

Judicial Business

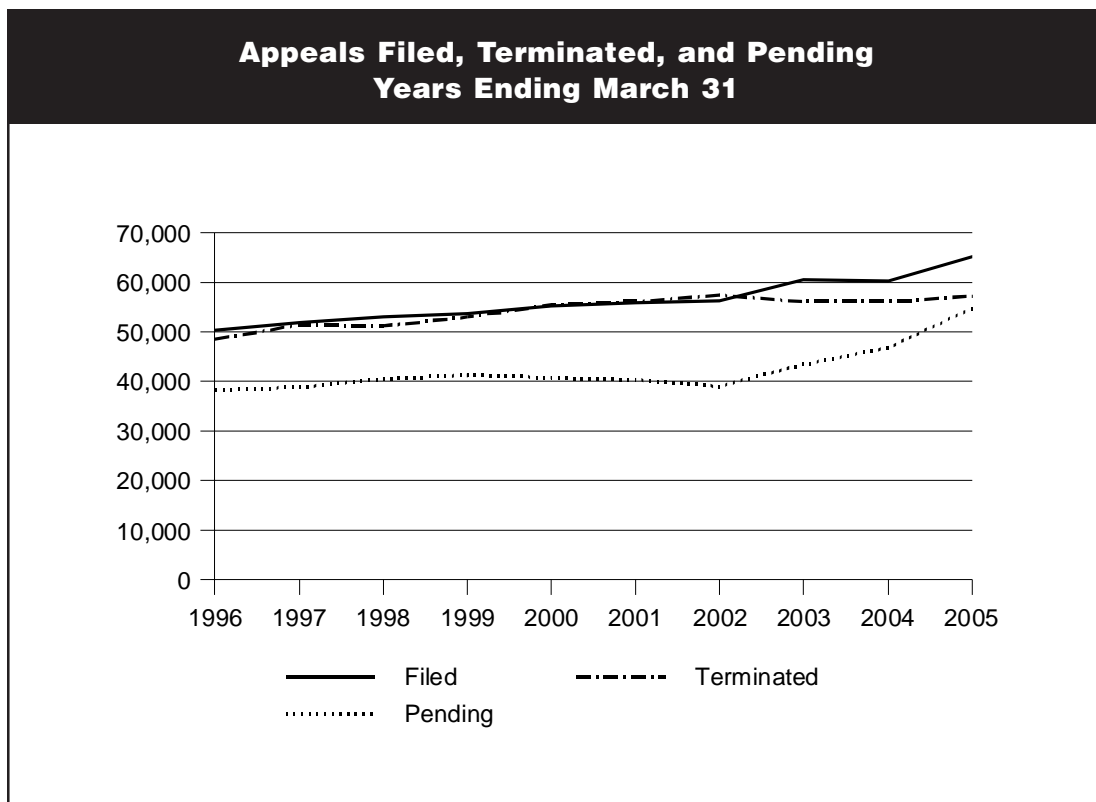
This report provides statistical information on the caseload of the federal Judiciary for the 12-month period ending March 31, 2005. Prepared pursuant to 28 U.S.C. 604(a)(2), this report presents data on the work of the appellate, district, and bankruptcy courts and the work of the probation and pretrial services system.

In the U.S. courts of appeals, filings rose 8 percent to an all-time high. In the U.S. district courts, filings climbed 7 percent overall as civil case filings increased 9 percent while criminal case filings held steady. The number of persons under the supervision of the federal probation system on March 31, 2005, also remained stable, rising by less than 1 percent over the previous year's total. The number of pretrial services cases activated grew 1 percent. Although bankruptcy filings dropped 4 percent from the record set one year ago for the 12-month period ending March 31, they continued to exceed 1.5 million.

U.S. Courts of Appeals

Filings in the 12 regional courts of appeals rose 8 percent to set a new record of 65,418. This increase stemmed from continued growth in appeals of administrative agency decisions and from recent upswings in criminal appeals and original proceeding petitions following the U. S. Supreme Court's decisions in *Blakely v. Washington*, 124 S. Ct. 2531 (2004), and *U.S. v. Booker*, 125 S. Ct. 738 (2005).

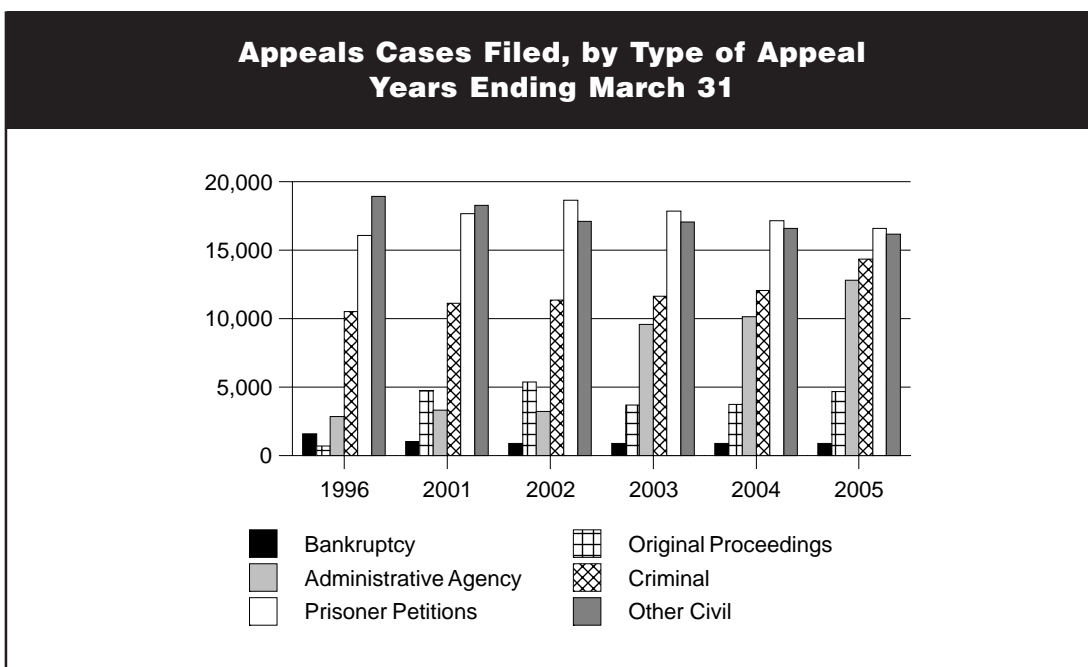
- Appeals filings have risen 17 percent since 2001, mainly because of increases in administrative agency and criminal appeals.



- In 2005, administrative agency appeals rose by 2,678 appeals to 12,808 (up 26 percent). This growth stemmed primarily from a 31 percent increase in appeals of decisions by the Board of Immigration Appeals (BIA) to 11,464 appeals.
- The surge in BIA appeals has particularly stretched the resources of the Ninth and Second Circuits, which received 54 percent and 22 percent, respectively, of all BIA petitions filed in 2005.
- Administrative agency appeals rose between August 2002 and October 2004 due to explosive growth in appeals of decisions by the BIA as it processed 40,000 new appeals annually and reduced its pending caseload of 56,000 cases. During that period, the percentage of BIA decisions challenged in the U.S. courts of appeals jumped from 5 percent to 25 percent.

Criminal appeals rose as many offenders appealed their convictions and/or sentences following the decisions in *Blakely* and *Booker*.

- Criminal appeals grew 19 percent to 14,319. Seventy-one percent of criminal appeals filed in 2005 involved drugs, firearms, or immigration. Drug crime appeals rose 20 percent to 5,387.
- Firearms appeals rose 31 percent to 2,352. The growth in firearms appeals across the nation corresponds to the increase in firearms convictions arising from Project Safe Neighborhoods, an initiative to prosecute firearms defendants under federal laws, which often carry more severe penalties than state laws.
- Immigration appeals grew 32 percent to 2,376. Fifty-four percent of immigration appeals were filed in the Fifth Circuit, and 22 percent were filed in the Ninth Circuit. These proportions are consistent with the surge in immigration prosecutions in the district courts along the southwestern border in these two circuits.
- Criminal appeals have climbed 29 percent since 2001 and 36 percent since 1996. Firearms appeals have doubled since 2001 and have gone up 92 percent since 1996. Immigration appeals have leaped 38 percent since 2001 and 728 percent since 1996.



Original proceedings rose 24 percent from 2004 to 2005 to 4,635 in response to increases in motions to file second or successive habeas corpus petitions.

- Sixty-nine percent of original proceedings involved motions to file second or successive habeas corpus petitions, which rose 49 percent to 3,201. Thirty percent of original proceedings involved petitions for writs of mandamus, which decreased 8 percent to 1,376.
- Overall, original proceedings have declined 2 percent since 2001, when filings were higher than normal following the U.S. Supreme Court's decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

Civil appeals fell 3 percent to 32,775, and bankruptcy appeals rose 1 percent to 881.

- In 2005, civil appeals consisted of 51 percent prisoner petitions, 21 percent civil rights appeals, and 28 percent all other civil appeals. Appeals related to civil rights rose 1 percent to 6,816 from 2004 to 2005, although they have declined 12 percent since 2001 and 2 percent since 1996. The number of prisoner petitions, which decreased 3 percent to 16,588 from 2004 to 2005, was 6 percent lower than the 2001 total and 3 percent higher than that for 1996.
- The distribution of appeals has changed in the past decade in response to habeas corpus reforms instituted by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and to changes in the Department of Justice guidelines for processing BIA cases.
- In 2005, filings in the federal appeals courts comprised 50 percent civil appeals, 22 percent criminal appeals, 20 percent administrative agency appeals, 7 percent original proceedings, and 1 percent bankruptcy appeals.
- In 1996, the distribution was 69 percent civil appeals, 21 percent criminal appeals, 6 percent administrative agency appeals, 1 percent original proceedings, and 3 percent bankruptcy appeals.

Terminations of appeals rose 2 percent to 57,486. Because filings exceeded terminations, courts waited for guidance following the *Blakely* and *Booker* decisions, and BIA appeals continued to increase, pending cases rose 17 percent to 54,908. This total was 35 percent higher than that for 2001 and 42 percent larger than that for 1996. Since 2002, the pending caseload has risen in response to the growth in filings of BIA cases.

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

U.S. Court of Appeals for the Federal Circuit

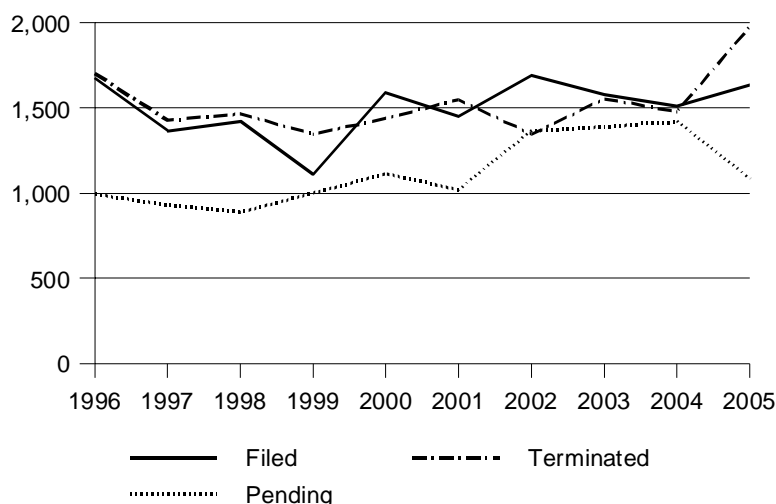
Filings in the U.S. Court of Appeals for the Federal Circuit grew 8 percent to 1,637. The most significant increase occurred in appeals of decisions by the Merit Systems Protection Board (up 143 appeals). Appeals involving the Board of Contract Appeals fell 50 percent to 22, and those arising from the U.S. Court of Appeals for Veterans Claims (CAVC) declined 12 percent to 217 appeals.

- Filings per three-judge panel rose from 379 in 2004 to 409 in 2005.
- Filings in 2005 were 13 percent higher than in 2001, but 2 percent lower than in 1996.

Terminations of appeals in the Federal Circuit jumped 34 percent from 2004 to 2005 to 1,979, after decreasing 5 percent from 2003 to 2004.

- The number of appeals terminated per three-judge panel grew from 370 in 2004 to 495 in 2005.

U.S. Court of Appeals for the Federal Circuit Appeals Filed, Terminated, and Pending



- Appeals terminations usually fluctuate from year to year, but the rise in appeals terminated in 2005 was exceptionally large and resulted mainly from a 289 percent surge (up 419 appeals) in terminations of appeals of CAVC decisions. After the Veterans Claims Assistance Act (VCAA) was enacted in 2000, the CAVC received numerous filings from veterans alleging violations of the VCAA, most of which the court remanded to the Board of Veterans' Appeals. The Secretary of Veterans' Affairs appealed these decisions to the Federal Circuit, which stayed the appeals pending its ruling in *Conway v. Principi*, 353 F.3d 1369 (Fed. Cir. 2004), which vacated the CAVC's remand orders. When the CAVC subsequently denied applications for attorneys' fees in many of the VCAA cases, hundreds of claimants filed appeals with the Federal Circuit, which dismissed most of them after *Vaughn v. Principi*, 336 F.3d 1351 (Fed. Cir. 2003), upheld the CAVC's decisions to deny fees.
- Terminations were 28 percent greater in 2005 than in 2001 and 16 percent greater than in 1996.

Because terminations of appeals exceeded filings of appeals, the number of appeals pending on March 31, 2005, fell to 1,085, which was 24 percent below the number pending one year earlier.

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

U.S. District Courts

Filings in the U.S. district courts rose 7 percent (up 22,479 cases) to 349,076 (this total does not include petty offense cases assigned to magistrate judges).

- The growth in overall filings combined with the loss of 2 temporary judgeships in the past 12 months (in the District of Nebraska and the Eastern District of California) caused filings per authorized judgeship to climb from 481 to 515.

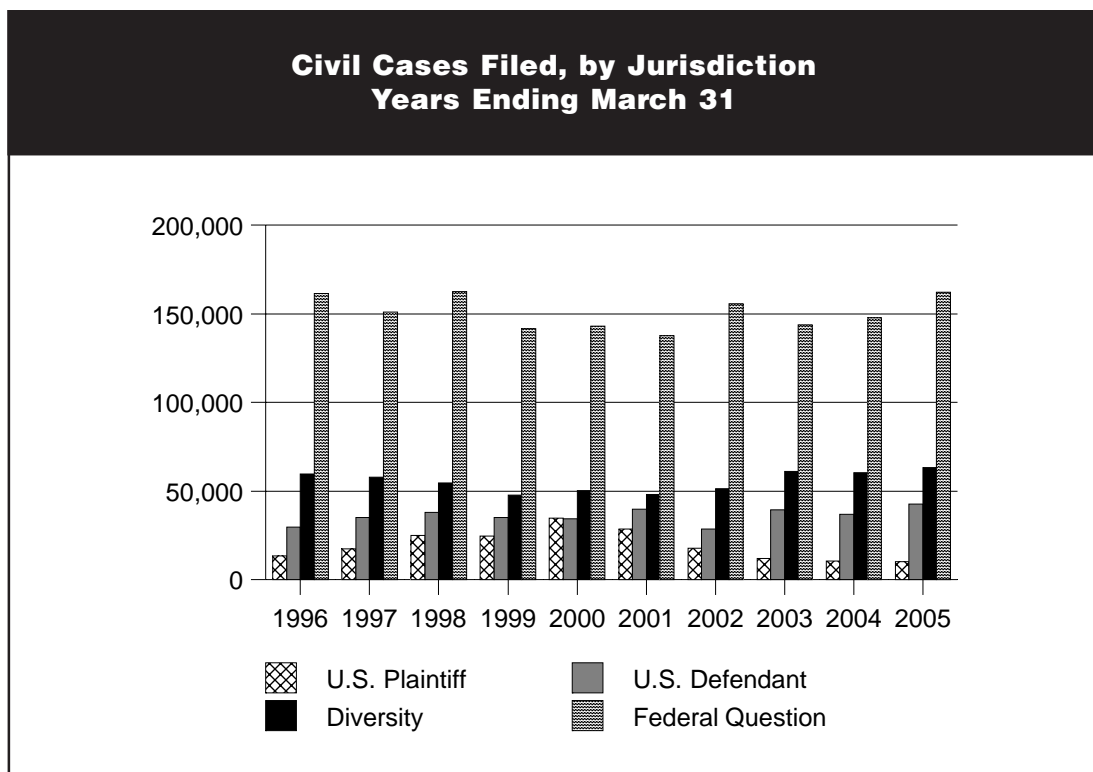
- The number of cases filed during this period was 10 percent greater than the number filed 5 years earlier and 12 percent greater than the number filed 10 years ago.

Case terminations increased 6 percent (up 18,184 cases to 325,410) from 2004 to 2005. As filings exceeded terminations, the pending caseload rose 7 percent to 349,039.

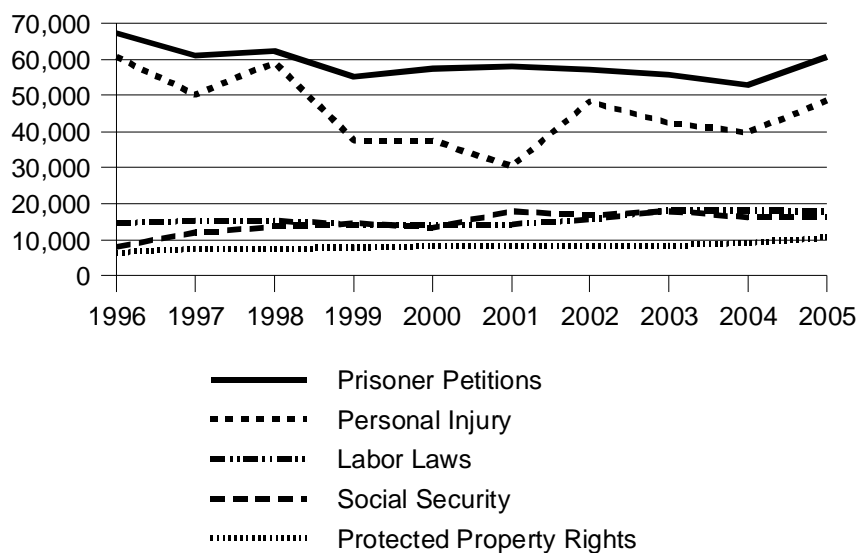
Civil Filings

Civil filings in the U.S. district courts grew 9 percent, rising by 22,861 cases to 278,712.

- An 8 percent increase occurred in private cases consisting of federal question filings (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party) and diversity of citizenship filings.
- Filings have fluctuated over the past five years in response to declines in personal injury/product liability cases involving breast implants and increases in cases associated with diet drugs containing phentermine/fenfluramine/dexfenfluramine.
- Civil filings per authorized judgeship climbed from 377 to 411.
- From 2001 to 2005, civil filings rose 10 percent (up more than 24,000 cases), mostly as a result of filings of personal injury/product liability cases related to diet drugs and of cases involving civil rights and Social Security.
- Excluding all personal injury/product liability cases, civil filings have increased 3 percent during the past five years.
- Over the past 10 years, civil filings have grown 5 percent (up nearly 14,000 cases), primarily as a result of increases in Social Security cases (which doubled), protected property cases (up 62 percent), and filings related to defaulted student loans (up 71 percent).



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



Federal question filings climbed 10 percent, chiefly because of increases in statutory actions related to personal property damage, protected property rights, and federal prisoner petitions.

- The District of South Carolina received more than 19,000 statutory actions related to personal property damage that involved high-risk mortgage loans to consumers. These cases filed against a single defendant accounted for 82 percent of all statutory actions related to personal property damage.
- Cases involving protected property rights climbed 17 percent, mostly due to a 73 percent jump in copyright filings (up more than 1,900 cases).

Diversity of citizenship filings grew 5 percent, largely in response to a 39 percent increase in personal injury/product liability cases, most of which alleged injuries arising from diet drugs or welding rods containing manganese.

Filings of cases with the United States as defendant rose 16 percent as prisoner petitions soared 50 percent to 17,876.

- Prisoner petitions increased mostly because of a 71 percent surge in motions to vacate sentence and a 45 percent jump in habeas corpus petitions following the U.S. Supreme Court decisions in *Blakely* and *Booker*.

Total prisoner civil rights and prison condition filings rose 3 percent.

The number of filings with the United States as plaintiff declined 4 percent to 10,252, mainly as a result of a 20 percent decrease in foreclosure cases.

Civil case terminations rose 8 percent to 260,980.

- This growth resulted from terminations of personal injury/product liability cases in the Eastern District of Pennsylvania (which closed more than 4,000 cases related to diet drugs containing phentermine/fenfluramine/dexfenfluramine), the Northern District of Ohio (which closed more than 5,000 cases related to welding rods containing manganese), and the District of Minnesota (which closed more than 600 cases related mostly to the anticholesterol drug Baycol).

Pending civil cases grew 7 percent (up 17,732 cases) to 281,172.

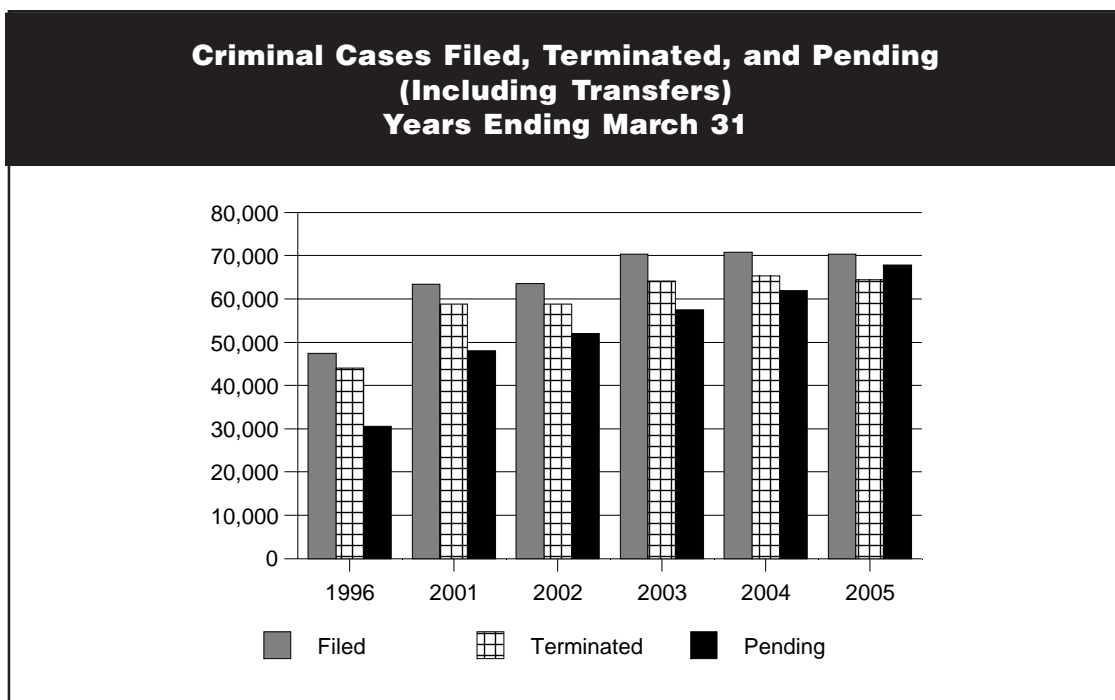
- The largest increases in pending cases were reported by the District of South Carolina, whose pending caseload jumped by more than 18,000 cases and consisted mostly of personal property damage cases involving high-risk mortgage loans; the Eastern District of Pennsylvania, whose pending caseload rose by more than 4,400 cases and consisted largely of diet drug cases; and the Eastern District of Arkansas, whose pending caseload grew by more than 1,200 cases and consisted mainly of cases dealing with hormone replacement therapy.

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

Criminal Filings

Filings of criminal cases and defendants (including transfers) were relatively stable in 2005. Case filings declined by 382 to 70,364, and defendants fell by 89 to 92,672.

- Case filings per authorized judgeship remained unchanged at 104.
- In 2005, the district courts received 11 percent more cases and 10 percent more defendants than in 2001, and 50 percent more criminal cases and 39 percent more defendants than in 1996.

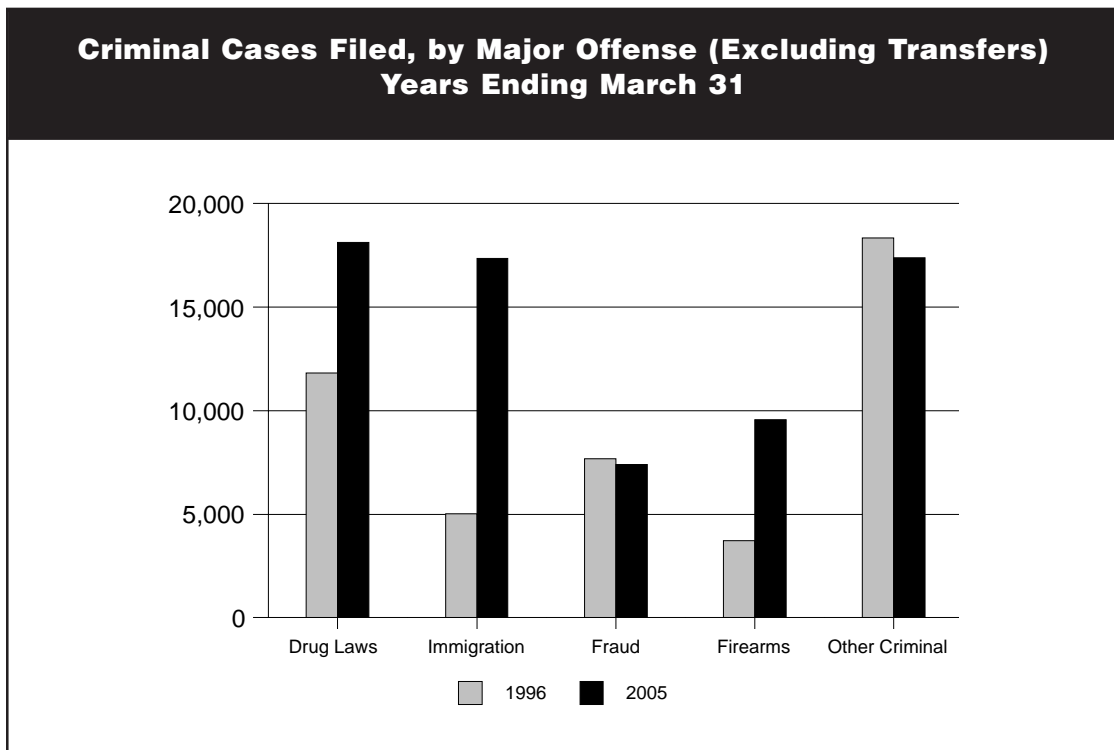


The largest numeric rise in filings from 2004 to 2005 was in immigration cases, followed by that for sex offense cases.

- Immigration case filings climbed 9 percent to 17,345, and immigration defendants increased 10 percent to 18,542.
- Since 2001, filings of immigration cases and defendants both have grown 47 percent. Since 1996, immigration case filings have soared 247 percent, and defendants in such cases have surged 229 percent. In 1995, the U.S. government began to increase security at its southwestern border to deter illegal entry into the United States. As a result, filings of immigration cases in the five southwestern border district courts—the District of Arizona, District of New Mexico, Southern District of California, and Southern and Western Districts of Texas—have more than tripled over the past 10 years.
- Sex offense cases grew 17 percent to 1,713, and defendants charged with these crimes climbed 16 percent to 1,760. These increases in sex offense filings stemmed primarily from prosecutions of defendants charged with crimes related to sexually explicit materials and interstate transportation for illegal sexual activity.

Filings of both cases and defendants involved with firearms and explosives remained fairly stable in 2005.

- Firearms and explosives case filings rose by 61 to 9,551, and defendants in these cases grew by 46 to 10,746.
- Since 2001, filings of firearms and explosives cases and defendants have increased 61 percent and 57 percent, respectively. Since 1996, firearms and explosives case filings have jumped 157 percent, and defendants in such cases have climbed 134 percent. The growth in firearms filings resulted primarily from special programs for prosecuting defendants accused of



unlawful firearms possession under federal laws, which often carry higher penalties than do state laws for similar crimes.

From 2004 to 2005, drug case filings declined 4 percent to 18,139 cases, and defendants charged with drug crimes fell 2 percent to 32,169.

- Since 2001, filings of drug cases have dropped 1 percent, although drug defendants have grown 2 percent. Since 1996, however, drug case filings have jumped 53 percent, and drug defendants have risen 38 percent.

Reductions occurred in filings of fraud, traffic, embezzlement, larceny, counterfeiting, homicide, and robbery cases.

- Overall fraud cases declined 1 percent, and fraud defendants fell 2 percent. However, cases involving identification documents and information fraud jumped 82 percent to 906 cases, and defendants in such cases soared 84 percent to 1,138. Prosecutions of these crimes increased after President Bush signed into law the Identity Theft Enhanced Penalty Act on July 15, 2004.
- Homicide cases decreased 16 percent to 147.
- Robbery cases dropped 4 percent to 1,103.

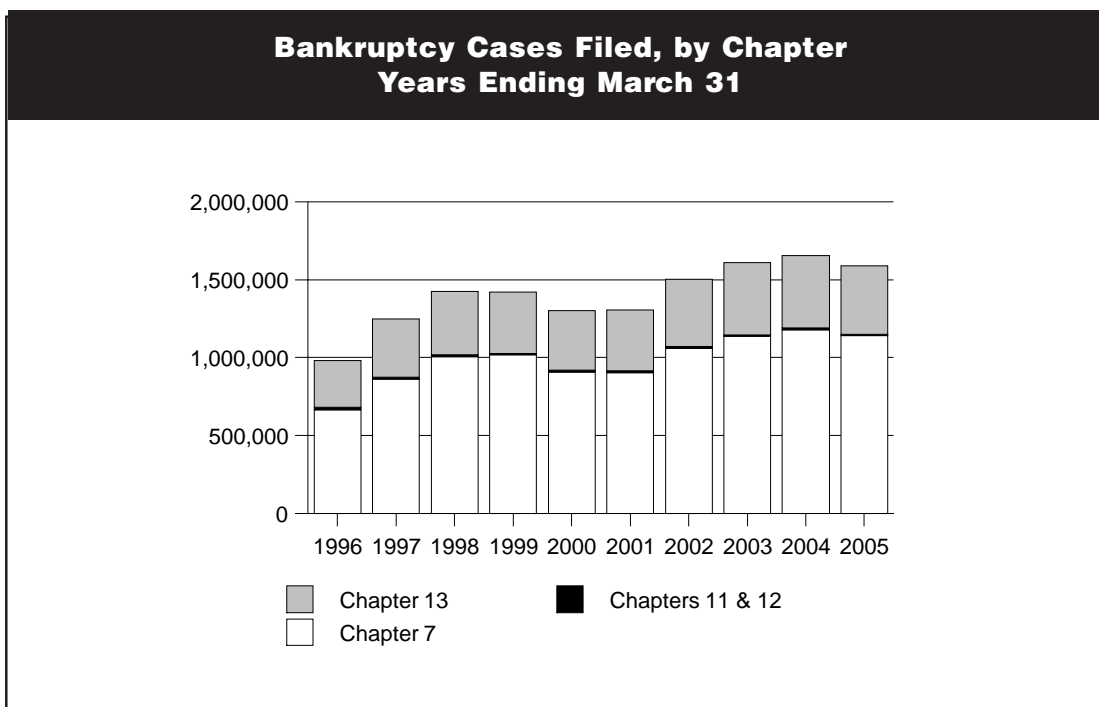
The number of criminal defendants terminated in 2005 fell 2 percent to 83,582. Because filings exceeded terminations, the number of pending defendants rose 11 percent to 94,952. The pace of terminations was further slowed as courts took time to address changes in sentencing required by *Booker*.

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

U.S. Bankruptcy Courts

Bankruptcy filings decreased 4 percent to 1,590,975 in the 12-month period ending March 31, 2005, but have remained above the 1.5 million mark since the 12-month period ending March 31, 2002. The reduction occurred as debt as a percentage of income, while remaining near historically high levels, subsided somewhat during the past year.

- Sixty-four districts reported lower filings, with five districts (the District of Nevada, the Central District of California, the District of the Virgin Islands, the District of Hawaii, and the Southern District of Florida) reporting reductions of 15 percent or more.
- Terminations of bankruptcy cases fell 2 percent. Because the number of bankruptcy cases closed exceeded the number filed, pending bankruptcy cases dropped 1 percent.
- Bankruptcy filings have grown 22 percent since 2001 and have surged 62 percent since 1996.
- As of March 31, 2005, no additional bankruptcy judgeships had been authorized since 1992, and two temporary judgeships had lapsed thereafter. These factors plus growth in filings caused filings per authorized judgeship to leap from 3,007 in 1996 to 4,910 in 2005. The recently enacted Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA), P.L. No. 109-8, 199 Stat. 23, has authorized 28 additional judgeships effective April 20, 2005 (these judgeships are not included in the above figures for filings per authorized judgeship).



Filings of bankruptcy petitions decreased under all chapters.

- Chapter 7 filings declined 3 percent to 1,141,715 filings.
- Chapter 11 filings dropped 39 percent to 7,115 filings.
- Chapter 12 filings plunged 67 percent to 189 filings.
- Chapter 13 filings fell 5 percent to 441,838 filings.

Nonbusiness filings totaled 1,559,023, a decrease of 4 percent (down 59,039 petitions) from the 2004 figure.

- Nonbusiness filings under all chapters declined. Such filings fell 3 percent under chapter 7, 11 percent under chapter 11, and 5 percent under chapter 13. (All chapter 12 petitions are classified as business cases.)
- Since 1996, nonbusiness petitions have accounted for an increasingly large proportion of total filings, rising from 95 percent of all filings in 1996 to 98 percent in 2005.

Business bankruptcy filings, which constituted 2 percent of total petitions filed, dropped 13 percent to 31,952.

- Business petitions decreased under all chapters except chapter 7. Filings fell 41 percent under chapter 11, 67 percent under chapter 12, and 5 percent under chapter 13. Business filings rose 1 percent under chapter 7.
- Much of the reduction in chapter 11 petitions can be attributed to a return to normal levels for filings in the Southern District of New York. Filings in that district had jumped 150 percent in 2004 because of a large number of jointly administered petitions related to a single company's bankruptcy.

- Chapter 12 petitions declined largely because legislation authorizing chapter 12 expired on January 1, 2004. The legislation was subsequently reenacted (with retroactive provisions) in October 2004. The BAPCPA has permanently authorized chapter 12.

Adversary proceedings fell 22 percent to 81,254, after rising 20 percent in 2004. In the Southern District of New York, such filings plunged 77 percent (down 8,867 filings), mainly because of the termination of cases filed in previous years that had resulted in a surge of adversary proceedings. This reduction returned filings to levels typical for that district.

- Terminations of adversary proceedings grew 15 percent.
- The number of terminated adversary proceedings exceeded the number filed, which caused pending adversary proceedings to decrease 16 percent to 93,764 as of March 31, 2005.

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

Federal Probation System

The number of persons under supervision as of March 31, 2005, remained relatively stable at 112,870, a rise of 384 persons over the number under supervision one year earlier.

- A total of 63,605 persons were received for supervision, a 7 percent increase.
- The growth in persons received for supervision partially reflects increased involvement by probation officers in prisoner reentry following implementation of Monograph 109, which requires probation officers to conduct supervision planning while an offender is still in the custody of the Bureau of Prisons. Such offenders are considered to be under supervision during supervision planning.
- The number of persons under supervision in 2005 was 10 percent higher than the total for 2001 and 29 percent higher than that for 1996.

The number of persons removed from supervision climbed 11 percent to 63,303.

- Much of this growth resulted from an increase in early termination of supervision for persons who had not violated their conditions of supervision and were not considered risks to the community. This rise followed the approval by the Judicial Conference of criteria recommended by the Committee on Criminal Law for probation officers to use to identify nonviolent offenders who may qualify for early termination of supervision. These criteria are intended to reduce the growth rate of the population under supervision.

Seventy-three percent of offenders under supervision on March 31, 2005, were serving terms of supervised release after imprisonment, 24 percent were under supervision following the imposition of a sentence of probation, and 2 percent were on parole.

- A total of 81,736 persons were serving terms of supervised release, a rise of 6 percent from the total for March 31, 2004.
- The number of persons serving terms of supervised release in 2005 was 24 percent higher than the number for 2001 and 90 percent higher than the number for 1996.

The number of persons on probation dropped 8 percent.

- Of the persons under supervision following sentences of probation, 78 percent were on probation imposed by district judges, and 22 percent were on probation imposed by magistrate judges.
- The number of persons on probation imposed by district judges decreased 4 percent to 21,556, and the number of persons on probation imposed by magistrate judges fell 18 percent to 5,953.

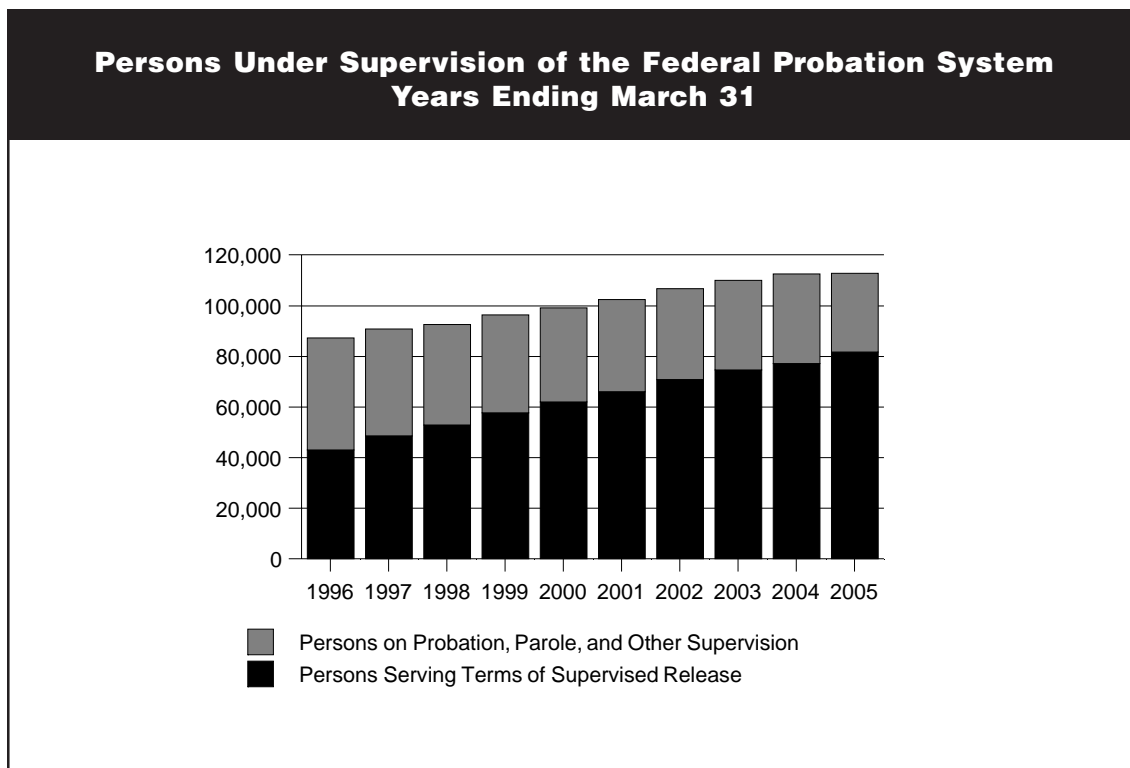
The number of persons on parole, special parole, and military parole on March 31, 2005, declined 9 percent from the total one year earlier to 2,784.

- Over the past 10 years, the number of persons on parole has steadily declined. Parole accounted for 9 percent of persons under supervision in 1996 and 4 percent of persons under supervision in 2001.

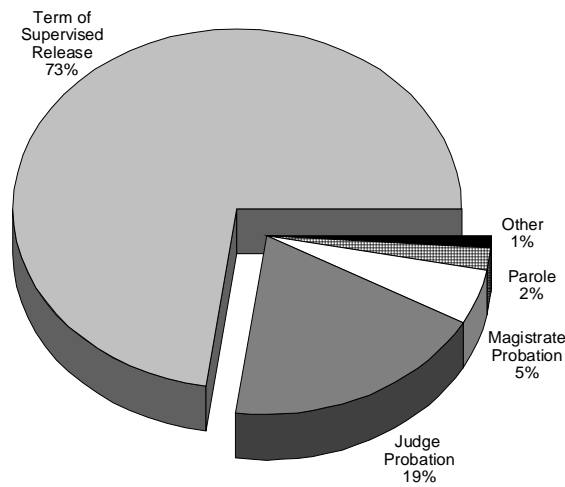
In addition to their supervision duties, probation officers conduct investigations and prepare comprehensive reports, including presentence reports, which are presented to judges who will be sentencing convicted defendants. The presentence report contains detailed background information on the defendant and a discussion of issues related to the sentencing guidelines. These reports vary in length, but a report typically is 20 to 30 pages long.

- In 2005, the number of presentence reports written by probation officers remained relatively stable at 68,818, an increase of less than 1 percent.

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



Persons Under Supervision of the Federal Probation System Years Ending March 31



Pretrial Services

A total of 97,163 pretrial services cases were activated during the year ending March 31, 2005, a 1 percent rise over the total for the previous year.

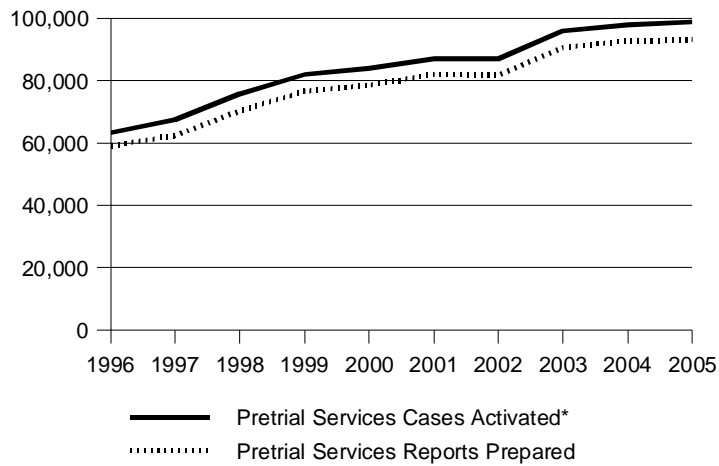
- During 2005, a total of 1,953 pretrial diversion cases were activated, an increase of 12 percent.
- The number of pretrial services cases closed remained essentially stable at 88,667.
- Pretrial services activity has increased over time such that the number of pretrial services cases activated in 2005 was 13 percent greater than the number of cases activated in 2001 and 57 percent greater than the number of cases activated in 1996.

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

- Pretrial services officers interviewed 2 percent more defendants (up 1,661) and prepared 1 percent more pretrial services reports (up 473) than they did in 2004.
- The number of pretrial services reports prepared in 2005 was 14 percent greater than in 2001 and 57 percent greater than in 1996.

For defendants ordered released pending trial, pretrial services officers monitored compliance with the release conditions set by the courts, provided necessary support services, and informed the courts and U.S. attorneys of apparent violations of release conditions.

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



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

- Although the number of cases activated grew in 2005, the number of pretrial services defendants released pending trial fell 6 percent to 35,662, and the number of defendants received for pretrial services supervision dropped 4 percent to 32,346.
- Despite the reduction in the number of defendants received for supervision, the proportion of persons released who were placed under the supervision of pretrial services officers rose from 89 percent in 2004 to 91 percent in 2005.
- The number received for pretrial diversion supervision increased 10 percent (up 189 defendants).
- The percentage of persons released who were reported as having violated one or more release conditions during the time their cases were open remained stable at 19 percent.

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