

Federal Bankruptcy Judges Decide Who Keeps or Receives \$100s of bl. Annually Yet Only 0.23% of Their Decisions are Reviewed by The District Courts and Only 0.07% by The Circuit Courts, Which Appointed Them and Have a Policy of Exempting All Their Colleagues from All Misconduct Complaints Bankruptcy judges' unaccountable power over so much money leads to corruptive greed, disregard for due process, and coordinated wrongdoing A proposal for a multidisciplinary academic, investigative, and business venture

- Between 1oct04 and 30sep09(FY05-09), 6,142,076 bankruptcy cases were filed in the U.S. bankruptcy courts(G1). All such cases plus the 1,666,374 filed in the U.S. district courts(G4) totaled 7,808,450(G5). This means that as a percentage over those years, bankruptcy cases represented 79% of the sum of new bankruptcy and district courts cases(H5). However, if the percentage is expressed as bankruptcy cases(G1) relative to the bankruptcy cases(G1) and only the civil cases in district courts, where also money could have been at stake, that is, 1,313,975 cases(G2), which totaled 7,456,051(G6), then the percentage is 82%(H6).

Percentage of Bankruptcy Cases of Total New Cases in FY05-09 ¹								
1.	A	B	C	D	E	F	G	H
2.	# of new cases & appeals in US courts	FY05	FY06	FY07	FY08	FY09	Totals	%
3.	In bankruptcy courts ²	1,782,643	1,112,542	801,269	1,042,806	1,402,816	6,142,076	6,142,076/
4.	Civil in dis cts	253,273	259,541	257,507	267,257	276,397	1,313,975	
5.	Criminal in dis cts	+69,575	+66,860	+68,413	+70,896	+76,655	352,399	
6.	In district courts ³	=322,848	=326,401	=325,920	=338,153	=353,052	+1,666,374	
7.	Bkr/ (bkr+civil+criminal)						=7,808,450	7,808,450 =79%
8.	Bkr/ (bkr + civil)						6,142,076 +1,313,975 =7,456,051	6,142,076/ 7,456,051 =82%
9.	Bankruptcy appeals and withdrawals to district courts ⁴	3,000	3,389	3,164	2,383	2,313	14,249	14,249/ 6,142,076 =0.23%
10.	Bkr appeals to BAPs ⁵	921	881	887	716	749	+4,154	18,403/ 6,142,076 =0.3%
11.	Bkr appeals to dis cts and BAPs	3,921	4,270	4,051	3,099	3,062	=18,403	
12.	Bkr appeals to regional circuit courts ⁶	865	821	845	773	793	4,097	4,097/G1 =0.07%
13.	All appeals to regional circuit courts ⁷	68,473	66,618	58,410	61,104	57,740	312,345	4,097/G11 =1.31%
14.	Civil pro se cases in district courts ⁸	76,314	69,919	70,240	70,948	71,543	358,964	358,964/ 1,313,975 =27%
15.	Pro se bankruptcy appeals in circuit courts ⁹	236	261	252	243	314	1,306	1,306/ 4,097 =32%
16.	All pro se appeals in circuit courts ¹⁰	28,559	28,671	25,167	28,055	27,805	138,257	138,257/ 312,345 =44%

17.		October Terms in the Supreme Court¹¹						
18.	A	B	C	D	E	F	G	H
19.		04	05	06	07	08	Totals	%
20.	Cases disposed of by the SCt by full opinion	85	82	74	72	83	396	396/ 7,808,450 =0.005%

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¹ Source of statistics on U.S. courts’ caseload: Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>

For an overview of such caseload, see Judicial Caseload Indicators, in Judicial Business of the U.S. Courts >Judicial Business [2005-2009];

<http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/JudicialBusiness2009.pdf>

² Table 6 U.S. Bankruptcy Courts Bankruptcy Cases Filed, Terminated, and Pending Fiscal Years 2005–2009, 2009 Annual Report of the Director of the Administrative Office of the U.S. Courts > 20;

<http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/JudicialBusinesspdfversion.pdf>

Cf. Table F. U.S. Bankruptcy Courts—Bankruptcy Cases Commenced, Terminated, and Pending During the 12-Month Periods Ending September 30, 200[5-2009]; e.g. <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/appendices/F00Sep09.pdf>.

³ Table S-7. U.S. District Courts—Civil Cases Filed, by Origin, During the 12-Month Periods Ending September 30, 2005 Through 2009; Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/appendices/S00Sep09.pdf>.

[tistics/JudicialBusiness/2009/tables/S07Sep09.pdf](http://www.uscourts.gov/Statistics/JudicialBusiness/2009/tables/S07Sep09.pdf)

⁴ Table C-2A. U.S. District Courts—Civil Cases Commenced, by Nature of Suit, During the 12-Month Periods Ending September 30, 2005 Through 2009; > <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/appendices/C02ASep09.pdf>

⁵ Table B-10. U.S. Bankruptcy Appellate Panels—Appeals Commenced, Terminated, and Pending, by Circuit, During the 12-Month Period Ending September 30, 200[5-2009]; <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx> >Judicial Business 200[5-2009]

⁶ Table B-3. U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit, During the 12-Month Periods Ending September 30, 2005 Through 2009; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/appendices/B03Sep09.pdf>

⁷ Id.

⁸ Table S-24 or S-23. Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 200[5-2009]; e.g., <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2005.aspx>

⁹ Table S-4. U.S. Courts of Appeals—Sources of Pro Se Appeals, 200[5 and 2009], Judicial Business 200[5-2009], Judicial Business of the U.S. Courts; e.g., <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>

¹⁰ Id.

¹¹ “The Court's Term begins on the first Monday in October and ends on the preceding day the next year. The October Term 2008 begins on October 6, 2008.” <http://www.supremecourt.gov/docket/docket.aspx>. By contrast, when the Administrative Office of the U.S. Courts uses a comparable 12 month period to measure the business of all other courts, it begins counting such period from October 1 and ends it on September 30 of the following year, and refers to the period as the fiscal year of the year in which the period ends; e.g. its FY08 began on October 1, 2007, and ended on September 30, 2008. Its calendars year run from January 1 and to December 31 of the same year. As for its annual report, it covers the fiscal year in the name of the report. So its 2009 Annual Report states “This report on the business of the Federal Judiciary for the fiscal year ending September 30, 2009,...”; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/JudicialBusinesspdfversion.pdf>

A. How the low income and education and pro se status of the majority of debtors put them at the mercy of bankruptcy judges

2. The fact that “The median¹² average monthly income of all debtors was \$2,723” translates to an

¹² “The median of a group of numbers is the middle number or value when each item in the group is arranged according to size (lowest to highest or vice versa); it generally has the same number of items above it as well as below it. If there is an even number of items in the group, the median is taken to be the average of the two middle numbers.” Guide to Tabular Presentation, Census Bureau; www.census.gov/prod/2/gen/96statab/guide.pdf; and http://Judicial-Discipline-Reform.org/statistics&tables/Census/guide_tabular_presentation_27nov96.pdf

annual income of \$32,676¹³. This statistics points to the debtors' low level of education. According to the Census Bureau, \$32,379 is the annual income of full time workers with a 9th to 12th grade education and no diploma.¹⁴ This low income level of more than half of debtors allows the inference that if even in normal times they could ill afford to pay attorney's fees of hundreds of dollars an hour, in times of such financial hardship that they must declare bankruptcy they would find it all but impossible to hire an attorney. Consequently, it is likely that not just a majority, but rather a large majority of debtors filed their petitions for bankruptcy relief without the assistance of an attorney. They filed pro se.

3. Pro se parties almost invariably lack training in the law. As a result, pro se bankruptcy filers are normally not capable of understanding the complexities and sophisticated interrelations of the thousands of provisions in the hundreds of pages of the Bankruptcy Code¹⁵, the Federal Rules of Bankruptcy Procedure¹⁶, the applicable Federal Rules of Civil Procedure¹⁷, the scores of official bankruptcy forms and their instructions,¹⁸ and the local rules of the bankruptcy court in which they file, let alone how all other regulatory, statutory, and constitutional principles impinge on the proper construction and application of bankruptcy law and what due process requirements they impose on judges. With no legal training, they do not know how to conduct legal research to find cases providing precedent for their contentions and how to argue persuasively the application of any case in point that they may happen to find to the relevant facts of their cases.¹⁹ Pro se creditors confront the same knowledge barriers.
4. Not surprisingly, pro se filers have a hard time even filling out the forms to petition for

¹³ 2009 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx#BAPCPA> >6; and http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/BAPCPA_Reports/BAPCPA_Rep_09.pdf

¹⁴ Table 687. Average Earnings of Year-Round, Full-Time Workers by Educational Attainment: 2007; U.S. Census Bureau, *Current Population Reports*, series P60-235 (published August 2008); http://www.census.gov/compendia/statab/cats/income_expenditures_poverty_wealth/income_for_persons.html; and http://Judicial-Discipline-Reform.org/statistics&tables/Census/Income_by_education_Census07.pdf

¹⁵ http://Judicial-Discipline-Reform.org/docs/11usc_Bkr-Code_09.pdf

¹⁶ http://Judicial-Discipline-Reform.org/docs/FedRBkrP_1dec9.pdf

¹⁷ http://Judicial-Discipline-Reform.org/docs/FedR_CivP_1dec9.pdf

¹⁸ <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

¹⁹ "While individuals can file a bankruptcy case without an attorney or "pro se," it is extremely difficult to do it successfully. It is very important that a bankruptcy case be filed and handled correctly. The rules are very technical, and a misstep may affect a debtor's rights." Filing for Bankruptcy Without an Attorney, Administrative Office of the U.S. Courts; <http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/FilingBankruptcyWithoutAttorney.aspx>; and http://Judicial-Discipline-Reform.org/docs/Filing_for_bankruptcy_pro_se.pdf.

bankruptcy relief²⁰ in the first place.²¹ Even before they fill out the first box therein they have made an error leading to dismissal if they have not fulfilled the requirement of getting prepetition credit counseling and securing certificate. Since it can be reasonably assumed that pro se debtors not only have no attorney, but also lack the education to represent themselves in court effectively, they can hardly be expected to detect as erroneous, much less dispute on legal or equitable grounds, the application of the law to their cases. They are at the mercy of the ones that both know the law and wield the power to apply it: the bankruptcy judges.²²

B. How 6,142,076 bankruptcy cases give rise to only 14,249 appeals in district courts

5. These income, educational, and pro se characteristics of the majority of debtors explain what otherwise appears as a striking phenomenon: Although 6,142,076(G1) bankruptcy cases were filed during FY05-09, only 14,249 were appealed or withdrawn to the district courts(G7).²³

²⁰ The overwhelming majority of bankruptcy cases are filed voluntarily by debtors, as opposed to involuntarily by creditors, who want the debtors to be declared insolvent so as to force either the liquidation of their assets and the distribution of proceeds to them or the reorganization of their businesses so that it may continue operating but under a different business model that can better provide for the pay of their debts. For example, the latest pertinent statistics shows that of the 1,042,993 filings in 2008 –subsequently revised to 1,042,806(E1)– 1,042,233 were voluntary while only 760 were involuntary, which represented 99.93% and 0.07%, respectively. Table 7.2 U.S. Bankruptcy Courts—Voluntary and Involuntary Cases Filed, by Chapter of the Bankruptcy Code; Judicial Facts and Figure 2008, AO; <http://www.uscourts.gov/Statistics/JudicialFactsAndFigures/JudicialFactsAndFigures2008.aspx>.

²¹ “Pro se filings [of bankruptcy petitions] are growing around the country and it is very difficult for a pro se filer to understand and successfully traverse the system”, said Chief Bankruptcy Judge Judith Wizmur (D. NJ). For his part, Bankruptcy Judge S. Martin Teel, Jr., of the Bankruptcy Court for the District of Columbia, said “We thought it was a good idea to lay out some of the stumbling blocks in filing and briefly emphasize how difficult it is to file pro se”; quoted in *Warning! Read This Before Filing Bankruptcy Pro Se*, The Third Branch, Newsletter of the Federal Courts, vol. 40, Number 12, December 2008; http://www.uscourts.gov/News/TheThirdBranch/08-12-01/Warning_Read_This_Before_Filing_Bankruptcy_Pro_Se.aspx; and http://Judicial-Discipline-Reform.org/docs/Warning_bkr_pro_se_filers_TTB_dec8.pdf

²² For the same reasons, pro se filers are at the mercy of other bankruptcy system insiders who wield enormous influence on whether the filers’ petitions get approved or dismissed, and if so, on what terms, namely, the bankruptcy trustees. See at its own point of appearance in this article footnote(fn.)43.

²³ Some of the bankruptcy cases appealed during FY05-09 had been filed in previous fiscal years because bankruptcy cases may take years to close. For example, a case filed under Chapter 13 of the Bankruptcy Code provides for a plan of repayment by the debtor of her debts to her creditors that may run for three or five years; 11 U.S.C. §1322(d)(1). During that time and even during a period thereafter an appeal may be taken. It follows that some cases filed during FY05-09 were not appealed until after the end of FY09 or will only be

These appeals (and withdrawals) represented a miniscule 0.23%(H7), less than a quarter of one percent or 1 of every 431 bankruptcy cases. Bankruptcy appeals can also be taken to the Bankruptcy Appellate Panels or BAPs, set up under 28 U.S.C. §158(b)(1)²⁴, which are composed of three bankruptcy judges. However, they only exist in 5 of the 12 regional circuits²⁵. In any event, there were only 4,154 BAP appeals(G8). Hence, the total of bankruptcy appeals to either the district courts or the BAPs was 18,403(G9), which still represents a miniscule 0.3%(H9) of all FY05-09 bankruptcy cases(G1) or 1 of every 334. By either calculation, as a practical matter, whatever a bankruptcy judge decides (or rules) stands.

6. This is especially the case given the high percentage of civil pro se filings of all types in district courts: 358,964(G12) out of 1,313,975 civil filings(G2) in FY05-09, which is 27%, or more than 1 of every 4 civil filings. The statistics do not identify who many of those pro se filings were brought by debtors in bankruptcy. However, people that are in such financial predicament that they must file bankruptcy are less able to afford an attorney than the rest of the population. Hence, it is reasonable to assume that in so far as debtors filed in district courts, their percentage of pro se filers was higher than the 27% of civil district court filers that were pro se.
7. However, it can be affirmed with certainty that when debtors appealed to the district courts, or the BAPs for that matter, from the decisions of bankruptcy judges, their odds of winning their appeals were only smaller. Their little education generally and lack of legal training particularly only made them confront an even higher barrier to asserting their rights and requiring the bankruptcy judges to apply the law correctly and abide by their due process of law duties. This is so because an appeal to a district court is by far less structured than filing a bankruptcy petition. It lacks anything comparable to the guidance provided by the bankruptcy forms and schedules, whose boxes and itemized lists identify the type of data required. Bankruptcy appellants can only find in the Federal Rules of Bankruptcy and of Civil Procedure rules on timing, notice, discovery, etc., with which they must comply and nothing else but the headings of the information that their appellate briefs must contain²⁶...and then they are on their own to argue

appealed in years to come. By the same token, some appeals filed during that period concerned cases filed before FY05. This has no significant statistical impact on the figures presented here given that the applicable legal principles and practical considerations discussed here are the same regardless of the temporal relationship between bankruptcy filings and appeals.

²⁴ http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf

²⁵ The 12 regional circuits comprise the circuits numbered 1-11 and the U.S. Court for the District of Columbia. The U.S. Court of Appeals for The Federal Circuit is a national court and, thus, is not included among them. For an order of magnitude, note that while 57,740 cases were filed in the 12 regional courts in 2009(F10), only 1,367 appeals were filed in the Federal Circuit Appeals Court during that year; Table B-8 U.S. Court of Appeals for the Federal Circuit—Appeals Filed, Terminated, and Pending; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/appendices/B08Sep09.pdf>.

²⁶ FRBkrP 8010. Form of Briefs; Length. Cf. <http://Judicial-Discipline->

the law and the facts to show how the bankruptcy judge erred. They have to sit down and write a cogent narrative, not just provide data. That is a tall order even for a lawyer, let alone a lay person, never mind a little educated one in distress by crushing debts and incomprehensible legalese. Consequently, a pro se appellant in district court poses a challenge of negligible concern to the bankruptcy judge.

C. Circuit judge appointers vouching again for their bankruptcy judge appointees against a bankruptcy appeal weighted as a third of a case

8. Bankruptcy judges can be realistically confident that their decisions, if further appealed from the district courts, will not be reversed or even reviewed by the U.S. court of appeals of the respective circuit. During the 5-year period of FY05-09, only 4,097(G10) bankruptcy appeals were taken to the circuit courts; compared to the 6,142,076(G1) cases filed in the bankruptcy courts, such appeals were a meager 0.07%(H10). This means that in 99.93% of the cases, bankruptcy judges did not have to fear a challenge in the circuit courts, for only 1 of every 1,499 bankruptcy cases made it to a circuit court. To put this in perspective, although bankruptcy cases constituted 79%(H5) of all new cases during that period, they only represented 1.31% of the appeals to the circuit courts(H11).
9. Even when bankruptcy decisions were appealed to the circuit courts, the appealed-from bankruptcy judges had nothing to worry about, for their decisions would be reviewed by the very circuit judges who appointed them under 28 U.S.C. §152(a)(1).²⁷ The appointing circuit judges are anything but neutral arbiters in a controversy between their bankruptcy judicial appointees and the appellants. They already vouched for the judges' competence, honesty, and likability when they appointed them. As a result, the circuit judges have a vested interest in proving every time their appointees are challenged that they, as appointers, showed good judgment when they vetted candidates, chose some, and appointed them to be bankruptcy judges.
10. A challenge to a bankruptcy judge's decision comes before the circuit judges not just with a presumption that it is unwarranted, but rather with the need to be found wrong lest the circuit judges indict their own vetting, choosing, and appointing judgment. The odds are stacked in favor of an affirmance. That makes for a quick disposition given that, as opposed to a reversal, an affirmance calls for neither identifying and explaining the legal error or abuse of discretion committed by the judge below so that it may not be repeated again nor stating instructions on what to do on remand. Rubberstamping a form "*Affirmed!*" kicks the appeal out of the way.
11. The affirmance of bankruptcy judges' decisions is made all the easier by the fact that of the 4,097(G10) bankruptcy decisions appealed to the circuit courts, 1,306(G13) were appealed by pro se parties, that is 32%(H13) of them, practically one of every three.²⁸ When a pro se

Reform.org/docs/DrCordero_DeLano_WDNY_21dec5.pdf

²⁷ Fn.23

²⁸ Table S-24 –or S-23 depending on the year (fn. 8)– provides the statistics on pro se filings in the district courts. It is not a model of clarity. To begin with, it uses three terms, i.e., filings,

bankruptcy case reaches a court of appeals, it is in effect already dismissed, for there it is given a weight of just a third of a case, that is, 0.33.²⁹ For an order of magnitude, “Under this system [of weighted filings], 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).”³⁰

12. It follows that circuit judges give pro se bankruptcy appeals very close to the least amount of importance among all their cases. This fact supports the reasonable assumption that rather than spend time trying to determine whether their bankruptcy appointees erred in their decisions, as claimed by the pro ses, the circuit judges assume that the pro ses have no clue what they are talking about. Therefore, those judges take for granted that their appointees are entitled to an expedient affirmance as a function of their personal knowledge of them and their own vested interest in finding their appointees right whenever possible. If circuit judges reversed a bankruptcy judge on a challenge of a pro se party, they would be admitting that their own appointee made such a glaring error that even a law-illiterate pro se could spot it. What a blemish that would be for all the judges! This consideration also applies to district judges; it points to the great likelihood that they too will affirm the decisions of their bankruptcy colleagues. Consequently, pro se parties appealing from such district judges’ affirmance to the circuit judges would still be arguing in essence for a reversal of the original decision of the bankruptcy judges.

D. How judges protect each other in appeals by not reviewing their decisions for legal error

13. Both circuit and district judges protect their judicial colleagues, peers, and friends, the evidence against them notwithstanding. To do so they have developed the necessary frame of mind and implicit or explicit reciprocal protection agreement among themselves. Illustrative of what happens in other circuits, they revealed this to the public at large in connection with a case that unexpectedly gained notoriety when one of the members of the 3-member circuit panel that

petitions, and cases, but does not indicate what each covers and in what way they differ from one another. It does not indicate whether any of those terms includes appeals, such as those from bankruptcy courts. While its caption is “Civil pro se and non-pro se filings”, it distinguishes between “Prisoner Petitions” and “Nonprisoner Petitions” but does not explain what warrants the distinction given that all of them concern civil as opposed to criminal matters. For example, in what way does a tax rebate ‘petition’ filed by a prisoner differ from a similar ‘petition’ filed by a non-prisoner’ and what is the legal, practical, or statistical relevance of whatever that difference may be?

²⁹ 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness2008.aspx> >PDF version and also Judicial Business >p.38; and http://Judicial-Discipline-Reform.org/docs/AO_Dir_Report_08.pdf >38

³⁰ Id., at 23.

decided it was nominated by President Obama for a Supreme Court justiceship, namely, Then-Judge Sonia Sotomayor of the Court of Appeals for the Second Circuit(CA2). The case was *Ricci v. DeStefano*,³¹ involving white and black firefighters who took a qualification test for promotions and their results and the local authorities' handling of such results raised substantial racial discrimination issues under the equal protection clause of the Constitution. The decision issued by Judge Sotomayor and her panel members was harshly criticized by both CA2 Chief Judge Dennis Jacobs and CA2 Judge Jose Cabranes, who wrote in dissent:

"The questions raised in this appeal...are indisputably complex and far from well-settled....Presented with an opportunity to address en banc [by all the CA2 judges, not only those on the panel] questions of such "exceptional importance," Fed. R. App. P. 35(a)(2), a majority of this Court voted to avoid doing so....the panel withdrew its summary order and published a per curiam opinion that contained the same operative text as the summary order...This per curiam opinion adopted in loco the reasoning of the District Court, without further elaboration or substantive comment, and thereby converted a lengthy, unpublished district court opinion, grappling with significant constitutional and statutory claims of first impression, into the law of this Circuit. It did so, moreover, in an opinion that lacks a clear statement of either the claims raised by the plaintiffs or the issues on appeal. Indeed, the opinion contains no reference whatsoever to the constitutional claims at the core of this case...**This perfunctory disposition** rests uneasily with the weighty issues presented by this appeal." (emphasis added)

14. Although the appellants petitioned for hearing en banc, the majority of them voted not to hear the case, thereby upholding the summary/per curiam order. In his dissent, CA2 Chief Judge Dennis Jacobs criticized

a Circuit "tradition" of deference to panel adjudication. In effect, this has become a Circuit tradition of hearing virtually no cases in banc....But to rely on tradition to deny rehearing in banc starts to look very much like abuse of discretion.^{ld.}

15. This means that regardless of the seriousness of the allegations of legal error infirming a panel decision, the judges instead followed their "tradition" not to grant rehearing en banc. Thereby, they knowingly and indifferently allowed a possibly defective decision taken by members of their own court to remain in force as the law of the circuit. Defective it was, for it was overturned by the Supreme Court.³² By so doing, they all reap a benefit, for 'if you do not call into question my decisions, I won't call yours when they are attacked on an en banc petition'.
16. Having become wont to tolerating in self-interest legal errors of their own, circuit judges can only find it easier to disregard the errors of their bankruptcy appointees two courts away and below them. If in addition errors are claimed by pro se parties, whose cases are as a policy

³¹ *Ricci v. DeStefano*, aff'd per curiam, 530 F.3d 87 (2dCir., 9 June 2008), 264 Fed.Appx. 106, 2008 WL 410436; http://Judicial-Discipline-Reform.org/docs/Ricci_v_DeStefano.pdf

³² The Supreme Court announced on June 29, 2009, that on petition for certiorari, it had overturned the CA2 *Ricci* decision; <http://www.supremecourtus.gov/opinions/08slipopinion.html>.

discounted to merely a third of a case, it can only be expected that the circuit judges dismiss them out of hand routinely. It is just another “tradition” of theirs. In reliance on it, bankruptcy judges can treat debtors however they want, for debtors are at their mercy, with no effective appellate recourse. The bankruptcy judges know that their decisions will stand, whether erroneous or abusive.

E. Judges’ policy of protecting their own by dismissing serious charges of misconduct involving even corruption, bribery, and conflict of interests

17. Judges can abuse not just their discretion, but also their power without suffering any adverse consequence. In fact, they can be power abusive intentionally because they have the assurance that no harm to them will come therefrom. That assurance is found in the systematic dismissal with no investigation of complaints filed by anybody against them under the system of judicial self-discipline set up by the Judicial Conduct and Disability Act of 1980.³³ Those complaints are so serious that the official categories of under which their allegations are classified include:

Official Categories of Judicial Misconduct and Disability

acceptance of bribe	prejudice	effort to obtain favor for friend or relative
corruption	racial, ethnic, or religious bias	failure to meet financial disclosure requirements
conflict of interests	failure to give reasons for decision	mental or physical disability that impair judicial performance

27. Nevertheless, in the 1oct96-30sep08 12-year period, chief circuit judges have dismissed systematically, without any investigation, 99.82% of the 9,466 complaints filed against their colleagues, peers, and appointees.³⁴ When those dismissals were petitioned for review by the complainants to the respective circuit judicial councils –the highest administrative and disciplinary bodies of the circuits-, the circuit and district judges members thereof so much dismissed them out of hand that, for example, in the Second Circuit during the whole 96-09 13-year period they denied review of 100% of them!³⁵ Regardless of the nature and gravity of the allegations of misconduct or disability, the judges have self-exempted from discipline.³⁶ Moreover, to cover up their misconduct or disability, circuit judges dispose of around 8.5 of

³³ http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf

³⁴ All the posted official tables tabulating the complaints by allegation categories and judicial disposition for the 96-09 13-year period are collected together with their links to the originals at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf >Cg:6.

³⁵ Id. >Cg:7 and 5a.

³⁶ Judicial Misconduct Complaint under 28 U.S.C. §351 against U.S. Bankruptcy Judge John C. Ninfo, II, WBNY, Rochester, NY, for bias, prejudice, and abuse of judicial power in support of a bankruptcy fraud scheme and its cover up; http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf

every 10 appeals by either rubberstamping reasonless summary order forms, which have no precedential value,³⁷ or dashing out decisions so “perfunctory”³⁸ that they dare not either sign or mark them for publication³⁹. The judges hold themselves unaccountable. They have elevated themselves to Judges Above the Law.

F. The \$100s bls. at stake in bankruptcies annually and the power of judges to hold themselves unaccountable corrupt them absolutely and inevitably

28. Since judges weigh appeals by bankruptcy pro se parties at the bottom of the importance scale and will protect their bankruptcy judicial appointees from any claims, whether of legal error or criminal conduct, why they waste their time reading the pro se brief and the record when they can simply do what they do anyway to get rid of most cases: rubberstamp another summary order ‘*Affirmed!*’?
29. The reason for district and circuit judges to read with particularly close attention each of the precious few 0.23%(H7) or 0.07%(H11) bankruptcy appeals filed with them respectively of all those cases filed with bankruptcy judges is money. Money causes greed to fester in the hearts of people and corrupts their judgment. The colossal amounts of money at stake every year in the U.S. bankruptcy courts corrupts them absolutely. The absolute power, characterized by affecting people’s core material and moral interests while escaping any meaningful appellate review, accountability, and discipline, which bankruptcy judges wield to dispose of those colossal amounts of money corrupts their hearts and judgment inevitably.⁴⁰
30. Indeed, during calendar year 2009, federal bankruptcy judges dealt with the staggering \$325.6

³⁷ <http://www.ca2.uscourts.gov/clerk.htm> >2nd Circuit Handbook, pg.17; http://Judicial-Discipline-Reform.org/docs/CA2_Handbook_9sep8.pdf >17.

On the topic of a court of appeals’ docket clearing policy through the expedient use of summary orders, see Comment on the Change of CA2 Local Rule 0.231 Allowing Disposition by Summary Orders Without Any Opinion or Appended Explanatory Statement; http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf

³⁸ See fn.30 and the quotation in the corresponding text. See also The Choice: Judge Sotomayor’s Ethnicity v. Equal Justice Under Law, ¶¶1-3; http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_v_Equal_Justice.pdf

³⁹ Table S-3.U.S. Courts of Appeals—Types of Opinions or Orders Filed in Cases Terminated on the Merits After Oral Hearings or Submission on Briefs During the 12-Month Period Ending September 30, 2009; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/tables/S03Sep09.pdf>; and fn.37, supra, ¶¶1-3

⁴⁰ Here are applicable the aphorisms of Lord Acton, expressed in his letter to Bishop Mandell Creighton, April 3, 1887: “Power corrupts, and absolute power corrupts absolutely”, and 1 Timothy 6:10: “Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains”: When unaccountable power, the key element of absolute power, strengthens the growth and is in turn fed by the root of all evil, money, the result is that both corrupt absolutely. http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf

billion in liabilities self-reported by individual debtors in cases with predominantly consumer debt.⁴¹ To this figure must be added the \$10s of billions in debt of predominantly business debtors. The judges discharged the net amount of \$310,329,885,000 of such consumer debt. Even a tiny percentage of this amount and of the non-discharged difference of \$15,270,115,000 is a colossal amount of money. It looms even larger and has an even more insidious corruptive effect because it is diverted from the millions of parties to the 1,473,675 bankruptcy cases filed in CY09⁴² into the hands of only a few insiders of the bankruptcy and judicial systems. Their power to dispose of it wrongfully in self-interest with no adverse consequences corrupts their hearts and judgment absolutely and inevitably.

31. Such corruption is not limited to judges. They abuse their power not only to self-exempt from investigation and discipline, but also to immunize insiders of the bankruptcy and legal systems by finding in their favor if they are sued. They must do so, lest the insiders be indicted and in a plea for leniency bargain their testimony against ‘bigger fish’, which can lead to the judges being embarrassed, forced to resign, or impeached.⁴³ That immunity extension provides the terms for all of them to engage in coordinated wrongdoing. Such coordination allows them to grab more effectively more money and all sorts of wrongful material and moral benefits. It has enabled them to develop a bankruptcy fraud scheme.⁴⁴
32. To do so judges have the most irresistible incentive: self-assured risklessness. Its alluring force is especially overwhelming because their risklessness has passed the test of time: Of all the federal judges (including magistrates) that have served in the 221 years since the creation of the Federal Judiciary in 1789⁴⁵ -2,132 were in office as of 30sep9⁴⁶ - only 7 have been removed.⁴⁷ Federal

⁴¹ BAPCPA Report Looks at Filers in Non-business Bankruptcies; The Third Branch Newsletter, July 2010, Administrative Office of the U.S. Courts Office of Public Affairs, Washington, D.C.; http://www.uscourts.gov/News/TheThirdBranch/10-07-01/BAPCPA_Report_Looks_at_Filers_in_Non-business_Bankruptcies.aspx; tables collected at http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_dollar_value.pdf >dv:1

⁴² Cf. fn.22 and Table F. U.S. Bankruptcy Courts—Bankruptcy Cases Commenced, Terminated and Pending During the 12 Month Periods Ending December 31, 2008 and 2009; <http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx> >2008-2009 Calendar Year comparison.

⁴³ The Dynamics of Institutionalized Corruption in the Courts; 22jan9; http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

⁴⁴ How A Bankruptcy Fraud Scheme Works Its basis in the corruptive power of the lots of money available through the provisions of the Bankruptcy Code and unaccountable judicial power; http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

⁴⁵ Judicial Act of 1789, ch. 20, 1 Stat. 73-93; http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf

⁴⁶ 2009 Annual Report of the Director of the Administrative Office of the U.S. Courts > 35-37; <http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/JudicialBusinesspdfversion.pdf>; tables collected and analyzed at http://Judicial-Discipline-Reform.org/statistics&tables/number_jud_officers.pdf

judges are de facto unimpeachable. Relying thereon they safely can do and do whatever they want.⁴⁸ Neither can their salary be reduced for ‘bad Behaviour’ nor can a salary increase or promotion be secured by “good Behaviour”⁴⁹. Since ‘bad Behaviour’ has no downside and “good Behaviour” has no upside, they have both no deterrent and every incentive to resort to self-help.

33. That judges are driven by a money motive is indisputable, for it is the successive chief justices of the Supreme Court themselves that for decades have voiced in no uncertain terms their profound dissatisfaction with their salary and pay erosion over time:

I will reiterate what I have said many times over the years about the need to compensate judges fairly. In 1989, in testimony before Congress, I described the inadequacy of judicial salaries as "the single greatest problem facing the Judicial Branch today." Eleven years later, in my 2000 Year-End Report, I said that the need to increase judicial salaries had again become the most pressing issue facing the Judiciary. Chief Justice William Rehnquist, 2002 Year-end Report on the Federal Judiciary, p.2.⁵⁰

[Administrative Office of the U.S. Courts] Director Mecham's June 14 letter to you makes clear that judges who have been leaving the bench in the last several years believe they were treated unfairly...[due to] Congress's failure to provide regular COLAs [Cost of Living Adjustments]...That sense of inequity erodes the morale of our judges. Statement on Judicial Compensation by William H. Rehnquist, Chief Justice of the United States, Before the National Commission on the Public Service, July 15, 2002.⁵¹

Congress's inaction this year vividly illustrates why judges' salaries have declined in real terms over the past twenty years...I must renew the Judiciary's modest petition: Simply provide cost-of-living increases that have been unfairly denied! Chief Justice John Roberts, Jr., 2008 Year-end Report on the Federal Judiciary, p. 8-9.⁵²

34. The Chief Justices' statements are an admission that judges' dominating sentiment of unfairly being denied the salary that they think they are entitled to has surpassed in importance that of being administrators of justice. That sentiment has eroded their moral inhibitions. As a result,

⁴⁷ History of the Federal Judiciary, Impeachments of Judges; Federal Judicial Center; http://www.fjc.gov/history/home.nsf/page/judges_impeachments.html

⁴⁸ How do federal judges violate due process and get away with it?: The short answer is that they have nothing to fear from violating it; 13apr9; http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

⁴⁹ U.S. Const., Art. III, Sec. 1; http://Judicial-Discipline-Reform.org/docs/US_Constitution.pdf

⁵⁰ <http://www.supremecourtus.gov/publicinfo/year-end/2002year-endreport.html>; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:79

⁵¹ a) http://www.supremecourtus.gov/publicinfo/speeches/sp_07-15-02.html; and http://Judicial-Discipline-Reform.org/docs/CJ_Rehnquist_morale_erosion_15jul2.pdf

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_S.Ct.pdf >A:1666§1

⁵² <http://www.supremecourtus.gov/publicinfo/year-end/year-endreports.html> >2008 Year-end Report; and http://Judicial-Discipline-Reform.org/docs/Chief_Justice_yearend_reports.pdf >CJr:162

their money motive has emerged as the driver of their conduct. They have the opportunity to pursue that motive whether they perform judicial or nonjudicial acts because the benefits connected therewith exert the same irresistible attraction: self-assured risklessness that eliminates the deterrent to wrongdoing.⁵³ Their means is unique among all government officers: power to dispose of people's property, liberty, and even life unaccountably. All this –their statements, their decisions, and their statistics thereon- supports the reasonable inference, such as that which a jury is justified in drawing from testimonial, documentary, expert, and circumstantial evidence, that the judges' motive, opportunity, and means have led them to help themselves to the colossal amount of \$100s bls. that they rule on annually, to disregard due process in aid thereof or out of expediency, and to do so more effectively by coordinating their wrongdoing among themselves and with the insiders of the bankruptcy and legal systems to whom they extend the protection of their trump card: power to hold themselves unaccountable and not subject to discipline.

G. From a *Follow the money!* investigation of coordinated judicial wrongdoing to the creation by law of a citizens board for judicial accountability and discipline

35. The corruptive effect on judges of money and their unaccountable power to decide who keeps or gets it or how to conduct judicial process cannot be exposed and eliminated by complaining against them to their peers or suing them in their turf, the courts. They systematically dismiss those complaints or apply the doctrine of judicial immunity crafted in self-interest. The exposition needs to take place on the outside. There it can outrage the public just as the exposition of the wrongdoing planned and executed by President Nixon and his White House aides did during the Watergate Scandal. A *Follow the money!* journalistic investigation⁵⁴ of the Federal Judiciary and its judges can trigger such outrage. It can cause ever more traditional and new media outlets to join the investigation. Their revelations can further outrage the public until its clamor forces law enforcement authorities, such as the Department of Justice and the FBI, and Congress to conduct official investigations. Their own confirmatory and revelatory findings can so exacerbate the public's demand for legislative action as to compel the adoption of effective judicial accountability and discipline legislation that includes the creation of a citizens board for judicial accountability and discipline. This public outrage and demand approach to dealing with coordinated judicial wrongdoing is the subject of the academic and business venture proposal *The DeLano Case Course and The Disinfecting Sunshine on the Federal Judiciary Project*.⁵⁵

⁵³ Opportunity to Test Judges' Unaccountability for Judicial and Non-Judicial Acts at the September and March meetings of the Judicial Conference of the U.S., where it is fostered behind- closed doors; http://Judicial-Discipline-Reform.org/Follow_money/unaccount_jud_nonjud_acts.pdf

⁵⁴ Synopsis of an Investigative Journalism Proposal Where the leads in evidence gathered in a cluster of federal cases would be pursued in a Watergate-like *Follow the money!* investigation to answer the question: **Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?**; 2apr9; http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

⁵⁵ http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf

June 15, 2011

EXECUTIVE SUMMARY

ACADEMIC AND BUSINESS VENTURE PROPOSAL

For the Study of Evidence of a Judge-Run Bankruptcy Fraud Scheme and Multidisciplinary Research on, and Investigation of, the Federal Judiciary that apply ethics to determine an honest person's duty vis-à-vis judicial wrongdoing, generate monitoring reports, statistical data analyses, and scholarly articles, and **For offering educational, consulting, and representative services to clients** as part of advocating reform legislation on, and the establishment of a citizen board of, **Judicial Accountability and Discipline**

The *DeLano* Case

a hands-on, role-playing, fraud investigative and expository course that studies real cases revealing the legal and practical conditions giving rise to a bankruptcy fraud scheme and trains law, journalism, and business school students in understanding complex interpersonal systems by piercing explanatory façades with perceptive positing and searching for, and processing, evidence through the application of dynamic analysis of conflicting and harmonious interests

The Disinfecting Sunshine on the Federal Judiciary Project

an academic and business venture consisting of multidisciplinary research and investigation to expose the workings of the most secretive branch of government, its abuse of its self-policing system to self-exempt from discipline, and the thus induced participation by judges in riskless coordinated wrongdoing; and advocating official investigation of the Judiciary and legislation transferring the policing of judges' conduct to an independent citizen board for judicial accountability and discipline

A. The *DeLano* Case Course

1. The *DeLano* Case is a hands-on, role-playing course for law, journalism, and business school students dealing with the study and investigation of wrongdoing coordinated among federal judges and between them and other insiders of the legal and bankruptcy systems, and their running of a bankruptcy fraud scheme as a product of such coordination; and consisting of:
 - a. classwork that provides for
 - 1) advanced legal, statistical, and accounting analysis of official publications and case documents, and journalistic investigation that takes its leads from them; and
 - 2) written and oral exposition in class of persuasive arguments that integrate the identified relevant facts into a cogent theory that explains the workings, in general, of complex interpersonal systems, and, in particular, of coordinated wrongdoing as the Federal Judiciary's institutionalized modus operandi; and

- b. a public presentation of investigative and analytical results concerning the bankruptcy fraud scheme and the Federal Judiciary; their ethical implications for action by an honest person; and recommendations for effective judicial accountability and discipline reform.
2. A detailed description of the course's key features and methodology, and the syllabus setting forth its week-by-week classwork and presentation organization are found in the DeLano Course file^{2a}.

B. The Disinfecting Sunshine on the Judiciary Project

3. (**kind of activity**) a multidisciplinary academic and business venture **a)** guided by ethical, public service, and financial considerations and **b)** consisting of **(i)** wide-angle technology-based desk research and **(ii)** a test-case-focused *Follow the money!* field investigation for
4. (**participants**) students earning a higher education degree, in general, and those at law, business, and journalism schools, in particular, and/or a team of experts in their own right to
5. (**end goal**) bring about **a)** reform legislation enabling **b)** the establishment of a government independent citizen board for judicial accountability and discipline composed of party unaffiliated members entrusted with subpoena power and charged with publicly holding judges' accountable, subject to discipline, and liable for damages so as to ensure that "justice is administered without respect to persons and according to the Constitution and the laws"¹; by taking concrete steps to
6. (**means**) expose **a)** the Judiciary's and judges' modus operandi in disregard of ethical standards and due process requirements; **b)** their abuse of power to dispose of cases and make procedural rules in self-interest; **c)** their wrongdoing in coordination among themselves and with other insiders of the legal and bankruptcy systems; **d)** the benefits they grant themselves and the insiders; **e)** the harm that they inflict upon outsiders and the public at large; **f)** judges' and insiders' concealed assets, money laundering, and other unethical and illegal activity; through
7. (**publication**) the students and/or the team of experts making **a)** a multimedia public presentation at the university auditorium simultaneously **b)** broadcast from **(i)** the radio and TV station and website of the university's journalism and mass communication program, **(ii)** traditional media entities, and **(iii)** citizen journalism websites and **c)** a subsequent tour of presentations and press conferences, **d)** at all of which a brochure and CD are distributed; **e)** a documentary; **f)** a series of Émile Zola's *I Accuse!*-like articles; and **g)** a free e-newsletter; which are apt to
8. (**strategy**) **a)** outrage the public and **b)** set off a rash of similar media investigations until the critical mass of the clamor provoked by the exposed wrongdoing **c)** compels law enforcement authorities and Congress to conduct official investigations, resulting in **d)** confirmatory and revelatory findings that **e)** embarrass, shame, and deprive of moral standing judges who are thus caused to resign, as Justice Abe Fortas had to on 14may69; and **f)** heighten the demand for, and force, **g)** the passage of effective judicial accountability and discipline legislation; thereby **h)** taking the current judicial self-policing system **(i)** from the hands of judges who in expectation of reciprocal treatment systematically dismiss without investigation misconduct complaints against their peers and **(ii)** out of their turf, the courts, where judges are held not suable at all^{2b}

¹ 28 U.S.C. §453; http://Judicial-Discipline-Reform.org/docs/28usc453_judges_oath.pdf

² **a)** http://Judicial-Discipline-Reform.org/DeLano_course/17Law/DrRCordero_course&project.pdf; **b)** id. >Dn:1¶¶1-2

or only before peers partial to them, and **i**) putting it in the hands of a citizen board of judicial accountability and discipline; a by-popular-demand process triggered by the discovery of

9. **(types of information)** information covering the spectrum from **a**) the appearance of ethical improprieties revealing unfitness of character for judicial office; through **b**) unfairness and partiality pointing to dereliction of the fundamental judicial duty of affording due process of law; to **c**) criminal activity engaged in individually or in coordination with others, whether as a principal or a passively enabling accessory, within an institution amounting to a corrupt enterprise, that warrants impeachment and removal from office; and is gathered from
10. **(information sources)** **a**) judges' publicly filed financial^{3a}, seminar attendance^{3b}, honoraria and gifts⁴ disclosure reports; **b**) written opinions^{5a}, articles^{5b}, newsletters^{5c}, speeches^{5d}, and official news of the Judiciary^{5e}; **c**) court calendars⁶, case dockets and records⁷, annual reports⁸, and statistics⁹; **d**) archived records¹⁰; **e**) property registries¹¹ and other public records¹²; **f**) biographies¹³ of, and interviews with, judges¹⁴, their clerks¹⁵, and bankruptcy^{16a} and legal

³ **a**) <http://www.judicialwatch.org/judicial-financial-disclosure>; **b**) <http://www.uscourts.gov/RulesAndPolicies/PrivateSeminarDisclosure/PrivateSeminarsDisclosureOverview.aspx>

⁴ Earned income from outside employment and honoraria and the acceptance of gifts must be reported in compliance with the provisions of 5 U.S.C. App. §501 et. seq., 5 U.S.C. §7353 and Judicial Conference regulations. <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct/JudicialConferenceRegulationsGifts.aspx>; and http://Judicial-Discipline-Reform.org/docs/gifts_jud_officers.pdf

⁵ **a**) Public Access to Court Electronic Records; <http://www.pacer.gov/>; **b**) Federal Courts Law Review, <http://www.fclr.org/>; FindLaw for Legal Professionals, <http://library.findlaw.com/>; **c**) <http://www.uscourts.gov/News/TheThirdBranch.aspx>; **d**) <http://www.supremecourt.gov/publicinfo/speeches/speeches.aspx>; **e**) <http://www.uscourts.gov/News/InsideTheJudiciary.aspx>

⁶ <http://www.nywb.uscourts.gov/calendars.html>

⁷ <https://ecf.nywd.uscourts.gov/cgi-bin/login.pl>

⁸ Annual Reports of the Administrative Office of the U.S. Courts, <http://www.uscourts.gov/Statistics/JudicialBusiness.aspx>; Chief Justice's Year-End Reports on the Federal Judiciary, <http://www.supremecourt.gov/publicinfo/year-end/year-endreports.aspx>; Annual Reports of the Court of Appeals for the Second Circuit, <http://www.ca2.uscourts.gov/annualreports.htm>

⁹ <http://www.uscourts.gov/Statistics.aspx>

¹⁰ <http://www.archives.gov/research/court-records/>; <http://www.archives.gov/research/court-records/bankruptcy.html>;

¹¹ National Association of Counties, <http://www.naco.org/Pages/default.aspx>

¹² National Association of County Recorders; <http://www.nacrc.org/>

¹³ Federal Judicial Center, Biographical Directory of Federal Judges, <http://www.fjc.gov/history/home.nsf/page/judges.html>; U.S. District Court for the District of Maryland, <http://www.mdd.uscourts.gov/publications/DisplayJudgesBio.asp>

¹⁴ Federal Judges Associations, <http://www.federaljudgesassoc.org/>; Federal Magistrate Judges Association, <http://www.fedjudge.org/>

¹⁵ Federal Court Clerks Association, <http://www.fcca.ws/>

¹⁶ **a**) <http://www.justice.gov/ust/>; **b**) Federal Bar Council, <http://www.federalbarcouncil.org/>;

systems insiders^{16b}; **g**) newsmia reports^{17a} and law websites^{17b} and blogs¹⁸; **h**) commercial databases, e.g., Dialog, Dun & Bradstreet, Hoover, LexisNexis, Proquest, Saegis and TRADE-MARKSCAN, Thomson Reuters CLEAR, WestLaw; **i**) credit reporting bureaus, e.g., Equifax, Experian, TransUnion; Privacy Guard; **j**) social networks, e.g., Facebook, Twitter, UTube; **k**) accounts of dealings with judges and insiders submitted by the public; by applying:

11. **(techniques)** **a**) legal, economic, corporate, and news and social networks research and analysis; **b**) computer forensics; **c**) database correlation; **d**) literary forensics^{19a}; **e**) fraud & forensic accounting and auditing; **f**) statistics; **g**) investigative journalism's techniques for interviewing and developing sources; **h**) private investigators' personal and technical surveillance techniques; **i**) nonviolent civic action means^{19b}; **j**) mass communications techniques for designing a public message and deploying a public relations campaign; **k**) multimedia and marketing techniques for the life presentation, packaged distribution, and sale of research products and services, such as
12. **(products)** **a**) oral and textual descriptions of the sociogram of the interpersonal relations of the judicial "guild"; **b**) patterns in judicial writings and events evincing bias toward and against parties and ideologies; **c**) lists, tables, and graphs of unlawful practices and trends or suspicious deviations from standards; **d**) reports on the quantitative and qualitative impact of judicial wrongdoing on the administration of justice and the public's legal and economic welfare; **e**) summaries in a standardized format of verified accounts of judicial abuse of power and coordinated wrongdoing submitted by the public; **f**) biographies and ratings of judges; **g**) multimedia products and serial publications, including **h**) a website, **i**) scholarly and investigative journalism articles, **j**) documentaries and **k**) a journal of judicial power and unaccountability studies; **l**) seminars; **m**) conferences; **n**) research, consulting, and litigation services; all of which contains added-value expertise that generates market demand and develops
13. **(institutional effort)** visibility, reputation for professionalism, and recognition for work in the public interest that support the formation²⁰ of **a**) an independent, party and church neutral, research, investigative, and teaching entity for the study of the most secretive and unaccountable branch of government, the Federal Judiciary, that attains the highest standards of scholarship; **b**) a fair and courageous watchdog of judges' ethics and respect for due process; **c**) a firm of court litigators of test cases; and **d**) a center for the advocacy among the public and in Congress of the establishment of a citizen board for judicial accountability and discipline; which are
14. **(income sources)** financially supported through **a**) the sale of its products and services; **b**) bookings of its presentations; **c**) clients seeking expert advice, research, representation or publicity for cases exhibiting egregious wrongdoing and denial of due process; **d**) students following a course of study for academic degree; **e**) participants in seminars and conferences; **f**) donations from the public and sponsors that understand the importance for our democratic form of government of the administration of Equal Justice Under Law.

American Bar Association, <http://new.abanet.org/members/default.aspx>

¹⁷ **a**) http://Judicial-Discipline-Reform.org/SCT_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf; **b**) <http://www.law.com/jsp/law/sitemap.jsp>

¹⁸ Supreme Court of the United States Blog; <http://www.scotusblog.com/>

¹⁹ **a**) <http://www.forensicpage.com/new33.htm>; **b**) http://Judicial-Discipline-Reform.org/docs/Prof_Gene_Sharp_Politics_Nonviolent_Action.pdf

²⁰ http://Judicial-Discipline-Reform.org/docs/strategy_expose_judicial_wrongdoing.pdf



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2009 Annual Report of the Director

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JUDICIAL BUSINESS OF THE U.S. COURTS

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Judicial Business of the U.S. Courts is the most comprehensive set of detailed statistical tables published on the work of the federal Judiciary, plus charts and text explaining why increases or decreases occurred in the courts' caseload.

- The report provides data for the fiscal year ending September 30 for the U.S. courts of appeals, district courts and bankruptcy courts; the probation and pretrial services system; and other components of the federal Judiciary.
- The Judicial Caseload Indicators table compares the Judiciary's current fiscal year caseload to its caseload 1, 5, and 10 years earlier.
- Publications dating back to 1997 are available online.

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Judicial Caseload Indicators
Fiscal Years 1996, 2001, 2004, and 2005

Judicial Caseload	1996	2001	2004	2005	% Change Since 1996	% Change Since 2001	% Change Since 2004
U.S. Courts of Appeal ¹							
Cases Filed	51,991	57,464	62,762	68,473	31.7	19.2	9.1
Cases Terminated	50,413	57,422	56,381	61,975	22.9	7.9	9.9
Cases Pending	38,774	39,996	51,226 ²	57,724	48.9	44.3	12.7
U.S. District Courts							
Civil							
Cases Filed	269,132	250,907	281,338	253,273	-5.9	0.9	-10.0
Cases Terminated	250,387	248,174	252,761	271,753	8.5	9.5	7.5
Cases Pending	250,934	250,622	284,696	266,216	6.1	6.2	-6.5
Criminal (Includes Transfers)							
Cases Filed	47,889	62,708	71,022	69,575	45.3	11.0	-2.0
Defendants Filed	67,700	83,252	93,349	92,226	36.2	10.8	-1.2
Cases Terminated	45,499	58,718	64,621	66,561	46.3	13.4	3.0
Cases Pending	32,156	49,696	65,900 ²	68,914	114.3	38.7	4.6
U.S. Bankruptcy Courts							
Cases Filed	1,111,964	1,437,354	1,618,987	1,782,643	60.3	24.0	10.1
Cases Terminated	1,005,025	1,301,016	1,671,177	1,581,287	57.3	21.5	-5.4
Cases Pending	1,189,213	1,512,438	1,658,081 ²	1,859,437	56.4	22.9	12.1
Post-Conviction Supervision							
Persons Under Supervision	88,966	104,715	112,883	112,931	26.9	7.8	0.0
Presentence Report	51,662	63,028	66,118 ²	66,227	28.2	5.1	0.2
Pretrial Services							
Total Cases Activated	65,187	88,049	100,005	99,365	52.4	12.9	-0.6
Pretrial Services Cases Activated	63,497	86,140	98,152	97,508	53.6	13.2	-0.7
Pretrial Diversion Cases Activated	1,690 ²	1,909	1,853	1,857	9.9	-2.7	0.2
Total Released on Supervision	28,668	35,082	34,840	34,860	21.6	-0.6	0.1
Pretrial Supervision	26,498 ²	33,033	32,993	32,968	24.4	-0.2	-0.1
Diversion Supervision	2,170 ²	2,049	1,847	1,892	-12.8	-7.7	2.4

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.

² Revised.

Judicial Caseload Indicators
12-Month Periods Ending September 30, 1997, 2002, 2005, and 2006

Judicial Caseload	1997	2002	2005	2006	% Change Since 1997	% Change Since 2002	% Change Since 2005
U.S. Courts of Appeals ¹							
Cases Filed	52,319	57,555	68,473	66,618	27.3	15.7	-2.7
Cases Terminated	51,194	56,586	61,975	67,582	32.0	19.4	9.0
Cases Pending	39,846	40,149	57,450 ²	56,486	41.8	40.7	-1.7
U.S. District Courts							
Civil							
Cases Filed	272,027	274,841	253,273	259,541	-4.6	-5.6	2.5
Cases Terminated	249,641	259,537	271,753	273,193	9.4	5.3	0.5
Cases Pending	272,602	261,118	265,484 ²	251,832	-7.6	-3.6	-5.1
Criminal (Includes Transfers)							
Cases Filed	50,363	67,000	69,575	66,860	32.8	-0.2	-3.9
Defendants Filed	70,201	88,354	92,226	88,216	25.7	-0.2	-4.3
Cases Terminated	46,887	60,991	66,561	67,499	44.0	10.7	1.4
Cases Pending	37,237	55,518	69,932 ²	69,293	86.1	24.8	-0.9
U.S. Bankruptcy Courts							
Cases Filed	1,367,364	1,547,669	1,782,643	1,112,542	-18.6	-28.1	-37.6
Cases Terminated	1,223,967	1,445,101	1,581,287	1,619,142	32.3	11.3	2.4
Cases Pending	1,326,136	1,618,262	1,855,841 ²	1,349,241	1.7	-16.6	-27.3
Post-Conviction Supervision							
Persons Under Supervision	91,434	108,792	112,931	114,002	24.7	4.8	0.9
Pretrial Services							
Total Cases Activated	71,107	91,314	99,365	96,479	35.7	5.7	-2.9
Pretrial Services Cases Activated	69,283	89,421	97,508	94,853	36.9	6.1	-2.7
Pretrial Diversion Cases Activated	1,824	1,893	1,857	1,626	-10.9	-14.1	-12.4
Total Released on Supervision	28,629	34,880	34,860	33,608	17.4	-3.6	-3.6
Pretrial Supervision	26,433	32,808	32,968	31,910	20.7	-2.7	-3.2
Diversion Supervision	2,196	2,072	1,892	1,698	-22.7	-18.1	-10.3

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.

² Revised.

Judicial Caseload Indicators
12-Month Periods Ending September 30, 1998, 2003, 2006, and 2007

Judicial Caseload	1998	2003	2006	2007	% Change Since 1998	% Change Since 2003	% Change Since 2006
U.S. Courts of Appeals ¹							
Cases Filed	53,805	60,847	66,618	58,410	8.6	-4.0	-12.3
Cases Terminated	52,002	56,396	67,582	62,846	20.9	11.4	-7.0
Cases Pending	41,666	44,690	56,178 ²	51,742	24.2	15.8	-7.9
U.S. District Courts							
Civil							
Cases Filed	256,787	252,962	259,541	257,507	0.3	1.8	-0.8
Cases Terminated	262,301	253,015	273,193	239,678	-8.6	-5.3	-12.3
Cases Pending	262,573	257,476	247,253 ²	265,082	1.0	3.0	7.2
Criminal (Includes Transfers)							
Cases Filed	57,691	70,642	66,860	68,413	18.6	-3.2	2.3
Defendants Filed	79,008	92,714	88,216	89,306	13.0	-3.7	1.2
Cases Terminated	51,428	65,628	67,499	67,851	31.9	3.4	0.5
Cases Pending	40,277	59,218	71,916 ²	72,478	79.9	22.4	0.8
U.S. Bankruptcy Courts							
Cases Filed	1,436,964	1,661,996	1,112,542	801,269	-44.2	-51.8	-28.0
Cases Terminated	1,377,206	1,568,087	1,619,142	864,588	-37.2	-44.9	-46.6
Cases Pending	1,384,179	1,710,428	1,361,335 ²	1,298,016	-6.2	-24.1	-4.7
Post-Conviction Supervision							
Persons Under Supervision	93,737	110,621	114,002	116,221	24.0	5.1	1.9
Pretrial Services							
Total Cases Activated	81,571	97,317	96,479	97,905	20.0	0.6	1.5
Pretrial Services Cases Activated	78,603	95,492	94,853	96,259	22.5	0.8	1.5
Pretrial Diversion Cases Activated	2,968	1,825	1,626	1,646	-44.5	-9.8	1.2
Total Released on Supervision	32,521	35,524	33,608	32,879	1.1	-7.4	-2.2
Pretrial Supervision	29,974	33,681	31,910	31,358	4.6	-6.9	-1.7
Diversion Supervision	2,547	1,843	1,698	1,521	-40.3	-17.5	-10.4

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.

² Revised.

Judicial Caseload Indicators

12-Month Periods Ending September 30, 1999, 2004, 2007, and 2008

Judicial Caseload	1999	2004	2007	2008	% Change Since 1999	% Change Since 2004	% Change Since 2007
U.S. Courts of Appeals ¹							
Cases Filed	54,693	62,762	58,410	61,104	11.7	-2.6	4.6
Cases Terminated	54,088	56,381	62,846	59,096	9.3	4.8	-6.0
Cases Pending	42,225	51,226	51,063 ²	53,071	25.7	3.6	3.9
U.S. District Courts							
Civil							
Cases Filed	260,271	281,338	257,507	267,257	2.7	-5.0	3.8
Cases Terminated	272,526	252,761	239,678	234,571	-13.9	-7.2	-2.1
Cases Pending	249,381	284,696	265,443 ²	298,129	19.5	4.7	12.3
Criminal (Includes Transfers)							
Cases Filed	59,923	71,022	68,413	70,896	18.3	-0.2	3.6
Defendants Filed	80,822	93,349	89,306	92,355	14.3	-1.1	3.4
Cases Terminated	56,511	64,621	67,851	70,629	25.0	9.3	4.1
Cases Pending	42,966	65,900	73,418 ²	73,685	71.5	11.8	0.4
U.S. Bankruptcy Courts							
Cases Filed	1,354,376	1,618,987	801,269	1,042,993	-23.0	-35.6	30.2
Cases Terminated	1,356,026	1,671,177	864,588	975,296	-28.1	-41.6	12.8
Cases Pending	1,377,985	1,658,081	1,275,841 ²	1,343,538	-2.5	-19.0	5.3
Post-Conviction Supervision							
Persons Under Supervision	97,190	112,883	116,221	120,676	24.2	6.9	3.8
Pretrial Services							
Total Cases Activated	82,870	100,005	97,905	99,675	20.3	-0.3	1.8
Pretrial Services Cases Activated	80,154	98,152	96,259	98,244	22.6	0.1	2.1
Pretrial Diversion Cases Activated	2,716	1,853	1,646	1,431	-47.3	-22.8	-13.1
Total Released on Supervision	32,880	34,840	32,879	32,085	-2.4	-7.9	-2.4
Pretrial Supervision	30,652	32,993	31,358	30,654	0.0	-7.1	-2.2
Diversion Supervision	2,228	1,847	1,521	1,431	-35.8	-22.5	-5.9

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.

² Revised.

Judicial Caseload Indicators
12-Month Periods Ending September 30

Judicial Caseload	2000	2005	2008	2009	% Change Since 2000	% Change Since 2005	% Change Since 2008
U.S. Courts of Appeals ¹							
Cases Filed	54,697	68,473	61,104	57,740	5.6	-15.7	-5.5
Cases Terminated	56,512	61,975	59,096	60,508	7.1	-2.4	2.4
Cases Pending	40,261	57,450	53,332 ²	50,564	25.6	-12.0	-5.2
U.S. District Courts							
Civil							
Cases Filed	259,517	253,273	267,257	276,397	6.5	9.1	3.4
Cases Terminated	259,637	271,753	234,571	263,703	1.6	-3.0	12.4
Cases Pending	250,202	265,484	294,122 ²	306,816	22.6	15.6	4.3
Criminal (Includes Transfers)							
Cases Filed	62,745	69,575	70,896	76,655	22.2	10.2	8.1
Defendants Filed	83,963	92,226	92,355	97,982	16.7	6.2	6.1
Cases Terminated	58,102	66,561	70,629	75,077	29.2	12.8	6.3
Cases Pending	47,677	69,932	75,340 ²	76,918	61.3	10.0	2.1
U.S. Bankruptcy Courts							
Cases Filed	1,262,102	1,782,643	1,042,806 ²	1,402,816	11.1	-21.3	34.5
Cases Terminated	1,256,874	1,581,287	975,296	1,197,649	-4.7	-24.3	22.8
Cases Pending	1,378,139	1,855,841	1,350,175 ²	1,555,388	12.9	-16.2	15.2
Post-Conviction Supervision							
Persons Under Supervision	100,395	112,931	120,676	124,183	23.7	10.0	2.9
Pretrial Services							
Total Cases Activated	87,513	99,365	99,670 ²	105,294	20.3	6.0	5.6
Pretrial Services Cases Activated	85,617	97,508	98,244	104,217	21.7	6.9	6.1
Pretrial Diversion Cases Activated	1,896	1,857	1,426 ²	1,077	-43.2	-42.0	-24.5
Total Released on Supervision	34,547	34,860	31,951 ²	29,615	-14.3	-15.0	-7.3
Pretrial Supervision	32,388	32,968	30,653 ²	28,418	-12.3	-13.8	-7.3
Diversion Supervision	2,159	1,892	1,298 ²	1,197	-44.6	-36.7	-7.8

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.

² Revised.

Table 6
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, Terminated, and Pending
Fiscal Years 2005 - 2009

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2005	1,782,643	1,748,421	34,222	1,581,287	1,855,841
2006	1,112,542	1,085,209	27,333	1,619,142	1,361,335
2007	801,269	775,344	25,925	864,588	1,275,949
2008	1,042,806 ¹	1,004,171 ¹	38,635 ¹	975,296	1,350,175 ¹
2009	1,402,816	1,344,095	58,721	1,197,649	1,555,388
% Change 2008 - 2009	34.5	33.9	52.0	27.8	15.2

¹ Revised.

Arizona saw its filings increase 83 percent in 2009 following a 73 percent increase in filings in 2008, and the Central District of California experienced a 71 percent increase in 2009 after a 96 percent increase in 2008. In those two districts, filings more than tripled from 2007 to 2009. In 12 additional districts—the District of Nevada, the Eastern District of California, the Southern District of California, the Northern District of California, the

Southern District of Florida, the Middle District of Florida, the District of Delaware, the District of Hawaii, the District of Utah, the Western District of Washington, the Eastern District of Virginia, and the District of Rhode Island—filings have more than doubled in the past two years.

The bankruptcy code provides for the filing of bankruptcy petitions under six chapters. Under chapter 7, assets are

Table B-3.
U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,
During the 12-Month Periods Ending September 30, 2005 Through 2009

Source	2005	2006	2007	2008	2009
TOTAL APPEALS	68,473	66,618	58,410	61,104	57,740
U.S. DISTRICT COURTS	48,878	47,237	43,408	45,121	44,677
BANKRUPTCY	865	821	845	773	793
ADMINISTRATIVE AGENCIES, TOTAL	13,713	13,102	10,382	11,583	8,570
IRS	210	199	230	242	194
LABOR	28	24	26	27	21
FCC	81	51	56	146	45
FERC	255	154	129	141	150
NLRB	341	268	232	216	225
EPA	136	120	118	81	86
BIA	12,349	11,911	9,123	10,280	7,518
OTHER ADMINISTRATIVE AGENCIES	313	375	468	450	331
ORIGINAL PROCEEDINGS	5,017	5,458	3,775	3,627	3,700
DC CIRCUIT	1,379	1,281	1,310	1,307	1,097
U.S. DISTRICT COURTS	801	765	759	769	687
BANKRUPTCY	3	3	-	4	3
ADMINISTRATIVE AGENCIES, TOTAL	468	420	483	456	324
IRS	15	6	1	11	7
NLRB	72	73	66	67	70
BIA	-	-	-	-	1
OTHER ADMINISTRATIVE AGENCIES	381	341	416	378	246
ORIGINAL PROCEEDINGS	107	93	68	78	83
1ST CIRCUIT	1,912	1,852	1,863	1,631	1,746
ME	171	132	120	126	136
MA	602	610	621	582	614
NH	118	98	94	125	104
RI	131	139	141	103	104
PR	506	518	563	417	477
BANKRUPTCY	31	27	24	31	53
ADMINISTRATIVE AGENCIES, TOTAL	260	239	239	191	190
IRS	5	5	3	3	7
NLRB	11	6	10	4	4
BIA	222	219	214	172	173
OTHER ADMINISTRATIVE AGENCIES	22	9	12	12	6
ORIGINAL PROCEEDINGS	93	89	61	56	68

Table S-7.
U.S. District Courts—Civil Cases Filed, by Origin,
During the 12-Month Periods Ending September 30, 2005 Through 2009

Year	Total Filings	Original Filings	Removals From State Courts	Remands From Courts of Appeals	Reopens	Transfers ¹
2005	253,273	198,130	30,178	583	9,407	14,951
2006	259,541	183,511	29,437	602	25,841	20,129
2007	257,507	189,311	30,282	615	10,238	27,044
2008	267,257	184,370	30,065	597	8,572	43,643
2009	276,397	185,900	30,161	616	15,732	43,974
Percent Change 2008-2009	3.4	0.08	0.03	3.2	83.5	0.08

NOTE: Total filings include cases of unknown origin, which are not displayed separately, and cases previously filed as consolidated cases that thereafter were severed into individual cases.

¹ Includes transfers under 28 U.S.C. 1407.

Table B-10.
U.S. Bankruptcy Appellate Panels—Appeals Commenced, Terminated, and Pending, by Circuit,
During the 12-Month Periods Ending September 30, 2004 and 2005

Circuit	Filed			Terminated			Pending		
	2004	2005	Percent Change	2004	2005	Percent Change	2004*	2005	Percent Change
TOTAL	989	921	-6.9	1,006	870	-13.5	375	426	13.6
FIRST	64	67	4.7	91	72	-20.9	28	23	-17.9
SIXTH	97	96	-1.0	101	85	-15.8	37	48	29.7
EIGHTH	82	85	3.7	94	82	-12.8	24	27	12.5
NINTH	645	546	-15.3	603	538	-10.8	260	268	3.1
TENTH	101	127	25.7	117	93	-20.5	26	60	130.8

NOTE: THE SECOND CIRCUIT BANKRUPTCY APPELLATE PANEL CEASED OPERATIONS ON JULY 1, 2000.
 * REVISED.

Table B-10.

U.S. Bankruptcy Appellate Panels—Appeals Commenced, Terminated, and Pending, by Circuit, During the 12-Month Periods Ending September 30, 2006 and 2007

Circuit	Filed			Terminated			Pending		
	2006	2007	Percent Change	2006	2007	Percent Change	2006 *	2007	Percent Change
TOTAL	851	887	4.2	893	920	3.0	378	345	-8.7
FIRST	65	83	27.7	55	87	58.2	32	28	-12.5
SIXTH	99	92	-7.1	89	99	11.2	53	46	-13.2
EIGHTH	76	75	-1.3	81	66	-18.5	22	31	40.9
NINTH	477	488	2.3	523	507	-3.1	222	203	-8.6
TENTH	134	149	11.2	145	161	11.0	49	37	-24.5

NOTE: THE SECOND CIRCUIT BANKRUPTCY APPELLATE PANEL CEASED OPERATIONS ON JULY 1, 2000.

* REVISED.

Table B-10.

**U.S. Bankruptcy Appellate Panels—Appeals Commenced, Terminated, and Pending, by Circuit
During the 12-Month Periods Ending September 30, 2008 and 2009**

Circuit	Filed			Terminated			Pending		
	2008	2009	Percent Change	2008	2009	Percent Change	2008 ¹	2009	Percent Change
TOTAL	716	747	4.3	744	737	-0.9	271	281	3.7
FIRST	86	76	-11.6	66	93	40.9	48	31	-35.4
SIXTH	95	102	7.4	97	106	9.3	44	40	-9.1
EIGHTH	61	73	19.7	67	57	-14.9	21	37	76.2
NINTH	369	410	11.1	419	386	-7.9	111	135	21.6
TENTH	105	86	-18.1	95	95	0.0	47	38	-19.1

¹ Revised.

Table C-2A.
U.S. District Courts—Civil Cases Commenced, by Nature of Suit,
During the 12-Month Periods Ending September 30, 2005 Through 2009

NATURE OF SUIT	2005	2006	2007	2008	2009	Percent Change 2008-2009
TOTAL CASES	253,273	259,541	257,507	267,257	276,397	3.4
CONTRACT ACTIONS, TOTAL	28,020	30,044	33,939	34,172	35,634	4.3
FRANCHISE	171	267	384	391	429	9.7
INSURANCE	7,804	9,792	13,287	12,697	11,155	-12.1
MARINE	1,435	1,700	1,969	2,349	3,498	48.9
MILLER ACT	387	359	302	225	249	10.7
NEGOTIABLE INSTRUMENTS	447	336	377	504	872	73.0
RECOVERY OF OVERPAYMENTS AND ENFORCEMENT OF JUDGMENTS	3,309	2,872	3,204	3,447	3,043	-11.7
DEFAULTED STUDENT LOANS	2,883	2,395	2,673	2,910	2,405	-17.4
VETERANS' OVERPAYMENT	8	13	20	9	12	-
OTHER	418	464	511	528	626	18.6
OTHER CONTRACT ACTIONS	14,467	14,718	14,416	14,559	16,388	12.6
REAL PROPERTY ACTIONS, TOTAL	4,561	4,414	5,180	5,072	5,998	18.3
CONDEMNATION OF LAND	251	316	321	944	317	-66.4
FORECLOSURE	3,012	2,644	2,960	2,144	3,129	45.9
RENT, LEASE, AND EJECTMENT	154	142	135	172	185	7.6
TORTS TO LAND, INCLUDING PRODUCT LIABILITY	380	467	842	510	579	13.5
OTHER REAL PROPERTY ACTIONS	764	845	922	1,302	1,788	37.3
TORT ACTIONS, TOTAL	51,335	68,804	61,359	72,011	78,093	8.4
PERSONAL INJURY, TOTAL	47,364	64,743	57,244	68,121	72,897	7.0
PERSONAL INJURY/ PRODUCT LIABILITY, TOTAL	29,537	48,739	36,469	52,110	58,335	11.9
AIRPLANE	79	74	114	101	131	29.7
MARINE	46	37	44	33	27	-18.2
MOTOR VEHICLE	531	561	447	390	401	2.8
ASBESTOS ¹	1,243	16,547	12,404	33,780	41,785	23.7
OTHER	27,638	31,520	23,460	17,806	15,991	-10.2
OTHER PERSONAL INJURY, TOTAL	17,827	16,004	20,775	16,011	14,562	-9.1
AIRPLANE	351	294	478	386	446	15.5
MARINE	1,667	1,584	1,597	1,393	1,345	-3.4
MOTOR VEHICLE	4,091	3,938	3,764	3,636	3,588	-1.3
ASSAULT, LIBEL, AND SLANDER	647	587	533	557	530	-4.8
FEDERAL EMPLOYERS LIABILITY ACT	748	700	585	511	545	6.7
MEDICAL MALPRACTICE	1,221	1,221	1,164	1,255	1,059	-15.6
OTHER	9,102	7,680	12,654	8,273	7,049	-14.8

Table C-2A. (September 30, 2009—Continued)

NATURE OF SUIT	2005	2006	2007	2008	2009	Percent Change 2008-2009
PERSONAL PROPERTY DAMAGE, TOTAL	3,971	4,061	4,115	3,890	5,196	33.6
FRAUD, INCLUDING TRUTH IN LENDING	2,465	2,313	2,129	2,245	3,320	47.9
OTHER PERSONAL PROPERTY DAMAGE	1,506	1,748	1,986	1,645	1,876	14.0
ACTIONS UNDER STATUTES, TOTAL	169,265	156,177	156,916	155,939	156,629	0.4
ANTITRUST	818	986	1,038	1,318	812	-38.4
BANKRUPTCY, TOTAL	3,000	3,389	3,164	2,383	2,313	-2.9
APPEAL (28 U.S.C. 158)	2,435	2,475	2,290	1,954	1,906	-2.5
WITHDRAWAL (28 U.S.C. 157)	565	914	874	429	407	-5.1
BANKS AND BANKING	258	201	234	258	444	72.1
CIVIL RIGHTS, TOTAL	36,096	32,865	31,756	32,132	33,761	5.1
VOTING	166	150	118	145	127	-12.4
EMPLOYMENT	16,930	14,353	13,375	13,219	14,036	6.2
HOUSING AND ACCOMMODATIONS	885	643	665	644	746	15.8
WELFARE	54	56	27	48	71	47.9
ADA—EMPLOYMENT	586	987	1,041	1,095	1,195	9.1
ADA—OTHER	1,016	1,381	1,277	1,583	1,974	24.7
OTHER CIVIL RIGHTS	16,459	15,295	15,253	15,398	15,612	1.4
ENVIRONMENTAL MATTERS	714	871	767	920	741	-19.5
DEPORTATION	201	130	115	130	91	-30.0
PRISONER PETITIONS, TOTAL	61,238	54,955	53,945	54,786	52,304	-4.5
MOTIONS TO VACATE SENTENCE	10,361	6,515	5,896	6,352	5,771	-9.1
HABEAS CORPUS—GENERAL	24,633	22,745	22,192	21,298	20,319	-4.6
HABEAS CORPUS—DEATH PENALTY	240	239	246	192	245	27.6
MANDAMUS AND OTHER	1,390	1,217	1,586	1,265	1,081	-14.5
CIVIL RIGHTS	16,005	16,428	16,716	18,069	17,348	-4.0
PRISON CONDITION	8,609	7,811	7,309	7,610	7,540	-0.9
FORFEITURE AND PENALTY, TOTAL	2,298	2,224	2,272	2,331	2,371	1.7
AGRICULTURAL ACTS	27	18	29	26	22	-15.4
FOOD AND DRUG ACT	49	42	55	47	34	-27.7
DRUG-RELATED SEIZURE OF PROPERTY	1,359	1,328	1,355	1,399	1,441	3.0
AIR TRAFFIC REGULATIONS	6	2	5	4	1	-
OCCUPATIONAL SAFETY AND HEALTH ACT	5	8	7	8	12	-
OTHER FORFEITURE AND PENALTY SUITS	852	826	821	847	861	1.7

**Table S-24.
Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2005**

Circuit and District	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
			Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	76,314	176,959	61,238	55,453	5,785	192,035	20,861	171,174
DC	1,167	1,531	711	592	119	1,987	575	1,412
1ST	1,317	5,002	890	710	180	5,429	607	4,822
ME	127	351	83	73	10	395	54	341
MA	718	2,552	465	355	110	2,805	363	2,442
NH	139	344	105	90	15	378	49	329
RI	116	456	55	54	1	517	62	455
PR	217	1,299	182	138	44	1,334	79	1,255
2ND	5,590	18,089	3,843	3,325	518	19,836	2,265	17,571
CT	457	1,715	322	270	52	1,850	187	1,663
NY,N	638	1,021	478	456	22	1,181	182	999
NY,E	1,409	4,934	861	684	177	5,482	725	4,757
NY,S	2,326	9,127	1,622	1,411	211	9,831	915	8,916
NY,W	631	1,030	508	457	51	1,153	174	979
VT	129	262	52	47	5	339	82	257
3RD	6,071	23,915	4,577	4,176	401	25,409	1,895	23,514
DE	334	721	252	225	27	803	109	694
NJ	1,713	4,859	1,213	1,104	109	5,359	609	4,750
PA,E	1,815	14,612	1,315	1,175	140	15,112	640	14,472
PA,M	1,265	1,475	1,155	1,085	70	1,585	180	1,405
PA,W	899	1,902	606	574	32	2,195	325	1,870
VI	45	346	36	13	23	355	32	323
4TH	7,207	11,558	5,982	5,628	354	12,783	1,579	11,204
MD	1,335	2,444	956	903	53	2,823	432	2,391
NC,E	651	789	549	501	48	891	150	741
NC,M	594	596	526	493	33	664	101	563
NC,W	360	627	268	246	22	719	114	605
SC	1,477	2,492	1,269	1,216	53	2,700	261	2,439
VA,E	1,560	2,494	1,312	1,212	100	2,742	348	2,394
VA,W	662	672	613	595	18	721	67	654
WV,N	232	438	204	187	17	466	45	421
WV,S	336	1,006	285	275	10	1,057	61	996

**Table S-24.
Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2006**

Circuit and District	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
			Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	69,919	189,622	54,955	50,451	4,504	204,586	19,468	185,118
DC	937	1,445	491	406	85	1,891	531	1,360
1ST	1,229	4,658	796	633	163	5,091	596	4,495
ME	81	304	43	40	3	342	41	301
MA	700	2,385	437	325	112	2,648	375	2,273
NH	138	363	105	87	18	396	51	345
RI	103	480	67	61	6	516	42	474
PR	207	1,126	144	120	24	1,189	87	1,102
2ND	4,611	18,758	2,923	2,597	326	20,446	2,014	18,432
CT	382	1,705	278	223	55	1,809	159	1,650
NY,N	690	900	515	498	17	1,075	192	883
NY,E	1,113	5,880	558	457	101	6,435	656	5,779
NY,S	1,772	9,021	1,147	1,022	125	9,646	750	8,896
NY,W	562	1,069	379	355	24	1,252	207	1,045
VT	92	183	46	42	4	229	50	179
3RD	5,349	39,443	3,992	3,609	383	40,800	1,740	39,060
DE	340	590	233	218	15	697	122	575
NJ	1,298	4,976	904	761	143	5,370	537	4,833
PA,E	1,769	30,228	1,231	1,104	127	30,766	665	30,101
PA,M	1,211	1,534	1,032	979	53	1,713	232	1,481
PA,W	692	1,780	569	537	32	1,903	155	1,748
VI	39	335	23	10	13	351	29	322
4TH	6,874	10,736	5,570	5,360	210	12,040	1,514	10,526
MD	1,229	2,162	871	831	40	2,520	398	2,122
NC,E	537	727	425	387	38	839	150	689
NC,M	559	617	495	477	18	681	82	599
NC,W	330	738	235	226	9	833	104	729
SC	1,402	2,223	1,184	1,157	27	2,441	245	2,196
VA,E	1,600	2,291	1,325	1,275	50	2,566	325	2,241
VA,W	697	642	620	610	10	719	87	632
WV,N	252	346	232	222	10	366	30	336
WV,S	268	990	183	175	8	1,075	93	982

Table S-23.

Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2007

Circuit and District	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
			Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	70,240	187,267	53,945	49,695	4,250	203,562	20,545	183,017
DC	844	1,571	475	287	188	1,940	557	1,383
1ST	1,380	4,510	895	764	131	4,995	616	4,379
ME	110	339	71	60	11	378	50	328
MA	802	2,329	519	444	75	2,612	358	2,254
NH	140	310	109	81	28	341	59	282
RI	104	489	54	48	6	539	56	483
PR	224	1,043	142	131	11	1,125	93	1,032
2ND	4,924	22,241	3,240	2,907	333	23,925	2,017	21,908
CT	374	1,682	265	209	56	1,791	165	1,626
NY,N	611	842	451	432	19	1,002	179	823
NY,E	1,273	4,478	715	608	107	5,036	665	4,371
NY,S	2,023	14,102	1,335	1,210	125	14,790	813	13,977
NY,W	547	945	417	397	20	1,075	150	925
VT	96	192	57	51	6	231	45	186
3RD	5,397	27,124	4,106	3,693	413	28,415	1,704	26,711
DE	302	568	229	217	12	641	85	556
NJ	1,409	5,248	1,091	895	196	5,566	514	5,052
PA,E	1,787	17,952	1,172	1,059	113	18,567	728	17,839
PA,M	1,155	1,261	1,026	963	63	1,390	192	1,198
PA,W	704	1,772	570	548	22	1,906	156	1,750
VI	40	323	18	11	7	345	29	316
4TH	7,099	10,232	5,798	5,567	231	11,533	1,532	10,001
MD	1,245	2,356	868	831	37	2,733	414	2,319
NC,E	565	802	505	414	91	862	151	711
NC,M	429	574	344	336	8	659	93	566
NC,W	310	739	221	209	12	828	101	727
SC	2,082	2,321	1,839	1,832	7	2,564	250	2,314
VA,E	1,342	1,897	1,055	1,006	49	2,184	336	1,848
VA,W	555	591	482	474	8	664	81	583
WV,N	304	329	262	255	7	371	49	322
WV,S	267	623	222	210	12	668	57	611

Table S-23.

Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2008

Circuit and District	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
			Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	70,948	196,309	54,786	50,756	4,030	212,471	20,192	192,279
DC	728	1,710	522	271	251	1,916	457	1,459
1ST	1,348	5,156	851	751	100	5,653	597	5,056
ME	79	348	56	51	5	371	28	343
MA	790	2,111	464	413	51	2,437	377	2,060
NH	139	362	111	83	28	390	56	334
RI	105	1,154	63	57	6	1,196	48	1,148
PR	235	1,181	157	147	10	1,259	88	1,171
2ND	4,875	17,940	3,096	2,844	252	19,719	2,031	17,688
CT	353	1,604	238	209	29	1,719	144	1,575
NY,N	616	779	454	435	19	941	181	760
NY,E	1,186	4,273	614	540	74	4,845	646	4,199
NY,S	2,053	10,071	1,299	1,198	101	10,825	855	9,970
NY,W	579	1,020	460	432	28	1,139	147	992
VT	88	193	31	30	1	250	58	192
3RD	5,449	46,878	4,132	3,678	454	48,195	1,771	46,424
DE	358	626	260	251	9	724	107	617
NJ	1,513	5,139	1,149	956	193	5,503	557	4,946
PA,E	1,741	37,555	1,179	1,027	152	38,117	714	37,403
PA,M	1,019	1,435	876	819	57	1,578	200	1,378
PA,W	763	1,833	636	607	29	1,960	156	1,804
VI	55	290	32	18	14	313	37	276
4TH	7,316	10,851	6,023	5,773	250	12,144	1,543	10,601
MD	1,271	2,192	873	843	30	2,590	428	2,162
NC,E	523	909	463	378	85	969	145	824
NC,M	421	557	341	331	10	637	90	547
NC,W	330	861	235	223	12	956	107	849
SC	2,175	2,279	1,937	1,911	26	2,517	264	2,253
VA,E	1,271	1,902	991	942	49	2,182	329	1,853
VA,W	647	530	593	582	11	584	65	519
WV,N	432	337	373	364	9	396	68	328
WV,S	246	1,284	217	199	18	1,313	47	1,266

Table S-23.

Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2009

Circuit and District	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
			Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	71,543	204,854	52,304	48,722	3,582	224,093	22,821	201,272
DC	792	1,772	498	303	195	2,066	489	1,577
1ST	1,322	4,705	759	687	72	5,268	635	4,633
ME	104	494	77	71	6	521	33	488
MA	668	2,020	364	328	36	2,324	340	1,984
NH	131	301	91	76	15	341	55	286
RI	157	900	53	51	2	1,004	106	898
PR	262	990	174	161	13	1,078	101	977
2ND	4,742	18,626	2,939	2,703	236	20,429	2,039	18,390
CT	413	1,718	237	214	23	1,894	199	1,695
NY,N	679	819	518	487	31	980	192	788
NY,E	1,155	4,545	600	539	61	5,100	616	4,484
NYS	1,890	10,084	1,156	1,064	92	10,818	826	9,992
NY,W	520	1,240	393	366	27	1,367	154	1,213
VT	85	220	35	33	2	270	52	218
3RD	6,456	54,548	3,994	3,631	363	57,010	2,825	54,185
DE	341	781	251	243	8	871	98	773
NJ	1,729	5,269	1,266	1,104	162	5,732	625	5,107
PA,E	2,557	45,049	1,007	875	132	46,599	1,682	44,917
PA,M	1,017	1,498	812	778	34	1,703	239	1,464
PA,W	761	1,732	640	614	26	1,853	147	1,706
VI	51	219	18	17	1	252	34	218
4TH	6,650	10,437	5,169	4,920	249	11,918	1,730	10,188
MD	1,347	2,229	913	870	43	2,663	477	2,186
NC,E	579	833	481	391	90	931	188	743
NC,M	442	564	345	337	8	661	105	556
NC,W	385	796	264	244	20	917	141	776
SC	1,434	2,134	1,245	1,212	33	2,323	222	2,101
VA,E	1,393	1,847	1,060	1,027	33	2,180	366	1,814
VA,W	520	545	436	434	2	629	86	543
WV,N	278	335	219	216	3	394	62	332
WV,S	272	1,154	206	189	17	1,220	83	1,137

Table S-4.
U.S. Courts of Appeals—Sources of Pro Se Appeals During the
12-Month Periods Ending September 30, 2004 and 2005

Source	2004		2005		Percent Change for Pro Se 2005/2004
	Total	Pro Se	Total	Pro Se	
Total	62,762	26,800	68,473	28,559	6.6
U.S. District Courts					
Criminal	12,506	1,140	16,060	1,215	6.6
Civil—Total	33,075	19,093	32,818	19,545	2.4
Prisoner Petitions	16,561	14,530	17,034	15,030	3.4
U.S. Civil	3,239	1,156	2,971	1,110	-4.0
Private Civil	13,275	3,407	12,813	3,405	-0.1
Bankruptcy Court	862	233	865	236	1.3
Administrative Agency	12,255	3,056	13,713	3,501	14.6
Original Proceedings	4,064	3,278	5,017	4,062	23.9

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Table S-4.
U.S. Courts of Appeals—Sources of Pro Se Appeals During the
12-Month Periods Ending September 30, 2005 and 2006

Source	2005		2006		Percent Change for Pro Se 2006/2005
	Total	Pro Se	Total	Pro Se	
Total	68,473	28,559	66,618	28,671	0.4
U.S. District Courts					
Criminal	16,060	1,215	15,246	1,109	-8.7
Civil—Total	32,818	19,545	31,991	19,421	-0.6
Prisoner Petitions	17,034	15,030	16,776	14,970	-0.4
U.S. Civil	2,971	1,110	2,880	1,110	0.0
Private Civil	12,813	3,405	12,335	3,341	-1.9
Bankruptcy Court	865	236	821	261	10.6
Administrative Agency	13,713	3,501	13,102	3,395	-3.0
Original Proceedings	5,017	4,062	5,458	4,485	10.4

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Table S-4.
U.S. Courts of Appeals—Sources of Pro Se Appeals During the
12-Month Periods Ending September 30, 2006 and 2007

Source	2006		2007		Percent Change for Pro Se 2007/2006
	Total	Pro Se	Total	Pro Se	
Total	66,618	28,671	58,410	25,167	-12.2
U.S. District Courts					
Criminal	15,246	1,109	13,167	1,078	-2.8
Civil—Total	31,991	19,421	30,241	18,102	-6.8
Prisoner Petitions	16,776	14,970	15,472	13,766	-8.0
U.S. Civil	2,880	1,110	2,931	1,156	4.1
Private Civil	12,335	3,341	11,838	3,180	-4.8
Bankruptcy Court	821	261	845	252	-3.4
Administrative Agency	13,102	3,395	10,382	2,699	-20.5
Original Proceedings	5,458	4,485	3,775	3,036	-32.3

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Table S-4.
U.S. Courts of Appeals—Sources of Pro Se Appeals During the
12-Month Periods Ending September 30, 2007 and 2008

Source	2007		2008		Percent Change for Pro Se 2008/2007
	Total	Pro Se	Total	Pro Se	
Total	58,410	25,167	61,104	28,055	11.5
U.S. District Courts					
Criminal	13,167	1,078	13,667	2,369	119.8
Civil—Total	30,241	18,102	31,454	19,588	8.2
Prisoner Petitions	15,472	13,766	16,853	14,993	8.9
U.S. Civil	2,931	1,156	2,914	1,167	1.0
Private Civil	11,838	3,180	11,687	3,428	7.8
Bankruptcy Court	845	252	773	243	-3.6
Administrative Agency	10,382	2,699	11,583	2,899	7.4
Original Proceedings	3,775	3,036	3,627	2,956	-2.6

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Table S-4.
U.S. Courts of Appeals—Sources of Pro Se Appeals During the
12-Month Periods Ending September 30, 2008 and 2009

Source	2008		2009		Percent Change for Pro Se 2008-2009
	Total	Pro Se	Total	Pro Se	
Total	61,104	28,055	57,740	27,805	-0.9
U.S. District Courts					
Criminal	13,667	2,369	73,710	2,375	0.3
Civil—Total	31,454	19,588	30,967	19,333	-1.3
Prisoner Petitions	16,853	14,993	16,249	14,513	-3.2
U.S. Civil	2,914	1,167	2,943	1,249	7.0
Private Civil	11,687	3,428	11,775	3,571	4.2
Bankruptcy Court	773	243	793	314	29.2
Administrative Agency	11,583	2,899	8,570	2,406	-17.0
Original Proceedings	3,627	2,956	3,700	3,377	14.2

NOTE: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

Table A-1.
Supreme Court of the United States—Cases on Docket, Disposed of, and Remaining
on Docket at Conclusion of December Terms, 2004 Through 2008

Cases	Total	Original	Paid	In Forma Pauperis	
2004					
Cases on docket	8,588	4	2,041	6,543	
Disposed of	7,542	0	1,727	5,815	
Remaining on docket	1,046	4	314	728	
2005					
Cases on docket	9,608	8	2,025	7,575	
Disposed of	8,240	4	1,703	6,533	
Remaining on docket	1,368	4	322	1,042	
2006					
Cases on docket	10,256	6	2,069	8,181	
Disposed of	8,923	1	1,736	7,186	
Remaining on docket	1,333	5	333	995	
2007					
Cases on docket	9,602	5	1,969	7,628	
Disposed of	8,420	1	1,666	6,753	
Remaining on docket	1,182	4	303	875	
2008					
Cases on docket	8,966	4	1,941	7,021	
Disposed on	7,869	1	1,654	6,214	
Remaining on docket	1,097	29	267	807	
		October Terms			
Cases	2004	2005	2006	2007	2008
Argued during term	87	90	78	75	87
Disposed of by full opinions	85	82	74	72	83
Disposed of by per curiam opinions	2	5	4	2	3
Set for re-argument	-	3	0	0	1
Granted review this term	80	78	77	85	87
Reviewed and decided without oral argument	826 ¹	105	280	208	95
Total to be available for argument at outset of following term	41	31	28	47	47

¹ This number includes the Bipartisan Campaign Reform Act cases.

Table S-3.
U.S. Courts of Appeals—Types of Opinions or Orders Filed in Cases Terminated
on the Merits After Oral Hearings or Submission on Briefs
During the 12-Month Period Ending September 30, 2009

Circuit	Total	Oral	Written, Signed ¹		Written, Reasoned, Unsigned ¹		Written, Unsigned, Without Comment		Percent Unpublished
			Published	Unpublished	Published	Unpublished	Published	Unpublished	
TOTAL	30,160	-	4,598	6,210	442	17,726	15	1,169	83.2
DC	561	-	221	1	12	327	-	-	58.5
FIRST	1,049	-	380	28	19	619	1	2	61.9
SECOND	3,230	-	264	2,877	84	5	-	-	89.2
THIRD	2,333	-	245	1,221	3	748	2	114	89.3
FOURTH	2,926	-	175	301	9	2,441	-	-	93.7
FIFTH	3,589	-	430	58	42	3,037	1	21	86.8
SIXTH	2,368	-	408	770	10	1,177	1	2	82.3
SEVENTH	1,641	-	636	2	30	934	5	34	59.1
EIGHTH	2,054	-	635	7	42	589	1	780	67.0
NINTH	5,509	-	591	5	70	4,825	4	14	87.9
TENTH	1,431	-	411	902	12	106	-	-	70.4
ELEVENTH	3,469	-	202	38	109	2,918	-	202	91.0

NOTE: This table does not include data for the U.S. Court of appeals for the Federal Circuit.

¹ Includes only those opinions and orders that expound on the law as applied to the facts of each case and that detail the judicial reasons upon which the judgment is based.

Table F.
U.S. Bankruptcy Courts—Bankruptcy Cases Commenced, Terminated and Pending
During the 12-Month Periods Ending December 31, 2008 and 2009

Circuit and District	Filings			Terminations			Pending		
	2008 ²	2009	Percent Change ¹	2008 ²	2009	Percent Change ¹	2008 ²	2009	Percent Change ¹
TOTAL	1,117,641	1,473,675	31.9	1,019,426	1,284,714	26.0	1,384,363	1,573,402	13.7
DC	870	1,173	34.8	787	1,009	28.2	929	1,093	17.7
1ST	36,881	46,508	26.1	34,764	38,202	9.9	44,489	52,798	18.7
ME	3,033	3,871	27.6	2,854	3,386	18.6	2,478	2,963	19.6
MA	16,535	20,966	26.8	15,707	17,380	10.7	13,166	16,755	27.3
NH	3,931	5,233	33.1	3,106	4,558	46.7	3,908	4,583	17.3
RI	4,300	5,096	18.5	3,745	4,666	24.6	2,297	2,727	18.7
PR	9,082	11,342	24.9	9,352	8,212	-12.2	22,640	25,770	13.8
2ND	56,561	69,632	23.1	56,244	64,584	14.8	61,816	66,883	8.2
CT	8,228	10,334	25.6	7,560	9,503	25.7	6,030	6,866	13.9
NY, N	11,209	12,350	10.2	12,138	12,291	1.3	16,332	16,408	0.5
NY, E	16,441	21,696	32.0	15,104	19,426	28.6	10,894	13,162	20.8
NY, S	10,228	13,964	36.5	9,212	11,688	26.9	11,584	13,859	19.6
NY, W	9,179	9,729	6.0	11,217	10,288	-8.3	15,403	14,844	-3.6
VT	1,276	1,559	22.2	1,013	1,388	37.0	1,573	1,744	10.9
3RD	63,477	77,815	22.6	57,613	70,968	23.2	77,396	84,261	8.9
DE	3,482	4,630	33.0	2,638	4,091	55.1	6,899	7,437	7.8
NJ	26,833	36,233	35.0	24,328	33,075	36.0	29,815	32,973	10.6
PA, E	11,430	12,750	11.5	10,810	11,719	8.4	13,132	14,163	7.9
PA, M	8,839	10,349	17.1	8,445	9,663	14.4	11,202	11,901	6.2
PA, W	12,875	13,824	7.4	11,371	12,412	9.2	16,232	17,650	8.7
VI	18	29	61.1	21	8	-61.9	116	137	18.1
4TH	83,148	106,994	28.7	83,227	98,340	18.2	115,660	124,300	7.5
MD	18,006	26,264	45.9	17,346	24,027	38.5	18,615	20,851	12.0
NC, E	9,572	11,702	22.3	9,750	9,874	1.3	16,347	18,175	11.2
NC, M	6,521	7,520	15.3	8,547	7,825	-8.4	13,207	12,902	-2.3
NC, W	6,666	8,518	27.8	7,472	8,972	20.1	11,241	10,784	-4.1
SC	8,501	9,799	15.3	9,470	10,322	9.0	18,176	17,653	-2.9
VA, E	21,252	26,944	26.8	18,682	22,708	21.6	24,213	28,439	17.5
VA, W	7,311	9,587	31.1	6,771	8,388	23.9	9,204	10,403	13.0
WV, N	2,175	3,052	40.3	1,998	2,769	38.6	1,696	1,979	16.7
WV, S	3,144	3,608	14.8	3,191	3,455	8.3	2,961	3,114	5.2

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