

Judicial Caseload Indicators
12-Month Periods Ending September 30

Judicial Caseload	2000	2005	2008	2009	% Change Since 2000	% Change Since 2005	% Change Since 2008
U.S. Courts of Appeals ¹							
Cases Filed	54,697	68,473	61,104	57,740	5.6	-15.7	-5.5
Cases Terminated	56,512	61,975	59,096	60,508	7.1	-2.4	2.4
Cases Pending	40,261	57,450	53,332 ²	50,564	25.6	-12.0	-5.2
U.S. District Courts							
Civil							
Cases Filed	259,517	253,273	267,257	276,397	6.5	9.1	3.4
Cases Terminated	259,637	271,753	234,571	263,703	1.6	-3.0	12.4
Cases Pending	250,202	265,484	294,122 ²	306,816	22.6	15.6	4.3
Criminal (Includes Transfers)							
Cases Filed	62,745	69,575	70,896	76,655	22.2	10.2	8.1
Defendants Filed	83,963	92,226	92,355	97,982	16.7	6.2	6.1
Cases Terminated	58,102	66,561	70,629	75,077	29.2	12.8	6.3
Cases Pending	47,677	69,932	75,340 ²	76,918	61.3	10.0	2.1
U.S. Bankruptcy Courts							
Cases Filed	1,262,102	1,782,643	1,042,806 ²	1,402,816	11.1	-21.3	34.5
Cases Terminated	1,256,874	1,581,287	975,296	1,197,649	-4.7	-24.3	22.8
Cases Pending	1,378,139	1,855,841	1,350,175 ²	1,555,388	12.9	-16.2	15.2
Post-Conviction Supervision							
Persons Under Supervision	100,395	112,931	120,676	124,183	23.7	10.0	2.9
Pretrial Services							
Total Cases Activated	87,513	99,365	99,670 ²	105,294	20.3	6.0	5.6
Pretrial Services Cases Activated	85,617	97,508	98,244	104,217	21.7	6.9	6.1
Pretrial Diversion Cases Activated	1,896	1,857	1,426 ²	1,077	-43.2	-42.0	-24.5
Total Released on Supervision	34,547	34,860	31,951 ²	29,615	-14.3	-15.0	-7.3
Pretrial Supervision	32,388	32,968	30,653 ²	28,418	-12.3	-13.8	-7.3
Diversion Supervision	2,159	1,892	1,298 ²	1,197	-44.6	-36.7	-7.8

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

² Revised.

Caseload Highlights

U.S. Courts of Appeals

- Filings in the regional appeals courts declined 6 percent to 57,740.
- Appeals of administrative agency decisions dropped 26 percent, and civil appeals fell 2 percent.
- Criminal appeals remained stable.
- Bankruptcy appeals rose 3 percent, and original proceedings climbed 2 percent.
- Appeals involving pro se litigants fell 1 percent.

U.S. District Courts

- Combined filings of civil and criminal cases in the U.S. district courts grew 4 percent to 353,052.

Civil Filings

- Civil filings rose 3 percent to 276,397.
- Federal question filings increased 1 percent.
- The total for diversity of citizenship cases climbed 10 percent.
- Filings with the United States as plaintiff or defendant decreased 2 percent.

Criminal Filings

- Criminal case filings (including transfers) rose 8 percent to 76,655, and criminal defendants grew 6 percent, setting a new record of 97,982.
- Immigration filings reached all-time highs as cases climbed 21 percent and defendants increased 19 percent.
- Fraud cases grew 8 percent to set a new record, and fraud defendants rose 4 percent.
- Overall drug cases went up 5 percent, and defendants in those cases increased 4 percent.

U.S. Bankruptcy Courts

- Bankruptcy filings increased 35 percent to 1,402,816.
- Filings increased in 93 of 94 districts.
- Filings rose 45 percent under chapter 7, rose 68 percent under chapter 11, rose 47 percent under chapter 12, and rose 13 percent under chapter 13.
- Business petitions climbed 52 percent, and nonbusiness petitions increased 34 percent.

Federal Probation and Pretrial Services System

- On September 30, 2009, the number of persons under post-conviction supervision was 124,183, an increase of nearly 3 percent over the total one year earlier.
- Persons serving terms of supervised release after leaving correctional institutions rose more than 4 percent and accounted for 80 percent of all persons under supervision.
- Cases opened in the pretrial services system, including pretrial diversion cases, grew nearly 6 percent to 105,294.

Judicial Business

This report on the business of the Federal Judiciary for the fiscal year ending September 30, 2009, 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 1.

Most major areas of the federal court system reported growth this year. Bankruptcy petitions rose nearly 35 percent to 1,402,816. Overall filings for the U.S. district courts increased 4 percent to 353,052 as civil filings climbed more than 3 percent to 276,397 and criminal case filings climbed 8 percent to 76,655. The U.S. Courts of Appeals had a 6 percent decrease in filings to 57,740. The number of persons under post-conviction supervision rose 3 percent to 124,183. The number of cases opened in the pretrial services system grew 6 percent to 105,294.

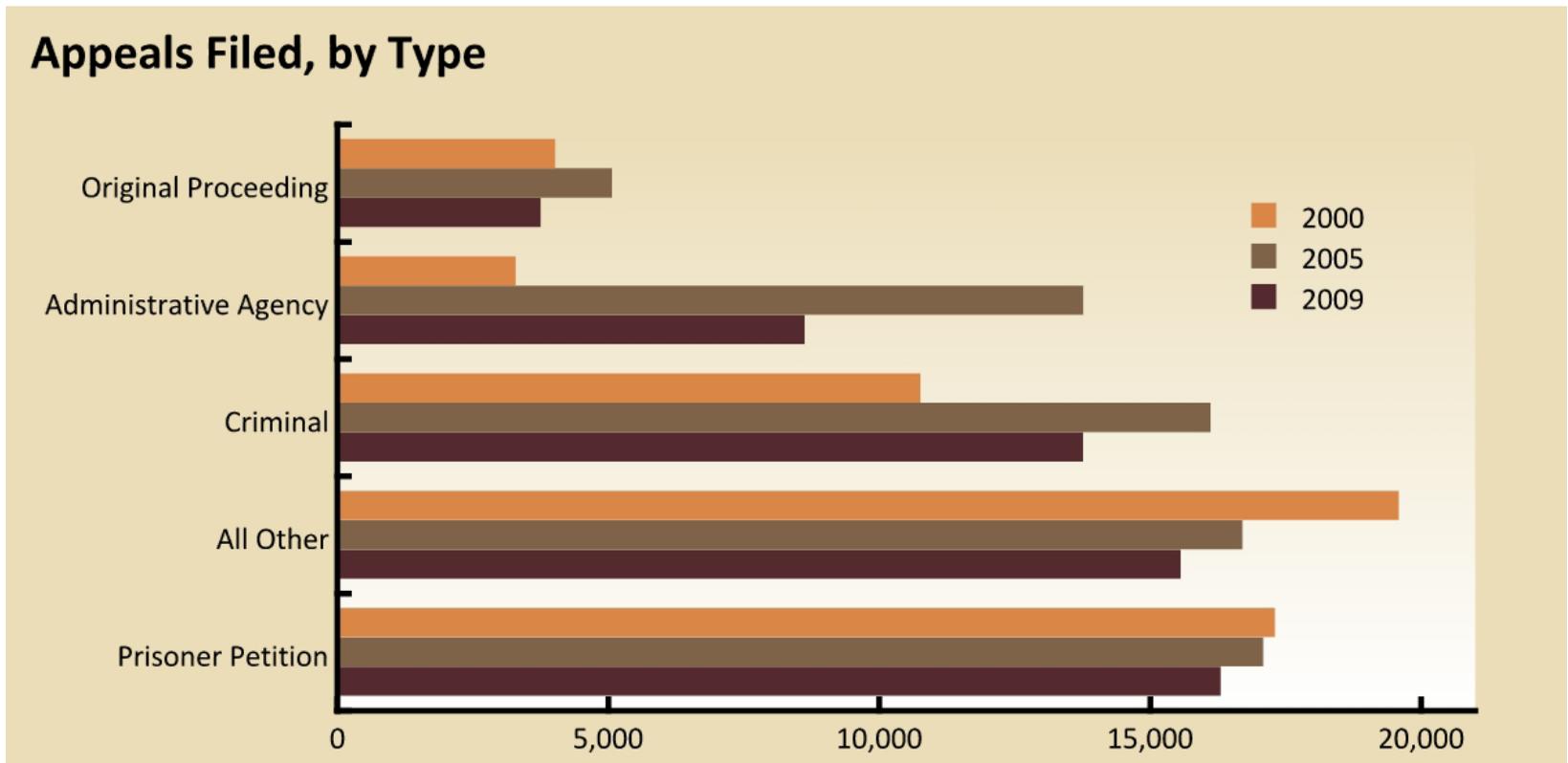


U.S. Courts of Appeals

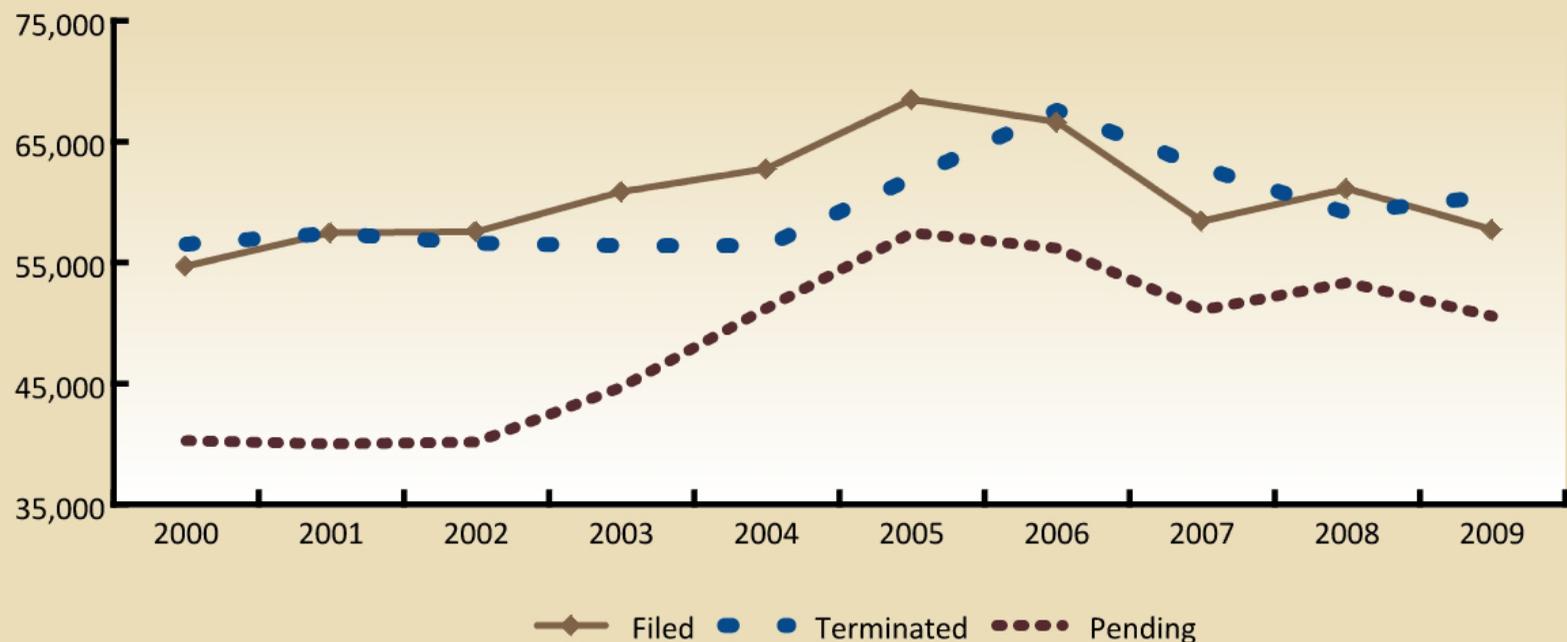
In 2009, filings in the regional courts of appeals declined 6 percent to 57,740, reaching levels typical before 2003. Filings of criminal appeals, bankruptcy appeals, and original proceedings rose, but reductions occurred in filings of civil appeals and appeals of administrative agency decisions. The overall decline stemmed mainly from a drop in administrative agency appeals involving the Board of Immigration Appeals (BIA).

Terminations of appeals increased 2 percent to 60,508; terminations per panel rose from 1,068 to 1,087. As terminations outnumbered filings, pending appeals dropped 5 percent to 50,564. The median time from filing of a notice of appeal to final disposition was 12.2 months, 15 days shorter than the median time in 2008.

Administrative agency appeals dropped 26 percent to 8,570. Challenges to BIA decisions, which had grown 13 percent in 2008, fell 27 percent this year to 7,518. As in previous years, 2009



Appeals Filed, Terminated, and Pending



saw most BIA appeals filed in the Ninth Circuit (45 percent) and the Second Circuit (22 percent).

Criminal appeals rose by 43 appeals to 13,710 appeals, 10 percent higher than in 2004, the year the U.S. Supreme Court decided *Blakely v. Washington*, 542 U.S. 296 (2004), which declared the Washington state sentencing system unconstitutional and thereby provided potential additional grounds for appeal. In 2009, appeals related to violent crime, firearms, sex offenses, and

immigration increased. The growth was offset by declines in appeals addressing property crime, drugs, justice system offenses, and general offenses.

Bankruptcy appeals rose 3 percent to 793. Original proceedings increased 2 percent to 3,700. Civil appeals fell 2 percent to 30,967. Prisoner petitions declined 4 percent to 16,249, following a 9 percent increase in 2008. Appeals in U.S. civil cases and private civil cases rose 1 percent to 2,943 and 11,775, respectively.

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 2005 - 2009

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
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	51,063
2008	166 ¹	61,104	1,104	59,096	1,068	53,332 ²
2009	167	57,740	1,037	60,508	1,087	50,564
% Change						
2008 - 2009	—	-5.5	—	2.4	—	-5.2

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

¹ In 2008, the total number of authorized judgeships temporarily was reduced by the Court Security Improvement Act of 2007.

² Revised.

After climbing 11 percent in 2008, appeals involving pro se litigants declined 1 percent to 27,805 this year. Growth occurred in all types of pro se filings except prisoner petitions and adminis-

trative agency appeals. Criminal appeals by pro se litigants increased by 6 appeals to 2,375, twice the number filed in 2007, because of petitions filed in non-marijuana drug cases that

Table 2
U.S. Courts of Appeals
Sources of Appeals
Fiscal Years 2008 and 2009

Source	2008	2009	Percent Change
Total	61,104	57,740	-5.5
U.S. District Courts			
Criminal	13,667	13,710	0.3
Civil—Total	31,454	30,967	-1.5
Prisoner Petitions	16,853	16,249	-3.6
U.S. Civil	2,914	2,943	1.0
Private Civil	11,687	11,775	0.8
Other Appeals			
Bankruptcy	773	793	2.6
Administrative Agency	11,583	8,570	-26.0
Original Proceedings	3,627	3,700	2.0

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

addressed crack cocaine offense sentences. Pro se petitions filed by prisoners fell 3 percent to 14,513. Pro se administrative agency appeals dropped 17 percent to 2,406. Pro se original proceedings rose 14 percent to 3,377, and pro se bankruptcy appeal filings rose 29 percent to 314.

In 2005, appeals filings peaked as criminal appeals and administrative agency appeals reached their highest levels. From 2005 to 2009, appeals filings dropped 16 percent (down 10,733 appeals). Almost half of this decline occurred in administrative agency appeals, which fell 38 percent (down 5,143 appeals) as the BIA made fewer decisions, thereby reducing the pool of cases that could be appealed. Criminal appeals dropped 15 percent (down 2,350 appeals) and returned to more typical levels after the appeals courts processed a backlog of cases affected by *United States v. Booker*, 543 U.S. 220 (2005), which held that the mandatory application of federal sentencing guidelines violates a defendant's right to trial by jury. Civil appeals dropped 6 percent (down 1,851 appeals), original proceedings fell 26 percent (down 1,317 appeals), and bankruptcy appeals decreased 8 percent (down 72 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

Five circuits in the Federal Judiciary have bankruptcy appellate panels (BAPs). In 2009, filings in the BAPs increased 4 percent (up 31 appeals to 747). Growth occurred in the Ninth Circuit (up 41 appeals), Eighth Circuit (up 12 appeals), and Sixth Circuit (up 7 appeals). Filings fell by 10 appeals in the First Circuit and by 19 appeals in the Tenth Circuit.

From 2005 to 2009, overall BAP filings decreased 19 percent (down 174 appeals). This appears to have been a consequence of the Bankruptcy Abuse Prevention and Consumer Protection

Act of 2005 and the 15 percent drop in new bankruptcy filings (down 128,017 cases) since 2005 in the circuits with BAPs.

Data for the BAPs appear in Appendix Table B-11.

U.S. Court of Appeals for the Federal Circuit

Filings of appeals in the U.S. Court of Appeals for the Federal Circuit dropped 6 percent to 1,367 (down 92 appeals). Total filings per panel decreased from 365 to 342. Reductions occurred in appeals from 6 of 12 sources. Appeals from the U.S. Court of Federal Claims fell 25 percent (down 51 appeals to 154), primarily because of a drop in cases related to taxes. Appeals from the Merit Systems Protection Board decreased 9 percent (down 38 appeals to 381) as a result of fewer petitions addressing adverse federal agency actions (e.g., employee firings or suspensions).

The number of appeals terminated in 2009 dropped 19 percent to 1,417 (down 328 appeals). As terminations outnumbered filings, the number of appeals pending as of September 30, 2009, declined 5 percent to 897. Eleven percent of the court's decisions were reversals, compared to 13 percent in 2008.

Filings in 2009 were 12 percent below the total for 2005 (down 188 appeals). During the past five years, terminations of appeals have declined 15 percent (down 245 appeals), and the number of appeals pending at the end of the fiscal year has decreased 18 percent (down 197 appeals).

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

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

Total filings of civil and criminal cases in the U.S. district courts increased 4 percent this year to 353,052. Civil case filings rose 3 percent to 276,397, and criminal case filings rose 8 percent to 76,655. Civil and criminal case terminations climbed 11 percent to 338,780. As filings outnumbered terminations, the pending caseload of the district courts grew 4 percent to 383,734.

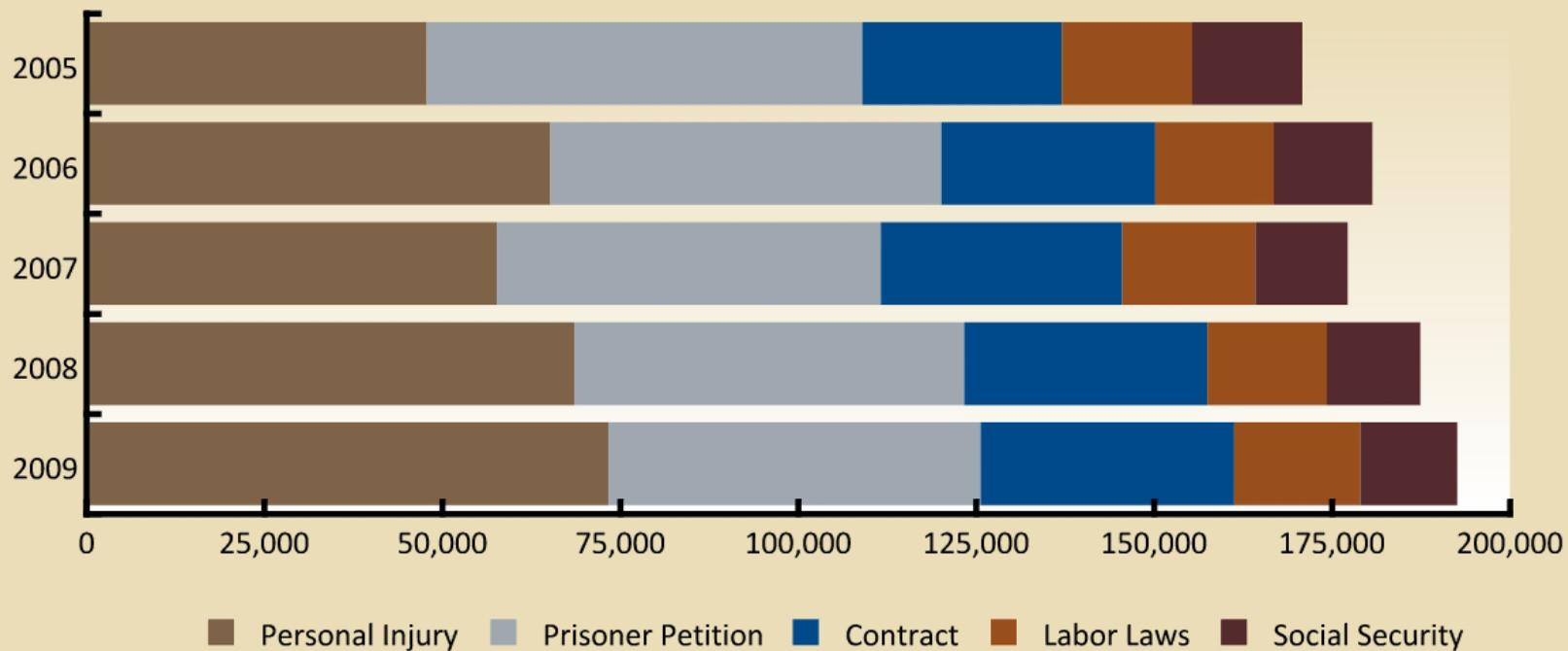
Civil Filings

Civil filings reported by the U.S. district courts rose 3 percent, increasing by 9,140 cases to 276,397, or 408 civil filings per authorized judgeship. 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) grew to 136,041 in response to increased filings addressing consumer credit, contract actions, and foreclosures. Diversity of citizenship cases totaled 97,209 as the courts handled more cases related to asbestos and civil rights cases dealing with employment.

Federal question filings involving consumer credit increased 53 percent (up 2,143 cases), fueled in part by the economic downturn, particularly in the nation's most populous districts. Contract actions grew 7 percent in response to increased filings of maritime attachment cases in the Southern District of New York (up 1,082 cases) involving tangible assets such as vessels, chattels, real property, and bank accounts. Filings of federal question private foreclosure cases tripled to 1,517, in part as a result of the weak real estate market and current recession.

Filings with the United States as plaintiff or defendant declined 2 percent (down 1,020 cases) to 43,144. Filings related to immigration laws rose 39 percent (up 636 cases) as habeas corpus filings addressing alien detainees (up 398 cases) and other filings involving immigration (up 387 cases) both jumped sub-

Civil Cases Filed, by Type of Case



stantially during the second year in which data were collected for these cases. Cases with the United States as plaintiff fell 8 percent (down 815 cases) as filings of defaulted student loans dropped 18 percent due to the continuing efforts by the U.S. Department of Education to improve the processing of these loans. Cases with the United States as defendant declined 1 percent to 34,310, mostly as a result of a 7 percent decrease in prisoner petitions.

Motions to vacate sentence fell 9 percent (down 581 petitions), and habeas corpus petitions dropped 5 percent (down 165 cases).

Civil case terminations increased 12 percent (up 29,132 terminations) to 263,703. The Eastern District of Pennsylvania closed 39,940 cases, the largest number in the nation.

The national median time from filing to disposition for civil cases was 8.9 months, up from 8.1 months in 2008. This rise

Table 3
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
 Fiscal Years 2005 - 2009

Year	Authorized Judgeships	Filed						Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases		
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	265,443
2008	678	267,257	394	3,447	54,786	68,121	140,903	234,571	294,122 ¹
2009	678	276,397	408	3,043	52,304	72,897	148,153	263,703	306,816
% Change									
2008 - 2009	—	3.4	3.6	-11.7	-4.5	7.0	5.1	12.4	4.3

¹ Revised.

stemmed mainly from the disposition of longstanding asbestos cases. The national pending civil caseload rose 4 percent to 306,816.

Over the past five years, the total for civil filings has climbed 9 percent (up 23,124 cases). Most of this growth has involved cases related to asbestos, consumer credit, contract insurance,

and marine contracts. Since 2005, significant reductions have occurred in filings addressing prisoner petitions, intellectual property, civil rights, and Social Security.

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.

Table 4
U.S. District Courts
Civil Cases Filed, by Jurisdiction
 Fiscal Years 2005 - 2009

Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
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	—
2008	267,257	9,649	34,515	134,582	88,457	54
2009	276,397	8,834	34,310	136,041	97,209	3
% Change 2009 - 2008	3.4	-8.4	-0.6	1.1	9.9	-94.4

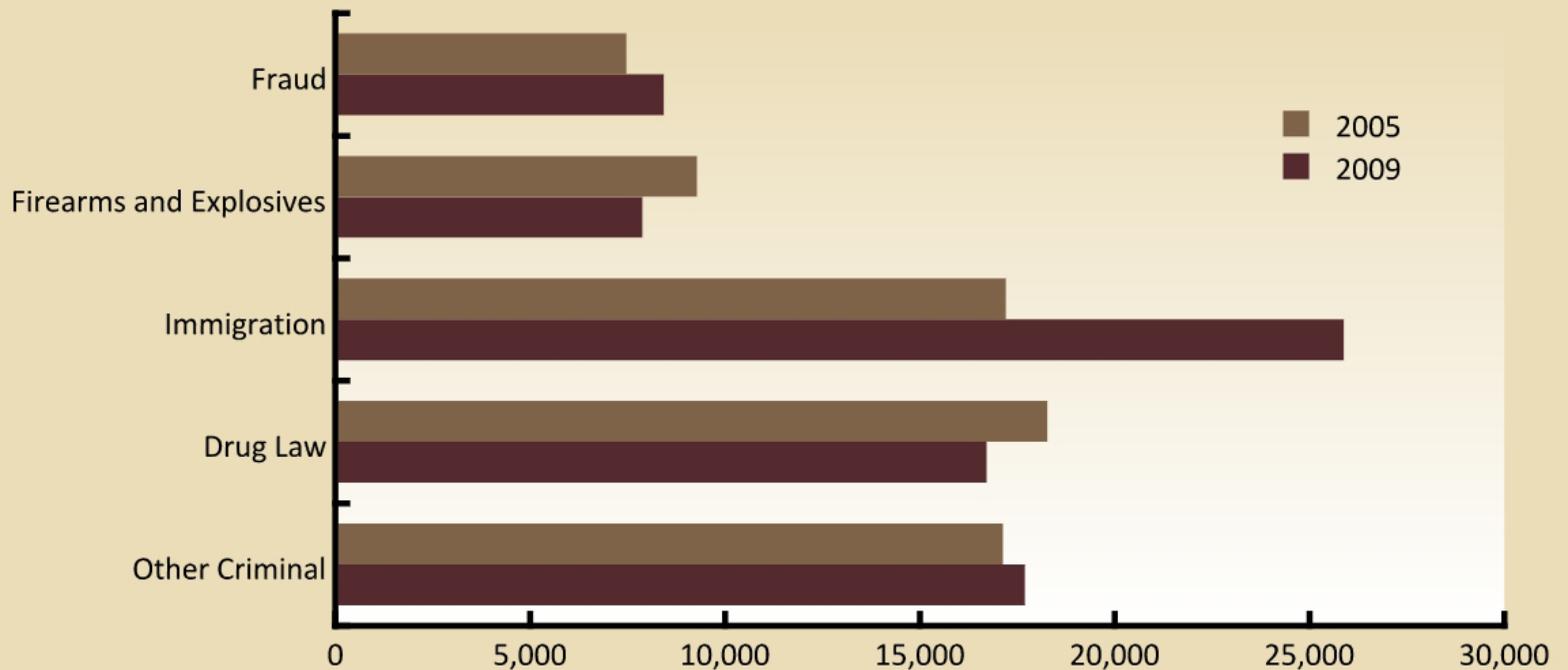
Criminal Filings

Criminal case filings (including transfers) rose 8 percent to 76,655, and defendants climbed 6 percent to 97,982, surpassing the record for defendants set in 2003. Criminal cases reached their highest level since 1932, the year before the Prohibition Amendment was repealed. Criminal cases filed per authorized judgeship grew from 105 in 2008 to 113 in 2009. Nationwide, district courts terminated 75,077 cases (up 6 percent) and 95,598

defendants (up 4 percent). As filings exceeded terminations, pending cases and defendants increased 2 percent to 76,918 and 105,723, respectively. The median case disposition time for defendants declined from 6.8 months in 2008 to 6.5 in 2009 as the proportion of defendants convicted of immigration law violations, which typically have shorter processing times than other crimes, rose in the overall criminal caseload.

Increases occurred in cases related to immigration, fraud, marijuana, traffic, and sex offenses. Filings in other offense

Criminal Cases Filed, by Offense



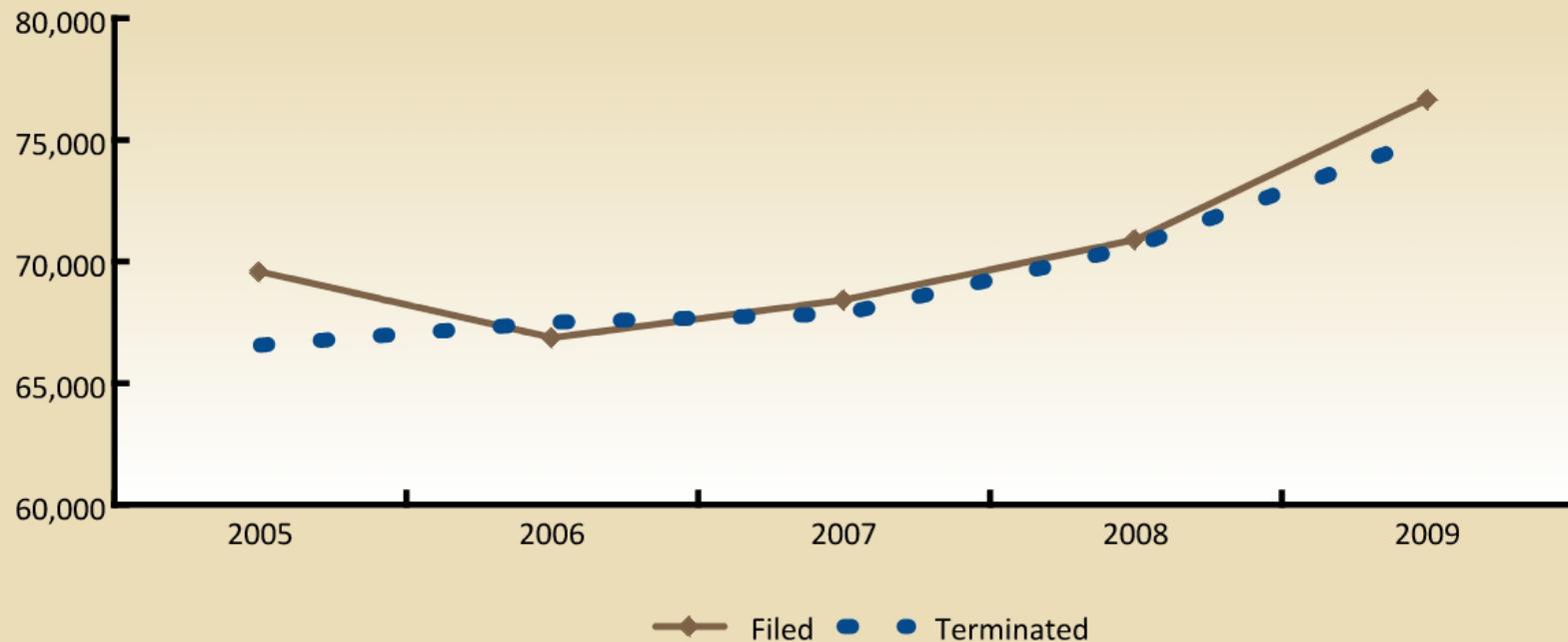
categories with significant numbers—non-marijuana drugs and firearms and explosives—declined.

Immigration filings climbed to record levels, with cases jumping 21 percent to 25,804 and defendants rising 19 percent to 26,961. This growth resulted mostly from filings addressing improper reentry by aliens and fraud and misuse of visas and entry permits. The charge of improper reentry by an alien accounted for 80 percent of all immigration cases and 77 percent of all immigra-

tion defendants. Seventy-three percent of all immigration cases were filed in the five southwestern border districts: the District of Arizona, Southern District of California, District of New Mexico, Southern District of Texas, and Western District of Texas.

Overall drug cases rose 5 percent to 16,636 cases, and defendants charged with drug crimes grew 4 percent to 30,144, due to 22 percent jumps in marijuana cases (up 993 cases) and marijuana defendants (up 1,368 defendants). Filings of

Criminal Cases Filed and Terminated (Including Transfers)



non-marijuana cases and defendants declined 1 percent. This year's rise in drug filings occurred mainly in the southwestern border districts, where they surged 136 percent in the District of Arizona, 63 percent in the Southern District of California, and 46 percent in the Southern District of Texas.

Filings of fraud cases rose 8 percent to a new record of 8,355. Defendants in fraud cases increased 4 percent to 11,147, just below the 2002 record. In 2009, fraud filings surpassed firearms and explosives filings to become the third-largest offense category. The increase in fraud filings stemmed from a surge in filings address-

ing identification documents and information. Such cases jumped 64 percent (up 857 cases), and defendants in these cases climbed 50 percent (up 792 defendants), largely as a result of filings in the Western District of Texas and the District of Arizona. Filings of cases involving attempts and conspiracy to defraud (a mail fraud offense) rose 35 percent, and defendants in such cases jumped 47 percent.

Excluding transfers, the federal courts concluded proceedings against 95,206 defendants, an increase of 4 percent over the total for 2008. Of these defendants, 86,314 were convicted, a 91

percent conviction rate, which was 1 percent higher than the rate in 2008. Eighty-eight percent of defendants disposed of (i.e., convicted or dismissed) pled guilty, 1 percent more than in 2008.

Over the last five years, filings of criminal cases (including transfers) have grown 10 percent. Filings of cases involving drugs, immigration, fraud, and firearms and explosives accounted for 77

Table 5
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending
(Including Transfers)
Fiscal Years 2005 - 2009

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
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	73,418
2008	678	70,896	105	15,784	70,629	75,340 ³
2009	678	76,655	113	16,636	75,077	76,918
% Change 2008 - 2009	—	8.1	—	5.4	6.3	2.1

¹ Data exclude transfers.

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

³ Revised.

percent of filings in 2009 and 75 percent in 2005. The proportion of drug cases in the overall criminal caseload has fallen from 26 percent in 2005 to 22 percent in 2009, and the proportion of immigration cases has risen from 25 percent in 2005 to 34 percent in 2009.

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

Trials Completed

The number of civil and criminal trials completed in the U.S. district courts by Article III judges in 2009 rose 1 percent to 13,360 (up 104 trials). Increases occurred both in civil nonjury trials and in criminal nonjury trials. 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.

Total civil trials grew 1 percent (up 26 trials) to 5,309 as 46 of the 94 district courts reported higher numbers of civil trials. Civil nonjury trials increased 2 percent (up 63 trials) to 3,171, with 49 district courts reporting higher numbers of these trials. Civil jury trials declined 2 percent (down 37 trials) to 2,138 as 47 district courts reported decreases in these trials.

Total criminal trials increased 1 percent to 8,051 (up 78 trials) as 45 districts reported more criminal trials in 2009. Criminal nonjury trials climbed 4 percent (up 176 trials), with 46 districts reporting more trial activity. Article III judges accepted guilty pleas from 75,907 felony defendants. From 2005 to 2009, the number of guilty pleas accepted by judges grew 13 percent as more felony defendants accepted plea agreements to avoid going to trial. In 2009, criminal jury trials dropped 3 percent to 3,052 (down 98 trials) as 48 districts reported reductions.

The number of trials lasting four days or longer fell 2 percent to 2,759. Over the past five years, trials lasting four days or longer

have declined 13 percent, although the overall number of trials has increased 5 percent. This growth was due primarily to a 7 percent increase in criminal trials. Most of the criminal trials have involved cases related to immigration, drugs, and weapons and firearms. Civil trials have risen less than 1 percent over the same period.

In addition to trials conducted by active and senior Article III judges, 6,492 trials were conducted by magistrate judges. These comprised 2,566 petty offense trials, 459 civil consent trials, 143 misdemeanor trials, and 3,324 evidentiary hearings.

Judges not only conduct trials, but 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 activities, and settlements. This year, 46 districts operated mediation and arbitration programs that involved more than 21,200 civil cases.

Appendix Tables C-7, C-8, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

Weighted Filings per Authorized Judgeship

In 2009, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship increased 2 percent to 480 (up 8 filings) from the total for 2008. The total number of weighted civil filings per judgeship rose 1 percent to 363, compared to the 359 weighted filings reported last year. Criminal weighted filings per judgeship increased 3 percent to 112.

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 of the Judicial Conference of the United States approved a new civil and criminal case weighting system developed by the Federal Judicial Center. Under this system, the average civil case or criminal defendant each receives 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); 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).

Fifty-eight of the 91 districts whose filings receive weights had increases in the total number of weighted filings (weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and Northern Mariana Islands). The Eastern District of California reported more than 100 weighted filings above its 2008 total, primarily because of prisoner petitions. That court became inundated with filings, which led the Ninth Circuit Judicial Council to authorize the use of visiting judges from other district courts in the circuit to provide case management relief.

Weighted civil filings rose in 56 of the 91 districts whose filings receive weights, decreased in 34 districts, and remained unchanged in 1 district. Forty-two of the 91 districts that report criminal weighted filings had increases, 45 had declines, and 4 had totals equal to last year's.

The total number of weighted supervised release hearings per judgeship, which include probation revocation hearings, grew 2 percent from 4.87 to 4.97 in 2009. Evidentiary supervised release hearings and probation revocation hearings each receive a weight of 0.22; non-evidentiary hearings each receive a weight of

0.14. Forty-eight district courts reported increases in weighted supervised release hearings.

Between 2005 and 2009, total weighted civil and criminal filings per authorized judgeship (including supervision hearings) declined 2 percent. During that period, combined civil unweighted filings per authorized judgeship and criminal unweighted defendant filings per authorized judgeship declined less than 1 percent. Over the past five years, unweighted civil filings have fallen mostly as a result of decreases in cases related to prisoner petitions, intellectual property rights, civil rights, and Social Security. The reduction in criminal unweighted defendant filings was associated with drops in defendants charged with fraud and drug 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 2009.

U.S. Magistrate Judges

Magistrate judges handled 982,295 judicial matters in 2009, an increase of 1 percent over the 968,921 matters they handled in 2008. The 257,266 civil pretrial matters handled by magistrate judges in 2009, which fell 4 percent from 2008, included 166,899 motions, 20,021 settlement conferences, and 49,150 other pretrial conferences.

Magistrate judges handled 171,226 felony pretrial matters in 2009, an increase of 4 percent from 2008. These included 96,948 motions and 27,197 pretrial conferences. Significant rises occurred in two categories of proceedings: felony guilty plea hearings (up 13 percent from 23,881 to 26,959) and pretrial conferences (up 16 percent from 23,542 to 27,197).

The number of civil cases concluded by magistrate judges with litigant consent was 11,402, an increase of more than 5 per-

cent from 2008. This is the second year of growth in this category following several years of declines after adjudications by magistrate judges peaked at 13,811 in 2003. The number of civil jury trials conducted by magistrate judges dropped in the past year from 313 to 305, and civil non-jury trials decreased from 211 to 154.

Magistrate judges disposed of 118,510 misdemeanor cases, a 5 percent rise from 2008. Of these, 9,378 were Class A misdemeanor cases. Magistrate judges conducted 349,714 felony preliminary proceedings, an increase of more than 3 percent from 2008, including 101,848 initial appearances (up 3 percent from 2008) and 64,572 arraignments (up 6 percent from 2008). They also conducted 48,382 detention hearings, which tend to be among the more time-consuming felony preliminary proceedings. They acted on 7 percent more search warrant applications (up from 37,634 to 40,093) and 3 percent more arrest warrants/summons (up from 44,160 to 45,679).

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 United States Judicial Panel on Multidistrict Litigation acted on 22,037 civil actions pursuant to 28 U.S.C. § 1407 during 2009. The Panel transferred 6,085 cases originally filed in 92 district courts to 52 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 15,952 actions initiated in the transferee districts. Product liability cases addressing drywall manufactured in China and securities cases related to the activities of Bernard Madoff were among the Panel's transfer determinations. The Panel did not order transfer in 26 newly docketed litigations involving 187 actions.

Since the creation of the Panel in 1968, it has centralized 323,258 civil actions for pretrial proceedings. As of September 30,

2009, a total of 11,737 actions had been remanded for trial, 395 actions had been reassigned within the transferee districts, 223,126 actions had been terminated in the transferee courts, and 88,000 actions were pending throughout 60 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 during the current year and cumulative since 1968. All statistical information on multidistrict litigation traffic in the federal courts is maintained by the Clerk's Office of the U.S. Judicial Panel on Multidistrict Litigation. Information on specific cases or districts may be obtained from that office.

U.S. Bankruptcy Courts

In 2009, a total of 1,402,816 bankruptcy petitions were filed in the U.S. courts, an increase of 35 percent from 2008 and the greatest number of bankruptcy filings in any fiscal year since 2005. The 2005 total was higher because many debtors rushed to file petitions before October 17, 2005, the date the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) took effect. Table 6 reports data on bankruptcy cases filed, terminated, and pending and Table 7 reports detailed data on filings by chapter.

In 2009, filings exceeded 2008 totals in 93 of 94 districts (only the District of the Northern Mariana Islands reported fewer filings in 2009, a reduction from 14 petitions to 11). The largest percentage increases occurred in the District of the Virgin Islands (up 107 percent), the District of Arizona (up 83 percent), and the Central District of California (up 71 percent). Six additional districts—the Districts of Guam, Nevada, Utah, Hawaii, Delaware, and Wyoming—experienced increases of 60 percent or more.

Many of the districts that reported substantial increases in 2009 also had substantial increases in 2008. The District of

Table 6
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, Terminated, and Pending
Fiscal Years 2005 - 2009

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
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	1,275,949
2008	1,042,806 ¹	1,004,171 ¹	38,635 ¹	975,296	1,350,175 ¹
2009	1,402,816	1,344,095	58,721	1,197,649	1,555,388
% Change 2008 - 2009	34.5	33.9	52.0	27.8	15.2

¹ Revised.

Arizona saw its filings increase 83 percent in 2009 following a 73 percent increase in filings in 2008, and the Central District of California experienced a 71 percent increase in 2009 after a 96 percent increase in 2008. In those two districts, filings more than tripled from 2007 to 2009. In 12 additional districts—the District of Nevada, the Eastern District of California, the Southern District of California, the Northern District of California, the

Southern District of Florida, the Middle District of Florida, the District of Delaware, the District of Hawaii, the District of Utah, the Western District of Washington, the Eastern District of Virginia, and the District of Rhode Island—filings have more than doubled in the past two years.

The bankruptcy code provides for the filing of bankruptcy petitions under six chapters. Under chapter 7, assets are

liquidated for distribution to creditors. BAPCPA created new requirements for docketing, notices, and hearings for chapter 7 petitions, thereby raising the amount of court resources required to process chapter 7 petitions. Chapter 7 cases constituted a greater percentage of filings in 2009 than in 2008, accounting for 71 percent of bankruptcy petitions filed in

2009, compared to 65 percent in 2008. Chapter 7 filings rose 45 percent to 989,227 in 2009, climbing in 93 of 94 districts. (Only the District of the Northern Mariana Islands reported fewer chapter 7 filings in 2009, a reduction from 14 petitions to 10 petitions.) The largest percentage increase in chapter 7 filings occurred in the District of the Virgin Islands (up 100 per-

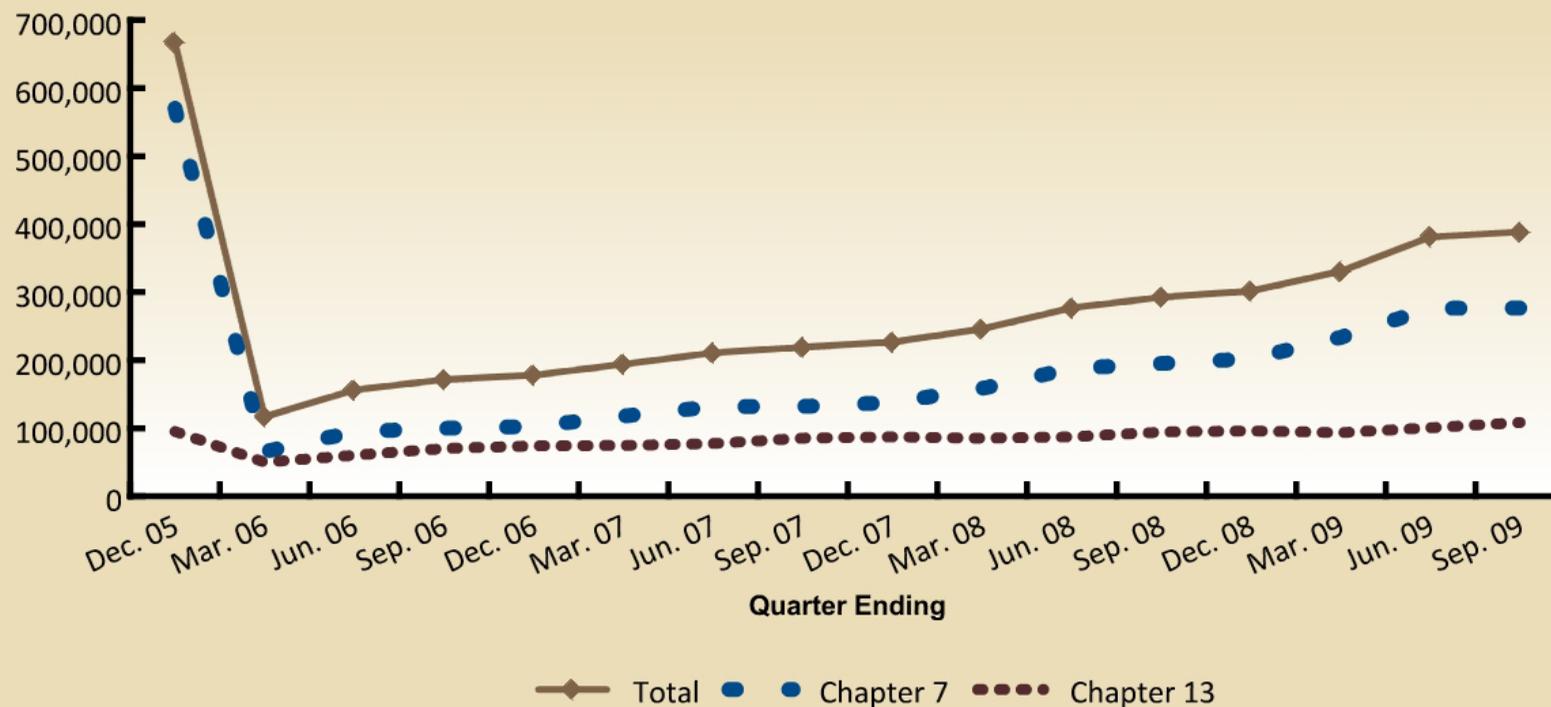
Table 7
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, by Chapter of the Bankruptcy Code
Fiscal Years 2005 - 2009

Year	Total	Chapter				
		7	11	12	13	Other ¹
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
2008	1,042,806 ²	679,898 ²	8,785 ²	332	353,739 ²	52
2009	1,402,816	989,227	14,745	487	398,210	147
% Change 2008 - 2009	34.5	45.5	67.8	46.7	12.6	182.7

¹ Includes cases filed under chapters 9 and 15 of the bankruptcy code.

² Revised.

Bankruptcy Filings, by Quarter

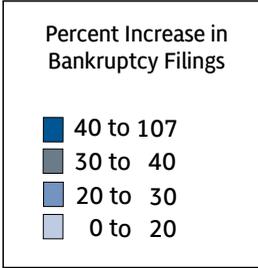
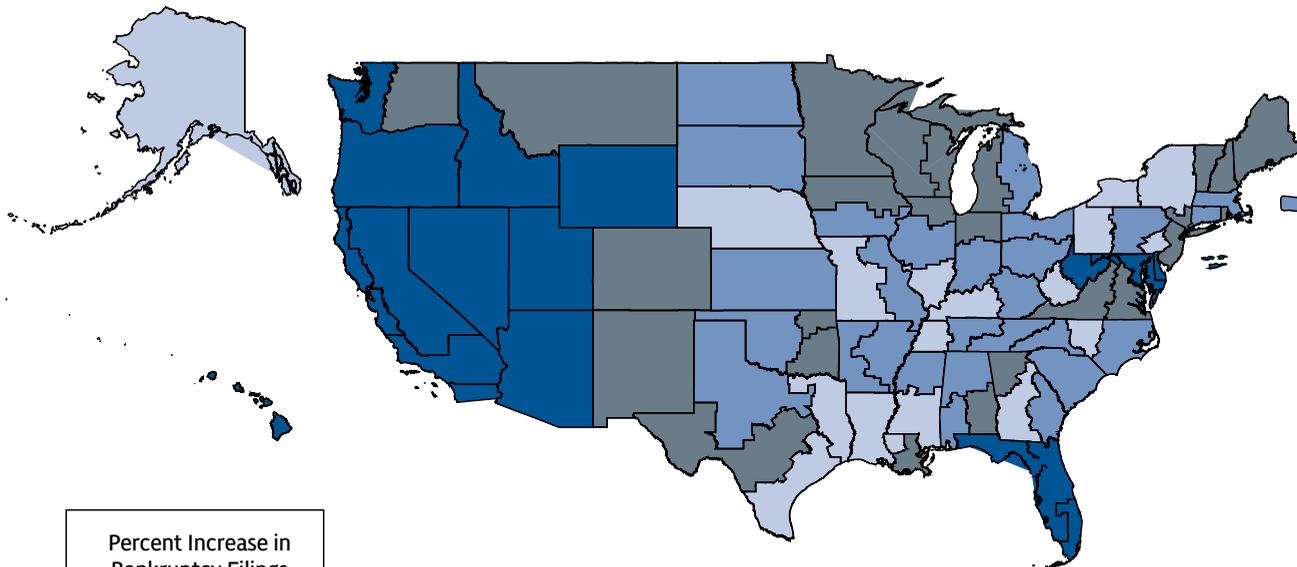


cent), followed by the District of Arizona (up 92 percent) and the District of Utah (up 79 percent). Twenty-five districts had increases of more than 50 percent in chapter 7 filings in 2009.

Chapter 11 provides for reorganization of financial structure and continued operation while the filer (usually a business) is in bankruptcy. Chapter 11 petitions typically require greater involvement by judges than do petitions filed under other chapters, but they account for a relatively small por-

tion of overall filings (about 1 percent of all 2009 filings). During 2009, chapter 11 petitions increased 68 percent to 14,745, up from 8,785 in 2008. Eighty districts experienced increases in chapter 11 filings, 2 districts (the District of Vermont and the District of the Northern Mariana Islands) experienced no change, and 12 districts experienced declines. The greatest numeric increases in chapter 11 filings occurred in the Southern District of New York (up 1,148 cases, or 231 percent), the

2008 - 2009 Percent Increase in Bankruptcy Filings



District of Delaware (up 1,059 cases, or 176 percent), and the Central District of California (up 299 cases, or 42 percent).

Chapter 12 allows family farmers and fishermen to propose and carry out plans to repay all or part of their debts. Chapter 12 filings increased 47 percent, rising from 332 in 2008 to 487 in 2009. The Middle District of Florida had the highest number of Chapter 12 filings with 26 petitions filed.

Chapter 13 allows debtors with regular income who do not exceed specified debt limits to file a plan to repay some or all of their debts and retain some of their assets under court-confirmed plans. A repayment plan typically lasts from three to five years. In 2009, chapter 13 filings rose 13 percent to 398,210 and accounted for 28 percent of all filings in 2009, compared to 34 percent in 2008. Seventy-three districts experienced increases in chapter 13 filings in 2009, and the remaining 21 districts experienced declines. The greatest numeric increase in chapter 13 filings occurred in the Central District of California (up 55 percent to 21,409), followed by the Northern District of California (up 52 percent to 9,524). The Eastern District of Michigan experienced the greatest decline in chapter 13 filings, falling 10 percent to 9,193.

Chapter 9 petitions involve municipalities. Seven chapter 9 petitions were filed in 2009, up from four such filings in 2008. Chapter 15 filings typically involve foreign entities and cross-border insolvency. A total of 140 chapter 15 petitions were filed in 2009, up from 48 in 2008.

During 2009, filings by debtors with primarily nonbusiness debts totaled 1,344,095, a 34 percent increase over 2008. Non-business filings accounted for 96 percent of all filings, the same percentage as 2008. Chapter 7 nonbusiness filings increased 45 percent, chapter 11 nonbusiness filings increased 56 percent, and chapter 13 nonbusiness filings increased 13 percent.

Filings involving primarily business debts totaled 58,721, a 52 percent increase over 2008. Chapter 7 business filings rose 51 percent, chapter 11 business filings rose 69 percent, chapter 12 business filings rose 47 percent, and chapter 13 business filings increased by 19 percent.

A total of 1,197,649 bankruptcy cases were closed in 2009. The number of cases pending on September 30, 2009, grew 15 percent to 1,555,388.

From 2005 to 2009, total bankruptcy filings declined 21 percent. The number of nonbusiness filings declined 23 percent, although the number of business filings increased 72 percent.

In the third full year following the enactment and effective date of BAPCPA, the long-term effects of BAPCPA on the federal courts remained unclear. In the short term, BAPCPA appears to have initially suppressed the number of bankruptcy petitions filed. Bankruptcy filings have risen in each of the last two years, but those increases may be related to continuing economic weakness—as indicated by increasing unemployment and by continued instability in the housing market in several regions of the country. Filings under chapters 7 and 11 have continued to rise significantly. After falling last year, chapter 12 filings increased in 2009. Chapter 13 filings have steadily risen, albeit at a slower rate than filings under chapter 7 and chapter 11, so they account for a lower percentage of overall filings in 2009 than in 2008.

Detailed data on bankruptcy cases filed, terminated, and pending by district appear in Appendix Tables F and F-2.

Adversary Proceedings

Filings of adversary proceedings in the U.S. bankruptcy courts jumped 21 percent in 2009 to 55,530 (up 9,660 proceedings), after falling 8 percent in 2008 year to 45,870. The 2009 total was 31 percent below the total for 2005.

Sixty-six districts reported increases in filings of adversary proceedings in 2009. Thirty-one districts had increases of more than 20 percent, and of these districts, 14 had increases of more than 50 percent. Decreases occurred in 26 districts. Filings in the District of Guam remained unchanged, and the District of the Northern Mariana Islands did not report any filings. The Eastern District of Michigan had the greatest increase in filings with a rise of 1,416 cases (up 69 percent), followed by the Middle District of Florida with an increase of 1,225 cases (up 96 percent). These two districts attributed their growth to overall increases in chapter 11 bankruptcy filings.

The number of adversary proceedings closed increased 1 percent to 50,008. Pending adversary cases grew 9 percent to 64,142 as of September 30, 2009.

Adversary proceedings are contested matters 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. Adversary proceedings occasionally arise in relation to consumer bankruptcy cases, but most generally are connected to chapter 11 bankruptcies. Statutory time constraints on the filing of adversary proceedings generally cause trends and shifts in chapter 11 bankruptcy petitions in one year to affect filings of adversary proceedings about two years later.

Data on adversary proceedings by district appear in Table F-8 in the appendix.

Criminal Justice Act

In 2009, a total of 204,028 appointments of counsel took place under the Criminal Justice Act (CJA), a decrease of 5 percent from the 213,758 appointments in 2008. An 18 percent increase in appointments in 2008 was associated with cases

involving immigration and the retroactive application of amendments to sentencing guidelines for crack cocaine offenses. This year, representations in crack cocaine cases fell to more typical levels. Also, a procedural change in the Western District of Texas caused panel attorneys to handle significantly fewer immigration cases.

Representations by the 79 federal public and community defender organizations (including representations in criminal matters, appeals, and habeas corpus proceedings) declined 7 percent to 123,195. Appointments of panel attorneys dropped 1 percent to 80,833.

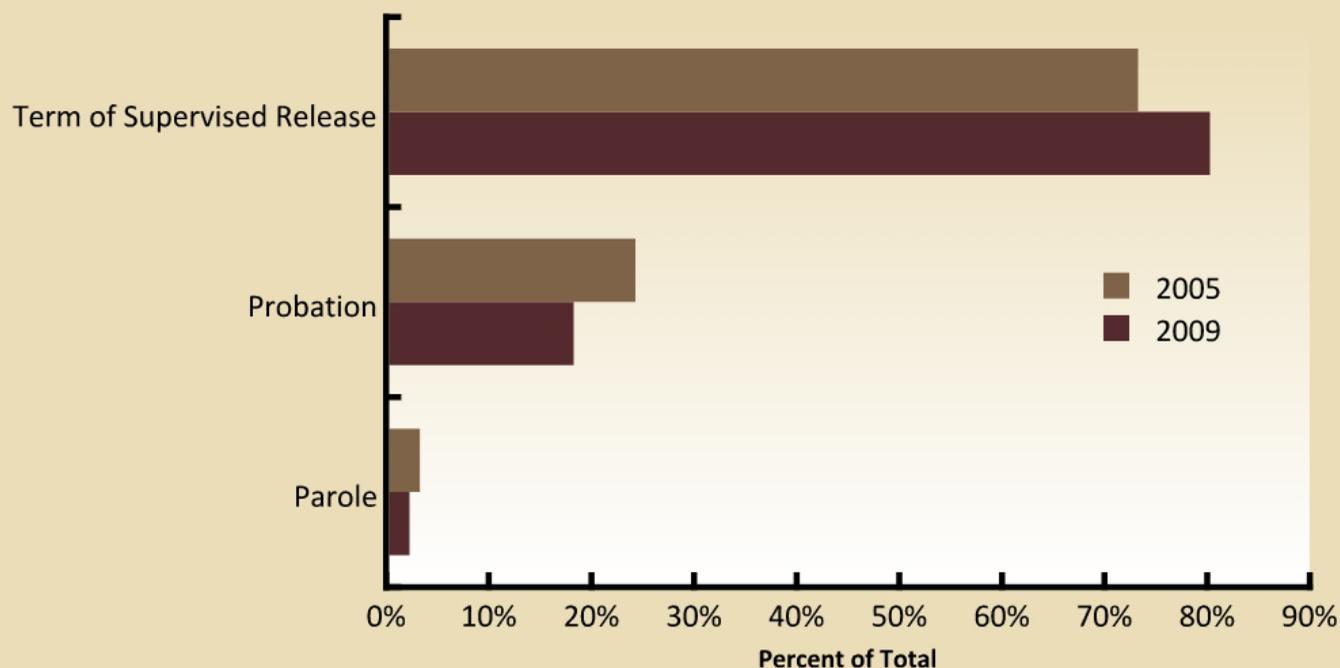
The CJA provides funding for the legal representation in federal criminal and related proceedings of individuals with limited financial resources. In each district, a plan exists for providing representations through private panel attorneys and, where established, federal public or community defender offices.

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 2009.

Post-Conviction Supervision

On September 30, 2009, the number of persons under post-conviction supervision was 124,183, an increase of nearly 3 percent over the 120,676 persons under supervision on the same date in 2008. From 2005 to 2009, persons under post-conviction supervision grew by 11,252 or 10 percent. Persons who were serving terms of supervised release following a release from a correctional institution rose more than 4 percent from 95,159 in 2008 to 99,140 in 2009 and increased slightly less than 20 percent over the past five years. The 99,140 persons released from correc-

Post-Conviction Supervision as of September 30



tional institutions who were serving terms of supervised release on September 30, 2009, accounted for 80 percent of all persons under supervision, compared to 79 percent the previous year and 73 percent in 2005.

Cases involving probation imposed by district and magistrate judges fell 1 percent from 22,980 cases in 2008 to 22,731 cases in 2009 and accounted for 18 percent of all persons under post-conviction supervision (down from 19 percent in 2008).

Parole cases dropped nearly 9 percent from 2,378 cases in 2008 to 2,172 cases in 2009.

Of the 124,183 persons under supervision at the end of the fiscal year, more than 46 percent had been convicted of drug offenses, the same percent as in 2008 and 2 percent above 2005. Collectively, the number of persons convicted of property offenses decreased from 27,814 in 2008 to 27,343 in 2009. The proportion of persons under post-conviction supervision for property of-

Table 8
Federal Post-Conviction Supervision
 Fiscal Years 2005 - 2009

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
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
2008	61,964	58,141	56,925	52,887	120,676
2009	60,862	57,033	56,583	52,587	124,183
% Change 2008 - 2009	-1.8	-1.9	-0.6	-0.6	2.9

fenses in 2009 was 22 percent, down from 23 percent the previous year and 27 percent in 2005. Firearms offenses (reported in prior periods as “weapons and firearms” offenses) accounted for more than 11 percent of persons under post-conviction supervision in 2009, up from slightly more than 8 percent in 2005.

Excluding transfers, the number of persons received for supervision fell 2 percent from 58,141 in 2008 to 57,033 in 2009. The number of persons released from correctional institutions who were received for terms of supervised release decreased almost 2 percent from 45,236 cases in 2008 to 44,557

cases in 2009. This caused an overall reduction in the proportion of institutional cases in the total national caseload.

Probation cases decreased 2 percent from 11,493 cases in 2008 to 11,292 cases in 2009. Parole cases (including cases involving special parole, military parole, and mandatory release) also declined from the previous year. Overall, parole cases dropped nearly 17 percent (down 142 cases to 687).

The number of cases closed from post-conviction supervision (including those involving transfers out and deaths) increased less than 1 percent from 54,085 in 2008 to 54,266 this year. The proportion of post-conviction cases terminated successfully remained the same at 73 percent. Of those cases closed successfully, 18 percent were closed by early termination, down from 19 percent from the previous year. Technical violations accounted for nearly 63 percent of the 13,470 revocations reported in 2009, a 2 percent increase from the previous year. Revocations for new offenses accounted for 37 percent of revocations, compared to 39 percent in 2008. Revocations for new offenses accounted for 5,047 (10 percent) of the 49,410 supervision cases terminated in 2009 (excluding cases transferred out and cases closed due to death).

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 increased nearly 3 percent from 74,973 in 2008 to 76,970 in 2009. Nearly 94 percent of these reports (72,107) 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 guidelines. Modified presentence reports, which are less comprehensive investigative reports, represented 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, decreased from 192 in 2008 to 168 in 2009. Reports involving petty offenses, reports for treaty transfer cases, and supplemental reports to the Bureau of Prisons constituted the remaining 3 percent.

Substance Abuse Treatment

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 presented here reflect only Judiciary-funded substance abuse treatment and exclude costs associated with substance abuse testing.

Of the 72,545 offenders under supervision with substance abuse treatment conditions, 32,025 received Judiciary-funded treatment. The Federal Judiciary spent an average of \$1,012 on each of these offenders for a total of \$32,412,693 in 2009. Nationwide, 44 percent of offenders with conditions requiring substance abuse treatment received Judiciary-funded treatment, 1 percent fewer than in 2008.

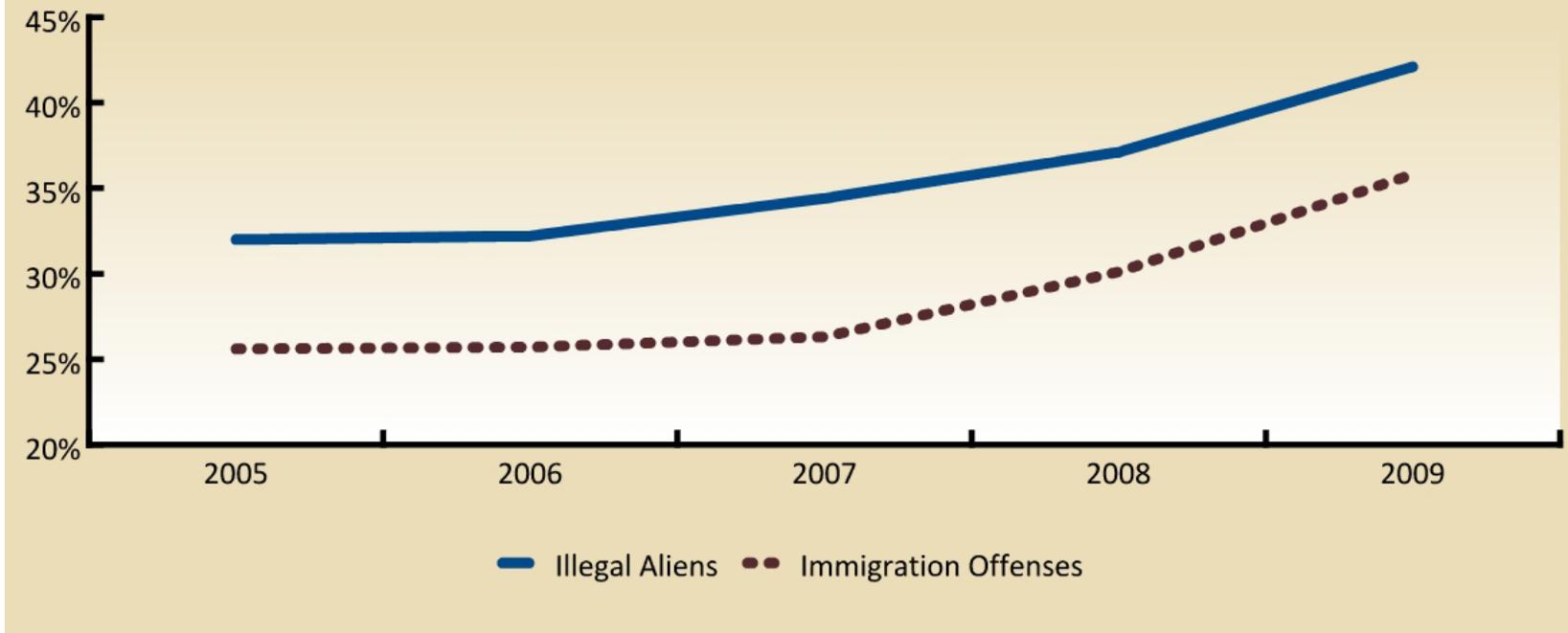
Table S-13 contains additional information on Judiciary-funded substance abuse treatment services in the federal probation system.

Pretrial Services

The number of cases opened in the pretrial services system, including pretrial diversion cases, rose from 99,670 cases in 2008 to 105,294 cases in 2009, an increase of nearly 6 percent (up 5,624 cases).

The proportion of cases opened in which the major offense involved immigration rose 6 percentage points to 36 percent of

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



the total. The proportion of pretrial services cases opened in which the major offense charged involved drugs fell 2 percentage points from 31 percent in 2008 to 29 percent in 2009. Cases involving property offenses represented 13 percent of pretrial services cases opened this year. Cases involving firearms offenses dropped to 7,618 in 2009 from 7,924 in 2008, a decrease of less than 4 percent.

Pretrial services officers (PSOs) prepare pretrial services reports that ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for ordering the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2009, PSOs prepared 100,959 pretrial services reports, an increase of nearly 6 percent

Table 9
Summary of Pretrial Services Cases
 Fiscal Years 2008 and 2009

	2008	2009	Percent Change
Total Cases Activated	99,670	105,294	5.6
Pretrial Services Cases	98,244	104,217	6.1
Pretrial Diversion Cases	1,426	1,077	-24.5
Total Released on Supervision	31,951	29,615	-7.3
Pretrial Supervision	30,653	28,418	-7.3
Diversion Supervision	1,298	1,197	-7.8
Type of Report			
Pre-Bail	90,991	95,724	5.2
Other Reports (Including Post-Bail)	4,672	5,235	12.1
No Report	2,581	3,258	26.2

from the previous year. Nearly 95 percent of pretrial services reports prepared were pre-bail reports; the remaining ones consisted of other reports, including post-bail reports. Table 9 presents data on pretrial services cases and reports for 2009.

Because some cases are transferred out or dismissed prior to the initial bail decision, cases in which bail decisions were

made by the activating district constitute a subset of total cases activated (104,217). Excluding these cases, as well as cases for which release is not possible within 90 days, 100,838 bail determinations were made by the courts in 2009. Including immigration cases involving crimes such as illegal reentry, 34 percent of the defendants were released. When immigration cases were excluded, the percentage of defendants released was 47 percent.

A total of 29,615 defendants were received for supervision in the pretrial services system in 2009, a decrease of more than 7 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 are more likely to be detained given their higher risk of failure to appear in court. Forty-two percent of defendants in pretrial services cases were illegal aliens, up 5 percentage points from 2008.

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. In 2009, a total of 32,147 defendants were released with specified conditions such as pretrial services supervision or location monitoring. The release condition ordered most often was pretrial services supervision, which was imposed on 90 percent of defendants released, a reduction of 1 percent from the previous year. Substance abuse treatment and testing were ordered for more than 33 percent of the defendants, a rise of 2 percentage points from the year before. Defendants given substance abuse testing alone (without treatment) dropped from 19 percent last year to 17 percent this year.

Pretrial diversion is a period of supervision proposed by the 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 2009, the number of pretrial diversion cases activated decreased by 349 cases to 1,077, representing approximately 1 percent of activated cases in 2009.

Cases opened in the pretrial services system grew by 5,929 cases (up 6 percent) from 2005 to 2009. During the five-year period (2005 – 2009), the number of pretrial services reports prepared grew almost 7 percent, although the number of persons interviewed decreased 9 percent from 70,284 to 63,819 (not all defendants are interviewed—defendants may decline to be interviewed, and sometimes interviews are not possible—but for each defendant, a pretrial services report is usually written).

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

Complaints Against Judges

Under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or that a judge 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 the circuit in which the judge holds office or, if the judge serves on a national court, with the office specified in that court's rules. Such a complaint must concern the actions or capacity of a circuit judge, a district judge, a bankruptcy judge, a magistrate judge, or a judge of a court specified in 28 U.S.C. § 363.

On May 11, 2008, the process that courts follow to report complaint-related activity was changed to make the information more detailed and comprehensive. To achieve this, the system for collecting the requisite data was enhanced by

the Judicial Conference as recommended by the Judicial Conduct and Disability Act Study Committee in "Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice" (known as the Breyer Report), 239 F.R.D. 116 (Sept. 2006), and as warranted by the Judicial Conference's *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. In accordance with the Breyer Report, the mechanism for capturing special investigative committee appointments has been strengthened, and the statistical tables are now based on a uniform methodology for reporting different types of judicial council actions. The tables now include expanded categories for allegations and actions on complaints. The tables also now reflect that a complaint against more than one judge is counted once for each judge named (before May 11, 2008, a complaint against more than one judge was counted only as a single complaint).

Since these reporting changes took effect during the fiscal year in 2008, this information is presented in two distinct sets of tables. Tables 10 and S-22A present information on complaints filed before May 11, 2008, and Tables 11 and S-22B present information on complaints filed on or after May 11, 2008. Only limited comparisons can be made between the partial-year data for 2008 and the full-year data for the years 2007 and 2009. In addition, only limited comparisons can be made between data gathered prior to May 11, 2008, and data gathered thereafter, because the two sets of data reflect different measurements.

Activity on Complaints Filed Before May 11, 2008

A total of 150 complaints filed before May 11, 2008 were dismissed or concluded in 2009, leaving 15 complaints filed before May 11, 2008, pending. Of the 150 complaints, chief judges reviewed and concluded 64 complaints (43 percent), and judicial councils reviewed and concluded 86 complaints

Table 10
 Summary of Actions Taken on Judicial Complaints
 Filed Before May 11, 2008
 Fiscal Years 2007 - 2009

	2007 ¹	2008 ¹	2009
Filed	899	490	0
Concluded	834	630	150
By Chief Judges	485	356	64
Dismissed	473	348	61
Corrective Action Taken	9	3	3
Withdrawn	3	5	0
By Judicial Councils	349	274	86
After Review of Chief Judge's Dismissal ²			
Dismissed	341	273	85
Withdrawn	2	0	0
Action Taken	1	1	1
After Report of Investigating Committee			
Dismissed	4	0	0
Withdrawn	0	0	0
Action Taken	1	0	0
Pending	305	165	15
Special Investigating Committees Appointed	5	2	0
Referred to Judicial Conference	0	0	1

¹ Revised.

² Petition for review of a chief judge's disposition of a complaint.

Table 11
Judicial Complaints Commenced, Concluded,
and Pending on or After May 11, 2008
 Fiscal Years 2008 and 2009

	2008 ¹	2009
Complaints Commenced	716	1,543
Complaints Concluded	218	1,130
By Withdrawal		
Complaint Withdrawn by Complainant	4	9
Petition for Review Withdrawn	0	0
By Chief Judges		
Dismissed	146	644
Other Disposition	4	11
By Judicial Councils		
Upon Petition For Review of Chief Judge's Disposition ²		
Chief Judge's Disposition Affirmed	64	465
Other Disposition	0	0
After Report by Special Investigating Committee ³		
Dismissed	0	1
Other Disposition	0	1
By the Judicial Conference	0	0
Complaints Pending	498	911
Special Investigating Committee Appointed	2	6

¹ Revised.

² Petition for review of a chief judge's disposition of a complaint.

³ A single complaint was concluded in part by dismissal and in part by corrective action.

(57 percent). Complaints can be concluded in whole or in part for more than one reason and by more than one action.

Fifty percent of actions by chief judges on complaints were dismissals made on the grounds that allegations were not covered under 28 U.S.C. §§ 351-364 because they were directly related to the merits of decisions or of procedural rulings. Other reasons cited for dismissing complaints include the following: the allegations were frivolous (37 percent); the allegations were not in conformance with the Judicial Conduct and Disability Act (9 percent); and the allegations lacked factual foundation (2 percent). For the remaining complaints, chief judges found that appropriate action already had been taken (2 percent) or that no action was necessary because of intervening events (1 percent).

Judicial councils considered 86 petitions for review of chief judges' dismissals of complaints. One complaint led to disciplinary action (public censure) and a referral by the Fifth Circuit to the Judicial Conference of the United States (this complaint was concluded before the Judicial Conference took any action).

No special investigating committees to address these complaints were appointed during 2009.

Activity on Complaints Filed on or After May 11, 2008

A total of 1,543 complaints were filed in fiscal year 2009. The most prevalent allegations were in the categories of erroneous decision, other misconduct, personal bias against the litigant or attorney, and delayed decision. More than one-half of all complaints filed originated in the Third, Fifth, Sixth, and Ninth Circuits.

Of the complaints filed in 2009 or pending from prior years, 1,130 complaints were terminated as final—655 by chief judges, 466 by judicial councils, and 9 by withdrawal—leaving 911 pending at the end of the year.

Chief judges considered and dismissed 1,163 complaints in whole or in part and concluded 11 others in whole or in part. The most frequently reported reasons for dismissal included the following: the complaint was directly related to the merits of decisions or procedural rulings (88 percent); the allegations lacked sufficient evidence (44 percent); and the allegations were frivolous (24 percent). The percentages do not total 100 percent because multiple reasons can be recorded for each dismissal. Of the 11 complaints that were concluded in whole or in part, 6 were terminated because a voluntary corrective action was taken, 4 because of intervening events, and 1 because of an informal resolution made before the complaint was filed.

All but one of the actions by judicial councils on complaints were denials of petitions for review of chief judges' dispositions. In the remaining action, a judicial council reviewed a special investigating committee's report on a complaint, then ordered that the complaint be concluded in part by dismissal and in part by corrective action.

During 2009, six special investigating committees to address complaints filed on or after May 11, 2008, were appointed—four in the Third Circuit and two in the Tenth Circuit.

Status of Article III Judgeships

On September 30, 2009, a total of 20 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals. Nine of these vacancies had been unfilled for more than 18 months. One year earlier, 12 of the 178 authorized judgeships had been vacant, 7 of them for more than 18 months (the total number of authorized judgeships temporarily had been reduced in 2008 by the Court Security Improvement Act of 2007).

On September 30, 2009, a total of 75 vacancies existed among the 678 positions authorized in the district courts,

Table 12
Status of Article III Judgeship Positions
 On September 30, 2005 - 2009

Year	U.S. Courts of Appeals ¹			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ²	Authorized Judgeships ³	Vacancies	Senior Judges ⁴
2005	179	13	89	678	36	300
2006	179	14	88	678	33	311
2007	179	16	91	678	31	310
2008	178 ⁵	12	91	678	27	324
2009	179	20	93	678	75	347

¹ Positions in the Court of Appeals for the Federal Circuit are included.

² Senior judges who participated in appeals dispositions and authorized for staff. Data for 2005 - 2008 have been revised.

³ Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.

⁴ Senior judges authorized for staff.

⁵ In 2008, the total number of authorized judgeships temporarily was reduced by one by the Court Security Improvement Act of 2007.

a sharp increase of 48 compared to the 27 vacancies reported at the end of 2008. Fourteen of the vacancies had existed for more than 18 months, one more than in 2008.

As of September 30, 2009, a total of 29 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 16 more than on September 30, 2008. For the

courts of appeals, which had 15 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 six 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.

In addition to active judges, 93 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2009, 2 more than in 2008. The U.S. district courts reported 347 senior judges with staff, 23 more than had been serving at the end of 2008. The number of senior district judges with staff has risen 16 percent over the past five years, increasing from 300 to 347.

Table 12 provides information on the status of judgeship positions since 2005.

Status of Bankruptcy Judgeship Positions

As of September 30, 2009, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 332 were filled, and 20 were vacant (compared to 14 vacancies one year ago). In addition to judges in authorized positions, 22 recalled bankruptcy judges were providing service to the Judiciary as of September 30, 2009. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2009.

Appointments of Magistrate Judges

During fiscal year 2009, a total of 82 full-time magistrate judges were appointed, including 55 by reappointment. Of the 27 new appointments, 6 were for new positions. During this period, 19 individuals were appointed to part-time magistrate judge positions, 12 of them by reappointment.

Table 13
Status of Bankruptcy
Judgeship Positions
 On September 30, 2005 - 2009

Year	Authorized Judgeships	Vacancies	Recalled Judges
2005	352	37	32
2006	352	15	25
2007	352	13	27
2008	352	14	24
2009	352	20	22

The average age of new appointees to full-time magistrate judge positions was 49 years; the average age of new appointees to part-time magistrate judge positions was 53 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 22 years of bar membership. Of the new full-time magistrate judges, 10 had been in private practice, 1 had been a U.S. attorney, 6 had been assistant U.S. attorneys, 4 had been state court judges, 1 had been an administrative law judge, 2 had been community defenders, 1 had been a Department of Justice trial attorney, 1 had been a public utility executive, and 1 had been a law clerk.

Table 14
U.S. Magistrate Judge Positions Authorized
by the Judicial Conference
2005 - 2009

Year	Period	Total	Full Time	Part Time	Combination
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	507	43	2
2008	March	552	507	43	2
	June	554	508	44	2
	September	559	514	43	2
2009	January ¹	561	517	42	2
	March	560	517	42	1
	June ¹	562	519	42	1
	September	567	523	41	3

¹ The Executive Committee of the Judicial Conference of the United States authorized these positions on an expedited basis.

Through September 2009, the Judicial Conference had authorized 523 full-time magistrate judge positions, 41 part-time positions, and 3 combination clerk of court/magistrate judge positions. During the fiscal year, 43 retired magistrate judges were recalled to service under Title 28 U.S.C. § 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2005.

U.S. Court of International Trade

In 2009, the U.S. Court of International Trade reported 519 cases filed, an increase of 9 percent from 2008 (up 42 cases). Of total cases filed in 2009, 261 were filed under 28 U.S.C. § 1581(a) and involved 1,594 denied protests covering 8,274 entries of merchandise. This section applies to civil actions against the United

States that contest the denial of a protest under the Tariff Act of 1930.

Case terminations dropped 11 percent from 472 in 2008 to 418 in 2009. Pending cases rose 5 percent to 2,212.

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

Appendix Table G-1 provides a summary of cases filed, terminated, and pending during 2008 and 2009.

U.S. Court of Federal Claims

Filings in the U.S. Court of Federal Claims decreased 5 percent from 945 in 2008 to 895 in 2009. Tax case filings declined by 28 cases, filings involving declaratory contracts declined by 24 cases, and civilian pay case filings declined by 19 cases. The largest increase was in cases involving property taken, which increased 74 percent (up 25 cases to 59).

Case terminations dropped slightly from 1,165 to 1,162. As terminations exceeded filings, pending cases fell from 7,515 to 7,250.

Judgments for plaintiffs/petitioners exceeded \$315 million. Of these judgments, 105 were based on settlements between the parties. Judgments for the United States on counterclaims or offsets totaled nearly \$1.65 million. Under its nonmonetary jurisdiction, the court disposed of 60 contract cases seeking injunctive or declaratory relief.

The court 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. Pursuant to 28 U.S.C. § 791(c), each January the clerk of the court transmits to Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and dispositions for all judgments rendered the previous year.

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, 2009.