

U.S. Courts of Appeals - Judicial Business 2017

Filings in the 12 regional courts of appeals fell 16 percent to 50,506 filings in 2017. Reductions occurred in filings of criminal appeals, bankruptcy appeals, appeals of administrative agency decisions, and original proceedings and miscellaneous applications. Growth occurred in filings of civil appeals.

Appeals by pro se litigants, which constituted 50 percent of filings, dropped 20 percent to 25,366 cases (such appeals had risen 18 percent the previous year). Forty-seven percent of all filings by pro se litigants were prisoner petitions. Eighty-three percent of the 14,317 prisoner petitions received were filed pro se, as were 85 percent of the 5,486 original proceedings and miscellaneous applications.

Seventy-six percent of filings arose from cases originating in the U.S. district courts. Civil appeals, which amounted to 56 percent of total appellate court filings, increased 1 percent to 28,221.

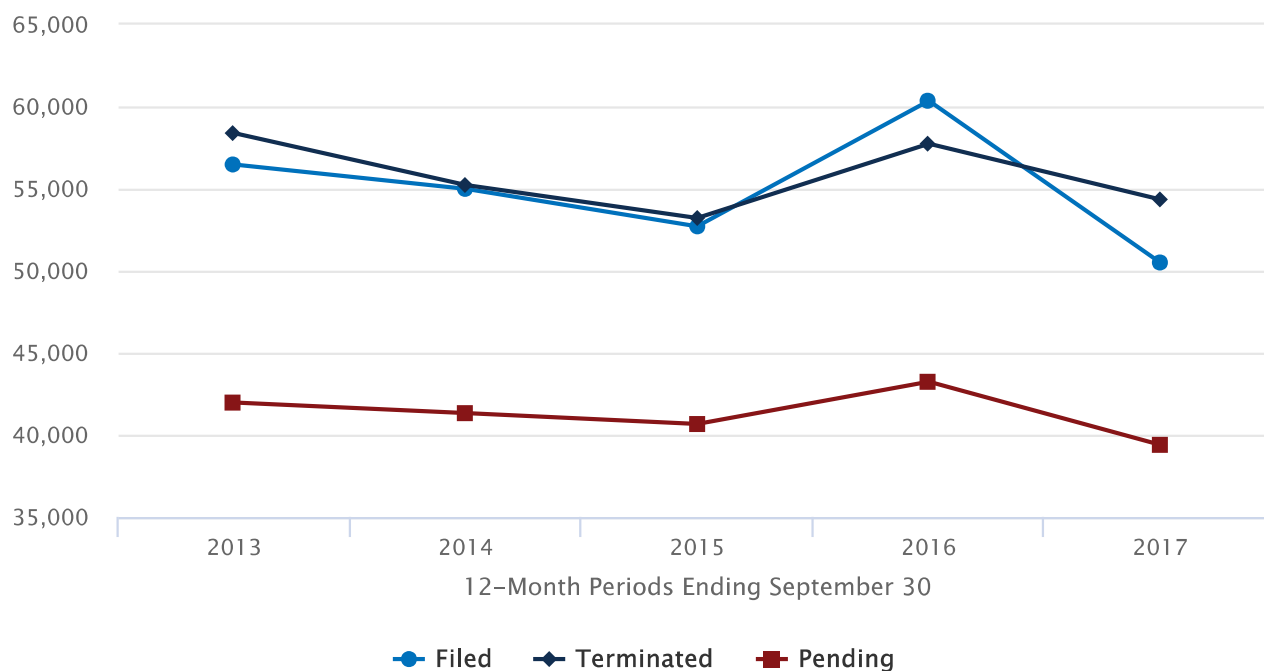
TABLE 1
U.S. COURTS OF APPEALS
APPEALS FILED, TERMINATED, AND PENDING
FISCAL YEARS 2013 - 2017

Year	Authorized Judgeships	Filed Number ¹	Filed Cases per Panel	Terminated Number	Terminated Cases per Panel	Pending ¹
2013	167	56,475	1,015	58,393	1,049	41,979
2014	167	54,987	988	55,216	992	41,323
2015	167	52,698	947	53,213	956	40,662
2016	167	60,357	1,084	57,744	1,037	43,241
2017	167	50,506	907	54,347	976	39,400
Percent Change 2016 - 2017	-	-16.3%	-	-5.9%	-	-8.9%

Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit.

¹ Revised.

Appeals Cases Filed, Terminated, and Pending



Note: Data have been revised for cases filed in 2014 and cases pending in 2016.

Original proceedings filed in the appellate courts dropped 60 percent to 5,486. Original proceedings had spiked 188 percent in 2016 after the Supreme Court of the United States held in [Welch v. United States, 578 U.S. ____ \(2016\)](https://www.supremecourt.gov/opinions/15pdf/15-6418_2q24.pdf) (https://www.supremecourt.gov/opinions/15pdf/15-6418_2q24.pdf), that its earlier ruling in [Johnson v. United States, 576 U.S. ____ \(2015\)](https://www.supremecourt.gov/opinions/14pdf/13-7120_p86b.pdf) (https://www.supremecourt.gov/opinions/14pdf/13-7120_p86b.pdf), which declared the residual clause of the Armed Career Criminal Act to be unconstitutionally vague, applied retroactively, thereby allowing prisoners serving sentences enhanced under that clause to have their sentences vacated or remanded. When prisoners seek leave from the appellate courts to file successive habeas corpus petitions in the district courts, these petitions are docketed as original proceedings.

Criminal appeals, which accounted for 20 percent of total filings in the courts of appeals, declined 14 percent to 9,917. Appeals in cases involving drugs, immigration, property, sex offenses, and general offenses fell. Appeals in cases related to violent crimes, firearms and explosives, justice system offenses, regulatory offenses, and traffic offenses increased.

Administrative agency appeals dropped 5 percent in 2017 to 6,153 and represented 12 percent of total filings in the courts of appeals. Appeals of Board of Immigration Appeals (BIA) decisions, which remained relatively stable, accounted for 85 percent of administrative agency appeals. Fifty-seven percent of BIA appeals were filed in the Ninth Circuit, and 14 percent were filed in the Second Circuit.

Bankruptcy appeals declined 4 percent and constituted 1 percent of total appellate filings.

Case terminations decreased 6 percent to 54,347. As terminations exceeded filings, pending cases fell 9 percent to 39,400.

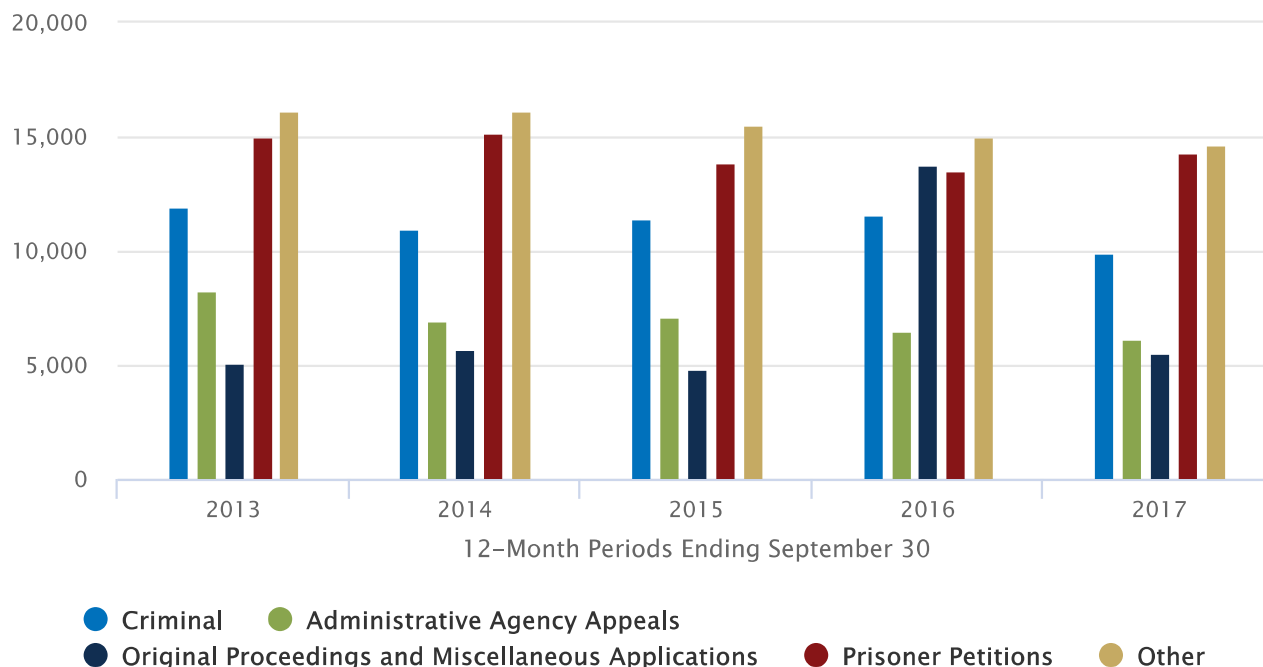
Since 2013, filings in the courts of appeals have declined 11 percent. Civil appeals (including prisoner petitions) have fallen 7 percent. Administrative agency appeals have decreased 26 percent. Criminal appeals filings have dropped 17 percent. Bankruptcy appeals have declined 20 percent. Original proceedings have increased 7 percent over the past five years.

For data on the activity of the U.S. Courts of Appeals, see the [B series of tables \(/statistics-reports/judicial-business-2017-tables\)](/statistics-reports/judicial-business-2017-tables).

TABLE 2
U.S. COURTS OF APPEALS
SOURCES OF APPEALS
FISCAL YEARS 2016 AND 2017

	2016	2017	Percent Change
Total	60,357	50,506	-16.3
U.S. District Courts	39,373	38,138	-3.1
Criminal	11,536	9,917	-14.0
Civil—Total	27,837	28,221	1.4
Prisoner Petitions	13,551	14,317	5.7
U.S. Civil	2,515	2,484	-1.2
Private Civil	11,771	11,420	-3.0
Other Appeals	7,226	6,882	-4.8
Bankruptcy	757	729	-3.7
Administrative Agency	6,469	6,153	-4.9
Original Proceedings	13,758	5,486	-60.1
Note: This table excludes data for the U.S. Court of Appeals for the Federal Circuit.			

Appeals Cases Filed, by Type



Bankruptcy Appellate Panels

Bankruptcy Appellate Panels (BAPs) are three-judge panels authorized to hear appeals of bankruptcy court decisions. BAPs are units of the federal courts of appeals, and each BAP must be established by a federal judicial circuit council. Five federal judicial circuits—the First, Sixth, Eighth, Ninth, and Tenth Circuits—have BAPs.

Total filings in the BAPs declined 3 percent (down 18 appeals) to 617 in 2017, with reductions occurring in four of the five circuits with BAPs. This was the sixth consecutive year in which total filings in the BAPs have fallen. BAP filings tend to lag behind bankruptcy filings by about two years, so the decrease in BAP filings in 2017 likely reflected the continued decline in petitions filed in the U.S. bankruptcy courts after 2014.

The largest percentage reductions were drops of 28 percent in the Sixth Circuit (down 16 appeals) and 15 percent in the First Circuit (down 10 appeals). Filings declined by four appeals in the Ninth Circuit and by one appeal in the Eighth Circuit. The Tenth Circuit received an increase of 13 filings.

Since 2013, BAP filings have fallen 36 percent (down 351 appeals). All five BAP circuits reported reductions in filings over this period, with the Ninth Circuit having the greatest numeric decline, a drop of 225 appeals (down 35 percent). The Tenth Circuit had 54 fewer appeals (down 47 percent), the Eighth Circuit had 37 fewer appeals (down 52 percent), the First Circuit had 19 fewer appeals (down 26 percent), and the Sixth Circuit had 16 fewer appeals (down 28 percent).

For data on the activity of the BAPs, see [Table BAP-1 \(/statistics/table/bap-1/judicial-business/2017/09/30\)](/statistics/table/bap-1/judicial-business/2017/09/30), and [Table BAP-2 \(/statistics/table/bap-2/judicial-business/2017/09/30\)](/statistics/table/bap-2/judicial-business/2017/09/30).

U.S. Court of Appeals for the Federal Circuit

The jurisdiction of the U.S. Court of Appeals for the Federal Circuit is defined by subject matter rather than by geographic boundaries. This court is responsible for appeals involving customs and patents; rulings by the U.S. Court of Federal Claims, U.S. Court of International Trade, and U.S. Court of Appeals for Veterans Claims; and decisions by several federal administrative bodies.

Filings in the Federal Circuit declined 6 percent to 1,731 (down by 109 cases). Total filings per panel went down from 460 to 433. Decreases were spread across many types of appeals, with the largest numeric reduction occurring in appeals of decisions by the Patent and Trademark Office (PTO), which fell by 65 to 577 (down 10 percent), and the U.S. district courts, which dropped by 55 to 506 (down 10 percent).

The largest numeric increase was in appeals of decisions by the U.S. Court of Appeals for Veterans Claims, which rose by 29 to 133 (up 28 percent).

Terminations of cases declined 2 percent to 1,645. As filings exceeded terminations, the number of pending cases grew 6 percent to 1,542.

Filings in the Federal Circuit were 37 percent higher in 2017 than in 2013 (up 472 cases). Over the past five years, the circuit has received more appeals of decisions by the PTO, which likely has occurred in response to the America Invents Act of 2011. During that period, case terminations have risen 26 percent (up 343 appeals) and pending cases have grown 57 percent (up 559 appeals).

For data on the activity of the U.S. Court of Appeals for the Federal Circuit, see [Table B-8 \(/statistics/table/b-8/judicial-business/2017/09/30\)](/statistics/table/b-8/judicial-business/2017/09/30).