

## Caseload Highlights

### U.S. Courts of Appeals

- Filings in the regional appeals courts increased 3 percent to an all-time high of 62,762.
- A 23 percent jump in appeals of administrative agency decisions arose mostly from filings involving the Board of Immigration Appeals.
- Original proceedings grew 13 percent in response to increases in second and successive motions for habeas corpus relief.
- Criminal appeals rose 4 percent.
- Civil appeals decreased 4 percent, as did bankruptcy appeals.

### U.S. District Courts

- Total filings of criminal and civil cases in the district courts climbed 9 percent to 352,360.

### Civil Filings

- Civil filings increased 11 percent to 281,338, mainly in response to a 16 percent increase in federal question jurisdiction cases, most of which involved high-risk mortgage loans in one district.
- Diversity of citizenship filings rose 11 percent, largely because personal injury/product liability filings soared 62 percent.
- Filings with the United States as plaintiff or defendant declined 2 percent.
- The median time from filing of a case to disposition declined from 9.3 months in 2003 to 8.5 months in 2004.

### Criminal Filings

- Criminal case filings increased by 380 cases to 71,022, and defendants grew by 635 to 93,349 (both numbers include transfers).
- Immigration case filings rose 11 percent, with 69 percent of these cases originating in the five southwestern border districts.

- Sex offense cases jumped 24 percent, and firearms cases increased 3 percent.
- Drug case filings decreased 3 percent, and defendants in those cases dropped 1 percent.

### U.S. Bankruptcy Courts

- Bankruptcy filings declined 3 percent, but continued to exceed 1.6 million.
- Nonbusiness petitions dropped 3 percent, and business petitions decreased 4 percent.
- Filings grew 2 percent under chapter 11, but fell 2 percent under chapter 7, 4 percent under chapter 13, and 66 percent under chapter 12.

### Federal Probation and Pretrial Services System

- On September 30, 2004, the number of persons under post-conviction supervision grew 2 percent above the previous year's number, reaching a new record of 112,883.
- Persons serving terms of supervised release after leaving prison rose 4 percent and accounted for 70 percent of all persons under supervision.
- Defendants in cases opened in the pretrial services system, including pretrial diversion cases, increased 3 percent to 100,005, the highest total ever reported.
- Pretrial hearings grew 1 percent to 223,092.

**Judicial Caseload Indicators**  
**Fiscal Years 1995, 2000, 2003, and 2004**

Judicial Caseload	1995	2000	2003	2004	% Change Since 1995	% Change Since 2000	% Change Since 2003
<b>U.S. Courts of Appeals <sup>1</sup></b>							
Cases Filed	50,072	54,697	60,847	62,762	25.3	14.7	3.1
Cases Terminated	49,805	56,512	56,396	56,381	13.2	-0.2	-0.0
Cases Pending	37,310	40,261	44,690 <sup>2</sup>	51,071	36.9	26.9	14.3
<b>U.S. District Courts</b>							
<b>Civil</b>							
Cases Filed	248,335	259,517	252,962	281,338	13.3	8.4	11.2
Cases Terminated	229,820	259,637	253,015	252,761	10.0	-2.6	-0.1
Cases Pending	234,008	250,202	257,476 <sup>2</sup>	286,053	22.2	14.3	11.1
<b>Criminal (Includes Transfers)</b>							
Cases Filed	45,788	62,745	70,642	71,022	55.1	13.2	0.5
Defendants Filed	64,771	83,963	92,714	93,349	44.1	11.2	0.7
Cases Terminated	41,527	58,102	65,628	64,621	55.6	11.2	-1.5
Cases Pending	28,738	47,677	59,218 <sup>2</sup>	65,619	128.3	37.6	10.8
<b>U.S. Bankruptcy Courts</b>							
Cases Filed	883,457	1,262,102	1,661,996	1,618,987	83.3	28.3	-2.6
Cases Terminated	892,796	1,256,874	1,568,087	1,671,177	87.2	33.0	6.6
Cases Pending	1,086,453	1,378,139	1,710,428 <sup>2</sup>	1,658,238	52.6	20.3	-3.1
<b>Post-Conviction Supervision</b>							
Persons Under Supervision	85,822	100,395	110,621	112,883	31.5	12.4	2.0
Presentence Reports	43,151	63,666	67,744	66,182	53.4	4.0	-2.3
<b>Pretrial Services</b>							
Total Cases Activated	61,634	87,513	97,317	100,005	62.3	14.3	2.8
Pretrial Services Cases Activated	60,020	85,617	95,492	98,152	63.5	14.6	2.8
Pretrial Diversion Cases Activated	1,614 <sup>2</sup>	1,896	1,825	1,853	14.8	-2.3	1.5
Total Released on Supervision	27,152	34,547	35,524	34,840	28.3	0.8	-1.9
Pretrial Supervision	25,186 <sup>2</sup>	32,388	33,681	32,993	31.0	1.9	-2.0
Diversion Supervision	1,966 <sup>2</sup>	2,159	1,843	1,847	-6.1	-14.5	0.2

<sup>1</sup> Excludes the U.S. Court of Appeals for the Federal Circuit.

<sup>2</sup> Revised.

## Judicial Business

This report on the business of the federal Judiciary for the fiscal year ending September 30, 2004, provides statistical data on the work of the federal courts, compares data for this year to that for previous fiscal years, and, wherever possible, explains why increases or decreases occurred in judicial caseload. Specific sections discuss the work of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal Judiciary. Totals for the major programs of the federal Judiciary appear in the table of judicial caseload indicators on page 11.

Caseloads were high in all areas of the federal court system. Appeals filings set yet another record, rising 3 percent to 62,762. In the U.S. district courts, civil case filings climbed 11 percent to 281,338. Filings of criminal cases remained essentially stable, increasing by only 380 cases to 71,022, and criminal defendants grew by 635 to 93,349 (both totals include transfers). The number of persons under post-conviction supervision went up 2 percent to 112,883, the highest total ever reported. The 100,005 defendants in pretrial services cases opened in 2004, a rise of 3 percent, also represented a new record. New bankruptcy petitions, which had reached an all-time high in 2003, dropped 3 percent this year, but still exceeded 1.6 million.

Although appeals filings have increased 25 percent in the last 10 years, no new judgeships have been authorized for the appellate courts since 1990. Bankruptcy petitions have surged 83 percent in the past decade, but no additional bankruptcy judgeships have been authorized since 1992, and two temporary judgeships have expired. Fifteen additional judgeships were authorized for the district courts in 2003; since then, filings in the district courts have grown 9 percent, and one temporary judgeship lapsed in fiscal year 2004.

## U.S. Courts of Appeals

Filings in the regional courts of appeals rose 3 percent to an all-time high of 62,762, marking the ninth consecutive record-breaking year and ten successive years of growth. Increases in appeals of administrative agency decisions (up 23 percent), criminal appeals (up 4 percent), and original proceedings (up 13 percent) more than offset 4 percent reductions in both bankruptcy appeals and civil appeals. Filings per authorized three-judge panel increased from 1,093 in 2003 to 1,127 in 2004.

Terminations remained stable, falling by only 15 appeals to 56,381. Because filings outnumbered terminations, pending appeals climbed 14 percent to 51,071. The median time from filing of a notice of appeal to final disposition stayed unchanged at the 2003 level of 10.5 months.

In 2004, administrative agency appeals had the largest percentage and numeric increases, climbing by 2,267 filings to 12,255. This increase caused the proportion of administrative agency appeals to grow

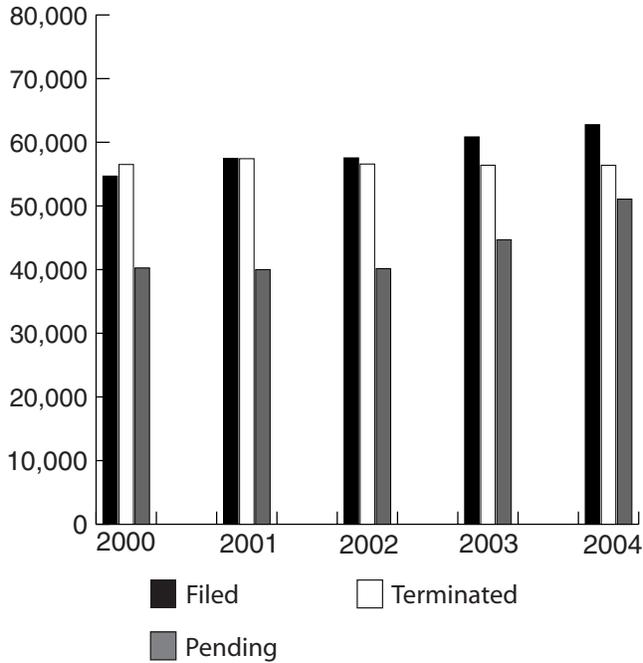
**Table 1**  
**U.S. Courts of Appeals**  
**Appeals Filed, Terminated, and Pending**  
**Fiscal Years 2003 and 2004**

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
2000	167	54,697	983	56,512	1,015	40,261
2001	167	57,464	1,032	57,422	1,032	39,996
2002	167	57,555	1,034	56,586	1,017	40,149
2003	167	60,847	1,093	56,396	1,013	44,690*
2004	167	62,762	1,127	56,381	1,013	51,071
% Chg. 2004 Over 2003	—	3.1	—	0	—	14.3

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

\* Revised.

Appeals Filed, Terminated, and Pending



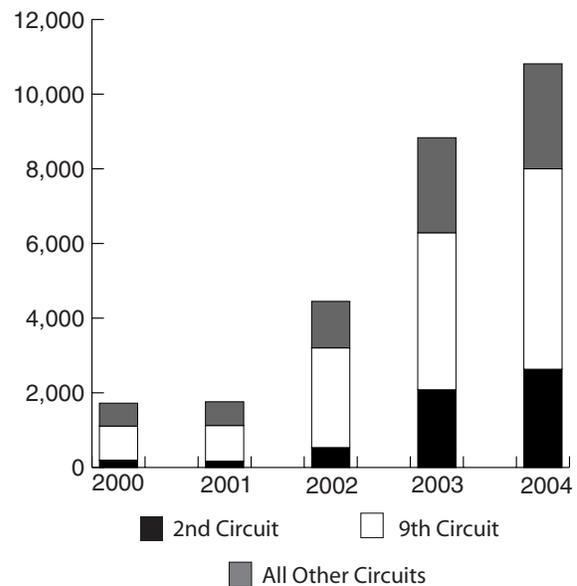
Original proceedings in the appeals courts climbed 13 percent to 4,064. This total consisted of 63 percent second or successive motions for habeas corpus relief, 35 percent motions for writs of mandamus, and 2 percent motions for writs of prohibition and other extraordinary writs. The increase in original proceedings resulted from a 23 percent jump in second or successive motions for habeas corpus relief (up 479 motions). Filings of such motions began rising as many prisoners moved to vacate judgment in response to the Supreme Court's decision in *Blakely v. Washington* (see sidebar on page 14).

Civil appeals filings fell 4 percent to 33,075 (down 1,315 appeals), largely because of a 6 percent reduction in prisoner petition appeals (down 1,130 appeals). The decline in prisoner petition appeals, which stemmed from drops in all types of prisoner petitions, outweighed a 2 percent rise in civil rights appeals (up 144 appeals).

from 16 percent of total appeals court filings to 20 percent. This year's rise consisted primarily of appeals of decisions by the Board of Immigration Appeals (BIA), which increased by 1,979 filings. In February 2002, Attorney General John Ashcroft reorganized the BIA, instituting new case review guidelines and processing time standards. As a result, filings of appeals of BIA decisions soared 153 percent in 2002 to 4,449 appeals, climbed 99 percent in 2003 to 8,833 appeals, and increased 22 percent in 2004 to 10,812 appeals. This year, 50 percent of BIA appeals (5,368 appeals) were filed in the Ninth Circuit, and 24 percent (2,632 appeals) were filed in the Second Circuit.

Criminal appeals rose by 538 appeals to 12,506 and constituted 20 percent of all appeals, the same proportion as in 2003. The overall increase in criminal appeals stemmed from appeals related to drug crimes (up 2 percent to 4,660), firearms (up 20 percent to 2,021), immigration law violations (up 2 percent to 1,855), fraud (up 4 percent to 1,407), and sex crimes (up 30 percent to 265).

Appeals of Board of Immigration Decisions



Appeals filings grew in 6 of the 12 regional courts of appeals. The largest numeric increases occurred in the Ninth Circuit (up 1,402 appeals) and Second Circuit (up 649 appeals) and resulted largely from growth in BIA appeals.

Appeals involving pro se litigants rose 1 percent (up 307 appeals) to 26,800. This occurred primarily because of a 47 percent surge in pro se administrative agency appeals (up 978 appeals), which mainly involved BIA decisions, and a 14 percent increase in pro se original proceedings (up 408 appeals), which largely consisted of motions for second or successive habeas corpus petitions. Pro se prisoner petitions fell 6 percent (down 937 appeals), pro se criminal appeals dropped 5 percent (down 56 appeals), pro se non-prisoner civil appeals declined 2 percent (down 78 appeals), and pro se bankruptcy appeals fell 3 percent (down 8 appeals). Supplemental Table S-4 contains summary data on pro se appeals.

From 2000 to 2004, appeals filings increased 15 percent (up 8,065 appeals). During that period, administrative agency appeals soared 279 percent (up 9,018 appeals), primarily due to the explosive 528 percent rise in BIA appeals (up 9,089 appeals). Criminal appeals grew 17 percent, with the greatest growth occurring in appeals related to firearms (up 95 percent) and immigration law violations (up 37 percent). Civil appeals filings declined 8 percent (down 2,705 appeals), largely in response to drops of 13 percent in civil rights appeals (down 1,043 appeals) and 4 percent in prisoner petitions (down 691 appeals). Bankruptcy appeals filings decreased 14 percent (down 145 appeals). In the past five years, appeals terminations have remained stable with 131 fewer terminations in 2004 than in 2000, and the pending caseload has grown 27 percent.

Tables 1 and 2 contain summary data on the activity of the regional U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables.

### Bankruptcy Appeals Panels

The five bankruptcy appellate panels (BAPs) saw filings decrease 7 percent (down 79 appeals) to 989 in 2004. Filings declined for all panels. The largest percentage reduction occurred in the First Circuit,

## Blakely v. Washington

On June 24, 2004, the U.S. Supreme Court declared in *Blakely v. Washington*, 124 S. Ct. 2531 (2004), that the Washington state sentencing system was unconstitutional. Under this system, a defendant had received an enhanced sentence based on facts that were neither admitted by the defendant nor found by a jury, which the Supreme Court said violated the defendant's Sixth Amendment right to a jury trial. Although this ruling did not expressly address the U.S. Sentencing Guidelines, a number of judges in the federal district courts and appeals courts had concerns about whether or how *Blakely* affects the sentencing of federal offenders. Because of this uncertainty, in 2004 *Blakely* contributed to increased filings in the district courts of motions to vacate sentence under 28 U.S.C. 2255 and petitions for writs of habeas corpus under 28 U.S.C. 2241 and 2254; increased filings of original proceedings in the appeals courts related to second or successive motions for habeas corpus relief; and delays involving criminal case terminations and trials.

After the end of the fiscal year, the Supreme Court heard arguments about federal sentencing in *United States v. Booker*, No. 04-104, and *United States v. Fanfan*, No. 04-105, which were consolidated. In January 2005, the Supreme Court issued a decision in these cases. *2005 Judicial Business* will discuss this ruling and its impact on the federal courts.

which had a drop of 42 percent (111 appeals to 64). From 2000 to 2004, overall BAP filings fell 20 percent (down 254 appeals).

Detailed data for the bankruptcy appellate panels appear in the B series of the appendix tables.

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

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

Filings of appeals in the Federal Circuit historically have fluctuated. In 2004, filings in the Federal Circuit rose 3 percent (up 49 appeals) to 1,592. This growth resulted primarily from a 41 percent increase (up 155 appeals) in appeals of decisions by the Merit Systems Protection Board.

The number of appeals terminated in 2004 climbed 17 percent (up 261 appeals) to 1,836, which caused appeals terminated per panel to rise from 394 to 459. The number of appeals pending as of September 30, 2004, declined 17 percent to 1,201.

From 2000 to 2004, terminations of appeals increased 21 percent (up 318 appeals), and the number of appeals pending grew 9 percent (up 98 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 of civil and criminal cases in the U.S. district courts rose 9 percent to 352,360 in 2004. Civil filings increased 11 percent to 281,338 cases, and criminal filings grew by 380 cases to 71,022. Case terminations remained stable, falling less than

**Table 2**  
**U.S. Courts of Appeals**  
**Sources of Appeals**  
**Fiscal Years 2003 and 2004**

Source	2003	2004	Percent Change
<b>Total</b>	<b>60,847</b>	<b>62,762</b>	<b>3.1</b>
U.S. District Courts			
Criminal	11,968	12,506	4.4
Civil— Total	34,390	33,075	-3.8
Prisoner Petitions	17,691	16,561	-6.4
U.S. Civil	3,239	3,239	0
Private Civil	13,460	13,275	-1.4
Other Appeals			
Bankruptcy	902	862	-4.4
Administrative Agency	9,988	12,255	22.7
Original Proceedings*	3,599	4,064	12.9

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

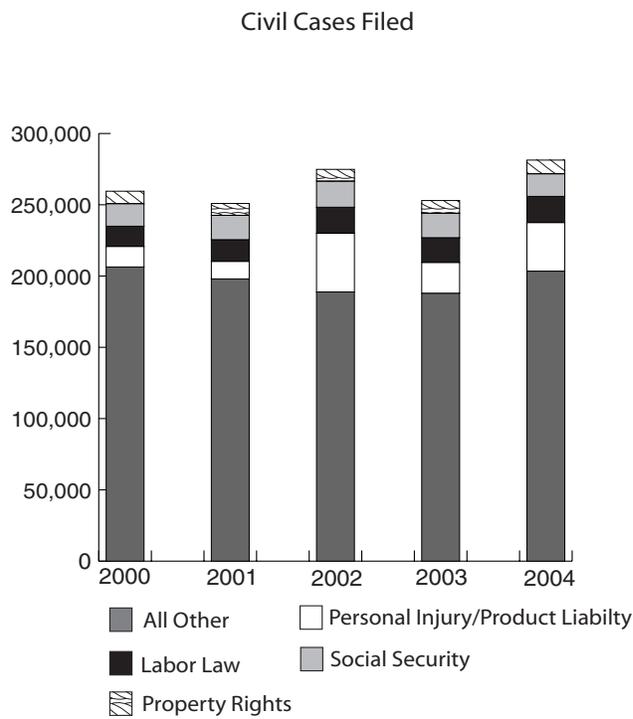
\* Beginning October 1, 1998, data are reported for types of proceedings previously not presented in this table.

one-half of 1 percent to 317,382 (this number does not include the 83,327 petty offense cases terminated in 2004 by magistrate judges). As filings outnumbered terminations, the pending caseload grew 11 percent to 351,672.

### Civil Filings

Civil filings in the U.S. district courts climbed 11 percent (up 28,376 cases) to 281,338 in 2004. This rise, which followed an 8 percent decline in 2003, largely stemmed from filings in one district of financial investment cases involving federal question jurisdiction (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). Increases also occurred in diversity of citizenship filings. As a result of the overall growth, the number of civil filings per authorized judgeship jumped from 372 to 414.

Federal question filings climbed 16 percent (up 22,650 cases), chiefly because of a doubling of special statutory actions related to financial investments. In the District of South Carolina, such actions in-



creased by 19,244 cases as two plaintiffs filed lawsuits addressing high-risk mortgages. Federal question filings related to personal injury/product liability, labor laws, and protected property rights also grew in 2004. Personal injury/product liability filings more than doubled to 2,221 cases because of a variety of new cases filed nationally; a 6 percent increase in labor law filings stemmed mainly from cases filed under the Fair Labor Standards Act (FLSA); and a 7 percent rise in protected property rights actions consisted largely of copyright and patent cases.

Total diversity of citizenship filings increased 11 percent (up 6,468 cases), mainly as a result of a 62 percent surge in personal injury/product liability filings. Most of these cases were filed in the Northern District of Ohio (up 5,877 cases) and the Eastern District of Pennsylvania (up 3,729 cases). The Northern District of Ohio had many new filings under Multidistrict Litigation Docket Number 1535, which addresses claims of

**Table 3**  
**U.S. District Courts**  
**Civil Cases Filed, Terminated, and Pending**  
**Fiscal Years 2000 Through 2004**

Year	Authorized Judgeships	Total	Cases per Judgeship	Filed			All Other Cases	Terminated	Pending	
				Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases				
2000	655	259,517	396	24,838	58,257	32,621	143,801	259,637	250,202	
2001	665	250,907	377	13,409	58,805	29,789	148,904	248,174	250,622	
2002	665	274,841	413	5,651	55,295	58,997	154,898	259,537	261,118	
2003	680	252,962	372	3,073	54,378	39,563	155,948	253,015	257,476*	
2004	679	281,338	414	2,830	55,330	50,594	172,584	252,761	286,053	
% Chg. 2004 Over 2003		0.0	11.2	11.3	-7.9	1.8	27.9	10.7	-0.1	10.9

\*Revised.

**Table 4**  
**U.S. District Courts**  
**Civil Cases Filed, by Jurisdiction**  
**Fiscal Years 2000 Through 2004**

Year	Total	Plaintiff	Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
2000	259,517	34,124	36,985	139,624	48,626	158
2001	250,907	22,680	40,644	138,441	48,998	144
2002	274,841	14,479	39,518	163,890	56,824	130
2003	252,962	10,946	38,254	142,591	61,156	15
2004	281,338	10,071	38,391	165,241	67,624	11
% Chg. 2004 Over 2003	11.2	-8.0	.04	15.9	10.6	-26.7

injuries caused by welding rods containing manganese. The Eastern District of Pennsylvania had many new filings under Multidistrict Litigation Docket Number 1203, which addresses the alleged injurious effects of certain diet drugs.

Filings with the United States as plaintiff or defendant fell 2 percent (down 738 cases). Cases with the United States as plaintiff dropped 8 percent, largely in response to a 24 percent decline in foreclosure cases (down 582 cases). Filings with the United States as defendant rose by 137 cases to 38,391. Filings of Social Security cases fell 7 percent as filings related to disability insurance declined by 849 cases. This reduction offset a 22 percent jump in motions to vacate sentence and a 13 percent increase in habeas corpus prisoner petitions. The growth in motions to vacate sentence likely was spurred, in part, by the Supreme Court's decision in *Blakely v. Washington* (see sidebar on page 14).

Civil case terminations remained essentially stable, decreasing by only 254 cases to 252,761. For the second consecutive year, this slight decline is attributable mostly to lower numbers of asbestos case terminations in the Eastern District of Virginia, the Southern District of New York, and the Southern District of Illinois. The pending civil caseload rose by 11 percent to 286,053 as substantial increases occurred in pending cases in of the District of South Carolina (most of which involved financial investments) and the Northern District of Ohio (most of which addressed welding rods). Together, these two districts reported more than 22,000 new pending civil cases.

The national median time from filing to disposition for civil cases was 8.5 months, down from 9.3 months in 2003. This drop in the median time reflects the increase in cases filed as multidistrict litigation, mostly in the Northern District of Ohio.

Over the past five years, civil filings rose 8 percent. From 2000 to 2004, filings involving personal

injury/product liability more than doubled (up 19,672 filings). Substantial increases occurred in filings related to labor laws (up 30 percent) and protected property rights (up 10 percent) during this period.

Tables 3 and 4 summarize key data on civil filings in the U.S. district courts. The C series of appendix tables provides detailed information on civil cases.

### Arbitration Cases

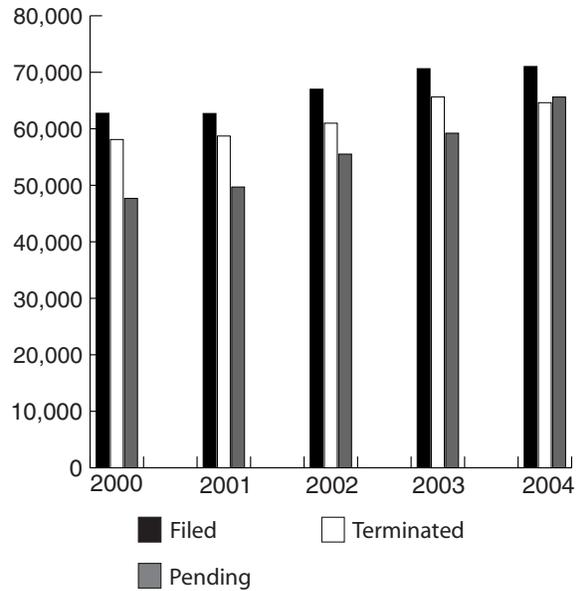
In May 1989, Public Law 100-702 established a court-annexed arbitration program to settle civil disputes without resorting to trial. This program provides for the following two types of arbitration: voluntary arbitration, whereby a court refers a case to arbitration with the consent of both parties; and mandatory arbitration, whereby a court orders arbitration for a case in which the plaintiff seeks no more than \$150,000 in money damages. When a case goes to arbitration, an outside neutral party or a panel of neutral parties presents to the litigants an opinion of the likely outcome of a trial. An arbitrator's decision is not binding; within 30 days after the decision's release, the parties may seek a trial, which will cause the case to be treated as if it never went through arbitration. The first district courts authorized to use mandatory arbitration were in the Northern District of California, Middle District of Florida, Western District of Michigan, District of New Jersey, Eastern District of New York, Middle District of North Caro-



year. The slight increase in filings, coupled with the lapse of one temporary judgeship, caused criminal cases per authorized judgeship to rise from 104 in 2003 to 105 in 2004. Nationwide, district courts terminated 2 percent fewer cases in 2004 than in the previous year.

As filings outpaced terminations, pending criminal cases grew 11 percent, and defendants in pending cases increased 12 percent. As a result, the numbers for pending cases and defendants were higher than the numbers for cases and defendants disposed of during the year. The median case-disposition time for defendants was 6.4 months, about six days longer than in 2003, when the median case-disposition time was 6.2 months. The decline in criminal case terminations and rise in the pending caseload may have been accelerated by the Supreme Court's deci-

Criminal Cases Filed, Terminated, and Pending

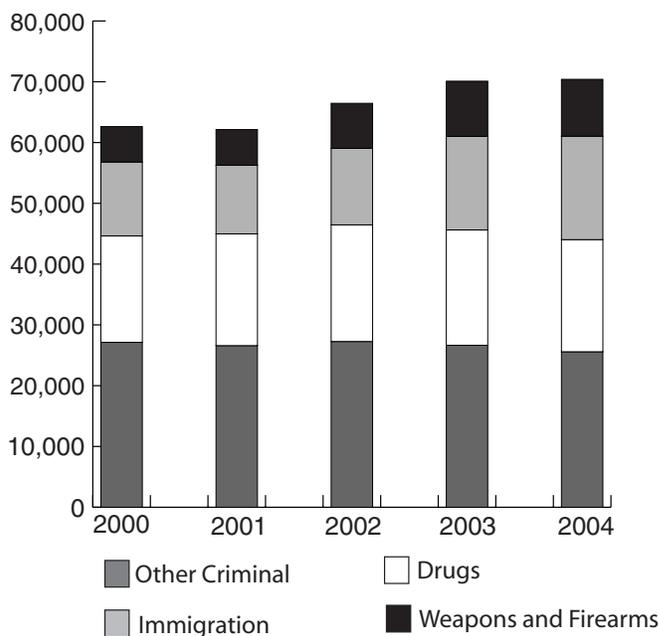


sion in *Blakely v. Washington* (see sidebar on page 14). Following the decision, prosecutors, defense attorneys, and judges modified case processing procedures or otherwise delayed the verdicts and sentences in many cases. The full impact of the *Blakely* decision on federal criminal case dispositions is not yet known, because the decision was handed down in June 2004, and many of the defendants convicted thereafter had not been sentenced by the end of the fiscal year. On average, defendants are sentenced about three months after conviction.

In 2004, increases occurred in cases involving immigration, sex offenses, and firearms, with filings for both cases and defendants for these offenses reaching their highest levels ever. Immigration cases and defendants both climbed 11 percent to 17,021 cases and 18,140 defendants. Sex offense cases and defendants both jumped 24 percent to 1,638 cases and 1,709 defendants. Firearms cases and defendants both grew 3 percent to 9,352 cases and 10,481 defendants.

The largest numeric increases in criminal filings involved immigration cases (up 1,621) and defendants (up 1,812). Sixty-nine percent of all immigration cases

Criminal Cases Filed, by Offense



**Table 5**  
**U.S. District Courts**  
**Criminal Cases Filed, Terminated, and Pending**  
**(Including Transfers)**  
**Fiscal Years 2000 Through 2004**

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Cases per Judgeship	Drugs <sup>1</sup>		
2000	655	62,745	96	17,505	58,102	47,677
2001	665	62,708	94	18,425	58,718	49,696
2002	665	67,000	101	19,215	60,991	55,518
2003	680	70,642	104	18,996	65,628	59,218*
2004	679	71,022	105	18,440	64,621	65,619
<b>% Chg. 2004</b>						
Over 2003	—	.5	—	-2.9	-1.5	10.8

<sup>1</sup>Includes transfers.

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

\* Revised.

were filed in the five district courts along the nation's southwestern border, each of which received more immigration filings than in 2003. Cases in the Southern District of Texas jumped 26 percent to 3,691, the highest number of immigration filings in any one court in the nation. Cases climbed 21 percent to 2,002 in the Western District of Texas, increased 7 percent to 2,209 in the Southern District of California, rose 3 percent to 2,407 in the District of Arizona, and grew 2 percent to 1,508 in the District of New Mexico. Immigration filings began rising in 1995, when the Department of Justice intensified efforts to secure the southwestern U.S. border against illegal immigration. Since 2002, such filings have skyrocketed as the Department of Homeland Security has implemented strategies to defend the nation against potential acts of terrorism.

Sex offense filings grew by 313 cases and 335 defendants. Defendants charged with sexual abuse rose 11 percent, and such cases increased 10 percent. Defendants charged with offenses involving sexually explicit material jumped 34 percent, and such cases grew 33 percent. The overall increase in sex offense

filings arose largely from cases in which defendants were charged with sex crimes involving juveniles.

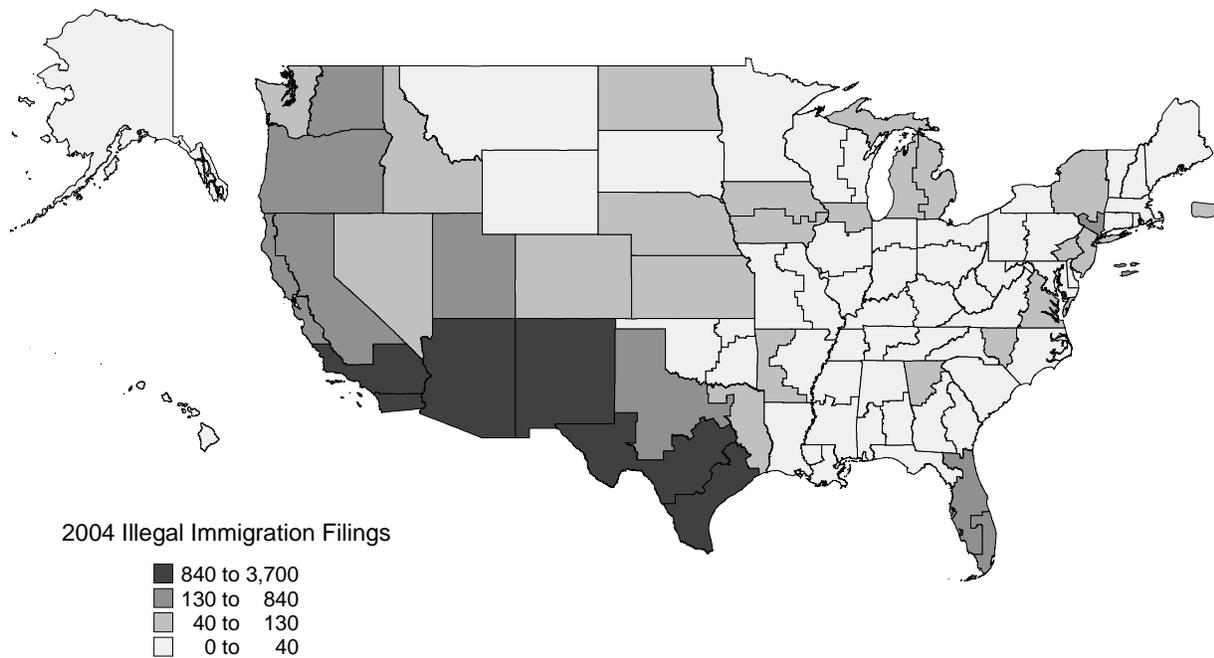
Firearms filings rose in 52 districts, and 19 districts had at least a 25 percent increase in filings in 2004. Firearms filings began growing in 1998 in many districts across the nation as a result of Project Exile, then continued to rise pursuant to Project Safe Neighborhoods. Both projects support partnerships among federal, state, and local law enforcement agencies to promote the prosecution of firearms violations under federal laws, which often carry higher penalties than state laws, in communities most affected by gun violence.

Drug defendants dropped 1 percent to 32,358, and drug cases fell 3 percent overall to 18,440,

despite increases in such filings in 43 districts. The national total was affected by large reductions in drug case filings in several districts, especially the Eastern District of New York (where cases fell 30 percent to 429) and the Southern District of California (where cases fell 15 percent to 709). Court personnel in those districts attribute the decreases to an increase in the prosecution of drug crimes at state and local levels; a shift in prosecutorial focus to immigration cases; and tougher security measures at the nation's borders that may be deterring drug trafficking (or causing smugglers to use less detectable means of moving drugs into the country).

Filings of fraud cases fell 7 percent to 7,539, and fraud defendants declined 4 percent to 10,550. The most significant reduction was in Social Security fraud cases, which dropped 31 percent to 672 while defendants decreased 24 percent to 804. Filings of these cases returned to the level of 2001, the year in which the Department of Justice began prosecuting defendants for identity theft under Social Security laws. Lending institution fraud cases decreased 6 percent to 898, although defendants in such cases increased 4 percent to 1,395. Income tax fraud cases

## 2004 Illegal Immigration Filings, by District



climbed 15 percent to 496, and defendants rose 12 percent to 541. Passport fraud cases grew 9 percent to 449, and defendants increased 10 percent to 468.

National defense filings dropped 34 percent to 50 cases. In 2003, the U.S. Navy ceased operations in Vieques, Puerto Rico, which led to a decrease in misdemeanor trespassing charges against persons protesting military activities on that island.

Reductions also occurred in filings of other offenses, including homicide, larceny, embezzlement, forgery and counterfeiting. According to the Director of the FBI, these declines probably resulted because the FBI focused on terrorism and relied more on other law enforcement agencies to address other crimes.

The federal courts concluded proceedings against 81,717 defendants, a reduction of 2 percent over the total for 2003. Of these, 73,616 were convicted. The conviction rate was 90 percent, the same as in 2003. Eighty-seven percent of defendants disposed of (i.e., convicted or dismissed) pled guilty, 1 percent more than in 2003. The number of defendants imprisoned declined by 426 to 60,676, although the rate of imprisonment among those sentenced remained 82 percent.

Filings of criminal cases (including transfers) climbed 13 percent from 2000 to 2004. This increase arose largely from growth in filings involving immigration (up 40 percent) and firearms law violations (up 74 percent). During the past five years, the contribution of these offenses to the overall criminal caseload rose from 28 percent to 37 percent.

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

### **Trials Completed**

For statistical purposes, district court trials include proceedings resulting in jury verdicts and other final judgments by the courts, as well as other contested hearings at which evidence is presented.

The number of civil and criminal trials completed in 2004 in the U.S. district courts by Article III judges remained essentially steady at 12,938 (down 10 trials from 2003), as increases in criminal trials offset decreases in civil trials. As in 2003, criminal trials grew 5 percent (up 328) in 2004 to 7,446. Fifty-four of the 94 district courts reported higher numbers of criminal trials. Criminal jury trials

## New Case Weighting System

climbed 8 percent (up 274), and criminal nonjury trials rose 1 percent (up 54). In addition, judges accepted guilty pleas from 63,161 felony defendants. From 2000 to 2004, the number of guilty pleas accepted by judges climbed 13 percent as more felony defendants accepted plea agreements to avoid going to trial and the risk of more severe sentences. Ninety percent of defendants who were convicted and sentenced during that period pled guilty.

Total civil trials declined 6 percent (down 338), with 34 districts reporting fewer civil trials. Civil nonjury trials dropped 5 percent (down 146) as 38 districts reported decreases. Civil jury trials fell 7 percent (down 192), with 38 districts reporting declines.

In addition to conducting trials, judges perform many other case-related functions, including those related to courtroom activity, research and opinion drafting for motions for summary judgment and other dispositive motions; hearings on sentencing issues; *Daubert* hearings on expert witnesses; evidentiary hearings in pro se prisoner and other cases; supervised release and probation revocation hearings; alternative dispute resolution activities; and settlements. In 2004, a total of 44 districts operated mediation and arbitration programs that involved more than 14,000 civil cases.

In 2004, the number of trials lasting four days or longer increased 1 percent to 3,301. Twenty-six civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 29 days. The longest civil trial, which involved a civil rights case, lasted 98 days. In civil cases in which trials were conducted, the median time from filing to trial was 23 months, matching the median in 2003. Eighty-one criminal trials required 20 or more days for completion, with the average of these trials lasting 33 days. The longest criminal trial, which stemmed from a murder case, lasted 109 days.

Appendix Tables C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges.

In addition to trials conducted by active and senior Article III judges, 7,321 trials were conducted by magistrate judges in 2004. These comprised 3,241 petty offense trials, 652 civil consent trials, 240 misdemeanor trials, and 3,188 evidentiary hearings. Ap-

In 2004, following an extensive Judiciary-wide review of the case weighting system that had been developed in 1993 by the Federal Judicial Center (FJC), the Judicial Conference of the United States approved a new civil and criminal case weighting system proposed by the FJC and accepted by the Conference's Committee on Judicial Resources. In the past, case weighting studies required judges to keep detailed time records. The new case weights were developed using an "event-based" method that combines docketing information from the courts, objective information from statistical reports, and time estimates derived from the consensus of experienced district judges whenever objective information was not available. More than 100 district judges, representing nearly every Article III district court in the nation, participated in this project. In addition, nearly every district court provided docketing information.

The new case weights incorporate data from approximately 300,000 criminal defendants and civil cases closed during calendar year 2002. The event-based method for developing case weights has several other benefits, apart from the participation of such a substantial number of district judges, such as permitting the FJC to complete its study in 18 months (far less time than required for the previous case weighting study), allowing case weights to be updated more often, and greater flexibility in developing case weights for new types of civil and criminal filings.

*Continued on page 23*

pendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

### **Weighted Filings per Authorized Judgeship**

Weighted filings statistics account for the different amounts of time district judges require to resolve various types of civil and criminal actions. The federal Judiciary has employed techniques for assigning weights to cases since 1946. In 2004, the Committee on Judicial Resources approved a new civil and criminal case weighting system developed by the Federal Judicial Center (see sidebar on page 22). On a national basis, weighted filings did not change substantially after the implementation of the new case weights. More than two-thirds of all district courts saw their weighted filings change by 10 percent or less. Average civil cases or criminal defendants each receive a weight of approximately 1.0; for more time-consuming cases, higher weights are assessed (e.g., a death-penalty habeas corpus case is assigned a weight of 12.89); and cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10). For comparative analysis in this report, the totals for both weighted and unweighted civil and criminal filings for prior years have been revised based on the new case weighting system. The weighted and unweighted totals for criminal defendants include original filings of felony and misdemeanor cases and of petty cases assigned to district judges. All criminal defendants are weighted separately, and reopened, remanded, or retried criminal cases are excluded. Civil cases arising by reopening, remand, and transfer to the district by order of the Judicial Panel on Multidistrict Litigation are not included among the totals for weighted and unweighted filings.

In 2004, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship increased 6 percent to 529 (up 31 filings) over the total for the previous year. The total number of weighted civil filings per judgeship increased 8 percent to 414, compared to the 384 weighted filings reported for

### **Case Weighting**

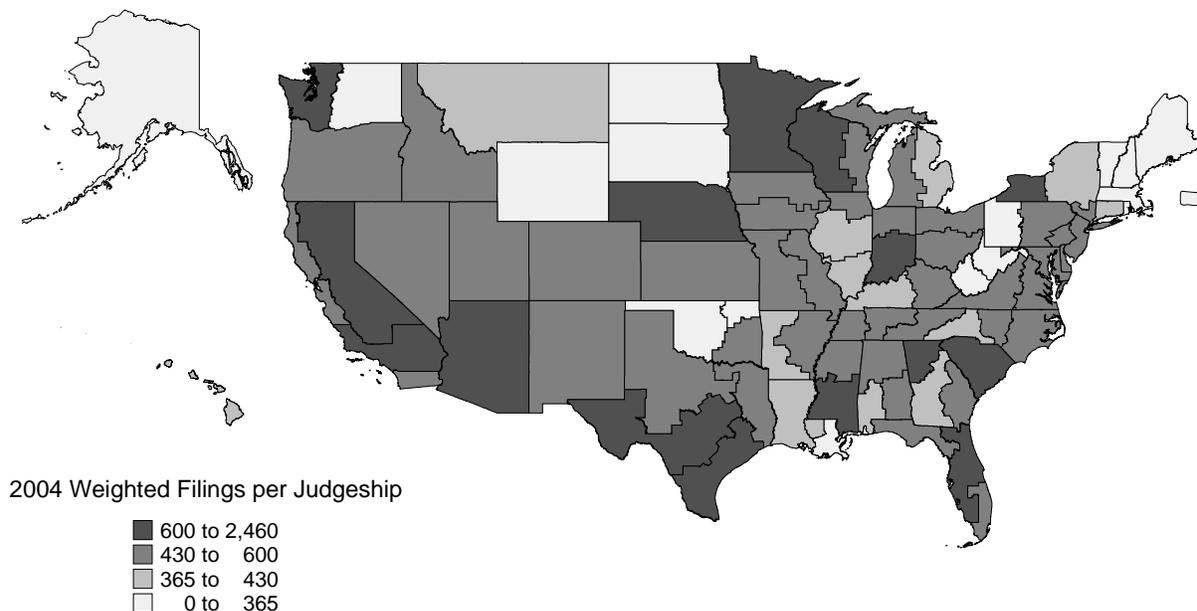
*Continued from page 22*

For many types of cases, the new case weights do not differ substantially from the old weights. However, the case weights for complex types of civil litigation, such as cases involving patents and environmental matters, are significantly higher, and the weights for many types of criminal cases are substantially lower. The impact of the U.S. Sentencing Guidelines and the expanding role of magistrate judges in handling preliminary criminal matters may account for the lower case weights for criminal filings. As a result of these changes, total weighted filings based on the new case weights are likely to be lower than those based on the old weights for courts whose caseloads have a high proportion of criminal filings. The opposite is true for courts whose dockets consist predominantly of civil cases.

the 680 positions authorized one year earlier. The number of authorized judgeships fell to 679 after a temporary judgeship in the District of Nebraska lapsed on May 5, 2004.

The overall rise in weighted civil filings per judgeship reflected the 11 percent increase in overall unweighted civil filings from 252,962 to 281,338. Weighted civil filings rose in 49 of the 91 district courts whose filings receive weights (weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and Northern Mariana Islands), dropped in 41 districts, and remained the same in 1 district. The District of South Carolina (up 1,950 filings), District of Delaware (up 108 filings), District of Nebraska (up 101 filings), and Eastern District of Pennsylvania (up 87 filings) each experienced substantial increases in weighted filings in 2004.

## 2004 Weighted Filings per Judgeship, by District



Criminal weighted filings per judgeship remained essentially unchanged, rising by only 1 filing over the 2003 total. Forty-nine of the 91 courts that report weighted filings experienced increases. The District of Nebraska experienced the largest rise in weighted filings per judgeship for criminal defendants (up 39 percent), mostly because of its loss of a temporary judgeship.

The total number of weighted supervised release hearings per judgeship grew from 3.87 to 4.14 in 2004. Probation revocation hearings were included in this total for the first time as part of the new case weighting system. Evidentiary supervised release hearings and probation revocation hearings receive a weight of 0.22; non-evidentiary hearings receive a weight of 0.14. Fifty-one district courts reported increases.

Between 2000 and 2004, total weighted civil and criminal filings per authorized judgeship increased 9 percent. During that period, both civil weighted filings per authorized judgeship and criminal weighted defendant filings per authorized judgeship climbed 8 percent. Over the past five years, overall unweighted civil filings rose mostly as a result of growth in cases related to personal injury/product liability, labor laws, and protected property rights.

Appendix Table X-1A provides, by district, data on weighted filings, unweighted filings, weighted su-

pervised release hearings, and unweighted supervise release hearings per authorized judgeship in 2004.

## U.S. Magistrate Judges

The role of U.S. magistrate judges continues to evolve in response to changes in judicial policies. Magistrate judges performed 960,959 judicial duties in 2004, a 1 percent increase over the total for 2003. A slight reduction in the magistrate judges' overall workload in civil matters was balanced by growth in activities related to criminal cases.

Magistrate judges handled 303,895 individual civil case duties, a drop of 2 percent from 2003. However, this number was well above the totals for all years prior to 2003, reflecting a steady increase in magistrate judges' civil assignments. In 2004, magistrate judges terminated 13,092 civil cases with the litigants' consent, 5 percent fewer than in 2003, but 3 percent more than in 2002.

As for the criminal side of the docket, magistrate judges disposed of 83,327 petty offense cases, 13 percent more than in 2003. This increase more than offset a 5 percent decline in Class A misdemeanor dispositions to 9,186. In felony cases, magistrate judges held 321,642 preliminary proceedings (up 2 percent), which included 97,296 initial appearances and 59,920 arraignments. Magistrate judges handled

159,599 felony pretrial matters (up 2 percent), including 18,086 guilty plea proceedings, a rise of 6 percent that continues an upward trend since 1993 in the assignment of such proceedings to magistrate judges.

Supplemental Table S-17 and the M series of the appendix tables provide detailed information on the work of magistrate judges.

### Judicial Panel on Multidistrict Litigation

The Judicial Panel on Multidistrict Litigation acted upon 22,516 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2004. The Panel transferred 10,681 cases originally filed in 91 district courts to 46 transferee districts for inclusion in coordinated or consolidated pretrial proceedings for 11,835 actions previously initiated in the transferee districts. Product liability cases addressing the anticholesterol medication Baycol and diet drugs constituted a sizeable portion of the cases transferred by the Panel. The Panel did not order transfer in 29 newly docketed litigations involving 268 actions.

Since the Panel's creation in 1968, it has centralized 211,317 civil actions for pretrial proceedings. As of September 30, 2004, a total of 10,899 actions had been remanded for trial, 389 actions had been reassigned within the transferee districts, and 136,070 actions had been terminated in the transferee courts. At the end of this fiscal year, 63,959 actions were pending throughout 54 transferee district courts.

Supplemental Tables S-19 and S-20 provide statistics on the number of cases transferred since the Panel was created and present data on the flow of cases into and out of the districts in 2004 and since 1968. All statistical information on multidistrict litigation traffic in the federal courts is maintained by the clerk's office of the Judicial Panel on Multidistrict Liti-

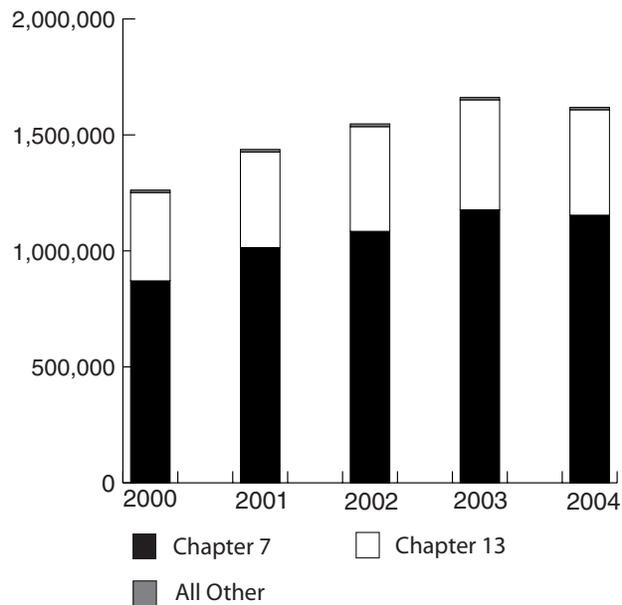
gation. Information on specific cases or districts may be obtained from that office.

### U.S. Bankruptcy Courts

Filings in the U.S. bankruptcy courts declined for the first time since 2000, falling 3 percent to 1,618,987 in 2004. However, this total was second only to the previous year's record number, and the 2004 total was 28 percent greater than that for 2000. For the past several years, the large number of petitions most likely has arisen from high consumer debt combined with slow economic growth. Tables 6 and 7 display national data on bankruptcy cases.

In 2004, a total of 61 districts reported lower filings. Excluding districts that had fewer than 100 filings, three districts had decreases greater than 15 percent: the Central District of California (down 19 percent), the District of Hawaii (down 17 percent), and the District of the District of Columbia (down 17

Bankruptcy Petitions Filed



percent). The largest numerical decreases occurred in the Central District of California (down 14,665 cases), the Northern District of Illinois (down 5,270 cases), and the Southern District of Florida (down 4,812 cases). The greatest numerical increases took place in the Southern District of New York (up 3,571 cases), the District of Colorado (up 2,636 cases), and the Northern District of Texas (up 1,783 cases).

Six basic types of bankruptcy cases are provided for under the Bankruptcy Code. Under chapter 7 of the Bankruptcy Code, assets are liquidated for distribution. Chapter 7 filings fell 2 percent to 1,153,865 in 2004 and constituted 71 percent of all petitions filed. Chapter 7 filings declined in 57 districts, increased in 36, and remained stable in 1. The largest numerical reduction in chapter 7 filings occurred in the Central District of California (down 9,895 petitions). The largest numerical growth in chapter 7 filings occurred in the District of Colorado (up 2,428 petitions).

Chapter 11 allows businesses to continue operating while they formulate plans to reorganize and repay their creditors; individuals also may file under this chapter, although few do so. Filings under chapter 11 generally require more involvement by judges than do filings under the other chapters of the bankruptcy code. In 2004, chapter 11 filings, which accounted for less than 1 percent of all petitions filed, grew 2 percent to 10,368. Although 34 districts saw filings grow under this chapter (10 districts had increases greater than 50 percent), 59 districts reported declines (9 districts had reductions greater than or equal to

50 percent). (The District of the Northern Mariana Islands had no chapter 11 petitions filed in either 2003 or 2004.) The greatest numerical increase was reported by the Southern District of New York, a rise of 2,031 cases. The greatest numerical decrease was reported by the District of Maryland, a drop of 293 cases.

Chapter 12 was designed to help family farms reorganize their debts. Chapter 12 filings declined 66 percent to 238 in 2004 because the legislation authorizing chapter 12 expired on January 1, 2004. The Western District of Oklahoma had the greatest number of chapter 12 filings, a total of 13 petitions. On October 25, 2004, chapter 12 of the Bankruptcy Code was extended for 18 months, retroactive to January 1, 2004, and ending July 1, 2005. (This chapter has expired and been extended many times in recent years.)

Under chapter 13, an individual with regular income and debts below a statutory threshold may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan. Chapter 13

**Table 6**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Cases Filed, Terminated, and Pending**  
**Fiscal Years 2000 Through 2004**

Year	Total	Nonbusiness	Business	Terminated	Pending
2000	1,262,102	1,226,037	36,065	1,256,874	1,378,139
2001	1,437,354	1,398,864	38,490	1,301,016	1,512,438
2002	1,547,669	1,508,578	39,091	1,445,101	1,618,262
2003	1,661,996	1,625,813	36,183	1,568,087	1,710,428*
2004	1,618,987	1,584,170	34,817	1,671,177	1,658,238
% Chg. 2004 Over 2003	-2.6	-2.6	-3.8	6.6	-3.1

Note: Bankruptcy Act case data are available separately.  
\*Revised.

filings, which accounted for 28 percent of all new petitions, fell 4 percent to 454,412 in 2004. Fifty-two districts reported fewer chapter 13 petitions, and seven districts had declines of 20 percent or greater. The largest numerical decrease occurred in the Central District of California, a drop of 4,704 cases. The largest numerical increase occurred in the Northern District of Texas, a rise of 1,812 cases.

Cases filed under chapter 9 involve political subdivisions, public agencies, and instrumentalities of states. Cases filed under section 304 tend to arise from the need to administer estate assets subject to foreign bankruptcy proceedings. Chapter 9 and section 304 cases typically account for only a small portion of overall filings. During 2004, the combined total for both types of cases was 104, a 5 percent increase. The Southern District of New York had 75 section 304 cases, 25 more than in 2003.

Reductions occurred in both business and non-business (i.e., personal) petitions. Filings of nonbusiness petitions, which accounted for 98 percent of total filings in 2004, declined 3 percent to 1,584,170. Nonbusiness filings fell 2 percent under chapter 7, 3 percent under chapter 11, and 4 percent under chapter 13. However, nonbusiness filings have risen 29 percent since 2000, and this year's figure marks the third consecutive year that nonbusiness filings have exceeded 1.5 million.

Business petitions dropped 4 percent to 34,817 during 2004, declining under all chapters except chapter 11. Filings fell 4 percent under chapter 7, 66 percent under chapter 12, and 8 percent under chapter 13. Business filings rose 3 percent under chapter 11 as a result of a 236 percent rise (up 2,065 cases) in petitions filed in the Southern District of New York, most of which involved a footwear company. Excluding the Southern District of New York, chapter 11 business cases decreased 22 percent, and overall business cases declined 10 percent. Business filings

**Table 7**  
**U.S. Bankruptcy Courts**  
**Filings by Chapter of the Bankruptcy Code**  
**Fiscal Years 2000 Through 2004**

Year	Total	Chapter				
		7	11	12	13	Other
2000	1,262,102	870,805	9,835	551	380,880	31
2001	1,437,354	1,014,137	10,519	379	412,272	47
2002	1,547,669	1,084,336	11,669	322	451,258	84
2003	1,661,996	1,177,292	10,144	698	473,763	99
2004	1,618,987	1,153,865	10,368	238	454,412	104
% Chg. 2004 Over 2003	-2.6	-2.0	2.2	-65.9	-4.1	5.1

have fallen 3 percent during the last five years and have accounted for a steadily declining portion of overall filings.

The number of bankruptcy cases closed increased 7 percent to 1,671,177, or 5,158 cases terminated per authorized judgeship. Because the number of petitions closed exceeded the number filed, the pending caseload dropped 3 percent to 1,658,238 as of September 30, 2004. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Over the past 10 years, bankruptcy petitions have soared 83 percent. However, no additional bankruptcy judgeships have been authorized since 1992, and since that year, two temporary judgeships have expired, reducing the number of judgeships to 324. The lack of new judgeships combined with the surge in filings has caused cases filed per judgeship to rise 84 percent, from 2,710 in 1995 to 4,997 in 2004. The rapid growth in filings led the number of pending cases per judgeship to rise 53 percent since 1995.

### Adversary Proceedings

After three years of steady growth, adversary proceedings declined 4 percent in 2004 to 93,017. Adversary proceedings are civil actions that arise in connection with bankruptcy cases and include actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts.

In 2004, a total of 51 districts reported fewer filings of adversary proceedings. Sixteen districts had decreases of more than 20 percent, and three districts saw filings drop more than 50 percent. The greatest numerical reductions in filings of adversary proceedings occurred in the Southern District of Florida (down 1,554 cases) and the Northern District of Ohio (down 1,403 cases). Increases were reported in 42 districts. In one district, filings remained stable.

The number of adversary proceedings closed increased 25 percent to 95,175. Pending adversary cases fell 2 percent to 97,105 as of September 30, 2004. Data on adversary proceedings by district appear in Appendix Table F-8.

### Criminal Justice Act Representations

In 2004, a total of 165,422 appointments of counsel were made under the Criminal Justice Act (CJA), an increase of 11 percent over the 149,542 appointments in 2003. The CJA provides funding for the representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing such representation, either by private panel attorneys or, in most districts, by federal public or community defender offices.

This year, representations opened by the 73 federal public or traditional community defender organizations (including representations in appeals, habeas corpus, revocation, and criminal matters) rose 14 percent to 101,015. Appointments of private attorneys increased 6 percent to 64,407.

The growth in representations by federal public and community defenders arose largely from increases in four districts along the southwestern border of the United States. Openings soared 52 percent in the Southern District of Texas,

45 percent in Arizona, 25 percent in New Mexico, and 14 percent in the Western District of Texas, largely because of cases involving illegal immigration. In the Southern District of California, openings decreased 7 percent from 5,688 to 5,313, in part because of greater emphasis on the prosecution of more complex federal cases, a reduction in the board attorney staff of the community defender organization, and more reliance on panel attorneys.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the last five years. Appendix Table K-1 presents information on the representations each federal public and community defender organization provided during 2004.

### Post-Conviction Supervision

On September 30, 2004, the number of persons under post-conviction supervision totaled 112,883, a new record. This represents a 2 percent rise (up 2,262 persons) over the number for September 30, 2003, and a 12 percent increase over the number for September 30, 2000. Persons serving terms of super-

**Table 8  
Federal Post-Conviction Supervision  
Fiscal Years 2000 Through 2004**

Year	Received		Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2000	48,653	43,923	45,051	40,545	100,395
2001	50,308	45,689	46,748	42,330	104,715
2002	54,062	49,238	50,529	45,933	108,792
2003	55,734	50,920	53,814	49,121	110,621
2004	64,161	59,437	62,559	57,932	112,883
% Chg. 2004 Over 2003	15.1	16.7	16.3	17.9	2.0

vised release after leaving prison grew 4 percent (up 2,914) above the number for 2003 and 23 percent above that for 2000.

The 78,594 persons serving terms of supervised release on September 30, 2004, following release from prison accounted for 70 percent of all persons under supervision, compared to 68 percent the previous year. Cases involving probation imposed by district judges declined 5 percent, and those involving probation imposed by magistrate judges fell 8 percent. Parole cases, including those involving special parole and military parole, decreased 7 percent, and those involving mandatory release dropped 13 percent. Bureau of Prisons (BOP) custody supervision cases increased by 1,352 cases (194 percent) in response to the revision in 2003 of Monograph 109, *The Supervision of Federal Offenders*, a document initially approved in 1991 by the Judicial Conference Committee on Criminal Law and the Administration of the Probation System to set national policy for the supervision of federal offenders. The 2003 revision requires probation officers to conduct supervision planning before prisoners are released and placed under actual post-conviction supervision. These cases initially were coded under the BOP custody category, but beginning in the fourth quarter of fiscal year 2004, these cases were coded under the "term of supervised release" category.

The proportion of persons supervised who had been convicted of drug offenses was 44 percent in 2004, up from 41 percent in 2000. Fraud was the second-most common offense of persons under post-conviction supervision; 18 percent of persons under supervision had been convicted of fraud, down from 20 percent in 2000. Weapons and firearms offenses accounted for 7 percent of persons under post-conviction supervision in 2004, up from 5 percent in 2000.

The number of persons received for supervision (excluding transfers) grew 17 percent to 59,437 from 2003 to 2004. This increase was driven by the 405 percent surge in BOP custody supervision cases (up 7,218 cases) caused by the implementation of directives in Monograph 109. The number of persons received for terms of supervised release following release from prison climbed 6 percent.

Parole cases received, including those involving special parole and military parole, rose 2 percent to 1,154 cases. However, parole cases received included cases involving crimes prosecuted under local laws, which were received following the dissolution of the local parole board of Washington, D.C. Cases received involving probation and mandatory release declined 5 percent.

During 2004, the number of persons removed from post-conviction supervision (excluding persons reinstated, re-released, and deceased) rose 8 percent (up 3,700) to 48,519. Fifty percent of this increase resulted from the early termination of supervision for persons who had not violated their conditions of supervision; such terminations climbed 35 percent from 5,217 in 2003 to 7,057 in 2004. This rise followed the approval by the Judicial Conference, as recommended by the Committee on Criminal Law, of criteria for probation officers to use to identify stable, low-risk offenders who may qualify for early termination of supervision, thereby reducing post-conviction supervision program requirements.

Detailed data on post-conviction supervision appear in Table 8 and in the E series of the appendix tables.

## Investigative Reports

In 2004, probation officers prepared 66,182 presentence reports, a decline of 2 percent over the previous year. Collateral reports written to help other districts prepare presentence reports grew 3 percent to 52,576. Probation officers also wrote 39,964 violation reports and 27,938 pre-release reports, increases of 4 percent and 2 percent, respectively, over the 2003 totals. See Table 9 for data on these investigative reports.

## Substance Abuse Treatment

Federal probation offices spent \$24,843,339 on federally funded substance abuse treatment in 2004. Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, self-help groups, the Department of Veterans' Affairs, and federally funded sub-

**Table 9**  
**Investigative Reports by Probation Officers**  
**Fiscal Years 2003 and 2004**

Type of Investigation	2003	2004	Percent Change
Presentence Report	67,744	66,182	-2.3
Collateral Report for Another District	51,109	52,576	2.9
Alleged Violation	38,569	39,964	3.6
Pre-Release for a Federal Institution	27,489	27,938	1.6
Other <sup>1</sup>	3,325*	4,210	26.6

<sup>1</sup> Includes post-sentence-for-institution investigations, investigations for petty offenses, supplemental reports to the Bureau of Prisons, and modified pre-sentence reports. Beginning in 2004, the other category also includes treaty cases. Data for 2003 were revised to include treaty cases for comparison.

\* Revised.

percent. The number of defendants in pretrial services cases opened in which the major offense charged involved firearms grew 6 percent, after soaring 26 percent in 2003; such cases accounted for 9 percent of all pretrial services cases opened in 2004. This increase is consistent with the development of Project Safe Neighborhoods and Project Exile, which have

stance abuse treatment services. Beginning in 2003, the data reflect only federally funded substance abuse treatment and exclude substance abuse testing. Nationwide, 44 percent of offenders with conditions requiring substance abuse treatment received federally funded treatment, down from 50 percent from 2003. Supplemental Table S-13 contains additional information on federally funded substance abuse treatment services in the federal probation system.

supported partnerships among federal, state, and local law enforcement agencies to address gun violence and have encouraged the prosecution of weapons crime defendants in federal courts. A total of 33,149 defendants in pretrial services cases had been charged with drug offenses, 1 percent fewer than in 2003. The proportion of defendants charged with drug offenses dropped from 35 percent in 2003 to 34 percent in 2004.

## Pretrial Services

The number of defendants in cases opened in the pretrial services system in 2004, including pretrial diversion cases, rose 3 percent (up 2,688) to an all-time high of 100,005. This growth stemmed primarily from the higher numbers of defendants charged with immigration offenses and with firearms offenses.

The proportion of defendants charged with offenses related to immigration increased from 21 percent of defendants in cases opened in 2003 to 24 percent in 2004. Immigration was the major offense charged in 23,478 pretrial services cases opened, a rise of 18

**Table 10**  
**Summary of Pretrial Services Cases**  
**Fiscal Years 2003 and 2004**

	2003	2004	Percent Change
Total Cases Activated	97,317	100,005	2.8
Pretrial Services Cases	95,492	98,152	2.8
Pretrial Diversion Cases	1,825	1,853	1.5
Total Released on Supervision	35,524	34,840	-1.9
Pretrial Supervision	33,681	32,993	-2.0
Diversion Supervision	1,843	1,847	0.2
Type of Report			
Prebail	83,798	86,855	3.6
Other Reports (Including Postbail)	8,288	7,361	-11.2
No Report	3,406	3,936	15.6

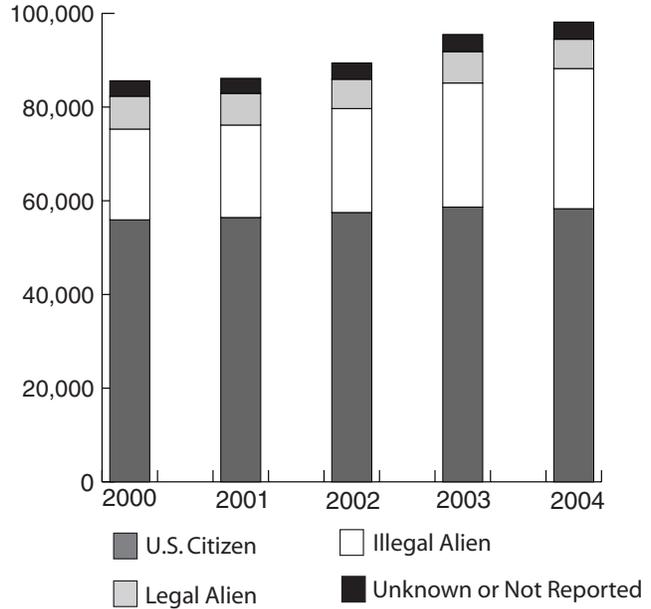
Pretrial Services Officers (PSOs) prepare pretrial services reports that help ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for selecting the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. PSOs prepared 94,216 pretrial services reports, a rise of 2 percent. The vast majority were prebail reports, which constituted 92 percent of the pretrial services reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

Initial hearings were held for all pretrial services cases activated, and 27 percent of defendants were released at their initial hearings (1 percentage point fewer than in 2003). Most were detained pending separate detention hearings (54 percent), and the remainder were either detained without release conditions set at the initial hearings (9 percent), detained because they could not meet release conditions that were set (8 percent), or held in temporary detention (3 percent).

Detention hearings were held for 52,508 defendants, an increase of 5 percent over the total for 2003, and the number of defendants detained following these hearings climbed 11 percent to 43,287. Detention was ordered for 82 percent of defendants who had detention hearings, 4 percentage points more than last year. Forty-four percent of pretrial services defendants whose cases were activated in 2004 were detained at detention hearings, 3 percentage points more than in 2003. Risk of nonappearance was the reason for detention in 46 percent of cases, danger to the community in 8 percent of cases, and a combination of danger and nonappearance in 45 percent of cases; these percentages were comparable to those for 2003.

A total of 34,840 defendants were placed under supervision in the pretrial services system in 2004, 2 percent fewer than in 2003. The increase in the pro-

Citizenship of Defendants in Cases Activated in Pretrial Services



portion of defendants who are illegal aliens, and the rise in the number of immigration offenders contributed to the drop in persons received for supervision, because illegal aliens and defendants charged with immigration offenses usually are detained given their high risk of flight. Thirty percent of defendants in pretrial services cases were illegal aliens, compared to 28 percent in 2003.

For persons under pretrial services supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services (such as substance abuse treatment), and informed the courts and U.S. attorneys of all apparent violations of release conditions. Ninety-three percent of defendants who were released following hearings were released with restrictive conditions (34,875), the same percentage as in 2003. The most frequently ordered restrictive conditions were substance abuse testing and substance abuse treatment, which were imposed on 19 percent (18,959) of defendants in cases opened in 2004. Home detention and electronic monitoring were ordered for 7 percent (6,605) of defendants. The number of defendants for whom mental health treatment conditions were ordered climbed 30 percent as mental health treatment

conditions were imposed on 3,069 defendants in 2004. This growth has resulted from continued enhancements to programs that provide mental health assistance to defendants.

For pretrial services cases closed during the year, 223,092 pretrial hearings of all types were held, a rise of 1 percent over the total for 2003. These included detention hearings (up 6 percent to 52,773), bail review hearings (down 6 percent to 22,282), and review hearings held at conviction and sentencing (up 1 percent to 134,832). Violation hearings grew 3 percent to 4,475.

Pretrial diversion is a period of supervision proposed by the U.S. attorney and agreed to by the defendant as an alternative to the prosecution of criminal charges in federal court. Diversion thus preserves prosecutorial and judicial resources for more serious criminal matters. In 2004, the number of pretrial diversion cases activated increased 2 percent to 1,853; this represented approximately 2 percent of activated cases in 2004, the same proportion as in 2003.

Over the past five years, the overall workload in pretrial services has risen. The number of cases opened in the pretrial services system in 2004 was 14 percent greater than the number opened in 2000. During this period, the number of persons interviewed increased 9 percent and the number of pretrial services reports prepared climbed 15 percent. The number of defendants placed under supervision in the pretrial services system grew 1 percent.

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

## Complaints Against Judicial Officers

Pursuant to 28 U.S.C. 351(a) and 363, any person alleging that a circuit judge, a district judge, a bankruptcy

judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such an officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or the clerk of the applicable national court. A single complaint may involve multiple allegations against numerous judicial officers.

**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**  
**Fiscal Years 2002, 2003, and 2004**

	2002	2003*	2004
Filed	657	859	712
Concluded	778	751	784
By Chief Judges	401	429	449
Dismissed	384	408	434
Corrective Action Taken	9	13	12
Withdrawn	8	8	3
By Judicial Councils	377	322	335
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	375	321	333
Withdrawn	—	—	—
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report of Investigative Committee			
Dismissed	—	—	2
Withdrawn	—	—	—
Action Taken	2	1	—
Referred to Judicial Conference	—	—	—
Pending	141	249	177

\*Revised.

<sup>1</sup> Petition for review of a chief judge's dismissal of a complaint.

The number of judicial complaints filed in 2004 decreased 17 percent to 712. The previous year, complaint filings had been at the highest level since 1998. The number of complaints concluded during 2004 rose 4 percent to 784. Because the number of complaints concluded outnumbered the number of complaints filed, pending judicial complaints declined 29 percent to 177.

In 2004, the allegations cited most often were prejudice/bias, abuse of judicial power, and "other." More than one-half of all complaints filed originated in the Fifth, Sixth, Eighth, and Ninth Circuits.

Of the 784 complaints that were concluded, chief judges terminated 449 complaints, and judicial councils terminated 335. Of the complaints concluded by chief judges, 66 percent were found to be not covered under 28 U.S.C. 351 - 364 because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. The remaining complaints were concluded because they did not conform with the statute, they were frivolous, appropriate action already had been taken, action no longer was necessary, or the complaint had been withdrawn. All but two of the complaints concluded by judicial councils were terminated following the review of a chief judge's dismissal; the remaining two complaints (which had been filed in the Tenth and Eleventh Circuits) were concluded after reports were made by an investigative committee. All of the complaints that were concluded by judicial councils were dismissed. Table 11 and Supplemental Table S-22 summarize judicial complaints activity from 2002 through 2004.

**Table 12**  
**Status of Judgeship Positions**  
**Fiscal Years 2000 Through 2004<sup>1</sup>**

Year	U.S. Courts of Appeals <sup>2</sup>			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>3</sup>	Authorized Judgeships <sup>4</sup>	Vacancies	Senior Judges <sup>5</sup>
2000	179	23	86	655	43	274
2001	179	32	93	665	75	281
2002	179	28	92	665	50	285
2003	179	17 *	91	680	29	275
2004	179	13	102	679	15	291

<sup>1</sup>Data are as of September 30.

<sup>2</sup>Positions in the Court of Appeals for the Federal Circuit are included.

<sup>3</sup>Sitting senior judges who participated in appeals dispositions.

<sup>4</sup>Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.

<sup>5</sup>Senior judges with staff.

\* Revised.

## Status of Article III Judgeships

On September 30, 2004, a total of 13 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, a 24 percent decline (4 fewer vacancies) from the number reported one year earlier. Nine of the vacancies had been unfilled for more than 18 months (5 had been vacant that long one year earlier). Table 12 provides information on the status of judgeship positions since 2000.

On September 30, 2004, a total of 15 vacancies existed among the 679 positions authorized in the district courts, a reduction of 48 percent over the 29 vacancies reported for the 680 positions authorized at the end of the previous fiscal year (on May 5, 2004, one temporary judgeship in the District of Nebraska lapsed). Three of the vacancies had existed for more than 18 months, 2 fewer than the number of positions vacant for that long one year earlier.

In addition to active judges, 102 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2004; this total was 11 more than the number serving one year earlier. In the U.S. district courts, the number of senior judges with staff equaled 291, which was 16 more than the

**Table 13**  
**Status of Bankruptcy Judgeship Positions**  
**Fiscal Years 2000 Through 2004<sup>1</sup>**

Year	Authorized Judgeships	Vacancies	Recalled Judges
2000	325	18	30
2001	324	12	30
2002	324	22	31
2003	324	15	35
2004	324	11	35

<sup>1</sup>Data are as of September 30.

number reported at the end of the previous fiscal year. The number of senior district judges with staff has increased 6 percent over the past five years, growing from 274 to 291.

As of September 30, 2004, a total of 15 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 7 fewer than the number identified on September 30, 2003. For courts of appeals, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighting pro se appeals as one-third of a case) per panel are in excess of 700, or any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel. For district courts, a judicial emergency is defined as a vacancy of any duration where weighted filings per judgeship are in excess of 600, or any vacancy longer than 18 months in a district court with weighted filings between 430 and 600 per judgeship, or any vacancy in a district court with more than one authorized judgeship and only one active judge.

## Status of Bankruptcy Judge Appointments

On September 30, 2004, a total of 324 bankruptcy judgeships were authorized and funded. Of that number, 313 bankruptcy judgeships were filled, and 11 were vacant. In addition to these positions, 35 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2004. Table 13

summarizes the status of bankruptcy judgeship positions through September 30, 2004.

## Appointments of Magistrate Judges

During 2004, a total of 84 full-time magistrate judges were appointed, including 50 by reappointment. Of the 34 new appointments, 9 were for new positions. During the same period, 15 individuals were appointed to

part-time magistrate judge positions, 9 of them by reappointment.

In 2004, the average age of new appointees to full-time magistrate judge positions was 49 years; the average age of new appointees to part-time magistrate judge positions was 47 years. New full-time appointees had been members of the bar for an average of 23 years at the time of appointment; new part-time magistrate judges averaged 19 years of bar membership. Of the new full-time magistrate judges, 19 had been in private practice at the time of their appointment, 7 had been assistant U.S. attorneys, 5 had been state court judges, 2 had been part-time U.S. magistrate judges, and 1 had been an assistant federal public defender.

Through its September 2004 session, the Judicial Conference had authorized 500 full-time magistrate judge positions, 45 part-time positions, and 3 combination clerk/magistrate judge positions. During the fiscal year, 32 retired magistrate judges who had been recalled provided service under Title 28 U.S.C. Section 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2000.

## U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. Most of the cases this court hears involve the classifi-

**Table 14**  
**U.S. Magistrate Judge Positions Authorized**  
**by the Judicial Conference**  
**Fiscal Years 2000 Through 2004**

Year		Total	Full Time	Part Time	Combination
2000	Spring	521	456	62	3
	Fall	529	466	60	3
2001	Spring	532	470	59	3
	Fall	533	471	59	3
2002	Spring	534	477	54	3
	Fall	540	486	51	3
2003	Spring	540	487	50	3
	Fall	543	491	49	3
2004	Spring	546	495	48	3
	Fall	548	500	45	3

cation and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners.

In 2004, a total of 767 cases were filed in the U.S. Court of International Trade, a decrease of 14 percent (down 126 cases). New civil actions included 488 cases filed under 28 U.S.C. 1581(a) or (b) of the Tariff Act of 1930, which involved 2,793 denied protests covering 14,933 entries of merchandise. The overall decline in filings reflects a continued reduction in cases filed in response to the Supreme Court's ruling in *United States Shoe Corp v. the United States*, 523 U.S. 360 (1998), which declared the Harbor Maintenance Tax unconstitutional.

Terminations decreased 15 percent from 557 to 476. Because filings outnumbered terminations, pending cases rose 3 percent to 10,869 on September 30, 2004. Appendix Table G-1 provides a summary of cases filed and terminated during 2003 and 2004.

## U.S. Court of Federal Claims

The U.S. Court of Federal Claims has nationwide jurisdiction over a variety of cases against the federal government, including those involving tax refunds, federal taking of private property for public use, constitutional and statutory rights of military personnel and their dependants, back-pay demands by civil servants claiming unjust dismissal, injuries attributed to childhood vaccines, and breach-of-contract allegations by federal government contractors. Most suits seeking money damages in excess of \$10,000 from the federal government must be tried in this court.

Filings in the U.S. Court of Federal Claims decreased 23 percent to 2,382, largely because of a 53 percent drop (down 621 cases) in vaccine case filings. In 2003, the court had seen an unusual surge of 110 percent for such filings that consisted mainly of cases alleging that autism spectrum disorder arose from the

measles-mumps-rubella (MMR) vaccine and/or the inclusion of the preservative thimerosal in some vaccines.

In 2004, the largest increase was a 150 percent rise in contract filings to 420 cases, which included 205 new cases filed after the severance of multiple plaintiffs in 13 cases that previously had been consolidated by judicial order, but were found to have been misjoined under Rule 20(a) of the Rules of the U.S. Court of Federal Claims. Eleven of these cases involved transportation services, and two involved apartment complexes.

Case terminations grew 6 percent from 883 to 939. As filings outnumbered terminations, pending cases rose 27 percent from 5,435 to 6,913.

In cases terminated in 2004, judgments for claimants exceeded \$585 million, of which nearly \$15 million carried interest. Many of these judgments were based on settlements between the parties. Judgments for the United States on counterclaims or offsets amounted to \$2.7 million. Under its nonmonetary jurisdiction, the court disposed of 67 contract cases seeking injunctive or declaratory relief.

Each January, pursuant to 28 U.S.C. 791(c), the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and their dispositions. Appendix Tables G-2A and G-2B provide summary data on case filings in the U.S. Court of Federal Claims for the year ending September 30, 2004.