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## 1955-2004 Statistical Data Regarding Federal Courts

The Federal Judicial Center

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## 1955-2004 STATISTICAL DATA REGARDING FEDERAL COURTS

The Federal Judicial Center

*Editor's note: Like the statement from the American Academy of Appellate Lawyers that precedes them in this issue and the state-court statistics that follow them, the federal-court statistics in these charts were circulated to all attendees in advance of the 2005 National Conference on Appellate Justice. They informed all of the presentations and discussions at the National Conference.*



FEDERAL COURT DATA, 1955-2004

1. COURTS OF APPEALS MERIT DECISIONS AND CASES RECEIVING PLENARY REVIEW IN SUPREME COURT
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- 3A. CHANGES IN CASELOAD COMPOSITION, BY CIRCUIT
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Prepared by Federal Judicial Center Staff, June 2005

I. COURTS OF APPEALS MERIT DECISIONS AND CASES RECEIVING PLENARY REVIEW IN  
SUPREME COURT

Year <sup>1</sup>	Supreme Court Plenary Decisions in Cases From Courts of Appeals	Courts of Appeals Decisions on the Merits	Left column as % of middle column
1955	103	2,809 <sup>2</sup>	3.7%
1965	75	3,546	2.1%
1975	135	9,077	1.5%
1985	132	16,369	0.8%
1995	67	27,772	0.2%
2004	70	27,438	0.3%

<sup>1</sup> Previous October Term (e.g., 1955 is OT54)

<sup>2</sup> Count of merits decisions in 1955 does not exclude consolidations

Sources: Harvard Law Review, vols. 70-110

AO Annual Report of the Director, Table B-1 (1955-75: "Cases disposed of after hearing or submission" 1985-2004: "Terminations on the merits")

2. FILINGS OVERALL AND PER JUDGESHIP IN U.S. DISTRICT COURTS AND REGIONAL COURTS OF APPEALS

	U.S. District Courts			Regional U.S. Courts of Appeals		
	Filings <sup>1</sup>			Filings		
	Judgeships <sup>2</sup>	Total	Per Judgeship	Judgeships <sup>2</sup>	Total	Per Judgeship
1955	244	102,222	419	68	3,695	54
1965	306	101,012	330	78	6,766	87
1975	398	160,602	404	97	16,658	172
1985	575	327,758	570	156	33,360	214
1995	649	313,106	482	167	50,072	300
2004	682	374,687	549	167	62,762	376
% over 1955	180%	267%	31%	146%	1,599%	596%
% over 1985	19%	14%	-4%	7%	88%	76%

<sup>1</sup> The count of district court filings is the sum of civil cases commenced and criminal defendants commenced. Due to differences in the source data tables, however, in 1965 and 1975 the number of filings reflects the count of criminal cases commenced rather than criminal defendants. If the count of criminal defendants had been used, the total filing and per judgeship figures would be higher for these years.

Sources: AO Annual Report of the Director, Tables B-1, C-1, D-1.  
<sup>2</sup> District court judgeships include temporary judgeships and judgeships in the territorial courts. Appellate judgeships exclude judgeships in the Federal Circuit. Source: AO History of Federal Judgeships (Article III); Authorized Judgeships ([http://net.aoa.dcn/judges/judgeships/history/judgeships/all\\_authorized\\_judgeships.html](http://net.aoa.dcn/judges/judgeships/history/judgeships/all_authorized_judgeships.html))



3. CHANGES IN CASELOAD COMPOSITION

Type of Appeal	1955 <sup>1</sup>	1965	1975	1985	1995	2004	over 55	over 65
Admin. appeals	576	1,106	2,290	3,179	3,295	1,225	19.3%	2,028%
US Pris (hab/vac. sent)	159	404	716	1,082	2,677	3,934	6.3%	2374%
Other US pris	na	18	164	428	780	1,058	1.7%	na
State habeas	70	571	871	2,172	3,927	6,939	11.1%	9,813%
State Pris. other	na	13	684	2,850	7,597	4,630	7.4%	na
Orig. proceedings <sup>2</sup>	70	148	443	575	745	4,064	6.5%	5,706%
U.S. Plaintiff	171	292	513	914	809	414	0.7%	142%
US def. (non-pris)	481	673	1,588	4,320	3,653	2,825	4.5%	487%
Other Fed. Q <sup>3</sup>	656	1,153	3,211	7,927	11,007	10,208	16.3%	1,456%
Bankruptcy	153	217	246	1046	1,667	862	1.4%	463%
Diversity	682	948	1,745	3,878	3,753	3,067	4.9%	350%
Narcotics	na	235	1,332	2,063	4,499	4,660	7.4%	na
Immigration	na	3	77	64	277	1,855	3.0%	na
Other criminal	677	985	2,778	2,862	5,386	5,991	9.5%	na
Total	3695	6,766	16,658	33,360	50,072	62,762	100.0%	15,99%

<sup>1</sup> 1955 data do not report separately the number of prisoner cases (US/State) outside of habeas petitions and motions to vacate sentence; also does not include specific criminal case data.

<sup>2</sup> Since Oct. 1998, "original proceedings" have included second or successive habeas petitions.

<sup>3</sup> Other Fed. Q includes a small number of general focal jurisdiction cases, and, in 1955, non-US defendant admiralty cases.

Sources: AO Annual Report of the Director. Data taken primarily from Table B-7 (in 1955, Table B-5), except counts for Bankruptcy; Administrative Appeals, and Original Proceedings that are taken from Table B-1. Criminal counts for 1955 also taken from Table B-1.



## 3A. CHANGES IN CASELOAD COMPOSITION, BY CIRCUIT

Type of Appeal	1955		1965		1975		1985		1995		2004		over 55		over 65		
		%		%		%		%		%		%		%		%	
<b>All circuits</b>																	
Criminal	677	18.3%	1,223	18.1%	4,187	25.1%	4,989	15.0%	10,162	20.3%	1,2506	19.9%	1,747%	19.9%	923%	923%	
U.S. civil <sup>1</sup>	811	21.9%	1,387	20.5%	2,981	17.9%	6,744	20.2%	7,919	15.8%	8,231	13.1%	915%	13.1%	483%	483%	
Private civil <sup>1</sup>	1,408	38.1%	2,685	39.7%	6,511	39.1%	168,27	50.4%	26,284	52.5%	2,4844	39.6%	1,664%	39.6%	825%	825%	
Bankruptcy	153	4.1%	217	3.2%	246	1.5%	1,046	3.1%	1,667	3.3%	862	1.4%	463%	1.4%	297%	297%	
Admin. appeals	576	15.6%	1,106	16.3%	2,290	13.7%	3,179	9.5%	3,295	6.6%	1,2255	19.5%	2,028%	19.5%	1,008%	1,008%	
Orig. proceedings	70	1.9%	148	2.2%	443	2.7%	575	1.7%	745	1.5%	4,064	6.5%	5,706%	6.5%	2,646%	2,646%	
Total	3,695	100.0%	6,766	100.0%	16,658	100.0%	33,360	100.0%	50,072	100.0%	6,2762	100.0%	1,599%	100.0%	1,599%	8,28%	8,28%
<b>D.C. circuit</b>																	
Criminal	71	16.2%	237	34.6%	192	17.3%	78	3.7%	155	9.5%	162	11.7%	1,28%	11.7%	1,28%	-32%	
U.S. civil	116	26.5%	118	17.2%	266	23.9%	759	35.9%	482	29.7%	450	32.4%	288%	32.4%	281%	281%	
Private civil	159	36.4%	158	23.1%	132	11.9%	434	20.5%	286	17.6%	212	15.3%	35%	15.3%	34%	34%	
Bankruptcy	4	0.9%	0	0.0%	0	0.0%	24	1.1%	11	0.7%	7	0.5%	75%	0.5%	na	na	
Admin. appeals	76	17.4%	157	22.9%	498	44.7%	773	36.6%	617	38.0%	474	34.1%	524%	34.1%	202%	202%	
Orig. proceedings	11	2.5%	15	2.2%	25	2.2%	46	2.2%	74	4.6%	85	6.1%	673%	6.1%	467%	467%	
Total	437	100.0%	685	100.0%	1,113	100.0%	2,114	100.0%	1,625	100.0%	1,390	100.0%	2,18%	100.0%	2,18%	103%	103%
<b>First circuit</b>																	
Criminal	33	21.6%	38	18.1%	80	16.8%	207	19.7%	389	29.1%	566	32.8%	1,615%	32.8%	1,389%	1,389%	
U.S. civil	31	20.3%	41	19.5%	104	21.8%	222	21.1%	204	15.2%	244	14.2%	687%	14.2%	495%	495%	
Private civil	56	36.6%	69	32.9%	218	45.7%	521	49.6%	627	46.8%	658	38.2%	1,075%	38.2%	854%	854%	
Bankruptcy	8	5.2%	10	4.8%	8	1.7%	38	3.6%	31	2.3%	19	1.1%	138%	1.1%	90%	90%	
Admin. appeals	20	13.1%	50	23.8%	58	12.2%	46	4.4%	80	6.0%	164	9.5%	720%	9.5%	228%	228%	
Orig. proceedings	5	3.3%	2	1.0%	9	1.9%	17	1.6%	8	0.6%	72	4.2%	1340%	4.2%	3500%	3500%	
Total	153	100.0%	210	100.0%	477	100.0%	1,051	100.0%	1,339	100.0%	1,723	100.0%	1,026%	100.0%	1,026%	720%	720%
<b>Second Circuit</b>																	
Criminal	81	13.9%	172	20.0%	441	25.4%	490	17.2%	822	20.6%	861	12.3%	963%	12.3%	401%	401%	
U.S. civil	134	23.1%	141	16.4%	164	9.4%	481	16.9%	586	14.7%	523	7.5%	290%	7.5%	271%	271%	
Private civil	203	34.9%	299	34.8%	784	45.1%	1,484	52.2%	2,168	54.4%	2,478	35.4%	1,121%	35.4%	729%	729%	
Bankruptcy	28	4.8%	52	6.0%	34	2.0%	148	5.2%	109	2.7%	81	1.2%	189%	1.2%	56%	56%	
Admin. appeals	121	20.8%	168	19.5%	258	14.8%	205	7.2%	247	6.2%	2747	39.2%	2,170%	39.2%	1,535%	1,535%	
Orig. proceedings	14	2.4%	28	3.3%	58	3.3%	36	1.3%	55	1.4%	318	4.5%	2,171%	4.5%	1,036%	1,036%	
Total	581	100.0%	860	100.0%	1,739	100.0%	2,844	100.0%	3,987	100.0%	7,008	100.0%	1,106%	100.0%	1,106%	715%	715%

cont'd

	1955	1965	1975	1985	1995	2004	over 55	over 65
<b>Third circuit</b>								
Criminal	57	52	321	371	589	611	15.8%	1075%
U.S. civil	47	88	218	564	577	648	16.7%	636%
Private civil	130	249	594	1,301	1,987	1,749	45.2%	602%
Bankruptcy	24	16	31	53	84	90	2.3%	275%
Admin. appeals	46	77	176	186	205	586	15.1%	661%
Orig. proceedings	5	15	52	24	43	187	4.8%	1147%
Total	309	497	1,392	2,499	3,485	3,871	100.0%	1,153%
<b>Fourth circuit</b>								
Criminal	32	71	324	365	1,014	1,026	20.7%	1,345%
U.S. civil	42	116	243	404	763	1,051	21.2%	806%
Private civil	84	353	599	1,720	2,615	2,009	40.5%	4,69%
Bankruptcy	5	7	8	67	544	58	1.2%	1,060%
Admin. appeals	30	53	134	174	240	443	8.9%	1,377%
Orig. proceedings	7	10	11	17	17	370	7.5%	3,600%
Total	200	610	1,319	2,747	5,193	4,957	100.0%	2,379%
<b>Fifth circuit</b>								
Criminal	107	179	833	388	1,453	2,556	30.0%	2,289%
U.S. civil	103	271	577	420	832	928	10.9%	801%
Private civil	233	443	1,524	2,286	3,714	3,668	43.1%	1,474%
Bankruptcy	20	33	30	66	162	116	1.4%	480%
Admin. appeals	59	112	285	217	269	577	6.8%	878%
Orig. proceedings	5	16	43	79	83	664	7.8%	13,180%
Total	527	1,065	3,292	3,456	6,513	8,509	100.0%	1,515%
<b>Sixth circuit</b>								
Criminal	62	113	347	386	961	1,039	21.5%	1,576%
U.S. civil	66	153	277	638	660	618	12.8%	836%
Private civil	94	29.6%	636	1,713	2,654	2,315	47.8%	3,263%
Bankruptcy	5	18	5	94	87	81	1.7%	1,520%
Admin. appeals	86	139	145	305	230	421	8.7%	3,900%
Orig. proceedings	5	11	26	40	39	367	7.6%	7,240%
Total	318	685	1,436	3,176	4,631	4,841	100.0%	1,422%

cont'd

	1955	1965	1975	1985	1995	2004	over 55	over 65
<b>Seventh circuit</b>								
Criminal	48	105	311	337	580	564	16.7%	43.7%
U.S. civil	45	86	195	515	487	564	16.7%	1,075%
Private civil	111	196	454	1,088	1,814	1,659	49.1%	1,153%
Bankruptcy	22	18	14	96	67	48	1.4%	18%
Admin. appeals	52	91	141	196	131	314	9.3%	504%
Orig. proceedings	8	18	55	33	33	228	6.8%	2,750%
Total	286	514	1,170	2,265	3,112	3,377	100.0%	1,167%
<b>Eighth circuit</b>								
Criminal	74	58	237	268	639	891	28.7%	1,436%
U.S. civil	60	76	253	452	507	450	14.5%	650%
Private civil	84	141	390	1,095	1,858	1,228	39.6%	1,362%
Bankruptcy	11	9	6	65	63	24	0.8%	118%
Admin. appeals	26	44	94	100	86	204	6.6%	364%
Orig. proceedings	4	5	29	38	52	304	9.8%	7,500%
Total	259	333	1,009	2,018	3,205	3,101	100.0%	5,980%
<b>Ninth circuit</b>								
Criminal	64	142	875	889	1,571	1,906	13.4%	2,878%
U.S. civil	123	174	470	1,121	1,329	1,147	8.0%	833%
Private civil	145	298	764	2,248	4,085	4,663	32.7%	1,465%
Bankruptcy	19	47	80	209	298	217	1.5%	1,042%
Admin. appeals	32	157	437	720	921	5655	39.6%	17,572%
Orig. proceedings	2	22	105	116	211	686	4.8%	34,200%
Total	385	840	2,731	5,303	8,415	14,274	100.0%	3,608%
<b>Tenth circuit</b>								
Criminal	48	56	226	279	402	630	23.8%	1,213%
U.S. civil	44	123	214	387	633	452	17.1%	927%
Private civil	109	228	416	1,029	1,397	1,192	45.0%	994%
Bankruptcy	7	7	30	85	68	42	1.6%	500%
Admin. appeals	28	47	64	114	93	132	5.0%	371%
Orig. proceedings	4	6	30	70	26	198	7.5%	4,850%
Total	240	467	980	1,964	2,619	2,646	100.0%	1,003%

cont'd



## 4. CHANGING PROCEDURES IN THE UNITED STATES COURTS OF APPEALS

	1955	1965	1975	1985	1995	2004
<b>All terminations</b>	3,654	5,771	16,000	31,387	49,805	56,381
Merits terminations <sup>1</sup>	2,809	3,546	9,077	16,369	27,772	27,438
Procedural termination <sup>2</sup>	845	1,680	4,998	12,349	18,856	26,835
By consolidation <sup>3</sup>	--	545	1,925	2,669	3,177	2,108
Procedural termination	845	1,680	4,998	12,349	18,856	26,835
By judge	na	na	na	5,092	6,817	12,047
By staff	na	na	na	7,257	12,039	14,788
Merits terminations	2,809	3,546	9,077	16,369	27,772	27,438
Reversals	777	773	1,632	2,770	2,560	2,129
Merits terminations	2,809	3,546	9,077	16,369	27,772	27,438
After oral hearing	na	na	(5,994)	9,246	11,080	8,645
On briefs	na	na	(2,602)	7,123	16,692	18,793
Merits terminations	2,809	3,546	9,077	16,369	27,772	27,438
Oral opinion	na	na	na	81	99	20
Written published op. <sup>4</sup>	na	na	5,925	7,108*	6,689	5,202
Written unpublished op. <sup>4</sup>	na	na	3,152	9,180*	20,984	22,216

<sup>1</sup> Merits terminations include lead and single appeals only, except for 1955. Merits terminations are also defined as "cases disposed of after hearing or submission" (1955 - 1975).

<sup>2</sup> Procedural terminations include lead and single appeals only, except for 1955. Procedural terminations are also defined as "cases disposed of without hearing or submission" (1955 - 1975).

<sup>3</sup> "By consolidation" terminations include cross appeals and consolidated appeals. These terminations are not identified separately in 1955.

<sup>4</sup> Instead of \_\_\_\_\_ for 1975, read \_\_\_\_\_ for 1985, read \_\_\_\_\_

"Written published opinion," "Signed or per curiam" "written, signed"

"Written unpublished opinion," "Decided w/out opinion or w/ oral opinion" "unsigned reasoned and unsigned without comment"

<sup>5</sup> Two items total 8596; %s calc. on 8596.

Sources: AO Annual Report of the Director

For 1955 and 1965: Table B-1

For 1975: Table B-1 and text at pp. 182-183

For 1985: Tables B-1 and B-5, text table 9 (p. 124)

For 1995 and 2004: Tables B-1 and B-5, supplementary table S-3

4A. PRO SE APPEALS

	1995			2000			2004			Change in Pro Se	
	All Pro Se	% Pro Se within categor.	% of all Pro Se	All Pro Se	% Pro Se within categor.	% of all Pro Se	All Pro Se	% Pro Se within categor.	% of all Pro Se	% over 1995	% over 2000
Pris. pets	14985	87.3%	65.5%	17252	87.1%	60.3%	16561	87.7%	54.2%	11.1%	-3.3%
Orig. proc. <sup>1</sup>	745	36.0%	1.3%	3,966	3.003	75.7%	4,064	80.7%	12.2%	1123.1%	9.2%
Ag'y apps	3,295	18.9%	3.1%	3,237	797	24.6%	12,255	24.9%	11.4%	391.3%	283.4%
Private civil <sup>2</sup>	1,4758	3.395	17.0%	14,788	3,557	24.1%	13,275	25.7%	12.7%	0.4%	-4.2%
Criminal	10,162	803	7.9%	10,707	945	8.8%	12,506	9.1%	4.3%	42.0%	20.6%
US civil (non-pris)	4,460	1,364	30.6%	37,40	1,361	36.4%	3,239	35.7%	4.3%	-15.2%	-15.1%
Bankruptcy	1,667	4.38	2.2%	1,007	248	24.6%	862	27.0%	0.9%	-46.8%	-6.1%
Total all cases	50,072	19,973	39.9%	54,697	2,4938	45.6%	62,762	42.7%		34.2%	7.5%
Total less prisoner pets.	35,087	6,890	19.6%	37,445	9,911	26.5%	46,201	26.6%		78.1%	23.%

<sup>1</sup> Since Oct. 1998, "original proceedings" have included second or successive habeas petitions.

<sup>2</sup> Private civil includes Non-Prisoner Federal Question, Diversity, and Local Jurisdiction.

Source: AO Annual Report of the Director, Table S-4.

## 4B. PRO SE APPEAL MERITS TERMINATIONS—PROCEDURES

	1995				2000				2004			
	Total	Arg., Written Opinion	Arg., No Written Opinion	Written Opinion, No Arg.	Total	Arg., Written Opinion	Arg., No Written Opinion	Written Opinion, No Arg.	Total	Arg., Written Opinion	Arg., No Written Opinion	Written Opinion, No Arg.
Counseled	18,417 63.3%	10,526 55.8%	99 100%	7,792 46.7%	17,602 64%	9,260 95.6%	61 96.8%	8,281 46.6%	18,025 65.7%	8,321 100%	19 5.8%	9,685 51.5%
Pro Se	9,355 33.7%	455 4.1%	0	8,900 53.3%	9,914 36%	429 4.4%	2 3.2%	9,483 53.4%	9,413 34.3%	0	305 94.1%	9,108 48.4%
Total	27,772	10,981	99	16,692	27,516	9,689	63	17,764	27,438	8,321	324	18,793

5. CHANGING DISPOSITION PATTERNS IN THE UNITED STATES DISTRICT COURTS

	1955	1965	1975	1985	1995	2004						
<b>Civil Cases</b>												
<b>All terminations<sup>1</sup></b>	47,959	63,137	103,787	268,609	229,325	252,016						
No Court Action												
Before Pretrial <sup>2</sup>	0.0%	29,309	46.4%	39,219	37.8%	129,929	48.2%	36,558	15.9%	54,273	21.5%	
During or After Pretrial	88.3%	17,089	27.1%	40,271	38.8%	95,507	35.6%	166,017	72.4%	174,212	69.1%	
During or After Trial	0.0%	9,442	15.0%	15,575	15.0%	31,103	11.6%	19,307	8.4%	19,580	7.8%	
	5,588	11.7%	7,297	11.6%	8,722	8.4%	12,570	4.7%	7,443	3.2%	3,951	1.6%
Non-Jury Trial	3,126	6.5%	4,080	6.5%	5,210	5.0%	6,292	2.3%	3,317	1.4%	1,422	0.6%
Jury Trial	2,462	5.1%	3,217	5.1%	3,512	3.4%	6,278	2.3%	4,126	1.8%	2,529	1.0%
<b>Criminal Defendants<sup>3</sup></b>												
<b>All terminations<sup>4</sup></b>	38,990	31,975	49,212	47,360	54,980	81,717						
Dismissed	3,792	9.7%	3,570	11.2%	10,274	20.9%	7,484	15.8%	7,112	12.9%	7,465	9.1%
Guilty Plea or Nolo	31,148	79.9%	24,127	75.5%	31,816	64.7%	33,823	71.4%	43,103	78.4%	71,028	86.9%
Trial Verdict	4,050	10.4%	4,278	13.4%	7,122	14.5%	6,053	12.8%	4,765	8.7%	3,224	3.9%
Non-Jury Trial	1,322	3.4%	1,463	4.6%	1,977	4.0%	1,409	3.0%	949	1.7%	551	0.7%
Jury Trial	2,728	7.0%	2,815	8.8%	5,145	10.5%	4,644	9.8%	3,816	6.9%	2,673	3.3%
<b>All Cases</b>												
<b>Total Terminations</b>	86,949	95,112	152,999	315,969	284,305	333,733						
Without Trial	77,311	88.9%	83,537	87.8%	137,155	89.6%	297,346	94.1%	272,097	95.7%	326,558	97.9%
During or After Trial	9,638	11.1%	11,575	12.2%	15,844	10.4%	18,623	5.9%	12,208	4.3%	7,175	2.1%
Non-Jury Trial	4,448	5.1%	5,543	5.8%	7,187	4.7%	7,701	2.4%	4,266	1.5%	1,973	0.6%
Jury Trial	5,190	6.0%	6,032	6.3%	8,657	5.7%	10,922	3.5%	7,942	2.8%	5,202	1.6%

1. Civil terminations exclude land condemnation cases and cases in the territories.  
 2. Civil breakdown in source tables for 1955 used different categories. The non-trial categories could not be reorganized into the categories used in later years. Therefore all non-trial cases were included in the "Before Pretrial" category. 44 (0.8%) of the trials held in 1955, were not specifically identified as non-jury or jury. They have been distributed into the non-jury / jury categories according to the proportions of the known trials. (36% non-jury, 44% jury).  
 3. Counts from the territorial courts excluded.  
 4. Termination data for criminal defendants was not available for 1965; data from 1966 is presented instead.  
 Sources: AO Annual Report of the Director (Civil: Table C-4 (and C-5 in 1955) Criminal: Table D-4.)



