

Judicial Business

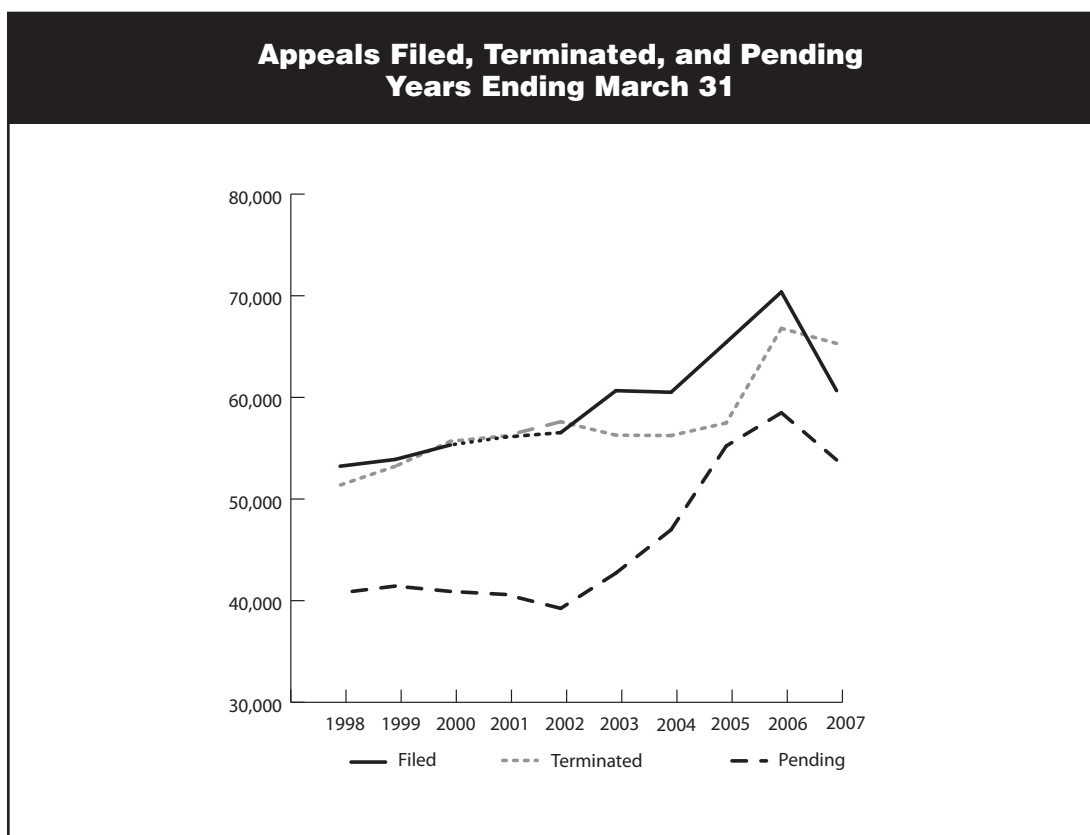
This report provides statistical information on the caseload of the federal Judiciary for the 12-month period ending March 31, 2007. Prepared pursuant to 28 U.S.C. 604(a)(2), this report presents data on the work of the appellate, district, and bankruptcy courts and the work of the probation and pretrial services system. Data for this period are compared to data for periods ending 1 year earlier (2006), 5 years earlier (2003), and 10 years earlier (1998).

In 2007, filings dropped significantly in the U.S. courts of appeals and U.S. bankruptcy courts. In the U.S. district courts, an increase in civil case filings more than offset a reduction in criminal case filings. The number of persons under the supervision of the federal probation system on March 31, 2007, was slightly higher than the total 1 year earlier. However, the number of pretrial services cases activated declined.

U.S. Courts of Appeals

After setting a record in 2006, filings in the 12 regional courts of appeals fell 14 percent to 60,668 in 2007. All major categories of appeals—civil, criminal, administrative agency, original proceedings, and bankruptcy—showed reductions. Filings declined mainly because fewer cases affected by the U.S. Supreme Court’s decisions in *Blakely v. Washington*, 542 U.S. 296 (2004), and *United States v. Booker*, 543 U.S. 220 (2005), were appealed this year and because fewer petitions for review of decisions of the Board of Immigration Appeals (BIA) were received.

- Overall appeals filings approached the total for 2003. Since 1998, appeals filings have grown 14 percent.



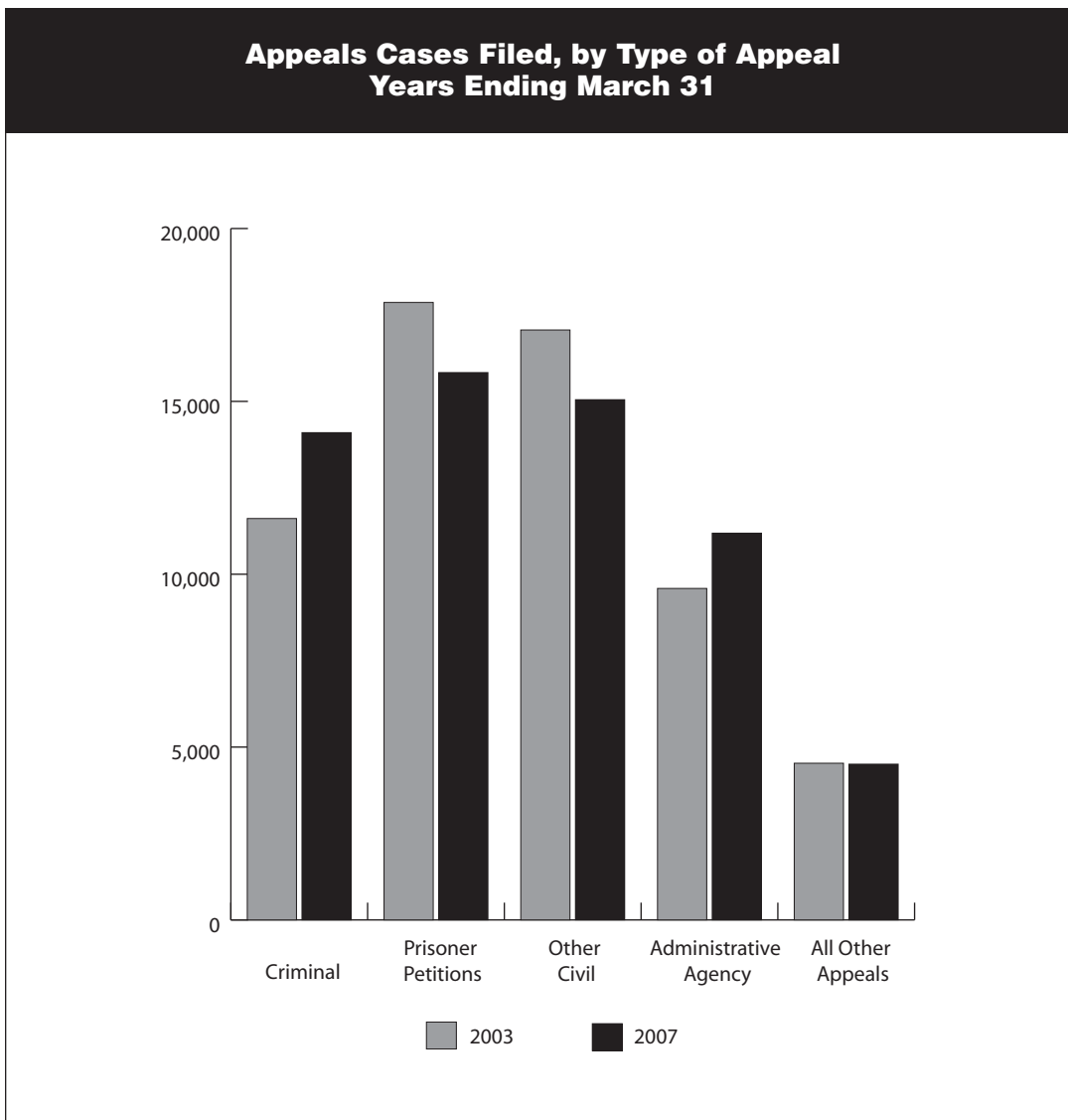
From 2006 to 2007, criminal appeals dropped 13 percent to 14,095. However, criminal appeals were 17 percent above the total for 2004, the year they began to grow in response to *Blakely*.

- Criminal appeals have climbed 21 percent since 2003 and 35 percent since 1998.

In 2007, appeals of administrative agency decisions fell 22 percent to 11,186. This decline stemmed almost entirely from a 23 percent reduction in BIA appeals to 10,042 and is consistent with the drops in BIA case receipts and completions in 2005 and 2006 reported in the statistical yearbook of the Executive Office for Immigration Review.

- Administrative agency appeals have grown 17 percent since 2003 and 162 percent since 1998. Appeals of BIA decisions, which constituted 90 percent of administrative agency appeals filings, have risen 19 percent since 2003 and 365 percent since 1998.

Original proceedings plunged 40 percent in 2007 to 3,725. This reduction occurred as filings of second or successive motions for permission to file habeas corpus petitions declined following the expiration of the deadline for filing petitions pursuant to *Booker*.



- Sixty-seven percent of original proceedings involved motions for second or successive habeas corpus petitions, which fell 48 percent in 2007 to 2,504.
- Thirty-two percent of original proceedings involved petitions for writs of mandamus, which decreased 9 percent to 1,177.
- Overall, original proceedings have increased 2 percent since 2003. (Categories of data within original proceedings were changed in 1998, so data for that year cannot be compared to data for 2007).

Civil appeals fell 6 percent to 30,881 in 2007, primarily due to declines in prisoner petitions and appeals involving civil rights.

- In 2007, civil appeals consisted of 51 percent prisoner petitions, 19 percent civil rights appeals, and 30 percent all other civil appeals.
- Civil appeals filings dropped 12 percent below the total for 2003 and 15 percent below the total for 1998.

In 2007, filings in the federal appeals courts consisted of 51 percent civil appeals, 23 percent criminal appeals, 18 percent administrative agency appeals, 6 percent original proceedings, and 1 percent bankruptcy appeals (percentages do not add up to 100 because of rounding).

- In 1998, the appeals courts' caseload constituted 68 percent civil appeals, 20 percent criminal appeals, 8 percent administrative agency appeals, 2 percent original proceedings, and 2 percent bankruptcy appeals.
- The distribution of appeals has changed in the past decade in response to habeas corpus reforms instituted by the Antiterrorism and Effective Death Penalty Act of 1996, to changes in the guidelines for processing BIA cases, and to the *Blakely* and *Booker* decisions.

Terminations of appeals fell 2 percent in 2007 to 65,308.

- Appeals terminations per three-judge panel decreased 2 percent from 1,200 in 2006 to 1,173 in 2007.
- In 2007, appeals courts terminated 16 percent more appeals than in 2003 and 27 percent more than in 1998.

The appeals courts' pending caseload dropped 8 percent as terminations outpaced filings.

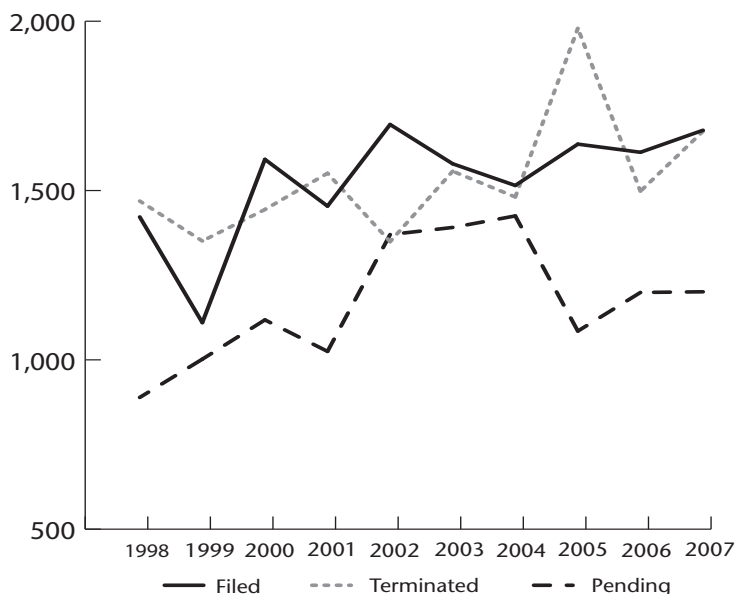
- The number of appeals pending in 2007 was 26 percent higher than the total for 2003 and 32 percent higher than that for 1998.

Detailed data on filings in the courts of appeals appear in the B series of the appendix tables.

U.S. Court of Appeals for the Federal Circuit

Filings in the U.S. Court of Appeals for the Federal Circuit rose 4 percent in 2007 to 1,678. The largest numeric increase occurred in appeals of decisions by the U.S. Court of Appeals for Veterans Claims, which grew by 204 appeals to 416 (up 96 percent). The Department of Veterans' Affairs filed many appeals addressing its duty under the Veterans Claims Assistance Act (VCAA), 38 U.S.C. 5103(a), to assist veterans in proving their entitlement to benefits. Appeals of decisions by the Merit Systems Protection Board had the largest numeric decrease, a reduction of 95 appeals to 445 (down 18 percent).

**U.S. Court of Appeals for the Federal Circuit
Appeals Filed, Terminated, and Pending
Years Ending March 31**



- Filings per three-judge panel climbed from 403 in 2006 to 420 in 2007.
- Filings in 2007 were 6 percent higher than in 2003 and 18 percent higher than in 1998.

Terminations of appeals rose 12 percent (up 177) to 1,675.

- The number of appeals terminated per three-judge panel increased from 375 in 2006 to 419 in 2007.
- Terminations were 8 percent greater in 2007 than in 2003 and 14 percent greater than in 1998.

The number of appeals pending on March 31, 2007, remained stable, rising by 2 appeals to 1,201.

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

In 2007, filings in the U.S. district courts climbed 10 percent (up 32,163 cases) to 344,901 (this total does not include petty offense cases assigned to magistrate judges).

- Overall filings per authorized judgeship increased from 461 to 509.
- The number of cases filed this year was 5 percent greater than the number filed in 2003 and 3 percent greater than the number filed in 1998.

Case terminations fell 7 percent (down 25,316 cases) to 323,434, after rising 7 percent the previous year (in 2006, an unusually high number of civil cases involving personal property damage had been closed in the District of South Carolina). As filings exceeded terminations in 2007, the pending caseload grew 7 percent (up 21,467 cases) to 339,049 cases.

Civil Filings

After declining 12 percent last year, civil filings in the U.S. district courts grew 14 percent in 2007, climbing by 34,204 cases to 278,272.

- A 19 percent rise in private cases stemmed from a 5 percent increase in federal question filings (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party) and a 49 percent jump in diversity of citizenship filings.
- Cases with the United States as plaintiff or defendant dropped 7 percent.
- Civil filings per authorized judgeship rose from 360 to 410.
- Excluding personal injury and insurance contract cases, civil case filings fell 2 percent from 2006 to 2007.
- From 2003 to 2007, civil filings grew 8 percent (up more than 21,000 cases), primarily due to increases in personal injury/product liability cases, contract/insurance cases, and intellectual property cases.
- Over the past 10 years, civil filings have fallen less than 1 percent (down 2,000 cases). During that period, contract cases have dropped 25 percent, largely because of fewer filings related to defaulted student loans. Civil rights cases also have decreased 25 percent, with most of this reduction occurring in the past two years. Prisoner petitions have fallen 15 percent in response to declines in motions to vacate sentence and to obtain habeas corpus relief.

In 2007, diversity of citizenship filings jumped 49 percent to 92,557, mainly because of large increases in personal injury/product liability cases.

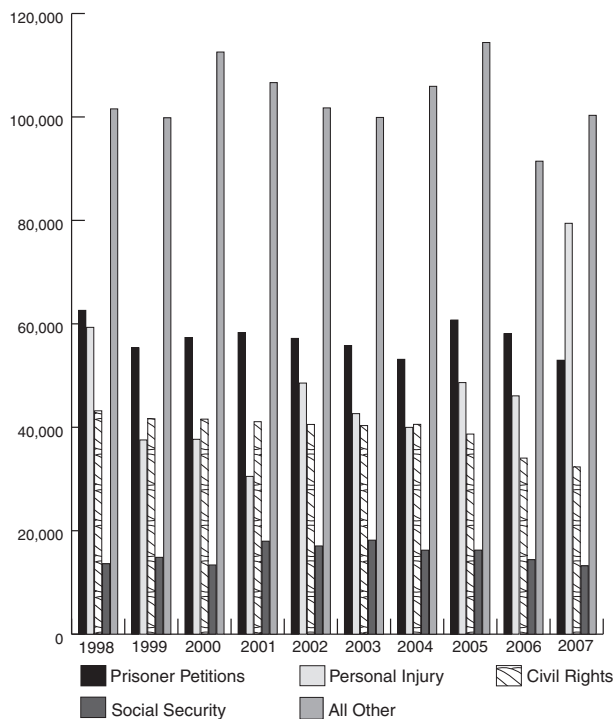
- Asbestos filings rose as a result of nearly 20,000 cases, most of them transferred cases filed in the Eastern District of Pennsylvania. Administrative Order Number 11 requires that all pending and future asbestos product liability cases filed under multidistrict litigation number 875 be transferred to that district. Court officials anticipate that this will result in higher filings of such transferred cases for the next several years.

Federal question filings climbed 5 percent to 141,551 in 2007, mostly in response to increases in personal injury cases (up 91 percent) and contract insurance cases (which nearly doubled to 2,571 cases).

- In the Middle District of Florida, personal injury/product liability filings soared by almost 7,000 cases. Many of these cases were consolidated and filed under multidistrict litigation number 1769 and alleged that the antipsychotic drug Seroquel caused diabetic-related injuries.
- Contract insurance filings jumped by nearly 4,400 cases in the Eastern District of Louisiana and by more than 600 cases in the Southern District of Mississippi. In both districts, most of these cases addressed the effects of Hurricane Katrina.

In 2007, filings of cases with the United States as defendant dropped 7 percent.

Civil Cases Filed, by Nature of Suit Years Ending March 31



- Prisoner petitions involving motions to vacate sentence and habeas corpus each declined 27 percent. These reductions may indicate a return to levels more consistent with the number of petitions filed prior to the U.S. Supreme Court's decision in *Booker*.
- Social Security filings declined 8 percent as disability insurance claims decreased 10 percent and supplemental income insurance cases fell 7 percent.

Filings with the United States as plaintiff dropped 7 percent in 2007 to 9,174 as foreclosure cases fell 28 percent.

Civil case terminations decreased 9 percent in 2007 to 254,850.

- This reduction resulted mostly from fewer terminations of personal property damage cases (the District of South Carolina had closed more than 19,000 such cases the previous year) and breast implant cases (the Eastern District of Michigan had closed more than 15,000 such cases in 2006).

Pending civil cases increased 10 percent (up more than 23,000 cases) to 269,352.

- The largest growth occurred in the Eastern District of Pennsylvania, where the pending caseload jumped by more than 9,500 cases and consisted mainly of cases related to asbestos, and in the Eastern District of Louisiana, where the pending caseload rose by almost 6,800 cases and consisted largely of personal injury/product liability cases and insurance cases related to the effects of Hurricane Katrina.

Detailed data on civil cases appear in the C series of the appendix tables.

Criminal Filings

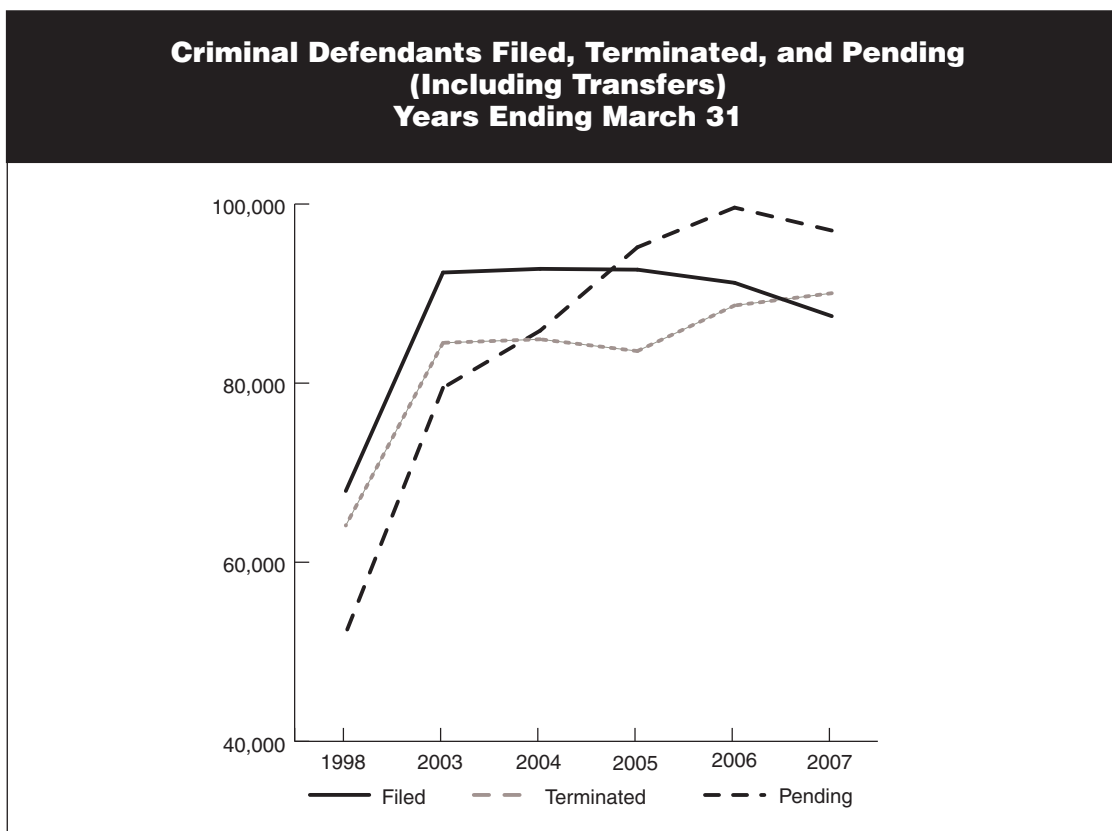
Filings of criminal cases and the number of criminal defendants (including transfers) both declined in 2007. Cases fell 3 percent to 66,629, and defendants dropped 4 percent to 87,479.

- The district courts received 5 percent fewer cases and defendants in 2007 than in 2003. However, this year they received 24 percent more cases and 17 percent more defendants than in 1998.

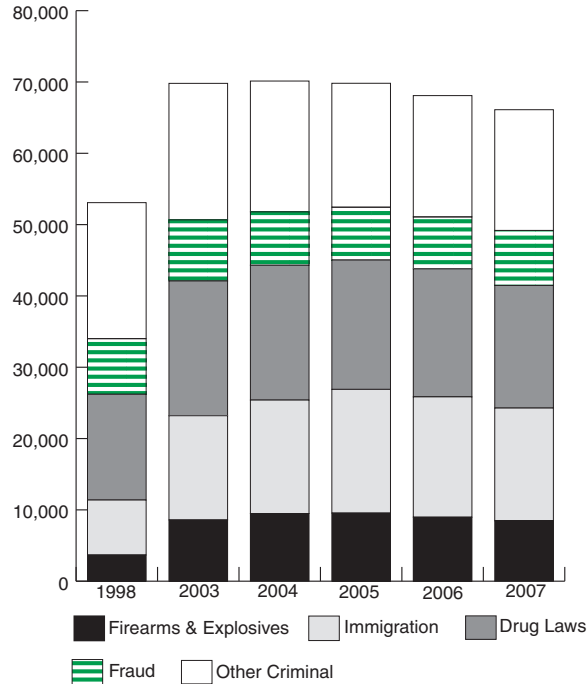
In 2007, growth occurred in filings related to fraud, sex, regulatory, and traffic offenses. However, these increases were offset by reductions in filings involving violence, drugs, firearms and explosives, justice system offenses, and immigration.

Drug cases fell 4 percent to 17,194, and drug defendants declined 5 percent to 30,205, because of reductions in both marijuana and non-marijuana cases. Despite the overall declines, filings of cases and defendants involved with importing and/or exporting drugs increased. This growth, however, was offset by drops in filings related to drug possession and distribution.

- Drug case filings were 9 percent lower in 2007 than in 2003, with most of the decrease occurring since 2005. This reduction was driven by drops in both marijuana and non-marijuana filings.
- The number of defendants in drug cases has fluctuated over the past five years. The total for 2007 was 6 percent below that for 2003.
- Since 1998, drug cases have jumped 16 percent, and drug defendants have grown 11 percent, in response to prosecutions of drug crimes under the Southwest Border Initiative, a cooperative effort among federal law enforcement agencies to combat drug trafficking by groups based in Mexico who operate along the southwest border.



Criminal Cases Filed, by Major Offense (Excluding Transfers) Years Ending March 31



Immigration cases and defendants both declined 6 percent in 2007 to 15,797 cases and 16,982 defendants. Filings of all types of immigration cases fell, but the most significant reduction was in filings of cases involving improper entry, the least severe of the immigration crimes. However, this decrease may be temporary, for a review of preliminary data indicates that after March 31, 2007, immigration filings began rising. Sixty-eight percent of immigration cases in 2007 were filed in the southwestern border districts of the Southern District of Texas, Western District of Texas, District of Arizona, Southern District of California, and District of New Mexico.

- Since 2003, immigration cases and defendants both have risen 8 percent. Since 1998, such cases have surged 105 percent, and immigration defendants have increased 101 percent.

In 2007, firearms and explosives cases declined 6 percent to 8,480, and such defendants fell 5 percent to 9,593. Within the firearms category, filings involving firearms used in the furtherance of a violent or drug trafficking crime, one of the more serious firearms offenses, declined the least.

- Since 2003, firearms and explosives cases have grown 1 percent, and defendants in such cases have risen 2 percent. Since 1998, such cases have soared 131 percent, and defendants have climbed 109 percent.

Filings of property offense cases climbed 3 percent to 12,214 in 2007, and defendants in such cases remained stable, growing by 26 to 15,762. The increase arose from property crimes involving larceny and theft and fraud.

- Filings related to theft of U.S. property climbed because of increased activity on military bases.
- Fraud cases jumped 6 percent to 7,710, and defendants in such cases rose 3 percent to 10,389, as a large number of misdemeanor cases addressing identification documents and information fraud were filed in the District of Arizona. Filings dealing with Social Security fraud also rose.
- Filings of property offense cases have fallen 13 percent since 2003, and defendants in such cases have dropped 12 percent. Since 1998, property offense cases have decreased 12 percent, and property offense defendants have declined 11 percent.

In 2007, sex offense filings reached record levels as cases rose 12 percent to 2,082 and defendants climbed 11 percent to 2,156. Both increases were due to growth in cases involving sexually explicit materials and the sexual abuse of minors.

- Since 2003, sex offense cases have increased 70 percent, and defendants in such cases have risen 66 percent. Since 1998, such cases have surged 208 percent, and sex crime defendants have grown 203 percent.

In 2007, filings of regulatory offense cases rose 7 percent to 1,684, and defendants grew 1 percent to 1,954. The increases primarily stemmed from cases addressing game and conservation regulations and national park regulations. Traffic offense filings climbed 3 percent to 3,969 cases and 3,971 defendants as filings involving non-drunk-driving offenses on military bases and in national parks increased.

Terminations of cases and defendants both rose 2 percent to 68,584 and 90,043, respectively.

Pending cases dropped 3 percent to 69,697, and pending defendants also fell 3 percent to 97,039. The pending caseload has grown 21 percent since 2003 and 85 percent since 1998.

Detailed data on criminal cases filed in the district courts appear in the D series of the appendix tables.

U.S. Bankruptcy Courts

Bankruptcy filings decreased 61 percent in 2007 to 695,575. This decline is from the high number of petitions filed during the 12-month period ending March 31, 2006, which included a surge in filings before October 17, 2005, the general effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). This surge is attributable largely to some debtors' fears that BAPCPA would make them ineligible for relief under chapter 7 of the Bankruptcy Code, as well as to some misinformed debtors' belief that once BAPCPA was implemented, they would not be able to file for bankruptcy at all.

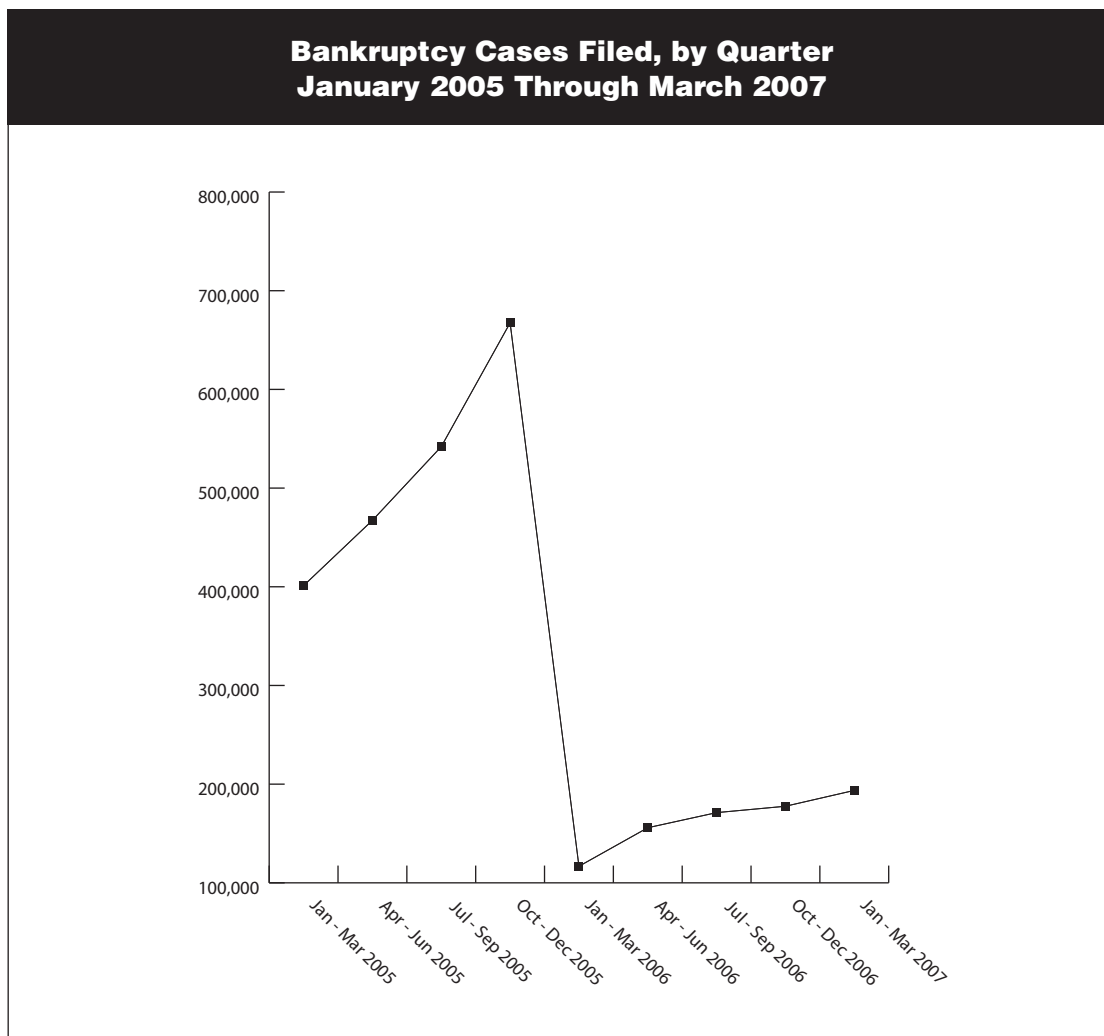
- All 94 districts reported fewer filings. Fifteen districts reported reductions of 70 percent or more.
- After BAPCPA took effect, quarterly filings plummeted to a low of 116,771 in the January-March 2006 period, but increased in every quarter thereafter. Filings in the April-June 2006 quarter were 33 percent greater than those in the prior quarter. Filings grew 10 percent, 4 percent, and 9 percent in each successive quarter.
- Debt as a percentage of income, as well as the financial obligations ratio and the debt service ratio (as defined by the Board of Governors of the Federal Reserve System), currently are at record levels, suggesting that recent quarterly increases in bankruptcy filings may continue.

- Terminations of bankruptcy cases fell 50 percent. Because case terminations exceeded filings, pending bankruptcy cases dropped 16 percent.

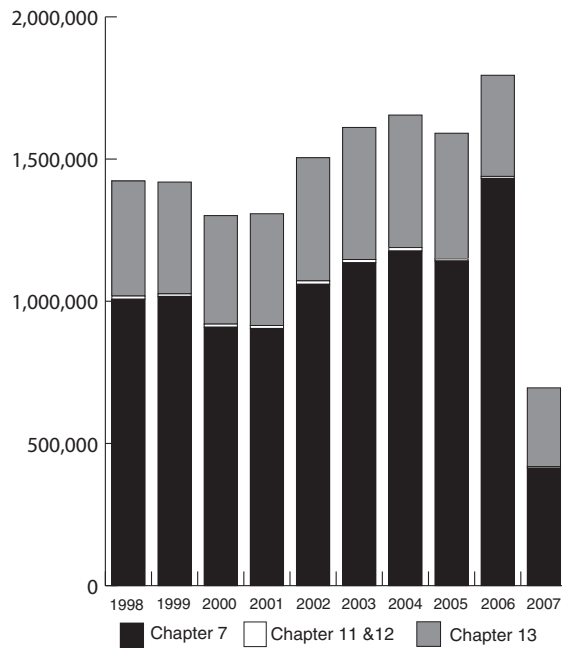
Filings of bankruptcy petitions fell substantially under chapters 7, 11, and 13, but rose slightly under chapter 12.

- Chapter 7 filings plunged 71 percent to 413,294. Chapter 7 filings accounted for 80 percent of all bankruptcy filings in 2006, but constituted 59 percent in 2007. This reduction occurred as BAPCPA, which was intended to encourage debtors to file bankruptcy petitions under chapter 13 rather than chapter 7, placed new constraints on debtors' eligibility for relief under chapter 7.
- Chapter 11 filings dropped 20 percent to 5,199.
- Chapter 12 filings rose 2 percent to 372.
- Chapter 13 filings fell 22 percent to 276,649.

Filings involving predominantly nonbusiness debts totaled 673,615, a decrease of 62 percent (down 1,085,888 petitions).



Bankruptcy Cases Filed, by Chapter Years Ending March 31



- Nonbusiness filings fell 72 percent under chapter 7, dropped 22 percent under chapter 13, and decreased 33 percent under chapter 11.
- Nonbusiness petitions continued to account for an overwhelming percentage of bankruptcy filings, constituting 97 percent of all filings in 2007, down one percentage point from 2006.

Filings involving predominantly business debts, which amounted to 3 percent of total petitions filed, fell 38 percent to 21,960.

- Business petitions dropped 45 percent under chapter 7, declined 28 percent under chapter 13, and fell 18 percent under chapter 11.
- Filings rose 2 percent under chapter 12, the only category of filings that had an increase.

The total number of bankruptcy filings in 2007 was 57 percent lower than the number filed in 2003, and 51 percent lower than the number filed in 1998.

Adversary proceedings fell 36 percent to 49,141. In the District of Delaware, filings plunged 69 percent (down 3,003 filings) in 2007 after they rose dramatically from 2002 (when they soared 278 percent) through 2006.

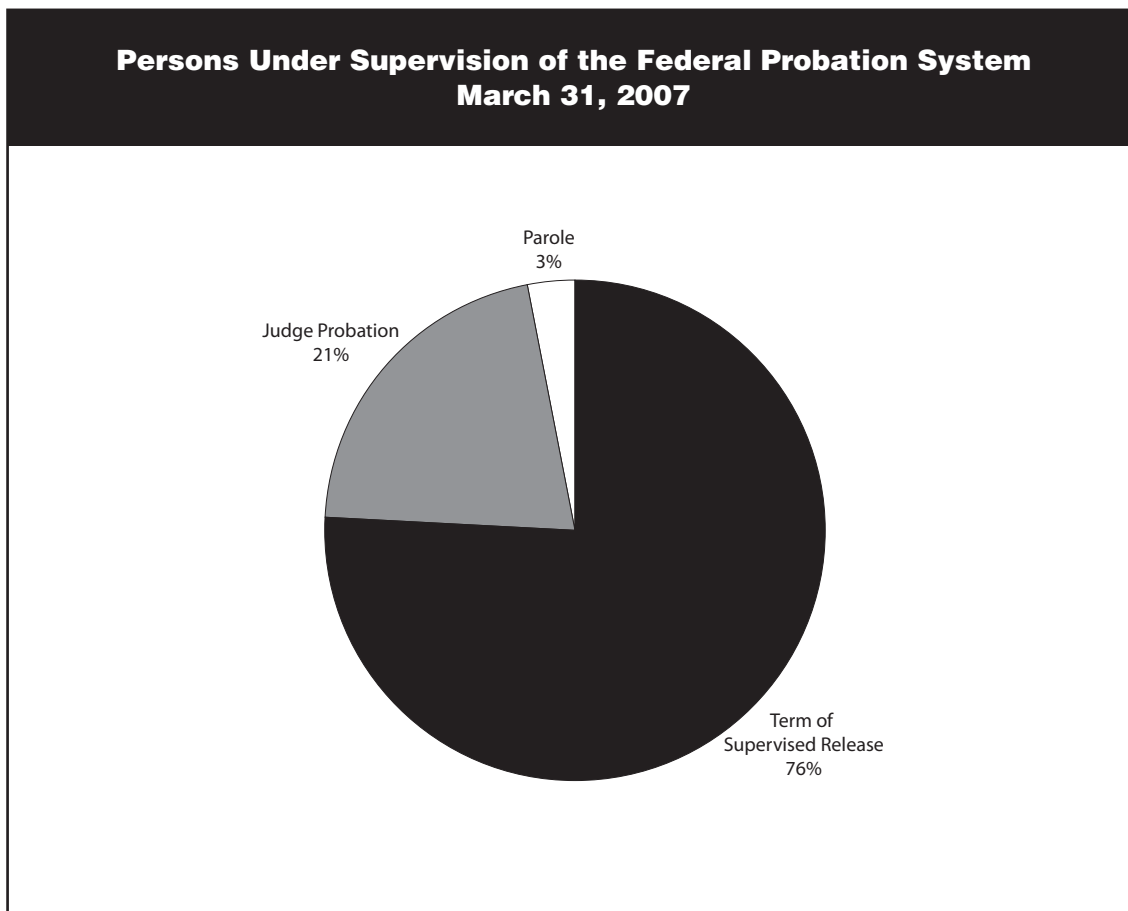
- Terminations of adversary proceedings dropped 14 percent.
- The number of adversary proceedings terminated exceeded the number filed, which caused pending adversary proceedings to decrease 28 percent to 61,692 as of March 31, 2007.

Detailed data on bankruptcy petitions and adversary proceedings filed in the bankruptcy courts appear in the F series of the appendix tables.

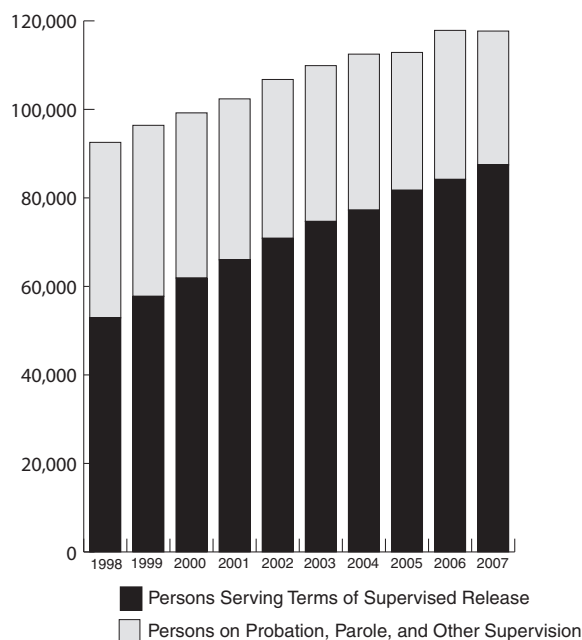
Post-Conviction Supervision

Consistent with recent years, the number of persons under post-conviction supervision as of March 31, 2007, remained relatively stable, increasing by 1,680 persons from the number under supervision one year earlier to 115,002, a rise of slightly more than 1 percent.

- A total of 58,599 persons were received for post-conviction supervision compared to 58,308 the previous year. This relatively insignificant change contrasts with the previous year's decline, which was attributed to a revision in case opening coding procedures. Prior to 2005, districts had opened and closed cases during reentry, then opened cases again upon the offenders' release, resulting in abnormally high totals for cases received. Now that coding changes are firmly in place, data for subsequent years should more accurately reflect changes in cases received for supervision.
- The number of persons under supervision on March 31, 2007, was 5 percent higher than the total 5 years earlier and 24 percent higher than the total 10 years earlier.



Persons Under Supervision of the Federal Probation System Years Ending March 31



- The total number of post-conviction supervision cases closed (excluding transfers and deaths) decreased 2 percent from 50,348 in 2006 to 49,230 in 2007.

Seventy-six percent of persons under post-conviction supervision on March 31, 2007, were serving terms of supervised release, 21 percent were under supervision following the imposition of sentences of probation, and 2 percent were on parole.

- A total of 87,457 persons were serving terms of supervised release on March 31, 2007, an increase of nearly 4 percent from the previous year's total.
- The number of persons serving terms of supervised release in 2007 was 17 percent higher than the number in 2003 and 65 percent higher than the number in 1998.
- The total number of persons on probation in 2007 decreased 4 percent below the total for 2006.
- The number of persons on probation on March 31, 2007, was 21 percent below that for 2003 and 25 percent below that for 1998.

The number of persons on parole, special parole, military parole, and mandatory release on March 31, 2007, declined nearly 10 percent from the previous year's total, dropping from 3,060 to 2,762.

- The 2007 total was 29 percent below that for 2003 and 60 percent below that for 1998.

- These reductions are due to the Sentencing Act of 1987, which abolished parole for anyone who committed an offense on or after November 1, 1987.

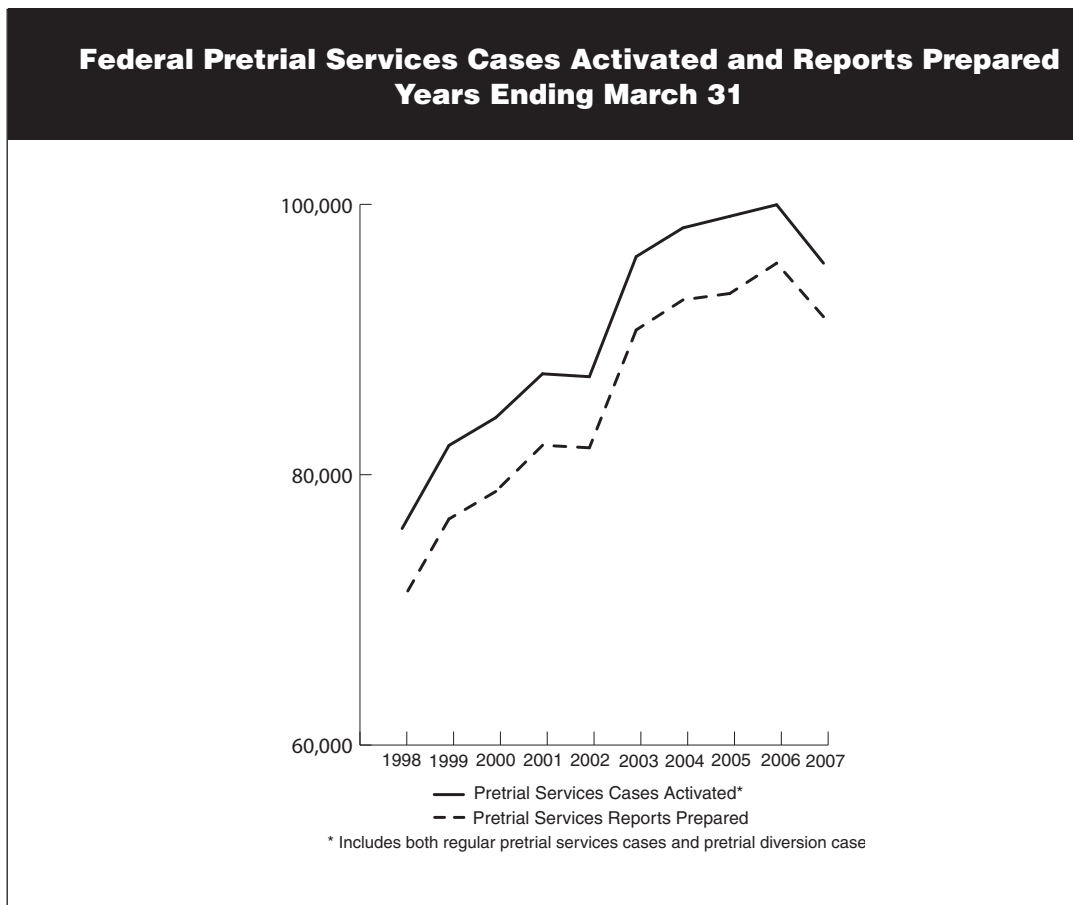
In addition to their supervision duties, probation officers conduct investigations and prepare comprehensive reports, which aid judges in the sentencing of convicted defendants. The presentence report contains detailed background information on the defendant and a discussion of issues related to the sentencing guidelines. These reports are time consuming to prepare and typically range in length from 20 to 30 pages.

- In 2007, the number of presentence reports written by probation officers totaled 73,023, a rise of 1 percent. Of this total, 68,842 were presentence reports addressing offenses for which the U.S. Sentencing Commission has promulgated sentencing guidelines.

Detailed probation data appear in the E series of the appendix tables.

Pretrial Services

A total of 94,080 pretrial services cases were activated during the 12-month period ending March 31, 2007, a 4 percent reduction over the total for the previous year. The drop in case activations occurred primarily in districts along the nation’s southwest border and was related to the reduction in immigration crime filings.



- During 2007, a total of 1,569 pretrial diversion cases were activated, a decrease of 9 percent from the previous year.
- A total of 93,862 pretrial services cases were closed, less than 1 percent below the total for 2006.
- Although pretrial services activity has generally increased over time, 245 fewer pretrial services cases were activated in 2007 than in 2003, a difference of less than 1 percent. However, from 1998 to 2007, the number of cases activated increased 28 percent.

Judges use reports prepared by pretrial services officers when determining whether to order the release or detention of federal defendants awaiting trial. These reports also provide information used to establish appropriate conditions for released defendants.

- Pretrial services officers interviewed 8 percent fewer defendants (63,289) and prepared 4 percent fewer pretrial services reports (91,685) in 2007 than they did in 2006.
- The total of 91,685 pretrial services reports prepared in 2007 was 1 percent greater than the total for 2003 and nearly 30 percent greater than that for 1998.

When defendants are released pending trial, pretrial services officers are responsible for monitoring their compliance with release conditions set by the courts, informing the courts and U.S. attorneys of any violations of release conditions, and providing referrals to relevant support services.

- The number of defendants received for pretrial services supervision decreased 6 percent to 31,325.
- The number of defendants received for pretrial diversion supervision fell 15 percent from 1,750 to 1,491.

Detailed pretrial services statistics appear in the H series of the appendix tables.