

THE DEFENDER

Newsletter for CJA Panel Attorneys

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Yearly Statistics Issue

More Stats

Each year, I get a copy of JUDICIAL BUSINESS OF THE UNITED STATES COURTS. For some reason, I cannot resist a 388-page volume numerically cataloging court business. My interest only extends to those portions relating to criminal justice. Those who want to know more about the bankruptcy courts will have to read the report themselves.

The federal courts run on a fiscal year that begins October 1st and ends on the following September 30th. The report I received examines FY96, which began October 1, 1995 and ended September 30, 1996.

During FY96, criminal appeals rose 7% nationally and about 18% in the Eleventh Circuit. The bulk of this growth was in drug and fraud appeals. The increase in civil appeals

resulted entirely from an increase in prisoner petitions. Other types of civil appeals actually declined.

In the district courts, filings of criminal cases and total defendants each increased about 5%. This district (ALS) remained fairly constant over that same period. One of the major reasons for the national growth was a 40% increase in immigration cases, of which ALS had none.

The most fascinating statistics I found, related to the number of drug defendants in ALS. In FY96, 331 persons were prosecuted for drug offenses in ALS. That is more than those districts containing the cities of New Orleans, Chicago, Philadelphia, Boston, and Cleveland. The districts containing Los Angeles and Atlanta had only 43 and 13 more, respectively. Of all the 94 districts, only 21 had prosecuted more drug defendants than here.

The number of drug defendants has a direct relationship on other statistics. Drug cases are almost always multidefendant cases. As the report states, "A Federal Judicial Center study completed in 1993 found that multidefendant cases required 95 percent more time from judges than did single-defendant cases." While the

median time nationally to dispose of criminal defendants' cases was 5.8 months, it was 7.3 in ALS.

Multiple defendant drug cases also create the potential for conflicts of interest for defense counsel. This office has often had to decline appointments because of conflicts.

Drug cases create the highest costs for the federal courts. They take longer, require more time from judges, require more non-defender counsel, and usually involve detained defendants.

According to records of the District Clerk's Office this office received only 45% of the new defendants in FY96. That is a result of the conflicts created by drug cases. That percentage does not include revocations or writs. The total defender district caseload was about 55%, and is above 60% when appeals are added.

My favorite statistic in the report involves dismissals "with prejudice" under the Speedy Trial Act. In FY96, the total was 2. They were both in the Western District of Tennessee, leading me to believe they were both codefendants in the same case. What is this law for, anyway?

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Remember Lecture

Do not forget that on March 21, 1997 at 3:00 p.m., Inmate Regional Systems Administrator for the Southeast Region of the Federal Bureau of Prisons, John Gaither, will give a lecture in Judge Butler's Courtroom. Mr. Gaither will address issues relating to inmate custody, credit and placement.

Reversible Errors

There were few cases since the last issue, so any current decisions will be included in the April issue.

Article Attached

For those who receive THE DEFENDER by mail, as opposed to e-mail, enclosed is a copy of *Time and Again: Concurrent and Consecutive Sentences Among State and Federal Jurisdictions*, THE CHAMPION, March 1997, at 34.

Short Issue

I apologize for the brevity of this issue.

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