

CASELOAD CHANGES SINCE LAST JUDGESHIP BILL

A total of 34 additional district court judgeships have been created since 1991, but six temporary judgeships have lapsed. These changes have resulted in a four percent increase in the overall number of authorized district court judgeships; court of appeals judgeships have not increased. Since the last comprehensive judgeship bill was enacted for the U.S. courts of appeals and district courts, the numbers of cases filed in those courts have grown by 40 percent and 38 percent, respectively. Specific categories of cases have seen dramatic changes over the past two decades. Following is a summary of the most significant changes.

U.S. COURTS OF APPEALS *(Change in authorized judgeships: 0)*

- The total number of appeals filed has grown by 40 percent, over 17,000 cases, since 1991.
- Appeals of criminal cases, while fluctuating, have increased 13 percent since 1991.
- The most dramatic growth in criminal appeals has been in immigration appeals, which increased from 145 in 1991 to 1,260 in 2016. The second largest increase occurred in firearms appeals, which rose from 717 in 1991 to 1,829 in 2016.
- The most dramatic growth in civil appeals has been in prisoner appeals where case filings are up 24 percent since 1991.
- Appeals involving administrative agency decisions have fluctuated over the years, but have more than doubled, growing from 2,859 in 1991 to 6,469 in 2016. The increases resulted primarily from appeals of decisions by the Board of Immigration Appeals, with the largest increase occurring in the Ninth Circuit.
- Original proceedings rose from 609 in 1991 to 4,786 in 2015, partially as a result of the Antiterrorism and Effective Death Penalty Act which requires prisoners to seek permission from courts of appeals for certain petitions. Although enacted in April 1996, data for these and certain pro se mandamus proceedings were not reported until October 1998.

In 2016, original proceedings nearly tripled as an influx of prisoner applications were filed with the federal courts of appeals, in which prisoners sought leave pursuant to 28 U.S.C. §§ 2244 and 2255(h) to file successive habeas petitions in the district courts following the Supreme Court's rulings in *Johnson v. United States*, holding that imposing an increased sentence under the Armed Career Criminal Act's residual clause was unconstitutional, and in *Welch v. United States*, where the Court holding that the *Johnson* decision can be applied retroactively.

U.S. DISTRICT COURTS

(Change in authorized judgeships: +4%)

- Total filings have grown by over 100,000 cases, a 38 percent increase since 1991.
- The civil caseload has fluctuated over the last 25 years, but has increased 38 percent overall since 1991.
 - The most dramatic growth in civil filings occurred in cases related to personal injury product liability which have grown from 10,952 filings in 1991 to 39,879 in 2016. Many of these filings are part of multidistrict litigation actions comprising large numbers of cases.
 - Civil rights filings increased steadily after the Civil Rights Act of 1990 was enacted. Although cases have declined from their peak in 1997, the number of civil rights filings was 91 percent above the 1991 level.
 - Prisoner petitions increased 71 between 1991 and 2016, due to significantly higher numbers of motions to vacate sentence filings and habeas corpus petitions. The number of motions to vacate sentence filings rose from 5,520 in 2015 to 24,837 in 2016 following the Supreme Court's decisions in the *Johnson* and *Welch* cases.
 - Intellectual property rights cases more than doubled between 1991 and 2016; the largest increase occurred in patent filings, which more than tripled.
 - The number of social security cases filed in 2016 was more than twice the number filed in 1991.
 - Fair Debt Collection Practices Act (FDCPA) cases were first categorized separately in 2008. FDCPA filings have increased from 4,239 in 2008 to 9,745 cases in 2016.
- The number of criminal felony defendants has increased 39 percent since 1991.
 - The largest increase, by far, has been in immigration offenses which rose from 2,448 in 1991 to 20,722 in 2016.
 - Defendants charged with firearms offenses more than doubled between 1991 and 2016, an increase of nearly 4,500 defendants.
 - The number of drug-related defendants fluctuated between 1991 and 2016, but at 22,325 remained slightly above the number filed in 1991.

- Defendants charged with drug, immigration, firearms, and fraud offenses comprised 84 percent of all felony defendants in 2016.
- Sex offense defendants nearly doubled between 2005 and 2016.