

**Judicial Caseload Indicators**  
**12-Month Periods Ending September 30, 1998, 2003, 2006, and 2007**

Judicial Caseload	1998	2003	2006	2007	% Change Since 1998	% Change Since 2003	% Change Since 2006
U.S. Courts of Appeals <sup>1</sup>							
Cases Filed	53,805	60,847	66,618	58,410	8.6	-4.0	-12.3
Cases Terminated	52,002	56,396	67,582	62,846	20.9	11.4	-7.0
Cases Pending	41,666	44,690	56,178 <sup>2</sup>	51,742	24.2	15.8	-7.9
U.S. District Courts							
Civil							
Cases Filed	256,787	252,962	259,541	257,507	0.3	1.8	-0.8
Cases Terminated	262,301	253,015	273,193	239,678	-8.6	-5.3	-12.3
Cases Pending	262,573	257,476	247,253 <sup>2</sup>	265,082	1.0	3.0	7.2
Criminal (Includes Transfers)							
Cases Filed	57,691	70,642	66,860	68,413	18.6	-3.2	2.3
Defendants Filed	79,008	92,714	88,216	89,306	13.0	-3.7	1.2
Cases Terminated	51,428	65,628	67,499	67,851	31.9	3.4	0.5
Cases Pending	40,277	59,218	71,916 <sup>2</sup>	72,478	79.9	22.4	0.8
U.S. Bankruptcy Courts							
Cases Filed	1,436,964	1,661,996	1,112,542	801,269	-44.2	-51.8	-28.0
Cases Terminated	1,377,206	1,568,087	1,619,142	864,588	-37.2	-44.9	-46.6
Cases Pending	1,384,179	1,710,428	1,361,335 <sup>2</sup>	1,298,016	-6.2	-24.1	-4.7
Post-Conviction Supervision							
Persons Under Supervision	93,737	110,621	114,002	116,221	24.0	5.1	1.9
Pretrial Services							
Total Cases Activated	81,571	97,317	96,479	97,905	20.0	0.6	1.5
Pretrial Services Cases Activated	78,603	95,492	94,853	96,259	22.5	0.8	1.5
Pretrial Diversion Cases Activated	2,968	1,825	1,626	1,646	-44.5	-9.8	1.2
Total Released on Supervision	32,521	35,524	33,608	32,879	1.1	-7.4	-2.2
Pretrial Supervision	29,974	33,681	31,910	31,358	4.6	-6.9	-1.7
Diversion Supervision	2,547	1,843	1,698	1,521	-40.3	-17.5	-10.4

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

<sup>2</sup> Revised.

# Caseload Highlights

## U.S. Courts of Appeals

- In the regional appeals courts, filings declined 12 percent to 58,410.
- Criminal appeals decreased 14 percent.
- Appeals of administrative agency decisions fell 21 percent, largely because of a reduction in filings arising from the Board of Immigration Appeals.
- A 31 percent drop in original proceedings occurred mainly because of a reduction in second or successive motions for habeas corpus relief.
- Civil appeals declined 5 percent, but bankruptcy appeals rose 3 percent.

## U.S. District Courts

- Combined filings of civil and criminal cases in the U.S. district courts remained essentially stable, falling by only 481 cases to 325,920.

### Civil Filings

- Civil filings dropped less than 1 percent to 257,507.
- Diversity of citizenship filings—which had grown 29 percent in 2006—decreased 10 percent in 2007.

- Federal question filings rose 3 percent, primarily as a result of cases addressing personal injury, labor laws, and contracts.
- Filings with the United States as plaintiff or defendant increased 3 percent.

### Criminal Filings

- Criminal case filings rose 2 percent to 68,413, and criminal defendants increased 1 percent to 89,306 (both numbers include transfers).
- Fraud cases climbed 13 percent, and defendants in fraud cases grew 10 percent.
- Immigration cases and defendants both rose 2 percent.
- Drug cases and defendants filings both fell 2 percent.
- Cases involving firearms and explosives declined 5 percent, and defendants in such cases decreased 4 percent.

## **U.S. Bankruptcy Courts**

- Bankruptcy filings continued to show the effects of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), falling 28 percent to 801,269; however, the total for fiscal year 2006 included a surge in filings that took place in October 2005 before BAPCPA took effect.
- In fiscal year 2007, bankruptcy petitions grew steadily in each successive quarter, and the number filed in the three-month period ending September 30, 2007, was 28 percent greater than the number filed in the same period one year earlier.
- Filings decreased 42 percent under chapter 7, declined 2 percent under chapter 11, and fell 4 percent under chapter 12, but rose 14 percent under chapter 13.
- Nonbusiness petitions declined 29 percent, and business petitions dropped 5 percent.

## **U.S. Probation and Pretrial Services System**

- On September 30, 2007, the number of persons under post-conviction supervision equaled 116,221, an increase of 2 percent compared to the total one year earlier.
- Persons serving terms of supervised release after leaving correctional institutions climbed more than 4 percent and amounted to 77 percent of all persons under supervision.
- Defendants in cases opened in the pretrial services system, including pretrial diversion cases, rose 1.5 percent to 97,905.

James C. Duff, Director  
Administrative Office of the U.S. Courts

The following report provides an overview  
of the work of the federal Judiciary in 2007.  
I welcome your comments on this report.



# Judicial Business

This report on the business of the federal Judiciary for the fiscal year ending September 30, 2007, 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 13.

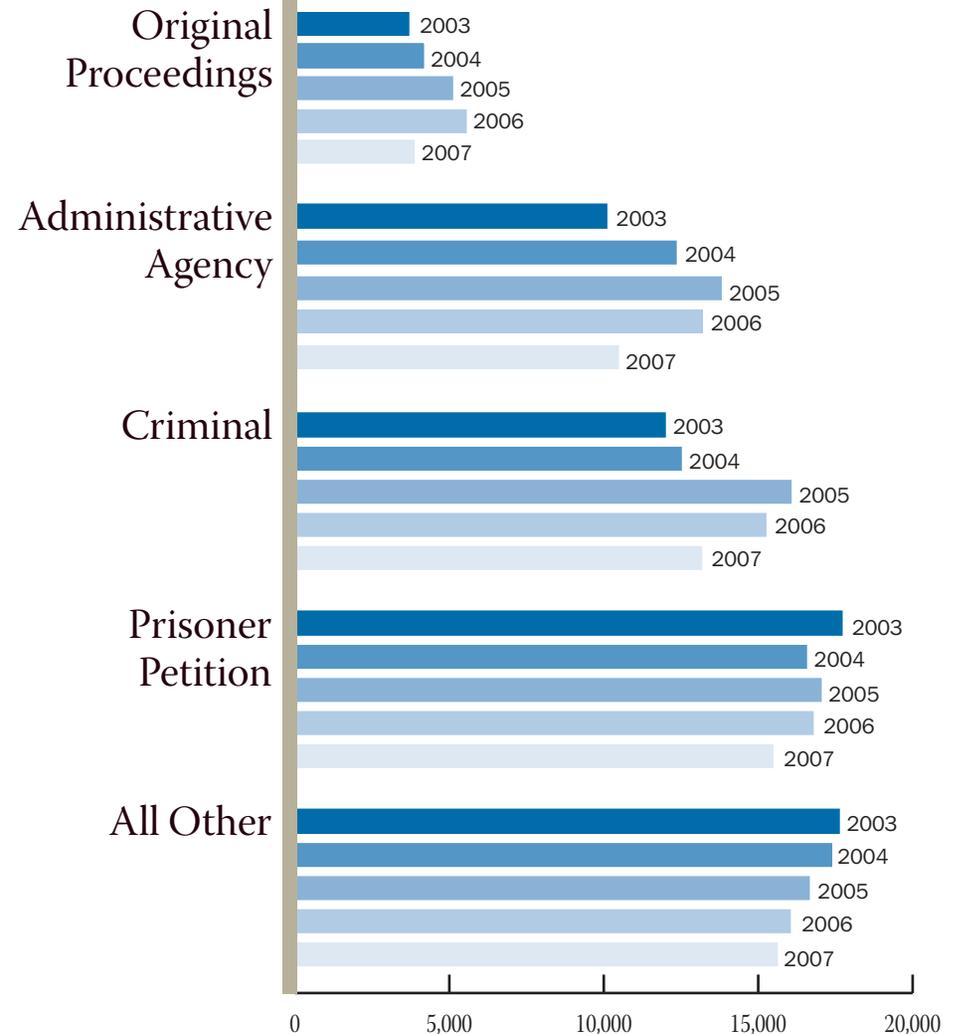
In the U.S. district courts, overall filings remained nearly unchanged as this year's total of 325,920 cases was only 481 cases below the previous year's total. A 2 percent increase in criminal case filings to 68,413 offset a reduction of less than 1 percent in civil case filings to 257,507. The number of defendants in pretrial services cases grew 1.5 percent to

97,905. The number of persons under post-conviction supervision rose 2 percent to 116,221. In the U.S. courts of appeals, filings declined 12 percent to 58,410. Bankruptcy petitions dropped 28 percent to 801,269, but following a substantial decline in filings after the implementation of new bankruptcy legislation during the prior fiscal year, filings increased steadily during the current fiscal year.

## U.S. Courts of Appeals

In 2007, filings in the regional courts of appeals fell 12 percent to 58,410. Decreases occurred in all categories of appeals except bankruptcy. The overall reduction stemmed mainly from a decline in appeals of administrative agency decisions involving the Board of Immigration Appeals (BIA). Criminal appeals and original proceedings also dropped as fewer cases were filed in response to the Supreme Court's decisions in *Blakely v. Washington*

Appeals Filed, by Type of Appeal



(*Blakely*), 542 U.S. 296 (2004), which declared the Washington state sentencing system unconstitutional, and *United States v. Booker (Booker)*, 543 U.S. 220 (2005), which held that the mandatory application of the U.S. Sentencing Guidelines violates a defendant's right to trial by jury under the Sixth Amendment.

Terminations of appeals fell 7 percent to 62,846; terminations per panel declined from 1,214 to 1,129. As terminations outnumbered filings, pending appeals decreased 8 percent to 51,742. The median time from filing of a notice of appeal to final disposition was 12.2 months, the same as in 2006. The median disposition time has grown to its current level from 10.5 months in 2004, in part because of the longer time required to process appeals affected by *Booker*.

In 2007, administrative agency appeals decreased 21 percent to 10,382, primarily because challenges to BIA decisions dropped 23 percent to 9,123. This is consistent with a reduction in cases completed by the BIA in 2006. Appeals of BIA decisions rose initially in response to the reorganization of the BIA in 2002, when new case review guidelines

and processing time standards were instituted. The growth in appeals of BIA decisions continued thereafter because, according to the statistical yearbook of the Executive Office for Immigration Review, the BIA received 52 percent more cases and completed 46 percent more cases between 2001 and 2005. Although the BIA's caseload peaked in 2002, the rate of challenges to BIA decisions increased thereafter. In 2007, most BIA appeals were filed in the Ninth Circuit (47 percent) and the Second Circuit (24 percent).

Criminal appeals declined 14 percent to 13,167 appeals in 2007, approaching levels that had existed before such appeals soared in response to the decision in *Booker*. The practical effect of *Booker* was to render the federal sentencing guidelines advisory rather than mandatory. Reductions occurred in all types of criminal appeals except those involving sex crimes. Sex crime appeals rose 11 percent to 560, consistent with increases in sex crime filings in the district courts.

Civil appeals fell 5 percent to 30,241 appeals. Prisoner petitions decreased 8 percent to 15,472 as filings of cases affected by *Blakely*

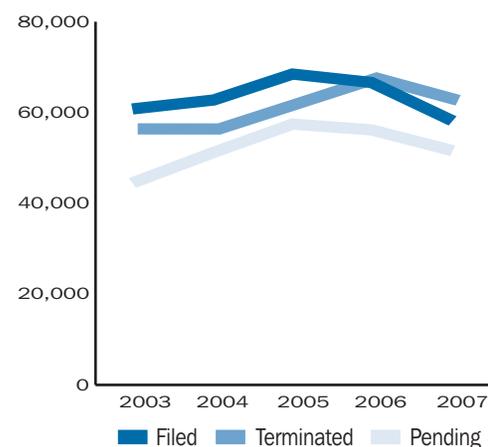
declined. Overall nonprisoner civil appeals dropped 3 percent to 14,769 as a decline in state civil appeals offset an increase in federal civil appeals. Bankruptcy appeals totaled 845 (up 3 percent).

Original proceedings in the appeals courts dropped 31 percent to

3,775. This decline stemmed primarily from a 38 percent reduction in filings of second or successive motions for permission to seek habeas corpus relief, which fell to levels similar to those recorded before *Blakely*.

Criminal appeals accounted for 23 percent of total appeals, and

## Appeals Filed, Terminated, and Pending



bankruptcy appeals amounted to 1 percent, the same proportions as in 2006. Civil appeals rose from 48 percent to 52 percent of the total, administrative agency appeals declined from 20 percent to 18 percent, and original proceedings fell from 8 percent to 6 percent.

Appeals filings grew in only 2 of the 12 regional courts of appeals. The increase in the District of Columbia Circuit arose from higher administrative agency filings, primarily appeals of rulings of the Combatant Status Review Tribunal, which was established to determine whether detainees held at the U.S. Naval Base at Guantanamo Bay, Cuba, are properly classified as “enemy combatants.” The increase in the First Circuit resulted from growth in criminal appeals.

Appeals involving pro se litigants declined 12 percent to 25,167 appeals. Reductions occurred in pro se filings of appeals involving civil, criminal, administrative agency, and bankruptcy cases, as well as original proceedings. The largest numeric decrease was in pro se filings related to original proceedings, which dropped 32 percent to 3,036. Pro se petitions filed by prisoners fell 8 percent to 13,766,

pro se administrative agency filings decreased 21 percent to 2,699, pro se criminal filings declined 3 percent to 1,078 appeals, and pro se bankruptcy filings declined 3 percent to 252

appeals. Pro se filings increased in the District of Columbia Circuit, but dropped in the remaining 11 circuits. From 2003 to 2007, appeals filings fell 4 percent (down 2,437 ap-

peals). During that period, criminal appeals climbed 10 percent (up 1,199 appeals), with most of that growth occurring after *Blakely* and *Booker* were decided. Notable increases

**Table 1**  
**U.S. Courts of Appeals**  
**Appeals Filed, Terminated, and Pending**  
*Fiscal Years 2003 Through 2007*

Year	Authorized Judgeships	Filed		Terminated		Pending	
		Number	Cases per Panel	Number	Cases per Panel		
2003	167	60,847	1,093	56,396	1,013	44,690	
2004	167	62,762	1,127	56,381	1,013	51,226	
2005	167	68,473	1,230	61,975	1,113	57,450	
2006	167	66,618	1,197	67,582	1,214	56,178 *	
2007	167	58,410	1,049	62,846	1,129	51,742	
% Chg. 2007 Over 2006		—	-12.3	—	7.0	—	-7.9

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 2006 and 2007*

Source	2006	2007	Percent Change
Total	66,618	58,410	-12.3
U.S. District Courts			
Criminal	15,246	13,167	-13.6
Civil—Total	31,991	30,241	-5.5
Prisoner Petitions	16,776	15,472	-7.8
U.S. Civil	2,880	2,931	1.8
Private Civil	12,335	11,838	-4.0
Other Appeals			
Bankruptcy	821	845	2.9
Administrative Agency	13,102	10,382	-20.8
Original Proceedings	5,458	3,775	-30.8

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

were reported for criminal appeals involving drugs other than marijuana, which increased 12 percent (up 480 appeals); sex offenses, which soared 110 percent (up 293 appeals); firearms

and explosives, which rose 17 percent (up 289 appeals); and immigration, which grew 11 percent (up 193 appeals). Administrative agency appeals rose 4 percent (up 394 appeals). Civil

appeals declined 12 percent (down 4,149 appeals), with the largest reductions occurring in prisoner petitions (down 13 percent to 15,472 appeals) and filings related to civil rights (down 13 percent to 5,904 petitions). Bankruptcy appeals filings decreased 6 percent (down 57 appeals). In the past five years, appeals terminations have risen 11 percent (up 6,450 appeals), and the pending caseload has grown 16 percent (up 7,052 appeals).

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

#### **Bankruptcy Appellate Panels**

The federal Judiciary has bankruptcy appellate panels (BAPs) in five circuits. This year, filings in the BAPs increased 4 percent (up 36 appeals) to 887. Filings in the BAP in the First Circuit grew 28 percent (up 18 appeals), accounting for one-half of this increase. BAP filings in the Tenth Circuit increased 11 percent (up 15 appeals), and in the Ninth Circuit they rose 2 percent (up 11 appeals). Filings in the Sixth Circuit fell 7 percent (down 7 cases), and in the

Eighth Circuit they dropped 1 percent (down 1 case). From 2003 to 2007, overall BAP filings decreased 17 percent (down 181 cases), largely as a result of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) and the 20 percent drop in new bankruptcy filings (down 149,975 cases) since 2002 in the circuits with BAPs.

Data for the bankruptcy appellate panels appear in the B series of the appendix tables.

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

The jurisdiction of the U.S. Court of Appeals for the Federal Circuit is defined by subject matter rather than by geographical boundaries. This court is responsible for appeals involving U.S. customs and patents, rulings by the U.S. Court of Federal Claims and the U.S. Court of Appeals for Veterans Claims (CAVC), and decisions by several federal administrative boards.

After rising 14 percent in 2006, filings in the Federal Circuit fell 13 percent in 2007 (down 227 appeals) to 1,545, almost the same as total filings in 2003. Decreases were reported for

5 of 11 sources of appeals in 2007. Appeals of decisions by the Merit Systems Protection Board had the largest numerical decline, a drop of 23 percent (down 119 appeals). Appeals of decisions by the CAVC fell 17 percent (down 65 appeals). The overall reduction in filings was attributed primarily to fewer appeals addressing adverse agency actions such as employee firings or suspensions and to fewer petitions involving retirement and claims under the Uniformed Services Employment and Reemployment Rights Act of 1994.

After declining for the past two years, the number of appeals terminated in 2007 rose 18 percent (up 258 appeals) to 1,718. This increase caused appeals terminated per panel to grow from 365 to 430. The number of appeals pending as of September 30, 2007, decreased 12 percent from the previous year to 1,233.

Filings in 2007 exceeded filings in 2003 by only two cases. However, during the past five years, filings fluctuated greatly, growing 14 percent in 2006 due to a 90 percent surge in appeals of decisions by the CAVC (up 182 appeals). Since 2003, terminations of appeals have climbed 9 percent

(up 143 appeals), and the number of appeals pending have dropped 15 percent (down 212 appeals).

Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit.

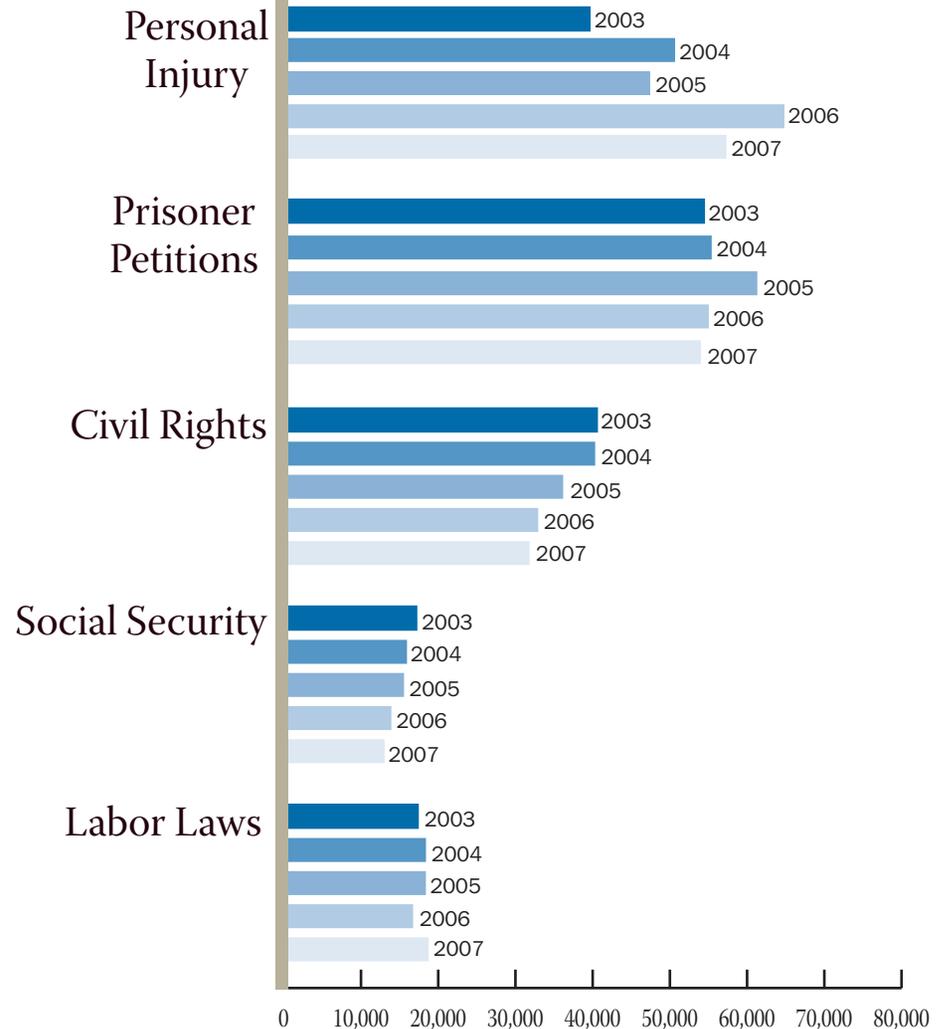
### U.S. District Courts

From 2006 to 2007, total filings of civil and criminal cases in the U.S. district courts held steady, dropping by only 481 cases to 325,920. Civil filings fell less than 1 percent to 257,507 cases. Criminal filings rose 2 percent to 68,413 cases. Civil and criminal case terminations decreased nearly 10 percent to 307,529 (this number does not account for the 91,570 petty offense defendants terminated in 2007 by magistrate judges). As filings outnumbered terminations, the pending caseload of the district courts grew 6 percent to 337,560.

#### Civil Filings

Civil filings in the U.S. district courts fell slightly, dropping less than 1 percent (down 2,034 cases) to 257,507. After growing 29 percent in 2006, diversity of citizenship filings

Civil Cases Filed, by Type of Case



**Table 3**  
**U.S. District Courts**  
**Civil Cases Filed, Terminated, and Pending**  
*Fiscal Years 2003 Through 2007*

Year	Authorized Judgeships	Filed						Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases		
2003	680	252,962	372	3,073	54,378	39,563	155,948	253,015	257,476
2004	679	281,338	414	2,830	55,330	50,594	172,584	252,761	284,696
2005	678	253,273	373	3,309	61,238	47,364	141,362	271,753	265,484
2006	678	259,541	383	2,872	54,955	64,743	136,971	273,193	247,253 *
2007	678	257,507	380	3,204	53,945	57,244	143,114	239,678	265,082
% Chg. 2007 Over 2006	—	-0.8	-0.8	11.6	-1.8	11.6	4.5	-12.3	7.2

\*Revised.

declined 10 percent in 2007.

Excluding these filings, civil cases increased 3 percent during this fiscal year in response to rising federal question cases (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) involving personal injury, labor laws, and contracts. The number of civil filings per authorized judgeship mirrored the 1 percent decrease in overall civil filings, dropping from 383 to 380.

The reduction in diversity of citizenship filings (down 7,751 cases) resulted chiefly from a decline of more than 11,000 personal injury cases related to asbestos and diet drugs in the Eastern District of Pennsylvania. Last year, that court had an increase in asbestos filings after it issued Administrative Order Number 11, which provided a more efficient and organized structure within the Eastern District of Pennsylvania for case management of the product liability cases filed under multidistrict litigation number 875. In addition, personal injury/product liability filings in that district under multidistrict litigation number

1203, which addresses allegations that drugs used to control appetite caused heart-related side effects, dropped by more than 3,400 cases.

Decreases occurred in cases related to civil rights, Social Security,

**Table 4**  
**U.S. District Courts**  
**Civil Cases Filed, by Jurisdiction**

*Fiscal Years 2003 Through 2007*

Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
2003	252,962	10,946	38,254	142,591	61,156	15
2004	281,338	10,071	38,391	165,241	67,624	11
2005	253,273	10,400	41,986	138,696	62,191	—
2006	259,541	9,257	35,037	134,877	80,370	—
2007	257,507	9,564	35,900	139,424	72,619	—
% Chg. 2007 Over 2006	-0.8	3.3	2.5	3.4	-9.6	—

and prisoner petitions. Civil rights filings declined 4 percent (down 1,209 cases), Social Security filings dropped 6 percent (down 876 cases), and prisoner petition filings fell 6 percent (down 736 cases).

Federal question filings grew 3 percent to 139,424. The largest increases in personal injury cases occurred in the Southern District of New York, which reported an influx of more than 6,500 filings

related to the terrorist attacks in New York City on September 11, 2001, and the Middle District of Florida, which had more than 6,200 filings under multidistrict litigation number 1769, which addresses claims that the antipsychotic drug Seroquel caused diabetes-related injuries. Labor law cases grew 13 percent, largely because of more than 2,400 cases filed in the Northern District of Alabama under the Fair Labor Standards Act. The plaintiffs in these cases allege unfair labor practices by a department store in that region.

Filings with the United States as plaintiff or defendant increased 3 percent (up 1,170 cases) to 45,464. Cases with the United States as defendant climbed 2 percent (up 863 cases) as filings of statutory actions related to consumer credit soared 55 percent. The 3 percent growth in cases with the United States as plaintiff occurred mostly as a result of a 12 percent rise (up 273 filings) in defaulted student loan cases.

Civil case terminations dropped 12 percent (down 33,515 terminations) to 239,678, with large declines reported by the Eastern District of Pennsylvania (down 17,621 termina-

tions) and the Eastern District of Michigan (down 14,756 terminations). During the previous year, the Eastern District of Pennsylvania had terminated a voluminous number of cases involving asbestos or diet drugs, and the Eastern District of Michigan had terminated many cases related to breast implants.

The national median time from filing to disposition for civil cases was 8.6 months, up from 8.3 months in 2006. This increase resulted from the disposition of more than 6,300 oil refinery explosion cases in the Middle District of Louisiana that had been pending more than 10 years. Excluding the oil refinery explosion cases, the national median time for civil cases was 8.2 months.

The national pending civil caseload climbed 7 percent, buoyed by growth in pending cases in the Eastern District of Pennsylvania (up 9,398 cases) and the Middle District of Florida (up 5,292 cases). Most of these cases addressed personal injury/product liability claims.

Over the past five years, civil filings rose 2 percent (up 4,545 cases). Since 2003, increases have occurred in filings related to per-

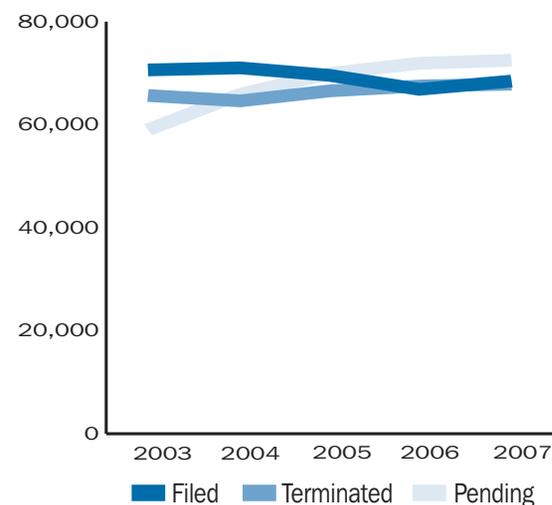
sonal injury (up 16,305 cases), contracts (2,676 cases), and intellectual property (up 1,848 cases).

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.

### Criminal Filings

In 2007, criminal case filings (including transfers) rose 2 percent to 68,413, and defendants in these cases increased 1 percent to 89,306. Criminal cases filed per authorized judgeship grew from 99 in 2006 to 101 in 2007. Nationwide, district

### Criminal Cases (Including Transfers) Filed, Terminated, and Pending



courts terminated 67,851 cases (up 1 percent) and 88,471 defendants (down .1 percent). As filings exceeded terminations, pending cases climbed 1 percent to 72,478, and defendants in these cases rose 1 percent to 100,315. The median case disposition time for defendants declined from 7.1 months in 2006 to 7.0 months in 2007, which is 21 days longer than in 2004. The increase in median time since 2004 may reflect the additional work required to process criminal cases affected by the U.S. Supreme Court's decision in *Booker*.

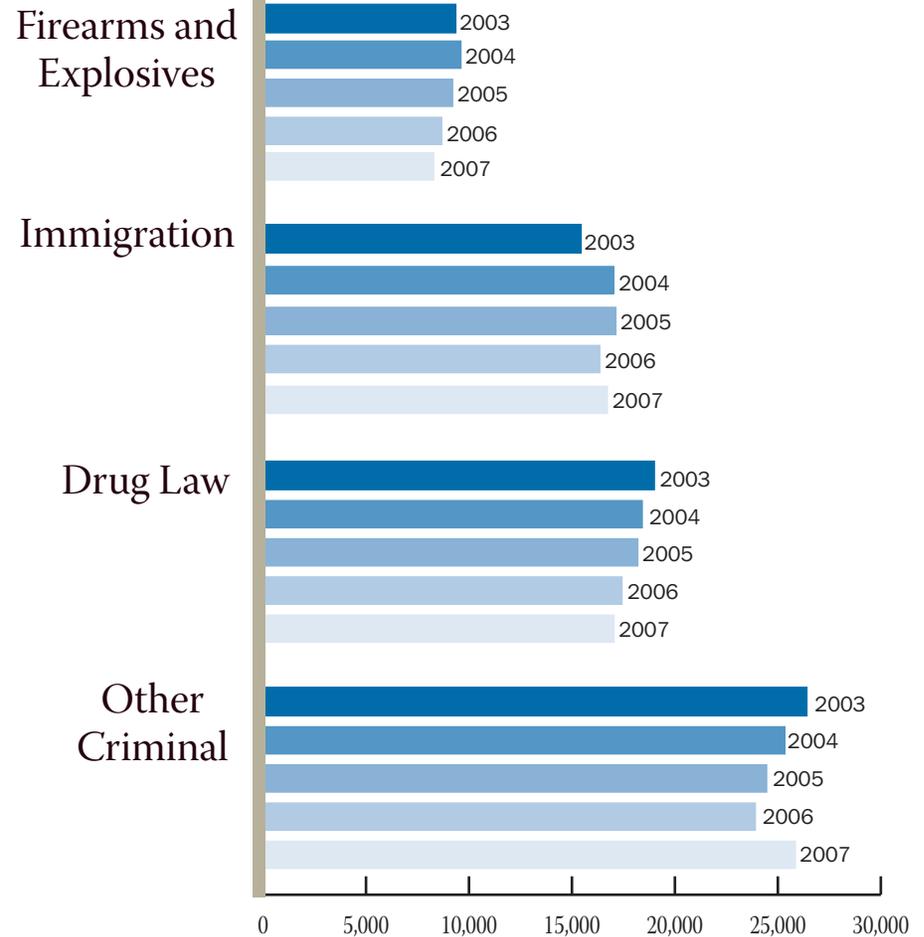
Criminal filings grew in 2007 after declining for three consecutive years. Filings rose for cases and defendants involved with fraud, sex, immigration, and traffic offenses, but decreased for crimes related to violence, drugs, firearms and explosives, and the justice system (e.g., aiding or abetting a criminal, obstruction of justice, perjury). The overall increase stemmed mostly from the types of cases encountered by law enforcement agencies as the U.S. Department of Justice directed resources to counterterrorism and counterintelligence efforts. Enhanced surveillance of electronic information

led to increased filings addressing identification document and social security fraud. Tightened security on military bases and other federal grounds resulted in more filings dealing with traffic offenses and other misdemeanor crimes committed on federal land. Criminal filings for 2007 exceeded totals for 2002, the year that criminal cases jumped 7 percent following the terrorist attacks on September 11, 2001.

Property offense cases grew 7 percent to 12,621, and defendants in such cases rose 6 percent to 16,277. Immigration filings increased 2 percent to 16,722 cases and 17,948 defendants. Sex offense filings jumped 31 percent to 2,460 cases, and defendants in such cases climbed 30 percent to 2,572. Filings rose for most categories of sex crimes. Traffic offense filings for both cases and defendants climbed 22 percent to 4,427 and 4,429, respectively. Overall drug cases dropped 2 percent to 17,046, and defendants charged with drug crimes fell 2 percent to 29,885.

In 2007, the largest numeric increases in criminal filings involved fraud. Overall, fraud cases rose 13 percent to 8,101, and fraud

## Criminal Cases Filed, by Offense (Excluding Transfers)



defendants climbed 10 percent to 10,804. This growth resulted mostly from misdemeanor filings addressing identification documents and information fraud in the District of Arizona. Filings for Social Security fraud and for attempt and conspiracy also rose. Some of the increase in fraud filings was related to activities associated with Hurricane Katrina. Because of the broad scope of many laws, however, one cannot easily determine the proportion of fraud filings stemming from Hurricane Katrina or other particular events.

Immigration filings grew 2 percent to 16,722 cases and 17,948 defendants. The charge of improper reentry by an alien accounted for 74 percent of all immigration cases (up 4 percent) and 69 percent of immigration defendants (up 4 percent). For immigration filings involving improper first-time entry, cases increased 5 percent to 1,157, and defendants rose 6 percent to 1,257. Seventy-one percent of all immigration cases were filed in five southwestern border districts—the District of Arizona, District of New Mexico, Southern District of California, Southern District of Texas, and Western

**Table 5**  
**U.S. District Courts**  
**Criminal Cases Filed, Terminated, and Pending**  
**(Including Transfers)**

*Fiscal Years 2003 Through 2007*

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Cases per Judgeship	Drugs <sup>1</sup>		
2003	680	70,642	104	18,973	65,628	59,218
2004	679	71,022	105	18,414	64,621	65,900
2005	678	69,575	103	18,198	66,561	69,932
2006	678	66,860	99	17,429	67,499	71,916
2007	678	68,413	101	17,046	67,851	72,478
% Chg. 2007 Over 2006	—	2.3	—	-2.2	0.5	0.8

<sup>1</sup> Data exclude transfers.

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

\* Revised.

District of Texas. In 2007, immigration filings jumped 29 percent (up 429 cases) in the Southern District of California and 21 percent (up 380 cases) in the District of Arizona.

Overall sex offense cases soared 31 percent to 2,460, and sex offense defendants grew 30 percent to 2,572, as the U.S. Department of Justice launched Project Safe Childhood (PSC) in 2006. PSC creates a national platform from locally designed partnerships of federal, state, local, and tribal law enforcement officers in each federal judicial district to investigate and prosecute Internet-based crimes against children. The surge in sex offense filings stemmed primarily from filings related to sexually explicit materials and, to a lesser degree, from all other sex offenses. Sexually explicit material cases climbed 34 percent to 1,544, and defendants in such cases rose 33 percent to 1,552. Sexually explicit materials filings have more than quadrupled since the Child Pornography Prevention Act of 1996 criminalized the creation of child pornography using new technologies. Other sex offense filings increased by 146 cases and 145 defendants in

response to filings under the newly enacted Adam Walsh Child Protection and Safety Act of 2006, which provides federal assistance in locating and apprehending sex offenders who violate sex offender registration requirements.

Overall filings of drug cases and defendants declined as filings associated with non-marijuana drugs fell 5 percent to 12,006, and defendants in those cases decreased 4 percent to 22,937. Marijuana cases increased 5 percent to 5,040, and defendants in such cases rose 3 percent to 6,948. The bulk of the growth in marijuana filings occurred in the Western District of Texas, where such filings had dropped during the past two years. In 2007, filings for marijuana offenses in the Del Rio Division of that district returned to levels obtained before 2005. In about a third of all districts across the nation, marijuana filings were higher in 2007 than in the previous year.

Firearms and explosives cases fell 5 percent to 8,287, and defendants in these cases dropped 4 percent to 9,401. This is the third consecutive year that such filings have declined. Firearms filings

began rising in the mid-1990s and reached record levels in 2004 in response to special initiatives—the most recent of which is Project Safe Neighborhoods—to build cooperative coalitions among federal, state, and local law enforcement agencies to prosecute firearms law violations in federal courts. Despite the overall reduction, firearms and explosives filings rose in 50 districts in 2007.

Filings for traffic offenses on federal grounds such as military facilities and national parks jumped 22 percent to 4,427 cases and 4,429 defendants. Drunk driving cases rose 3 percent to 1,583, and other traffic cases climbed 37 percent to 2,844. Most of the growth stemmed from higher filings in the Eastern District of Virginia, especially in the Norfolk Division, where such filings had declined since 2005, but in 2007 returned to levels typical before 2005.

Excluding transfers, the federal courts concluded proceedings against 88,014 defendants, an increase of 29 defendants over the total for 2006. Of these defendants, 78,861 were convicted, a 90 percent conviction rate, 1 percent lower than in 2006. Eighty-six percent of defendants disposed

of (i.e., convicted or dismissed) pled guilty, 1 percent less than in 2006.

Over the last five years, filings of criminal cases (including transfers) have fluctuated. The total for 2007 is 3 percent below that for 2003. Excluding transfers, combined case filings for four offense categories with the highest totals—drugs, immigration, fraud, and firearms and explosives—equaled 74 percent of total filings in 2003 and 2007. Within this group, however, more immigration cases and fewer drugs cases were filed in 2007 than in 2003.

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 and other final judgments by the courts, as well as other contested hearings at which evidence is presented.

In 2007, the number of civil and criminal trials completed in the U.S. district courts by Article III judges increased for the first time in five years, climbing 7 percent to 13,449

(up 837 trials). Growth occurred both in civil nonjury and jury trials and in criminal nonjury trials. Total civil trials rose 9 percent (up 479 trials) to 5,600 as 50 of the 94 district courts reported higher numbers of civil trials. Civil nonjury trials increased 10 percent (up 307 trials) to 3,331. Civil jury trials climbed 8 percent (up 172 trials) to 2,269. According to court officials, the introduction of a new case management/electronic case files (CM/ECF) system for trials is a primary reason for reports of higher numbers of trials in 2007. This system, which includes more detailed procedures for reporting all types of trial activity, replaces data collection processes that were primarily manual. It is still too early to identify with certainty the full effect of CM/ECF on trials data collection. As CM/ECF becomes fully implemented in the district courts, the Administrative Office of the United States Courts will continue to monitor and analyze new trends in trial activity.

Total criminal trials rose 5 percent to 7,849 (up 358) as 51 districts reported more criminal trials in 2007. Criminal nonjury trials grew 12 percent (up 511 trials), with 52

districts reporting increases. Judges accepted guilty pleas from 68,708 felony defendants, a drop of 2 percent. From 2003 to 2007, the number of guilty pleas accepted by judges rose 8 percent as more felony defendants accepted plea agreements to avoid going to trial and facing the risk of more severe sentences. This year, criminal jury trials declined 8 percent to 3,213 as 51 districts reported fewer such proceedings.

In addition to conducting trials, judges perform many other case-related functions, including those involving 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 activities, and settlements. In 2007, a total of 46 districts operated mediation and arbitration programs that involved more than 16,000 civil cases.

The number of trials lasting four days or longer grew 2 percent to 2,963. Twenty-seven civil trials took

20 or more days to reach completion, with the average trial in these cases lasting 25 days. The longest civil trial, which involved civil rights, lasted 48 days. Seventy-six criminal trials required 20 or more days for completion, with the average of these trials lasting 32 days. The longest criminal trial, which involved mail fraud, lasted 89 days.

During the past five years, the overall number of trials has increased 4 percent as criminal trials have climbed 10 percent. Most of these trials involved cases related to immigration, weapons and firearms, and drugs. Civil trials declined 4 percent over the same period.

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

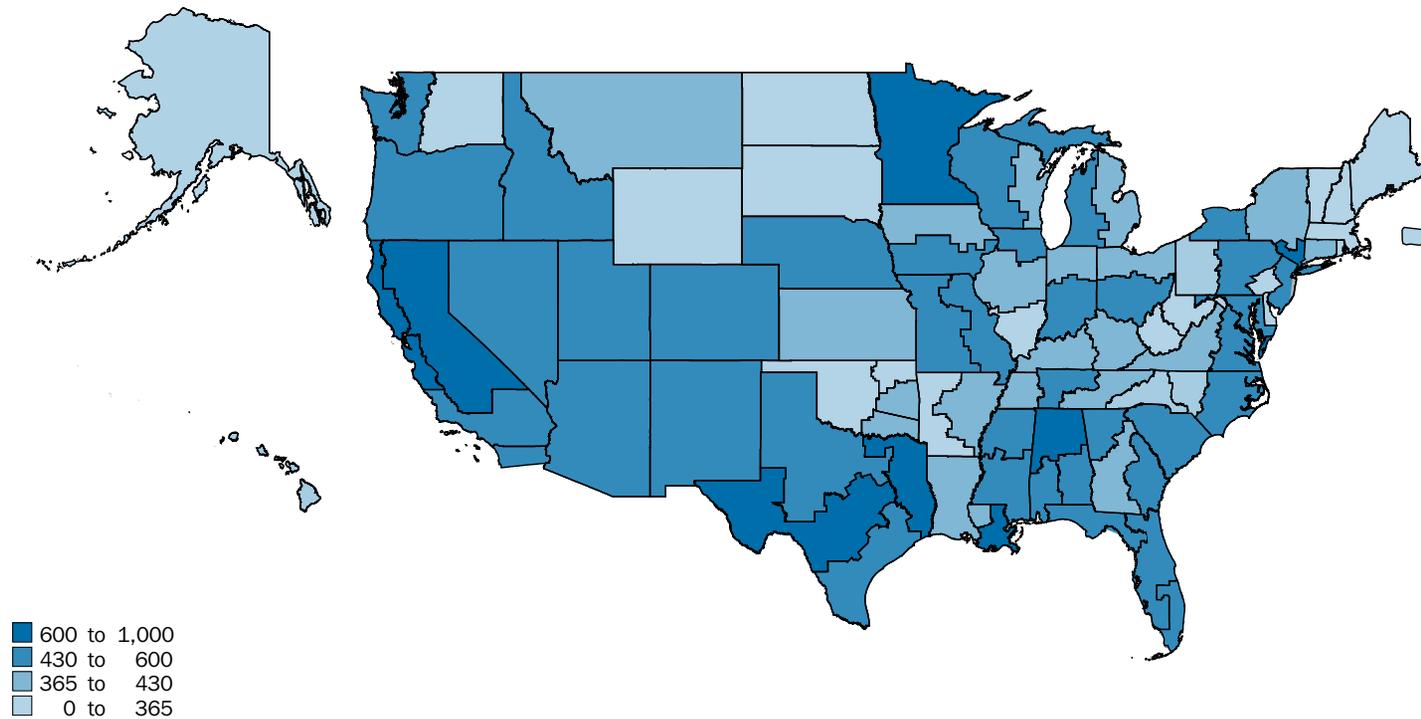
In addition to trials conducted by active and senior Article III judges, 6,617 trials were conducted by magistrate judges in 2007. These comprised 2,669 petty offense trials, 510 civil consent trials, 223 misdemeanor trials, and 3,215 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

### **Weighted Filings per Authorized Judgeship**

Weighted filings statistics account for the different amounts of time district judges take to resolve various types of civil and criminal actions. The federal Judiciary has employed techniques for assigning weights to cases since 1946. In 2004, the Judicial Resources Committee approved a new civil and criminal case weighting system developed by the Federal Judicial Center. Under this system, the 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 12.89); and cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10).

In 2007, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship rose 3 percent to 477 (up 13 filings) from the total for 2006. The total number of weighted civil filings

## 2007 Weighted Filings per Authorized Judgeship, by District



per judgeship climbed 3 percent to 366 compared to the 354 weighted filings reported last year. The Eastern District of Louisiana (up 595 filings),

the Southern District of New York (up 238 filings), the Eastern District of California (up 220 filings), the Northern District of Alabama (up 163

filings), and the Eastern District of Texas (up 147 filings) reported substantial increases in weighted filings. The growth in the Eastern

District of Louisiana occurred as more than 5,000 contract insurance cases were filed as a result of Hurricane Katrina. In the Southern

District of New York, more than 6,000 cases filed were related to the terrorist attacks in New York City on September 11, 2001. The Northern District of Alabama reported more than 2,400 filings under the Fair Labor Standards Act. The Eastern District of Texas received more than 250 cases related to patents and reported higher filings of contract cases and prisoner petitions.

Weighted civil filings rose in 40 of the 91 districts whose filings receive weights, fell in 50 districts, and remained the same in 1 district. (Weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and Northern Mariana Islands.) Criminal weighted filings per judgeship were unchanged at 106. Forty-one of the 91 districts that report criminal weighted filings had increases, 47 had declines, and 3 had no changes.

The total number of weighted supervised release hearings per judgeship grew from 4.48 to 4.72 in 2007. This total includes probation revocation hearings. Evidentiary supervised release hearings and probation revocation hearings receive a weight of 0.22; non-evidentiary hearings

receive a weight of 0.14. Fifty-seven district courts reported increases.

Between 2003 and 2007, total weighted civil and criminal filings per authorized judgeship decreased 9 percent. During that period, combined civil unweighted filings per authorized judgeship and criminal unweighted defendant filings per authorized judgeship dropped 2 percent. Over the past five years, overall unweighted civil filings have fallen mostly as a result of reductions in cases related to personal injury/product liability, Social Security, and labor laws. Most of the decline in criminal unweighted defendant filings was related to decreases associated with drug laws and fraud offenses.

Appendix Table X-1A provides, by district, data on weighted filings, unweighted filings, weighted supervised release hearings, and unweighted supervised release hearings per authorized judgeship in 2007.

## U.S. Magistrate Judges

U.S. magistrate judges performed 948,086 judicial tasks in 2007, nearly equal to the 950,137 judicial matters handled in 2006. The 274,955 civil

pretrial matters handled by magistrate judges in 2007 fell 1 percent below the total for 2006. These included 179,523 motions, 21,991 settlement conferences, and 52,485 other conferences. Offsetting declines in most civil pretrial categories were a 3 percent increase in magistrate judges' other pretrial conferences (from 50,917 to 52,485) and a 7 percent rise in evidentiary hearings (from 730 to 784).

Magistrate judges handled 165,831 felony pretrial matters in 2007, down less than 1 percent from the total for 2006. These included 100,502 motions and 19,956 conferences. The number of felony guilty pleas handled by magistrate judges declined 3 percent from 22,186 in 2006 to 21,473 in 2007, but exceeded the 2003 total by 26 percent.

Civil cases concluded by magistrate judges with litigant consent equaled 10,575 in 2007, a decrease of 8 percent from 2006. This reduction continues a downward trend begun in 2003, when the number of civil cases adjudicated by magistrate judges peaked.

Magistrate judges disposed of 100,725 misdemeanor cases in 2007, 3 percent more than in 2006. Of these,

9,154 were Class A misdemeanor cases, 19 percent more than in 2006. They conducted 322,852 felony preliminary proceedings, including 96,779 involving initial appearances and 57,498 involving arraignments; both totals were less than 1 percent below those for 2006. They also conducted 47,399 detention hearings, which tend to be among the more time-consuming misdemeanor proceedings. They issued 4 percent more search warrants, up from 32,467 to 33,632, and 4 percent more arrest warrants/summons, up from 38,325 to 39,822.

Although reductions occurred in most categories in 2007, those with the greatest percentage declines involved magistrate judges' preparation of reports and recommendations, including those in the categories of Social Security appeals (down 15 percent to 4,730), prisoner litigation (down 10 percent to 22,875), case-dispositive motions in other civil cases (down 11 percent to 9,614), and case-dispositive motions in criminal cases (down 28 percent to 5,887).

Supplemental Tables 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 acted upon 19,284 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2007. The Panel transferred 7,673 cases originally filed in 91 district courts to 38 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 11,611 actions initiated in the transferee districts. Product liability cases involving the arthritis pain drug Vioxx and the contraceptive patch Ortho Evra were among the more significant of the Panel's transfer determinations. The Panel did not order transfer in 29 newly docketed litigations involving 130 actions.

Since the Panel's creation in 1968, it has centralized 265,269 civil actions for pretrial proceedings. As of September 30, 2007, a total of 11,610 actions had been remanded for trial, 393 actions had been reassigned within the transferee districts, and 176,424 actions had been terminated in the

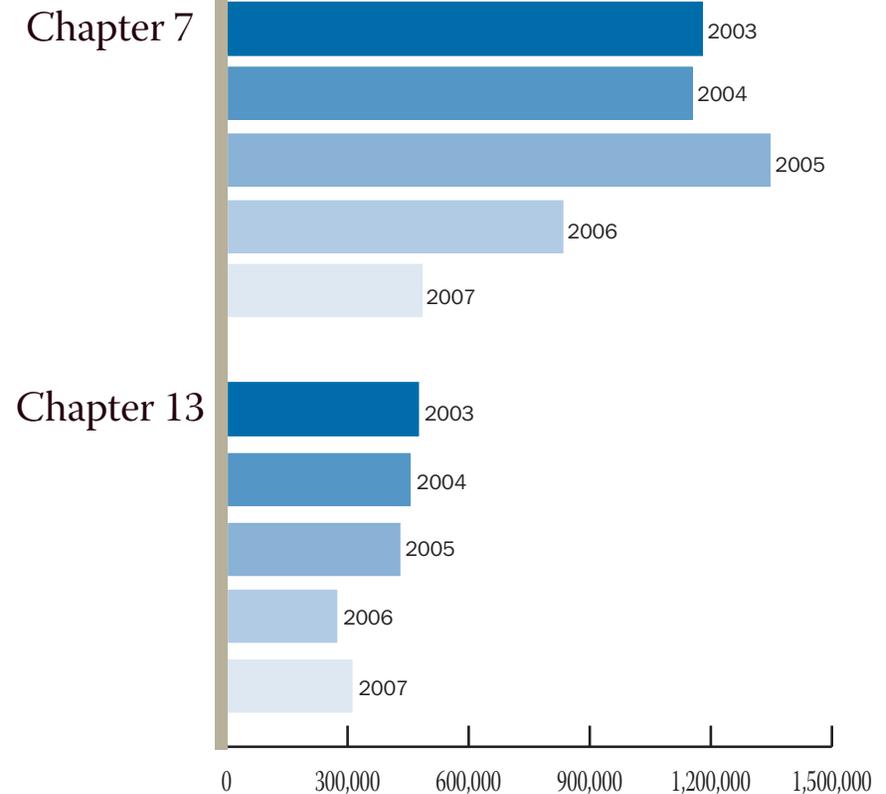
transferee courts. At the end of this fiscal year, 76,842 actions were pending in 57 transferee district courts.

Supplemental Tables S-19 and S-20 provide statistics on the number of cases transferred since the Panel was created, presenting data on the flow of cases into and out of the districts in 2007 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 or from the Panel's website.

## U.S. Bankruptcy Courts

Filings in the U.S. bankruptcy courts during 2007 equaled 801,269, the lowest level since 1990. This total was 28 percent less than that for 2006 and 55 percent below the record set in 2005, when filings soared as debtors rushed to file before October 17, 2005, the general implementation date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). However, filings began to rebound and rose steadily in each quarter of fiscal year

## Bankruptcy Cases Filed, by Chapter



2007 (see sidebar on page 34). A total of 218,909 petitions were filed during the three-month period ending September 30, 2007, an increase of 28 percent above the number filed during the same period one year earlier and 4 percent more than the number filed in the third quarter of fiscal year 2007. Tables 6 and 7 display bankruptcy data.

In 2007, filings fell in all but one of the 94 districts. The largest numeric decreases occurred in the Northern District of Ohio (down 13,348 cases), the Central District of California (down 12,823 cases), the Northern District of Illinois (down 12,204 cases), and the Southern District of Ohio (down 10,728 cases). Four districts had reductions of 50 percent or more: the Eastern District of Oklahoma (down 57 percent), the Western District of Oklahoma (down 55 percent), and the District of Wyoming and the Northern District of Oklahoma (both down 51 percent). The District of Puerto Rico had the only increase, a rise of 5 percent (up 335 cases).

BAPCPA provides for the filing of bankruptcy petitions under six basic chapters. Under chapter 7, as-

sets are liquidated for distribution. BAPCPA created new requirements for docketing, notices, and hearings under chapter 7, therefore raising the amount of court effort required for processing chapter 7 petitions. BAPCPA also places new constraints on debtors who file petitions under

chapter 7. As a result, chapter 7 cases accounted for a smaller percentage of total filings this year than they did the previous year, dropping 15 percentage points from 75 percent of all cases filed in 2006 to 60 percent in 2007. Chapter 7 filings plunged 42 percent to 484,162 in 2007, dropping

in all 94 districts. The largest numeric decrease occurred in the Central District of California (down 16,229 petitions). However, during the three-month period ending September 30, 2007, chapter 7 petitions climbed 32 percent from the number filed during the same quarter the previous year.

**Table 6**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Cases Filed, Terminated, and Pending**  
*Fiscal Years 2003 Through 2007*

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2003	1,661,996	1,625,813	36,183	1,568,087	1,710,428
2004	1,618,987	1,584,170	34,817	1,671,177	1,658,081
2005	1,782,643	1,748,421	34,222	1,581,287	1,855,841
2006	1,112,542	1,085,209	27,333	1,619,142	1,361,335 *
2007	801,269	775,344	25,925	864,588	1,298,016
% Chg. 2007 Over 2006	-28.0	-28.6	-5.2	-46.6	-4.7

\* Revised.

Chapter 11 allows businesses to continue operating while they formulate plans to reorganize and repay their creditors; individuals also may file under this chapter, although relatively few do. Chapter 11 petitions generally require more involvement by judges than do petitions filed under other chapters, but they account for a relatively small proportion of overall filings (less than 1 percent in 2007). During this fiscal year, chapter 11 petitions fell 2 percent to 5,888. Forty-nine districts reported growth in these petitions, 38 districts had declines, and filings remained stable in 7 districts, including the District of the Northern Mariana Islands, which reported no chapter 11 petitions in either 2006 or 2007. The greatest numeric increase occurred in the District of New Jersey (up 214 cases), and the greatest numeric reduction was in the Southern District of New York (down 451 cases).

Chapter 12 was designed to help family farmers and fishermen reorganize their debts. BAPCPA made chapter 12 a permanent part of the Bankruptcy Code. Chapter 12 filings decreased 4 percent to 361. With 26 petitions, the Western District

of Louisiana had the greatest number of chapter 12 filings in 2006.

Under chapter 13, an individual with regular income and with debts

below a statutory threshold may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan. Since BAPCPA

took effect, the percentage of debtors filing bankruptcy petitions under chapter 13 has increased. Chapter 13 filings rose 14 percent to 310,802

**Table 7**  
**U.S. Bankruptcy Courts**  
**Filings by Chapter of the Bankruptcy Code**  
*Fiscal Years 2003 Through 2007*

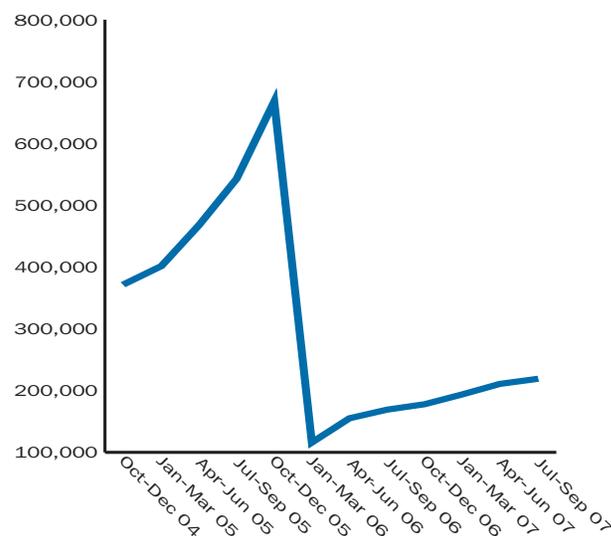
Year	Total	Chapter				
		7	11	12	13	Other
2003	1,661,996	1,177,292	10,144	698	473,763	99
2004	1,618,987	1,153,865	10,368	238	454,412	104
2005	1,782,643	1,346,201	6,637	364	429,316	125
2006	1,112,542	833,147	6,003	376	272,937	79
2007	801,269	484,162	5,888	361	310,802	56
% Chg. 2007 Over 2006	-28.0	-41.9	-1.9	-4.0	13.9	-29.1

and accounted for 39 percent of all new petitions in 2007 compared to 25 percent in 2006. Seventy-five districts reported increases, and 19 reported declines. The largest numeric growth occurred in the Central District of California (up 3,408 cases), followed by the Northern District of Georgia (up 2,497 cases). The Eastern District of Pennsylvania had the largest decrease (down 460 cases), followed by the District of New Jersey (down 322 cases).

Petitions filed under chapter 9 involve municipalities. Those filed under chapter 15 involve foreign entities and pertain to cross-border insolvency and a foreign court's receipt of aid from a U.S. bankruptcy court. Both types of petitions usually account for a negligible portion of overall filings. During 2007, the combined total for filings under both chapters was 56.

During 2007, filings involving predominantly nonbusiness debts, which accounted for 97 percent of overall filings, fell 29 percent to 775,344. Nonbusiness chapter 7 filings dropped 43 percent, and non-business chapter 11 filings declined 13 percent. However, nonbusiness chapter 13 filings grew 14 percent.

## Bankruptcy Cases Filed, by Quarter



Filings involving predominantly business debt decreased 5 percent to 25,925 during 2007. Business petitions filed under chapter 7 fell 7 percent, and those filed under chapter 12 dropped 4 percent. Business petitions filed under chapter 13 remained essentially unchanged (up 4

cases), and those filed under chapter 11 declined 1 percent.

The number of bankruptcy cases closed fell 47 percent to 864,588. Because terminations exceeded filings, the pending caseload decreased 5 percent to 1,298,016 during 2007. Detailed data on filed, termi-

## *Bankruptcy Filings Begin Moving Upward*

Total bankruptcy filings for fiscal year 2007, when compared with those of fiscal year 2006, exhibit the effect of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). Filings surged in the first 16 days of October 2005 under the old law, then plummeted with the implementation of BAPCPA. The 28 percent decline in filings from 2006 to 2007 reflects the unusually high 2006 total, which included the 630,228 cases filed in October 2005, the first month of fiscal year 2006. Excluding the first quarter of each of the last two fiscal years, filings in January through September 2007 were 40.2 percent higher than filings in the same period in 2006, though considerably below filings for that period in 2003, 2004, and 2005.

nated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Between 2003 and 2005, bankruptcy filings rose to nearly 1.8 million cases. Thereafter, they declined 38 percent in 2006 and 28 percent in 2007 due to the impact of BAPCPA. Because of the reductions of the past two years, the total for 2007 was 52 percent below the total for 2003. The number of nonbusiness filings in 2007 was 52 percent below the number for 2003, and the number of business filings was 28 percent lower. During the past five years, business filings have accounted for between 2 and 3 percent of overall filings.

Filings per judgeship fell 56 percent from 5,130 in 2003 to 2,276 in 2007. Terminations per judgeship decreased from 4,840 in 2003 to 2,456 in 2007, a 49 percent decline that, combined with the reduction in filings during 2007, resulted in a 30 percent drop in the number of pending cases per judgeship between 2003 and 2007.

The effects of BAPCPA on the work of the courts remain under examination. No one knows if or when bankruptcy filings will return to pre-BAPCPA levels, but the pat-

tern for the first complete fiscal year following the implementation of the law shows that bankruptcy filings are steadily increasing. Filings under chapters 13 and 11 are returning to pre-BAPCPA levels, whereas chapter 7 filings are rising at a much slower pace. Problems involving subprime mortgages, the high rate of foreclosures, and the onset of adjustable rate mortgage (ARM) resets are placing many consumers and businesses in financial jeopardy. Debt levels, as measured by the debt-to-income ratio or the debt-service ratio, are at or near record levels and thus suggest that many debtors may be financially stressed. Such factors have the potential to contribute to future rises in bankruptcy filings that could approach pre-BAPCPA levels.

### **Adversary Proceedings**

Adversary proceedings are civil actions that arise in connection with 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. Filings of adversary proceedings dropped 23 percent in 2007 to 49,976. This total

for 2007 marked the fourth consecutive year of lower filings and was 48 percent below the total for 2003.

In 2007, a total of 79 districts reported fewer filings of adversary proceedings. Fifty-two districts had decreases of more than 20 percent, and 10 districts had drops of more than 50 percent. Increases occurred in 12 districts. The greatest numerical reductions in filings of adversary proceedings occurred in the Central District of California (down 1,075 cases) and the Northern District of Illinois (down 1,064 cases). Staff in these courts attributed the declines to overall reductions in bankruptcy petitions following the implementation of BAPCPA.

The number of adversary proceedings closed dropped 28 percent to 59,504. As terminations exceeded filings, pending adversary cases fell 13 percent to 63,066 as of September 30, 2007. Data on adversary proceedings by district appear in Table F-8 in the appendix.

## **Criminal Justice Act**

The Criminal Justice Act (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 representations through private panel attorneys and, where established, federal public or community defender offices. In 2007, a total of 180,640 appointments of counsel took place under the CJA, a rise of 6 percent from the 169,885 appointments in 2006.

Representations by the 79 federal public and community defender organizations (including representations in criminal matters, appeals, and habeas corpus proceedings) increased by 2,090 cases (up 2 percent) to 99,503. Appointments of panel attorneys climbed 12 percent to 81,137, largely because of higher representations by panel attorneys in immigration cases.

The growth in federal defender representations occurred mainly along the southwestern border of the United States. Representations increased 25 percent in Arizona, 14 percent in the Southern District of California, and 7 percent in New Mexico, mostly in immigration and drug cases. Decreases of 1 percent in the Western District of Texas and 9 percent in the Southern District

of Texas were attributed mainly to reductions in immigration cases.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the past five years. Appendix Table K-1 presents information on the representations each federal public and community defender organization provided during 2007.

## Post-Conviction Supervision

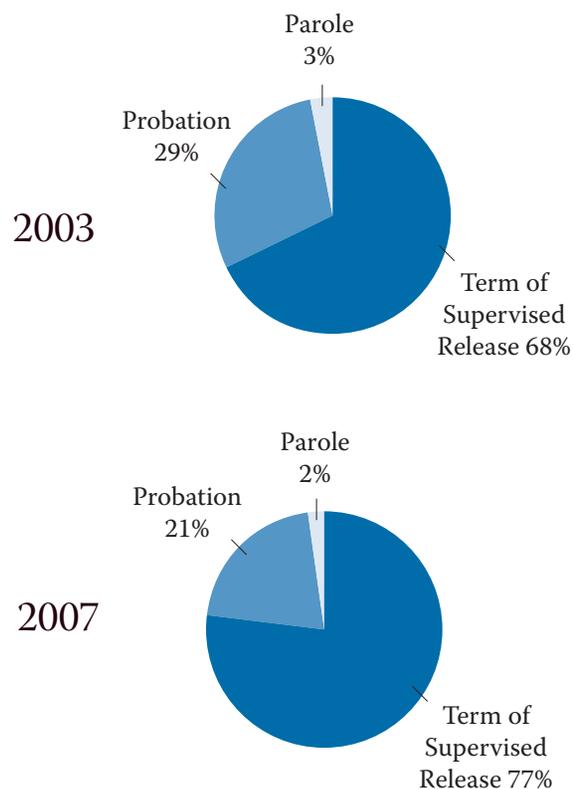
On September 30, 2007, the number of persons under post-conviction supervision was 116,221, an increase of 2 percent over the 114,002 persons under supervision on the same date in 2006. From 2003 to 2007, the number of persons under post-conviction supervision grew by 5,600, or 5 percent. Persons released from correctional institutions who served terms of supervised release rose more than 4 percent from 85,729 in 2006 to 89,497 in 2007 and climbed more than 18 percent over the past five years. The 89,497 persons released from correctional institutions who were serving terms of supervised release on September 30, 2007, accounted for 77

percent of all persons under supervision, compared to 75 percent the previous year and 68 percent in 2003.

Cases involving probation imposed by district and magistrate judges fell nearly 5 percent from 25,178 cases in 2006 to 23,974 cases in 2007 and accounted for 21 percent of all persons under post-conviction supervision (down from 22 percent in 2006). Prior to 2006, all parole cases were reported in two separate categories: parole/special parole and military parole. Beginning in fiscal year 2006, all parole cases are reported under one category (parole) that includes both special and military parole as well as mandatory release, which previously had been reported as a separate category. Total parole cases dropped more than 10 percent from 2,876 cases in 2006 to 2,575 cases in 2007.

Of the 116,221 persons under supervision at the end of the fiscal year, 45 percent had been convicted of drug offenses—nearly the same proportion as in 2006 and two percentage points above the proportion for 2003. Collectively, the number of persons convicted of property offenses decreased from 28,636 in 2006 to 28,155

## Types of Post-Conviction Supervision as of September 30



in 2007. The proportion of persons under post-conviction supervision for property offenses in 2007 was 24 percent, down from 25 percent the previous year and 30 percent in 2003. Firearms offenses (reported in prior periods as “weapons and firearms” offenses) accounted for more than 10 percent of persons under post-conviction supervision in 2007, up from slightly more than 6 percent in 2003.

Excluding transfers, the number of persons received for supervision rose 1 percent from 54,549 in 2006 to 55,246 in 2007. The number of persons received for terms of supervised release following release from correctional institutions grew more than 5 percent from 39,365 cases in 2006 to 41,515 cases in 2007.

Probation cases received decreased by nearly 4 percent from 12,617 cases in 2006 to 12,127 cases in 2007. Parole cases received (including cases involving special parole, military parole, and mandatory release) also declined from the previous year. Overall, parole cases dropped 9 percent (down 95 cases to 950).

The number of cases closed from post-conviction supervision (including those involving transfers out and

deaths) fell 2 percent from 55,172 in 2006 to 54,051 this year. The proportion of post-conviction cases terminated successfully decreased in the past year from 73 percent to 72 percent. Of those cases closed success-

fully, 19 percent were closed by early termination, two percentage points lower than the previous year’s total.

Detailed data on post-conviction supervision appear in Table 8 and in the E series of the appendix tables.

### Investigative Reports

The number of presentence reports prepared by probation officers decreased more than 2 percent from 73,663 in 2006 to 71,823 in 2007. Nearly 94 percent of these reports

**Table 8**  
**Federal Post-Conviction Supervision**  
*Fiscal Years 2003 Through 2007*

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2003	55,734	50,920	53,814	49,121	110,621
2004	64,161	59,437	62,559	57,932	112,883
2005	59,086	55,093	58,798	54,755	112,931
2006	58,582	54,549	57,342	53,114	114,002
2007	59,063	55,246	56,497	52,541	116,221
% Chg. 2007 Over 2006	0.8	1.3	-1.5	-1.1	1.9

(67,435) were presentence guideline reports, which are comprehensive investigative reports prepared in felony or Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated advisory guidelines. Modified presentence reports, which are less comprehensive investigative reports, represented less than 3 percent of total presentence investigative reports. Non-guideline reports, which are reports for cases involving offenses for which the U.S. Sentencing Commission has not promulgated guidelines, fell from 310 in 2006 to 235 in 2007.

### Substance Abuse Treatment

Federal probation offices spent \$29,008,560 on Judiciary-funded substance abuse treatment in 2007. 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 Judiciary-funded substance abuse treatment services. The data reflect only Judiciary-funded substance abuse treatment and exclude substance abuse testing. Of the 66,115 offenders under supervi-

sion with substance abuse treatment conditions, 30,368 received Judiciary-funded treatment. The federal Judiciary thus spent an average of \$955 on each of these offenders this year. Nationwide, 46 percent of offenders with conditions requiring substance abuse treatment received Judiciary-funded treatment, the same percentage as in 2006. Table S-13 contains additional information on Judiciary-funded substance abuse treatment services in the federal probation system.

### Pretrial Services

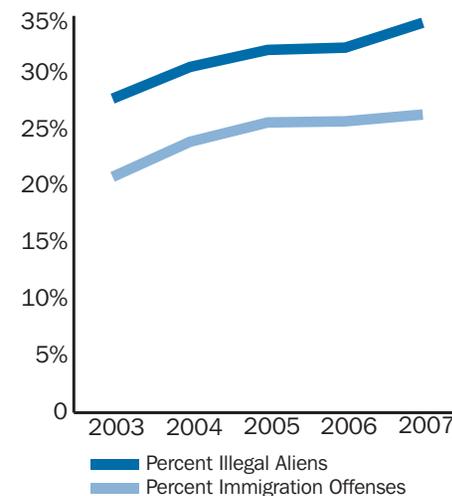
The number of cases opened in the pretrial services system, including pretrial diversion cases, grew from 96,479 cases in 2006 to 97,905 cases in 2007, an increase of nearly 2 percent. Except for the decrease in the final quarter of fiscal year 2006, the overall workload in pretrial services has risen over the past five years. The number of cases opened in 2007 in the pretrial services system, including pretrial diversion cases, was nearly 1 percent greater than the 97,317 opened in 2003. During this five-year period, the number of pretrial

services reports prepared climbed 13 percent, although the number of persons interviewed declined nearly 4 percent from 66,824 to 64,099.

The proportion of pretrial services cases opened in which the major offense charged involved

drugs fell 1 percentage point from 33 percent in 2006 to 32 percent in 2007. The proportion of defendants charged with immigration offenses remained virtually unchanged from the previous year at 26 percent. Cases involving property offenses

### Proportions of Illegal Aliens and Immigration Offense Defendants in Pretrial Services Cases Activated



represented 16 percent of the case activated, the same as in 2006. In 2007, cases involving firearms offenses dropped to 8,285 from 8,328, a decrease of less than 1 percent.

Pretrial services officers (PSOs) prepare pretrial services reports that help ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for selecting the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2007, PSOs prepared 93,856 pretrial services reports, an increase of 2 percent from the previous year. Ninety-three percent of pretrial services reports prepared were pre-bail reports. The remaining reports prepared were postbail reports. Table 9 presents data on pretrial services cases and reports for this year.

Because some cases are transferred out or dismissed prior to initial bail decisions, cases in which bail decisions were made by the activating districts constitute a subset of total cases activated (97,905). Excluding cases transferred out or dismissed, as well as cases for which

release is not possible within 90 days, bail determinations were made by the courts in 88,338 cases in 2007. Thirty-eight percent of the defen-

dants were released. These cases included immigration cases involving crimes such as illegal entry, which had a higher rate of detention (38

percent) than did non-immigration cases. When immigration cases were excluded, the percentage of defendants released rose to 48 percent.

**Table 9**  
**Summary of Pretrial Services Cases**

*Fiscal Years 2006 and 2007*

	2006	2007	Percent Change
Total Cases Activated	96,479	94,539	-2.0
Pretrial Services Cases	94,853	92,893	-2.1
Pretrial Diversion Cases	1,626	1,646	1.2
Total Released on Supervision	33,608	32,879	-2.2
Pretrial Supervision	31,910	31,358	-1.7
Diversion Supervision	1,698	1,521	-10.4
Type of Report			
Prebail	87,015	89,569	2.9
Other Reports (Including Postbail)	5,477	4,287	-21.7
No Report	2,361	2,403	1.8

A total of 32,879 defendants were placed under supervision in the pretrial services system in 2007, a decrease of 2 percent from the previous year. The proportion of defendants who were illegal aliens, along with growth in immigration cases, continued to affect the number of persons received for supervision, because illegal aliens and defendants charged with immigration offenses usually are detained given their high risk of flight. Thirty-four percent of defendants in pretrial services cases were illegal aliens, up two percentage points from the total for 2006.

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. This year, 33,708 defendants were released with specified conditions such as pretrial services supervision or home confinement. The release condition ordered most often was pretrial services supervision, which was imposed on 93 percent of defendants released, a decline of 4 percent-

age points from the previous year. Substance abuse treatment and testing were ordered for almost 30 percent of the defendants, a reduction of three percentage points from the year before. Substance abuse testing also dropped from 22 percent of defendants last year to 21 percent this year.

Pretrial diversion is a period of supervision proposed by an assistant 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 more serious criminal matters. In 2007, the number of pretrial diversion cases activated grew by 20 cases to 1,646; this represented approximately 2 percent of activated cases in 2007, the same proportion as in 2006.

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

## Complaints Against Judicial Officers

Pursuant to 28 U.S.C. 351(a) and 363, 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 2007, the number of judicial complaints filed increased for the first time in four years, rising 22 percent to 841. Court staffs have attributed this increase to the following circumstances: As procedures for complaining about judicial misconduct have become more widely disseminated, some litigants have been treating them as a form of appeal; one circuit has changed its complaint procedures; and some prisoners precluded from filing repetitive civil actions or habeas corpus petitions have moved their litigation efforts to the judicial complaints sphere.

The number of concluded complaints grew 15 percent to 752. Because complaints filed outnumbered complaints concluded, pending

judicial complaints climbed 37 percent to 330.

As in past years, the allegations cited most often were prejudice/bias, abuse of judicial power, and “other.” More than one-half of all complaints filed originated in the Fourth, Fifth, Ninth, and Eleventh Circuits.

Of the 752 complaints that were concluded, chief judges terminated 404, and circuit judicial councils terminated 348. Of the complaints concluded by chief judges, 79 percent were found to be not covered under 28 U.S.C. 351 - 364 because they were directly related to the merits of the decisions or to 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, appropriate action already had been taken, action no longer was necessary, or the complaint had been withdrawn.

Of the complaints that were concluded by circuit judicial councils, 340 were terminated following the review of a chief judge’s dismissal. Four were dismissed after a report was made by an investigating committee; two complaints were with-

drawn; and two resulted in disciplinary action, one following the report of an investigating committee.

A total of five special investigating committees were appointed this year—one each in the Second, Seventh, and Tenth Circuits and two in the Fifth Circuit. The work of these investigating committees may or may not have been completed this year.

Table 10 and Supplemental Table S-22 summarize judicial complaints activity from 2005 through 2007.

## Status of Article III Judgeships

On September 30, 2007, a total of 16 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, an increase of 14 percent (2 more vacancies) over the total a year ago. Nine of these vacancies had been unfilled for more than 18 months (six had been vacant that long one year earlier). Table 11 provides information on the status of Article III judgeships since 2003.

On September 30, 2007, a total of 31 vacancies existed among the 678 Article III judgeships in the district courts, a decrease of 2 compared to

**Table 10**  
**Judicial Complaints Filed, Concluded, and Pending**  
*Fiscal Years 2005, 2006, and 2007*

	2005	2006 *	2007
Filed	698	687	841
Concluded	700	656	752
By Chief Judges	425	428	404
Dismissed	405	408	392
Corrective Action Taken	13	11	9
Withdrawn	7	9	3
By Judicial Councils	275	228	348
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	270	220	340
Withdrawn	0	0	2
Action Taken	0	0	1
Referred to Judicial Conference	0	0	0
After Report of Investigating Committee			
Dismissed	5	7	4
Withdrawn	0	0	0
Action Taken	0	1	1
Referred to Judicial Conference	0	0	0
Pending	210	241	330
Special Investigating Committees Appointed	5	8	5

\* Revised.

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

the 33 vacancies reported at the end of the previous fiscal year. Six of the vacancies had existed for more than 18 months, one fewer vacancy of that duration than the number for 2006.

As of September 30, 2007, a total of 18 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 3 below the number identified on September 30, 2006. For the courts of appeals, which had 10 judicial emergencies, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighting 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 the district courts, which had 8 judicial emergencies, 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 11**  
**Status of Article III Judgeship Positions**

*Fiscal Years 2003 Through 2007*<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>
2003	179	17	91	680	29	287
2004	179	13	102	679	16	294
2005	179	13	106	678	36	300
2006	179	14	103	678	33	311
2007	179	16	107	678	31	310

<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> 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 authorized for staff.

In addition to active judges, 107 senior circuit judges participating in appeals decisions were serving the

Judiciary on September 30, 2007—4 more than the number serving in 2006. The U.S. district courts report-

ed 310 senior judges authorized for staff, 1 fewer than had been serving at the end of the previous fiscal year.

The number of senior district judges authorized for staff has risen 8 percent over the past five years, increasing from 287 to 310.

## Status of Bankruptcy Judgeship Positions

On September 30, 2007, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 339 bankruptcy judgeships were filled, and 13 were vacant. In addition to these positions, 27 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2007. Table 12 summarizes the status of bankruptcy judgeship positions through September 30, 2007.

## Appointments of Magistrate Judges

During fiscal year 2007, a total of 65 full-time magistrate judges were appointed, including 39 by reappointment. Of the 26 new appointments, 3 were for new positions. During the same period, 10 individuals were appointed to part-time magistrate judge positions, 7 of them by reappointment.

The average age of new appointees to full-time magistrate judge positions was 48 years; the average age of new appointees to part-time magistrate judge positions was 47 years. New full-time appointees had been members of the bar for an average of 21 years at the time of appointment; new part-time magistrate judges averaged 20 years of bar membership. Of the new full-time magistrate judges, 10 had been in private practice, 9 had been assistant U.S. attorneys, 3 had been state court judges, 2 had been assistant federal public defenders, 1 had been a full-time U.S. magistrate judge in another district, and 1 had been a law clerk to a federal judge.

Through September 2007, the Judicial Conference had authorized 505 full-time magistrate judge positions, 45 part-time positions, and 2 combination clerk of court/magistrate judge positions. During the fiscal year, 38 retired magistrate judges were recalled to service under Title 28 U.S.C. Section 636(h). Table 13 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2003.

**Table 12**  
**Status of Bankruptcy Judgeship Positions**

*Fiscal Years 2003 Through 2007*<sup>1</sup>

Year	Authorized Judgeships	Vacancies	Recalled Judges
2003	324	15	35
2004	324	11	35
2005	352	37	32
2006	352	15	25
2007	352	13	27

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

## U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases this court hears address the classification and

valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners.

In 2007, this court reported 511 cases filed, an increase of 7 percent from 2006 (up 33 cases). Court staff attributed this growth to customs cases alleging that provisions of the

Harmonized Tariff Schedule discriminate on the basis of gender or age. New civil actions included 296 cases filed under 28 U.S.C. § 1581(a) or (b) that involved denied protests covering 19,547 entries of merchandise.

Case terminations plunged from 9,446 in 2006 to 592 in 2007. The large number of terminations during the previous fiscal year arose from the Supreme Court's decision in *United States Shoe Corp. v. United States*, 523 U.S. 360 (1998), which declared the Harbor Maintenance Tax (HMT) unconstitutional. In response to this decision, the Court of International Trade dismissed 8,864 HMT actions in December 2005.

Because terminations outnumbered filings, pending cases dropped 4 percent to 2,106 on September 30, 2007. Appendix Table G-1 provides a summary of cases filed, terminated and pending during 2006 and 2007.

## U.S. Court of Federal Claims

The U.S. Court of Federal Claims has nationwide jurisdiction over a variety of monetary claims against the federal government, including

those involving tax refunds, federal taking of private property for public use, pay and dismissal of federal civilian employees, pay and dismissal of military personnel, land claims brought by Native Americans and/or their Tribe(s), contract disputes, bid protests, patents and copyright, congressional reference, and the National Vaccine Injury Compensation Act.

In 2007, filings in the court rose 3 percent from 1,068 to 1,098. Vaccine case filings grew by 86 cases. Filings involving land claims brought by Native Americans increased by 42 cases, and filings involving federal taking of property for public use rose by 11 cases.

Case terminations climbed from 837 to 1,054. As filings outnumbered terminations, pending cases grew from 7,760 to 7,815.

In cases terminated in 2007, judgments for plaintiffs/petitioners exceeded \$2.7 billion, of which more than \$42 million was interest. Many of these judgments were based on settlements between the parties. Judgments for the United States on counterclaims or offsets totaled over \$53 million. Under its nonmonetary jurisdiction, the court disposed of 69

**Table 13**  
**U.S. Magistrate Judge Positions Authorized by the Judicial Conference**  
*2003 Through 2007*

Year	Period	Total	Full Time	Part Time	Combination
2003	March	540	487	50	3
	September	543	491	49	3
2004	March	546	495	48	3
	September	548	500	45	3
2005	March	548	500	45	3
	September	551	503	45	3
2006	March	551	503	45	3
	September	553	505	45	3
2007	March	553	505	45	3
	September	552	505	45	3

contract cases seeking injunctive or declaratory relief.

Pursuant to 28 U.S.C. 791(c), each January the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the

claimants, the nature of the claims, and their dispositions. Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims for the year ending September 30, 2007.