

Judicial Business

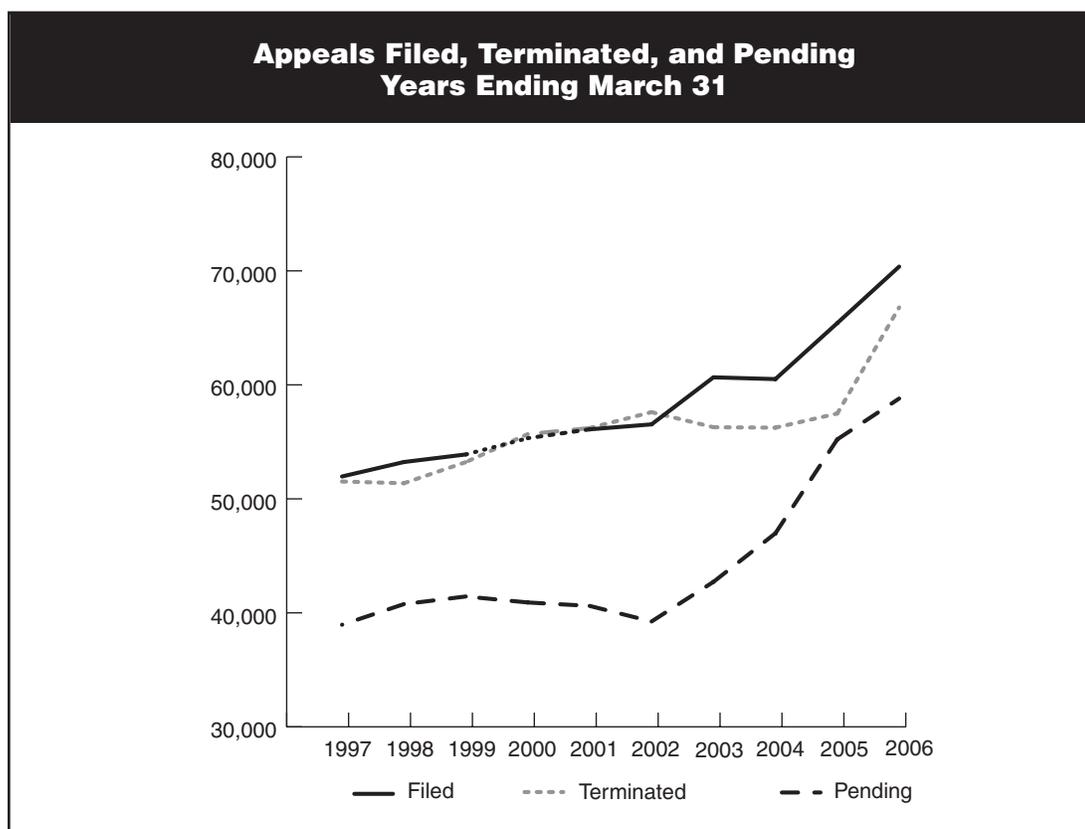
This report provides statistical information on the caseload of the federal Judiciary for the 12-month period ending March 31, 2006. Prepared pursuant to 28 U.S.C. 604(a)(2), this report presents data on the work of the appellate, district, and bankruptcy courts and the work of the probation and pretrial services system.

Filings in the U.S. courts of appeals grew 8 percent to an all-time high. In the U.S. district courts, filings declined 10 percent overall as civil case filings fell 12 percent and criminal case filings dropped 2 percent. Bankruptcy filings climbed 13 percent to nearly 1.8 million, a new record for the 12-month period ending March 31. The number of persons under the supervision of the federal probation system on March 31, 2006, remained relatively stable, rising less than 1 percent over the total one year earlier. The number of pretrial services cases activated increased 1 percent.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals rose 8 percent to set a new record of 70,375. Most of this increase stemmed from further upswings in criminal appeals, motions to vacate sentence, and original proceedings petitions filed following the U.S. Supreme Court's decisions in *Blakely v. Washington*, 124 S. Ct. 2531 (2004), and *United States v. Booker*, 125 S. Ct. 738 (2005). Growth in appeals of administrative agency decisions also continued.

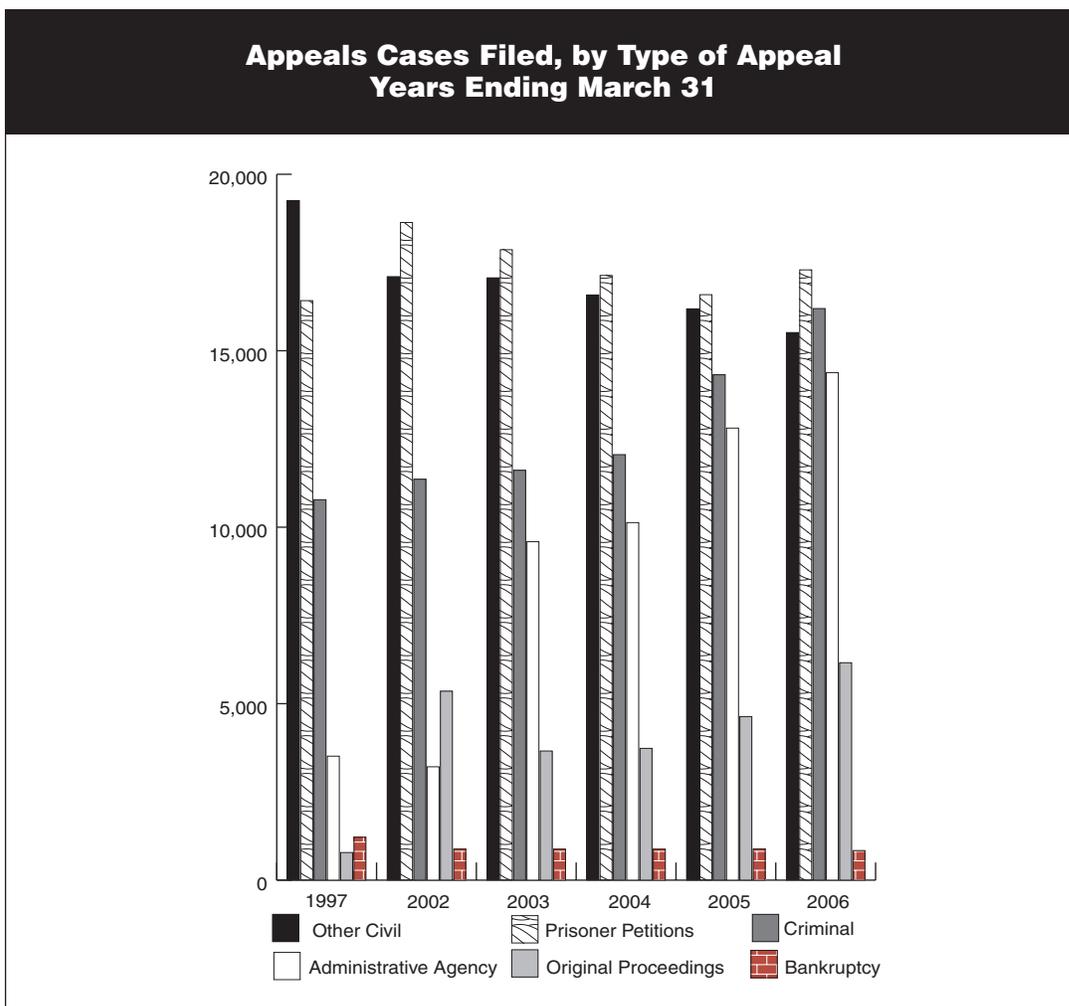
- Appeals filings have climbed 24 percent since 2002, primarily because of increases in administrative agency and criminal appeals. Since 1997, appeals filings have grown 35 percent.



In 2006, criminal appeals increased 13 percent to 16,195, despite reductions in criminal filings involving drugs, immigration, and firearms and explosives in the district courts.

- Much of the increase in criminal appeals occurred in response to *Booker* and was not driven by filings in the district courts.
- Eighty-one percent of criminal appeals filed in 2006 involved drugs, firearms, immigration, or fraud. Drug appeals rose 15 percent to 6,189. Immigration appeals climbed 22 percent to 2,919. Firearms and explosives appeals grew 3 percent to 2,455. Fraud appeals grew 13 percent to 1,559.
- Fifty-six percent of immigration appeals were filed in the Fifth Circuit, and 23 percent were filed in the Ninth Circuit. These proportions are consistent with the proportions of immigration cases filed in the district courts in the Fifth and Ninth Circuits.
- Criminal appeals have climbed 43 percent since 2002 and 50 percent since 1997.

Original proceedings climbed 33 percent in the past year to 6,160, the highest total reached since 1998, the year the category of original proceedings was changed to add mandamus proceedings not previously included.



- Seventy-eight percent of original proceedings involved motions for second or successive habeas corpus petitions, which jumped 50 percent to 4,800. Twenty-one percent of original proceedings involved petitions for writs of mandamus, which decreased 6 percent to 1,300. Overall, original proceedings have increased 15 percent since 2002, when they set the previous record in response to the U.S. Supreme Court's decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

Administrative agency appeals rose 12 percent to 14,377. This growth stemmed almost entirely from a 14 percent increase in appeals of decisions of the Board of Immigration Appeals (BIA) to 13,059 appeals.

- BIA filings have soared 640 percent since 2002, initially in response to the reorganization of the BIA in 2002, when new case review guidelines and processing time standards were instituted. The growth in appeals of BIA decisions continued thereafter because, according to the statistical yearbook of the Executive Office for Immigration Review, the BIA received 52 percent more cases and completed 46 percent more cases between 2001 and 2005, thus increasing the number of decisions that could be challenged in the appeals courts. Although the BIA's caseload peaked in 2002, the appeals courts thereafter received rising numbers of BIA appeals, and the rate of BIA appeals climbed.

Civil appeals remained stable, rising by 30 appeals to 32,805. Motions to vacate sentence filed by federal prisoners rose 20 percent to 6,450 pursuant to *Blakely* and *Booker*. This increase, however, was offset by declines in state prisoner petitions and other private civil appeals.

- Civil appeals consisted of 53 percent prisoner petitions, 20 percent civil rights appeals, and 27 percent all other appeals.
- The number of civil appeals filed was 8 percent below the totals for both 2002 and 1997.

In 2006, filings in the federal appeals courts consisted of 47 percent civil appeals, 23 percent criminal appeals, 20 percent administrative agency appeals, 9 percent original proceedings, and 1 percent bankruptcy appeals.

- In 1997, the appeals courts' caseload constituted 69 percent civil appeals, 21 percent criminal appeals, 7 percent administrative agency appeals, 2 percent original proceedings, and 2 percent bankruptcy appeals.
- The proportion of civil appeals has changed in the past decade in response to habeas corpus reforms instituted by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), to changes in the guidelines for processing BIA cases, and, more recently, to the *Blakely* and *Booker* decisions.

Terminations of appeals rose 16 percent to 66,792 as appeals courts concluded BIA appeals and appeals that had been held pending the decision in *Booker*.

- Appeals terminations per three-judge panel rose 16 percent from 1,033 to 1,200.
- In 2006, appeals courts terminated 16 percent more appeals than in 2002 and 30 percent more than in 1997.

The appeals courts' pending caseload grew 6 percent as filings outpaced terminations.

- The number of appeals pending in 2006 was 50 percent higher than in 2002 and 51 percent higher than in 1997.

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

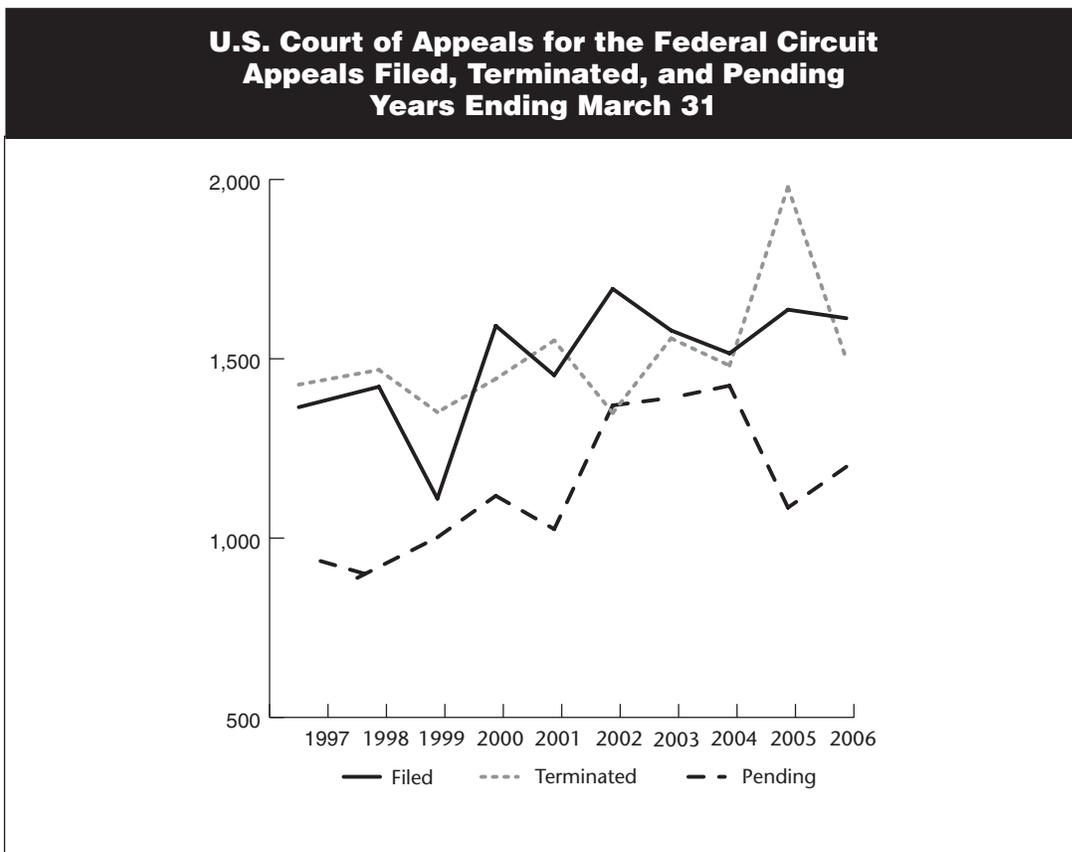
U.S. Court of Appeals for the Federal Circuit

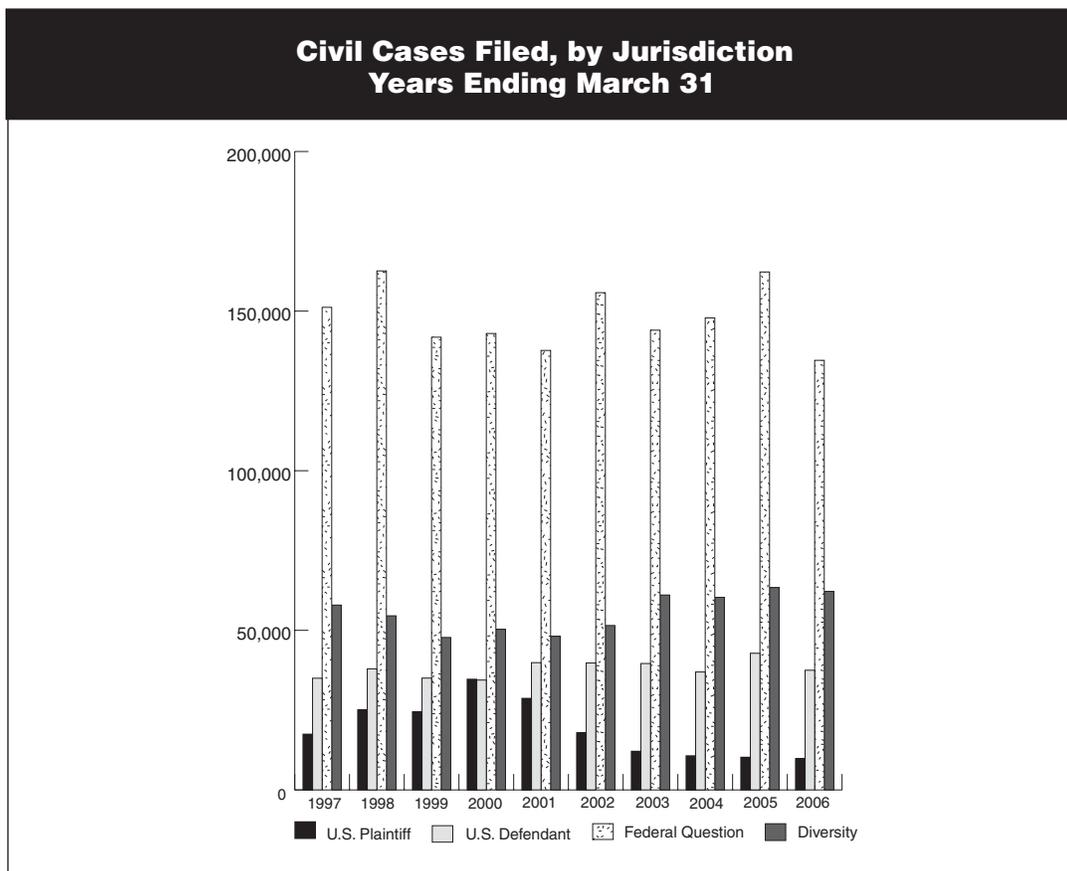
Filings in the U.S. Court of Appeals for the Federal Circuit remained relatively stable, falling 1 percent to 1,613. The largest numeric increase occurred in appeals of decisions by the Merit Systems Protection Board, a rise of 5 percent to 540 appeals. Appeals involving the U.S. Court of Federal Claims had the largest numeric decrease, a reduction of 15 percent to 163 appeals.

- Filings per three-judge panel dropped from 409 in 2005 to 403 in 2006.
- Filings in 2006 were 5 percent lower than in 2002, but 18 percent higher than in 1997.

Terminations of appeals fell 24 percent (down 481) to 1,498.

- Terminations of appeals had jumped 34 percent the previous year when many appeals of decisions by the U.S. Court of Appeals for Veterans Claims were dismissed or remanded pursuant to *Vaughn v. Principi*, 336 F.3d 1351 (Fed. Cir. 2003), and *Conway v. Principi*, 353 F.3d 1369 (Fed. Cir. 2004).
- The number of appeals terminated per three-judge panel decreased from 495 in 2005 to 375 in 2006.
- Terminations were 11 percent greater in 2006 than in 2002, and 5 percent greater than in 1997.





The number of appeals pending on March 31, 2006, rose 11 percent to 1,199, up 114 cases from 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 decreased 10 percent (down 36,338 cases) to 312,738 (this total does not include petty offense cases assigned to magistrate judges).

- Overall filings per authorized judgeship dropped from 515 to 461.
- The number of cases filed this year was 5 percent below the number filed in 2002 and less than 1 percent above the number filed in 1997.

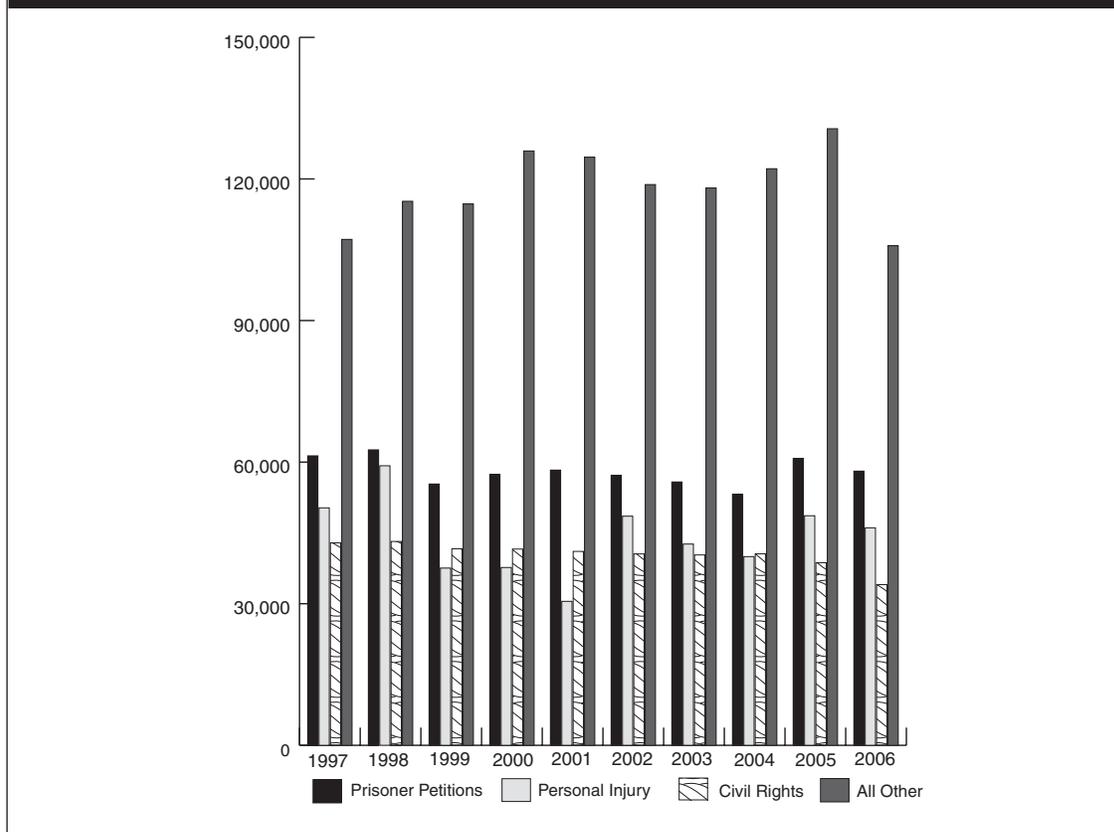
Case terminations rose 7 percent (up 23,340 cases to 348,750) from 2005 to 2006. As terminations exceeded filings, the pending caseload fell 10 percent to 315,800 cases.

Civil Filings

After rising 9 percent the previous year, civil filings in the U.S. district courts declined 12 percent, falling by 34,644 cases to 244,068.

- Most of this reduction stemmed from a 13 percent decrease in private cases consisting of 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) and diversity of citizenship filings.

Civil Cases Filed, by Nature of Suit Years Ending March 31



- Civil filings per authorized judgeship dropped from 411 to 360.
- From 2002 to 2006, civil filings declined 8 percent (down more than 21,000 cases), primarily due to declines in statutory actions related to personal property damage, civil rights, Social Security, and personal injury/product liability cases.
- Over the past 10 years, civil filings have fallen 7 percent (down more than 17,000 cases) as civil rights cases have dropped 21 percent, personal injury cases have decreased 8 percent, and prisoner petitions have declined 5 percent.

Federal question filings fell 17 percent, mainly because of reductions in statutory actions related to personal property damage and civil rights cases.

- Statutory actions related to personal property damage dropped 66 percent. The previous year, filings had been abnormally high because more than 19,000 actions against a single defendant had been received in the District of South Carolina.
- Civil rights cases declined 11 percent, chiefly in response to a 17 percent reduction in employment filings (down more than 2,800 cases).

Diversity of citizenship filings fell 2 percent, mostly due to an 11 percent decrease in personal injury/product liability cases alleging injuries arising from diet drugs and welding rods containing manganese.

Filings of cases with the United States as defendant dropped 12 percent as prisoner petitions declined 17 percent to 14,846.

- Prisoner petitions decreased as a result of a 25 percent reduction in habeas corpus petitions and a 14 percent decline in motions to vacate sentence. The previous year, prisoner petitions had climbed 50 percent in response to the U.S. Supreme Court's decisions in *Blakeley* and *Booker*.

The number of filings with the United States as plaintiff declined 4 percent to 9,799, as defaulted student loan cases dropped 12 percent and foreclosure cases fell 9 percent.

Civil case terminations climbed 8 percent to 281,220.

- This rise stemmed from terminations of personal property damage cases in the District of South Carolina, breast implant cases in the Eastern District of Michigan, welding rod cases in the Northern District of Ohio, and diet drug cases in the Eastern District of Pennsylvania.

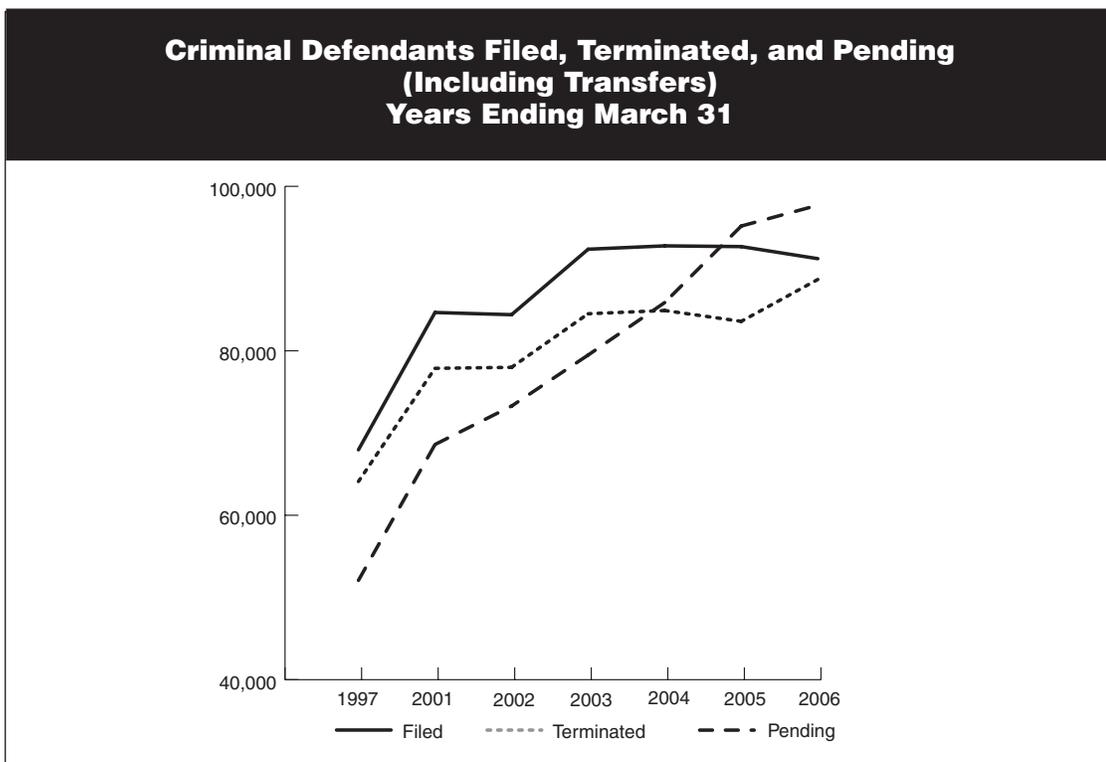
Pending civil cases decreased 13 percent (down 37,152 cases) to 246,057.

- The greatest reductions in pending cases occurred in the District of South Carolina, whose pending caseload dropped by more than 19,000 cases and consisted of cases mostly related to personal property damage, and in the Eastern District of Michigan, whose pending caseload fell by more than 14,000 cases and consisted largely of breast implant cases.

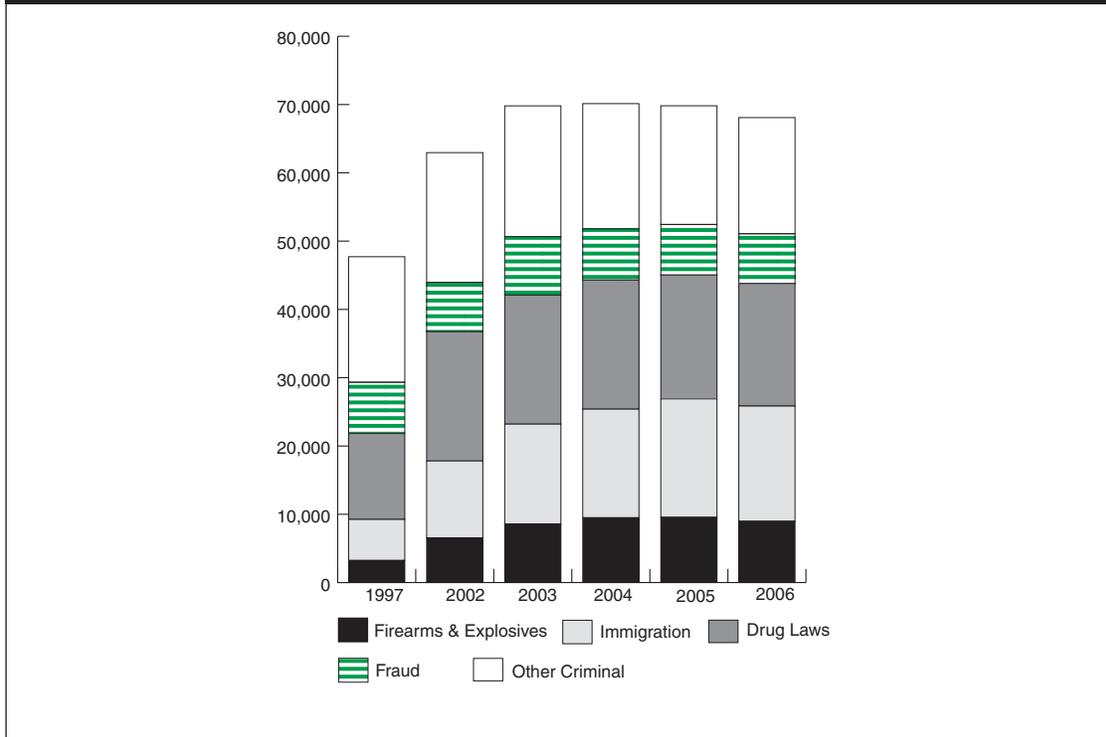
Detailed data on civil cases filed in the district courts appear in the C series of the appendix tables.

Criminal Filings

Filings of criminal cases and defendants (including transfers) both declined 2 percent in 2006, dropping to 68,670 cases and 91,203 defendants. The reduction in criminal filings stemmed from the combined effects of U.S. attorneys' using resources on previously filed cases affected by the U.S. Supreme Court decisions in *Blakeley v. Washington* and *United States v. Booker*, which addressed sentencing guidelines, and of the U.S. Department of Justice's policy of focusing on crimes related to terrorism and national security.



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



- In 2006, the district courts received 8 percent more cases and 8 percent more defendants than in 2002 and 42 percent more cases and 34 percent more defendants than in 1997.

Filings related to sex and property offenses grew in 2006. However, these increases were offset by reductions in filings involving violence, drugs, firearms and explosives, the justice system, immigration, regulations, and traffic.

Drug cases fell 1 percent to 17,950, and defendants declined 1 percent to 31,949, solely because of reductions in marijuana cases. Filings of non-marijuana cases rose 2 percent to 13,052, and non-marijuana defendants increased 1 percent to 24,777.

- Drug cases were 5 percent lower in 2006 than in 2002, with most of the decline occurring in the last two years. The reduction in cases was driven by the drop in marijuana filings.
- The number of defendants in drug cases has fluctuated during the past five years. The total for 2006 was 57 below that for 2002.
- Non-marijuana case filings have grown 5 percent in the past five years, and non-marijuana defendants have risen 7 percent.
- Since 1997, drug cases have jumped 43 percent, and drug defendants have grown 31 percent.

Case filings involving property offenses climbed 1 percent to 11,892 in 2006, and defendants in such cases grew 4 percent to 15,736. These increases stemmed from growth in filings related to forgery and counterfeiting and to certain categories of fraud. Although the total number of fraud cases declined 2 percent to 7,287, defendants in such cases rose by 137 to 10,059. Increases in fraud filings addressing

identification documents, false claims and services, unauthorized access devices, computers, and health care were offset by decreases involving tax, securities and exchange, false statements, mail, and social security fraud.

- Filings of property offense cases have dropped 7 percent since 2002, and defendants in those cases have fallen 5 percent. Since 1997, property offense cases have declined 12 percent, and defendants have decreased 9 percent.

Sex offense filings reached record levels as cases rose 8 percent to 1,853, and defendants climbed 10 percent to 1,940. Both increases were due to growth in cases involving sexually explicit materials.

- Sixty-four percent more sex offense cases and 66 percent more defendants were filed in 2006 than in 2002. Since 1997, such cases have surged 172 percent, and defendants have increased 166 percent.

Immigration cases declined 3 percent to 16,871, and defendants in those cases dropped 2 percent to 18,130. Seventy-two percent of immigration cases were filed in the five southwestern border districts: the Southern District of Texas, Western District of Texas, District of Arizona, Southern District of California, and District of New Mexico.

- Since 2002, immigration cases have risen 50 percent, and defendants in those cases have climbed 51 percent. Since 1997, such cases have surged 181 percent, and defendants have increased 175 percent.

Firearms and explosives cases and defendants both declined 6 percent, dropping to 8,975 cases and 10,054 defendants.

- Thirty-seven percent more firearms and explosives cases and 32 percent more defendants were filed in 2006 than in 2002. Since 1997, such cases have soared 177 percent, and defendants have climbed 144 percent.

In 2006, terminations of cases rose 5 percent to 67,530; for defendants, terminations grew 6 percent to 88,672.

Pending cases increased 2 percent to 69,743, and pending defendants climbed 3 percent to 97,701. The pending caseload has grown 34 percent since 2002 and 106 percent since 1997.

Detailed data on criminal cases filed in the district courts appear in the D series of the appendix tables.

U.S. Bankruptcy Courts

Bankruptcy filings increased 13 percent to 1,794,795 in the 12-month period ending March 31, 2006, as many debtors filed petitions before October 17, 2005, the general effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).

- Seventy-three districts reported higher filings, with 47 districts reporting growth of 15 percent or more.
- Bankruptcy filings have grown 19 percent since 2002 and have jumped 44 percent since 1997. Household debt as a percentage of income, thought to be a prime indicator of future bankruptcies, has risen in the past decade, and the pending implementation of BAPCPA contributed to record bankruptcy filings in the past year.

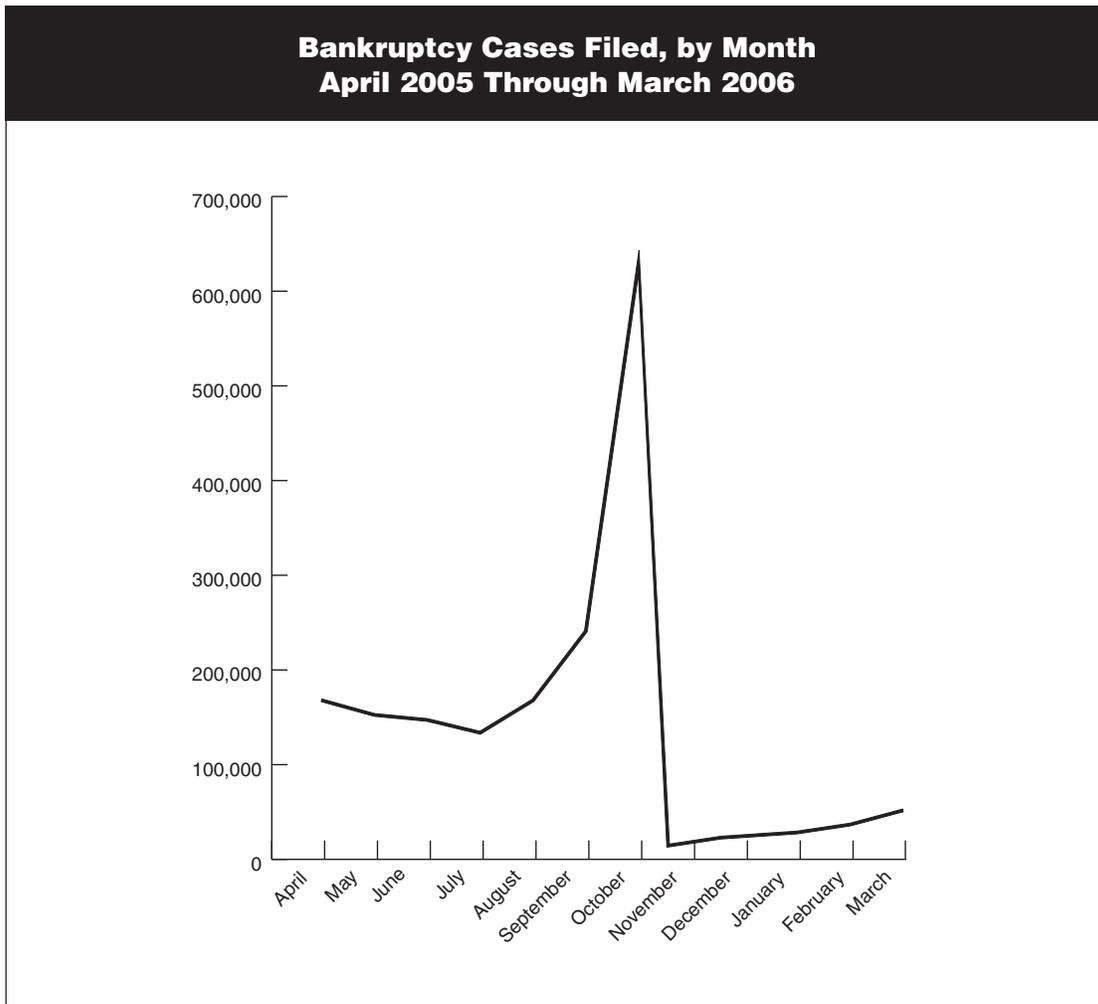
- Twenty-eight bankruptcy judgeships were authorized by BAPCPA, P.L. No. 109-8, 199 Stat. 23. However, the increase in filings leading up to the effective date of BAPCPA caused filings per authorized judgeship to climb from 4,910 in 2005 to 5,099 in 2006. The number of filings per authorized judgeship was 3,825 in 1997.
- Terminations of bankruptcy cases rose 17 percent. Because the number of bankruptcy cases closed exceeded the number filed, pending bankruptcy cases dropped 6 percent.

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

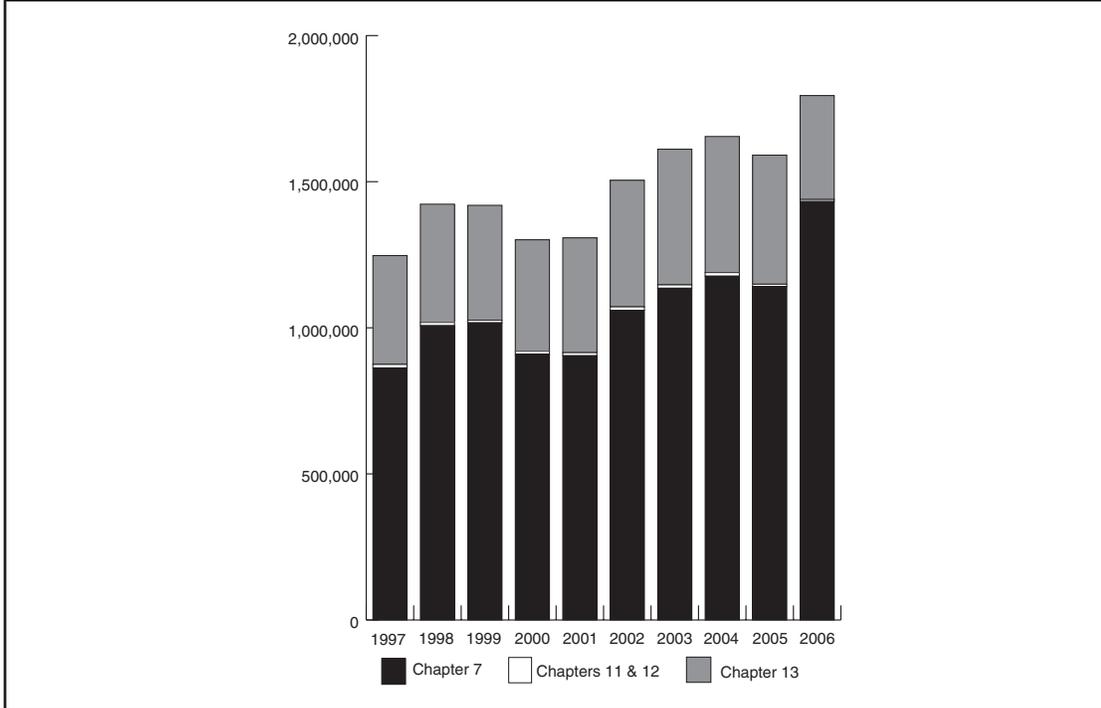
- Chapter 7 filings increased 25 percent to 1,432,074.
- Chapter 11 filings decreased 9 percent to 6,497.
- Chapter 12 filings rose 94 percent to 366.
- Chapter 13 filings dropped 19 percent to 355,756.

Filings involving predominantly nonbusiness debts totaled 1,759,503, an increase of 13 percent (up 200,480 petitions) over the 2005 figure.

- Nonbusiness filings grew 26 percent under chapter 7 because many debtors rushed to file petitions before the implementation of BAPCPA, which places new constraints on debtors who wish to file chapter 7 petitions.



Bankruptcy Cases Filed, by Chapter Years Ending March 31



- Nonbusiness chapter 13 filings fell 20 percent, and nonbusiness chapter 11 filings dropped 8 percent. Many nonbusiness debtors, in lieu of filing for bankruptcy under chapters 13 and 11, rushed to file chapter 7 petitions before BAPCPA took effect. (All chapter 12 petitions are classified as business cases.)
- Nonbusiness petitions continued to account for an overwhelming percentage of bankruptcy filings, rising from 96 percent of all filings in 1997 to 98 percent in 2006.

Filings involving predominantly business debts, which constituted 2 percent of total petitions filed, grew 10 percent to 35,292.

- Business petitions jumped 21 percent under chapter 7 due to the rush in filings before the effective date of BAPCPA.
- Chapter 12 petitions soared 94 percent. This dramatic growth stemmed, in part, from the lapse in legislation authorizing chapter 12 from January to October 2004. Changes required by BAPCPA included the permanent authorization of chapter 12 of the United States Bankruptcy Code.
- Business petitions fell 11 percent under chapter 13 and decreased 9 percent under chapter 11.

Adversary proceedings decreased 5 percent from 81,254 to 77,193. The District of Delaware saw filings drop 58 percent (down 6,122 filings), mainly due to the termination of mega-bankruptcy cases filed in previous years that had led to a surge of adversary proceedings.

- Terminations of adversary proceedings declined 14 percent.
- The number of adversary proceedings terminated exceeded the number filed, which caused pending adversary proceedings to decrease 8 percent to 86,020 as of March 31, 2006.

Detailed data on bankruptcy petitions and adversary proceedings filed in the bankruptcy courts appear in the F series of the appendix tables.

Post-Conviction Supervision

The number of persons under post-conviction supervision as of March 31, 2006, remained relatively stable at 113,322, a rise of 452 persons over the number under supervision one year earlier.

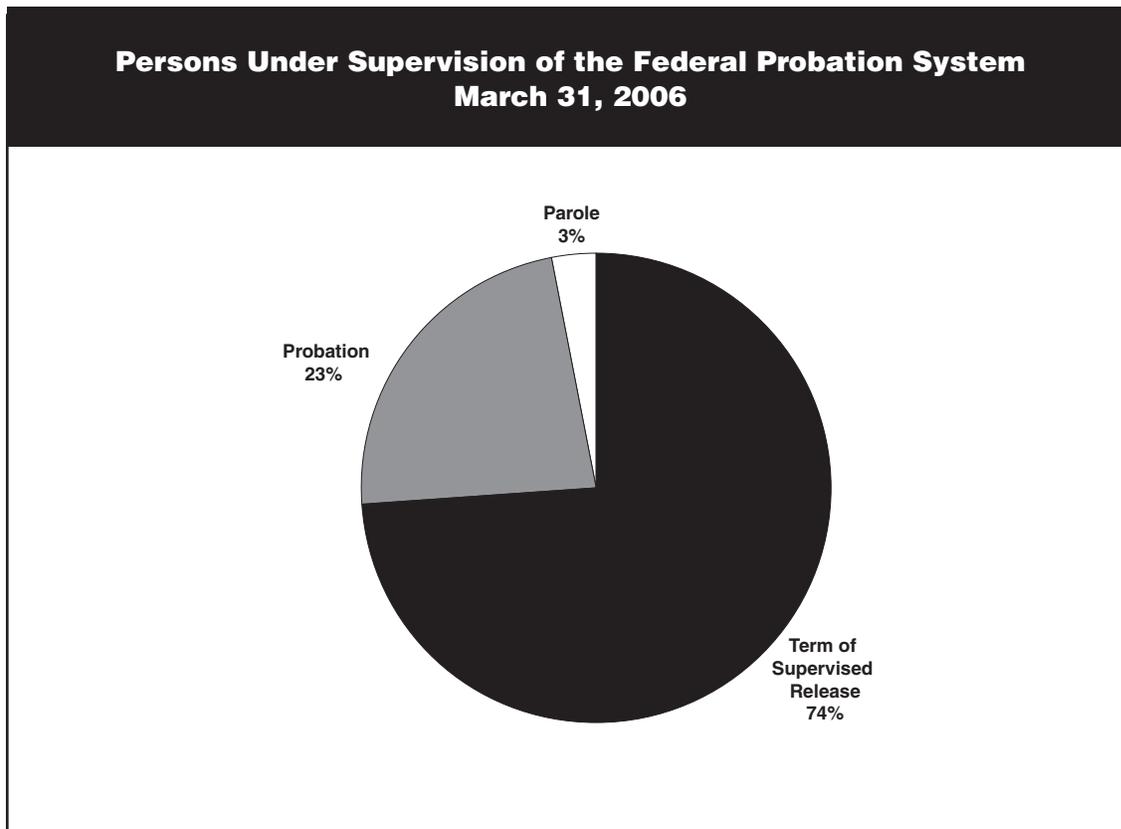
- A total of 58,308 persons were received for supervision compared to 63,605 the previous year. However, this apparent decline occurred because of a change in case opening coding procedures. Prior to 2005, districts opened and closed cases during re-entry, then opened cases again upon the offenders' release, resulting in abnormally high totals for cases received.
- The number of persons under supervision in 2006 was 6 percent higher than the total for 2002 and 25 percent higher than that for 1997.

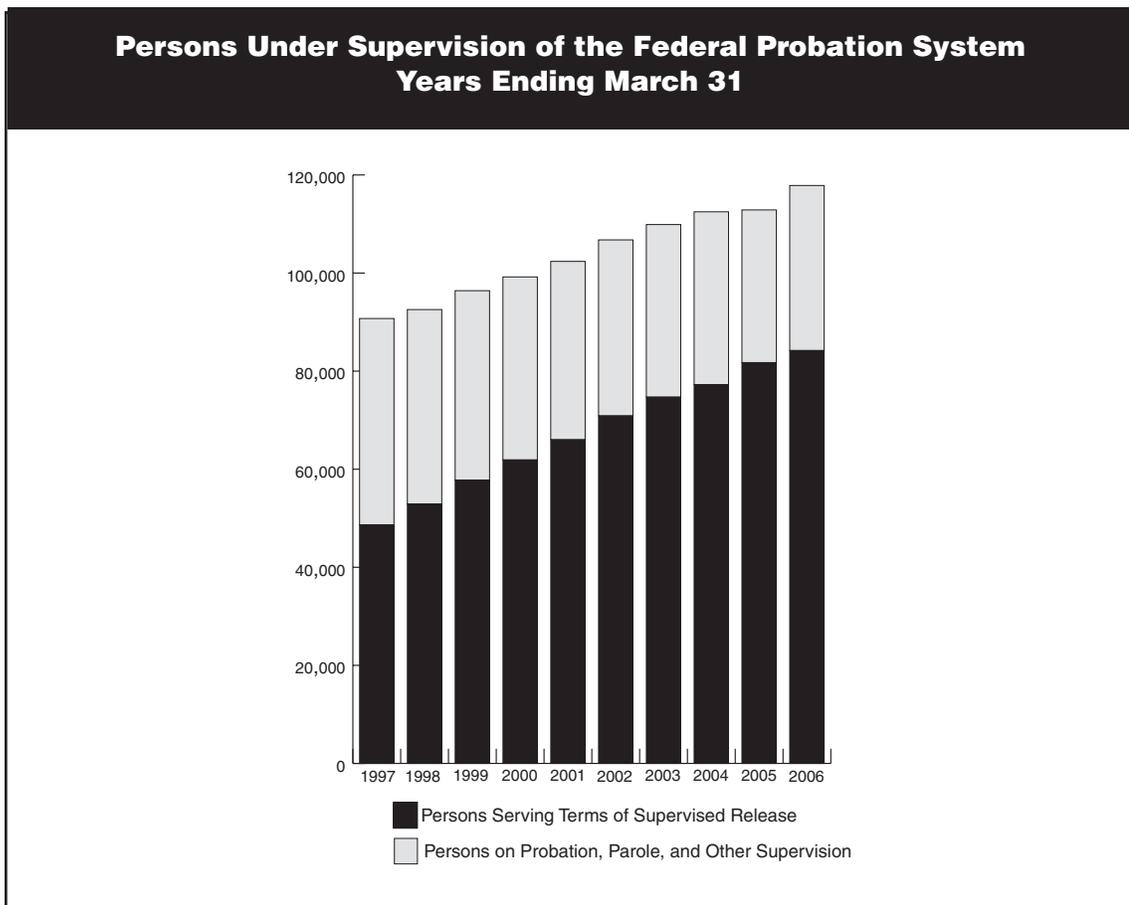
The number of persons removed from supervision decreased 9 percent to 57,767.

Seventy-four percent of offenders under supervision on March 31, 2006, were serving terms of supervised release after imprisonment, 23 percent were under supervision following the imposition of a sentence of probation, and 3 percent were on parole.

- A total of 84,191 persons were serving terms of supervised release, a rise of 3 percent from the total for March 31, 2005.
- The number of persons serving terms of supervised release in 2006 was 19 percent higher than the number for 2002 and 73 percent higher than the number for 1997.

The number of persons on probation dropped 7 percent.





The number of persons on parole, special parole, military parole, and mandatory release on March 31, 2006, declined 5 percent from the total one year earlier to 3,060, 28 percent from the number for 2002, and 63 percent from the number for 1997. The reductions are due to the Sentencing Act of 1987, which provides that the Sentencing Reform Act of 1984 abolishes parole for anyone who committed an offense on or after November 1, 1987.

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 2006, the number of presentence reports written by probation officers totaled 72,281, a rise of 5 percent. Of this number, 68,187 were presentence reports on guidelines.

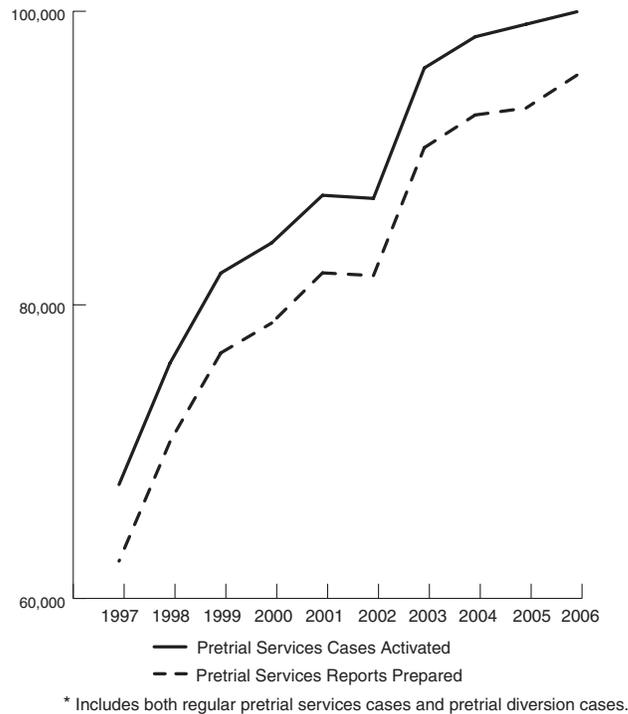
Detailed probation data appear in the E series of the appendix tables.

Pretrial Services

A total of 98,246 pretrial services cases were activated during the year ending March 31, 2006, a 1 percent increase over the total for the previous year.

- During 2006, a total of 1,723 pretrial diversion cases were activated, a decrease of 12 percent from the previous year.

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



- A total of 93,986 pretrial services cases were closed.
- Pretrial services activity has grown over time such that the number of pretrial services cases activated in 2006 was 15 percent greater than the number of cases activated in 2002 and 50 percent greater than the number of cases activated in 1997.

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 1 percent fewer defendants (down 634) but prepared 2 percent more pretrial services reports (up 2,241) than they did in 2005.
- The number of pretrial services reports prepared in 2006 was 17 percent greater than in 2002 and 53 percent greater than in 1997.

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.

- The number of defendants received for pretrial services supervision increased 3 percent to 33,265.
- The number of defendants received for pretrial diversion supervision decreased 12 percent from 1,998 to 1,750.

Detailed pretrial services statistics appear in the H series of the appendix tables.