

**Table 10**  
**Summary of Pretrial Services Cases**  
**Fiscal Years 2000 and 2001**

	2000	2001	Percent Change
Total Cases Activated	87,513	88,049	0.6
Pretrial Services Cases	85,617	86,140	0.6
Pretrial Diversion Cases	1,896	1,909	0.7
Total Released on Supervision	34,547	35,082	1.5
Pretrial Supervision	32,388	33,033	2.0
Diversion Supervision	2,159	2,049	-5.1
Type of Report			
Prebail	75,850	76,566	0.9
Postbail	4,320	3,835	-11.2
Other	1,945	2,308	18.7
No Report	3,502	3,431	-2.0

During 2001, detention hearings took place for 50 percent of defendants whose cases were activated, the same percentage as in 2000, and detention was ordered for 75 percent of defendants who had detention hearings, also the same percentage as last year. The number of defendants detained at these hearings increased 1 percent to 32,528. Overall, the courts detained 38 percent of activated defendants following initial detention hearings, the same as in 2000. Risk of flight was identified as the reason for detention in 45 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 47 percent of defendants detained; these were comparable to the percentages in 2000.

The number of defendants released at some point during the year following an initial hearing, a detention hearing, or a bail review hearing rose 1 percent to 38,129, of which 35,591 (93 percent) were released with restrictive conditions. In addition, 33,033 defendants were placed into the custody of PSOs, a 2 percent increase over the number received for supervision in 2000. 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.

Restrictive conditions involving substance abuse testing and substance abuse treatment, which were the types ordered most frequently, were imposed on 23 percent (19,434) of defendants whose cases were opened in 2001, one percentage point more than last year. House arrest and electronic monitoring were ordered for 7 percent (6,430) of defendants, one percentage point less than last year and the same percentage as in 1999. 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. Mental health treatment conditions were imposed on 1,931 defendants whose cases were opened in 2001, a rise of 17 percent over the total for 2000. This growth was the result of increased attention to mental health needs as reflected in training initiatives and technical assistance specifically designed to help districts identify mental health issues.

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 2001, the number of pretrial diversion cases activated rose 1 percent to 1,909; this represented approximately 2 percent of activated cases in 2001, the same percentage as in 2000.

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

## Complaints Against Judicial Officers

Pursuant to 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 the clerk of the applicable national court.

Following two consecutive years of declines, the number of judicial complaints filed in 2001 increased

**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**  
**Fiscal Years 1999, 2000, and 2001**

	1999*	2000*	2001
Filed	782	698	766
Concluded	831	729	668
By Chief Judges	410	374	363
Dismissed	397	357	351
Corrective Action Taken	11	14	9
Withdrawn	2	3	3
By Judicial Councils	421	355	305
After Review of Chief Judge's Dismissal <sup>1</sup>			
Dismissed	415	353	299
Withdrawn	2	—	1
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	2	—	4
Withdrawn	2	—	—
Action Taken	—	2	1
Referred to Judicial Conference	—	—	—
Pending	181	150	248

<sup>1</sup>Petition for review of a chief judge's dismissal of a complaint.

\*Revised.

10 percent to 766. In contrast, a total of 668 complaints were concluded during 2001, down 8 percent from 2000. Chief judges terminated 363 complaints, and judicial councils terminated the other 305.

Of the complaints concluded by chief judges, 65 percent were found to be outside the jurisdiction of 28 U.S.C. 372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. Of the complaints concluded by judicial councils, 300 involved petitions for review of a chief judge's dismissal of a complaint and five involved reports by a special investigative committee appointed pursuant to §372(c)(4). All but one of the 300 petitions for review were dismissed without any action taken; the remaining complaint was withdrawn. Four of the five complaints concluded after a report was made by an investigative committee were dismissed; the remaining complaint resulted in private censure. Table 11

and Supplemental Table S-22 summarize judicial complaints activity from 1999 through 2001.

A single complaint may involve multiple allegations against numerous judges. This year, the allegations cited most often were abuse of judicial power, prejudice/bias, and "other." Over one-half of all complaints filed originated in the Second, Fifth, Sixth, and Ninth Circuits. The total number of judicial complaints that remained pending on September 30, 2001, was 248.

## Status of Article III Judgeships

On September 30, 2001, a total of 32 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, 9 more vacancies than reported one year earlier. This total was the highest since 38 positions were vacant on June 30, 1979. However, 35 of those previous vacancies resulted from new judgeship positions created in October 1978. None of the vacancies on September 30, 2001, arose from the creation of new judgeships, and 18 of the vacancies had existed more than 18 months. Table 12 provides information on the status of judgeship positions since 1997.

On September 30, 2001, in the U.S. district courts, 75 vacancies existed among the 665 positions authorized, an increase of 74 percent over the 43 vacancies reported one year earlier. One reason for the high number of vacancies is that 12 of the 19 Article III judgeships created by both Public Law 106-113 (which created 9 additional judgeships on November 29, 1999) and Public Law 106-553 (which created 10 new judgeships on December 21, 2000) remained unfilled as of September 30, 2001. The 75 vacancies is the highest total since 107 positions were vacant on June 30, 1993 (25 of those previous vacancies were for new positions created in December 1990). Twenty-seven of the 75 vacancies on September 30, 2001, had been unfilled for more than 18 months, nearly double the 15 positions that had been vacant that long one year earlier.

In addition to active judges, 93 senior appellate judges participating in appeals decisions were serving the Judiciary on September 30, 2001, a total of 7 more than the 86 senior judges who provided service during each of the last three years. In the U.S. district courts, the number of senior judges with staff totaled 281, also 7 more than one year earlier. The number of

**Table S-22.**  
**Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 372(c)**  
**During the 12-Month Period Ending September 30, 2001**

Summary of Activity	Circuits														National 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, 2001*	150	0	4	9	33	5	3	9	23	1	6	32	4	18	3	0
Complaints Filed	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
Complaint Type																
Written by Complainant	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
On Order of Chief Judge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	273	0	15	16	31	13	25	23	12	16	33	53	16	20	0	0
District	563	0	16	26	52	23	45	50	86	37	69	104	25	30	0	0
National Court	3	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
Bankruptcy Judges	34	0	0	2	2	6	2	2	1	3	0	12	2	2	0	0
Magistrate Judges	143	0	3	1	17	8	12	25	17	3	10	20	9	18	0	0
Nature of Allegations**																
Mental Disability	29	0	0	0	5	4	1	3	3	1	2	5	0	5	0	0
Physical Disability	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Demeanor	31	0	0	1	14	2	1	0	1	4	2	5	0	1	0	0
Abuse of Judicial Power	200	0	3	3	28	3	35	28	1	13	21	33	15	16	1	0
Prejudice/Bias	266	0	18	11	24	9	17	31	36	13	11	43	14	38	1	0
Conflict of Interest	38	0	0	0	10	4	3	8	1	1	0	5	4	2	0	0
Bribery/Corruption	61	0	0	0	2	5	4	6	1	1	1	33	3	5	0	0
Undue Decisional Delay	60	0	0	0	6	6	3	11	2	6	4	15	0	7	0	0
Incompetence/Neglect	50	0	0	2	5	8	3	3	7	0	1	20	0	1	0	0
Other	186	0	8	1	0	50	4	47	16	3	8	32	7	10	0	0
Complaints Concluded	668	0	18	16	75	53	61	108	68	39	41	100	30	58	1	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	13	0	1	0	4	0	0	0	1	2	1	4	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	235	0	2	3	17	26	25	42	20	14	18	27	14	27	0	0
Frivolous	103	0	0	2	13	0	6	13	14	12	7	31	2	3	0	0

**Table S-22. (September 30, 2001—Continued)**

Summary of Activity	Circuits														National 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	4	0	0	0	0	1	0	0	0	1	1	0	1	0	0	0
Action No Longer Necessary Because of Intervening Events	5	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0
Complaint Withdrawn	3	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0
Subtotal	363	0	3	6	34	28	31	55	35	29	28	62	17	35	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	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	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	303	0	15	10	40	25	30	53	33	10	13	38	12	23	1	0
Withdrawn	1	0	0	0	1	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	305	0	15	10	41	25	30	53	33	10	13	38	13	23	1	0
Complaints Pending on September 30, 2001	248	0	17	15	60	2	5	1	52	5	17	34	6	30	3	1

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

<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.