

Judicial Business

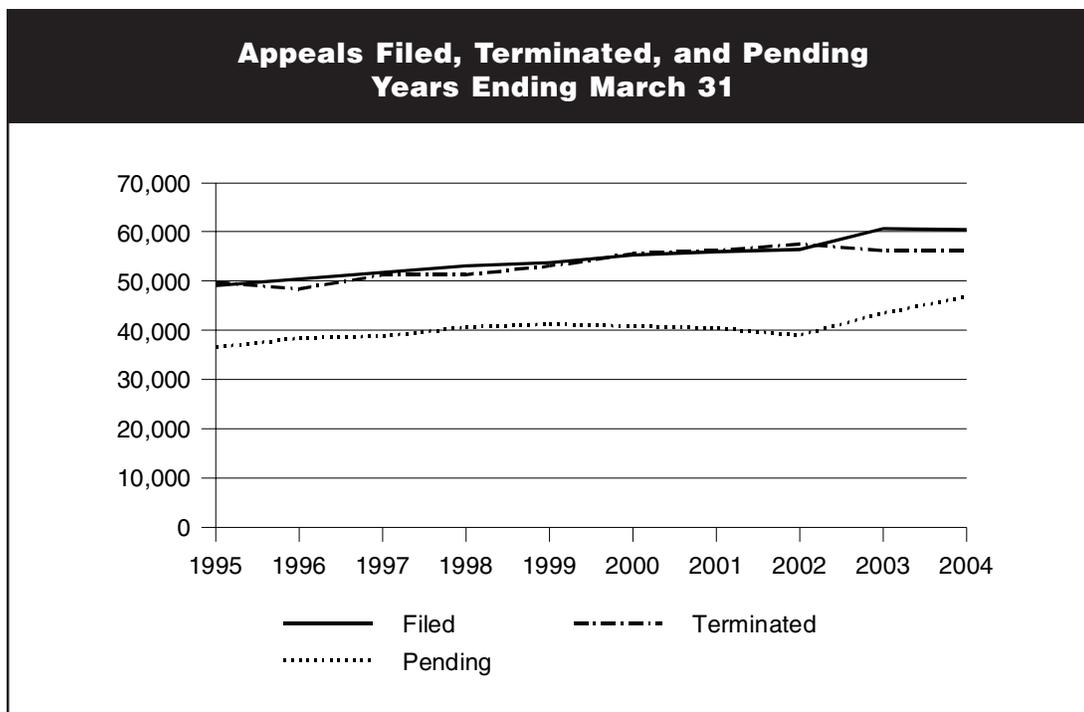
This report provides statistical information on the caseload of the federal Judiciary for the 12-month period ending March 31, 2004. Prepared pursuant to 28 U.S.C. 604(a)(2), this report presents data on the work of the appellate, district, and bankruptcy courts and on the work of the probation and pretrial services system.

Once again, bankruptcy filings exceeded 1.6 million, reaching the highest total for any 12-month period ending March 31, climbing 27 percent above the total obtained five years earlier, and soaring to nearly double the number reported a decade ago. Two percent more persons were under the supervision of the federal probation system on March 31, 2004, compared to one year earlier, and the number of pretrial services cases activated also grew 2 percent. Filings in the U.S. courts of appeals remained close to record levels, dropping by only 156 cases. In the U.S. district courts, filings of criminal defendants rose to a new high of 92,761, while civil case filings fell less than 1 percent.

U.S. Courts of Appeals

Filings in the federal courts of appeals remained essentially unchanged in 2004, declining less than 1 percent (down 156 cases) to 60,505. Increases in appeals of administrative agency decisions, criminal appeals, and original proceedings were offset by a reduction in civil appeals.

- Given the stable caseload and absence of growth in authorized judgeships, the number of cases terminated per three-judge panel dropped from 1,011 to 1,010.
- Appeals filings have risen 9 percent since 2000, primarily because of jumps in administrative agency and criminal appeals.



In 2004, filings in the federal appeals courts comprised 56 percent civil appeals, 20 percent criminal appeals, 17 percent administrative agency appeals, 6 percent original proceedings, and 1 percent bankruptcy appeals.

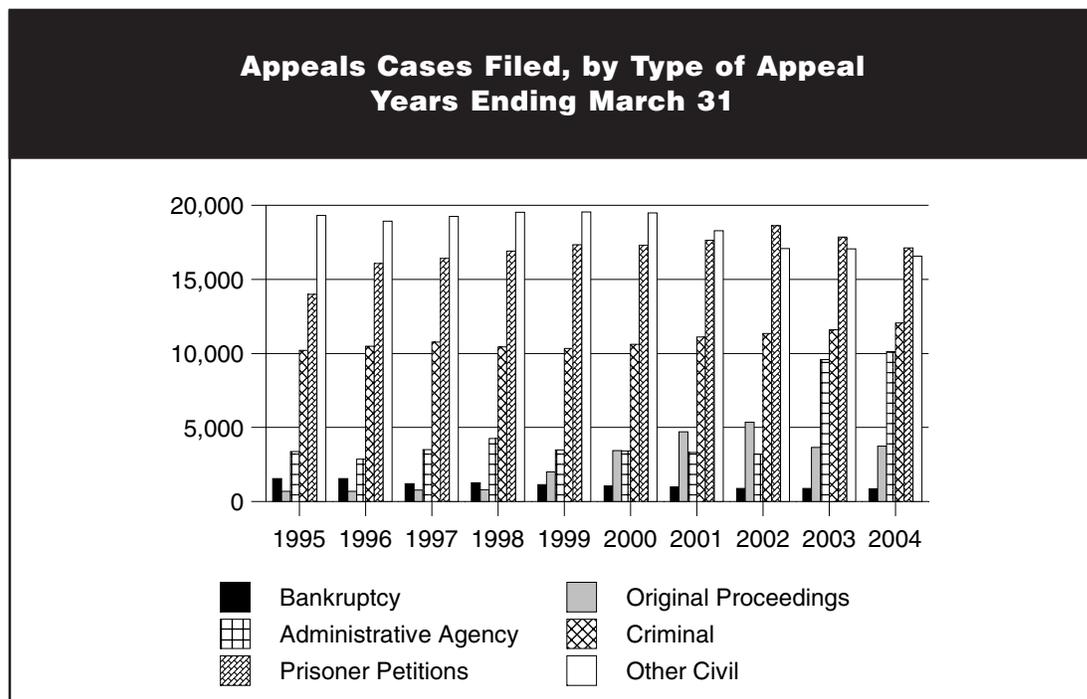
- In 1995, the distribution was 68 percent civil appeals, 21 percent criminal appeals, 7 percent administrative agency appeals, 1 percent original proceedings, and 3 percent bankruptcy appeals.
- The distribution of appellate cases has changed in response to reformed habeas corpus procedures under the Antiterrorism and Effective Death Penalty Act of 1996 and because administrative agency appeals involving the Board of Immigration Appeals (BIA) grew as that agency cleared its backlog of cases.

From 2003 to 2004, administrative agency appeals climbed 6 percent to 10,130. This growth stemmed primarily from a 3 percent increase to 8,720 in appeals of BIA decisions.

- BIA filings have soared 357 percent since 2000, mostly because in 2002 changes were made to the guidelines for processing BIA cases to clear a backlog of more than 56,000 such cases.
- Filings of BIA petitions have more than doubled in every circuit since 2002. The surge in BIA appeals has particularly stretched the resources of the Ninth and Second Circuits, which received 47 percent and 25 percent, respectively, of all BIA petitions filed in 2004.

Criminal appeals rose 4 percent to 12,056, mainly because of increases in filings related to firearms and immigration violations.

- Seventy-nine percent of criminal appeals filed in 2004 involved drugs, firearms, immigration, or fraud. Firearms filings jumped 22 percent to 1,791, and immigration filings grew 7 percent to 1,806. Drug filings fell 4 percent to 4,481.



- Criminal appeals have climbed 14 percent since 2000 and 18 percent since 1995.
- From 2003 to 2004, immigration appeals and firearms appeals surpassed fraud appeals to rank second and third in overall criminal appeals filings, respectively, behind appeals involving drugs.
- The growth in firearms appeals across the nation corresponds to the increase in firearms convictions arising from Project Safe Neighborhoods, an initiative to prosecute firearms defendants under federal laws, which often carry more severe penalties than state laws. Firearms cases in the courts of appeals have leaped 71 percent since 2000.
- Fifty-five percent of immigration appeals were filed in the Fifth Circuit, and 25 percent were filed in the Ninth Circuit. Explosive growth in such filings in the southwestern border district courts in these two circuits has caused appeals related to immigration violations to rise 66 percent since 2000 and 576 percent since 1995.

Original proceedings rose 2 percent to 3,734.

- Fifty-seven percent of original proceedings involved motions for second or successive habeas corpus prisoner petitions, which grew 1 percent to 2,142. Forty percent of original proceedings involved writ of mandamus petitions, which increased 1 percent to 1,503. Overall, original proceedings have risen 9 percent since 2000.

Civil appeals fell 3 percent to 33,713, and bankruptcy appeals stayed relatively stable, declining by two appeals to 872.

- In 2004, civil appeals consisted of 51 percent prisoner petitions, 20 percent civil rights appeals, and 29 percent other civil appeals. Appeals related to civil rights dropped 7 percent to 6,727 from 2003 to 2004 and declined 18 percent after 2000. Prisoner petitions decreased 4 percent to 17,133 from 2003 to 2004 to approach the 2000 level, but were 22 percent higher this year than in 1995.

Terminations of appeals remained about the same, declining by 41 cases to 56,243. Terminations have increased 1 percent since 2000 and 13 percent since 1995. Nevertheless, because filings exceeded terminations, pending cases rose 10 percent to 46,978.

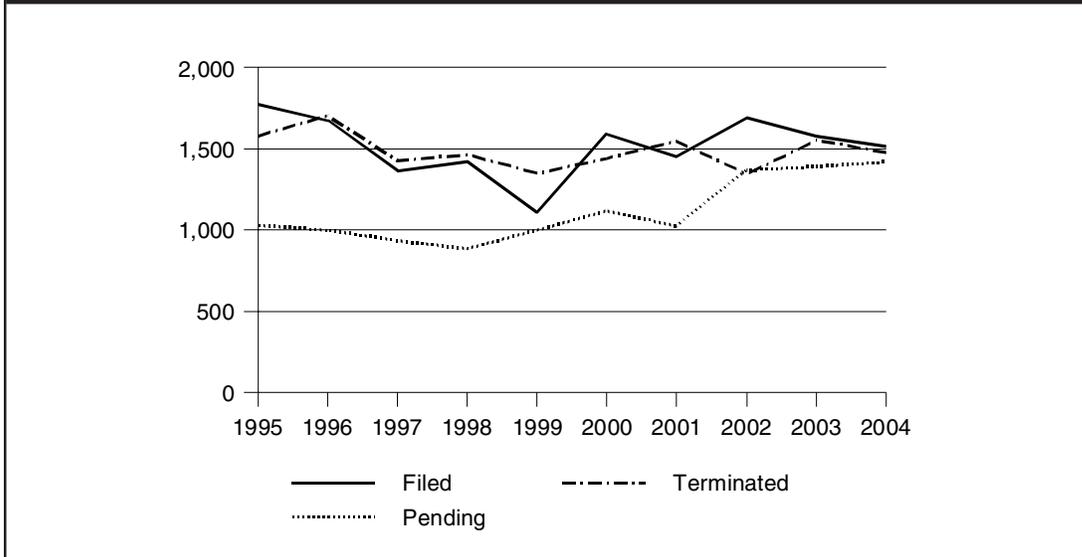
Detailed data for the courts of appeals appear in the B series of the appendix tables.

U.S. Court of Appeals for the Federal Circuit

Filings in the U.S. Court of Appeals for the Federal Circuit fell 4 percent to 1,515. The largest decreases occurred in appeals of decisions by the Merit Systems Protection Board (down 99 appeals) and the U.S. district courts (down 25 appeals). Appeals arising from the U.S. Court of Appeals for Veterans Claims (CAVC) grew 25 percent to 246, and those involving the Board of Contract Appeals rose 38 percent to 44.

- Filings per three-judge panel declined from 386 in 2003 to 379 in 2004.
- The Veterans Claims Assistance Act enacted in November 2000 obligated the Department of Veterans' Affairs to help veterans develop their claims. Thereafter, in *Quartuccio v. Principi*, 16 Vet.App. 183 (2002), the CAVC remanded many cases involving veterans' benefits to the Board of Veterans' Appeals. The Secretary of Veterans' Affairs appealed the remand orders in more than 100 cases.

**U.S. Court of Appeals for the Federal Circuit
Appeals Filed, Terminated, and Pending
Years Ending March 31**



Overall filings in 2004 dropped 5 percent from the total for 2000 and 15 percent from that for 1995.

Terminations of appeals in 2004 decreased 5 percent to 1,481 after increasing 15 percent from 2002 to 2003.

- The number of appeals terminated per three-judge panel fell from 394 to 370.
- Appeals terminations have fluctuated from year to year. The number of terminations in 2004 was 3 percent below that in 2000 and 6 percent below that in 1995.

The number of appeals pending on March 31, 2004, was 1,425, a 2 percent increase over the number pending one year earlier.

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

Filings in the U.S. district courts were relatively stable, dropping less than one-half of 1 percent (down 614 cases) to 326,597 (this number does not include petty offense cases assigned to magistrate judges).

- Case filings were 15 percent greater than the number filed 10 years ago.
- In 2004, civil cases accounted for 78 percent of total filings in the U.S. district courts (255,851 cases), and criminal cases amounted to 22 percent (70,746). Ten years earlier, civil cases constituted 84 percent of total filings, and criminal cases 16 percent.
- Because 15 new district court judgeships were authorized in July 2003, filings per authorized judgeship fell from 492 to 481. However, as of March 31, 2004, only 650 of 680 authorized judgeships were filled, so the number of filings per on-board active judge was 502.

- After climbing 8 percent in 2003 in response to the closure of many civil cases involving asbestos and the anti-cholesterol drug Baycol, in 2004 case terminations nearly matched the 2002 level, declining 7 percent to 307,226.
- The stability of overall filings combined with the reduction in terminations caused the pending caseload to rise 6 percent to 327,344.

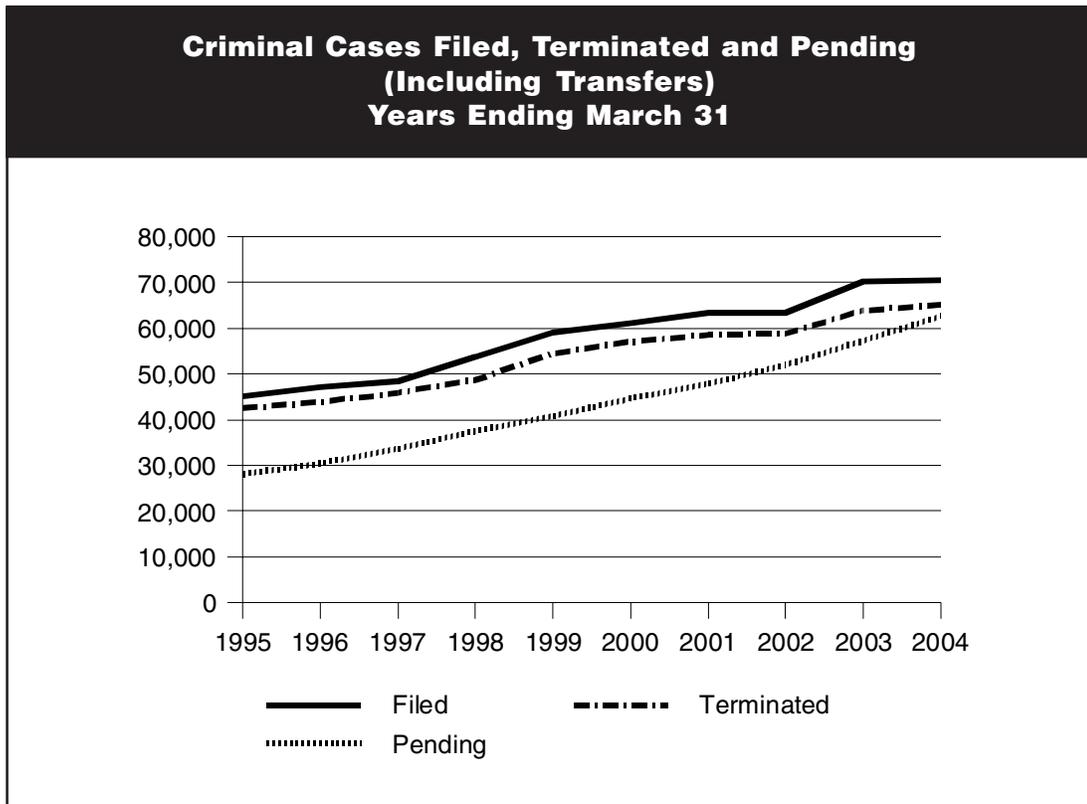
Criminal Filings

Filings of criminal cases and defendants (including transfers) both rose less than 1 percent. Case filings grew by 393 to 70,746, and defendants increased by 409 to an all-time high of 92,761.

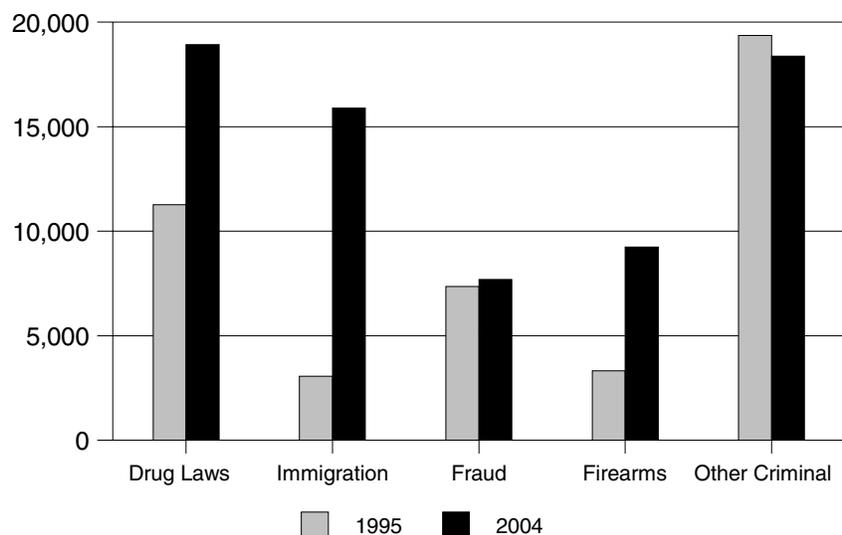
- Case filings per authorized judgeship declined from 106 to 104 as 15 new judgeships were authorized in July 2003.
- In 2004, the district courts received 58 percent more criminal cases and 48 percent more defendants than in 1995, and 16 percent more cases and 13 percent more defendants than in 2000.
- Criminal case filings have risen every year since 1995 because of growth in cases involving immigration, drugs, and firearms.

The largest numeric rise in filings from 2003 to 2004 was in immigration cases, followed by that for firearms cases.

- Immigration cases climbed 9 percent in 2004 to 15,890, and immigration defendants increased 7 percent to 16,800.
- Firearms cases grew 11 percent to 9,246, and firearms defendants rose 10 percent to 10,384.



Criminal Cases Filed, by Major Offense (Excluding Transfers) Years Ending March 31



- Since 1995, immigration case filings have soared 418 percent, and defendants in such cases have surged 390 percent. Since 2000, filings of immigration cases and defendants have jumped 37 percent and 35 percent, respectively. In the past decade, the U.S. government has increased security at its southwestern border to deter illegal entry. Subsequently, filings of immigration cases in the five southwestern border district courts—the District of Arizona, District of New Mexico, Southern District of California, and Southern and Western Districts of Texas—have grown 828 percent since 1995.
- Since 1995, firearms case filings have jumped 178 percent, and firearms defendants have increased 157 percent. Since 2000, filings of firearms cases and defendants have surged 89 percent and 84 percent, respectively. These increases have stemmed primarily from Project Safe Neighborhoods, a special program for prosecuting defendants accused of unlawful firearms possession under federal laws, which usually carry higher penalties than do state laws for similar crimes.

Drug case filings remained essentially stable during the past year, with 5 fewer cases in 2004 than in 2003. However, the number of defendants in drug cases rose 2 percent as more cases with multiple defendants were filed. The federal courts received 32,824 defendants in 18,926 drug cases in 2004.

- Since 1995, drug cases have surged 68 percent, and drug defendants have jumped 49 percent. Since 2000, filings of drug cases and defendants have grown 9 percent and 7 percent, respectively.

In 2004, notable increases also occurred in filings involving assault and sex offenses.

- Assault cases climbed 12 percent to 900.
- Sex offense cases grew 19 percent to 1,470, mostly because of a rise in filings related to sexually explicit materials.

Declines occurred in filings addressing fraud, traffic, embezzlement, larceny, counterfeiting, homicide, and robbery.

- Fraud cases dropped 12 percent and fraud defendants fell 10 percent as prosecutions of Social Security fraud cases decreased 38 percent after having doubled in 2003. This reduction more than offset a 27 percent rise in passport fraud cases.
- Homicide cases decreased by 11 to 236.
- Robbery cases dropped 3 percent to 1,159.

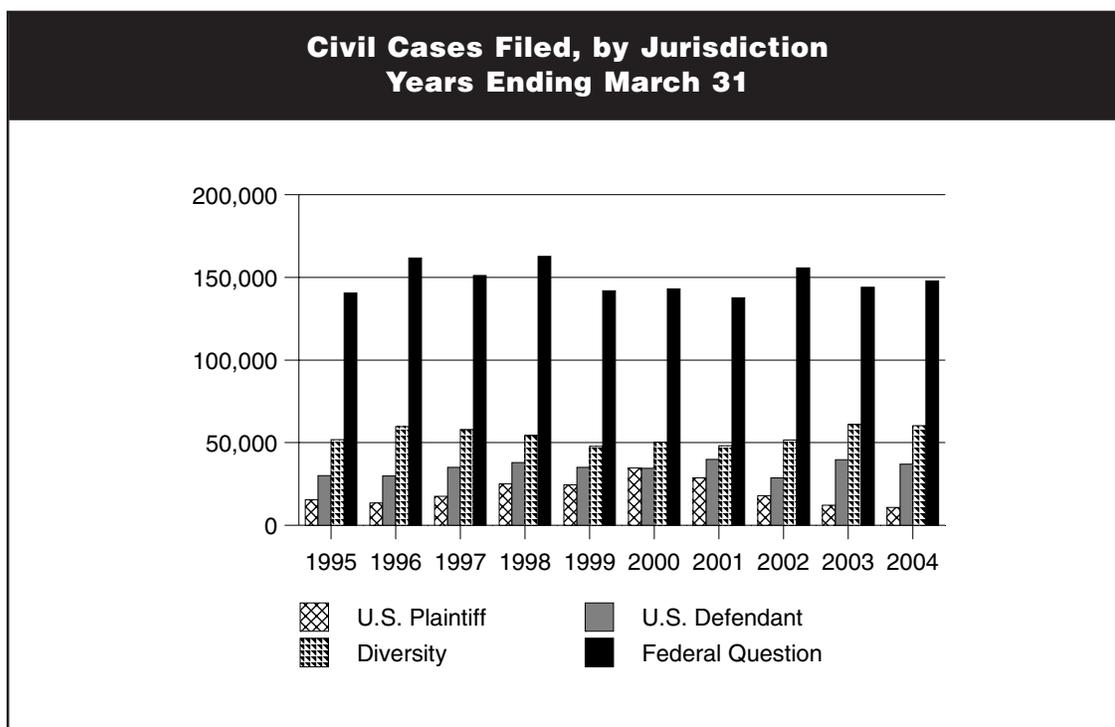
The number of criminal defendants terminated in 2004 grew by 394 defendants to 84,897. Because filings exceeded terminations, the number of pending defendants rose 10 percent to 87,346.

The D series of the appendix tables contains more detailed data on the criminal caseload by district.

Civil Filings

Civil filings in the U.S. district courts remained essentially stable, falling less than one-half of 1 percent to 255,851.

- An 8 percent reduction in U.S. plaintiff and defendant cases was offset by a 3 percent rise in federal question filings (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party in the case).
- Civil filings per authorized judgeship dropped from 386 to 376, primarily because of the authorization of 15 new judgeships in July 2003.
- Filings have fluctuated over the past five years in response to declines in personal injury/product liability cases involving breast implants and increases in cases associated with asbestos and Baycol. Excluding personal injury/product liability cases, civil filings have declined 5 percent since 2000.



- From 1995 to 2004, civil filings climbed 7 percent, a jump of nearly 18,000 cases. This growth stemmed mostly from the influx of large numbers of personal injury/product liability cases related to Baycol and breast implants, as well as cases involving civil rights and Social Security.

Filings of cases with the United States as defendant fell 7 percent from 2003 to 2004 as a result of declines in Social Security cases and prisoner petitions.

- An 11 percent decrease in cases involving Social Security laws stemmed primarily from a 12 percent reduction in disability filings and a 9 percent drop in supplemental security income filings.
- Prisoner petitions declined 3 percent, chiefly because habeas corpus petitions fell 7 percent.

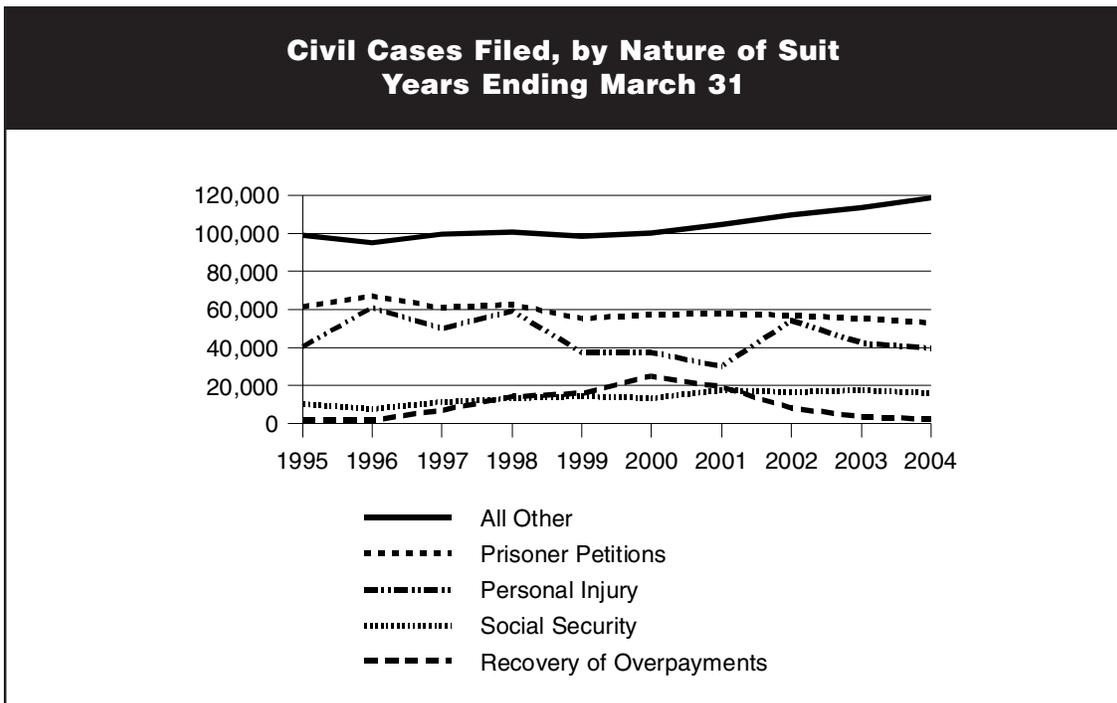
The number of filings with the United States as plaintiff decreased 12 percent to 10,700, largely in response to reductions in cases addressing defaulted student loans and foreclosures.

- Defaulted student loan cases dropped 23 percent to 2,573. This decline continues a trend that began in 2001 following the implementation of administrative measures by the Department of Education to improve the collection of these debts.
- Foreclosure cases fell 18 percent to 2,159.

Diversity of citizenship filings decreased 1 percent in 2004 to 60,334 because of reductions in contract and civil rights actions.

Federal question cases rose by 3,841 filings to 147,855.

- Copyright cases, most of which involved the music industry, jumped 26 percent, causing protected property rights cases to increase 11 percent overall.



- Approximately 10,000 patent infringement cases were filed against DirecTV and other private cable companies.

After increasing 8 percent in 2003, civil case terminations decreased 10 percent in 2004 to 241,864, which was close to the number of closures in 2002.

- In 2003, the Northern District of Ohio, the Eastern District of Virginia, the Eastern District of Pennsylvania, and the Southern District of Illinois had closed an unusually high number of asbestos cases, a combined total of more than 15,000. These four districts closed only 509 asbestos cases in 2004 as their case terminations returned to levels consistent with those in previous years.
- Terminations of personal injury/product liability cases in the Eastern District of Pennsylvania fell by more than 6,000. In 2003, that district had closed a large number of personal injury/product liability cases related to Baycol. Most of the Baycol cases were filed during the previous two years and terminated shortly thereafter prior to transfer to the District of Minnesota as part of Multidistrict Litigation Docket Number 1431.

Pending civil cases rose 6 percent (up 13,987 cases) to 264,487. The largest increases were reported by the Northern District of Ohio (whose pending caseload consisted mostly of asbestos cases) and the Western District of Washington (whose pending caseload consisted mostly of personal injury/product liability cases alleging injuries from phenylpropanolamine).

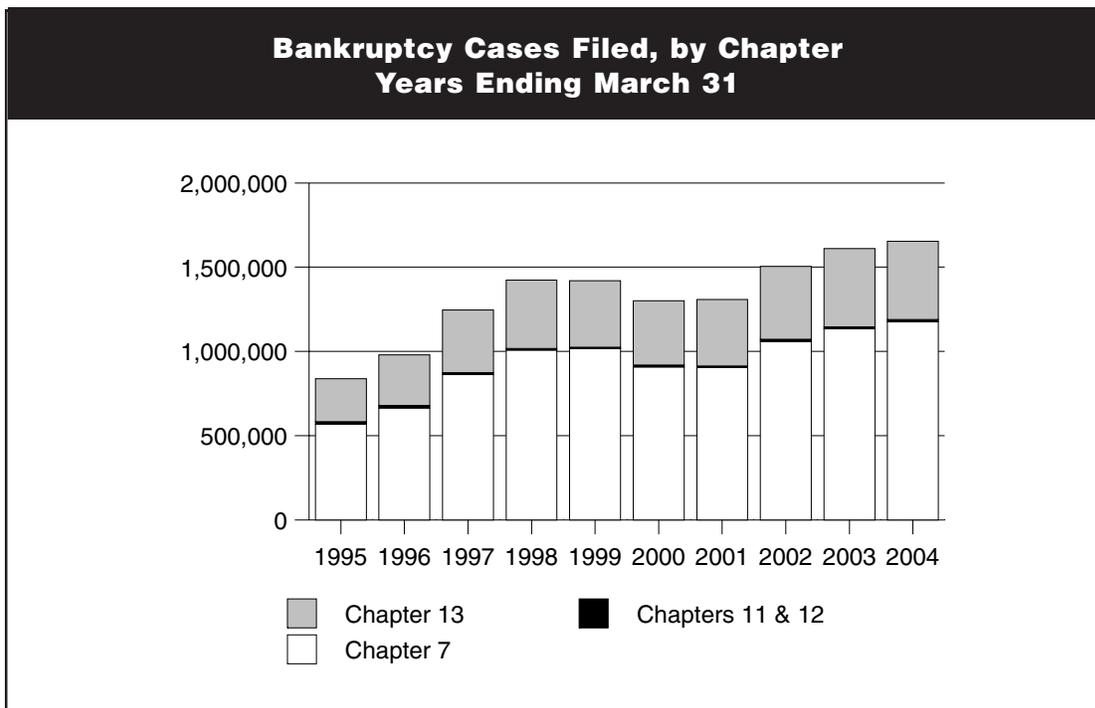
Detailed data on civil cases appear in the C series of the appendix tables.

U.S. Bankruptcy Courts

Bankruptcy filings increased 3 percent to 1,654,847. This total was the highest ever obtained for any 12-month period ending March 31 and was less than one-half of 1 percent below the all-time 12-month record, which was reached in the period ending September 30, 2003.

- Growth occurred under all major chapters of the bankruptcy code except chapter 12. The reduction in chapter 12 filings stemmed in part from the expiration of legislation authorizing that chapter. The sunset date for this legislation was January 1, 2004.
- Filings of personal bankruptcies climbed 3 percent to 1,618,062.
- Business bankruptcies declined 2 percent to 36,785.
- Seventy-two districts reported higher filings, with three districts—the Southern District of New York, the District of Colorado, and the Northern District of Oklahoma—reporting increases of 15 percent or more.
- Terminations of bankruptcy cases rose 9 percent. Because the number of cases filed exceeded the number closed, pending bankruptcy cases grew 1 percent.
- Since 1995, bankruptcy filings have surged 97 percent. Moreover, no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have lapsed since then. As a result, filings per authorized judgeship have leaped from 2,573 in 1995 to 5,108 in 2004.

As in past years, this year's increase in filings likely stemmed from the high level of consumer debt.



Filings of bankruptcy petitions rose under chapters 7, 11, and 13, but fell under chapter 12.

- Chapter 7 filings increased 4 percent to 1,176,654.
- Chapter 11 filings climbed 9 percent to 11,649.
- Chapter 13 filings grew 0.3 percent to 465,878.
- Chapter 12 filings fell 9 percent to 573.

Nonbusiness filings totaled 1,618,062, an increase of 3 percent (up 44,342 petitions) over the 2003 figure.

- Growth in nonbusiness petitions occurred under all chapters (all chapter 12 cases are classified as business cases).
- Nonbusiness filings climbed 4 percent under chapter 7, 1 percent under chapter 11, and 0.4 percent under chapter 13.
- Since 1995, nonbusiness petitions have accounted for an increasingly large proportion of total filings, rising from 94 percent of all filings in 1995 to 98 percent in 2004.

Business bankruptcy filings, which constituted 2 percent of total petitions filed, declined 2 percent to 36,785.

- Business petitions decreased under all chapters except chapter 11. Filings fell 5 percent under chapter 7, 9 percent under chapter 12, and 9 percent under chapter 13. Business filings rose 9 percent under chapter 11.
- The increase in chapter 11 filings largely stemmed from a surge of 150 percent (up 1,964 cases) in petitions filed in the Southern District of New York. All of this growth can be attributed to a large number of related cases involving a footwear company. Excluding filings from this district, chapter 11 business petitions decreased 12 percent from 2003.

For the third consecutive year, filings of adversary proceedings increased, rising 20 percent to 103,382. A 359 percent surge in such filings (up 9,077 cases) in the Southern District of New York arose primarily from mega-bankruptcy cases initiated in previous years, such as those involving Ames Merchandising, Bethlehem Steel, Enron, and Global Crossing.

- Terminations of adversary proceedings rose 25 percent.
- Because filings of adversary proceedings outnumbered terminations of such cases, pending adversary proceedings increased 19 percent to 110,462 as of March 31, 2004.

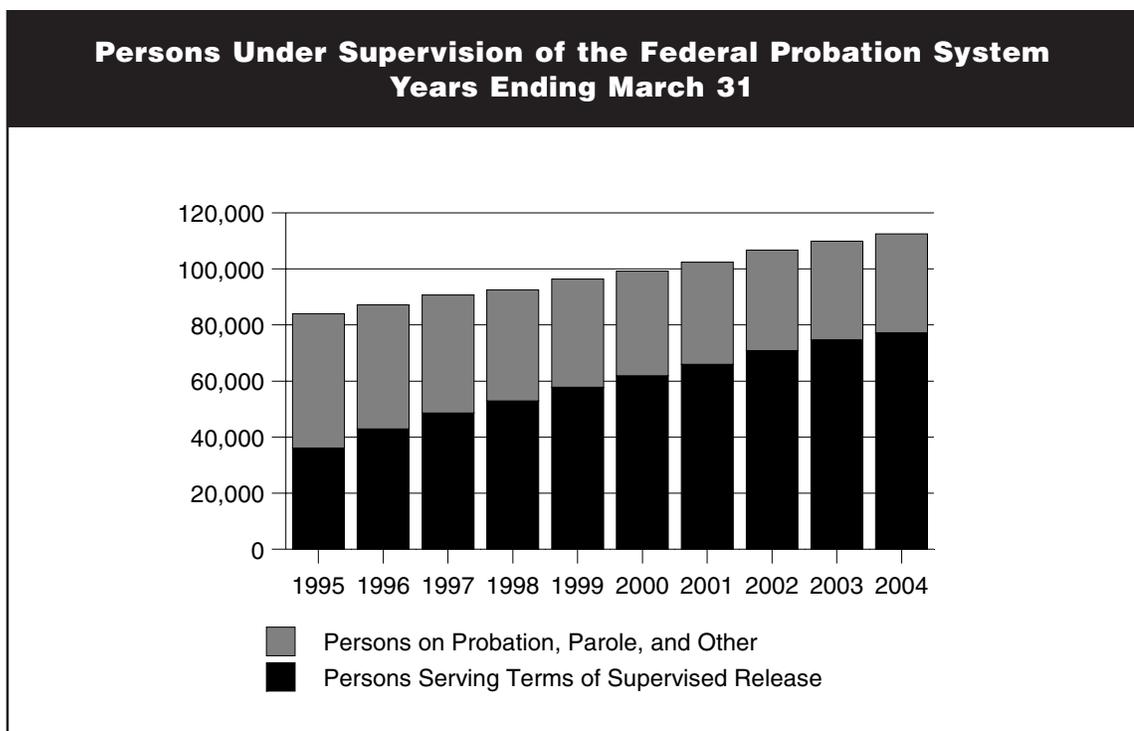
Detailed data on filings, terminations, and pending bankruptcy and adversary proceeding cases, by district, appear in Appendix Tables F, F-2 and F-8.

Federal Probation System

The number of persons under supervision totaled 112,486 as of March 31, 2004, a 2 percent increase over the number reported for March 31, 2003.

- A total of 59,363 persons were received for supervision, an 8 percent rise.
- The increase in persons received for supervision reflects increased involvement by probation officers in prisoner reentry following implementation of Monograph 109, which requires probation officers to conduct supervision planning while an offender is still in the custody of the Bureau of Prisons.
- The number of persons under supervision in 2004 was 13 percent higher than in 2000 and 34 percent higher than in 1995.

The number of persons removed from supervision climbed 9 percent to 56,905.



- Much of this growth resulted from an increase in early termination of supervision for persons who had not violated their conditions of supervision. This rise followed the approval by the Judicial Conference of criteria recommended by the Committee on Criminal Law for probation officers to use to identify offenders who may qualify for early termination of supervision. These criteria are intended to reduce the growth rate of the population under supervision.

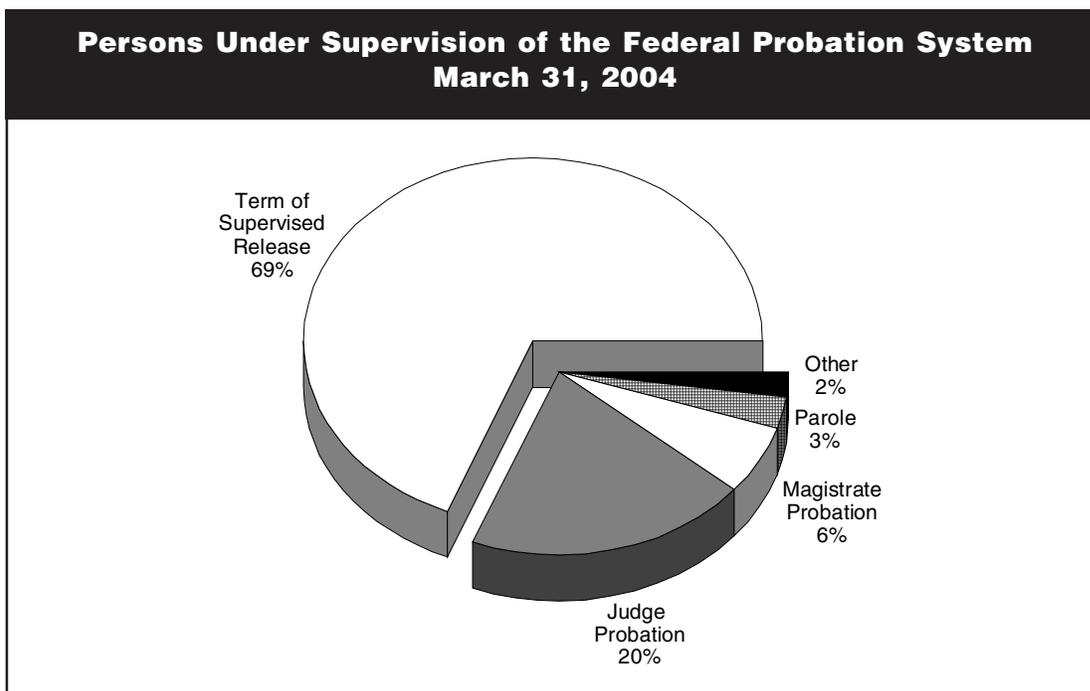
Sixty-nine percent of offenders under supervision on March 31, 2004, were serving terms of supervised release after imprisonment, 27 percent were under supervision following the imposition of a sentence of probation, and 3 percent were on parole.

- A total of 77,251 persons were serving terms of supervised release, a rise of 3 percent from the total for March 31, 2003.
- The number of persons serving terms of supervised release in 2004 was 25 percent higher than the number for 2000 and more than twice the number for 1995.

The number of persons on probation dropped 4 percent.

- Of the persons under supervision following sentences of probation, 76 percent were on probation imposed by district judges, and 24 percent were on probation imposed by magistrate judges.
- The number of persons on probation imposed by district judges decreased 3 percent to 22,571.
- The number of persons on probation imposed by magistrate judges fell 5 percent to 7,295.

The number of persons on parole, special parole, and military parole on March 31, 2004, dropped 8 percent to 3,054.



- Parole accounted for 3 percent of all persons under supervision in 2004. Parole accounted for 4 percent of persons under supervision in 2000 and 11 percent of those under supervision in 1995.

In addition to their supervision duties, probation officers conduct investigations and prepare comprehensive reports, including presentence reports, which are presented to judges who will be sentencing convicted defendants.

- The presentence report contains detailed background information on the defendant and a discussion of issues related to the sentencing guidelines. These reports vary in length, but a report typically is 20 to 30 pages long.
- In 2004, probation officers completed 68,203 presentence reports, 2 percent more than were written in 2003.

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

Pretrial Services

A total of 96,525 pretrial services cases were activated during the year ending March 31, 2004, a 2 percent increase over the total for the previous year, when pretrial services cases activated jumped 11 percent.

- During 2004, a total of 1,737 pretrial diversion cases were activated, a reduction of 4 percent.
- The number of pretrial services cases closed grew 2 percent to 88,860.
- Pretrial services activity has increased over time such that the number of pretrial services cases activated in 2004 was 17 percent greater than the number of cases activated in 2000 and 66 percent greater than the number of cases activated in 1995.

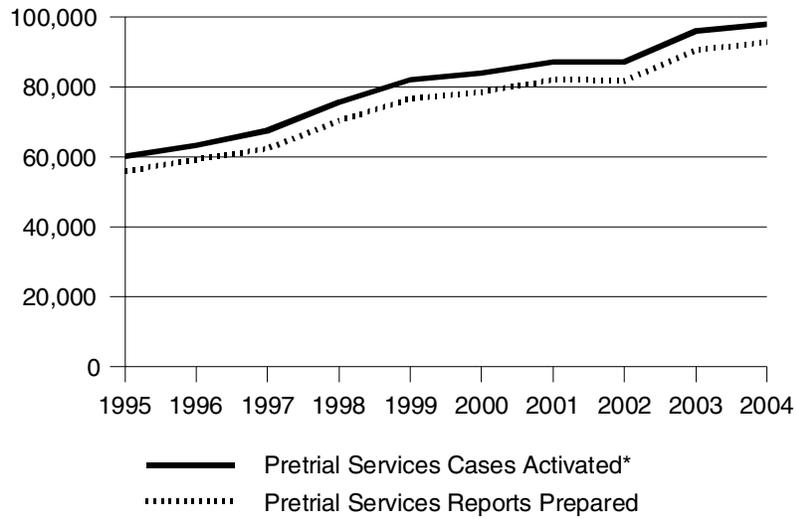
Judges use reports prepared by pretrial services officers when determining whether to order the release or detention of federal defendants awaiting trial. The reports also provide information used to establish appropriate conditions for released defendants.

- Pretrial services officers interviewed 2 percent more defendants (up 1,370) and prepared 2 percent more pretrial services reports (up 2,228) than they did in 2003.
- The number of pretrial services reports prepared in 2004 was 18 percent greater than in 2000 and 66 percent greater than in 1995.

For defendants ordered released pending trial, pretrial services officers monitored compliance with the release conditions set by the courts, provided necessary support services, and informed the courts and U.S. attorneys of apparent violations of release conditions.

- Although the number of cases activated increased in 2004, the number of pretrial defendants released pending trial fell 2 percent to 37,986.
- The proportion of persons released who were placed under the supervision of pretrial services officers rose from 87 percent in 2000 to 89 percent in 2004.

Federal Pretrial Services Cases Activated and Reports Prepared Years Ending March 31



* Includes both regular pretrial services cases and pretrial diversion cases.

- The total number of defendants received for pretrial services supervision (33,678 defendants) remained relatively steady (up 42 defendants).
- Nineteen percent of persons released were reported as having violated one or more release conditions during the time their cases were open, the same percentage as in 2003.

More detailed pretrial statistics appear in the H series of the appendix tables.