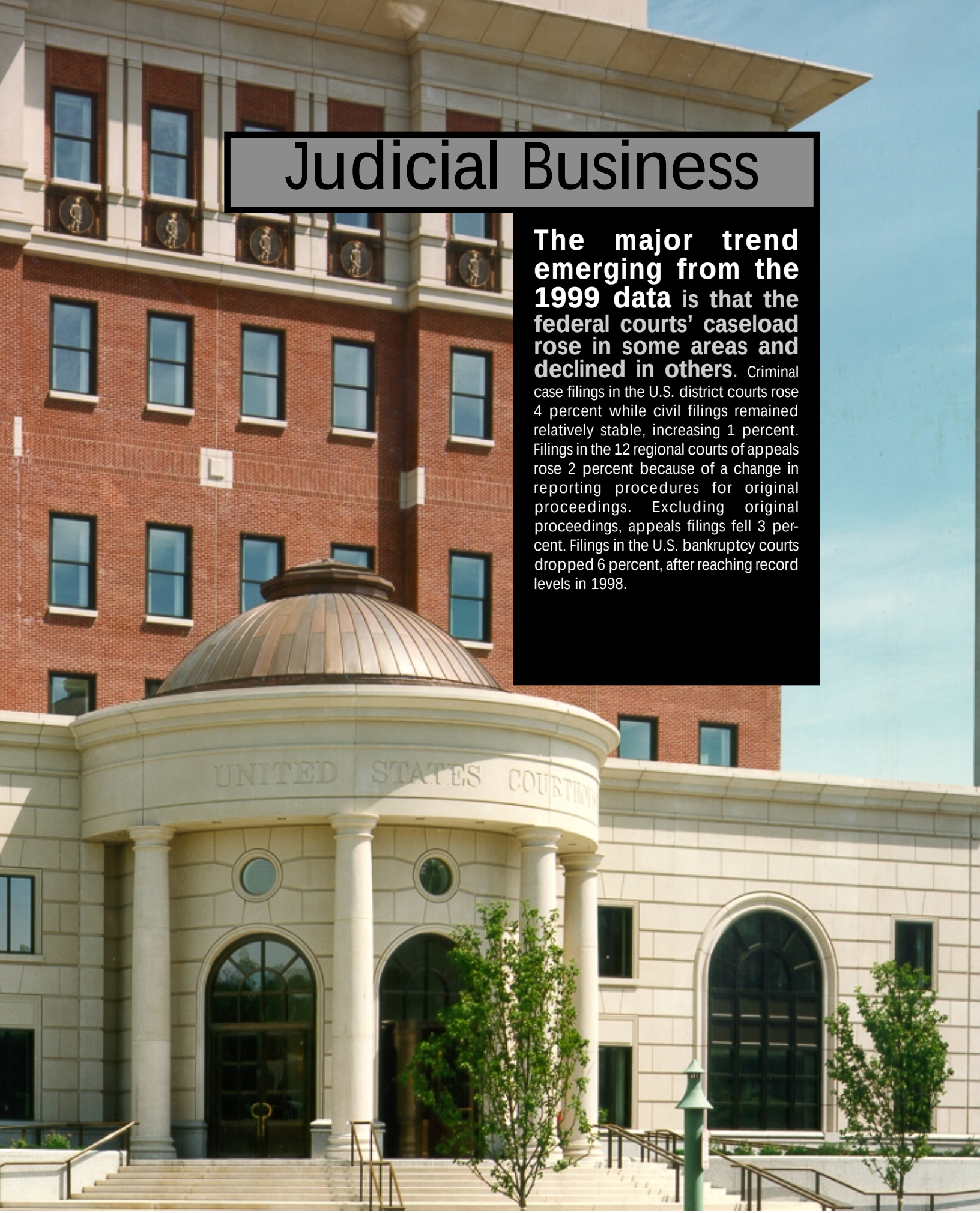

Judicial Business

The major trend emerging from the 1999 data is that the federal courts' caseload rose in some areas and declined in others. Criminal case filings in the U.S. district courts rose 4 percent while civil filings remained relatively stable, increasing 1 percent. Filings in the 12 regional courts of appeals rose 2 percent because of a change in reporting procedures for original proceedings. Excluding original proceedings, appeals filings fell 3 percent. Filings in the U.S. bankruptcy courts dropped 6 percent, after reaching record levels in 1998.

This report contains statistical data on the business of the federal judiciary during fiscal year 1999, compares the caseload for this year to those of prior fiscal years, and, wherever possible, explains why increases or decreases occurred in the courts' caseload. Specific sections address the workload of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the federal judiciary. A table of judicial caseload indicators presents totals for the major segments of the federal court system (see page 16).

The major trend emerging from the 1999 data (see Caseload Highlights section) is that the federal courts' caseload rose in some areas and declined in others. Following a 15 percent jump in 1998, criminal case filings in the U.S. district courts continued to increase in 1999, rising 4 percent. This led to a 2 percent gain in pretrial services cases activated, while the number of persons under supervision of the probation system, which is less directly affected by criminal filings, rose 4 percent. Civil filings in the U.S. district courts remained relatively stable compared to the previous year, increasing 1 percent. Filings in the 12 regional courts of appeals rose 2 percent because of a change in reporting procedures for original proceedings. Excluding original proceedings, appeals filings fell 3 percent. Filings in the U.S. bankruptcy courts dropped 6 percent in 1999, the first decline following four years of steep growth and a record level of filings in 1998.

Federal judges have seen their caseload and associated workload rise significantly over the last five years. From 1995 to 1999, the following occurred:

- the number of appeals filed per authorized three-judge panel (excluding original proceedings) rose 4 percent;
- criminal case filings (including transfers) per authorized judgeship rose 31 percent; and
- bankruptcy filings per authorized judgeship soared 53 percent to 4,155.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals increased 2 percent to 54,693. However, this increase stemmed from a 349 percent surge in the total for original proceedings that resulted from changes in reporting procedures implemented in 1999 related to the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Prison Litigation Reform Act (PLRA). Excluding original proceedings, total appeals filings declined 3 percent as filings of civil appeals fell 2 percent, criminal appeals fell 3 percent, bankruptcy appeals fell 8 percent, and administrative agency appeals fell 14 percent. Terminations per authorized three-judge panel rose from 934 to 972 due to a 4 percent increase in appeals terminated. Since 1995, filings of appeals (not including original proceedings) have risen 4 percent. Tables 1 and 2 contain summary data on the activity of the U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables.

Starting on October 1, 1998, reporting procedures were changed such that pro se mandamus petitions for which filing fees were not paid and motions for orders authorizing second or successive habeas corpus applications began to be recorded as original proceedings requiring judicial review on the merits. Previously, these types of filings had not been included in appellate statistics. Under the PLRA, a prisoner who does not pay a fee at the time a mandamus

Judicial Caseload Indicators

Fiscal Years 1995, 1998, and 1999

Judicial Caseload	1995	1998	1999	% Change Since 1995	% Change Since 1998
U.S. Courts of Appeals[1]					
Cases Filed	50,072	53,805	54,693	9.2	1.7
Cases Terminated	49,805	52,002	54,088	8.6	4.0
Cases Pending	37,310	41,666[2]	42,271	13.3	1.5
U.S. District Courts					
Criminal (Includes Transfers)					
Cases Filed	45,788	57,691	59,923	30.9	3.9
Defendants in Cases Filed	64,771	79,008	80,822	24.8	2.3
Cases Terminated	41,527	51,428	56,511	36.1	9.9
Cases Pending	28,738	40,277[2]	43,689	52.0	8.5
Civil					
Cases Filed	248,335	256,787	260,271	4.8	1.4
Cases Terminated	229,820	262,301	272,526	18.6	3.9
Cases Pending	234,008	262,573[2]	250,318	7.0	-4.7
U.S. Bankruptcy Courts					
Cases Filed	883,457	1,436,964	1,354,376	53.3	-5.7
Cases Terminated	892,796	1,377,206	1,356,026	51.9	-1.5
Cases Pending	1,086,453	1,384,179[2]	1,382,529	27.3	-0.1
Federal Probation System					
Persons Under Supervision	85,822	93,737	97,190	13.2	3.7
Presentence Reports	43,151	57,794	61,207	41.8	5.9
Pretrial Services					
Pretrial Services Cases Activated	60,020	78,603	80,154	33.5	2.0
Total Released on Supervision	23,317[2]	29,974	30,652	31.5	2.3

[1]Excludes the U.S. Court of Appeals for the Federal Circuit.
[2]Revised.

petition is filed generally must pay the full filing fee in installments, a change that has largely eliminated the distinction between fee-paid mandamus cases previously included in appellate statistics and in forma pauperis cases. The AEDPA created a new type of appellate proceeding by requiring prisoners to file motions for authorization before filing second or successive habeas corpus applications.

As a result of these changes, the number of original proceedings reported for 1999 was 2,621 higher than the number reported last year. Significant growth in original proceedings was reported in all circuits.

Excluding original proceedings, 3 of the 12 circuits reported overall increases in appeals filed in 1999. The most notable increased occurred in the Eleventh Circuit (up 6 percent) and the Tenth Circuit (up 2 percent). The greatest declines took place in the District of Columbia (down 16 percent), Third Circuit (down 10 percent), and Fourth Circuit (down 10 percent).

This year's reduction in civil appeals filings primarily stemmed from a 4 percent decrease in civil rights appeals and a 1 percent dip in prisoner petition appeals. Filings of nonemployment federal question civil rights appeals, which fell 9 percent (down 354 appeals) to the level reported in 1995, were chiefly responsible for the decline. Prisoner petition appeals dropped slightly this year because of a 17 percent reduction in motions to vacate sentence and a 10 percent decrease in prisoner civil rights appeals (including those addressing prison conditions), which offset a 16 percent rise in habeas corpus prisoner petition appeals. Since 1995, prisoner petition appeals filings have grown 15 percent overall, with habeas corpus appeals up 78 percent and motions to vacate sentence up 52 percent.

The habeas corpus reform provisions of Title I of the AEDPA appear to have contributed to the decline in filings of motions to vacate sentence, but have not reduced habeas corpus prisoner petition appeals. The AEDPA set strict time limits for filing these petitions and required that all issues be consolidated into a single appeal. In addition, it required state prisoners to exhaust all state remedies first and to obtain certificates of appealability from a district or circuit judge before filing habeas corpus petitions in U.S. courts of appeals. Motions to vacate sentence (filed by federal prisoners) and habeas corpus prisoner petition appeals (predominantly filed by state prisoners) both constitute appeals addressing the legality of sentences. However, despite the AEDPA's additional filing requirements for state prisoners, filings of habeas corpus appeals continued to increase.

The growth in habeas corpus petitions was offset by a drop in filings of prisoner civil rights/prison condition appeals. This decline occurred largely in response to the PLRA, which was intended to reduce these types of appeals.

Appeals involving pro se litigants rose 6 percent to 24,416 due to a 717 percent (up 2,301 appeals) surge in pro se original proceedings in response to the change in reporting procedures discussed above. Filings of pro se appeals increased in 10 of the 12 circuits, with the District of Columbia,

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 1995 Through 1999

		Filed		Terminated		
Year	Authorized Judgeships	Number	Cases per Panel	Number	Cases per Panel	Pending
1995	167	50,072	899	49,805	895	37,310
1996	167	51,991	934	50,413	906	38,774
1997	167	52,319	940	51,194	920	39,846
1998	167	53,805	967	52,002	934	41,666*
1999	167	54,693	983	54,088	972	42,271
% Chg. 1999 Over 1998	_	1.7	1.7	4.0	4.0	1.5

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

Table 2
U.S. Courts of Appeals Sources of Appeals
Fiscal Years 1998 and 1999

Source	1998	1999	Percent Change
Total	**53,805**	**54,693**	**1.7**
U.S. District Courts			
Criminal	10,535	10,251	-2.7
Civil—Total	37,522	36,680	-2.2
Prisoner Petitions	17,422	17,191	-1.3
U.S. Civil	4,292	4,010	-6.6
Private Civil	15,808	15,479	-2.1
Other Appeals			
Bankruptcy	1,203	1,109	-7.8
Administrative Agency	3,793	3,280	-13.5
Original Proceedings*	752	3,373	348.5

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.

Tenth, and Eleventh Circuits each experiencing growth greater than 15 percent. Pro se cases constituted 45 percent of all appeals filed in 1999, up from 43 percent last year and from 40 percent in 1995. Supplemental Table S-4 contains summary data on pro se appeals.

Criminal appeals related to immigration laws and to weapons and firearms increased 9 percent and 35 percent, respectively. However, growth in these types of criminal appeals was offset by decreased filings in other categories, particularly appeals involving drugs (down 7 percent) and fraud (down 6 percent), which caused the overall decline.

Bankruptcy appeals, which constituted approximately 2 percent of all appeals filed, decreased 8 percent from 1998 to 1999, falling to their lowest level since 1990. Declines were reported in 8 of the 12 circuits, with the greatest numerical drops registered in the Fourth and Fifth Circuits, where filings fell by 38 and 30 appeals, respectively. Since 1995, filings of bankruptcy appeals have shrunk 34 percent, with 82 percent of the overall reduction involving the Fourth Circuit (down 457 appeals), which previously had received an unusually large number of appeals related to the A.H. Robbins bankruptcy case filed in the Eastern District of Virginia.

Filings of administrative agency appeals were 14 percent below the number reported in 1998, but were less than 1 percent lower than the total for 1995. Decreases in appeals of decisions of the Immigration and Naturalization Service, Federal Energy Regulatory Commission, and Internal Revenue Service primarily were responsible for this year's overall decline. Reductions in such filings were reported in 9 of the 12 circuits, with drops greater than 20 percent reported in the Second, Third, Fourth, and Eleventh Circuits.

U.S. Court of Appeals for the Federal Circuit

Filings in the U.S. Court of Appeals for the Federal Circuit rose 6 percent (up 89 appeals) to 1,543. This growth primarily resulted from increases in appeals of decisions of the U.S. Court of Appeals for Veterans Claims, previously named the Court of Veterans Appeals, which grew 59 percent (up 72 appeals); Merit Systems Protection Board (MSPB), which grew 13 percent (up 61

Five-Year Analysis of Federal Circuit Filings

Since 1995, filings of appeals of decisions of the U.S. Court of Appeals for Veterans Claims have jumped 159 percent (up 119 appeals), and U.S. district court appeals have grown 25 percent (up 93 appeals). Increased resources at the Board of Veterans Appeals, along with its obtaining authorization to decide cases by a single judge rather than by a panel of three, led to increases in appeals filed in the U.S. Court of Appeals for Veterans Claims in recent years. Despite this rise, however, a 46 percent drop in MSPB appeals (down 447 cases) over the last five years caused total filings of appeals in the Federal Circuit to fall 16 percent (down 304 cases) since 1995.

appeals); and the U.S. district courts, which grew 11 percent (up 47 appeals). A statutory change (38 U.S.C. 7111) involving the authority of the U.S. Court of Appeals for Veterans Claims' to review cases for "clear and unmistakable error" led to the larger number of appeals of rulings by this court.

Appendix Table B-8 provides summary data on the activity of the U.S. Court of Appeals for the Federal Circuit. More detailed data are available from the Office of the Clerk of the U.S. Court of Appeals for the Federal Circuit.

U.S. District Courts

A total of 320,194 cases were filed in the U.S. district courts in 1999, a rise of 2 percent over the total for 1998. Case terminations increased 5 percent to 329,037. Because the number of terminations exceeded the number of filings, the pending caseload fell 3 percent to 294,007.

Criminal Filings

Filings of criminal cases rose 4 percent from 57,691 to 59,923 in 1999, the highest number since 1933, when the Prohibition Amendment was repealed. The increase caused filings per authorized judgeship to rise from 89 to 93 cases. The number of defendants grew 2 percent from 79,008 to 80,822. This growth followed double-digit percentage increases in 1998 in criminal cases and defendants filed, which last year surged 15 percent and 13 percent, respectively. Criminal case terminations grew 10 percent in 1999 to 56,511. With filings outpacing terminations, the pending caseload rose 8 percent to 43,689. Table 3 summarizes the number of criminal cases filed, terminated, and pending for the past five years.

Criminal case filings (excluding transfers) rose each of the past five years and grew 32 percent from 1995 to 1999. This growth stemmed largely from increased filings of cases involving drugs and immigration law violations. During that period, drug cases jumped 52 percent, and immigration cases soared 169 percent, primarily because of the U.S. Department of Justice's strategy to reduce crime along the U.S. borders by focusing on illegal immigration, alien smuggling, and drug trafficking. Also, during that five-year period, weapons and firearms cases rose 21 percent.

In 1999, the combined filings of cases in the three largest criminal categories—drugs, fraud, and immigration—accounted for 60 percent of all criminal cases, the same proportion as in 1998. However, the proportion of drug and immigration case filings rose and that of fraud case filings declined. Drug case filings accounted for 30 percent of all criminal cases, one percentage point more than last year; immigration filings accounted for 18 percent of all criminal cases, two percentage points more than last year; and fraud filings accounted for 13 percent of all criminal cases, two percentage points less than in 1998.

Drug case filings climbed 7 percent to 17,483 in 1999, while the number of drug defendants increased 4 percent to 30,671. The defendants-to-case ratio for drug cases remained 1.8, the same as in 1998; the ratio for all criminal filings was 1.4 defendants per case. Drug case filings rose or remained stable in 57 districts because of anti-drug efforts across the United States and along the southwestern border by the Drug Enforcement Administration (DEA). Across the United States, the DEA supported the highway drug interdiction program carried out by state and local agencies in "high intensity drug trafficking areas" designated by the Office of National Drug Control Policy. The DEA also worked on the Southwest Border Initiative that focuses on controlling

Southwestern Border Districts Receive Large Portion of Criminal Case Filings

Since 1993, the Immigration and Naturalization Service (INS) has more than doubled the number of Border Patrol agents to more than 8,000, with the vast majority stationed along the southwestern border of the United States. Through programs such as Operation Gatekeeper, Operation Safeguard, and Operation Rio Grande, INS treats the entire 2,000-mile southwestern border as a single, seamless entity. INS also participates actively in the Southwest Border Initiative, an interagency drug law enforcement effort. These endeavors have resulted in phenomenal growth in case filings in some of the districts along the southwestern border. Since 1995, immigration case filings in the District of Arizona have increased 918 percent, and during that period jumped 492 percent in the district of New Mexico, 454 percent in Western District of Texas, 343 percent in the Southern District of Texas, and 49 percent in the Southern District of California. However, from 1994 to 1997, case filings soared 339 percent in the Southern District of California as early implementation there of Operation Gatekeeper caused that district to lead the nation in immigration filings. Thereafter, immigration filings in that district remained stable in 1998 and declined 14 percent in 1999. These five southwestern districts received 27 percent of all criminal case filings in the United States in 1999, a statistic attributable mostly to the large numbers of immigration and drug trafficking cases in states bordering Mexico.

drugs and violence along the southwestern border of the United States, which the DEA considers a major point of entry for approximately 70 percent of all illicit drugs smuggled into the nation. The Western District of Texas led the nation in filings of drug cases (1,870) and drug defendants (2,603). The Southern District of California was second with 1,807 cases and 2,243 defendants.

Immigration case filings climbed 14 percent to 10,641, while the number of immigration defendants filed grew 13 percent to 11,461. Although immigration case filings rose or remained stable in 65 districts, the majority of immigration cases–consistent with the trend of recent years–were filed in district courts along the southwestern border of the United States. The District of Arizona, with 1,578 cases, led the nation in immigration case filings for the first time ever. The Southern District of California, despite a 14 percent decline in filings, was second with 1,541 cases; the Western District of Texas received 1,518 cases. Other southwestern districts with large increases in immigration case filings were the District of New Mexico, which received 586 cases (up 284 cases), and the Southern District of Texas, which received 1,383 cases (up 178 cases).

Weapons and firearms case filings surged 20 percent from 3,641 to 4,367, and filings of defendants in such cases increased 15 percent from 4,441 to 5,114. These numbers represent record highs for filings for these offenses and resulted in part because U.S. attorneys prosecuted in the federal courts