



# Judicial Business of the United States Courts



1995 Report of the Director

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seven percent of the drug-dependent clients and 38 percent of the alcohol-dependent clients received services from providers under contract.

Supplemental Table S-16 shows that the number of alcohol- and drug-dependent offenders fell 18 percent in 1995 to 21,963. The number of drug-dependent offenders declined 17 percent to 18,240; the number of alcohol-dependent offenders declined 25 percent to 3,723, the first decrease in this category since 1988. However, these reductions can be attributed largely to a clarification of the definition of substance abuse treatment, which the Administrative Office issued in a memorandum to all probation offices during the first quarter of fiscal year 1995. Previously, some offenders who had undergone only substance abuse testing were counted incorrectly as persons who had received substance abuse treatment. Beginning November 1994, such persons were not to be included in the total number of persons who received substance abuse treatment. This change resulted in the elimination of approximately 4,000 offenders from this year's total who otherwise would have been included.

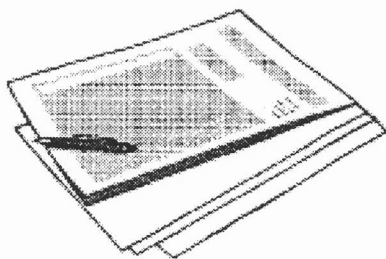
## Complaints Against Judicial Officers

Pursuant to Title 28 U.S.C. Section 372(c), any person alleging that a circuit judge, a district judge, a bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such an officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or for the applicable national court. The number of judicial complaints filed in 1995 totaled 522, a 13 percent increase from the previous year. Table 11 summarizes judicial complaints activity from 1993 through 1995.

A single complaint may involve multiple allegations against numerous judicial

officers. This year, the allegations cited most often were prejudice and/or bias and abuse of judicial power. Almost one-half of all complaints filed originated in the Second, Ninth, Tenth, and Eleventh Circuits. In 1995, no complaints were filed against judicial officers in the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Federal Claims, or the U.S. Court of International Trade.

This year, 512 complaints were terminated, up 32 percent from 1994. Chief judges terminated 373 of the



**Table 11**  
**Judicial Complaints Filed, Concluded, and Pending**

	1993	1994*	1995	Percent Change 1995 over 1994 (1)
Filed	430	464	522	12.5
Concluded	399	388	512	32
<b>By Chief Judges</b>	277	245	373	52.2
Dismissal	272	241	360	49.4
Corrective Action Taken	4	3	11	-
Withdrawn	1	1	2	-
<b>By Judicial Councils</b>	122	143	139	-2.8
<b>After Review of Chief Judge's Dismissal(2)</b>				
Dismissal	120	138	138	0.0
Action Taken	1	4	1	-
Referred to Judicial Conference	-	-	-	-
<b>After Referral by Investigative Committee</b>				
Dismissal	-	1	-	-
Action Taken	-	-	-	-
Referred to Judicial Conference	1	-	-	-
Pending	157	233	243	4.3

\*Revised

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

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

judicial complaints concluded in 1995. Fifty-nine percent of the complaints terminated by chief judges were found to be outside the jurisdiction of Title 28 U.S.C. Section 372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. Judicial councils terminated the remaining 139 complaints, of which all but one were dismissed without any action taken.

Despite the substantial rise in terminations, the number of pending judicial complaints rose 4 percent as filings outnumbered terminations for the fourth year. Of the 243 complaints pending on September 30, 1995, a total of 30 percent (74) were pending in the Third Circuit.

In 1995, a judicial complaint originating in the Ninth Circuit was directed to the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders pursuant to Section 372(c)(10). Previously, the Ninth Circuit Council had dismissed the complaint in part, ordered corrective action, and ordered other appropri-

ate disciplinary action (which was not specified). As of September 30, 1995, the Judicial Conference Committee had not yet ruled on this matter.

## Status of Article III Judgeships

On September 30, 1995, a total of 11 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals. One of these vacancies was in a new position created on December 1, 1990, by the Federal Judgeship Act of 1990. That position, as well two other positions, met the criteria for a judicial emergency, which is defined as a vacancy that has existed for more than 18 months. Table 12 provides information on the status of judgeship positions since 1991.

**Table 12**  
**Status of Judgeship Positions**  
**1991 Through 1995(1)**

Year	U.S. Courts of Appeals (2)			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges (3)	Authorized Judgeships	Vacancies	Senior Judges (4)
1991	179	24	66	649	112	204
1992	179	17	73	649	84	224
1993	179	20	75	649	107	242
1994	179	18	81 *	649	60	292
1995	179	11	81	649	46	255

\* Revised

(1) For years 1991 through 1992, data are as of June 30. Data for 1993, 1994, and 1995 are as of September 30.

(2) Positions in the Court of Appeals for the Federal Circuit are included.

(3) Sitting senior judges who participated in appeals dispositions.

(4) Senior judges with staff.

On September 30, 1995, in the U.S. district courts, 46 vacancies existed among the 649 positions authorized. Thirteen of the vacancies had existed for at least 18 months and thus constituted judicial emergencies. Of these judicial emergencies, three involved new positions created by the Federal Judgeship Act of 1990.

In addition to active judges, 81 senior appeals judges and 255 senior district judges were providing service to the judiciary on September 30, 1995.

**Table S-24.**  
**Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)**  
**for the Twelve-Month Period Ended September 30, 1995**

Summary of Activity	Circuits														Federal Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC <sup>1</sup>	CIT <sup>2</sup>
Complaints Pending on September 30, 1994	233	2	3	11	13	32	6	7	16	4	4	106	20	5	2	2
Complaints Filed	522	-	14	21	52	71	42	36	32	17	35	51	55	96	-	-
Complaint Type																
Written by Complainant	521	-	14	21	52	71	42	36	31	17	35	51	55	96	-	-
On Order of Chief Judges	1	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Officials Complained About**																
Judges																
Circuit	144	-	6	-	2	25	4	7	3	22	10	25	12	28	-	-
District	370	-	13	19	40	38	35	23	24	15	31	36	45	51	-	-
National Courts	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bankruptcy Judges	28	-	-	-	4	4	2	-	1	2	1	5	4	5	-	-
Magistrate Judges	91	-	1	2	9	4	9	10	8	3	1	14	18	12	-	-
Nature of Allegations**																
Mental Disability	13	-	-	1	3	2	3	-	1	-	-	2	-	1	-	-
Physical Disability	6	-	-	-	1	3	2	-	-	-	-	-	-	-	-	-
Demeanor	8	-	-	-	5	-	-	-	-	-	1	1	1	-	-	-
Abuse of Judicial Power	156	-	3	3	29	-	17	12	6	9	9	18	17	33	-	-
Prejudice/Bias	189	-	9	15	24	10	22	13	11	4	14	10	21	36	-	-
Conflict of Interest	33	-	-	-	4	2	1	2	7	2	3	2	8	2	-	-
Bribery/Corruption	28	-	-	-	6	4	-	2	-	-	-	3	7	6	-	-
Undue Decisional Delay	80	-	1	6	5	5	10	2	7	4	-	1	12	27	-	-
Incompetence/Neglect	19	-	-	-	-	2	1	8	2	-	2	1	3	-	-	-
Other	126	-	2	-	3	26	-	20	13	3	11	19	8	21	-	-
Complaints Concluded	512	0	14	19	52	29	42	42	38	21	25	104	40	86	0	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	57	-	2	1	3	3	-	-	3	6	5	16	4	14	-	-
Directly Related to Decision																
or Procedural Ruling	219	-	5	6	21	11	30	31	10	5	11	63	9	17	-	-
Frivolous	80	-	-	-	-	1	3	-	-	3	4	17	4	48	-	-

**Table S-24. (Continued)**

Summary of Activity	Circuits														Federal Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC <sup>1</sup>	CIT <sup>2</sup>
Appropriate Action Already Taken	11	-	3	-	-	-	-	-	7	-	-	1	-	-	-	-
Action No Longer Necessary Because of Intervening Events	4	-	-	-	1	-	1	-	-	-	-	1	1	-	-	-
Complaint Withdrawn	2	-	1	-	-	-	-	1	-	-	-	-	-	-	-	-
Subtotal	373	-	11	7	25	15	34	32	20	14	20	98	18	79	0	0
Action by Judicial Councils																
Directed Chief District Judge to Take Action (Magistrate Judges Only)	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Certified Disability	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Requested Voluntary Retirement	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Temporary Suspension of Case Assignments	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Privately Censured	1	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Publicly Censured	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordered Other Appropriate Action	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dismissed the Complaint	138	-	3	12	27	14	8	10	18	7	5	5	22	7	-	-
Referred Complaint to Judicial Conference	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal	139	0	3	12	27	14	8	10	18	7	5	6	22	7	0	0
Complaints Pending on September 30, 1995	243	2	3	13	13	74	6	1	10	0	14	53	35	15	2	2

<sup>1</sup>CC = U.S. CLAIMS COURT.

<sup>2</sup>CIT = COURT OF INTERNATIONAL TRADE.

\* REVISED.

\*\* EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.