



NEWS RELEASE

Administrative Office of the U.S. Courts

March 15, 2005

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Filings Climbed in Federal Courts in Fiscal Year 2004

The Administrative Office of the U.S. Courts reported today that overall case filings in the federal appellate and trial courts climbed in fiscal year 2004, adding up to a double digit percentage increase in workload for the Judiciary since 1995.

In the U.S. Courts of Appeals, the number of appeals increased 3 percent to an all-time high, and a 25 percent increase in the last decade. In the U.S. District Courts, total filings of civil and criminal cases increased 9 percent, and have climbed 20 percent over the last 10 years. And even though bankruptcy filings dropped 3 percent in FY 2004, total cases filed remained above 1.6 million, and have increased 83 percent since 1995. The number of defendants in cases opened in the pretrial services system rose 3 percent to an all-time high of 100,005, and a new record also was set in probation, where the number of persons under post-conviction supervision on September 30, 2004, totaled 112,883.

The federal Judiciary's fiscal year is the 12-month period ending September 30. Complete statistics for FY 2004, compiled in the publication, *Judicial Business of the U.S. Courts*, can be found at www.uscourts.gov, under Library/Statistical Reports.

U.S. Courts of Appeals

FY 2004 was the tenth year in a row of growth in cases filed in the U.S. Courts of Appeals, and the ninth consecutive year those filings broke records. The number of appeals filed rose 3 percent to an all-time high of 62,762. Twenty percent of those filings were administrative agency appeals, which grew 23 percent to 12,255. The increase consisted primarily of appeals of decisions by the Department of Justice's Board of Immigration Appeals (BIA).

Criminal appeals accounted for another 20 percent of all appeals filed, totaling 12,506 in FY 2004, up by 538 appeals over FY 2003. The rise in criminal appeals can be broken down into appeals related to drug crimes, which were up 2 percent in FY 2004 for a total of 4,660 cases; firearms, up 20 percent to 2,021; immigration law violations, up 2 percent to 1,855; fraud, up 4 percent to 1,407; and sex crimes, up 30 percent to 265.

Original proceedings in the appeals courts climbed 13 percent to 4,064, with a 23 percent jump in second or successive motions for habeas corpus relief (up 479 motions). Filings of these motions began rising as many prisoners moved to vacate judgment in response to the Supreme Court's decision in *Blakely v. Washington*.

Civil appeals filings fell 4 percent to 33,075, largely because of a 6 percent reduction in prisoner petition appeals.

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U.S. District Courts

There were 352,360 civil and criminal cases filed in the U.S. District Courts in FY 2004, a 9 percent increase. Civil filings increased 11 percent to 281,338 cases, and criminal filings rose by 380 cases to 71,022, a .5 percent increase.

Civil Caseload

The 28,376 case increase in civil filings in FY 2004 stemmed from a 16 percent increase in federal question filings, chiefly because of a doubling of special statutory actions related to financial investment cases. Federal question filings are actions under the Constitution, laws or treaties of the U.S. in which the U.S. is not a party in the case. Federal question filings relating to personal injury/product liability more than doubled to 2,221 cases. Filings relating to labor law filings, and filed largely under the Fair Labor Standards Act, increased 6 percent. Filings relating to protected property rights actions, mostly copyright and patent cases, increased 7 percent.

There also was an 11 percent increase in diversity of citizenship filings, largely as a result of a 62 percent surge in personal injury/product liability filings.

Cases with the U.S. as plaintiff dropped 8 percent, down 875 cases to 10,071, largely in response to a 24 percent decline in foreclosure cases. Filings with the U.S. as defendant rose by 137 cases, to 38,391. The number of Social Security cases filed fell 7 percent, as filings related to disability insurance declined by 849. This reduction offset a 22 percent jump in motions to vacate sentence and a 13 percent increase in habeas corpus prisoner petitions. The growth in motions was spurred, in part, by the supreme court's decision in *Blakely v. Washington*.

The number of civil filings per authorized judgeship jumped from 372 to 414 in FY 2004.

Criminal Caseload

Criminal case filings grew by 380 cases to 71,022 in FY 2004. The number of criminal defendants rose by 635 to 93,349. Increases occurred in cases involving immigration, sex offenses, and fire-arms, with filings for both cases and defendants for these offenses reaching their highest levels ever. The federal courts concluded proceedings against 81,717 defendants. Of these, 73,616 were convicted, for a 90 percent conviction rate.

The number of immigration cases and defendants both rose 11 percent, to 17,021 cases and 18,140 defendants. Sixty-nine percent of all immigration cases were filed in the five district courts along the nation's southwestern border, each of which received more immigration filings than in FY 2003. Immigration filings began rising in 1995, when the Department of Justice intensified efforts to secure the southwestern U.S. borders against illegal immigration. Filings have skyrocketed since 2002, as the Department of Homeland Security seeks to defend the nation against potential acts of terrorism.

Sex offense cases and defendants both jumped 24 percent, to 1,638 cases and 1,709 defendants. Defendants charged with sexual abuse rose 11 percent, and sexual abuse cases increased 10 percent. Defendants charged with offenses involving sexually explicit material jumped 34 percent, and the number of cases grew 33 percent.

Firearms cases and defendants both grew 3 percent to 9,352 cases and 10,481 defendants in FY 2004.

The number of drug defendants dropped 1 percent to 32,358, and drug cases fell 3 percent overall to 18,440. The national total was affected by large reductions in drug case filings in several districts, especially the Eastern District of New York and the Southern District of California. The decline may be attributed to a shift to prosecution at state and local levels in these districts, a shift in prosecutorial focus to immigration cases, and tougher border security, which may be deterring drug trafficking.

Filings of fraud cases fell 7 percent to 7,539, with a 31 percent reduction in Social Security fraud cases. Lending institution fraud cases decreased 6 percent to 898, although defendants in such cases increased 4 percent to 1,395. Income tax fraud cases climbed 15 percent to 496, and defendants rose 12 percent to 541. Passport fraud cases grew 9 percent to 449, and defendants increased 10 percent to 468.

Weighted Filings per Authorized Judgeship

Weighted filings statistics account for the different amounts of time district judges require to resolve various types of civil and criminal actions. In FY 2004, the total number of weighted filings per authorized judgeship increased 6 percent to 529 (up 31 filings) over the total for FY 2003. The total number of weighted civil filings per district judgeship increased 8 percent to 414, compared to the 384 weighted filings reported for the 680 positions authorized in FY 2003. Criminal weighted filings per judgeship rose by just one filing over FY 2003. The number of authorized judgeships fell to 679 after a temporary judgeship in the District of Nebraska lapsed on May 5, 2004.

U.S. Bankruptcy Courts

Filings for a 12-month period in the U.S. Bankruptcy Courts declined for the first time since 2000, falling 3 percent to 1,618,987. Filings in both business and non-business petitions for FY 2004 declined, with a 3 percent drop to 1,584,170 in non-business petitions, and a 4 percent drop to 34,817 in business petitions. Non-business filings, which accounted for 98 percent of total filings in FY 2004, fell 2 percent under chapter 7, 3 percent under chapter 11, and 4 percent under chapter 13. Business filings fell 4 percent under chapter 7, 66 percent under chapter 12, and 8 percent under chapter 13. Business filings rose 3 percent under chapter 11.

Pretrial Services and Post-Conviction Supervision

The number of defendants in cases opened in the pretrial services system in FY 2004, including pretrial diversion cases, rose 3 percent to an all-time high of 100,005. This growth stemmed primarily from the greater numbers of defendants charged with immigration offenses and with firearms offenses. Immigration was the major offense charged in 23,478 pretrial services cases opened, an increase of 18

percent. The number of defendants in pretrial services cases opened in which the major offense charged involved firearms grew 6 percent. A total of 33,149 defendants in pretrial services cases were charged with drug offenses, 1 percent fewer than in 2003.

Pretrial Services Officers prepared 94,216 pretrial services reports, up 2 percent from 2003. A total of 34,840 defendants were placed under supervision in the pretrial services system in 2004, down 2 percent from 2003. The increase in the proportion of defendants who are illegal aliens, and the rise in the number of immigration offenders contributed to the drop. Illegal aliens and defendants charged with immigration offenses usually are detained because of their high risk of flight.

On September 30, 2004, the number of persons under post-conviction supervision totaled 112,883, a new record, and a 2 percent increase over the number on September 30, 2003. Persons serving terms of supervised release after leaving prison grew 4 percent above the number for FY 2003, to 78,594. They accounted for 70 percent of all persons under supervision. Parole cases, including those involving special parole and military parole decreased 7 percent and those involving mandatory release dropped 13 percent.

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2004 JUDICIAL BUSINESS

Judicial Caseload Indicators
Fiscal Years 1995, 2000, 2003, and 2004

Judicial Caseload	1995	2000	2003	2004	% Change Since 1995	% Change Since 2000	% Change Since 2003
U.S. Courts of Appeals ¹							
Cases Filed	50,072	54,697	60,847	62,762	25.3	14.7	3.1
Cases Terminated	49,805	56,512	56,396	56,381	13.2	-0.2	-0.0
Cases Pending	37,310	40,261	44,690 ²	51,071	36.9	26.9	14.3
U.S. District Courts							
Civil							
Cases Filed	248,335	259,517	252,962	281,338	13.3	8.4	11.2
Cases Terminated	229,820	259,637	253,015	252,761	10.0	-2.6	-0.1
Cases Pending	234,008	250,202	257,476 ²	286,053	22.2	14.3	11.1
Criminal (Includes Transfers)							
Cases Filed	45,788	62,745	70,642	71,022	55.1	13.2	0.5
Defendants Filed	64,771	83,963	92,714	93,349	44.1	11.2	0.7
Cases Terminated	41,527	58,102	65,628	64,621	55.6	11.2	-1.5
Cases Pending	28,738	47,677	59,218 ²	65,619	128.3	37.6	10.8
U.S. Bankruptcy Courts							
Cases Filed	883,457	1,262,102	1,661,996	1,618,987	83.3	28.3	-2.6
Cases Terminated	892,796	1,256,874	1,568,087	1,671,177	87.2	33.0	6.6
Cases Pending	1,086,453	1,378,139	1,710,428 ²	1,658,238	52.6	20.3	-3.1
Post-Conviction Supervision							
Persons Under Supervision	85,822	100,395	110,621	112,883	31.5	12.4	2.0
Presentence Reports	43,151	63,666	67,744	66,182	53.4	4.0	-2.3
Pretrial Services							
Total Cases Activated	61,634	87,513	97,317	100,005	62.3	14.3	2.8
Pretrial Services Cases Activated	60,020	85,617	95,492	98,152	63.5	14.6	2.8
Pretrial Diversion Cases Activated	1,614 ²	1,896	1,825	1,853	14.8	-2.3	1.5
Total Released on Supervision	27,152	34,547	35,524	34,840	28.3	0.8	-1.9
Pretrial Supervision	25,186 ²	32,388	33,681	32,993	31.0	1.9	-2.0
Diversion Supervision	1,966 ²	2,159	1,843	1,847	-6.1	-14.5	0.2

¹ Excludes the U.S. Court of Appeals for the Federal Circuit.² Revised.