

CASELOAD CHANGES SINCE LAST JUDGESHIP BILL

A total of 34 additional district court judgeships have been created since 1991, but six temporary judgeships have lapsed. These changes have resulted in a four percent increase in the overall number of authorized district court judgeships; court of appeals judgeships have not increased. Since the last comprehensive judgeship bill was enacted for the U.S. courts of appeals and district courts, the numbers of cases filed in those courts have grown by 15 percent and 39 percent, respectively. Specific categories of cases have seen dramatic changes over the past two decades. Following is a summary of the most significant changes.

U.S. COURTS OF APPEALS *(Change in authorized judgeships: 0)*

- The total number of appeals filed has grown by 15 percent, over 6,000 cases, since 1991.
- While total criminal appeals have declined moderately since 1991, due to fewer appeals of drug cases, the number of immigration appeals has increased from 145 in 1991 to 930 in 2018. Additionally, a significant increase occurred in firearms appeals, which rose from 717 in 1991 to 1,913 in 2018.
- The most dramatic growth in civil appeals has been in prisoner appeals where case filings are up 23 percent since 1991, primarily as a result of appeals involving motions to vacate sentence which more than doubled.
- Appeals involving administrative agency decisions have fluctuated over the years, but have more than doubled, growing from 2,859 in 1991 to 6,089 in 2018. The increases resulted primarily from appeals of decisions by the Board of Immigration Appeals, with the largest increase occurring in the Ninth Circuit.
- Original proceedings rose from 609 in 1991 to 5,041 in 2018, partially as a result of the Antiterrorism and Effective Death Penalty Act which requires prisoners to seek permission from courts of appeals for certain petitions. Although enacted in April 1996, data for these and certain pro se mandamus proceedings were not reported until October 1998.

U.S. DISTRICT COURTS *(Change in authorized judgeships: +4%)*

- Total filings have grown by over 100,000 cases, a 39 percent increase since 1991.
- The civil caseload has fluctuated over the last 27 years but has increased 34 percent overall since 1991.
 - The most dramatic growth in civil filings occurred in cases related to personal injury product liability which have grown from 10,952 filings in 1991 to 45,863 in 2018. Many of these filings are part of multidistrict litigation actions comprising large numbers of pharmaceutical cases.

- Civil rights filings increased steadily after the Civil Rights Act of 1990 was enacted and reached a peak in 1997. Since that time the number of civil rights cases have fluctuated but remain more than double the 1991 level. Since 2014, consistent growth in civil rights filings has resulted primarily from increases in cases related to the Americans with Disabilities Act.
- Prisoner petitions, while fluctuating, increased 24 between 1991 and 2018, due to significantly higher numbers of motions to vacate sentence filings and habeas corpus petitions.
- Intellectual property rights cases increased from 5,186 in 1991 to 12,690 in 2018, as the total number of copyright and patent filings each more than tripled.
- The number of social security cases filed in 2018 was more than twice the number filed in 1991.
- Fair Debt Collection Practices Act (FDCPA) cases were first categorized separately in 2008. FDCPA filings have increased from 4,239 in 2008 to 10,764 cases in 2018.
- The number of criminal felony defendants has increased 60 percent since 1991.
 - The largest increase, by far, has been in immigration offenses which rose from 2,448 in 1991 to 27,812 in 2018.
 - Defendants charged with firearms offenses more than doubled between 1991 and 2018, an increase of nearly 7,500 defendants.
 - The number of drug-related defendants fluctuated between 1991 and 2018, but at 23,133 remained five percent above the number filed in 1991.
 - Defendants charged with drug, immigration, firearms, and fraud offenses comprised 87 percent of all felony defendants in 2018.