

# **Federal Judicial Caseload: Recent Trends**



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## Introduction

Between January 1, 1997, and December 31, 2001, filings in the appellate courts grew 9 percent while filings remained relatively stable in the district courts, declining 1 percent.<sup>1</sup> During this period, bankruptcy filings were highly volatile. After declining 8.5 percent and 5 percent in 1999 and 2000, respectively, bankruptcy filings increased 19 percent in 2001. Meanwhile, the number of cases opened in U.S. Pretrial Services jumped 20 percent and the number of persons under supervision of the U.S. probation system grew 15 percent.

Several events have influenced caseload filings during this time:

- ! Enactment of the Prison Litigation Reform Act and Antiterrorism and Effective Death Penalty Act of 1996 affected filings in both the U.S. district courts and U.S. courts of appeals.
- ! Spikes in filings in both U.S. courts of appeals and U.S. district courts were linked to U.S. Supreme Court decision *Apprendi vs New Jersey*.
- ! Law enforcement initiatives resulted in significant jumps cases in both U.S. district courts and courts of appeals in cases related to immigration and firearms.
- ! Progress of Bankruptcy Reform Act legislation boosted filings of bankruptcy petitions.

The caseload trends have been reflected in the workload of federal judges:

- ! from 1997 to 2001, the number of appeals filed per three judge panel rose 9 percent.
- ! over the same period, due to declines in authorized judgeships, bankruptcy filings per authorized bankruptcy judgeship rose 7 percent; and
- ! the total number of weighted civil and criminal filings per authorized district judgeship<sup>2</sup> declined 4 percent from 508 to 490, partly due to the addition of judgeships in 1999 and 2000. Criminal weighted filings (which are usually far more complex than civil cases and require more time to resolve) rose 16 percent, while civil weighted filings fell 12 percent.

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<sup>1</sup> Although the report focuses on the five year period from January 1, 1997 to December 31, 2001, when the trend is longer than five years, the longer time frame is used in the analysis and noted. For some of the statistics on multidistrict litigation and U. S. magistrate judges, data are reported for 12-month periods ending September 30<sup>th</sup> because the data are not available for the December time periods.

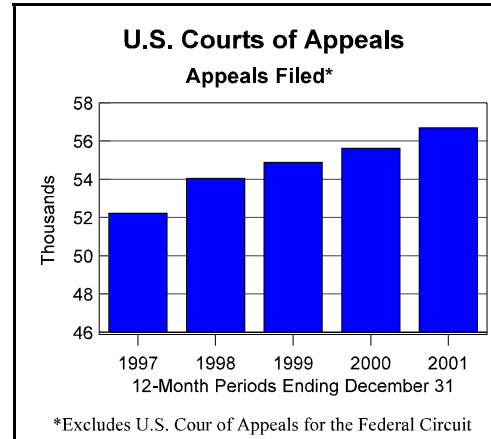
<sup>2</sup> Civil and Criminal weighted caseload filings per authorized district judgeship are based on weights that account for differences in the time judges need to resolve various types of civil and criminal actions.

Due to increased workload and expiration of three temporary judgeships, nineteen new district court Article III judgeships have been authorized by Congress since 1990—nine were created in December 1999 and ten were created in December 2000. Due to the expiration of a temporary judgeship in both 2000 and 2001, the number of authorized bankruptcy judgeships has decreased by two since 1993.

The following report, *Federal Judicial Caseload: Recent Trends* was produced by the Statistics Division of the Administrative Office of the U.S. Courts. It offers an analysis of the constantly changing composition of the federal courts' caseload. Copies of this report also can be found on the Judiciary's Internet web site at [www.uscourts.gov](http://www.uscourts.gov).

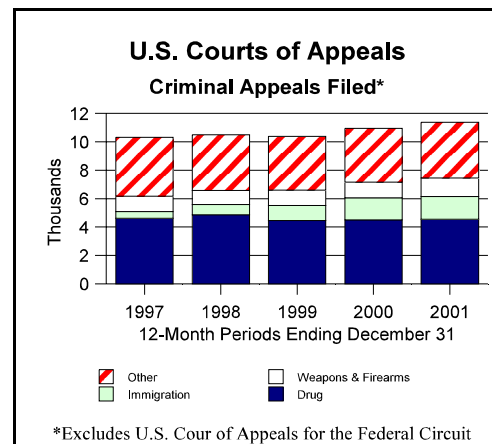
# U.S. Courts of Appeals

! Appellate filings, excluding the Federal Circuit, rose 9 percent between 1997 and 2001. A 557 percent surge in original proceedings (up 4,687 cases), a 10 percent increase in criminal appeals (up 1,058 appeals), and a 17 percent rise in prisoner petition appeals (up 931 cases) offset declines in other types of appeals since 1997.



Reporting procedures related to the Prison Litigation and Reform Act (PLRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) and the increased work resulting from the statutory requirement that courts of appeals consider requests to file successive habeas petitions in district courts<sup>3</sup> led to the inclusion of additional types of original proceedings, not previously reported on the general docket. After the initial surge related to the addition of these cases, filings of original proceedings continued to climb due to prisoners filing requests for second or successive habeas corpus petitions. Excluding original proceedings, appellate filings remained stable, falling less than one-half of one percent (down 219 appeals).

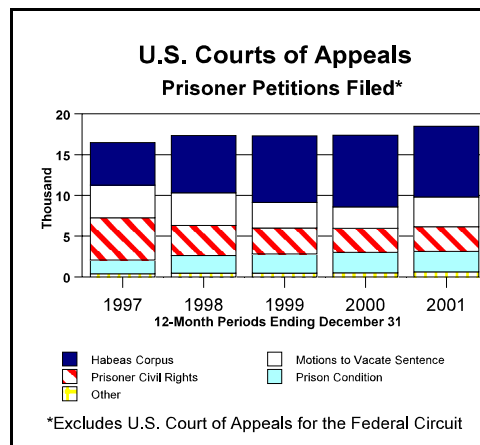
! Criminal appeals have increased 10 percent over the last five years, mainly due to a 235 percent increase in appeals related to immigration laws (up 1,120 appeals) and a 21 percent rise (up 229 appeals) in appeals related to firearms. Appeals related to drug offenses declined 2 percent (down 70 appeals), while criminal cases disposed in the U.S. district courts jumped 19 percent over the last five years. The reduction in appeals of these cases may be due to a 24 percent increase in guilty pleas (up 12,366 defendants) and a 27 percent reduction in jury trials (down 983 defendants) since 1997. Defendants who plead guilty have little to appeal other than the voluntary nature of their pleas and the sentences imposed.



<sup>3</sup> The PLRA, enacted in April 1996, sought to reduce the filing of frivolous petitions, in part, by requiring filing fees to be paid in all cases; including cases filed *in forma pauperis*. The AEDPA, also enacted in April 1996, was intended to expedite or reduce habeas corpus petitions. Time limits for filing petitions were established, as was the requirement to consolidate all issues into one petition. Before filing second or successive habeas petitions in the U.S. district courts, prisoners must obtain permission from the court of appeals. The AEDPA also limits the scope of federal court review of state prisoners by requiring them to exhaust all state remedies first.

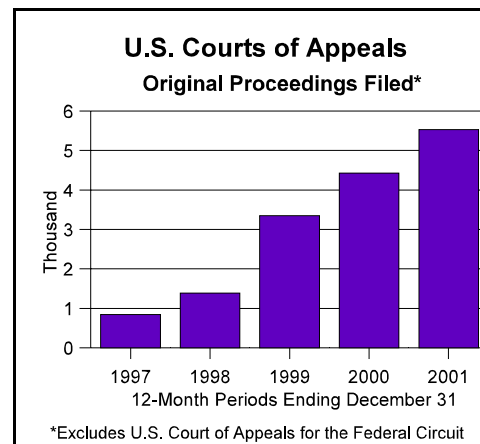
! Rising almost every year since 1997, prisoner petition appeals increased 12 percent (up 1,979 appeals) to 18,457. Increases in habeas corpus petitions and prison condition appeals (up 66 percent and 53 percent, respectively) more than offset declines in prisoner civil rights appeals and motions to vacate sentence (down 42 percent and 9 percent, respectively). These declines reflect both the trends in filings in the district courts and the impact of PLRA and AEDPA mandates aimed at reducing these types of appeals.

Habeas corpus appeals increased each year from 1997 to 2000, followed by a 2 percent in 2001. Between 1997 and 2001, these appeals grew 66 percent (up 3,435 appeals). Habeas corpus prisoner petitions (predominantly filed by state prisoners) address the legality of imprisonment. Despite the AEDPA requirements for state prisoners to exhaust all state remedies first and to obtain certificates of appealability before filing federal habeas corpus petitions in U.S. district courts, the number of such appeals continued to increase.



! Beginning on October 1, 1998, filings of pro se mandamus petitions for which filing fees are paid in installments (a result of the PLRA) and motions requesting authorization to file second or successive habeas corpus prisoner petitions (an AEDPA requirement), which previously had not been counted as cases, were reported as part of the appellate court caseload. As a result, original proceedings jumped 64 percent (up 540 cases) from 1997 to 1998, and then surged 143 percent (up 1,969 cases) in 1999 (the first full year with the new categories of original proceedings).

Original proceedings filings climbed 32 percent (up 1,080 cases) in 2000 and 25 percent (up 1,098 cases) in 2001, due to increases in motions requesting authority to file second or successive habeas corpus prisoner petitions. These increases were largely linked to Supreme Court decision *Apprendi vs New Jersey*.<sup>4</sup> These

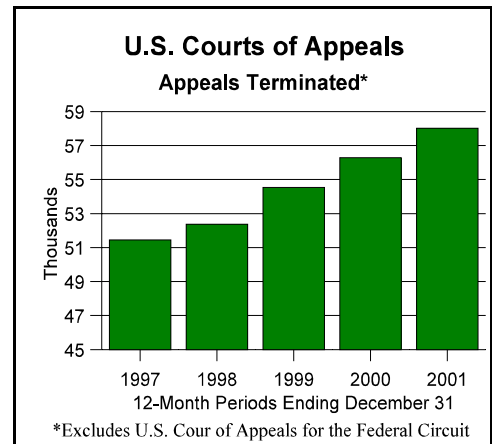


<sup>4</sup> In *Apprendi v. New Jersey*, 530 U.S. 466 (2000), the U.S. Supreme Court held that any finding of fact providing grounds for an enhanced sentence greater than the statutory maximum must be made by a jury and proven

motions have comprised a greater proportion of all original proceedings filed, comprising 73 percent by 2001. Since these motions are filed by prisoners, the proportion of original proceedings filed pro se comprised 80 percent of all original proceedings in 2001, up from 53 percent in 1997.

! Distribution of appeals filings has shifted in the last five years. Criminal appeals and bankruptcy appeals remained stable, consistently comprising 20 percent and 2 percent, respectively, of the appellate caseload. Prisoner petitions have risen slightly from 32 percent in 1997 to 33 percent in 2001, while civil appeals (excluding prisoner petitions) have dropped from being 37 to 30 percent of the caseload over the same period. Original proceedings jumped from 2 to 10 percent of all appeals, while administrative agency appeals declined from 8 to 5 percent of the total.

! Since 1997, appeals terminated in the 12 regional courts have steadily increased, rising 13 percent (up 6,561 appeals). The Eleventh, Ninth and Fifth Circuits reported the greatest increases in terminations, rising 1,838 cases (up 29 percent), 1,568 cases (up 18 percent) and 1,541 cases (up 21 percent), respectively.



## Judgeships

! Although no additional judgeships have been authorized since 1990, the number of appeals pending has grown just 1 percent since 1997.

! The courts of appeals have handled increasing caseloads with fewer active judges. As of January 1, 2002, there were 30 vacancies at the appellate level (of which 20 were judicial emergencies); in 1997, 23 vacancies existed, of which 9 were judicial emergencies.<sup>5</sup> In addition to active judges, there were 88 senior circuit judges participating in appeals dispositions at the end of 2001, compared to 79 senior circuit judges at the end of 1997. The percentage of oral hearings and submissions on briefs in which senior circuit judges participated remained stable at 16 percent.

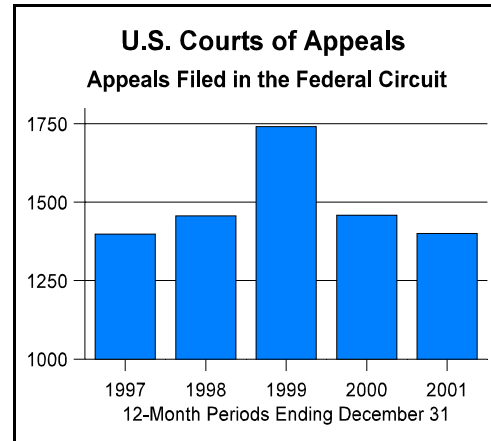
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beyond a reasonable doubt. In 2001, a one-year deadline for filing petitions pursuant to *Apprendi* resulted in motions seeking such petitions in the U.S. district courts and U.S. courts of appeals.

<sup>5</sup> A judicial emergency at the appellate level is any vacancy where adjusted filings 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.

## Federal Circuit

! Appellate filings in the U.S. Court of Appeals for the Federal Circuit increased by only one appeal in 2001, over the number reported in 1997. Contrary to this apparent stability, filings fluctuated significantly in the past 5 years. Filings rose 4 percent in 1998, then climbed 20 percent in 1999, but fell 16 percent in 2000, and declined another 4 percent in 2001. Since 1997, 33 percent of all cases filed arose from the Merit Systems Protection Board, 29 percent came from the district courts, and 17 percent originated in the U.S. Court of Federal Claims. Terminations have increased 3 percent since 1997, while the pending caseload has grown 13 percent.

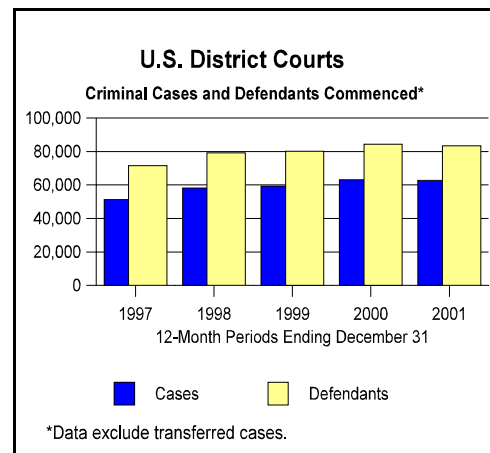


## U.S. District Courts

### *Criminal Caseload*

! Criminal cases filed increased each year between 1997 and 2000, then stabilized in 2001, declining 1 percent since 2000 to 62,691 cases. Filings increased 23 percent from 1997 to 2000. Increases in drug, immigration, and firearms law prosecutions are largely responsible for these increases.<sup>6</sup>

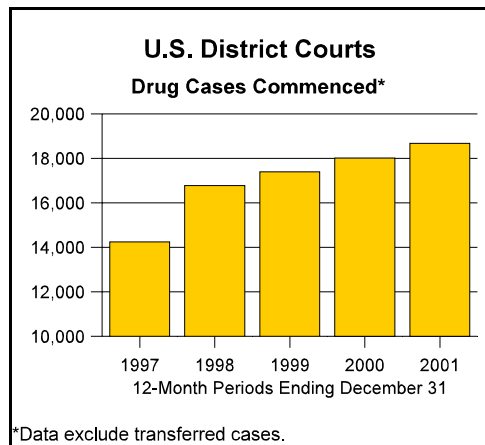
! The number of criminal defendants filed increased each year from 1997 to 2000 with a total growth of 18 percent (up 12,727 defendants), before declining 1 percent (down 864 defendants) in 2001. Defendants of drug-related offenses comprised 42 percent of the increase in defendants between 1997 and 2001, while immigration defendants and firearms defendants comprised 34 percent and 24 percent, respectively. During that time period, firearms defendants soared 68 percent (up 2,828 defendants), immigration



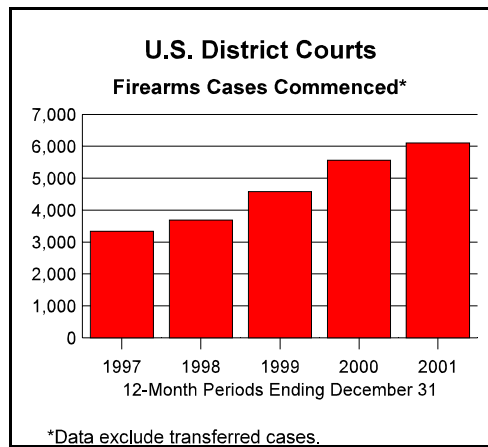
<sup>6</sup> The criminal cases in this report include all felony and class A misdemeanor cases, and only those petty offenses that were assigned to Article III judges. Petty offenses handled by magistrate judges are not included in the body of this report. From 1997 to 1999 for the 12-month periods ending September 30<sup>th</sup>, the number of misdemeanor petty offense defendants disposed by U.S. magistrate judges rose 31 percent to 98,328, then declined 23 percent over the next 2 years to 75,380. This represents an overall increase between 1997 and 2001 of less than one-half percent.

defendants jumped 50 percent (up 3,971 defendants), and drug defendants increased 19 percent (up 5,011 defendants). The complexity of drug cases places an additional burden on the federal courts. In 2001, the number of defendants per drug case averaged 1.70, compared to 1.18 for non-drug criminal cases. Because drug cases usually involve multiple defendants, they often require nearly twice the amount of work for judges and more judicial resources than non-drug cases.<sup>7</sup>

! Drug case filings, which comprise approximately 30 percent of total criminal filings, increased 31 percent between 1997 and 2001. Filings of drug cases have increased for 7 consecutive years – up 65 percent from 1994 to 2001. Drug case filings rose in 62 districts between 1997 and 2001 because of anti-drug efforts across the United States—especially along the southwestern border by the Drug Enforcement Agency (DEA). The DEA participates in the Southwest Border Initiative, an interagency effort for controlling drugs and violence in this part of the United States. The DEA considers the southwestern border the point of entry for approximately 70 percent of all illicit drugs smuggled into the nation. In 2001, the Western District of Texas led the nation in drug filings with 2,315 drug cases and 3,377 drug defendants; the Southern District of California was second with 1,724 drug cases and 2,069 drug defendants.



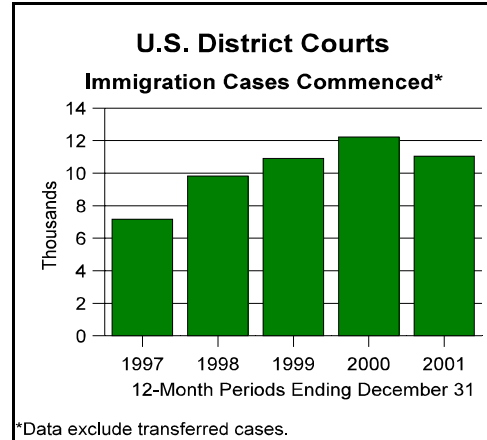
! Firearms cases surged 83 percent since 1997, jumping 10 percent from 2000 to 2001 alone. Firearms cases began growing in many districts as U.S. attorneys in cities with the highest violent crime rates began implementing special federal programs patterned after Project Exile in Virginia and Operation Ceasefire in Massachusetts. In these programs, federal, state and local law enforcement agencies seek to prosecute felons possessing firearms under federal laws, which often carry more severe penalties than do state laws.



<sup>7</sup> Based on the Federal Judicial Center’s 1987-1993 District Court Time Study, marijuana or controlled substance cases are given weights of 1.63 in estimates of weighted filings. Weighted filings account for differences in the time required for judges to resolve various types of civil and criminal actions.

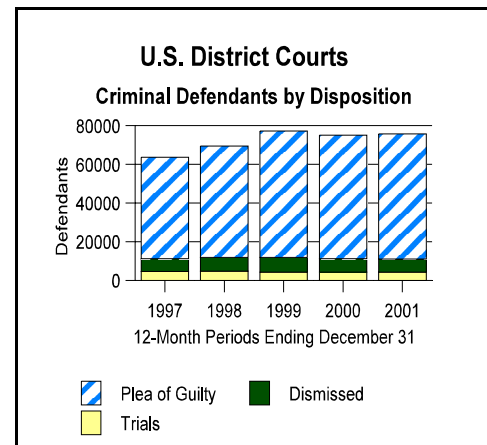


! Immigration filings rose for 9 consecutive years, growing over 430 percent between 1992 and 2000, before declining 10 percent in 2001 to 11,045.<sup>8</sup> Since 1993, the Immigration and Naturalization Service (INS) has more than doubled the number of Border Patrol agents to a point where they now exceed 9,500. The vast majority are stationed along the 2,000-mile, southwestern border of the United States where they are engaged in programs such as Operation Gatekeeper, Operation Safeguard, and Operation Rio Grande. INS also participates actively in the Southwest Border Initiative.



These efforts have resulted in phenomenal growth in case filings in some of the districts along the southwestern border. Since 1997, immigration case filings have increased 166 percent (up 1,074 cases) in the District of Arizona, 163 percent (up 402 cases) in the District of New Mexico, 157 percent (up 1,178 cases) in the Southern District of Texas, and 57 percent (up 480 cases) in the Western District of Texas, whereas filings decreased 20 percent (down 384 cases) in the Southern District of California.

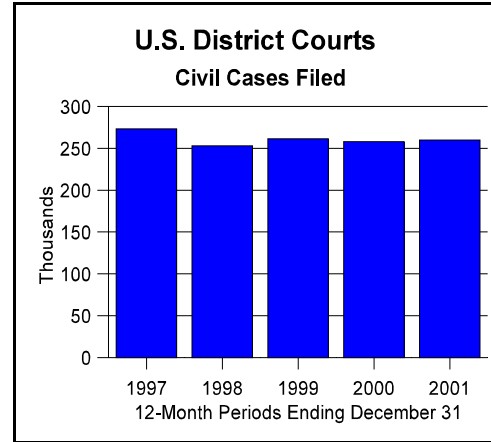
! The number of criminal defendants disposed of rose 19 percent since 1997. In 2001, of cases disposed, 85 percent of the defendants pled guilty; 9 percent had their charges dismissed; 4 percent had their charges resolved through a jury trial; and 2 percent had their charges resolved through a bench trial. In 1997, 82 percent of the defendants pled guilty; 10 percent had their charges dismissed; 6 percent had their charges resolved through a jury trial, and 2 percent had their charges resolved through a bench trial.



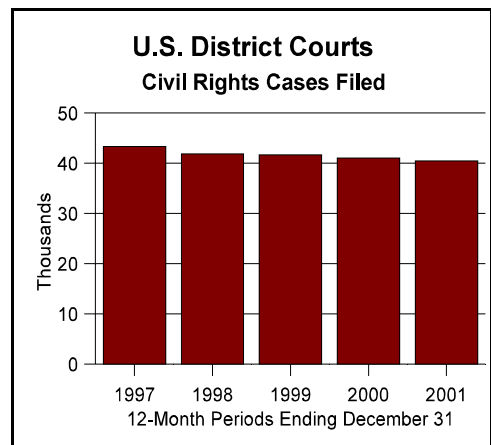
<sup>8</sup> In addition, U.S. magistrate judges disposed of misdemeanor petty offense immigration defendants. In the 12-month period ending September 30, 2001, U.S. magistrate judges disposed of 16,398 misdemeanor petty offense immigration defendants, 47 percent higher than in 1997.

## Civil Caseload

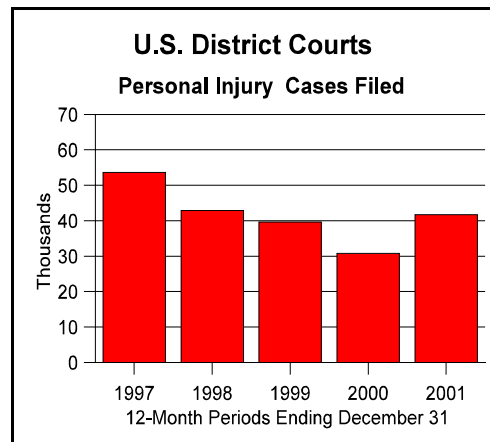
! Civil case filings declined 5 percent, from 273,212 cases in 1997 to 259,927 cases in 2001. Many major categories of civil filings declined—personal injury cases dropped 22 percent (down 11,978 cases), prisoner petitions fell 8 percent (down 5,087 cases), civil rights cases declined 7 percent (down 2,867 cases), and contracts cases were 4 percent lower (down 1,901 cases).



! Civil rights cases have declined 7 percent since 1997. Following the Civil Rights Act of 1991 and the Americans with Disabilities Act of 1990, civil rights filings increased each year from 1992 to 1997, until filings peaked at 43,352 in 1997. Since 1997, filings have decreased each year to 40,485 in 2001. According to the Administrative Office's Analytical Services Office, "Historically, major pieces of new civil rights legislation have created significant increases in filings but frequently these increases stabilize and may even decline as Supreme Court decisions and legislative actions offset the impact of the original legislation."<sup>9</sup>



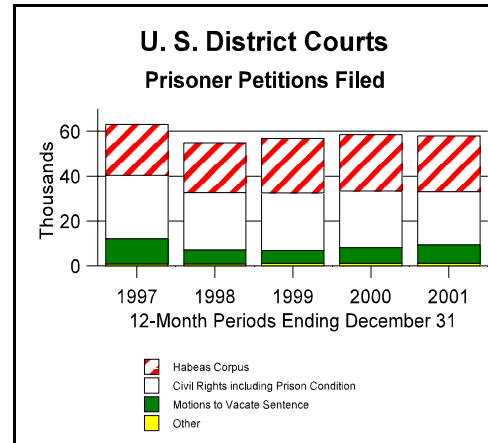
! Personal injury filings dropped 43 percent from 1997 to 2000, before soaring 36 percent in 2001, for an overall decline of 22 percent over the last five years. This decline was primarily due to decreases in personal injury/product liability filings related to breast implants or oil refinery explosions. However, most of the breast implant cases were moved from state court to federal court following the bankruptcy of the Dow Corning Corporation. Many of these cases were filed twice (i.e., once when they were removed from state courts to federal



<sup>9</sup> Addendum to the "Report to the Subcommittee on Judicial Statistics on Increases in Civil Rights Filings" prepared by the Analytical Services Office of the Administrative Office of the U.S. Courts in February 1998.

courts, and again when they were transferred to the Northern District of Alabama as part of Multidistrict Litigation Docket Number 926). This influx of cases in 1997 resulted in an artificially high number of filings for that year. Subsequently, they returned to more normal levels. The surge in filings in 2001 was due to astronomical increases in personal injury/product liability asbestos cases (from 6,189 to 16,331), primarily filed in the Eastern District of Virginia and Northern District of Ohio.

! Although prisoner petitions have decreased 8 percent in the last five years, prisoner petitions had grown 52 percent from 1991 to 1996. Beginning in 1997, filings of civil rights prisoner petitions were markedly reduced by the 1996 Prison Litigation Reform Act (PLRA). Overall, civil rights prisoner petitions (including prison conditions) have dropped 38 percent since 1996. Also, prisoners filing motions to vacate sentence have decreased 16 percent during this same period, likely attributable to the enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA).<sup>10</sup>



Both habeas corpus petitions and motions to vacate sentence reached peak levels in 1997 before stabilizing over the past four years. Motions to vacate sentence spiked in 2001, partly in response to U.S. Supreme Court decision *Apprendi vs New Jersey*,<sup>11</sup> as prisoners sought to reduce their sentences. Despite the additional filing requirements for state prisoners imposed by the AEDPA, habeas corpus petitions (predominantly filed by state prisoners) have risen 50 percent (up 8,283 petitions) since 1996. As a result, prisoners appear to have shifted from using 28 U.S.C. 2254 (specifically addressed in the AEDPA) to using 28 U.S.C. 2241 to challenge their imprisonment. Many of these petitions have been dismissed as frivolous or unfounded.

! Despite a large number of recovery of student loan cases filed during 1999 and 2000, contract actions have declined 4 percent (down 1,901 cases) since 1997. In 1999, as the U.S. Department of Education (DOE) streamlined its delinquent loan processing system, filings of student loan recovery cases surged 71 percent over the previous year and remained at approximately the same level in 2000. In 2001, however, filings of

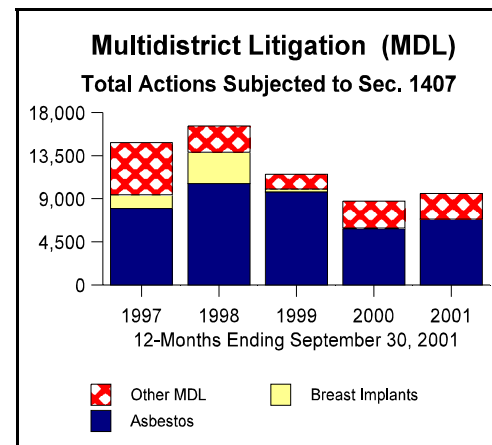
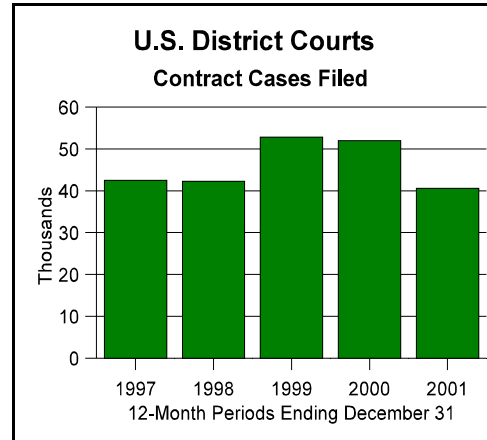
<sup>10</sup> See footnote 3.

<sup>11</sup> See footnote 4.

these cases dropped 55 percent (down 12,325 cases) to a level below that reported in 1997, as DOE implemented new administrative measures that caused fewer student loan cases to be filed in the federal courts.

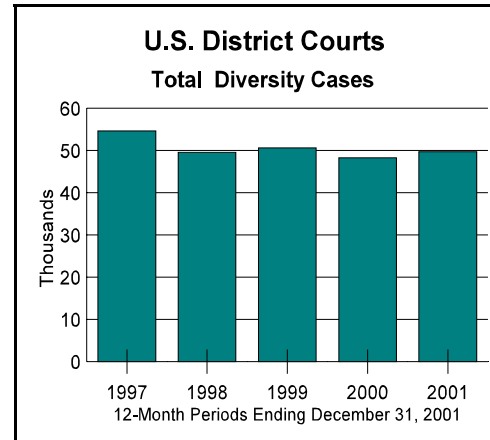
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The number of new multidistrict litigation cases (MDL) filed remained essentially the same, falling by one case to 53 in 2001. The Judicial Panel on Multidistrict Litigation (JPML) centralized 8,970 civil actions pursuant to 28 U.S.C. §1407 in 2001. The JPML collects and reports data as “civil actions.” In nearly all instances, the number of “civil actions” correspond to the number of civil case filings. From the creation of the Panel in 1968 to September 30, 2001, there have been 924 MDL litigations centralized with 170,691 civil actions centralized for pretrial proceedings; 78 percent of these actions have been terminated. While the median number of actions in active MDL litigations is 17, litigations involving asbestos, breast implants, and Bridgestone/Firestone Tires far exceed the median and have accounted for 76 percent of the actions centralized by the Panel.



- ▶ In July 1991, an order was issued transferring asbestos cases to the Eastern District of Pennsylvania (PA-E). As of December 31, 2001, 102,881 cases had been filed in or transferred to PA-E. In addition to closing 70,962 of those cases, the presiding judge has closed over 71 percent of the 10,717,135 claims encompassed in the 102,881 cases gathered in the transferee district, assisted with settlements with respect to unfiled claims, and facilitated settlements of claims in several state court jurisdictions at the request of state court judges.
- ▶ From June 25, 1992 to December 31, 2001, 27,427 silicone gel breast implant cases were filed in or transferred to the Northern District of Alabama. As of December 31, 2001, all but 8 cases had been terminated. On July 24, 2002, the silicone gel breast implant litigation was closed as the remaining cases were remanded to state court.
- ▶ From October 24, 2000 to December 31, 2001, 545 Bridgestone/Firestone Tires cases had been filed in or transferred to the Southern District of Indiana. As of December 31, 2001, 422 remained pending.

! Diversity filings oscillated up and down between 1997 and 2001, with an overall decline of 9 percent from 1997 to 2001.<sup>12</sup> Filings rose 3 percent in 2001 due to an influx of asbestos cases filed in OH-N (a court official has indicated that periodically this district expects to receive large blocks of these cases). Section 205 of the Federal Courts Improvements Act of 1996, P.L. 104-317, amended 28 U.S.C. § 1332 by increasing the amount in controversy requirement for diversity-jurisdiction cases from \$50,000 to \$75,000. It appears that the overall decline in diversity cases is partly a result of this change in the jurisdiction amount which took effect on January 17, 1997.<sup>13</sup>



## Judgeships

! The number of vacancies in the U.S. district courts increased 10 percent, from 60 vacant district judgeships on January 1, 1998 to 66 on January 2, 2002. Although there has been no omnibus judgeship bill since 1990, nineteen new judgeships positions were created in 1999 and 2000.<sup>14</sup> Of these positions, 9 remained unfilled as of December 31, 2001. Additionally, three temporary judgeships created in the 1990 judgeship bill were lost in 1996 and 1997. Of the vacancies existing on January 2, 2002, 17 were designated judicial emergencies.<sup>15</sup> In addition to active judges, 276 senior district judges were providing service to the judiciary on December 31, 2001. In 2001, senior judges were responsible for 16.0 percent of the civil cases closed and criminal defendants terminated, compared to 16.2 percent in 1997 and 15.6 percent in 2000.

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<sup>12</sup> A diversity of citizenship case is an action in which the amount in controversy exceeds \$75,000 and which involves citizens or corporations of different states; citizens or corporations of a state and citizens or subjects of a foreign country; citizens or corporations of different states where citizens or subjects of a foreign country are additional parties; or a foreign state, as defined in Title 28 U.S.C. Section 1603(a), as plaintiff and citizens of a state or different states.

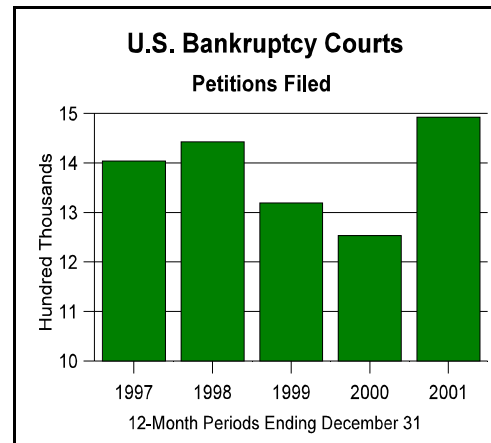
<sup>13</sup> Golmant, J., Bak, T., & O'Connor, K. (2000, Summer). Recent Trends in Diversity Filings. *Judges Journal*, 39(3).

<sup>14</sup> Public Law Number 106-113, enacted on November 29, 1999, authorized nine new judgeships in the U.S. district courts. Public Law Number 106-553, enacted on December 21, 2000, authorized 10 additional judgeships in the U.S. district courts.

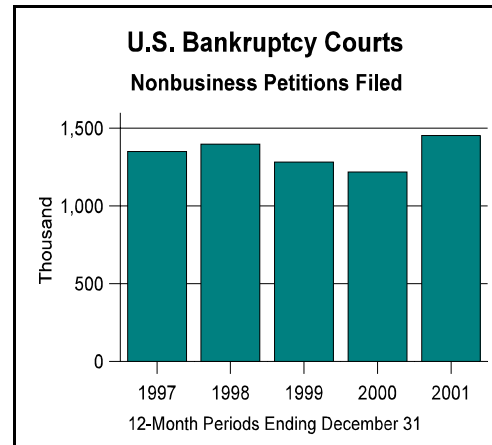
<sup>15</sup> Prior to December 2001, a judicial emergency in a district court was defined as any vacancy in a district court where weighted filings are in excess of 600 per judgeship; or any vacancy in existence more than 18 months where weighted filings are between 430 to 600 per judgeship. Beginning in December 2001, the definition of a judicial emergency changed to be any vacancy in a district court where weighted filings are in excess of 600 per judgeship, or any vacancy in existence more than 18 months where weighted filings are between 430 and 600 per judgeship, or any court with more than one authorized judgeship and only one active judge.

# U.S. Bankruptcy Courts

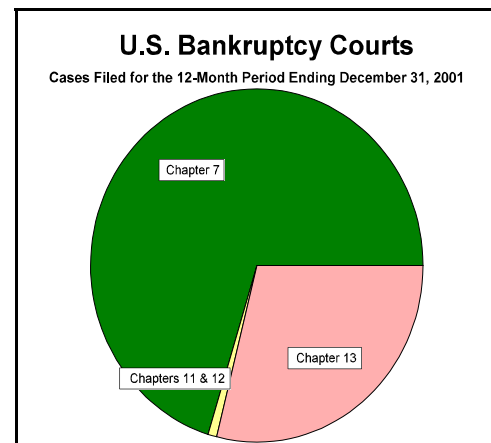
! Bankruptcy filings rose 6 percent (up 87,984 cases) over the number of cases filed in 1997 to a new record level of 1,492,129. Bankruptcy filings grew four consecutive years from 1995 to 1998, then fell during 1999 and 2000 before rising again in 2001. The rise in bankruptcy filings is most likely linked to the impending new bankruptcy legislation which would make filing bankruptcy more difficult, and to record levels of debt as a percentage of personal income. This debt is, in turn, an outgrowth of the greater availability of consumer credit.



! Although most bankruptcy cases filed in the United States are nonbusiness cases, the proportion of nonbusiness petitions filed has increased steadily over the past 20 years. In 1982, 82 percent of the bankruptcies filed were nonbusiness. By 1997, 96 percent were nonbusiness cases, and by 2001, nonbusiness cases accounted for 97 percent of all filings. Overall, nonbusiness cases rose 8 percent (up 101,912 cases) between 1997 and 2001. In contrast, business cases fell 34 percent from 1997 to 2000, with a 13 percent rise from 2000 to 2001, for an overall decline of 26 percent (down 13,928 cases) from 1997 to 2001.

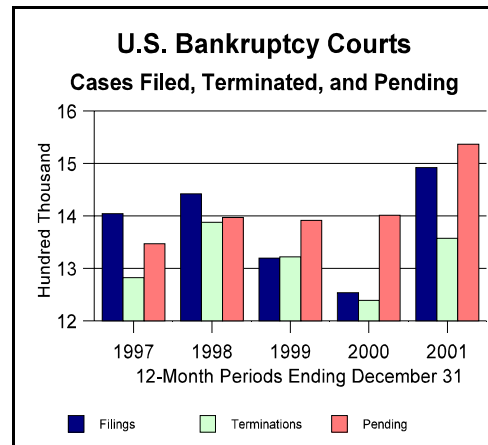


! Chapter 7 liquidation cases, filed primarily by individual debtors, have grown 7 percent and accounted for 70 percent of all bankruptcies filed since 1997. Chapter 13 cases, which involve debtor repayment plans, have increased 6 percent and constituted 29 percent of all cases filed since 1997. Chapter 11 cases increased 6 percent since 1997. Although they accounted for only 1 percent of total filings, chapter 11 reorganization cases are the most labor-intensive cases for bankruptcy judges and staff to process. Chapter 11 cases often involve numerous attorneys, creditors, and other professionals, as



well as large sums of money. As a result, the workload impact of the chapter 11 cases is much greater than the numbers would indicate. Chapter 12 cases, designed to meet the needs of financially distressed family farmers, fell 60 percent since 1997. Much of this decline may be tied to the expiration of chapter 12 on July 1, 2000, and its subsequent re-enactment and extension through May 2001 by P.L. 107-8; through September 2001 by P.L. 107-17; through June 1, 2002 by P.L. 107-170; and to the end of 2002 by P.L. 107-171.

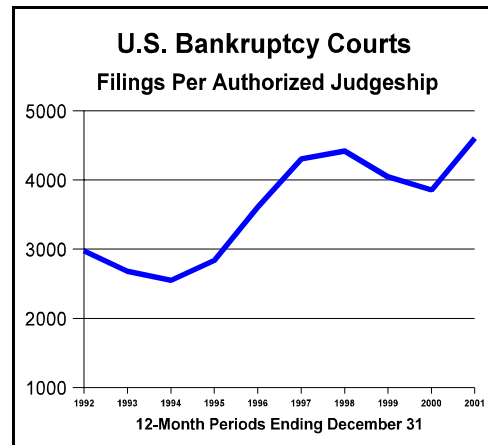
! Although terminations of bankruptcy cases increased 6 percent since 1997, the number of bankruptcy petitions filed far exceeded the number closed. This resulted in a 14 percent growth in the pending caseload to a record-breaking total of 1,536,429 as of December 31, 2001.



! Filings of adversary proceedings increased 14 percent in 2001 over 2000; however, filings were 6 percent less than the number filed in 1997 due to two years of decline from 1999 to 2000. This decline followed an unusual increase of adversary proceedings in 1998 arising from a single bankruptcy case in the Northern District of New York, where more than 12,000 associated actions were filed.

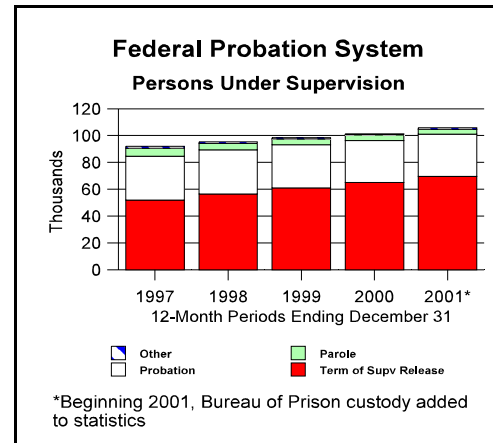
## Judgeships

! Bankruptcy petitions filed in the last decade have soared, but additional bankruptcy judgeships were last authorized in 1992, and 2 temporary judgeships have expired since then. As a result, cases filed per judgeship increased from 2,980 in 1992 to 4,605 in 2001—a 55 percent increase. Despite the long period without additional judicial assistance, cases terminated per authorized judgeship have soared 46 percent from 1992 to 2001, terminating 2,872 cases per judgeship in 1992, 3,933 in 1997 and 4,189 in 2001. Since 1997, cases terminated per authorized judgeship rose 6 percent.



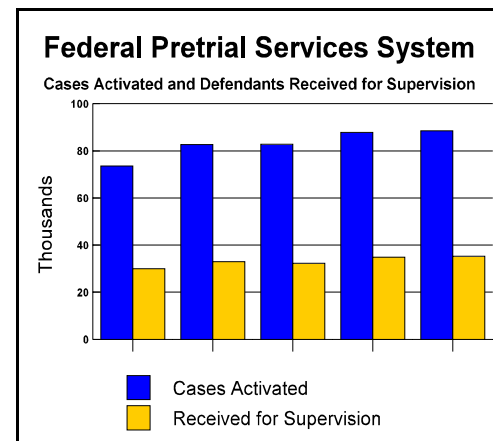
## Federal Probation and Pretrial System

! On December 31, 2001, 105,751 persons were under the supervision of the U.S. probation system, a 15 percent increase over the number reported on December 31, 1997. This growth resulted primarily from a 34 percent jump in the number of persons serving terms of supervised release from prison. The number of persons serving terms of supervised release grew 34 percent, from 51,927 on December 31, 1997 to 69,501 on December 31, 2001. A term of supervised release is a period during which a person who has completed the full prison sentence mandated by federal sentencing guidelines is under supervision in the community by federal probation officers.



Persons serving terms of supervised release are under the statutory authority of district judges rather than the U.S. Parole Commission<sup>16</sup>, and the increase in persons serving terms of supervised release has a direct impact on the workload of district court judges. While the total number of cases closed has increased 7 percent, the total number of cases closed by revocation of probation has increased 19 percent (up 1,418) over the last five years. For each of these revocations, there is at least one court hearing.

! Since 1997, the total number of cases opened in U.S. Pretrial Services jumped 20 percent (up 14,931 cases). This growth was consistent with the growth in criminal filings in the district courts. During this period, the total released on supervision increased 18 percent (up 5,267 persons). The number of interviews increased 15 percent (up 7,964 defendants) and the number of pretrial services reports prepared annually jumped 22 percent (up 15,506 reports).



<sup>16</sup> The Sentencing Reform Act of 1984 abolished parole eligibility for federal offenders - except military offenders -- who commit offenses on or after November 1, 1987. It also provided for the abolition of the U.S. Parole Commission on November 1, 1992. However, the Judicial Improvements Act of 1990 and the Parole Commission Phaseout Act of 1996 extended the Commission in five-year increments through November 1, 2002. In 1997, the Commission was mandated to make parole and parole revocation decisions for District of Columbia offenders.



**Federal Judicial Caseload**  
**Case Filings, 12-Month Periods Ending December 31, 1997-2001**

	1997	1998	1999	2000	2001	% Change Since 1997
<b>U.S. Courts of Appeals<sup>1</sup></b>						
<b>Total</b>	<b>52,219</b>	<b>54,034</b>	<b>54,882</b>	<b>55,623</b>	<b>56,687</b>	<b>8.6</b>
Civil	35,710	37,229	36,764	36,000	35,739	0.0
Prisoner Petitions	16,478	17,361	17,302	17,390	18,457	12.0
Criminal	10,316	10,509	10,396	10,959	11,374	10.0
Drug	4,619	4,856	4,464	4,495	4,549	-2.0
Other	6,193	6,296	7,722	8,664	9,574	55.0
<b>U.S. District Courts</b>						
Criminal Caseload <sup>2</sup>						
<b>Total</b>	<b>51,320</b>	<b>58,140</b>	<b>59,325</b>	<b>63,020</b>	<b>62,691</b>	<b>22.2</b>
Drug	14,248	16,773	17,392	18,008	18,673	31.0
Other	37,072	41,367	41,933	45,012	44,018	19.0
Civil Caseload						
<b>Total</b>	<b>273,212</b>	<b>252,994</b>	<b>261,651</b>	<b>257,832</b>	<b>259,927</b>	<b>-4.9</b>
Prisoner Petitions	63,008	54,712	56,690	58,531	57,921	-8.0
Contract	42,506	42,276	52,838	51,965	40,605	-4.0
Personal Injury	53,647	42,844	39,597	30,743	41,669	-22.0
Civil Rights	43,352	41,853	41,654	41,037	40,485	-7.0
Other	70,699	71,309	70,872	75,556	79,247	12.0
<b>U.S. Bankruptcy Courts</b>						
<b>Total</b>	<b>1,404,145</b>	<b>1,442,549</b>	<b>1,319,465</b>	<b>1,253,444</b>	<b>1,492,129</b>	<b>6.3</b>
Chapter 7	989,372	1,035,696	927,074	859,220	1,054,975	7.0
Chapter 11	10,765	8,386	9,315	9,884	11,424	6.0
Chapter 12	949	807	834	407	383	-60.0
Chapter 13	403,025	397,619	382,214	383,894	425,292	6.0
<b>Federal Probation System</b>						
<b>Persons Under Supervision</b>	<b>91,880</b>	<b>95,418</b>	<b>98,463</b>	<b>101,377</b>	<b>105,751</b>	<b>15.0</b>
<b>Pretrial Services</b>						
<b>Total Pretrial Cases Activated</b>	<b>73,496</b>	<b>82,599</b>	<b>82,747</b>	<b>87,809</b>	<b>88,427</b>	<b>20.3</b>
Pretrial Services Cases Activated	70,971	79,686	79,936	85,872	86,477	22.0
Pretrial Diversion Cases Activated	2,525	2,913	2,811	1,937	1,950	-23.0
<b>Total Released on Supervision</b>	<b>29,932</b>	<b>32,950</b>	<b>32,349</b>	<b>34,839</b>	<b>35,199</b>	<b>17.6</b>
Pretrial Supervision	27,659	30,446	30,095	32,744	33,122	20.0
Diversion Supervision	2,273	2,504	2,254	2,095	2,077	-9.0

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

<sup>2</sup> Excludes transfers.