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2020 Year-End Report on the Federal Judiciary

Two hundred and thirty years ago, our first Chief Justice, John Jay, convened the Supreme Court of the United States for its inaugural sitting. With no cases yet filed, Jay and his colleagues turned promptly to circuit riding. That duty, assigned by Congress, required them to travel around the young country and preside over trials in the lower federal courts. Jay took the Eastern Circuit, covering his home state of

New York, assisted by his colleague William Cushing. (Justices John Rutledge and James Iredell, who were not present for the first session of the Supreme Court, were assigned to the Southern Circuit, which required 1,800 miles of travel—providing yet another lesson in what happens when you miss a meeting.)

America was at the time suffering under the spread of influenza and, later, yellow fever.

When he arrived in Hartford, Connecticut, in April 1790, Jay noted that “almost every Family here is down with the Influenza—some old people have died with it.” He later wrote his wife Sarah that “I have travelled in some very disagreeable Days—the whole Country has been sick, and indeed is much so yet.” President Washington himself fell ill with a severe case of influenza that May. Three years later, Jay had to adjourn the Court from sitting in Philadelphia due to the yellow fever epidemic that killed 5,000 of the city’s 50,000 residents. As the Reporter of the Supreme Court recorded, “The Malignant Fever, which during this year, raged in the City of Philadelphia, dispersed the great body of its inhabitants, and proved fatal to thousands, interrupted, likewise, the business of the Courts; and I cannot trace that any important cause was agitated in the present Term.”

Advancements in medicine have over time diminished the pandemic threat. The last nationwide crisis came with the virulent outbreak of the Spanish flu in 1918, which led to cancellation of Supreme Court sessions. But for more than a century, the courts have not had to respond to such a widespread public health emergency.

Until now. For the past ten months, it has been all hands on deck for the courts, as our branch of government confronted the COVID-19 pandemic. In March, the Supreme Court asked employees to work remotely. We moved the weight of our attorney filings and opinion announcements online. And in May we held oral argument by teleconference for the first time. Although we look forward to returning to normal sittings in our Courtroom, we have been able to stay current in our work. Other appellate courts around the country have responded with similar considered flexibility. But once again

the greatest challenge was faced by the “first to fight” in the judicial family—the trial courts and their staffs.

Trial courts deal most directly with people—lawyers, of course, but also litigants, witnesses, jurors, court reporters, probation and pretrial services officers, interpreters, security personnel, and members of the public who have important rights of access to proceedings. Trial judges have obligations under the Constitution and other laws to deal promptly with cases, especially with respect to criminal filings. And they have had to work out how to carry on their vital functions consistent with the best available public health guidance.

To this end, judges who serve on the Judicial Conference of the United States and its committees—in particular, the Committee on Rules of Practice and Procedure—sprang into action to make possible video and audio conferencing in certain criminal proceedings, with help from Congress through authorization in the CARES Act. By April, judges around the country were guiding critical court functions from their home offices—or their kitchen tables.

Hearings of all sorts went virtual. Judges quickly (or at least eventually) learned to use a wide range of available audio and video conferencing tools. But this effort required more than just new technology. Judges needed to adopt innovative approaches to conduct court proceedings. In bankruptcy court, for example, a complex case can involve 100 participating attorneys. Judges worked with court staff to admit participants to virtual hearings, manage the orderly flow of work, and ensure that public access did not endanger public health. They needed to consider new approaches to filing documents and maintaining information secu-

ity. Much of this work is not glamorous, but it is essential, and it got done.

Proceedings involving detained defendants present special challenges. Judges, lawyers, and criminal defendants must interact through initial appearances, detention hearings, arraignments, and sentencings. The courts have responded to the threat of COVID by developing new partnerships with law enforcement, corrections officers, and counsel to ensure that defendants have virtual access to courts and their lawyers.

Courts have used every available avenue to prepare for resumption of jury trials, the bedrock of fairness in our system of justice. Judges and court staff have reconfigured spaces in courtrooms around the country. Many courts have repurposed their largest courtrooms for physical distancing and reconfigured jury boxes to extend into public gallery areas. Courts have installed plexiglass in key spaces to physically separate participants and have deployed high-efficiency particulate air (HEPA) filters to minimize the risk of virus transmission. Contact tracing plans are in place. Proceedings for grand juries and jury voir dire, which usually entail significantly larger gatherings than the standard 12-person jury in a federal trial, are likewise being modified for safety.



Police Court session held in open air to protect against the influenza pandemic, San Francisco, California, 1918

All this is a credit to judges and court staff, but also to the citizens who serve as jurors. Judges from around the country report that, where jury trials have resumed, responses to jury summonses have met or exceeded their high hopes for the public's willingness to participate in the legal system during these very challenging times.

Creativity has been the key to other kinds of court proceedings, too. District judges are privileged to perform naturalization ceremonies and welcome new citizens. But the coronavirus has made it difficult to conduct traditional courthouse ceremonies safely. So judges in Michigan and Florida held drive-through naturalizations. Others, in Iowa and Minnesota, moved the ceremonies outdoors. They were borrowing a practice from a century ago, when San Francisco courts held proceedings outdoors during the Spanish flu pandemic.

None of this would be achievable without unsung heroes in the judicial branch and throughout government. Our information technology professionals have made possible remote work that has allowed judges to perform their duties safely. Our facilities teams, our deputy marshals and court security officers, and the building staff employed by or contracted through the General Services Administration



U.S. District Court naturalization held in open air to protect against the coronavirus pandemic, Minneapolis, Minnesota, 2020

have helped ensure that our courts could meet the unusual challenges of this past year.

State courts—responsible for the vast bulk of judicial proceedings across the Nation—have also responded to the present emergency with professionalism and care. By way of example, the National Center for State Courts gave its 2020 William H. Rehnquist Award for Judicial Excellence to a judge who had conducted the Nation’s first-ever remote jury trial. She has been generous with her peers throughout the country in helping them solve problems and carry forward the work of our legal system.

In focusing on the dedicated work in courts, I do not want to minimize the hardships and suf-

fering caused by the pandemic. Like others throughout the country, judiciary employees have contended with illness and loss. My thoughts are with them.

This year, more than ever, I am privileged and honored to thank all of the judges, court staff, and other judicial branch personnel throughout the Nation for their outstanding service.

Best wishes—and good health—to all in the New Year.

John G. Roberts, Jr.
Chief Justice of the United States
December 31, 2020

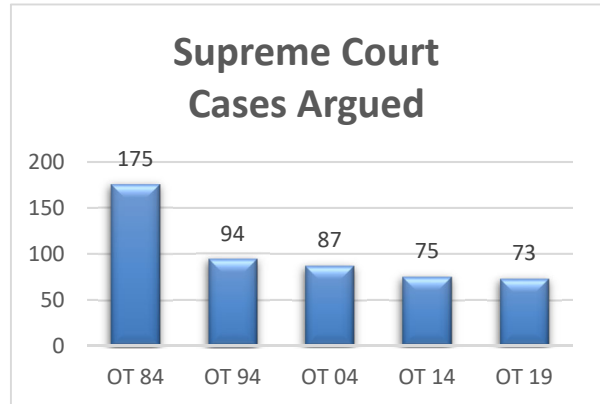
Appendix

Workload of the Courts

In the 12-month period ending September 30, 2020, the number of cases filed in the Supreme Court fell compared to the 2018 Term, as did cases filed in the U.S. courts of appeals, bankruptcy courts, probation offices, and pre-trial services system. New filings in district courts were nominally greater, but excluding filings connected to a single multidistrict litigation, they were also lower than the prior year. Filings generally decreased with the onset of the coronavirus pandemic in March 2020, leading to lower annualized rates.

The Supreme Court of the United States

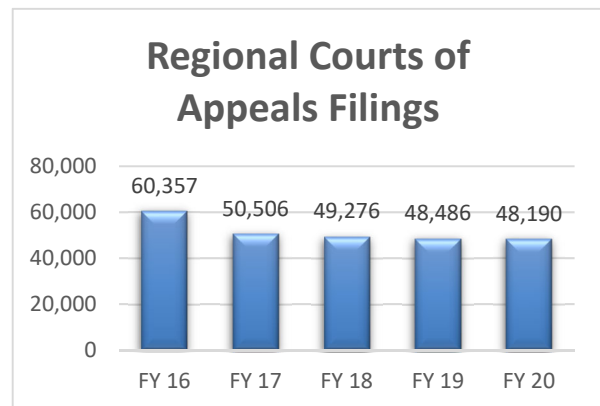
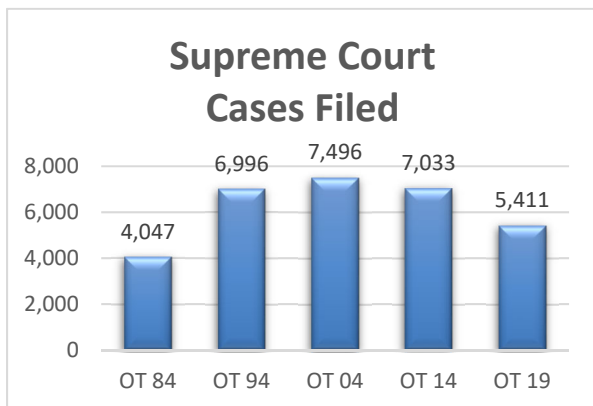
The total number of cases filed in the Supreme Court decreased from 6,442 filings in the 2018 Term to 5,411 filings in the 2019 Term. The number of cases filed in the Court’s *in forma pauperis* docket decreased 19 percent from 4,847 filings in the 2018 Term to 3,930 filings in the 2019 Term. The number of cases filed in the Court’s paid docket decreased seven percent from 1,595 filings in the 2018



Term to 1,481 filings in the 2019 Term. During the 2019 Term, 73 cases were argued and 69 were disposed of in 53 signed opinions, compared to 73 cases argued and 69 disposed of in 66 signed opinions in the 2018 Term. The Court also issued four *per curiam* decisions in argued cases during the 2019 Term.

The Federal Courts of Appeals

In the regional courts of appeals, filings fell less than one percent from 48,486 to 48,190. Appeals by pro se litigants, which amounted to 49 percent of filings, also declined less than one



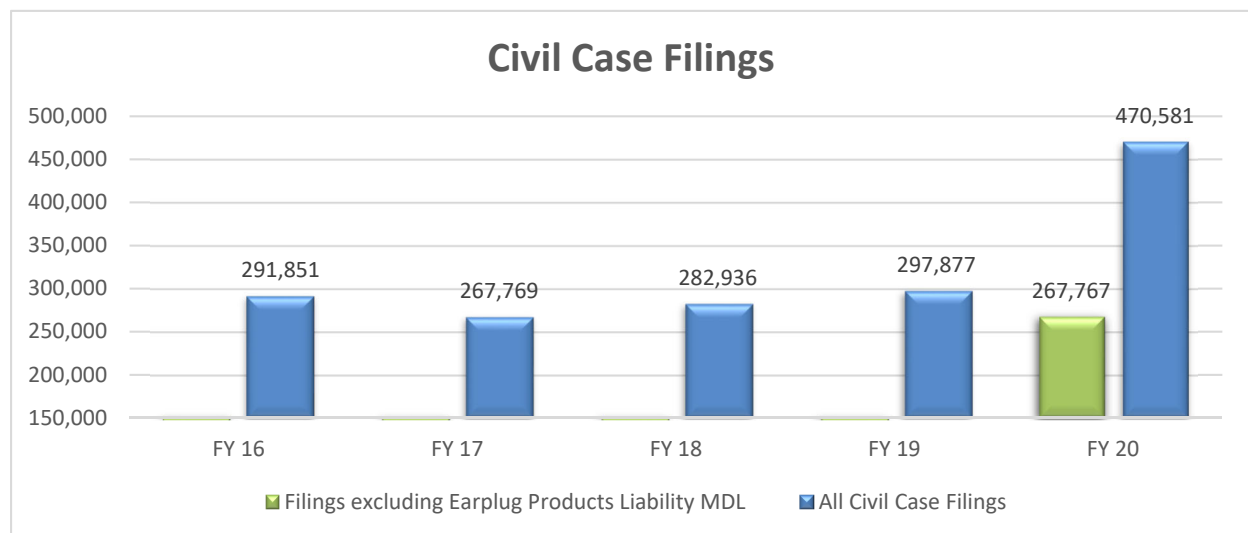
percent. Total civil appeals decreased five percent. Criminal appeals fell three percent, and bankruptcy appeals dropped two percent. Appeals of administrative agency decisions rose 20 percent, to 7,105 new cases, mostly reflecting increases in cases from the Board of Immigration Appeals, the Federal Energy Regulatory Commission, the National Labor Relations Board, and the Environmental Protection Agency. Filings of original proceedings grew six percent, to 4,853 new cases.

The Federal District Courts

Civil case filings in the U.S. district courts increased 58 percent, from 297,877 to 470,581, mostly attributable to an earplug products liability multidistrict litigation (MDL) centralized in the Northern District of Florida, which consolidated 202,814 filings. Excluding that MDL, civil case filings fell ten percent. Cases involving diversity of citizenship (i.e., disputes between citizens of different states) rose 172 percent, due mainly to filings in the MDL. Federal question cases (i.e., actions under the Constitution, laws, or treaties of the United States in which the

United States is not a party) decreased eight percent. Cases with the United States as defendant grew 16 percent, primarily reflecting increases in social security cases and prisoner petitions. Cases with the United States as plaintiff declined 16 percent, mainly because courts received fewer actions related to defaulted student loans.

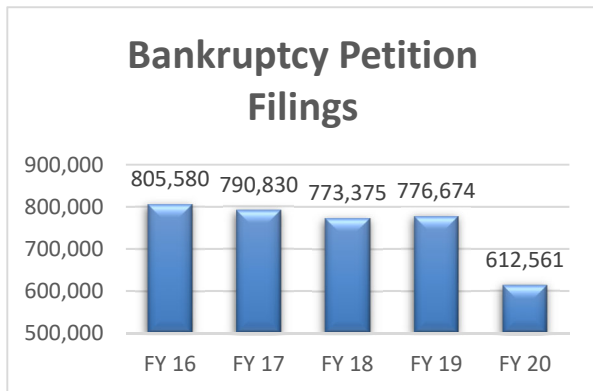
Criminal defendant filings (including those for defendants transferred from other districts) dropped 20 percent to 73,879. Defendants charged with immigration offenses, who accounted for 32 percent of total filings, were 25 percent fewer, largely in response to a 70 percent reduction in defendants accused of improper entry by an alien. The southwestern border districts received 84 percent of 23,618 national immigration crime defendant filings. Drug crime defendants, who accounted for 29 percent of total filings, fell 17 percent. Defendants prosecuted for firearms and explosives offenses declined 13 percent. Filings for defendants accused of fraud decreased 27 percent. Reductions also occurred in filings related to traffic offenses,



property offenses, sex offenses, general offenses, regulatory offenses, justice system offenses, and violent offenses.

The Bankruptcy Courts

Bankruptcy court filings fell 21 percent to 612,561 as 89 of the 90 bankruptcy courts received fewer petitions. Consumer (i.e., non-



business) petitions decreased 22 percent, and business petitions declined two percent. Petitions filed under Chapter 7 went down 15 percent, and those filed under Chapter 13 dropped 33 percent. Petitions filed under Chapter 11 increased 12 percent.

Pretrial Services, Federal Probation, and Supervised Release System

A total of 126,970 persons were under post-conviction supervision on September 30, 2020, a reduction of two percent from the total one year earlier. Of that number, 112,849 persons were serving terms of supervised release after leaving correctional institutions, a decrease of less than one percent.

Cases activated in the pretrial services system, including pretrial diversion cases, decreased 26 percent to 80,603.