

## Caseload Highlights

### U.S. Courts of Appeals

- In the regional courts of appeals, filings fell 1.5 percent to 55,126.
- Criminal appeals dropped 5 percent, and appeals of administrative agency decisions decreased 3 percent.
- Civil appeals held fairly steady.
- Original proceedings grew 5 percent, and bankruptcy appeals rose 1 percent.
- Appeals involving pro se litigants, which accounted for 49 percent of filings, remained stable.

### U.S. District Courts

- Combined filings of civil and criminal cases in the U.S. district courts increased 2 percent to 367,692.

#### Civil Filings

- Civil case filings rose 2 percent to 289,252.
- Federal question cases grew 2 percent.
- Filings with the United States as plaintiff climbed 25 percent.
- Filings with the United States as defendant increased 5 percent.

#### Criminal Filings

- Filings of criminal cases (including cases transferred from other courts) stayed largely unchanged (up 12 cases to 78,440), but the number of criminal defendants rose 3 percent to set a new record of 102,931.
- Growth occurred in defendants charged with drug crimes, firearms and explosives offenses, sex offenses, property offenses, and general offenses.
- Defendants accused of immigration offenses decreased 3 percent.

### U.S. Bankruptcy Courts

- Bankruptcy filings fell 8 percent to 1,467,221.
- Fewer petitions were filed in 87 of the 90 bankruptcy courts.
- Nonbusiness petitions decreased 8 percent, and business petitions declined 14 percent.
- Filings dropped 10 percent under chapter 7, 16 percent under chapter 11, and 4 percent under chapter 13.

### Federal Probation and Pretrial Services System

- The number of persons under post-conviction supervision on the last day of the fiscal year was 129,780, an increase of 2 percent over the total one year earlier.
- Persons serving terms of supervised release on leaving correctional institutions rose 2 percent to 105,037 and accounted for 81 percent of all persons under supervision.
- Cases opened in the pretrial services system this year, including pretrial diversion cases, grew 2 percent to 113,875.

Judicial Caseload Indicators  
12-Month Periods Ending September 30

Judicial Caseload	2002	2007	2010	2011	% Change Since 2002	% Change Since 2007	% Change Since 2010
<b>U.S. Courts of Appeals <sup>1</sup></b>							
Cases Filed	57,555	58,410	55,992	55,126	-4.2	-5.6	-1.5
Cases Terminated	56,586	62,846	59,526	57,357	1.4	-8.7	-3.6
Cases Pending	40,149	51,063	45,864 <sup>2</sup>	43,633	8.7	-14.6	-4.9
<b>U.S. District Courts</b>							
<b>Civil</b>							
Cases Filed	274,841	257,507	282,895	289,252	5.2	12.3	2.2
Cases Terminated	259,537	239,678	309,759	303,158	16.8	26.5	-2.1
Cases Pending	261,118	265,443	284,601 <sup>2</sup>	270,839	3.7	2.0	-4.8
<b>Criminal (Includes Transfers)</b>							
Defendants Filed	88,354	89,306	100,366	102,931	16.5	15.3	2.6
Terminations for Defendants	80,820	88,471	98,666	101,454	25.5	14.7	2.8
Defendants Pending	76,973	101,398	110,491 <sup>2</sup>	111,968	45.5	10.4	1.3
<b>U.S. Bankruptcy Courts</b>							
Cases Filed	1,547,669	801,269	1,596,355	1,467,221	-5.2	83.1	-8.1
Cases Terminated	1,445,101	864,588	1,496,732	1,461,896	1.2	69.1	-2.3
Cases Pending	1,618,262	1,275,949	1,659,086 <sup>2</sup>	1,664,393	2.9	30.4	0.3
<b>Post-Conviction Supervision</b>							
Persons Under Supervision	108,792	116,221	127,324	129,780	19.3	11.7	1.9
<b>Pretrial Services</b>							
Total Cases Activated	91,314	97,905	111,507	113,875	24.7	16.3	2.1
<b>Pretrial Services Cases</b>							
Activated	89,421	96,259	110,547	112,969	26.3	17.4	2.2
<b>Pretrial Diversion Cases</b>							
Activated	1,893	1,646	960	906	-52.1	-45.0	-5.6
Total Released on Supervision	34,880	32,879	29,902	30,337	-13.0	-7.7	1.5
Pretrial Supervision	32,808	31,358	28,632	29,004	-11.6	-7.5	1.3
Diversion Supervision	2,072	1,521	1,270	1,333	-35.7	-12.4	5.0

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

<sup>2</sup> Revised.



## Judicial Business

This report presents statistics on the work of the Federal Judiciary for the fiscal year ending September 30, 2011, comparing data for this year to data for earlier years and, when possible, explaining increases or decreases in caseloads. Separate sections of the report address the appellate, district, and bankruptcy courts; the probation and pretrial services system; and other components of the Federal Judiciary. Caseload totals for the major programs of the Federal Judiciary appear in the table of judicial caseload indicators on page 10.

In 2011, the Federal Judiciary experienced larger caseloads in some areas, but smaller caseloads in others. In the district courts, total case filings grew 2 percent to 367,692 as civil cases rose 2 percent to 289,252 and criminal cases held steady, going up 12 cases to 78,440. The number of offenders under post-conviction supervision grew 2 percent to 129,780. Cases opened in the pretrial services system also went up 2 percent, reaching 113,875. In the courts of appeals, however, filings decreased 1.5 percent to 55,126. After climbing 14 percent in 2010, filings in the bankruptcy courts declined 8 percent this year to just below 1.5 million petitions.

### U.S. Courts of Appeals

Filings in the regional courts of appeals fell 1.5 percent to 55,126. Original proceedings and bankruptcy appeals rose, but criminal, civil, and administrative agency appeals decreased.

The number of appeals terminated declined 4 percent to 57,357. Pending appeals dropped 5 percent to 43,633. The median time from filing of a notice of appeal or docket date to final disposition fell from 11.5 months to 11 months, according to a new method of making this calculation that includes all types of appeals; before 2011, the calculation included only appeals of cases decided by the U.S. district courts.

Seventy-eight percent of filings were appeals of decisions by the district courts, 14 percent were appeals of decisions by administrative agencies, 7 percent were original proceedings, and 1 percent were appeals of bankruptcy case decisions. These percentages remained unchanged from 2010.

Appeals arising from district courts fell 2 percent to 42,931. Criminal appeals declined 5 percent to 12,198, primarily because appeals related to

Table 1  
U.S. Courts of Appeals  
Appeals Filed, Terminated, and Pending  
Fiscal Years 2007- 2011

Year	Authorized Judgeships	Filed		Terminated		Pending
		Number	Cases per Panel	Number	Cases per Panel	
2007	167	58,410	1,049	62,846	1,129	51,063
2008	166 <sup>1</sup>	61,104	1,104	59,096	1,068	53,332
2009	167	57,740	1,037	60,508	1,087	49,885
2010	167	55,992	1,006	59,526	1,069	45,864 <sup>2</sup>
2011	167	55,126	990	57,357	1,030	43,633
Percent Change 2010 - 2011	—	-1.5	—	-3.6	—	-4.9

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

<sup>1</sup> In 2008, the total number of authorized judgeships temporarily was reduced by one by the Court Security Improvement Act of 2007.

<sup>2</sup> Revised.

non-marijuana drugs decreased as fewer prisoners sentenced for crack cocaine offenses sought reductions of their sentences. Appeals involving property crimes, firearms and explosives, sex offenses, immigration, and general offenses also declined. Appeals involving violent crimes, justice system offenses (i.e., crimes related to judicial proceedings, such as obstruction of justice and failure to appear), and regulatory offenses rose. Civil appeals remained relatively stable, falling by 207 to 30,733. Appeals in civil cases in which the United States was a party and in private cases declined, but appeals involving diversity of citizenship increased. Prisoner petitions, which equaled 51 percent of all civil appeals, dropped 1 percent to 15,678.

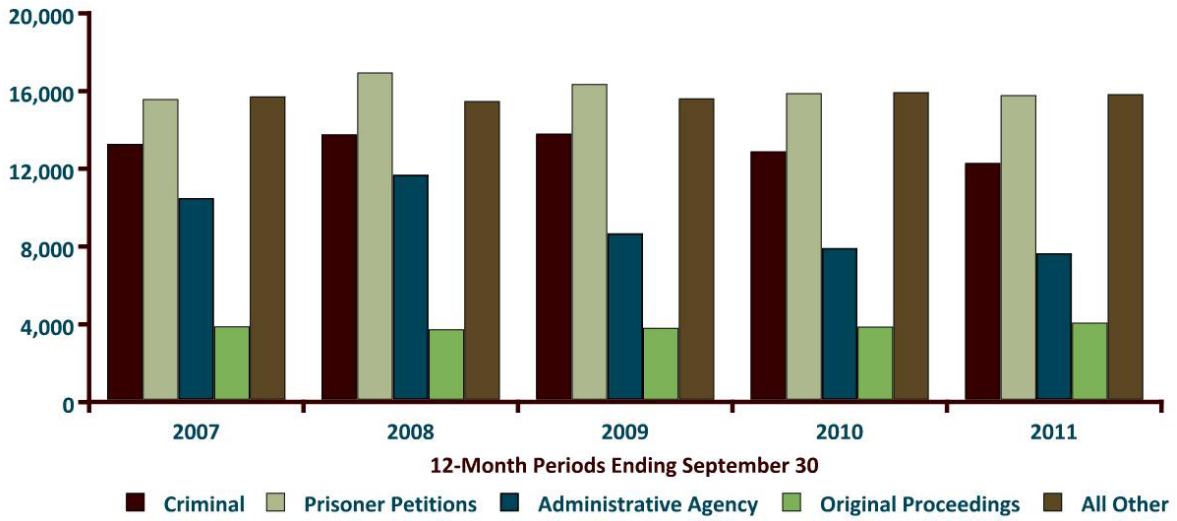
Administrative agency appeals decreased 3 percent to 7,550. Appeals challenging decisions by the Board of Immigration Appeals fell 6 percent to 6,333; of these, 47 percent were filed in the Ninth Circuit and 22 percent in the Second Circuit. Other administrative agency appeals grew 14 percent to 1,217, with more than half of this growth arising in the District of Columbia, which had an increase of 24 percent as a result of appeals of decisions by the Environmental Protection Agency and the National Labor Relations Board.

Original proceedings commenced in the courts of appeals rose 5 percent to 3,962, and bankruptcy appeals increased 1 percent to 683.

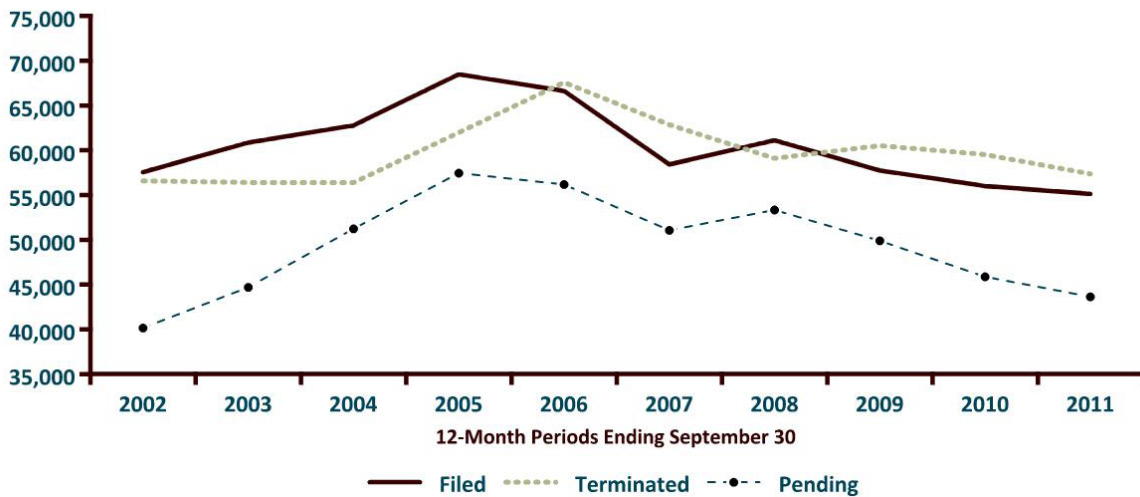
Appeals involving pro se litigants held steady, declining by 66 to 27,143. Reductions occurred in all types of pro se appeals except original proceedings and bankruptcy appeals. Seventy-eight percent involved decisions of the district courts, 14 percent were original proceedings, 8 percent were administrative agency appeals, and 1 percent were bankruptcy appeals. Pro se litigants accounted for 49 percent of appeals filed during 2011, and more than half of all pro se appeals (14,057) were filed by prisoners. Ninety percent of all prisoner petitions and 93 percent of all original proceedings were filed by pro se litigants.

Since 2007, appeals court filings have declined 6 percent (down 3,284 appeals). The largest reduction during that period has been a 27 percent decrease in administrative agency appeals (down 2,832 appeals), which stems from a 31 percent drop in filings involving the Board of Immigration Appeals (down 2,790 appeals). Criminal appeals have fallen 7 percent (down 969 appeals) in the last five years as cases filed seeking sentence reductions in response to *Blakely v. Washington*, 542 U.S. 296 (2004), *United*

### Appeals Filed, by Type



### Appeals Filed, Terminated, and Pending



*States v. Booker*, 543 U.S. 220 (2005), and the Fair Sentencing Acts of 2007 and 2010 have diminished.

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

### Bankruptcy Appellate Panels

Bankruptcy appellate panels (BAPs) are used in five judicial circuits. In 2011, filings rose in three of those circuits, and overall BAP filings increased 28 percent (up 240 cases). BAP filings generally lag bankruptcy filings by about two years, so the increase in BAP filings in 2011 reflected the surge in petitions filed in 2009 in the bankruptcy courts.

BAP filings grew 45 percent (up 217 cases) in the Ninth Circuit, 37 percent (up 32 cases) in the Tenth Circuit, and 22 percent (up 18 cases) in the First Circuit. Filings fell 16 percent (down 16 cases) in the Eighth Circuit and 12 percent (down 11 cases) in the Sixth Circuit.

Since 2007, BAP filings have risen 22 percent (up 198 cases). In the Ninth Circuit, filings have climbed 43 percent (up 210 cases). In the First Circuit, filings have grown 20 percent (up 17 cases). In the Eighth Circuit, filings have increased 15 percent (up 11 cases). Filings have fallen 20 percent in the Tenth Circuit (down 30 cases) and 11 percent in the Sixth Circuit (down 10 cases).

Data for the BAPs appear in Appendix Tables B-10 and B-11.

### U.S. Court of Appeals for the Federal Circuit

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

Filings in the U.S. Court of Appeals for the Federal Circuit increased 12 percent (up 141 appeals to 1,349). Total filings per panel rose from 302 to 337. Growth was spread across many types of appeals, with the greatest occurring in appeals of decisions from the U.S. Court of Appeals for Veterans Claims, which rose by 64 appeals to 214 (up 43 percent). Appeals of decisions by the U.S. Patent and Trademark Office climbed by 53 appeals to 140 (up 61 percent) because of appeals involving the Board of Patent Ap-

**Table 2**  
**U.S. Courts of Appeals**  
**Sources of Appeals**  
**Fiscal Years 2010 and 2011**

Source	2010	2011	Percent Change
<b>Total</b>	55,992	55,126	-1.5
<b>U.S. District Courts</b>			
Criminal	12,797	12,198	-4.7
Civil—Total	30,940	30,733	-0.7
Prisoner Petitions	15,789	15,678	-0.7
U.S. Civil	2,835	2,771	-2.3
Private Civil	12,316	12,284	-0.3
<b>Other Appeals</b>			
Bankruptcy	678	683	0.7
Administrative Agency	7,813	7,550	-3.4
Original Proceedings	3,764	3,962	5.3

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

peals and Interferences and appeals involving the Trademark Trial and Appeal Board. Appeals from the district courts rose by 34 to 462 (up 8 percent), and appeals of decisions by the Merit Systems Protection Board increased by 34 to 264 (up 15 percent). The largest decrease occurred in appeals of decisions by the U.S. Court of Federal Claims, which fell by 25 to 153 (down 14 percent).

Terminations of appeals climbed 4 percent to 1,247 (up 52 appeals). Because filings exceeded terminations, the number of appeals pending at the end of the fiscal year grew 11 percent to 1,012 (up 102 appeals).

Filings in the Federal Circuit were 13 percent lower in 2011 than in 2007 (down 196 appeals). Over the past five years, terminations of appeals have declined 27 percent (down 471 appeals), and the number of appeals pending at the end of the fiscal year has decreased 18 percent (down 221 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

This year, case filings in the district courts rose 2 percent to 367,692. Civil case filings grew 2 percent to 289,252. Criminal case filings remained stable, going up 12 cases to 78,440, but the number of criminal defendants climbed 3 percent to a new record of 102,931. Total terminations for civil cases and criminal defendants remained stable, falling less than 1 percent to 404,612 (not including 105,181 defendants in petty offense cases disposed of by magistrate judges). As terminations exceeded filings, the combination of pending civil cases and pending criminal defendants decreased 3 percent to 382,807.

### Civil Filings

Civil filings in the district courts rose 2 percent for the second consecutive year, up 6,357 cases to 289,252, causing civil filings per authorized judgeship to grow from 417 to 427. The increase was spurred by a 2 percent rise in federal question cases (i.e., actions under the Constitution, laws, or treaties of the United States in which neither the United States itself nor any of its agencies and offices is a party in the cases), which went up by 2,358 cases to 141,013. Cases in which the United States was a party climbed 9 percent to 46,869.

The growth in federal question filings stemmed primarily from increases of 5 percent in civil rights

cases (up 1,699 cases), 15 percent in consumer credit filings (up 1,183 cases), and 11 percent in intellectual property rights cases (up 1,011 cases). Civil rights filings related to the Americans with Disabilities Act rose 17 percent (up 602 cases), and those associated with civil rights employment increased 3 percent (up 414 cases). Intellectual property rights filings involving patents jumped 24 percent (up 757 cases), and those related to copyright rose 14 percent (up 284 cases).

Filings with the United States as plaintiff increased 25 percent as cases concerning defaulted student loans surged 58 percent (up 1,588 cases). Filings with the United States as defendant grew 5 percent, mostly because Social Security filings climbed 12 percent when supplemental security income filings rose by 1,088 cases and disability filings rose by 642 cases.

Civil case terminations declined 2 percent to 303,158. The Eastern District of Pennsylvania terminated 59,375 cases, most of them multidistrict litigation (MDL) personal injury/product liability cases involving asbestos. The Eastern District of Louisiana terminated 6,011 cases, most of them MDL cases related to the arthritis pain drug Vioxx, Hurricane Katrina, or oil refineries.

The median time from filing to disposition for civil cases was 7.3 months, down from 7.6 months in 2010.

Civil Cases Filed, by Nature of Suit

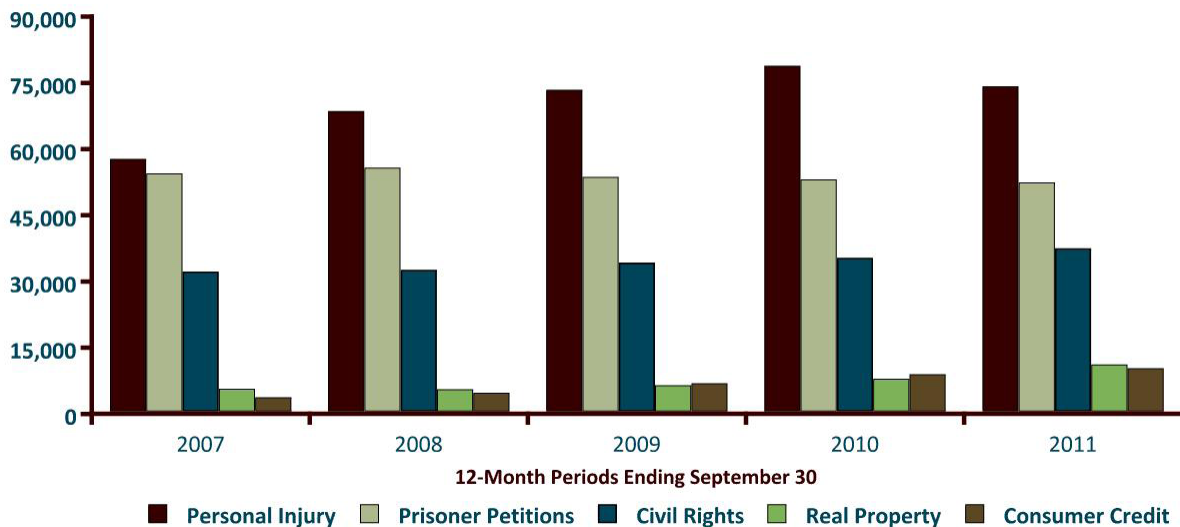


Table 3  
U.S. District Courts  
Civil Cases Filed, Terminated, and Pending  
Fiscal Years 2007 - 2011

Year	Authorized Judgeships	Filed						Terminated	Pending
		Total	Cases per Judgeship	Contract Actions	Prisoner Petitions	Personal Injury Cases	All Other Cases		
2007	678	257,507	380	33,939	53,945	57,244	112,379	239,678	265,443
2008	678	267,257	394	34,172	55,271	68,121	109,693	234,571	294,122
2009	678	276,397	408	35,634	53,187	72,897	114,679	263,703	311,353
2010	678	282,895	417	31,109	52,583	78,350	120,853	309,759	284,489 <sup>1</sup>
2011	677	289,252	427	32,306	53,611	73,749	129,586	303,158	270,839
Percent Change 2010 - 2011	—	2.2	2.2	3.8	2.0	-5.9	7.2	-2.1	-4.8

<sup>1</sup> Revised.

Table 4  
U.S. District Courts  
Civil Cases Filed, by Jurisdiction  
Fiscal Years 2007 - 2011

Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction <sup>1</sup>
2007	257,507	9,564	35,900	139,424	72,619	—
2008	267,257	9,649	34,515	134,582	88,457	54
2009	276,397	8,834	34,310	136,041	97,209	3
2010	282,895	8,672	34,365	138,655	101,202	1
2011	289,252	10,797	36,072	141,013	101,366	4
Percent Change 2010 - 2011	2.2	24.5	5.0	1.7	0.2	—



Total pending civil cases decreased 5 percent to 270,839 in response to reductions in pending caseloads in the Eastern District of Pennsylvania (down 12,584 cases), the Southern District of New York (down 9,094 cases), and the Eastern District of Louisiana (down 2,255 cases). The Eastern District of Pennsylvania and the Eastern District of Louisiana significantly reduced their numbers of pending MDL cases, and the Southern District of New York had fewer pending cases stemming from the terrorist-related aircraft crashes on September 11, 2001.

Since 2007, civil filings in the district courts have increased 12 percent (up 31,745 cases). The growth arose mainly from cases involving asbestos, consumer credit, civil rights, and Social Security. During the same period, district courts have experienced declines in civil filings involving contracts, intellectual property rights, labor laws, and prisoner petitions.

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.

### Criminal Filings

Filings of criminal cases (including transfers) remained stable at 78,440 (up 12 cases), but the number of criminal defendants increased 3 percent to an all-time high of 102,931, surpassing the previous record set in 2010. Case terminations rose 2 percent to 79,839, and terminations for defendant grew 3 percent to 101,454. Excluding transfers, 101,149 terminations for defendants occurred in 2011, with 91 percent (91,938) of the defendants convicted, including the 89 percent (89,635) who pled guilty. The median time from filing to disposition for criminal defendants increased from 6.3 months in 2010 to 6.4 months in 2011. Cases pending (including transfers) declined 2 percent to 79,680, but defendants pending rose 1 percent to 111,968 as filings outpaced terminations for defendants.

Increases occurred in filings (excluding transfers) for defendants charged with sex offenses, drug offenses, firearms and explosives offenses, property offenses, and general offenses. Fewer filings were reported for defendants charged with justice system offenses (i.e., crimes related to judicial proceedings, such as obstruction of justice or failure to appear), immigration offenses, regulatory offenses, traffic offenses, and violent offenses.

Drug offenses continued to be the crimes most commonly prosecuted in the district courts, account-

## Some Criminal Case Tables To Be Eliminated

Because single-case profiles often do not capture the characteristics and complexity of multi-defendant cases, the following criminal case tables will no longer be created and published beginning with the quarter ending December 31, 2011:

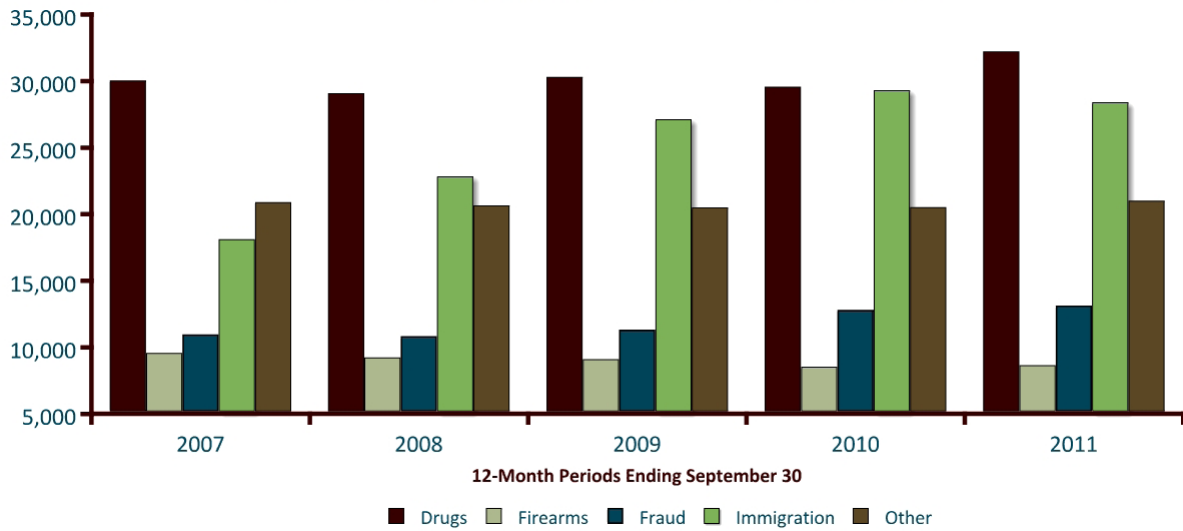
- Table D-1: Criminal Cases Commenced, Terminated, and Pending
- Table D-2: Criminal Cases Commenced, by Offense
- Table D-3: Criminal Cases Commenced, by Offense and District
- Table D-13: Criminal Cases Commenced, by Type of Proceedings

Table D: Cases Commenced, Terminated, and Pending, as well as all defendant tables, will continue to be produced.

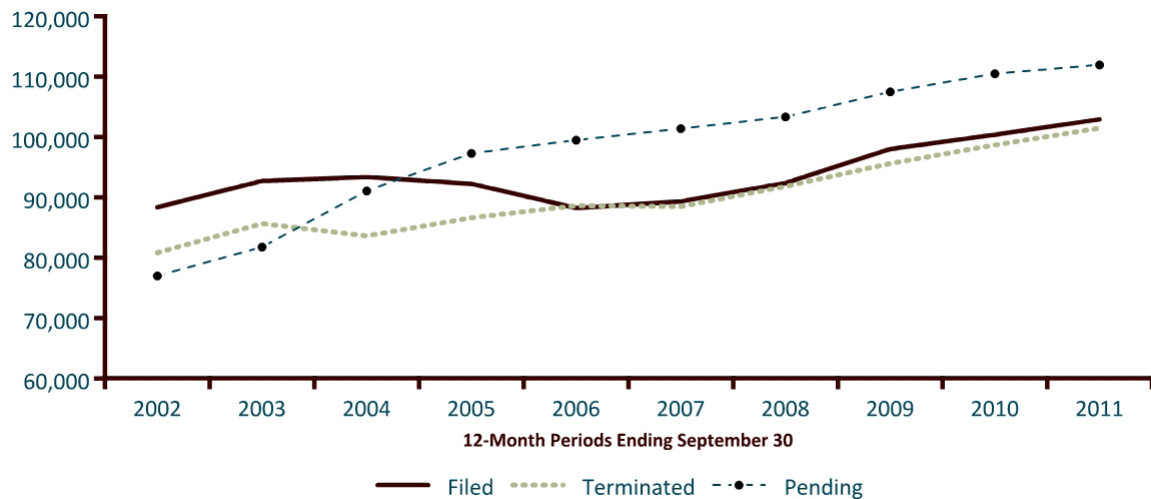
ing for 31 percent of all defendant filings. Defendants charged with crimes involving marijuana rose 15 percent to 8,443 as defendants accused of offenses related to the sale, distribution, or dispensing of marijuana jumped 24 percent to 5,888. Defendants prosecuted for these offenses doubled to 2,260 in the District of Arizona. Filings involving non-marijuana drug offenses increased 7 percent to 23,527 as defendants charged with the sale, distribution, or dispensing of drugs other than marijuana grew 6 percent to 20,767 and those accused of importing or exporting drugs other than marijuana jumped 41 percent to 1,832.

Defendant filings associated with immigration offenses, which constituted 28 percent of total defendant filings, declined for the first time since 2006, dropping 3 percent to 28,239. Immigration defen-

### Criminal Defendants Filed, by Nature of Offense



### Criminal Defendants Filed, Terminated, and Pending (Including Transfers)



dant filings in the five southwestern border districts constituted 74 percent of total immigration filings throughout the country, up from 73 percent in 2010. These filings climbed 34 percent in the District of Arizona and 5 percent in the Southern District of California, but fell 21 percent in the Southern District of Texas, 15 percent in the District of New Mexico, and 3 percent in the Western District of Texas.

The number of defendants charged with fraud offenses rose 3 percent to 12,973 and equaled 13 percent of total defendant filings. The most notable increase was in defendants charged with attempt and conspiracy to defraud, which grew 34 percent to 2,239. Forty-two percent of those defendant filings occurred in three districts: the District of Puerto Rico, the Southern District of Florida, and the Southern District of New York.

Filings of defendants charged with firearms and explosives offenses, which amounted to 8 percent of total defendant filings, held steady, increasing 1 percent to 8,496. Filings of defendants charged with sex offenses climbed 23 percent to 3,517 as defendants accused of violating the Sex Offender Registration and Notification Act of 2006 climbed 87 percent to

626. Three percent of all defendant filings involved sex offenses. General offenses, which also constituted 3 percent of total defendant filings, rose 9 percent to 2,612.

Over the last five years, filings of both criminal cases and defendants (including transfers) have risen 15 percent. During that period, filings (excluding transfers) for defendants charged with immigration offenses have surged 57 percent and have increased from 20 percent of total defendant filings to 28 percent. Immigration offense defendants have been concentrated in the five southwestern border districts, in which the combined share of immigration defendant filings has grown from 71 percent in 2007 to 74 percent in 2011.

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

#### **Trials Completed**

The number of civil and criminal trials completed in the district courts by active and senior Article III judges remained stable, rising by 5 to 13,810. Increases occurred in nonjury trials in both civil and

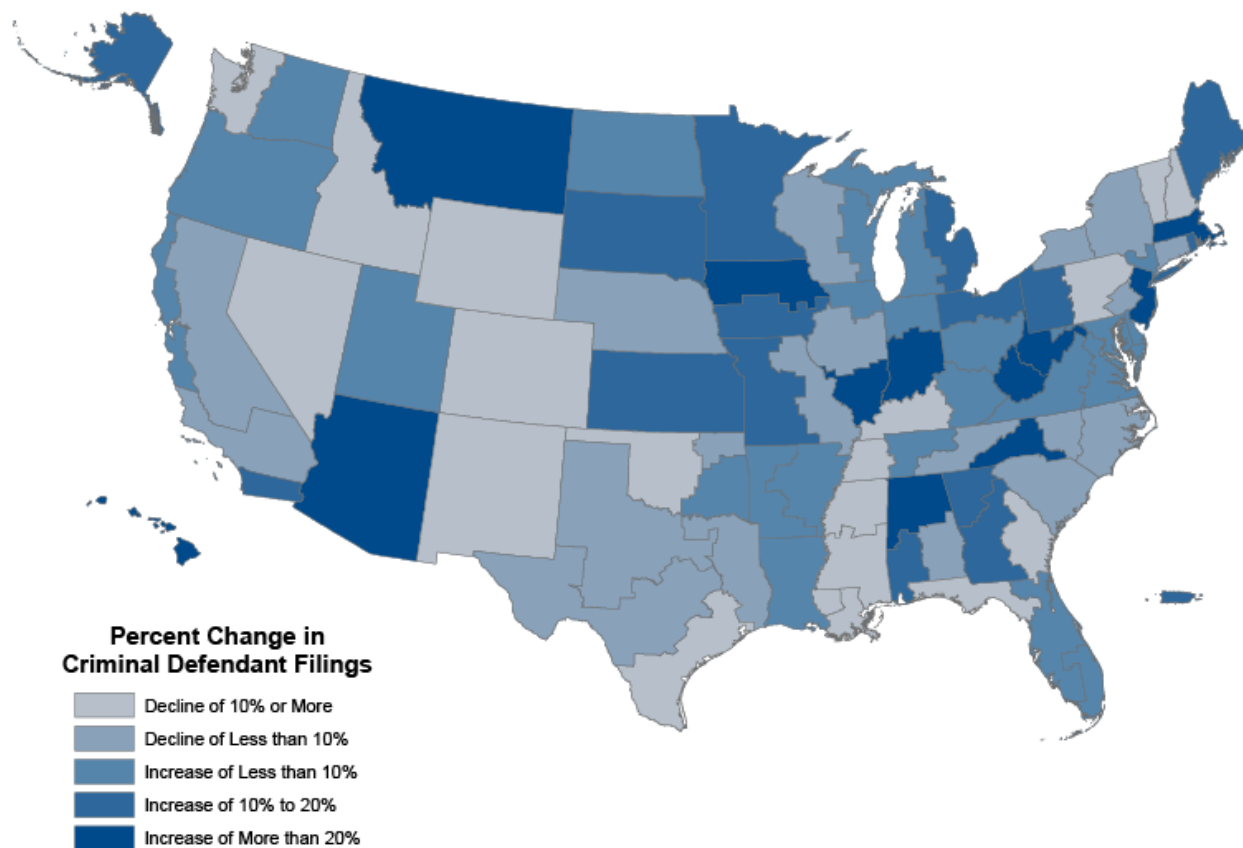
**Table 5**  
**U.S. District Courts**  
**Criminal Defendants Filed, Terminated, and Pending**  
**(Including Transfers)**  
**Fiscal Years 2007 - 2011**

Year	Authorized Judgeships	Filed			Terminated	Pending <sup>2</sup>
		Total	Defendants per Judgeship	Drugs <sup>1</sup>		
2007	678	89,306	132	29,885	88,471	101,398
2008	678	92,355	136	28,932	91,817	103,339
2009	678	97,982	145	30,144	95,598	107,487
2010	678	100,366	148	29,410	98,666	110,491
2011	677	102,931	152	32,062	101,454	111,968
Percent Change 2010 - 2011	—	2.6	—	9.0	2.8	1.3

<sup>1</sup> Defendants charged with drug crimes. Data exclude transfers.

<sup>2</sup> Pending totals exclude defendants who were fugitives for more than one year. Previous pending totals are revised each year.

### Percent Change in Criminal Defendant Filings, by District Twelve-Month Period Ending September 30, 2011



criminal cases. For statistical reporting 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.

Overall civil trials held steady, decreasing by 3 trials to 5,357 as 47 of the 94 districts reported fewer civil trials. Civil nonjury trials increased 2 percent to 3,274, with 45 districts reporting higher numbers of these trials. Civil jury trials dropped 3 percent to 2,083 as 42 districts reported reductions in such trials.

Overall criminal trials grew by 8 to 8,453 as 44 districts reported more criminal trials. Criminal nonjury trials increased 4 percent (up 209 trials), with 47 districts reporting more of these trials. Criminal jury trials dropped 7 percent (down 201

trials), with 52 districts reporting fewer trials. Article III judges accepted guilty pleas from 80,767 felony defendants, up from 78,401 in 2010.

In addition to trials conducted by active and senior Article III judges, 6,359 trials were conducted by magistrate judges, a reduction of 4 percent (down 243 trials). These comprised 1,885 petty offense trials, 456 civil consent trials, 138 misdemeanor trials, and 3,880 evidentiary hearings.

Judges conduct many other proceedings in courtrooms in addition to trials, including hearings on motions for summary judgment and other motions, calendar calls, preliminary proceedings in criminal cases, hearings on sentencing issues, *Daubert* hearings on expert witnesses, and evidentiary hearings in supervised release and probation revocation proceedings. They are also heavily involved

in case management efforts, alternative dispute resolution activities, and settlements. This year, 44 districts operated mediation and arbitration programs that involved more than 20,600 civil cases.

Since 2007, the total number of trials has grown 3 percent. Although civil trials have decreased 4 percent in the past five years, criminal trials have increased 8 percent. Most of the criminal trials have occurred in cases concerning immigration, drugs, and weapons and firearms. Because criminal trials involving immigration usually are terminated quickly, growth in these trials has caused trials lasting four days or longer to decline 17 percent since 2007. During the past five years, the number of guilty pleas accepted by judges has risen 18 percent (up 12,059 pleas) as more felony defendants have accepted plea agreements to avoid going to trial.

Appendix Tables T-1, T-2, T-3, T-4, and T-5 provide additional data on civil and criminal trials conducted by Article III judges. 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 that 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. The 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), while 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).

This year, weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship increased 4 percent to 509 (up 19 filings). Weighted civil filings per judgeship rose 4 percent to 386. Criminal weighted filings per judgeship climbed 4 percent to 118.

Sixty-three of the 91 districts whose filings receive weights had increases in total weighted filings (weights are not assigned to civil cases and criminal defendants in the districts of the Virgin Islands, Guam, and the Northern Mariana Islands). Nineteen districts reported 600 or more weighted filings per authorized judgeship; 12 of these districts also had judicial vacancies. For the district courts, a vacancy of any duration in a district having weighted filings per authorized judgeship in excess of 600 is defined as a judicial emergency.

Weighted civil filings increased in 56 districts, decreased in 34 districts, and stayed the same in 1 district. The Eastern District of Texas, the District of Delaware, the Western District of Wisconsin, the Southern District of Illinois, and the Northern District of Alabama each reported over 100 additional weighted civil filings this year. The growth in the Eastern District of Texas mostly stemmed from cases involving intellectual property, real property and habeas corpus. The increase in the District of Delaware chiefly arose from patent cases. The rise in the Western District of Wisconsin was attributed to cases related to personal injury, prison conditions, and Social Security. In the Southern District of Illinois, the increase primarily resulted from cases involving personal injury/product liability (most of them alleging injuries from a contraceptive drug), real property, and Social Security. In the Northern District of Alabama, cases related to personal injury/product liability were the chief reason for growth in weighted civil filings.

Fifty-four districts reported higher criminal weighted filings, 35 districts had declines, and 2 districts had no change.

Weighted supervised release hearings per judgeship, which include probation revocation hearings, fell 3 percent to 5.26. Fifty-three district courts reported decreases in weighted supervised release hearings.

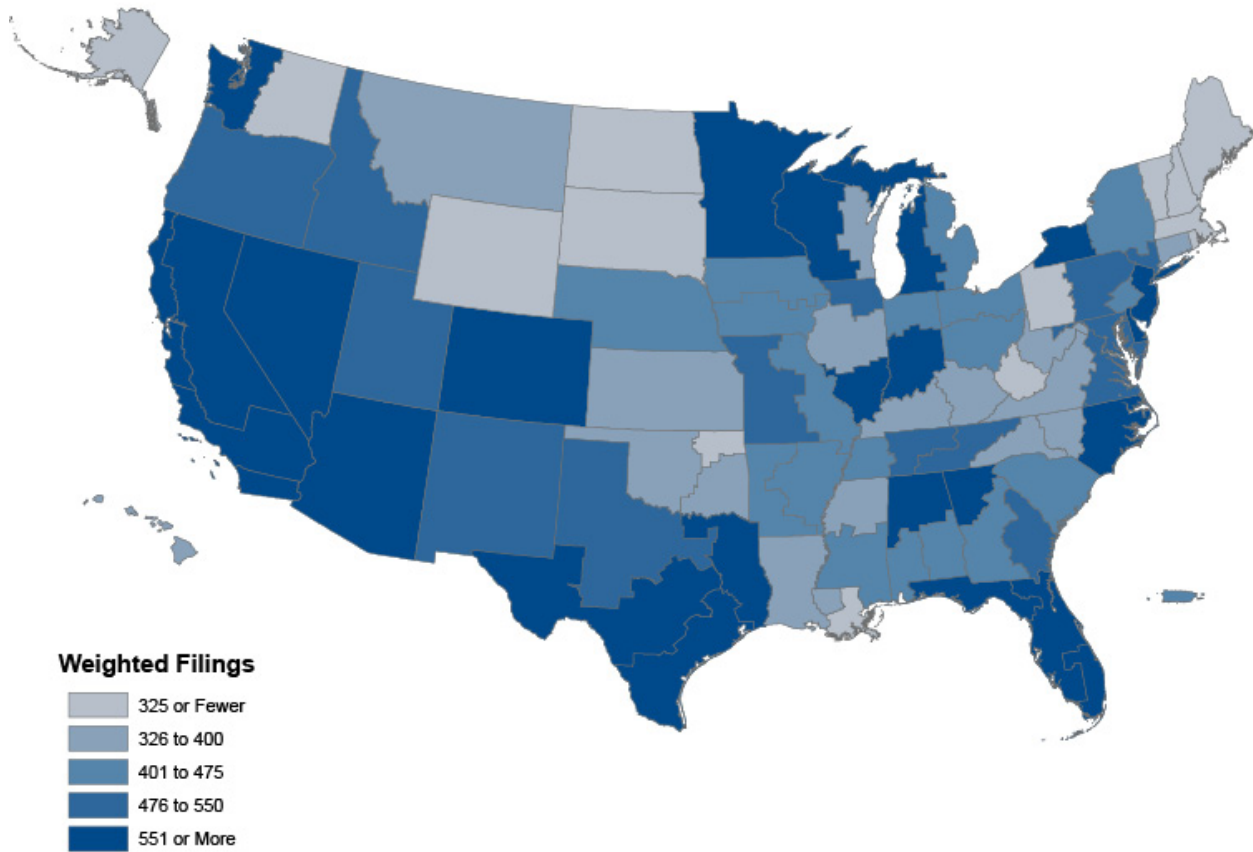
From 2007 to 2011, total weighted civil and criminal filings per authorized judgeship increased 7 percent. During that period, civil and criminal unweighted filings per authorized judgeship grew 10 percent. Over the past five years, overall unweighted civil filings have risen mostly as a result of higher filings of cases related to personal injury/product liability, consumer credit, civil rights employment, real property actions related to foreclosures, and Social Security disability supplemental security income and disability insurance. Growth in criminal unweighted defendant filings has been associated with greater numbers of defendants charged with immigration crimes and sex offenses.

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.

### United States Magistrate Judges

United States magistrate judges performed 1,069,344 judicial tasks this year, an overall increase of 4 percent from 2010.

### Weighted Filings per Authorized Judgeship, by District Twelve-Month Period Ending September 30, 2011



The 259,692 civil pretrial matters handled by magistrate judges (down less than 1 percent from 2010) included 165,107 motions, 20,171 settlement conferences, and 54,307 other pretrial conferences. Civil cases concluded with finality by magistrate judges with litigant consent rose for the fourth consecutive year, climbing 12 percent to 13,945. Final dispositions of civil cases by magistrate judges without trial increased 13 percent to 13,489. Civil jury trials conducted by magistrate judges dropped from 333 to 306, and civil nonjury trials decreased from 171 to 150.

Magistrate judges handled 207,227 felony pretrial proceedings, an increase of 8 percent, including 106,927 motions and 46,385 pretrial conferences. They held 19 percent more pretrial conferences in 2011 than in 2010. Felony guilty plea proceedings

conducted by magistrate judges grew for the fourth consecutive year, climbing 8 percent to 33,334. Magistrate judges conducted 390,300 felony preliminary proceedings in 2011, an increase of 6 percent, including 108,272 initial appearances (up 1 percent) and 71,871 arraignments (up 9 percent). They also conducted 53,571 detention hearings (up 9 percent), which tend to be among the most time-consuming felony preliminary proceedings, and they issued 51,104 search warrants (up 18 percent) and 54,829 arrest warrants/summonses (up 8 percent).

Magistrate judges disposed of 114,597 misdemeanor cases, a 2 percent reduction from 2010. Of these cases, 9,416 involved Class A misdemeanors.

The number of reports and recommendations prepared by magistrate judges in prisoner cases grew 18 percent to 25,834.

In addition to the above tasks, magistrate judges considered a large number of criminal complaints and issued many orders that are not included in the statistics for civil and criminal cases.

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

### Judicial Panel on Multidistrict Litigation

The United States Judicial Panel on Multidistrict Litigation acted on 43,769 civil actions pursuant to 28 U.S.C. § 1407 during 2011. The Panel transferred 5,593 cases originally filed in 91 district courts to 49 transferee districts for inclusion in coordinated or consolidated pretrial proceedings with 38,176 actions initiated in the transferee districts. In addition, the Panel did not order transfer in 42 newly docketed sets of litigation involving 202 actions.

Product liability cases involving the pain management drug Darvocet/Darvon and the DePuy Orthopaedics ASR hip implant were among the more significant considered in the Panel transfer determinations. Litigation involving sales practices and/or

products liability accounted for nearly half of the 47 sets of litigation transferred this year.

Since its creation in 1968, the Panel has centralized 393,682 civil actions for pretrial proceedings. By the end of 2011, a total of 12,419 actions had been remanded for trial, 398 actions had been reassigned within the transferee districts, 315,148 actions had been terminated in the transferee courts, and 65,717 actions were pending throughout 57 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 cumulative since 1968.

All statistical information on multidistrict litigation traffic in the federal courts is maintained by the clerk's office of the Panel. Information on specific cases or districts may be obtained from that office.

### U.S. Bankruptcy Courts

Individuals and businesses filed 1,467,221 bankruptcy petitions in 2011, a reduction of 8 percent from the number filed in 2010. This was the first

Table 6  
U.S. Bankruptcy Courts  
Bankruptcy Cases Filed, Terminated, and Pending  
Fiscal Years 2007 - 2011

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2007	801,269	775,344	25,925	864,588	1,275,949
2008	1,042,806	1,004,171	38,635	975,312	1,350,175
2009	1,402,816	1,344,095	58,721	1,197,649	1,559,129
2010	1,596,355	1,538,033	58,322	1,496,732	1,659,086 <sup>1</sup>
2011	1,467,221	1,417,326	49,895	1,461,896	1,664,393
Percent Change 2010 - 2011	-8.1	-7.8	-14.4	-2.3	0.3

<sup>1</sup> Revised.

decline in filings since 2007, when filings fell precipitously after enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). This year, the number of cases terminated by the bankruptcy courts dropped 2 percent to 1,461,896. Because filings slightly exceeded terminations in 2011, the 1,664,393 cases pending on September 30 was less than 1 percent greater than the number of cases pending one year earlier.

Bankruptcies may be filed under one of six chapters of the Bankruptcy Code. Most consumer (i.e., nonbusiness) cases are filed under chapter 7, which liquidates most non-exempt assets and gives debtors a “fresh start,” and under chapter 13, which allows debtors with regular income to retain assets and obtain court-confirmed plans to pay off their creditors over a period of up to five years. Most business petitions are filed under chapter 7, which permits businesses to liquidate their assets and cease operations, or under chapter 11, which enables businesses to file plans to reorganize their debts and continue operating, to downsize, or to liquidate in an orderly manner. Filings under chapter 12 by fam-

ily farmers and fishermen, under chapter 9 by local governments, and under chapter 15 by foreign corporations together constituted 789 of the nearly 1.5 million bankruptcy petitions filed.

Filings under chapter 7 fell 10 percent to 1,036,950 in 2011. Nonbusiness chapter 7 petitions decreased 9 percent, and business chapter 7 petitions declined 14 percent. Chapter 7 petitions accounted for 71 percent of all petitions in 2011, down from 72 percent in 2010. Chapter 7 accounted for 70 percent of all business filings and 71 percent of all nonbusiness filings in 2011. In 2010, chapter 7 petitions accounted for 70 percent of all business filings and 72 percent of all nonbusiness filings.

A total of 417,503 chapter 13 petitions were filed, down 4 percent from 2010. These petitions accounted for 28 percent of all filings in 2011, up from 27 percent in 2010. Chapter 13 petitions accounted for 29 percent of all nonbusiness filings, up from 28 percent in 2010, and amounted to 8 percent of all business filings in 2011, up from 7 percent in 2010.

Chapter 11 filings fell 16 percent in 2011 to 11,979. Chapter 11 cases, which normally require

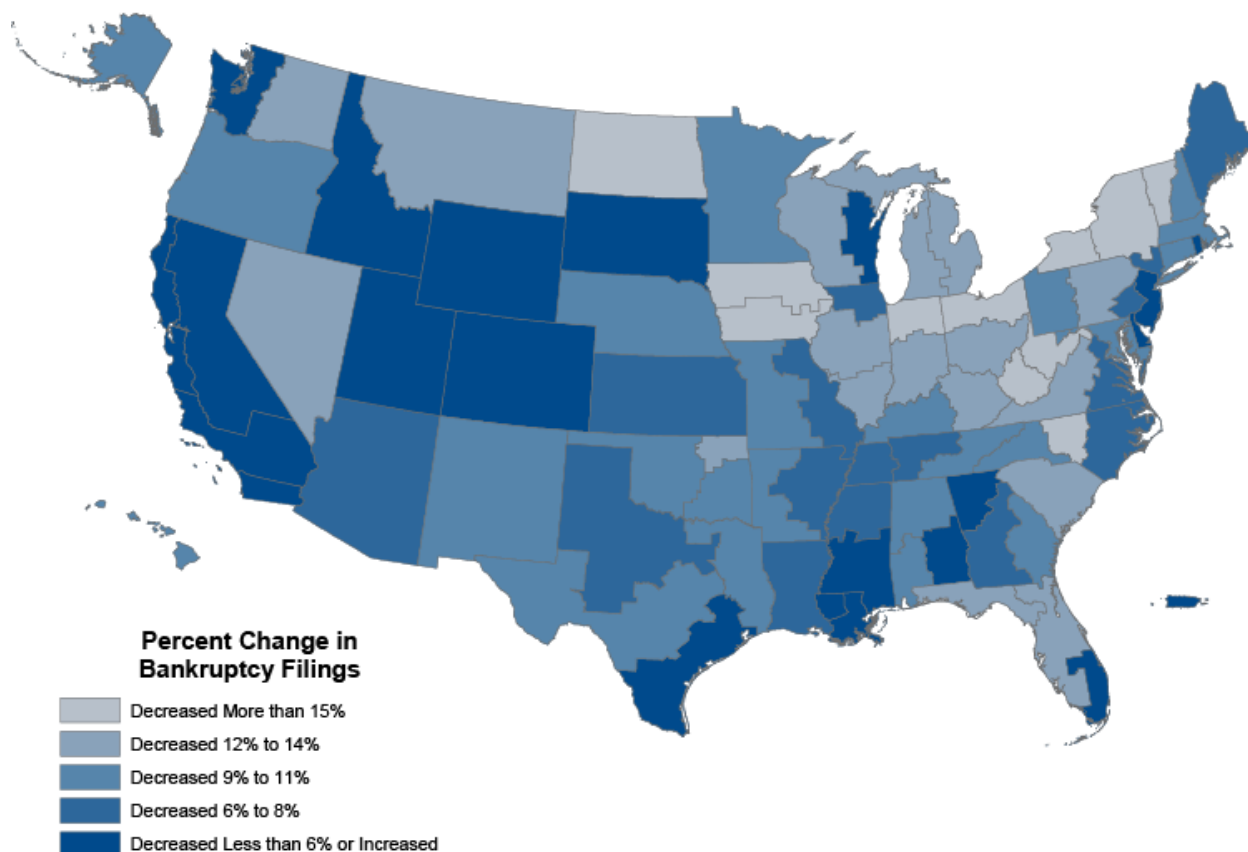
**Table 7**  
**U.S. Bankruptcy Courts**  
**Bankruptcy Cases Filed, by Chapter of the Bankruptcy Code**  
**Fiscal Years 2007 - 2011**

Year	Total	Chapter				
		7	11	12	13	Other <sup>1</sup>
2007	801,269	484,162	5,888	361	310,802	56
2008	1,042,806	679,898	8,785	332	353,739	52
2009	1,402,816	989,227	14,745	487	398,210	147
2010	1,596,355	1,146,511	14,191	707	434,839	107
2011	1,467,221	1,036,950	11,979	676	417,503	113
Percent Change						
2010 - 2011	-8.1	-9.6	-15.6	-4.4	-4.0	5.6

<sup>1</sup> Includes cases filed under chapters 9 and 15 of the bankruptcy code.



### Percent Change in Bankruptcy Filings, by District Twelve-Month Period Ending September 30, 2011



more judicial resources than do cases filed under other chapters, accounted for about 1 percent of all petitions filed in 2011, consistent with 2010. Eighty-five percent of chapter 11 petitions were business cases, down from 87 percent in 2010.

Similar to other economic indicators, the overall trend in bankruptcies may not clearly reflect variation in regional trends. All 12 circuits reported fewer filings this year. The Ninth and Tenth Circuits, which collectively cover much of the western United States, reported the smallest decreases—4 percent and 5 percent, respectively. The largest decreases were reported by the District of Columbia Circuit (down 17 percent) and the Second Circuit (down 13 percent).

The Federal Judiciary has 90 bankruptcy courts, one in each judicial district except for the Districts

of Guam, the Northern Marianas Islands, and the U.S. Virgin Islands (where the district courts and bankruptcy courts are integrated) and the Eastern and Western Districts of Arkansas (which share one bankruptcy court). Eighty-seven courts reported fewer filings in 2011. Only three courts reported increased filings: the District of Utah (up 6 percent), the Middle District of Louisiana (up 1 percent), and the Central District of California (also up 1 percent). Three districts had reductions of 20 percent or more—the Western District of New York (down 20 percent), the Southern District of West Virginia (down 24 percent), and the District of Vermont (down 26 percent)—and 46 courts reported declines of 10 percent or more.

The courts with increases in filings or relatively small declines tended to be in the West or the

South. Of the 18 districts where courts had declines of 5 percent or less or growth in filings, 5 were in the Ninth Circuit (all 4 California districts and the Western District of Washington), 4 were in the Fifth Circuit, and 2 were in the Eleventh Circuit.

Most of the provisions of BAPCPA took effect on October 17, 2005. Immediately before that date, the bankruptcy courts had reported a surge in filings. They received more than 600,000 filings in the single month of October 2005, which equaled more than half of the 2006 total of 1.1 million filings. In 2007, the number of petitions plummeted to just over 800,000. Over the next three years, filings nearly doubled, reaching almost 1.6 million by 2010. The decline in 2011 to nearly 1.5 million filings is modest compared to the soaring filings the courts saw over the preceding three years. BAPCPA clearly depressed filings, at least temporarily, as debtors and bankruptcy practitioners adapted to the new requirements of the law. But the subsequent recession—accompanied by growth in unemployment, high levels of consumer debt, and the reduced availability of consumer credit—spurred a rise in filings.

### Adversary Proceedings

Adversary proceedings are separate civil lawsuits that arise in bankruptcy cases, including actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts. Adversary proceedings may be associated with consumer bankruptcy cases, but most generally are connected to chapter 11 bankruptcies. Because of statutory time constraints on filing adversary proceedings, such filings generally reflect the levels of chapter 11 bankruptcy petitions two years earlier.

Adversary proceedings rose 8 percent to 75,568 (up 5,766 proceedings). Fifty districts reported higher filings of adversary proceedings in 2011. Twenty-six districts had increases of more than 20 percent, and of these districts, 12 had increases of more than 50 percent. Decreases occurred in 42 districts, filings in the District of Rhode Island remained unchanged, and the Northern Mariana Islands did not report any filings. The largest numeric change occurred in the District of Delaware, where filings climbed by 2,257 proceedings (up 53 percent), most of them arising from chapter 11 cases nearing the deadline for filing a recovery action (which is a type of adversary proceeding). The largest percentage growth was in the Eastern District of Washington, where proceedings soared 133 percent (up 211 pro-

ceedings), most of them arising from a chapter 11 case involving LLS America, LLC. In the Eastern District of New York, proceedings rose 116 percent (up 1,330 proceedings), most of them arising from a chapter 7 case involving Agapa World, Inc.

Terminations of adversary proceedings grew 18 percent to 71,159. Pending adversary cases on September 30 increased 6 percent to 78,689.

Over the past five years, adversary proceedings have increased 51 percent (up 25,592 proceedings). This likely reflects the 150 percent surge in bankruptcy petitions under chapter 11 from 2007 to 2009.

Data on adversary proceedings by district appear in Appendix Table F-8.

### Criminal Justice Act

The Criminal Justice Act (CJA) provides funding for representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing representation through private panel attorneys and, where established, federal public or community defender offices.

A total of 208,319 representations by counsel under the CJA were closed, unchanged from 2010. Representations closed by the 79 federal public and community defender organizations (including representations in criminal matters, appeals, and habeas corpus proceedings) increased almost 2 percent to 120,932. Representations closed by appointed panel attorneys fell 3 percent to 87,387.

The largest percentage growth in representations opened was in the Eastern District of Arkansas (up 56 percent) and the Eastern District of Virginia (up 24 percent), where increases were attributed to the retroactive application of sentencing guideline amendments in cases involving crack cocaine, and in the District of Arizona (up 21 percent), where changes in case coding led to larger totals for felony cases alleging reentry by illegal immigrants. The largest percentage reductions occurred in the Western District of Washington (down 24 percent), where magistrate judges stopped appointing counsel for defendants charged with driving with suspended licenses, and in the Eastern District of California (down 14 percent), where immigration cases dropped while the U.S. attorney's office underwent a temporary staffing shortage. Representations decreased in 39 districts and increased in 51 districts.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the

**Table 8**  
**Federal Post-Conviction Supervision**  
**Fiscal Years 2007 - 2011**

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2007	59,063	55,246	56,497	52,541	116,221
2008	61,964	58,141	56,925	52,887	120,676
2009	60,862	57,033	56,583	52,587	124,183
2010	63,381	59,330	59,157	55,080	127,324
2011	64,227	59,984	60,775	56,569	129,780
Percent Change 2010 - 2011	1.3	1.1	2.7	2.7	1.9

past five years. Appendix Table K-1 presents information on the representations for each federal public and community defender organization.

### Post-Conviction Supervision

The number of persons under post-conviction supervision on September 30, 2011, was 129,780, 2 percent more than the number under supervision one year earlier. Persons serving terms of supervised release at the end of this year following release from a correctional institution increased 2 percent over the prior year's total to reach 105,037, but continued to account for 81 percent of all persons under supervision.

Cases open on September 30 that involved probation imposed by district and magistrate judges rose less than 1 percent to 22,692 and accounted for 17 percent of all persons under post-conviction supervision (nearly the same as in 2010). The number of parole cases open at the end of 2011 dropped 11 percent from the previous year's total to 1,822 cases (parole is not available for persons sentenced for federal offenses committed on or after November 1, 1987).

Excluding transfers, the number of persons received for supervision during 2011 rose 1 percent to 59,984. The number of persons released from correctional institutions who were received for terms

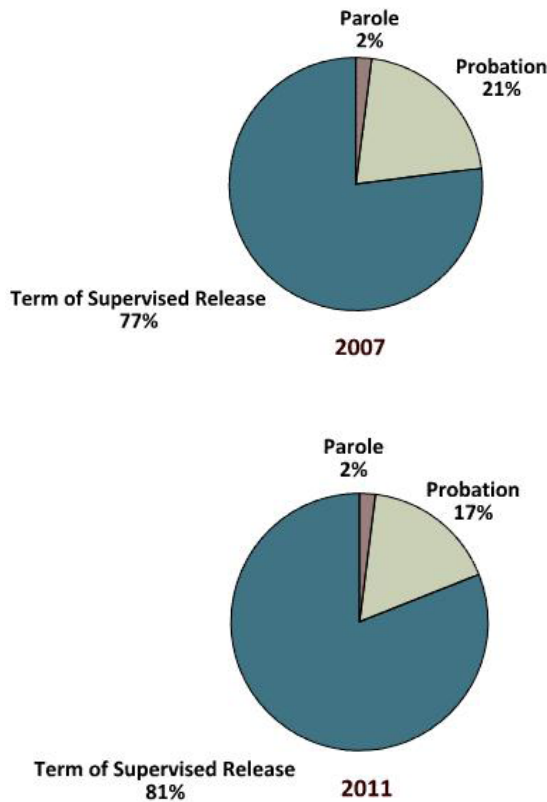
of supervised release increased 2 percent to 47,525. For persons entering the system this year, probation cases decreased 1 percent to 11,279, and parole cases (including cases involving special parole, military parole, and mandatory release) declined 29 percent to 487.

Forty-seven percent of persons under post-conviction supervision had been convicted of drug offenses, 22 percent had been convicted of property offenses, and 12 percent had been convicted of firearms offenses. These percentages remained unchanged from 2010.

The number of post-conviction supervision cases closed (including those involving transfers out and deaths) increased 3 percent to 58,336. The proportion of post-conviction cases terminated successfully remained unchanged at 71 percent. Of those cases closed successfully, 18 percent were closed by early termination, down from 19 percent the previous year. Technical violations accounted for 57 percent of the 15,561 revocations reported, a 2 percentage point decrease from the previous year. Revocations for new offenses accounted for 43 percent of revocations, compared to 41 percent in 2010. Revocations for new offenses accounted for 6,651 (13 percent) of the 53,083 supervision cases terminated (excluding those involving transfers out and deaths).

Comparing data for the last days of fiscal years 2007 and 2011 reveals that the number of persons

### Post-Conviction Supervision as of September 30



under post-conviction supervision was 12 percent higher in 2011. Also, offenders convicted of drug offenses rose from 45 percent to 47 percent of persons under post-conviction supervision, those convicted of property offenses dropped from 24 percent to 22 percent of the total, and those convicted of firearms offenses (reported previously as “weapons and firearms” offenses) grew from 10 percent to 12 percent of the total. Persons serving terms of supervised release following release from a correctional institution have climbed 17 percent over the past five years. In 2011, they represented 81 percent of all persons under supervision, up from 77 percent in 2007. These increases likely stemmed from earlier growth in criminal defendant filings.

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

### Risk Prediction Index

The average Risk Prediction Index (RPI) score has risen steadily from 3.35 in 2007 to 3.70 in 2011. Although the average risk level of offenders under federal supervision has remained relatively stable, the table below shows that it has continuously increased slightly each of the past five years.

The RPI is an eight-question prediction instrument used by federal probation officers to estimate the likelihood that an offender will commit new offenses during a period of supervision. RPI scores range from 0 to 9, with a low score representing a low risk of reoffending and a high score a higher risk of reoffending.

Fiscal Year	Average RPI Score
2007	3.35
2008	3.45
2009	3.53
2010	3.56
2011	3.70

### Investigative Reports

The number of presentence reports prepared by probation officers increased 3 percent to 80,989. Nearly 96 percent of the reports (77,499) 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, represented 2 percent of total presentence investigative reports. Non-guideline reports, which involve offenses for which the Sentencing Commission has not promulgated guidelines, increased from 153 to 291. Including non-guideline reports, reports involving petty offenses, reports for treaty transfer cases, and supplemental reports to the Bureau of Prisons constituted the remaining 2 percent.

Table 9  
Summary of Pretrial Services Cases  
Fiscal Years 2010 and 2011

	2010	2011	Percent Change
Total Cases Activated	111,507	113,875	2.1
Pretrial Services Cases	110,547	112,969	2.2
Pretrial Diversion Cases	960	906	-5.6
Total Released on Supervision	29,902	30,337	1.5
Pretrial Supervision	28,632	29,004	1.3
Diversion Supervision	1,270	1,333	5.0
Type of Report			
Pre-Bail	101,294	106,727	5.4
Other Reports (Including Post-Bail)	5,962	3,233	-45.8
No Report	3,291	3,009	-8.6

### 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 data presented here reflect only Judiciary-funded substance abuse treatment and exclude costs associated with substance abuse testing.

Of the 76,556 offenders under supervision with substance abuse treatment conditions, 30,439 received Judiciary-funded treatment. The Federal Judiciary spent an average of \$1,055 per offender for a total of \$32,119,339. Nationwide, 40 percent of offenders with conditions requiring substance abuse treatment received Judiciary-funded treatment, down from 43 percent in 2010.

Table S-13 contains additional information on Judiciary-funded substance abuse treatment services in the federal probation system.

### Pretrial Services

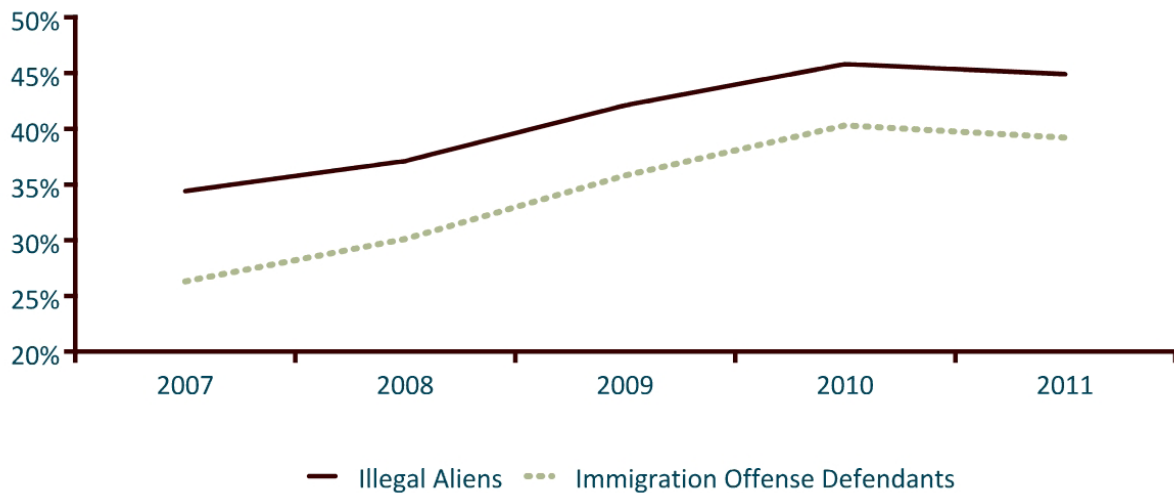
The number of cases opened in the pretrial services system, including pretrial diversion cases, totaled 113,875, which was 2 percent more than in 2010.

In 39 percent of cases opened in 2011, the major offense involved immigration, down from 40 percent in 2010. Cases in which the major offense charged involved drugs accounted for 29 percent of pretrial services cases, up from 27 percent in 2010. Cases involving property offenses represented 13 percent of pretrial services cases opened this year. Cases involving firearms offenses represented 7 percent of pretrial services cases opened in 2011.

Pretrial services officers prepare pretrial services reports to give judges sufficient information to decide whether to release or detain defendants and to order the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2011, officers prepared 109,960 pretrial services reports, an increase of 3 percent from the previous year. Nearly 97 percent of pretrial services reports prepared were pre-bail reports. The balance consisted of post-bail reports and other reports.

A total of 111,797 bail determinations were made by the courts (excluding cases that were transferred out, dismissed prior to the initial bail decisions, or for which release was not possible within 90 days). Including immigration cases involving crimes such as illegal reentry, nearly 34 percent of defendants were released. When immigration cases

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



were excluded, the percentage of defendants released was 47 percent.

A total of 30,337 defendants were received for supervision in the pretrial services system, an increase of 1 percent from the previous year. The proportion of defendants who were illegal aliens 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 higher risk of failure to appear in court. In 2011, 45 percent of defendants in pretrial services cases were illegal aliens, down from 46 percent in 2010.

For persons under pretrial services supervision, officers 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. A total of 32,821 defendants were released with specified conditions such as pretrial services supervision or location monitoring. The release condition ordered most often was pretrial services supervision, which was imposed on 89 percent of defendants released, the same as in 2010. Substance abuse treatment and testing were ordered for 37 percent of the defendants, an increase of 9 percent from 2010. Defendants given substance abuse testing alone (without treatment)

represented 15 percent, a drop of 4 percent from last year.

Pretrial diversion is a period of supervision proposed by a 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 2011, the number of pretrial diversion cases activated decreased 6 percent to 906 and accounted for approximately 1 percent of activated cases in 2011.

From 2007 to 2011, the annual total for cases opened in the pretrial services system has grown by 16,710 cases (up 17 percent). Most of the growth can be attributed to the increased volume of immigration offense cases along the southwestern border of the United States during that period.

Over the past five years, the number of pretrial services reports prepared has risen 17 percent, even though the number of persons interviewed has decreased 6 percent to 60,567 (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 is usually written).

Pretrial services statistics appear in the H series of the appendix tables. Table 9 presents data on pretrial services cases and reports for 2011.

Table 10  
Judicial Complaints Commenced, Terminated, and Pending  
Fiscal Years 2009 - 2011

	2009 <sup>1</sup>	2010 <sup>1</sup>	2011
Complaints Commenced	1,553	1,455	1,404
Complaints Terminated by Final Action	1,134	1,320	1,454
By Withdrawal			
Complaint Withdrawn by Complainant	9	13	6
Petition for Review Withdrawn	0	0	0
By Circuit Chief Judges With no Further Review			
Dismissed	636	721	777
Concluded <sup>2</sup>	12	15	24
By Judicial Councils			
Upon Petition for Review of Chief Judge's Disposition			
Circuit Chief Judge's Disposition Affirmed	471	560	644
Other Action	3	10	0
After Report by Special Investigating Committee <sup>2</sup>			
Dismissed	1	1	2
Other Disposition	2	0	0
Referred to Judicial Conference	0	0	0
Remedial Action	0	0	1
Complaints Pending	827	962	912
Special Investigating Committee Appointed	7	2	0

<sup>1</sup> Revised.

<sup>2</sup> In 2009, a single complaint was concluded in part by dismissal and in part by corrective action.

## 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 with the clerk of the court of appeals for the circuit in which the judge holds office or, if the judge serves on a national court, with the office specified in that court's rules.

A total of 1,404 complaints were filed in 2011, a 4 percent decline from the previous year. More than half the complainants (55 percent) were litigants, and a significant portion (40 percent) were prison inmates. Fifty-four percent of the complaints were made against district judges. Most alleged erroneous decisions, other misconduct, personal bias against the litigants or attorneys, or violations of other standards. More than half of the complaints originated in the Third, Fifth, Ninth, and Eleventh Circuits.

Of the complaints filed in 2011 or pending from before that year, 1,454 were terminated by final ac-

**Table 11**  
**Status of Article III Judgeship Positions**  
**On September 30, 2007 - 2011**

Year	U.S. Courts of Appeals			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges <sup>1</sup>	Authorized Judgeships	Vacancies	Senior Judges <sup>2</sup>
2007	179	16	91	678	31	310
2008	178 <sup>3</sup>	12	91	678	27	324
2009	179	20	93	678	75	347
2010	179	21	95	678	88	356
2011	179	17	84	677 <sup>4</sup>	67	341

<sup>1</sup> Senior judges who participated in appeals dispositions and authorized for staff.

<sup>2</sup> Senior judges authorized for staff.

<sup>3</sup> In 2008, the total number of authorized judgeships temporarily was reduced by one by the Court Security Improvement Act of 2007.

<sup>4</sup> In 2011, the total number of U.S. District Courts authorized judgeships decreased by one position when a temporary judgeship in the Northern District of Ohio lapsed after a judge there was elevated to the Court of Appeals for the Federal Circuit.

tion in 2011—801 by circuit chief judges, 647 by judicial councils, and 6 by withdrawal. Of the 801 complaints terminated by circuit chief judges, 777 were terminated by dismissal. Of the 647 complaints terminated by judicial councils, 644 culminated in denials of petitions for review of circuit chief judges' dismissals. Because the number of complaints terminated surpassed the number commenced, pending complaints decreased 5 percent to 912.

Circuit chief judges dismissed 1,540 complaints in whole or in part (these complaints included some whose termination remained subject to review). The most frequently reported reasons for dismissal were the following: the complaint was directly related to the merits of decisions or procedural rulings (86 percent); the allegations lacked sufficient evidence (61 percent); and the allegations were frivolous (27 percent). (The percentages total more than 100 percent because multiple reasons can be recorded for each dismissal.)

Circuit chief judges concluded 24 complaints in whole or in part—21 because of intervening events, and 3 because voluntary corrective action had been taken.

On May 11, 2008, the process for courts to report the complaint-related activity presented in these statistical tables was changed to make both the information reported and the tables more detailed and comprehensive. Since then, the tables have reflected a uniform methodology for reporting different types of judicial council actions, including expanded categories for allegations in and actions on complaints. They also reflect that a complaint against more than one judge is counted once for each judge named (before May 11, 2008, a complaint against more than one judge was counted as a single complaint). One complaint that had been filed before May 11, 2008, and was the last pending complaint submitted under the previous process was terminated in 2011 by dismissal.

Tables 10 and S-22 present information on complaints filed after May 11, 2008.

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

On September 30, 2011, a total of 17 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals. Five of the vacancies had



been unfilled for more than 18 months. One year earlier, the appeals courts had 21 vacancies, 5 of them for more than 18 months.

At the end of this year, 67 vacancies existed among the 677 judgeships authorized in the district courts, 21 fewer than the 88 vacancies reported at the end of 2010. Twenty-one of this year's vacancies had existed for more than 18 months, down from the 33 vacancies in 2010. The number of authorized judgeships decreased by one position this year when a temporary judgeship in the Northern District of Ohio lapsed after a judge was elevated to the Court of Appeals for the Federal Circuit.

A total of 30 judicial emergencies were identified in the U.S. courts of appeals and U.S. district courts at the end of this year, 20 fewer than one year earlier. 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 23 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, 84 senior circuit judges with staff were serving the Judiciary by participating in appeals decisions at the end of the fiscal year, 11 fewer than in 2010 and 7 fewer than in 2007. The U.S. district courts reported 341 senior judges with staff, 15 fewer than in 2010, but 31 more than in 2007.

Table 11 provides information on the status of judgeship positions since 2007.

### Status of Bankruptcy Judgeships

On September 30, 2011, a total of 351 bankruptcy judgeships were authorized and funded. The total one year earlier had been 352, but under the terms of the authorizing legislation, a bankruptcy judgeship in the District of New Hampshire was eliminated in October 2010 upon the retirement of a bankruptcy judge in that district. Of the remaining 351 judgeships, 334 were filled and 17 were vacant (compared to 14 vacant positions among 352 judgeships on the

**Table 12**  
**Status of Bankruptcy**  
**Judgeship Positions**  
**On September 30, 2007 - 2011**

Year	Authorized Judgeships	Vacancies	Recalled Judges
2007	352	13	27
2008	352	14	24
2009	352	20	22
2010	352	14	29
2011	351	17	37

same date in 2010). In addition to judges in authorized positions, 37 retired bankruptcy judges who had been recalled by the circuits were providing service to the Judiciary at the end of 2011.

Table 12 summarizes the status of bankruptcy judgeship positions through September 30, 2011.

### Appointments of Magistrate Judges

This year, 98 appointments of full-time magistrate judges were made, 39 of them new appointments and 59 reappointments. Of the 39 new appointments, 4 were for newly created positions. Eight individuals were appointed to part-time magistrate judge positions, all by reappointment. In addition, 65 retired magistrate judges were recalled to service under 28 U.S.C. § 636(h), with 5 of them serving on a recall basis in more than one district.

The average age of new appointees to full-time magistrate judge positions was 49 years. New appointees had on average 22 years of bar membership. At the time of their appointments, 15 had been in private practice, 8 had been assistant U.S. attorneys, 6 had been state court judges, 3 had been law clerks, 2 had been assistant federal public defenders, and 1 each had been general counsel for a county school district, associate regional counsel for the U.S. Environmental Protection Agency, an associate federal defender, a law professor, and a full-time U.S. magistrate judge in a different district.

For 2011, the Judicial Conference had authorized 531 full-time magistrate judge positions, 40

**Table 13**  
**U.S. Magistrate Judge Positions Authorized**  
**by the Judicial Conference**  
**2007 - 2011**

Year	Period	Total	Full Time	Part Time	Combination
2007	March	553	505	45	3
	September	552	507	43	2
2008	March	552	507	43	2
	June	554	508	44	2
	September	559	514	43	2
2009	January <sup>1</sup>	561	517	42	2
	March	560	517	42	1
	June <sup>1</sup>	562	519	42	1
	September	567	523	41	3
2010	March	567	523	41	3
	September	571	527	41	3
2011	March	571	528	40	3
	September	574	531	40	3

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

part-time positions, and 3 combination clerk/magistrate judge positions. Table 13 provides a summary of the numbers of magistrate judge positions authorized by the Judicial Conference since 2007.

### **U.S. Court of International Trade**

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

This year, the court reported 480 case filings, an increase of 11 percent (up 48 cases) from 2010. Of these, 245 were actions involving 1,325 denied protests covering 4,688 entries of merchandise under 28 U.S.C. § 1581(a), which addresses civil actions against the United States that contest the denial of a protest under the Tariff Act of 1930.

Case terminations rose 36 percent to 577 in 2011. Pending cases decreased 4 percent to 2,123.

Appendix Table G-1 provides a summary of cases filed, terminated, and pending during 2010 and 2011.

### **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. Under 28 U.S.C. § 791(c), each January the clerk of the court transmits to Congress a report on the business of the

court, which notes the names of the claimants, the nature of the claims, and the disposition for all judgments rendered the previous year.

Filings in the court declined 2 percent to 872 in 2011. Cases involving the taking of property decreased by 11 to 34, tax cases declined by 7 to 54, and civilian pay cases fell by 5 to 28. The largest increase was in contract cases, which rose by 11 to 122.

Case terminations increased 116 percent to 2,625 because of the dismissal of 1,089 cases claiming that vaccines containing Thimerosal were related to the occurrence of autism. As terminations exceed-

ed filings, pending cases dropped 25 percent to 5,185.

For actions terminated in 2011, the amount claimed by plaintiffs/petitioners exceeded \$122 billion. Judgments for plaintiffs/petitioners exceeded \$471 million, of which more than \$16 million carried interest. Judgments for the United States on counterclaims or offsets totaled more than \$5.73 million. Under its nonmonetary jurisdiction, the court disposed of 88 contract cases seeking injunctive or declaratory relief.

Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims. ■

## Statistical Tables Renumbered

Several tables presenting data on civil cases and trials in the U.S. district courts have been renumbered. The Statistics Division made these changes so that tables in the same series begin with the same alphabet letter. The following list indicates which tables have been renumbered.

	Previous Number	Current Number
<b>Civil Case Tables</b>		
Civil Cases Filed, by Origin	S-7	C-8
Recovery of Overpayment and Enforcement of Judgment Cases Filed	S-8	C-9
Social Security Cases Commenced	S-9	C-10
Product Liability Cases Commenced, by Nature of Suit	S-10	C-11
Civil Cases Pending Three Years or More, by Basis of Jurisdiction and Nature of Suit	S-11	C-12
Civil Pro Se and Non-Pro Se Filings, by District	S-23	C-13
Intellectual Property Cases, Securities/Commodities/Exchange Cases, and Bankruptcy Appeals Filed, Terminated, and Pending	C-11	C-7
<b>Trial Tables</b>		
Civil and Criminal Trials Completed, by District	C-7	T-1
Lengths of Civil and Criminal Trials Completed, by District	C-8	T-2
Median Time Intervals from Filing to Trial for Civil Cases in Which Trials Were Completed, by District	C-10	T-3
Civil and Criminal Trials, by District	T-1	T-4
Lengths of Civil and Criminal Trials Resulting in Verdicts or Judgments, by District	T-2	T-5