

U.S. COURTS OF APPEALS

- In the regional appeals courts, filings declined 3 percent to 66,618.
- Criminal appeals decreased 5 percent.
- Appeals of administrative agency decisions fell 4 percent, largely because of a reduction in filings arising from the Board of Immigration Appeals.
- A 9 percent increase in original proceedings consisted mainly of second or successive motions for habeas corpus relief by state prisoners.
- Civil appeals dropped 3 percent, and bankruptcy appeals fell 5 percent.

U.S. DISTRICT COURTS

- Combined filings of civil and criminal cases in the U.S. district courts grew slightly more than 1 percent to 326,401.

Civil Filings

- A 2 percent increase in civil filings to 259,541 stemmed primarily from a 29 percent jump in diversity of citizenship filings as one court received more than 14,000 personal injury cases related to asbestos.
- Filings with the United States as plaintiff or defendant decreased 15 percent, mainly because of a 33 percent drop in prisoner petitions.
- Motions to vacate sentence fell 37 percent, and habeas corpus petitions filed by federal prisoners fell 33 percent.

Criminal Filings

- Criminal case filings decreased 4 percent to 66,860, and criminal defendants declined 4 percent to 88,216 (both numbers include transfers).
- Drug cases dropped 4 percent, and defendants in such cases fell 6 percent.
- Cases involving firearms and explosives declined 6 percent, and defendants in such cases decreased 5 percent.
- For immigration filings, cases fell 5 percent, and defendants dropped 4 percent.

U.S. BANKRUPTCY COURTS

- Bankruptcy filings, which had soared before the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) took effect, sank 38 percent to 1,112,542.
- A total of 630,228 petitions were filed in the month of October 2005, nearly all of them in the 16 days before the BAPCPA implementation date.
- Filings declined 38 percent under chapter 7, decreased 10 percent under chapter 11, and dropped 36 percent under chapter 13, but grew 3 percent under chapter 12.
- Nonbusiness petitions fell 38 percent, and business petitions declined 20 percent.

FEDERAL PROBATION AND PRETRIAL SERVICES SYSTEM

- On September 30, 2006, the number of persons under post-conviction supervision was 114,002, an increase of less than 1 percent over the total one year earlier.
- Persons serving terms of supervised release after leaving correctional institutions grew 3 percent and constituted 75 percent of all persons under supervision.
- Defendants in cases opened in the pretrial services system, including pretrial diversion cases, dropped 3 percent to 96,479.

Judicial Business



This report on the business of the federal Judiciary for the fiscal year ending September 30, 2006, 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 15.

In the U.S. district courts, overall filings rose slightly more than 1 percent as the influx of asbestos product liability cases in one court caused civil case filings to grow 2 percent to 259,541. This increase more than offset a 4 percent decline in criminal case filings to 66,860. The number of defendants in pretrial services cases fell 3 percent to 96,479. The number of persons under post-conviction supervision remained stable, increasing less than 1 percent to 114,002. After reaching an all-time high in 2005 for the year ending September 30, filings of bankruptcy petitions dropped 38 percent this year, yet still exceeded one million. Filings in the U.S. courts of appeals, which had climbed 9 percent the previous fiscal year to set a new record, fell 3 percent in 2006 to 66,618.

The last year that new judgeships were authorized for the appellate courts was 1990; since

that year, appeals filings have increased nearly 63 percent. With the authorization of 15 additional district court judgeships in 2003, filings per authorized judgeship in the district courts have decreased from 514 in 2002 to 481 in 2006. In 2005, an additional 28 bankruptcy judgeships were authorized after a number of years in which more than one million bankruptcy petitions were filed. Bankruptcy filings per authorized judgeship fell from 4,997 in 2004 to 3,161 in 2006. ■

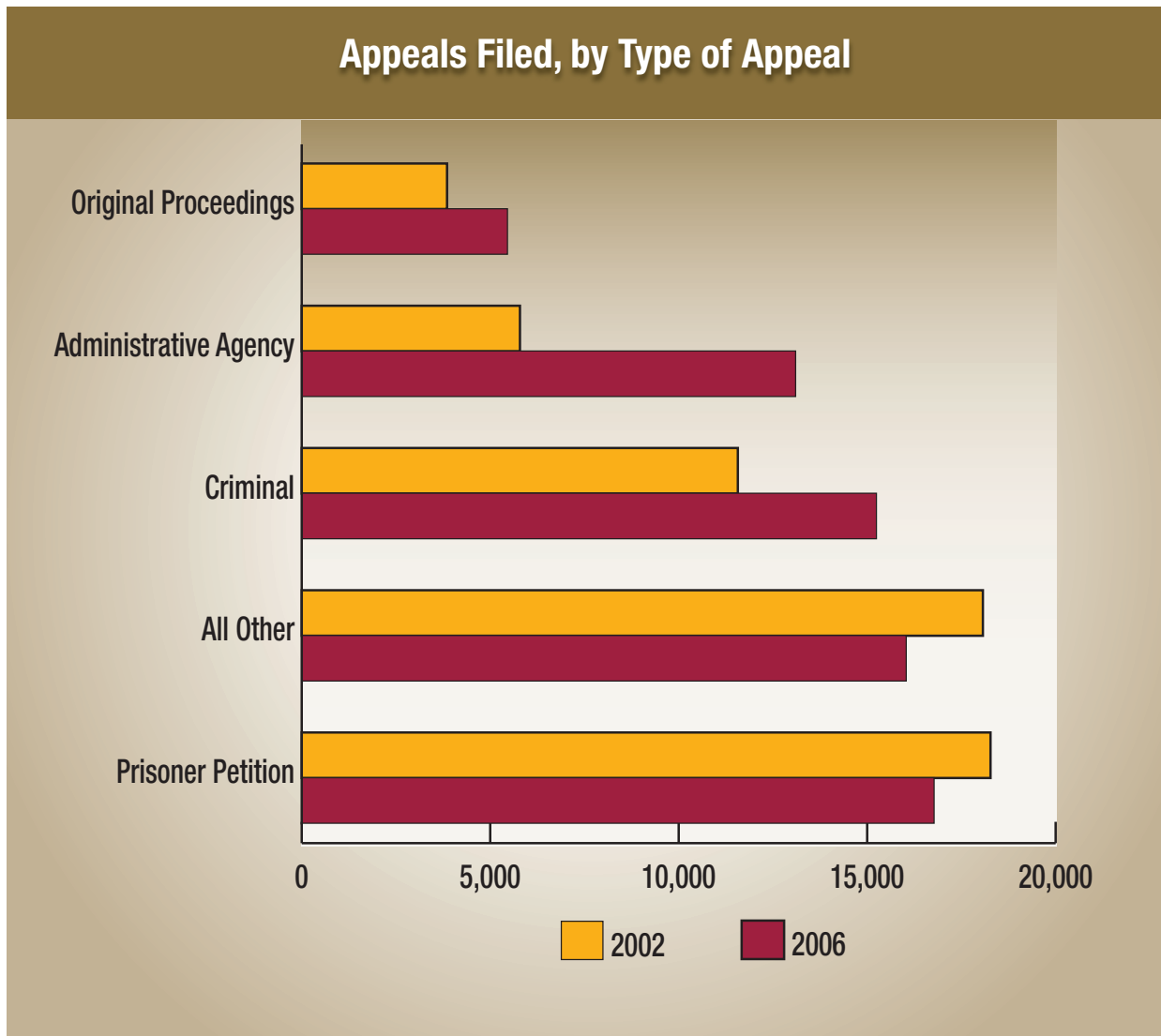
Judicial Caseload Indicators
12-Month Periods Ending September 30, 1997, 2002, 2005, and 2006

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

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

² Revised.

U.S. Courts of Appeals



After setting a fiscal-year record the previous year, filings in the regional courts of appeals declined 3 percent to 66,618 in 2006. Cases fell in all categories of appeals except original proceedings. Appeals filings have risen each year since 1959 except for 1978, 1994, and 2006. The reduction in 2006 stemmed mainly from drops in criminal appeals and prisoner petitions, as well as in appeals of administrative agency decisions involving the Board of Immigration Appeals (BIA).

Terminations of appeals climbed 9 percent to 67,582; terminations per panel grew from 1,113 to 1,214. As terminations outnumbered filings, pending appeals fell 2 percent to 56,486. The median time from filing of a notice of appeal to final disposition rose from 11.8 months in 2005 to 12.2 months in 2006, in part because of the longer time required to process appeals affected by the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), which held that the mandatory application of the U.S. Sentencing Guidelines violates a defendant's right to trial by jury under the Sixth Amendment. The practical effect of *Booker* was to render the federal guidelines advisory rather than mandatory.

In 2006, original proceedings in the appeals courts climbed 9 percent to 5,458. This increase primarily arose from a 15 percent increase in filings of second or successive motions by state prisoners seeking permission to file habeas corpus petitions pursuant to *Blakely v. Washington*, 542 U.S. 296 (2004), in which the Supreme Court

declared the Washington state sentencing system unconstitutional. Delays occurred in the filing of these motions by state prisoners because they had to exhaust all options available to them in the state courts prior to seeking permission to file habeas petitions in the federal courts.

Criminal appeals declined 5 percent to 15,246 appeals in 2006 after rising 28 percent in 2005 in response to the U.S. Supreme Court's decision in *Booker*. However, the total for 2006 was more than 25 percent higher than that reported prior to *Blakely*. Reductions occurred in all types of criminal appeals except those involving sex crimes. Sex crime appeals rose 19 percent to 504, consistent with increases in sex crime filings in the district courts.

Administrative agency appeals fell 4 percent to 13,102, primarily because challenges to BIA decisions dropped 4 percent to 11,911. This decline is consistent with a reduction in cases completed by the BIA in 2005. Appeals of BIA decisions rose initially in response to the reorganization of the BIA in 2002, when new case review guidelines and processing time standards were instituted. The growth in appeals of BIA decisions continued thereafter because, according to the statistical yearbook of the Executive Office for Immigration Review, the BIA received 52 percent more cases and completed 46 percent more cases between 2001 and 2005. Although the BIA's caseload peaked in 2002, the rate of challenges to BIA decisions increased thereafter. In 2006, nearly

three quarters of all BIA appeals were filed in the Ninth Circuit (49 percent) and the Second Circuit (22 percent).

Overall, civil appeals declined 3 percent to 31,991 appeals. Appeals of U.S. civil cases fell 8 percent to 8,527, primarily in response to a 10 percent drop to 5,647 in prisoner petitions by federal prisoners as the statute of limitations expired for filing cases affected by *Booker*. Appeals of non-U.S. civil cases decreased 1 percent to 23,464. Despite this reduction, prisoner petitions filed by state prisoners rose 3 percent to 11,129, partly because of motions for habeas relief under *Blakely*. Bankruptcy appeals totaled 821 (down 5 percent).

Original proceedings rose from 7 percent to 8 percent of total filings. The proportions constituted by civil appeals (48 percent), criminal appeals (23 percent), administrative agency appeals (20 percent), and bankruptcy appeals (1 percent) remained the same as in 2005.

Appeals filings grew in 3 of the 12 regional courts of appeals. The largest numeric increase occurred in the Fifth Circuit, a rise of 427 appeals, most of which comprised civil appeals. All civil appeals in this circuit rose except for those filed by U.S. prisoners, which remained stable at 767 (down by 8 appeals).

Appeals involving pro se litigants rose by 112 appeals to 28,671. Pro se petitions filed by prisoners decreased by 60 appeals to 14,970; administrative agency filings dropped 3 percent to 3,395; criminal filings fell 9 percent to 1,109 appeals; and

Appeals Filed, Terminated, and Pending

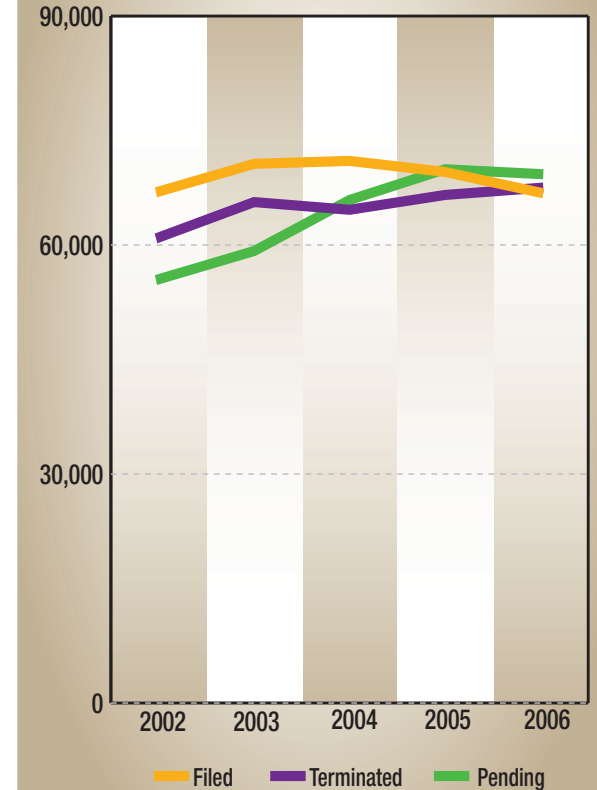


Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 2002 Through 2006

Year	Authorized Judge-ships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
2002	167	57,555	1,034	56,586	1,017	40,149
2003	167	60,847	1,093	56,396	1,013	44,690
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	56,486
% Chg. 2006 Over 2005	—	-2.7	—	9.0	—	-1.7

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

Table 2
U.S. Courts of Appeals
Sources of Appeals
Fiscal Years 2005 and 2006

Source	2005	2006	Percent Change
Total	68,473	66,618	-2.7
U.S. District Courts			
Criminal	16,060	15,246	-5.1
Civil—Total	32,818	31,991	-2.5
Prisoner Petitions	17,034	16,776	-1.5
U.S. Civil	2,971	2,880	-3.1
Private Civil	12,813	12,335	-3.7
Other Appeals			
Bankruptcy	865	821	-5.1
Administrative Agency	13,713	13,102	-4.5
Original Proceedings	5,017	5,458	8.8

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

bankruptcy filings rose 11 percent to 261 appeals. Pro se filings grew in 6 of the 12 circuits. Growth occurred in original proceedings and bankruptcy pro se appeals. Filings of civil, criminal, and administrative agency pro se appeals fell. The largest numeric increase was in pro se filings related to original proceedings, which rose 10 percent to 4,485 appeals.

From 2002 to 2006, appeals filings increased 16 percent (up 9,063 appeals). During that period, administrative agency appeals soared 126 percent (up 7,313 appeals) in response to a 168 percent rise in BIA appeals (up 7,462 appeals). Criminal appeals jumped 32 percent (up 3,677 appeals), with most of that growth occurring after *Blakely* and *Booker* were decided. Significant increases were reported for criminal appeals involving drugs other than marijuana, which rose 31 percent (up 1,244 appeals); immigration, which grew 62 percent (up 1,043 appeals); firearms and explosives, which surged 68 percent (up 962 appeals), and sex offenses, which climbed 140 percent (up 294 appeals). Civil appeals declined 10 percent (down 3,508 appeals), with the largest reductions occurring in prisoner petitions (down 8 percent to 16,776 appeals) and filings related to civil rights (down 15 percent to 6,327 petitions). Bankruptcy appeals filings decreased 3 percent (down 22 appeals). In the past five years, appeals terminations have risen 19 percent (up 10,996 appeals), and the pending caseload has grown 41 percent (up 16,337 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

Filings in the five bankruptcy appellate panels (BAPs) decreased 8 percent (down 70 appeals) to 851 in 2006. Filings declined for three of the panels. The largest percentage drop was a 13 percent reduction (down 69 appeals to 477) in the Ninth Circuit. The Tenth Circuit, which added Colorado to the BAP in 2006, had the largest percentage growth in filings, an increase of 6 percent (up 7 appeals to 134). From 2002 to 2006, overall BAP filings fell 17 percent (down 175 cases).

Data for the bankruptcy appellate panels appear in the B series of the appendix tables.

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.

Since 1997, filings of appeals in the Federal Circuit generally have been stable, except for significant growth in 2002 and 2006. This year, filings grew 14 percent (up 217 appeals) to 1,772, the highest level since 2002, when filings reached 1,748. Increases were reported for 8 of 11 sources of appeals in 2006. The largest was a 90 percent surge in appeals of decisions by the CAVC (up 182 appeals). Most of these appeals were addressed by *Smith v. Nicholson*, 451 F.3d 1344 (Fed. Cir. 2006), which held that veterans' service-related tinnitus in both ears is a single compensable injury, not a dual injury. Many other appeals challenge the CAVC's standards for the burden of proof to show that any error by the Department of Veterans' Affairs in providing assistance was prejudicial to the veteran or claimant involved.

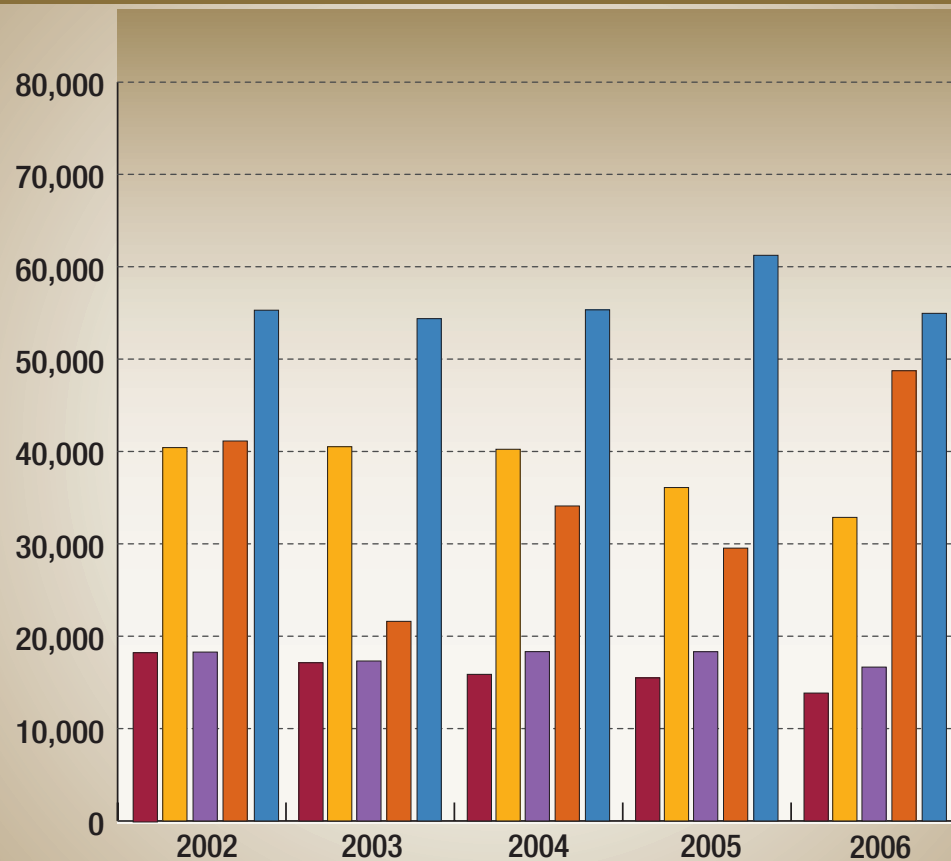
The number of appeals terminated in 2006 fell 12 percent (down 202 appeals) to 1,460, which caused appeals terminated per panel to drop from 416 to 365. Filings outnumbered terminations, so the number of appeals pending as of September 30, 2006, increased 29 percent to 1,406.

From 2002 to 2006, filings in the Federal Circuit grew 1 percent (up 24 cases). During that period, terminations of appeals rose 8 percent (up 103 appeals), and the number of appeals pending decreased 5 percent (down 71 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

Civil Cases Filed, by Type of Case



From 2005 to 2006, total filings of civil and criminal cases in the U.S. district courts rose slightly more than 1 percent to 326,401. Civil filings grew 2 percent to 259,541 cases in response to an influx of asbestos product liability cases in one court. Criminal filings dropped nearly 4 percent to 66,860 cases. Civil and criminal case terminations remained stable, increasing less than 1 percent to 340,692 (this number does not account for the 90,591 petty offense defendants terminated in 2006 by magistrate judges). The pending caseload of the district courts fell 4 percent to 321,125.

CIVIL FILINGS

In 2006, civil filings in the U.S. district courts increased 3 percent (up 6,268 cases) to 259,541. This occurred primarily because of the addition of more than 14,000 asbestos diversity cases in the Eastern District of Pennsylvania. Excluding these filings, civil cases dropped 3 percent from 2005 to 2006 as 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 prisoner petitions and civil rights declined significantly. The overall increase in filings caused the number of civil filings per authorized judgeship to rise from 374 to 383.

Table 3
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 2002 Through 2006

Year	Authorized Judgeships	Filed						Terminated	Pending
		Total	Cases per Judgeship	Recovery and Enforcement Cases	Prisoner Petitions	Personal Injury Cases	All Other Cases		
2002	665	274,841	413	5,651	55,295	58,997	154,898	259,537	261,118
2003	680	252,962	372	3,073	54,378	39,563	155,948	253,015	257,476
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	251,832
% Chg. 2006 Over 2005	—	2.5	2.7	-13.2	-10.3	36.7	-3.1	0.5	-5.1

*Revised.

Diversity of citizenship filings jumped 29 percent (up 18,179 cases) mainly in response to the increase in asbestos filings in the Eastern District of Pennsylvania. This year, that court issued Administrative Order Number 11, which requires that all pending and future asbestos product liability cases filed under multidistrict litigation number MDL 875 be transferred to the Eastern District of Pennsylvania. Court officials anticipate that this will result in higher filings of these cases for the next several years. In 2005, U.S. district courts had reported 1,243 asbestos filings for the entire nation. Excluding the asbestos cases, diversity of citizenship filings rose 3 percent because of growth in cases related to insurance and personal injury.

Filings with the United States as plaintiff or defendant dropped 15 percent (down 8,092 cases) to 44,294. Cases with the United States as defendant fell 17 percent as prisoner petitions decreased 33 percent (down 5,978 petitions). A 37 percent decline in motions to vacate sentence (down 3,846 petitions) and a 33 percent drop in habeas corpus filings (down 1,886 petitions) were the primary contributors to the overall decrease in prisoner petitions. These reductions may indicate a return to levels more consistent with the numbers of petitions filed prior to the U.S. Supreme Court's decision in *Booker*. Cases with the United States as plaintiff dropped 11 percent,

**Table 4
U.S. District Courts
Civil Cases Filed, by Jurisdiction
Fiscal Years 2002 Through 2006**

Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
2002	274,841	14,479	39,518	163,890	56,824	130
2003	252,962	10,946	38,254	142,591	61,156	15
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	—
% Chg. 2006 Over 2005	2.5	-10.9	-16.5	-2.7	29.2	—

mainly in response to declines in cases addressing defaulted student loans and foreclosures.

Civil case terminations rose less than 1 percent (up 1,440 terminations) to 273,193. The Eastern District of Pennsylvania terminated nearly 30,000 cases, most of them involving asbestos or diet drugs. Because terminations exceeded filings, the pending civil caseload decreased 5 percent to 251,832. The Eastern District of Michigan reported a decline in its pending caseload of over 14,000 cases that resulted mainly from terminations of cases related to breast implants. The increases in terminations in these two districts largely were offset by a reduction in terminations in the district of South Carolina (down 20,217 cases), which had terminated an unusually high number of personal property investment cases in 2005.

The national median time from filing to disposition for civil cases was 8.3 months, down from 9.5 months in 2005. Forty-seven district courts reported lower median times in 2006.

Over the past five years, civil filings have fallen 6 percent (down 15,300 cases). From 2002 to 2006, declines took place in filings involving civil rights (down 8,355 cases), personal injury/product liability (down 7,604 cases), and Social Security (down 4,475 cases). Reductions also occurred in cases addressing foreclosures (down 2,948 cases), defaulted student loans (down 2,817 cases), and labor laws (down 1,663 cases).

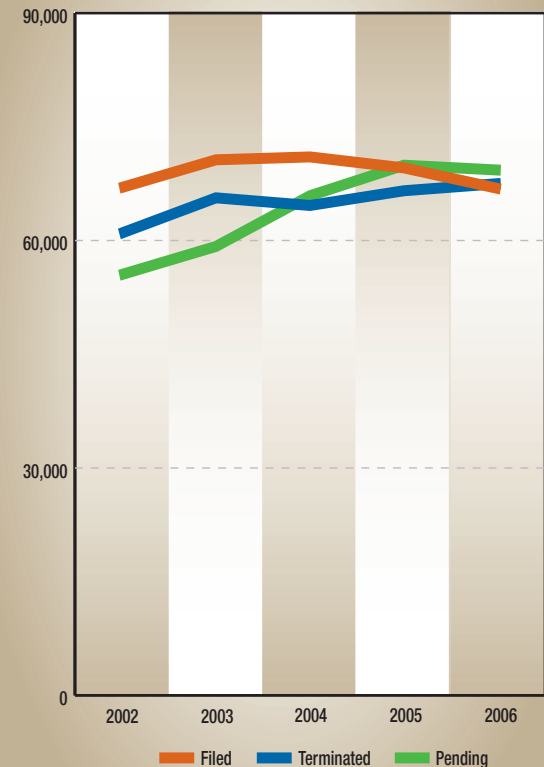
Tables 3 and 4 summarize key data on civil filings in the U.S. district courts. The C series of the appendix tables provides detailed information on civil cases.

CRIMINAL FILINGS

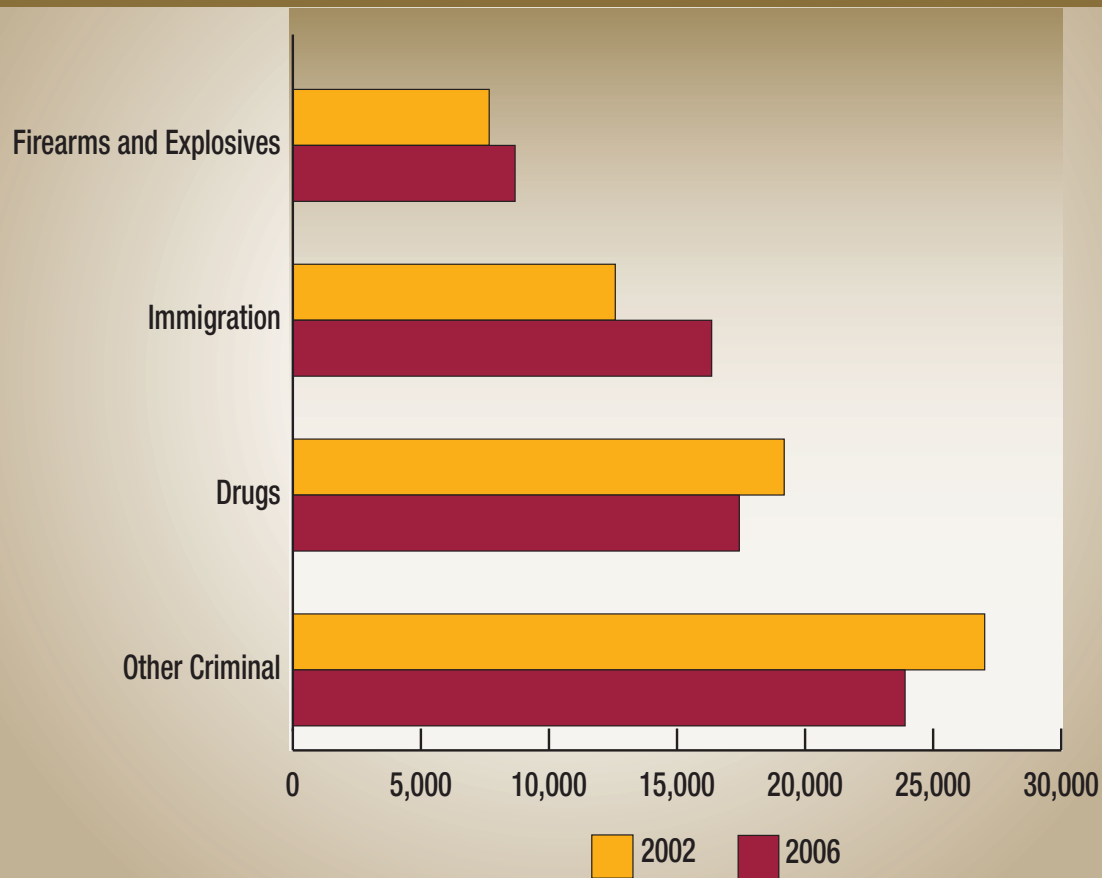
In 2006, criminal case filings (including transfers) decreased 4 percent to 66,860, and defendants in these cases dropped 4 percent to 88,216. Criminal cases filed per authorized judgeship fell from 103 in 2005 to 99 in 2006. Nationwide, district courts terminated 67,499 cases (up 1 percent) and 88,601 defendants (up 2 percent). As terminations exceeded filings, pending cases declined 1 percent to 69,293, and defendants in these cases remained stable, dropping by 385 defendants to 96,909. The median case disposition time for defendants climbed from 6.8 months in 2005 to 7.1 months in 2006, which is 27 days longer than in 2004. This recent increase in median time may reflect the additional work required in processing criminal cases affected by U.S. Supreme Court's decision in *Booker*.

Criminal filings for 2006 were close to totals for 2002, the year that case filings jumped 7 percent following the terrorist attacks on September 11, 2001. From 2005 to 2006, filings rose for both cases and defendants for property, sex, and regulatory offenses, but declined for crimes involv-

Criminal Cases (Including Transfers) Filed, Terminated, and Pending



Criminal Cases Filed, by Offense (Excluding Transfers) 2002 and 2006



ing violence, drugs, firearms and explosives, the justice system, immigration, traffic, and general offenses.

These changes in filings stemmed from shifts in priorities of the U.S. Department of Justice as resources were directed toward preventing and combating terrorism and used for counterintelligence. Terrorism cases often are prosecuted under a wide range of criminal laws, so they are not easily identifiable as such. Thus, although a decline in overall criminal filings is visible, patterns in the types of crimes associated with terrorism are not readily identifiable.

Overall drug cases dropped 4 percent to 17,429, and defendants charged with drug crimes fell 6 percent to 30,567. Immigration filings, which rose to record levels in 2005, declined 5 percent to 16,353 cases, and defendants in immigration cases decreased 4 percent to 17,651. Sex offense filings climbed 6 percent to 1,885 cases, and defendants in such cases grew 8 percent to 1,975, as filings for most categories of sex crimes rose. Property offense cases remained stable, increasing by 45 cases, and defendants in such cases rose 1 percent to 15,379.

Filings of drug cases and defendants declined for both marijuana and non-marijuana drugs. Overall non-marijuana drug cases dropped 4 percent to 12,534, and defendants in those cases declined 6 percent to 23,693, due to reductions in filings related to drug possession and manufacture. Cases involving the sale and distribution of

non-marijuana drugs grew 6 percent to 10,732, and defendants rose 3 percent to 21,289. All types of marijuana cases decreased 4 percent to 4,818, and defendants fell 8 percent to 6,764.

The overall increase in sex offense cases and defendants stemmed from growth in filings related to both sex abuse and sexually explicit materials. Sex abuse cases rose 8 percent to 729, and defendants climbed 12 percent to 805. Both cases and defendants associated with sexually explicit materials grew 5 percent, totaling 1,156 cases and 1,170 defendants, respectively. Sexually explicit materials filings have more than quadrupled since the Child Pornography Prevention Act of 1996 (CPPA) was enacted to criminalize the creation of child pornography using new technologies.

Seventy-two percent of all immigration cases (up 4 percent) and 67 percent of immigration defendants (up 3 percent) addressed charges of improper reentry by an alien. The bulk of the decline in immigration filings resulted from reductions in cases (down 5 percent) and defendants (down 4 percent) involving improper first-time entry. These filings accounted for 7 percent of all immigration cases.

Firearms and explosives cases fell 6 percent to 8,678, and defendants in such cases dropped 5 percent to 9,800. This is the second consecutive year that such filings have decreased. Firearms filings began rising in the mid-1990s and reached record levels in 2004 in response to special initia-

Criminal Cases Filed in Five Districts Along the U.S. Southwestern Border (Excluding Transfers)

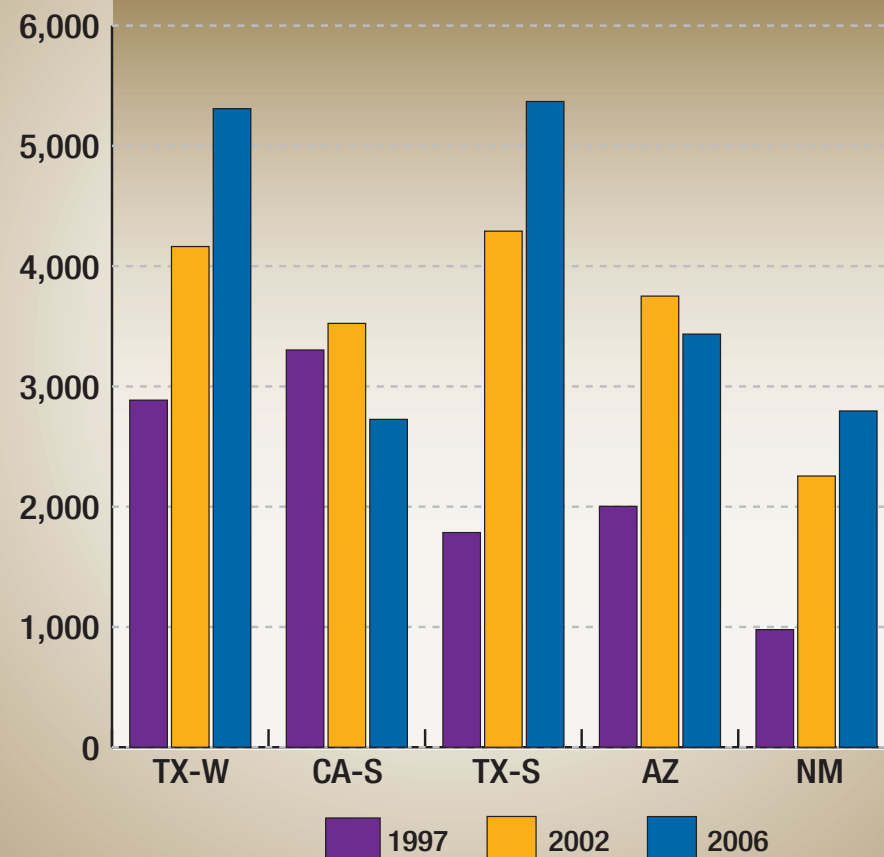


Table 5
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending
(Including Transfers)
Fiscal Years 2002 Through 2006

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
2002	665	67,000	101	19,184*	60,991	55,518
2003	680	70,642	104	18,973*	65,628	59,218
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	69,293
% Chg. 2006 Over 2005	—	-3.9	—	-4.2	1.4	-.9

¹ Data exclude transfers.

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

* Revised.

tives—the most recent of which is Project Safe Neighborhoods—to build cooperative coalitions between federal, state, and local law enforcement agencies to prosecute firearms law violations in federal courts. Explosives cases climbed 4 percent to 206, and defendants in such cases increased 18 percent to 290.

Overall property offense cases remained stable, rising by 45 cases to 11,810. Defendants in such cases grew 1 percent to 15,379. Fraud cases fell 3 percent, and defendants charged with fraud declined 1 percent. The largest reductions in fraud offense filings involved citizenship and naturalization (cases fell 37 percent to 184, and defendants decreased 37 percent to 193) and false statements (cases dropped 20 percent to 669, and defendants fell 18 percent to 786). Notable increases occurred in false claims and services filings as cases grew 79 percent to 355 and defendants jumped 70 percent to 440.

Overall filings for traffic offenses on federal grounds such as military facilities and national parks dropped 12 percent to 3,626 cases and 3,627 defendants. Drunk driving cases fell 15 percent to 1,545, and other traffic cases decreased 11 percent to 2,081.

Excluding transfers, the federal courts concluded proceedings against 87,985 defendants, an increase of 2 percent over the total for 2005. Of these defendants, 79,725 were convicted, a 91 percent conviction rate, 1 percent higher than in 2005. Eighty-seven percent of defendants dis-

posed of (i.e., convicted or dismissed) pled guilty, 1 percent more than in 2005.

Over the last five years, filings of criminal cases (including transfers) have fluctuated, but the totals for 2002 and 2006 are similar. However, compared to five years ago, filings involving immigration have risen 30 percent, and firearms and explosives filings have grown 13 percent. During the past five years, the contribution of these offenses to the overall criminal caseload has increased from 30 percent to 38 percent.

Table 3 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.

The number of civil and criminal trials completed in 2006 in the U.S. district courts by Article III judges remained relatively stable, dropping 1 percent to 12,612 (down 159 trials). Total civil trials decreased 3 percent (down 163) to 5,121 as 48 of the 94 district courts reported lower numbers of civil trials. Civil jury trials fell 9 percent (down 215 trials) to 2,097, and civil non-jury trials grew 1 percent (up 42 trials) to 3,024.

Total criminal trials rose less than 1 percent to 7,491 (up 14 trials) as 43 districts reported higher numbers of criminal trials in 2006. Criminal nonjury trials climbed 11 percent (up 416 trials), with 57 districts reporting increases. Judges accepted guilty pleas from 69,857 felony defendants, a rise of 4 percent. From 2002 to 2006, the number of guilty pleas accepted by judges grew 16 percent. From 2005 to 2006, criminal jury trials decreased 11 percent to 3,366 as 63 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. In 2006, a total of 45 districts operated mediation and arbitration programs that involved more than 15,500 civil cases.

The number of trials lasting four days or longer declined 9 percent to 2,894. Twenty-seven civil trials took 20 or more days to reach completion, with the average trial in these cases lasting 27 days. The longest civil trial, which involved an Economic Stabilization Act case, lasted 59 days. In civil cases in which trials were conducted, the median time from filing to trial was 24 months,

up 2 months from 22 months in 2005. Seventy-four criminal trials required 20 or more days for completion, with the average of these trials lasting 36 days. The longest criminal trial, which occurred in a health care kickback case, lasted 121 days.

During the past five years, the number of total trials has fallen 2 percent as civil trials have declined 15 percent. Criminal trials, however, have increased 10 percent over the same period, partly as a result of growth in cases related to immigration, weapons and firearms, and drugs.

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, 6,890 trials were conducted by magistrate judges in 2006. These comprised 2,597 petty offense trials, 577 civil consent trials, 149 misdemeanor trials, and 3,567 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 approved a new civil and criminal case weighting system developed by the Federal Judicial Center. Under this system, the average civil case or criminal defendant each receives 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); 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 2006, the total number of weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship fell 5 percent to 464 (down 25 filings) from the total for 2005. The total number of weighted civil filings per judgeship dropped 5 percent to 354 compared to the 374 weighted filings reported for the 674 authorized positions one year earlier. The Eastern District of Pennsylvania (down 225 filings), the Eastern District of Arkansas (down 219 filings), the Southern District of Mississippi (down 175 filings), and the District of Arizona (down 83 filings) reported significant declines in weighted filings. (Because multidistrict litigation transfer cases are not included in weighted filings statistics, nearly all of the asbestos cases filed in the Eastern District of Pennsylvania are excluded from that district's data on civil weighted filings per judgeship.)

Weighted civil filings fell in 65 of the 91 district courts whose filings receive weights, rose in 25 districts, and remained the same in 1 district. Criminal weighted filings per judgeship decreased 5 percent (down 5 filings) to 106. Fifty of the 91 courts that report criminal weighted filings had reductions.

The total number of weighted supervised release hearings per judgeship grew from 4.23 to 4.48 in 2006. 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. Fifty-seven district courts reported increases in these hearings.

Between 2002 and 2006, total weighted civil and criminal filings per authorized judgeship dropped 12 percent. During that period, combined civil unweighted filings per authorized judgeship and criminal unweighted defendant filings per authorized judgeship decreased 9 percent. Over the past five years, overall unweighted civil filings have fallen mostly as a result of declines in cases related to civil rights, personal injury/product liability, Social Security, foreclosures, and labor laws. Most of the reduction in criminal unweighted defendant filings was related to declines associated with drug laws and fraud offenses.

Appendix Table X-1A provides, by district, data on weighted filings, unweighted filings, weighted supervised release hearings, and un-

weighted supervised release hearings per authorized judgeship in 2006. ■

U.S. Magistrate Judges



Changes in district courts' caseloads bring shifts in the workload mix of magistrate judges. In 2006, magistrate judges performed 950,137 duties overall, up nearly one percent from the previous year. However, totals for some types of duties changed more substantially. A 4 percent reduction in magistrate judges' civil case duties to 276,626 stemmed from decreases in settlement conferences (down 9 percent to 22,113) and evidentiary hearings (down 23 percent to 730). Civil consent adjudications fell 6 percent to 11,521. However, magistrate judges submitted more reports and recommendations on case-dispositive motions in civil cases than in 2005, including those in Social Security appeals (up 2 percent to 5,558), cases involving prisoners (up 5 percent to 25,284), and other civil cases (up 3 percent to 10,815). This growth is notable because assignments requiring reports and recommendations tend to be quite time consuming.

Offsetting workload reductions on the civil side of their dockets were magistrate judges' 166,409 felony pretrial duties in 2006, 6 percent more than last year. Except for a drop in probation and supervised release hearings (down 20 percent to 3,220), increases occurred for all major categories of felony pretrial matters. Magistrate judges conducted 27 percent more felony pretrial conferences (20,127) than in 2005. Their evidentiary hearings in felony cases rose 9 percent to 2,230. They also prepared more reports and

recommendations in these cases (up 2 percent to 8,196). Continuing a long-standing trend, felony guilty plea proceedings conducted by magistrate judges increased 13 percent in 2006 to 22,186—the largest annual total on record.

Felony preliminary matters, a mainstay of magistrate judges' criminal duties, rose 1 percent to 325,475 in 2006. Data for most categories of those proceedings showed only modest fluctuations from previous years' totals, except for the total for arrest warrants and summonses, which climbed 17 percent to 38,325. Although magistrate judges' Class A misdemeanor case dispositions decreased 5 percent to 7,672, their petty offense case dispositions increased 7 percent to 90,591.

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



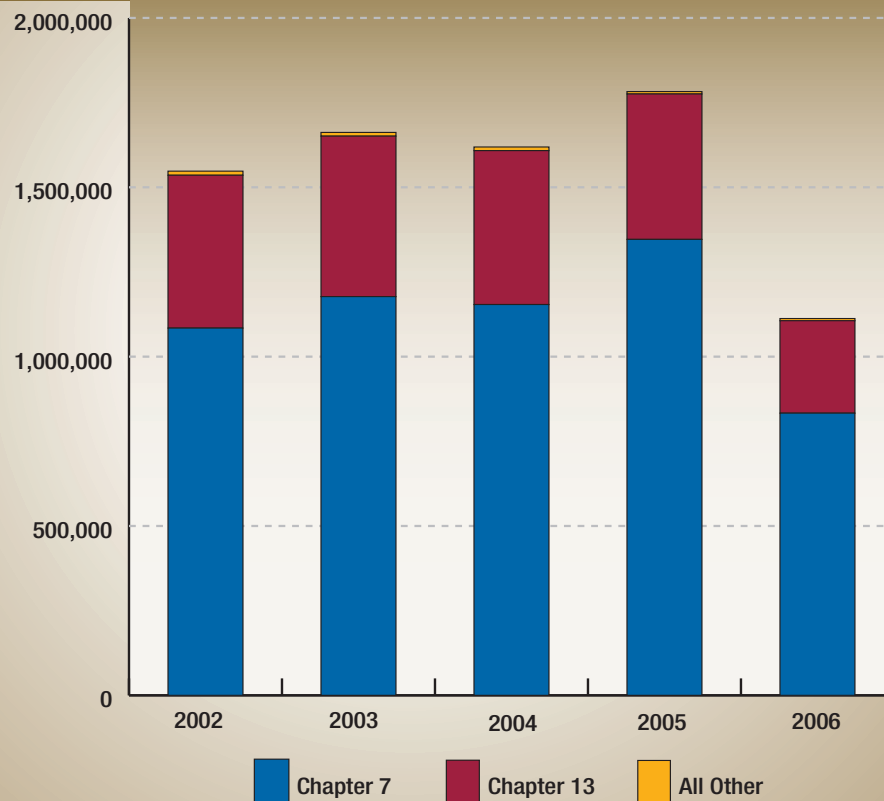
The Judicial Panel on Multidistrict Litigation acted upon 17,523 civil actions pursuant to 28 U.S.C. 1407 during the 12-month period ending September 30, 2006. The Panel transferred 9,895 cases originally filed in 92 district courts to 44 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 7,628 actions initiated in the transferee districts. Product liability cases involving the arthritis pain drug Vioxx and the antipsychotic medication Zyprexa were among the more significant of the Panel's transfer determinations. The Panel did not order transfer in 26 newly docketed litigations involving 180 actions.

Since the Panel's creation in 1968, it has centralized 245,986 civil actions for pretrial proceedings. As of September 30, 2006, a total of 11,537 actions had been remanded for trial, 393 actions had been reassigned within the transferee districts, and 158,396 actions had been terminated in the transferee courts. At the end of this fiscal year, 75,660 actions were pending in 54 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 in 2006 and since 1968. All statistical information on multidistrict litigation traffic in the federal courts is maintained by the Clerk's Office of the Judicial Panel on Multidistrict Litigation. Information on specific cases or districts may be obtained from that office. ■

U.S. Bankruptcy Courts

Bankruptcy Cases Filed, by Chapter



Filings in the U.S. bankruptcy courts fell during 2006 to 1,112,542, the lowest number of filings since 1996. This total was 38 percent below the record set in 2005, when filings soared as debtors rushed to file petitions before October 17, 2005, the general effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). The surge in filings accelerated until the implementation date, and more than half of petitions filed in fiscal year 2006 (630,228 cases, or 57 percent) were filed in the first month of that year, nearly all of them in the first 16 days of October 2005. The number of petitions filed during the three-month period ending September 30, 2006, was 171,146, a decrease of 68 percent below the number filed during the same period one year earlier, but an increase of 10 percent over the number filed in the prior three-month period, the third quarter of fiscal year 2006. Tables 6 and 7 display national data on bankruptcy cases.

In 2006, filings fell in all 94 districts. Three districts had declines of 50 percent or more: the Eastern District of Louisiana (down 52 percent), the District of Utah (down 51 percent), and the District of Arizona (down 51 percent). The largest numeric decreases occurred in the Central District of California (down 25,792 cases), the Middle District of Florida (down 25,240 cases), and the Northern District of Illinois (down 22,537 cases).

Table 6
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, Terminated, and Pending
Fiscal Years 2002 Through 2006

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2002	1,547,669	1,508,578	39,091	1,445,101	1,618,262
2003	1,661,996	1,625,813	36,183	1,568,087	1,710,428
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	1,349,241
% Chg. 2006 Over 2005	-37.6	-37.9	-20.1	2.4	-27.3

* Revised.

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, thereby increasing the amount of court effort required for chapter 7 petitions. In 2006, chapter 7 filings fell 38 percent to 833,147, although they constituted 75 percent of all petitions filed, just one percentage point less than in 2005. An extremely large number of debtors filed chapter 7 petitions in the first 16 days of October 2005, the month in which BAPCPA took effect, apparently because they believed that this law would limit their ability to file such cases thereafter. This year, chapter 7 filings fell in 93 of the 94 districts and remained constant in one of the smallest, the District of the Virgin Islands. The largest numeric decline occurred in the Central District of California (down 25,011 petitions). During the three-month period ending September 30, 2006, chapter 7 petitions decreased 77 percent from the number filed during the three-month period ending September 30, 2005. Chapter 13 filings declined 37 percent over the same period. As a result, the proportion of chapter 7 filings dropped from 79 percent of total filings in the three-month period ending September 30, 2005, to 58 percent in the three-month period ending September 30, 2006.

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 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 2006). During this fiscal year, chapter 11 petitions fell 10 percent to 6,003. Although 20 districts reported growth in these petitions, 70 districts had declines, and four districts reported that filings remained stable, including the District of the Northern Mariana Islands, which had no chapter 11 petitions in either 2005 or 2006. The greatest numeric reduction occurred in the District of New Jersey (down 112 cases), and the greatest numeric increase was in the Southern District of New York (up 260 cases).

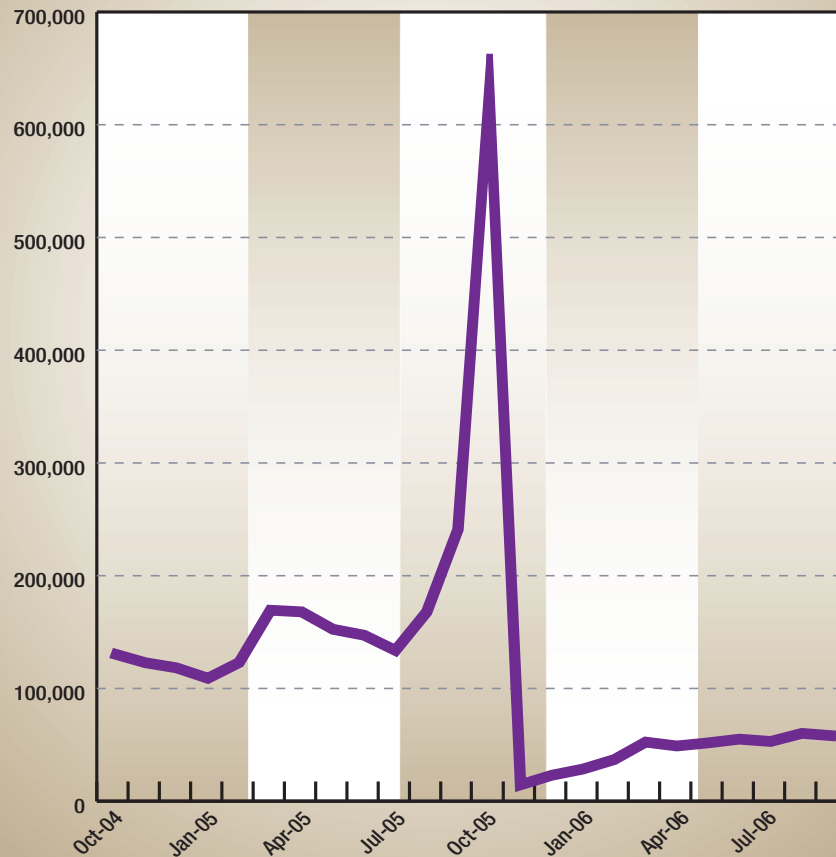
Chapter 12 was designed to help family farmers reorganize their debts. BAPCPA made chapter 12 a permanent part of the Bankruptcy Code and added family fishermen as eligible debtors under this chapter. In 2006, chapter 12 filings increased 3 percent to 376. With 26 petitions, the District of Nebraska had the largest number of chapter 12 filings in 2006.

Under chapter 13, an individual with regular income and with debts below a statutory threshold may adjust debts and make installment

Table 7
U.S. Bankruptcy Courts
Filings by Chapter of the Bankruptcy Code
Fiscal Years 2002 Through 2006

Year	Total	Chapter				
		7	11	12	13	Other
2002	1,547,669	1,084,336	11,669	322	451,258	84
2003	1,661,996	1,177,292	10,144	698	473,763	99
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
% Chg. 2006 Over 2005	-37.6	-38.1	-9.6	3.3	-36.4	-36.8

Bankruptcy Petitions Filed, by Month October 2004 Through September 2006



payments to creditors pursuant to a court-confirmed plan. Chapter 13 filings, which accounted for 25 percent of all new petitions, fell 36 percent to 272,937. Ninety-one districts reported declines, and three reported increases. The largest numeric decrease occurred in the Northern District of Texas (down 7,058 cases), followed by the Northern District of Georgia (down 6,054 cases). The district with the largest percentage drop was the Eastern District of Louisiana, where filings fell 83 percent (down 2,412 cases), followed by the District of Arizona with a decline of 62 percent (down 2,844 cases). The three districts with increases were in New England: the District of Massachusetts (up 220 cases), the District of New Hampshire (up 64 cases), and the District of Rhode Island (up 33 cases). During the three-month period ending September 30, 2006, chapter 13 accounted for 41 percent of total filings, compared to 20 percent in the three-month period ending September 30, 2005.

Petitions filed under chapter 9 involve municipalities, and those filed under chapter 15 involve foreign entities. Both types of petitions usually account for a small portion of overall filings. BAPCPA created chapter 15, which governs cross-border insolvency and a foreign court's receipt of aid from a U.S. bankruptcy court. This new chapter effectively replaces section 304 and represents the domestic adoption by the United States of the Model Law on Cross-Border Insolvency promulgated by the United Nations

Commission on International Trade Law. During 2006, the combined total for filings for all three of these types of cases was 79.

During 2006, filings involving predominantly nonbusiness debts, which accounted for 98 percent of overall filings, decreased 38 percent to 1,085,209. Nonbusiness chapter 7 filings fell 38 percent, nonbusiness chapter 11 filings declined 24 percent, and nonbusiness chapter 13 filings dropped 37 percent.

Filings involving predominantly business debts decreased 20 percent to 27,333 during 2006. Business petitions filed under chapter 7 fell 22 percent, those filed under chapter 11 dropped 7 percent, and those filed under chapter 13 declined 30 percent. However, business petitions filed under chapter 12 rose 3 percent.

The number of bankruptcy cases closed grew 2 percent to 1,619,142. Because terminations exceeded filings, the pending caseload decreased 27 percent to 1,349,241 during 2006. Detailed data on filed, terminated, and pending bankruptcy cases by district appear in Appendix Tables F and F-2.

Between 2002 and 2005, bankruptcy filings rose to nearly 1.8 million cases, but because of the steep decline in filings in 2006, the number of bankruptcy petitions filed this year is 28 percent below the number filed in 2002. Compared to 2002, the number of nonbusiness filings in 2006 is 28 percent lower, and the number of business filings is 30 percent lower. During the

past five years, business filings have accounted for between 2 percent and 3 percent of overall filings.

Filings per judgeship dropped 34 percent from 4,777 in 2002 to 3,161 in 2006. Terminations per judgeship increased from 4,460 in 2002 to 4,600 in 2006, and this, combined with the decline in filings during 2006, caused the number of pending cases per judgeship to fall 23 percent.

No consensus among bankruptcy experts nationwide yet exists as to when or whether filings will return to pre-BAPCPA levels. It is possible that the bankruptcy system may now be operating at a new “base level” below that of recent years. However, most of the filings that ordinarily would have been occurred between November 2005 and June 2006 likely were made instead before October 17, 2005, as debtors rushed to file petitions before BAPCPA’s effective date. The “early filing” of these petitions increases the difficulty of assessing the impact of BAPCPA on filings. In addition, many experts note that traditional causes of bankruptcy—such as job loss, business failure, medical bills, overextended credit, and divorce—may cause filings to rebound substantially above current levels.

The effects of BAPCPA on the work of the courts are under examination by the Judicial Conference’s Committee on the Administration of the Bankruptcy System and the Advisory Committee on Bankruptcy Rules and by the

Administrative Office of the U.S. Courts, with assistance from court advisory and working groups.

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. Filings of adversary proceedings dropped 19 percent in 2006 to 65,208. This total for 2006 marked the third consecutive year of reduced filings and was 12 percent lower than the total for 2002.

In 2006, a total of 58 districts reported fewer filings of adversary proceedings. Twenty-seven districts had decreases of more than 20 percent, and two districts saw filings drop more than 50 percent. Increases were reported in 33 districts; filings remained stable in 3 districts. The greatest numerical reductions in filings of adversary proceedings occurred in the District of Delaware (down 7,871 cases) and the District of Columbia (down 381 cases). Staff in these courts attributed the declines to BAPCPA.

The number of adversary proceedings closed dropped 10 percent to 82,324. As terminations exceeded filings, pending adversary cases fell 20 percent to 68,895 as of September 30, 2006. 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 of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing such representation through private panel attorneys and, where established, federal public or community defender offices. In 2006, a total of 169,885 appointments of counsel took place under the CJA, a rise of 4 percent from the 163,185 appointments in 2005.

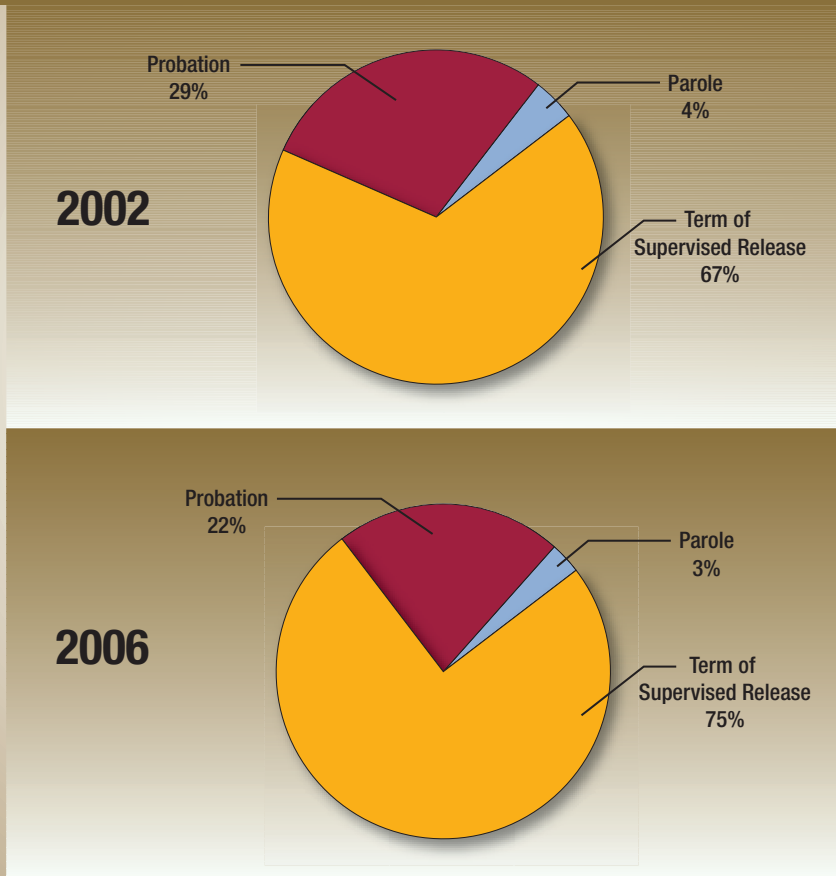
Representations by the 77 federal public and community defender organizations (including representation in criminal matters, appeals, and habeas corpus) remained relatively stable, dropping by only 364 cases to 97,413. Appointments of panel attorneys increased 11 percent to 72,472, largely because of higher representations by panel attorneys in immigration cases.

The reduction in federal defender representations occurred mainly in three districts along the southwestern border of the United States. Higher representations of 46 percent in Arizona and 8 percent in the Southern District of California, which stemmed from immigration and drug cases, were offset by decreases of 33 percent in the Western District of Texas, 12 percent in New Mexico, and 3 percent in the Southern District of Texas that were attributed mainly to decreases in immigration cases there.

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 2006. ■

Post-Conviction Supervision

Types of Post-Conviction Supervision as of September 30



On September 30, 2006, the number of persons under post-conviction supervision was 114,002, an increase of less than 1 percent over the 112,931 persons under supervision on the same date in 2005. From 2002 to 2006, persons under post-conviction supervision grew by 5,210, or nearly 5 percent. Persons released from correctional institutions who served terms of supervised release rose 3 percent from 82,832 in 2005 to 85,729 in 2006 and increased 17 percent over the past five years. The 85,729 persons released from correctional institutions who were serving terms of supervised release on September 30, 2006, accounted for 75 percent of all persons under supervision, compared to 73 percent the previous year.

Cases involving probation imposed by district and magistrate judges fell 5 percent from 26,554 cases in 2005 to 25,178 cases in 2006 and accounted for 22 percent of all persons under post-conviction supervision (down from 24 percent in 2005). Prior to 2006, all parole cases were reported in two separate categories: parole/special parole and military parole. Beginning in fiscal year 2006, all parole cases are reported under one category (parole) that includes both special parole and military parole as well as mandatory release, which previously had been reported as a separate category. Parole cases dropped nearly 10 percent from 3,183 cases in 2005 to 2,876 cases in 2006.

Of the 114,002 persons under supervision at the end of the fiscal year, 44 percent had been convicted of drug offenses, the same proportion as

in 2005 and only one percentage point above the proportion for 2002. Collectively, persons convicted of property offenses decreased from 30,642 in 2005 to 28,636 in 2006. The proportion of persons under post-conviction supervision for property offenses in 2006 was 25 percent, down from 27 percent the previous year and from 31 percent in 2002. Firearms offenses (reported in prior periods as “weapons and firearms” offenses) accounted for more than 9 percent of persons under post-conviction supervision in 2006, up from slightly more than 5 percent in 2002.

Excluding transfers, the number of persons received for supervision fell 1 percent from 55,093 in 2005 to 54,549 in 2006. This reduction stemmed from changes to Monograph 109, the document that guides the supervision of federal offenders. The revised policy guidance, which took effect in 2004, instructed officers to initiate release planning for inmates due for release. As a result, some cases that otherwise would have been counted as received in 2006 were counted as received in 2005. The number of persons received for terms of supervised release following release from correctional institutions increased almost 2 percent from 38,737 cases in 2005 to 39,365 cases in 2006. This resulted in a continuing increase in the proportion of institutional cases in the total national caseload.

Probation cases received decreased nearly 3 percent from 12,955 cases in 2005 to 12,617 cases in 2006. Parole cases received, which include cases

Table 8
Federal Post-Conviction Supervision
Fiscal Years 2002 Through 2006

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2002	54,062	49,238	50,529	45,933	108,792
2003	55,734	50,920	53,814	49,121	110,621
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
% Chg. 2006 Over 2005	-0.9	-1.0	-2.5	-3.0	0.9

involving special parole, military parole, and mandatory release, also declined from the previous year. Overall, parole cases dropped 13 percent (down 154 cases to 1,045).

The number of cases closed from post-conviction supervision (including those involving transfers out and deaths) decreased 2 percent from 56,325 in 2005 to 55,172 this year. The proportion of post-conviction cases terminated successfully decreased in the past year from 75 percent to 73 percent. Of those cases closed successfully, 21 percent were closed by early termination, two percentage points higher than the proportion for the previous year. Technical violations accounted for slightly more than 58 percent of the total of 13,485 revocations in 2006, a one percentage point decrease from the previous year. Revocations for new offenses accounted for 37 percent of revocations, as opposed to slightly more than 36 percent in 2005.

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 11 percent from 66,227 in 2005 to 73,663 in 2006. Nearly 94 per-

cent (68,988) were presentence guideline reports, which are 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 4 percent of total presentence investigation reports. Non-guideline reports, which are reports for cases involving offenses for which the U.S. Sentencing Commission has not promulgated guidelines, increased from 276 in 2005 to 310 in 2006.

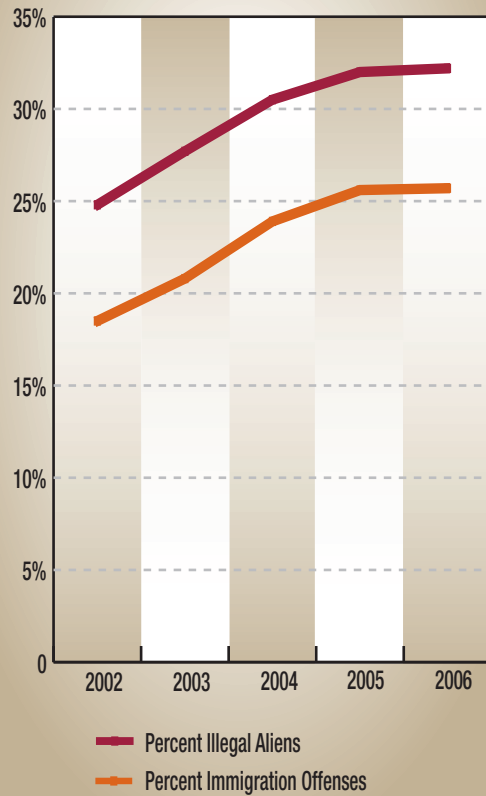
SUBSTANCE ABUSE TREATMENT

Federal probation offices spent \$26,330,569 on Judiciary-funded substance abuse treatment in 2006. Of the 64,037 offenders under supervision with substance abuse treatment conditions, 29,654 received Judiciary-funded treatment. The federal Judiciary thus spent an average of \$888 on each of these offenders this year. 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 data reflect only Judiciary-funded substance abuse treatment and exclude substance abuse testing. Nationwide, 46 percent of offenders with conditions requiring

substance abuse treatment received Judiciary-funded treatment, up from 41 percent in 2005. Table S-13 contains additional information on Judiciary-funded substance abuse treatment services in the federal probation system. ■

Pretrial Services

Proportion of Illegal Aliens and Immigration Offenses in Pretrial Services Cases Activated



The number of cases opened in the pretrial services system, including pretrial diversion cases, dropped from 99,365 cases in 2005 to 96,479 cases in 2006, a decrease of nearly 3 percent. This reduction may be an anomaly, however, as activations remained steady during the first three quarters of the fiscal year, then fell in the last quarter. It is too early to tell if this trend will continue. Except for the decrease in the final quarter of 2006, the overall workload in pretrial services has risen over the past five years. The number of cases opened in 2006 in the pretrial services system, including pretrial diversion cases, was nearly 6 percent greater than the 91,314 opened in 2002. During this five-year period, the number of pretrial services reports prepared climbed 8 percent, and the number of persons interviewed increased nearly 1 percent from 63,528 to 64,018.

The proportion of defendants charged with immigration offenses remained virtually unchanged from the previous year at 26 percent. Immigration offenses continued to be the major offense charged. The number of pretrial services cases opened in which the major offense charged involved drugs fell 1 percentage point from 34 in 2005 to 33 in 2006. Cases involving property offenses represented 16 percent of the cases activated. In 2006, cases involving firearms offenses fell to 8,332 down from 8,561, a decrease of almost 3 percent.

Pretrial services officers (PSOs) prepare pretrial services reports that help ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for selecting the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2006, PSOs prepared 92,492 pretrial services reports, a decline of 2 percent from the previous year. Ninety-four percent of pretrial services reports prepared were prebail reports. The remaining reports prepared were postbail 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 (96,479). Excluding these cases, as well as cases for which release is not possible within 90 days, in 82,508 cases bail determinations were made by the courts in 2006, with 39 percent of the defendants released. These cases included immigration cases involving crimes such as illegal entry, which have a higher rate of detention than do non-immigration cases. When immigration cases were excluded, the percentage of defendants released increased to 47 percent.

A total of 33,608 defendants were placed under supervision in the pretrial services system in 2006, a decrease of nearly 4 percent below the

number for the previous year, which is consistent with the reduction in pretrial case activations. 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 usually are detained given their high risk of flight. Thirty-two percent of defendants in pretrial services cases were illegal aliens, the same as in 2005.

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, 36,134 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 89 percent of defendants released, a decrease of five percentage points from the previous year. Substance abuse treatment and testing were ordered for almost 27 percent of the defendants, a two percentage point reduction from the year before. Substance abuse testing alone dropped from 25 percent of defendants last year to 22 percent this year.

Pretrial diversion is a period of supervision proposed by a U.S. attorney and agreed to by a

	2005	2006	Percent Change
Total Cases Activated	99,365	96,479	-2.9
Pretrial Services Cases	97,508	94,853	-2.7
Pretrial Diversion Cases	1,857	1,626	-12.4
Total Released on Supervision	34,860	33,608	-3.6
Pretrial Supervision	32,968	31,910	-3.2
Diversion Supervision	1,892	1,698	-10.3
Type of Report			
Prebail	88,274	87,015	-1.4
Other Reports (Including Postbail)	6,497	5,477	-15.7
No Report	2,737	2,361	-13.7

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 2006, the number of pretrial diversion cases activated decreased

by 231 cases to 1,626; this represented approximately 2 percent of activated cases in 2006, the same proportion as in 2005.

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

Complaints Against Judicial Officers

Table 10
Judicial Complaints Filed, Concluded, and Pending
Fiscal Years 2004, 2005, and 2006

	2004	2005*	2006
Filed	784	698	643
Concluded	820	700	619
By Chief Judges	486	425	391
Dismissed	471	405	371
Corrective Action Taken	12	13	11
Withdrawn	3	7	9
By Judicial Councils	334	275	228
After Review of Chief Judge's Dismissal ¹			
Dismissed	332	270	220
Withdrawn	0	0	0
Action Taken	0	0	0
Referred to Judicial Conference	0	0	0
After Report of Investigating Committee			
Dismissed	2	5	7
Withdrawn	0	0	0
Action Taken	0	0	1
Referred to Judicial Conference	0	0	0
Pending	212	210	234
Special Investigating Committees Appointed ²	-	-	7

* Revised.

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

² These data were not available in 2004 and 2005.

Pursuant to 28 U.S.C. 351(a) and 363, any person alleging that a circuit judge, a district judge, a bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such an officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or the clerk of the applicable national court. A single complaint may involve multiple allegations against numerous judicial officers.

In 2006, the number of judicial complaints filed declined for the third consecutive year, falling 8 percent to 643. The number of complaints concluded dropped 12 percent to 619. Because the number of complaints filed outnumbered the number of complaints concluded, pending judicial complaints increased 11 percent to 234.

As in past years, the allegations cited most often were prejudice/bias, abuse of judicial power, and "other."

Of the 619 complaints that were concluded, chief judges terminated 391, and circuit judicial councils terminated 228. Of the complaints concluded by chief judges, 72 percent were found to be not covered under 28 U.S.C. 351 - 364 because they were directly related to the merits of the decisions or to procedural rulings rendered by the judges named in the complaints. The remaining complaints were con-

cluded because they did not conform with the statute, they were frivolous, appropriate action already had been taken, action no longer was necessary, or the complaint had been withdrawn.

Of the 228 complaints that were concluded by circuit judicial councils, all but one were dismissed. A total of 220 were terminated following the review of a chief judge's dismissal. Seven were concluded after a report was made by an investigating committee; those seven complaints all had been filed in the Second Circuit and had arisen from a single matter. The one complaint that was not dismissed had been filed in the Eleventh Circuit. Following a report by an investigating committee, this complaint resulted in disciplinary action taken by the Chief District Judge.

A total of seven special investigating committees were appointed this year—one each in the Second, Third, and Fourth Circuits, and two each in the Ninth and Eleventh Circuits. The work of these investigating committees may or may not have been completed this year.

Table 10 and Supplemental Table S-22 summarize judicial complaints activity from 2004 through 2006. ■

Status of Article III Judgeships

On September 30, 2006, a total of 14 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, 1 more vacancy than the number 1 year ago. Six of the vacancies had been unfilled for more than 18 months (seven had been vacant that long one year earlier). Table 11 provides information on the status of judgeship positions since 2002.

On September 30, 2006, a total of 33 vacancies existed among the 678 positions authorized in the district courts, a decline of 3 compared to the 36 vacancies reported at the end of the previous fiscal year. Seven of the vacancies had existed for more than 18 months, two more than the number of positions vacant for that long in 2005.

In addition to active judges, 103 senior circuit judges participating in appeals decisions were serving the Judiciary on September 30, 2006—3 fewer than the number serving one year earlier. In the U.S. district courts, the number of senior judges with staff equaled 311, which was 11 more than the number at the end of the previous fiscal year. The number of senior district judges with staff has risen 12 percent over the past five years, increasing from 278 to 311.

As of September 30, 2006, a total of 21 judicial emergencies had been identified in the U.S. courts of appeals and U.S. district courts, 1 more than the number identified on September 30, 2005. For the courts of appeals, which had 12 judicial emergencies, a judicial emergency is defined as any vacancy where adjusted filings

Table 11
Status of Judgeship Positions
Fiscal Years 2002 Through 2006¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships ⁴	Vacancies	Senior Judges ⁵
2002	179	28	92	665	50	278*
2003	179	17	91	680	29	287*
2004	179	13	102	679	16*	294*
2005	179	13*	106*	678	36	300*
2006	179	14	103	678	33	311

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.
⁴ Positions in the Districts of Virgin Islands, Guam, and Northern Mariana Islands are included.
⁵ Senior judges with staff.
 * Revised.

(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 9 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. ■

Status of Bankruptcy Judge Appointments



On September 30, 2006, a total of 352 bankruptcy judgeships were authorized and funded. Of that number, 337 bankruptcy judgeships were filled, and 15 were vacant. In addition to these positions, 25 recalled bankruptcy judges were providing service to the Judiciary on September 30, 2006. Table 12 summarizes the status of bankruptcy judgeship positions through September 30, 2006. ■

Table 12
Status of Bankruptcy
Judgeship Positions
Fiscal Years 2002 Through 2006¹

Year	Authorized Judgeships	Vacancies	Recalled Judges
2002	324	22	31
2003	324	15	35
2004	324	11	35
2005	352	37	32
2006	352	15	25

¹ Data are as of September 30.

Appointments of Magistrate Judges

Table 13
U.S. Magistrate Judge Positions Authorized
by the Judicial Conference
2002 Through 2006

Year	Period	Total	Full Time	Part Time	Combination
2002	Spring	534	477	54	3
	Fall	540	486	51	3
2003	Spring	540	487	50	3
	Fall	543	491	49	3
2004	Spring	546	495	48	3
	Fall	548	500	45	3
2005	Spring	548	500	45	3
	Fall	551	503	45	3
2006	Spring	551	503	45	3
	Fall	553	505	45	3

During fiscal year 2006, a total of 61 full-time magistrate judges were appointed, including 41 by reappointment. Of the 20 new appointments, 4 were for new positions. During the same period, six individuals were appointed to part-time magistrate judge positions, four of them by reappointment.

In 2006, the average age of new appointees to full-time magistrate judge positions was 48 years; the average age of new appointees to part-time magistrate judge positions was 57 years. New full-time appointees had been members of the bar for an average of 21 years at the time of appointment; new part-time magistrate judges averaged 17 years of bar membership. Of the new full-time magistrate judges, 11 had been in private practice, 7 had been assistant U. S. attorneys, 1 had been a state court judge, and 1 had been an assistant federal public defender.

Through September 2006, the Judicial Conference had authorized 505 full-time magistrate judge positions, 45 part-time positions, and 3 combination clerk of court/magistrate judge positions. During the fiscal year, 36 retired magistrate judges were recalled to service under 28 U.S.C. 636(h). Table 13 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 2002. ■



The 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 2006, this court reported 478 cases filed, a decrease of 35 percent from 2005 (down 263 cases). New civil actions included 293 cases filed under 28 U.S.C. 1581(a) or (b) that involved denied protests covering 27,360 entries of merchandise (more than double the number of entries addressed in 2005).

Case terminations increased 1,976 percent from 455 to 9,446 in response to the Supreme Court's decision in *United States Shoe Corp. v. United States*, 523 U.S. 360 (1998), which declared the Harbor Maintenance Tax (HMT) unconstitutional. This led to the dismissal of 8,864 cases involving the HMT in December 2005. Because terminations outnumbered filings, pending cases dropped 80 percent to 2,187 on September 30, 2006.

Appendix Table G-1 provides a summary of cases filed, terminated, and pending during 2005 and 2006. ■

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) against the U.S. Government, contract disputes, bid protests, patents and copyright, congressional reference, and the National Vaccine Injury Compensation Act.

In 2006, filings in the court decreased 36 percent to 1,068, largely because of a 56 percent reduction (down 409 cases) in vaccine case filings. Such filings had soared in recent years, peaking in 2003, and mostly consisted of cases alleging that autism spectrum disorder arose from the measles-mumps-rubella vaccine and/or the inclusion of the preservative thimerosal in some vaccines. The 325 vaccine cases filed in 2006 were close to the historical norm of 350 for such filings. The total number of cases filed in the court this year was consistent with annual totals obtained prior to the surge in vaccine filings.

Case terminations decreased 20 percent from 1,051 to 837. As filings outnumbered terminations, pending cases rose 3 percent from 7,530 to 7,760.

In cases terminated in 2006, judgments for plaintiffs/petitioners exceeded \$900 million, of which more than \$79 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 \$200,000. Under its nonmonetary jurisdiction, the court disposed of 71 contract cases seeking injunctive or declaratory relief, an increase of 20 percent from the previous year.

Pursuant to 28 U.S.C. 791(c), each January the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and their dispositions. 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, 2006. ■