

# FOIA Marker

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Counsel's Office, White House

Coffina, Scott

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W	19	17	10	1	14407	27270	14011	14202

Folder Title:

DC Circuit 11th/12th Seat: [Case Load]

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Resume	[Biographical Information]	3	08/2007	P2; P6/b6;
002	Draft	D.C. Circuit Facts - 11th Seat	4	N.D.	P5;
003	Draft	D.C. Circuit Facts	3	N.D.	P5;
004	Newsletter	Time to Confirm Estrada and Roberts - From: United States Senate Republican Policy Committee	2	05/08/2002	PRM;

**COLLECTION TITLE:**

Counsel's Office, White House

**SERIES:**

Coffina, Scott

**FOLDER TITLE:**

DC Circuit 11th/12th Seat: [Case Load]

**FRC ID:**

14407

**RESTRICTION CODES**

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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14202

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14011

**FOIA IDs and Segments:**

2018-0009-P

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**U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE**

		12 MONTHS ENDED SEPTEMBER 30							
<b>DISTRICT OF COLUMBIA</b>		1997	1996	1995	1994	1993	1992		
<b>OVERALL CASELOAD STATISTICS</b>	<b>Appeals Filed</b>	Total	1,531	1,347	1,625	1,770	1,791	1,723	
		Prisoner	139	161	179	157	118	93	
		Other	508	561	674	606	633	693	
		Criminal	157	151	155	163	202	288	
		Administrative	727	474	617	844	838	649	
		% Change in Total Filings	Over Last Year		13.7				
		Over Earlier Years			-5.8	-13.5	-14.5	-11.2	
	<b>Appeals Terminated</b>	Total	1,833	1,674	1,670	1,617	1,877	1,606	
		Consolidations & Cross Appeals	223	293	286	264	280	366	
		Procedural	878	686	681	578	781	517	
		On The Merits	Total	732	695	703	775	816	723
			Prisoner	83	88	71	79	77	71
			Other	381	319	329	371	390	294
			Criminal	109	131	138	159	184	178
			Administrative	159	157	165	166	165	180
Percent by Active Judges	98.5	99.8	99.9	97.7	99.9	98.9			
Pending Appeals		1,523	1,825	2,158	2,205	2,057	2,146		
<b>ACTIONS PER ACTIVE JUDGE</b>	Terminations on the Merits		214	196	196	224	227	195	
	Procedural Terminations		55	55	44	59	62	31	
	Written Decisions	Total	72	62	67	67	77	65	
		Signed	25	26	23	23	23	22	
		Unsigned	47	36	44	44	54	43	
		Without Comment	-	-	-	-	-	-	

\* Includes only judges active during the entire 12 month period.

Show Page Two

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"Former Majority Leader Bob Dole spoke of this process himself when he once said, 'We should not be holding people up. If we need a vote, vote them down or vote them up, because the nominees probably have plans to make and there are families involved.' I think Senator Dole said it straight ahead. So I am really glad that Margaret's day has come finally." **144 Cong. Rec. S 640, 2/11/1998**

"So I hope we can work together for the good of, frankly, these people and their families and the criminal justice system. I don't think it does any good to have these judgeships vacant. Justice needs to be done, and it is hard to serve it when you don't have the judgeships filled." **142 Cong. Rec. S 9418, 8/1/1996**

"I also want to add my words on behalf of Judge Ware. I think it is really crucial we move on that Ninth Circuit. We've got a third of those seats are vacant. This is a great choice." **Hearing of the Senate Judiciary Committee, 10/29/1997**

### Senator Richard Durbin (D-IL)

#### QUOTES:

"I stand here today and appeal to my colleagues, Democrats and Republicans, to consider seriously these two nominees and bring them up for consideration this week. Under the rules of the Senate, I can put a hold, incidentally, on people and a hold on bills. I can even do that in secret. That is what the Senate lets me do. In other words, they cannot move the person, they cannot move the bill, if this one Senator decides he does not want them to move it. I have not done that. I have never done that to an individual, and I don't want to start. I don't think it's fair. I hope I never reach the point where I have to use that strategy. I would much rather see us vote on these men and women on their merits. If they are worthy of appointment to the Federal bench, let us take the action and make sure it happens." **(144 Cong. Rec. S 1815, 3/12/1998)**

"I think, frankly, if we are going to assume some responsibility here, as we should, and impose responsibility on the executive branch, we should meet our responsibility. I think that responsibility requires us to act in a timely fashion on nominees sent before us. The reason I oppose cloture is I would like to see that the Senate shall also be held to the responsibility of acting in a timely fashion. If, after 150 days languishing in a committee there is no report on an individual, the name should come to the floor. If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down. They are qualified or they are not.



But to impose all of the burden on the executive branch and to step away from our responsibility I don't think is fair. It doesn't engage the symmetry, which I think is important." (144 Cong. Rec. S 11021, 9/28/1998)

"Let me also add here that I could go into detail, but I will not because I know it is the intent of the Chair to move this matter to a vote very quickly. I also want to comment for a moment on the period of time that this very able nominee has waited for confirmation. It is unfortunate. In fact, it is sad, and it borders on tragic, that men and women who are prepared to give their lives to public service, who have gone through a withering process of investigation, by the FBI, by the Judiciary Committee, by the White House, by the American Bar Association, and so many others, still must wait over a year, in many cases, for their nominations to be considered by the Judiciary Committee and by this Chamber." (143 Cong. Rec. S 2515, 3/19/1997)

"The people of Illinois and the parties to federal criminal and civil court cases deserve a fully-functioning legal system that does not delay justice," Senator Moseley-Braun said. "I continue to be disturbed by the slow pace of the Republican leadership in the Senate to fulfill its Constitutional responsibility to act on the President's nominations," Senator Durbin said. (Congressional Press Release, 5/7/1998)

Senators Carol Moseley-Braun and Dick Durbin, both Democrats, called on the Judiciary Committee and the Senate to move more quickly to fill judicial vacancies, according to a press release announcing the merit selection process for Mills' post.

"The administration of justice has been hobbled by the Senate Judiciary Committee," Moseley-Braun said in the release. Its intentional foot-dragging on the confirmation process is an odious strategy to keep President Clinton's qualified nominees off the bench."

"The breakdown of the judicial appointment process does a disservice to the American people and nominees alike," Durbin said in the release. (Chicago Daily Law Bulletin, 10/23/1997)

"I submit that this debate is not just about numbers. It is about the administration of justice; the fair, prompt, equitable, and thorough administration of justice is at stake. In all fairness, I must confess that I would rather err on the side of too many judges than too few. I would rather have too many judges doing too thorough and too thoughtful a job than too few judges rushed and careless in frantic efforts to handle their caseload.

~~No one but the most shortsighted argues that the D.C. circuit does not need this 11th judge. Indeed, last year when the debate turned on whether a 12th judge was needed,~~

~~the Reagan-appointed Judge Silberman was often cited in support of the effort to cut that 12th seat. However, he recently wrote to the Judiciary Committee and said, 'I still believe we should have 11 active judges.' So why are we arguing about this 11th seat today? (143 Cong. Rec. S 2515, 3/19/1997)~~

"When the Senate fails to do its work and confirm judges, the hardship is imposed on ordinary people in America and they are puzzled: "Well, why is this the case? Why does it take so long for me to get my day in court?" Is justice delayed truly justice denied? In many cases, it is. In this situation, unfortunately, the burden is on us, those men and women who sit in this Chamber and have the singular responsibility to confirm Federal judges." (144 Cong. Rec. S 1919, 3/13/1998)

"Some in Congress say some of the nominees aren't of sufficient caliber for the federal judiciary. If they aren't qualified, put it before the Senate and let's debate it. The longer we wait in filling these positions, the longer the backup is." (The State Journal-Register (Springfield, IL), 10/14/1997)

"Promptly filling the judicial vacancies you refer to is not just a matter of giving Clinton his due. It is an urgent question of giving the American public its due—a justice system that they can respect and count on. The longer we delay filling judgeships, the larger the civil case backlog grows.

It is no exaggeration to say that judges are the keystone of our justice system. When there are too few judges, our justice system slows down, makes mistakes and reaches a crisis. And there is evidence that our system is indeed approaching a crisis.

Many senators are dragging their feet, claiming that they are not opposed to judges just 'bad judges.' If that is so, then let us have hearings on these so-called 'bad judges' that President Clinton is trying to appoint. Let us debate their merits on the floor of the Senate.

The time has come to give the American people their due—a criminal and civil justice system that works. That means confirming judges, the people who make the system work, sooner rather than later, and keeping politics out of the judiciary." (Chicago Tribune, 3/14/1997)

"But now, after almost four years of unprecedented attacks on the federal judiciary, the story has changed. When another judge was needed in central Illinois in the fall of 1997, only eight people applied for the job. I can only guess why people declined to apply. But a dispassionate look at the situation would give anyone pause.

We are facing a nationwide crisis. Our judicial system is being slowly but surely

strangled. Vacancies in the judiciary are not being filled promptly, as judges are being confirmed at the slowest rate in recent memory. People who are being nominated to fill these positions are being put through a brutal hazing ritual known as Senate confirmation. And those who do get confirmed are seeing their records distorted, are being threatened with impeachment and are seeing their salaries eroded.

Every American pays a price for this.

But the American people need to see the forest for the trees. Decisions that citizens occasionally disagree with are a small price to pay for a strong, healthy and independent judiciary. We must not let our disagreements with individual decisions drive us to scuttle the very justice system that we claim to respect so much." (**Insight on the News, 3/2/1998**)

"These two gentlemen, Mr. Murphy and Judge McCuskey, were nominated by President Clinton on July 31, 1997. They were unanimously recommended by the Judiciary Committee on November 6 of the same year. They have been sitting on this calendar for 127 days with absolutely no one raising questions as to their qualifications for the job.

What happens to a person who finds himself in this predicament? I have talked to many of them. Their lives are changed. The prospect of being appointed to the Federal bench makes life difficult on a professional and personal basis.

Judge McCuskey has a family. He is trying to find a place for his family to live. Think about buying a home and not knowing when you can move into it, and then the fear that if you move too soon, you will disqualify yourself from your previous judgeship. That is what he is facing. His family is going through a lot of turmoil this week because they had thought surely within 100 days the U.S. Senate would act on this nomination, but it has not happened.

Mr. Murphy is in the private practice of law. We have spoken from time to time. He has important cases representing people from his part of Illinois, and people are wondering: "Pat Murphy, are you going to be around? Can we count on you? Will you take this case to trial? Should we bring business to your office?"

All of these things weigh heavy on a person who has decided to make this commitment to move forward and ask to be appointed to the Federal bench.

I hope that Members of the Senate, those who will read my remarks and those who hear them, will understand that this type of thing is more than an inconvenience. It is a hardship that we should not impose on two people for whom there is no controversy." (**144 Cong. Rec. S 1919, 3/13/1998**)

**Senator Patrick Leahy**

## CASE SCREENING

### **HOW DO CASES GET TO THE COURT?**

A discussion of the court's screening practices and procedures is found in the Internal Operating Procedures (IOP) following 5TH CIR. R. 34.

Cases with obvious jurisdictional deficiencies are not briefed, and we do not request the full record on appeal from the district court. Instead, after review by an attorney in the clerk's office, the cases are prepared for decision by our monthly jurisdictional review panel, discussed infra.

Cases which are briefed are either "screened" through the staff attorney's office or sent directly to an "initiating" screening judge. When we receive the briefs and the original record on appeal, we send the case on for screening. All direct criminal cases and prisoner cases - the majority of our docket - are sent to the staff attorney for review, preparation of a legal analysis of the appeal, and a recommendation whether the case merits oral argument, or should be decided on the "summary" calendar. We send direct criminal appeals as soon as we have the record on appeal and the appellant's and appellee's briefs, without waiting for a reply brief. If a reply brief is filed later, we send it to the staff attorney immediately. In civil cases, we wait until a reply brief is filed, or the time to file has expired and then send the case to the staff attorney.

A small number of cases are screened directly to an initiating judge, e.g., NLRB, private civil diversity, tax, bankruptcy, etc.

~~Staff Attorney Screening. The staff attorney reviews the cases we send and generally designates them as "Class I" through "Class IV":~~

~~Class I cases are so lacking in merit they are deemed frivolous and subject to affirmance or dismissal under FED. R. APP. P. 34(a)(1) and 5TH CIR. R. 42.2 and 47.6;~~

~~Class II cases constitute the court's summary calendar. This class of cases includes cases where counsel has waived argument. In general, Class II cases have a limited number of issues and the dispositive issue(s) recently have been decided, or the facts and legal arguments are presented adequately in the briefs and the record on appeal. Many Class II cases are decided at the Conference Calendar, see pp. 75-76.~~

~~Classes III and IV cases represent the court's oral argument calendars and present difficult or new issues for the court to decide. Class III cases are given~~

~~20 minutes per side for argument; Class IV cases receive 30 minutes per side and represent the most complex cases involving major legal questions.~~

Once the staff attorney completes review on the case, he sends to the clerk the briefs, record on appeal, and recommendations on the merits of the case, and any pending motions. The staff attorney may also select cases with two or three issues, easy facts and a limited record, for decision on the "conference calendar," discussed in the Decision and Opinions Section, *infra*, without further screening. When we receive cases requiring submission to the court from the staff attorney, we send them in rotation to the next "screening panel" selected from our log. Screening panel assignments are made effective July 1st of each year and the three judges assigned to that panel sit together for one year. Within each panel, we rotate "initiating" judge assignments, so each judge has an equal opportunity to act as the first, second and third reviewer on the case.

When the initiating judge receives the appeal, his or her first task is to determine whether the case is properly classified. If the initiating judge agrees with a Class I or Class II recommendation, the case will be decided on the "summary calendar" without argument. The judge then normally has 45 days in civil cases and 31 days in criminal cases to draft an opinion and to send it on to the second judge on the panel. That judge can agree both with the proposed disposition and with the opinion, or can send the case to the oral argument calendar. If the second judge agrees that a Class I or II disposition is proper, he or she then sends the case on to the third panel member. That judge can agree with the disposition, or can send the case to the oral argument calendar. The important thing to remember is that it takes all three judges' agreement to decide the case on the summary calendar.

Cases which the staff attorney classifies as Class III or Class IV and recommends for oral argument are sent to an initiating judge on a screening panel for approval of the recommendation, except for direct criminal cases which are sent to the oral argument calendar on the staff attorney's recommendation alone. If the judge concurs argument is needed, the case is returned to the clerk's office for assignment of the case to the next available oral argument calendar. If the initiating judge disagrees with the recommendation for oral argument, the judge's screening panel will decide the case without oral argument if all three panel members agree.

**Judge Screening.** Cases sent directly to the judges' chambers for screening are classified and handled in a similar manner to cases sent via the staff attorney.

## ORAL ARGUMENT


### WHAT ARE THE CHANCES I WILL GET ORAL ARGUMENT?

Overall fewer than 25% of the cases briefed are selected for oral argument, with


# From 1997 Annual Report

The Court of Appeals, the legal community, and the nation suffered a grievous loss when retired Judge Spottswood W. Robinson III passed away on October 11, 1998. Judge Robinson was appointed to the United States District Court for the District of Columbia in 1964 and to the Court of Appeals in 1966, where he served with distinction until 1991, serving as Chief Judge of the Court of Appeals from 1981 to 1986. A memorial ceremony was held at the court on May 12, 1999, to celebrate Judge Robinson's life and work. Emceed by Karen Hastie Williams, a former Robinson law clerk, the speakers included Justice Ruth Bader Ginsburg, Professors Stephen L. Carter and Susan Low Bloch (both former law clerks as well), and the Chief Judges of the Court of Appeals and District Court. The many and varied guests were a testament to the depth and breadth of Judge Robinson's legacy.

At the start of the 2000-2001 term, the Court of Appeals will include ten active judges (Chief Judge Edwards, Judge Silberman, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, Judge Tatel, and Judge Garland) and no senior judges. Judge Silberman will be eligible for senior status in October 2000. Should Judge Silberman elect to leave active status and if no new appointments are confirmed by the Senate, the court will be at its lowest number of full-time judges, nine, since 1989, when there were nine active judges on the court for a brief period of two months.



In recent years, the judicial branch has faced heightened scrutiny in Congress. One recurring issue has focused on judicial appointments, with some members of the Senate questioning whether and to what extent new judges should be appointed to the various circuit courts. Traditionally, in order to support requests for new judgeship positions, the United States Judicial Conference has employed a simple formula that measures judgeship needs by reference to the numbers of cases filed in a circuit. The formula has never made much sense when applied to the D.C. Circuit, because the court's caseload, which is heavily laden with large administrative appeals, is so unlike other circuits. In an effort to address this problem, the Judicial Conference directed the Federal Judicial Center to conduct a study of the D.C. Circuit's caseload to determine factors in the court's work that could be used to establish guidelines for the assessment of judgeship needs.



The results of the FJC study were interesting, but not surprising. It is well known that the D.C. Circuit hears an unusually large number of administrative cases — in 1997, for example, administrative appeals accounted for 46.3% of the D.C. Circuit's caseload, while the proportion in other circuits ranged from 14.5% in the Ninth Circuit to 3.7% in the Eighth Circuit. The study was illuminating, however, in showing that more than 70% of the D.C. Circuit's agency cases came from the Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), and Federal Communications Commission (FCC). The cases from these three agencies (as compared with other agency cases) tend to involve the weightiest records and the most complex and technically difficult issues. The proportion of agency cases from the EPA, FERC, and FCC in the circuits with the next heaviest agency caseloads was 1% in the Ninth Circuit, 7% in the Second Circuit, and 2% in the Fourth Circuit. By contrast, in the Ninth Circuit, which had the second highest agency caseload, 92% of the agency cases came from the Immigration and Naturalization Service (INS), Internal Revenue Service (IRS), and Benefits Review Board (BRB) — typically straightforward cases that involve well-developed bodies of law, few parties, and largely factual disputes.

The FJC study thus concluded that, not only do other circuits hear fewer agency cases than are heard in the D.C. Circuit, but that the agency cases heard in other circuits generally are not the difficult agency cases that are a staple in the D.C. Circuit. In addition, it was determined that the D.C. Circuit hears far fewer criminal and diversity cases than are heard in other circuits. This is significant because these cases generally tend to require fewer judicial resources than most other cases. Finally, the FJC report confirmed that the

~~D.C. Circuit hears an unusually large number of high-profile cases presenting difficult issues of national import. Based on these findings, the FJC's report to the Judicial Conference suggested that any filing-based formula for judgeship needs should include an adjustment for the D.C. Circuit to take account of the court's unique case mix.~~

Another major project that was recently concluded was the publication of a *Chief Judge's Manual*. The *Manual*, which is an internal working document, comprehensively details the policies and practices governing court operations and the Chief Judge's duties. For the first time, we have created a single document that captures both formal and informal management policies and practices at the court. The *Manual* should serve as a useful resource for Chief Judges and court managers in the years ahead.

The largest project for the court in the immediate future will be the construction of the "annex" to the E. Barrett Prettyman United States Courthouse, including renovation of the existing building. Architect Michael Graves has produced an extraordinary design that will meet the functional needs of the courts while complementing the existing architecture on Pennsylvania and Constitution Avenues. If Congress approves the necessary appropriations, construction will commence in January 2001. Funds for construction remain an issue, however. In any event, it is anticipated that construction of the annex will take approximately three years and that renovation of the existing building will take an additional three years.

The annex will be a stunning marker of justice in our Nation's Capital. It will be a constant reminder to the judges and staff, and to the lawyers and litigants who we serve, of the important role of our courts over the past 200 years of American history. The timely commencement of the annex construction would lend great tribute and dignity to the courts' bicentennial celebration in 2001.

Harry T. Edwards  
Chief Judge  
United States Court of Appeals

One example of the D.C. Circuit's unique jurisdiction is given above, and others appear below. This list is not exhaustive, but some of the more important examples are shown:

1. The United States Court of Appeals for the District of Columbia Circuit is where a party must go to claim that agency regulations did not conform with certain "sunshine" requirements of the Administrative Procedures Act. 5 U.S.C.A. §552b(g).

2. An organization designated as a "foreign terrorist organization" may seek judicial review of such designation only in the D.C. Circuit. 8 U.S.C.A. §1189(b)(1).

3. Most rules "of general and national applicability" promulgated by the Federal Energy Administration can be reviewed only in the D.C. Circuit. 15 U.S.C.A. §766.

4. A constitutional challenge to the North American Free Trade Implementation Act or the United States-Canada Free Trade Agreement Implementation Act can be brought only in the D.C. Circuit. 19 U.S.C.A. §1516a(g)(4)(A).

5. Determinations of the Federal Election Commission as to which presidential candidates are eligible for Federal dollars to run their campaigns are reviewable only at the D.C. Circuit. 26 U.S.C.A. §9011(a) and §9041(a).

6. Only the D.C. Circuit is authorized to review certain decisions made by the Administrator of EPA under the Resource Conservation and Recovery Act (RCRA). 42 U.S.C.A. §6976(a)(1).

7. Judicial review of air quality standards, emission standards, and related matters that are promulgated by the Administrator of EPA under the Clean Air Act must be obtained in the D.C. Circuit. 42 U.S.C.A. §7607(b)(1).

8. Only the D.C. Circuit is authorized to review regulations promulgated under CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980). 42 U.S.C.A. §9613(a).

9. When the Secretary of the Interior makes determinations regarding offshore plans for exploration, development, or production of oil or gas sites, those determinations are reviewable only at the D.C. Circuit. 43 U.S.C.A. §1349(c).

10. Certain decisions of the Federal Communications Commission are appealable only to the D.C. Circuit. 47 U.S.C.A. §402(b).

Miguel Estrada and John Roberts will be outstanding additions to the D.C. Circuit, the "second most important court in the land" – and it is time to confirm them.



# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Newsletter	Time to Confirm Estrada and Roberts - From: United States Senate Republican Policy Committee	2	05/08/2002	PRM;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Counsel's Office, White House

**SERIES:**

Coffina, Scott

**FOLDER TITLE:**

DC Circuit 11th/12th Seat: [Case Load]

**FRC ID:**

14407

**OA Num.:**

14202

**NARA Num.:**

14011

**FOIA IDs and Segments:**

2018-0009-P

**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

**Freedom of Information Act - [5 U.S.C. 552(b)]**

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

**Records Not Subject to FOIA**

**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

## Why Brown's Nomination Especially Matters to the D.C. Circuit.

The U.S. Court of Appeals for the District of Columbia Circuit is widely regarded as the second most important court in America, behind only the U.S. Supreme Court. This is due to its location in the nation's capital, where all three branches of government and most federal agencies are located, and because of the national jurisdiction bestowed upon the court by Congress.

The D.C. Circuit is the administrative law court. It is the court that most closely oversees the actions of federal agencies – national safeguards adopted under the Clean Air Act by the Environmental Protection Agency, orders of the Federal Communications Commission, unfair labor practice decisions by the National Labor Relations Board, worker safety protections issued by the Occupational Safety and Health Administration, and much more. And because the U.S. Supreme Court grants review in so few cases, the D.C. Circuit is typically the last word on these important cases.

A review of one month's decisions by the D.C. Circuit reveals the breadth, importance, and impact of the court's work to the lives of millions of Americans.

### ***CSX Transportation, Inc. vs. Anthony A. Williams, Mayor of the District of Columbia***, No. 05-5131 (5/03/2005)

Case involved a District of Columbia law that forbid trains carrying toxic substances from traveling within 2.2 miles of the District.

### ***American Library Association vs. FCC***, No. 04-1037 (5/06/2005)

The American Library Association challenged FCC's authority to issue a rule that required all receivers of digital television signals to be equipped with anti-redistribution equipment.

### ***Covad Communications Company vs. Bell Atlantic Corporation***, No. 02-7057 (5/6/05)

Antitrust lawsuit claiming that Atlantic Bell violated the Sherman Act by refusing to deal with its rivals.

### ***John F. Kreis vs. Secretary of the Air Force***, No. 04-5197 (5/06/2005)

Case involved the Air Force's refusal to give a Naval officer a retroactive promotion.

### ***In Re: Madison Guaranty Savings & Loan***, No. 94-0001 (5/06/2005)

Request for attorneys' fees under the Independent Counsel laws. The person making the request was a junior White House staffer who helped write a memo terminating several staff in the Travel Office.

***Lucy Murray vs. David Gilmore***, No. 04-7027 (5/06/2005)  
Title VII claim alleging race and sex discrimination.

***Wal-Mart Stores Inc. vs. Secretary of the Department of Labor***, No. 04-1127 (5/10/2005)  
Case involved enforcement of an OSHA safety citation against Wal-Mart over a conveyor belt blocking an emergency exit in an Alabama retail store.

***American Chemistry Council vs. Michael Leavitt, Administrator of the EPA***, No. 04-5189 (5/10/2005)  
Industry challenge to EPA's classification of an ozone-causing chemical as a "toxic chemical."

***In Re Cheney***, No. 02-5354 (5/10/2005)

Action by the Sierra Club and Judicial Watch seeking disclosure of documents regarding an energy advisory committee chaired by Vice President Cheney. The groups sought to uncover the identity and influence of energy interest groups during the formulation of President Bush's energy policy.

***SBC Communication Inc. vs. FCC***, No. 03-1147 (5/13/2005)  
Lawsuit by SBC challenging a ruling that it violated a term its merger with Ameritech.

***Electricity Consumers Resource Council vs. FERC***, No. 03-1449 (5/13/2005)  
Case concerned the Federal Energy Regulatory Commission's approval of New York's new rate design that was designed to prevent shortages at peak times. The Electricity Consumers Resource Council argued that the plan would adversely affect energy costs for large industrial consumers.

***Marian Wagener vs. SBC Pension Benefit Plan***, No. 04-7060 (5/17/2005)  
Two SBC retirees brought suit under ERISA against the SBC Pension plan to recover retirement benefits that they claimed they were owed.

***Diane George vs. Michael Leavitt, Administrator of the EPA***, No. 03-5356 (5/17/2005)  
Appeal of the dismissal of a Title 7 discrimination claim.

***Xcel Energy Services Inc. vs. FERC***, No. 04-1182 (5/17/2005)  
A Minnesota power utility challenged federal energy regulations regarding renewable energy credits intended to spur clean energy.

***Rosita S. Javier vs. Commissioner of Social Security***, No. 03-5153 (5/20/2005)  
Case involving the Social Security Administration's termination of survivor benefits to a widow and children after a paternity test revealed that the children

were not biologically related to the deceased (although the deceased had formally adopted the children).

***Luck Music Library vs. Alberto Gonzales, Attorney General of the U.S.***, No. 04-5240 (5/24/2005)

Case involved copyright protections for foreign musicians who failed to comply with U.S. copyright formalities.

***International Union, United Mine Workers vs. MSHA***, No. 04-1164 (5/24/2005)

Challenge by the United Mine Workers Union to mine ventilation regulations issued by the Secretary of Labor that the Union said illegally weakened existing safety protections in mines.

***Linda Roebuck vs. Odie Washington***, No. 04-7063 (5/24/2005)

Title VII complaint alleging sex discrimination by the DC Department of Corrections.

***Government of Rwanda vs. Robert W. Johnson***, No. 04-7044 (5/27/2005)

During the Rwandan genocide of 1994, Washington lobbyists agreed that, in exchange for \$80,000 from the Rwandan Hutu government, they would portray the Tutsi minority as rebel terrorists in order to gain favorable relations with the U.S. government. Two days after the lobbyists accepted payment, the U.S. government ordered the Rwandan embassy closed down and all diplomatic relations with the Hutu government ceased. After a new Rwandan government gained control, it sued the lobbyists to recover sums that it claimed were not ever put to use.

***Lawrence Maxwell vs. John Snow, Secretary of the Department of the Treasury***, No. 04-5082 (5/27/2005)

A group of over 500 taxpayers sued the IRS to force production of documents relating to their individual income tax returns.

***Venetian Casino vs. EEOC***, No. 04-5098 (5/27/2005)

Case involved subpoenas issued by the EEOC to Venetian Casino for the production of documents relating to a discrimination claim. Venetian brought an action challenging EEOC's subpoenas and an alleged EEOC disclosure policy that Venetian feared would expose its trade secrets.

***Palace Sports Entertainment vs. NLRB***, No. 04-1261 (5/31/2005)

Case involved the enforcement of an NLRB order to reinstate and award back pay to an employee disciplined and fired for supporting a union at his workplace.

***AFL-CIO vs. Elaine L. Chao, Secretary of the Department of Labor***, No. 04-5057 (5/31/2005)

Union challenge to rules issued by the Secretary of Labor requiring unions to file itemized reports of ordinary receipts and expenditures. The AFL-CIO challenged

the Secretary's authority to issue these new reporting requirements.

***In Re: Madison Guaranty Savings & Loan***, No. 94-0001 (5/31/2005)

Independent Counsel Kenneth Starr subpoenaed a Navy chief petty officer assigned to the White House during Clinton's presidency. The Independent Counsel then informed the Naval officer that he was under investigation for perjury. The officer hired a lawyer to defend his interests and brought this claim for recovering attorney fees under the Independent Counsel laws.

***Program Suppliers vs. Librarian of Congress***, No. 04-1070 (5/31/2005)

PBS and others brought a claim alleging bias in the Librarian of Congress' distribution of royalty payments and claiming that the distribution methodology adversely affected public television providers.

***Brooklyn Union Gas Company vs. FERC***, No. 04-1079 (5/31/2005)

A natural gas company challenged FERC's ruling over a newly merged gas

pipeline company's proposed rate structure.

***Spirit of the Sage Council vs. Gale Norton, Secretary of the Department of the Interior***, No. 03-5345 (5/31/2005)

Procedural challenge by wildlife protection groups to two rules issued under the Endangered Species Act.

## Justice Digest

Alliance for Justice's Justice Digest will keep you updated on all of the latest news and happenings related to judicial nominations.

WEDNESDAY, JULY 05, 2006

### The DC Circuit's Eleventh Seat

The US Court of Appeals for the D.C. Circuit technically has 12 seats allotted to it. For years, however, the 11th and 12th seats have remained empty. During the Clinton administration, Senate Republicans adamantly opposed filling them, blocking the nominations of distinguished lawyers Allen Snyder and Elena Kagan (now dean of Harvard Law School) on the grounds that the DC Circuit's relatively light caseload did not warrant it. Although the court's caseload has not increased, President Bush last week nominated [Peter Keisler](#) to fill the 11th seat. (Brett Kavanaugh, recently confirmed, took the 10th.) Mr. Keisler's name was floated during President Bush's first term for a Maryland-designated seat on the Fourth Circuit, but Maryland Senators Paul Sarbanes and Barbara Mikulski objected -- successfully -- because Mr. Keisler, currently head of the Justice Department's Civil Division, had never practiced law in Maryland.

It will be interesting to see whether Senate Republicans hum a different tune on the DC Circuit when considering the nomination of Mr. Keisler, one of the founding members of the Federalist Society. When the year was 1997 and the nominating President was Clinton, here's what they had to say about -- and against -- filling the 11th seat on the second most important court in the country:

- Senator Grassley (R-IA): "confidently conclude[d] that the D.C. Circuit does not need 12 or even 11 judges . . . At most, the D.C. Circuit is entitled to a maximum of 10 judges."
- Senator Kyl (R-AZ): "I plan to vote against filling [the 11th seat] and, of course, the 12th seat unless there is a significant increase in caseload or some other extraordinary circumstance."
- Senator Sessions (R-AL): "an idle mind is the devil's workshop . . . I think it would be very unwise for us to fill a vacancy if there is any possibility that the caseload will continue to decline."
- Senator Lott (R-MS): the D.C. Circuit "is more than adequately staffed . . . They have more judges than they need."

### About Me



Name:  
Alliance  
Location  
Washington, DC

Through its Judicial Selection Project, Alliance for Justice worked for more than 20 years to raise public awareness about the importance of the federal judiciary at all levels. Alliance for Justice wants to help the American public and their elected representatives understand that the courts play an expansive range of issues that have a real effect on all our lives. The vital role the courts play in our constitutional democracy must command the public's attention.

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to Communicate](#)

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- Senator Thurmond: "I do not feel that this vacancy needs to be filled. . . . The caseload of the D.C. Circuit is considerably lower than any other circuit court in the Nation. . . . Moreover, the caseload of the D.C. Circuit is falling, not rising. Statistics from the Administrative Office show a decline in filings in the D.C. circuit over the past year."
- Senator Ashcroft: "The U.S. Court of Appeals for the District of Columbia Circuit is a judicial circuit which has the lowest caseload of any of the judicial circuits in the country. . . . It appears that filling this vacancy would be an inefficient use of judicial resources. . . . The D.C. circuit is the least populated with work."

posted by Alliance for Justice @ 5:27 PM

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Dec 1, 2000

<b>OK-N</b>	Weinshienk, Zita L.	Senior	4/3/98	Coan, Patricia A.	5/27/99
<b>OK-W</b>	Brett, Thomas R.	Senior	10/3/96	McCarthy, Frank H.	4/30/99
<b>UT</b>	Alley, Wayne E.	Senior	5/16/99	Couch, Valerie K.	9/7/00
	Thompson, Ralph G.	Senior	12/16/99	Hall, Melvin C.	10/3/00
<b>Eleventh Circuit</b>					
<b>AL-N</b>	Pointer, Sam C. Jr.	Senior	11/19/99	Simon, Kenneth O.	6/6/00
<b>AL-S</b>	Howard, Alex T. Jr.	Senior	10/21/96		
<b>FL-M</b>	PL 106-113	New Position	11/29/99		
<b>FL-S</b>	Davis, Edward	Senior	7/1/00		
<b>District of Columbia Circuit</b>					
<b>CCA</b>	Buckley, James L.	Senior	8/31/96	Kagan, Elena	6/17/99
	Silberman, Laurence H.	Senior	11/1/00	Snyder, Allen R.	9/22/99
	Wald, Patricia M.	Retired	11/16/99		
<b>DC</b>	Harris, Stanley S.	Senior	2/1/96	Klein, James W.	3/25/99
	Sporkin, Stanely	Senior	2/12/99	Fields, Rhonda	11/17/99
<b>Federal Circuit</b>					
<b>CCA</b>	Plager, S. Jay	Senior	11/30/00		

**Total Vacancies:** 67  
**Total Nominees Pending:** 39

Out of  
 Dec 1, 2000

9 active judges, with 2 nominees pending.



June 11, 2001

<b>UT</b>	Sam, David	Senior	11/1/99	
<b>Eleventh Circuit</b>				
<b>CCA</b>	Cox, Emmett Ripley	Senior	12/18/00	
<b>AL-N</b>	Pointer, Sam C. Jr.	Senior	11/19/99	
<b>AL-S</b>	Howard, Alex T. Jr.	Senior	10/21/96	
	Vollmer, Richard W., Jr	Senior	12/31/00	
<b>FL-M</b>	PL 106-113	New Position	11/29/99	
<b>FL-S</b>	Davis, Edward	Senior	7/1/00	
	PL 106-553	New Position	12/15/00	
<b>GA-M</b>	Elliott, J. Robert	Retired	12/31/00	
	Fitzpatrick, Duross	Senior	2/1/01	
<b>District of Columbia Circuit</b>				
<b>CCA</b>	Buckley, James L.	Senior	8/31/96	Roberts, John G. Jr. 5/9/01
	Silberman, Laurence H.	Senior	11/1/00	
	Wald, Patricia M.	Retired	11/16/99	Estrada, Miguel A. 5/9/01
<b>DC</b>	Harris, Stanley S.	Senior	2/1/96	
	Sporkin, Stanely	Senior	2/12/99	
<b>Federal Circuit</b>				
<b>CCA</b>	Plager, S. Jay	Senior	11/30/00	Prost, Sharon 5/21/01
<b>International Trade</b>				
<b>USIT</b>	Goldberg, Richard	Senior	4/2/01	

**Total Vacancies:** 104  
**Total Nominees Pending:** 17

\* Roger L. Gregory holds this position for one year due to a recess appointment by President Clinton at the end of the 106th Congress. President Clinton nominated Mr. Gregory on January 3, 2001 to fill this position permanently. President Bush withdrew Mr. Gregory's nomination on March 13, 2001 and re-nominated him on May 9, 2001.

9 active judges  
 2 pending noms.

Dec. 1, 2003

Court	Vacancy Created By	Reason	Vacancy Date	Nominee	Nomination Date
FL-M	Nimmons, Ralph W.	Deceased	11/24/2003		
FL-S	Ferguson, Wilkie D. Jr.	Deceased	6/9/2003	Cooke, Marcia G.	11/25/200
<b>District of Columbia Circuit</b>					
CCA	Silberman, Laurence H.	Senior	11/1/2000	Kavanaugh, Brett M.	7/25/2003
	Wald, Patricia M.	Retired	11/16/1999		
	Williams, Stephen F.	Senior	9/30/2001	Brown, Janice R.	7/25/2003

Total Vacancies: 44  
Total Nominees Pending: 38

9 active judges  
2 pending  
nom

Listing of **26** Items containing exact words "*District of Columbia Circuit*" in the **same** order.

**1 . Nomination: PN1781-109**

Peter D. Keisler, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice John G. Roberts, Jr., elevated.

**Received:** June 29, 2006

**Referred:** Senate Judiciary

**Latest Action:** June 29, 2006 - Received in the Senate and referred to the Committee on the Judiciary.

**2 . Nomination: PN1179-109**

Brett M. Kavanaugh, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Laurence H. Silberman, retired.

**Received:** January 25, 2006

**Referred:** Senate Judiciary

**Latest Action:** May 26, 2006 - Confirmed by the Senate by Yea-Nay Vote. 57 - 36. Record Vote Number: 159.

**3 . Nomination: PN203-109**

Brett M. Kavanaugh, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Laurence H. Silberman, retired.

**Received:** February 14, 2005

**Referred:** Senate Judiciary

**Latest Action:** December 22, 2005 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**4 . Nomination: PN202-109**

Thomas B. Griffith, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Patricia M. Wald, retired.

**Received:** February 14, 2005

**Referred:** Senate Judiciary

**Latest Action:** June 14, 2005 - Confirmed by the Senate by Yea-Nay Vote. 73 - 24. Record Vote Number: 136.

**5 . Nomination: PN201-109**

Janice R. Brown, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Stephen F. Williams, retired.

**Received:** February 14, 2005

**Referred:** Senate Judiciary

**Latest Action:** June 08, 2005 - Confirmed by the Senate by Yea-Nay Vote. 56 - 43. Record Vote Number: 131 .

**6 . Nomination: PN1603-108**

Thomas B. Griffith, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Patricia M. Wald, retired.

**Received:** May 10, 2004

**Referred:** Senate Judiciary

**Latest Action:** December 08, 2004 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate at the sine die adjournment of the 108th Congress.

**7 . Nomination: PN840-108**

Brett M. Kavanaugh, to be United States Circuit Judge, The Judiciary; vice Laurence H. Silberman, retired.

**Received:** July 25, 2003

**Referred:** Senate Judiciary

**Latest Action:** December 08, 2004 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate at the sine die adjournment of the 108th Congress.

**8 . Nomination: PN839-108**

Janice R. Brown, to be United States Circuit Judge, The Judiciary; vice Stephen F. Williams, retired.

**Received:** July 25, 2003

**Referred:** Senate Judiciary

**Latest Action:** December 08, 2004 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate at the sine die adjournment of the 108th Congress.

**9 . Nomination: PN13-108**

John G. Roberts, Jr., to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice James L. Buckley, retired.

**Received:** January 07, 2003

**Referred:** Senate Judiciary

**Latest Action:** May 08, 2003 - Confirmed by the Senate by Voice Vote.

**10 . Nomination: PN6-108**

Miguel A. Estrada, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Patricia M. Wald, retired.

**Received:** January 07, 2003

**Referred:** Senate Judiciary

**Latest Action:** September 04, 2003 - Received message of withdrawal of nomination from the President.

**11 . Nomination: PN896-107**

Miguel A. Estrada, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Patricia M. Wald, retired.

**Received:** September 04, 2001

**Referred:** Senate Judiciary

**Latest Action:** November 20, 2002 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**12 . Nomination: PN887-107**

John G. Roberts, Jr., to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice James L. Buckley, retired.

**Received:** September 04, 2001

**Referred:** Senate Judiciary

**Latest Action:** November 20, 2002 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**13 . Nomination: PN403-107**

John G. Roberts, Jr., to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice James L. Buckley, retired.

**Received:** May 09, 2001

**Referred:** Senate Judiciary

**Latest Action:** August 03, 2001 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**14 . Nomination: PN401-107**

Miguel A. Estrada, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Patricia M. Wald, retired.

**Received:** May 09, 2001

**Referred:** Senate Judiciary

**Latest Action:** August 03, 2001 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**15 . Nomination: PN573-106**

Allen R. Snyder, to be United States Circuit Judge for the District of Columbia, The Judiciary; vice Patricia M. Wald, retired.

**Received:** September 22, 1999

**Referred:** Senate Judiciary

**Latest Action:** December 15, 2000 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**16 . Nomination: PN366-106**

Elena Kagan, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice James L. Buckley, retired.

**Received:** June 17, 1999

**Referred:** Senate Judiciary

**Latest Action:** December 15, 2000 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**17 . Nomination: PN6-105**

Merrick B. Garland, to be United States Circuit Judge for the District of Columbia, The Judiciary; vice Abner J. Mikva, retired.

**Received:** January 07, 1997

**Referred:** Senate Judiciary

**Latest Action:** March 19, 1997 - Confirmed by the Senate by Yea-Nay Vote. 76-23. Record Vote No: 34 EX.

**18 . Nomination: PN615-104**

Merrick B. Garland, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Abner J. Mikva, retired.

**Received:** September 05, 1995

**Referred:** Senate Judiciary

**Latest Action:** October 04, 1996 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**19 . Nomination: PN1503-103**

David S. Tatel, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Ruth Bader Ginsburg.

**Received:** June 20, 1994

**Referred:** Senate Judiciary

**Latest Action:** October 07, 1994 - Confirmed by the Senate by Voice Vote.

**20 . Nomination: PN879-103**

Judith W. Rogers, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Clarence Thomas.

**Received:** November 17, 1993

**Referred:** Senate Judiciary

**Latest Action:** March 10, 1994 - Confirmed by the Senate by Voice Vote.

**21 . Nomination: PN857-102**

John G. Roberts, Jr., to be United States Circuit Judge, The Judiciary; vice Clarence Thomas, elevated.

**Received:** January 27, 1992

**Referred:** Senate Judiciary

**Latest Action:** October 08, 1992 - Returned to the President under the provisions of Senate Rule XXXI, paragraph 6 of the Standing Rules of the Senate.

**22 . Nomination: PN1240-101**

A. Raymond Randolph, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Spottswood W. Robinson III, retired.

**Received:** May 08, 1990

**Referred:** Senate Judiciary

**Latest Action:** July 13, 1990 - Confirmed by the Senate by Unanimous Consent.

**23 . Nomination: PN1239-101**

Karen LeCraft Henderson, to be United States Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Kenneth W. Starr, resigned.

**Received:** May 08, 1990

**Referred:** Senate Judiciary

**Latest Action:** June 29, 1990 - Confirmed by the Senate by Unanimous Consent.

**24 . Nomination: PN838-101**

Clarence Thomas, to be United States Circuit for the District of Columbia Circuit, The Judiciary; vice Robert H. Bork, resigned.

**Received:** October 31, 1989

**Referred:** Senate Judiciary

**Latest Action:** March 06, 1990 - Confirmed by the Senate by Voice Vote.

**25 . Nomination: PN995-100**

Judith Richards Hope, to be U. S. Circuit Judge for the District of Columbia Circuit, The Judiciary; vice Robert H. Bork, resigned.

**Received:** April 14, 1988

**Referred:** Senate Judiciary

**Latest Action:** October 22, 1988 - Failed at the time of sine die adjournment of the 100th Congress; returned to the President.

**26 . Nomination: PN98-100**

David Bryan Sentelle, to be U. S. Circuit Judge for the District of Columbia, The Judiciary; vice Antonin Scalia, elevated.

**Received:** February 02, 1987

**Referred:** Senate Judiciary

**Latest Action:** September 09, 1987 - Confirmed by the Senate by Yea-Nay Vote. 87-0. Record Vote No: 237.

The court has twelve seats for active judges. The seat that was originally the Chief Justiceship is numbered as Seat 1; the other seats are numbered in order of their creation. If seats were established simultaneously, they are numbered in the order in which they were filled. Judges who retire into senior status remain on the bench but leave their seat vacant. That seat is filled by the next circuit judge appointed by the President.

Seat 1		Seat 2		Seat 3		Seat 4	
Established on <u>February 9, 1893</u> as Chief Justice by 27 Stat. 434		Established on <u>February 9, 1893</u> as Associate Justice by 27 Stat. 434		Established on <u>February 9, 1893</u> as Associate Justice by 27 Stat. 434		Established on <u>June 19, 1930</u> as Associate Justice by 46 Stat. 785	
Alvey	1893–1905	Morris	1893–1905	Shepard	1893–1905	Hitz	1931–1935
Shepard	1905–1917	McComas	1905–1907	Duell	1905–1906	Stephens	1935–1948
Smyth	1917–1924	Van Orsdel	1907–1937	C. Robb	1906–1937	Redesignated on <u>June 25, 1948</u> as Circuit Judge by 62 Stat. 869, 985	
Martin	1924–1937	J. Miller	1937–1945	Vinson	1938–1943	Proctor	1948–1953
Groner	1937–1948	Prettyman	1945–1948	W. Miller	1945–1948	Danaher	1953–1969
Stephens	1948–1948	Redesignated on <u>June 25, 1948</u> as Circuit Judge by 62 Stat. 869, 985		Redesignated on <u>June 25, 1948</u> as Circuit Judge by 62 Stat. 869, 985		R. Robb	1969–1982
Seat redesignated on <u>June 25, 1948</u> as Circuit Judge pursuant to 62 Stat. 869, 62 Stat. 985, and 68 Stat. 1245		Prettyman	1948–1962	W. Miller	1948–1964	Scalia	1982–1986
Stephens	1948–1955	Wright	1962–1986	Leventhal	1965–1979	Sentelle	1987–present
Burger	1956–1969	D. Ginsburg	1986–	R. Ginsburg	1980–1993		
Wilkey	1970–1984			Tatel	1994–present		
Williams	1986–2001						
Brown	2005–present						



Seat 5		Seat 6		Seat 7		Seat 8	
Established on <u>June 19, 1930</u> as Associate Justice by 46 Stat. 785		Established on <u>May 31, 1938</u> as Associate Justice by 52 Stat. 584		Established on <u>August 3, 1949</u> by 63 Stat. 493		Established on <u>August 3, 1949</u> by 63 Stat. 493	
Groner	1931–1937	Rutledge	1939–1943	Bazelon	1949–1979	Fahy	1949–1967
Edgerton	1937–1948	Clark	1945–1948	Edwards	1980–2005	MacKinnon	1969–1983
Redesignated on <u>June 25, 1948</u> as Circuit Judge by 62 Stat. 869, 985		Redesignated on <u>June 25, 1948</u> as Circuit Judge by 62 Stat. 869, 985		(vacant)	2005–present	Starr	1983–1989
Edgerton	1948–1963	Clark	1948–1954			Henderson	1990–present
McGowan	1963–1981	Bastian	1954–1965				
Bork	1982–1988	Tamm	1965–1985				
Thomas	1990–1991	Buckley	1985–1996				
Rogers	1994–present	Roberts	2003–2005				
		(vacant)	2005–present				

Seat 9		Seat 10		Seat 11		Seat 12	
Established on <u>August 3, 1949</u> by 63 Stat. 493		Established on <u>October 20, 1978</u> by 92 Stat. 1629		Established on <u>October 20, 1978</u> by 92 Stat. 1629		Established on <u>July 10, 1984</u> by 98 Stat. 333	
Washington	1949–1965	Wald	1979–1999	Mikva	1979–1994	Silberman	1985–2000
Robinson	1966–1989	Griffith	2005–present	Garland	1994–present	Kavanaugh	2006–present
Randolph	1990–present						

☆ On Jan 1, 2000, there were 10 active judges, with 2 nominees pending. 10 + 2  
 ☆ On ~~Dec~~ Jan 1, 2000, there were 9 active judges, with 2 nominees pending. (Kagan; Snyder)  
 ☆ On June 1, 2000, there were 9 active judges, with 2 nominees pending. (Roberts; Estrada.)

★ On Dec 1, 2003, there were 9 active judges, with  
2 noms pending.

(but only  
b/c ~~the~~ Estrada was  
withdrawn) (Kavanagh & Brown)

On Sept 4, 2004, there were 9 active judges, with  
3 noms pending.

(Kavanagh, Gutterman, & ...)

As of  
On May 9, 2001, there were 9 active judges, with 2  
noms pending.

On Roberts / Estrada (nominal May 9, 2001)

As of Sept. 27, 1999

1<sup>st</sup> - Circuit - Nothing on website or  
in handbook;

2<sup>nd</sup> Circuit - Nothing on website or  
in handbook

3<sup>rd</sup> Circuit - make reference to complex  
cases

4<sup>th</sup> Circuit - Nothing

~~5<sup>th</sup> Circuit~~ - has designation system

6<sup>th</sup> Circuit - Nothing

7<sup>th</sup> Circuit - references complex

8<sup>th</sup> Circuit - references complex

9<sup>th</sup> Circuit - references complex

10<sup>th</sup> Circuit - references complex

11<sup>th</sup> Circuit - Nothing

Fed. Circuit - Nothing

any different views reached after subsequent study of the case. The opinion will set forth the reasons supporting the court's decision.

**5.5.2 Circulation Within Panel.** After the draft opinion has been prepared, the authoring judge circulates it to the other two members of the panel with a request for approval or suggestions they may desire to make with respect to the draft opinion. Answering this request is given the highest priority by the other two judges, who shall communicate in writing their approval or disapproval within eight (8) days of receipt of the opinion. Absent a request for additional time, failure to respond within that time period shall be deemed an approval of the opinion as drafted. Because it is the opinion of the court, other members of the panel are free to make any suggestions relating to the modification of, addition to, or subtraction from the proposed text. Where a textual revision or addition is suggested, the suggesting judge submits his or her modification in specific language capable of being inserted into the opinion. When one of the other two judges approves, it becomes the proposed opinion of the court. Should the other panel members disagree with the author's draft, the opinion is reassigned by either the presiding judge or the ranking judge in active service who is a member of the panel's majority.

**5.5.3 Time Schedule for Panel Drafting and Circulating Opinions; Reassignments.**

- (a) 60-day period for draft opinion writing. ~~It is the aspirational goal of the court that, except in complex cases, the authoring judge transmit to the panel a draft opinion within sixty (60) days after assignment or after close of any supplemental briefing or other factors suspending the drafting process.~~
- (b) 45-day period to file concurring or dissenting opinion. If, after a second panel member approves the draft opinion, the third panel member desires to separately concur or dissent, the judge not joining in the opinion notifies the author promptly and transmits his or her separate opinion to the panel within forty-five (45) days after the second judge's approval is received. Panel opinions are not considered to be completed until each member has an opportunity to revise his or her opinion in response to those of other panel members.

← only references  
Complex -  
no system  
in place

**5.5.4 To Non-panel Active Judges.**

Drafts of unanimous not precedential opinions do not circulate to non-panel judges. Drafts of precedential opinions and not precedential opinions that are not unanimous are circulated to all active judges of the court after the draft

7/12 Council

#### IV APPOINTMENT OF COUNSEL

1. Counsel furnishing representation under the Plan shall be selected from a panel of attorneys designated or approved by the Court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the Plan. When the Court determines that the appointment of an attorney who is not a member of the panel is in the interest of justice, judicial economy, or continuity of representation, or there is some other exceptional circumstance warranting his or her appointment, the attorney may be admitted to the panel and appointed to represent the individual. Agreeable with the directives of the Judicial Conference of the United States, at least 25% of all such appointments shall be assigned to members of the private bar. Such order of appointment of counsel may be entered by the current motion judge or by any active member of the Court.
2. In all cases on appeal where the defendant was represented in the district court by court appointed counsel, such counsel shall continue to represent the defendant on appeal, unless and until relieved by order of this Court. The Court may, in appropriate cases, designate such counsel to continue on appeal.
3. At the time such appeals are docketed in this Court, the Clerk shall notify defendant's court appointed trial counsel that he shall continue such representation of defendant in this Court unless and until relieved by order of this Court, and shall request such trial counsel to advise the Court whether he desires to continue such representation throughout the appeal.
4. In appeals under the Act involving more than one defendant, if the Court finds the need, because of conflicting interests of certain defendants or where circumstances otherwise warrant, separate counsel may be appointed for any one or more of the defendants as may be required for their adequate representation.
5. The Court may, in its discretion, at any stage of the proceedings on appeal, substitute one appointed attorney for another.
6. If, at any stage of the proceedings on appeal, the Court finds the defendant is financially unable to pay counsel whom he has retained, the Court may appoint counsel as provided in subsection (b) of the Act and authorize payment as provided in subsection (d) of the Act and the *CJA Guidelines*, pursuant to subsection (c) of the Act.
7. ~~More than one attorney may be appointed in any case determined by the Court to be extremely difficult. In a capital case, at least two attorneys should be appointed. Except as provided by section 848(q)(7) of title 21, U.S.C., at least one attorney appointed in a capital case shall meet the experience qualifications required by section 848(q)(6) of title 21, U.S.C. Pursuant to section 848(q)(7), the presiding judicial officer, for good cause, may appoint an attorney who may not qualify under section 848(q)(6), but who has the background, knowledge, and experience necessary to represent the defendant properly in a capital case, giving due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.~~

8. The selection of counsel to represent any person under the Act shall remain the sole and exclusive responsibility of the Court.

*8/23/2014*

the airline ticket or travel itinerary provided by National Travel Service with their completed CJA voucher at the completion of the appointment.

- B. Hotels: Many hotels will offer CJA-appointed attorneys government rates for their travel in connection with their representation under the Act. The clerk's office will supply a list of hotels offering government rates to CJA-appointed attorneys. Attorneys are encouraged to avail themselves of reduced-government rates whenever possible.
- C. Submission of Vouchers - CJA Form 20: Vouchers must be submitted to the clerk's office within 45 days after the mandate has been issued at the close of the case. Interim vouchers are rarely allowed. Vouchers submitted after the 45 days should be accompanied with a letter explaining the delay. Time should be reported only in tenths of an hour. Receipts are required for reimbursable expenses and all services provided out of the attorney's office. For example, a receipt is required for copies made at a commercial vendor, whereas a receipt is not required for copies made in-house. See the CJA Form 20 instructions for details. The hourly compensation rate for in-court services is \$70 per hour and for out-of-court services is \$50 per hour. The statutory maximum compensation for appeals of criminal convictions is \$2,500 per representation. The statutory maximum for other criminal matters, including appeals of denials of habeas petitions, and federal motions to vacate (28 U.S.C. § 2255) is \$750. These amounts do not include reimbursable expenses and travel expenses. Claims for compensation in excess of the statutory maximum must be accompanied by a statement why the case involved extended or complex representation. The court will use the following criteria for determining whether a case is extended or complex: the responsibilities involved as measured by the magnitude and importance of the case; the manner in which the duties were performed; the knowledge, skill, efficiency, professionalism and judgment used by counsel; the nature of

John C. R.

pursuant to this rule will not participate in the decision on any aspect of the case, except that he or she may vote on whether to take a case en banc.

If a case is selected for a settlement conference, counsel shall be notified, by order entered within 35 days of the docketing of the appeal or petition, of the date and time of the conference and whether the conference will be in-person or by telephone. The initial conference normally shall be held within 56 days of the docketing of the appeal. A case is presumed released from the Conference Program if an order scheduling a settlement conference has not been entered within 56 days of the docketing of the appeal or petition.

Requests by counsel for a settlement conference will be accommodated whenever possible. Parties may request conferences confidentially, either by telephone or by letter directed to the chief circuit court mediator.

The briefing schedule established by the Clerk's office at the time the appeal is docketed remains in effect unless adjusted by a court mediator to facilitate settlement, or by the Clerk's office pursuant to Circuit Rule 31-2.2.

Counsel should discuss settlement with their principals prior to a conference scheduled under this rule and attend the conference with authority to settle.

**(b) Appeal Case Management Conference.** In any case the court may direct either sua sponte or upon request of a party that a telephone or in-person case management conference be held before an appellate commissioner, a senior staff member in the Clerk's office, or a staff attorney. The purpose of a case management conference is to manage the appeal effectively and develop a briefing plan for complex appeals. If a case is selected for a case management conference, counsel shall be notified by order of the date and time of the conference. Case management conferences are held only in exceptional circumstances, such as complex cases involving numerous separately represented litigants or extensive district court/agency proceedings. (Rev. 1/97)

**(c) Binding Determinations by Appellate Commissioner.** In the context of a settlement or mediation in a civil appeal, the parties may stipulate to having one or more issues in their appeal referred for a binding determination by an Appellate Commissioner. Where the parties enter into such a stipulation, the matter may be handled with abbreviated and accelerated briefing and a guaranteed opportunity for in-person or telephonic oral argument before the Appellate Commissioner. The Appellate Commissioner will issue a determination and, if requested, a written statement of reasons. The determination will have no precedential effect and will be final and nonreviewable. Cases will ordinarily be referred to the Appellate Commissioner through the court's mediation program. In some instances, the court's pro se unit may also alert parties to the availability of this program. For further information, please contact the Circuit Mediation Office at (415) 556-9900. (New 7/2001)

## FRAP 34

### ORAL ARGUMENT

**(a) In General.**

**(1) Party's Statement.** Any party may file, or a court may require by local rule, a statement explaining why oral argument should, or need not, be permitted.

**(2) Standards.** Oral argument must be allowed in every case unless a panel of three judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary for any of the following reasons:

**(A) the appeal is frivolous;**

**(B) the dispositive issue or issues have been authoritatively decided; or**

**(C) the facts and legal arguments are adequately presented in the briefs and record, and the decisional**



- (a) identify the litigation by caption, number, and court;
  - (b) describe the action taken in the other litigation on a request for continuance or deferment;
  - (c) state reasons why the other litigation should receive priority over the case in which the motion is filed;
  - (d) state reasons why other associated counsel cannot prepare the brief for timely filing or relieve movant's counsel of the other litigation; and
  - (e) recite any other relevant circumstances;
- (2) the case is so complex that an adequate brief cannot reasonably be prepared by the due date, in which case the motion must state facts demonstrating the complexity; and
- (3) counsel will suffer extreme hardship, in which case the motion must state the nature of the hardship.
- (E) Criminal cases.** A motion to extend time to file a brief in a criminal case must also state the custody status of the defendant.
- (F) Time to file.** A motion to extend time to file a brief must be filed at least 5 days before the brief's due date, unless the reasons for the request did not exist or were unknown earlier.
- 27.5 Orders.**
- (A) Panel judge.** When a case has been assigned, a designated panel judge may issue any interlocutory order and act on any motion filed under Fed. R. App. P. 8, 9(b), 22(a), or 22(b).
- (B) Procedural orders.** Orders are entered when the clerk docket them. The docket entry will:
- (1) describe briefly and succinctly the nature of the order; and
  - (2) either be entered by the clerk or state the name of the judge or judges directing its entry.

previous yr  
1998 - 2004

Table B-1.

U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Circuit, During the 12-Month Period Ending March 31, 2005

Circuit and Nature of Proceeding	Cases Pending Apr. 1, 2004 <sup>1</sup>	Cases Commenced			Total	Cases Disposed of by Consolidation	Cases Terminated			Total	Terminations on the Merits		Cases Pending Mar. 31, 2005
		Total	Original	Reinstated			Procedural Terminations		Total		After Oral Hearing	After Submission on Briefs	
							By Judge	By Staff					
<b>ALL CIRCUITS</b>	<b>46,976</b>	<b>65,418</b>	<b>64,023</b>	<b>1,395</b>	<b>57,486</b>	<b>2,010</b>	<b>28,122</b>	<b>12,119</b>	<b>16,003</b>	<b>27,354</b>	<b>8,573</b>	<b>18,781</b>	<b>54,908</b>
CRIMINAL	10,472	14,319	14,171	148	10,341	531	3,043	968	2,075	6,767	2,186	4,581	14,450
U.S. PRISONER PETITIONS	2,757	5,362	5,153	209	5,029	89	3,491	2,210	1,281	1,449	220	1,229	3,090
OTHER U.S. CIVIL	2,451	3,095	3,021	74	3,016	131	1,127	266	861	1,758	677	1,081	2,530
PRIV. PRISONER PETITIONS	6,424	11,226	10,880	346	11,415	102	8,322	5,084	3,238	2,991	710	2,281	6,235
OTHER PRIVATE CIVIL	10,929	13,092	12,816	276	12,768	796	5,793	1,316	4,477	6,179	3,587	2,592	11,253
BANKRUPTCY	734	881	856	25	797	35	373	69	304	389	223	166	818
ADMINISTRATIVE APPEALS	12,281	12,808	12,544	264	9,790	283	5,081	1,877	3,204	4,426	952	3,474	15,299
ORIGINAL PROCEEDINGS <sup>2</sup>	928	4,635	4,582	53	4,330	43	892	329	563	3,395	18	3,377	1,233
<b>DISTRICT OF COLUMBIA</b>	<b>1,102</b>	<b>1,359</b>	<b>1,347</b>	<b>12</b>	<b>1,148</b>	<b>148</b>	<b>469</b>	<b>117</b>	<b>352</b>	<b>531</b>	<b>262</b>	<b>269</b>	<b>1,313</b>
CRIMINAL	127	168	168	-	123	5	63	3	60	55	46	9	172
U.S. PRISONER PETITIONS	88	150	147	3	117	2	57	19	38	58	6	52	121
OTHER U.S. CIVIL	170	317	312	5	243	33	82	16	66	128	50	78	244
PRIV. PRISONER PETITIONS	16	19	18	1	16	-	10	4	6	6	-	6	19
OTHER PRIVATE CIVIL	119	197	195	2	173	8	77	7	70	88	44	44	143
BANKRUPTCY	2	5	5	-	6	-	5	5	-	1	-	1	1
ADMINISTRATIVE APPEALS	547	407	406	1	377	95	145	57	88	137	112	25	577
ORIGINAL PROCEEDINGS <sup>2</sup>	33	96	96	-	93	5	30	6	24	58	4	54	36
<b>FIRST CIRCUIT</b>	<b>1,541</b>	<b>1,725</b>	<b>1,719</b>	<b>6</b>	<b>1,651</b>	<b>95</b>	<b>769</b>	<b>290</b>	<b>479</b>	<b>787</b>	<b>358</b>	<b>429</b>	<b>1,615</b>
CRIMINAL	698	555	554	1	516	35	252	91	161	229	96	133	737
U.S. PRISONER PETITIONS	99	140	137	3	113	4	84	53	31	25	9	16	126
OTHER U.S. CIVIL	78	92	92	-	104	8	36	8	28	60	23	37	66
PRIV. PRISONER PETITIONS	93	118	118	-	126	6	79	56	23	41	11	30	85
OTHER PRIVATE CIVIL	377	528	526	2	530	37	236	50	186	257	170	87	375
BANKRUPTCY	32	24	24	-	27	-	12	5	7	15	15	-	29
ADMINISTRATIVE APPEALS	134	190	190	-	161	5	67	26	41	89	32	57	163
ORIGINAL PROCEEDINGS <sup>2</sup>	30	78	78	-	74	-	3	1	2	71	2	69	34

22

10%

577

Table B-1. (March 31, 2005—Continued)

Circuit and Nature of Proceeding	Cases Pending Apr. 1, 2004 <sup>1</sup>	Cases Commenced			Cases Terminated								Cases Pending Mar. 31, 2005
		Total	Original	Reinstated	Total	Cases Disposed of by Consolidation	Procedural Terminations		Terminations on the Merits				
							Total	By Judge	By Staff	Total	After Oral Hearing	After Submission on Briefs	
<b>SECOND CIRCUIT</b>	<b>8,332</b>	<b>6,839</b>	<b>6,649</b>	<b>190</b>	<b>5,488</b>	<b>259</b>	<b>3,473</b>	<b>755</b>	<b>2,718</b>	<b>1,756</b>	<b>1,021</b>	<b>735</b>	<b>9,683</b>
CRIMINAL	1,103	885	856	29	753	108	222	40	182	423	288	135	1,235
U.S. PRISONER PETITIONS	400	265	244	21	339	4	259	99	160	76	36	40	326
OTHER U.S. CIVIL	274	262	256	6	229	6	132	31	101	91	61	30	307
PRIV. PRISONER PETITIONS	1,259	901	846	55	1,255	1	1,032	432	600	222	97	125	905
OTHER PRIVATE CIVIL	1,549	1,465	1,429	36	1,416	124	732	76	656	560	459	101	1,598
BANKRUPTCY	87	92	88	4	69	1	41	8	33	27	21	6	110
ADMINISTRATIVE APPEALS	3,465	2,647	2,611	36	1,136	14	992	59	933	130	59	71	4,976
ORIGINAL PROCEEDINGS <sup>2</sup>	195	322	319	3	291	1	63	10	53	227	-	227	226
<b>THIRD CIRCUIT</b>	<b>3,085</b>	<b>4,037</b>	<b>3,988</b>	<b>49</b>	<b>3,858</b>	<b>44</b>	<b>1,752</b>	<b>796</b>	<b>956</b>	<b>2,062</b>	<b>517</b>	<b>1,545</b>	<b>3,264</b>
CRIMINAL	572	700	699	1	493	4	143	66	77	346	93	253	779
U.S. PRISONER PETITIONS	277	419	409	10	427	1	237	162	75	189	13	176	269
OTHER U.S. CIVIL	196	227	224	3	259	4	79	13	66	176	44	132	164
PRIV. PRISONER PETITIONS	463	717	710	7	766	4	559	385	174	203	37	166	414
OTHER PRIVATE CIVIL	951	1,089	1,074	15	1,069	30	450	90	360	589	234	355	971
BANKRUPTCY	96	79	78	1	92	-	38	4	34	54	32	22	83
ADMINISTRATIVE APPEALS	484	593	582	11	561	1	224	74	150	336	60	276	516
ORIGINAL PROCEEDINGS <sup>2</sup>	46	213	212	1	191	-	22	2	20	169	4	165	68
<b>FOURTH CIRCUIT</b>	<b>2,610</b>	<b>5,196</b>	<b>5,167</b>	<b>29</b>	<b>4,777</b>	<b>241</b>	<b>2,089</b>	<b>1,205</b>	<b>884</b>	<b>2,447</b>	<b>443</b>	<b>2,004</b>	<b>3,029</b>
CRIMINAL	723	1,316	1,315	1	712	43	180	44	136	489	103	386	1,327
U.S. PRISONER PETITIONS	392	853	843	10	894	28	617	507	110	249	15	234	351
OTHER U.S. CIVIL	121	192	191	1	214	10	60	13	47	144	35	109	99
PRIV. PRISONER PETITIONS	427	1,060	1,055	5	1,125	37	755	518	237	333	25	308	362
OTHER PRIVATE CIVIL	584	813	806	7	888	78	278	52	226	532	218	314	509
BANKRUPTCY	36	64	64	-	68	7	19	4	15	34	13	21	40
ADMINISTRATIVE APPEALS	256	448	444	4	427	11	154	67	87	262	33	229	277
ORIGINAL PROCEEDINGS <sup>2</sup>	71	450	449	1	457	27	26	-	26	404	1	403	64
<b>FIFTH CIRCUIT</b>	<b>4,413</b>	<b>9,025</b>	<b>8,676</b>	<b>349</b>	<b>7,709</b>	<b>149</b>	<b>3,939</b>	<b>1,596</b>	<b>2,343</b>	<b>3,621</b>	<b>781</b>	<b>2,840</b>	<b>5,729</b>
CRIMINAL	1,647	3,050	2,984	66	2,074	51	522	118	404	1,501	169	1,332	2,623
U.S. PRISONER PETITIONS	271	716	663	53	586	1	433	230	203	152	17	135	401
OTHER U.S. CIVIL	172	292	281	11	291	11	111	16	95	169	52	117	173
PRIV. PRISONER PETITIONS	880	2,103	1,988	115	2,025	5	1,630	879	751	390	43	347	958
OTHER PRIVATE CIVIL	968	1,455	1,408	47	1,456	58	660	144	516	738	429	309	967
BANKRUPTCY	60	117	114	3	103	10	43	5	38	50	32	18	74
ADMINISTRATIVE APPEALS	314	580	567	13	520	11	323	204	119	186	39	147	374
ORIGINAL PROCEEDINGS <sup>2</sup>	101	712	671	41	654	2	217	-	217	435	-	435	159

2/10

14-57

80

70

5170

4,976

**Table B-1. (March 31, 2005—Continued)**

Circuit and Nature of Proceeding	Cases Pending Apr. 1, 2004 <sup>1</sup>	Cases Commenced			Cases Terminated							Cases Pending Mar. 31, 2005	
		Total	Original	Reinstated	Total	Cases Disposed of by Consolidation	Procedural Terminations		Terminations on the Merits				
							Total	By Judge	By Staff	Total	After Oral Hearing		After Submission on Briefs
<b>SIXTH CIRCUIT</b>	<b>4,459</b>	<b>4,785</b>	<b>4,750</b>	<b>35</b>	<b>4,761</b>	<b>223</b>	<b>1,920</b>	<b>847</b>	<b>1,073</b>	<b>2,618</b>	<b>1,129</b>	<b>1,489</b>	<b>4,483</b>
CRIMINAL	1,027	1,157	1,147	10	898	54	256	76	180	588	287	301	1,286
U.S. PRISONER PETITIONS	249	331	328	3	311	3	222	167	55	86	14	72	269
OTHER U.S. CIVIL	290	228	228	-	303	8	92	26	66	203	93	110	215
PRIV. PRISONER PETITIONS	726	892	880	12	910	11	545	398	147	354	92	262	708
OTHER PRIVATE CIVIL	1,408	1,327	1,323	4	1,457	109	577	113	464	771	545	226	1,278
BANKRUPTCY	77	69	68	1	73	5	28	3	25	40	24	16	73
ADMINISTRATIVE APPEALS	549	371	369	2	469	32	108	50	58	329	73	256	451
ORIGINAL PROCEEDINGS <sup>2</sup>	133	410	407	3	340	1	92	14	78	247	1	246	203
<b>SEVENTH CIRCUIT</b>	<b>2,272</b>	<b>3,482</b>	<b>3,445</b>	<b>37</b>	<b>3,357</b>	<b>207</b>	<b>1,777</b>	<b>651</b>	<b>1,126</b>	<b>1,373</b>	<b>723</b>	<b>650</b>	<b>2,397</b>
CRIMINAL	542	607	607	-	430	46	156	33	123	228	144	84	719
U.S. PRISONER PETITIONS	139	485	471	14	442	26	292	145	147	124	16	108	182
OTHER U.S. CIVIL	115	135	134	1	150	5	48	20	28	97	60	37	100
PRIV. PRISONER PETITIONS	350	689	671	18	684	18	498	174	324	168	55	113	355
OTHER PRIVATE CIVIL	771	929	925	4	1,011	82	447	70	377	482	340	142	689
BANKRUPTCY	42	63	63	-	52	3	28	8	20	21	16	5	53
ADMINISTRATIVE APPEALS	290	282	282	-	294	27	154	70	84	110	90	20	281
ORIGINAL PROCEEDINGS <sup>2</sup>	23	292	292	-	297	-	154	131	23	143	2	141	18
<b>EIGHTH CIRCUIT</b>	<b>1,833</b>	<b>3,387</b>	<b>3,376</b>	<b>11</b>	<b>2,893</b>	<b>146</b>	<b>881</b>	<b>447</b>	<b>434</b>	<b>1,866</b>	<b>652</b>	<b>1,214</b>	<b>2,327</b>
CRIMINAL	599	1,108	1,105	3	736	64	134	54	80	538	219	319	971
U.S. PRISONER PETITIONS	86	281	279	2	207	-	129	112	17	78	11	67	160
OTHER U.S. CIVIL	152	194	193	1	204	5	45	9	36	154	65	89	142
PRIV. PRISONER PETITIONS	211	523	520	3	492	9	285	183	102	198	32	166	242
OTHER PRIVATE CIVIL	527	724	722	2	690	54	209	52	157	427	256	171	561
BANKRUPTCY	14	27	27	-	21	-	5	1	4	16	10	6	20
ADMINISTRATIVE APPEALS	198	184	184	-	224	10	52	26	26	159	59	100	161
ORIGINAL PROCEEDINGS <sup>2</sup>	46	346	346	-	322	4	22	10	12	296	-	296	70

100%

24  
90%

80%

**Table B-1. (March 31, 2005—Continued)**

Circuit and Nature of Proceeding	Cases Pending Apr. 1, 2004 <sup>1</sup>	Cases Commenced			Total	Cases Disposed of by Consolidation	Cases Terminated			Total	Terminations on the Merits		Cases Pending Mar. 31, 2005
		Total	Original	Reinstated			Procedural Terminations		Total		After Oral Hearing	After Submission on Briefs	
							By Judge	By Staff					
<b>NINTH CIRCUIT</b>	<b>12,205</b>	<b>15,236</b>	<b>14,972</b>	<b>264</b>	<b>12,572</b>	<b>319</b>	<b>6,309</b>	<b>3,019</b>	<b>3,290</b>	<b>5,944</b>	<b>1,696</b>	<b>4,248</b>	<b>14,869</b>
CRIMINAL	1,826	1,996	1,992	4	1,610	78	523	138	385	1,009	422	587	2,212
U.S. PRISONER PETITIONS	342	549	540	9	493	16	323	215	108	154	53	101	398
OTHER U.S. CIVIL	557	668	651	17	519	30	251	60	191	238	128	110	706
PRIV. PRISONER PETITIONS	1,322	2,325	2,287	38	2,205	8	1,564	1,231	333	633	247	386	1,442
OTHER PRIVATE CIVIL	2,167	2,223	2,185	38	1,851	126	1,008	206	802	717	451	266	2,539
BANKRUPTCY	206	220	214	6	160	7	88	10	78	65	36	29	266
ADMINISTRATIVE APPEALS	5,612	6,437	6,285	152	4,983	54	2,519	1,147	1,372	2,410	355	2,055	7,066
ORIGINAL PROCEEDINGS <sup>2</sup>	173	818	818	-	751	-	33	12	21	718	4	714	240
<b>TENTH CIRCUIT</b>	<b>1,935</b>	<b>2,824</b>	<b>2,815</b>	<b>9</b>	<b>2,468</b>	<b>39</b>	<b>1,093</b>	<b>444</b>	<b>649</b>	<b>1,336</b>	<b>410</b>	<b>926</b>	<b>2,291</b>
CRIMINAL	478	743	738	5	474	4	127	44	83	343	137	206	747
U.S. PRISONER PETITIONS	159	272	272	-	246	1	137	77	60	108	10	98	185
OTHER U.S. CIVIL	178	184	184	-	191	5	61	13	48	125	34	91	171
PRIV. PRISONER PETITIONS	302	569	567	2	516	1	338	220	118	177	37	140	355
OTHER PRIVATE CIVIL	621	669	668	1	653	28	284	41	243	341	166	175	637
BANKRUPTCY	43	41	40	1	56	-	28	3	25	28	7	21	28
ADMINISTRATIVE APPEALS	125	108	108	-	128	-	50	9	41	78	19	59	105
ORIGINAL PROCEEDINGS <sup>2</sup>	29	238	238	-	204	-	68	37	31	136	-	136	63
<b>ELEVENTH CIRCUIT</b>	<b>3,189</b>	<b>7,523</b>	<b>7,119</b>	<b>404</b>	<b>6,804</b>	<b>140</b>	<b>3,651</b>	<b>1,952</b>	<b>1,699</b>	<b>3,013</b>	<b>581</b>	<b>2,432</b>	<b>3,908</b>
CRIMINAL	1,130	2,034	2,006	28	1,522	39	465	261	204	1,018	182	836	1,642
U.S. PRISONER PETITIONS	255	901	820	81	854	3	701	424	277	150	20	130	302
OTHER U.S. CIVIL	148	304	275	29	309	6	130	41	89	173	32	141	143
PRIV. PRISONER PETITIONS	375	1,310	1,220	90	1,295	2	1,027	604	423	266	34	232	390
OTHER PRIVATE CIVIL	887	1,673	1,555	118	1,574	62	835	415	420	677	275	402	986
BANKRUPTCY	39	80	71	9	78	2	38	13	25	38	17	21	41
ADMINISTRATIVE APPEALS	307	561	516	45	516	23	293	88	205	200	21	179	352
ORIGINAL PROCEEDINGS <sup>2</sup>	48	660	656	4	656	3	162	106	56	491	-	491	52

NOTE: THIS TABLE INCLUDES APPEALS REOPENED, REMANDED, AND REINSTATED (AFTER BEING TERMINATED DUE TO PROCEDURAL DEFAULTS) AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

<sup>1</sup> REVISED.

<sup>2</sup> BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

**Table B-7.**  
**U.S. Courts of Appeals—Nature of Suit or Offense in Cases Arising From the U.S. District Courts, by Circuit,**  
**During the 12-Month Period Ending March 31, 2005**

Nature of Suit or Offense	Circuit												
	Total	D.C.	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh
<b>TOTAL CASES</b>	<b>47,094</b>	<b>851</b>	<b>1,433</b>	<b>3,778</b>	<b>3,152</b>	<b>4,234</b>	<b>7,616</b>	<b>3,935</b>	<b>2,845</b>	<b>2,830</b>	<b>7,761</b>	<b>2,437</b>	<b>6,222</b>
<b>TOTAL CRIMINAL CASES</b>	<b>14,319</b>	<b>168</b>	<b>555</b>	<b>885</b>	<b>700</b>	<b>1,316</b>	<b>3,050</b>	<b>1,157</b>	<b>607</b>	<b>1,108</b>	<b>1,996</b>	<b>743</b>	<b>2,034</b>
<b>TOTAL CIVIL CASES</b>	<b>32,775</b>	<b>683</b>	<b>878</b>	<b>2,893</b>	<b>2,452</b>	<b>2,918</b>	<b>4,566</b>	<b>2,778</b>	<b>2,238</b>	<b>1,722</b>	<b>5,765</b>	<b>1,694</b>	<b>4,188</b>
<b>U.S. CASES</b>													
<b>TOTAL</b>	<b>8,457</b>	<b>467</b>	<b>232</b>	<b>527</b>	<b>646</b>	<b>1,045</b>	<b>1,008</b>	<b>559</b>	<b>620</b>	<b>475</b>	<b>1,217</b>	<b>456</b>	<b>1,205</b>
<b>U.S. PLAINTIFF</b>	<b>356</b>	<b>7</b>	<b>11</b>	<b>50</b>	<b>26</b>	<b>24</b>	<b>34</b>	<b>24</b>	<b>19</b>	<b>20</b>	<b>70</b>	<b>24</b>	<b>47</b>
NEGOTIABLE INSTRUMENTS	1	-	-	-	-	-	1	-	-	-	-	-	-
OTHER CONTRACT ACTIONS	20	-	4	4	3	-	1	3	1	-	1	1	2
CONDEMNATION OF LAND	5	-	-	-	-	1	1	-	-	-	3	-	-
OTHER REAL PROP. ACTIONS	16	-	1	1	2	1	3	-	1	2	1	3	1
TORT ACTIONS	8	1	-	-	-	-	3	-	-	1	1	-	2
CIVIL RIGHTS:													
EMPLOYMENT	33	-	-	5	3	5	-	4	3	1	6	2	4
OTHER CIVIL RIGHTS	13	1	-	3	-	-	1	-	-	3	1	1	3
FORFEITURE AND PENALTY	52	2	2	5	2	1	5	9	5	-	13	2	6
FAIR LABOR STAND. ACT	2	-	-	-	-	1	-	-	-	-	1	-	-
OTHER LABOR	10	1	-	4	-	-	-	-	2	-	2	-	1
SECUR., COMMOD., & EXCHG.	51	-	1	16	1	1	4	1	2	-	7	5	13
TAX SUITS	40	-	-	2	5	4	5	2	-	5	11	3	3
ALL OTHER	105	2	3	10	10	10	10	5	5	8	23	7	12
<b>U.S. DEFENDANT</b>	<b>8,101</b>	<b>460</b>	<b>221</b>	<b>477</b>	<b>620</b>	<b>1,021</b>	<b>974</b>	<b>535</b>	<b>601</b>	<b>455</b>	<b>1,147</b>	<b>432</b>	<b>1,158</b>
CONTRACT ACTIONS	66	5	1	6	3	8	7	5	5	6	9	2	9
REAL PROPERTY ACTIONS	40	-	2	-	2	1	4	1	1	6	12	11	-
TORT ACTIONS	227	15	15	13	18	9	27	18	17	12	53	11	19
CIVIL RIGHTS:													
EMPLOYMENT	383	58	12	20	14	56	42	23	18	18	44	22	56
OTHER CIVIL RIGHTS	460	63	21	58	38	17	47	31	14	21	100	15	35

**Table B-7. (March 31, 2005—Continued)**

Nature of Suit or Offense	Circuit												
	Total	D.C.	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh
<b>U.S. DEFENDANT (CONTINUED)</b>													
PRISONER PETITIONS:													
MOTIONS TO VACATE SEN.	2,969	21	96	167	124	438	460	231	288	170	197	138	639
HABEAS CORPUS—GEN.	1,337	51	33	73	230	21	181	70	107	57	313	70	131
HABEAS CORPUS—DEATH	5	-	-	-	4	-	-	1	-	-	-	-	-
PRISONER CIVIL RIGHTS	421	71	9	17	52	2	58	18	-	31	27	49	87
PRISON CONDITION*	159	2	-	2	6	55	12	4	32	9	-	1	36
OTHER PRIS. PETITIONS	471	5	2	6	3	337	5	7	58	14	12	14	8
LABOR SUITS	32	3	1	2	2	1	6	2	1	-	12	-	2
SOCIAL SECURITY LAWS	690	5	16	37	71	33	75	71	33	63	147	52	87
TAX SUITS	158	4	6	14	14	8	14	19	1	7	57	7	7
ENVIRONMENTAL MATTERS	138	20	1	5	2	3	7	3	-	17	61	12	7
FREEDOM OF INFOR. ACT	77	34	1	8	4	1	4	3	4	3	9	5	1
ALL OTHER	468	103	5	49	33	31	25	28	22	21	94	23	34
<b>PRIVATE CASES</b>													
<b>TOTAL</b>	<b>24,318</b>	<b>216</b>	<b>646</b>	<b>2,366</b>	<b>1,806</b>	<b>1,873</b>	<b>3,558</b>	<b>2,219</b>	<b>1,618</b>	<b>1,247</b>	<b>4,548</b>	<b>1,238</b>	<b>2,983</b>
<b>FEDERAL QUESTION</b>	<b>21,341</b>	<b>183</b>	<b>519</b>	<b>2,080</b>	<b>1,516</b>	<b>1,653</b>	<b>3,149</b>	<b>1,934</b>	<b>1,485</b>	<b>1,103</b>	<b>4,039</b>	<b>1,093</b>	<b>2,587</b>
MARINE CONTRACT	72	-	5	12	5	-	13	2	2	-	15	2	16
OTHER CONTRACT ACTIONS	390	3	9	64	26	21	67	33	8	23	68	31	37
FEDERAL EMPLOYERS													
LIABILITY ACT	24	-	-	3	4	-	-	1	6	1	6	3	-
MARINE INJURY	83	-	-	6	3	1	46	4	-	-	16	-	7
OTHER TORT ACTIONS	481	14	14	32	17	37	48	29	76	32	108	16	58
ANTITRUST	105	4	6	17	11	12	11	9	2	4	17	6	6
CIVIL RIGHTS:													
EMPLOYMENT	2,373	28	69	249	151	163	271	247	250	155	271	132	387
OTHER CIVIL RIGHTS	3,554	63	166	361	334	191	326	400	237	212	596	208	460
PRISONER PETITIONS:													
HABEAS CORPUS—GEN.	6,404	7	70	529	371	525	1,224	503	345	239	1,598	292	701
HABEAS CORPUS—DEATH	173	-	-	-	13	14	62	27	3	8	14	8	24
PRISONER CIVIL RIGHTS	2,651	10	45	338	188	13	607	209	7	142	543	263	286
PRISON CONDITION*	1,918	1	3	32	142	500	193	149	331	108	163	1	295
OTHER PRIS. PETITIONS	80	1	-	2	3	8	17	4	3	26	7	5	4
LABOR MGMT. RELAT. ACT	161	-	5	28	14	9	7	25	20	12	28	1	12
OTHER LABOR	857	13	42	73	75	52	100	126	66	49	126	35	100
COPYRIGHT, PATENT, AND TRADEMARK	453	4	15	70	30	19	39	48	19	19	137	19	34

**Table B-7. (March 31, 2005—Continued)**

Nature of Suit or Offense	Circuit												
	Total	D.C.	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh
<b>PRIVATE CASES (CONTINUED)</b>													
SECUR., COMMOD., & EXCHG.	174	4	5	50	18	11	12	9	8	8	27	4	18
CONST. OF STATE STATS.	118	3	4	14	2	8	11	7	6	13	30	4	16
ALL OTHER	1,270	28	61	200	109	69	95	102	96	52	269	63	126
<b>DIVERSITY OF CITIZENSHIP</b>	<b>2,975</b>	<b>33</b>	<b>127</b>	<b>286</b>	<b>288</b>	<b>220</b>	<b>409</b>	<b>285</b>	<b>133</b>	<b>144</b>	<b>509</b>	<b>145</b>	<b>396</b>
INSURANCE	687	1	24	42	79	46	106	76	38	20	130	37	88
OTHER CONTRACT ACTIONS	1,171	12	51	127	119	94	129	104	88	68	176	62	141
REAL PROPERTY ACTIONS	79	1	6	4	6	10	13	7	5	2	7	3	15
PERSONAL INJURY/PRODUCT LIABILITY	246	1	11	19	30	13	35	28	-	8	71	4	26
OTHER PERSONAL INJURY	507	18	24	59	29	43	93	42	1	39	82	21	56
PERSONAL PROP. DAMAGE	239	-	7	29	24	13	21	27	1	7	36	16	58
ALL OTHER	46	-	4	6	1	1	12	1	-	-	7	2	12
<b>GENERAL LOCAL JURISDICTION</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
CONTRACT ACTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
REAL PROPERTY ACTIONS	2	-	-	-	2	-	-	-	-	-	-	-	-
TORT ACTIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
PRISONER PETITIONS	-	-	-	-	-	-	-	-	-	-	-	-	-
ALL OTHER	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>CRIMINAL CASES</b>													
<b>TOTAL</b>	<b>14,319</b>	<b>168</b>	<b>555</b>	<b>885</b>	<b>700</b>	<b>1,316</b>	<b>3,050</b>	<b>1,157</b>	<b>607</b>	<b>1,108</b>	<b>1,996</b>	<b>743</b>	<b>2,034</b>
<b>GENERAL OFFENSES</b>													
<b>HOMICIDE, TOTAL</b>	<b>87</b>	<b>8</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>9</b>	<b>11</b>	<b>17</b>	<b>10</b>	<b>8</b>
MURDER, FIRST DEGREE	78	8	1	6	5	3	3	3	9	10	15	7	8
OTHER HOMICIDE	9	-	-	-	2	-	1	-	-	1	2	3	-
<b>ROBBERY, TOTAL</b>	<b>372</b>	<b>-</b>	<b>12</b>	<b>16</b>	<b>35</b>	<b>64</b>	<b>34</b>	<b>48</b>	<b>20</b>	<b>21</b>	<b>42</b>	<b>17</b>	<b>63</b>
BANK	365	-	12	14	32	63	34	48	20	21	42	17	62
OTHER ROBBERY	7	-	-	2	3	1	-	-	-	-	-	-	1



**Table B-7. (March 31, 2005—Continued)**

Nature of Suit or Offense	Circuit												
	Total	D.C.	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh
<b>GENERAL OFFENSES (CONTINUED)</b>													
ASSAULT	100	-	4	7	3	6	11	3	4	23	24	7	8
BURGLARY	9	-	-	-	1	-	-	-	-	1	5	1	1
LARCENY AND THEFT, TOTAL	259	-	11	24	24	15	31	19	11	11	49	7	57
INTERSTATE COMMERCE	84	-	4	7	17	-	4	6	5	1	7	-	33
TRANSPORTATION, ETC. OF													
STOLEN PROPERTY	38	-	-	8	2	6	3	3	2	2	2	1	9
POSTAL	67	-	5	1	4	5	17	3	1	3	22	2	4
OTHER LARCENY AND THEFT	70	-	2	8	1	4	7	7	3	5	18	4	11
EMBEZZLEMENT	79	1	-	5	6	7	10	13	6	4	11	7	9
FRAUD, TOTAL	1,471	14	61	187	98	124	182	113	86	77	218	57	254
INCOME TAX	102	-	7	11	7	4	11	15	-	5	15	8	19
POSTAL AND INTERSTATE													
WIRE, RADIO, ETC.	297	3	12	33	17	23	40	13	27	16	46	5	62
LENDING AND CREDIT	235	2	18	21	15	29	22	29	10	10	32	19	28
FALSE CLAIMS & STATEMENTS	165	4	4	23	16	14	23	10	11	7	28	2	23
OTHER FRAUD	672	5	20	99	43	54	86	46	38	39	97	23	122
AUTO THEFT	59	1	5	2	3	8	11	6	-	3	-	3	17
FORGERY AND COUNTERFEITING	187	-	5	8	21	18	29	20	3	10	21	11	41
SEX OFFENSES	296	-	7	19	16	20	39	29	11	35	53	26	41
DRUGS	5,387	66	260	308	251	520	961	462	245	530	608	254	922
<b>MISC. GENERAL OFFENSES</b>													
TOTAL	2,834	62	107	176	164	413	375	342	121	263	289	187	335
BRIBERY	24	4	-	2	1	3	3	-	-	-	3	-	8
EXTORTION, RACKETEERING,													
AND THREATS	149	-	7	16	15	20	22	11	5	12	20	9	12
GAMBLING, LOTTERY	1	-	-	-	-	-	-	-	-	1	-	-	-
KIDNAPPING	76	-	1	1	1	6	27	12	2	6	13	2	5

**Table B-7. (March 31, 2005—Continued)**

Nature of Suit or Offense	Circuit												
	Total	D.C.	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh*
<b>MISC. GENERAL OFFENSES (CONTINUED)</b>													
FIREARMS, WEAPONS	2,352	57	89	116	138	364	292	306	102	229	214	161	284
ESCAPE	71	-	1	6	3	7	18	4	2	4	12	6	8
PERJURY	15	-	1	1	2	3	2	-	1	3	1	-	1
DRUNK DRIVING/TRAFFIC	10	-	-	-	-	4	1	-	-	-	3	-	2
OTHER MISCELLANEOUS													
GENERAL OFFENSES	136	1	8	34	4	6	10	9	9	8	23	9	15
<b>SPECIAL OFFENSES</b>													
IMMIGRATION LAWS	2,376	3	50	69	30	42	1,275	47	49	47	530	114	120
FEDERAL STATUTES, TOTAL	803	13	32	58	41	76	88	52	42	72	129	42	158
AGRICULTURAL ACTS	5	-	-	-	-	-	-	-	2	-	1	1	1
ANTITRUST VIOLATIONS	2	-	-	-	-	-	2	-	-	-	-	-	-
NATIONAL DEFENSE LAWS	7	1	-	-	-	-	1	-	2	-	3	-	-
CIVIL RIGHTS	16	-	1	-	-	-	4	1	1	1	1	2	5
WITNESS INTIMIDATION	55	-	4	7	3	7	2	3	4	1	5	1	18
EXPLOSIVES/NONVESSEL	49	2	3	5	3	5	3	4	6	3	6	3	6
OTHER	669	10	24	46	35	64	76	44	27	67	113	35	128

NOTE: THIS TABLE INCLUDES APPEALS REOPENED, REMANDED, AND REINSTATED (AFTER BEING TERMINATED DUE TO PROCEDURAL DEFAULTS) AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\* COLLECTION OF DATA FOR THIS CATEGORY BEGAN ON JANUARY 1, 1997.

**Table B-3.**  
**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,**  
**During the 12-Month Periods Ending September 30, 2001 Through 2005**

Source	2001	2002	2003	2004	2005
<b>TOTAL APPEALS</b>	<b>57,464</b>	<b>57,555</b>	<b>60,847</b>	<b>62,762</b>	<b>68,473</b>
US DISTRICT COURTS	47,327	47,068	46,358	45,581	48,878
BANKRUPTCY	961	843	902	862	865
ADMINISTRATIVE AGENCIES, TOTAL	3,300	5,789	9,988	12,255	13,713
IRS	222	205	173	192	210
LABOR	28	7	21	24	28
FCC	135	125	103	126	81
FERC	160	200	141	267	255
FTC	0	0	3	3	3
NLRB	364	291	235	285	341
EPA	130	120	148	138	136
ICC	0	0	1	0	0
BIA	1,760	4,449	8,833	10,812	12,349
OTHER ADMIN. AGENCIES	501	392	330	408	310
ORIGINAL PROCEEDINGS	5,876	3,855	3,599	4,064	5,017
<b>DC CIRCUIT</b>	<b>1,401</b>	<b>1,126</b>	<b>1,121</b>	<b>1,390</b>	<b>1,379</b>
U.S. DISTRICT COURTS	740	659	647	824	801
BANKRUPTCY	3	4	3	7	3
IRS	8	7	8	10	15
NLRB	55	53	39	41	72
ADMINISTRATIVE AGENCIES	480	340	344	423	381
ORIGINAL PROCEEDINGS	115	63	80	85	107
<b>1ST CIRCUIT</b>	<b>1,762</b>	<b>1,667</b>	<b>1,844</b>	<b>1,723</b>	<b>1,912</b>
ME	164	115	141	143	171
MA	659	621	635	578	602
NH	112	96	117	121	118
RI	150	134	122	116	131
PR	498	524	574	510	506
BANKRUPTCY	24	35	36	19	31
IRS	3	3	5	4	5
NLRB	5	10	3	4	11
ADMINISTRATIVE AGENCIES	55	69	145	156	244
ORIGINAL PROCEEDINGS	92	60	66	72	93

**Table B-3. (September 30, 2005—Continued)**

Source	2001	2002	2003	2004	2005
<b>2ND CIRCUIT</b>	<b>4,519</b>	<b>4,870</b>	<b>6,359</b>	<b>7,008</b>	<b>7,035</b>
CT	357	374	358	294	354
NY,N	395	401	361	426	409
NY,E	1,034	1,139	1,078	1,187	1,127
NY,S	1,684	1,571	1,688	1,630	1,633
NY,W	283	358	314	267	368
VT	57	59	48	58	51
BANKRUPTCY	93	76	85	81	100
IRS	27	10	11	12	10
NLRB	51	31	37	24	38
ADMINISTRATIVE AGENCIES	184	562	2,118	2,711	2,578
ORIGINAL PROCEEDINGS	354	289	261	318	367
<b>3RD CIRCUIT</b>	<b>3,860</b>	<b>3,643</b>	<b>3,957</b>	<b>3,871</b>	<b>4,498</b>
DE	134	144	138	139	145
NJ	816	735	741	731	757
PA,E	1,275	1,081	1,060	1,022	1,166
PA,M	470	494	549	519	629
PA,W	520	489	520	532	619
VI	67	91	113	65	57
BANKRUPTCY	78	89	87	90	97
IRS	11	8	20	9	10
NLRB	28	33	27	35	26
ADMINISTRATIVE AGENCIES	139	233	505	542	728
ORIGINAL PROCEEDINGS	322	246	197	187	264
<b>4TH CIR</b>	<b>5,303</b>	<b>4,658</b>	<b>4,887</b>	<b>4,957</b>	<b>5,307</b>
MD	722	679	619	608	582
NC,E	487	417	462	408	542
NC,M	299	314	257	311	331
NC,W	380	327	282	250	313
SC	620	596	631	732	709
VA,E	1,147	1,111	1,077	1,114	1,084
VA,W	358	301	443	347	360
WV,N	135	111	109	110	139
WV,S	225	200	210	206	207
BANKRUPTCY	83	66	65	58	67
IRS	14	8	9	8	10
NLRB	29	27	24	31	24
ADMINISTRATIVE AGENCIES	119	177	346	404	399
ORIGINAL PROCEEDINGS	685	324	353	370	540

Table B-3. (September 30, 2005—Continued)

Source	2001	2002	2003	2004	2005
<b>5TH CIRCUIT</b>	<b>8,642</b>	<b>8,784</b>	<b>8,613</b>	<b>8,509</b>	<b>9,052</b>
LA,E	625	582	531	537	466
LA,M	210	183	164	179	195
LA,W	482	454	444	463	459
MS,N	224	256	213	240	202
MS,S	385	363	388	302	314
TX,N	1,438	1,363	1,234	1,400	1,369
TX,E	705	843	782	680	593
TX,S	1,897	2,162	2,159	1,999	2,274
TX,W	1,254	1,367	1,459	1,352	1,740
BANKRUPTCY	139	142	109	116	110
IRS	25	19	27	22	20
NLRB	15	28	9	18	7
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS	302 941	341 681	449 645	537 664	623 680
<b>6TH CIRCUIT</b>	<b>4,853</b>	<b>4,619</b>	<b>4,964</b>	<b>4,841</b>	<b>5,211</b>
KY,E	277	250	315	340	307
KY,W	267	236	244	239	213
MI,E	1,016	1,059	952	881	912
MI,W	343	382	486	483	530
OH,N	704	644	659	662	605
OH,S	486	477	507	456	509
TN,E	318	308	304	290	395
TN,M	245	306	330	265	377
TN,W	315	325	337	356	365
BANKRUPTCY	87	62	73	81	62
IRS	14	8	10	10	20
NLRB	68	31	26	38	63
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS	110 603	173 358	387 334	373 367	355 498

**Table B-3. (September 30, 2005—Continued)**

Source	2001	2002	2003	2004	2005
<b>7TH CIRCUIT</b>	<b>3,455</b>	<b>3,418</b>	<b>3,517</b>	<b>3,377</b>	<b>3,789</b>
IL,N	1,128	1,191	1,146	1,106	1,097
IL,C	337	311	291	291	354
IL,S	239	263	260	224	285
IN,N	311	315	334	310	298
IN,S	369	358	411	330	412
WI,E	316	349	299	265	314
WI,W	260	238	245	261	355
BANKRUPTCY	41	46	66	48	57
IRS	21	16	5	9	23
NLRB	31	29	28	26	30
ADMINISTRATIVE AGENCIES	88	113	260	279	272
ORIGINAL PROCEEDINGS	314	189	172	228	292
<b>8TH CIRCUIT</b>	<b>3,034</b>	<b>3,216</b>	<b>3,190</b>	<b>3,101</b>	<b>3,611</b>
AR,E	373	378	346	341	419
AR,W	130	145	137	100	111
IA,N	154	165	189	207	187
IA,S	166	198	216	206	242
MN	354	410	410	377	498
MO,E	462	513	442	432	496
MO,W	460	535	519	497	558
NE	198	203	211	245	333
ND	42	53	77	53	53
SD	113	136	131	111	160
BANKRUPTCY	50	40	36	24	29
IRS	17	10	15	11	12
NLRB	16	11	14	17	10
ADMINISTRATIVE AGENCIES	44	125	233	176	147
ORIGINAL PROCEEDINGS	455	294	214	304	356

Table B-3. (September 30, 2005—Continued)

Source	2001	2002	2003	2004	2005
<b>9TH CIRCUIT</b>	<b>10,342</b>	<b>11,421</b>	<b>12,872</b>	<b>14,274</b>	<b>16,037</b>
AK	135	106	110	103	137
AZ	791	781	870	814	833
CA,N	852	820	770	819	909
CA,E	934	893	813	758	771
CA,C	2,365	2,294	2,345	2,322	2,278
CA,S	621	577	540	488	637
HI	190	187	146	164	190
ID	113	119	159	158	118
MT	165	232	242	299	302
NV	571	466	542	633	589
OR	466	508	479	432	535
WA,E	232	168	202	236	241
WA,W	529	488	430	453	575
GUAM	17	22	20	22	28
NMI	18	16	23	15	9
BANKRUPTCY	260	174	221	217	196
IRS	53	59	49	60	60
NLRB	34	18	21	20	36
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS	1,063	2,822	4,291	5,575	6,737
	933	671	599	686	856
<b>10TH CIRCUIT</b>	<b>2,758</b>	<b>2,661</b>	<b>2,540</b>	<b>2,646</b>	<b>2,911</b>
CO	545	552	531	485	565
KS	342	397	331	396	462
NM	411	338	298	339	363
OK,N	179	178	198	165	198
OK,E	147	141	126	129	127
OK,W	410	361	349	368	346
UT	230	233	261	272	315
WY	89	111	104	120	112
BANKRUPTCY	33	38	44	42	31
IRS	13	22	4	11	10
NLRB	11	4	5	14	10
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS	36	76	119	107	93
	312	210	170	198	279

**Table B-3. (September 30, 2005—Continued)**

Source	2001	2002	2003	2004	2005
<b>11TH CIRCUIT</b>	<b>7,535</b>	<b>7,472</b>	<b>6,983</b>	<b>7,065</b>	<b>7,731</b>
AL,N	500	501	440	460	423
AL,M	270	273	280	212	223
AL,S	213	229	255	209	249
FL,N	576	506	398	415	433
FL,M	1,531	1,533	1,479	1,503	1,638
FL,S	1,900	1,967	1,662	1,570	1,827
GA,N	888	898	876	849	956
GA,M	347	353	295	336	275
GA,S	359	358	318	309	306
BANKRUPTCY	70	71	77	79	82
IRS	16	35	10	26	15
NLRB	21	16	2	17	14
ADMINISTRATIVE AGENCIES	94	262	383	495	605
ORIGINAL PROCEEDINGS	750	470	508	585	685

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.



Table B-3.

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,  
For the Twelve-Month Periods Ended September 30, 1993 Through 1997**

Source	1993	1994	1995	1996	1997
<b>TOTAL APPEALS</b>	<b>50,224</b>	<b>48,322</b>	<b>50,072</b>	<b>51,991</b>	<b>52,319</b>
U.S. DISTRICT COURTS	44,236	42,983	44,365	47,026	45,935
BANKRUPTCY	1,388	1,382	1,667	1,434	1,158
ADMIN. AGENCIES, TOTAL	3,928	3,369	3,295	2,827	4,412
U.S. TAX CT.	524	397	390	332	323
LABR	20	39	41	26	43
FCC	318	175	157	128	274
FERC	449	458	222	145	230
FTC	3	4	5	2	1
NLRB	600	481	533	446	443
EPA	131	125	133	87	216
ICC	31	31	29	23	3
INS	1,114	983	1,180	1,063	1,921
OTHER ADMIN. AGENCIES	738	676	605	575	958
ORIGINAL PROCEEDINGS	672	588	745	704	814
<b>DC CIRCUIT</b>	<b>1,791</b>	<b>1,770</b>	<b>1,625</b>	<b>1,347</b>	<b>1,531</b>
U.S. DISTRICT COURTS	896	850	923	817	767
BANKRUPTCY	9	13	11	8	5
U.S. TAX COURT	7	5	9	12	11
NLRB	32	29	43	42	46
ADMIN. AGENCIES	799	810	565	420	670
ORIGINAL PROCEEDINGS	48	63	74	48	32
<b>1ST CIRCUIT</b>	<b>1,417</b>	<b>1,370</b>	<b>1,339</b>	<b>1,367</b>	<b>1,449</b>
ME	145	109	149	144	168
MA	568	559	582	554	599
NH	150	126	95	99	133
RI	165	133	158	175	111
PR	258	334	236	291	312
BANKRUPTCY	21	26	31	41	36
U.S. TAX COURT	11	1	4	7	5
NLRB	31	19	22	10	12
ADMIN. AGENCIES	51	51	54	32	61
ORIGINAL PROCEEDINGS	17	12	8	14	12

**Table B-3. (Continued)**

Source	1993	1994	1995	1996	1997
<b>2ND CIRCUIT</b>	<b>4,321</b>	<b>3,986</b>	<b>3,987</b>	<b>4,562</b>	<b>4,816</b>
CT	359	394	365	386	424
NY,N	406	328	396	404	407
NY,E	1,048	833	947	998	1,135
NY,S	1,575	1,613	1,488	1,811	1,886
NY,W	305	290	278	362	277
VT	110	110	102	87	96
BANKRUPTCY	147	113	109	168	110
U.S. TAX COURT	41	49	35	58	57
NLRB	92	87	81	67	57
ADMIN. AGENCIES	162	128	131	136	262
ORIGINAL PROCEEDINGS	76	41	55	85	105
<b>3RD CIRCUIT</b>	<b>3,599</b>	<b>3,675</b>	<b>3,485</b>	<b>3,604</b>	<b>3,458</b>
DE	185	143	106	133	120
NJ	763	788	849	816	831
PA,E	1,220	1,285	1,105	1,131	1,078
PA,M	474	461	446	521	444
PA,W	506	564	560	633	559
VI	125	147	87	82	97
BANKRUPTCY	102	92	84	98	111
U.S. TAX COURT	26	20	40	19	13
NLRB	66	60	68	36	35
ADMIN. AGENCIES	100	73	97	79	107
ORIGINAL PROCEEDINGS	32	42	43	56	63
<b>4TH CIRCUIT</b>	<b>4,390</b>	<b>3,994</b>	<b>5,193</b>	<b>4,914</b>	<b>4,754</b>
MD	937	652	757	718	863
NC,E	381	433	506	530	503
NC,M	230	198	285	266	215
NC,W	235	192	262	307	280
SC	432	451	595	670	690
VA,E	979	998	1,161	1,183	1,062
VA,W	322	413	493	499	395
WV,N	151	108	169	157	136
WV,S	237	188	164	221	187
BANKRUPTCY	144	106	544	137	81
U.S. TAX COURT	38	26	25	19	23
NLRB	66	43	49	46	31
ADMIN. AGENCIES	223	172	166	144	262
ORIGINAL PROCEEDINGS	15	14	17	17	26

**Table B-3. (Continued)**

Source	1993	1994	1995	1996	1997
<b>5TH CIRCUIT</b>	<b>6,657</b>	<b>6,264</b>	<b>6,513</b>	<b>7,546</b>	<b>7,573</b>
LA,E	723	603	604	686	612
LA,M	189	150	185	226	218
LA,W	397	407	475	442	433
MS,N	146	159	199	291	213
MS,S	305	343	345	341	336
TX,N	1,143	1,191	1,179	1,528	1,494
TX,E	883	564	635	732	901
TX,S	1,240	1,320	1,467	1,769	1,608
TX,W	945	932	910	979	1,045
BANKRUPTCY	211	167	162	229	179
U.S. TAX COURT	35	40	31	35	35
NLRB	37	16	15	27	14
ADMIN. AGENCIES	299	297	223	187	388
ORIGINAL PROCEEDINGS	104	75	83	74	97
<b>6TH CIRCUIT</b>	<b>4,826</b>	<b>4,438</b>	<b>4,631</b>	<b>4,606</b>	<b>4,622</b>
KY,E	306	306	375	353	285
KY,W	304	258	272	279	283
MI,E	1,098	943	1,014	1,026	1,002
MI,W	438	458	433	467	404
OH,N	648	636	728	697	773
OH,S	595	555	500	516	522
TN,E	277	273	284	326	337
TN,M	265	266	270	286	268
TN,W	449	385	399	329	367
BANKRUPTCY	96	105	87	87	87
U.S. TAX COURT	34	21	20	20	22
NLRB	111	78	99	82	102
ADMIN. AGENCIES	167	121	111	106	122
ORIGINAL PROCEEDINGS	38	33	39	32	48

**Table B-3. (Continued)**

Source	1993	1994	1995	1996	1997
<b>7TH CIRCUIT</b>	<b>3,235</b>	<b>3,096</b>	<b>3,112</b>	<b>3,248</b>	<b>3,350</b>
IL,N	1,191	1,117	1,128	1,084	1,165
IL,C	312	345	262	339	336
IL,S	258	255	281	275	276
IN,N	305	306	333	366	292
IN,S	350	289	330	380	422
WI,E	309	312	329	292	344
WI,W	266	238	218	263	241
BANKRUPTCY	82	70	67	94	56
U.S. TAX COURT	24	18	14	12	18
NLRB	42	38	44	29	62
ADMIN. AGENCIES	77	85	73	83	108
ORIGINAL PROCEEDINGS	19	23	33	31	30
<b>8TH CIRCUIT</b>	<b>3,178</b>	<b>3,193</b>	<b>3,205</b>	<b>3,384</b>	<b>3,335</b>
AR,E	433	419	417	405	427
AR,W	135	171	147	190	163
IA,N	110	114	115	151	153
IA,S	233	235	272	244	243
MN	425	437	433	438	500
MO,E	611	641	654	682	631
MO,W	533	541	559	548	587
NE	225	200	192	229	210
ND	100	82	70	72	55
SD	176	151	145	202	151
BANKRUPTCY	61	76	63	89	51
U.S. TAX COURT	14	20	13	17	7
NLRB	36	30	30	27	24
ADMIN. AGENCIES	58	45	43	51	98
ORIGINAL PROCEEDINGS	28	31	52	39	35

**Table B-3. (Continued)**

Source	1993	1994	1995	1996	1997
<b>9TH CIRCUIT</b>	<b>8,514</b>	<b>8,092</b>	<b>8,415</b>	<b>8,502</b>	<b>8,692</b>
AK	182	170	183	161	142
AZ	768	720	684	767	680
CA,N	916	910	796	866	964
CA,E	510	529	707	663	663
CA,C	2,033	1,883	1,871	1,970	1,848
CA,S	554	421	538	541	521
HI	214	207	210	179	191
ID	85	137	142	119	90
MT	137	189	184	151	163
NV	525	427	484	430	426
OR	586	554	517	534	567
WA,E	186	199	185	196	156
WA,W	447	429	436	554	453
GUAM	48	56	32	51	61
NMI	16	13	16	21	12
BANKRUPTCY	314	334	298	286	293
U.S. TAX COURT	223	145	149	89	83
NLRB	59	63	63	58	40
ADMIN. AGENCIES	528	530	709	673	1,177
ORIGINAL PROCEEDINGS	183	176	211	193	162
<b>10TH CIRCUIT</b>	<b>2,657</b>	<b>2,714</b>	<b>2,619</b>	<b>2,582</b>	<b>2,629</b>
CO	453	555	528	537	477
KS	431	407	426	403	408
NM	366	275	287	293	414
OK,N	266	249	267	293	243
OK,E	137	158	190	139	139
OK,W	401	457	447	444	411
UT	232	251	210	186	207
WY	118	123	77	122	130
BANKRUPTCY	101	99	68	62	39
U.S. TAX COURT	29	25	25	17	33
NLRB	13	10	12	4	5
ADMIN. AGENCIES	83	78	56	44	77
ORIGINAL PROCEEDINGS	27	27	26	38	46

**Table B-3. (Continued)**

Source	1993	1994	1995	1996	1997
<b>11TH CIRCUIT</b>	<b>5,639</b>	<b>5,730</b>	<b>5,948</b>	<b>6,329</b>	<b>6,110</b>
AL,N	425	520	466	547	417
AL,M	329	347	357	358	300
AL,S	276	289	268	310	240
FL,N	356	377	433	422	434
FL,M	1,104	1,158	1,138	1,311	1,080
FL,S	1,267	1,234	1,381	1,525	1,637
GA,N	840	882	962	920	778
GA,M	260	284	270	257	250
GA,S	283	271	250	328	361
BANKRUPTCY	100	181	143	135	110
U.S. TAX COURT	42	27	25	27	16
NLRB	15	8	7	18	15
ADMIN. AGENCIES	257	101	144	94	314
ORIGINAL PROCEEDINGS	85	51	104	77	158

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

**Table B-3.**

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit  
For the Twelve-Month Periods Ended September 30, 1994 Through 1998**

Source	1994	1995	1996	1997	1998
<b>TOTAL APPEALS</b>	<b>48,322</b>	<b>50,072</b>	<b>51,991</b>	<b>52,319</b>	<b>53,805</b>
U.S. DISTRICT COURTS	42,983	44,365	47,026	45,935	48,057
BANKRUPTCY	1,382	1,667	1,434	1,158	1,203
ADMIN. AGENCIES, TOTAL	3,369	3,295	2,827	4,412	3,793
U.S. TAX COURT	397	390	332	323	368
LABR	39	41	26	43	23
FCC	175	157	128	274	182
FERC	458	222	145	230	284
FTC	4	5	2	1	1
NLRB	481	533	446	443	354
EPA	125	133	87	216	97
ICC	31	29	23	3	2
INS	983	1,180	1,063	1,921	1,936
OTHER ADMIN. AGENCIES	676	605	575	958	546
ORIGINAL PROCEEDINGS	588	745	704	814	752
<b>DC CIRCUIT</b>	<b>1,770</b>	<b>1,625</b>	<b>1,347</b>	<b>1,531</b>	<b>1,627</b>
U.S. DISTRICT COURTS	850	923	817	767	1,012
BANKRUPTCY	13	11	8	5	8
U.S. TAX COURT	5	9	12	11	11
NLRB	29	43	42	46	37
ADMIN. AGENCIES	810	565	420	670	521
ORIGINAL PROCEEDINGS	63	74	48	32	38
<b>1ST CIRCUIT</b>	<b>1,370</b>	<b>1,339</b>	<b>1,367</b>	<b>1,449</b>	<b>1,437</b>
ME	109	149	144	168	134
MA	559	582	554	599	556
NH	126	95	99	133	119
RI	133	158	175	111	130
PR	334	236	291	312	331
BANKRUPTCY	26	31	41	36	34
U.S. TAX COURT	1	4	7	5	10
NLRB	19	22	10	12	11
ADMIN. AGENCIES	51	54	32	61	58
ORIGINAL PROCEEDINGS	12	8	14	12	54

**Table B-3. (September 30, 1998—Continued)**

Source	1994	1995	1996	1997	1998
<b>2ND CIRCUIT</b>	<b>3,986</b>	<b>3,987</b>	<b>4,562</b>	<b>4,816</b>	<b>4,796</b>
CT	394	365	386	424	360
NY,N	328	396	404	407	424
NY,E	833	947	998	1,135	1,116
NY,S	1,613	1,488	1,811	1,886	1,844
NY,W	290	278	362	277	376
VT	110	102	87	96	94
BANKRUPTCY	113	109	168	110	91
U.S. TAX COURT	49	35	58	57	35
NLRB	87	81	67	57	50
ADMIN. AGENCIES	128	131	136	262	365
ORIGINAL PROCEEDINGS	41	55	85	105	41
<b>3RD CIRCUIT</b>	<b>3,675</b>	<b>3,485</b>	<b>3,604</b>	<b>3,458</b>	<b>3,613</b>
DE	143	106	133	120	142
NJ	788	849	816	831	847
PA,E	1,285	1,105	1,131	1,078	1,145
PA,M	461	446	521	444	454
PA,W	564	560	633	559	572
VI	147	87	82	97	69
BANKRUPTCY	92	84	98	111	77
U.S. TAX COURT	20	40	19	13	35
NLRB	60	68	36	35	49
ADMIN. AGENCIES	73	97	79	107	122
ORIGINAL PROCEEDINGS	42	43	56	63	101
<b>4TH CIRCUIT</b>	<b>3,994</b>	<b>5,193</b>	<b>4,914</b>	<b>4,754</b>	<b>4,897</b>
MD	652	757	718	863	859
NC,E	433	506	530	503	428
NC,M	198	285	266	215	268
NC,W	192	262	307	280	269
SC	451	595	670	690	708
VA,E	998	1,161	1,183	1,062	1,145
VA,W	413	493	499	395	492
WV,N	108	169	157	136	127
WV,S	188	164	221	187	175
BANKRUPTCY	106	544	137	81	125
U.S. TAX COURT	26	25	19	23	17
NLRB	43	49	46	31	32
ADMIN. AGENCIES	172	166	144	262	219
ORIGINAL PROCEEDINGS	14	17	17	26	33



**Table B-3. (September 30, 1998—Continued)**

Source	1994	1995	1996	1997	1998
<b>5TH CIRCUIT</b>	<b>6,264</b>	<b>6,513</b>	<b>7,546</b>	<b>7,573</b>	<b>8,096</b>
LA,E	603	604	686	612	711
LA,M	150	185	226	218	201
LA,W	407	475	442	433	530
MS,N	159	199	291	213	209
MS,S	343	345	341	336	347
TX,N	1,191	1,179	1,528	1,494	1,478
TX,E	564	635	732	901	915
TX,S	1,320	1,467	1,769	1,608	1,848
TX,W	932	910	979	1,045	1,303
BANKRUPTCY	167	162	229	179	195
U.S. TAX COURT	40	31	35	35	29
NLRB	16	15	27	14	13
ADMIN. AGENCIES	297	223	187	388	219
ORIGINAL PROCEEDINGS	75	83	74	97	98
<b>6TH CIRCUIT</b>	<b>4,438</b>	<b>4,631</b>	<b>4,606</b>	<b>4,622</b>	<b>4,704</b>
KY,E	306	375	353	285	360
KY,W	258	272	279	283	266
MI,E	943	1,014	1,026	1,002	981
MI,W	458	433	467	404	406
OH,N	636	728	697	773	828
OH,S	555	500	516	522	608
TN,E	273	284	326	337	288
TN,M	266	270	286	268	258
TN,W	385	399	329	367	410
BANKRUPTCY	105	87	87	87	73
U.S. TAX COURT	21	20	20	22	32
NLRB	78	99	82	102	51
ADMIN. AGENCIES	121	111	106	122	103
ORIGINAL PROCEEDINGS	33	39	32	48	40

**Table B-3 . (September 30, 1998—Continued)**

Source	1994	1995	1996	1997	1998
<b>7TH CIRCUIT</b>	<b>3,096</b>	<b>3,112</b>	<b>3,248</b>	<b>3,350</b>	<b>3,297</b>
IL,N	1,117	1,128	1,084	1,165	1,285
IL,C	345	262	339	336	270
IL,S	255	281	275	276	299
IN,N	306	333	366	292	262
IN,S	289	330	380	422	410
WI,E	312	329	292	344	303
WI,W	238	218	263	241	254
BANKRUPTCY	70	67	94	56	48
U.S. TAX COURT	18	14	12	18	15
NLRB	38	44	29	62	28
ADMIN. AGENCIES	85	73	83	108	85
ORIGINAL PROCEEDINGS	23	33	31	30	38
<b>8TH CIRCUIT</b>	<b>3,193</b>	<b>3,205</b>	<b>3,384</b>	<b>3,335</b>	<b>3,330</b>
AR,E	419	417	405	427	443
AR,W	171	147	190	163	161
IA,N	114	115	151	153	129
IA,S	235	272	244	243	171
MN	437	433	438	500	474
MO,E	641	654	682	631	617
MO,W	541	559	548	587	679
NE	200	192	229	210	257
ND	82	70	72	55	61
SD	151	145	202	151	166
BANKRUPTCY	76	63	89	51	48
U.S. TAX COURT	20	13	17	7	18
NLRB	30	30	27	24	12
ADMIN. AGENCIES	45	43	51	98	64
ORIGINAL PROCEEDINGS	31	52	39	35	30

**Table B-3. (September 30, 1998—Continued)**

Source	1994	1995	1996	1997	1998
<b>9TH CIRCUIT</b>	<b>8,092</b>	<b>8,415</b>	<b>8,502</b>	<b>8,692</b>	<b>9,070</b>
AK	170	183	161	142	159
AZ	720	684	767	680	654
CA,N	910	796	866	964	927
CA,E	529	707	663	663	705
CA,C	1,883	1,871	1,970	1,848	2,133
CA,S	421	538	541	521	634
HI	207	210	179	191	171
ID	137	142	119	90	139
MT	189	184	151	163	167
NV	427	484	430	426	422
OR	554	517	534	567	466
WA,E	199	185	196	156	140
WA,W	429	436	554	453	528
GUAM	56	32	51	61	46
NMI	13	16	21	12	12
BANKRUPTCY	334	298	286	293	323
U.S. TAX COURT	145	149	89	83	87
NLRB	63	63	58	40	40
ADMIN. AGENCIES	530	709	673	1,177	1,173
ORIGINAL PROCEEDINGS	176	211	193	162	144
<b>10TH CIRCUIT</b>	<b>2,714</b>	<b>2,619</b>	<b>2,582</b>	<b>2,629</b>	<b>2,582</b>
CO	555	528	537	477	470
KS	407	426	403	408	358
NM	275	287	293	414	353
OK,N	249	267	293	243	237
OK,E	158	190	139	139	169
OK,W	457	447	444	411	496
UT	251	210	186	207	208
WY	123	77	122	130	107
BANKRUPTCY	99	68	62	39	47
U.S. TAX COURT	25	25	17	33	50
NLRB	10	12	4	5	8
ADMIN. AGENCIES	78	56	44	77	43
ORIGINAL PROCEEDINGS	27	26	38	46	36

**Table B-3. (September 30, 1998—Continued)**

Source	1994	1995	1996	1997	1998
<b>11TH CIRCUIT</b>	<b>5,730</b>	<b>5,948</b>	<b>6,329</b>	<b>6,110</b>	<b>6,356</b>
AL,N	520	466	547	417	379
AL,M	347	357	358	300	316
AL,S	289	268	310	240	229
FL,N	377	433	422	434	480
FL,M	1,158	1,138	1,311	1,080	1,222
FL,S	1,234	1,381	1,525	1,637	1,836
GA,N	882	962	920	778	766
GA,M	284	270	257	250	372
GA,S	271	250	328	361	372
BANKRUPTCY	181	143	135	110	134
U.S. TAX COURT	27	25	27	16	29
NLRB	8	7	18	15	23
ADMIN. AGENCIES	101	144	94	314	99
ORIGINAL PROCEEDINGS	51	104	77	158	99

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

Table B-3.

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,  
For the 12-Month Periods Ending September 30, 1995 Through 1999**

Source	1995	1996	1997	1998	1999
<b>TOTAL APPEALS</b>	<b>50,072</b>	<b>51,991</b>	<b>52,319</b>	<b>53,805</b>	<b>54,693</b>
U.S. DISTRICT COURTS	44,365	47,026	45,935	48,057	46,931
BANKRUPTCY	1,667	1,434	1,158	1,203	1,109
ADMIN. AGENCIES, TOTAL	3,295	2,827	4,412	3,793	3,280
U.S. TAX COURT	390	332	323	368	240
LABOR	41	26	43	23	15
FCC	157	128	274	182	157
FERC	222	145	230	284	153
FTC	5	2	1	1	2
NLRB	533	446	443	354	341
EPA	133	87	216	97	176
ICC	29	23	3	2	1
INS	1,180	1,063	1,921	1,936	1,731
OTHER ADMIN. AGENCIES	605	575	958	546	464
ORIGINAL PROCEEDINGS*	745	704	814	752	3,373
<b>DC CIRCUIT</b>	<b>1,625</b>	<b>1,347</b>	<b>1,531</b>	<b>1,627</b>	<b>1,438</b>
U.S. DISTRICT COURTS	923	817	767	1,012	774
BANKRUPTCY	11	8	5	8	3
U.S. TAX COURT	9	12	11	11	10
NLRB	43	42	46	37	54
OTHER ADMIN. AGENCIES	565	420	670	521	486
ORIGINAL PROCEEDINGS*	74	48	32	38	111
<b>1ST CIRCUIT</b>	<b>1,339</b>	<b>1,367</b>	<b>1,449</b>	<b>1,437</b>	<b>1,454</b>
ME	149	144	168	134	139
MA	582	554	599	556	538
NH	95	99	133	119	126
RI	158	175	111	130	134
PR	236	291	312	331	338
BANKRUPTCY	31	41	36	34	40
U.S. TAX COURT	4	7	5	10	1
NLRB	22	10	12	11	5
OTHER ADMIN. AGENCIES	54	32	61	58	67
ORIGINAL PROCEEDINGS*	8	14	12	54	66

**Table B-3. (September 30, 1999—Continued)**

Source	1995	1996	1997	1998	1999
<b>2ND CIRCUIT</b>	<b>3,987</b>	<b>4,562</b>	<b>4,816</b>	<b>4,796</b>	<b>4,630</b>
CT	365	386	424	360	378
NY,N	396	404	407	424	403
NY,E	947	998	1,135	1,116	1,134
NY,S	1,488	1,811	1,886	1,844	1,723
NY,W	278	362	277	376	270
VT	102	87	96	94	63
BANKRUPTCY	109	168	110	91	93
U.S. TAX COURT	35	58	57	35	20
NLRB	81	67	57	50	36
OTHER ADMIN. AGENCIES	131	136	262	365	299
ORIGINAL PROCEEDINGS*	55	85	105	41	211
<b>3RD CIRCUIT</b>	<b>3,485</b>	<b>3,604</b>	<b>3,458</b>	<b>3,613</b>	<b>3,384</b>
DE	106	133	120	142	105
NJ	849	816	831	847	798
PA,E	1,105	1,131	1,078	1,145	1,018
PA,M	446	521	444	454	443
PA,W	560	633	559	572	485
VI	87	82	97	69	79
BANKRUPTCY	84	98	111	77	81
U.S. TAX COURT	40	19	13	35	8
NLRB	68	36	35	49	32
OTHER ADMIN. AGENCIES	97	79	107	122	108
ORIGINAL PROCEEDINGS*	43	56	63	101	227
<b>4TH CIRCUIT</b>	<b>5,193</b>	<b>4,914</b>	<b>4,754</b>	<b>4,897</b>	<b>4,627</b>
MD	757	718	863	859	780
NC,E	506	530	503	428	415
NC,M	285	266	215	268	273
NC,W	262	307	280	269	272
SC	595	670	690	708	581
VA,E	1,161	1,183	1,062	1,145	1,116
VA,W	493	499	395	492	361
WV,N	169	157	136	127	137
WV,S	164	221	187	175	161
BANKRUPTCY	544	137	81	125	87
U.S. TAX COURT	25	19	23	17	13
NLRB	49	46	31	32	36
OTHER ADMIN. AGENCIES	166	144	262	219	146
ORIGINAL PROCEEDINGS*	17	17	26	33	249

**Table B-3. (September 30, 1999—Continued)**

Source	1995	1996	1997	1998	1999
<b>5TH CIRCUIT</b>	<b>6,513</b>	<b>7,546</b>	<b>7,573</b>	<b>8,096</b>	<b>8,275</b>
LA,E	604	686	612	711	682
LA,M	185	226	218	201	173
LA,W	475	442	433	530	485
MS,N	199	291	213	209	260
MS,S	345	341	336	347	316
TX,N	1,179	1,528	1,494	1,478	1,395
TX,E	635	732	901	915	865
TX,S	1,467	1,769	1,608	1,848	1,890
TX,W	910	979	1,045	1,303	1,189
BANKRUPTCY	162	229	179	195	165
U.S. TAX COURT	31	35	35	29	11
NLRB	15	27	14	13	16
OTHER ADMIN. AGENCIES	223	187	388	219	239
ORIGINAL PROCEEDINGS*	83	74	97	98	589
<b>6TH CIRCUIT</b>	<b>4,631</b>	<b>4,606</b>	<b>4,622</b>	<b>4,704</b>	<b>4,884</b>
KY,E	375	353	285	360	371
KY,W	272	279	283	266	290
MI,E	1,014	1,026	1,002	981	879
MI,W	433	467	404	406	439
OH,N	728	697	773	828	738
OH,S	500	516	522	608	642
TN,E	284	326	337	288	320
TN,M	270	286	268	258	228
TN,W	399	329	367	410	405
BANKRUPTCY	87	87	87	73	90
U.S. TAX COURT	20	20	22	32	20
NLRB	99	82	102	51	60
OTHER ADMIN. AGENCIES	111	106	122	103	72
ORIGINAL PROCEEDINGS*	39	32	48	40	330

**Table B-3 . (September 30, 1999—Continued)**

Source	1995	1996	1997	1998	1999
<b>7TH CIRCUIT</b>	<b>3,112</b>	<b>3,248</b>	<b>3,350</b>	<b>3,297</b>	<b>3,431</b>
IL,N	1,128	1,084	1,165	1,285	1,186
IL,C	262	339	336	270	288
IL,S	281	275	276	299	283
IN,N	333	366	292	262	325
IN,S	330	380	422	410	332
WI,E	329	292	344	303	408
WI,W	218	263	241	254	237
BANKRUPTCY	67	94	56	48	39
U.S. TAX COURT	14	12	18	15	13
NLRB	44	29	62	28	39
OTHER ADMIN. AGENCIES	73	83	108	85	80
ORIGINAL PROCEEDINGS*	33	31	30	38	201
<b>8TH CIRCUIT</b>	<b>3,205</b>	<b>3,384</b>	<b>3,335</b>	<b>3,330</b>	<b>3,353</b>
AR,E	417	405	427	443	424
AR,W	147	190	163	161	138
IA,N	115	151	153	129	147
IA,S	272	244	243	171	210
MN	433	438	500	474	462
MO,E	654	682	631	617	537
MO,W	559	548	587	679	540
NE	192	229	210	257	249
ND	70	72	55	61	73
SD	145	202	151	166	197
BANKRUPTCY	63	89	51	48	36
U.S. TAX COURT	13	17	7	18	8
NLRB	30	27	24	12	14
OTHER ADMIN. AGENCIES	43	51	98	64	81
ORIGINAL PROCEEDINGS*	52	39	35	30	237



**Table B-3. (September 30, 1999—Continued)**

Source	1995	1996	1997	1998	1999
<b>9TH CIRCUIT</b>	<b>8,415</b>	<b>8,502</b>	<b>8,692</b>	<b>9,070</b>	<b>9,383</b>
AK	183	161	142	159	130
AZ	684	767	680	654	617
CA,N	796	866	964	927	911
CA,E	707	663	663	705	775
CA,C	1,871	1,970	1,848	2,133	2,027
CA,S	538	541	521	634	582
HI	210	179	191	171	382
ID	142	119	90	139	128
MT	184	151	163	167	192
NV	484	430	426	422	451
OR	517	534	567	466	484
WA,E	185	196	156	140	139
WA,W	436	554	453	528	557
GUAM	32	51	61	46	42
NMI	16	21	12	12	13
BANKRUPTCY	298	286	293	323	310
U.S. TAX COURT	149	89	83	87	68
NLRB	63	58	40	40	32
OTHER ADMIN. AGENCIES	709	673	1,177	1,173	1,009
ORIGINAL PROCEEDINGS*	211	193	162	144	534
<b>10TH CIRCUIT</b>	<b>2,619</b>	<b>2,582</b>	<b>2,629</b>	<b>2,582</b>	<b>2,800</b>
CO	528	537	477	470	527
KS	426	403	408	358	365
NM	287	293	414	353	357
OK,N	267	293	243	237	259
OK,E	190	139	139	169	162
OK,W	447	444	411	496	429
UT	210	186	207	208	254
WY	77	122	130	107	114
BANKRUPTCY	68	62	39	47	42
U.S. TAX COURT	25	17	33	50	39
NLRB	12	4	5	8	6
OTHER ADMIN. AGENCIES	56	44	77	43	45
ORIGINAL PROCEEDINGS*	26	38	46	36	201

**Table B-3. (September 30, 1999—Continued)**

Source	1995	1996	1997	1998	1999
<b>11TH CIRCUIT</b>	<b>5,948</b>	<b>6,329</b>	<b>6,110</b>	<b>6,356</b>	<b>7,034</b>
AL,N	466	547	417	379	498
AL,M	357	358	300	316	264
AL,S	268	310	240	229	323
FL,N	433	422	434	480	527
FL,M	1,138	1,311	1,080	1,222	1,457
FL,S	1,381	1,525	1,637	1,836	1,767
GA,N	962	920	778	766	879
GA,M	270	257	250	372	272
GA,S	250	328	361	372	400
BANKRUPTCY	143	135	110	134	123
U.S. TAX COURT	25	27	16	29	29
NLRB	7	18	15	23	11
OTHER ADMIN. AGENCIES	144	94	314	99	67
ORIGINAL PROCEEDINGS*	104	77	158	99	417

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS; THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\*BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT INCLUDED IN THIS TABLE.

Table B-3.

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit  
For the 12-Month Periods Ending September 30, 1996 Through 2000**

Source	1996	1997	1998	1999	2000
<b>TOTAL APPEALS</b>	<b>51,991</b>	<b>52,319</b>	<b>53,805</b>	<b>54,693</b>	<b>54,697</b>
U.S. DISTRICT COURTS	47,026	45,935	48,057	46,931	46,487
BANKRUPTCY	1,434	1,158	1,203	1,109	1,007
ADMIN. AGENCIES, TOTAL	2,827	4,412	3,793	3,280	3,237
U.S. TAX COURT	332	323	368	240	274
LABOR	26	43	23	15	13
FCC	128	274	182	157	166
FERC	145	230	284	153	147
FTC	2	1	1	2	2
NLRB	446	443	354	341	323
EPA	87	216	97	176	162
ICC	23	3	2	1	-
INS	1,063	1,921	1,936	1,731	1,723
OTHER ADMIN. AGENCIES	575	958	546	464	427
ORIGINAL PROCEEDINGS*	704	814	752	3,373	3,966
<b>DC CIRCUIT</b>	<b>1,347</b>	<b>1,531</b>	<b>1,627</b>	<b>1,438</b>	<b>1,506</b>
U.S. DISTRICT COURTS	817	767	1,012	774	842
BANKRUPTCY	8	5	8	3	2
U.S. TAX COURT	12	11	11	10	9
NLRB	42	46	37	54	58
ADMIN. AGENCIES	420	670	521	486	500
ORIGINAL PROCEEDINGS*	48	32	38	111	95
<b>1ST CIRCUIT</b>	<b>1,367</b>	<b>1,449</b>	<b>1,437</b>	<b>1,454</b>	<b>1,463</b>
ME	144	168	134	139	128
MA	554	599	556	538	537
NH	99	133	119	126	105
RI	175	111	130	134	156
PR	291	312	331	338	358
BANKRUPTCY	41	36	34	40	32
U.S. TAX COURT	7	5	10	1	5
NLRB	10	12	11	5	7
ADMIN. AGENCIES	32	61	58	67	54
ORIGINAL PROCEEDINGS*	14	12	54	66	81

**Table B-3. (September 30, 2000—Continued)**

Source	1996	1997	1998	1999	2000
<b>2ND CIRCUIT</b>	<b>4,562</b>	<b>4,816</b>	<b>4,796</b>	<b>4,630</b>	<b>4,892</b>
CT	386	424	360	378	367
NY,N	404	407	424	403	484
NY,E	998	1,135	1,116	1,134	1,245
NY,S	1,811	1,886	1,844	1,723	1,820
NY,W	362	277	376	270	298
VT	87	96	94	63	75
BANKRUPTCY	168	110	91	93	75
U.S. TAX COURT	58	57	35	20	18
NLRB	67	57	50	36	47
ADMIN. AGENCIES	136	262	365	299	214
ORIGINAL PROCEEDINGS*	85	105	41	211	249
<b>3RD CIRCUIT</b>	<b>3,604</b>	<b>3,458</b>	<b>3,613</b>	<b>3,384</b>	<b>3,482</b>
DE	133	120	142	105	124
NJ	816	831	847	798	787
PA,E	1,131	1,078	1,145	1,018	1,012
PA,M	521	444	454	443	457
PA,W	633	559	572	485	504
VI	82	97	69	79	75
BANKRUPTCY	98	111	77	81	93
U.S. TAX COURT	19	13	35	8	12
NLRB	36	35	49	32	25
ADMIN. AGENCIES	79	107	122	108	131
ORIGINAL PROCEEDINGS*	56	63	101	227	262
<b>4TH CIRCUIT</b>	<b>4,914</b>	<b>4,754</b>	<b>4,897</b>	<b>4,627</b>	<b>4,689</b>
MD	718	863	859	780	801
NC,E	530	503	428	415	413
NC,M	266	215	268	273	237
NC,W	307	280	269	272	285
SC	670	690	708	581	646
VA,E	1,183	1,062	1,145	1,116	1,048
VA,W	499	395	492	361	344
WV,N	157	136	127	137	113
WV,S	221	187	175	161	211
BANKRUPTCY	137	81	125	87	68
U.S. TAX COURT	19	23	17	13	19
NLRB	46	31	32	36	25
ADMIN. AGENCIES	144	262	219	146	140
ORIGINAL PROCEEDINGS*	17	26	33	249	339

**Table B-3. (September 30, 2000—Continued)**

Source	1996	1997	1998	1999	2000
<b>5TH CIRCUIT</b>	<b>7,546</b>	<b>7,573</b>	<b>8,096</b>	<b>8,275</b>	<b>8,253</b>
LA,E	686	612	711	682	653
LA,M	226	218	201	173	231
LA,W	442	433	530	485	532
MS,N	291	213	209	260	289
MS,S	341	336	347	316	337
TX,N	1,528	1,494	1,478	1,395	1,280
TX,E	732	901	915	865	735
TX,S	1,769	1,608	1,848	1,890	1,785
TX,W	979	1,045	1,303	1,189	1,192
BANKRUPTCY	229	179	195	165	166
U.S. TAX COURT	35	35	29	11	16
NLRB	27	14	13	16	17
ADMIN. AGENCIES	187	388	219	239	279
ORIGINAL PROCEEDINGS*	74	97	98	589	741
<b>6TH CIRCUIT</b>	<b>4,606</b>	<b>4,622</b>	<b>4,704</b>	<b>4,884</b>	<b>4,916</b>
KY,E	353	285	360	371	319
KY,W	279	283	266	290	288
MI,E	1,026	1,002	981	879	994
MI,W	467	404	406	439	386
OH,N	697	773	828	738	765
OH,S	516	522	608	642	604
TN,E	326	337	288	320	302
TN,M	286	268	258	228	247
TN,W	329	367	410	405	387
BANKRUPTCY	87	87	73	90	72
U.S. TAX COURT	20	22	32	20	12
NLRB	82	102	51	60	39
ADMIN. AGENCIES	106	122	103	72	73
ORIGINAL PROCEEDINGS*	32	48	40	330	428

**Table B-3. (September 30, 2000—Continued)**

Source	1996	1997	1998	1999	2000
<b>7TH CIRCUIT</b>	<b>3,248</b>	<b>3,350</b>	<b>3,297</b>	<b>3,431</b>	<b>3,461</b>
IL,N	1,084	1,165	1,285	1,186	1,180
IL,C	339	336	270	288	320
IL,S	275	276	299	283	305
IN,N	366	292	262	325	294
IN,S	380	422	410	332	358
WI,E	292	344	303	408	316
WI,W	263	241	254	237	265
BANKRUPTCY	94	56	48	39	40
U.S. TAX COURT	12	18	15	13	13
NLRB	29	62	28	39	34
ADMIN. AGENCIES	83	108	85	80	78
ORIGINAL PROCEEDINGS*	31	30	38	201	258
<b>8TH CIRCUIT</b>	<b>3,384</b>	<b>3,335</b>	<b>3,330</b>	<b>3,353</b>	<b>3,165</b>
AR,E	405	427	443	424	463
AR,W	190	163	161	138	131
IA,N	151	153	129	147	132
IA,S	244	243	171	210	192
MN	438	500	474	462	392
MO,E	682	631	617	537	504
MO,W	548	587	679	540	483
NE	229	210	257	249	270
ND	72	55	61	73	48
SD	202	151	166	197	136
BANKRUPTCY	89	51	48	36	30
U.S. TAX COURT	17	7	18	8	19
NLRB	27	24	12	14	14
ADMIN. AGENCIES	51	98	64	81	49
ORIGINAL PROCEEDINGS*	39	35	30	237	302

**Table B-3. (September 30, 2000—Continued)**

Source	1996	1997	1998	1999	2000
<b>9TH CIRCUIT</b>	<b>8,502</b>	<b>8,692</b>	<b>9,070</b>	<b>9,383</b>	<b>9,147</b>
AK	161	142	159	130	113
AZ	767	680	654	617	637
CA,N	866	964	927	911	866
CA,E	663	663	705	775	735
CA,C	1,970	1,848	2,133	2,027	2,219
CA,S	541	521	634	582	586
HI	179	191	171	382	163
ID	119	90	139	128	106
MT	151	163	167	192	136
NV	430	426	422	451	469
OR	534	567	466	484	418
WA,E	196	156	140	139	142
WA,W	554	453	528	557	571
GUAM	51	61	46	42	36
NMI	21	12	12	13	22
BANKRUPTCY	286	293	323	310	290
U.S. TAX COURT	89	83	87	68	89
NLRB	58	40	40	32	29
ADMIN. AGENCIES	673	1,177	1,173	1,009	984
ORIGINAL PROCEEDINGS*	193	162	144	534	536
<b>10TH CIRCUIT</b>	<b>2,582</b>	<b>2,629</b>	<b>2,582</b>	<b>2,800</b>	<b>2,656</b>
CO	537	477	470	527	521
KS	403	408	358	365	373
NM	293	414	353	357	435
OK,N	293	243	237	259	208
OK,E	139	139	169	162	142
OK,W	444	411	496	429	385
UT	186	207	208	254	201
WY	122	130	107	114	77
BANKRUPTCY	62	39	47	42	33
U.S. TAX COURT	17	33	50	39	41
NLRB	4	5	8	6	11
ADMIN. AGENCIES	44	77	43	45	37
ORIGINAL PROCEEDINGS*	38	46	36	201	192

**Table B-3. (September 30, 2000—Continued)**

Source	1996	1997	1998	1999	2000
<b>11TH CIRCUIT</b>	<b>6,329</b>	<b>6,110</b>	<b>6,356</b>	<b>7,034</b>	<b>7,067</b>
AL,N	547	417	379	498	540
AL,M	358	300	316	264	228
AL,S	310	240	229	323	266
FL,N	422	434	480	527	488
FL,M	1,311	1,080	1,222	1,457	1,473
FL,S	1,525	1,637	1,836	1,767	1,801
GA,N	920	778	766	879	947
GA,M	257	250	372	272	339
GA,S	328	361	372	400	257
BANKRUPTCY	135	110	134	123	106
U.S. TAX COURT	27	16	29	29	21
NLRB	18	15	23	11	17
ADMIN. AGENCIES	94	314	99	67	101
ORIGINAL PROCEEDINGS*	77	158	99	417	483

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\*BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.



**Table B-3.**  
**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,**  
**During the 12-Month Periods Ending September 30, 1997 Through 2001**

Source	1997	1998	1999	2000	2001
<b>TOTAL APPEALS</b>	<b>52,319</b>	<b>53,805</b>	<b>54,693</b>	<b>54,697</b>	<b>57,464</b>
U.S. DISTRICT COURTS	45,935	48,057	46,931	46,487	47,327
BANKRUPTCY	1,158	1,203	1,109	1,007	961
ADMINISTRATIVE AGENCIES, TOTAL	4,412	3,793	3,280	3,237	3,300
U.S. TAX COURT	323	368	240	274	222
LABOR	43	23	15	13	28
FCC	274	182	157	166	135
FERC	230	284	153	147	160
FTC	1	1	2	2	-
NLRB	443	354	341	323	364
EPA	216	97	176	162	130
ICC	3	2	1	-	-
INS	1,921	1,936	1,731	1,723	1,760
OTHER ADMIN. AGENCIES	958	546	464	427	501
ORIGINAL PROCEEDINGS*	814	752	3,373	3,966	5,876
<b>DC CIRCUIT</b>	<b>1,531</b>	<b>1,627</b>	<b>1,438</b>	<b>1,506</b>	<b>1,401</b>
U.S. DISTRICT COURTS	767	1,012	774	842	740
BANKRUPTCY	5	8	3	2	3
U.S. TAX COURT	11	11	10	9	8
NLRB	46	37	54	58	55
ADMINISTRATIVE AGENCIES	670	521	486	500	480
ORIGINAL PROCEEDINGS*	32	38	111	95	115
<b>1ST CIRCUIT</b>	<b>1,449</b>	<b>1,437</b>	<b>1,454</b>	<b>1,463</b>	<b>1,762</b>
ME	168	134	139	128	164
MA	599	556	538	537	659
NH	133	119	126	105	112
RI	111	130	134	156	150
PR	312	331	338	358	498
BANKRUPTCY	36	34	40	32	24
U.S. TAX COURT	5	10	1	5	3
NLRB	12	11	5	7	5
ADMINISTRATIVE AGENCIES	61	58	67	54	55
ORIGINAL PROCEEDINGS*	12	54	66	81	92

**Table B-3. (September 30, 2001—Continued)**

Source	1997	1998	1999	2000	2001
<b>2ND CIRCUIT</b>	<b>4,816</b>	<b>4,796</b>	<b>4,630</b>	<b>4,892</b>	<b>4,519</b>
CT	424	360	378	367	357
NY,N	407	424	403	484	395
NY,E	1,135	1,116	1,134	1,245	1,034
NY,S	1,886	1,844	1,723	1,820	1,684
NY,W	277	376	270	298	283
VT	96	94	63	75	57
BANKRUPTCY	110	91	93	75	93
U.S. TAX COURT	57	35	20	18	27
NLRB	57	50	36	47	51
ADMINISTRATIVE AGENCIES	262	365	299	214	184
ORIGINAL PROCEEDINGS*	105	41	211	249	354
<b>3RD CIRCUIT</b>	<b>3,458</b>	<b>3,613</b>	<b>3,384</b>	<b>3,482</b>	<b>3,860</b>
DE	120	142	105	124	134
NJ	831	847	798	787	816
PA,E	1,078	1,145	1,018	1,012	1,275
PA,M	444	454	443	457	470
PA,W	559	572	485	504	520
VI	97	69	79	75	67
BANKRUPTCY	111	77	81	93	78
U.S. TAX COURT	13	35	8	12	11
NLRB	35	49	32	25	28
ADMINISTRATIVE AGENCIES	107	122	108	131	139
ORIGINAL PROCEEDINGS*	63	101	227	262	322
<b>4TH CIRCUIT</b>	<b>4,754</b>	<b>4,897</b>	<b>4,627</b>	<b>4,689</b>	<b>5,303</b>
MD	863	859	780	801	722
NC,E	503	428	415	413	487
NC,M	215	268	273	237	299
NC,W	280	269	272	285	380
SC	690	708	581	646	620
VA,E	1,062	1,145	1,116	1,048	1,147
VA,W	395	492	361	344	358
WV,N	136	127	137	113	135
WV,S	187	175	161	211	225
BANKRUPTCY	81	125	87	68	83
U.S. TAX COURT	23	17	13	19	14
NLRB	31	32	36	25	29
ADMINISTRATIVE AGENCIES	262	219	146	140	119
ORIGINAL PROCEEDINGS*	26	33	249	339	685

Table B-3. (September 30, 2001—Continued)

Source	1997	1998	1999	2000	2001
<b>5TH CIRCUIT</b>	<b>7,573</b>	<b>8,096</b>	<b>8,275</b>	<b>8,253</b>	<b>8,642</b>
LA,E	612	711	682	653	625
LA,M	218	201	173	231	210
LA,W	433	530	485	532	482
MS,N	213	209	260	289	224
MS,S	336	347	316	337	385
TX,N	1,494	1,478	1,395	1,280	1,438
TX,E	901	915	865	735	705
TX,S	1,608	1,848	1,890	1,785	1,897
TX,W	1,045	1,303	1,189	1,192	1,254
BANKRUPTCY	179	195	165	166	139
U.S. TAX COURT	35	29	11	16	25
NLRB	14	13	16	17	15
ADMINISTRATIVE AGENCIES	388	219	239	279	302
ORIGINAL PROCEEDINGS*	97	98	589	741	941
<b>6TH CIRCUIT</b>	<b>4,622</b>	<b>4,704</b>	<b>4,884</b>	<b>4,916</b>	<b>4,853</b>
KY,E	285	360	371	319	277
KY,W	283	266	290	288	267
MI,E	1,002	981	879	994	1,016
MI,W	404	406	439	386	343
OH,N	773	828	738	765	704
OH,S	522	608	642	604	486
TN,E	337	288	320	302	318
TN,M	268	258	228	247	245
TN,W	367	410	405	387	315
BANKRUPTCY	87	73	90	72	87
U.S. TAX COURT	22	32	20	12	14
NLRB	102	51	60	39	68
ADMINISTRATIVE AGENCIES	122	103	72	73	110
ORIGINAL PROCEEDINGS*	48	40	330	428	603

**Table B-3. (September 30, 2001—Continued)**

Source	1997	1998	1999	2000	2001
<b>7TH CIRCUIT</b>	<b>3,350</b>	<b>3,297</b>	<b>3,431</b>	<b>3,461</b>	<b>3,455</b>
IL,N	1,165	1,285	1,186	1,180	1,128
IL,C	336	270	288	320	337
IL,S	276	299	283	305	239
IN,N	292	262	325	294	311
IN,S	422	410	332	358	369
WI,E	344	303	408	316	316
WI,W	241	254	237	265	260
BANKRUPTCY	56	48	39	40	41
U.S. TAX COURT	18	15	13	13	21
NLRB	62	28	39	34	31
ADMINISTRATIVE AGENCIES	108	85	80	78	88
ORIGINAL PROCEEDINGS*	30	38	201	258	314
<b>8TH CIRCUIT</b>	<b>3,335</b>	<b>3,330</b>	<b>3,353</b>	<b>3,165</b>	<b>3,034</b>
AR,E	427	443	424	463	373
AR,W	163	161	138	131	130
IA,N	153	129	147	132	154
IA,S	243	171	210	192	166
MN	500	474	462	392	354
MO,E	631	617	537	504	462
MO,W	587	679	540	483	460
NE	210	257	249	270	198
ND	55	61	73	48	42
SD	151	166	197	136	113
BANKRUPTCY	51	48	36	30	50
U.S. TAX COURT	7	18	8	19	17
NLRB	24	12	14	14	16
ADMINISTRATIVE AGENCIES	98	64	81	49	44
ORIGINAL PROCEEDINGS*	35	30	237	302	455

Table B-3. (September 30, 2001—Continued)

Source	1997	1998	1999	2000	2001
<b>9TH CIRCUIT</b>	<b>8,692</b>	<b>9,070</b>	<b>9,383</b>	<b>9,147</b>	<b>10,342</b>
AK	142	159	130	113	135
AZ	680	654	617	637	791
CA,N	964	927	911	866	852
CA,E	663	705	775	735	934
CA,C	1,848	2,133	2,027	2,219	2,365
CA,S	521	634	582	586	621
HI	191	171	382	163	190
ID	90	139	128	106	113
MT	163	167	192	136	165
NV	426	422	451	469	571
OR	567	466	484	418	466
WA,E	156	140	139	142	232
WA,W	453	528	557	571	529
GUAM	61	46	42	36	17
NMI	12	12	13	22	18
BANKRUPTCY	293	323	310	290	260
U.S. TAX COURT	83	87	68	89	53
NLRB	40	40	32	29	34
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS*	1,177 162	1,173 144	1,009 534	984 536	1,063 933
<b>10TH CIRCUIT</b>	<b>2,629</b>	<b>2,582</b>	<b>2,800</b>	<b>2,656</b>	<b>2,758</b>
CO	477	470	527	521	545
KS	408	358	365	373	342
NM	414	353	357	435	411
OK,N	243	237	259	208	179
OK,E	139	169	162	142	147
OK,W	411	496	429	385	410
UT	207	208	254	201	230
WY	130	107	114	77	89
BANKRUPTCY	39	47	42	33	33
U.S. TAX COURT	33	50	39	41	13
NLRB	5	8	6	11	11
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS*	77 46	43 36	45 201	37 192	36 312

**Table B-3. (September 30, 2001—Continued)**

Source	1997	1998	1999	2000	2001
<b>11TH CIRCUIT</b>	<b>6,110</b>	<b>6,356</b>	<b>7,034</b>	<b>7,067</b>	<b>7,535</b>
AL,N	417	379	498	540	500
AL,M	300	316	264	228	270
AL,S	240	229	323	266	213
FL,N	434	480	527	488	576
FL,M	1,080	1,222	1,457	1,473	1,531
FL,S	1,637	1,836	1,767	1,801	1,900
GA,N	778	766	879	947	888
GA,M	250	372	272	339	347
GA,S	361	372	400	257	359
BANKRUPTCY	110	134	123	106	70
U.S. TAX COURT	16	29	29	21	16
NLRB	15	23	11	17	21
ADMINISTRATIVE AGENCIES	314	99	67	101	94
ORIGINAL PROCEEDINGS*	158	99	417	483	750

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\* BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

**Table B-3.**

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit, During the 12-Month Periods Ending September 30, 1998 Through 2002**

Source	1998	1999	2000	2001	2002
<b>TOTAL APPEALS</b>	<b>53,805</b>	<b>54,693</b>	<b>54,697</b>	<b>57,464</b>	<b>57,555</b>
U.S. DISTRICT COURTS	48,057	46,931	46,487	47,327	47,068
BANKRUPTCY	1,203	1,109	1,007	961	843
ADMINISTRATIVE AGENCIES, TOTAL	3,793	3,280	3,237	3,300	5,789
U.S. TAX COURT	368	240	274	222	205
LABOR	23	15	13	28	7
FCC	182	157	166	135	125
FERC	284	153	147	160	200
FTC	1	2	2	-	-
NLRB	354	341	323	364	291
EPA	97	176	162	130	120
ICC	2	1	-	-	-
INS	1,936	1,731	1,723	1,760	4,449
OTHER ADMIN. AGENCIES	546	464	427	501	392
ORIGINAL PROCEEDINGS*	752	3,373	3,966	5,876	3,855
<b>DC CIRCUIT</b>	<b>1,627</b>	<b>1,438</b>	<b>1,506</b>	<b>1,401</b>	<b>1,126</b>
U.S. DISTRICT COURTS	1,012	774	842	740	659
BANKRUPTCY	8	3	2	3	4
U.S. TAX COURT	11	10	9	8	7
NLRB	37	54	58	55	53
ADMINISTRATIVE AGENCIES	521	486	500	480	340
ORIGINAL PROCEEDINGS*	38	111	95	115	63
<b>1ST CIRCUIT</b>	<b>1,437</b>	<b>1,454</b>	<b>1,463</b>	<b>1,762</b>	<b>1,667</b>
ME	134	139	128	164	115
MA	556	538	537	659	621
NH	119	126	105	112	96
RI	130	134	156	150	134
PR	331	338	358	498	524
BANKRUPTCY	34	40	32	24	35
U.S. TAX COURT	10	1	5	3	3
NLRB	11	5	7	5	10
ADMINISTRATIVE AGENCIES	58	67	54	55	69
ORIGINAL PROCEEDINGS*	54	66	81	92	60

Table B-3. (September 30, 2002—Continued)

Source	1998	1999	2000	2001	2002
<b>2ND CIRCUIT</b>	<b>4,796</b>	<b>4,630</b>	<b>4,892</b>	<b>4,519</b>	<b>4,870</b>
CT	360	378	367	357	374
NY,N	424	403	484	395	401
NY,E	1,116	1,134	1,245	1,034	1,139
NY,S	1,844	1,723	1,820	1,684	1,571
NY,W	376	270	298	283	358
VT	94	63	75	57	59
BANKRUPTCY	91	93	75	93	76
U.S. TAX COURT	35	20	18	27	10
NLRB	50	36	47	51	31
ADMINISTRATIVE AGENCIES	365	299	214	184	562
ORIGINAL PROCEEDINGS*	41	211	249	354	289
<b>3RD CIRCUIT</b>	<b>3,613</b>	<b>3,384</b>	<b>3,482</b>	<b>3,860</b>	<b>3,643</b>
DE	142	105	124	134	144
NJ	847	798	787	816	735
PA,E	1,145	1,018	1,012	1,275	1,081
PA,M	454	443	457	470	494
PA,W	572	485	504	520	489
VI	69	79	75	67	91
BANKRUPTCY	77	81	93	78	89
U.S. TAX COURT	35	8	12	11	8
NLRB	49	32	25	28	33
ADMINISTRATIVE AGENCIES	122	108	131	139	233
ORIGINAL PROCEEDINGS*	101	227	262	322	246
<b>4TH CIRCUIT</b>	<b>4,897</b>	<b>4,627</b>	<b>4,689</b>	<b>5,303</b>	<b>4,658</b>
MD	859	780	801	722	679
NC,E	428	415	413	487	417
NC,M	268	273	237	299	314
NC,W	269	272	285	380	327
SC	708	581	646	620	596
VA,E	1,145	1,116	1,048	1,147	1,111
VA,W	492	361	344	358	301
WV,N	127	137	113	135	111
WV,S	175	161	211	225	200
BANKRUPTCY	125	87	68	83	66
U.S. TAX COURT	17	13	19	14	8
NLRB	32	36	25	29	27
ADMINISTRATIVE AGENCIES	219	146	140	119	177
ORIGINAL PROCEEDINGS*	33	249	339	685	324



**Table B-3. (September 30, 2002—Continued)**

Source	1998	1999	2000	2001	2002
<b>5TH CIRCUIT</b>	<b>8,096</b>	<b>8,275</b>	<b>8,253</b>	<b>8,642</b>	<b>8,784</b>
LA,E	711	682	653	625	582
LA,M	201	173	231	210	183
LA,W	530	485	532	482	454
MS,N	209	260	289	224	256
MS,S	347	316	337	385	363
TX,N	1,478	1,395	1,280	1,438	1,363
TX,E	915	865	735	705	843
TX,S	1,848	1,890	1,785	1,897	2,162
TX,W	1,303	1,189	1,192	1,254	1,367
BANKRUPTCY	195	165	166	139	142
U.S. TAX COURT	29	11	16	25	19
NLRB	13	16	17	15	28
ADMINISTRATIVE AGENCIES	219	239	279	302	341
ORIGINAL PROCEEDINGS*	98	589	741	941	681
<b>6TH CIRCUIT</b>	<b>4,704</b>	<b>4,884</b>	<b>4,916</b>	<b>4,853</b>	<b>4,619</b>
KY,E	360	371	319	277	250
KY,W	266	290	288	267	236
MI,E	981	879	994	1,016	1,059
MI,W	406	439	386	343	382
OH,N	828	738	765	704	644
OH,S	608	642	604	486	477
TN,E	288	320	302	318	308
TN,M	258	228	247	245	306
TN,W	410	405	387	315	325
BANKRUPTCY	73	90	72	87	62
U.S. TAX COURT	32	20	12	14	8
NLRB	51	60	39	68	31
ADMINISTRATIVE AGENCIES	103	72	73	110	173
ORIGINAL PROCEEDINGS*	40	330	428	603	358

Table B-3. (September 30, 2002—Continued)

Source	1998	1999	2000	2001	2002
<b>7TH CIRCUIT</b>	<b>3,297</b>	<b>3,431</b>	<b>3,461</b>	<b>3,455</b>	<b>3,418</b>
IL,N	1,285	1,186	1,180	1,128	1,191
IL,C	270	288	320	337	311
IL,S	299	283	305	239	263
IN,N	262	325	294	311	315
IN,S	410	332	358	369	358
WI,E	303	408	316	316	349
WI,W	254	237	265	260	238
BANKRUPTCY	48	39	40	41	46
U.S. TAX COURT	15	13	13	21	16
NLRB	28	39	34	31	29
ADMINISTRATIVE AGENCIES	85	80	78	88	113
ORIGINAL PROCEEDINGS*	38	201	258	314	189
<b>8TH CIRCUIT</b>	<b>3,330</b>	<b>3,353</b>	<b>3,165</b>	<b>3,034</b>	<b>3,216</b>
AR,E	443	424	463	373	378
AR,W	161	138	131	130	145
IA,N	129	147	132	154	165
IA,S	171	210	192	166	198
MN	474	462	392	354	410
MO,E	617	537	504	462	513
MO,W	679	540	483	460	535
NE	257	249	270	198	203
ND	61	73	48	42	53
SD	166	197	136	113	136
BANKRUPTCY	48	36	30	50	40
U.S. TAX COURT	18	8	19	17	10
NLRB	12	14	14	16	11
ADMINISTRATIVE AGENCIES	64	81	49	44	125
ORIGINAL PROCEEDINGS*	30	237	302	455	294

**Table B-3. (September 30, 2002—Continued)**

Source	1998	1999	2000	2001	2002
<b>9TH CIRCUIT</b>	<b>9,070</b>	<b>9,383</b>	<b>9,147</b>	<b>10,342</b>	<b>11,421</b>
AK	159	130	113	135	106
AZ	654	617	637	791	781
CA,N	927	911	866	852	820
CA,E	705	775	735	934	893
CA,C	2,133	2,027	2,219	2,365	2,294
CA,S	634	582	586	621	577
HI	171	382	163	190	187
ID	139	128	106	113	119
MT	167	192	136	165	232
NV	422	451	469	571	466
OR	466	484	418	466	508
WA,E	140	139	142	232	168
WA,W	528	557	571	529	488
GUAM	46	42	36	17	22
NMI	12	13	22	18	16
BANKRUPTCY	323	310	290	260	174
U.S. TAX COURT	87	68	89	53	59
NLRB	40	32	29	34	18
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS*	1,173 144	1,009 534	984 536	1,063 933	2,822 671
<b>10TH CIRCUIT</b>	<b>2,582</b>	<b>2,800</b>	<b>2,656</b>	<b>2,758</b>	<b>2,661</b>
CO	470	527	521	545	552
KS	358	365	373	342	397
NM	353	357	435	411	338
OK,N	237	259	208	179	178
OK,E	169	162	142	147	141
OK,W	496	429	385	410	361
UT	208	254	201	230	233
WY	107	114	77	89	111
BANKRUPTCY	47	42	33	33	38
U.S. TAX COURT	50	39	41	13	22
NLRB	8	6	11	11	4
ADMINISTRATIVE AGENCIES ORIGINAL PROCEEDINGS*	43 36	45 201	37 192	36 312	76 210

**Table B-3. (September 30, 2002—Continued)**

Source	1998	1999	2000	2001	2002
<b>11TH CIRCUIT</b>	<b>6,356</b>	<b>7,034</b>	<b>7,067</b>	<b>7,535</b>	<b>7,472</b>
AL,N	379	498	540	500	501
AL,M	316	264	228	270	273
AL,S	229	323	266	213	229
FL,N	480	527	488	576	506
FL,M	1,222	1,457	1,473	1,531	1,533
FL,S	1,836	1,767	1,801	1,900	1,967
GA,N	766	879	947	888	898
GA,M	372	272	339	347	353
GA,S	372	400	257	359	358
BANKRUPTCY	134	123	106	70	71
U.S. TAX COURT	29	29	21	16	35
NLRB	23	11	17	21	16
ADMINISTRATIVE AGENCIES	99	67	101	94	262
ORIGINAL PROCEEDINGS*	99	417	483	750	470

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\* BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

**Table B-3.**  
**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit,**  
**During the 12-Month Periods Ending September 30, 1999 Through 2003**

Source	1999	2000	2001	2002	2003
<b>TOTAL APPEALS</b>	<b>54,693</b>	<b>54,697</b>	<b>57,464</b>	<b>57,555</b>	<b>60,847</b>
U.S. DISTRICT COURTS	46,931	46,487	47,327	47,068	46,358
BANKRUPTCY	1,109	1,007	961	843	902
ADMINISTRATIVE AGENCIES, TOTAL <sup>1</sup>	3,280	3,237	3,300	5,789	9,988
U.S. TAX COURT	240	274	222	205	173
LABR	15	13	28	7	21
FCC	157	166	135	125	103
FERC	153	147	160	200	141
FTC	2	2	-	-	3
NLRB	341	323	364	291	235
EPA	176	162	130	120	148
ICC	1	-	-	-	1
INS	1,731	1,723	1,760	4,449	8,833
OTHER ADMIN. AGENCIES	464	427	501	392	330
ORIGINAL PROCEEDINGS <sup>2</sup>	3,373	3,966	5,876	3,855	3,599
<b>DC CIRCUIT</b>	<b>1,438</b>	<b>1,506</b>	<b>1,401</b>	<b>1,126</b>	<b>1,121</b>
U.S. DISTRICT COURTS	774	842	740	659	647
BANKRUPTCY	3	2	3	4	3
U.S. TAX COURT	10	9	8	7	8
NLRB	54	58	55	53	39
ADMINISTRATIVE AGENCIES <sup>1</sup>	486	500	480	340	344
ORIGINAL PROCEEDINGS <sup>2</sup>	111	95	115	63	80
<b>1ST CIRCUIT</b>	<b>1,454</b>	<b>1,463</b>	<b>1,762</b>	<b>1,667</b>	<b>1,844</b>
ME	139	128	164	115	141
MA	538	537	659	621	635
NH	126	105	112	96	117
RI	134	156	150	134	122
PR	338	358	498	524	574
BANKRUPTCY	40	32	24	35	36
U.S. TAX COURT	1	5	3	3	5
NLRB	5	7	5	10	3
ADMINISTRATIVE AGENCIES <sup>1</sup>	67	54	55	69	145
ORIGINAL PROCEEDINGS <sup>2</sup>	66	81	92	60	66

**Table B-3. (September 30, 2003—Continued)**

Source	1999	2000	2001	2002	2003
<b>2ND CIRCUIT</b>	<b>4,630</b>	<b>4,892</b>	<b>4,519</b>	<b>4,870</b>	<b>6,359</b>
CT	378	367	357	374	358
NY,N	403	484	395	401	361
NY,E	1,134	1,245	1,034	1,139	1,078
NY,S	1,723	1,820	1,684	1,571	1,688
NY,W	270	298	283	358	314
VT	63	75	57	59	48
BANKRUPTCY	93	75	93	76	85
U.S. TAX COURT	20	18	27	10	11
NLRB	36	47	51	31	37
ADMINISTRATIVE AGENCIES <sup>1</sup>	299	214	184	562	2,118
ORIGINAL PROCEEDINGS <sup>2</sup>	211	249	354	289	261
<b>3RD CIRCUIT</b>	<b>3,384</b>	<b>3,482</b>	<b>3,860</b>	<b>3,643</b>	<b>3,957</b>
DE	105	124	134	144	138
NJ	798	787	816	735	741
PA,E	1,018	1,012	1,275	1,081	1,060
PA,M	443	457	470	494	549
PA,W	485	504	520	489	520
VI	79	75	67	91	113
BANKRUPTCY	81	93	78	89	87
U.S. TAX COURT	8	12	11	8	20
NLRB	32	25	28	33	27
ADMINISTRATIVE AGENCIES <sup>1</sup>	108	131	139	233	505
ORIGINAL PROCEEDINGS <sup>2</sup>	227	262	322	246	197
<b>4TH CIRCUIT</b>	<b>4,627</b>	<b>4,689</b>	<b>5,303</b>	<b>4,658</b>	<b>4,887</b>
MD	780	801	722	679	619
NC,E	415	413	487	417	462
NC,M	273	237	299	314	257
NC,W	272	285	380	327	282
SC	581	646	620	596	631
VA,E	1,116	1,048	1,147	1,111	1,077
VA,W	361	344	358	301	443
WV,N	137	113	135	111	109
WV,S	161	211	225	200	210
BANKRUPTCY	87	68	83	66	65
U.S. TAX COURT	13	19	14	8	9
NLRB	36	25	29	27	24
ADMINISTRATIVE AGENCIES <sup>1</sup>	146	140	119	177	346
ORIGINAL PROCEEDINGS <sup>2</sup>	249	339	685	324	353

Table B-3. (September 30, 2003—Continued)

Source	1999	2000	2001	2002	2003
<b>5TH CIRCUIT</b>	<b>8,275</b>	<b>8,253</b>	<b>8,642</b>	<b>8,784</b>	<b>8,613</b>
LA,E	682	653	625	582	531
LA,M	173	231	210	183	164
LA,W	485	532	482	454	444
MS,N	260	289	224	256	213
MS,S	316	337	385	363	388
TX,N	1,395	1,280	1,438	1,363	1,234
TX,E	865	735	705	843	782
TX,S	1,890	1,785	1,897	2,162	2,159
TX,W	1,189	1,192	1,254	1,367	1,459
BANKRUPTCY	165	166	139	142	109
U.S. TAX COURT	11	16	25	19	27
NLRB	16	17	15	28	9
ADMINISTRATIVE AGENCIES <sup>1</sup>	239	279	302	341	449
ORIGINAL PROCEEDINGS <sup>2</sup>	589	741	941	681	645
<b>6TH CIRCUIT</b>	<b>4,884</b>	<b>4,916</b>	<b>4,853</b>	<b>4,619</b>	<b>4,964</b>
KY,E	371	319	277	250	315
KY,W	290	288	267	236	244
MI,E	879	994	1,016	1,059	952
MI,W	439	386	343	382	486
OH,N	738	765	704	644	659
OH,S	642	604	486	477	507
TN,E	320	302	318	308	304
TN,M	228	247	245	306	330
TN,W	405	387	315	325	337
BANKRUPTCY	90	72	87	62	73
U.S. TAX COURT	20	12	14	8	10
NLRB	60	39	68	31	26
ADMINISTRATIVE AGENCIES <sup>1</sup>	72	73	110	173	387
ORIGINAL PROCEEDINGS <sup>2</sup>	330	428	603	358	334

**Table B-3. (September 30, 2003—Continued)**

Source	1999	2000	2001	2002	2003
<b>7TH CIRCUIT</b>	<b>3,431</b>	<b>3,461</b>	<b>3,455</b>	<b>3,418</b>	<b>3,517</b>
IL,N	1,186	1,180	1,128	1,191	1,146
IL,C	288	320	337	311	291
IL,S	283	305	239	263	260
IN,N	325	294	311	315	334
IN,S	332	358	369	358	411
WI,E	408	316	316	349	299
WI,W	237	265	260	238	245
BANKRUPTCY	39	40	41	46	66
U.S. TAX COURT	13	13	21	16	5
NLRB	39	34	31	29	28
ADMINISTRATIVE AGENCIES <sup>1</sup>	80	78	88	113	260
ORIGINAL PROCEEDINGS <sup>2</sup>	201	258	314	189	172
<b>8TH CIRCUIT</b>	<b>3,353</b>	<b>3,165</b>	<b>3,034</b>	<b>3,216</b>	<b>3,190</b>
AR,E	424	463	373	378	346
AR,W	138	131	130	145	137
IA,N	147	132	154	165	189
IA,S	210	192	166	198	216
MN	462	392	354	410	410
MO,E	537	504	462	513	442
MO,W	540	483	460	535	519
NE	249	270	198	203	211
ND	73	48	42	53	77
SD	197	136	113	136	131
BANKRUPTCY	36	30	50	40	36
U.S. TAX COURT	8	19	17	10	15
NLRB	14	14	16	11	14
ADMINISTRATIVE AGENCIES <sup>1</sup>	81	49	44	125	233
ORIGINAL PROCEEDINGS <sup>2</sup>	237	302	455	294	214



Table B-3. (September 30, 2003—Continued)

Source	1999	2000	2001	2002	2003
<b>9TH CIRCUIT</b>	<b>9,383</b>	<b>9,147</b>	<b>10,342</b>	<b>11,421</b>	<b>12,872</b>
AK	130	113	135	106	110
AZ	617	637	791	781	870
CA,N	911	866	852	820	770
CA,E	775	735	934	893	813
CA,C	2,027	2,219	2,365	2,294	2,345
CA,S	582	586	621	577	540
HI	382	163	190	187	146
ID	128	106	113	119	159
MT	192	136	165	232	242
NV	451	469	571	466	542
OR	484	418	466	508	479
WA,E	139	142	232	168	202
WA,W	557	571	529	488	430
GUAM	42	36	17	22	20
NMI	13	22	18	16	23
BANKRUPTCY	310	290	260	174	221
U.S. TAX COURT	68	89	53	59	49
NLRB	32	29	34	18	21
ADMINISTRATIVE AGENCIES <sup>1</sup>	1,009	984	1,063	2,822	4,291
ORIGINAL PROCEEDINGS <sup>2</sup>	534	536	933	671	599
<b>10TH CIRCUIT</b>	<b>2,800</b>	<b>2,656</b>	<b>2,758</b>	<b>2,661</b>	<b>2,540</b>
CO	527	521	545	552	531
KS	365	373	342	397	331
NM	357	435	411	338	298
OK,N	259	208	179	178	198
OK,E	162	142	147	141	126
OK,W	429	385	410	361	349
UT	254	201	230	233	261
WY	114	77	89	111	104
BANKRUPTCY	42	33	33	38	44
U.S. TAX COURT	39	41	13	22	4
NLRB	6	11	11	4	5
ADMINISTRATIVE AGENCIES <sup>1</sup>	45	37	36	76	119
ORIGINAL PROCEEDINGS <sup>2</sup>	201	192	312	210	170

**Table B-3. (September 30, 2003—Continued)**

Source	1999	2000	2001	2002	2003
<b>11TH CIRCUIT</b>	<b>7,034</b>	<b>7,067</b>	<b>7,535</b>	<b>7,472</b>	<b>6,983</b>
AL,N	498	540	500	501	440
AL,M	264	228	270	273	280
AL,S	323	266	213	229	255
FL,N	527	488	576	506	398
FL,M	1,457	1,473	1,531	1,533	1,479
FL,S	1,767	1,801	1,900	1,967	1,662
GA,N	879	947	888	898	876
GA,M	272	339	347	353	295
GA,S	400	257	359	358	318
BANKRUPTCY	123	106	70	71	77
U.S. TAX COURT	29	21	16	35	10
NLRB	11	17	21	16	2
ADMINISTRATIVE AGENCIES <sup>1</sup>	67	101	94	262	383
ORIGINAL PROCEEDINGS <sup>2</sup>	417	483	750	470	508

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

<sup>1</sup>IN 2002 AND 2003, THE COURTS OF APPEALS REPORTED AN UNPRECEDENTED INCREASE IN APPEALS OF DECISIONS OF THE BOARD OF IMMIGRATION APPEALS, PARTICULARLY IN THE SECOND AND NINTH CIRCUITS.

<sup>2</sup>BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

**Table B-3.**

**U.S. Courts of Appeals—Sources of Appeals and Original Proceedings Commenced, by Circuit, During the 12-Month Periods Ending September 30, 2000 Through 2004**

Source	2000	2001	2002	2003	2004
<b>TOTAL APPEALS</b>	<b>54,697</b>	<b>57,464</b>	<b>57,555</b>	<b>60,847</b>	<b>62,762</b>
U.S. DISTRICT COURTS	46,487	47,327	47,068	46,358	45,581
BANKRUPTCY	1,007	961	843	902	862
ADMINISTRATIVE AGENCIES, TOTAL <sup>1</sup>	3,237	3,300	5,789	9,988	12,255
U.S. TAX COURT	274	222	205	173	192
LABR	13	28	7	21	24
FCC	166	135	125	103	126
FERC	147	160	200	141	267
FTC	2	-	-	3	3
NLRB	323	364	291	235	285
EPA	162	130	120	148	138
ICC	-	-	-	1	-
INS	1,723	1,760	4,449	8,833	10,812
OTHER ADMIN. AGENCIES	427	501	392	330	408
ORIGINAL PROCEEDINGS <sup>2</sup>	3,966	5,876	3,855	3,599	4,064
<b>DC CIRCUIT</b>	<b>1,506</b>	<b>1,401</b>	<b>1,126</b>	<b>1,121</b>	<b>1,390</b>
U.S. DISTRICT COURTS	842	740	659	647	824
BANKRUPTCY	2	3	4	3	7
U.S. TAX COURT	9	8	7	8	10
NLRB	58	55	53	39	41
ADMINISTRATIVE AGENCIES <sup>1</sup>	500	480	340	344	423
ORIGINAL PROCEEDINGS <sup>2</sup>	95	115	63	80	85
<b>1ST CIRCUIT</b>	<b>1,463</b>	<b>1,762</b>	<b>1,667</b>	<b>1,844</b>	<b>1,723</b>
ME	128	164	115	141	143
MA	537	659	621	635	578
NH	105	112	96	117	121
RI	156	150	134	122	116
PR	358	498	524	574	510
BANKRUPTCY	32	24	35	36	19
U.S. TAX COURT	5	3	3	5	4
NLRB	7	5	10	3	4
ADMINISTRATIVE AGENCIES <sup>1</sup>	54	55	69	145	156
ORIGINAL PROCEEDINGS <sup>2</sup>	81	92	60	66	72

**Table B-3. (September 30, 2004—Continued)**

Source	2000	2001	2002	2003	2004
<b>2ND CIRCUIT</b>	<b>4,892</b>	<b>4,519</b>	<b>4,870</b>	<b>6,359</b>	<b>7,008</b>
CT	367	357	374	358	294
NY,N	484	395	401	361	426
NY,E	1,245	1,034	1,139	1,078	1,187
NY,S	1,820	1,684	1,571	1,688	1,630
NY,W	298	283	358	314	267
VT	75	57	59	48	58
BANKRUPTCY	75	93	76	85	81
U.S. TAX COURT	18	27	10	11	12
NLRB	47	51	31	37	24
ADMINISTRATIVE AGENCIES <sup>1</sup>	214	184	562	2,118	2,711
ORIGINAL PROCEEDINGS <sup>2</sup>	249	354	289	261	318
<b>3RD CIRCUIT</b>	<b>3,482</b>	<b>3,860</b>	<b>3,643</b>	<b>3,957</b>	<b>3,871</b>
DE	124	134	144	138	139
NJ	787	816	735	741	731
PA,E	1,012	1,275	1,081	1,060	1,022
PA,M	457	470	494	549	519
PA,W	504	520	489	520	532
VI	75	67	91	113	65
BANKRUPTCY	93	78	89	87	90
U.S. TAX COURT	12	11	8	20	9
NLRB	25	28	33	27	35
ADMINISTRATIVE AGENCIES <sup>1</sup>	131	139	233	505	542
ORIGINAL PROCEEDINGS <sup>2</sup>	262	322	246	197	187
<b>4TH CIRCUIT</b>	<b>4,689</b>	<b>5,303</b>	<b>4,658</b>	<b>4,887</b>	<b>4,957</b>
MD	801	722	679	619	608
NC,E	413	487	417	462	408
NC,M	237	299	314	257	311
NC,W	285	380	327	282	250
SC	646	620	596	631	732
VA,E	1,048	1,147	1,111	1,077	1,114
VA,W	344	358	301	443	347
WV,N	113	135	111	109	110
WV,S	211	225	200	210	206
BANKRUPTCY	68	83	66	65	58
U.S. TAX COURT	19	14	8	9	8
NLRB	25	29	27	24	31
ADMINISTRATIVE AGENCIES <sup>1</sup>	140	119	177	346	404
ORIGINAL PROCEEDINGS <sup>2</sup>	339	685	324	353	370

**Table B-3. (September 30, 2004—Continued)**

Source	2000	2001	2002	2003	2004
<b>5TH CIRCUIT</b>	<b>8,253</b>	<b>8,642</b>	<b>8,784</b>	<b>8,613</b>	<b>8,509</b>
LA,E	653	625	582	531	537
LA,M	231	210	183	164	179
LA,W	532	482	454	444	463
MS,N	289	224	256	213	240
MS,S	337	385	363	388	302
TX,N	1,280	1,438	1,363	1,234	1,400
TX,E	735	705	843	782	680
TX,S	1,785	1,897	2,162	2,159	1,999
TX,W	1,192	1,254	1,367	1,459	1,352
BANKRUPTCY	166	139	142	109	116
U.S. TAX COURT	16	25	19	27	22
NLRB	17	15	28	9	18
ADMINISTRATIVE AGENCIES <sup>1</sup>	279	302	341	449	537
ORIGINAL PROCEEDINGS <sup>2</sup>	741	941	681	645	664
<b>6TH CIRCUIT</b>	<b>4,916</b>	<b>4,853</b>	<b>4,619</b>	<b>4,964</b>	<b>4,841</b>
KY,E	319	277	250	315	340
KY,W	288	267	236	244	239
MI,E	994	1,016	1,059	952	881
MI,W	386	343	382	486	483
OH,N	765	704	644	659	662
OH,S	604	486	477	507	456
TN,E	302	318	308	304	290
TN,M	247	245	306	330	265
TN,W	387	315	325	337	356
BANKRUPTCY	72	87	62	73	81
U.S. TAX COURT	12	14	8	10	10
NLRB	39	68	31	26	38
ADMINISTRATIVE AGENCIES <sup>1</sup>	73	110	173	387	373
ORIGINAL PROCEEDINGS <sup>2</sup>	428	603	358	334	367

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**Table B-3. (September 30, 2004—Continued)**

Source	2000	2001	2002	2003	2004
<b>7TH CIRCUIT</b>	<b>3,461</b>	<b>3,455</b>	<b>3,418</b>	<b>3,517</b>	<b>3,377</b>
IL,N	1,180	1,128	1,191	1,146	1,106
IL,C	320	337	311	291	291
IL,S	305	239	263	260	224
IN,N	294	311	315	334	310
IN,S	358	369	358	411	330
WI,E	316	316	349	299	265
WI,W	265	260	238	245	261
BANKRUPTCY	40	41	46	66	48
U.S. TAX COURT	13	21	16	5	9
NLRB	34	31	29	28	26
ADMINISTRATIVE AGENCIES <sup>1</sup>	78	88	113	260	279
ORIGINAL PROCEEDINGS <sup>2</sup>	258	314	189	172	228
<b>8TH CIRCUIT</b>	<b>3,165</b>	<b>3,034</b>	<b>3,216</b>	<b>3,190</b>	<b>3,101</b>
AR,E	463	373	378	346	341
AR,W	131	130	145	137	100
IA,N	132	154	165	189	207
IA,S	192	166	198	216	206
MN	392	354	410	410	377
MO,E	504	462	513	442	432
MO,W	483	460	535	519	497
NE	270	198	203	211	245
ND	48	42	53	77	53
SD	136	113	136	131	111
BANKRUPTCY	30	50	40	36	24
U.S. TAX COURT	19	17	10	15	11
NLRB	14	16	11	14	17
ADMINISTRATIVE AGENCIES <sup>1</sup>	49	44	125	233	176
ORIGINAL PROCEEDINGS <sup>2</sup>	302	455	294	214	304

**Table B-3. (September 30, 2004—Continued)**

Source	2000	2001	2002	2003	2004
<b>9TH CIRCUIT</b>	<b>9,147</b>	<b>10,342</b>	<b>11,421</b>	<b>12,872</b>	<b>14,274</b>
AK	113	135	106	110	103
AZ	637	791	781	870	814
CA,N	866	852	820	770	819
CA,E	735	934	893	813	758
CA,C	2,219	2,365	2,294	2,345	2,322
CA,S	586	621	577	540	488
HI	163	190	187	146	164
ID	106	113	119	159	158
MT	136	165	232	242	299
NV	469	571	466	542	633
OR	418	466	508	479	432
WA,E	142	232	168	202	236
WA,W	571	529	488	430	453
GUAM	36	17	22	20	22
NMI	22	18	16	23	15
BANKRUPTCY	290	260	174	221	217
U.S. TAX COURT	89	53	59	49	60
NLRB	29	34	18	21	20
ADMINISTRATIVE AGENCIES <sup>1</sup>	984	1,063	2,822	4,291	5,575
ORIGINAL PROCEEDINGS <sup>2</sup>	536	933	671	599	686
<b>10TH CIRCUIT</b>	<b>2,656</b>	<b>2,758</b>	<b>2,661</b>	<b>2,540</b>	<b>2,646</b>
CO	521	545	552	531	485
KS	373	342	397	331	396
NM	435	411	338	298	339
OK,N	208	179	178	198	165
OK,E	142	147	141	126	129
OK,W	385	410	361	349	368
UT	201	230	233	261	272
WY	77	89	111	104	120
BANKRUPTCY	33	33	38	44	42
U.S. TAX COURT	41	13	22	4	11
NLRB	11	11	4	5	14
ADMINISTRATIVE AGENCIES <sup>1</sup>	37	36	76	119	107
ORIGINAL PROCEEDINGS <sup>2</sup>	192	312	210	170	198

**Table B-3. (September 30, 2004—Continued)**

Source	2000	2001	2002	2003	2004
<b>11TH CIRCUIT</b>	<b>7,067</b>	<b>7,535</b>	<b>7,472</b>	<b>6,983</b>	<b>7,065</b>
AL,N	540	500	501	440	460
AL,M	228	270	273	280	212
AL,S	266	213	229	255	209
FL,N	488	576	506	398	415
FL,M	1,473	1,531	1,533	1,479	1,503
FL,S	1,801	1,900	1,967	1,662	1,570
GA,N	947	888	898	876	849
GA,M	339	347	353	295	336
GA,S	257	359	358	318	309
BANKRUPTCY	106	70	71	77	79
U.S. TAX COURT	21	16	35	10	26
NLRB	17	21	16	2	17
ADMINISTRATIVE AGENCIES <sup>1</sup>	101	94	262	383	495
ORIGINAL PROCEEDINGS <sup>2</sup>	483	750	470	508	585

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

<sup>1</sup>BEGINNING IN 2002 AND THROUGH 2004, THE COURTS OF APPEALS REPORTED AN UNPRECEDENTED INCREASE IN APPEALS OF DECISIONS OF THE BOARD OF IMMIGRATION APPEALS, PARTICULARLY IN THE SECOND AND NINTH CIRCUITS.

<sup>2</sup>BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.



**Table B-1.**

**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Circuit, During the 12-Month Period Ending September 30, 2003**

Circuit and Nature of Proceeding	Cases Pending Oct. 1, 2002 <sup>1</sup>	Cases Commenced			Total	Cases Disposed of by Consolidation	Cases Terminated			Total	Terminations on the Merits		Cases Pending Sept. 30, 2003
		Total	Original	Reinstated			Procedural Terminations		Total		After Oral Hearing	After Submission on Briefs	
							Total	By Judge					
<b>ALL CIRCUITS</b>	<b>40,149</b>	<b>60,847</b>	<b>59,538</b>	<b>1,309</b>	<b>56,396</b>	<b>2,108</b>	<b>27,279</b>	<b>13,344</b>	<b>13,935</b>	<b>27,009</b>	<b>8,791</b>	<b>18,218</b>	<b>44,600</b>
CRIMINAL	9,925	11,968	11,782	186	11,678	651	2,949	995	1,954	8,078	2,435	5,643	10,215
U.S. PRISONER PETITIONS	3,173	5,350	5,156	194	5,753	50	3,932	2,784	1,148	1,771	231	1,540	2,770
OTHER U.S. CIVIL	2,579	3,239	3,162	77	3,394	165	1,219	336	883	2,010	808	1,202	2,424
PRIV. PRISONER PETITIONS	6,762	12,341	11,996	345	12,768	70	9,210	6,236	2,974	3,488	675	2,813	6,335
OTHER PRIVATE CIVIL	10,980	13,460	13,156	304	13,607	904	6,113	1,514	4,599	6,590	3,770	2,820	10,833
BANKRUPTCY	711	902	892	10	870	55	375	84	291	440	238	202	743
ADMINISTRATIVE APPEALS	5,271	9,988	9,848	140	4,822	185	2,772	1,157	1,615	1,865	617	1,248	10,437
ORIGINAL PROCEEDINGS <sup>2</sup>	748	3,599	3,546	53	3,504	28	709	238	471	2,767	17	2,750	843
<b>DISTRICT OF COLUMBIA</b>	<b>1,092</b>	<b>1,121</b>	<b>1,105</b>	<b>16</b>	<b>1,182</b>	<b>119</b>	<b>549</b>	<b>146</b>	<b>403</b>	<b>514</b>	<b>276</b>	<b>238</b>	<b>1,031</b>
CRIMINAL	91	121	120	1	97	5	40	4	36	52	36	16	115
U.S. PRISONER PETITIONS	81	122	119	3	116	3	68	34	34	45	8	37	87
OTHER U.S. CIVIL	211	224	222	2	278	33	96	24	72	149	80	69	157
PRIV. PRISONER PETITIONS	12	34	33	1	24	-	14	2	12	10	1	9	22
OTHER PRIVATE CIVIL	107	146	144	2	155	14	66	17	49	75	35	40	98
BANKRUPTCY	4	3	3	-	6	-	4	1	3	2	-	2	1
ADMINISTRATIVE APPEALS	573	391	384	7	436	64	236	54	182	136	114	22	528
ORIGINAL PROCEEDINGS <sup>2</sup>	13	80	80	-	70	-	25	10	15	45	2	43	23
<b>FIRST CIRCUIT</b>	<b>1,251</b>	<b>1,844</b>	<b>1,841</b>	<b>3</b>	<b>1,573</b>	<b>85</b>	<b>912</b>	<b>388</b>	<b>524</b>	<b>576</b>	<b>355</b>	<b>221</b>	<b>1,522</b>
CRIMINAL	525	672	670	2	518	38	358	145	213	122	87	35	679
U.S. PRISONER PETITIONS	87	125	124	1	127	1	91	55	36	35	13	22	85
OTHER U.S. CIVIL	79	98	98	-	113	5	49	18	31	59	28	31	64
PRIV. PRISONER PETITIONS	74	116	116	-	99	1	65	53	12	33	17	16	91
OTHER PRIVATE CIVIL	360	578	578	-	530	37	271	83	188	222	172	50	408
BANKRUPTCY	31	36	36	-	26	1	8	2	6	17	15	2	41
ADMINISTRATIVE APPEALS	67	153	153	-	93	1	61	29	32	31	22	9	127
ORIGINAL PROCEEDINGS <sup>2</sup>	28	66	66	-	67	1	9	3	6	57	1	56	27

52%

51%

**Table B-1.**

**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Circuit, During the 12-Month Period Ending September 30, 2001**

Circuit and Nature of Proceeding	Cases Pending Oct. 1, 2000*	Cases Commenced			Total	Cases Disposed of by Consolidation	Cases Terminated			Total	Terminations on the Merits		Cases Pending Sept. 30, 2001
		Total	Original	Reinstated			Procedural Terminations		Total		After Oral Hearing	After Submission on Briefs	
							Total	By Judge					
<b>ALL CIRCUITS</b>	<b>40,261</b>	<b>57,464</b>	<b>56,117</b>	<b>1,347</b>	<b>57,422</b>	<b>2,797</b>	<b>25,785</b>	<b>11,761</b>	<b>14,024</b>	<b>28,840</b>	<b>9,315</b>	<b>19,525</b>	<b>40,303</b>
CRIMINAL	10,216	11,281	11,105	176	11,165	706	2,586	809	1,777	7,873	2,657	5,216	10,332
U.S PRISONER PETITIONS	3,017	6,138	5,935	203	5,587	74	3,911	2,500	1,411	1,602	219	1,383	3,568
OTHER U.S CIVIL	2,878	3,567	3,492	75	3,772	334	1,301	325	976	2,137	839	1,298	2,673
PRIV. PRISONER PETITIONS	7,032	12,205	11,836	369	12,377	124	8,568	5,422	3,146	3,685	681	3,004	6,860
OTHER PRIVATE CIVIL	12,342	14,136	13,801	335	14,812	1,207	6,341	1,419	4,922	7,264	4,063	3,201	11,666
BANKRUPTCY	833	961	929	32	948	56	410	91	319	482	248	234	846
ADMINISTRATIVE APPEALS	3,082	3,300	3,216	84	3,245	267	1,661	811	850	1,317	580	737	3,137
ORIGINAL PROCEEDINGS¹	861	5,876	5,803	73	5,516	29	1,007	384	623	4,480	28	4,452	1,221
<b>DISTRICT OF COLUMBIA</b>	<b>1,260</b>	<b>1,401</b>	<b>1,385</b>	<b>16</b>	<b>1,391</b>	<b>199</b>	<b>603</b>	<b>167</b>	<b>436</b>	<b>589</b>	<b>240</b>	<b>349</b>	<b>1,270</b>
CRIMINAL	66	92	92	-	84	3	25	1	24	56	32	24	74
U.S PRISONER PETITIONS	83	149	144	5	139	1	77	34	43	61	10	51	93
OTHER U.S CIVIL	188	299	296	3	277	19	110	22	88	148	55	93	210
PRIV. PRISONER PETITIONS	34	576 42	41	1	54	-	30	5	25	24	2	22	58 22
OTHER PRIVATE CIVIL	142	158	156	2	185	16	79	27	52	90	31	59	115
BANKRUPTCY		3	3	-	2	-	2	1	1	-	-	-	1
ADMINISTRATIVE APPEALS	722	543	539	4	544	160	254	71	183	130	109	21	721
ORIGINAL PROCEEDINGS¹	25	115	114	1	106	-	26	6	20	80	1	79	34
<b>FIRST CIRCUIT</b>	<b>1,266</b>	<b>1,762</b>	<b>1,748</b>	<b>14</b>	<b>1,515</b>	<b>105</b>	<b>476</b>	<b>9</b>	<b>467</b>	<b>934</b>	<b>350</b>	<b>584</b>	<b>1,513</b>
CRIMINAL	431	631	629	2	431	48	147	-	147	236	89	147	631
U.S PRISONER PETITIONS	86	195	193	2	144	2	45	2	43	97	7	90	137
OTHER U.S CIVIL	110	101	100	1	123	12	34	3	31	77	32	45	88
PRIV. PRISONER PETITIONS	95	145	142	3	129	2	41	-	41	86	12	74	111
OTHER PRIVATE CIVIL	412	511	506	5	490	40	171	3	168	279	168	111	433
BANKRUPTCY	27	24	24	-	29	-	10	-	10	19	13	6	22
ADMINISTRATIVE APPEALS	71	63	62	1	75	1	23	1	22	51	25	26	59
ORIGINAL PROCEEDINGS¹	34	92	92	-	94	-	5	-	5	89	4	85	32

Table B-1.

U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Circuit During the 12-Month Period Ending September 30, 1999

Circuit and Nature of Proceeding	Cases Pending Oct. 1, 1998*	Cases Terminated											Cases Pending Sept. 30, 1999
		Cases Commenced			Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits		Total	
		Total	Original	Reinstated			Total	By Judge	By Staff	After Oral Hearing	After Submission on Briefs		
<b>ALL CIRCUITS</b>	<b>41,666</b>	<b>54,693</b>	<b>53,415</b>	<b>1,278</b>	<b>54,088</b>	<b>2,651</b>	<b>24,710</b>	<b>10,915</b>	<b>13,795</b>	<b>26,727</b>	<b>9,924</b>	<b>16,803</b>	<b>42,271</b>
CRIMINAL	10,590	10,251	10,070	181	10,675	879	2,410	821	1,589	7,386	2,918	4,468	10,166
U.S. PRISONER PETITIONS	3,489	5,211	5,048	163	5,296	89	3,575	2,459	1,116	1,632	265	1,367	3,404
OTHER U.S. CIVIL	3,253	4,010	3,929	81	4,179	326	1,509	380	1,129	2,344	889	1,455	3,084
PRIV. PRISONER PETITIONS	7,153	11,980	11,658	322	11,499	124	8,012	4,605	3,407	3,363	580	2,783	7,634
OTHER PRIVATE CIVIL	12,585	15,479	15,159	320	15,307	935	6,626	1,607	5,019	7,746	4,394	3,352	12,757
BANKRUPTCY	972	1,109	1,086	23	1,150	64	528	131	397	558	276	282	931
ADMINISTRATIVE APPEALS	3,456	3,280	3,113	167	3,122	214	1,455	671	784	1,453	574	879	3,614
ORIGINAL PROCEEDINGS <sup>1</sup>	168	3,373	3,352	21	2,860	20	595	241	354	2,245	28	2,217	681
<b>DISTRICT OF COLUMBIA</b>	<b>1,553</b>	<b>1,438</b>	<b>1,425</b>	<b>13</b>	<b>1,655</b>	<b>300</b>	<b>686</b>	<b>269</b>	<b>417</b>	<b>669</b>	<b>290</b>	<b>379</b>	<b>1,336</b>
CRIMINAL	106	105	105	-	138	15	41	8	33	82	44	38	73
U.S. PRISONER PETITIONS	45	120	117	3	112	4	58	27	31	50	5	45	53
OTHER U.S. CIVIL	414	298	292	6	489	180	111	23	88	198	83	115	223
PRIV. PRISONER PETITIONS	33	33	33	-	47	3	21	12	9	23	4	19	19
OTHER PRIVATE CIVIL	177	218	214	4	234	26	87	14	73	121	48	73	161
BANKRUPTCY	6	3	3	-	6	2	-	-	-	4	1	3	3
ADMINISTRATIVE APPEALS	762	550	550	-	529	70	334	173	161	125	104	21	283
ORIGINAL PROCEEDINGS <sup>1</sup>	10	111	111	-	100	-	34	12	22	66	1	65	21
<b>FIRST CIRCUIT</b>	<b>1,035</b>	<b>1,454</b>	<b>1,443</b>	<b>11</b>	<b>1,323</b>	<b>27</b>	<b>686</b>	<b>265</b>	<b>421</b>	<b>610</b>	<b>364</b>	<b>246</b>	<b>1,166</b>
CRIMINAL	317	387	384	3	324	11	121	41	80	192	118	74	380
U.S. PRISONER PETITIONS	89	144	140	4	141	2	114	64	50	25	8	17	92
OTHER U.S. CIVIL	85	119	119	-	107	1	44	13	31	62	24	38	97
PRIV. PRISONER PETITIONS	60	104	104	-	86	-	61	44	17	25	9	16	78
OTHER PRIVATE CIVIL	386	521	517	4	517	12	254	51	203	251	184	67	390
BANKRUPTCY	18	40	40	-	23	1	16	4	12	6	2	4	35
ADMINISTRATIVE APPEALS	59	73	73	-	64	-	44	25	19	20	17	3	68
ORIGINAL PROCEEDINGS <sup>1</sup>	21	66	66	-	61	-	32	23	9	29	2	27	26

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**Table B-1.**

**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Circuit, During the Twelve-Month Period Ended September 30, 1997**

Circuit and Nature of Proceeding	Cases Pending Oct. 1, 1996*	Cases Commenced			Cases Terminated								Cases Pending Sept. 30, 1997
		Total	Original	Reinstated	Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits			
							Total	By Judge	By Staff	Total	After Oral Hearing	After Submission on Briefs	
<b>ALL CIRCUITS</b>	<b>38,774</b>	<b>52,319</b>	<b>51,088</b>	<b>1,231</b>	<b>51,194</b>	<b>3,038</b>	<b>22,316</b>	<b>8,729</b>	<b>13,587</b>	<b>25,840</b>	<b>10,357</b>	<b>15,483</b>	<b>39,899</b>
CRIMINAL	10,146	10,521	10,340	181	10,466	861	2,285	719	1,566	7,320	2,957	4,363	10,201
U.S. PRISONER PETITIONS	2,859	5,183	4,965	218	4,449	80	2,658	1,649	1,009	1,711	176	1,535	3,593
OTHER U.S. CIVIL	3,253	3,803	3,726	77	4,200	304	1,433	360	1,073	2,463	999	1,464	2,856
PRIV. PRISONER PETITIONS	6,486	11,005	10,692	313	11,019	126	7,251	3,416	3,835	3,642	576	3,066	6,472
OTHER PRIVATE CIVIL	11,932	15,423	15,069	354	15,122	1,050	6,281	1,637	4,644	7,791	4,585	3,206	12,233
BANKRUPTCY	1,070	1,158	1,131	27	1,269	85	510	133	377	674	378	296	959
ADMINISTRATIVE APPEALS	2,913	4,412	4,355	57	3,944	521	1,741	701	1,040	1,682	665	1,017	3,381
ORIGINAL PROCEEDINGS	115	814	810	4	725	11	157	114	43	557	21	536	204
<b>DISTRICT OF COLUMBIA</b>	<b>1,825</b>	<b>1,531</b>	<b>1,520</b>	<b>11</b>	<b>1,833</b>	<b>223</b>	<b>878</b>	<b>191</b>	<b>687</b>	<b>732</b>	<b>344</b>	<b>388</b>	<b>1,523</b>
CRIMINAL	175	157	157	-	194	44	41	7	34	109	79	30	138
U.S. PRISONER PETITIONS	89	98	94	4	113	15	40	10	30	58	4	54	74
OTHER U.S. CIVIL	289	287	287	-	374	30	127	47	80	217	76	141	202
PRIV. PRISONER PETITIONS	61	41	39	2	69	2	42	13	29	25	1	24	33
OTHER PRIVATE CIVIL	220	184	179	5	245	25	86	29	57	134	53	81	159
BANKRUPTCY	9	5	5	-	8	1	2	-	2	5	2	3	5
ADMINISTRATIVE APPEALS	970	727	727	-	791	105	527	81	446	159	128	31	906
ORIGINAL PROCEEDINGS	13	32	32	-	39	1	13	4	9	25	1	24	6
<b>FIRST CIRCUIT</b>	<b>953</b>	<b>1,449</b>	<b>1,437</b>	<b>12</b>	<b>1,371</b>	<b>34</b>	<b>641</b>	<b>239</b>	<b>402</b>	<b>696</b>	<b>428</b>	<b>268</b>	<b>1,031</b>
CRIMINAL	301	358	352	6	354	3	132	38	94	219	141	78	305
U.S. PRISONER PETITIONS	45	136	135	1	89	2	64	55	9	23	4	19	92
OTHER U.S. CIVIL	80	115	115	-	113	3	52	9	43	58	31	27	82
PRIV. PRISONER PETITIONS	77	133	133	-	127	2	82	46	36	43	9	34	83
OTHER PRIVATE CIVIL	372	581	577	4	556	23	245	65	180	288	207	81	397
BANKRUPTCY	23	36	36	-	44	1	17	2	15	26	20	6	15
ADMINISTRATIVE APPEALS	47	78	77	1	78	-	47	23	24	31	16	15	47
ORIGINAL PROCEEDINGS	8	12	12	-	10	-	2	1	1	8	-	8	10

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**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the Twelve-Month Periods Ended September 30, 1996 and 1997**

Circuit	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
<b>TOTAL</b>	<b>51,991</b>	<b>52,319</b>	<b>.6</b>	<b>50,413</b>	<b>51,194</b>	<b>1.5</b>	<b>38,774</b>	<b>39,899</b>	<b>2.9</b>
<del>DISTRICT OF COLUMBIA</del>	<del>1,347</del>	<del>1,531</del>	<del>13.7</del>	<del>1,674</del>	<del>1,833</del>	<del>9.5</del>	<del>1,825</del>	<del>1,523</del>	<del>-16.5</del>
FIRST	1,367	1,449	6.0	1,395	1,371	-1.7	953	1,031	8.2
SECOND	4,562	4,816	5.6	4,207	4,378	4.1	2,183	2,621	20.1
THIRD	3,604	3,458	-4.1	3,369	3,479	-3.3	2,172	2,151	-1.0
FOURTH	4,914	4,754	-3.3	5,130	4,629	-9.8	3,323	3,448	3.8
FIFTH	7,546	7,573	.4	7,010	7,301	4.2	4,817	5,089	5.6
SIXTH	4,606	4,622	.3	4,218	4,626	9.7	3,735	3,731	-.1
SEVENTH	3,248	3,350	3.1	3,149	3,311	5.1	2,296	2,335	1.7
EIGHTH	3,384	3,335	-1.4	3,212	3,215	.1	1,907	2,027	6.3
NINTH	8,502	8,692	2.2	8,175	8,515	4.2	7,445	7,622	2.4
TENTH	2,582	2,629	1.8	2,687	2,466	-8.2	1,923	2,086	8.5
ELEVENTH	6,329	6,110	-3.5	6,187	6,070	-1.9	6,195	6,235	.6

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.  
 \* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the Twelve-Month Periods Ended September 30, 1997 and 1998**

Circuit	Filings			Terminations			Pending		
	1997	1998	Percent Change	1997	1998	Percent Change	1997*	1998	Percent Change
<b>TOTAL</b>	<b>52,319</b>	<b>53,805</b>	<b>2.8</b>	<b>51,194</b>	<b>52,002</b>	<b>1.6</b>	<b>39,846</b>	<b>41,649</b>	<b>4.5</b>
DISTRICT OF COLUMBIA	1,531	1,627	6.3	1,833	1,590	-13.3	1,523	1,560	2.4
FIRST	1,449	1,437	-0.8	1,371	1,430	4.3	1,044	1,051	0.7
SECOND	4,816	4,796	-0.4	4,378	4,289	-2.0	2,628	3,135	19.3
THIRD	3,458	3,613	4.5	3,479	3,231	-7.1	2,121	2,503	18.0
FOURTH	4,754	4,897	3.0	4,629	5,233	13.0	3,445	3,109	-9.8
FIFTH	7,573	8,096	6.9	7,301	7,774	6.5	5,052	5,374	6.4
SIXTH	4,622	4,704	1.8	4,626	4,330	-6.4	3,733	4,107	10.0
SEVENTH	3,350	3,297	-1.6	3,311	3,261	-1.5	2,330	2,366	1.5
EIGHTH	3,335	3,330	-0.1	3,215	3,397	5.7	2,020	1,953	-3.3
NINTH	8,692	9,070	4.3	8,515	8,425	-1.1	7,634	8,279	8.4
TENTH	2,629	2,582	-1.8	2,466	2,614	6.0	2,082	2,050	-1.5
ELEVENTH	6,110	6,356	4.0	6,070	6,428	5.9	6,234	6,162	-1.2

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.  
 \* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 1998 and 1999**

Circuit	Filings			Terminations			Pending		
	1998	1999	Percent Change	1998	1999	Percent Change	1998*	1999	Percent Change
<b>TOTAL</b>	<b>53,805</b>	<b>54,693</b>	<b>1.7</b>	<b>52,002</b>	<b>54,088</b>	<b>4.0</b>	<b>41,666</b>	<b>42,271</b>	<b>1.5</b>
DISTRICT OF COLUMBIA	1,627	1,438	-11.6	1,590	1,655	4.1	1,553	1,336	-14.0
FIRST	1,437	1,454	1.2	1,430	1,323	-7.5	1,035	1,166	12.7
SECOND	4,796	4,630	-3.5	4,289	4,245	-1.0	3,155	3,540	12.2
THIRD	3,613	3,384	-6.3	3,231	3,199	-1.0	2,505	2,690	7.4
FOURTH	4,897	4,627	-5.5	5,233	5,149	-1.6	3,103	2,581	-16.8
FIFTH	8,096	8,275	2.2	7,774	8,593	10.5	5,373	5,055	-5.9
SIXTH	4,704	4,884	3.8	4,330	4,800	10.9	4,110	4,194	2.0
SEVENTH	3,297	3,431	4.1	3,261	3,444	5.6	2,362	2,349	-.6
EIGHTH	3,330	3,353	.7	3,397	3,280	-3.4	1,960	2,033	3.7
NINTH	9,070	9,383	3.5	8,425	8,402	-.3	8,293	9,274	11.8
TENTH	2,582	2,800	8.4	2,614	2,754	5.4	2,055	2,101	2.2
ELEVENTH	6,356	7,034	10.7	6,428	7,244	12.7	6,162	5,952	-3.4

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT INCLUDED IN THIS TABLE.  
 \* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 1999 and 2000**

Circuit	Filings			Terminations			Pending		
	1999	2000	Percent Change	1999	2000	Percent Change	1999*	2000	Percent Change
<b>TOTAL</b>	<b>54,693</b>	<b>54,697</b>	<b>.0</b>	<b>54,088</b>	<b>56,512</b>	<b>4.5</b>	<b>42,225</b>	<b>40,410</b>	<b>-4.3</b>
DISTRICT OF COLUMBIA	1,438	1,506	4.7	1,655	1,582	-4.4	1,336	1,260	-5.7
FIRST	1,454	1,463	.6	1,323	1,365	3.2	1,167	1,265	8.4
SECOND	4,630	4,892	5.7	4,245	4,829	13.8	3,556	3,619	1.8
THIRD	3,384	3,482	2.9	3,199	3,162	-1.2	2,697	3,017	11.9
FOURTH	4,627	4,689	1.3	5,149	4,710	-8.5	2,572	2,551	-.8
FIFTH	8,275	8,253	-.3	8,593	8,535	-.7	5,013	4,731	-5.6
SIXTH	4,884	4,916	.7	4,800	5,090	6.0	4,211	4,037	-4.1
SEVENTH	3,431	3,461	.9	3,444	3,601	4.6	2,351	2,211	-6.0
EIGHTH	3,353	3,165	-5.6	3,280	3,280	.0	2,017	1,902	-5.7
NINTH	9,383	9,147	-2.5	8,402	9,216	9.7	9,288	9,219	-.7
TENTH	2,800	2,656	-5.1	2,754	2,737	-.6	2,066	1,985	-3.9
ELEVENTH	7,034	7,067	.5	7,244	8,405	16.0	5,951	4,613	-22.5

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.  
 \* REVISED.



**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 2000 and 2001**

Circuit	Filings			Terminations			Pending		
	2000	2001	Percent Change	2000	2001	Percent Change	2000*	2001	Percent Change
<b>TOTAL</b>	<b>54,697</b>	<b>57,464</b>	<b>5.1</b>	<b>56,512</b>	<b>57,422</b>	<b>1.6</b>	<b>40,261</b>	<b>40,303</b>	<b>.1</b>
DISTRICT OF COLUMBIA	1,506	1,401	-7.0	1,582	1,391	-12.1	1,260	1,270	.8
FIRST	1,463	1,762	20.4	1,365	1,515	11.0	1,266	1,513	19.5
SECOND	4,892	4,519	-7.6	4,829	4,175	-13.5	3,597	3,941	9.6
THIRD	3,482	3,860	10.9	3,162	3,594	13.7	2,933	3,199	9.1
FOURTH	4,689	5,303	13.1	4,710	5,078	7.8	2,526	2,751	8.9
FIFTH	8,253	8,642	4.7	8,535	8,784	2.9	4,728	4,586	-3.0
SIXTH	4,916	4,853	-1.3	5,090	4,691	-7.8	4,039	4,201	4.0
SEVENTH	3,461	3,455	-.2	3,601	3,616	.4	2,211	2,050	-7.3
EIGHTH	3,165	3,034	-4.1	3,280	3,414	4.1	1,908	1,528	-19.9
NINTH	9,147	10,342	13.1	9,216	10,372	12.5	9,190	9,160	-.3
TENTH	2,656	2,758	3.8	2,737	2,792	2.0	1,981	1,947	-1.7
ELEVENTH	7,067	7,535	6.6	8,405	8,000	-4.8	4,622	4,157	-10.1

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

\* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 2001 and 2002**

Circuit	Filings			Terminations			Pending		
	2001	2002	Percent Change	2001	2002	Percent Change	2001*	2002	Percent Change
<b>TOTAL</b>	<b>57,464</b>	<b>57,555</b>	<b>2</b>	<b>57,422</b>	<b>56,586</b>	<b>-1.5</b>	<b>39,996</b>	<b>40,965</b>	<b>2.4</b>
DISTRICT OF COLUMBIA	1,401	1,126	-19.6	1,391	1,303	-6.3	1,269	1,092	-13.9
FIRST	1,762	1,667	-5.4	1,515	1,758	16.0	1,515	1,424	-6.0
SECOND	4,519	4,870	7.8	4,175	4,206	.7	3,955	4,619	16.8
THIRD	3,860	3,643	-5.6	3,594	3,784	5.3	3,216	3,075	-4.4
FOURTH	5,303	4,658	-12.2	5,078	5,074	-.1	2,742	2,326	-15.2
FIFTH	8,642	8,784	1.6	8,784	8,390	-4.5	4,579	4,973	8.6
SIXTH	4,853	4,619	-4.8	4,691	4,878	4.0	4,203	3,944	-6.2
SEVENTH	3,455	3,418	-1.1	3,616	3,293	-8.9	2,051	2,176	6.1
EIGHTH	3,034	3,216	6.0	3,414	3,180	-6.9	1,520	1,556	2.4
NINTH	10,342	11,421	10.4	10,372	10,042	-3.2	8,847	10,226	15.6
TENTH	2,758	2,661	-3.5	2,792	2,543	-8.9	1,946	2,064	6.1
ELEVENTH	7,535	7,472	-.8	8,000	8,135	1.7	4,153	3,490	-16.0

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT, BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.  
 \* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 2004 and 2005**

Circuit	Filings			Terminations			Pending		
	2004	2005	Percent Change	2004	2005	Percent Change	2004*	2005	Percent Change
<b>TOTAL</b>	<b>62,762</b>	<b>68,473</b>	<b>9.1</b>	<b>56,381</b>	<b>61,975</b>	<b>9.9</b>	<b>51,226</b>	<b>57,724</b>	<b>12.7</b>
DISTRICT OF COLUMBIA	1,390	1,379	-0.8	1,155	1,158	-0.3	1,242	1,463	17.8
FIRST	1,723	1,912	11.0	1,643	1,888	14.9	1,619	1,643	1.5
SECOND	7,008	7,035	0.4	4,611	6,501	41.0	9,431	9,965	5.7
THIRD	3,871	4,498	16.2	3,787	4,268	12.7	3,250	3,480	7.1
FOURTH	4,957	5,307	7.1	4,713	4,754	0.9	2,768	3,321	20.0
FIFTH	8,509	9,052	6.4	8,100	7,496	-7.5	4,850	6,406	32.1
SIXTH	4,841	5,211	7.6	4,655	5,232	12.4	4,540	4,519	-0.5
SEVENTH	3,377	3,789	12.2	3,294	3,706	12.5	2,378	2,461	3.5
EIGHTH	3,101	3,611	16.4	2,916	3,287	12.7	2,004	2,328	16.2
NINTH	14,274	16,037	12.4	12,151	13,399	10.3	13,436	16,074	19.6
TENTH	2,646	2,911	10.0	2,448	2,708	10.6	2,164	2,367	9.4
ELEVENTH	7,065	7,731	9.4	6,908	7,578	9.7	3,544	3,697	4.3

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.  
 \* REVISED.

**Table B.**  
**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 2002 and 2003**

Circuit	Filings			Terminations			Pending		
	2002	2003	Percent Change	2002	2003	Percent Change	2002*	2003	Percent Change
<b>TOTAL</b>	<b>57,555</b>	<b>60,847</b>	<b>5.7</b>	<b>56,586</b>	<b>56,396</b>	<b>-3</b>	<b>40,149</b>	<b>44,600</b>	<b>11.1</b>
<del>DISTRICT OF COLUMBIA</del>	<del>1,126</del>	<del>1,121</del>	<del>5.4</del>	<del>1,303</del>	<del>1,182</del>	<del>-9.3</del>	<del>1,092</del>	<del>1,031</del>	<del>-5.6</del>
FIRST	1,667	1,844	10.6	1,758	1,573	-10.5	1,251	1,522	21.7
SECOND	4,870	6,359	30.6	4,206	4,262	1.3	4,670	6,767	44.9
THIRD	3,643	3,957	8.6	3,784	3,801	.4	3,089	3,245	5.1
FOURTH	4,658	4,887	4.9	5,074	4,668	-8.0	2,300	2,519	9.5
FIFTH	8,784	8,613	-1.9	8,390	9,135	8.9	4,966	4,444	-10.5
SIXTH	4,619	4,964	7.5	4,878	4,557	-6.6	3,943	4,350	10.3
SEVENTH	3,418	3,517	2.9	3,293	3,390	2.9	2,164	2,291	5.9
EIGHTH	3,216	3,190	-.8	3,180	2,896	-8.9	1,518	1,812	19.4
NINTH	11,421	12,872	12.7	10,042	11,220	11.7	9,625	11,277	17.2
TENTH	2,661	2,540	-4.5	2,543	2,627	3.3	2,042	1,955	-4.3
ELEVENTH	7,472	6,983	-6.5	8,135	7,085	-12.9	3,489	3,387	-2.9

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

\* REVISED

**Table B.**  
**U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending**  
**During the 12-Month Periods Ending September 30, 2003 and 2004**

Circuit	Filings			Terminations			Pending		
	2003	2004	Percent Change	2003	2004	Percent Change	2003*	2004	Percent Change
<b>TOTAL</b>	<b>60,847</b>	<b>62,762</b>	<b>3.1</b>	<b>56,396</b>	<b>56,381</b>	<b>.0</b>	<b>44,690</b>	<b>51,071</b>	<b>14.3</b>
DISTRICT OF COLUMBIA	1,121	1,390	-24.0	1,182	1,155	-2.3	1,031	1,266	-22.8
FIRST	1,844	1,723	-6.6	1,573	1,643	4.5	1,521	1,601	5.3
SECOND	6,359	7,008	10.2	4,262	4,611	8.2	6,843	9,240	35.0
THIRD	3,957	3,871	-2.2	3,801	3,787	-.4	3,248	3,332	2.6
FOURTH	4,887	4,957	1.4	4,668	4,713	1.0	2,522	2,766	9.7
FIFTH	8,613	8,509	-1.2	9,135	8,100	-11.3	4,445	4,854	9.2
SIXTH	4,964	4,841	-2.5	4,557	4,655	2.2	4,348	4,534	4.3
SEVENTH	3,517	3,377	-4.0	3,390	3,294	-2.8	2,292	2,375	3.6
EIGHTH	3,190	3,101	-2.8	2,896	2,916	.7	1,808	1,993	10.2
NINTH	12,872	14,274	10.9	11,220	12,151	8.3	11,294	13,417	18.8
TENTH	2,540	2,646	4.2	2,627	2,448	-6.8	1,953	2,151	10.1
ELEVENTH	6,983	7,065	1.2	7,085	6,908	-2.5	3,385	3,542	4.6

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF ORIGINAL PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.  
 \* REVISED.

## U.S. COURT OF APPEALS - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30						
DISTRICT OF COLUMBIA			2000	1999	1998	1997	1996	1995	
<b>OVERALL CASELOAD STATISTICS</b>	<b>Appeals Filed</b>	Total	1,506	1,438	1,627	1,531	1,347	1,625	
		Prisoner	226	153	155	139	161	179	
		Other**	631	630	766	508	561	674	
		Criminal	82	105	137	157	151	155	
		Administrative	567	550	569	727	474	617	
		% Change in Total Filings	Over Last Year	4.7					
			Over Earlier Years			-7.4	-1.6	11.8	-7.3
	<b>Appeals Terminated</b>	<b>On The Merits</b>	Total	1,582	1,655	1,590	1,833	1,674	1,670
			Consolidations & Cross Appeals	280	300	285	223	293	286
			Procedural	673	686	672	878	686	681
			Total	629	669	633	732	695	703
			Prisoner	73	73	84	83	88	71
			Other	340	389	291	381	319	329
		Criminal	58	82	100	109	131	138	
		Administrative	158	125	158	159	157	165	
		Percent by Active Judges	98.6	99.0	98.5	98.5	99.8	99.9	
		Pending Appeals		1,260	1,336	1,560	1,523	1,825	2,158
	<b>ACTIONS PER ACTIVE JUDGE*</b>	Terminations on the Merits		183	182	173	214	196	196
		Procedural Terminations		61	73	48	55	55	44
		<b>Written Decisions</b>	Total	61	60	57	72	62	67
Signed			23	20	23	25	26	23	
Unsigned			38	40	34	47	36	44	
Without Comment			-	-	-	-	-	-	

\* Includes only judges active during the entire 12 month period.

\*\* See "Explanation of Selected Terms."

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**U.S. COURT OF APPEALS  
JUDICIAL CASELOAD PROFILE  
PAGE 2**

		12-MONTH PERIOD ENDING SEPTEMBER 30					2000 Numerical Standing			
<b>DISTRICT OF COLUMBIA</b>		2000	1999	1998	1997	1996		1995		
Number of Judgeships/Number of Panels		12/4.0	12/4.0	12/4.0	12/4.0	12/4.0	12/4.0			
Number of Sitting Senior Judges		1	1	1	1	1	0			
Number of Vacant Judgeship Months**		22.4	12.0	12.0	12.0	13.0	12.3			
ACTIONS PER PANEL*	Appeals Filed	Total	377	360	407	383	337	406	12	
		Prisoner	57	38	39	35	40	45	12	
		Other	157	158	192	127	140	168	12	
		Criminal	21	26	34	39	38	39	12	
	Administrative	142	138	142	182	119	154	1		
	Appeals Terminated	On The Merits	Total	396	414	398	458	419	418	12
			Consolidations & Cross Appeals	71	75	72	55	73	72	2
			Procedural	168	172	168	220	172	170	12
		On The Merits	Total	157	167	158	183	174	176	12
			Prisoner	18	18	21	21	22	18	12
			Other	84	97	72	95	80	82	12
	Criminal		15	21	25	27	33	35	12	
	Administrative	40	31	40	40	39	41	2		
	Pending Appeals		315	334	390	381	456	540	12	
Median Time	Median Time from Filing Notice of Appeal to Disposition	7.3	8.6	9.4	10.9	12.0	12.8	1		
Other Caseload Per Judgeship	Applications for Interlocutory Appeals	1	1	1	1	1	0	9		
	Pro Se Mandamus Petitions	**	1	7	15	2	2			
	Petitions for Rehearing	26	22	24	27	21	22	11		