

# Judicial Business

This report provides statistical information on the caseload of the Federal Judiciary for the 12-month period ending March 31, 2011. 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 probation and pretrial services systems.

Caseload growth occurred in nearly all key areas of the federal court system during this reporting period. Only the U.S. courts of appeals had a decline in filings, a decrease of 2 percent. In the U.S. district courts, civil filings increased 4 percent, and defendants charged with criminal offenses rose 5 percent. Bankruptcy filings climbed 3 percent to almost 1.6 million, nearing the number of petitions filed just before the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) took effect. Two percent more persons were under supervision by the federal probation system on March 31, 2011, than one year earlier. The number of pretrial services cases activated grew 6 percent.

## U.S. Courts of Appeals

Filings in the 12 regional courts of appeals fell 2 percent to 55,753 during the 12-month period ending March 31, 2011. Overall filings declined due to decreases in criminal appeals, prisoner petitions, appeals of administrative agency decisions, and bankruptcy appeals. Filings of original proceedings rose. Excluding prisoner petitions, civil appeals remained stable.

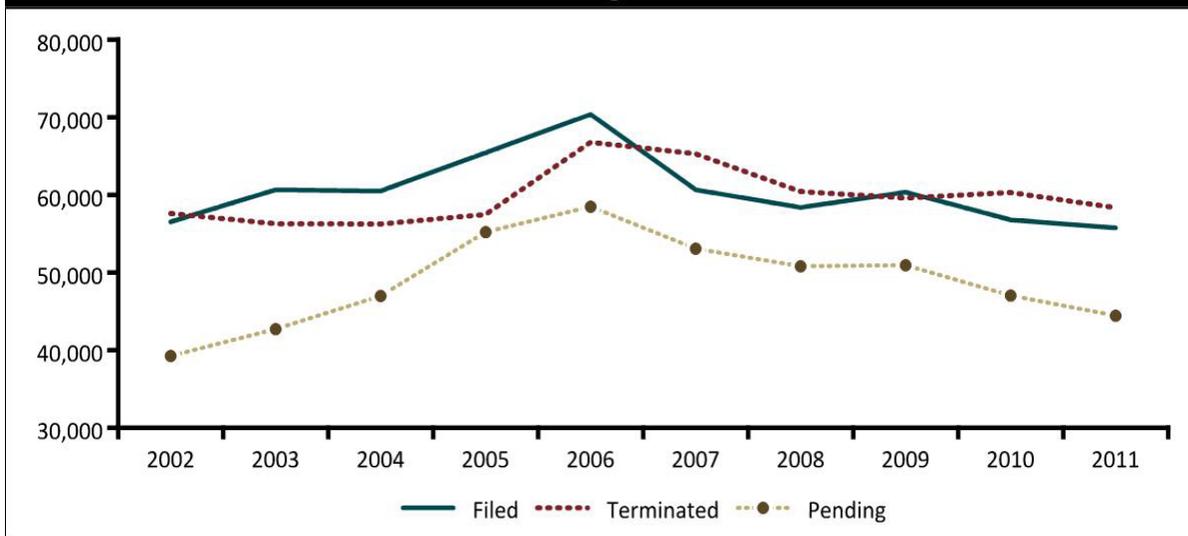
The distribution of filings in the federal appeals courts remained the same as in 2010. Fifty-five percent of filings were civil appeals, 23 percent were criminal appeals, 14 percent were administrative agency appeals, 7 percent were original proceedings, and 1 percent were bankruptcy appeals.

Civil appeals fell by 342 cases to 30,848, mainly because of a 3 percent reduction in prisoner petitions.

- In 2011, civil appeals consisted of 51 percent prisoner petitions, 18 percent civil rights appeals, and 31 percent other civil appeals.

<b>Appeals Court Filings Percent Change Over Time</b>			
	<b>Since 2002</b>	<b>Since 2007</b>	<b>Since 2010</b>
Total Filings	- 1.4	- 8.1	- 1.8
Civil Appeals	- 13.7	- 0.1	- 1.1
Criminal Appeals	10.7	- 10.8	- 3.7
Administrative Agency Appeals	139.4	- 31.3	- 4.1
Bankruptcy Appeals	- 22.0	- 12.2	6.7
Original Proceedings	- 26.2	- 6.1	4.4

## Appeals Filed, Terminated, and Pending Years Ending March 31



Criminal appeals declined 4 percent to 12,578 in 2011, largely due to a 14 percent drop in cases involving drugs other than marijuana.

- Thirty-six percent of criminal appeals involved drug offenses.
- Seventy-six percent of criminal appeals involved four offense categories: drugs, immigration, weapons and firearms, and fraud.

Administrative agency appeals fell 4 percent to 7,690, primarily because of a 9 percent decline in appeals of decisions by the Board of Immigration Appeals (BIA), which accounted for 85 percent of administrative agency appeals in 2011.

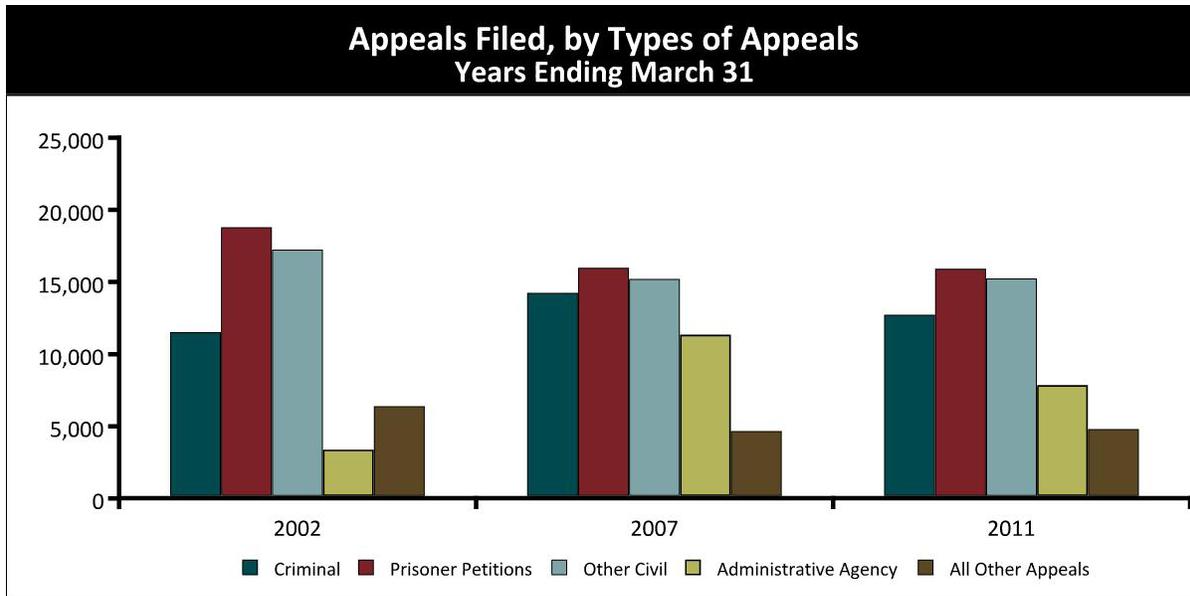
- BIA appeals constituted the majority of administrative agency appeals in all circuits except the D.C. Circuit. The proportions ranged from 65 percent in the Seventh Circuit to 96 percent in the Second Circuit. The D.C. Circuit received only one BIA appeal.
- Administrative agency appeals grew 56 percent in the D.C. Circuit to 443 because of a 173 percent surge in Environmental Protection Agency appeals and a 43 percent rise in National Labor Relations Board appeals.

Original proceedings increased 4 percent to 3,951.

- Sixty-three percent of original proceedings involved motions for second or successive habeas corpus petitions, which climbed 6 percent to 2,470.
- Thirty-four percent of original proceedings involved petitions for writs of mandamus, which rose 6 percent to 1,336.

Terminations of appeals declined 3 percent to 58,349. The pending caseload fell 6 percent, as terminations outpaced filings in the appeals courts.

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



## Bankruptcy Appellate Panels

Filings with the Bankruptcy Appellate Panels (BAPs) increased 29 percent (up 210 appeals) to 943 in the 12-month period ending March 31, 2011.

- Filings rose in all five circuits with BAPs.
- The Ninth Circuit had the highest numeric growth with an increase of 155 appeals (up 37 percent). Filings rose by 27 appeals in the First Circuit (up 39 percent), by 17 appeals in the Sixth Circuit (up 23 percent), by 9 appeals in the Tenth Circuit (up 11 percent), and by 2 appeals in the Eighth Circuit (up 2 percent).

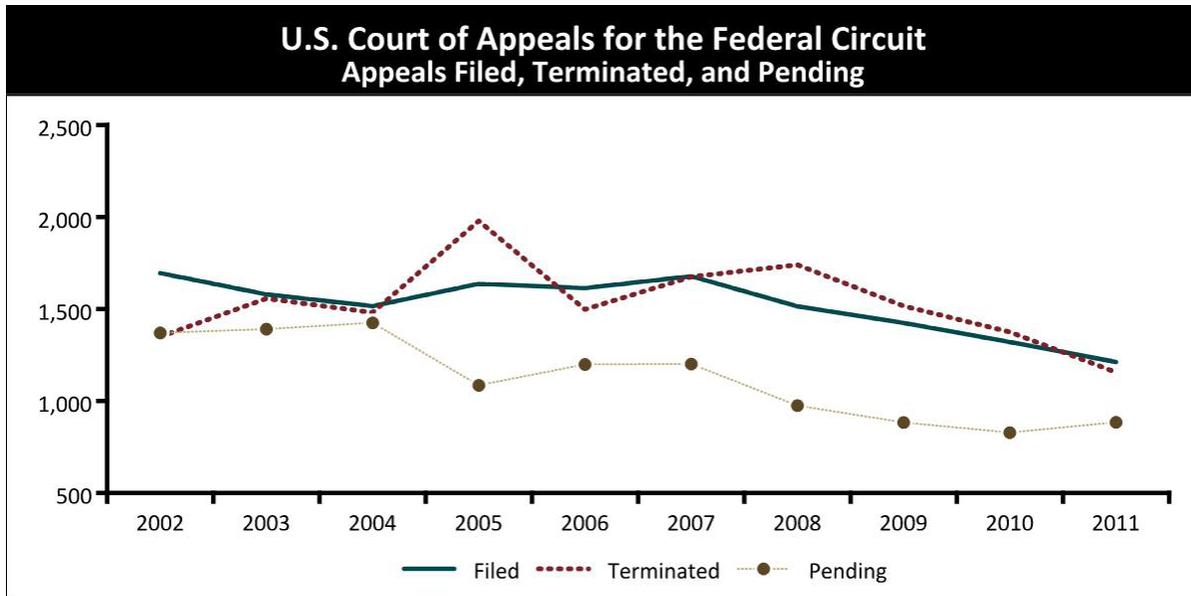
Data for the BAPs appear in the B series of the appendix tables.

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

Filings in the U.S. Court of Appeals for the Federal Circuit declined 8 percent to 1,212, following a 7 percent drop in 2010.

- The largest numeric reduction occurred in appeals of decisions by the Merit Systems Protection Board, which fell by 104 appeals to 213 (down 33 percent).
- Appeals involving the U.S. Court of Appeals for Veterans Claims had the largest numeric increase, a rise of 39 appeals to 187 (up 26 percent).

<b>Federal Circuit Filings Percent Change Over Time</b>			
	<b>Since 2002</b>	<b>Since 2007</b>	<b>Since 2010</b>
Total Filings	28.5	27.8	8.2



Terminations of appeals decreased 16 percent (down 219 terminations to 1,156). As filings exceeded terminations, the number of appeals pending on March 31, 2011, grew 7 percent from the previous year's total to 884 (up 56 appeals).

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

## U.S. District Courts

Total filings in the U.S. district courts rose 4 percent (up by 14,293 cases) to 373,887 cases. Case terminations climbed 11 percent (up by 39,881 cases) to 402,664. As case terminations exceeded case filings, the number of pending cases dropped 8 percent (down by 28,764 cases) to 347,716.

### Civil Filings

Civil filings in the U.S. district courts grew 4 percent (up by 12,029 cases) to 294,336.

- The overall increase was fueled by a 4 percent rise in filings of private cases consisting of diversity of citizenship cases (i.e., cases between citizens of different states) and 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).

Diversity of citizenship filings climbed 5 percent (up by 5,487 cases), primarily as a result of personal injury/product liability cases.

- Multidistrict litigation (MDL) cases dealing with asbestos constituted 41 percent of all diversity of citizenship filings. MDL cases involving contraceptives in the Southern District of Illinois and MDL cases related to hormone therapy in the Eastern District of Arkansas contributed to the increase in diversity of citizenship filings.

Federal question filings climbed 3 percent, mostly as a result of increases in cases addressing the Americans with Disabilities Act (up by 1,104 cases or 36 percent), patents (up by 965 cases or 34 percent, mainly because of a surge in cases alleging false marking of products as patented), the

### Civil Case Filings Percent Change Over Time

	Since 2002	Since 2007	Since 2010
Total Filings	11.0	5.8	4.3
Federal Question Cases	- 9.6	- 0.5	3.2
Diversity of Citizenship Cases	109.8	16.8	5.3
U.S. Defendant Cases	- 9.9	2.4	3.1
U.S. Plaintiff Cases	- 46.7	4.0	12.0

Fair Labor Standards Act (up by 955 cases or 16 percent), civil rights employment (up by 764 cases or 6 percent), and consumer credit (up by 704 cases or 9 percent).

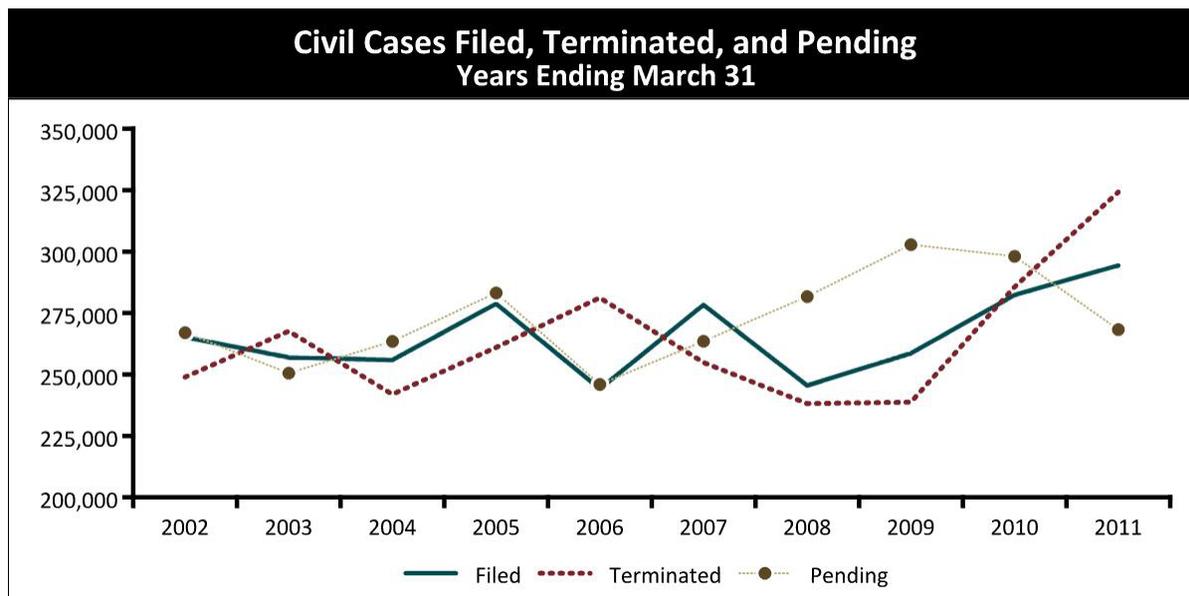
Filings of cases with the United States as plaintiff rose 4 percent to 9,537 as cases involving defaulted student loans jumped 44 percent.

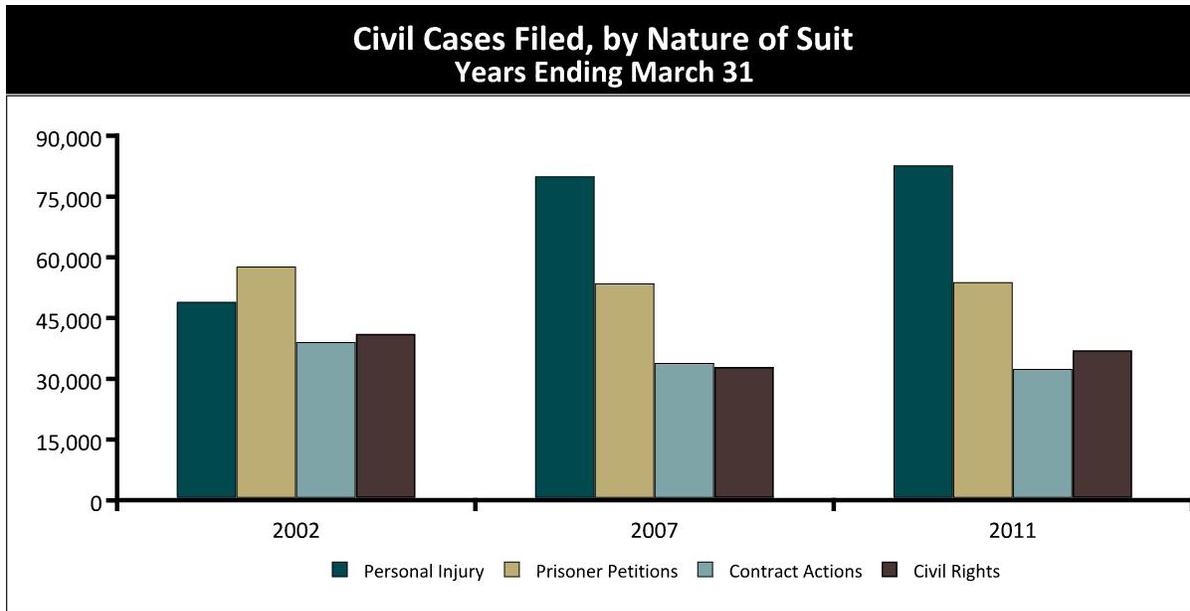
Filings of cases with the United States as defendant grew 3 percent to 35,833.

- Social Security filings climbed 9 percent as a result of a 13 percent increase in supplemental security income claims (up by 855 cases) and a 7 percent rise in disability claims (up by 438 cases).
- Filings of prisoner petitions increased 15 percent due to growth in motions to vacate sentence (up by 433 petitions) and to obtain habeas corpus relief in noncapital cases (up by 406 petitions).

Civil case terminations jumped 14 percent to 324,190.

- Over 76,000 personal injury/product liability asbestos cases were terminated in the Eastern District of Pennsylvania.





- Over 7,400 cases related to the terrorist-related aircraft crashes on September 11, 2001, were terminated in the Southern District of New York.

These terminations caused pending civil cases to decrease 10 percent (down by 29,841 cases) to 268,258.

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

## Criminal Filings

Filings for criminal defendants (including transfers) rose 5 percent to 103,638. This growth resulted mainly from defendant filings related to immigration, fraud, and drugs other than marijuana. Defendant filings associated with violent crimes, sex offenses, general offenses, regulatory offenses, and traffic offenses also increased. Reductions occurred in defendant filings addressing marijuana offenses, property crimes other than fraud, firearms and explosives offenses, and justice system offenses.

Filings for immigration defendants, which constituted 29 percent of all criminal defendant filings, climbed 5 percent to 29,530.

<b>Criminal Case Filings (Excluding Transfers) Percent Change Over Time</b>			
	Since 2002	Since 2007	Since 2011
Total Defendants Filed	23.2	18.8	5.0
Immigration Defendant	145.5	73.9	5.3
Property Defendants	8.4	14.2	8.2
Sex Offense Defendants	177.4	50.1	12.6
Drug Defendants	-.8	2.0	3.5
Firearms and Explosives Defendants	12.3	-11.1	-0.6

## Criminal Case Tables

Because single-case profiles often do not capture the characteristics and complexity of multi-defendant cases, the following tables for criminal cases will no longer be published beginning with the 12-month period ending December 31, 2011:

- Table D-1. Cases: Criminal Cases Commenced, Terminated, and Pending;
- Table D-2. Cases: Criminal Cases Commenced, by Offense;
- Table D-3. Cases: Criminal Cases Commenced, by Offense and District;
- Table D-13. Cases: Cases Commenced, by Type of Proceedings.

Tables providing defendant-level statistics by offense, district, and type of proceedings will remain available, as will Table D. Cases: Criminal Cases Commenced, Terminated, and Pending.

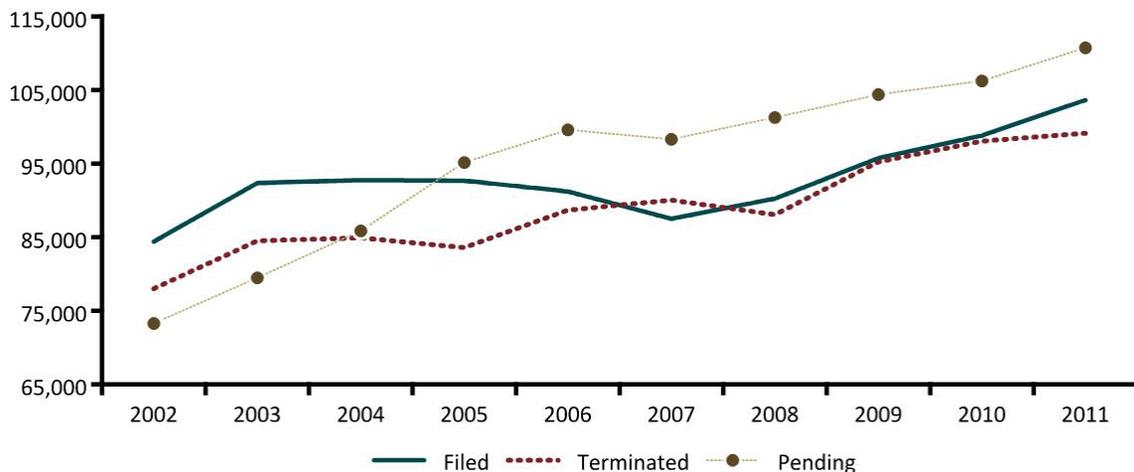
- Seventy-three percent of immigration defendants were in the five southwestern border districts (Southern District of Texas, Western District of Texas, District of Arizona, Southern District of California, and District of New Mexico).

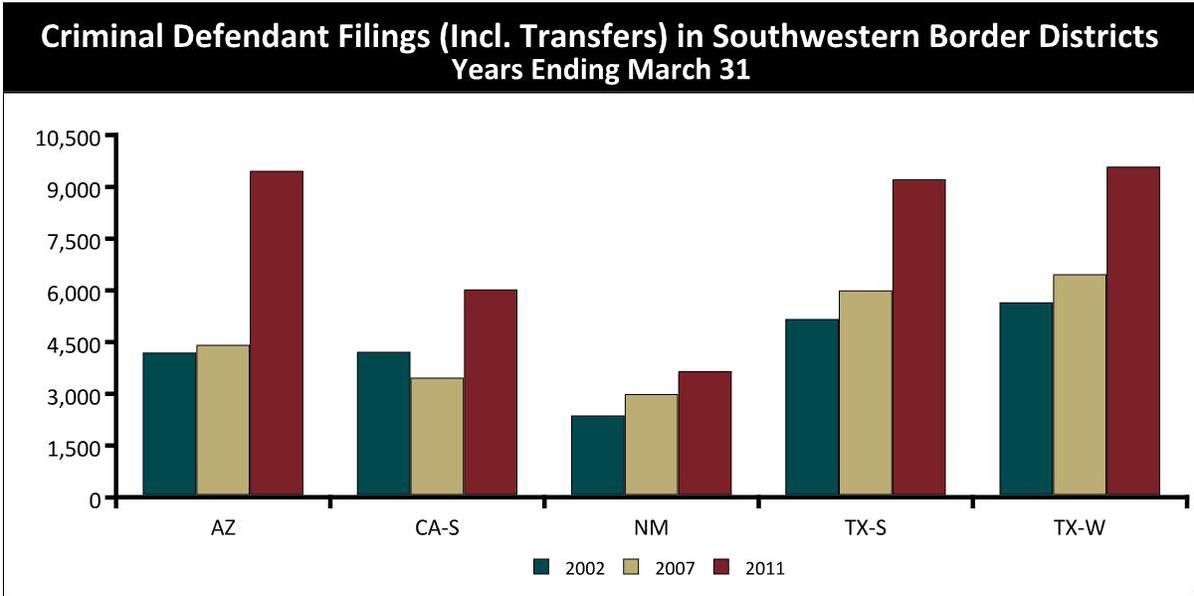
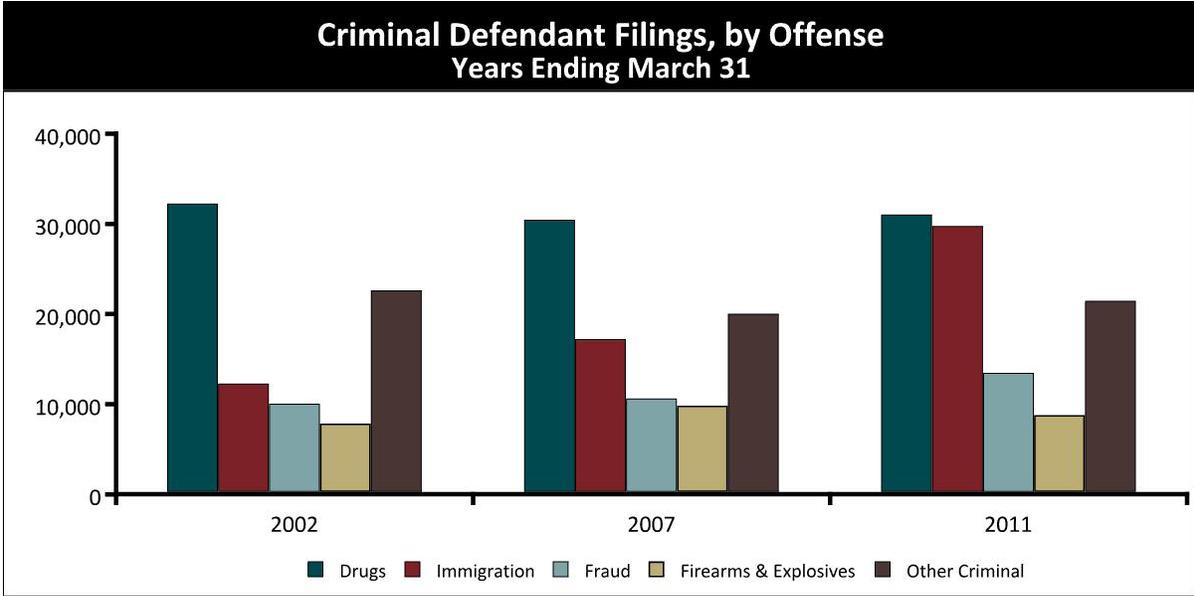
Fraud defendants increased 12 percent to 13,214 as defendants charged with attempt and conspiracy to defraud grew 63 percent to 2,280, mainly due to a multi-defendant indictment filed in the District of Puerto Rico. Defendant filings related to property offenses other than fraud declined 2 percent to 4,786. Overall, defendants charged with property offenses accounted for 17 percent of total defendant filings.

Total drug crime defendants rose 3 percent to 30,795 and amounted to 30 percent of all criminal defendant filings.

- Defendants charged with crimes involving drugs other than marijuana increased 5 percent to 22,893 as defendants charged with offenses related to importing and exporting non-marijuana drugs climbed 35 percent.

## Criminal Defendants Filed, Terminated, and Pending Years Ending March 31





- Defendants charged with marijuana offenses declined 1 percent to 7,788.

Filings for traffic offense defendants grew 6 percent to 4,536. Sex crime defendants climbed 13 percent to 3,237. Violent crime defendants increased 1 percent to 2,908. Defendants charged with general offenses rose 16 percent to 2,578. Defendants charged with regulatory offenses went up 6 percent to 2,171.

Firearms and explosives defendants fell 1 percent to 8,531 and equaled 8 percent of total criminal defendant filings. Filings for justice system offense defendants dropped 3 percent to 988.

Terminations for defendants grew 1 percent to 99,131. As filings exceeded terminations, the number for defendants pending rose 4 percent to 110,756.

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

## U.S. Bankruptcy Courts

Bankruptcy filings rose 3 percent from 1,531,997 to 1,571,183 during the 12-month period ending March 31, 2011, after climbing 27 percent the previous year. Of the 90 bankruptcy courts in the United States, filings grew in 36 courts and fell in the other 54.

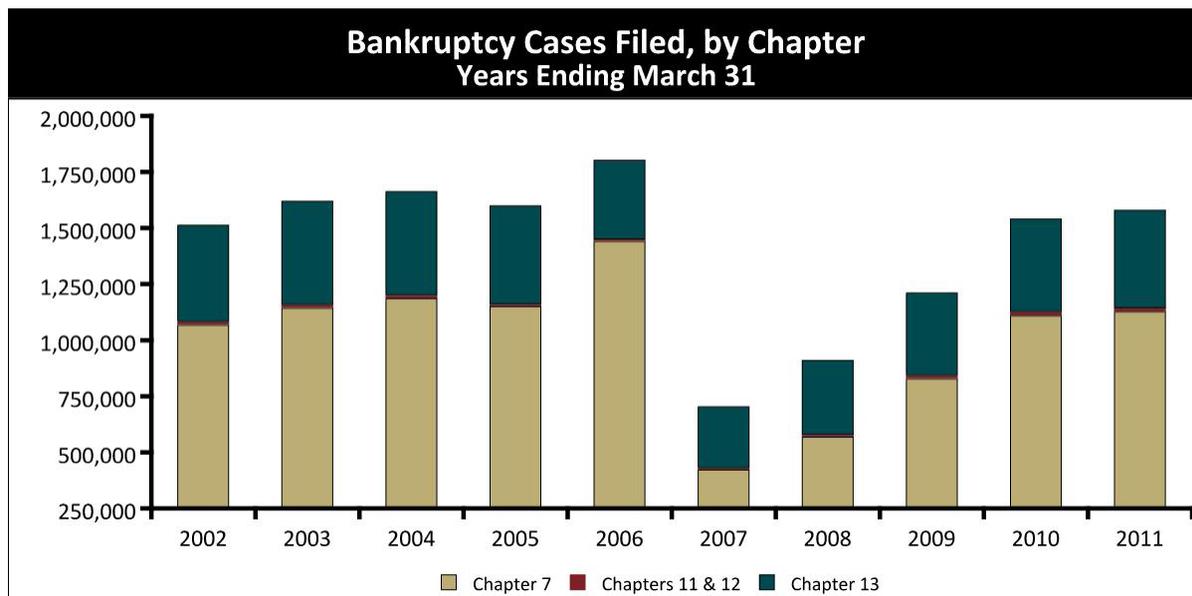
- The district with the greatest percentage increase was the Southern District of Florida, where filings rose 26 percent, followed by the Central District of California, where filings went up 23 percent.
- Filings dropped 15 percent in the Northern District of West Virginia and declined 12 percent in three districts (the Northern District of Iowa, the Western District of New York, and the Southern District of West Virginia).
- Filings increased in seven circuits and decreased in five others. The Ninth Circuit had the greatest percentage increase (up 12 percent), and the Sixth Circuit had the largest percentage decline (down 7 percent).

Filings of petitions grew under three chapters of the bankruptcy code and declined under one chapter.

- Chapter 7 filings rose 2 percent to 1,118,481 and accounted for 71 percent of all filings, down from 72 percent in 2010, but up from 68 percent in 2009 and 62 percent in 2008. The current percentage is close to the percentage reached before the effective date of BAPCPA (chapter 7 filings constituted 72 percent of all bankruptcy filings in the 12 months ending March 31, 2005).
- Chapter 11 filings fell 14 percent to 13,051.
- Chapter 12 filings increased 23 percent to 743.
- Chapter 13 filings rose 5 percent to 438,788.

Ninety-seven percent of bankruptcy filings involved predominantly nonbusiness debts. Nonbusiness filings climbed 3 percent to 1,516,971.

- Nonbusiness filings grew 2 percent under chapter 7, 6 percent under chapter 13, and 15 percent under chapter 11.



<b>Bankruptcy Case Filings Percent Change Over Time</b>			
	<b>Since 2002</b>	<b>Since 2007</b>	<b>Since 2010</b>
Total Filings	4.4	125.9	2.6
Chapter 7	5.5	170.6	1.7
Chapter 11	13.7	151.0	- 14.4
Chapter 13	1.3	58.6	5.5

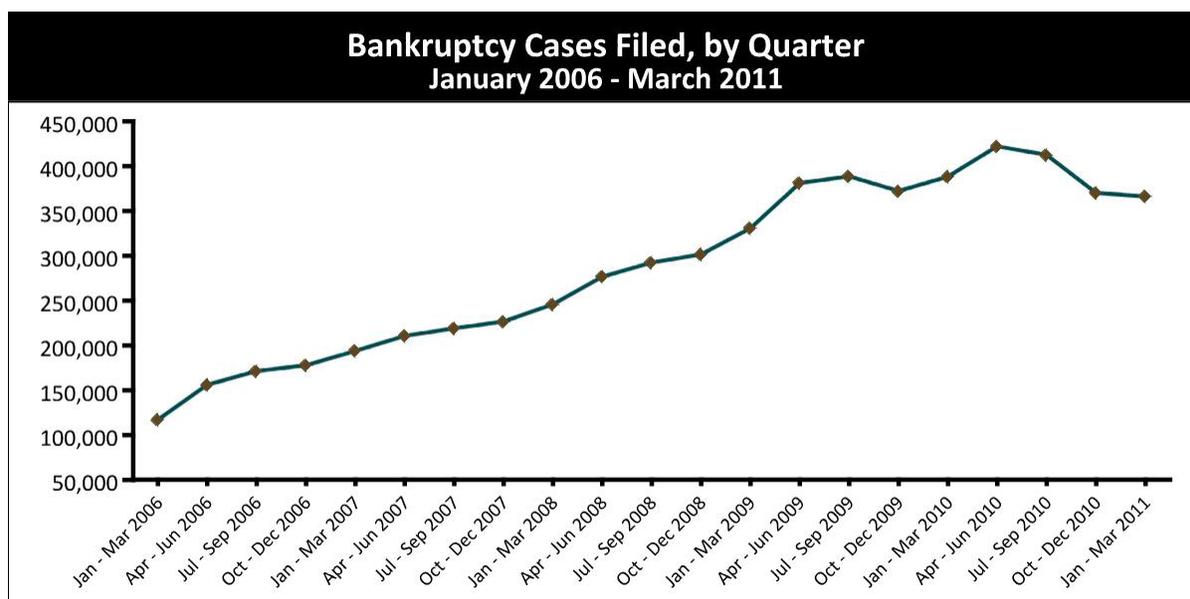
Filings involving predominantly business debts, which amounted to 3 percent of all filings, declined 11 percent to 54,212.

- Business filings decreased 10 percent under chapter 7, 18 percent under chapter 11, and 9 percent under chapter 13, but increased 23 percent under chapter 12.

Terminations of bankruptcy cases rose 12 percent to 1,512,011. Because more cases were filed than were terminated, the number of cases pending on March 31, 2011, grew 4 percent to 1,656,179.

Bankruptcy filings have risen significantly in the five and one-half years since the October 17, 2005 effective date of BAPCPA. In the first full quarter after that law took effect, 116,771 petitions were filed. Thereafter, filings in each quarter increased compared to filings in the same quarter of the previous year through September 30, 2010. However, totals for the quarters ending December 31, 2010, and March 31, 2011, were lower than the quarterly totals reported 12 months earlier (down 1 percent and 6 percent, respectively).

Detailed data on bankruptcy cases appear in the F series of the appendix tables.



## Adversary Proceedings

Adversary proceedings are separate lawsuits that arise within the context of 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 may be associated with consumer bankruptcy cases, but most generally are connected to chapter 11 bankruptcies. Because of statutory time constraints on filing adversary proceedings, such filings generally reflect the levels of chapter 11 bankruptcy petitions two years earlier.

During the 12-month period ending March 31, 2011, adversary proceedings increased 16 percent from 64,747 to 75,203.

- The largest numeric growth occurred in the District of Delaware, where adversary proceedings grew by 3,732 to 7,081 (up 111 percent). These filings arose mainly from “mega cases” that the district received during the period (a mega case is a bankruptcy case involving at least \$100 million in assets and 1,000 creditors).

Terminations of adversary proceedings climbed 22 percent to 65,726. Pending adversary proceedings rose 13 percent to 81,559.

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

## Post-Conviction Supervision

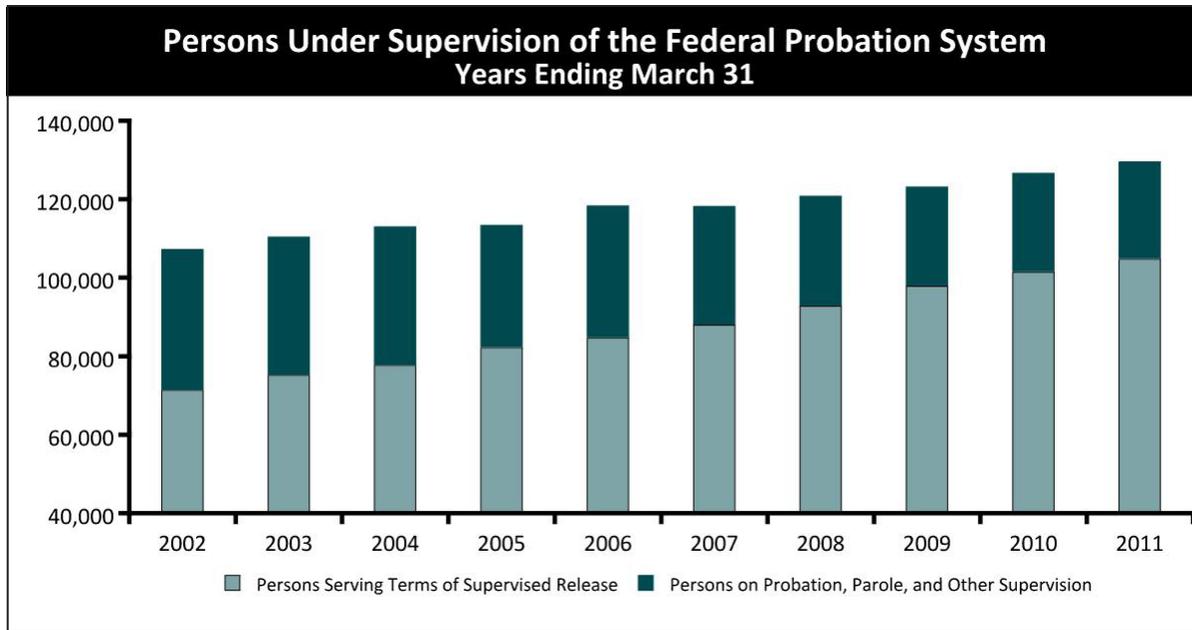
Consistent with growth in recent years, the number of persons under post-conviction supervision as of March 31, 2011, rose 2 percent from the prior year to 129,074 (up by 2,957 persons).

A total of 63,559 persons were received for post-conviction supervision compared to 62,613 the previous year, an increase of 2 percent.

The total for post-conviction supervision cases closed (excluding transfers and deaths) climbed 4 percent from 50,438 in 2010 to 52,364 in 2011.

- Eighty-one percent of persons under post-conviction supervision on March 31, 2011, were serving terms of supervised release, 18 percent were under supervision following the imposition of sentences of probation, and 2 percent were on parole.
- A total of 104,310 persons were serving terms of supervised release on March 31, 2011, an increase of 3 percent from the previous year’s total.

<b>Persons Under Post-Conviction Supervision Percent Change Over Time</b>			
	<b>Since 2002</b>	<b>Since 2007</b>	<b>Since 2010</b>
Under Supervision	20.9	12.2	2.3
Serving Terms of Supervised Release	47.2	19.3	3.3
On Probation	- 27.7	- 7.8	- 1.0
On Parole	- 53.7	- 29.1	- 7.9



- The total for persons on probation in 2011 (22,669) decreased 1 percent from the total for 2010 (22,889).

The number of persons on parole, special parole, military parole, and mandatory release on March 31, 2011, declined 8 percent from the previous year's total, dropping from 2,128 to 1,959.

In addition to their supervision duties, probation officers conduct investigations and prepare comprehensive reports to aid judges in the sentencing of convicted defendants. The presentence report contains detailed background information on the defendant and a discussion of issues related to the advisory sentencing guidelines.

- In 2011, the number of presentence reports written by probation officers rose 1 percent to 79,500. Of this total, 75,724 were presentence reports addressing offenses for which the U.S. Sentencing Commission has promulgated sentencing guidelines.

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

## Pretrial Services

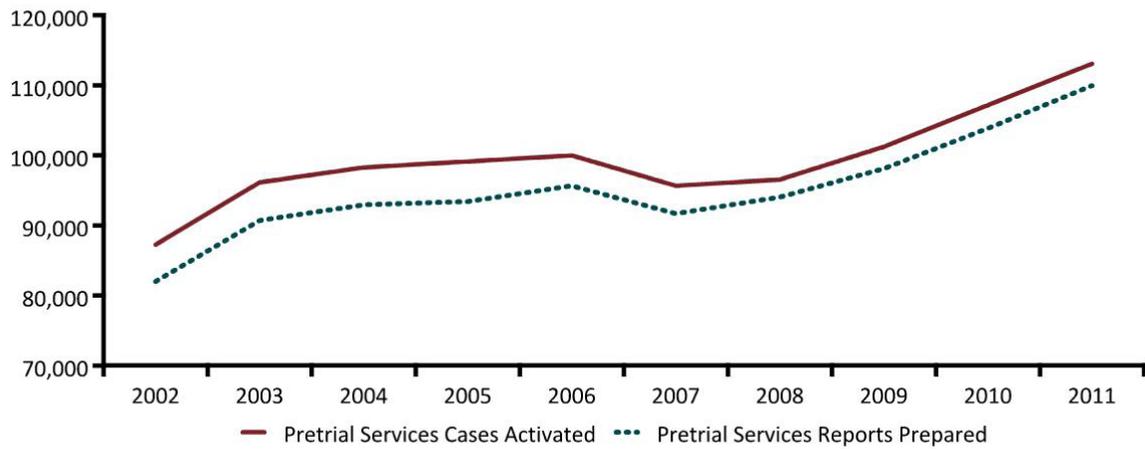
A total of 113,074 pretrial services cases were activated during the 12-month period ending March 31, 2011, a 6 percent increase over the total for the previous year.

- A total of 993 pretrial diversion investigations were conducted, an increase of 3 percent from the previous year.
- A total of 105,905 pretrial services cases were closed, a 4 percent increase.

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

- Pretrial services officers interviewed 63,238 defendants (up 1 percent) and prepared 109,964 pretrial services reports (up 6 percent).

**Federal Pretrial Services Cases Activated And Reports Prepared\*  
Years Ending March 31**



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

**Pretrial Services Filings  
Percent Change Over Time**

	Since 2002	Since 2007	Since 2010
Total Cases Activated	30.7	19.3	5.5
Pretrial Services Cases Activated	32.5	20.2	5.5
Reports	35.7	19.9	5.9
Pretrial Diversion Cases Activated	- 48.4	- 36.7	3.4
Released on Supervision	- 11.7	- 6.9	3.2
Pretrial Supervision	- 10.0	- 6.7	3.0
Diversion Supervision	- 37.2	- 11.3	5.9

When defendants are released pending trial, pretrial services officers are responsible for monitoring their compliance with release conditions set by the courts, informing the courts and U.S. attorneys of any violations of release conditions, and providing referrals to relevant support services.

- The number of defendants received for pretrial services supervision grew 3 percent to 29,216.
- The number of defendants received for pretrial diversion supervision increased 6 percent from 1,248 to 1,322.

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