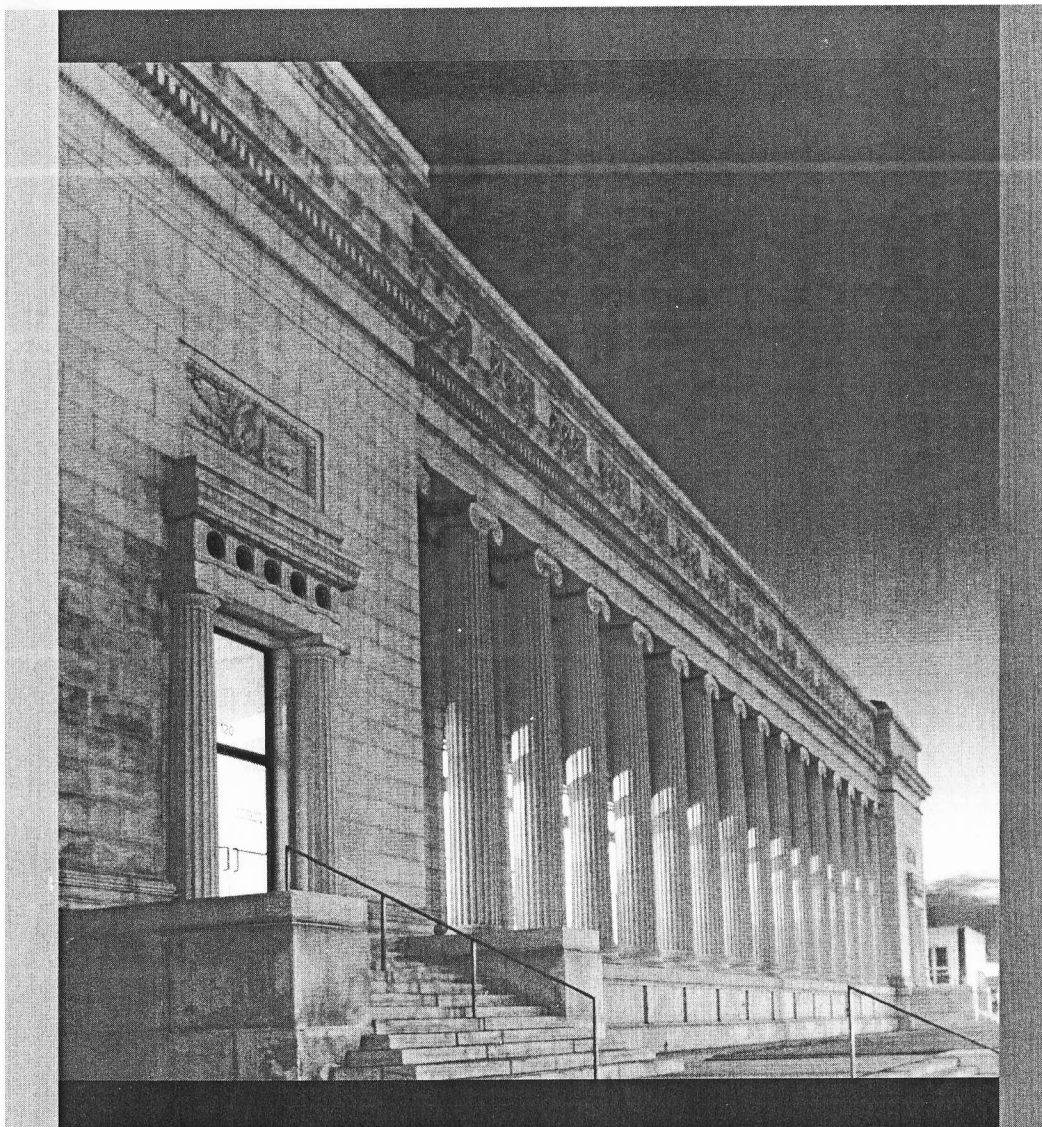


Judicial Business of the United States Courts



2000 Annual Report of the Director

Leonidas Ralph Mecham

percent). Prebail reports constituted 92 percent of the pretrial services reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

The workload of judicial officers also increased as the number of cases rose in 2000. In conjunction with all pretrial services cases closed during the year, 194,092 pretrial hearings of all types were held, an increase of 8 percent over the total for 1999. Detention hearings grew 9 percent to 43,292, bail review hearings grew 18 percent to 26,188, and violation hearings rose 4 percent to 3,884. Review hearings held at conviction and sentencing rose 5 percent to 112,113.

Detention hearings took place for 50 percent of defendants whose cases were activated during the year. Detention was ordered for 75 percent of defendants who had detention hearings, as the number of defendants detained at these hearings increased 10 percent to 32,236. Overall, the courts detained 38 percent of activated defendants following initial detention hearings, one percentage point more than in 1999. Risk of flight was identified as the reason for detention in 44 percent of cases, danger to the community was cited for 9 percent of detained defendants, and a combination of danger and flight risk was cited for the other 47 percent of defendants detained; these were the same percentages as in 1999.

The number of defendants released following hearings increased 5 percent to 37,933, of which 35,352 (93 percent) were released with restrictive conditions. In addition, 32,388 defendants released following hearings (85 percent) were placed into the custody of PSOs. For persons under supervision, PSOs monitored compliance with the release conditions set by the courts, provided necessary support services, and

informed the courts and U.S. attorneys of all apparent violations of release conditions.

The most frequently ordered restrictive conditions involved substance abuse testing and substance abuse treatment and were imposed on 22 percent (18,752) of defendants whose cases were opened in 2000, the same percentage as last year. House arrest and electronic monitoring, restrictive conditions which are less expensive alternatives to detention, were ordered for 8 percent (6,452) of defendants, one percentage point more than last year. A defendant in the house arrest program must remain in his or her residence between specific hours. To ensure that this requirement is honored, some defendants must wear ankle bracelets that are electronically monitored by a monitoring center. If a defendant violates the confinement condition, the center is notified automatically, and its staff in turn notifies the supervising officers.

Pretrial diversion is a period of supervision proposed by the U.S. attorney and agreed to by the defendant as an alternative to prosecution of criminal charges in federal court. In addition, diversion preserves prosecutorial and judicial resources for more serious criminal matters. In 2000, the number of defendants placed in the pretrial diversion program fell 6 percent to 1,896; this represented approximately 2 percent of activated cases in 2000, one percentage point less than in 1999.

Pretrial services statistics appear in the H series of the appendix tables.

Complaints Against Judicial Officers

Pursuant to Title 28 U.S.C. Section 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 expedi-

tious 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 the clerk of the applicable national court.

The number of judicial complaints filed in 2000 declined 11 percent to 696. This decrease marked the second consecutive year that filings of complaints fell below the total for the previous year. Table 11 summarizes judicial complaints activity from 1998 through 2000.

A single complaint may involve multiple allegations against numerous judicial officers. This year, the allegations cited

most often were "abuse of judicial power," "prejudice/bias," and "other." Approximately two-fifths of all complaints filed originated in the Fifth, Ninth, and Eleventh Circuits.

A total of 715 complaints were terminated during 2000, down 14 percent from 1999 and 29 percent from 1998. Chief judges terminated 359 of these complaints. Seventy-four percent of the complaints terminated by chief judges were found to be outside the jurisdiction of Title 28 U.S.C. Section 372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. Judicial councils terminated the other 356 complaints, ter-

Table 11

Judicial Complaints Filed, Concluded, and Pending Fiscal Years 1998, 1999, and 2000

	1998*	1999*	2000
Filed	1,035	782	696
Concluded	1,011	831	715
By Chief Judges	750	410	359
Dismissed	742	397	343
Corrective Action Taken	3	11	13
Withdrawn	5	2	3
By Judicial Councils	261	421	356
After Review of Chief Judge's Dismissal ¹			
Dismissed	257	417	354
Withdrawn	—	—	—
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	2	2	—
Withdrawn	—	2	—
Action Taken	2	—	2
Referred to Judicial Conference	—	—	—
Pending	230	181	162

¹Petition for review of a chief judge's dismissal of a complaint.

*Revised.

Table 12

Status of Judgeship Positions 1996 Through 2000¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships	Vacancies	Senior Judges ⁴
1996	179	18	82	647	44	274
1997	179	24	87	647	69	278
1998	179	17	86	646	55	276
1999	179	24	86	646	38	273
2000	179	23	86	655	43	274

¹ Data are as of September 30.

² Positions in the Court of Appeals for the Federal Circuit are included.

³ Sitting senior judges who participated in appeals dispositions.

⁴ Senior judges with staff.

minating 354 on petitions for review and two after reports by a special investigative committee appointed pursuant to Section 372(c)(4). All of the 354 petitions for review were dismissed without any action taken; the remaining two complaints were consolidated and resulted in a single public censure. For more information on judicial complaints, see Table 11 and Supplemental Table S-22.

Because the number of complaint terminations outnumbered the number of complaint filings, pending judicial complaints decreased 10 percent to 162.

Status of Article III Judgeships

On September 30, 2000, a total of 23 vacancies existed among the 179 judgeships authorized for the U.S. courts of ap-

peals, one less vacancy than occurred one year earlier, but six more than the total for two years ago. One of those vacancies was in a position created on December 1, 1990, by the Federal Judgeship Act of 1990 and never filled. That vacancy and 7 others that had existed more than 18 months have been declared "judicial emergencies." Table 12 provides information on the status of judgeship positions since 1996.

On September 30, 2000, in the U.S. district courts, 43 vacancies existed among the 655 positions authorized, an increase of five vacancies from the total reported one year earlier. One cause for the additional vacancies is the enactment of the Consolidated Appropriations Act on November 29, 1999 (Public Law Number 106-113), which created nine additional Article III judgeships. As of September 30, 2000, four of these nine new judgeships remained vacant. (Two of these new positions, as well

Table S-22.

**Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the 12-Month Period Ending September 30, 2000**

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1999*	181	0	1	5	65	19	2	18	15	0	7	27	11	11	0	0
Complaints Filed	696	2	18	21	59	53	61	113	56	44	51	111	32	73	2	0
Complaint Type																
Written by Complainant	695	2	18	21	59	53	61	113	56	44	51	111	31	73	2	0
On Order of Chief Judges	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Officials Complained About**																
Judges																
Circuit	191	4	4	4	9	10	14	23	4	11	45	35	15	13	0	0
District	522	0	17	20	41	36	62	60	50	29	52	92	26	37	0	0
National Courts	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	26	0	0	1	2	6	1	2	2	2	2	5	2	1	0	0
Magistrate Judges	135	0	0	3	7	2	10	28	13	6	6	32	6	22	0	0
Nature of Allegations**																
Mental Disability	26	0	0	0	2	6	6	5	0	1	3	2	0	1	0	0
Physical Disability	12	0	0	1	1	3	4	0	0	0	0	3	0	0	0	0
Demeanor	13	0	0	0	3	2	0	0	0	0	1	6	0	1	0	0
Abuse of Judicial Power	272	0	0	10	29	25	29	43	9	23	20	38	16	30	0	0
Prejudice/Bias	257	1	13	8	28	17	15	24	28	13	17	39	25	29	0	0
Conflict of Interest	48	1	0	0	11	9	1	5	1	0	3	8	1	8	0	0
Bribery/Corruption	83	0	0	2	21	12	8	4	0	2	6	22	2	4	0	0
Undue Decisional Delay	75	0	2	1	11	6	6	7	5	3	3	16	4	11	0	0
Incompetence/Neglect	61	0	0	0	1	7	8	3	1	3	5	31	0	2	0	0
Other	188	0	7	1	5	66	0	50	4	7	13	20	9	6	0	0
Complaints Concluded	715	2	15	17	80	67	60	123	48	44	51	104	39	65	0	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	29	0	0	2	0	0	4	0	9	1	0	12	1	0	0	0
Directly Related to Decision																
or Procedural Ruling	264	2	4	3	29	31	26	23	21	11	23	38	15	38	0	0
Frivolous	50	0	4	1	0	0	2	8	2	12	8	9	2	2	0	0

Table S-22. (September 30, 2000—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	6	0	0	1	0	0	0	3	0	0	0	0	2	0	0	0
Action No Longer Necessary Because of																
Intervening Events	7	0	0	0	1	0	1	2	0	0	0	1	0	2	0	0
Complaint Withdrawn	3	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0
Subtotal	359	2	8	8	30	31	34	37	32	24	31	60	20	42	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judge Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	354	0	7	9	50	36	26	86	16	20	20	42	19	23	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	356	0	7	9	50	36	26	86	16	20	20	44	19	23	0	0
Complaints Pending on September 30, 2000	162	0	4	9	44	5	3	8	23	0	7	34	4	19	2	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.

² 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.