner civil rights appeals (down 1,003 appeals), and 17 percent in motions to vacate sentence (down 698 appeals). Since 1998, appeals filings have grown 7 percent, and terminations have increased 9 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.

U.S. Court of Appeals for the Federal Circuit

After declining for two years, filings in the U.S. Court of Appeals for the Federal Circuit climbed 18 percent (up 265 appeals) to 1,748—a level not attained since 1995. Filings of appeals in the Federal Circuit historically have fluctuated, often increasing one year, then declining the next. The increase in 2002 stemmed primarily from appeals of decisions by the U.S. Court of Appeals for Veterans Claims, which soared 250 percent (up 293 appeals) because of filings involv-

ing applications for attorneys' fees under the Equal Access to Justice Act (EAJA). These cases addressed the issue of whether remand orders conferred prevailing party status entitling applicants to EAJA fee awards. The greatest drop in filings consisted of a 62 percent reduction (down 99 appeals) in appeals of decisions by the U.S. Court of International Trade, which had surged 272 percent (up 117 appeals) in 2001 when a high volume of appeals arose from a single case involving the Harbor Maintenance Tax.

The number of appeals terminated declined 10 percent (down 143 appeals) to 1,357, which caused appeals terminated per panel to fall from 375 to 339. Much of the decrease occurred because a large number of appeals of decisions by the Court of Appeals

U.S. District Courts

Total filings of criminal and civil cases in the U.S. district courts climbed 9 percent to 341,841. Case terminations rose 4 percent to 320,528 (this figure does not include the 63,293 petty offense cases terminated in 2002 by magistrate judges). As filings once again exceeded terminations, the pending caseload increased 7 percent to 321,631.

Civil Filings

Civil filings in the U.S. district courts climbed 10 percent (up 23,934 cases) to 274,841. Filings related to personal injuries skyrocketed 98 percent, mostly as a result of marked rises in personal injury/product liability cases involving asbestos. Total private civil filings increased 18 percent, reflecting substantial growth in fed-

Personal injury cases more than quadrupled to 29,636. More than 80 percent of these cases involved asbestos.

for Veterans Claims were stayed pending the outcomes of decisions in other cases. The total for appeals pending as of September 30, 2002, was 1,477, a 36 percent rise over the previous year.

The number of appeals filed in 2002 was 20 percent greater than the number filed in 1998 (up 294 appeals). During that five-year period, terminations of appeals declined 2 percent (down 29 appeals), which resulted in a 54 percent growth in appeals pending (up 517 appeals).

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.

eral question filings (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not party in the case) and diversity of citizenship filings. Excluding personal injury filings, total civil filings decreased 2 percent. The overall growth in total civil filings caused civil filings per authorized judgeship to increase from 377 to 413.

In 2002, filings involving federal question jurisdiction rose 18 percent (up 25,449 cases), chiefly because personal injury cases more than quadrupled to 29,636. More than 80 percent of these cases consisted of asbestos filings, which grew by 22,671 cases as more plaintiffs filed cases alleging injuries from asbestos. Increases in

total asbestos filings were reported in 53 of the 94 district courts, with the greatest activity concentrated in the Northern District of Ohio (up 9,105 filings), Eastern District of Virginia (up 3,253 cases), Eastern District of Pennsylvania (up 1,794 cases), Southern District of New York (up 1,682 filings), Southern District of Illinois (up 1,432 filings), and Northern District of California (up 1,115 filings). The vast majority of these cases are “friction products” cases that were filed in the federal courts between October 2001 and July 2002 and involve the “Big Three” automakers (Ford, General Motors, and Daimler/Chrysler) and Honeywell International, Inc. Thousands of these cases, which address purported injuries from exposure to asbestos in automotive brake pads, were moved from state courts to federal courts. Most of these cases have been returned to state courts for final settlement. Before surging

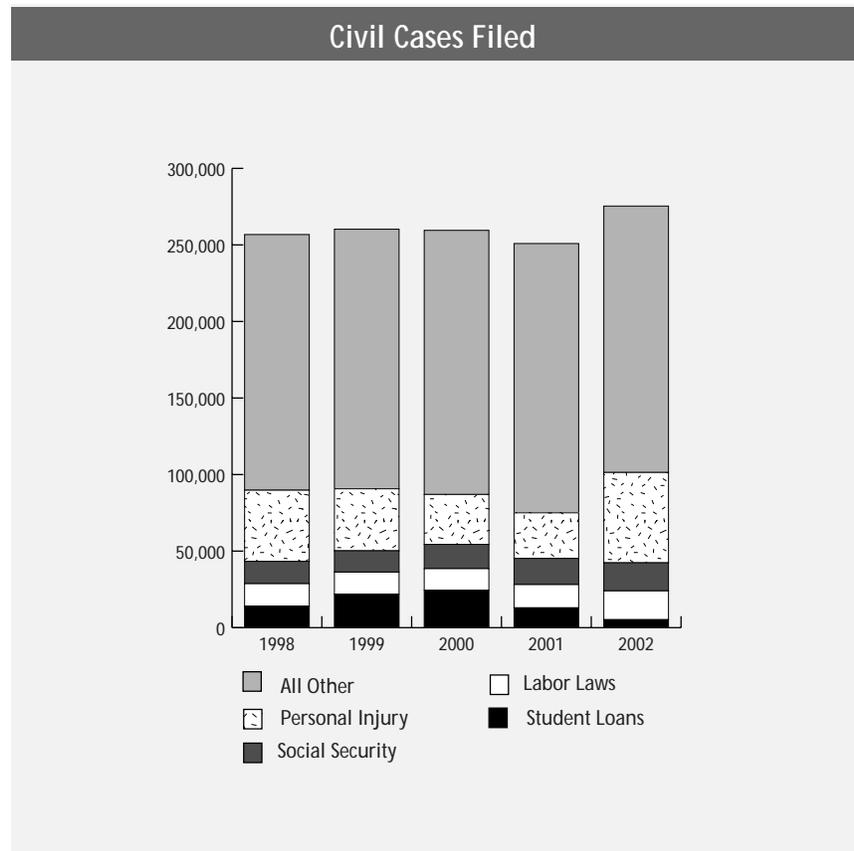


Table 3
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 1998 Through 2002

Year	Authorized Judgeships	Filed						Terminated	Pending	
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases			
1998	646	256,787	398	14,577	54,715	46,496	140,999	262,301	262,573	
1999	646	260,271	403	22,403	56,603	40,497	140,768	272,526	249,381	
2000	655	259,517	396	24,838	58,257	32,621	143,801	259,637	250,202	
2001	665	250,907	377	13,409	58,805	29,789	148,904	248,174	250,622*	
2002	665	274,841	413	5,651	55,295	58,997	154,898	259,537	265,926	
% Chg. 2002 Over 2001		—	9.5	9.5	-57.9	-6.0	98.0	4.0	4.6	6.1

*Revised.

in 2002, national asbestos filings had dropped to 5,041 in 2001 from 7,187 in 2000.

Diversity of citizenship filings grew 16 percent, with personal injury cases accounting for most of the increase. Filings in the latter category of cases rose 32 percent, primarily because of growth in personal injury/product liability cases. The Eastern District of Pennsylvania and the District of Minnesota received large numbers of filings involving the Bayer Company (which is incorporated in Pennsylvania) in which plaintiffs alleged they experienced injurious side effects of the anti-cholesterol drug Baycol. After these cases are filed in either the plaintiff's or defendant's local jurisdiction, they are transferred as new filings to the District of Minnesota under Multidistrict Litigation Docket Number 1431.

Filings involving the United States as plaintiff or defendant dropped 15 percent (down 9,327 cases), mostly because of a 36 percent decline in cases with the United States as plaintiff. United States plaintiff cases seeking the recovery of overpayments and enforcement of judgments related to defaulted student loans fell 60 percent (down 7,716 cases) to 5,192, due, in part, to the Department of Education's implementing new administrative measures in 2001 to collect these debts, which caused fewer student loan cases to be filed in the federal courts.

Filings with the United States as defendant decreased 3 percent to 39,518, mostly because of a 17 percent decline in total federal prisoner petitions (down 2,429 petitions). Motions filed by federal prisoners to vacate sentence dropped 29 percent (down 2,537 petitions) in 2002 after rising 36 percent in 2001 in response to *Appendi v. New Jersey*. *Appendi* initially provided inmates with an

Table 4
U.S. District Courts
Civil Cases Filed, by Jurisdiction
Fiscal Years 1998 Through 2002

Year	Total	U.S. Cases		Private Cases		
		Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
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
2002	274,841	14,479	39,518	163,890	56,824	130
% Chg. 2002 Over 2001	9.5	-36.2	-2.8	18.4	16.0	9.7

opportunity to file second or successive prisoner petitions with the goal of reducing their sentences, but the effects of this decision now seem to be subsiding. Despite the overall decline in filings with the United States as defendant, Social Security filings increased 7 percent. Filings related to supplemental security income rose 13 percent (up 952 cases), primarily because the Social Security Administration used additional resources to process a large pending backlog of Social Security cases dating back six years.

Civil case terminations increased for the first time in three years, rising 5 percent (up 11,363 new terminations). Substantial jumps in terminations occurred in the Eastern District of Pennsylvania (up 4,852 terminations), Eastern District of Virginia (up 2,608 terminations), and Southern District of Illinois (up 1,761 terminations). Most of the increase in terminations in the Eastern District of Pennsylvania involved personal injury/product liability cases that later were transferred to Minnesota for litigation under MDL Docket

Number 1431. The growth in terminations in the Eastern District of Virginia resulted from the closing of asbestos cases involving brake pads in Virginia, which had surged in 2001. Forty-nine percent of the terminations (1,452) in the Southern District of Illinois concerned asbestos cases.

As in 2001, the national median time from filing to disposition for civil cases in 2002 was 9 months. This median time reflects the significant numbers of case terminations related to student loans and asbestos, which generally are processed more quickly than many other types of civil cases. The number of pending civil cases increased 6 percent (up 15,304 pending cases) to 265,926. More than 10,000 of these cases, most of which involve asbestos, are concentrated in the Northern District of Ohio and await settlement activity.

Over the past five years, civil filings rose 7 percent, primarily as a result of growth in personal injury, Social Security, and labor law cases. Personal injury cases jumped 27 percent (up 12,501 cases) during that period, reflecting

increases in personal injury/product liability filings, most of them consisting of asbestos cases. From 1998 to 2002, Social Security filings climbed 26 percent (up 3,770 cases) as supplemental security income and disability insurance cases rose 41 percent and 12 percent, respectively. Labor law cases increased 25 percent (up 3,635 cases), with substantial growth occurring in cases involving the Fair Labor Standards Act (for which filings more than doubled, mostly in the Southern District of Mississippi) and the Employee Retirement Income Security Act (up 17 percent).

Tables 3 and 4 summarize key data on civil filings in the U.S. district courts. The C series of appendix tables provides detailed information on civil cases.

Arbitration Cases

In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. When a case goes to arbitration, an outside neutral party or a panel of neutral parties presents to the litigants an opinion of the likely outcome of a trial. An arbitrator's decision is not binding; within 30 days after the decision's release, the parties 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, Middle District of Florida, Western District of Michigan, District of

New Jersey, Eastern District of New York, Middle District of North Carolina, Western District of Oklahoma, Eastern District of Pennsylvania, Western District of Missouri, and Western District of Texas. The Judicial Conference later authorized 10 additional districts to use voluntary arbitration only, but the data presented herein address only the 10 original arbitration courts, as required by statute.

In 2002, a total of 3,965 civil cases were referred to arbitration in 7 of the 10 original participating districts. This case total was a 20 percent increase (up 671 cases) from 2001. In this 12th year of reporting, arbitration cases represented 8 percent of total civil filings in the original 10 arbitration courts; however, they constituted 9 percent of civil filings in the seven courts that reported new arbitration cases. The majority of all participating districts' arbitration caseloads consisted of filings related to contract, personal injury, civil rights, and labor suits. The District of New Jersey, Eastern District of Pennsylvania, Middle District of Florida, and Eastern District of New York have consistently been the most involved in using voluntary and mandatory arbitration since 1989. These four courts and the Western District of Oklahoma, Northern District of California, and Western District of Missouri accounted for all new arbitration cases in the district courts during 2002.

With the exception of the Middle District of Florida, each of the seven courts experienced

growth in arbitration referrals, with marked increases occurring in the District of New Jersey (up 416 filings), Western District of Oklahoma (up 186 filings), Eastern District of Pennsylvania (up 79 filings), and Eastern District of New York (up 60 filings). Cases referred to arbitration in the Middle District of Florida declined 17 percent in 2001.

For the fifth consecutive year, the Middle District of North Carolina, Western District of Texas, and Western District of Michigan reported no new arbitration referrals. Each of these three courts now actively uses federal mediation procedures. Mediation involves meeting with outside neutral parties (often subject matter experts) for discussion, but differs from arbitration in that it places more emphasis on reaching a settlement than on providing an opinion of the likely outcome at trial. Currently, 52 percent of all U.S. district courts use federal mediation procedures to settle cases eligible for alternative dispute resolution programs.

Supplemental Table S-12 summarizes the cases filed in 2001 and 2002 in the 10 districts authorized to use both voluntary and mandatory arbitration.

Criminal Filings

Criminal case filings rose 7 percent to 67,000, and the number of defendants grew 6 percent to 88,354. About a third of the increase in case filings was due to an administrative change initiated in June 2002 that allowed courts to report sealed cases at the time of

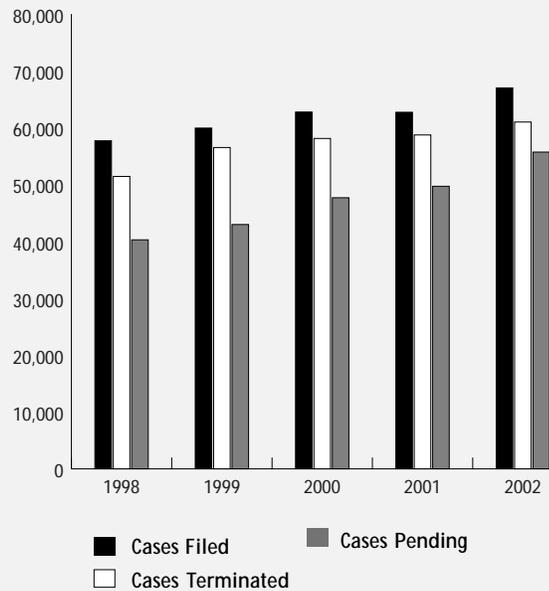
Drug defendants constituted 37 percent of all defendants for whom cases were filed. Drug case filings rose in 61 districts as prosecutions related to the production and use of methamphetamine spread across the nation.

filing. The identity of a defendant is reported only when the case is unsealed, and until this year, courts counted sealed cases as opened only after they became unsealed. As part of the administrative change, which helps produce a more accurate depiction of the courts' caseload, courts reported in July 2002 all sealed cases that had been filed previously. These cases thus were counted as filed in 2002, no matter when they were originally filed, creating a one-time jump in these numbers. According to the former procedure, they would not have been counted until they were unsealed.

Nationwide, case filings rose in 65 districts, with 50 districts receiving at least 10 percent more filings than they did last year. During the last nine years, criminal filings rose every year except 2001, when they remained relatively stable. Criminal cases per authorized judgeship climbed from 94 in 2001 to 101 in 2002. Cases per authorized judgeship also increased in each of the past nine years except 2001, when filings remained stable and 10 new district court judgeships were created. The criminal caseload began growing in 1994, when large numbers of criminal filings involving immigration and drug law violations were received in districts along the southwestern border of the United States. Nationwide, district courts terminated 4 percent more cases and defendants in 2002 than in the previous year. As filings outpaced terminations, pending criminal cases increased 12 percent, and pending defendants rose 11 percent.

This report covers the first full year of caseload statistics since the attacks of September 11, 2001. Following those attacks, the U.S. Department of Justice (DOJ) and Congress made statements regarding the need to direct resources toward preventing terrorist activities.

Criminal Cases Filed, Terminated, and Pending



Since then, new and existing resources have been allocated toward securing the nation against terrorism, but the number or types of criminal cases filed in the federal courts that are directly related to prosecutions involving the events of September 11 cannot easily be identified. As noted in DOJ's *Strategic Plan 2001 - 2006*, the extent and effect of the changes in the nation's approach to crime and justice may not be clear for many years. The Attorney General asked the U.S. attorney's office in each judicial district to coordinate an anti-terrorism task force with representatives from the Federal Bureau of Investigation, Immigration and Naturalization Service, Drug Enforcement Administration (DEA), U.S. Marshals Service, Customs Service, Secret Service, and Bureau of Alcohol, Tobacco and Firearms, as well as from state and local police forces in the district. A national network of such task forces from all districts will coordinate

the prevention of and response to terrorist acts.

The overall growth in criminal case filings stemmed primarily from increases in firearms, immigration, drug, and fraud cases. Firearms filings jumped 26 percent to 7,382 cases (with 8,379 defendants), fraud filings climbed 8 percent to 8,204 cases (with 11,205 defendants), and drug filings grew 4 percent to 19,215 cases (with 32,387 defendants). Immigration cases, after declining in 2001, increased 12 percent to 12,576 cases. These four types of offenses have been the focus of prosecutions for the past several years and are the responsibility of the agencies involved in the anti-terrorism task forces. However, prosecutions of firearms, immigration, and drug filings had been on the rise long before the September 11 attacks. Fraud was the only category for which filings had remained somewhat stable in recent years. The increase in fraud cases in 2002 arose

mainly from a jump in Social Security fraud filings.

Weapons and firearms filings rose in 75 districts to reach yet another record level. Sixteen districts received twice the number of these cases as they did in 2001. Firearms filings, which began growing in 1998 in many districts across the nation, received an additional impetus when President Bush announced Project Safe Neighborhoods in May 2001 and Congress appropriated \$9 million in fiscal year 2002 for hiring 94 additional assistant U.S. attorneys. These assistant U.S. attorneys were assigned to coordinate with state and local law enforcement officials in identifying and prosecuting violations of federal firearms laws, including those involving school gun violence and juvenile gun offenses. This project is modeled on Project Exile in Richmond, Virginia, and Operation Ceasefire in Boston, Massachusetts. Firearms filings, both for cases and defendants, had the largest numeric increases of all offense categories in 2002. Firearms defendants rose by 1,706 to 8,379.

The most significant impacts on the immigration caseload occurred in courts along the southwestern border. Immigration cases more than doubled in the District of New Mexico to 1,241, rose 13 percent in the Southern District of Texas to 2,129, rose 4 percent to 1,624 in the Southern District of California, and rose 6 percent to 1,963 in the District of Arizona. Immigration cases declined 6 percent to 1,326 cases in the Western District of Texas, where immigration filings peaked in 2000.

Drug defendants constituted 37 percent of all defendants for whom cases were filed. Drug case filings rose in 61 districts as prosecutions related to the production and use of methamphetamine spread across the nation. The five

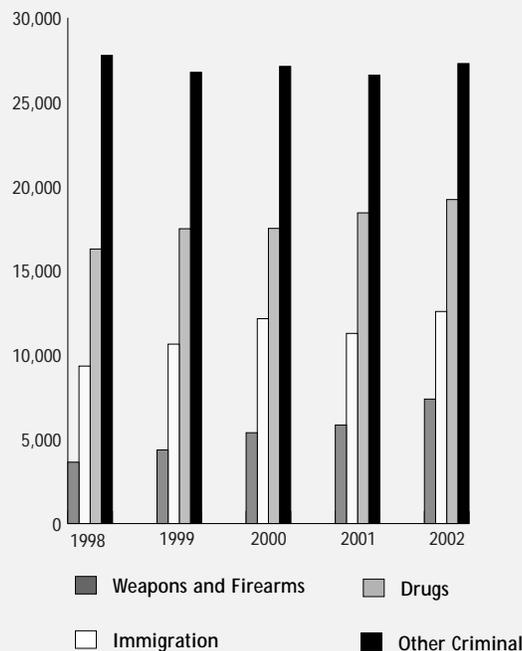
southwestern border districts accounted for a third of all drug cases in the federal district courts, as the highest proportion of drugs enter the United States through this border, according to the DEA.

Filings of fraud cases rose 8 percent to 8,204, and fraud defendants climbed 9 percent to 11,205. This was the highest number of defendants ever prosecuted for fraud. The increase was due primarily to Social Security fraud case filings, which more than doubled to 1,091. The growth in defendants consisted largely of persons accused of misusing Social Security numbers and resulted from a "sweep" of identity theft prosecutions announced by the Attorney General on May 2, 2002. These prosecutions, which were intended to preserve the integrity of Social Security numbers and prevent their misuse by terrorists and identity thieves, targeted individuals using the identities of others to carry out violations of

federal criminal laws, including bank fraud, credit card fraud, wire fraud, mail fraud, money laundering, bankruptcy fraud, computer crimes, terrorism, organized crime, and offenses involving fugitives. Fraud filings related to health care, false claims and statements, and securities and exchange also rose.

Other increases included a 17 percent rise in sex offense filings to 1,187 cases; a 27 percent rise in extortion, racketeering, and threats filings to 594 cases; and a 20 percent rise in filings under other federal statutes. The growth in extortion cases mainly addressed conspiracy to obstruct commerce by extortion, and the increase in filings under other federal statutes focused mostly on violations of aircraft regulations and explosives. Prosecutions for aircraft regulation violations rose as security measures at airports and by airlines tightened following the September 11 attacks. Filings addressing violations

Major Types of Criminal Cases Filed



of explosives regulations largely involved prosecutions for the use of explosives in the commission of crimes and the possession of explosives by prohibited persons. In addition, cases involving homicides increased.

National defense cases dropped 68 percent to 147. This reduction occurred as misdemeanor cases involving trespassing charges against persons conducting protests at the military facility in Vieques, Puerto Rico, fell after President Bush announced a plan to have the U.S. Navy cease bombing exercises on Vieques in 2003.

The federal courts concluded proceedings against 78,835 defendants, an increase of 4 percent. Of these, 70,882 were convicted. The conviction rate remained 90 percent, the same as last year. Eighty-six percent of defendants disposed of pled guilty, one percentage point more than in 2001. The number of defendants imprisoned rose 5 percent to 56,686. The rate of imprisonment among those sentenced remained unchanged at 80 percent. The median case disposition time for criminal defendants rose from 6.0 months to 6.2 months.

Filings of criminal cases (excluding transfers) climbed 17 percent from 1998 to 2002. This increase arose largely from growth in filings involving immigration (up 35 percent), drugs (up 18 percent), and firearms law violations (up 103 percent). During the past five years, the contribution of these offenses to the overall criminal caseload rose from 51 percent to 59 percent.

Table 5 and the D series of the appendix tables contain detailed data on the criminal caseload by district.

Trials Completed

For statistical purposes, district court trials include proceedings resulting in jury verdicts or

Table 5
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending (Including Transfers)
Fiscal Years 1998 Through 2002

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
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	49,696*
2002	665	67,000	101	19,215	60,991	55,705
% Chg. 2002						
Over 2001	—	6.8	7.4	4.3	3.9	12.1

¹ Excludes transfers.

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

* Revised.

other final judgments by the courts, as well as other contested hearings at which evidence is presented. Except as specifically stated, the following data include only trials conducted by active and senior Article III judges in the district courts.

In 2002, the number of civil and criminal trials completed in the U.S. district courts by Article III judges decreased 5 percent; 12,817 cases were resolved by trial. Sixty-one districts reported fewer trials in 2002. Reductions occurred in completed civil and criminal trials. Total civil trials decreased 8 percent (down 498) nationally, with fewer trials reported in 63 districts. Civil nonjury trials dropped 5 percent to 3,365, and civil jury trials fell 11 percent to 2,650 (down 330). Total criminal trials dropped 3 percent nationwide (down 243) to 6,802. Criminal jury trials fell 4 percent to 3,232, and nonjury criminal trials declined 3 percent to 3,570. This was due largely to a

substantial decrease in nonjury criminal trials in trials in the District of Puerto Rico (mostly related to trespassing charges against protestors of naval weapons testing on the island of Vieques). Forty-four districts reported decreases in criminal nonjury trials. In addition, judges accepted guilty pleas from 60,140 felony defendants, a rise of 7 percent.

These decreases reflect the changing nature of case disposition in the district courts. Despite fewer trials, judges remain active in managing and disposing of their cases. This year, judges terminated 212,838 civil cases—82 percent of all civil cases—before or during pretrial proceedings. This is approximately the same percentage reported during each of the past six years. In addition to research and opinion drafting, many case-related events not classified as “trials”—such as hearings on motions for summary judgment and other dispositive motions, hearings on

sentencing issues, *Daubert* hearings on expert witnesses, evidentiary hearings in pro se prisoner and other cases, supervised release and probation revocation hearings, and activities related to alternative dispute resolution (ADR) and settlements—involves substantial judicial activity.

The reasons for fewer trials are numerous and include, but are not limited to, increased implementation of ADR programs in many district courts. The use of ADR tends to affect the number of civil cases going to trial. In 2002, 49 districts operated mediation and arbitration programs involving more than 25,000 civil cases. Criminal trials continue to drop largely because defendants increasingly accept plea agreements to avoid both the expense of going to trial as well as the risk of more severe sentences.

The decreasing number of trials this year is part of a longer-

term phenomenon. Between 1998 and 2002, the number of trials declined 21 percent (down 3,379), primarily as a result of a drop in civil trials. Over this five-year period, civil nonjury trials and civil jury trials decreased by 1,859 trials and 1,475 trials, respectively. During the same period, total criminal trials dropped slightly (by 45), but criminal nonjury trials increased (by 534).

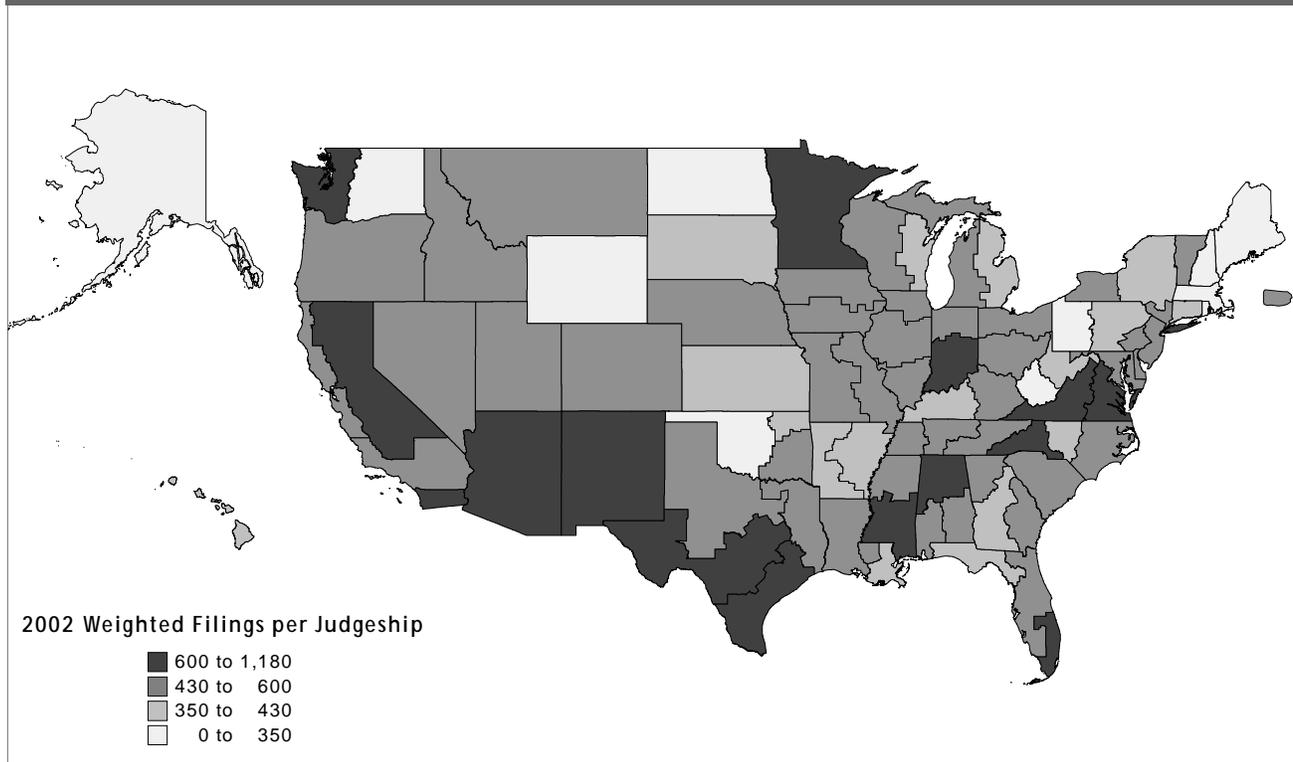
Appendix Tables C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials.

In addition to trials conducted by active and senior Article III judges, 8,149 trials were conducted by magistrate judges in 2002. These comprised 3,290 petty offense trials, 959 civil consent trials, 390 misdemeanor trials, and 3,510 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

Weighted Filings per Authorized Judgeship

Weighted filings statistics account for the different amounts of time judges require to resolve various types of civil and criminal actions. 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 reopened and transferred cases. However, data on civil cases arising by reopening, remand, and transfer to the district by order of the Judicial Panel on 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

Weighted Filings per Authorized Judgeship, by District



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 2002, a new statistical indicator was added to the formula for calculating both weighted and unweighted filings nationally and in the individual U.S. district courts. This indicator, "supervised release hearings," includes data for contested supervised release hearings held in the U.S. district courts. Data collection for these hearings began on October 1, 2001, so no comparative analysis using supervised release hearings will be available until after the September 30, 2003, reporting period.

The total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per authorized judgeship rose 9 percent in 2002 to 521. (Weighted filings per authorized judgeship do not address whether judgeships are filled or vacant. As of September 30, 2002, a total of 50 vacancies existed among the 665 positions authorized.) Excluding supervised release hearings, weighted filings per judgeship rose 8 percent to 515. The total number of weighted supervised release hearings per judgeship was 5.26; the total number of unweighted supervised release hearings per judgeship was 21.05. Each supervised release hearing receives a case weight of 0.25.

Compared to 2001, the total number of weighted criminal felony defendants per judgeship increased 7 percent to 176. The overall increase in weighted felony defendants per judgeship nationally reflected the 8 percent growth in criminal felony defendants nationally from 71,490 to 76,812 defendants. In 2002, weighted

criminal filings grew in 63 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 Northern Mariana Islands) and declined in 28 districts. The largest percentage increases occurred in the District of Delaware (up 109 percent), Western District of Louisiana (up 87 percent), District of Vermont (up 59 percent), District of Idaho (up 58 percent), and District of Wyoming (up 57 percent). Increases in weapons and firearms filings (up 50 felony defendants) and drug filings (up 12 felony defendants) caused weighted filings to soar in the District of Delaware. A 53 percent increase in felony drug defendants in the Western District of Louisiana, along with significant increases in robbery, assault, fraud, and larceny felony defendants, fueled a jump in total weighted filings there. The District of Vermont had a 60 percent surge in drug felony defendants; the District of Idaho had a 53 percent increase in felony drug defendants and a 49 percent growth in immigration law defendants. A 53 percent rise in felony drug defendants and a doubling of weapons and firearms filings resulted in the large increase in weighted filings in the District of Wyoming. 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 2002.

The total number of weighted civil filings per authorized judgeship was 339, up 8 percent from 2001. The growth in weighted civil filings in 2002 was consistent with the 10 percent overall rise in civil filings from 250,907 to 274,841. During 2002, weighted civil filings increased in 51 district courts,

dropped in 39, and remained unchanged in 1 district. The most substantial growth in civil weighted filings per authorized judgeship occurred in the Southern District of Mississippi (up 158 percent), the District of Minnesota (up 79 percent), and the Eastern District of Pennsylvania (up 74 percent). The Southern District of Mississippi saw an increase of 1,563 filings under the Fair Labor Standards Act (which receive a case weight of 2.12) as employees of several school districts filed numerous lawsuits alleging unfair labor practices. The Eastern District of Pennsylvania received 4,134 personal injury/product liability cases, a rise of 3,576 filings, in addition to 1,827 asbestos cases (up 1,794). The District of Minnesota experienced an increase of 2,007 non-asbestos personal injury/product liability cases. As discussed in the section on civil filings, many of the non-asbestos personal injury/product liability filings in the Eastern District of Pennsylvania and the District of Minnesota were suits against the Bayer Company involving its drug Baycol. Substantial increases in weighted filings also were reported by the Southern District of Illinois (up 53 percent), Northern District of Ohio (up 44 percent), and Eastern District of Virginia (up 17 percent).

Between 1998 and 2002, weighted civil filings per authorized judgeship increased 4 percent. During the same period, weighted criminal felony defendant filings per authorized judgeship increased 12 percent.

U.S. Magistrate Judges

Magistrate judges serve the federal Judiciary and the public by performing diverse judicial duties 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-17 summarizes the magistrate judges' workload.

In 2002, magistrate judges performed 880,129 judicial duties, one percent more than the previous year. Among the duties performed in 2002 were 298,109 civil pretrial duties, including 192,075 motions, 24,420 settlement conferences, and 55,371 other conferences. Evidentiary hearings in civil cases increased 33 percent (from 639 to 851) between 2001 and 2002. Reports and recommendations in Social Security matters increased 21 percent (from 5,514 to 6,654).

Magistrate judges also performed 138,504 felony pretrial duties, a rise of 9 percent, including 85,693 motions and 13,532 conferences. Proceedings to accept felony guilty pleas grew 16 percent (from 13,150 to 15,275) between 2001 and 2002. Probation/supervised release revocation hearings climbed 11 percent (from 3,570 to 3,948).

The volume of civil consent cases concluded by magistrate judges increased 6 percent (from 12,024 to 12,710), continuing a long-standing trend, although trials in such cases declined 11 percent (from 1,079 to 959). Magistrate judge adjudication of civil consent cases has helped many courts make the most of their scarce judicial resources.

Overall, prisoner litigation matters decreased 6 percent, although reports and recommendations in federal habeas petitions rose 4 percent.

Magistrate judges disposed of 72,109 misdemeanor cases (14 percent fewer than in 2001), of which 63,293 were petty offense adjudications. They also conducted 293,002 felony preliminary proceedings, including 54,339 arraignments. Detention hearings increased 9 percent (from 39,468 to 43,198). Detention hearings are among the

lengthiest of felony preliminary proceedings.

Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted on 8,381 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2002. The Panel transferred 7,063 cases originally filed in 92 district courts to 39 transferee districts for inclusion in coordinated or consolidated pretrial proceedings in which 1,318 actions already were pending in the transferee districts. Product liability cases involving asbestos and Baycol, as well as securities cases involving Enron and Global Crossing, were among the more significant of the Panel's transfer determinations. In addition, the Panel did not order transfers in 34 newly docketed litigations involving 195 actions.

Since the Panel's creation in 1968, it has centralized 179,071 civil actions for pretrial proceedings. As of September 30, 2002, a total of 10,062 actions had been remanded for trial, 319 actions had been reassigned within the transferee district, and 129,594 actions had been terminated in the transferee court. At the end of this fiscal year, 39,096 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 in 2002 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

In 2002, a total of 134,436 appointments of counsel took place under the Criminal Justice Act (CJA), an increase of 7 percent over the 125,685 appointments in 2001. 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.

Representations opened by the 72 federal and community defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) climbed 9 percent to 79,001. Appointments of private attorneys rose 4 percent to 55,435.

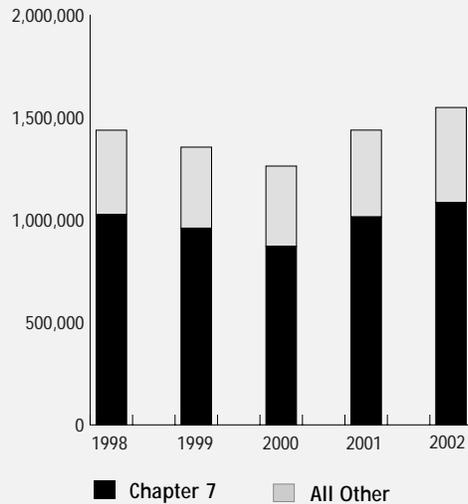
The growth in representations was concentrated mainly in districts along the southwestern border of the United States. These districts accounted for about 44 percent of the increase in representations opened by federal and community defenders. Openings increased 26 percent in the Western District of Texas, 19 percent in the Southern District of Texas, 7 percent in Arizona, and 6 percent in New Mexico. In the Southern District of California, however, openings decreased 4 percent from 5,971 cases to 5,756 cases.

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 2002.

U.S. Bankruptcy Courts

Reaching a record level, filings in the U.S. bankruptcy courts increased 8 percent to 1,547,669 in

Bankruptcy Petitions Filed



2002. Although a pending bankruptcy bill in Congress may have encouraged some debtors to file bankruptcy petitions, the overriding impetus for the increase most likely was high consumer debt combined with slow economic growth. Tables 6 and 7 contain national data on bankruptcy cases.

Although this marks a second year of increased filings, the rate of growth slowed significantly. In 2001, 91 of the 94 districts reported rises in filings (although the nation has 90 bankruptcy courts, data on bankruptcy and adversary proceedings are collected and reported for 94 judicial districts), whereas the following year 77 reported higher numbers. Also, 29 districts had increases greater than 20 percent in 2001, whereas 3 districts had such growth in 2002. The largest numerical increases occurred in the Northern District of Illinois (up 7,550 cases), Eastern District of Michigan (up 6,786 cases), and Northern District of Georgia (up 5,411 cases). The greatest numerical declines took

place in the Central District of California (down 1,075 cases), District of Puerto Rico (down 555 cases), and Eastern District of Louisiana (down 424 cases).

Increases in filings of both business and nonbusiness petitions

occurred, although the overall growth stemmed mainly from an 8 percent rise in nonbusiness (personal) petitions. Since 1993, nonbusiness filings have constituted an increasing portion of all petitions filed, rising from 93 percent of filings in 1993, to 97 percent in 1998, to nearly 98 percent in 2002. Nonbusiness filings rose in 2002 under all chapters of the bankruptcy code, climbing 32 percent under chapter 11, 10 percent under chapter 13, and 7 percent under chapter 7. Nonbusiness filings have surged 81 percent since 1993 and have grown 9 percent since 1998.

Business filings rose 2 percent solely because filings increased 9 percent under chapter 11 (up 915 cases). Drops in business filings under chapter 12 (down 15 percent) and chapters 7 and 13 (both down 1 percent) nearly offset the growth in chapter 11 filings. Business bankruptcies, which have constituted a declining portion of all filings in the last decade, have fallen 40 percent since 1993 and 17 percent since 1998.

Table 6
U.S. Bankruptcy Courts
Bankruptcy Code Cases Filed, Terminated, and Pending
Fiscal Years 1998 Through 2002

Year	Total	Nonbusiness	Business	Terminated	Pending
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	1,512,438*
2002	1,547,669	1,508,578	39,091	1,445,101	1,615,006
% Chg. 2002 Over 2001	7.7	7.8	1.6	11.1	6.8

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

Overall, bankruptcy filings increased under all chapters of the bankruptcy code except chapter 12. Filings under chapter 7, which constituted 70 percent of total petitions filed, rose 7 percent. Growth was reported in 75 districts, and 13 districts reported increases greater than 15 percent. The largest numerical rise in chapter 7 filings occurred in the Northern District of Illinois (up 5,738 petitions) and Northern District of Ohio (up 4,283 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 9.5 percent. Seventy-eight districts reported higher numbers of chapter 13 petitions, and 15 districts reported growth greater than 20 percent. The greatest numerical increases occurred in the Eastern District of Michigan (up 3,206 cases) and Northern District of Texas (up 2,560 cases). Under chapter 13, an individual with regular income and

debts below a specified amount may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan.

Chapter 11 filings, which constituted less than 1 percent of all petitions filed, climbed 11 percent. Fifty-five districts reported growth under this chapter, and 12 districts had increases greater than 50 percent. The greatest numerical growth in petitions filed was reported by the Southern District of New York (up 460 cases). Chapter 11 allows 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 every year since 1996 and fell 15 percent in 2002. Large drops occurred in 2000 and 2001, primarily because several times the

statutory provisions for chapter 12 expired and were re-enacted. Chapter 12 filings constituted 0.15 percent of total bankruptcy filings in 1993, 0.06 percent in 1998, and 0.02 percent in 2002.

The number of cases terminated climbed 11 percent to 1,445,101, or 4,460 cases closed per authorized judgeship. Because the number of petitions filed exceeded the number closed, pending cases rose 7 percent to 1,615,006 as of September 30, 2002. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Although bankruptcy petitions have soared 72 percent over the past 10 years, no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired since then, reducing the number of judgeships to 324. The reduction in judgeships combined with the surge in filings caused cases filed per judgeship to soar 74 percent from 2,752 in 1993 to 4,777 in 2002.

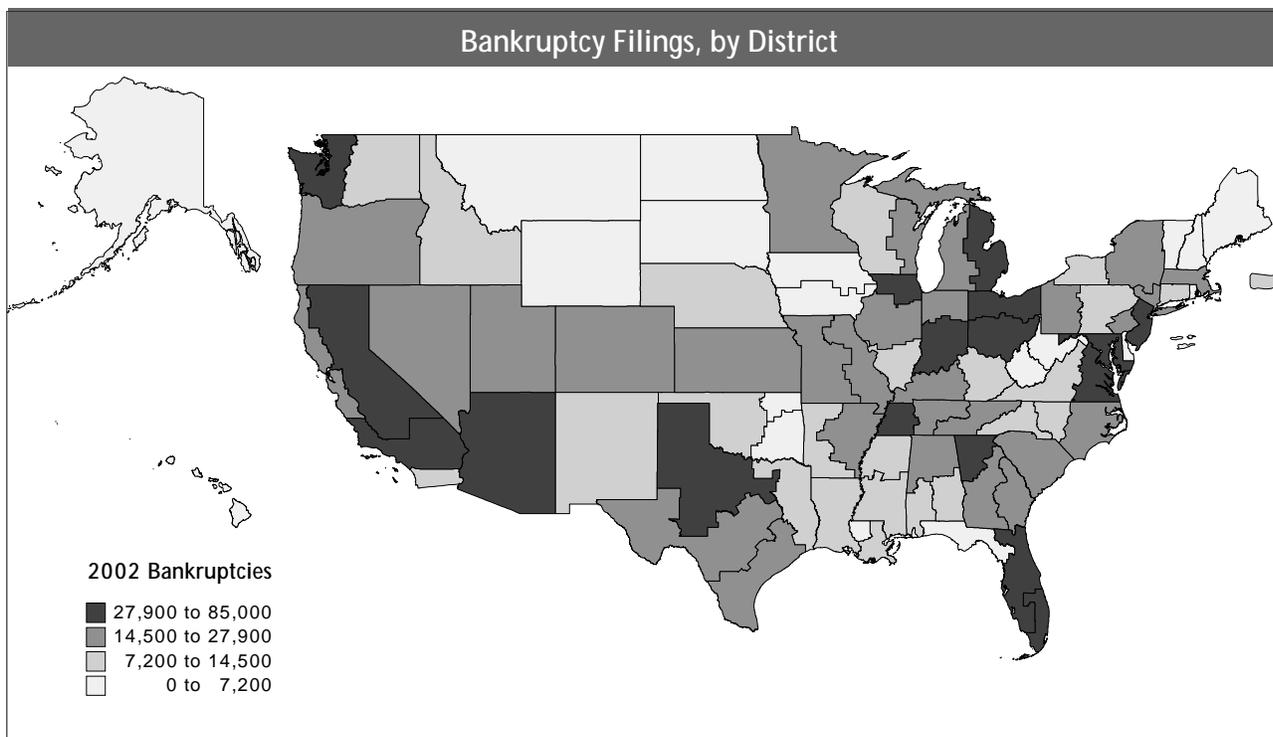
Adversary Proceedings

Consistent with an increase in 2001, filings of adversary proceedings climbed 10 percent in 2002 to 73,904. These two years of growth countered two previous years of decline, although the number of filings in 2002 was 15 percent lower than the number filed in 1998 and 6 percent below that for 1993. 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.

In 2002, 57 districts reported growth in adversary proceedings filings, 27 districts had rises of more than 20 percent, and 7 districts saw filings climb more than

Table 7
U.S. Bankruptcy Courts
Filings by Chapter of the Bankruptcy Code
Fiscal Years 1998 Through 2002

Year	Total	Chapter				
		7	11	12	13	Other
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
2002	1,547,669	1,084,336	11,669	322	451,258	84
% Chg. 2002 Over 2001	7.7	6.9	10.9	-15.0	9.5	78.7



50 percent. The greatest numerical increases in filings of adversary proceedings occurred in the District of Delaware (up 2,991 cases) and Northern District of California (up 1,029 cases). The growth in Delaware stemmed mainly from chapter 11 cases filed by large companies. The rise in the Northern District of California resulted from more than 600 adversary proceedings filed by one liquidating trustee against various parties and from 260 other proceedings arising from one of the court's largest chapter 11 cases. Declines in filings were reported in 36 districts, and filings in 1 district remained stable.

The number of adversary proceedings closed increased 12 percent to 66,054. Pending adversary cases fell 11 percent to 79,953 as of September 30, 2002. Data on adversary proceedings by district appear in Appendix Table F-8.

Probation

On September 30, 2002, the total number of persons under supervision was 108,792, a 4 percent

increase (up 4,077 persons) over the total number reported as of September 30, 2001, and a 16 percent rise over the total number of persons under supervision as of September 30, 1998. Persons serving terms of supervised release following their release from prison climbed 7 percent (up 4,742) above the total for 2001 and 34 percent above the total for 1998. The rise in persons serving terms of supervised release resulted from steady growth in both the number and percentage of convicted defendants sentenced to prison over the last decade. From 1993 to 2002,

the number of convicted defendants sentenced to prison surged 62 percent.

Persons serving terms of supervised release following their release from prison totaled 73,189 on September 30, 2002, and constituted 67 percent of all persons under supervision—up 2 percent from one year ago. Cases involving probation imposed by district judges increased 1 percent, and those involving probation imposed by magistrate judges fell 4 percent. Parole cases declined 9 percent, and those involving mandatory release dropped 21 percent.

As with criminal filings, much of the growth in persons under supervision occurred in districts along the southwestern border of the United States. Over the past five years, persons under supervision in the District of Arizona, District of New Mexico, Southern District of California, Southern District of Texas, and Western District of Texas rose 43 percent, whereas the overall increase nationwide was 16 percent.

As with criminal filings, much of the growth in persons under supervision occurred in districts along the southwestern border of the United States (the District of Arizona, District of New Mexico, Southern District of California, Southern District of Texas, and Western District of Texas). Over the past five years, persons under supervision in those districts rose 43 percent; the increase nationwide was 16 percent. In 2002, growth in persons under supervision in the southwestern border districts accounted for 34 percent of the national increase in persons under supervision. These five districts accounted for 14 percent of all persons under supervision. The composition of cases in the southwestern border districts differed from that for the nation as a whole, with persons in these districts being more likely to have committed drug and immigration offenses. Fifty-four percent of persons under supervision in these districts committed drug offenses, and 12 percent immigration offenses.

Nationally, 43 percent of persons under supervision committed drug offenses, and 3 percent immigration offenses. For the category of fraud offenses, the opposite tendency prevailed, with 11 percent of persons under supervision in the southwestern border districts having committed these crimes compared to 19 percent nationwide.

The number of persons received for supervision (excluding transfers) increased 8 percent to 49,238 in 2002. The number of persons received for terms of supervised release rose 10 percent. Parole cases, including those involving special parole and military parole, climbed 17 percent to 1,306 cases (the number under parole supervision declined because the number removed exceeded the number received). Most of the increase in parole cases arose because parole cases in the District of Maryland surged 62 percent to 296 cases as a result of the December 31, 2001, deadline set by the District of Columbia Revitalization Act to transfer District of Colum-

bia inmates to federal facilities. The Act, which became effective on August 6, 2000, abolished the District of Columbia Parole Board and gave jurisdiction over its cases to the U.S. Parole Commission. U.S. probation offices in the District of Maryland and the Eastern District of Virginia, working under the auspices of the U.S. Parole Commission, now supervise D.C. parolees who left prison after the District of Columbia Parole Board was abolished. The number of persons received for all other forms of supervision rose 4 percent, due primarily to an increase in the cases received involving probation imposed by district judges, but also due in part to growth in Bureau of Prison custody supervision cases.

Investigative Reports

Probation officers prepared 65,156 reports in 2002, a rise of 3 percent over 2001. Collateral reports written to assist other districts in the preparation of presentence reports grew 8 percent to 52,047. Probation officers also prepared 35,577 violation reports and 27,117 pre-release reports, increases of 14 percent and 7 percent, respectively, over the previous year. See Table 9 for data on these investigative reports.

Substance Abuse Treatment

Federal probation offices spent \$38,773,422 on federally funded substance abuse treatment in 2002. Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, 12-step programs, the Department of Veterans' Affairs, and federally funded substance abuse treatment services. Across the nation, 59 percent of offenders with conditions indicating substance abuse received federally funded substance abuse treatment, up 3 percent from 2001 (these data

Table 8
Supervision of the Federal Probation System
Fiscal Years 1998 Through 2002

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
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
2002	54,062	49,238	50,529	45,933	108,792
% Chg. 2002 Over 2001	7.5	7.8	8.1	8.5	3.9

Table 9
Investigative Reports by Probation Officers
Fiscal Years 2001 and 2002

Type of Investigation	2001	2002	Percent Change
Presentence Report*	63,028	65,156	3.4
Collateral Report for Another District	48,377	52,047	7.6
Alleged Violation	31,298	35,577	13.7
Pre-Release for a Federal Institution	25,287	27,117	7.2

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

do not include offenders with substance abuse conditions who received federally funded substance abuse treatment in earlier years). Supplemental Table S-13 contains additional information on federally funded substance abuse treatment services in the federal probation system.

Pretrial Services

The number of defendants in cases opened in the pretrial services system grew 4 percent (up 3,281) to 89,421. Higher numbers of defendants charged with immigration offenses and firearms offenses were the primary source of the increase. The rise in 2002 followed a 1 percent increase in 2001 and reflects growth in filings of criminal defendants in the district courts, which rose 6 percent in 2002.

Pretrial services officers (PSOs) collected and verified information on more defendants, and prepared more pretrial services reports in 2002 than in the previous year. These reports help ensure that judicial officers have sufficient information when deciding whether to release or detain defendants and when determining the least restrictive release conditions that offer reasonable assurance that defendants will honor future court commitments and not endanger the community. PSOs prepared 85,994

pretrial services reports (up 4 percent) this year. Prebail reports constituted 91 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 on conviction and sentencing. Table 10 presents data on pretrial services cases and reports for 2002.

Detention hearings were held for 53 percent of defendants whose cases were activated, a rise of 3 percentage points over the rate for 2001. The detention hearings held for 47,047 defendants in 2002 represented an increase of 8 percent, and the number of defendants detained following these hearings also increased 8 percent to 35,266. Detention was ordered for 75 percent of defendants who had detention hearings, the same percentage as last year. Overall, the courts detained at initial detention hearings 39 percent of pretrial services defendants whose cases were activated in 2002, 1 percentage point more than in 2001. The PSOs identified risk of flight as the reason for detention in 45 percent of cases, danger to the community for 9 percent of detained defendants, and a combination of danger and flight risk for 45 percent of defendants detained; these were comparable to the percentages in 2001.

Pretrial services officers interviewed 63,528 defendants (up 2 percent) in 2002, at which time they identified alternatives to detention. As a result, 32,808 defendants were placed on supervised release, a 1 percent drop from the number received for supervision in 2001. 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.

Ninety-two percent of defendants who were released following hearings were released with restrictive conditions (35,200), one percentage point fewer than in 2001. The restrictive conditions ordered most often required substance abuse testing and substance abuse treatment and were imposed on 22 percent (19,333) of defendants whose cases were opened in 2002, one percentage point less than in 2001. House arrest and electronic monitoring were ordered for 7 percent (6,655) of defendants, the same percentage as last year. A defendant in the house arrest program must remain in his or her residence between specific hours. To ensure that this requirement is honored, some defendants must wear ankle bracelets that are electronically monitored by a monitoring center. If a defendant violates the confinement condition, the center is notified automatically, and its staff in turn notifies the supervising officers. Mental health treatment conditions were imposed on 2,288 defendants whose cases were opened, an increase of 18 percent over the total for 2001 and 91 percent more than that for 1998. This growth has resulted from continuing enhancements to programs that support the districts in providing mental health assistance to defendants.

The proportion of defendants charged with offenses related to immigration, who often are detained because they pose a high risk of flight, grew 2 percentage points in 2002; immigration cases accounted for 19 percent of cases opened in pretrial services in 2002, up from 17 percent of cases last year. The number of pretrial services cases opened in which immigration was the major offense charged climbed 11 percent in 2002 and was 24 percent greater than the total five years earlier. The number of defendants in cases opened in pretrial services in which the major offense charged involved firearms jumped 25 percent in 2002 and accounted for 7 percent of cases opened in pretrial services. The increase is consistent with the additional resources made available by Congress to support Project Safe Neighborhoods, which creates federal and local partnerships to more effectively enforce existing gun laws.

The workload of judges grew at a rate consistent with the rise in cases. In conjunction with pretrial

services cases closed during the year, 206,715 pretrial hearings of all types were held, an increase of 6 percent. Detention hearings grew 8 percent to 47,228, violation hearings rose 14 percent to 4,361, and review hearings held at conviction and sentencing increased 7 percent to 122,974. In contrast, bail review hearings fell 6 percent to 22,232.

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 2002, the number of pretrial diversion cases activated fell 1 percent to 1,893; consistent with the past two years, this represented approximately 2 percent of activated cases in 2002.

The overall workload in pretrial services over the past five years has grown, as the number of pretrial services cases opened in 2002 was 14 percent greater than the number opened in 1998. During this five-year period, the num-

ber of persons interviewed rose 8 percent, the number of pretrial services reports prepared rose 14 percent, and the number of defendants released on pretrial supervision rose 11 percent.

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. A single complaint may involve multiple allegations against numerous judicial officers. In 2002, the allegations cited most often were abuse of judicial power, prejudice/bias, and "other." About one-half of all complaints filed originated in the Second, Fifth, Sixth, and Ninth Circuits.

The number of judicial complaints filed in 2002 decreased 14 percent to 657, the lowest level since 1996. In contrast, the number of complaints concluded during 2002 rose 19 percent to 780. Because the number of complaints concluded outnumbered the number of complaints filed, pending judicial complaints fell 47 percent to 139.

Chief judges terminated 403 complaints, and judicial councils terminated the other 377. Of the complaints concluded by chief judges, 62 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

Table 10
Summary of Pretrial Services Cases
Fiscal Years 2001 and 2002

	2001	2002	Percent Change
Total Cases Activated	88,049	91,314	3.7
Pretrial Services Cases	86,140	89,421	3.8
Pretrial Diversion Cases	1,909	1,893	-0.8
Total Released on Supervision	35,082	34,880	-0.6
Pretrial Supervision	33,033	32,808	-0.7
Diversion Supervision	2,049	2,072	1.1
Type of Report			
Prebail	76,566	78,616	2.7
Other Reports (Including Postbail)	6,143	7,378	20.1
No Report	3,431	3,427	-0.1

Table 11
Judicial Complaints Filed, Concluded, and Pending
Fiscal Years 2000, 2001, and 2002

	2000	2001*	2002
Filed	698	767	657
Concluded	729	655	780
By Chief Judges	374	347	403
Dismissed	357	335	386
Corrective Action Taken	14	9	9
Withdrawn	3	3	8
By Judicial Councils	355	308	377
After Review of Chief Judge's Dismissal ¹			
Dismissed	353	302	375
Withdrawn	—	1	—
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report of Investigative Committee			
Dismissed	—	4	—
Withdrawn	—	—	—
Action Taken	2	1	2
Referred to Judicial Conference	—	—	—
Pending	150	262	139

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

decisions or procedural rulings rendered by the judges named in the complaints. The remaining 38 percent were concluded because they were not in conformity with the statute, they were frivolous, the appropriate action already had been taken, action no longer was necessary because of intervening events, or the complaint had been withdrawn. Of the complaints concluded by judicial councils, 375 involved petitions for review of a chief judge's dismissal of a complaint and two involved a report by an investigative committee appointed pursuant to 28 U.S.C. 372(c) (4). All of the 375 petitions for review were dismissed without any action taken. The two complaints concluded after a report

was made by an investigative committee both resulted in a single public censure. Table 11 and Supplemental Table S-22 summarize judicial complaints activity from 2000 through 2002.

Status of Article III Judgeships

On September 30, 2002, a total of 27 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, 5 fewer vacancies than the number reported in 2001. None of the vacancies on September 30, 2002, arose from the creation of new judgeships, and 15 of the vacancies had existed more than 18 months. Table 12 provides information on the status of judgeship positions since 1998.

On September 30, 2002, in the U.S. district courts, 50 vacancies existed among the 665 positions authorized, a decline of 33 percent over the 75 vacancies reported one year earlier. None of the vacancies on September 30, 2002, originated from the creation of new judgeships. Sixteen of the vacancies had been unfilled for more than 18 months, 11 fewer than the number of positions that had been vacant that long one year earlier.

In addition to active judges, 92 senior appellate judges participating in appeals decisions were serving the Judiciary on September 30, 2002, one fewer than those providing service the previous year. In the U.S. district courts, the number of senior judges with staff totaled 285, which was 4 more than the total one year ago. The number of senior district judges with staff has remained relatively stable for the past five years, ranging between 273 and 285 since September 30, 1998.

As of September 30, 2002, a total of 24 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 17 fewer than on September 30, 2001. For courts of appeals, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighing pro se appeals as one-third of a case) per panel are in excess of 700, or any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel. For district courts, a judicial emergency is defined as a vacancy of any duration where weighted filings per judgeship are in excess of 600, or any vacancy longer than 18 months in a district court with weighted filings between 430 and 600 per judgeship, or any vacancy in a district court with more than one authorized judgeship and only one active judge.

Table 12
Status of Judgeship Positions
1998 Through 2002¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships ⁴	Vacancies	Senior Judges ⁵
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
2002	179	27	92	665	50	285

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 Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.

⁵ Senior judges with staff.

neys, 1 had been a part-time United States magistrate judge, 1 had been an assistant federal public defender, and 1 had been a corporate attorney.

Through its September 2002 session, the Judicial Conference authorized 486 full-time magistrate judge positions, 51 part-time positions, and 3 combination clerk/magistrate judge positions. This year, 24 retired magistrate judges were recalled to service under Title 28 U.S.C. Section 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 1998.

Status of Bankruptcy Judge Appointments

On September 30, 2002, a total of 324 bankruptcy judgeships were authorized and funded. Of that number, 302 bankruptcy judgeships were filled, and 22 were vacant. In addition to these positions, 31 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2002. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2002.

Appointments of Magistrate Judges

During 2002, a total of 62 full-time magistrate judges were appointed, including 44 by reappointment. Of the 18 new appointments, 2 were for new positions. During the same period, 14 individuals were appointed to part-time magistrate judge positions, 10 of them by reappointments.

In 2002, 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 39. New full-time appointees had been members of the bar for an average of 19 years at the time of appointment; new part-time magistrate judges averaged 15 years of bar membership. Of the new full-time magistrate judges, 11 had been in private practice, 4 had been assistant United States attor-

U.S. Court of International Trade

The jurisdiction of the U.S. Court of the International Trade extends throughout the United States. The majority of the cases this court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading part-

Table 13
Status of Bankruptcy Judgeship Positions
1998 Through 2002¹

Year	Authorized Judgeships	Vacancies	Recalled Judges
1998	326	11	25
1999	326	20	29
2000	325	18	30
2001	324	12	30
2002	324	22	31

¹ Data are as of September 30.

ners. For 2002, the U.S. Court of International Trade reported 917 cases filed, a decrease of 6 percent (down 58 cases). The new cases included 492 filings under the Tarriff Act of 1930, which involved approximately 3,234 denied protests covering 57,393 entries of merchandise. The overall decline in filings reflected a further drop in cases filed in response to the United States Supreme Court's ruling in *United States Shoe Corp v. the United States*, 523 U.S. 360 (1998), which declared the Harbor Maintenance Tax unconstitutional.

Terminations decreased from 792 to 589. Because filings outnumbered terminations, pending cases rose 3 percent to 10,242 on September 30, 2002. Appendix Table G-1 provides a summary of cases filed, terminated, and pending for 2001 and 2002.

U.S. Court of Federal Claims

In 2002, filings in the U.S. Court of Federal Claims grew 90 percent to 1,486, primarily because filings involving vaccine injury compensation claims soared 336.5 percent (up 737 petitions). This increase arose from the filing of cases in which the onset of autism spectrum disorder was alleged to have been caused by the measles-mumps-rubella (MMR) vaccine, the inclusion of the preservative thimerosal in some vaccines, or a combination of the two. The largest reduction occurred in contract filings, which fell by 18 cases to 193. Case terminations declined 22 percent from 1,060 to 868. As filings outnumbered terminations, pending cases rose 24 percent from 2,571 to 3,190.

For actions terminated in 2002, judgments rendered for claimants totaled \$929.5 million, of which \$111 million carried interest. Judgments rendered for the United States on counterclaims or offsets totaled \$2 million. Many of

Table 14
U.S. Magistrate Judge Positions Authorized
by the Judicial Conference
1998 Through 2002

Year		Total	Full Time	Part Time	Combination
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
2002	Spring	534	477	54	3
	Fall	540	486	51	3

these judgments were based on settlements. In nonmonetary actions under its jurisdiction, the court disposed of 41 contract cases seeking injunctive or declaratory relief.

Each January, pursuant to 28 U.S.C. 791(c), 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, 2002.