

Caseload Highlights

2008

U.S. Courts of Appeals

- Filings in the regional appeals courts grew 5 percent to 61,104.
- Both civil appeals and criminal appeals rose 4 percent.
- Appeals of administrative agency decisions climbed 12 percent.
- Appeals involving pro se litigants grew 11 percent.
- Bankruptcy appeals dropped 9 percent, and original proceedings fell 4 percent.

U.S. District Courts

- Combined filings of civil and criminal cases in the U.S. district courts rose 4 percent to 338,153.

Civil Filings

- Civil filings increased 4 percent to 267,257.
- Diversity of citizenship filings jumped 22 percent.
- Federal question filings fell 3 percent.
- Filings with the United States as plaintiff or defendant dropped 3 percent.

Criminal Filings

- Criminal case filings (including transfers) increased 4 percent to 70,896, and criminal defendants grew 3 percent to 92,355.
- Immigration cases climbed 27 percent, and defendants in those cases rose 26 percent.
- Sex offense cases increased 9 percent, and sex offense defendants grew 7 percent.
- Drug cases declined 7 percent, and defendants in those cases decreased 3 percent.
- Filings of firearms and explosives cases fell 3 percent as defendants dropped 4 percent.

U.S. Bankruptcy Courts

- Bankruptcy filings, which had dropped after the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 took effect, climbed 30 percent this year.
- Bankruptcy petitions rose in 88 of 94 districts.
- Filings grew 40 percent under chapter 7, rose 49 percent under chapter 11, decreased 8 percent under chapter 12, and increased 14 percent under chapter 13.
- Nonbusiness petitions rose 30 percent, and business petitions grew 49 percent.

Federal Probation and Pretrial Services System

- On September 30, 2008, a total of 120,676 persons were under post-conviction supervision, an increase of nearly 4 percent over the total one year earlier.
- Persons serving terms of supervised release after leaving correctional institutions grew 6 percent this year and accounted for 79 percent of all persons under supervision.
- Defendants in cases opened in the pretrial services system, including pretrial diversion cases, rose 2 percent to 99,675. ■

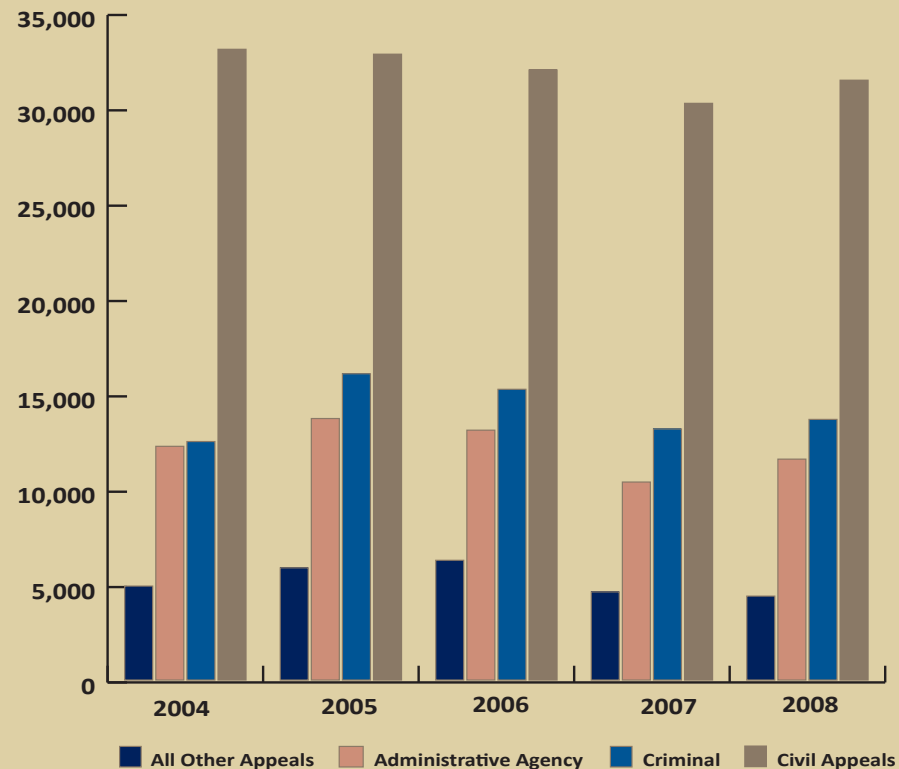
This report on the business of the Federal Judiciary for the fiscal year ending September 30, 2008, provides statistical data on the work of the Federal Judiciary, compares data for this year to that for previous fiscal years, and, wherever possible, explains why increases or decreases occurred in judicial caseload. Specific sections discuss the work of the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the Federal Judiciary. Totals for the major programs of the Federal Judiciary appear in the table of judicial caseload indicators on page 13.

Growth in filings occurred in all key areas of the federal court system. Bankruptcy petitions increased 30 percent to 1,042,993. In the U.S. courts of appeals, filings rose 5 percent to 61,104. In the U.S. district courts, overall filings climbed 4 percent to 338,153 in response to increases of 4 percent in both civil case filings (which totaled 267,257) and criminal case filings (which totaled 70,896). The number of persons under post-conviction supervision also grew 4 percent, reaching 120,676. The number of defendants in pretrial services cases rose 2 percent to 99,675.

U.S. Courts of Appeals

In 2008, filings in the regional courts of appeals rose 5 percent to 61,104. Increases occurred in all categories of appeals except bankruptcy and original proceedings. The overall growth stemmed from

Appeals Filed, by Type of Appeal



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.

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 2004 Through 2008

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
2004	167	62,762	1,127	56,381	1,013	51,226
2005	167	68,473	1,230	61,975	1,113	57,450
2006	167	66,618	1,197	67,582	1,214	56,178 *
2007	167	58,410	1,049	62,846	1,129	51,063
2008	166	61,104	1,104	59,096	1,068	53,071
% Chg. 2008 Over 2007	—	4.6	—	-6.0	—	3.9

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

civil appeals of prisoner petitions, appeals of administrative agency decisions involving the Board of Immigration Appeals (BIA), and criminal appeals of drug cases.

Terminations of appeals fell 6 percent to 59,096; terminations per panel declined from 1,129 to 1,068. As filings outnumbered terminations, pending appeals increased 4 percent to

53,071. The median time from filing of a notice of appeal to final disposition was 12.7 months, 15 days longer than in 2007. Median disposition times grew for criminal appeals, civil appeals other than prisoner petitions, and bankruptcy appeals.

After declining for two consecutive years, administrative agency appeals grew 12 per-

cent to 11,583, primarily because challenges to BIA decisions climbed 13 percent to 10,280. As in previous years, in 2008 most BIA appeals were filed in the Ninth Circuit (45 percent) and the Second Circuit (28 percent).

Criminal appeals rose 4 percent to 13,667 appeals in 2008. This recent increase stems from appeals in non-marijuana drug cases affected by an amendment to sentencing guidelines issued by the U.S. Sentencing Commission on November 1, 2007. This amendment reduced penalties for most crack cocaine offenses. Retroactivity of this amendment became effective on March 3, 2008. Some of the growth in non-marijuana drug case appeals was offset by a decline in immigration crime appeals.

Civil appeals increased 4 percent to 31,454 appeals. Prisoner petitions rose 9 percent to 16,853. Overall nonprisoner civil appeals dropped 1 percent to 14,601 as both state and federal appeals in that category declined. Bankruptcy appeals fell 9 percent to 773. Original proceedings decreased 4 percent to 3,627.

Appeals involving pro se litigants climbed 12 percent to 28,055 appeals. Growth occurred in all types of pro se filings except bankruptcy appeals and original proceedings. The largest numeric increase was in pro se filings related to criminal appeals, which more than doubled to 2,369 because of petitions filed in non-marijuana drug cases that addressed crack cocaine offense sentences. Pro se petitions filed by prisoners rose 9 percent to 14,993, and pro se administrative agency filings grew 7 percent to 2,899. Pro se original proceedings fell 3 percent to 2,956, and pro se bankruptcy appeals declined 4 percent to 243.

Table 2
U.S. Courts of Appeals
Sources of Appeals

Fiscal Years 2007 and 2008

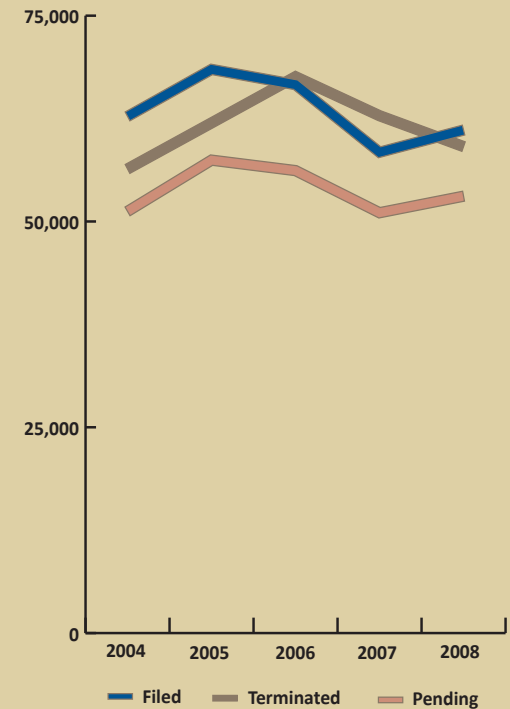
Source	2007	2008	Percent Change
Total	58,410	61,104	4.6
U.S. District Courts			
Criminal	13,167	13,667	3.8
Civil—Total	30,241	31,454	4.0
Prisoner Petitions	15,472	16,853	8.9
U.S. Civil	2,931	2,914	-0.6
Private Civil	11,838	11,687	-1.3
Other Appeals			
Bankruptcy	845	773	-8.5
Administrative Agency	10,382	11,583	11.6
Original Proceedings	3,775	3,627	-3.9

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

From 2004 to 2008, appeals filings dropped 3 percent (down 1,658 appeals). During that period, criminal appeals fluctuated, but ended up 9 percent higher (up 1,161 appeals). Criminal appeals grew prior to 2007, when decisions were

reached in *United States v. Booker*, 543 U.S. 220 (2005), which held that the mandatory application of federal sentencing guidelines violates a defendant's right to trial by jury, and in *Blakely v. Washington*, 542 U.S. 296 (2004), which de-

Appeals Filed, Terminated, and Pending



clared the Washington state sentencing system unconstitutional. In 2008, criminal appeals filings increased due to crack cocaine sentencing guidelines amendments. In the past five years, administrative agency appeals have fallen 5 percent (down 672 appeals) in response to a drop in BIA decisions after 2005 that reduced the pool of cases that could be appealed; civil appeals have declined 5 percent (down 1,621 appeals), with the largest reductions occurring in nonprisoner appeals (down 12 percent to 14,601 appeals); and bankruptcy appeals filings have decreased 10 percent (down 89 appeals). Since 2004, appeals terminations have risen 5 percent (up 2,715 appeals), and the pending caseload has grown 4 percent (up 1,845 appeals).

Tables 1 and 2 contain summary data on the activity of the regional U.S. courts of appeals. Detailed data for the appellate courts appear in the B series of the appendix tables.

Bankruptcy Appellate Panels

Five circuits in the Federal Judiciary have bankruptcy appellate panels (BAPs). In 2008, filings in the BAPs decreased 19 percent (down 171 appeals to 716). Reductions in BAP filings occurred in the Eighth, Ninth, and Tenth Circuits. Filings fell 30 percent in the Tenth Circuit (down 44 appeals), 24 percent in the Ninth Circuit (down 119 appeals), and 19 percent in the Eighth Circuit (down 14 appeals). Filings in the First and Sixth Circuits increased 4 percent (up 3 appeals) and 3 percent (up 3 appeals), respectively.

From 2004 to 2008, overall BAP filings decreased 28 percent (down 273 cases). This may have been a consequence of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and the 32 percent

drop in new bankruptcy filings (down 241,094 cases) since 2004 in the circuits with BAPs.

U.S. Court of Appeals for the Federal Circuit

The jurisdiction of the U.S. Court of Appeals for the Federal Circuit is defined by subject matter rather than by geographical boundaries. This court is responsible for appeals involving U.S. customs and patents, rulings by the U.S. Court of Federal Claims and the U.S. Court of Appeals for Veterans Claims (CAVC), and decisions by several federal administrative boards.

In 2008, filings of appeals in the Federal Circuit fell 6 percent to 1,459 (down 86 appeals from 2007). Total filings per panel decreased from 386 to 365. Declines took place in appeals from 5 of 11 sources. The greatest reduction in filings occurred in appeals from the CAVC, which dropped 47 percent (down 149 appeals to 170). Federal Circuit filings had grown 14 percent in 2006, mostly because of appeals addressing requirements of the Veterans Claims Assistance Act, 38 U.S.C. §5103(a), many of which were decided by the Federal Circuit in 2008 following the decisions in *Sanders v. Nicholson*, 487 F.3d 881 (Fed. Cir. 2007), and *Simmons v. Nicholson*, 487 F.3d 892 (Fed. Cir. 2007).

The number of appeals terminated in 2008 increased 2 percent to 1,745 (up 27 appeals). As terminations outnumbered filings, the number of appeals pending as of September 30, 2008, declined 23 percent to 947. Thirteen percent of appeals decided were reversals, compared to 14 percent in 2007.

Filings in 2008 were 8 percent below the total for 2004 (down 133 appeals). During the past five years, terminations of appeals de-

creased 5 percent (down 91 appeals), and the number of appeals pending fell by 21 percent (down 254 appeals).

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

U.S. District Courts

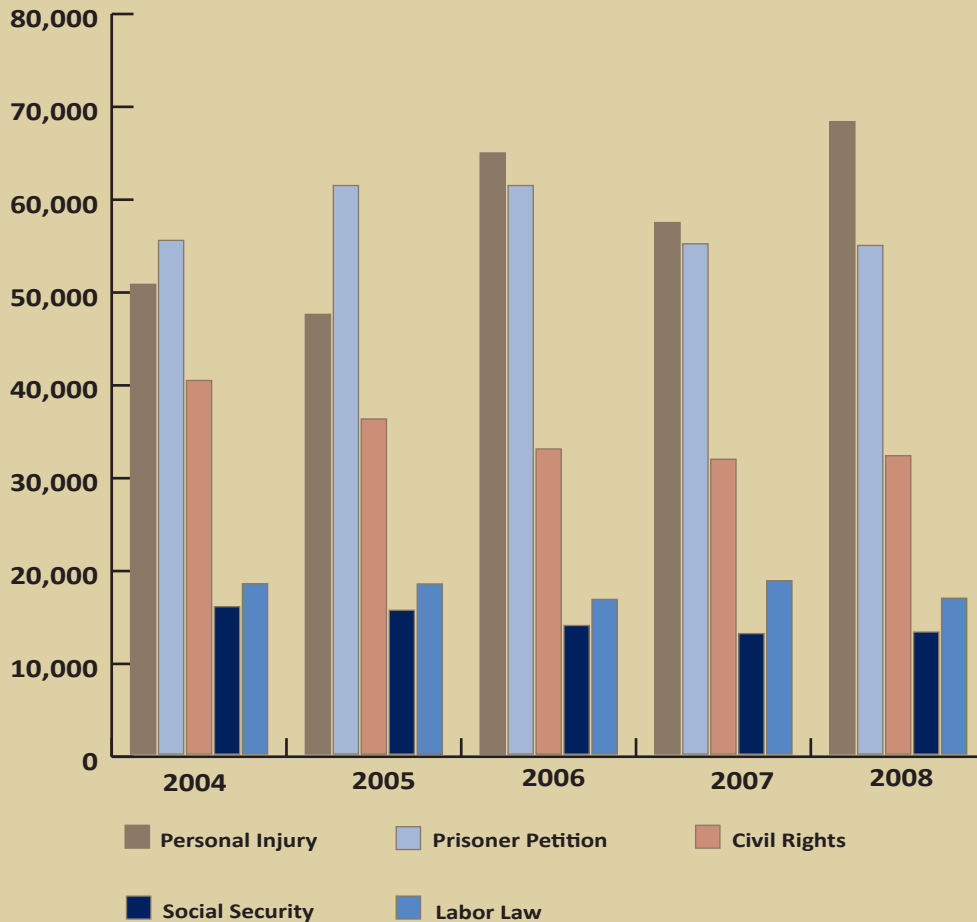
Total filings of civil and criminal cases in the U.S. district courts rose 4 percent this year to 338,153. Civil case filings grew 4 percent to 267,257, and criminal case filings increased 4 percent to 70,896 cases. Civil and criminal case terminations remained relatively stable, falling less than 1 percent to 305,200 (this total does not account for the 105,188 petty offense cases disposed of in 2008 by magistrate judges). As filings outnumbered terminations, the pending caseload of the district courts climbed nearly 10 percent to 371,814.

Civil Filings

Civil filings in the U.S. district courts increased 4 percent, rising by 9,750 cases to 267,257. Diversity of citizenship filings grew 22 percent (up 15,838 cases). Excluding these filings, civil cases decreased 3 percent in response to reductions in federal question cases (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party in the case) involving personal injury, as well as in cases involving labor laws, protected property rights, and contracts. The number of civil filings per authorized judgeship climbed from 380 to 394, consistent with the 4 percent increase in overall civil filings.

The rise in diversity of citizenship filings resulted chiefly from personal injury cases

Civil Cases Filed, by Type of Case



related to asbestos and diet drugs in the Eastern District of Pennsylvania. According to officials in that court, asbestos filings under multidistrict litigation number 875 and diet drug filings under multidistrict litigation number 1203 caused filings to swell by more than 19,500 cases.

Federal question filings dropped 3 percent to 134,582. Personal injury federal question filings declined 46 percent (down by more than 5,200 cases), primarily as a result of large decreases in the Southern District of New York and the Northern District of Alabama. The Southern District of New York, which in 2007 had reported a surge of more than 6,500 personal injury filings related to the terrorist attacks in New York City on September 11, 2001, had 3,900 fewer personal injury filings this year. The Northern District of Alabama, which had received more than 2,400 filings under the Fair Labor Standards Act in 2007, had 2,300 fewer filings of labor law cases in 2008. Nationwide, labor law cases fell 10 percent (down by nearly 1,900 cases). Copyright cases declined 27 percent (down 1,166 cases) nationally as 66 of the 94 district courts reported decreases. These filings are now returning to levels reported prior to 2004.

Filings with the United States as plaintiff or defendant fell 3 percent (down 1,300 cases) to 44,164. Cases with the United States as defendant dropped 4 percent (down 1,385 cases) as filings of federal habeas corpus prisoner petitions decreased 4 percent.

Cases with the United States as plaintiff remained relatively stable, rising less than 1 percent. A 10 percent increase in defaulted student loan cases (up 256 filings) was offset by reductions in civil rights cases and labor law cases.

Table 3
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 2004 Through 2008

Year	Authorized Judgeships	Filed						Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases		
2004	679	281,338	414	2,830	55,330	50,594	172,584	252,761	284,696
2005	678	253,273	373	3,309	61,238	47,364	141,362	271,753	265,484
2006	678	259,541	383	2,872	54,955	64,743	136,971	273,193	247,253
2007	678	257,507	380	3,204	53,945	57,244	143,114	239,678	265,443 *
2008	678	267,257	394	3,447	54,786	68,121	140,903	234,571	298,129
% Chg. 2008 Over 2007	—	3.8	3.7	7.6	1.6	19.0	-1.5	-2.1	12.3

*Revised.

Civil case terminations dropped 2 percent (down 5,107 terminations) to 234,571, with large declines reported by the Middle District of Louisiana (down 4,943 terminations) and the Eastern District of Pennsylvania (down 2,269 terminations). In 2007, the Middle District of Louisiana had terminated more than 6,300 cases involving oil refinery explosions, and the Eastern District of Pennsylvania had disposed of many multidistrict litigation cases related to asbestos or diet drugs.

The national median time from filing to disposition for civil cases was 8.1 months, down from 8.6 months in 2007. This year, the Middle District of Louisiana disposed of more than 1,400 cases related to oil refinery explosions. These dispositions affected the national median time because many of the cases had been pending in that district for over 10 years.

The national pending civil caseload climbed 12 percent to 298,129. Increases in pending multidistrict litigation cases involving asbestos in the Eastern District of Pennsylvania and hormone therapy drugs in the Eastern District of Arkansas were the primary reasons for this growth.

Over the past five years, civil filings have declined 5 percent (down 14,081 cases). Since 2004, decreases have occurred in filings related to civil rights (down 8,107 cases), Social Security (down 2,735 cases), foreclosures (down 2,162 cases), and labor laws (down 1,542 cases). During the same period, increases occurred in filings related to personal injury (up by 17,527 cases) and contracts (up by 4,768 cases).

Tables 3 and 4 summarize key data on civil filings in the U.S. district courts. The C series of appendix tables provides detailed information on civil cases.

Table 4
U.S. District Courts
Civil Cases Filed, by Jurisdiction
Fiscal Years 2004 Through 2008

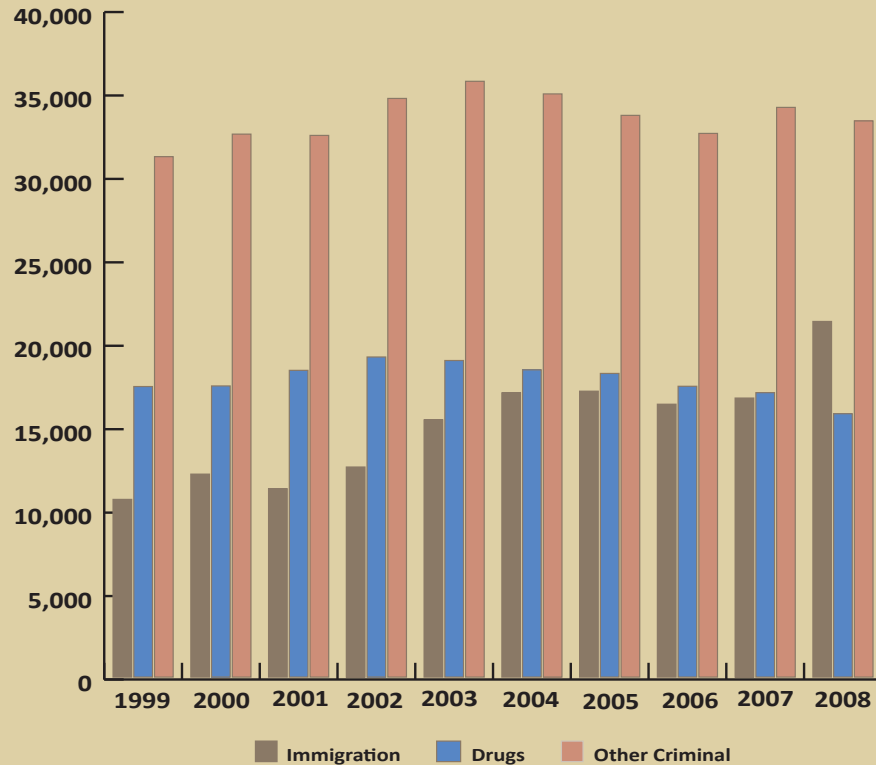
Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
2004	281,338	10,071	38,391	165,241	67,624	11
2005	253,273	10,400	41,986	138,696	62,191	—
2006	259,541	9,257	35,037	134,877	80,370	—
2007	257,507	9,564	35,900	139,424	72,619	—
2008	267,257	9,649	34,515	134,582	88,457	54
% Chg. 2008 Over 2007	3.8	0.9	-3.9	-3.5	21.8	—

Criminal Filings

In 2008, criminal case filings (including transfers) rose 4 percent to 70,896, and defendants climbed 3 percent to 92,355. Criminal cases filed per authorized judgeship grew from 101 in 2007 to 105 in 2008. Nationwide, district courts terminated 70,629 cases (up 4 percent)

and 91,817 defendants (up 4 percent). As filings exceeded terminations, pending cases increased by 267 to 73,685, and defendants in these cases rose by 538 to 101,936. The median case disposition time for defendants declined from 7.0 months in 2007 to 6.8 months in 2008 as the proportion of defendants convicted

Criminal Cases Filed, by Offense (Excluding Transfers)



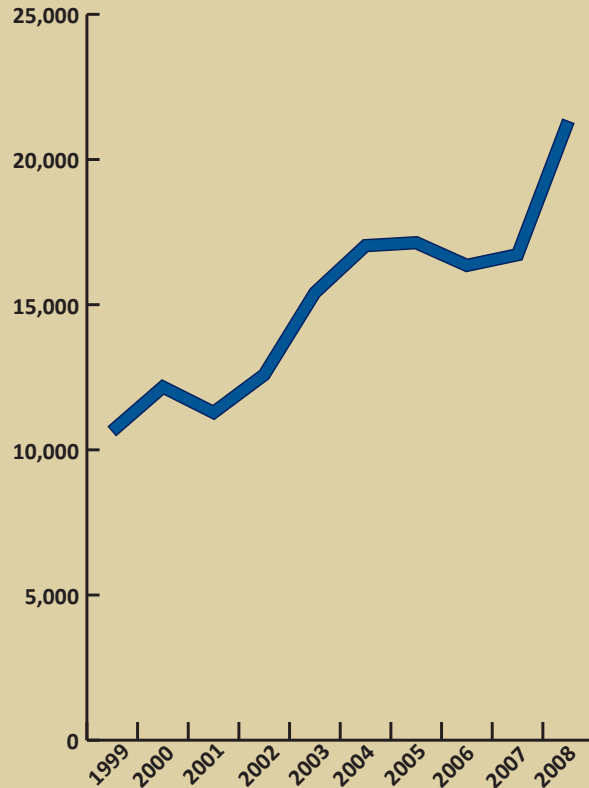
of immigration law violations, which typically have shorter processing times than other crimes, rose in the overall criminal caseload.

Increases occurred in cases related to immigration and sex offenses. Filings in other offense categories with significant numbers—drugs, fraud, and firearms—declined.

Immigration case filings jumped 27 percent to 21,313, and defendants in those cases rose 26 percent to 22,685. The growth in immigration cases resulted mostly from filings addressing improper reentry by aliens and filings involving fraud and misuse of visa/permit. The charge of improper reentry by an alien accounted for 73 percent of all immigration cases and 69 percent of immigration defendants. Seventy-two percent of all immigration cases were filed in the five southwestern border districts—the District of Arizona, Southern District of California, District of New Mexico, Southern District of Texas, and Western District of Texas. In 2008, immigration cases soared 52 percent in the Western District of Texas (up 1,210 cases), 42 percent in the Southern District of Texas (up 1,515 cases), 38 percent in the Southern District of California (up 713 cases), and 25 percent in the District of New Mexico (up 409 cases). Immigration filings in the District of Arizona fell 17 percent (down 391 cases) (the Arizona district court expects its immigration filings to increase after 20 newly hired assistant U.S. attorneys begin work).

Sex offense case filings grew 9 percent to 2,674, and defendants in such cases climbed 7 percent to 2,760. The increase in sex offense filings stemmed from cases involving sexually explicit material and sex offender registration. Sexually explicit material cases rose 10 percent to 1,691, and defendants in these cases climbed

Criminal Cases Filed Involving Immigration



10 percent to 1,708. Sexually explicit material filings are five times greater since the Child Pornography Prevention Act of 1996 criminalized the creation of child pornography using new technologies. Sex offender registry cases and defendants grew in response to prosecutions under the Adam Walsh Child Protection and Safety Act of 2006, which provides federal assistance in locating and apprehending sex offenders who violate sex offender registration requirements.

Overall drug cases dropped 7 percent to 15,784, and defendants charged with drug crimes fell 3 percent to 28,932. Filings associated with both marijuana and non-marijuana drugs decreased. These reductions occurred after many investigative agencies shifted more of their focus to terrorism and sex offenses. Fraud cases declined 4 percent to 7,746, and defendants in such cases dropped 1 percent to 10,680. Filings of firearms cases fell 3 percent to 8,045, and defendants declined 4 percent to 9,068.

Excluding transfers, the federal courts concluded proceedings against 91,390 defendants, an increase of 4 percent over the total for 2007. Of these defendants, 82,451 were convicted, a 90 percent conviction rate equal to that for 2007. Eighty-eight percent of defendants disposed of (i.e., convicted or dismissed) pled guilty, 1 percent more than in 2007.

Over the last five years, filings of criminal cases (including transfers) have fluctuated. The total for 2008 is 126 cases below that for 2004. Excluding transfers, the proportion of case filings for the three offense categories with the highest totals—drugs, immigration, and firearms and explosives—has changed from 2004 to 2008. Within this group, from 2004 to 2008 drug cases have dropped from 26 percent of total filings to

Table 5
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending
(Including Transfers)

Fiscal Years 2004 Through 2008

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
2004	679	71,022	105	18,414	64,621	65,900
2005	678	69,575	103	18,198	66,561	69,932
2006	678	66,860	99	17,429	67,499	71,916
2007	678	68,413	101	17,046	67,851	73,418 *
2008	678	70,896	105	15,784	70,629	73,685
% Chg. 2008 Over 2007	—	3.6	—	-7.4	4.1	0.4

¹ Data exclude transfers.

² Pending totals exclude cases in which all defendants were fugitives for more than one year.

* Revised.

22 percent, immigration cases have risen from 24 percent to 30 percent, and firearms and explosives cases have declined from 14 percent to 11 percent.

Table 5 and the D series of the appendix tables contain detailed data on the criminal caseload by district.

Trials Completed

For statistical purposes, district court trials include proceedings resulting in jury verdicts and other final judgments by the courts, as well as other contested hearings at which evidence is presented.

After rising 7 percent the previous year, in 2008 the number of civil and criminal trials completed in the U.S. district courts by Article III judges decreased 1 percent to 13,256 (down 193 trials). Declines occurred in civil nonjury and jury trials and in criminal jury trials.

Total civil trials fell 6 percent (down 317 trials) to 5,283 as 52 of the 94 district courts reported lower numbers of civil trials. Civil nonjury trials dropped 7 percent (down 223 trials) to 3,108. Civil jury trials decreased 4 percent (down 94 trials) to 2,175.

Total criminal trials rose 2 percent to 7,973 (up 124 trials) as 43 districts reported more criminal trials in 2008. Criminal nonjury trials climbed 4 percent (up 187 trials), with 49 districts reporting more trial activity. Judges accepted guilty pleas from 73,153 felony defendants. From 2004 to 2008, the number of guilty pleas accepted by judges grew 16 percent as more felony defendants accepted plea agreements to avoid going to trial and facing the risk of more severe sentences. In 2008, criminal jury trials fell 2 percent to 3,150 (down 63 trials) as 51 districts reported fewer such proceedings.

In addition to conducting trials, judges perform many other case-related functions, including those related to courtroom activity, research and opinion drafting for motions for summary judgment and other dispositive motions, hearings on sentencing issues, *Daubert* hearings on expert witnesses, evidentiary hearings in pro se prisoner and other cases, supervised release and probation revocation hearings, alternative dispute resolution activities, and settlements. This year, 45 districts operated mediation and arbitration programs that involved more than 16,400 civil cases.

The number of trials lasting four days or longer dropped 5 percent to 2,808. Twenty-

one civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 24 days. The longest civil trial, which involved a trademark case, lasted 39 days. In civil cases in which trials were conducted, the median time from filing to trial was 24.8 months. Sixty-one criminal trials required 20 or more days for completion, with the average of these trials lasting 34 days. The longest criminal trial, which involved a continuing criminal enterprise case, lasted 159 days.

During the past five years, the overall number of trials has increased 2 percent as criminal trials have grown 7 percent. Most criminal trials have involved cases related to immigration, weapons and firearms, and drugs. Civil trials have fallen 4 percent over the same period.

Appendix Tables C-7, C-8, C-9, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges.

In addition to trials conducted by active and senior Article III judges, 7,882 trials were conducted by magistrate judges in 2008. These comprised 3,225 petty offense trials, 524 civil consent trials, 161 misdemeanor trials, and 3,972 evidentiary hearings. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

Weighted Filings per Authorized Judgeship

Weighted filings statistics account for the different amounts of time district judges take to resolve various types of civil and criminal actions. The Federal Judiciary has employed techniques for assigning weights to cases since 1946. In 2004, the Judicial Resources Committee of the Judicial Conference of the United States approved a civil and criminal case weighting

system developed by the Federal Judicial Center. Under this system, 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).

In 2008, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship declined 1 percent to 472 (down 5 filings) from the total for 2007. The total number of weighted civil filings per judgeship fell 2 percent to 359 compared to the 366 weighted filings reported last year. Criminal weighted filings per judgeship climbed 3 percent to 109. The Northern District of Alabama (down 307 filings) and the Southern District of New York (down 119 filings) reported the most substantial decreases in weighted filings. The Southern District of New York, which in 2007 had received more than 6,000 cases related to the terrorist attacks in New York City on September 11, 2001, this year reported 3,900 fewer case filings. In 2008, the Northern District of Alabama had 2,300 fewer filings under the Fair Labor Standards Act, which had grown by more than 2,400 cases in 2007.

Weighted civil filings fell in 47 of the 91 districts whose filings receive weights and increased in 44 districts. (Weights are not assigned to civil cases and criminal defendants in the Virgin Islands, Guam, and Northern Mariana Islands.) Thirty-nine of the 91 districts that report criminal weighted filings had increases, 48 had declines, and 4 had no changes.

The total number of weighted supervised release hearings per judgeship increased 3 percent

from 4.72 to 4.87 in 2008. This total includes probation revocation hearings. Evidentiary supervised release hearings and probation revocation hearings each receive a weight of 0.22; non-evidentiary hearings receive a weight of 0.14. Forty-seven district courts reported growth in weighted supervised release hearings.

Between 2004 and 2008, total weighted civil and criminal filings per authorized judgeship (including supervision hearings) dropped 11 percent. During that period, combined civil unweighted filings per authorized judgeship and criminal unweighted defendant filings per authorized judgeship decreased 11 percent. Over the past five years, overall unweighted civil filings have fallen mostly as a result of reductions in cases related to personal injury/product liability, Social Security, and labor laws. Most of the decline in criminal unweighted defendant filings was related to reductions in cases associated with drugs and fraud.

Appendix Table X-1A provides, by district, data on weighted filings, unweighted filings, weighted supervised release hearings, and unweighted supervised release hearings per authorized judgeship in 2008.

United States Magistrate Judges

United States magistrate judges performed 968,986 judicial tasks in 2008, an increase of 2 percent over the 948,086 judicial matters handled in 2007. The 269,071 civil pretrial matters handled by magistrate judges in 2008 dropped 2 percent below the total for 2007. These included 175,041 motions, 21,602 settlement conferences, and 49,915 other pretrial conferences. Although declines occurred in most civil

pretrial categories, magistrate judges reported a 50 percent jump in evidentiary hearings (up from 784 to 1,179), an 8 percent rise in special masters proceedings (up from 417 to 450), and a 7 percent growth in “other” proceedings (up from 15,025 to 16,105), which include those involving fee applications, summary jury trials, motion hearings, and early neutral evaluations.

Magistrate judges handled 164,937 felony pretrial matters in 2008, down 1 percent from 2007. These included 94,317 motions and 23,542 pretrial conferences. Significant increases occurred in three categories of proceedings: a 20 percent jump in evidentiary hearings (up from 1,909 to 2,287), an 18 percent rise in pretrial conferences (up from 19,956 to 23,542), and an 11 percent climb in felony guilty pleas handled (up from 21,473 to 23,881).

A total of 10,814 civil cases were concluded by magistrate judges with litigant consent in 2008, an increase of 2 percent from 2007. This is the first growth in this category since 2003, when the number of civil cases adjudicated by magistrate judges peaked at 13,811. The number of jury trials heard by magistrate judges continued to decline, dropping from 322 in 2007 to 313 in 2008, but nonjury trials rose 12 percent from 188 to 211 this year.

Magistrate judges disposed of 112,718 misdemeanor cases in 2008, a 12 percent increase from 2007 (up from 100,725). Of these, 7,530 were Class A misdemeanor cases. Magistrate judges conducted 338,113 felony preliminary proceedings, a rise of 5 percent from 2007, including 98,452 involving initial appearances (an increase of 2 percent from 2007) and 60,934 arraignments (an increase of 6 percent from 2007). They also conducted 46,741 detention hearings in 2008, which tend to be among

the more time-consuming felony preliminary proceedings. They issued 12 percent more search warrants (up from 33,632 to 37,634) and 11 percent more arrest warrants/summonses (up from 39,822 to 44,160).

Supplemental Table S-17 and the M series of the appendix tables provide detailed information on the work of magistrate judges.

Judicial Panel on Multidistrict Litigation

The United States Judicial Panel on Multidistrict Litigation acted upon 35,987 civil actions pursuant to 28 U.S.C. §1407 during the 12-month period ending September 30, 2008. The Panel transferred 8,156 cases originally filed in 92 district courts to 52 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 27,831 actions initiated in the transferee districts. Product liability cases involving the hormone therapy drug Prempro and the Kugel Mesh Hernia Patch were among the more significant of the Panel's transfer determinations. The Panel did not order transfer in 25 newly docketed litigations involving 150 actions.

Since the creation of the Panel in 1968, it has centralized 301,255 civil actions for pretrial proceedings. As of September 30, 2008, a total of 11,665 actions had been remanded for trial, 395 actions had been reassigned within the transferee district, and 186,747 actions had been terminated in the transferee court. At the end of this fiscal year, 102,448 actions were pending throughout 60 transferee district courts.

Supplemental tables S-19 and S-20 provide statistics on the number of cases transferred since the Panel was created, presenting data on the flow of cases into and out of the

districts during the current year and since 1968. All statistical information on multidistrict litigation traffic in the federal courts is maintained by the Clerk's Office of the United States Judicial Panel on Multidistrict Litigation. Information on specific cases or districts may be obtained from that office.

U.S. Bankruptcy Courts

During 2008, filings in the U.S. bankruptcy courts rose 30 percent over the previous year to 1,042,993. This total was 6 percent less than that for 2006 and 41 percent below the record set in 2005, when filings grew as debtors rushed to file petitions before October 17, 2005, the effective date for most of the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). Tables 6 and 7 display national data on bankruptcy cases.

In 2008, filings exceeded 2007 totals in all but 6 of the 94 districts. The largest percentage increases occurred in the Central District of California (up 96 percent over 2007), the Eastern District of California (up 83 percent), the District of Nevada (up 77 percent), and the Southern District of California (up 74 percent). Growth of more than 50 percent also occurred in five other districts, the District of Rhode Island, Eastern District of Virginia, Northern District of California, District of Arizona, and Middle District of Florida. Six districts—the Northern District of New York, District of Virgin Islands, Southern District of Texas, District of Montana, District of Northern Mariana Islands, and District of Wyoming—saw their bankruptcy filings decline. The largest numerical reduction was a drop of 498 filings (down 4 percent) in the Southern District of Texas

that stemmed, in part, from disruptions of business due to Hurricanes Gustav and Ike.

Many of the districts that reported large increases in filings in 2008 had experienced large decreases in filings in 2007. This year's rebound caused total bankruptcy filings to approach 2006 levels, although they fell short of the all-time high reached in 2005, the last full year before BAPCPA went into effect. The maps on pages 28 and 29 show percentage changes in bankruptcy filings across the nation from 2006 to 2007 and from 2007 to 2008. In most districts, filings fell from 2006 to 2007, then rose from 2007 to 2008. In 24 districts, more bankruptcy petitions were filed in 2008 than in 2006.

BAPCPA provides for the filing of bankruptcy petitions under six basic chapters. Under chapter 7, assets are liquidated for distribution. BAPCPA created new requirements for docketing, notices, and hearings for chapter 7, therefore raising the amount of court effort required for processing chapter 7 petitions. Chapter 7 cases constituted a greater percentage of total filings this year than they did the previous year, accounting for 65 percent of all cases filed in 2008, compared to 60 percent in 2007. Chapter 7 filings rose 40 percent to 679,982 in 2008, climbing in 90 of the 94 districts. The largest numeric increase occurred in the Central District of California, which had 20,439 more petitions this year (up 92 percent). The greatest percentage change was a 102 percent rise in filings in the Eastern District of California (up 11,532 petitions). Although the Eastern District of California was the only district with more than double the number of chapter 7 petitions received over the previous year, 13 districts saw increases of 50 percent or more in chapter 7 petitions.

Table 6
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, Terminated, and Pending
Fiscal Years 2004 Through 2008

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2004	1,618,987	1,584,170	34,817	1,671,177	1,658,081
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	1,275,841*
2008	1,042,993	1,004,342	38,650	975,296	1,343,538
% Chg. 2008 Over 2007	30.2	29.5	49.1	12.8	5.3

* Revised.

Chapter 11 allows businesses to continue operating while they formulate plans to reorganize and repay their creditors; individuals also may file under this chapter, although relatively few do. Chapter 11 petitions generally require much more involvement by judges than do petitions filed under other chapters, but they account for a relatively small proportion of overall filings (less than 1 percent in 2008).

During this fiscal year, chapter 11 petitions rose 49 percent to 8,799. Seventy-three districts reported growth in these petitions, 19 districts had declines, and filings remained stable in 2 districts, including the District of the Northern Mariana Islands, which reported no chapter 11 petitions in either 2007 or 2008. The greatest numeric increase occurred in the Central District of California (up 430

cases or 150 percent), and the greatest percentage increase was in the Northern District of Oklahoma (up 10 cases or 333 percent).

Chapter 12 was designed to help family farmers reorganize their debts. BAPCPA made chapter 12 a permanent part of the Bankruptcy Code. Chapter 12 filings decreased 8 percent to 332. With 22 petitions, the District of Puerto Rico had the greatest number of chapter 12 filings in 2008.

Under chapter 13, an individual with regular income and with debts below a statutory threshold may adjust debts and make installment payments to creditors pursuant to a court-confirmed plan. Chapter 13 filings rose 14 percent to 353,828 and accounted for 34 percent of all new petitions in 2008, compared to 39 percent in 2007. Seventy-two districts reported increases, and 21 reported declines; no chapter 13 petitions were filed in the District of Northern Mariana Islands in 2008. For the second year in a row, the largest numeric growth occurred in the Central District of California (up 7,166 cases). The greatest percentage increase was in the Central District of California (up 108 percent). The Eastern District of Michigan had the largest decrease (down 1,084 cases).

Petitions filed under chapter 9 involve municipalities. Those filed under chapter 15 involve foreign entities and pertain to cross-border insolvency and a foreign court's receipt of aid from a U.S. bankruptcy court. Both types of petitions usually account for a small portion of overall filings. During 2008, the combined total for filings under both chapters was 52.

During 2008, filings by debtors with predominantly nonbusiness debts, which accounted for 96 percent of overall filings, rose

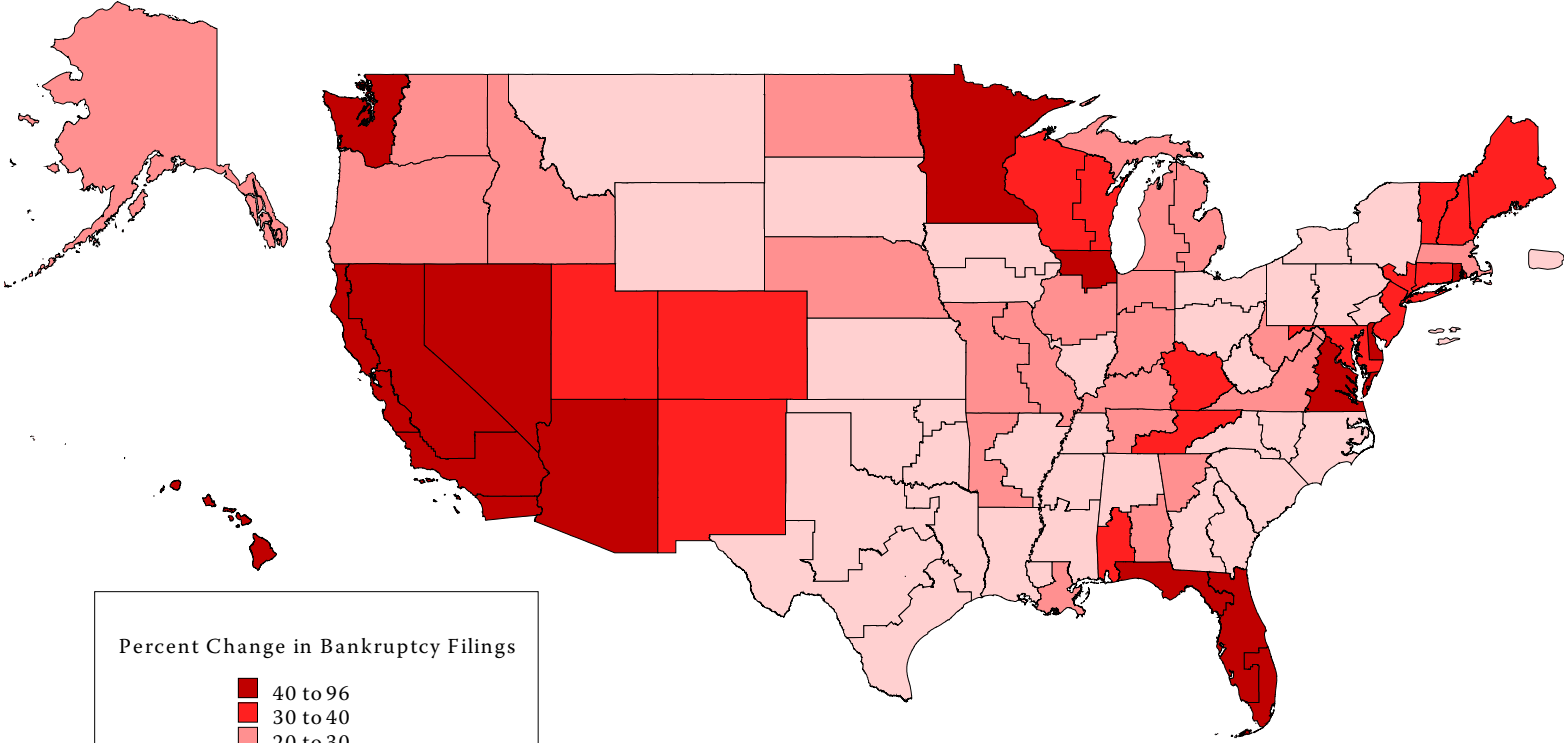
30 percent to 1,004,342 (such filings had fallen 29 percent to 775,344 in 2007). Nonbusiness chapter 7 filings increased 40 percent, nonbusiness chapter 11 filings jumped 47 percent, and nonbusiness chapter 13 filings grew 14 percent.

Filings by debtors with predominantly business debts increased 49 percent to 38,650 during 2008. Business petitions filed under chapter 7 rose 57 percent, those filed under chapter 11 grew 50 percent, those filed

Table 7
U.S. Bankruptcy Courts
Cases Filed, by Chapter of the Bankruptcy Code
Fiscal Years 2004 Through 2008

Year	Total	Chapter				
		7	11	12	13	Other
2004	1,618,987	1,153,865	10,368	238	454,412	104
2005	1,782,643	1,346,201	6,637	364	429,316	125
2006	1,112,542	833,147	6,003	376	272,937	79
2007	801,269	484,162	5,888	361	310,802	56
2008	1,042,993	679,982	8,799	332	353,828	52
% Chg. 2008 Over 2007	30.2	40.4	49.4	-8.0	13.8	-7.1

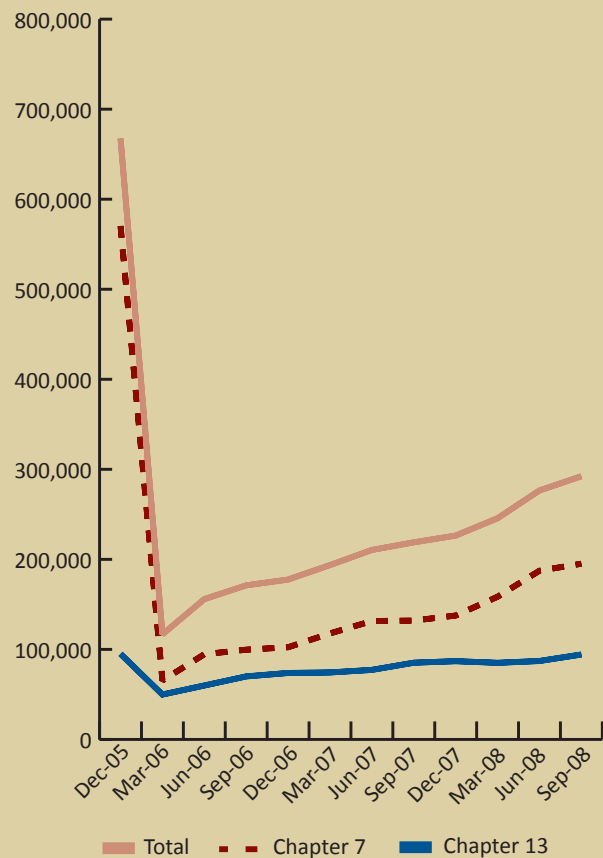
Percent Change in Bankruptcy Filings, by District, 2007-2008



Percent Change in Bankruptcy Filings

- 40 to 96
- 30 to 40
- 20 to 30
- 40 to 20

Bankruptcy Cases Filed, by Quarter



under chapter 12 fell 8 percent, and those filed under chapter 13 climbed 14 percent.

The number of bankruptcy cases closed rose 13 percent to 975,296. Because filings exceeded terminations, the pending caseload increased 5 percent from September 30, 2007, to 1,343,538 on September 30, 2008. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

In 2004, a total of 1,618,987 bankruptcy petitions were filed. The total number of filings for 2008—1,042,993—was 36 percent below the total for 2004. Eleven percent more business petitions were filed in 2008 than in 2004, although the number of nonbusiness filings in 2008 was 37 percent below that for 2004. Business filings accounted for nearly 4 percent of filings in 2008, but only 2 percent of filings in 2004.

The long-term effects of BAPCPA on the work of the courts remain uncertain, but the pattern for the second complete fiscal year following the implementation of the law shows that bankruptcy filings are steadily increasing. Filings under chapters 7 and 11 grew dramatically this year; chapter 11 filings in 2008 exceeded the total for 2005, the last full fiscal year before BAPCPA took effect. The percentage rise in chapter 13 filings in 2008 was smaller than the percentage increases in filings under chapters 7 and 11. Problems involving subprime mortgages, the high rate of foreclosures, and the onset of adjustable rate mortgage (ARM) resets have placed many consumers and businesses in financial jeopardy. In 2008, the contracting economy and increases in unemployment may have added to these financial pressures.

Adversary Proceedings

Adversary proceedings are civil actions that arise in connection with bankruptcy cases and include actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts. Adversary proceedings occasionally stem from consumer bankruptcy cases, but the majority are associated with chapter 11 bankruptcies. Statutory time constraints on the filing of adversary proceedings generally cause trends and shifts in chapter 11 bankruptcy petitions in one year to affect filings of adversary proceedings about two years later.

Filings of adversary proceedings dropped 8 percent this year to 45,870. This marked the fifth consecutive year of lower filings. The number of filings this year fell 51 percent below the number reported for 2004.

In 2008, a total of 54 districts reported fewer filings of adversary proceedings. Twenty-three districts had decreases of more than 20 percent, and two districts (the District of New Hampshire and the Eastern District of Missouri) had declines of more than 50 percent. Increases occurred in 37 districts. Filings in one district remained unchanged. The greatest numerical reductions in filings of adversary proceedings occurred in the Southern District of New York, where filings dropped by 1,038 cases (down 47 percent), and in the Eastern District of Missouri, where filings dropped by 363 cases (down 54 percent). The decreases in these two districts reflect downward trends in chapter 11 filings that had occurred in those districts two years earlier, as well as the national decline in adversary proceedings.

The number of adversary proceedings closed dropped 17 percent to 49,481. As terminations exceeded filings, pending adversary cases fell 6 percent to 58,514 as of September 30, 2008. Data on adversary proceedings by district appear in Table F-8 in the appendix.

Criminal Justice Act

The Criminal Justice Act (CJA) provides funding for the representation in federal criminal and related proceedings of individuals with limited financial resources. In each district, a plan exists for providing such representations through private panel attorneys and, where established, federal public or community defender organizations. In 2008, a total of 213,758 appointments of counsel took place under the CJA, a rise of 18 percent from the 180,640 appointments in 2007.

Representations by the 79 federal public and community defender organizations (including representations in criminal matters, appeals, and habeas corpus proceedings) jumped 33 percent to 132,117. Appointments of panel attorneys increased 1 percent to 81,641. These increases were due largely to cases addressing immigration and the retroactive application of amendments to sentencing guidelines for crack cocaine offenses.

The growth in federal defender representations occurred mainly along the southwestern border of the United States. Representations rose 57 percent in the Southern District of Texas, 44 percent in the Western District of Texas, 23 percent in New Mexico, and 17 percent in the Southern District of California, mostly in immigration cases and in crack cocaine cases. A

decrease of 12 percent in the District of Arizona was attributed mainly to reductions in cases involving forged documents and immigration.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the past five years. Appendix Table K-1 presents information on the representations each federal public and community defender organization provided during 2008.

Post-Conviction Supervision

On September 30, 2008, the number of persons under post-conviction supervision was 120,676, an increase of nearly 4 percent over the 116,221 persons under supervision on the same date in 2007. From 2004 to 2008, persons under post-conviction supervision grew by 7,793 or 7 percent. Persons released from correctional institutions who were serving terms of supervised release rose more than 6 percent from 89,497 in 2007 to 95,159 in 2008 and increased slightly more than 21 percent over the past five years. The 95,159 persons released from correctional institutions who were serving terms of supervised release on September 30, 2008, accounted for 79 percent of all persons under supervision, compared to 77 percent the previous year and 70 percent in 2004.

Cases involving probation imposed by district and magistrate judges fell 4 percent from 23,974 cases in 2007 to 22,980 cases in 2008 and accounted for 19 percent of all persons under post-conviction supervision (down from 21 percent in 2007). Parole cases dropped nearly 8 percent from 2,575 cases in 2007 to 2,378 cases in 2008.

Of the 120,676 persons under supervision at the end of the fiscal year, more than 46 percent had been convicted of drug offenses, up from 45 percent in 2007 and two percentage points above the proportion for 2004. Collectively, the number of persons convicted of property offenses decreased from 28,155 in 2007 to 27,814 in 2008. The proportion of persons under post-conviction supervision for property offenses in 2008 was 23 percent, down from 24 percent the previous year and 28 percent in 2004. Firearms offenses (reported in prior periods as “weapons and firearms” offenses) accounted for 11 percent of persons under post-conviction supervision in 2008, up from slightly more than 7 percent in 2004.

Excluding transfers, the number of persons received for supervision rose more than 5 percent from 55,246 in 2007 to 58,141 in 2008. The number of persons received for terms of supervised release following release from correctional institutions increased almost 9 percent from 41,515 cases in 2007 to 45,236 cases in 2008. This caused a continuing increase in the proportion of institutional cases in the total national caseload.

Probation cases received decreased more than 5 percent from 12,127 cases in 2007 to 11,493 cases in 2008. Parole cases received (including cases involving special parole, military parole, and mandatory release) also declined from the previous year. Overall, parole cases dropped nearly 13 percent (down 121 cases to 829).

The number of cases closed from post-conviction supervision (including those involving transfers out and deaths) increased less than 1 percent from 54,051 in 2007 to 54,085 this year. The proportion of post-conviction cases

Table 8
Federal Post-Conviction Supervision
Fiscal Years 2004 Through 2008

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2004	64,161	59,437	62,559	57,932	112,883
2005	59,086	55,093	58,798	54,755	112,931
2006	58,582	54,549	57,342	53,114	114,002
2007	59,063	55,246	56,497	52,541	116,221
2008	61,964	58,141	56,925	52,887	120,676
% Chg. 2008 Over 2007	4.9	5.2	0.8	0.7	3.8

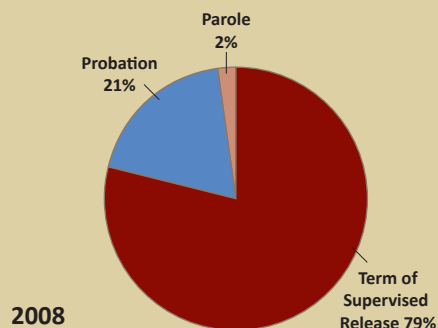
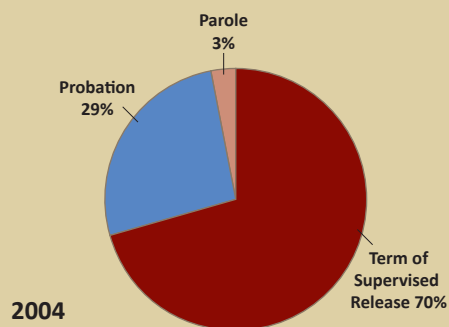
terminated successfully grew from 72 percent to 73 percent. Of those cases closed successfully, 19 percent were closed by early termination, the same as the previous year. Technical violations accounted for slightly more than 61 percent of the 13,459 revocations reported in 2008, a four percentage point increase from the previous year. Revocations for new offenses accounted for 39 percent of revocations, compared to slightly more than 43 percent in 2007.

Detailed data on post-conviction supervision appear in Table 8 and in the E series of the appendix tables.

Investigative Reports

The number of presentence reports prepared by probation officers increased more than 4 percent from 71,823 in 2007 to 74,973 in 2008. Nearly 92 percent of these reports (68,896) were presentence guideline reports, which are

Post-Conviction Supervision as of September 30



comprehensive investigative reports prepared in felony or Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated guidelines. Modified presentence reports, which are less comprehensive investigative reports, represented 5 percent of total presentence investigative reports. Non-guideline reports, which are reports for cases involving offenses for which the U.S. Sentencing Commission has not promulgated guidelines, decreased from 235 in 2007 to 192 in 2008. Reports involving petty offenses, reports for treaty transfer cases, and supplemental reports to the Bureau of Prisons constituted the remaining 3 percent.

On November 1, 2007, the U.S. Sentencing Commission amended federal sentencing guidelines to reduce penalties for crack cocaine offenses. Retroactivity of this amendment became effective on March 3, 2008. In addition to the number of standard presentence reports prepared, probation offices conducted 23,131 investigations into offenders' eligibility for reduced prison sentences for crack cocaine offenses. Federal judges make the final determinations of whether offenders are eligible for sentence reductions and, if so, by how much each offender's sentence should be reduced.

Substance Abuse Treatment

Federal offenders receive substance abuse treatment from a variety of sources: private insurance, state programs, local programs, self-help groups, the Department of Veterans' Affairs, and Judiciary-funded substance abuse treatment services. The following data reflect only Judiciary-funded substance abuse treatment and exclude costs associated with substance abuse testing. Federal probation offices spent \$32,607,213 on Judiciary-funded substance

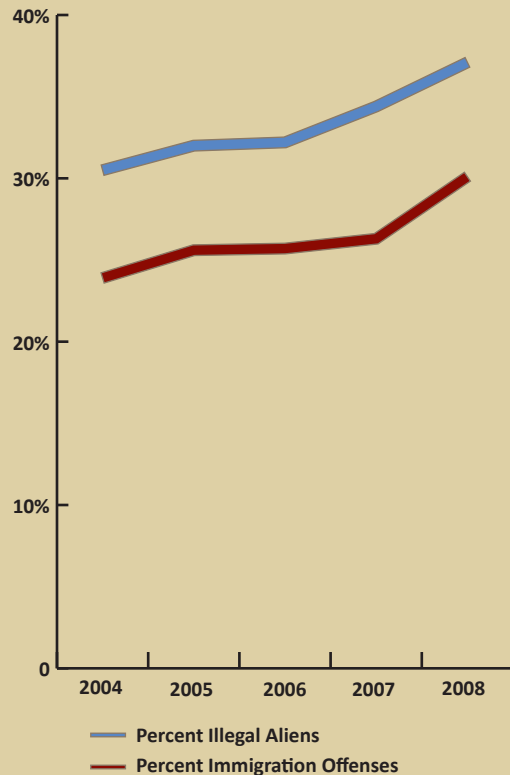
abuse treatment in 2008. Of the 69,761 offenders under supervision with substance abuse treatment conditions, 31,507 received Judiciary-funded treatment. The Federal Judiciary thus spent an average of \$1,035 on each of these offenders this year. Nationwide, 45 percent of offenders with conditions requiring substance abuse treatment received Judiciary-funded treatment, one percentage point lower than in 2007. Table S-13 contains additional information on Judiciary-funded substance abuse treatment services in the federal probation system.

Pretrial Services

The number of cases opened in the pretrial services system, including pretrial diversion cases, rose from 97,905 cases in 2007 to 99,675 cases in 2008, an increase of 2 percent. The number of cases opened in 2008 in the pretrial services system, including pretrial diversion cases, was nearly the same as the number of cases opened in 2004 (100,005 cases). During this five-year period, the number of pretrial services reports prepared grew almost 2 percent, although the number of persons interviewed decreased nearly 7 percent from 69,042 to 64,380 (not all defendants are interviewed—defendants may decline to be interviewed, and sometimes interviews are not possible—but for each defendant, a pretrial services report must be written).

The proportion of cases opened in which the major offense involved immigration rose 4 percentage points to 30 percent of the total. The proportion of pretrial services cases opened in which the major offense charged addressed drugs fell 1 percentage point from 32 percent in 2007 to 31 percent in 2008. Cases involving property offenses repre-

Proportions of Illegal Aliens and Immigration Offense Defendants in Pretrial Services Cases Activated



sented 15 percent of pretrial services cases opened this year. Cases involving firearms offenses dropped to 7,924 in 2008 from 8,285 in 2007, a decrease of more than 4 percent.

Pretrial services officers (PSOs) prepare pretrial services reports that ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for ordering the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2008, PSOs prepared 95,663 pretrial services reports, an increase of 2 percent from the previous year. Nearly 93 percent of pretrial services reports prepared were pre-bail reports. The remaining reports prepared were post-bail reports. Table 9 presents data on pretrial services cases and reports for this year.

Because some cases are transferred out or dismissed prior to initial bail decisions, cases in which bail decisions were made by the activating districts constitute a subset of total cases activated (98,244). Excluding these cases, as well as cases for which release is not possible within 90 days, 90,183 bail determinations were made by the courts in 2008. Of those, nearly 38 percent of the defendants were released. Cases in which defendants were released included immigration cases involving crimes such as illegal entry, which had a higher rate of detention than did nonimmigration cases. When immigration cases were excluded, the percentage of defendants released climbed to 48 percent.

A total of 32,085 defendants were placed under supervision in the pretrial services system in 2008, a decrease of more than 2 percentage points from the previous year. The proportion of defendants who were illegal aliens, along with

growth in immigration cases, continued to affect the number of persons received for supervision, because illegal aliens and defendants charged with immigration offenses are more likely to be detained given their high risk of failure to appear in court. Thirty-seven percent of defendants in pretrial services cases were illegal aliens, up 3 percentage points from 2007.

For persons under pretrial services supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services (such as substance abuse treatment), and informed the courts and U.S. attorneys of all apparent violations of release conditions. This year, 33,533 defendants were released with specified conditions such as pretrial services supervision or home confinement. The release condition ordered most often was pretrial services supervision, which was imposed on 91 percent of defendants released, a reduction of 2 percentage points from the previous year. Substance abuse treatment and testing were ordered for slightly more than 31 percent of the defendants, a 1 percentage point rise from the year before. Defendants given substance abuse testing alone (without treatment) dropped from 21 percent last year to 19 percent this year.

Pretrial diversion is a period of supervision proposed by an assistant U.S. attorney and agreed to by a defendant as an alternative to the prosecution of criminal charges in federal court. Diversion thus preserves prosecutorial and judicial resources for more serious criminal matters. In 2008, the number of pretrial diversion cases activated decreased by 215 cases to 1,431; this represented approximately 2 percent of activated cases in 2008, roughly the same proportion as in 2007.

Table 9
Summary of Pretrial Services Cases

Fiscal Years 2007 and 2008

	2007	2008	Percent Change
Total Cases Activated	97,905	99,675	1.8
Pretrial Services Cases	96,259	98,244	2.1
Pretrial Diversion Cases	1,646	1,431	-13.1
Total Released on Supervision	32,879	32,085	-2.4
Pretrial Supervision	31,358	30,654	-2.2
Diversion Supervision	1,521	1,431	-5.9
Types of Reports			
Prebail	89,569	90,991	1.6
Other Reports (Including Postbail)	4,287	4,672	9.0
No Report	2,403	2,581	7.4

Pretrial services statistics appear in the H series of the appendix tables.

Complaints Against Judges

Under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or that a judge

cannot discharge all the duties of the office because of physical or mental disability, may file a complaint. Such a complaint must concern the actions or capacity of a circuit judge, a district judge, a bankruptcy judge, a magistrate judge, or a judge of a court specified in 28 U.S.C. § 363. The complaint must be filed with the clerk of the court of appeals for the circuit or, if the judge serves on a national court, with the office specified in that court's rules.

On May 11, 2008, the process whereby courts report complaint-related activity was changed to make the information more detailed and comprehensive. To achieve this, the system for collecting the requisite data was enhanced as recommended by the Judicial Conduct and Disability Act Study Committee in "Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice" (known as the Breyer Report), 239 F.R.D. 116 (Sept. 2006), and as warranted by the Judicial Conference's new *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. In accordance with the Breyer Report, the mechanism for capturing special investigative committee appointments has been strengthened and the statistical tables are now based on a uniform methodology for reporting different types of judicial council actions. The tables now include expanded categories for allegations in and actions on complaints. The tables also now reflect that a complaint against more than one judge is now counted once for each judge named (prior to May 11, 2008, a complaint against more than one judge was counted only as a single complaint).

Because these reporting changes took effect during this fiscal year, two distinct sets of tables have been created. Tables 10 and S-22A present data on complaints filed before May 11, 2008, and Tables 11 and S-22B present data on complaints filed on or after May 11, 2008. Only limited comparisons can be made between the partial-year data for 2008 and the full-year data for 2006 and 2007. Moreover, only limited comparisons can be made between data gathered prior to May 11, 2008, and data gathered thereafter, given that the two sets of data reflect different measurements.

Activity on Complaints Filed Prior to May 11, 2008

The number of complaints filed from October 1, 2007, through May 10, 2008, was 491. As in past years, the most prevalent allegations were in the categories of abuse of power, prejudice/bias, and "other." More than one-half of the complaints originated in the Third, Fifth, Ninth, and Eleventh Circuits.

Of the complaints filed before May 11, 2008, a total of 552 were concluded before September 30. Because this total exceeded filings of complaints from October 1, 2007, through May 10, 2008, total pending complaints (which included pending complaints from previous years) declined to 272. Of the 552 complaints concluded, 288 were terminated by circuit chief judges or were withdrawn before chief judges could complete action on them, and 264 were terminated by circuit judicial councils.

Eighty-two percent of the complaints terminated by chief judges were dismissed because the allegations were found to be directly related to the merits of decisions or of procedural rulings. The remaining 18 percent were withdrawn, were dismissed when chief judges determined that the allegations were frivolous or failed to conform to the Judicial Conduct and Disability Act, or were concluded by chief judges who found that appropriate action already had been taken or no longer was necessary.

Of the 264 complaints concluded by circuit judicial councils, all but one were terminated by the denial of petitions for review of a chief judge's dismissal. The remaining complaint resulted in disciplinary action (public censure) by the reviewing judicial council.

Table 10
Judicial Complaints Filed, Concluded, and Pending
Fiscal Years 2006 and 2007, Plus October 1, 2007 - May 10, 2008

	2006	2007 *	2008
Filed	687	841	491
Concluded	656	749	552
By Chief Judges	428	401	288
Dismissed	408	389	280
Corrective Action Taken	11	9	3
Withdrawn	9	3	5
By Judicial Councils	228	348	264
After Review of Chief Judge's Dismissal ¹			
Dismissed	220	340	263
Withdrawn	0	2	0
Action Taken	0	1	1
Referred to Judicial Conference	0	0	0
After Report of Investigating Committee			
Dismissed	7	4	0
Withdrawn	0	0	0
Action Taken	1	1	0
Referred to Judicial Conference	0	0	0
Pending	241	333	272
Special Investigating Committees Appointed	8	5	2

* Revised.

¹ Petition for review of a chief judge's dismissal of a complaint.

Prior to May 11, 2008, two special investigating committees were appointed—one in the Seventh Circuit and one in the Tenth Circuit.

Activity on Complaints Filed on or After May 11, 2008

From May 11-September 30, 2008, 672 complaints were filed. Of these complaints, 207 were concluded in whole or in part this year, leaving 465 pending. 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 Second, Seventh, Ninth, and Eleventh Circuits.

Of the 207 complaints concluded, 199 were dismissed in whole or in part by chief judges. For 84 percent of the dismissed complaints, the chief judges found that the allegations were directly related to the merits of decisions or of procedural rulings. Other grounds for dismissal included allegations lacking sufficient evidence (28 percent), frivolousness (20 percent), and allegations not constituting misconduct or disability (12 percent). (Percentages do not total 100 percent because multiple reasons can be recorded for each dismissal.) For 77 of the complaints dismissed by chief judges, judicial councils denied petitions for review of dismissal.

From May 11-September 30, 2008, two special investigating committees were appointed—one in the Second Circuit and one in the Third Circuit.

Table 11
Judicial Complaints Filed, Concluded, and Pending

May 11 - September 30, 2008

	2008
Complaints Commenced	672
Complaints Concluded	207
By Withdrawal	
Complaint Withdrawn by Complainant	4
Petition for Review Withdrawn	0
By Chief Judges	
Dismissed	122
Other Disposition	4
By Judicial Councils	
Upon Petition For Review of Chief Judge's Disposition ¹	
Chief Judge's Disposition Affirmed	77
Other Disposition	0
After Report by Special Investigating Committee	
Dismissed	0
Other Disposition	0
By the Judicial Conference	0
Complaints Pending	465
Special Investigating Committee Appointed	2

¹ Petition for review of a chief judge's dismissal of a complaint.

Table 12
Status of Article III Judgeship Positions

*Fiscal Years 2004 Through 2008*¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships ⁴	Vacancies	Senior Judges ⁵
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

¹ Data are as of September 30.

² Positions in the Court of Appeals for the Federal Circuit are included.

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

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

⁵ Senior judges authorized for staff.

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

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

Table 13
Status of Bankruptcy
Judgeship Positions

*Fiscal Years 2004 Through 2008*¹

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

¹ Data are as of September 30.

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

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.

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

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. ■

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.