



# Judicial Business of the United States Courts



1996 Report of the Director

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services for drug and alcohol dependency rose to 56 percent in 1996, up from 53 percent in 1995. Fifty-eight percent of the drug-dependent clients and 38 percent of the alcohol-dependent clients received services from providers under contract.

Supplemental Table S-16 shows that the total number of alcohol- and drug-dependent offenders rose 5 percent in 1996 to 23,126. The total number of drug-dependent offenders increased 7 percent to 19,551; the total number of alcohol-dependent offenders declined 4 percent to 3,575.

## Complaints Against Judicial Officers

¶ Pursuant to Title 28 U.S.C. §372(c), any person alleging that a circuit judge, a district judge, a bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such an officer 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 that circuit or with the clerk of the applicable national court. The number of judicial complaints filed in 1996 totaled 529, a 7 percent decrease from the previous year. Table 11 summarizes judicial complaints activity from 1994 through 1996.

A single complaint may involve multiple allegations against numerous judicial officers. This year, the allegations cited most often were prejudice and/or bias and abuse of judicial power. Almost one-half of all complaints filed originated in the Third, Fifth, Ninth, and Eleventh Circuits.

This year, 588 complaints were terminated, up 7 percent from 1995. All 588 of the complaints terminated were dismissed or concluded by chief judges without the appointment of a special committee to investigate the allegations of the complaint pursuant to §372(c)(4). Following the termination of 355 of these complaints by chief judges, no petitions subsequently were filed for review by the judicial council of a circuit. The remaining 233 complaints were terminated by the judicial councils on review after the complainants filed petitions for review. Sixty-five percent of the complaints dismissed by chief judges without the appointment of a special committee were found to be outside the jurisdiction of §372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints.

The number of pending judicial complaints declined by 30 percent to 138, as terminations outnumbered filings for the first time in six years.

This year, the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, pursuant to §372(c)(10), ruled on a judicial complaint originating in the Ninth Circuit. In 1994 the Judicial Council of the Ninth Circuit had dismissed the complaint in part, ordered corrective action, and ordered other appropriate disciplinary action (which was not specified). The Judicial Conference Committee affirmed the Ninth Circuit's disposition.

**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**

	1994(1)	1995(1)	1996	Percent Change 1996 over 1995 (2)
Filed	464	567	529	-6.7
Concluded	420	548	588	7.3
<b>By Chief Judges</b>	258	396	355	-10.4
Dismissed	251	382	349	-8.6
Corrective Action Taken	3	12	0	-
Withdrawn	4	2	6	-
<b>By Judicial Councils</b>	162	152	233	53.3
<b>After Review of Chief Judge's Dismissal(3)</b>				
Dismissal	157	151	233	54.3
Action Taken	4	1	-	-
Referred to Judicial Conference	-	-	-	-
<b>After Report by Investigative Committee</b>				
Dismissed	1	-	-	-
Action Taken	-	-	-	-
Referred to Judicial Conference	-	-	-	-
Pending	178	197	138	-29.9

(1) Revised

(2) Percent not calculated for fewer than 10 cases.

(3) Petition for review of a chief judge's dismissal of a complaint.

## Status of Article III Judgeships

On September 30, 1996, a total of 18 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals. One of these vacancies was in a new position created on December 1, 1990, by the Federal Judgeship Act of 1990. That vacancy, along with six others, had existed for more than 18 months. Table 12 provides information on the status of judgeship positions since 1992.

**Table S-24.**

**Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)  
for the Twelve-Month Period Ended September 30, 1996**

Summary of Activity	Circuits														Federal Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC <sup>1</sup>	CIT <sup>2</sup>
Complaints Pending on September 30, 1995*	197	-	7	13	14	37	12	10	9	4	12	32	13	34	-	-
Complaints Filed	529	5	8	30	48	60	36	60	39	22	42	93	33	51	1	1
Complaint Type																
Written by Complainant	528	5	8	29	48	60	36	60	39	22	42	93	33	51	1	1
On Order of Chief Judges	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Officials Complained About**																
Judges																
Circuit	184	7	8	1	17	10	31	24	4	25	7	32	8	10	-	-
District	367	-	11	24	28	43	24	31	31	18	28	77	19	33	-	-
National Courts	4	1	-	-	-	-	-	-	-	-	-	1	-	-	1	1
Bankruptcy Judges	32	-	-	1	2	3	2	2	4	1	5	9	1	2	-	-
Magistrate Judges	90	-	1	5	1	5	8	23	2	3	8	16	12	6	-	-
Nature of Allegations**																
Mental Disability	20	-	-	1	-	5	5	1	-	-	-	4	1	3	-	-
Physical Disability	7	-	-	-	-	4	-	-	-	-	-	1	1	1	-	-
Demeanor	7	-	-	1	2	2	-	-	-	-	1	1	-	-	-	-
Abuse of Judicial Power	158	-	3	10	42	7	21	16	2	10	21	13	5	7	1	-
Prejudice/Bias	260	1	1	28	52	36	16	15	18	9	18	40	16	10	-	-
Conflict of Interest	52	-	-	-	9	26	1	2	1	-	1	5	5	2	-	-
Bribery/Corruption	59	-	-	3	8	20	-	8	-	-	1	12	2	5	-	-
Undue Decisional Delay	93	-	3	6	1	10	-	11	4	2	6	11	5	34	-	-
Incompetence/Neglect	46	-	-	-	17	2	-	12	2	-	5	1	4	3	-	-
Other	206	5	7	-	-	62	-	37	14	5	1	16	13	45	-	1
Complaints Concluded	588	5	13	35	57	81	41	66	36	23	49	85	34	61	1	1
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	30	-	1	-	-	-	4	3	4	1	6	4	2	5	-	-
Directly Related to Decision																
or Procedural Ruling	233	4	5	8	24	38	12	35	22	13	12	39	13	7	1	-
Frivolous	83	1	1	10	8	14	4	-	3	4	3	6	2	27	-	-

Table S-24. (Continued)

Summary of Activity	Circuits														Federal Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC <sup>1</sup>	CIT <sup>2</sup>
Appropriate Action Already Taken	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Action No Longer Necessary Because of																
Intervening Events	3	-	-	-	1	-	1	-	-	-	-	-	1	-	-	-
Complaint Withdrawn	6	-	-	-	-	1	4	-	1	-	-	-	-	-	-	-
Subtotal	355	5	7	18	33	53	25	38	30	18	21	49	18	39	1	-
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges only)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Certified Disability	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Requested Voluntary Retirement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Temporary Suspension																
of Case Assignments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Privately Censured	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Publicly Censured	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Other Appropriate Action	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dismissed the Complaint	233	-	6	17	24	28	16	28	6	5	28	36	16	22	-	1
Referred Complaint to Judicial																
Conference	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	233	-	6	17	24	28	16	28	6	5	28	36	16	22	-	1
Complaints Pending on September 30, 1996	138	-	2	8	5	16	7	4	12	3	5	40	12	24	-	-

<sup>1</sup>CC = U.S. CLAIMS COURT.<sup>2</sup>CIT = COURT OF INTERNATIONAL TRADE.

\* REVISED.

\*\* EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.