

# 2003 Judicial Business

Annual Report of the Director  
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# Caseload Highlights

## U.S. Courts of Appeals

- Setting yet another record, appeals filings grew 6 percent to 60,847.
- Appeals of administrative agency decisions soared 73 percent, mainly because of cases involving the Board of Immigration Appeals.
- Criminal appeals rose 3 percent, and bankruptcy appeals increased 7 percent.
- Original proceedings fell 7 percent, and civil appeals decreased 3 percent.

## U.S. District Courts

- Combined filings of criminal and civil cases in the district courts declined 5 percent to 323,604.

## Criminal Filings

- Criminal case filings rose 5 percent to an all-time high of 70,642, and defendants climbed 5 percent to 92,714 (both numbers include transfers).
- Immigration case filings increased 22 percent, with filings in five

southwestern border districts accounting for 68 percent of all immigration cases.

- Firearms case filings jumped 23 percent.
- Although drug case filings dropped 1 percent, filings of defendants in those cases grew 1 percent.

## Civil Filings

- Civil filings fell 8 percent to 252,962, largely because of a reduction in personal injury/product liability cases involving asbestos.
- Excluding personal injury cases, civil filings otherwise were relatively stable, decreasing only 1 percent.
- Filings with the United States as plaintiff or defendant dropped 9 percent.

## U.S. Bankruptcy Courts

- Bankruptcy filings rose 7 percent to exceed 1.6 million, a new record.
- Nonbusiness petitions grew 8 percent.

- Business petitions dropped 7 percent.
- Filings increased 9 percent under chapter 7 and 5 percent under chapter 13, but fell 13 percent under chapter 11.

## Federal Probation and Pretrial Services System

- On September 30, 2003, the number of persons under the supervision of the federal probation system was a record 110,621, a rise of 2 percent over the total one year earlier.
- Persons serving terms of supervised release grew 3 percent and accounted for 68 percent of all persons under supervision.
- The total for defendants in cases opened in the pretrial services system, including pretrial diversion cases, climbed 7 percent to a historic high of 97,317.
- The 221,199 pretrial hearings that took place represented an increase of 7 percent.

## Judicial Caseload Indicators Fiscal Years 1994, 1999, 2002, and 2003

Judicial Caseload	1994	1999	2002	2003	% Change Since 1994	% Change Since 1999	% Change Since 2002
<b>U.S. Courts of Appeals<sup>1</sup></b>							
Cases Filed	48,322	54,693	57,555	60,847	25.9	11.3	5.7
Cases Terminated	49,184	54,088	56,586	56,396	14.7	4.3	-0.3
Cases Pending	37,269	42,225	40,149 <sup>2</sup>	44,600	19.7	5.6	11.1
<b>U.S. District Courts</b>							
<b>Criminal (Includes Transfers)</b>							
Cases Filed	45,484	59,923	67,000	70,642	55.3	17.9	5.4
Defendants Filed	62,956	80,822	88,354	92,714	47.3	14.7	4.9
Cases Terminated	45,129	56,511	60,991	65,628	45.4	16.1	7.6
Cases Pending	26,328	42,966	55,518 <sup>2</sup>	60,532	129.9	40.9	9.0
<b>Civil</b>							
Cases Filed	236,391	260,271	274,841	252,962	7.0	-2.8	-8.0
Cases Terminated	228,361	272,526	259,537	253,015	10.8	-7.2	-2.5
Cases Pending	223,759	249,381	261,118	261,065	16.7	4.7	0.0
<b>U.S. Bankruptcy Courts</b>							
Cases Filed	837,797	1,354,376	1,547,669	1,661,996	98.4	22.7	7.4
Cases Terminated	869,771	1,356,026	1,445,101	1,568,087	80.3	15.6	8.5
Cases Pending	1,110,428	1,377,985	1,618,262 <sup>2</sup>	1,712,171	54.2	24.3	5.8
<b>Federal Probation System</b>							
Persons Under Supervision	89,103	97,190	108,792	110,621	24.1	13.8	1.7
Presentence Reports	44,434	61,207	63,668 <sup>2</sup>	67,744	52.5	10.7	6.4
<b>Pretrial Services</b>							
Total Cases Activated	58,343	82,172	91,314	97,317	66.8	18.4	6.6
Pretrial Services Cases	56,070	80,154	89,421	95,492	70.3	19.1	6.8
Pretrial Diversion Cases	2,273	2,018 <sup>2</sup>	1,893	1,825	-19.7	-9.6	-3.6
Total Released on Supervision	30,016	32,483	34,880	35,524	18.4	9.4	1.8
Pretrial Supervision	27,507	30,262	32,808	33,681	22.4	11.3	2.7

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

<sup>2</sup> Revised.

# Judicial Business

This report on the business of the federal Judiciary for the fiscal year ending September 30, 2003, 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 11.

Filings continued to break records in most areas of the federal court caseload. New bankruptcy petitions reached another all-time high, climbing 7 percent to 1,661,996. In the U.S. district courts, filings of criminal cases grew 5 percent to 70,642, the largest number ever received, as criminal defendants increased 5 percent to 92,714 (both totals include transfers). Appeals filings rose 6 percent to a new peak of 60,847. The number of persons on probation and supervised release went up 2 percent to 110,621, exceeding the record set the previous year. Nearly matching this was the new record of 97,317 defendants in the pretrial

services system in 2003, an increase of 7 percent. After growing 10 percent in 2002, civil case filings in the U.S. district courts dropped 8 percent to 252,962 in 2003; however, this total was 7 percent greater than the number filed 10 years earlier.

Appeals filings have risen 41 percent since December 1990, the last time new judgeships were authorized for the appellate courts. Fifteen additional judgeships authorized for the district courts became effective July 15, 2003. Although bankruptcy petitions have soared 98 percent in the past 10 years, no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired since then.

## U.S. Courts of Appeals

Reaching a historic high, filings in the 12 regional courts of appeals rose 6 percent to 60,847, marking the eighth consecutive record-breaking year and nine successive years of growth. Increases in administrative agency appeals (up 73 percent), criminal appeals (up 3 percent), and bankruptcy appeals (up 7 percent) more than offset reduc-

As in 2002, the increase in appellate filings in 2003 largely comprised cases involving the Bureau of Immigration Appeals (BIA). In February 2002, Attorney General Ashcroft ordered the BIA to clear its backlog of cases, stating that this was required to help prevent terrorist attacks and enforce the nation's immigration laws. This directive caused filings of appeals of BIA decisions to climb 153 percent in 2002 to 4,449 appeals (up 2,689 appeals) and another 99 percent in 2003 to 8,833 appeals (up 4,384 appeals). Although all courts reported notable growth in such appeals, the greatest increases occurred in the Second Circuit, which saw filings jump from 533 appeals to 2,081 appeals (up 290 percent), and the Ninth Circuit, where filings rose from 2,670 appeals to 4,206 appeals (up 58 percent). Delays in obtaining paperwork to process the BIA appeals, along with a request by the Department of Justice for additional time to file briefs in these cases, caused the pending caseload of administrative agency appeals to jump 94 percent (up 5,060 appeals).

tions in original proceedings (down 7 percent) and civil appeals (down 3 percent). Filings per authorized three-judge panel totaled 1,093 (up from 1,034 cases per panel in 2002).

Terminations remained relatively stable, falling only 0.3 percent to 56,396 (down 4 cases per authorized three-judge panel). Pending appellate cases climbed 11 percent to 44,600, mainly due to appeals of decisions by the Board of Immigration Appeals (BIA). The median time from the filing of a notice of appeal to the final disposition of the appeal decreased from 10.7 months in 2002 to 10.5 months in 2003. The median time from the filing of a case in a lower court to the final decision on appeal remained unchanged at 25.9 months.

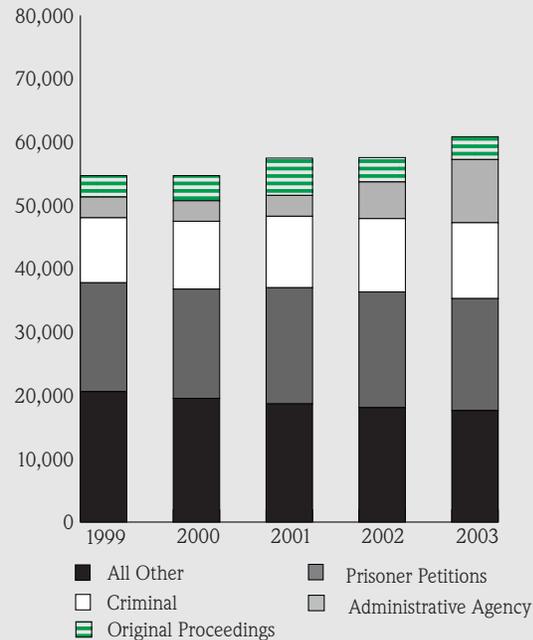
Filings rose in 7 of the 12 regional courts of appeals, with the greatest increases reported by the Second Circuit (up 31 percent) and the Ninth Circuit (up 13 percent). The growth in these circuits consisted mainly of large numbers of administrative agency appeals involving the BIA. The greatest decline occurred in the Eleventh Circuit, where filings dropped 7 percent due to reductions in civil appeals (down 12 percent) and criminal appeals (down 2 percent).

Filings of criminal appeals rose for the fourth year in a row, climbing 3 percent (up 399 appeals) to 11,968 as firearms appeals jumped 21 percent (up 295 appeals) and appeals related to immigration law violations rose 8 percent (up 142 appeals). Drug-related appeals declined 3 percent (down 126 appeals).

Civil appeals filings fell 3 percent to 34,390 (down 1,109 appeals), largely because of a 9 percent reduction in civil rights appeals (down 683 appeals) and a 3 percent drop in prisoner petition appeals. The decline in prisoner petition appeals stemmed mainly from a 14 percent decrease in motions to vacate sentence (down 461 appeals).

Appeals involving pro se litigants fell less than 1 percent (down 131 appeals) to 26,493. Pro se prisoner petitions declined 4 percent (down 587 appeals), pro se original

## Appeals Cases Filed



proceedings decreased 6 percent (down 189 cases), and pro se criminal appeals dropped 7 percent (down 90 appeals). These reductions exceeded a 1 percent rise (up 35 appeals) in pro se civil appeals (other than prisoner petitions) and a 51 percent jump in pro se administrative agency appeals (up 701 appeals). The greatest numerical declines occurred in the Eleventh Circuit (down 303 appeals) and Eighth Circuit (down 210 appeals) and resulted primarily from reductions in pro se prisoner petitions. Filings of pro se appeals increased in 7 of the 12 circuits, with the greatest growth occurring in the Second Circuit (up 230 appeals) and Ninth Circuit (up 163 appeals) as a result of appeals of BIA decisions. Supplemental Table S-4 contains summary data on pro se appeals.

Original proceedings, which fell 34 percent in 2002, dropped another 7 percent in 2003 to 3,599. Eight of the 12 regional courts of appeals reported reductions in filings, with decreases ranging from 5 percent to 27 percent, as the number of prisoners filing original proceedings motions for per-

mission to file second or successive habeas corpus petitions continued to dwindle. In 2003, motions requesting second or successive habeas corpus petitions by state prisoners fell 9 percent (down 202 appeals), but still constituted 57 percent of all original proceedings filed.

Following four years of decline, filings of bankruptcy appeals rose 7 percent to 902 appeals. Filings increased in seven circuits and dropped in five circuits. The largest numerical growth occurred in the Ninth Circuit (up 47 appeals) and Seventh Circuit (up 20 appeals). The greatest drop in filings was reported by the Fifth Circuit, which had 33 fewer appeals.

From 1999 to 2003, appeals filings increased 11 percent (up 6,154 appeals). During that period, criminal appeals climbed 17 percent, with the greatest growth occurring in criminal appeals related to immigration law violations (up 95 percent) and firearms (up 57 percent). Civil appeals filings declined 6 percent (down 2,290 appeals), mainly due to a 17 percent reduction (down 1,341 appeals) in civil

**Table 1**  
**U.S. Courts of Appeals**  
**Appeals Filed, Terminated, and Pending**  
**Fiscal Years 2002 and 2003**

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
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	40,149*
2003	167	60,847	1,093	56,396	1,013	44,600
% Chg. 2003 Over 2002	—	5.7	5.7	-0.3	-0.3	11.1

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 2002 and 2003**

Source	2002	2003	Percent Change
Total	57,555	60,847	5.7
U.S. District Courts			
Criminal	11,569	11,968	3.4
Civil— Total	35,499	34,390	-3.1
Prisoner Petitions	18,272	17,691	-3.2
U.S. Civil	3,359	3,239	-3.6
Private Civil	13,868	13,460	-2.9
Other Appeals			
Bankruptcy	843	902	7.0
Administrative Agency	5,789	9,988	72.5
Original Proceedings*	3,855	3,599	-6.6

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.

rights appeals. Prisoner petitions rose 3 percent (up 500 appeals) in response to increases of 10 percent in habeas corpus prisoner petitions (up 816 appeals), 40 percent in mandamus/other prisoner petitions (up 181 appeals), and 2 percent in prison condition prisoner petitions (up 37 appeals). These rises more than offset a 13 percent decline in prisoner petitions related to motions to vacate sentence (down 449 appeals) and a 3 percent drop in prisoner civil rights petitions (down 83 appeals). Bankruptcy appeals filings have fallen 19 percent (down 207 appeals). In the past five years, appeals terminations have risen 4 percent, and the pending caseload has grown 6 percent.

The five bankruptcy appellate panels (BAPs) saw filings increase 4 percent (up 42 appeals) to 1,068 in 2003. Filings rose for all panels except the one in the Ninth Circuit, whose filings fell 4 percent. From 1999 to 2003, BAP filings dropped 21 percent (down 288 appeals). However, in 1999, a total of 94 appeals were filed in the Second Circuit BAP, which ceased operations in July 2000. Excluding appeals filed in the Second Circuit BAP, total BAP filings have declined 15 percent (down 194 appeals) since 1999.

Tables 1 and 2 contain summary data on the activity of the U.S. courts of appeals. Detailed data for the appellate courts and bankruptcy appellate panels appear in the B series of the appendix tables.

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

After rising 18 percent the previous year, in 2003 filings of appeals in the U.S. Court of Appeals for the Federal Circuit fell 12 percent (down 205 appeals) to 1,543, the same number filed in 1999. In 2003, a 43 percent reduction occurred in appeals of decisions by the U.S. Court of Appeals for Veterans Claims (down 178 appeals), which had surged 250 percent (up 293 appeals) in 2002 due to filings involving applications for attorneys' fees under the Equal Access to Justice Act. The overall decrease in 2003 also resulted from a 12 percent drop (down 53 appeals) in appeals of decisions by the

Merit Systems Protection Board, as well as declines in appeals of decisions related to several other agencies.

The number of appeals terminated in 2003 increased 16 percent (up 218 appeals) to 1,575, which caused appeals terminated per panel to grow from 339 to 394. The number of appeals pending as of September 30, 2003, fell 2 percent to 1,445.

Filings of appeals in the Federal Circuit historically have fluctuated. From 1999 to 2003, filings dropped each year except 2002. During that five-year period, terminations of appeals climbed 12 percent (up 165 appeals), and the number of appeals pending grew 32 percent (up 352 appeals).

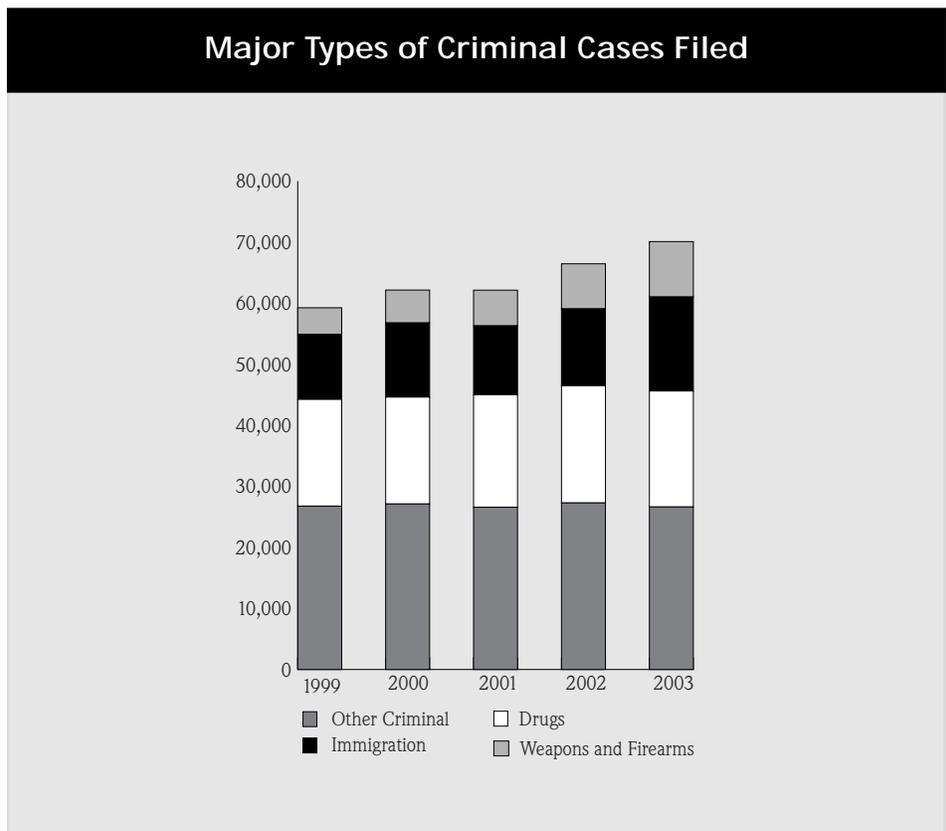
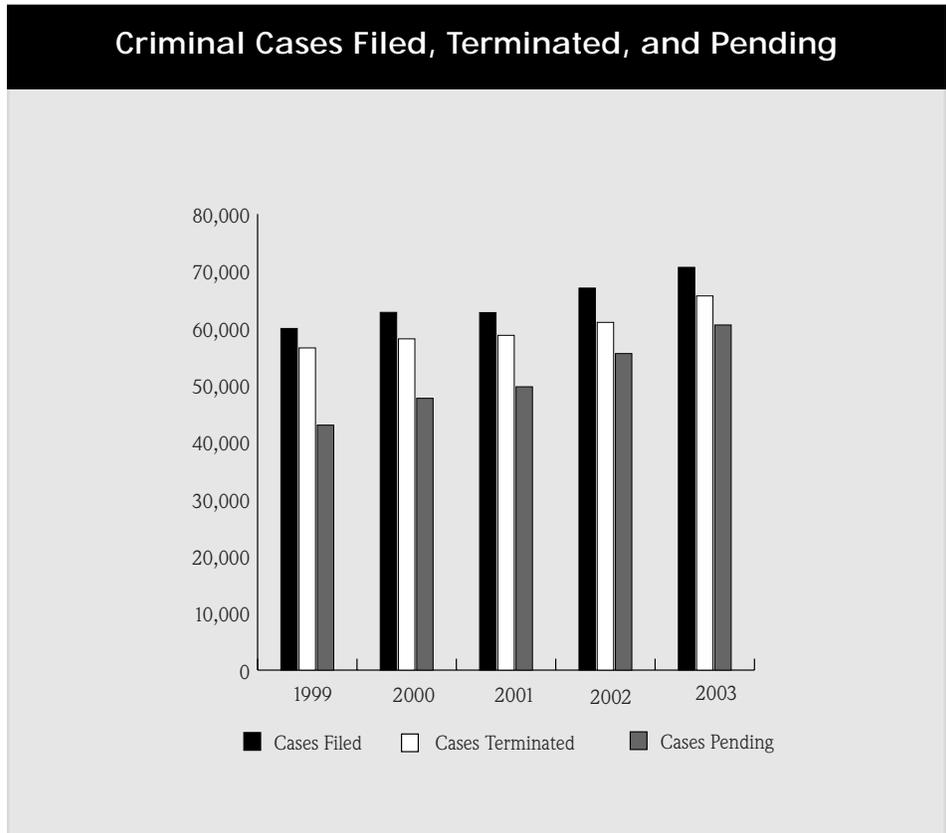
Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit. More detailed data are available from the Office of the Clerk of the U.S. Court of Appeals for the Federal Circuit.

## U.S. District Courts

After rising 9 percent the previous year, combined filings of criminal and civil cases in the U.S. district courts dropped 5 percent to 323,604 in 2003. Although criminal filings increased 5 percent (up 3,642 cases), this did not offset an 8 percent reduction in civil filings (down 21,879 cases). Case terminations stayed essentially unchanged, decreasing about one-half of 1 percent to 318,643 (this number does not include the 73,631 defendants in petty offense cases terminated in 2003 by magistrate judges). The pending caseload rose 1.5 percent to 321,597 cases.

## Criminal Filings

Criminal case filings grew 5 percent to an all-time high of 70,642 (including transfers), surpassing the previous record number of filings reported in 1932, the year before the Prohibition Amendment was repealed. The number of defendants also rose 5 percent to reach 92,714 (including transfers). Case filings increased in 63 districts, and 35 districts received at least 10 percent more



filings than they had in 2002. Since 1993, filings of criminal cases and defendants have risen each year except 2001. The growth in filings caused criminal cases per authorized judgeship to climb from 101 in 2002 to 104 in 2003, despite the 15 additional judgeships that became effective July 15, 2003. Nationwide, district courts terminated 8 percent more cases and 6 percent more defendants in 2003 than in the previous year. As filings outpaced terminations, the totals for pending criminal cases and defendants both increased 9 percent. The median case-disposition time for defendants was 6.2 months, the same as in 2002.

In 2003, the overall growth in the criminal caseload stemmed primarily from immigration and firearms cases, as filings for both cases and defendants for these offenses reached their highest levels ever. Immigration filings jumped 22 percent to 15,400 cases (with 16,328 defendants), and firearms filings climbed 23 percent to 9,075 cases (with 10,218 defendants). Together, these two offenses rose from accounting for 30 percent of the criminal caseload in 2002 to constituting 35 percent in 2003. In contrast, drug case filings amounted to 29 percent of the criminal caseload in 2002 and 27 percent in 2003. However, drug defendants amounted to 36 percent of all crimi-

Firearms filings reached yet another record level in 2003, totaling 9,075 and rising in 76 districts. Forty-three districts received 25 percent or more such cases in 2003 than they had the previous year. Firearms filings began growing in 1998 in many districts across the nation under Project Exile, then continued to rise pursuant to the expansion of Project Safe Neighborhoods. Both projects created and provided resources to partnerships among federal, state, and local law enforcement agencies to promote the prosecution of firearms violations under federal laws, which often carry higher penalties than state laws, in communities that have been most affected by gun violence.

**Table 3**  
**U.S. District Courts**  
**Criminal Cases Filed, Terminated, and Pending**  
**Including Transfers)**  
**Fiscal Years 1999 Through 2003**

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Cases per Judgeship	Drugs <sup>1</sup>		
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	55,518*
2003	680	70,642	104	18,996	65,628	60,532
% Chg. 2003						
Over 2002	—	5.4	3.1	-1.1	7.6	9.0

<sup>1</sup> Includes transfers.  
<sup>2</sup> Pending totals exclude cases in which all defendants were fugitives for more than one year.  
\* Revised.

nal defendants in 2003, whereas immigration and firearms defendants combined equaled 29 percent.

In 2003, the number of immigration defendants exceeded the previous record that had been set in 1954 when the Immigration and Naturalization Service initiated a repatriation project to remove illegal Mexican immigrants, many of whom had arrived as contract laborers under an agreement between the United States and Mexico. More recently, the immigration caseload began to climb in 1995. The growth rate diminished after 2000, but in 2003 immigration cases and defendants produced the largest numeric increases of all types of criminal filings as a result of increased screening and inspections at ports of entry into the United States.

Sixty-eight percent of all immigration cases were filed in five district courts along the nation's southwestern border. In the Southern District of Texas, immigration cases jumped 38 percent to 2,931, the highest number of such filings in any one court in the nation. Filings in the Southern District of California, which had been stable in

recent years, climbed 27 percent to 2,067 cases in 2003. Immigration filings increased 19 percent in both the District of Arizona and the District of New Mexico, rising to 2,336 cases and 1,480 cases, respectively. In the Western District of Texas, immigration filings grew 2.5 percent to 1,652 cases.

The number of drug defendants rose 1 percent to 32,786. Drug cases declined 1 percent to 18,996, although such filings nevertheless rose in 50 districts. The national total was affected by significant declines in drug case filings in the Southern District of California, Southern District of Florida, and Eastern District of North Carolina. These reductions were attributed by court personnel to the prosecution of drug crimes at state and local levels, instead of at the federal level, under cooperative partnerships led by U.S. attorneys; the shifting of resources to focus on immigration and immigration-related fraud cases; and tougher security measures at the nation's borders that may be deterring drug trafficking (or causing smugglers to use less detectable means of moving drugs into the country). The largest decrease occurred in the Southern District

of California, where drug cases dropped 36 percent to 834.

Sex offense filings increased 12 percent to 1,325 cases. Seventy-five percent of this growth comprised cases addressing sexually explicit material, and 25 percent consisted of cases alleging sexual abuse. Migratory bird law filings climbed 70 percent to 126 cases, largely because of the prosecution of misdemeanor violations in the Eastern and Middle Districts of Louisiana.

Filings of fraud cases fell 1 percent to 8,092, and fraud defendants declined 2 percent to 10,999. However, fraud cases related to nationality laws increased 26 percent to 301 cases, and passport fraud cases rose 57 percent to 411 cases, as the government directed resources toward national security and tightened the enforcement of immigration and nationality laws.

National defense filings dropped 50 percent to 74 cases as the U.S. Navy ceased operations in Vieques, Puerto Rico, which led to a decrease in misdemeanor trespass-

ing charges against persons protesting military activities on that island. The 2003 total for national defense cases was consistent with that for 1999, the year before the Vieques protests began.

Reductions also occurred in filings of other offenses, including homicide, robbery, embezzlement, forgery and counterfeiting. These declines probably resulted because the FBI is focusing on terrorism and relying more on other law enforcement agencies to address other crimes, according to the Director of the FBI.

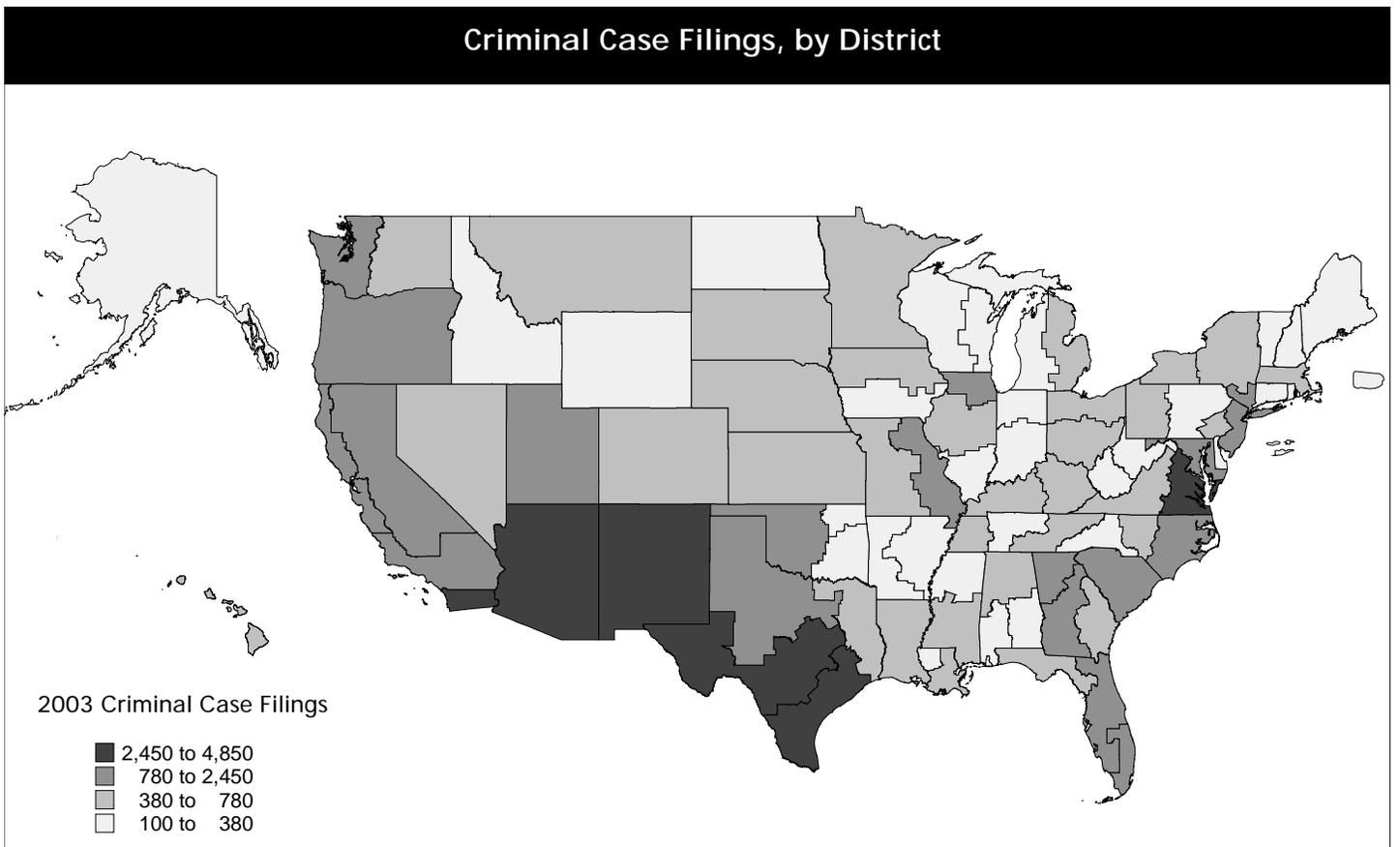
The federal courts concluded proceedings against 83,530 defendants, an increase of 6 percent. Of these, 74,850 were convicted. The conviction rate was 90 percent, the same as in 2002. Eighty-six percent of defendants disposed of pled guilty, also the same as in 2002. The number of defendants imprisoned rose 8 percent to 61,102. The rate of imprisonment among those sentenced increased 2 percent to 82 percent.

Filings of criminal cases (including transfers) climbed 18 percent from 1999 to 2003. This increase arose largely from growth in filings involving immigration (up 45 percent) and firearms law violations (up 108 percent). During the past five years, the contribution of these offenses to the overall criminal caseload rose from 25 percent to 35 percent.

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

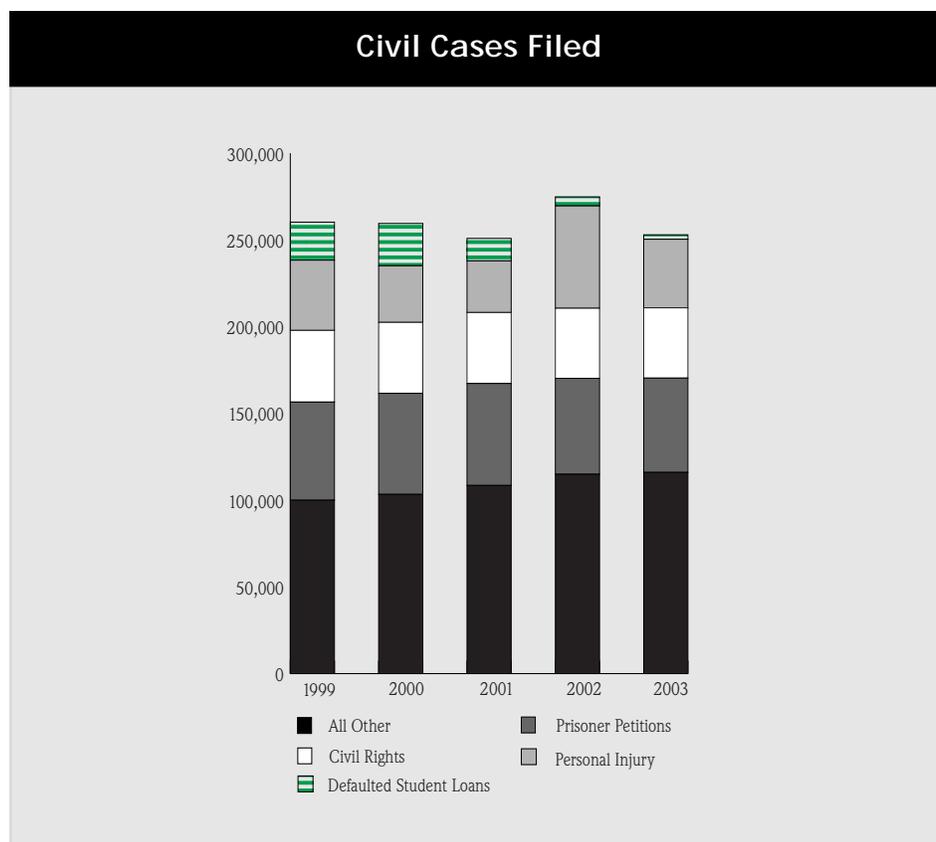
### Civil Filings

After climbing 10 percent in 2002, civil filings in the U.S. district courts declined 8 percent (down 21,879 cases) to 252,962 in 2003. Filings related to personal injuries, which had soared 98 percent in 2002, dropped 33 percent the following year, primarily as a result of decreases in personal injury/product liability cases involving asbestos. Total private civil filings fell 8 percent as



federal-question filings (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party in the case) related to asbestos dropped 99 percent. Excluding personal injury cases, civil filings otherwise were relatively stable in 2003, falling only 1 percent. The number of civil filings per authorized judgeship decreased from 413 to 372, in part because 15 new judgeships were authorized effective July 2003.

In 2003, filings involving federal-question jurisdiction fell 13 percent (down 21,299 cases), chiefly because personal injury cases decreased 80 percent to 5,887. Asbestos filings plummeted by 23,969 cases as far fewer plaintiffs filed cases alleging injuries from asbestos in 2003 than in 2002. The vast majority of such filings in 2002 were "friction product" cases in which plaintiffs asserted that injuries arose from exposure to asbestos in automotive brake pads. Most of these cases, which had been moved from state courts to federal courts, by now have been returned to state courts for further proceedings. Declines in total asbes-



**Table 4**  
**U.S. District Courts**  
**Civil Cases Filed, Terminated, and Pending**  
**Fiscal Years 1999 Through 2003**

Filed

Year	Authorized Judgeships	Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases	Terminated	Pending
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	261,118 *
2003	680	252,962	372	3,073	54,378	39,563	155,948	253,015	261,065
% Chg. 2003									
Over 2002	2.3	-8.0	-9.9	-45.6	-1.7	-32.9	.7	-2.5	0.0

\*Revised.

tos filings were reported by 33 of the 94 district courts, with the greatest reductions occurring in the Northern District of Ohio (down 10,434 cases), Eastern District of Virginia (down 4,762 cases), Eastern District of Pennsylvania (down 1,774 cases), Southern District of New York (down 1,686 cases), Southern District of Illinois (down 1,448 cases), and Northern District of California (down 1,115 cases).

Filings with the United States as plaintiff or defendant dropped 9 percent (down 4,797 cases). Cases with the United States as plaintiff fell 24 percent, largely due to a 52 percent decrease in student loan cases (down 2,683 cases), which continued a trend that began in 2001 following the implementation of administrative measures by the Department of Education to improve the collection of these debts.

For the second consecutive year, filings with the United States as defendant decreased 3 percent, dropping to 38,254 mostly because of a 6 percent reduction in cases involving Social Security. Filings related to disability insurance and supplemental security income fell by a combined total of 1,314 cases.

Diversity of citizenship filings rose 8 percent, with personal injury cases accounting for most of the increase. The Eastern District of Pennsylvania and District of Minnesota had continued growth in personal injury/product liability cases in which plaintiffs alleged that the anti-cholesterol drug Baycol caused injurious side effects. After these cases have been filed in the local jurisdiction of the plaintiff or defendant, they are transferred as new filings to the District of Minnesota under Multidistrict Litigation Docket Number 1431.

Civil case terminations declined 3 percent (down 6,522 terminations). Significant drops occurred in the Eastern District of Virginia (down 4,267 terminations), Southern District of New York (down 1,979 terminations), Eastern District of New York (down 1,918 terminations), Southern District of Illinois (down 1,878 terminations), and Eastern District of Pennsylvania (down 1,331 terminations). The decreases in the Eastern District of Virginia, the Southern

**Table 5**  
**U.S. District Courts**  
**Civil Cases Filed, by Jurisdiction**  
**Fiscal Years 1999 Through 2003**

Year	Total	U.S. Cases		Private Cases		
		Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
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
2003	252,962	10,946	38,254	142,591	61,156	15
% Chg. 2003 Over 2002	-8.0	-24.4	-3.2	-13.0	7.6	-88.5

District of New York, and the Southern District of Illinois largely can be attributed to fewer terminations of asbestos cases. The Eastern District of New York had fewer terminations of cases related to asbestos, defaulted student loans, and other actions.

The national median time from filing to disposition for civil cases was 9.3 months, up from 8.7 months in 2002. This growth in the median time reflects the drop in case terminations related to asbestos in 2003 following the huge spike in asbestos case terminations that occurred the previous year when a large number of friction product cases were remanded to state courts. The number of pending civil cases remained essentially stable, decreasing by 53 cases to a total of 261,065.

Over the past five years, civil filings fell 3 percent, mostly as a result of reductions in cases involving the recovery of defaulted student loans, asbestos, prisoner petitions, and civil rights. From 1999 to 2003, filings involving defaulted student loans declined 88 percent (down 19,390 filings) due to strenuous efforts by the Department of Education to collect these debts. Personal injury/product liability cases involving asbes-

tos dropped 83 percent (down 7,386 filings) despite the substantial increase in such filings in 2002. Prisoner petitions fell 4 percent (down 2,225 petitions), primarily as a result of a 19 percent decrease in prisoner petitions involving prison conditions. Civil rights employment filings dropped 9 percent (down 1,983 cases), continuing a trend that began in 1997 with the tapering off of employment filings, which previously had risen following the enactment of the Americans with Disabilities Act of 1990 and the Civil Rights Acts of 1991. Following a seven-year period in which the Social Security Administration used additional resources to process administratively a large backlog of pending Social Security claims (thereby causing case filings related to these claims to increase each year after 1999), Social Security filings declined 7 percent in 2003, falling by 1,195 cases.

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

## Arbitration Cases

In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. 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 may seek a trial, which will cause the case to be treated as if it never went through arbitration. The first district courts authorized to use mandatory and voluntary arbitration were in 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 2003, a total of 3,187 civil cases were referred to arbitration in 6 of the 10 original participating districts, a decline of 20 percent (down 778 cases) from 2002. This year, arbitration cases constituted 7 percent of civil filings in the original 10 arbitration courts and accounted for 8 percent of civil filings in the 6 courts that reported new arbitration cases. The District of New Jersey made the most use of arbitration, as 31 percent of its civil filings consisted of arbitration referrals. As in previous years, 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, and Eastern

District of New York consistently have been the most involved in using voluntary and mandatory arbitration since 1989. These three courts and the Western District of Oklahoma, Northern District of California, and Middle District of Florida accounted for all new arbitration cases in the participating district courts during 2003.

Four of the six courts that reported new arbitration cases experienced declines, with drops in referrals occurring in the Middle District of Florida (down 414 filings), District of New Jersey (down 204 filings), Eastern District of Pennsylvania (down 173 filings), and Eastern District of New York (down 20 filings). Referrals in the Western District of Oklahoma grew by 23 cases, and the Northern District of California reported 12 new referrals.

For the sixth consecutive year, the Middle District of North Carolina, Western District of Texas, and Western District of Michigan reported no new arbitration referrals. For the first time, the Western District of Missouri reported no new arbitration referrals. These four courts now actively use 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. In 2003, 44 percent of all U.S. district courts used federal mediation procedures to settle cases eligible for alternative dispute resolution programs.

Supplemental Table S-12 summarizes the cases filed in 2002 and 2003 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 by the courts, as well as other contested hearings at which evidence is presented.

The number of civil and criminal trials completed in 2003 in the U.S. district courts by Article III judges grew to 12,948, a rise of 1 percent over the total for 2002. This

growth resulted from increases in jury and nonjury criminal trials. Criminal trials climbed 5 percent (up 316) to 7,118. Fifty-six of the 94 courts reported larger numbers of criminal trials. Criminal jury trials rose 8 percent (up 268), and criminal nonjury trials grew 1 percent (up 48). In addition, judges accepted guilty pleas from 63,784 felony defendants, an increase of 6 percent. From 1999 to 2003, the number of guilty pleas accepted by judges jumped 22 percent as more defendants accepted plea agreements to avoid going to trial and the risk of more severe sentences. Total civil trials decreased 3 percent (down 185), with 50 districts reporting fewer trials. Civil nonjury trials fell 4 percent (down 138) as 41 districts experienced declines. Civil jury trials dropped 2 percent (down 47), with 47 districts reporting fewer trials.

Judges continue to remain extremely active in managing and disposing of their cases, continuing a trend that reflects the changing nature of case disposition in the district courts. In 2003, judges terminated 206,937 civil cases—82 percent of all civil cases—before or during pretrial proceedings. Besides conducting trials, judges also perform many other case-related functions, including those related to courtroom activity, research and opinion drafting for 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, alternative dispute resolution (ADR) activities, and settlements. Forty-four districts operated mediation and nonbinding arbitration programs in 2003.

In 2003, the number of trials lasting four days or longer increased 4 percent to 3,271. Thirty-nine civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 28 days. The longest civil trial, which involved a bankruptcy appeal, lasted 51 days. In addition, 67 criminal trials required 20 or more days for completion, with the average of these trials lasting 35 days. The longest criminal trial was a drug case lasting 187 days. In civil cases in which a trial was com-

pleted, the median time from filing to trial was 23 months, up from 22 months last year.

Appendix Tables C-5, 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, 7,894 trials were conducted by magistrate judges in 2003. These comprised 3,330 petty offense trials, 767 civil consent trials, 368 misdemeanor trials, and 3,429 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

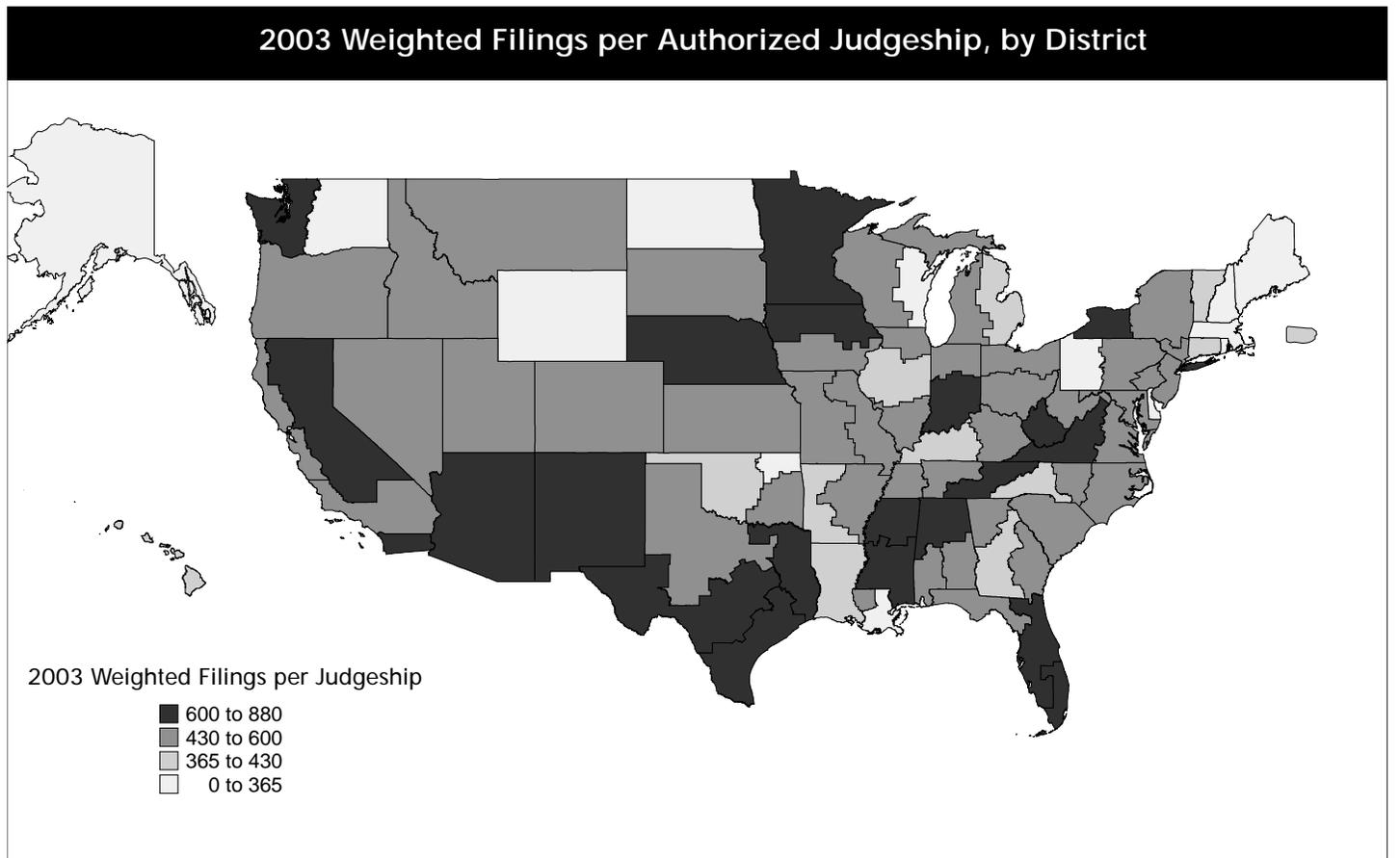
### Weighted Filings per Authorized Judgeship

Weighted filings statistics account for the different amounts of time district 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 defendants charged with felonies include reopened and transferred cases. 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 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). The FJC currently is updating these case weights.

In 2003, the total number of weighted filings (i.e., the sum of all weights assigned to cases and defendants) per authorized judgeship remained essentially stable, falling only 1 percent to 523. This reduction stemmed in part from the authorization of 15 additional district judgeships that became effective July 15, 2003. (Weighted filings per authorized judgeship do not address whether judgeships are filled or vacant.)

The total number of weighted criminal felony defendants per judgeship increased by 2 over the 184 weighted filings reported for the 661 positions authorized one year earlier. The overall rise in weighted felony defendants per judgeship reflected the 5 percent growth nationwide in criminal felony defendants from 76,282 to 80,463. In 2003, weighted criminal filings grew in 52 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), fell in 38 districts, and remained un-



changed in 1 district. Substantial increases in criminal weighted filings occurred in the Middle District of Louisiana (up 105 percent), Southern District of Illinois (up 32 percent), Eastern District of Texas (up 28 percent), District of South Dakota (up 27 percent), and District of Utah (up 22 percent). Total felony defendants in the Middle District of Louisiana more than doubled due to significant increases in filings related to fraud (up 237 percent) and drugs (up 92 percent). In the Southern District of Illinois, a 37 percent rise in total felony defendants was fueled by a 40 percent jump in fraud cases and a 16 percent increase in drug filings. Total felony defendants in the District of South Dakota grew 29 percent, primarily as a result of an 81 percent surge in drug cases and increases in fraud, firearms, and homicide cases. The District of Utah reported that a 21 percent rise in total felony defendants chiefly resulted because firearms cases jumped 47 percent. Weighted criminal filings were higher than unweighted criminal filings in all district courts.

The total number of weighted supervised release hearings per judgeship rose to 5.94 from 5.26 in 2002; the total number of unweighted supervised release hearings per judgeship grew from 21.05 to 23.76. Each supervised release hearing receives a case weight of 0.25. In 2003, the following four district courts reported increases of three or more supervised release hearings per authorized judgeship: the District of Arizona (up 6.94 hearings), Northern District of Iowa (up 4.25 hearings), Eastern District of California (up 3.75 hearings), and District of Utah (up 3.35 hearings).

The total number of weighted civil filings per authorized judgeship was 331, a reduction of 2 percent from 2002. This decline in weighted civil filings was consistent with the 8 percent drop in overall civil filings from 274,841 to 252,962. During 2003, weighted civil filings fell in 45 district courts. Significant decreases in civil weighted filings per authorized judgeship occurred in the Southern District of California (down 39 percent), Southern District of

Mississippi (down 34 percent), Southern District of Illinois (down 33 percent), Northern District of Ohio (down 32 percent), and District of Delaware (down 32 percent). The civil weighted caseload in the Southern District of California chiefly was affected by the addition of five new judgeships there. The Southern District of Mississippi experienced a decline of 1,603 filings under the Fair Labor Standards Act (such filings receive a case weight of 2.12); this district had received an unusually large number of lawsuits in 2002 alleging unfair labor practices. The Northern District of Ohio and Southern District of Illinois saw asbestos filings drop by 10,434 cases and 1,448 cases, respectively. A 75 percent reduction in bankruptcy withdrawals was the major reason for the decrease in civil weighted filings in the District of Delaware.

Between 1999 and 2003, total weighted civil and criminal filings per authorized judgeship increased 9 percent. During that period, criminal weighted felony defendant filings per authorized judgeship climbed 10 percent, and civil weighted filings (excluding transfers) per authorized judgeship rose 6 percent. The national total of felony defendant filings (excluding transfers) grew 19 percent from 67,627 in 1999 to 80,463 in 2003, primarily because of jumps in filings related to firearms, immigration, and fraud cases. Felony defendants in firearms cases skyrocketed 102 percent as all but one of the district courts experienced increases in such filings during the past five years. Since 1998, firearms filings have grown in many districts as more assistant U.S. attorneys have been assigned to work with state and local law enforcement officials in identifying and prosecuting violations of federal firearms laws, including those related to school gun violence and juvenile gun offenses. Fraud filings grew 14 percent in the past five years, rising in 48 district courts, mainly due to increased filings involving Social Security, health care, false claims and statements, and securities and exchange. Civil weighted filings per authorized judgeship climbed primarily because of

rises in filings related to personal property (up 40 percent), Social Security (up 23 percent), and labor laws (up 20 percent).

Appendix Table X-1A provides, by district, weighted filings, unweighted filings, and supervised release hearings per authorized judgeship in 2003.

## U.S. Magistrate Judges

The service of U.S. magistrate judges to the courts and to the public continues to expand. The contributions of these judges, whose roles are set by district courts under a flexible statutory scheme, are essential to the federal Judiciary's effectiveness.

In 2003, magistrate judges performed 948,570 judicial duties, an 8 percent increase over the total for 2002. Of the tasks performed, 309,720 were civil pretrial matters, including 200,068 motions, 26,506 settlement conferences, and 55,632 other conferences. The 4 percent overall growth in magistrate judges' civil pretrial duties stemmed largely from a 9 percent rise in settlement conferences, signaling the growing importance of magistrate judges to courts' efforts to save litigants the time and expense of going to trial.

Magistrate judges handled 156,115 felony pretrial matters in 2003, including 98,299 motions and 14,620 conferences, an overall increase of 13 percent over the total for 2002. Courts have increasingly assigned felony guilty plea proceedings to magistrate judges, who handled 17,018 of these critical, time-consuming matters in 2003, an increase of 11 percent from the previous year. In 2003, probation and supervised release revocation hearings by magistrate judges climbed 16 percent to 4,570.

Continuing a long-standing trend, civil cases concluded by magistrate judges with the litigants' consent grew 9 percent to 13,811. Many district courts made efforts over the years to facilitate such consent through techniques such as adding magistrate judges to the civil case assignment

“wheel.” In civil consent cases, the number of trials decreased 20 percent to 767 as trials with juries increased 1 percent to 479, and nonjury trials fell 41 percent to 288.

Magistrate judges also saw other aspects of their workload grow. They disposed of 83,247 misdemeanor cases (15 percent more than in 2002), of which 73,631 involved petty offenses. They also conducted 315,455 felony preliminary proceedings (8 percent more than in 2002), including 93,991 initial appearances and 57,977 arraignments. Detention hearings, which tend to be among the more time consuming of these proceedings, increased 11 percent to 47,860.

Supplemental Table S-17 and the M series of the appendix tables provide detailed information on the work of magistrate judges.

## Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation (Panel) acted on 9,754 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2003. The Panel transferred 8,097 cases originally filed in 92 district courts to 41 transferee districts for inclusion in coordinated or consolidated pretrial proceedings in which 1,657 actions already were pending in the transferee districts. Product liability cases involving asbestos, diet drugs, and the anti-cholesterol drug Baycol were among the more significant of the Panel’s transfer determinations. The Panel did not order transfers in 22 newly docketed litigations involving 130 actions.

Since the Panel’s creation in 1968, it has centralized 188,806 civil actions for pretrial proceedings. As of September 30, 2003, a total of 10,684 actions had been remanded for trial, 382 actions had been reassigned within the transferee districts, and 132,730 actions had been terminated in the

transferee courts. At the end of this fiscal year, 45,010 actions were pending throughout 49 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 2003, and since 1968. All statistical information on multidistrict litigation 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.

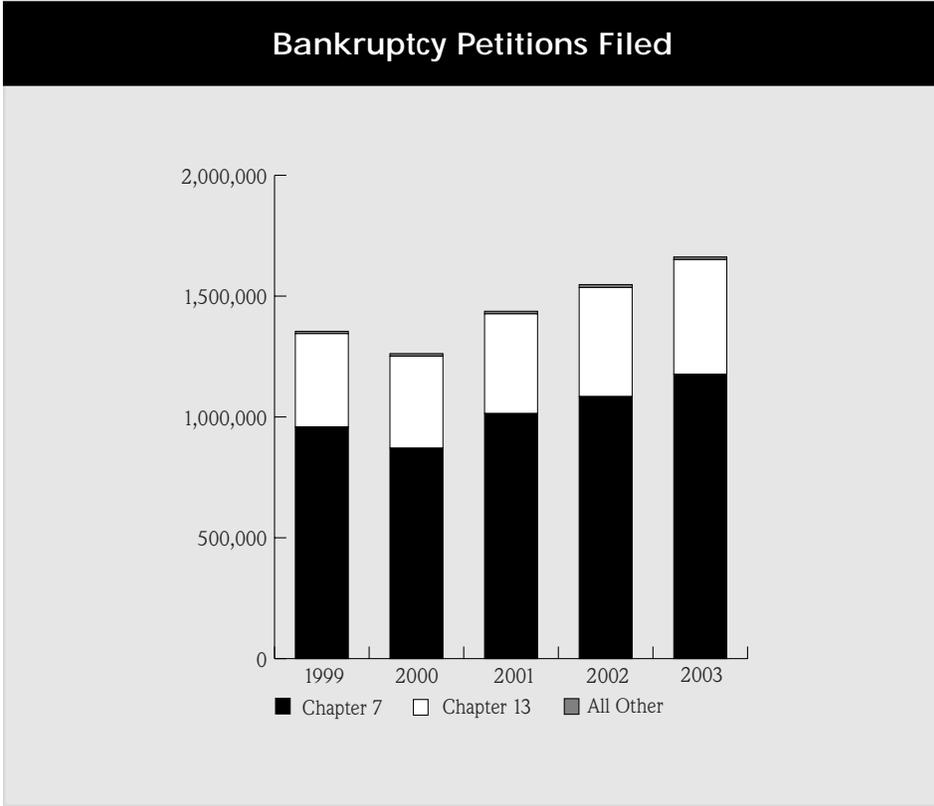
## U.S. Bankruptcy Courts

Attaining a record level for the third consecutive year, filings in the U.S. bankruptcy courts grew 7 percent to 1,661,996 in 2003. Increases in filings occurred under all chapters of the bankruptcy code except chapter 11. Filings have jumped 23 percent

since 1999. For the last several years, the large number of petitions most likely has arisen from high consumer debt combined with slow economic growth. Tables 6 and 7 display national data on bankruptcy cases.

In 2003, growth occurred in 11 regional circuits, and 85 districts reported higher filings. Three districts had increases greater than 20 percent: the District of Colorado (up 24 percent), Southern District of Texas (up 21 percent), and Eastern District of Michigan (up 21 percent). The largest numerical increases were in the Eastern District of Michigan (up 7,713 cases), Northern District of Ohio (up 6,948 cases), and District of Colorado (up 4,940 cases). The greatest numerical declines took place in the Central District of California (down 5,686 cases), District of Hawaii (down 776 cases), and Middle District of Alabama (down 575 cases).

The overall growth stemmed from an 8 percent rise in filings of nonbusiness (i.e., personal) petitions, which more than offset a 7 percent decline in business petitions. In



**Table 6**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Code Cases Filed, Terminated, and Pending**  
**Fiscal Years 1999 Through 2003**

Year	Total	Nonbusiness	Business	Terminated	Pending
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	1,618,262*
2003	1,661,996	1,625,813	36,183	1,568,087	1,712,171
% Chg. 2003 Over 2002	7.4	7.8	-7.4	8.5	5.8

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

**Table 7**  
**U.S. Bankruptcy Courts**  
**Filings by Chapter of the Bankruptcy Code**  
**Fiscal Years 1999 Through 2003**

Year	Total	Chapter				
		7	11	12	13	Other
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
2003	1,661,996	1,177,292	10,144	698	473,763	99
% Chg. 2003 Over 2002	7.4	8.6	-13.1	116.8	5.0	17.9

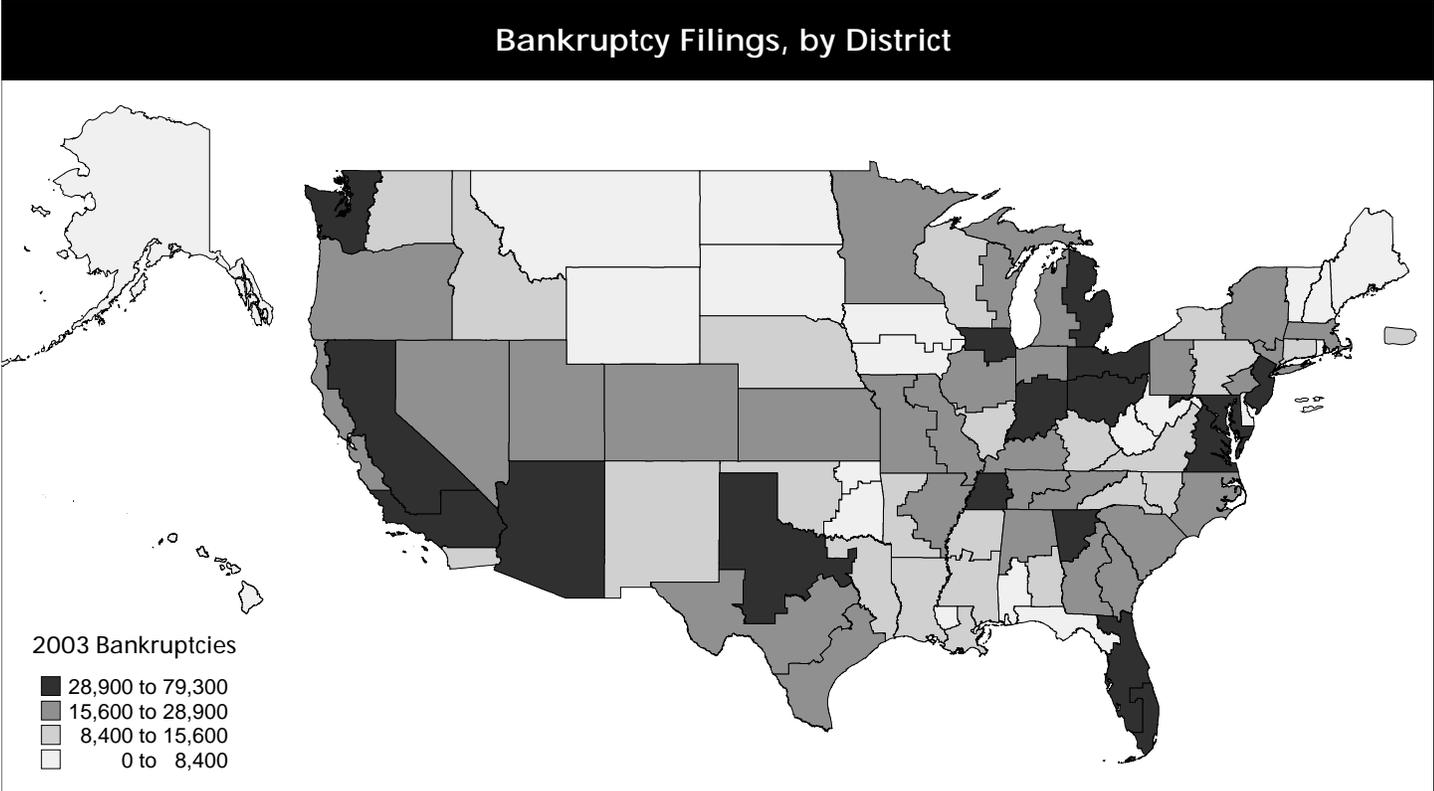
the past five years, nonbusiness petitions have constituted an increasing portion of all filings, rising from 97 percent in 1999 to 98 percent in 2003. Filings of nonbusiness petitions climbed 9 percent under chapter 7 and 5 percent under chapter 13; they fell 1 percent under chapter 11. Nonbusiness filings have risen 24 percent since 1999.

Business filings decreased 7 percent in 2003, with a 14 percent reduction in chapter 11 petitions and a 4 percent drop in chapter 13 petitions. Although filings of chapter 12 petitions soared 117 percent (up 376 cases), these equaled only 2 percent of business petitions and thus did not offset reductions in filings under the other chapters. Business bankruptcies have accounted for a declining portion of all filings in the past five years, falling 6 percent since 1999.

Chapter 7 filings, which constituted 71 percent of all petitions filed, rose 9 percent in 2003. Under chapter 7, assets are liquidated for distribution. Growth in such petitions was reported by 82 districts, and 12 districts saw filings increase 15 percent or more. The largest numerical rises in chapter 7 filings occurred in the Northern District of Ohio (up 5,863 petitions), Eastern District of Michigan (up 4,986 petitions), and District of Colorado (up 4,831 petitions).

Chapter 13 filings, which equaled 29 percent of all new petitions, rose 5 percent. Seventy-five districts reported higher numbers of chapter 13 petitions, and 16 districts had growth of 20 percent or greater. The largest numerical increases occurred in the Eastern District of Michigan (up 2,729 cases) and Northern District of Texas (up 2,408 cases). Under chapter 13, an individual with regular income and debts below a statutory threshold may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan.

Chapter 11 filings, which accounted for less than 1 percent of all petitions filed, dropped 13 percent. Although 32 districts experienced growth under this chapter (10 districts had increases greater than 50 percent), 60 districts reported declines in such filings (6 districts had reductions greater than 50 percent). The greatest numerical increase was reported by the District of



Maryland (up 263 cases). Chapter 11 allows businesses to continue operating while they formulate plans to reorganize and repay their creditors; 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.

Reversing a declining trend that began in 1996, filings under chapter 12 surged 117 percent (up 376 petitions). This growth most likely arose from the retroactive extension of provisions for filing under this chapter, which has occurred several times since the chapter 12 provisions first expired in 2000. The greatest numerical increases in filings occurred in the District of Nebraska (up 35 cases), Northern District of Mississippi (up 29 cases), and Western District of Louisiana (up 28 cases). Chapter 12 was designed to help family farms reorganize their debts. Chapter 12 filings constituted 0.06 percent of total filings in 1999 and 0.04 percent in 2003.

The number of bankruptcy cases closed increased 9 percent to 1,568,087, or 4,840 cases terminated per authorized judgeship.

The number of petitions filed exceeded the number closed, so the pending caseload rose 6 percent to 1,712,171 as of September 30, 2003. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Over the past 10 years, bankruptcy petitions have climbed 98 percent. However, no additional bankruptcy judgeships have been authorized since 1992, and since that year two temporary judgeships have expired, reducing the number of judgeships to 324. The decrease in judgeships combined with the surge in filings caused cases filed per authorized judgeship to nearly double from 2,570 in 1994 to 5,130 in 2003. Although terminations per judgeship increased 81 percent during this period, they did not keep pace with filings, so the number of pending cases per judgeship has leaped 55 percent since 1994.

**Adversary Proceedings**

Filings of adversary proceedings jumped 31 percent in 2003 to 96,809 – the highest number reported in 20 years for the year

ending September 30. This marked the third consecutive year of growth. Filings in 2003 were 51 percent greater than the total for 1999 and 46 percent larger than that for 1994. 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 2003, adversary proceedings filings rose in 68 districts; filings jumped more than 50 percent in 17 districts, and surged more than 100 percent in 6 districts. The greatest numerical increases occurred in the Southern District of New York (up 5,102 cases) and Northern District of Illinois (up 3,978 cases). The growth in these districts stemmed mainly from chapter 11 cases involving large companies. Filings remained constant in 3 districts and declined in 23 districts.

Closings of adversary proceedings climbed 15 percent to 76,179, but the larger number of filings caused pending adversary cases to climb 26 percent to 99,366 as of September 30, 2003. Data on adversary pro-

ceedings by district appear in Appendix Table F-8.

## Criminal Justice Act

In 2003, a total of 149,542 appointments of counsel took place under the Criminal Justice Act (CJA), an increase of 11 percent over the 134,436 appointments in 2002. 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 organizations.

Representations opened by the 73 federal public and traditional community defender organizations (including representation in appeals, habeas corpus, revocation, and criminal matters) rose 13 percent to 88,925. A new federal public defender organization in the Northern District of West Virginia in 2003 now has begun accepting cases. Nationally, appointments of private panel attorneys climbed 9 percent to 60,617.

The increase in representations mainly stemmed from growth in three districts along the southwestern border of the United States. Openings increased 11 percent in the Western District of Texas, 85 percent in the Southern District of Texas, and 14 percent in New Mexico, largely because of cases involving illegal immigrants. These three districts accounted for more than half of the rise in representations opened by federal public and community defenders. In the Southern District of California, openings remained essentially stable, falling 1 percent from 5,756 cases to 5,688 cases. In Arizona, openings decreased 33 percent because of a decline in immigration cases prosecuted as petty offense cases and assigned to magistrate judges.

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 2003.

## Probation

On September 30, 2003, the number of persons under supervision totaled 110,621, a new record. This represents a 2 percent rise (up 1,829 persons) over the number for September 30, 2002, and a 14 percent increase over the number for September 30, 1999. Persons serving terms of supervised release after leaving prison grew 3 percent (up 2,491) above the number for 2002 and 27 percent above that for 1999. The rise in persons serving terms of supervised release after leaving prison occurred because the number of convicted defendants sentenced to prison soared 82 percent from 33,554 in 1994 to 61,102 in 2003.

The 75,680 persons serving terms of supervised release following their release from prison on September 30, 2003, accounted for 68 percent of all persons under supervision, compared to 67 percent the previous year. Cases involving probation imposed by district judges declined 1 percent, and those involving probation imposed by magistrate judges fell 4 percent. Parole cases, including those involving special parole, decreased 8 percent, and those involving mandatory release dropped 17 percent.

As the number of persons under supervision has increased, the proportion of persons supervised for drug offenses also has grown, rising from 41 percent in 1999 to 44 percent in 2003. The most common offense of persons under the supervision of probation officers involved illegal drugs. Fraud was the second-most common offense of persons under supervision; 19 percent of persons under supervision were convicted of fraud, down from 21 percent in 1999. Weapons and firearms offenses accounted for 6 percent of persons under supervision in 2003, up from 4 percent in 1999.

The number of persons received for supervision (excluding transfers) grew 3 percent to 50,920 as of September 30, 2003. The number of persons received for terms of supervised release climbed 5 percent. Parole cases received, including those involving special parole and military parole, fell 14 percent to 1,132 cases. More than a third of

**Table 8**  
**Supervision of the Federal Probation System**  
**Fiscal Years 1999 Through 2003**

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
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
2003	55,734	50,920	53,814	49,121	110,621
% Chg. 2003 Over 2002	3.1	3.4	6.5	6.9	1.7

the decline in parole cases can be attributed to reductions in cases in the District of Maryland (down 17 percent to 245) and the Eastern District of Virginia (down 29 percent to 40), which saw surges in parole cases in 2002 following the December 31, 2001, deadline for transferring District of Columbia inmates to federal facilities under the District of Columbia Revitalization Act. That legislation 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 2 percent. An overall 2 percent reduction in cases received involving probation and mandatory release was offset by a 64 percent jump in Bureau of Prison (BOP) custody supervision cases (up 367 cases). This followed the implementation of Monograph 109, which requires probation officers to conduct supervision planning before the prisoners are released and placed under actual probation supervision.

As of September 30, 2003, the number of persons removed from supervision (excluding persons reinstated, re-released, and deceased) rose 6 percent (up 2,602) to 44,819. Two-thirds of this increase resulted from the early termination of supervision for persons who had not violated their conditions of supervision; such terminations climbed 51 percent from 3,458 in 2002 to 5,217 in 2003. This growth followed the approval by the Judicial Conference, as recommended by the Committee on Criminal Law, of criteria for probation officers to use to identify offenders who may qualify for early termination of supervision. These criteria are intended to reduce the growth rate of the population under supervision.

Detailed probation data appear in Table 8 and in the E series of the appendix tables.

## Investigative Reports

In 2003, probation officers prepared 67,744 presentence reports, a rise of 6 percent over the previous year. Collateral reports written to help other districts prepare presentence reports grew 10 percent to 51,109. Probation officers also wrote 38,569 violation reports and 27,489 pre-release reports, increases of 7 percent and 1 percent, respectively, over the 2002 totals. See Table 9 for data on these investigative reports.

## Substance Abuse Treatment

Federal probation offices spent \$28,568,603 on federally funded substance abuse treatment in 2003. Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, self-help groups, the Department of Veterans' Affairs, and federally funded substance abuse treatment services. Nationwide, 50 percent of offenders requiring substance abuse treatment received federally funded treatment, down 2 percent from 2002 (these data have been revised to exclude substance abuse testing and 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

Following a 4 percent increase in 2002, the number of defendants in cases opened in the pretrial services system in 2003, including pretrial diversion cases, rose 7 percent (up 6,003) to an all-time high of 97,317. This reflects continued growth in the number of criminal defendants in the district courts. Higher numbers of defendants charged with immigration offenses and with firearms offenses were the primary sources of the increase in defendants in the pretrial services system.

The workload of pretrial services officers (PSOs) grew as they collected and verified information on more defendants and prepared more pretrial services reports in 2003 than in the previous year. These reports help ensure that judges have sufficient information for deciding whether to release or detain defendants and for selecting the least restrictive release conditions that rea-

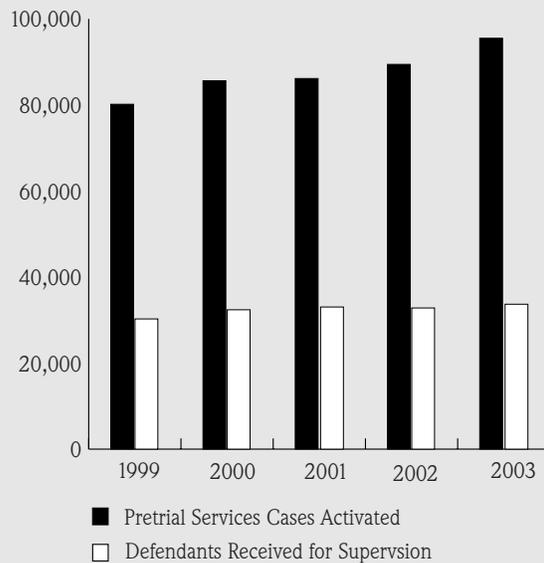
**Table 9**  
**Investigative Reports by Probation Officers**  
**Fiscal Years 2002 and 2003**

Type of Investigation	2002*	2003	Percent Change
Presentence Report	63,668	67,744	6.4
Collateral Report for Another District	46,664	51,109	9.5
Alleged Violation	35,944	38,569	7.3
Pre-Release for a Federal Institution	27,281	27,489	0.8
Other <sup>1</sup>	2,417	3,319	37.3

\* Revised.

<sup>1</sup> Includes post-sentence-for-institution investigations, investigations for petty offenses, supplemental reports to the Bureau of Prisons, and modified pre-sentence reports.

### Pretrial Services Cases Activated and Defendants Received



**Table 10**  
**Summary of Pretrial Services Cases**  
**Fiscal Years 2002 and 2003**

	2002	2003	Percent Change
Total Cases Activated	91,314	97,317	6.6
Pretrial Services Cases	89,421	95,492	6.8
Pretrial Diversion Cases	1,893	1,825	-3.6
Total Released on Supervision	34,880	35,524	1.8
Pretrial Supervision	32,808	33,681	2.7
Diversion Supervision	2,072	1,843	-11.1
Type of Report			
Prebail	78,616	83,798	6.6
Other Reports (Including Postbail)	7,378	8,288	12.3
No Report	3,427	3,406	-0.6

sonably ensure that defendants will honor future court commitments and will not endanger the community. PSOs prepared 92,086 pretrial services reports, an increase of 7 percent. The vast majority were prebail reports, which constituted 91 percent of 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.

Detention hearings were held for 49,815 defendants in 2003, a rise of 6 percent over the total for 2002, and the number of defendants detained following these hearings climbed 11 percent to 39,025. Detention was ordered for 78 percent of defendants who had detention hearings, 3 percentage points more than last year. Forty-one percent of pretrial services defendants whose cases were activated in 2003 were detained at initial detention hearings, 2 percentage points more than in 2002. According to data reported by PSOs, risk of nonappearance was the reason for detention in 45 percent of cases, danger to the community in 9 percent of cases, and a combination of danger and nonappearance in 46 percent of cases; these percentages were comparable to those for 2002.

During the 66,824 interviews that PSOs conducted in 2003 (up 5 percent from the previous year), alternatives to detention were identified. As a result, 33,681 defendants were under pretrial services supervision, a 3 percent rise over the number received for supervision in 2002. For persons under pretrial services supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services (such as substance abuse treatment), and informed the courts and U.S. attorneys of all apparent violations of release conditions.

Ninety-three percent of defendants who were released following hearings were released with restrictive conditions (35,628), 1 percentage point more than in 2002. The

**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**  
**Fiscal Years 2001, 2002, and 2003**

	2001	2002*	2003
Filed	767	657	835
Concluded	655	778	682
By Chief Judges	347	401	365
Dismissed	335	384	346
Corrective Action Taken	9	9	11
Withdrawn	3	8	8
By Judicial Councils	308	377	317
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	302	375	316
Withdrawn	1	—	—
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report of Investigative Committee			
Dismissed	4	—	—
Withdrawn	—	—	—
Action Taken	1	2	1
Referred to Judicial Conference	—	—	—
Pending	262	141	294

\*Revised.

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

most frequently ordered restrictive conditions were substance abuse testing and substance abuse treatment, which were imposed on 21 percent (19,608) of defendants whose cases were opened in 2003, a drop of 1 percentage point from the previous year. Home detention and electronic monitoring were ordered for 7 percent (6,970) of defendants, the same percentage as last year. Mental health treatment conditions were imposed on 2,367 defendants whose cases were opened in 2003, an increase of 5 percent over the total for 2002 and 73 percent more than that for 1999. This growth stems from continuing enhancements to programs that provide 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 nonappearance, grew 2 percentage points from 19 percent of cases opened in pretrial services last year to 21 percent of cases in 2003. Immigration was the major offense charged in 19,868 pretrial services cases opened, an increase of 20 percent over the 2002 total and 53 percent more than the total obtained five years earlier. The number of defendants in cases opened in pretrial services in which the major offense charged involved firearms jumped 26 percent in 2003 and accounted for 8 percent of cases opened in pretrial services. This increase is consistent with the provision of

resources to Project Safe Neighborhoods and Project Exile, which have supported partnerships among federal, state, and local law enforcement agencies to address gun violence and which have encouraged the prosecution of weapons crime defendants in federal courts.

The judges' workload rose at a rate consistent with the growth in cases. For pretrial services cases closed during the year, 221,199 pretrial hearings of all types were held, a rise of 7 percent over the total for 2002. These included detention hearings (up 6 percent to 49,993), bail review hearings (up 7 percent to 23,692), and review hearings held at conviction and sentencing (up 9 percent to 133,455). In contrast, violation hearings fell 1 percent to 4,330.

Pretrial diversion is a period of supervision proposed by a U.S. attorney and agreed to by a defendant as an alternative to the prosecution of criminal charges in federal court. Diversion thus preserves prosecutorial and judicial resources for serious criminal matters. In 2003, the number of pretrial diversion cases activated fell 4 percent to 1,825; this represented approximately 2 percent of activated cases in 2003.

Over the past five years, the overall workload in pretrial services has risen steadily. The number of cases opened in the pretrial services system in 2003 was 18 percent greater than the number opened in 1999. During this period, the number of persons interviewed increased 12 percent, the number of pretrial services reports prepared climbed 20 percent, and the number of defendants released on pretrial supervision grew 11 percent.

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

## Complaints Against Judges

Pursuant to 28 U.S.C. 351(a) and 363, any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of

the courts, or alleging that a judge cannot discharge all the duties of the office because of a physical or mental disability, may file a complaint with the clerk of the court of appeals for the applicable circuit or national court. (With the enactment of the Judicial Improvements Act of 2002, 28 U.S.C. 372(c), which previously had provided for complaints against judges, was revised and recodified as 28 U.S.C. 351-364.) A single complaint may involve multiple allegations against numerous judges. In 2003, the allegations cited most often were abuse of judicial power, prejudice/bias, and “other.” More than one-half of all complaints filed originated in the Fifth, Eighth, Ninth, and Eleventh Circuits.

The number of judicial complaints filed in 2003 increased 27 percent to 835, the highest level since 1998. The previous year, complaint filings had been at the lowest level since 1996. The number of complaints concluded during 2003 fell 12 percent to 682. Because the number of complaints filed outnumbered the number of complaints concluded, total pending judicial complaints more than doubled to 294.

Of the 682 complaints that were concluded, chief judges terminated 365 complaints, and judicial councils terminated 317. Sixty-three percent of the complaints concluded by chief judges were found to be outside the jurisdictions of 28 U.S.C. 351-364 because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. The remaining complaints were concluded because they did not conform with the statute, they were frivolous, or action no longer was necessary. All but one of the complaints concluded by judicial councils were terminated following the review of a chief judge’s dismissal; the remaining complaint was concluded (with action ordered) after a report was made by an investigative committee. All of the complaints that were concluded following the review of a chief judge’s dismissal were dismissed.

Table 11 and Supplemental Table S-22 summarize judicial complaints activity from 2001 through 2003.

## Status of Article III Judgeships

On September 30, 2003, a total of 19 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, a 32 percent decline (9 fewer vacancies) from the number reported one year earlier. Twelve of the vacancies had been unfilled for more than 18 months (15 had been vacant that long one year earlier). Table 12 provides information on the status of judgeship positions since 1999.

Fifteen additional Article III judgeships authorized for the district courts in 2002 became effective on July 15, 2003. On September 30, 2003, a total of 29 vacancies existed among the 680 positions authorized in the district courts, a decline of 43 percent over the 50 vacancies reported for the 665 positions authorized at the end of the previous fiscal year. Six of the vacancies on September 30, 2003, originated from the creation of new judgeships. Five of the vacancies had existed for more than 18 months, 10 fewer than the number of positions vacant for that long one year earlier.

In addition to active judges, 91 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2003, one fewer than the total one year earlier. In the U.S. district courts, the number of senior judges with staff totaled 275, which was 10 fewer than the number reported at the end of the previous fiscal year. 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, 1999.

As of September 30, 2003, a total of 22 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 2 fewer than the number identified on September 30, 2002. For courts of appeals, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighing prose 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

**Table 12**  
**Status of Judgeship Positions**  
**1999 Through 2003<sup>1</sup>**

Year	U.S. Courts of Appeals <sup>2</sup>			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>3</sup>	Authorized Judgeships <sup>4</sup>	Vacancies	Senior Judges <sup>5</sup>
1999	179	24	86	646	38	273
2000	179	23	86	655	43	274
2001	179	32	93	665	75	281
2002	179	28 *	92	665	50	285
2003	179	19	91	680	29	275

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

<sup>5</sup> Senior judges with staff.

\* Revised.

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.

## Status of Bankruptcy Judge Appointments

On September 30, 2003, a total of 324 bankruptcy judgeships were authorized and funded. Of that number, 309 bankruptcy judgeships were filled, and 15 were vacant. In addition to these positions, 35 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2003. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2003.

## Appointments of Magistrate Judges

During 2003, a total of 84 full-time magistrate judges were appointed, including 49 by reappointment. Of the 35 new appointments, 11 were for new positions. During the same period, 11 individuals were appointed to part-time magistrate judge positions, 9 of them by reappointment.

In 2003, the average age of new appointees to full-time magistrate judge positions was 50; the average age of new appointees to part-time magistrate judge positions was 52. New full-time appointees had been members of the bar for an average of 23 years at the time of appointment; new part-time magistrate judges averaged 25 years of bar membership. Of the new full-time magistrate judges, 15 had been in private practice, 6 had been assistant U.S. attorneys, 8 had been state court judges, 2 had been part-time U.S. magistrate judges, 1 had been a U.S. district court clerk, 1 had been a federal public defender, 1 had been an assistant state prosecutor, and 1 had been a legal advisor.

**Table 13**  
**Status of Bankruptcy Judgeship Positions**  
**1999 Through 2003<sup>1</sup>**

Year	Authorized Judgeships	Vacancies	Recalled Judges
1999	326	20	29
2000	325	18	30
2001	324	12	30
2002	324	22	31
2003	324	15	35

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

Through its September 2003 session, the Judicial Conference authorized 491 full-time magistrate judge positions, 49 part-time positions, and 3 combination clerk/magistrate judge positions. That year, 40 retired magistrate judges were recalled to service under 28 U.S.C. 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 1999.

## Court of International Trade

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

In 2003, a total of 893 cases were filed in the U.S. Court of International Trade, a reduction of 3 percent (down 24 cases). These new civil actions included 583 cases filed under 28 U.S.C. 1581(a) or (b) of the Tariff Act of 1930, which involved 4,766 denied protests covering 71,150 entries of merchandise. The overall decline in filings reflected a continued reduction in cases filed in response to the United States Su-

preme 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 589 to 557. Because filings outnumbered terminations, pending cases rose 3 percent to 10,578 on September 30, 2003. Appendix Table G-1 provide a summary of cases filed and terminated during 2002 and 2003.

## U.S. Court of Federal Claims

The U.S. Court of Federal Claims has nationwide jurisdiction over a variety of cases against the federal government, including those involving tax refunds, federal taking of private property for public use, constitutional and statutory rights of military personnel and their dependents, back-pay demands by civil servants claiming unjust dismissal, injuries from childhood vaccines, and breach-of-contract allegations by federal government contractors. Most suits seeking money damages in excess of \$10,000 from the federal government must be tried in this court.

In 2003, filings in the U.S. Court of Federal Claims increased 110 percent to 3,123, primarily because filings of cases in-

volving vaccine injury compensation claims leaped 170 percent to 2,593. The plaintiffs in most of these cases alleged that autism spectrum disorder arose from the measles-mumps-rubella (MMR) vaccine and/or the inclusion of the preservative thimerosal in some vaccines. Contract filings underwent the greatest decline, falling 13 percent to 168 cases.

Case terminations increased 2 percent from 868 to 883. As filings outnumbered terminations, pending cases rose 70 percent from 3,190 to 5,435.

In cases terminated in 2003, judgments for claimants exceeded \$877.8 million, of which \$57.5 million carried interest. Many of these judgments were based on settlements between the parties. Judgments for the United States on counterclaims or offsets amounted to \$11.8 million. Under its nonmonetary jurisdiction, the court disposed of 45 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

<b>Year</b>		<b>Total</b>	<b>Full Time</b>	<b>Part Time</b>	<b>Combination</b>
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
2003	Spring	540	487	50	3
	Fall	543	491	49	3

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 U.S. Court of Federal Claims for the year ending September 30, 2003.