

APPENDIX 1 - COURT SUPPORT STAFFING

This appendix discusses court support staffing for probation and pretrial offices, courts of appeals, and district and bankruptcy courts. It also includes workload used to help determine staffing requirements in the courts, and a program statement explaining the purpose of these programs.

Probation and Pretrial Services

Table A-1.1 Probation and Pretrial Services Workload Indicators¹

	2017 Actual (% Change from Previous Yr.) ²	2018 Actual (% Change from Previous Yr.) ²	2019 Projected (% Change from Previous Yr.) ³
Convicted Offenders Supervised in the Community	188,667 -1.3%	183,587 -2.7%	181,000 -1.4%
Charged Defendants Supervised in the Community	43,998 -3.6%	43,997 0.0%	43,800 -0.4%
Investigative Reports Completed for Bail Determinations	82,265 -6.7%	90,951 10.6%	95,500 5.0%
Investigative Reports Completed for Sentencing Determinations	60,669 1.9%	60,498 -0.3%	63,900 5.6%

¹For 2017 through 2019, the number of convicted persons and charged defendants supervised in the community reflects persons initially received for supervision, under supervision for the entire period, or under supervision at the start of the period and closed. Persons with cases that fall in more than one of these three categories are counted only once.

²Actual data is based on the 12-month period ending June 30.

³Estimates for year 2019 are based on projections for the 12-month period ending June 30.

Probation and Pretrial Service Officers

Probation officers are federal law enforcement officers that protect the community. They work with persons under supervision “post-conviction,” after they are tried and found guilty of a federal crime and after they are released from prison. Using techniques grounded in social science research, otherwise known as evidence-based practices, they work with persons under supervision to assist them in becoming contributing members of the community leading crime-free lives. Officers assess each person under supervision’s risk of recidivism; identify dynamic risk factors that, when addressed, affect the individual's likelihood to engage in future criminal activity; and apply supervision interventions tailored to reduce risk. These interventions include helping persons under supervision to either reestablish, or secure for the first time, appropriate housing, employment, and legitimate community relationships. Officers also provide cognitive skills counseling and leverage programs offered by other federal agencies and local social service organizations. Probation officers make sure that persons under supervision comply with release conditions set by the court and address any issues that affect their ability to comply.

The officers monitor persons under supervision through phone calls and personal contacts and direct them to services that help persons under supervision, including substance abuse or mental health treatment, medical care, training, and employment assistance. Without officers, the court would not be able to manage the risk that persons under supervision pose to individuals or the community by verifying

their locations and employment, monitoring their associates, restricting their travel, and taking actions to make sure they obey the law.

Pretrial service officers work with defendants after they are charged with federal crimes and while they are awaiting trial. They help ensure that defendants released to the community commit no crimes while awaiting trial and return to court as required.

Both probation and pretrial service officers investigate defendants and persons under supervision for the court by gathering and verifying information about them. Their investigations include interviews with defendants and persons under supervision to find out about their backgrounds, including family, education, employment, finances, physical and mental health, and alcohol or drug abuse. Officers also perform criminal history record checks and interview other people who can provide helpful information, such as family members, employers, and law enforcement officials. They also review records, such as court, school, military, financial, and employment records.

This information is used to produce a pretrial services report and presentence report. The pretrial services report recommends whether to release or detain the defendant before trial and addresses whether the defendant is likely to stay out of trouble and return to court as required. The presentence report recommends sentencing options under the federal sentencing guidelines, addresses the offense's impact on the victim, and determines the offender's ability to pay fines and restitution. It also recommends release conditions for the court to impose to help structure the person under supervision's movement and behavior in the community. Release conditions are tailored to the individual. For example, the court may require that the person under supervision get drug testing and treatment, find and keep a job, or be placed on location monitoring.

Table A-1.2 Persons Under Supervision by Type of Supervision

	Year	Probation	Supervised Release	Parole	BOP Custody	Total
ACTUAL ¹	2008	23,028	94,349	2,519	155	120,051
	2009	22,926	98,560	2,220	133	123,839
	2010	22,707	101,701	2,089	145	126,642
	2011	22,604	104,671	1,870	174	129,319
	2012	22,419	108,528	1,664	174	132,785
	2013	21,114	109,516	1,473	259	132,362
	2014	19,903	111,076	1,373	245	132,597
	2015	19,191	112,750	1,245	242	133,428
	2016	18,275	118,318	1,140	149	137,882
	2017	17,139	117,662	1,003	143	135,947
	2018	15,740	114,278	920	98	131,036
ESTIMATED ²	2019	14,800	110,700	900	100	126,500

¹Actual data for years 2008 through 2018 is based on the 12-month periods ending June 30.

²Estimates are based on projections for the 12-month period ending June 30, 2019.

Table A-1.3 The Changing Supervision Population - Persons Under Supervision on Probation vs. Persons Under Supervision Released from Prison

ACTUAL ²	Year	Offenders on Probation		Offenders Released from Prison ¹		Total
	2008	23,028	19%	97,023	81%	120,051
2009	22,926	19%	100,913	81%	123,839	
2010	22,707	18%	103,935	82%	126,642	
2011	22,604	17%	106,715	83%	129,319	
2012	22,419	17%	110,366	83%	132,785	
2013	21,114	16%	111,248	84%	132,362	
2014	19,903	15%	112,694	85%	132,597	
2015	19,191	14%	114,237	86%	133,428	
2016	18,275	13%	119,607	87%	137,882	
2017	17,139	13%	118,808	87%	135,947	
2018	15,740	12%	115,296	88%	131,036	
ESTIMATED ³	2019	14,800	12%	111,700	88%	126,500

¹Includes terms of supervised release, parole, mandatory release, and military parole.

²Actual data for years 2008 through 2018 is based on the 12-month periods ending June 30.

³Estimates are based on projections for the 12-month period ending June 30, 2019.

District Courts

Table A-1.4 Major District Court Workload Indicators¹

Filings	2017 Actual	2018 Actual	2019 Estimate
Criminal Case Filings	58,121 -4.8%	67,257 15.7%	73,300 9.0%
Criminal Defendants Filed	75,235 -5.9%	84,828 12.8%	90,700 6.9%
Civil Case Filings	271,721 -6.4%	281,202 3.5%	279,900 -0.5%

¹For the 12-month periods ending June 30.

District Clerks

The clerks' offices are responsible for attorney admissions to practice in the district, case intake, docketing of pleadings and motions, service of process, events scheduling, receipting and accounting for fees and fines collected, case tracking, provision of court reporting and court interpreting services, alternative dispute resolution programs, statistical reporting, training attorneys on the case management system (CM/ECF), and jury management, all of which are essential elements in processing criminal cases and resolving civil cases. Public and private sector entities rely on effective case processing by the clerks' offices.

The proper functioning of the district court clerks' offices enhances the efficiency of the offices of the U.S. Attorney, U.S. Marshals Service, Federal Public Defender, and Probation and Pretrial Services. Other participants, including litigants, attorneys, witnesses, court reporters, court interpreters, expert witnesses, the media, and jurors are also impacted by the effective operations of the clerks' offices. To enable these court participants to work together effectively, the clerks' office manages courtroom space, automation services, audio and video systems, and other administrative functions, as well as the support required in the courtroom for the proper functioning of proceedings. The judicial system as a whole benefits from the professional management services provided by the clerks' offices.

Court Interpreters

The district courts use both staff and contract court interpreters. Staff court interpreters serve in district courts where there is a substantial need for interpreting services on a daily basis. This is particularly true in border courts and courts located in large metropolitan areas. Locating, scheduling, and contracting with court interpreters is not practical in locations that have frequent needs for interpreting services.

Spanish is the most frequently needed language for interpreting events in the courts, comprising 97 percent of all reported interpreting events in FY 2018. In FY 2018, there were

361,773 court events that required the services of an interpreter. Of those events, 351,220 were in Spanish.

Pro Se Law Clerks

The objective of the pro se law clerk program is to receive, prepare, and process civil complaints filed against the government by prisoners and other individuals without attorney representation. Pro se law clerks review complaints for procedural adequacy to permit judges to proceed with the disposition of the cases. This conserves judicial resources — without pro se law clerks, district judges and magistrate judges would have to perform this work.

The number of pro se law clerks is determined by a formula driven solely by prisoner petition filings. For the 12-month period ending June 30, 2018, there were 53,626 petitions filed. This represents a 12.1 percent decrease from the 61,031 filings in statistical year 2017. This decrease is due primarily to a decline in habeas corpus motions and private prisoner condition and civil rights petitions filed between 2017 and 2018.

Death Penalty Law Clerks

Death penalty law clerks serve both as substantive legal resources to judges in death penalty habeas corpus matters, and

as case management monitors, since capital cases are generally lengthy and involve numerous issues. The staffing formula for these positions provides credit for death penalty cases pending in federal court that are not stayed. Courts must have three pending death penalty cases to be eligible for a half-time position, and nine cases for a full-time position. For the 12-month period ending June 30, 2018, there were 554 pending, unstayed death penalty cases in the district courts.

Table A-1.5 Civil and Criminal Filings

	Year	Civil Filings	Percent Increase/Decrease	Criminal Filings	Percent Increase/Decrease
ACTUAL ¹	2008	256,354	-5.8%	70,024	3.5%
	2009	257,204	0.3%	75,324	7.6%
	2010	285,215	10.9%	78,213	3.8%
	2011	289,630	1.5%	78,764	0.7%
	2012	286,232	-1.2%	73,455	-6.7%
	2013	283,087	-1.1%	69,642	-5.2%
	2014	298,713	5.5%	64,027	-8.1%
	2015	280,037	-6.3%	60,866	-4.9%
	2016	290,430	3.7%	61,021	0.3%
	2017	271,721	-6.4%	58,121	-4.8%
	2018	281,202	3.5%	67,257	15.7%
ESTIMATED ²	2019	279,900	-0.5%	73,300	9.0%

Table A-1.6 Components of Civil Caseload

	Year	Social Security	Diversity	Prisoner Filings	All Other	Total
ACTUAL ¹	2008	13,329	76,284	55,374	111,367	256,354
	2009	13,222	81,188	52,237	110,557	257,204
	2010	13,725	104,703	51,748	115,039	285,215
	2011	15,697	101,508	53,692	118,733	289,630
	2012	17,043	94,568	53,606	121,015	286,232
	2013	19,121	89,359	55,369	119,238	283,087
	2014	19,530	102,568	62,402	114,213	298,713
	2015	19,102	86,865	52,844	121,226	280,037
	2016	18,407	83,170	70,863	117,990	290,430
	2017	18,953	75,449	61,031	116,288	271,721
	2018	19,115	89,018	53,626	119,443	281,202
ESTIMATED ²	2019	18,200	86,200	54,900	120,600	279,900

¹Actual data for years 2008 through 2018 is based on the 12-month periods ending June 30.

²Estimates are based on projections for the 12-month period ending June 30, 2019.

Courts of Appeals and Circuit Units

Table A-1.7 Appellate Court Workload¹

	2017 Actual	2018 Actual	2019 Estimate
Appeals Filings	52,028	49,220	49,700
	-13.4%	-5.4%	1.0%

¹For the 12-month periods ending June 30.

Circuit Executives

The principal responsibility of the circuit executive’s office is to act as the secretariat for the circuit’s judicial council and its committees, and in some circuits, for the court of appeals and its committees. In this capacity, the circuit executives’ offices participate in policy oversight and assist in many areas of circuit-wide importance. These include planning for the effective and efficient use of space and facilities, information technology, financial management and budget decentralization, and planning and organizing the circuit’s judicial conference. The circuit executives’ offices also provide vital administrative and logistical support to the courts of appeals, including information technology, procurement, budget management, and personnel administration.

Appellate Clerks

The clerks’ offices are the public business offices for the appellate courts and provide specific centralized management in case-related and logistical areas. Employees in clerks’ offices perform essential functions necessary for the operation of the courts, such as:

- recording and maintaining all case filings, including public records and information needs;
- providing guidance to lawyers, litigants, and the public;
- distributing case materials to judges for decision-making; and
- providing vital logistical support.

The case-related workload of the clerks’ offices can fluctuate in proportion to changes in case filings.

Case decisions in appellate courts are made either by panels of three judges or, in some instances, by an en banc court, where all the judges on the court review the case. Appellate judges reside in locations throughout the geographic area of a circuit. Appellate clerks’ offices are situated at the headquarters of the circuit, providing a central public business office for the judges, lawyers, litigants, and the public. Clerks’ offices receive case materials for filing, maintain the central files, and arrange for judges to convene in panels as necessary for case decisions. Inquiries about cases, procedures, and related matters are directed to the clerks’ offices. Materials are assembled, as appropriate, and dispatched to judges. Lawyers

are advised of the schedule for decision-making. Decisions are made after oral argument hearings or submissions on briefs that are scheduled by the clerks' offices. Decisions are filed in the clerks' offices, which are then responsible for distribution of the decisions to the parties and the public, including posting on court websites.

Staff Attorneys

Staff attorneys generally perform legal research on all pro se cases, that is, cases where a party serves as his or her own counsel, most of which are filed by prisoners. In addition, they work on substantive and procedural motions, direct criminal appeals, death penalty cases, and cases that do not require oral argument. Staff attorneys screen cases and research complex legal issues for cases that may be scheduled for oral argument. Some staff attorneys also assist the court on fully counseled cases, providing legal research assistance and presenting recommendations to the judges. Staff attorneys also write memoranda in cases addressing jurisdictional issues that result in disposition of the appeal. By drafting legal research memoranda that analyze the case issues and recommend appropriate disposition, staff attorneys assist judges in disposing of the appellate cases in a timely and efficient manner.

Pro se cases represented 50.1 percent of national appellate filings in FY 2018. Staff attorneys preliminarily reviewing both pro se cases and substantive motions, as well as

examining cases for jurisdictional defects, materially assists the judges and contributes to timely dispositions.

Circuit Mediators

Circuit mediators facilitate the disposition of cases on appeal through negotiated settlements, without appellate judicial involvement. Circuit mediators are skilled, seasoned lawyers who perform sensitive, confidential settlement work. The attorneys often are able to streamline or dispose of issues in cases not easily settled. Distinct from staff attorneys, circuit mediators promote the voluntary settlement or withdrawal of appeals without court action. The program conserves judicial resources and improves appellate case management.

Librarians

The national court library program is a network of 12 circuit headquarters libraries and 85 smaller satellite libraries, typically located in district courthouses. In support of the judiciary's cost-containment initiatives, 12 library facilities have been closed since 2014. Although the library program falls administratively under the courts of appeals, court librarians serve and support the information and research needs of all federal courts and judges: appellate, district, magistrate, and bankruptcy. In addition to federal judges, library services are provided to tens of thousands of judiciary researchers, including law clerks and chambers staff, staff attorneys, mediators, clerks of court, probation and pretrial services personnel, and public defenders. Many court libraries also

serve the public, including pro se litigants and bar association members.

Librarians deliver comprehensive research, reference, and instruction services, and procure and facilitate access to the most reliable, authoritative, accurate, and up-to-date research resources. Library staff members also manage the acquisition and development of chambers' legal resource collections.

To support the information needs of on-site personnel as well as remote users within their broad and geographically dispersed areas, court libraries implement digital communication technologies, deliver web-based training services, and provide comprehensive online access to research collections.

Librarians design website and internet resources, develop online research guides, create current awareness services that push content directly to their users, and support the design and publication of court materials. Subject specialization and deep legal and jurisdictional expertise are required of court librarians, as well as the ability to support multidisciplinary research in economics, science, medicine, social sciences, engineering, technology, and other business- and industry-specific fields.

Bankruptcy Appellate Panel Clerks

The Bankruptcy Reform Act of 1994 requires that each circuit establish a Bankruptcy Appellate Panel (BAP) unless the Judicial Council of the circuit finds that either there are insufficient judicial resources in the circuit, or the

establishment of a BAP would result in undue delay or increased cost to parties in bankruptcy cases. There are currently five BAPs nationally. A BAP is composed of bankruptcy judges within a circuit who are appointed by the circuit's Judicial Council to decide, with the consent of all parties, appeals from bankruptcy court decisions. Even where a BAP exists, bankruptcy appeals may be heard by the district court, if a party so chooses.

A BAP requires a minimum of four bankruptcy judges, each from a different district, because the legislation prohibits a bankruptcy judge from hearing an appeal that originated in the district for which he or she was appointed. The BAP clerks' offices have support functions and responsibilities similar to the appellate clerks' offices.

Bankruptcy Courts

Table A-1.8 Bankruptcy Court Workload¹

	2017 Actual	2018 Actual	2019 Estimate
Bankruptcy Filings	796,037 -2.8%	775,578 -2.6%	757,100 -2.4%

¹For the 12-month periods ending June 30.

Bankruptcy Clerks

The bankruptcy clerk’s office is responsible for administrative activities pertaining to processing bankruptcy case filings, case scheduling, receipting and accounting for fees and fines collected, case tracking, statistical reporting, and use of the case management system (CM/ECF), all of which are essential elements in processing bankruptcy cases. The bankruptcy court clerks’ offices facilitate processing cases, which helps individuals, attorneys, and businesses filing cases nationwide. To enable court participants to work together effectively, the clerks’ offices manage courtroom space, information technology services, audio and video systems, and other administrative functions, as well as the support required in the courtroom for proceedings.

The judicial system, and community as a whole, benefit from the professional management services provided by the bankruptcy clerks’ offices.

Bankruptcy Administrators

In nearly all bankruptcy cases, a case trustee is appointed to administer the estate. In most bankruptcy courts, case trustees are overseen by the United States Trustee Program, which is a component of the Department of Justice. The United States Trustee assigns trustees to cases, maintains and appoints the panel of trustees, monitors the conduct of parties in cases, oversees related administrative functions, and acts to ensure compliance with applicable laws and procedures.

However, two states—Alabama and North Carolina—operate under a different structure. In each of the six bankruptcy districts within those two states, a bankruptcy administrator oversees case administration and performs the bulk of the duties required of United States Trustees. Bankruptcy administrators are employed and overseen by the judiciary but have the same authority as a United States Trustee, with a few exceptions.

Table A-1.9 Components of Bankruptcy Filings

	Year	Chapter 7	Chapters 9, 11, 12, & 15	Chapter 13	Total
ACTUAL ¹	2008	615,748	7,662	344,421	967,831
	2009	907,603	14,525	384,187	1,306,315
	2010	1,133,320	15,035	424,242	1,572,597
	2011	1,083,671	13,556	432,333	1,529,560
	2012	914,015	11,664	385,949	1,311,628
	2013	778,845	10,139	348,994	1,137,978
	2014	669,976	8,829	321,278	1,000,083
	2015	568,679	7,112	303,945	879,736
	2016	509,769	8,532	300,858	819,159
	2017	489,011	7,628	299,398	796,037
ESTIMATED ²	2018	479,151	7,686	288,741	775,578
	2019	467,500	7,100	282,500	757,100

¹Actual data for years 2008 through 2018 is based on the 12-month periods ending June 30.

²Estimates are based on projections for the 12-month period ending June 30, 2019.