

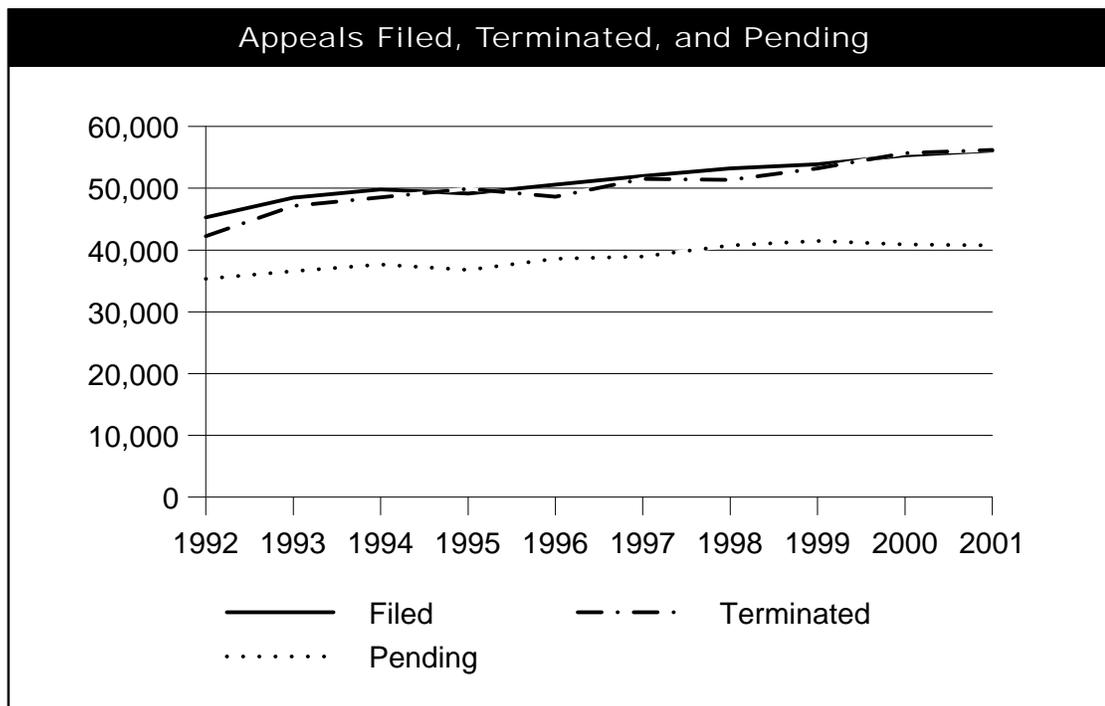
Judicial Business

The purpose of this report is to provide statistical information on the caseload of the federal judiciary for the 12-month period ending March 31, 2001. This report, which is prepared pursuant to 28 U.S.C. 604(a)(2), presents data on the work of the appellate, district, and bankruptcy courts as well as the probation and pretrial services system.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals rose 1 percent to 56,067 in 2001.

- Appeals terminated grew 1 percent, causing the number of appeals terminated per three-judge panel to increase from 1,000 to 1,010.
- Appeals pending remained relatively stable, falling less than 1 percent to 40,767.
- Appeals filings have increased 8 percent since 1997.
- Since 1992, while the number of authorized judgeships has remained unchanged, appeals filings have grown 24 percent, and appeals terminated have jumped 33 percent.



Criminal appeals increased 5 percent, primarily because immigration appeals soared 58 percent (up 632 appeals), and weapons and firearms appeals climbed 12 percent (up 128 appeals).

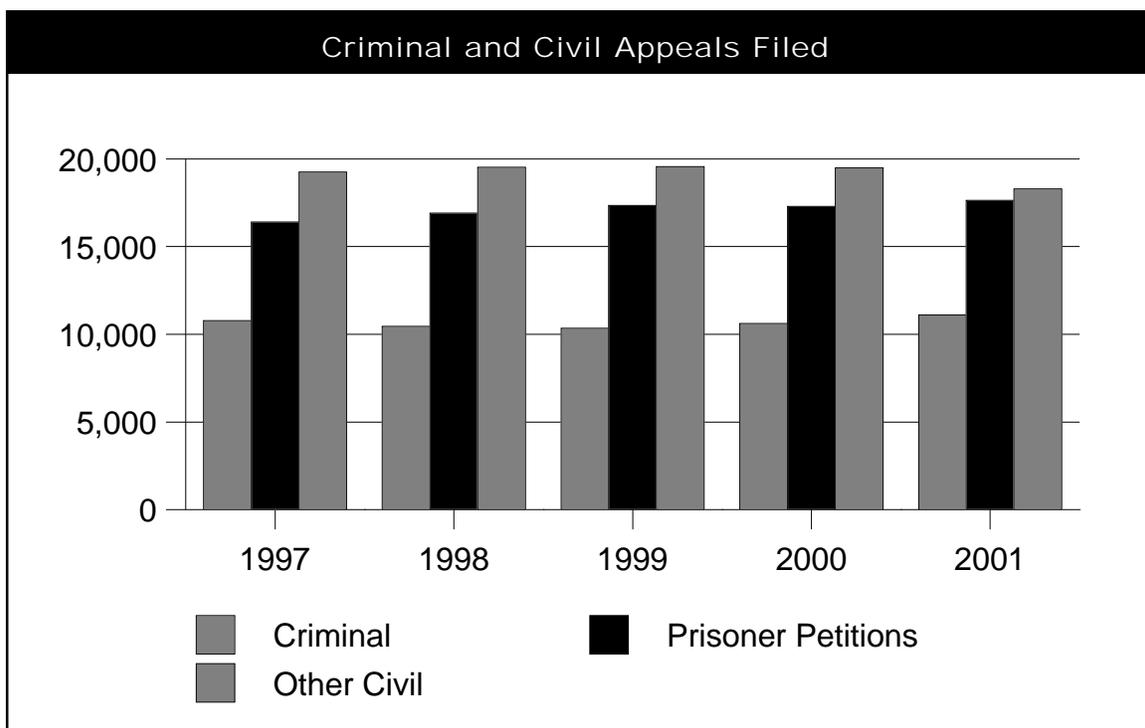
- The growth in immigration appeals, which arose mainly from the Fifth and Ninth circuits, followed an increase in filings of immigration cases in recent years in district courts along the southwestern border of the United States.
- Although criminal appeals declined slightly between 1997 and 1999, these appeals have increased during the past two years so that the 2001 total was 6 percent above that for 1997.

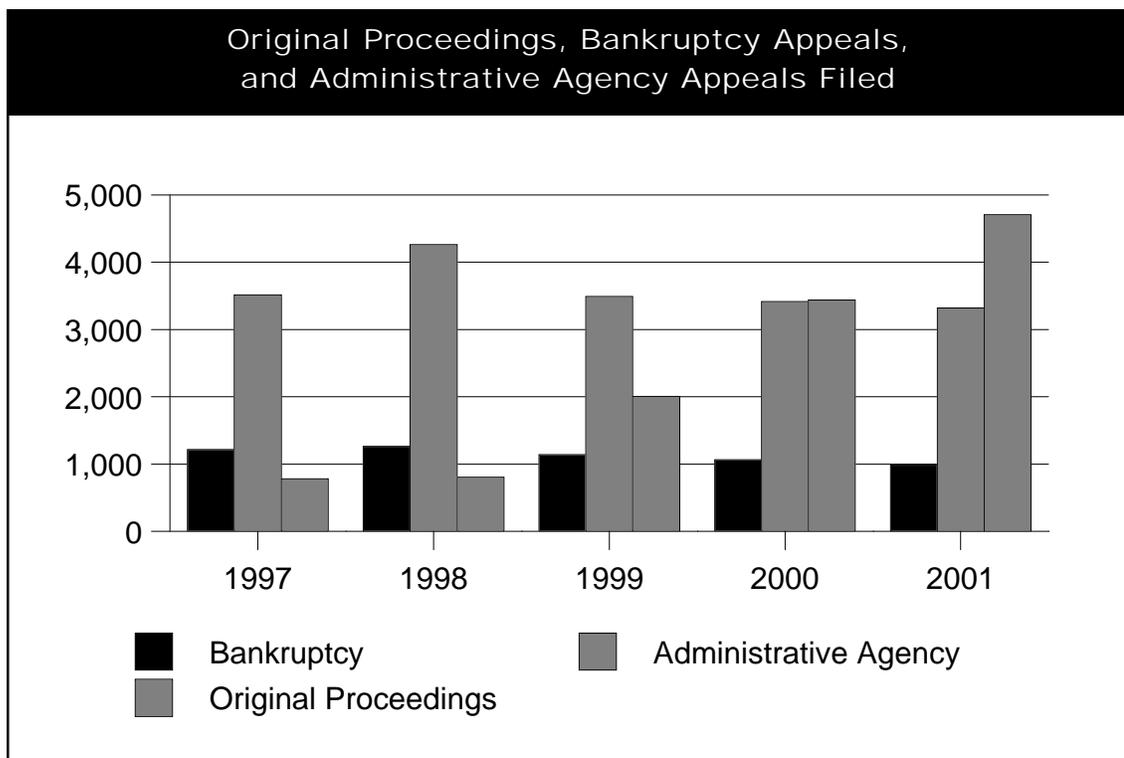
The number of original proceedings filed grew 37 percent (up 1,269).

- The increase in original proceedings stemmed mainly from a 66 percent jump in petitions by prisoners requesting authority to file second or successive habeas corpus petitions. Overall, motions for second or successive habeas corpus petitions by prisoners constituted 67 percent of original proceedings.
- On June 26, 2000, the U.S. Supreme Court decided in *Apprendi v. New Jersey*, 530 U.S. 466, that any fact that could increase a penalty beyond the statutory maximum must be submitted to the jury and proved beyond a reasonable doubt. This decision implicates sentences for convictions in drug cases, for the maximum penalties in those cases vary depending on the types and amounts of drugs involved. Following the decision, many prisoners sought to file second or successive habeas corpus petitions with the goal of reducing their sentences.

Filings of civil appeals fell 2 percent.

- Although the number of prisoner petitions filed rose 2 percent, a 6 percent decrease in civil rights appeals and reductions in numerous other types of civil appeals produced an overall decline in civil appeals.
- Since 1997, civil appeals have remained relatively stable, growing less than 1 percent.





The overall rise in prisoner petitions was due mainly to a 6 percent rise (up 466 appeals) in habeas corpus prisoner petitions and an 8 percent rise (up 179 appeals) in prison condition prisoner petitions.

- Title I of the Antiterrorism and Effective Death Penalty Act, which imposed additional requirements and time limits for filing habeas corpus petitions, had different impacts on federal and state prisoner petitions. Motions to vacate sentence (which are habeas corpus petitions filed by federal prisoners) have fallen 5 percent since 2000 and 17 percent since 1997, whereas habeas corpus petitions (which are filed predominantly by state prisoners) have increased 6 percent since 2000 and 84 percent since 1997.
- Appeals involving prisoner petitions have grown 8 percent since 1997.
- Largely in response to the Prison Litigation Reform Act, which was intended to reduce the filing of frivolous petitions, civil rights prisoner petitions have dropped 7 percent since 2000 and 61 percent since 1997.

Declining for the third consecutive year, appeals of administrative agency decisions fell 3 percent to 3,320.

- This year's decrease resulted from relatively small declines in several categories, most notably appeals of decisions by the Internal Revenue Service (down 145 cases), the Federal Communications Commission (down 65 cases), and the Environmental Protection Agency (down 29 cases).
- The largest increases occurred in appeals of decisions by the Benefits Review Board (up 38 cases), the Occupational Safety and Health Administration (up 33 cases), and the Bonneville Power Administration (up 25 cases).

- Appeals of administrative agency decisions have declined 6 percent since 1997.

Filings of bankruptcy appeals fell 8 percent.

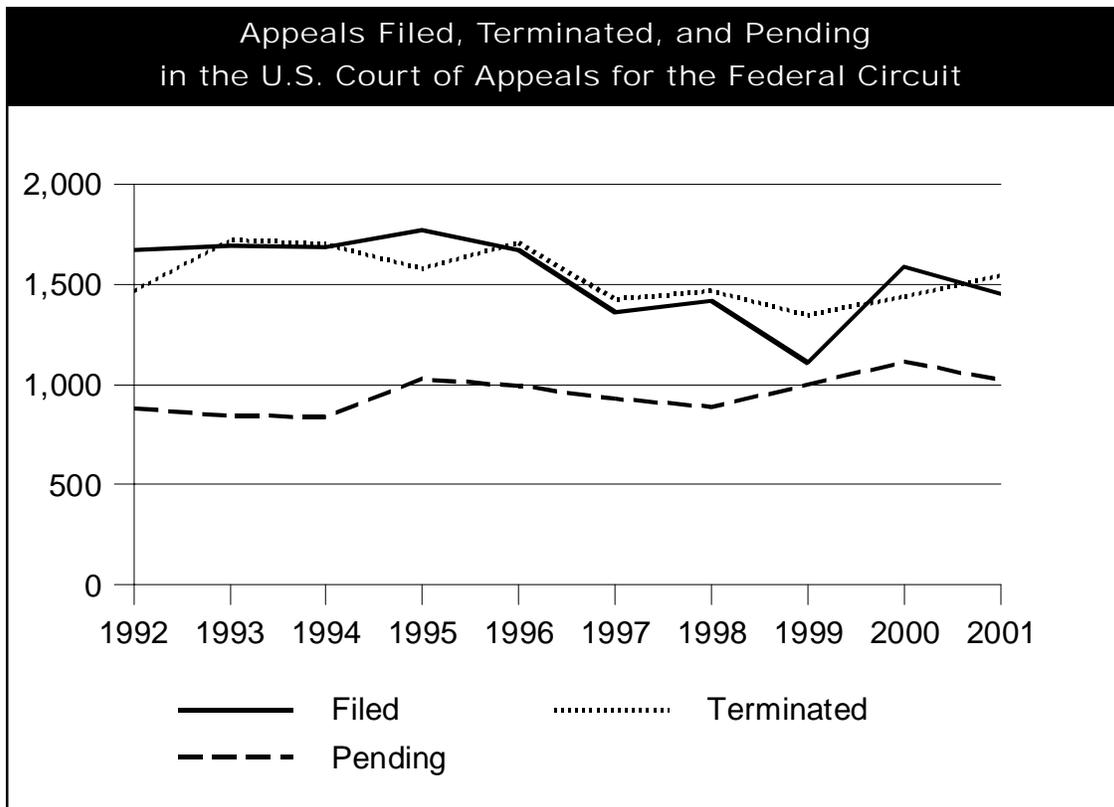
- Except for a slight increase in 1998, bankruptcy appeals filings have dropped steadily in the past five years, declining 37 percent.

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

Following a 43 percent jump in filings in the U.S. Court of Appeals for the Federal Circuit in 2000, filings decreased 9 percent in 2001 to 1,454 appeals.

- This year's decline resulted primarily from decreases in appeals of decisions by the Merit Systems Protection Board (down 122 appeals) and the Court of Appeals for Veterans' Claims (down 65 appeals).
- Last year's increase in filings was due to increases in appeals of decisions by these same two organizations.
- Filings in this court, which historically fluctuate from year to year, have experienced an overall downward trend since they peaked in 1995.
- Since 1992, filings have declined 13 percent.



Terminations of appeals rose 7 percent in 2001 to 1,551, which caused the number of cases terminated per three-judge panel to grow from 361 to 388.

- Since 1992, appeals terminations have fluctuated from year to year. They grew to 1,726 in 1993, declined 21 percent from 1996 to 1999, then increased 15 percent from 1999 to 2001.

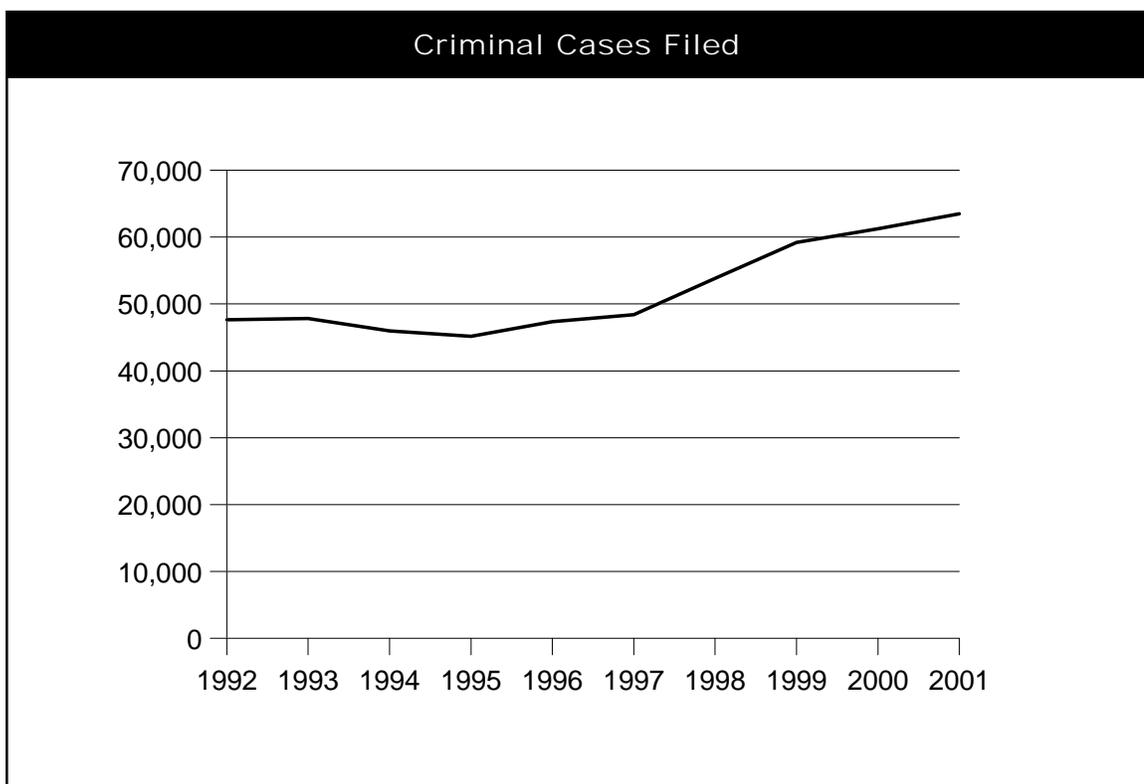
The number of appeals pending on March 31, 2001, dropped 8 percent to 1,025.

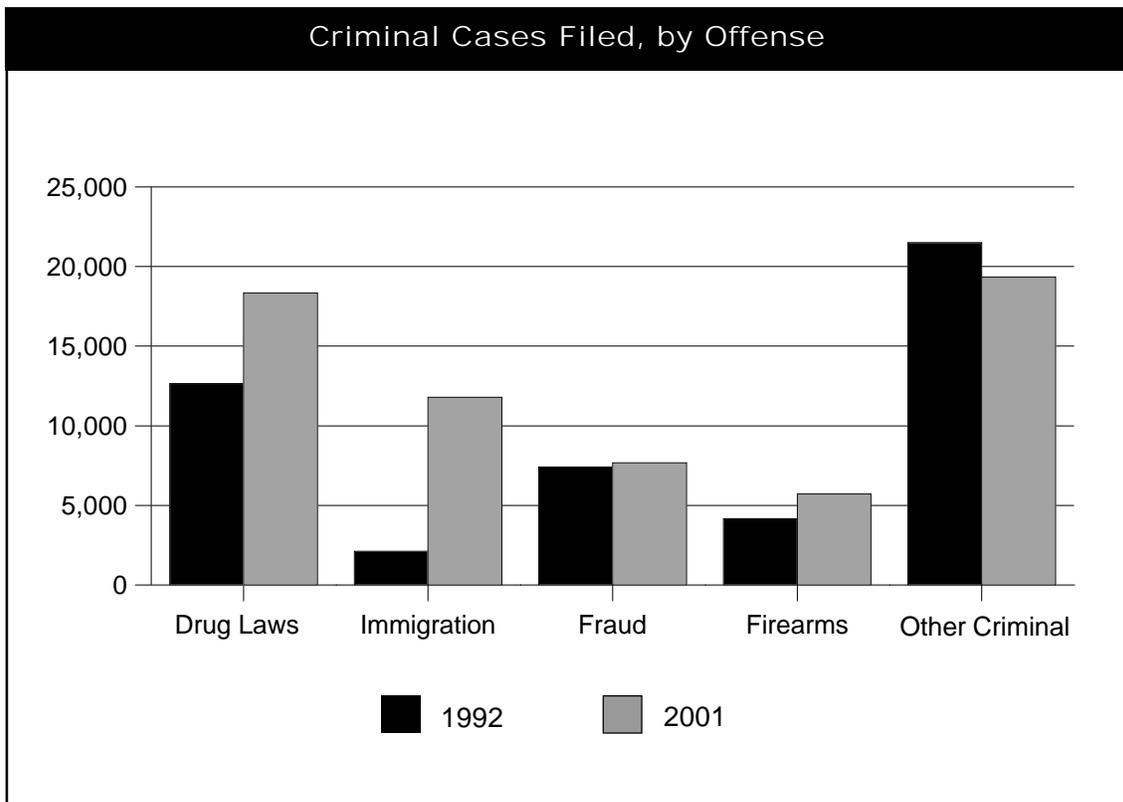
Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit.

U.S. District Courts

The number of cases filed in the U.S. district courts in 2001 equaled 317,996 (this figure does not include petty offense cases assigned to magistrate judges).

- The total number of filings was less than 2 percent below that for 2000, but 3 percent greater than that for 1999.
- In 2001, the reduction in case filings combined with the addition of 10 new authorized judgeships in the district courts caused filings per authorized judgeship to fall from 494 to 478.
- Case terminations decreased 4 percent to 308,360.
- Because filings outpaced terminations, the pending caseload rose 3 percent to 297,704.





Criminal Filings

Criminal case filings (including transfers) rose for the sixth consecutive year, climbing 4 percent to 63,473—the highest level since the repeal of the Prohibition Amendment in 1933. The number of criminal defendants filed grew 3 percent to 84,658.

- Although more criminal cases were filed in 2001, case filings per authorized judgeship remained at the 2000 level of 95 because of the additional judgeships authorized.
- This year, the federal courts received 33 percent more cases and 26 percent more defendants than in 1992, and received 31 percent more cases and 25 percent more defendants than in 1997. This growth, much of which occurred in the last five years, was due primarily to increases in drug and immigration filings.

Most of this year's overall increase resulted from growth in filings involving drugs and firearms. Drug filings rose because of anti-drug efforts across the United States, especially along the southwestern border, by the Drug Enforcement Administration.

- Drug case filings rose 6 percent to 18,336, and drug defendants increased 4 percent to 31,638.
- Filings of drug cases have climbed 45 percent and of drug defendants have grown 27 percent since 1992. Drug cases have risen 45 percent and drug defendants have increased 29 percent since 1997.
- Firearms case filings surged 17 percent to 5,714, and firearms defendants jumped 17 percent to 6,597.

- Firearms case filings have grown 37 percent and firearms defendants have risen 36 percent since 1992. Filings of such cases and defendants have increased 90 percent and 75 percent, respectively, since 1997.

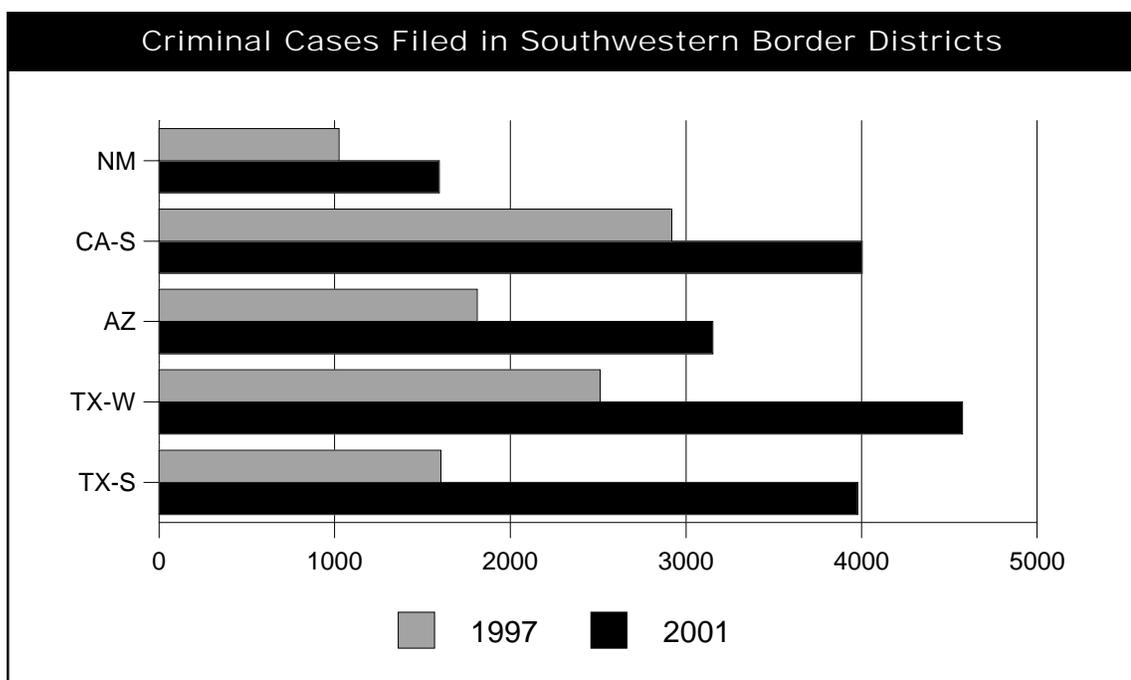
Notable increases also occurred in filings of immigration, fraud, and national defense cases.

- Immigration filings rose 2 percent in 2001 to 11,798 cases as the U.S. Department of Justice (DOJ) continued to prosecute violations of immigration laws.
- Since 1992, immigration case filings have surged 457 percent, and defendants in such cases have soared 381 percent. Since 1997, filings of these cases have risen 96 percent, and immigration defendants have increased 91 percent.
- Fraud filings grew 2 percent in 2001 to 7,677, primarily due to higher numbers of fraud cases related to nationality laws and credit card fraud.
- Filings of national defense cases soared 725 percent this year to 586 cases. These consisted mainly of petty offense cases filed in response to protests at the military facility in Vieques, Puerto Rico, which resulted mostly in trespassing charges.
- The five federal courts along the southwestern border—the Districts of Arizona and New Mexico, the Southern District of California, and the Southern and Western Districts of Texas—have experienced explosive growth in their caseloads during the past 10 years. This is primarily because of DOJ’s strategy to reduce crime along the southwestern U.S. border by focusing on illegal immigration, alien smuggling, and drug trafficking.

Some of the increase in cases in 2001 was offset by declines in filings related to larceny, embezzlement, forgery, counterfeiting, and traffic.

The number of criminal defendants terminated in 2001 went up 2 percent to 77,866. With filings outnumbering terminations, the number of pending defendants rose 11 percent to 71,175.

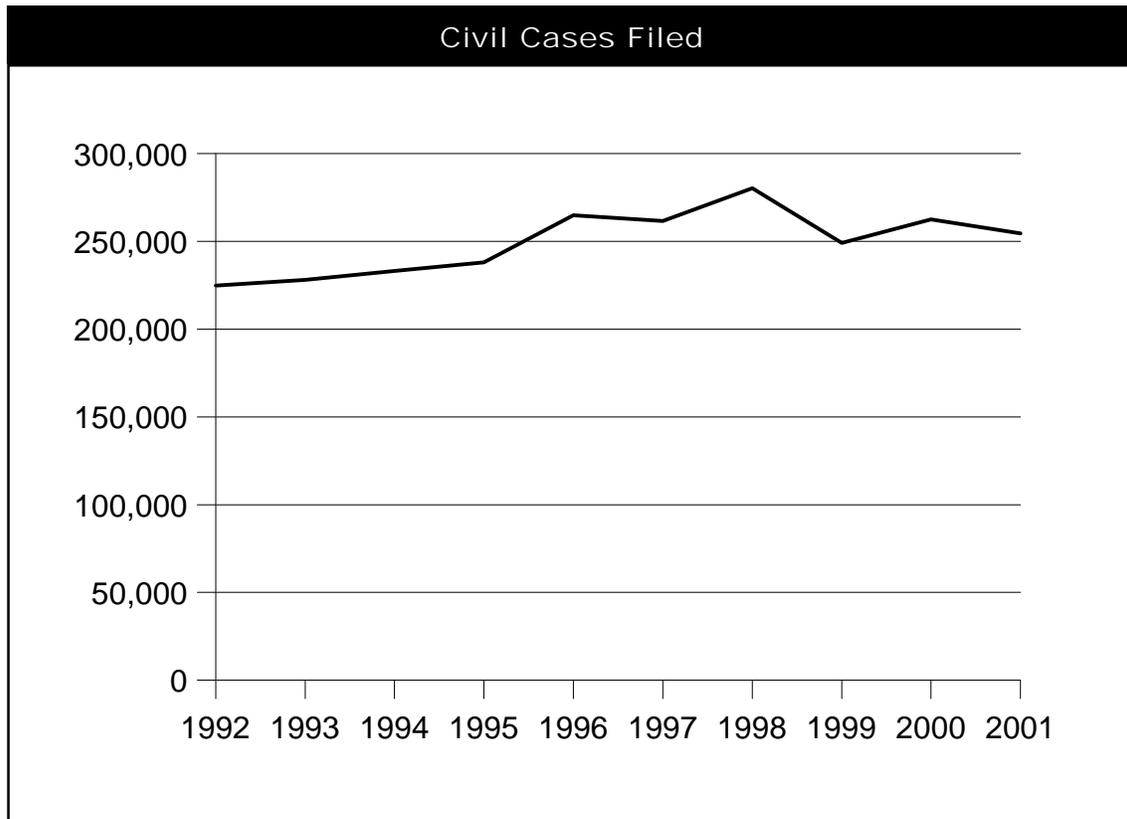
The D series of the appendix tables contains more detailed data on the criminal caseload by district.



Civil Filings

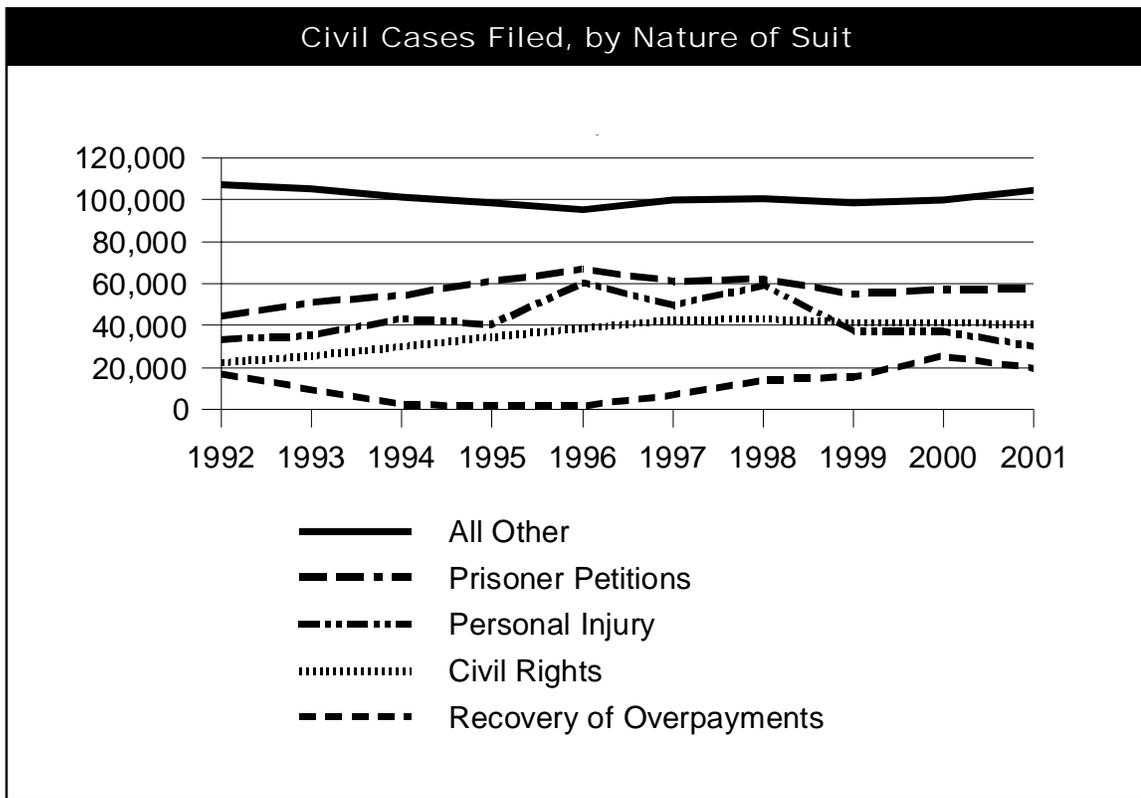
Civil filings fell 3 percent to 254,523.

- This decline resulted primarily from a 4 percent drop in federal question jurisdiction cases (i.e., actions under the Constitution, laws, or treaties of the United States).
- The number of civil filings per authorized judgeship fell from 401 to 383, mainly because of the increased number of authorized judgeships.
- Although civil filings peaked in 1998, they have declined 3 percent in the past five years, mostly due to decreases in personal injury cases and prisoner petitions.
- Since 1992, civil filings have risen 13 percent. This growth stemmed largely from increases in filings of prisoner petitions, an influx of personal injury/product liability breast implant cases, and intensified debt collection measures implemented by the Department of Education to recover defaulted student loans.



The decrease this year in federal question jurisdiction filings (down 5,299) arose mainly from a 36 percent drop in total personal injury cases.

- Personal injury/product liability filings fell 31 percent, largely due to decreases in asbestos and marine personal injury cases.
- Since 1997, total personal/injury product liability cases have declined 20 percent, mostly because of decreases in breast implant cases over the past three years.



Total filings with the United States as plaintiff or defendant declined less than 1 percent to 68,565.

- Civil filings with the United States as plaintiff decreased 17 percent to 28,690.
- Cases involving recoveries of overpayments and enforcement of judgments related to defaulted student loans dropped 24 percent. This marked the first time that student loan filings have fallen since 1995, the year the Department of Education initiated intensified efforts that caused large increases in filings of these cases.

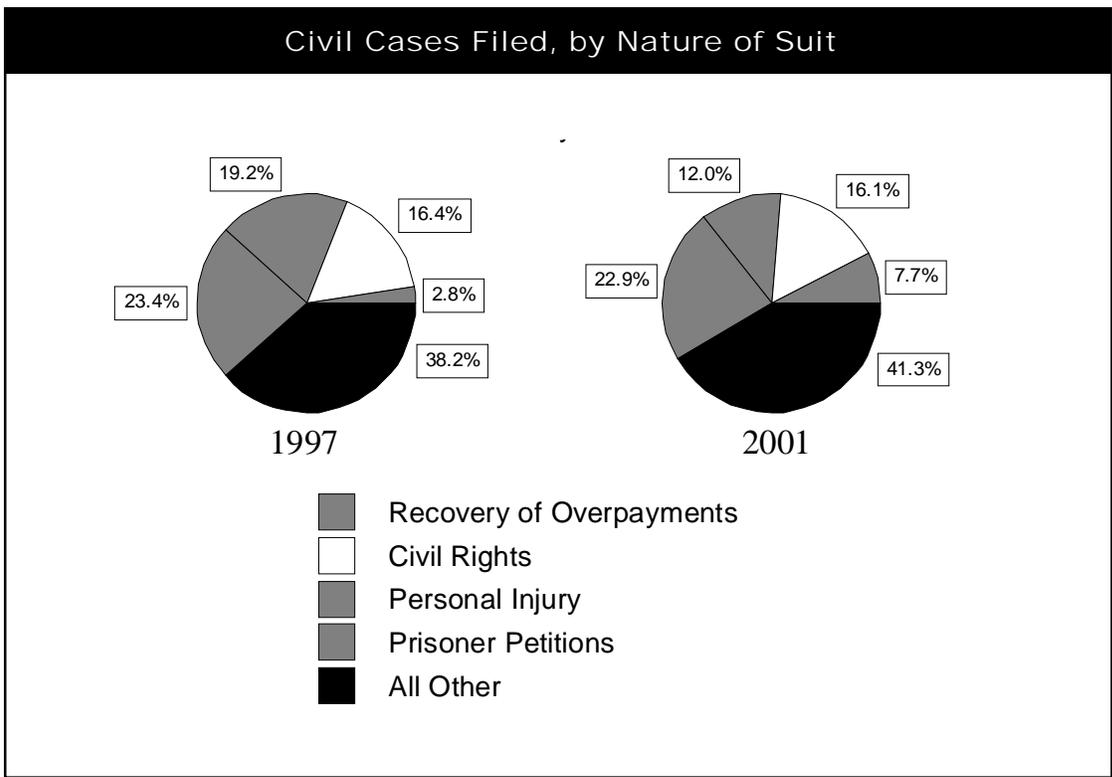
Filings with the United States as defendant increased 16 percent to 39,875.

- Social security filings rose 35 percent as the numbers of disability insurance and supplemental security income cases each jumped by more than 2,100 cases. This increase occurred mostly because the Social Security Administration devoted additional resources to process cases filed as early as 1997.
- U.S. prisoner petitions grew 11 percent, mainly due to a 27 percent jump in motions to vacate sentence.
- Since 1992, U.S. prisoner petitions have doubled from 6,635 to 12,767.

Diversity of citizenship filings fell 4 percent to 48,135 cases, mostly due to a 16 percent decrease in personal injury/product liability cases related to asbestos and breast implants.

Civil case terminations decreased 6 percent (down 15,460 terminations) to 249,570.

- The bulk of these terminations involved breast implant, marine personal injury, and asbestos cases.



- Large decreases in breast implant case terminations occurred in both the Northern District of Alabama and the Eastern District of Michigan.
- The declines in marine personal injury and asbestos case terminations stemmed chiefly from terminations in the Southern District of New York and the Northern District of Ohio.

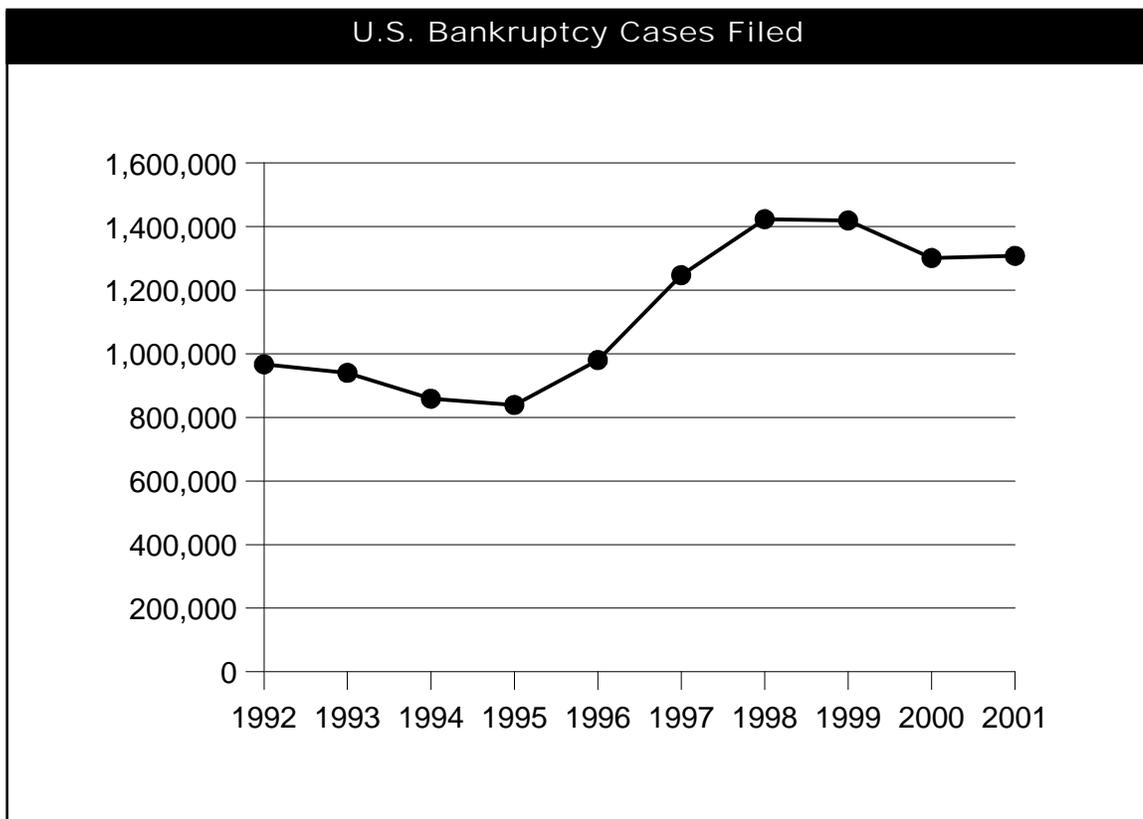
The national civil pending caseload increased 2 percent to 248,375. Detailed data on civil cases appear in the C series of the appendix tables.

U.S. Bankruptcy Courts

Following two years of decline, bankruptcy filings rose 0.5 percent to 1,307,857. From January 1 through March 31, 2001, the number of filings was 17.5 percent higher than the total for the same period in 2000.

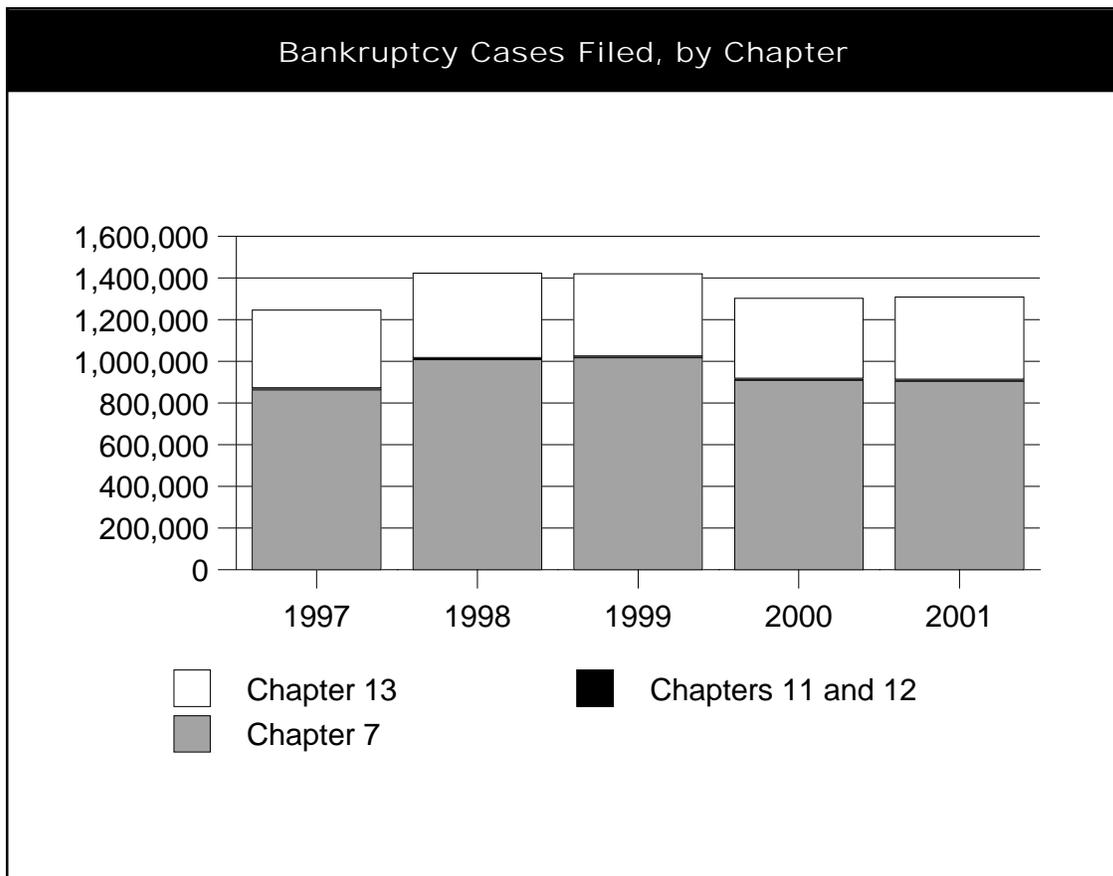
- This rise in the first quarter of 2001 may have occurred because many persons filed petitions in advance of the anticipated passage of a new bankruptcy bill that would impose stricter limits on discharging consumer debt.
- The overall growth resulted from a 1 percent increase in personal bankruptcies, which offset a 6 percent decline in business bankruptcies.
- This year, 64 of 94 districts experienced increases, with 16 districts reporting increases in filings greater than 10 percent.
- Terminations of bankruptcy cases fell 4 percent, and cases pending rose 5 percent.

- No new bankruptcy judgeships have been approved since 1992. This, combined with the loss of two temporary judgeships and the subsequent increase in filings, caused filings per authorized judgeship to grow from 3,825 in 1997 to 4,037 in 2001.
- Filings of bankruptcy petitions have fluctuated over the past 10 years. They decreased 13 percent from 1992 to 1995, then surged 70 percent surge from 1995 to 1998. After reaching a peak of 1,423,128 in 1998, filings declined 9 percent by 2000, then rose 0.5 percent in 2001.
- Despite these fluctuations, filings of bankruptcy petitions this year were 5 percent higher than in 1997 and 35 percent greater than in 1992.



Increases occurred in petitions filed under chapter 13, which grew 3 percent (up 11,465 petitions), and under chapter 11, which grew 1 percent (up 68 petitions).

- The rise in chapter 13 filings may have included petitions by individuals who otherwise would have filed under chapter 12.
- Filings fell 0.5 percent under chapter 7 (down 4,405) and 66 percent under chapter 12 (down 491).
- The decrease in chapter 12 filings stemmed mostly from the expiration of the provisions for chapter 12 on July 1, 2000. Subsequently, Public Law 107-8 extended the deadline for filing chapter 12 petitions to June 1, 2001, and Public Law 107-17 extended the deadline further to October 1, 2001.



Nonbusiness filings, which accounted for 97 percent of all petitions, grew 1 percent (up 8,769 petitions).

- The rise in nonbusiness filings resulted from a 3 percent increase in nonbusiness chapter 13 petitions (up 11,815 petitions).
- Other nonbusiness filings remained relatively stable, dropping 0.3 percent under chapter 7 (down 3,043 petitions) and falling 0.4 percent under chapter 11 (down 3 petitions).

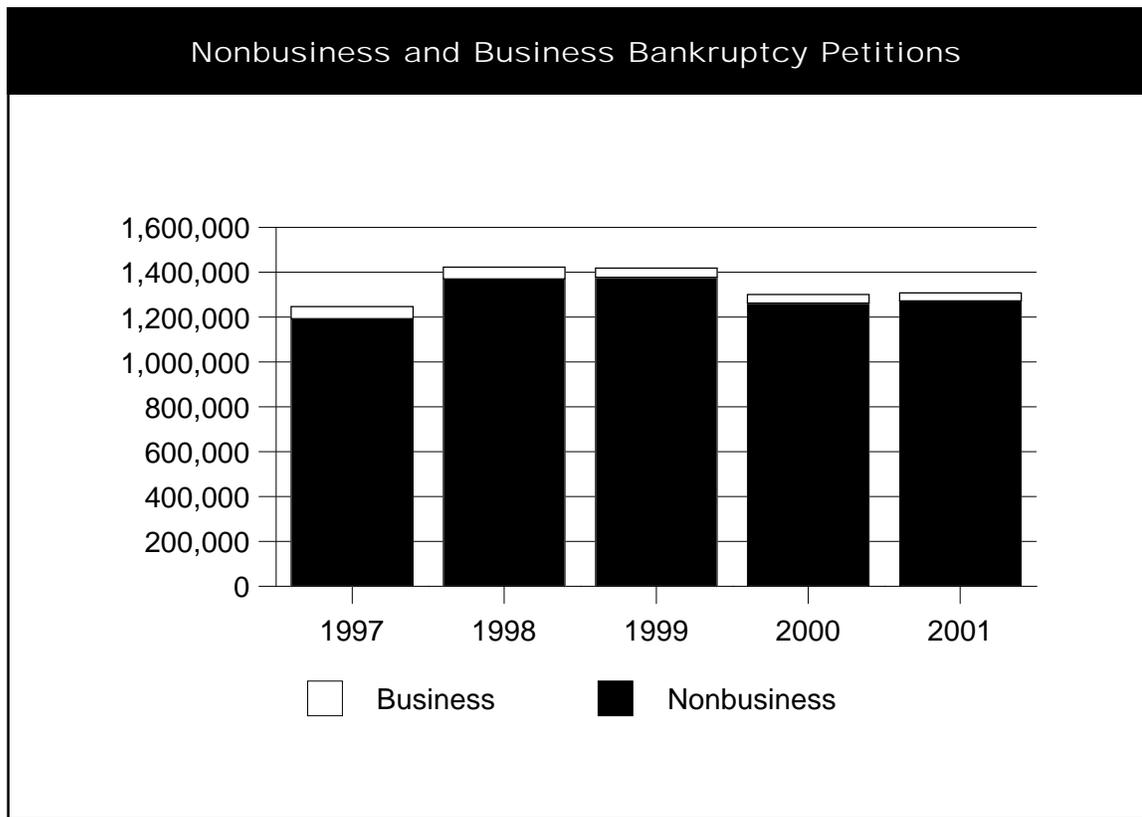
Business bankruptcy filings declined 6 percent.

- This reduction occurred as a result of drops in filings under all chapters except chapter 11.
- Business filings under chapter 11 rose 1 percent.

For the third consecutive year, filings of adversary proceedings declined, falling 3 percent to 61,789—the lowest level since the year ending March 31, 1991.

- Terminations of adversary proceedings dropped 2 percent.
- Pending adversary proceedings fell 10 percent to 69,754 as of March 31, 2001.

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



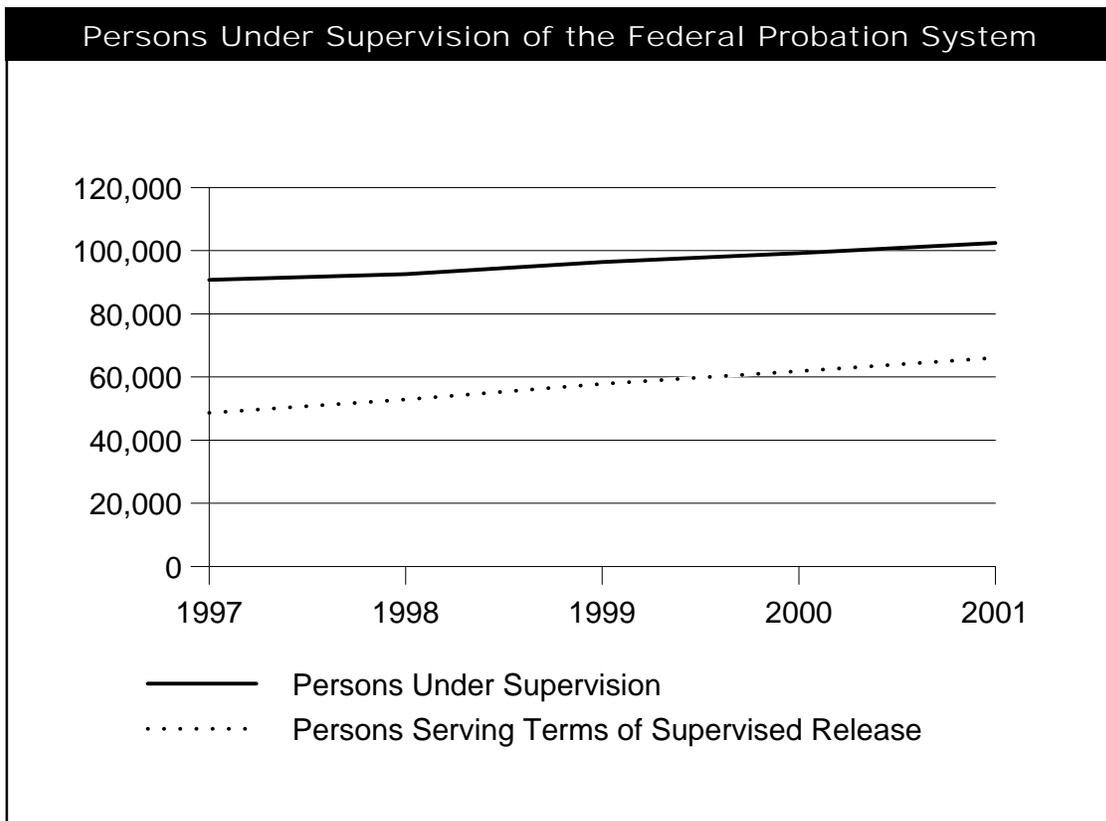
Federal Probation System

As of March 31, 2001, the number of persons under supervision totaled 102,377, a 3 percent increase over the total reported as of March 31, 2000.

- This growth in the number of persons under supervision resulted from the difference between total persons received for supervision, 49,322, and total persons removed from supervision, 45,997.
- The number of persons received for supervision increased 3 percent, and the number of persons removed from supervision rose 2 percent.
- The number of persons under supervision in 2001 was 13 percent higher than in 1997, and 20 percent higher than in 1992.
- The rise in the number of persons under supervision stemmed from the growth in persons convicted and sentenced, although the effect of this increase over the last 10 years was tempered by the rise in the number of legal and illegal aliens who were convicted and sentenced, then subsequently deported rather than placed on active supervision.

Persons serving terms of supervised release after completing prison terms totaled 66,009, up 7 percent from 61,889 on March 31, 2000.

- Overall, persons serving terms of supervised release continued to account for an increasing proportion of persons under supervision, constituting 64 percent of all persons under supervision in 2001, a rise of 2 percentage points over last year.



- The number of persons serving terms of supervised release, which was 36 percent higher than in 1997, has more than quadrupled since 1992. This reflects the substantial impact on the probation population of provisions of the Sentencing Reform Act of 1984, which abolished parole, established sentencing guidelines, and provided that released prisoners usually serve a term of supervised release.
- As defendants sentenced under the guidelines have constituted more of the prison population, the number of persons leaving prison on terms of supervised release has continued to grow.

The number of persons under probation imposed by district judges declined 2 percent, the number on probation imposed by magistrate judges decreased 3 percent, the number on parole fell 7 percent, and the number on mandatory release dropped 13 percent.

In addition to their supervision duties, probation officers spend considerable time writing various reports. The most significant and labor-intensive report that probation officers prepare is the presentence report, a comprehensive document presented to a judge who will be sentencing a convicted defendant. The presentence report contains detailed background information on the defendant and a discussion of issues related to the sentencing guidelines; the lengths of these reports vary, but they commonly run from 20 to 30 pages.

- In 2001, probation officers completed 63,215 presentence reports, a 2 percent increase over the total written last year.

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

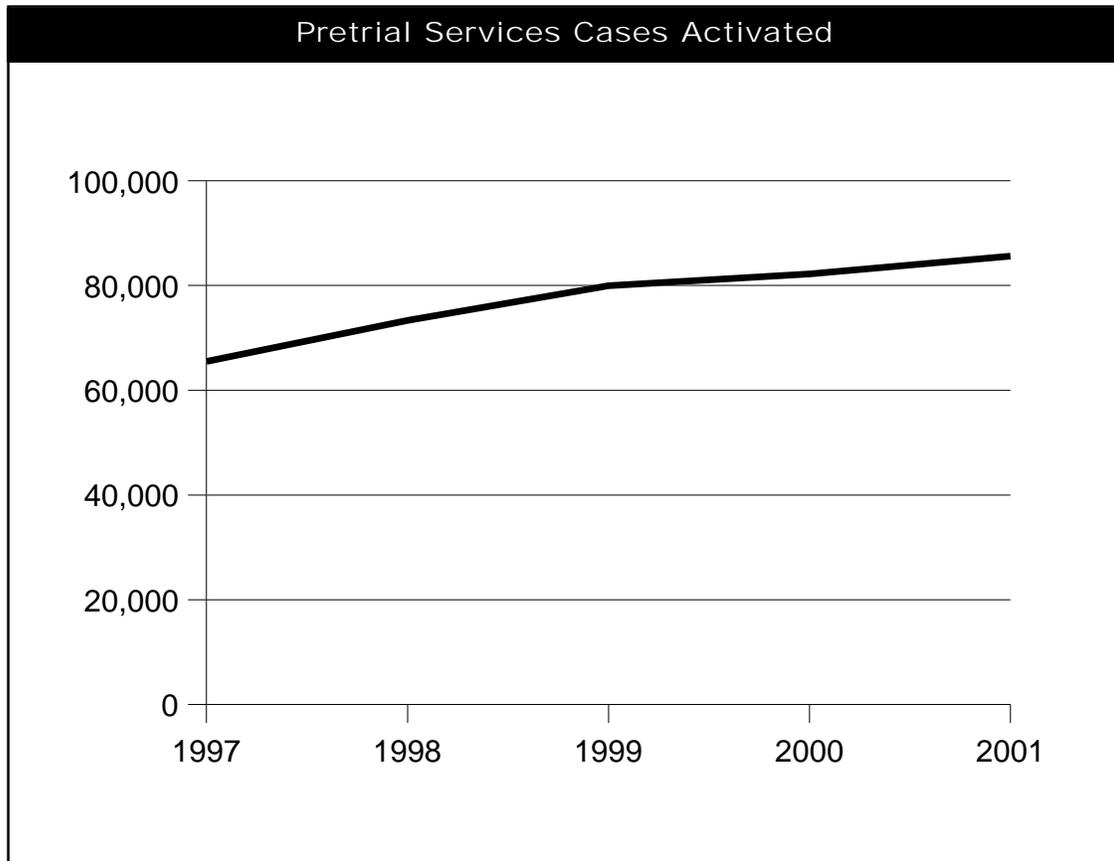
Pretrial Services

A total of 85,625 pretrial services cases were activated in the year ending March 31, 2001, a 4 percent increase over last year.

- This growth was consistent with the 3 percent growth in criminal defendants in the district courts.
- During the same period, cases terminated rose 4 percent to 79,031. In addition, 1,839 pretrial diversion cases were activated.
- The number of pretrial services cases activated in 2001 was 31 percent greater than the number of cases activated in 1997, and was 51 percent greater than the number of cases activated in 1992, as increasing numbers of criminal defendants were placed under the responsibility of the pretrial services system.

Due to the increase in cases activated, pretrial services officers interviewed 2 percent more defendants (up 1,249) and prepared 4 percent more pretrial services reports (up 3,419) than last year.

- Pretrial services reports provide information that the courts use to determine whether to release or detain defendants and to establish appropriate conditions for released defendants. The number of pretrial services reports prepared in 2001 was 31 percent greater than in 1997, and 50 percent greater than in 1992.



The number of defendants released this year increased 4 percent to 38,074.

- Of those released, 32,563 defendants (86 percent) were placed under the supervision of pretrial services officers, a rise of 5 percent (up 1,453) over the number of defendants received for supervision last year. For persons under supervision, the 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 all apparent violations of release conditions.

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