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## Number of judicial officers as of September 30, 2009 justices, judges, and magistrates

Source: Administrative Office of the U.S. Courts

<http://www.uscourts.gov/Statistics/JudicialBusiness/JudicialBusiness.aspx?doc=/uscourts/Statistics/JudicialBusiness/2009/JudicialBusinesspdfversion.pdf> >34-37

Tables 12-14  
Status of Article III Judgeship Positions  
On September 30, 2005 - 2009 p.35-37

1.	Article III judges in 2009	
2.	Authorized judgeships in the U.S. Courts of Appeals	179
3.	Vacancies	-20
4.	Senior Judges	93
5.	Authorized judgeships in the U.S. District Courts	678
6.	Vacancies	-75
7.	Senior Judges	347
8.	Authorized Bankruptcy judgeships	352
9.	Vacancies	-20
10.	Recalled judges	22
11.	Magistrates as of Sep 09	567
12.		2,123
13.	Justices of the Supreme Court	9
14.	TOTAL	2,132

### 2008

2,153 judges and magistrates in FY08 -1oct07-30sep08-

Tables of the Administrative Office of the U.S. Courts with numbers of judges at  
<http://www.uscourts.gov/judbus2008/JudicialBusinesspdfversion.pdf> >38-40

### 2007

2,180 judicial officers -bankruptcy, district, and circuit judges and magistrates- subject to the  
Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364)

+ 9 Supreme Court justices

2,189 judicial officers in office and subject to impeachment and removal under Art. II, Sec. 4 of  
the U.S. Constitution

<http://www.uscourts.gov/judicialfactsfigures/2007/Table101.pdf>

Tables collected and numbers added at:

[http://Judicial-Discipline-Reform.org/statistics&tables/number\\_jud\\_officers.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/number_jud_officers.pdf)

Cf. Number of judges impeached and removed from the bench since the creation of the Federal  
Judiciary in 1789;

[http://Judicial-Discipline-Reform.org/statistics&tables/impeached\\_removed\\_judges.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/impeached_removed_judges.pdf)

(57 percent). Complaints can be concluded in whole or in part for more than one reason and by more than one action.

Fifty percent of actions by chief judges on complaints were dismissals made on the grounds that allegations were not covered under 28 U.S.C. §§ 351-364 because they were directly related to the merits of decisions or of procedural rulings. Other reasons cited for dismissing complaints include the following: the allegations were frivolous (37 percent); the allegations were not in conformance with the Judicial Conduct and Disability Act (9 percent); and the allegations lacked factual foundation (2 percent). For the remaining complaints, chief judges found that appropriate action already had been taken (2 percent) or that no action was necessary because of intervening events (1 percent).

Judicial councils considered 86 petitions for review of chief judges' dismissals of complaints. One complaint led to disciplinary action (public censure) and a referral by the Fifth Circuit to the Judicial Conference of the United States (this complaint was concluded before the Judicial Conference took any action).

No special investigating committees to address these complaints were appointed during 2009.

### **Activity on Complaints Filed on or After May 11, 2008**

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A total of 1,543 complaints were filed in fiscal year 2009. The most prevalent allegations were in the categories of erroneous decision, other misconduct, personal bias against the litigant or attorney, and delayed decision. More than one-half of all complaints filed originated in the Third, Fifth, Sixth, and Ninth Circuits.

Of the complaints filed in 2009 or pending from prior years, 1,130 complaints were terminated as final—655 by chief judges, 466 by judicial councils, and 9 by withdrawal—leaving 911 pending at the end of the year.

Chief judges considered and dismissed 1,163 complaints in whole or in part and concluded 11 others in whole or in part. The most frequently reported reasons for dismissal included the following: the complaint was directly related to the merits of decisions or procedural rulings (88 percent); the allegations lacked sufficient evidence (44 percent); and the allegations were frivolous (24 percent). The percentages do not total 100 percent because multiple reasons can be recorded for each dismissal. Of the 11 complaints that were concluded in whole or in part, 6 were terminated because a voluntary corrective action was taken, 4 because of intervening events, and 1 because of an informal resolution made before the complaint was filed.

All but one of the actions by judicial councils on complaints were denials of petitions for review of chief judges' dispositions. In the remaining action, a judicial council reviewed a special investigating committee's report on a complaint, then ordered that the complaint be concluded in part by dismissal and in part by corrective action.

During 2009, six special investigating committees to address complaints filed on or after May 11, 2008, were appointed—four in the Third Circuit and two in the Tenth Circuit.

### **Status of Article III Judgeships**

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On September 30, 2009, a total of 20 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals. Nine of these vacancies had been unfilled for more than 18 months. One year earlier, 12 of the 178 authorized judgeships had been vacant, 7 of them for more than 18 months (the total number of authorized judgeships temporarily had been reduced in 2008 by the Court Security Improvement Act of 2007).

On September 30, 2009, a total of 75 vacancies existed among the 678 positions authorized in the district courts,

**Table 12**  
**Status of Article III Judgeship Positions**  
 On September 30, 2005 - 2009

Year	U.S. Courts of Appeals <sup>1</sup>			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>2</sup>	Authorized Judgeships <sup>3</sup>	Vacancies	Senior Judges <sup>4</sup>
2005	179	13	89	678	36	300
2006	179	14	88	678	33	311
2007	179	16	91	678	31	310
2008	178 <sup>5</sup>	12	91	678	27	324
2009	179	20	93	678	75	347

<sup>1</sup> Positions in the Court of Appeals for the Federal Circuit are included.

<sup>2</sup> Senior judges who participated in appeals dispositions and authorized for staff. Data for 2005 - 2008 have been revised.

<sup>3</sup> Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.

<sup>4</sup> Senior judges authorized for staff.

<sup>5</sup> In 2008, the total number of authorized judgeships temporarily was reduced by one by the Court Security Improvement Act of 2007.

a sharp increase of 48 compared to the 27 vacancies reported at the end of 2008. Fourteen of the vacancies had existed for more than 18 months, one more than in 2008.

As of September 30, 2009, a total of 29 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 16 more than on September 30, 2008. For the

courts of appeals, which had 15 judicial emergencies, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighting pro se appeals as one-third of a case) per panel are in excess of 700, or any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel. For the district courts,

which had six judicial emergencies, a judicial emergency is defined as a vacancy of any duration where weighted filings per judgeship are in excess of 600, or any vacancy longer than 18 months in a district court with weighted filings between 430 and 600 per judgeship, or any vacancy in a district court with more than one authorized judgeship and only one active judge.

In addition to active judges, 93 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2009, 2 more than in 2008. The U.S. district courts reported 347 senior judges with staff, 23 more than had been serving at the end of 2008. The number of senior district judges with staff has risen 16 percent over the past five years, increasing from 300 to 347.

Table 12 provides information on the status of judgeship positions since 2005.

### Status of Bankruptcy Judgeship Positions

As of September 30, 2009, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 332 were filled, and 20 were vacant (compared to 14 vacancies one year ago). In addition to judges in authorized positions, 22 recalled bankruptcy judges were providing service to the Judiciary as of September 30, 2009. Table 13 summarizes the status of bankruptcy judgeship positions through September 30, 2009.

### Appointments of Magistrate Judges

During fiscal year 2009, a total of 82 full-time magistrate judges were appointed, including 55 by reappointment. Of the 27 new appointments, 6 were for new positions. During this period, 19 individuals were appointed to part-time magistrate judge positions, 12 of them by reappointment.

**Table 13**  
**Status of Bankruptcy**  
**Judgeship Positions**  
On September 30, 2005 - 2009

Year	Authorized Judgeships	Vacancies	Recalled Judges
2005	352	37	32
2006	352	15	25
2007	352	13	27
2008	352	14	24
2009	352	20	22

The average age of new appointees to full-time magistrate judge positions was 49 years; the average age of new appointees to part-time magistrate judge positions was 53 years. New full-time appointees had been members of the bar for an average of 21 years at the time of appointment; new part-time magistrate judges averaged 22 years of bar membership. Of the new full-time magistrate judges, 10 had been in private practice, 1 had been a U.S. attorney, 6 had been assistant U.S. attorneys, 4 had been state court judges, 1 had been an administrative law judge, 2 had been community defenders, 1 had been a Department of Justice trial attorney, 1 had been a public utility executive, and 1 had been a law clerk.

**Table 14**  
**U.S. Magistrate Judge Positions Authorized**  
**by the Judicial Conference**  
**2005 - 2009**

Year	Period	Total	Full Time	Part Time	Combination
2005	March	548	500	45	3
	September	551	503	45	3
2006	March	551	503	45	3
	September	553	505	45	3
2007	March	553	505	45	3
	September	552	507	43	2
2008	March	552	507	43	2
	June	554	508	44	2
	September	559	514	43	2
2009	January <sup>1</sup>	561	517	42	2
	March	560	517	42	1
	June <sup>1</sup>	562	519	42	1
	September	567	523	41	3

<sup>1</sup> The Executive Committee of the Judicial Conference of the United States authorized these positions on an expedited basis.

Through September 2009, the Judicial Conference had authorized 523 full-time magistrate judge positions, 41 part-time positions, and 3 combination clerk of court/magistrate judge positions. During the fiscal year, 43 retired magistrate judges were recalled to service under Title 28 U.S.C. § 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2005.

## U.S. Court of International Trade

In 2009, the U.S. Court of International Trade reported 519 cases filed, an increase of 9 percent from 2008 (up 42 cases). Of total cases filed in 2009, 261 were filed under 28 U.S.C. § 1581(a) and involved 1,594 denied protests covering 8,274 entries of merchandise. This section applies to civil actions against the United

**Table 12**  
**Status of Article III Judgeship Positions**  
*Fiscal Years 2004 Through 2008*<sup>1</sup>

Year	U.S. Courts of Appeals <sup>2</sup>			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>3</sup>	Authorized Judgeships <sup>4</sup>	Vacancies	Senior Judges <sup>5</sup>
2004	179	13	89	679	16	294
2005	179	13	89	678	36	300
2006	179	14	88	678	33	311
2007	179	16	91	678	31	310
2008	178	12	91	678	27	324

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

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

<sup>3</sup> Senior judges who participated in appeals dispositions and authorized for staff. Data for 2004 - 2007 have been revised.

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

<sup>5</sup> Senior judges authorized for staff.

## Status of Article III Judgeships

On September 30, 2008, a total of 12 vacancies existed among the 178 judgeships authorized for the U.S. courts of appeals. Seven of these vacancies had been unfilled for more than 18 months. One year earlier, 16 of the

179 authorized judgeships had been vacant, 9 of them for more than 18 months. The total number of authorized judgeships in the U.S. courts of appeals was reduced by one pursuant to the Court Security Improvement Act of 2007, which eliminated a judgeship in the Court of Appeals for the D.C. Circuit. The total will return to 179 in January 2009 when a new

judgeship is added in the Court of Appeals for the Ninth Circuit. Table 12 provides information on the status of judgeships since 2004.

On September 30, 2008, a total of 27 vacancies existed among the 678 positions authorized in the district courts, a decline of 4 compared to the 31 vacancies reported at the end of the previous fiscal year. Thirteen of the vacancies had existed for more than 18 months, seven more than the number of vacancies of that duration for 2007.

As of September 30, 2008, a total of 13 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 5 below the number identified on September 30, 2007. For the courts of appeals, which had 7 judicial emergencies, a judicial emergency is defined as any vacancy where adjusted filings (i.e., filings excluding reinstated cases and weighting pro se appeals as one-third of a case) per panel are in excess of 700, or any vacancy in existence more than 18 months where adjusted filings are between 500 to 700 per panel. For the district courts, which had 6 judicial emergencies, a judicial emergency is defined as a vacancy of any duration where weighted filings per judgeship are in excess of 600, or any vacancy longer than 18 months in a district court with weighted filings between 430 and 600 per judgeship, or any vacancy in a district court with more than one authorized judgeship and only one active judge.

In addition to active judges, 91 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2008, matching the number serving on the same date in 2007. The U.S. district courts reported 324 senior judges with staff, 14 more than had been serving at the end of the previous fiscal year. The number of senior district

**Table 13**  
**Status of Bankruptcy**  
**Judgeship Positions**

*Fiscal Years 2004 Through 2008 <sup>1</sup>*

Year	Authorized Judgeships	Vacancies	Recalled Judges
2004	324	11	35
2005	352	37	32
2006	352	15	25
2007	352	13	27
2008	352	14	24

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

judges with staff has risen 10 percent over the past five years, increasing from 294 to 324.

## Status of Bankruptcy Judgeship Positions

On September 30, 2008, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 338 bankruptcy judgeships were filled, and 14 were vacant. In addition to these positions, 24 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2008. Table 12

summarizes the status of bankruptcy judgeship positions through September 30, 2008.

## Appointments of Magistrate Judges

During fiscal year 2008, a total of 100 full-time magistrate judges were appointed, including 78 by reappointment. Of the 22 new appointments, 3 were for new positions. During the same period, 16 individuals were appointed to part-time magistrate judge positions, 13 of them by reappointment.

The average age of new appointees to full-time magistrate judge positions was 52 years; the average age of new appointees to part-time magistrate judge positions was 49 years. New full-time appointees had been members of the bar for an average of 24 years at the time of appointment; new part-time magistrate judges averaged 23 years of bar membership. Of the new full-time magistrate judges, seven had been in private practice, one had been a U.S. attorney, six had been assistant U.S. attorneys, two had been state court judges, two had been assistant federal public defenders, one had been a part-time U.S. magistrate judge, one had been a chief deputy city solicitor, one had been counsel to a state attorney general, and one had been a corporate general counsel.

Through September 2008, the Judicial Conference had authorized 514 full-time magistrate judge positions, 43 part-time positions, and 2 combination clerk of court/magistrate judge positions. During the fiscal year, 37 retired magistrate judges were recalled to service under Title 28 U.S.C. §636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2004.

## U.S. Court of International Trade

The geographic jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases this court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners.

In 2008, this court reported 477 cases filed, a decrease of 7 percent from 2007 (down



**Table 14**  
**U.S. Magistrate Judge Positions Authorized**  
**by the Judicial Conference**  
*2004 Through 2008*

Year	Period	Total	Full Time	Part Time	Combination
2004	March	546	495	48	3
	September	548	500	45	3
2005	March	548	500	45	3
	September	551	503	45	3
2006	March	551	503	45	3
	September	553	505	45	3
2007	March	553	505	45	3
	September	552	507	43	2
2008	March	552	507	43	2
	June	554	508	44	2
	September	559	514	43	2

34 cases). Of this total, 257 were filed under 28 U.S.C. §1581(a) and involved 1,428 denied protests covering 8,970 entries of merchandise. This section applies to civil actions filed against the United States which contest the denial of a protest under the Tariff Act of 1930.

Case terminations dropped 25 percent from 592 in 2007 to 472 in 2008. Pending cases rose less than 1 percent to 2,111 on September 30, 2008. Appendix Table G-1 provides a summary of cases filed, terminated and pending during 2007 and 2008.

## U.S. Court of Federal Claims

The U.S. Court of Federal Claims has nationwide jurisdiction over a variety of monetary claims against the federal government, including those involving tax refunds, federal taking of private property for public use, pay and dismissal of federal civilian employees, pay and dismissal of military personnel, land claims brought by Native Americans and/or their tribe(s), contract disputes, bid protests, patents and copyright, congressional reference, and the National Vaccine Injury Compensation Act.

Filings in the court decreased 14 percent from 1,098 to 945 during 2008. Contract case filings declined by 101 cases. Filings involving land claims brought by Native Americans, which had grown in 2007, dropped by 34 cases this year.

Case terminations increased from 1,054 to 1,165. As terminations exceeded filings, pending cases fell from 7,815 to 7,517.

Judgments for plaintiffs/petitioners exceeded \$1 billion, of which more than \$31 million was interest. Many of these judgments were based on settlements between the parties. Judgments for the United States on counterclaims or offsets totaled over \$163,000. Under its nonmonetary jurisdiction, the court disposed of 92 contract cases seeking injunctive or declaratory relief.

Pursuant to 28 U.S.C. §791(c), each January the clerk of the court transmits to Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and dispositions for all judgments rendered the previous year. Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims for the year ending September 30, 2008. ■



Table 1.1

## Total Judicial Officers. Courts of Appeals, District Courts, and Bankruptcy Courts

Fiscal Year	Courts of Appeals			District Courts							Bankruptcy Courts		
				District Court Judges			Magistrate Judges						
	Authorized Judgeships	Active Judges	Senior Judges <sup>1</sup>	Authorized Judgeships <sup>2</sup>	Active Judges	Senior Judges <sup>3</sup>	Authorized Positions			Recalled Judges	Authorized Judgeships	Active Judges	Recalled Judges
							Full-Time	Part-Time	Clerk/Magistrate Judge				
1990	168	158	63	575	541	201	329	146	8	5	291	289	13
1995	179	168	81	649	603	255	416	78	3	16	326	315	23
2000	179	156	86	655	612	274	466	60	3	23	325	307	30
2003	179	162*	91	680	651	287*	491	49	3	40	324	309	35
2004	179	166	102	679	663*	294*	500	45	3	32	324	313	35
2005	179	166*	106*	678	642	300*	503	45	3	34	352	315	32
2006	179	165	103	678	645	311	505	45	3	36	352	337	25
2007	179	163	107	678	647	310	505	46	0	36	352	339	27
Percent Change - 2007 over 1990													
	6.5%	3.2%	69.8%	17.9%	19.6%	54.2%	53.5%	-68.5%	**	620.0%	21.0%	17.3%	107.7%

<sup>1</sup> Sitting senior judges who participated in appeals dispositions.<sup>2</sup> Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.<sup>3</sup> Senior judges with staff.

\* Revised.

\*\*Percentage is not computed when the total is less than 10.

Source: Text narrative and tables, *Annual Report of the Director: Judicial Business of the United States Courts*.