

***A ONE-PAGE STATISTICAL SUMMARY<sup>1</sup> REGARDING THE  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA  
May, 2005***

Nebraska lost its fourth judge in May of 2004, a judgeship that had been authorized by Congress on December 1, 1990. Our Court has been warning Congress since at least 1999 that it needed to reauthorize the fourth judgeship for Nebraska. The judges were continually told not to worry because Congress had never allowed such a judgeship to lapse. Despite the best efforts of our Congressional delegation and several trips to Washington to personally solicit the help of such persons as the Chairman of the House Judiciary Committee, Congress has failed to respond to this urgent need. In four points, what follows is a snapshot of the District of Nebraska showing the desperate situation the court now faces because of Congressional inaction.

1. There are 94 federal district courts. Nebraska ranks near the top in terms of its workload. This is not a new phenomena. Since 1999, the caseload has risen 43.2% compared to the national average of 12.4%. With the loss of our fourth judgeship, an immediate impact was felt. For example, from 2003 to 2004 the number of cases that were more than three years old doubled.
2. Nebraska's weighted filings (measuring the difficulty and number of both civil and criminal cases) place it 5<sup>th</sup> in the nation. Its criminal filings place Nebraska 6<sup>th</sup> in the nation. In terms of total filings per judge (without regard to difficulty), Nebraska ranks 12<sup>th</sup> in the nation.
3. In 2004, Nebraska had 166 more weighted cases per judge than the average federal judge. (667 vs. 501.) The average federal judge handled 89 criminal cases, but the average Nebraska federal judge handled 250 criminal cases. In terms of total filings, and without regard to difficulty, the average federal judge handled 495 cases and the average Nebraska judge handled 649 cases.
4. Nebraska judges work hard. Nebraska judges terminated 668 cases per judge as compared to the average of 469 per judge. Indeed, Nebraska ranked 6<sup>th</sup> in the nation for terminations per judge. In trials completed, Nebraska ranks 4<sup>th</sup> in the nation. The average federal judge completed 19 trials per year, while the average Nebraska judge completed 36 per year. Nebraska ranks 9<sup>th</sup> in the nation for supervised release violation hearings in criminal cases. The average Nebraska judge handled 49 such violations per judge as compared to 26 for the average federal judge.

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<sup>1</sup>The sources for this summary are the: (1) Judicial Caseload Profile for 12 months ending September 30, 2004 (Administrative Office of the U.S. Courts); (2) 2005 Biennial Judgeship Survey (Administrative Office of the U.S. Courts). Copies of these reports are attached. These statistics are computed on a "per authorized judge" basis. They compare the workload among the district courts by determining the number of authorized judgeships per district court and dividing that number into the total of the category under analysis for the district. The same process is repeated for each district court, and then national averages and other statistics are computed.

## U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
<b>NEBRASKA</b>			2004	2003	2002	2001	2000	1999	Numerical Standing	
<b>OVERALL CASELOAD STATISTICS</b>	Filings*		1,922	1,930	1,739	1,500	1,487	1,329	U.S.	Circuit
	Terminations		1,990	1,713	1,447	1,362	1,592	1,334		
	Pending		1,598	1,713	1,486	1,242	1,117	1,222		
	% Change in Total Filings	Over Last Year			-4					55
Over Earlier Years				10.5	28.1	29.3	44.6	9	2	
Number of Judgeships			3	4	4	4	4	4		
Vacant Judgeship Months**			.0	.0	1.1	12.0	2.7	.0		
<b>ACTIONS PER JUDGESHIP</b>	<b>FILINGS</b>	Total	640	482	435	375	372	332	12	2
		Civil	354	265	261	257	263	241	48	5
		Criminal Felony	243	175	141	118	109	91	6	1
		Supervised Release Hearings**	43	42	33	-	-	-	9	1
	Pending Cases		533	428	372	311	279	306	17	2
	Weighted Filings**		666	481	463	415	414	389	5	2
	Terminations		663	428	362	341	398	334	6	2
	Trials Completed		37	32	21	23	27	32	4	1
<b>MEDIAN TIMES (months)</b>	From Filing to Disposition	Criminal Felony	7.9	7.7	7.6	8.2	8.0	11.0	44	5
		Civil**	8.2	10.1	10.4	9.7	11.1	11.8	24	3
	From Filing to Trial** (Civil Only)		24.0	15.0	22.0	18.4	21.3	21.4	50	7
<b>OTHER</b>	Civil Cases Over 3 Years Old**	Number	20	10	10	60	27	10		
		Percentage	2.2	1.0	1.0	6.6	3.3	1.1	29	7
	Average Number of Felony Defendants Filed Per Case		1.2	1.3	1.4	1.4	1.4	1.4		
	Jurors	Avg. Present for Jury Selection	36.43	33.40	35.90	30.46	28.06	32.50		
		Percent Not Selected or Challenged	25.5	20.6	25.9	22.7	16.9	28.6		

### 2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	1063	21	68	214	21	41	41	102	198	21	261	2	73
Criminal*	725	54	8	119	3	15	432	**	7	47	5	10	25

\* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

\*\* See ["Explanation of Selected Terms."](#)

## U.S. DISTRICT COURTS - 2005 BIENNIAL JUDGESHIP SURVEY

		12 MONTH PERIOD ENDING							
		June 30							
<b>NEBRASKA</b>		2004	2003	2002	2001	2000	1999	National Average	
<b>OVERALL CASELOAD STATISTICS</b>	Filings	1,949	1,915	1,659	1,471	1,448	1,361		
	Terminations	2,003	1,627	1,481	1,364	1,562	1,339		
	Pending	1,660	1,704	1,358	1,231	1,135	1,265		
	% Change in Total Filings/Current Year	Over June 2003		1.8					2.0
		Over Earlier Years		17.5	32.5	34.6	43.2	12.4	
Number of Judgeships		3	4	4	4	4	4		
Vacant Judgeship Months		.0	.0	4.1	11.6	.0	.0		
Senior Judges With Staff		2	2	2	2	2	2		
<b>ACTIONS PER JUDGESHIP</b>	FILINGS	Total	649	479	416	368	362	340	495
		Civil	350	264	254	250	256	249	380
		Criminal	250	175	132	118	106	91	89
		Supervised Release Hearings	49	40	30	-	-	-	26
	Pending Cases		553	426	340	308	284	316	476
	Weighted Filings*		667	479	445	410	407	398	501
	Terminations		668	407	370	341	391	335	469
	Trials Completed		36	29	22	22	30	35	19
<b>MEDIAN TIMES (months)</b>	From Filing to Disposition	Criminal	7.9	7.6	8.0	8.0	8.7	10.7	6.8
		Civil	8.6	10.6	10.9	9.5	11.8	11.9	8.1
	From Filing to Trial (Civil Only)		18.5	15.3	21.5	19.0	19.0	21.6	22.7
<b>OTHER</b>	Civil Cases Over 3 Years Old	Number	54	53	43	50	28	16	
		Percentage	5.6	4.8	4.6	5.6	3.4	1.7	14.7
	Felony Cases with 6 or More Defendants		3	5	7	5	5	5	
<b>TRIALS</b>	Total All Trials		109	117	87	86	118	138	
	10-19 Days		2	1	3	3	3	4	
	20 Days and Over		0	1	0	0	0	0	

\* Weighted filings for all six years shown on the profile page were computed using weights established by the 2003-2004 District Court Case Weighting study.

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