

1993



# Judicial Business of the United States Courts



REPORT OF THE DIRECTOR

L. RALPH MECHAM

Civil

Bankruptcy

Appeals

Probation

Pretrial

Criminal

1.4 1.9 16.1  
10.0 0.9 13.5  
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2.9 1.0 5.4  
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1.6 4.0 13.1

**TABLE 22. DRUG-DEPENDENT CLIENTS  
FISCAL YEARS 1989 THROUGH 1993**

Type of Service	1989	1990	1991*	1992*	1993
Contract	7,335	9,338	11,408	9,789	10,421
Non-Contract	7,254	7,926	8,287	9,191	10,336
Total	14,589	17,264	19,695	18,980	20,757

\* Revised

**TABLE 23.  
ALCOHOL-DEPENDENT CLIENTS  
FISCAL YEARS 1989 THROUGH 1993**

Type of Service	1989	1990	1991*	1992*	1993
Contract	877	1,059	1,451	1,715	1,734
Non-Contract	2,380	2,721	2,543	2,861	2,966
Total	3,257	3,780	3,994	4,576	4,700

\* Revised

## COMPLAINTS AGAINST JUDICIAL OFFICERS

### COMPLAINTS INCREASED 7 PERCENT

Any person alleging that a judge of the United States, a bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or that such officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or applicable national court (Title 28 U.S.C. Section 372(c)). The number of complaints filed against judicial officers rose to 438 during the year ended September 30, 1993, a 7 percent increase over

1992. Of the 13 circuits and 2 national courts, 10 reported an increase in complaints filed; 3 reported a decrease in filings; and 2 remained at last year's level. Table 24 summarizes judicial complaint activity from 1991 through 1993.

Each individual complaint may involve multiple allegations against numerous judicial officers. The allegations most often identified were prejudice/bias, and abuse of judicial power. The majority of allegations, however, were outside the jurisdiction of Title 28 U.S.C. Section 372(c) and were found to be directly related to the merits of the court's decision in the original case. Table 25 provides judicial complaint activity by circuit during 1993.

The number of complaints terminated rose 17 percent in 1993 to 410. Because complaints filed outnumbered complaints terminated, there was a significant increase in the number of pending complaints. As of September 30, 1993, there were 170 complaints pending, an increase of 20 percent over last year.

**TABLE 24. JUDICIAL COMPLAINTS FILED, CONCLUDED, AND PENDING**

	1991	1992*	1993	% Change(1) 1993/1992
Filed	354	410	438	6.8
Concluded	379	350	410	17.1
<b>By Chief Judges</b>	266	189	281	48.6
Dismissed	255	182	274	50.5
Corrective Action Taken	7	6	5	-
Withdrawn	4	1	2	-
<b>By Judicial Councils</b>	113	161	129	-19.8
<b>After Review of Chief Judge's Dismissal(2)</b>				
Dismissed	113	158	127	-19.6
Action Taken	-	-	1	-
Referred to Judicial Conference	-	-	-	-
<b>After Referral by Investigative Committee</b>				
Dismissed	-	2	-	-
Action Taken	-	1	-	-
Referred to Judicial Conference	-	-	1	-
Pending	82	142	170	19.7

\*Revised

(1)Percent not calculated on fewer than 10 cases.

(2)Petition for review of a chief judge's dismissal of a complaint.

**TABLE 25. REPORT OF COMPLAINTS FILED AND ACTION TAKEN UNDER AUTHORITY OF TITLE 28 U.S.C. §372(c)**

Summary of Activity	Total	Circuit													National Courts	
		Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	FC	CIT
Complaints Pending on September 30, 1992*	142	6	2	12	9	22	2	6	23	-	12	27	6	13	2	-
<b>Complaints Filed</b>	<b>438</b>	<b>-</b>	<b>14</b>	<b>20</b>	<b>35</b>	<b>53</b>	<b>34</b>	<b>43</b>	<b>50</b>	<b>14</b>	<b>42</b>	<b>65</b>	<b>26</b>	<b>42</b>	<b>-</b>	<b>-</b>
<b>Complaint Type</b>																
Written by Complainant	437	-	14	20	35	53	34	42	50	14	42	65	26	42	-	-
On Order of Chief Judge	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
<b>Officers Complained About**</b>																
<b>Judges</b>																
Circuit	151	-	3	10	5	4	3	21	24	21	16	21	9	14	-	-
District	366	-	11	16	20	39	23	46	49	34	38	54	22	14	-	-
National Courts	5	-	3	-	1	-	-	-	-	-	-	-	-	1	-	-
Bankruptcy Judges	32	-	-	1	5	3	2	7	3	1	2	6	1	1	-	-
Magistrate Judges	107	-	1	6	6	7	6	22	11	1	10	22	4	11	-	-
<b>Nature of Allegations**</b>																
Mental Disability	18	-	-	-	2	2	1	1	-	-	4	4	1	3	-	-
Physical Disability	4	-	-	-	1	-	-	-	-	-	3	-	-	-	-	-
Demeanor	19	-	-	2	8	3	-	-	1	1	2	1	-	1	-	-
Abuse of Judicial Power	162	5	-	11	24	2	15	21	8	6	25	11	10	24	-	-
Prejudice/Bias	179	2	4	12	24	19	17	31	8	6	22	17	5	12	-	-
Conflict of Interest	26	-	-	-	-	9	3	6	-	2	1	3	2	-	-	-
Bribery/Corruption	40	-	1	-	4	15	1	2	2	-	2	10	1	2	-	-
Undue Decisional Delay	55	-	2	2	10	3	1	13	1	2	4	6	6	5	-	-
Incompetence/Neglect	40	1	-	1	3	-	2	20	1	1	1	8	2	-	-	-
Other	146	3	7	1	30	26	5	13	40	2	2	11	6	-	-	-
<b>Complaints Concluded</b>	<b>410</b>	<b>6</b>	<b>13</b>	<b>19</b>	<b>38</b>	<b>54</b>	<b>32</b>	<b>47</b>	<b>52</b>	<b>12</b>	<b>48</b>	<b>40</b>	<b>19</b>	<b>30</b>	<b>-</b>	<b>-</b>
<b>Action By Chief Judges</b>																
Complaint Dismissed																
Not in Conformity With Statute or Procedural Ruling	18	-	-	-	1	1	2	1	-	2	-	4	1	6	-	-
Frivolous	226	6	3	14	16	32	19	30	28	8	25	26	7	12	-	-
Appropriate Action Already Taken	29	-	7	-	-	-	7	4	1	1	3	5	1	-	-	-
Action No Longer Necessary	5	-	1	-	1	-	-	-	-	-	1	1	-	1	-	-
Because of Intervening Events	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Complaint Withdrawn	2	-	-	-	-	-	1	-	-	-	1	-	-	-	-	-
Subtotal	281	6	11	14	18	33	29	35	30	11	30	36	9	19	-	-
<b>Action By Judicial Councils</b>																
Directed Chief District Judge to Take Action (Magistrate Judges only)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Certified Disability	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Requested Voluntary Retirement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Temporary Suspension of Case Assignments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Privately Censured	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Publicly Censured	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Other Appropriate Action	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dismissed the Complaint	127	-	2	5	20	21	2	11	22	1	18	4	10	11	-	-
Referred Complaint to Judicial Conference	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Subtotal	129	-	2	5	20	21	3	12	22	1	18	4	10	11	-	-
<b>Complaints Pending on September 30, 1993</b>	<b>170</b>	<b>-</b>	<b>3</b>	<b>13</b>	<b>6</b>	<b>21</b>	<b>4</b>	<b>2</b>	<b>21</b>	<b>2</b>	<b>6</b>	<b>52</b>	<b>13</b>	<b>25</b>	<b>2</b>	<b>-</b>

FC - U.S. Court of Federal Claims  
 CIT - Court of International Trade

\* Revised  
 \*\* Each complaint may involve multiple allegations against numerous judicial officers.



As in prior years, the majority of complaints (68 percent) were concluded by the chief judges. They concluded 281 complaints, ruling that 226 were directly related to the merits of a judicial proceeding, 29 were frivolous, and 18 were not in conformance with the statute. Appropriate action had already been taken in five complaints; two complaints were withdrawn; and action was no longer necessary on one complaint because of intervening events.

The other 129 complaints were acted upon by the judicial councils of the circuits. The judicial councils dismissed 127 petitions for review of a chief judge's dismissal. One additional complaint was forwarded to the judicial council by a special investigative committee in the Fourth Circuit. That special investigative committee ordered that a judicial officer be privately censured. The Fifth Circuit referred one matter to the Judicial Conference under Section 372(c)(7)(b) after determining that a judge appointed to hold office during good behavior may have engaged in conduct which might constitute grounds for impeachment.

The Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders under Section 372(c)(10) acted upon one petition previously reviewed by the Tenth Circuit Judicial Council under Section 372(c)(6). The Committee reversed the decision of the Tenth Circuit Council dismissing the complaint and ordered that the matter be investigated by the Tenth Circuit Council.

The Judicial Conference acted directly on the matter which was referred by the Fifth Circuit Judicial Council under Section 372(c)(7)(b). As provided in Section 372(c)(8)(a), the Conference certified to the House of Representatives that consideration of the impeachment of U.S. District Judge Robert F. Collins, of the Eastern District of Louisiana, may be warranted. Judge Collins subsequently resigned from judicial office.

## STATUS OF ARTICLE III JUDGESHIPS

### LONG-TERM VACANCIES REMAIN UNFILLED

On September 30, 1993, there were 20 vacancies among the 179 judgeships authorized for the U.S. courts of appeals. Six of these vacancies were in new positions created on December 1, 1990, by the Federal Judgeship Act of 1990. In addition to these six new positions, 8 vacancies have existed for more than 18 months.

In the U.S. district courts, on September 30, 1993, there were 107 vacancies among the 649 positions authorized. New positions created by the Federal Judgeship Act of 1990 accounted for 25 of these vacancies. An additional 35 vacancies have existed for more than 18 months. The two longest vacancies are in the Southern District of New York (vacant since November 1988) and the Western District of Pennsylvania (vacant since December 1988).

In addition to the active judges, 75 senior appeals judges and 242 senior district judges were providing service to the Judiciary on September 30, 1993. Table 26 provides information on the status of judgeship positions since 1989.