

Caseload Highlights

U.S. Courts of Appeals

- Filings in the regional appeals courts fell 3 percent to 55,992.
- Civil appeals remained stable.
- Criminal appeals dropped 7 percent, appeals of administrative agency decisions declined 9 percent, and bankruptcy appeals decreased 15 percent.
- Original proceedings rose 2 percent.
- Appeals involving pro se litigants fell 2 percent.

U.S. District Courts

- Combined filings of civil and criminal cases in the U.S. district courts increased 2 percent to 361,323.

Civil Filings

- Civil filings grew 2 percent to 282,895.
- Diversity of citizenship filings rose 4 percent.
- Federal question filings climbed 2 percent.
- Filings with the United States as plaintiff or defendant held steady.

Criminal Filings

- Filings of criminal cases (including transfers) increased 2 percent to 78,428, and the number of criminal defendants grew 2 percent to an all-time high of 100,366.
- Immigration cases climbed 9 percent, and defendants in those cases rose 8 percent.
- Fraud cases and defendants set new records as they went up 12 percent and 13 percent, respectively.
- Drug cases dropped 5 percent, and drug crime defendants decreased 2 percent.

U.S. Bankruptcy Courts

- **Bankruptcy filings grew 14 percent to 1,596,355.**
- **Petitions rose in 73 of the 90 bankruptcy courts.**
- **Filings climbed 16 percent under chapter 7, fell 4 percent under chapter 11, and increased 9 percent under chapter 13.**
- **Business petitions declined 1 percent; nonbusiness petitions went up 14 percent.**

Federal Probation and Pretrial Services System

- **On September 30, 2010, the number of persons under post-conviction supervision was 127,324, which was 2.5 percent more than the total one year earlier.**
- **Persons serving terms of supervised release after leaving correctional institutions grew more than 3 percent and constituted 81 percent of all persons under supervision.**
- **Cases opened in the pretrial services system, including pretrial diversion cases, increased nearly 6 percent to 111,507.**

Judicial Caseload Indicators
12-Month Periods Ending September 30

Judicial Caseload	2001	2006	2009	2010	% Change Since 2001	% Change Since 2006	% Change Since 2009
U.S. Courts of Appeals ¹							
Cases Filed	57,464	66,618	57,740	55,992	-2.6	-16.0	-3.0
Cases Terminated	57,422	67,582	60,508	59,526	3.7	-11.9	-1.6
Cases Pending	39,996	56,178	49,885 ²	46,351	15.9	-17.5	-7.1
U.S. District Courts							
Civil							
Cases Filed	250,907	259,541	276,397	282,895	12.7	9.0	2.4
Cases Terminated	248,174	273,193	263,703 ²	309,759	24.8	13.4	17.5
Cases Pending	250,622	247,253	311,353 ²	284,489	13.5	15.1	-8.6
Criminal (Includes Transfers)							
Cases Filed	62,708	66,860	76,655	78,428	25.1	17.3	2.3
Defendants Filed	83,252	88,216	97,982	100,366	20.6	13.8	2.4
Cases Terminated	58,718	67,499	75,077	78,069	33.0	15.7	4.0
Cases Pending	49,696	71,916	79,068 ²	79,427	59.8	10.4	0.5
U.S. Bankruptcy Courts							
Cases Filed	1,437,354	1,112,542	1,402,816	1,596,355	11.1	43.5	13.8
Cases Terminated	1,301,016	1,619,142	1,197,649	1,496,732	15.0	-7.6	25.0
Cases Pending	1,512,438	1,361,335	1,559,129 ²	1,658,820	9.7	21.9	6.4
Post-Conviction Supervision							
Persons Under Supervision	104,715	114,002	124,183	127,324	21.6	11.7	2.5
Pretrial Services							
Total Cases Activated	88,049	96,479	105,294	111,507	26.6	15.6	5.9
Pretrial Services Cases Activated	86,140	94,853	104,217	110,547	28.3	16.5	6.1
Pretrial Diversion Cases Activated	1,909	1,626	1,077	960	-49.7	-41.0	-10.9
Total Released on Supervision	35,082	33,608	29,615	29,902	-14.8	-11.0	1.0
Pretrial Supervision	33,033	31,910	28,418	28,632	-13.3	-10.3	0.8
Diversion Supervision	2,049	1,698	1,197	1,270	-38.0	-25.2	6.1

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

²Revised.

Judicial Business

For the fiscal year ending September 30, 2010, this report provides statistics on the work of the Federal Judiciary, compares data for this year to that for previous fiscal years, and offers available explanations for 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 are provided in the table of judicial caseload indicators on page 14.

Nearly all major areas of the Federal Judiciary had larger caseloads this year. Filings of bankruptcy petitions climbed 14 percent to nearly 1.6 million. In the U.S. district courts, total filings rose 2 percent to 361,323 as civil case filings increased 2 percent to 282,895 and criminal case filings grew 2 percent to 78,428. The number of persons under post-conviction supervision rose 2.5 percent to 127,324. Cases opened in the pretrial services system increased 6 percent to 111,507. Only the U.S. courts of appeals experienced a reduced caseload this year with 55,992 filings, a decrease of 3 percent.

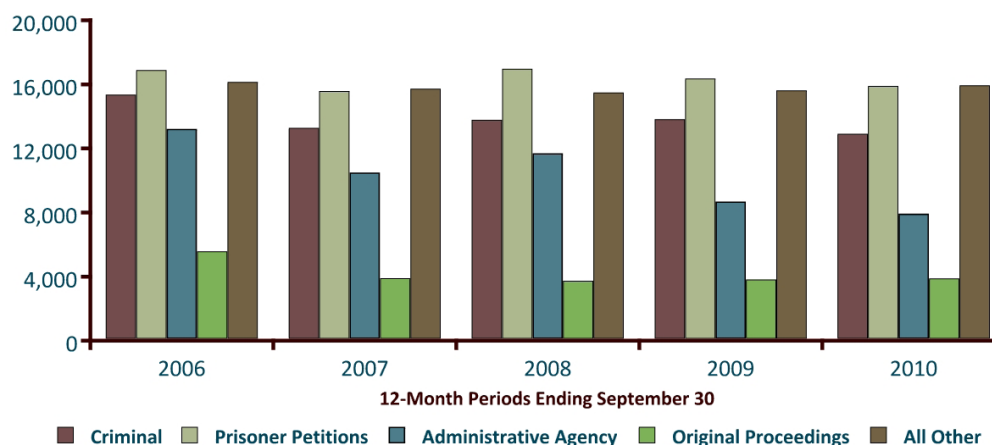
U.S. Courts of Appeals

Filings in the regional courts of appeals dropped 3 percent to 55,992. Filings of criminal, bankruptcy, and administrative agency appeals declined. Civil appeals remained relatively unchanged, and original proceedings increased slightly. The overall

decline stemmed mainly from drops in criminal appeals and in administrative agency appeals involving the Board of Immigration Appeals (BIA).

The number of appeals terminated fell 2 percent to 59,526. Pending appeals dropped 7 percent to 46,351. The median time from filing of a notice of

Appeals Filed, by Type



appeal to final disposition was 11.7 months, down from 12.2 months in 2009.

Appeals arising from the U.S. district courts dropped 2 percent to 43,737. Criminal appeals fell 7 percent to 12,797. Declines in appeals concerning violent crime, drugs, firearms and explosives, justice system offenses (i.e., crimes related to judicial proceedings, such as obstruction of justice or failure to appear), and general offenses outnumbered gains in appeals related to property offenses, sex crimes, and immigration offenses. Civil appeals remained stable, dropping by 27 appeals to 30,940. Prisoner petitions fell 3 percent to 15,789, and appeals in other U.S. civil cases declined 4 percent to 2,835, but other private civil appeals grew 5 percent to 12,316.

Administrative agency appeals fell 9 percent to 7,813. This drop can be attributed to the continued decrease in appeals of BIA decisions, which peaked in 2005. BIA appeals fell 10 percent to 6,750 as the BIA continued to make fewer decisions, thereby reducing the pool of cases that could be appealed. As in 2009, this year 66 percent of BIA appeals were filed in the Second Circuit (1,299 appeals) and Ninth Circuit (3,169 appeals).

Original proceedings commenced in the courts of appeals increased 2 percent to 3,764. Bankruptcy appeals declined 15 percent to 678, the smallest number filed since 1982.

Appeals involving pro se litigants declined 2 percent to 27,209. Criminal appeals by pro se

litigants dropped 11 percent to 2,119 as the number of petitions filed in non-marijuana drug cases that addressed crack cocaine offense sentences, which had surged in 2008, continued to decline. Pro se administrative agency appeals fell 10 percent to 2,173, and pro se bankruptcy appeals went down 34

percent to 206. Pro se petitions filed by prisoners declined 3 percent to 14,067. Other pro se civil appeals grew 8 percent to 5,197, and pro se original proceedings increased 2 percent to 3,447.

Appeals court filings have declined 16 percent (down 10,626 appeals) since 2006. Administrative

Table 1
U.S. Courts of Appeals
Appeals Filed, Terminated, and Pending
Fiscal Years 2006 - 2010

Year	Authorized Judgeships	Filed		Terminated		Pending	
		Number	Cases per Panel	Number	Cases per Panel		
2006	167	66,618	1,197	67,582	1,214	56,178	
2007	167	58,410	1,049	62,846	1,129	51,063	
2008	166 ¹	61,104	1,104	59,096	1,068	53,332	
2009	167	57,740	1,037	60,508	1,087	49,885 ²	
2010	167	55,992	1,006	59,526	1,069	46,351	
Percent Change							
2009 - 2010		—	-3.0	—	-1.6	—	-7.1

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

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

² Revised.

agency appeals have fallen 40 percent in the past five years as BIA appeals have dropped 43 percent (down 5,161 appeals). Criminal appeals have decreased 16 percent (down 2,449 appeals) during that period as cases filed in response to *Blakely v. Washington*, 542 U.S. 296 (2004), and *United States v. Booker*, 543 U.S. 220 (2005), have diminished. Since 2006, original proceedings have declined 31 percent (down 1,694 appeals), civil appeals have fallen 3 percent (down 1,051 appeals), and bankruptcy appeals have dropped 17 percent (down 143 appeals).

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

► Bankruptcy Appellate Panels

Five circuits in the Federal Judiciary have bankruptcy appellate panels (BAPs). BAP filings rose in four of those five circuits, and overall BAP filings increased 13 percent (up 98 cases). Filings grew 8 percent (6 cases) in the First Circuit, 40 percent (29 cases) in the Eighth Circuit, 17 percent (71 cases) in the Ninth Circuit, and 1 percent (1 case) in the Tenth Circuit. Only the Sixth Circuit experienced a decline in filings, a drop of 9 percent (down 9 cases).

Since 2006, BAP filings have fallen nearly 1 percent (down 6 cases). Over that period filings fell in two circuits and rose in three. Filings dropped 6 percent in the Sixth Circuit (down 6 cases) and 35

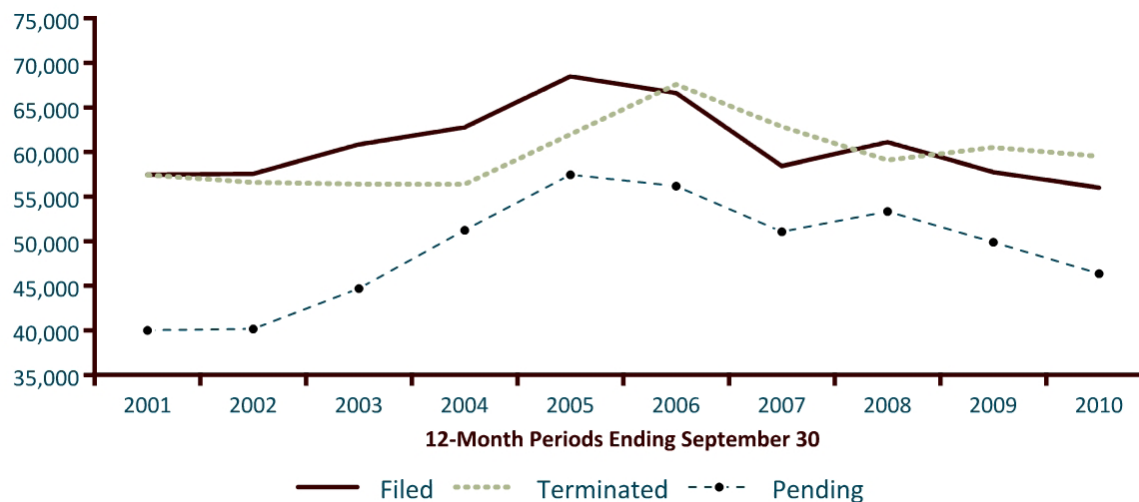
percent in the Tenth Circuit (down 47 cases). Filings grew 26 percent in the First Circuit (up 17 cases), 34 percent in the Eighth Circuit (up 26 cases), and 1 percent in the Ninth Circuit (up 4 cases).

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

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

Filings in the U.S. Court of Appeals for the Federal Circuit dropped 12 percent (down 159 appeals to 1,208). Total filings per panel decreased from 342 to 302. Reductions were spread across

Appeals Filed, Terminated, and Pending



many types of appeals, with the greatest numeric decrease occurring in appeals of decisions by the Merit Systems Protection Board, which fell 40 percent (down 151 appeals to 230) in response

to fewer petitions addressing adverse agency actions (such as employee firings or suspensions), review of retirement, and the Uniformed Services Employment and Reemployment Rights

Act of 1994. Appeals from the U.S. district courts decreased 4 percent (down 17 appeals to 428). The most significant percentage growth was an 88 percent rise in petitions for writs of mandamus (up by 23 petitions), which were related to petitions under 28 U.S.C. § 1404 to transfer patent cases out of the Eastern District of Texas.

Terminations of appeals dropped 16 percent to 1,295 (down 222 appeals). The number of appeals pending as of September 30, 2010, increased 1 percent to 910.

In 2010, filings were 32 percent below the total for 2006 (down 564 appeals). Over the past five years, terminations of appeals have declined 18 percent (down 265 appeals), and the number of appeals pending at the end of the fiscal year has decreased 35 percent (down 496 appeals).

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

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

Filings of civil and criminal cases in the U.S. district courts grew 2 percent to 361,323. As civil

Table 2
U.S. Courts of Appeals
Sources of Appeals
Fiscal Years 2009 and 2010

Source	2009	2010	Percent Change
Total	57,740	55,992	-3.0
U.S. District Courts			
Criminal	13,710	12,797	-6.7
Civil—Total	30,967	30,940	-0.1
Prisoner Petitions	16,249	15,789	-2.8
U.S. Civil	2,943	2,835	-3.7
Private Civil	11,775	12,316	4.6
Other Appeals			
Bankruptcy	793	678	-14.5
Administrative			
Agency	8,570	7,813	-8.8
Original Proceedings	3,700	3,764	1.7

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

case filings increased 2 percent to 282,895, criminal case filings also rose 2 percent, totaling 78,428. Case terminations climbed 14 percent to 387,828 (this total does not account for the 107,590 defendants in petty offense cases disposed of by magistrate judges). Because terminations outnumbered filings, pending cases in the district courts dropped 7 percent to 363,916.

► Civil Filings

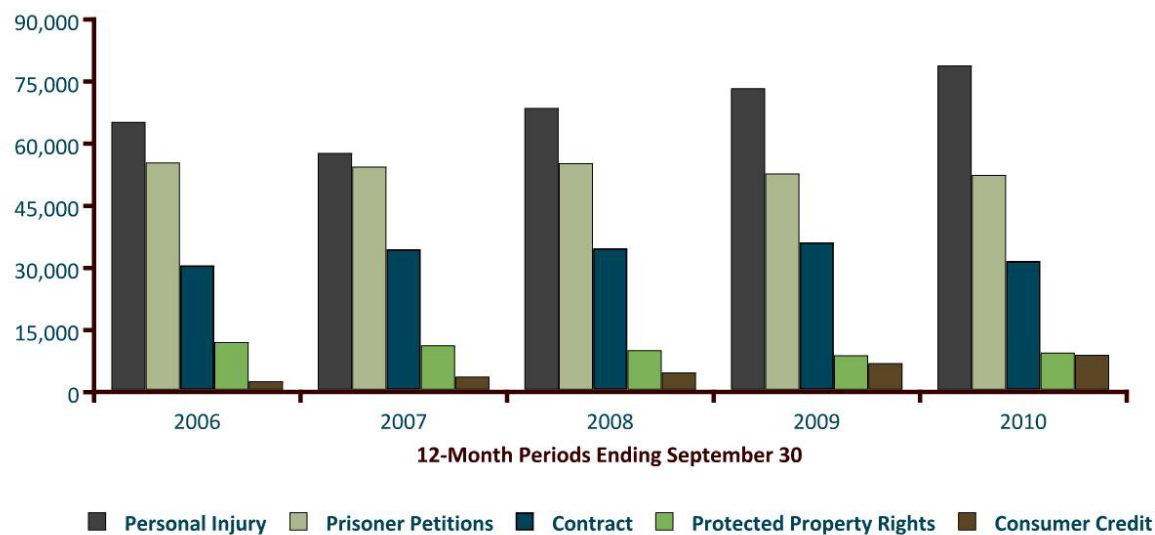
The U.S. district courts reported a 2 percent increase in civil filings, which rose by 6,498 cases to 282,895, or 417 civil filings per authorized judgeship. Filings of diversity of citizenship cases (i.e., cases between citizens of different states) grew 4 percent to an all-time high of 101,202. Most of these were personal injury/product liability cases. Federal question cases (i.e., actions under the Constitution, laws, or treaties of the United States in which the United States is not a party in the case) rose 2 percent to 138,655 as a result of increased filings related to consumer credit, civil rights, labor laws, protected property rights, Social Security, bankruptcy appeals, and cable/satellite television.

Diversity of citizenship filings based primarily on multidistrict litigation (MDL) addressing personal injury/product liability claims rose 9 percent to 61,179 (up by 4,876 cases) in 2010. Existing MDL personal injury/product liability filings related to asbestos with multiple plaintiffs that were transferred to the Eastern District of Pennsylvania and severed into separate filings contributed to a 2

percent increase in filings in that district to 48,588. Filings in the Southern District of Illinois more than quadrupled (up by 3,809 cases), mostly as a result of a personal injury/product liability MDL

alleging injuries from the Bayer Pharmaceuticals contraceptives Yaz and/or Yasmin. Filings in the District of Minnesota soared 30 percent (up by 1,196 cases) in response to MDLs involving mul-

Civil Cases Filed, by Nature of Suit



multiple types of personal injury/product liability claims. In the Southern District of Texas, filings increased by nearly 1,000 cases (up 16 percent) because of student loan and insurance litigation.

The growth in federal question filings occurred chiefly as a result of a 31 percent jump in consumer credit filings (up by 1,922 cases); a combined 8 percent increase in civil rights employment and

Americans with Disabilities Act cases (up by 1,130 cases); a 13 percent increase in filings under the Fair Labor Standards Act (up by 759 cases); a 33 percent rise in foreclosure cases (up by 499 cases); a 6

Table 3
U.S. District Courts
Civil Cases Filed, Terminated, and Pending
Fiscal Years 2006 - 2010

Year	Authorized Judgeships	Filed						Terminated	Pending	
		Total	Cases per Judgeship	Contract Actions	Prisoner Petitions	Personal Injury Cases	All Other Cases			
2006	678	259,541	383	30,444	54,955	64,743	109,399	273,193	247,253	
2007	678	257,507	380	33,939	53,945	57,244	112,379	239,678	265,443	
2008	678	267,257	394	34,172	54,786	68,121	110,178	234,571	294,122	
2009	678	276,397	408	35,634	52,304	72,897	115,562	263,703	311,353 ¹	
2010	678	282,895	417	31,109	51,901	78,350	121,535	309,759	284,489	
Percent Change 2009 - 2010		-	2.4	2.2	-12.7	-0.8	7.5	5.2	17.5	-8.6

¹ Revised.

percent rise in protected property rights actions (up by 563 cases), most of them related to patent and trademark; and a 15 percent increase in bankruptcy appeals (up 288 cases). Many of these increases

stem from the effects of the economic downturn.

Filings with the United States as plaintiff or defendant remained stable, decreasing by 107 cases to 43,037. Filings with the United States as plaintiff

dropped 2 percent to 8,672 as forfeiture and penalty cases fell by 122 cases. Filings with the United States as defendant increased by 55 cases, mostly because motions to vacate sentence prisoner petitions grew by 87.

Civil case terminations increased 17 percent (up by 46,056) to 309,759. The Eastern District of Pennsylvania terminated nearly 80,000 cases, most of them personal injury/product liability cases involving asbestos.

The median time from filing to disposition for civil cases was 7.6 months, down 1.3 months from 8.9 in 2009. The median time for civil case disposition in the Eastern District of Pennsylvania fell from 13.2 months in 2009 to 6.0 months in 2010, with most of the terminations occurring in personal injury/product liability cases related to asbestos.

The pending civil caseload dropped 9 percent to 284,489 as courts reduced pending MDL cases addressing personal injury/product liability in the Eastern District of Pennsylvania (down by 31,069 cases), the Eastern District of Louisiana (down by 4,268 cases), the Northern District of California (down by 1,218 pending cases), and the Northern District of Ohio (down by 962 cases).

Since 2006, civil filings in the district courts have grown 9 percent (up by 23,354 cases). Most of this increase is attributable to cases related to asbestos, consumer credit, civil rights, and labor laws. During the same period, district courts had significant reductions in cases involving protected property rights and prisoner petitions.

Table 4
U.S. District Courts
Civil Cases Filed, by Jurisdiction
Fiscal Years 2006 - 2010

Year	Total	U.S. Plaintiff	U.S. Defendant	Federal Question	Diversity of Citizenship	Local Jurisdiction
2006	259,541	9,257	35,037	134,877	80,370	—
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
Percent Change 2009 - 2010	2.4	-1.8	0.2	1.9	4.1	-66.7

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

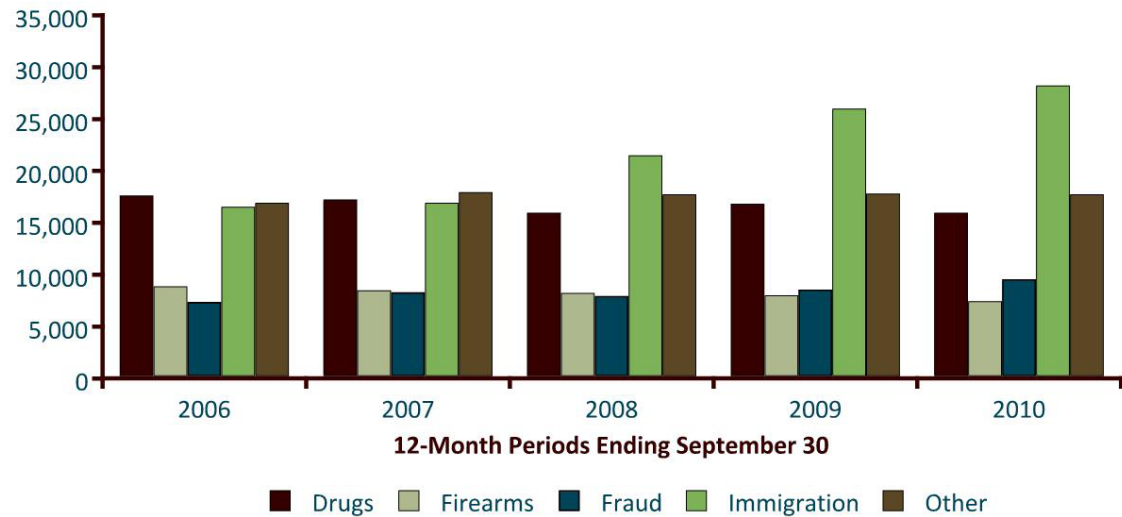
Filings of criminal cases (including transfers) increased 2 percent to 78,428. The number of criminal defendants (including transfers) also rose 2 percent and reached a new record of 100,366, surpassing the previous record of 97,982 set in 2009 (case filings did not exceed the historic high of 92,174 reported in 1932 before the repeal of the Prohibition Amendment). Case terminations grew 4 percent to 78,069. Defendants whose cases were concluded rose 3 percent to 98,666. Cases pending increased less than 1 percent to 79,427, and defendants in cases pending grew 2 percent to 109,187. Proceedings were concluded against 98,311 defendants (excluding transfers), an increase of 3 percent over 2009. Ninety-one percent (89,741) of those defendants were convicted, with 89 percent (87,418) pleading guilty. The median time from filing to disposition of criminal defendants decreased from 6.5 months in 2009 to 6.3 months as the proportion of defendants convicted of immigration offenses, which typically require less time to process, continued to rise.

Increases in cases and defendants (excluding transfers) were reported for general offenses, property offenses, immigration offenses, and regulatory offenses. Decreases in cases and

defendants were associated with violent offenses, firearms and explosives, drugs, sex offenses, and justice system offenses (i.e., crimes related to judicial proceedings, such as obstruction of justice or failure to appear).

The criminal caseload continued to be dominated by immigration filings. Immigration cases constituted 36 percent of all criminal cases filed, compared to 34 percent in 2009 and 25 percent in 2006. However, immigration filings rose at a slower

Criminal Cases Filed, by Nature of Offense



pace this year as cases climbed 9 percent to 28,046 (compared to a 21 percent increase from 2008 to 2009), and defendants grew 8 percent to 29,149 (compared to a 19 percent increase from 2008 to 2009). Seventy-three percent of immigration cases were filed in the five southwestern border districts of the District of Arizona, the Southern District of California, the District of New Mexico, the Southern District of Texas, and the Western District of Texas. The majority of immigration filings involved improper reentry by aliens, which accounted for 83 percent of cases (up 12 percent to 23,149) and 80 percent of defendants (up 12 percent to 23,211). Cases involving improper entry by aliens declined 21 percent to 1,212, and defendants in those cases dropped 20 percent to 1,308.

Filings of fraud cases and defendants also set new records. Cases grew 12 percent to 9,371, and defendants in those cases rose 13 percent to 12,639. Significant increases were reported for offenses related to identification documents and information; such cases rose 15 percent to 2,542, and defendants in such cases climbed 17 percent to 2,780. Most of these offenses involved false documents and information presented by illegal immigrants and were committed primarily in the District of Arizona and the Southern District of Texas. Notable increases also were reported for passport fraud (cases soared 74 percent to 875, and the number of defendants grew 72 percent to 889); seventy-four percent of those defendants were in

cases filed in the Southern District of California, the Southern District of Florida, and the Western District of Texas. Growth was reported for offenses

involving attempt and conspiracy to defraud (cases jumped 63 percent to 587, and defendants rose 58 percent to 1,671) and wire, radio, or television fraud

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

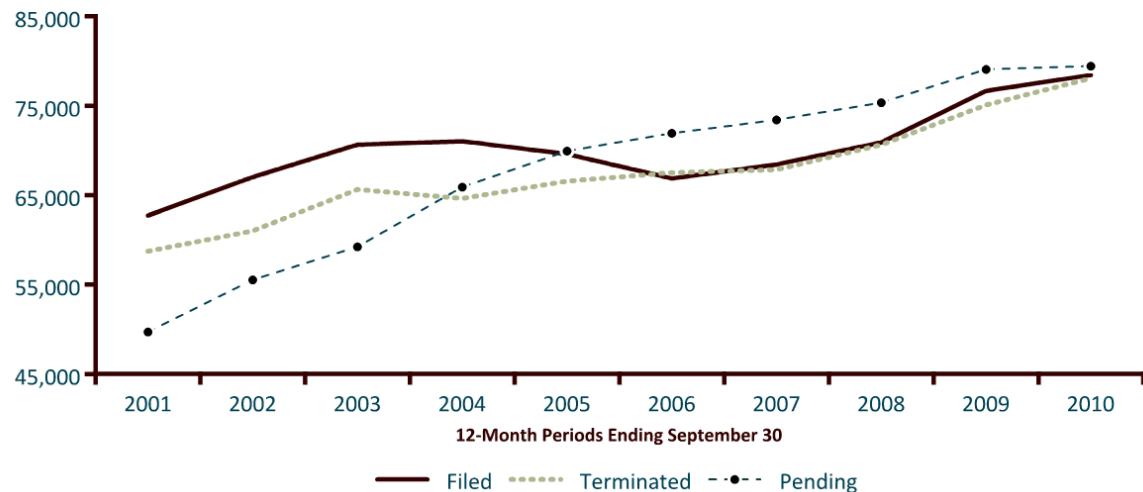


Table 5
U.S. District Courts
Criminal Cases Filed, Terminated, and Pending
(Including Transfers)
Fiscal Years 2006 - 2010

Year	Authorized Judgeships	Filed			Terminated	Pending ²
		Total	Cases per Judgeship	Drugs ¹		
2005	678	69,575	103	18,198	66,561	69,932
2006	678	66,860	99	17,429	67,499	71,916
2007	678	68,413	101	17,046	67,851	73,418
2008	678	70,896	105	15,784	70,629	75,340
2009	678	76,655	113	16,636	75,077	79,068 ³
2010	678	78,428	116	15,785	78,069	79,427
Percent Change 2009 - 2010	—	2.3	—	-5.1	4.0	0.5

¹ Data exclude transfers.

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

³ Revised.

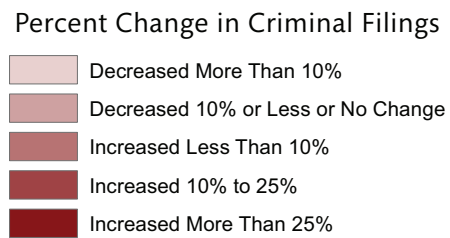
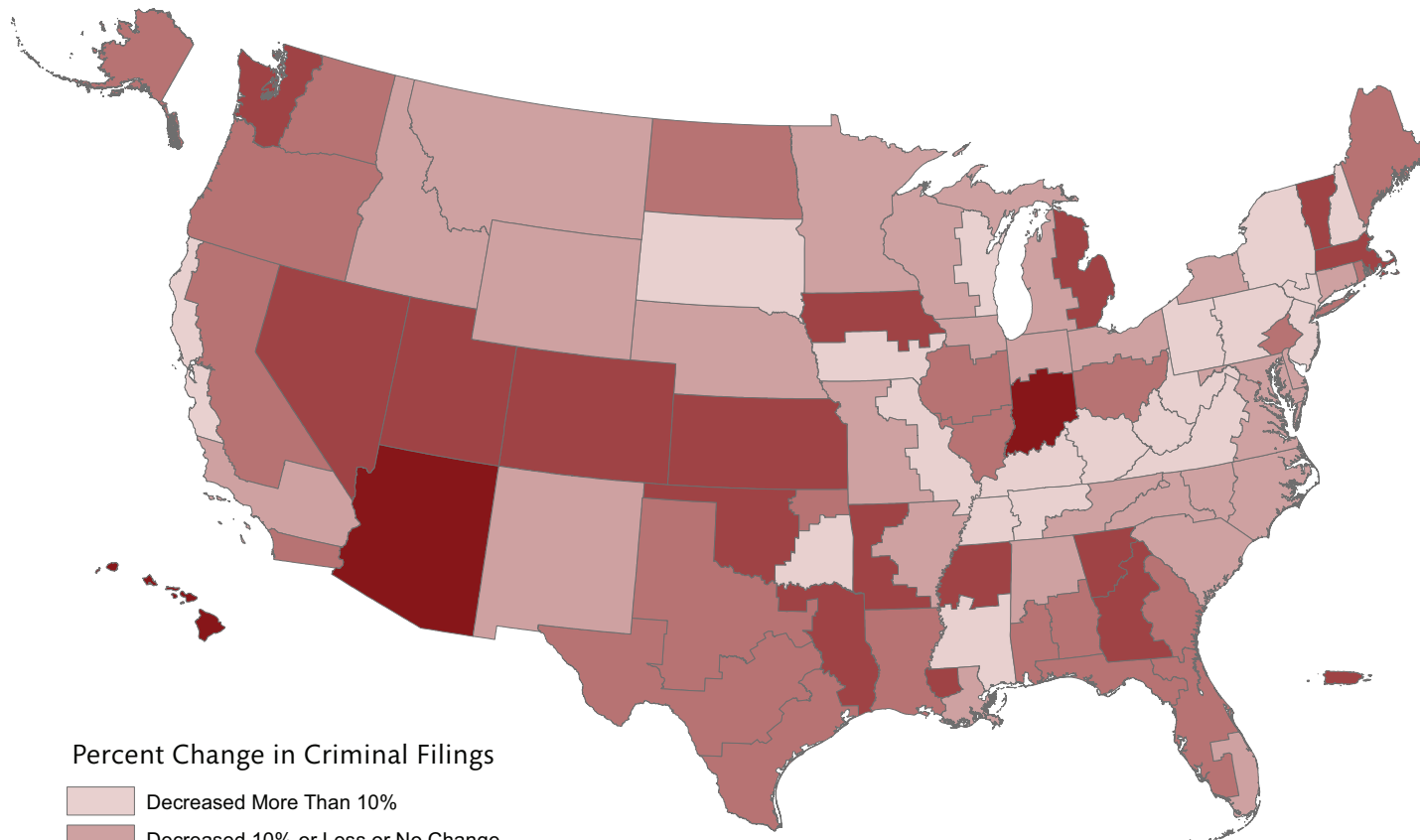
(cases increased 44 percent to 505, and defendants grew 45 percent to 710). Twelve percent of all criminal cases filed were fraud cases, compared to 11 percent in 2009.

Cases involving drug offenses decreased 5 percent to 15,785, and defendants in those cases declined 2 percent to 29,410. Marijuana cases dropped 10 percent to 4,891, and defendants in those cases fell 3 percent to 7,368, with the biggest reductions reported for import/export offenses (cases decreased 51 percent to 793, and defendants dropped 47 percent to 970). Filings related to possession of marijuana increased, however, with cases climbing 26 percent to 1,248 and defendants rising 28 percent to 1,305. Cases involving non-marijuana offenses declined 3 percent to 10,817, and defendants in those cases fell 2 percent to 21,918. Twenty percent of all criminal cases filed this year were related to drug offenses, compared to 22 percent in 2009.

Firearms and explosives cases declined 7 percent to 7,248, and defendants in those cases dropped 6 percent to 8,376. The largest numeric decreases were reported for possession of firearms by prohibited persons, with cases down by 354 to 4,545 and defendants down 338 to 4,827. Firearms and explosives offenses amounted to 9 percent of total criminal case filings, down from 10 percent the previous year.

Over the last five years, criminal cases filed (including transfers) have increased 17 percent, and the number of defendants (including transfers) has

Percent Change in Criminal Case Filings, by District Twelve-Month Periods Ending September 30, 2009 - 2010



grown 14 percent. Both pending cases and the number of defendants in pending cases have exceeded filings and terminations of cases and defendants since 2005. Immigration cases have soared 72 percent over the last five years and in 2010 constituted 36 percent of criminal cases filed compared to 25 percent in 2006. This year, the number of fraud defendants was the highest since 2002, and fraud cases constituted 12 percent of criminal filings compared to 11 percent in 2006.

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 U.S. district courts by active and senior Article III judges rose 3 percent to 13,805 (up 445 trials). Increases occurred both in civil nonjury trials and in criminal nonjury trials. For statistical purposes, district court trials include proceedings resulting in jury verdicts and other final judgments by the courts, as well as other contested hearings at which evidence is presented.

Total civil trials grew 1 percent to 5,360 as 41 of the 94 district courts reported higher numbers of civil trials. Civil nonjury trials increased 1 percent to 3,206, with 44 district courts reporting higher numbers of these trials. Civil jury trials rose 1 percent to 2,154 as 37 district courts reported growth in these trials.

Total criminal trials increased 5 percent to 8,445 (up 394 trials) as 43 districts reported more criminal trials. Criminal nonjury trials climbed 10 percent (up 518 trials), with 50 districts reporting more trial activity. Criminal jury trials declined 4 percent (down 124 trials), with 41 districts reporting less trial activity. Article III judges accepted guilty pleas from 78,401 felony defendants. From 2006 to 2010, the number of guilty pleas accepted by judges grew 12 percent (up 8,544 pleas) as more felony defendants accepted plea agreements to avoid going to trial.

Trials lasting four days or longer dropped 7 percent to 2,571 this year and have fallen 11 percent since 2006. Although overall trials rose 9 percent in the past five years as criminal trials climbed 13 percent, most of the criminal trials involved cases addressing immigration (which are usually terminated quickly), drugs, and weapons and firearms. Since 2006, civil trials have increased 5 percent.

In addition to trials conducted by active and senior Article III judges, 6,602 trials were conducted by magistrate judges, a rise of 2 percent (up 110 trials). These comprised 2,214 petty offense trials, 504 civil consent trials, 152 misdemeanor trials, and 3,732 evidentiary hearings.

Judges not only conduct trials, but also perform many other case-related functions, including those related to courtroom activity, research and opinion drafting for motions for summary judgment and other dispositive motions, hearings on sentencing

issues, *Daubert* hearings on expert witnesses, evidentiary hearings in pro se prisoner and other cases, supervised release and probation revocation hearings, alternative dispute resolution activities, and settlements. This year, 46 districts operated mediation and arbitration programs that involved more than 22,500 civil cases.

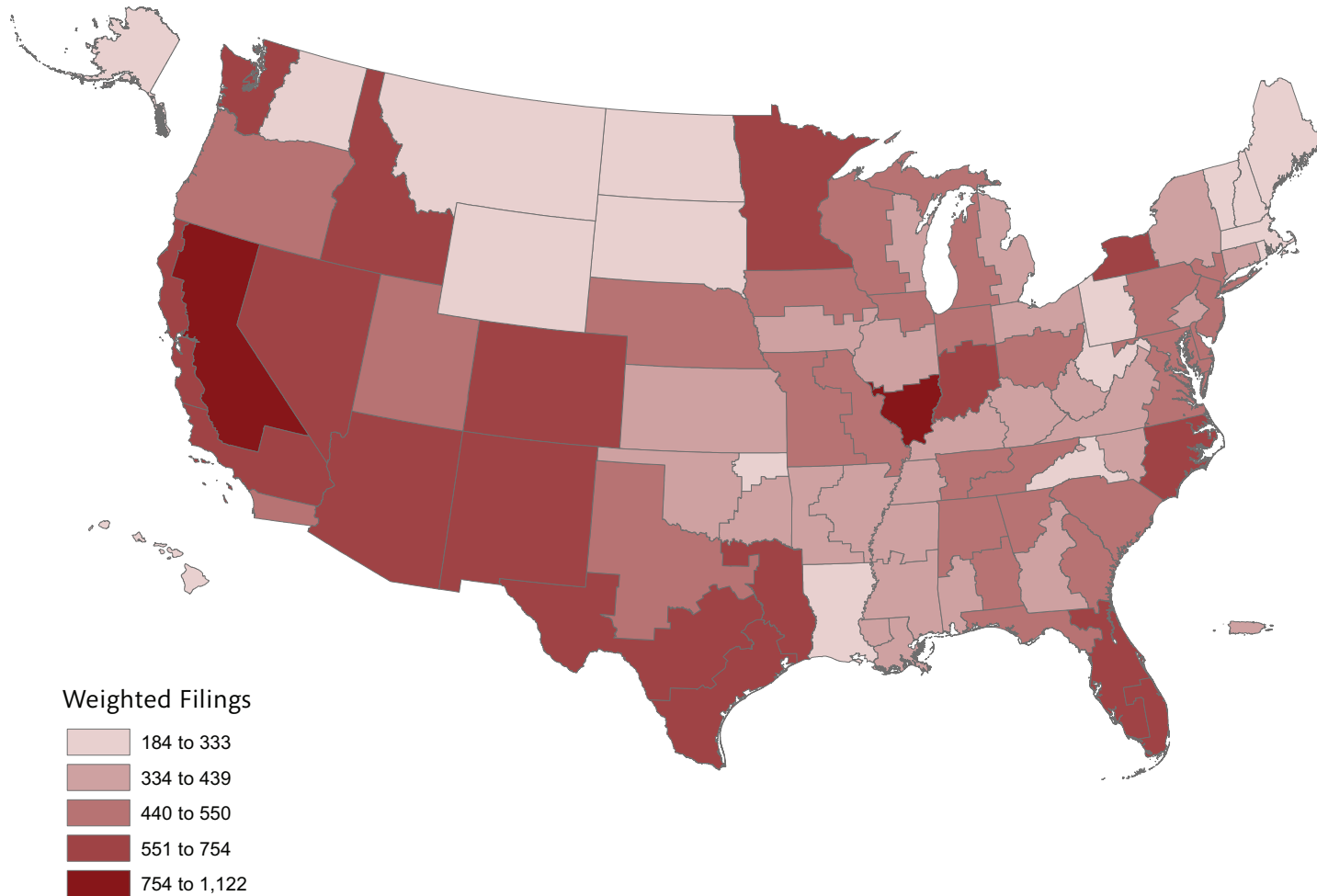
Appendix Tables C-7, C-8, C-10, T-1, and T-2 provide additional data on civil and criminal trials conducted by Article III judges. Appendix Tables M-1 through M-5 provide data on matters handled by magistrate judges.

► Weighted Filings per Authorized Judgeship

Weighted filings (i.e., the sum of all weights assigned to civil cases and criminal defendants) per authorized judgeship rose 2 percent to 490 (up 10 filings) from the previous year. Weighted civil filings per judgeship increased 2 percent to 372, compared to 363 one year ago. Criminal weighted filings per judgeship remained relatively stable, rising by less than 1 percent to 113.

Weighted filings statistics account for the different amounts of time district judges take to resolve various types of civil and criminal actions. The Federal Judiciary has employed techniques for assigning weights to cases since 1946. Under the system approved in 2004, the average civil cases or criminal defendants each receive a weight of approximately 1.0. For more time-consuming cases,

Weighted Filings per Authorized Judgeship, by District Twelve-Month Period Ending September 30, 2010



higher weights are assessed (e.g., a death-penalty habeas corpus case is assigned a weight of 12.89). Cases demanding relatively little time from district judges receive lower weights (e.g., a defaulted student loan case is assigned a weight of 0.10).

Fifty 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 Virgin Islands, Guam, and Northern Mariana Islands). Twelve districts reported 600 or more weighted filings per authorized judgeship.

Weighted civil filings rose in 53 districts, declined in 34 districts, and stayed the same in 4 districts. Compared to 2009, the Southern District of Illinois reported over 500 more weighted civil filings, and the District of Minnesota reported over 100 more weighted civil filings, as a result of increases in personal injury/product liability filings in those two districts.

Forty-four districts reported increases in criminal weighted filings, 43 districts had declines, and 4 districts had totals equal to those they had in 2009.

Weighted supervised release hearings per judgeship, which include probation revocation hearings, increased 9 percent from 4.97 to 5.40 in 2010. Evidentiary supervised release hearings and probation revocation hearings each receive a weight of 0.22; non-evidentiary hearings receive a weight of 0.14. Fifty-eight district courts reported increases in weighted supervised release hearings.

Between 2006 and 2010, total weighted civil and criminal filings per authorized judgeship rose 6 percent. During that period, civil unweighted filings per authorized judgeship rose 5 percent and criminal unweighted defendant filings per authorized judgeship increased 9 percent. Over the past five years, overall unweighted civil filings have increased mostly as a result of rises in cases related to personal injury/product liability, consumer credit, civil rights, labor laws, and Social Security. The increase in criminal unweighted defendant filings was associated with growth in defendants charged with immigration, fraud, and drug 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 1,027,191 judicial tasks, an overall increase of 5 percent over the 983,194 judicial matters handled in 2009. The 260,796 civil pretrial matters they handled this year, an increase of 1 percent, included 165,228 motions, 20,515 settlement conferences, and 52,322 other pretrial conferences.

Magistrate judges handled 192,531 felony pretrial matters, an increase of 12 percent. These included 102,087 motions and 38,921 pretrial conferences. A 15 percent increase occurred in felony guilty pleas handled by magistrate judges

(up from 26,959 to 30,934), and a 43 percent increase took place in pretrial conferences held by magistrate judges (up from 27,197 to 38,921).

Civil cases concluded by magistrate judges with litigant consent rose for the third consecutive year, climbing 9 percent to 12,470. Civil jury trials conducted by magistrate judges increased from 305 to 333, and civil nonjury trials grew from 154 to 171.

Magistrate judges disposed of 116,983 misdemeanor cases, including 9,393 cases involving Class A misdemeanors, a 1 percent decrease from 2009. Magistrate judges conducted 368,157 felony preliminary proceedings, an increase of 5 percent. These included 106,951 initial appearances (up 5 percent) and 66,114 arraignments (up 2 percent). They also conducted 49,238 detention hearings (up 2 percent), which tend to be among the more time-consuming felony preliminary proceedings. They handled 43,140 search warrant applications (up 8 percent) and 50,736 arrest warrants/summons (up 11 percent).

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 26,661 civil actions pursuant to 28 U.S.C. § 1407 during 2010. The Panel transferred 6,276 cases originally filed in 92 district courts to 47 transferee districts for inclusion in

coordinated or consolidated pretrial proceedings in 20,385 actions initiated in the transferee districts. The Panel did not order transfer in 52 newly docketed litigations involving 313 actions.

Product liability cases related to the Deepwater Horizon oil spill in the Gulf of Mexico and the contraceptives Yasmin and Yaz (Drospirenone) were among the significant Panel transfer determinations. Litigations involving sales practices and/or products liability constituted half of the 52 litigations that were transferred this year. Of these, 5 securities litigations were transferred, down from the 19 transferred last year.

Since the creation of the Panel in 1968, it has centralized 349,914 civil actions for pretrial proceedings. As of September 30, 2010, a total of 11,986 actions had been remanded for trial, 398 actions had been reassigned within the transferee districts, 266,264 actions had been terminated in the transferee courts, and 71,266 actions were pending throughout 59 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 United States Judicial Panel on Multidistrict Litigation. Information on specific cases or districts may be obtained from that office.

U.S. Bankruptcy Courts

In 2010, the U.S. bankruptcy courts received 1,596,355 bankruptcy petitions, a 14 percent increase over the number received in 2009. This year's total was the highest since 2005, the last full year before the Bankruptcy Abuse Prevention and

Consumer Protection Act of 2005 (BAPCPA) took effect. Nonbusiness petitions grew 14 percent, but business petitions fell 1 percent. The number of cases terminated by bankruptcy courts rose by 299,083 (up 25 percent) to 1,496,732. With nearly 1.6 million new filings and 1.5 million terminations,

Table 6
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, Terminated, and Pending
Fiscal Years 2006 - 2010

Year	Filed			Terminated	Pending
	Total	Nonbusiness	Business		
2006	1,112,542	1,085,209	27,333	1,619,142	1,361,335
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 ¹
2010	1,596,355	1,538,033	58,322	1,496,732	1,658,820
Percent Change 2009 - 2010	13.8	14.4	-0.7	25.0	6.4

¹ Revised.

the 1,658,820 cases pending on September 30, 2010 was 6 percent greater than the previous year.

Bankruptcy protection can be obtained under six different chapters. The vast majority of nonbusiness petitions were filed under chapters 7 and 13, and most business petitions were filed under

chapters 7 and 11. Filings under chapter 7, which provides for liquidation of nonexempt assets and thereby gives the debtor a “fresh start,” increased 16 percent from 989,227 in 2009 to 1,146,511 in 2010. Chapter 7 filings accounted for 72 percent of all filings in 2010, up from 71 percent in 2009 and

65 percent in 2008. Seventy-two percent of all nonbusiness petitions and 70 percent of all business petitions were filed under chapter 7.

Filings under chapter 13, which permits a debtor to protect some assets and to work out a court-confirmed payment plan with creditors, rose 9 percent from 398,210 in 2009 to 434,839 in 2010. Chapter 13 filings accounted for 27 percent of all filings in 2010, down from 28 percent in 2009 and 34 percent in 2008. In 2010, 28 percent of all nonbusiness filings and 7 percent of business filings were filed under chapter 13.

Chapter 11 allows for the reorganization of business affairs and assets and continued operation while the filer (usually a business) is in bankruptcy. Although chapter 11 petitions account for a relatively small portion of overall filings (about 1 percent of all 2010 filings), they typically require greater involvement by judges than do petitions filed under other chapters. The total of 14,191 chapter 11 petitions filed in 2010 was 4 percent below the total filed in 2009.

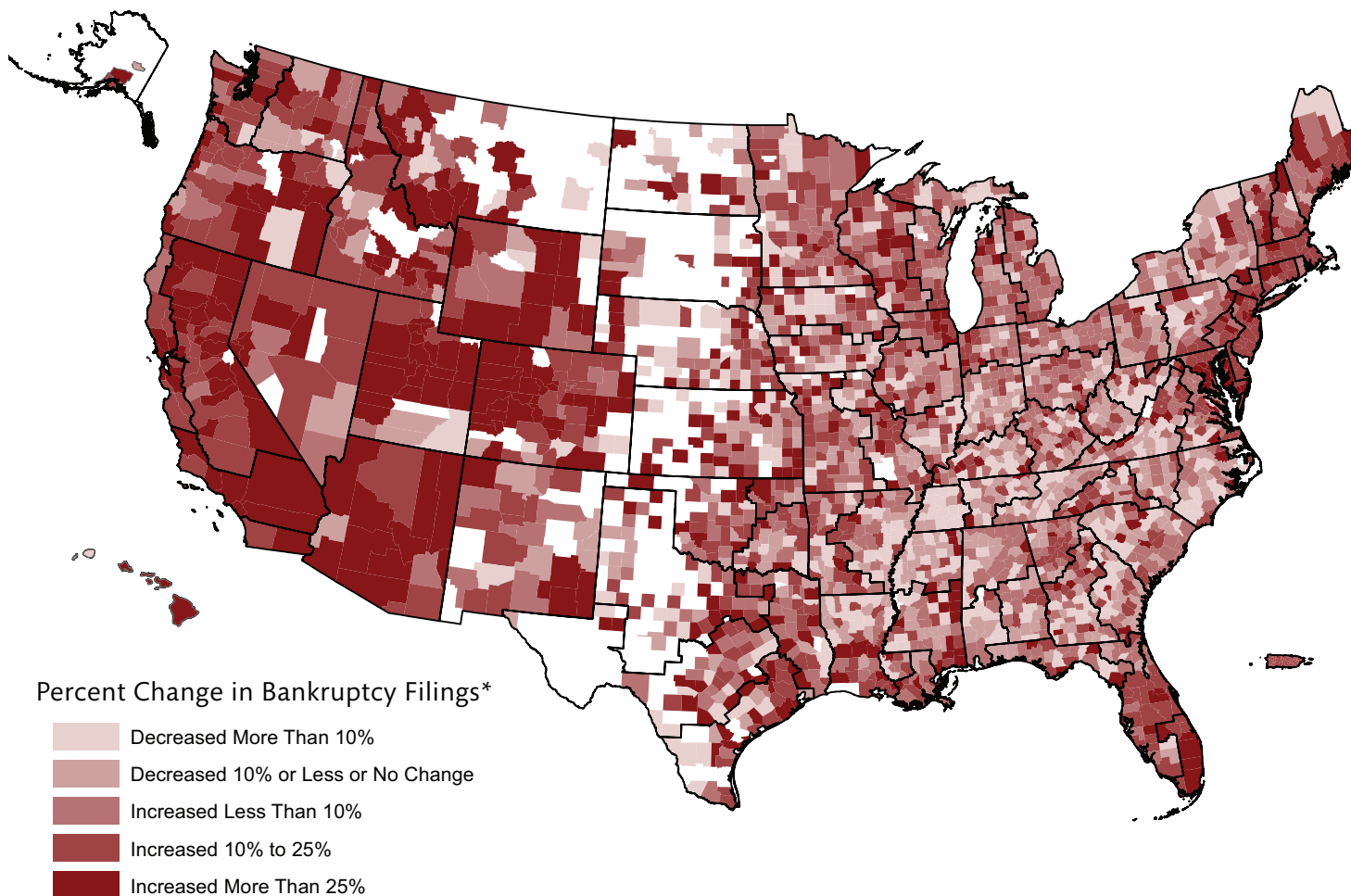
In 2010, 707 petitions were filed under chapter 12 (up 45 percent), which allows family farmers and fishermen to reorganize their debts. Filings under chapter 9, which was created for local governments, rose from 7 to 12 in 2010. Chapter 15 filings, which involve foreign entities and pertain to cross-border insolvency and a foreign court’s receipt of aid from a U. S. bankruptcy court, fell from 140 in 2009 to 95 in 2010.

Table 7
U.S. Bankruptcy Courts
Bankruptcy Cases Filed, by Chapter of the Bankruptcy Code
Fiscal Years 2006 - 2010

Year	Total	Chapter				
		7	11	12	13	Other ¹
2006	1,112,542	833,147	6,003	376	272,937	79
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
Percent Change 2009 - 2010	13.8	15.9	-3.8	45.2	9.2	-27.2

¹ Includes cases filed under chapters 9 and 15 of the bankruptcy code.

Percent Change in Bankruptcy Filings, by County Twelve-Month Periods Ending September 30, 2009 - 2010



*Counties with no shading had fewer than 10 bankruptcy filings in 2009.

The 14 percent increase in overall bankruptcy filings was lower than the 35 percent rise in 2009. The continued increase in filings may be attributed to economic phenomena such as continued high unemployment, foreclosure rates, and overall weakness in the economy. As did other economic trends, the trends in bankruptcy filings varied considerably across the country. The Federal Judiciary has 90 bankruptcy courts, one in each judicial district except for the Districts of Guam, Northern Marianas Islands, and the U. S. Virgin Islands (in which bankruptcy and district courts are integrated) and the Eastern and Western Districts of Arkansas (which share one bankruptcy court). In 2010, bankruptcy filings rose in 73 of the 90 courts, remained steady in one court (the Western District of Pennsylvania), and fell in 16 courts. Filings rose in all 12 circuits, with increases ranging from a high of 29 percent in the Ninth Circuit in the western United States, to a low of 2 percent in the Sixth Circuit in the Midwest.

The Sixth Circuit includes the two courts with the sharpest declines in filings; the Eastern and Western Districts of Tennessee, which both reported reductions of 6 percent. Filings fell 5 percent in the Southern District of Georgia, and dropped 3 percent in the Middle District of Tennessee, the Northern District of Mississippi, the Southern District of Illinois, and the District of Delaware.

Courts with the greatest increases in filings also share geographic traits. Filings in each of the four

courts in California grew by more than 20 percent. The Central District of California and the Southern District of Florida both had 42 percent more filings this year, the largest percentage increase in the nation. Filings rose 36 percent in the District of Arizona and 31 percent in both the District of Hawaii and the District of Utah. Of the 14 courts where filings rose by more than 20 percent, 11 were west of the Mississippi River.

2010 marked the fourth full fiscal year since October 17, 2005, the effective date of BAPCPA. In the months preceding the effective date of BAPCPA, bankruptcy filings set historical records as debtors rushed to submit petitions before the new legislation took effect. In October 2005 alone, more than 600,000 bankruptcy petitions were filed. Thereafter, filings fell precipitously; fewer than 500,000 petitions were filed in the subsequent 11 months, and total filings in 2007 equaled 801,269. The nearly 1.6 million bankruptcy petitions filed in 2010 are twice the number of petitions filed in 2007 (the first full year after BAPCPA took effect). Congress enacted a means test as part of BAPCPA that requires filers whose income (absent certain exemptions) exceeds their state's median income to file for bankruptcy under chapter 13 rather than under chapter 7. In 2004, the last full year before BAPCPA was enacted, 72 percent of nonbusiness bankruptcy petitions were filed under chapter 7. That percentage dropped to as low as 60 percent in 2007 following BAPCPA's enactment, but by 2010 returned to 72 percent.

Detailed data on bankruptcy cases filed, terminated, and pending by district appear in Appendix Tables F and F-2.

► Adversary Proceedings

Adversary proceedings are separate lawsuits that arise within the context of bankruptcy cases and include actions to object to or revoke discharges, to obtain injunctions or other equitable relief, and to determine the dischargeability of debts. Adversary proceedings occasionally arise in relation to consumer bankruptcy cases, but most generally are connected to chapter 11 bankruptcies. Statutory time constraints on the filing of adversary proceedings generally cause trends and shifts in chapter 11 bankruptcy petitions in one year to affect filings of adversary proceedings about two years later.

In 2010, filing of adversary proceedings rose 26 percent to 69,917 (up 14,387 proceedings). Over the past five years, adversary proceedings have increased 7 percent (up 4,709 proceedings).

Fifty-seven districts reported increases in filings of adversary proceedings in 2010. Twenty-seven districts had increases of more than 20 percent, and of these districts, 12 had increases of more than 50 percent. Decreases occurred in 35 districts, while filings in the District of Wyoming remained unchanged, and the Northern Mariana Islands did not report any filings. The greatest growth was in the Southern District of New York, where proceedings climbed 256 percent (up by 2,419 proceedings), followed by the Southern District of Florida, where

proceedings rose 150 percent (up by 1,911 proceedings). Filings in these two districts mainly stemmed from mega cases approaching the recovery action deadline.

The number of adversary proceedings closed rose 20 percent to 60,173. Pending adversary cases increased 15 percent to 73,910 as of September 30, 2010.

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

Criminal Justice Act

A total of 201,096 representations by counsel took place under the Criminal Justice Act (CJA), a decrease of 1 percent from 2009. Representations by the 79 federal public and community defender organizations (including representations in criminal matters, appeals, and habeas corpus proceedings) declined 4 percent to 118,094. Representations by appointed panel attorneys increased 3 percent to 83,002. The slight reduction in total representations occurred as cases addressing the retroactive application of amendments to sentencing guidelines for crack cocaine convictions, which had surged in 2008 and were handled mainly by federal defender organizations (FDOs), continued to fall this year.

FDO representations decreased in 53 districts, increased in 36 districts, and remained the same in 1 district. The largest percentage reductions occurred in the District of Columbia (down 40 percent), Eastern District of North Carolina (down

36 percent), Western District of Texas (down 23 percent), and Southern District of New York (down 15 percent). The largest percentage growth occurred in the Southern District of Ohio (up 24 percent), Western District of North Carolina (up 16 percent), District of Arizona (up 13 percent), and Eastern District of Pennsylvania (up 13 percent).

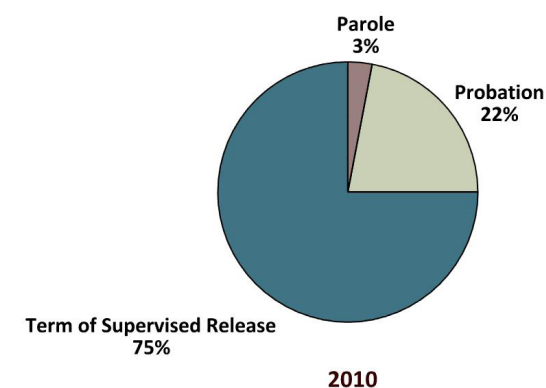
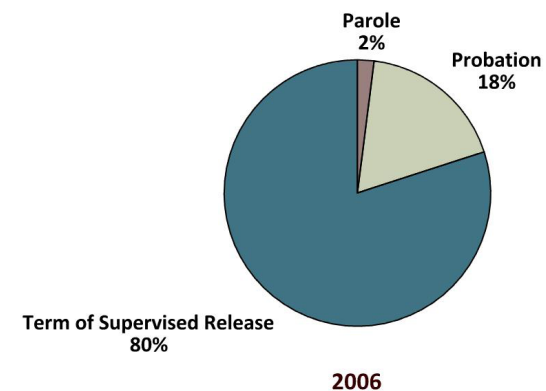
The CJA provides funding for the representation of individuals with limited financial resources in federal criminal proceedings. In each district, a plan exists for providing representation through private panel attorneys and, where established, federal public defender or community defender organizations.

Supplemental Table S-21 provides a summary of federal defender appointments under the CJA for the past five years. Appendix Table K-1 presents information on the representations for each federal public defender and community defender organization.

Post-Conviction Supervision

The number of persons under post-conviction supervision on September 30, 2010, was 127,324, an increase of 2.5 percent over the 124,183 persons under supervision one year earlier. From 2006 to 2010, persons under post-conviction supervision grew by 13,322 or nearly 12 percent. Persons who were serving terms of supervised release following a release from a correctional institution rose more than 3 percent to 102,521 and increased nearly 20 percent over the past five years. The 102,521

Post-Conviction Supervision as of September 30



persons released from correctional institutions who were serving terms of supervised release on September 30, 2010, accounted for 81 percent of all persons under supervision, remaining essentially flat compared to 80 percent the previous year, but up from 75 percent in 2006.

Cases involving probation imposed by district and magistrate judges fell less than 1 percent to 22,619 cases and accounted for 18 percent of all persons under post-conviction supervision (the same as in 2009). Parole cases dropped more than 5 percent to 2,058 cases.

Of the persons under post-conviction supervision at the end of the fiscal year, more than 47 percent had been convicted of drug offenses, 1 percent more than in 2009 and 3 percent more than in 2006. Collectively, the number of persons convicted of property offenses increased to 28,247 from 27,343 in 2009. The proportion of persons under post-conviction supervision for property offenses was 22 percent, the same as in 2009, but down from 25 percent in 2006. Firearms offenses (reported in prior periods as “weapons and firearms” offenses) accounted for nearly 12 percent of persons under post-conviction supervision in 2010, up from slightly more than 9 percent in 2006.

Excluding transfers, the number of persons received for supervision rose 4 percent to 59,330 from 57,033 in 2009. The number of persons released from correctional institutions who were received for terms of supervised release increased almost 5 percent to 46,777 from 44,557 cases in 2009. This caused an overall reduction in the proportion of institutional cases in the total national caseload.

Probation cases increased 1 percent to 11,382 cases. Parole cases (including cases involving special parole, military parole, and mandatory release) declined less than 1 percent to 683.

The number of cases closed from post-conviction supervision (including those involving transfers out and deaths) increased more than 4 percent to 56,560 from 54,288 in 2009. The proportion of post-conviction cases terminated successfully dropped to 71 percent from 73 percent in 2009. Of

Table 8
Federal Post-Conviction Supervision
Fiscal Years 2006 - 2010

Year	Persons Received		Persons Removed		Persons Under Supervision on September 30
	Total	Total Less Transfers	Total	Total Less Transfers	
2006	58,582	54,549	57,342	53,114	114,002
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
Percent Change 2009 - 2010	4.1	4.0	4.5	4.7	2.5

those cases closed successfully, 13 percent were closed by early termination, down from 16 percent the previous year. Technical violations accounted for nearly 59 percent of the 15,115 revocations reported, a 4 percent increase from the previous year. Revocations for new offenses accounted for 42 percent of revocations, compared to 37 percent in 2009. Revocations for new offenses accounted for 6,240 (12 percent) of the 51,529 supervision cases terminated.

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

► Investigative Reports

The number of presentence reports prepared by probation officers increased nearly 3 percent to 78,953 from 76,970 in 2009. More than 95 percent of these reports (75,053) were presentence guideline reports, which are comprehensive investigative reports prepared in felony or Class A misdemeanor cases for which the U.S. Sentencing Commission has promulgated guidelines. Modified presentence reports, which are less comprehensive investigative reports, represented more than 2 percent of total presentence investigative reports. Non-guideline reports, which are reports for cases involving offenses for which the U.S. Sentencing Commission has not promulgated guidelines, decreased 9 percent to 153 from 168 in 2009. Including non-guideline reports, reports involving petty offenses, reports for treaty trans-

fer cases, and supplemental reports to the Bureau of Prisons constituted the remaining 3 percent.

► 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 74,367 offenders under supervision with substance abuse treatment conditions, 32,318 received Judiciary-funded treatment. The Federal Judiciary spent an average of \$1,085 per offender for a total of \$35,050,313. Nationwide, 43 percent of offenders with conditions requiring substance abuse treatment received Judiciary-funded treatment, 1 percent less than in 2009.

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, grew nearly 6 percent to 111,507 cases from 105,294 cases in 2009.

The proportion of cases opened in which the major offense involved immigration rose 4 percent-

Risk Prediction Index

The Risk Prediction Index (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.

The average RPI score rose from 3.27 in 2006 to 3.56 in 2010. Although the average risk level of offenders under federal supervision has remained relatively stable, the table below shows that it has increased modestly in each of the past five years.

<i>Fiscal Year</i>	<i>Average RPI Score</i>
2006	3.27
2007	3.35
2008	3.45
2009	3.53
2010	3.56

age points to 40 percent of the total. The proportion of pretrial services cases opened in which the major offense charged involved drugs fell 2 percentage points to 27 percent. Cases involving

property offenses represented 14 percent of pretrial services cases opened this year, up from 13 percent the previous year. Cases involving firearms offenses dropped 2 percent from 7,618 in 2009 to

7,466 and represented 7 percent of pretrial services cases opened in 2010.

Pretrial services officers (PSOs) prepare pretrial services reports that ensure that judicial officers have sufficient information for deciding whether to release or detain defendants and for ordering the least restrictive release conditions that reasonably ensure that defendants will honor future court commitments and will not endanger the community. In 2010, PSOs prepared 107,256 pretrial services reports, an increase of more than 6 percent from the previous year. More than 92 percent of pretrial services reports prepared were pre-bail reports; the balance consisted of other reports, including post-bail reports.

Because some cases are transferred out or dismissed prior to the initial bail decision, the 110,547 cases in which bail decisions were made by the activating districts constitute a subset of total cases activated. Excluding these cases, as well as cases for which release is not possible within 90 days, 111,271 bail determinations were made by the courts. Including immigration cases involving crimes such as illegal reentry, nearly 35 percent of the defendants were released. When immigration cases were excluded, the percentage of defendants released was 47 percent.

A total of 29,902 defendants were received for supervision in the pretrial services system, an increase of nearly 1 percent from the previous year. The proportion of defendants who were illegal aliens, along with growth in immigration cases,

Table 9
Summary of Pretrial Services Cases
Fiscal Years 2009 and 2010

	2009	2010	Percent Change
Total Cases Activated	105,294	111,507	5.9
Pretrial Services Cases	104,217	110,547	6.1
Pretrial Diversion Cases	1,077	960	-10.9
Total Released on Supervision	29,615	29,902	1.0
Pretrial Supervision	28,418	28,632	0.8
Diversion Supervision	1,197	1,270	6.1
Type of Report			
Pre-Bail	95,724	101,294	5.9
Other Reports (Including Post-Bail)	5,235	5,962	13.9
No Report	3,258	3,291	1.0

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. Forty-six percent of defendants

in pretrial services cases were illegal aliens, up 4 percent from 2009.

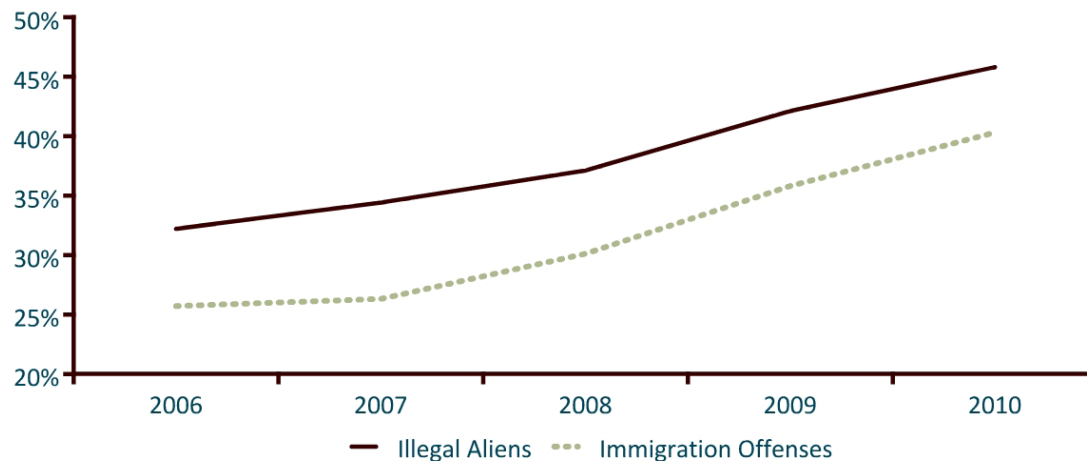
For persons under pretrial services supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary

support services (such as substance abuse treatment), and informed the courts and U.S. attorneys of all apparent violations of release conditions. A total of 32,500 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, a reduction of 1 percent from the previous year. Substance abuse treatment and testing were ordered for 50 percent of the defendants, the same as in 2009. Defendants given substance abuse testing alone (without treatment) dropped from 17 percent last year to 16 percent this year.

Pretrial diversion is a period of supervision proposed by the U.S. attorney and agreed to by a defendant as an alternative to the prosecution of criminal charges in federal court. Diversion preserves prosecutorial and judicial resources for more serious criminal matters. In 2010, the number of pretrial diversion cases activated decreased by 117 cases to 960 and accounted for approximately 1 percent of activated cases in 2010.

Cases opened in the pretrial services system grew by 15,694 cases (up nearly 17 percent) from 2006 to 2010. Over the past five years, the number of pretrial services reports prepared grew almost 16 percent, even though the number of persons interviewed decreased nearly 2 percent from 64,018 to 63,012 (not all defendants are interviewed—defendants may decline

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



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 2010.

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. Such a complaint must concern the actions or capacity of a circuit judge, a district judge, a bankruptcy judge, a magistrate judge, or a judge of court specified in 28 U.S.C. § 363.

A total of 1,448 complaints were filed in 2010, down 7 percent from the total for 2009. Most allegations were in the categories of erroneous decision, other misconduct, personal bias against the litigant or attorney, and delayed decision. More than one-half of all complaints filed originated in the Fourth, Fifth, Ninth, and Eleventh Circuits. Of complaints filed in 2010 or pending from before this year, 1,159 complaints were terminated as final—591 by chief judges, 556 by judicial councils,

Table 10
Judicial Complaints Commenced, Concluded, and Pending
Fiscal Years 2008 - 2010

	2008 ¹	2009 ¹	2010
Complaints Commenced	712	1,553	1,448
Complaints Concluded	217	1,194	1,159
By Withdrawal			
Complaint Withdrawn by Complainant	4	9	12
Petition for Review Withdrawn	0	0	0
By Chief Judges With No Further Review			
Dismissed	147	706	576
Concluded ²	2	12	15
By Judicial Councils			
Upon Petition for Review of Chief Judge's Disposition			
Chief Judge's Disposition Affirmed	64	466	555
Other Action	0	0	0
After Report by Special Investigating Committee ²			
Dismissed	0	1	1
Other Disposition	0	1	0
Referred to Judicial Conference	0	0	0
Remedial Action	0	0	0
Complaints Pending	495	854	1,143
Special Investigating Committee Appointed	2	6	2

¹ Revised.

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

and 12 by withdrawal. Because the number of complaints commenced exceeded the number terminated, pending complaints increased 34 percent to 1,143.

Chief judges dismissed 1,277 complaints in whole or in part. The most frequently reported reasons for dismissal were the following: the complaint was directly related to the merits of decisions or procedural rulings (83 percent); the allegations lacked sufficient evidence (52 percent); and the allegations were frivolous (28 percent). (The percentages do not total 100 percent because multiple reasons can be recorded for each dismissal.) Chief judges concluded 15 complaints in whole or in part, 14 of them because of intervening events, and 1 of them because voluntary corrective action had been taken.

With regard to concluding actions by judicial councils on complaints, in all but one of these concluding actions, judicial councils denied petitions for review of dismissals by chief judges. The remaining complaint was concluded after a report by a special investigative committee in the Eleventh Circuit led to the dismissal of the complaint.

During 2010, two special investigative committees to address complaints filed on or after May 11, 2008, were appointed—one in the Tenth Circuit and one in the Eleventh Circuit.

On May 11, 2008, the process whereby courts report complaint-related activity was changed to make the information more detailed and comprehensive. To achieve this, the system for collecting

the requisite data was enhanced as recommended by the Judicial Conduct and Disability Act Study Committee in "Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice" (known as the Breyer Report), 239 F.R.D. 116 (Sept. 2006), and as warranted by the Judicial Conference's *Rules for Judicial-Conduct and*

Judicial-Disability Proceedings. In accordance with the Breyer Report, the mechanism for capturing special investigative committee appointments has been strengthened, and the statistical tables are now based on a uniform methodology for reporting different types of judicial council actions. The tables now include expanded categories for

Table 11
Status of Article III Judgeship Positions
On September 30, 2006 - 2010

Year	U.S. Courts of Appeals			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ¹	Authorized Judgeships	Vacancies	Senior Judges ²
2006	179	14	88	678	33	311
2007	179	16	91	678	31	310
2008	178 ³	12	91	678	27	324
2009	179	20	93	678	75	347
2010	179	21	95	678	88	356

¹ Senior judges who participated in appeals dispositions and authorized for staff.

² Senior judges authorized for staff.

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

allegations in and actions on complaints. The tables also now 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 only as a single complaint).

Eleven complaints that were filed prior to May 11, 2008, were still pending as of September 30, 2009. Of these 11 complaints, 10 were concluded—9 by dismissal and 1 because appropriate action already had been taken.

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

Status of Article III Judgeships

A total of 21 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals on September 30, 2010. Five of these vacancies had been unfilled for more than 18 months. One year earlier, 20 of the 179 authorized judgeships had been vacant, 9 of them for more than 18 months.

A total of 88 vacancies existed among the 678 positions authorized in the district courts, an increase of 13 compared to the 75 vacancies reported at the end of 2009. Thirty-three of the vacancies had existed for more than 18 months, more than double the number of vacancies of that duration in 2009.

A total of 50 judicial emergencies were identified in the U.S. courts of appeals and U.S. district courts on September 30, 2010, 21 more than the total one year earlier. For the courts of appeals, which had 11

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 39 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, 95 senior circuit judges participating in appeals decisions were serving the Judiciary at the end of the fiscal year, 2 more than in 2009. The U.S. district courts reported 356 senior judges with staff, 9 more than had been serving one year earlier. In the past five years, the number of senior circuit judges with staff has increased 8 percent (up by 7 judges), and the number of senior district judges with staff has risen 14 percent (up by 45 judges).

Table 11 provides information on the status of judgeship positions since 2006.

Status of Bankruptcy Judgeship Positions

As of September 30, 2010, a total of 352 bankruptcy judgeships were authorized and funded. Of

that number, 338 were filled, and 14 were vacant (compared to 20 vacancies on the same date last year). In addition to judges in authorized positions, 29 recalled bankruptcy judges were providing service to the Judiciary as of September 30, 2010. Table 12 summarizes the status of bankruptcy judgeship positions through September 30, 2010.

Appointments of Magistrate Judges

This year, 88 appointments of full-time magistrate judges were made, including 41 reappointments. Of the 47 new appointments, 10 were for new positions. Six individuals were appointed to part-time magistrate judge positions, four of them by reappointment. In addition, 57 retired magis-

Table 12
Status of Bankruptcy Judgeship Positions
On September 30, 2006 - 2010

Year	Authorized Judgeships	Vacancies	Recalled Judges
2006	352	15	25
2007	352	13	27
2008	352	14	24
2009	352	20	22
2010	352	14	29

trate judges were recalled to service under Title 28 U.S.C. § 636(h). Of those judges, 10 served on a recall basis in more than one district.

The average age of new appointees to full-time magistrate judge positions was 50 years. The average age of new appointees to part-time magistrate judge positions was 45 years. New full-time appointees had been members of the bar for an average of 22 years at the time of appointment; new part-time magistrate judges averaged 15 years of bar membership. Of the new full-time magistrate judges, 17 had been in private practice, 2 had been U.S. attorneys, 10 had been assistant U.S. attorneys, 5 had been law clerks, 4 had been state court judges, 2 had been general counsel, and the remainder had been an assistant general counsel, a state disciplinary counsel, a deputy county counsel, an assistant federal public defender, a law professor, a full-time U.S. magistrate judge in a different district, and a part-time U.S. magistrate judge.

As of September 30, 2010, the Judicial Conference had authorized 527 full-time magistrate judge positions, 41 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 2006.

U.S. Court of International Trade

The U.S. Court of International Trade reported a decrease of 87 cases from 2009. Of the 432 new cases filed this year, 227 were actions under 28

Table 13
U.S. Magistrate Judge Positions Authorized
by the Judicial Conference
2006 - 2010

Year	Period	Total	Full Time	Part Time	Combination
2006	March	551	503	45	3
	September	553	505	45	3
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 ¹	561	517	42	2
	March	560	517	42	1
	June ¹	562	519	42	1
2010	September	567	523	41	3
	March	567	523	41	3
	September	571	527	41	3

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

U.S.C. §1581(a) that involved 2,719 denied protests covering 10,029 entries of merchandise. This section applies to civil actions against the United States that contest the denial of a protest under the Tariff Act of 1990.

Case terminations rose 1 percent to 424. Pending cases increased less than 1 percent to 2,220.

The jurisdiction of this court extends throughout the United States. The majority of the cases the court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners.

Appendix Table G-1 provides a summary of cases filed, terminated, and pending in the U.S. Court of International Trade.

U.S. Court of Federal Claims

The U.S. Court of Federal Claims reported a reduction in filings from 895 in 2009 to 887 cases in 2010 (down 1 percent). Contract filings declined by

18 cases, and filings involving the taking of property fell by 14 cases. The largest increase was in bid protest cases requesting injunctive action, which rose by 20 cases to 89.

Case terminations increased 5 percent from 1,162 to 1,217. As terminations exceeded filings, pending cases dropped from 7,250 to 6,920 (down 5 percent).

Judgments for plaintiffs/petitioners exceeded \$902 million. Of these judgments, \$9 million were based on settlements between the parties. Judgments for the United States on counterclaims or offsets totaled more than \$1.27 million. Under its nonmonetary jurisdiction, the court disposed of 82 contract cases seeking injunctive or declaratory relief.

The court 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. Pursuant to 28 U.S.C. §791(c), each January the clerk of the court transmits to Congress a report of 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.

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