KEVIN D. WEST,

        Appellant,

     v.

JOHN POTTER,
POSTMASTER GENERAL
UNITED STATES POSTAL SERVICE

        Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIEF OF THE METROPOLITAN WASHINGTON EMPLOYMENT
LAWYERS ASSOCIATION, THE D.C. EMPLOYMENT JUSTICE
CENTER, THE WASHINGTON LAWYERS COMMITTEE FOR CIVIL
RIGHTS AND URBAN AFFAIRS, AND THE PUBLIC JUSTICE CENTER
AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF-APPELLANT

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Rule 26.1 Corporate Disclosure Statement

The Metropolitan Washington Employment Lawyers Association is a professional association. It does not have any corporate parent. It does not have any stock, and therefore no publicly held company owns 10% or more of the stock of the association.

/s/ Jonathan C. Puth

Rule 26.1 Corporate Disclosure Statement

   The D.C. Employment Justice Center ("EJC") is a non-profit corporation organized under the laws of the District of Columbia. The EJC operates under § 501(c)(3) of the Internal Revenue Code. It has no parent corporation and, as it has no stock, no publicly held company owns 10% or more of its stock.

_10/18/12_

Date

Laura Brown (KM)

Laura Brown, Esq.
Legal Services Director
D.C. Employment Justice Center

Rule 26.1 Corporate Disclosure Statement

The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a non-profit organization. It does not have any corporate parent. It does not have any stock, and therefore no publicly held company owns 10% or more of the stock of the organization.

10/18/12
Date

Roderic V.O. Boggs
Roderic V.O. Boggs

Rule 26.1 Corporate Disclosure Statement

The Public Justice Center ("PJC") is a non-profit corporation organized under the laws of the state of Maryland. The PJC operates under § 501(c)(3) of the Internal Revenue Code. It has no parent corporation and, as it has no stock, no publicly held company owns 10% or more of its stock.

10/18/12	_(signature)_
Date	Debra Gardner

Certificate as to Parties, Rulings and Related Cases

A.   Parties and *Amici*

The Metropolitan Washington Employment Lawyers Association, the D.C. Employment Justice Center, the Washington Lawyers Committee for Civil Rights and Urban Affairs, and the Public Justice Center seek to participate as *amici curiae*. All other parties, intervenors, and *amici* appearing before the district court and in this court are listed in the Brief for Appellant.

B.   Rulings Under Review

The rulings under review are listed in the Brief for Appellant.

C.   Related Cases

There are no other related cases currently pending in this court or in any other court of which counsel is aware.

                              /s/   Jonathan C. Puth

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OTHER AUTHORITIES

Authorities upon which we chiefly rely are marked with asterisks.

INTEREST OF *AMICI CURIAE*

The Metropolitan Washington Employment Lawyers Association (MWELA) is an affiliate of the National Employment Lawyers Association, an organization of attorneys, primarily plaintiffs' counsel, who specialize in employment law. MWELA currently has 285 attorney members specializing in employment law, and 14 law student members. MWELA maintains an active list-serve on which members exchange information and ideas; the list-serve logs more than 5,000 member messages annually. MWELA conducts an annual one-day CLE conference, normally attended by about 140 members. MWELA also works with the District Court and the Superior Court for the District of Columbia, as well as with administrative agencies such as the U.S. Equal Employment Opportunity Commission and the U.S. Merit Systems Protection Board, to encourage prompt and just resolution of employment disputes.

The D.C. Employment Justice Center (EJC) is a non-profit organization whose mission is to secure, protect, and promote workplace justice in the D.C. metropolitan area. EJC provides legal assistance on employment law matters to the working poor and supports a local workers' rights movement, bringing together low-wage workers and advocates for the poor. In select cases EJC also partners with plaintiffs' law firms, and has collected attorneys' fees following court judgments. These fees have justified thousands of hours of litigation efforts, and allowed EJC to assist additional clients.

The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a non-profit civil rights organization that works to eradicate discrimination by litigating under our nation's civil rights laws. In the Committee's 40-year history, its attorneys have successfully represented tens of thousands of individuals in hundreds of cases alleging discrimination on the basis of race, national origin, gender, disability and/or other protected characteristics. From this extensive civil rights litigation history, the Committee has amassed expertise regarding the questions of law raised in the present matter, and accordingly hopes to assist the Court in resolving these questions.

The Public Justice Center (PJC) is a non-profit civil rights and anti-poverty legal services organization. The PJC's Appellate Advocacy Project seeks to expand and improve representation of indigent and disadvantaged persons and their interests in court, and is particularly invested in maximizing opportunities for poor people to secure representation in cases affecting their basic rights. The attorney fees provisions of statutes such as Title VII are essential to ensuring that low-wage workers with relatively small claims can enforce their rights. These provisions allow counsel, especially solo practitioners or small firm attorneys, to take cases they could not afford to do on a contingency basis where the potential recovery is so limited. Attorneys' fees provisions aid PJC in obtaining experienced co-counsel in complex and lengthy litigation. The PJC has an interest in this case because of its implications

for individuals who seek meaningful access to justice in employment cases.

MWELA and the other *amici* have frequently submitted *amicus curiae* briefs in cases of interest to this Court, the Fourth Circuit, the District of Columbia Court of Appeals and the United States District Court for the District of Columbia. *See*, *e.g.*, *Ponce v. Billington*, 679 F.3d 840, 400 U.S. App. D.C. 359 (D.C. Cir. 2012); *Talavera v. Shah*, 638 F.3d 303, 395 U.S. App. D.C. 7 (D.C. Cir. 2011); *Solomon v. Vilsack*, 628 F.3d 555, 393 U.S. App. D.C. 327 (D.C. Cir. 2010); *Cesarano v. Reed Smith LLP*, 990 A.2d 455 (D.C. 2010); *Perez v. Mountaire Farms, Inc.*, 650 F.3d 350 (4th Cir. 2011), *cert. denied*, 132 S. Ct. 1634, 182 L. Ed. 2d 246 (2012).

Amici seek to participate in this appeal because their members, staff and volunteer attorneys screen large numbers of potential administrative and judicial cases per year (many involving low-income and out of work individuals), deciding whether to handle particular issues or represent particular clients. Both potential clients and potential attorneys know that civil rights litigation requires a multi-year commitment. The vast majority of potential clients are unable to pay anything resembling a commercial fee. In making decisions whether to continue representing employees confronting workplace discrimination or retaliation, and which employees they can represent, plaintiffs' attorneys need a clear idea as to whether they will be awarded commercial rates if they prevail. A rate that discounts their time to an increasing

degree the longer the matter drags on provides a built-in headwind to potential clients seeking counsel, a built-in disincentive to attorneys Congress sought to encourage, and a built-in subsidy from successful plaintiffs' attorneys to civil rights violators.

If allowed to stand, the decision below will make counsel harder to obtain for victims of civil rights violations with meritorious claims, and the difficulties will be greatest for those—even those with claims of great merit—who are poor and cannot afford to pay much as the case goes along. It may also lead capable counsel to leave the practice of employment law and concentrate on other areas of practice.

SUMMARY OF ARGUMENT

In order to reflect "market rates," an adjustment for delay in payment through an award of current rates or otherwise is "an appropriate factor in the determination of what constitutes a reasonable attorney's fee under §1988." *Missouri v. Jenkins*, 491 U.S. 274, 284 (1989). Contrary to the magistrate judge's assumptions and the district court's Order, delay alone is sufficient to support such an award, and no unusual factors (other than delay itself) are necessary to make such an award.

The Supreme Court has emphasized that the question of adjustment for delay is distinct from the related but different question of whether enhancement to the lodestar should be made for some other reason, such as superior attorney performance, risk of non-payment, unusual outlay of expenses, or other factors. *Id*. at 282;

Pennsylvania v. Delaware Valley Citizen's Council, 483 U.S. 711, 716 (1987). While

courts have at times confused the two concepts, they have done so in contravention

of the Supreme Court's guidance. Application of current rates is an adjustment to

account for the time value of money; it is an adjustment for delay and not for other

reasons such as dilatory or bad faith behavior. No special showing of hardship is

required. A failure to account in the award of attorneys' fees for the delay inherent

in employment litigation creates a barrier to the representation of plaintiffs, with

negative effects on the administration of justice in the field of employment law.

ARGUMENT

A.   The Guiding Standard for Fee Awards is "What is Necessary to Attract Capable Counsel Without Subsidizing the Legal Profession?"

Both the Supreme Court and this Court have held that the touchstone of fee

awards is what is necessary to attract capable counsel. *Perdue v. Kenny A. ex rel.*

Wynn, ___ U.S. ___, 130 S. Ct. 1662, 1672 (2010), stated: "First, a 'reasonable' fee

is a fee that is sufficient to induce a capable attorney to undertake the representation

of a meritorious civil rights case." (Citations omitted.)

Quoting from the legislative history of the Civil Rights Attorneys Fees Awards

Act of 1976, 42 U.S.C. § 1988, which it found generally applicable to Title VII fee

awards, this Court stated in *Murray v. Weinberger*, 741 F.2d 1423, 1427, 239 U.S.

App. D.C. 264, 268 (D.C. Cir. 1984): "[Application of the] appropriate standards . . . have resulted in fees which are adequate to attract competent counsel, but which do not produce windfalls to attorneys." (Footnote omitted.) The First Circuit has clarified that "the rules surrounding fee-shifting in civil rights cases are designed to encourage attorneys to take these types of cases and are based on full compensation for the work performed." *Diaz v. Jiten Hotel Management, Inc.*, __ F.3d __, 2012 WL 4841348 (1st Cir. Oct. 12, 2012) (No. 11-2400) at *2.

B.   The Supreme Court Holds That Compensation for Delay in Payment is an Essential Element of a Fee Award.

The question of compensation for delay in payment has been explored in a series of Supreme Court decisions, including when considering the related – but distinct – concept of an enhancement to the lodestar. On the enhancement issue, the Court in *Pennsylvania v. Delaware Valley Citizens' Council*[1] considered the question of whether an upward enhancement to the lodestar was appropriate to account for the contingent risk of non-payment, a question the Court answered in the negative. *Pennsylvania v. Delaware Valley Citizens' Council*, 483 U.S. 711, 731 (1987). The Court noted, however, that an *adjustment* to account for delay in payment is distinct from the question of an enhancement to the lodestar and is ordinarily an appropriate

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[1]The considerations for an award of fees under Section 304(d) of the Clean Air Act are the same as those at issue here under 42 U.S.C. §1988. *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air,* 478 U.S. 546 (1986).

consideration in fee-shifting litigation:

> First is the matter of delay. When plaintiffs' entitlement to attorney's fees depends on success, their lawyers are not paid until a favorable decision finally eventuates, which may be years later, as in this case. Meanwhile, their expenses of doing business continue and must be met. In setting fees for prevailing counsel, the courts have regularly recognized the delay factor, either by basing the award on current rates or by adjusting the fee based on historical rates to reflect its present value. *See, e.g., Sierra Club v. EPA*, 248 U.S. App. D.C. 107, 120-121, 769 F.2d 796, 809-10 (1985); *Louisville Black Police Officers Organization, Inc. v. Louisville*, 700 F. 2d 268, 276, 281 (CA6 Cir. 1983). *Although delay and the risk of nonpayment are often mentioned in the same breath, adjusting for the former is a distinct issue that is not involved in this case.* We do not suggest, however, that adjustments for delay are inconsistent with the typical fee-shifting statute.

Id. at 716 (emphasis added).

Two years later the Court held squarely: "An adjustment for delay in payment is, *we hold, an appropriate factor in the determination of what constitutes a reasonable attorney's fee under §1988.*" *Missouri v. Jenkins*, 491 U.S. 274, 284 (1989) (emphasis added). The Court made its determination based on what is a "market rate" for attorneys' fees:

> Our cases have repeatedly stressed that attorney's fees awarded under this statute are to be based on market rates for the services rendered. *See, e.g., Blanchard v. Bergeron*, 489 U.S. 87 (1989); *Riverside v. Rivera*, 477 U.S. 561 (1986); *Blum v. Stenson*, 465 U.S. 886 (1984). Clearly, compensation received several years after the services were rendered – as it frequently is in complex civil rights litigation – is not equivalent to the same dollar amount received reasonably promptly as the legal services are performed, as would normally be the case with private billings.

Missouri v. Jenkins, 491 U.S. at 283 (footnote and parallel citations omitted). Notably

(and contrary to the magistrate judge's observation), the Court did not require any

unusual delay to justify an adjustment, or that the delay be somehow outside the

typical realm when compared to other civil rights cases; to the contrary, it recognized

that "several years" of delay in payment is "frequently" at issue in complex civil rights

cases. *See id*. Instead, the Court ruled that *delay alone* is sufficient to justify a time

adjustment:

> We agree, therefore, that an appropriate adjustment for delay in payment – whether by the application of current rather than historic hourly rates or otherwise – is within the contemplation of the statute.

Id. at 283-84.

Finally, the Supreme Court considered delay in its most recent pronouncement

concerning enhancements to the lodestar (as distinct from the usual delay) in *Perdue*

v. Kenny A. Again the Court noted that some delay is inherent in civil rights litigation

and will ordinarily be accounted for by making an adjustment for delay:

> An attorney who expects to be compensated under § 1988 presumably understands that payment of fees will generally not come until the end of the case, if at all. . . . Compensation for *this delay* is generally made "either by basing the award on current rates or by adjusting the fee based on historical rates to reflect its present value."

Perdue v. Kenny A. ex rel. Wynn, 130 S. Ct. at 1675 (2010) (quoting *Missouri v.*

Jenkins, 491 U.S. at 282) (additional cite omitted) (emphasis added). The Court was

unwilling to rule out some *additional* enhancement for "extraordinary circumstances in which an attorney's performance involves exceptional delay," or "unanticipated delay" in recovery of fees, expenses or costs, but held that the award of interest in addition to the use of current rates would be appropriate in those instances. Once again, the Court held that even the "usual delay" inherent in civil rights litigation will justify an award at current rates. *See id*.

Gray v. Bostic, 613 F.3d 1035, 1044-46 (11th Cir. 2010), should not be read as interpreting *Perdue* to require extraordinary circumstances to justify compensation for delay. *Gray* was a nominal damages case that concerned the district court's having ordered *double* compensation for delay, by using current hourly rates to calculate the lodestar and then by also adding a 15 percent delay enhancement on top of that. The Eleventh Circuit appears to have seriously questioned the application of the 15 percent enhancement in light of *Perdue*, and not necessarily the application of current rates. *See id*. at 20-24. To read *Gray* otherwise would undermine the Supreme Court's holding of *Missouri v. Jenkins* and of the *Perdue* case itself.

The Fourth Circuit addressed the issue in an unreported decision six months ago that cited *Perdue* and reached the correct conclusion. *Reaching Hearts Int'l, Inc. v. Prince George's County*, __ Fed. Appx. __, 2012 WL 1417725 (4th Cir. April 25, 2012), stated at *2: "As an initial matter, we first note that the use of the current rates

was not an 'enhancement' of the fee award of the type discussed in the Supreme Court's opinion in *Perdue*." The court engaged in a lengthy analysis and concluded at *5: "Thus, it is clear that in an appropriate case, the use of current rates is permissible, and that using either current rates or some appropriate rate of interest is *required* to account for such a delay." (Emphasis added.)

Congress has acted to ensure that fee awards in federal-sector cases will reflect adjustments for delay in compensation. When the Supreme Court held in *Library of Congress v. Shaw*, 478 U.S. 310 (1986), that sovereign immunity barred an adjustment for delay in attorneys' receipt of compensation from the federal government, Congress responded by amending Section 717(d) of Title VII, 42 U.S.C. § 2000e-16(d), and added the words "and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties."

C.   This Circuit Has Long Approved the Use of Current Hourly Rates, or Some Other Adjustment for Delay, Even Though Other Adjustments Have Been Disapproved.

This Circuit has long approved or required the use of current hourly rates or some other adjustment for delay in the receipt of compensation, while disapproving other upward adjustments to the lodestar. Indeed, this Court has approved the use of current hourly rates as making it unnecessary to consider other means of adjusting for delay in payments, as well as simpler to implement than other means. *Copeland v.*

Marshall, 641 F.2d 880, 893, 205 U.S. App. D.C. 390, 403 (D.C. Cir. 1980) (*en banc*)

("*Copeland III*") ("On the other hand, if the 'lodestar' itself is based on present hourly

rates, rather than the lesser rates applicable to the time period in which the services

were rendered, the harm resulting from delay in payment may be largely reduced or

eliminated."); *Environmental Defense Fund, Inc. v. EPA*, 672 F.2d 42, 60, 217 U.S.

App. D.C. 189, 207 (D.C. Cir. 1982) ("While we believe that some increase is due for

delay, we have limited the amount because of three factors. First, the hourly rates

claimed by EDF are current market rates, not those in effect when the case was

litigated. . . ."); *National Ass'n of Concerned Veterans v. Secretary of Defense*, 675

F.2d 1319, 1328-29, 219 U.S. App. D.C. 94, 103-04 (D.C. Cir. 1982) ("Finally, as

indicated in *Copeland III*, where the hourly rate used in computing the lodestar is

based on present hourly rates a delay factor has implicitly been recognized and no

adjustment for delay should be allowed.") (citation omitted); *Murray v. Weinberger*,

741 F.2d at 1433, 239 U.S. App. D.C. at 274 ("The current market rates of the relevant

legal community may approximate the value today of the historic rates charged at the

time when the legal services actually were rendered. Using current market rates to

calculate the lodestar figure may counterbalance the delay in payment as well as

simplify the task of the district court. Ease of administration is an important objective

under the statute because there is a pressing need for simple rules in attorney's fees

cases. Current market rates have been used in numerous cases to calculate the lodestar figure when the legal services were provided over a multiple-year period and when use of the current rates does not result in a windfall for the attorneys.") (footnotes omitted).

D. A Failure to Compensate Plaintiffs' Counsel for the Inherent Delay in Employment Cases Creates a Barrier to Adequate Representation of Lower-Income Plaintiffs.

Amici believe that plaintiffs will face increased difficulty in obtaining capable counsel if counsel will receive compensation that is not adequately adjusted for delay in its receipt. The operation of a law office is expensive, with regular outlays for rent, utilities, libraries, access to WestLaw or LEXIS, salaries for staff, and something on which the attorney can live. These must be paid, or the attorney will also have to borrow in order to finance the continuation of his or her cases until those cases are resolved and result in fee awards. The position advocated by the government creates two barriers to adequate representation of employment plaintiffs.

First, the practice of employment law is complex enough to be a specialty of its own, and counsel who devote their professional services to this field can provide services more efficiently, and with more value, than counsel who simply dabble in the field. If plaintiffs' counsel are not compensated at a market rate during the inherently lengthy course of litigation, with an adequate adjustment to reflect the delay, this area

of practice will not retain the capable counsel it now has, victims of discrimination and retaliation will find it even more difficult to retain capable counsel, and defendants will, ironically, have to pay even larger fee awards as the remaining less capable counsel have to re-invent the wheel time after time.

It might be thought that counsel can support cases that will bear long-delayed fruit by taking on other work. However, that is only practical if the other work is not similarly handicapped, *i.e.*, outside the area of employment law. Diversification of this kind would necessarily diminish the level of expertise brought to the field by plaintiffs' counsel, a loss that cannot be of benefit either to their clients or to the courts who must adjudicate these cases. And, even assuming all this could be accomplished, this would simply take what should be an expense to discriminating and retaliatory defendants who have lost on the merits, and transfer this expense to the other clients of plaintiff's counsel, who would then have to pay higher hourly fee rates in order to support this subsidy to discriminating and retaliatory defendants. No policy in reason or law supports such a result.

Second, the knowledge that the plaintiff's and his or her counsel's economic hardship will increase with delay may encourage some defendants to refuse early and reasonable settlement offers and demand that their counsel engage in "Stalingrad

defenses,"[2] in the hope that financial exhaustion will force acceptance of an

unreasonable settlement or even abandonment of the cause.

E.   The High Rate of Pro Se Case Filings in the District Court Makes It Critical That Awards Be Sufficient to Attract Capable Counsel.

The attached statistical charts were downloaded from the web site of the

Administrative Office of the United States Courts on October 10, 2012. Table C-13

shows that in the District of Columbia there were 2,181 civil, non-prisoner cases filed

in the year preceding September 30, 2011 (the latest table publicly available), and that

455 of them – 20.9 percent of the total, or more than one in every five cases – were

filed *pro se*. This is almost twice the national average of 10.9 percent.[3]

Table C-13 does not break down the subject matter of the suits in question, but

Table C-3 shows that there were 1,207 private civil cases (excluding 86 prisoner

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[2]   *Lipsett v. Blanco*, 975 F.2d 934, 939 (1st Cir. 1992) ("This case was bitterly contested. Appellants mounted a Stalingrad defense, resisting Lipsett at every turn and forcing her to win her hard-earned victory from rock to rock and from tree to tree. Since a litigant's staffing needs often vary in direct proportion to the ferocity of her adversaries' handling of the case, this factor weighs heavily in the balance."); *In re General Motors Corp.*, 110 F.3d 1003, 1008 (4th Cir. 1997), *cert. denied*, 522 U.S. 814 (1997) (adopting Report and Recommendation in district court, which stated: "This tactic has often been referred to as the 'Stalingrad Defense,' named after the Soviet defenders of that city during the German eastern offense in World War II-give up not a single inch, and eventually the opposition may be beaten down into submission by not only the cold, unforgiving winter, but also by the sheer tenacity and persistence of the defenders.").

[3] Nationally, a total of 235,641 civil non-prisoner cases were filed in the District Courts. Of these, only 25,795 were *pro se*.

petitions) filed in the District of Columbia in the twelve months ending March 31, 2011 (the latest table publicly available). Of these, 202 were civil rights cases and 126 were labor cases, a category including the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* Thus, 328 of these 1,207 private civil cases were civil rights or labor cases. This is 27.2 percent, or more than one in four of the total private civil non-prisoner cases. It seems reasonable to conclude that substantial numbers of civil rights and labor cases are filed *pro se*.

Pro se filings consume disproportionately large amounts of judicial resources, and are growing. JUDICIAL CONFERENCE OF THE UNITED STATES, COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT, CIVIL LITIGATION MANAGEMENT MANUAL (2d ed. 2010), Chapter 7, Part D (Pro Se Cases), states at 136:

> Cases involving a pro se litigant present special challenges for several reasons, not the least of which is your obligation to ensure equal justice for litigants who may have little understanding of legal procedure or the law. At each stage in the case, you may need to take actions not required in cases in which all parties are represented by counsel.

Pro se employment discrimination cases are unfortunately common. Thus the present system of awarding attorneys' fees may not be accomplishing the statutory purpose of making competent counsel available, and the use of historic rates in fee awards, without compensation for delay, may exacerbate the existing problem.

CONCLUSION

For the reasons stated above, *Amici* ask this Court to hold that attorneys' fees awarded under the Civil Rights Attorney's Fees Awards Act, 42 U.S.C. § 1988, are to be awarded at the current *Laffey* rate prevailing at the time of the award, so as to fairly compensate counsel for the inherent delay in payment of their fees.

Respectfully submitted,

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Certificate of Compliance with Rule 32(a)

1.   This brief complies with the type-volume limitation of Fed. R. App. P. 29 and Fed. R. App. P. 32(a)(7)(B) because this brief contains 3,976 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2.   This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because the brief has been prepared in a proportionally spaced typeface using Corel WordPerfect X3 in 14 point Times New Roman.

/s/   Jonathan C. Puth

Attorney for *Amici Curiae* Metropolitan Washington Employment Lawyers Association, the D.C. Employment Justice Center, the Washington Lawyers Committee for Civil Rights and Urban Affairs, and the Public Justice Center

October 19, 2012

ATTACHMENTS

1.   Table C-13, Administrative Office of the United States Courts

2.   Table C-3, Administrative Office of the United States Courts

Table C-13.
Civil Pro Se And Non-Pro Se Filings, by District, During the 12-Month Period Ending September 30, 2011

Circuit and District	Total Civil Cases	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
				Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
TOTAL	289,252	75,446	213,806	53,611	49,651	3,960	235,641	25,795	209,846
DC	2,492	617	1,875	311	162	149	2,181	455	1,726
1ST	6,162	1,117	5,045	651	544	107	5,511	573	4,938
ME	496	105	391	62	58	4	434	47	387
MA	2,968	625	2,343	335	277	58	2,633	348	2,285
NH	632	131	501	93	74	19	539	57	482
RI	764	91	673	43	43	0	721	48	673
PR	1,302	165	1,137	118	92	26	1,184	73	1,111
2ND	21,896	5,244	16,652	3,221	2,976	245	18,675	2,268	16,407
CT	2,109	495	1,614	264	244	20	1,845	251	1,594
NY,N	1,619	648	971	476	465	11	1,143	183	960
NY,E	6,490	1,270	5,220	698	620	78	5,792	650	5,142
NY,S	9,601	2,199	7,402	1,325	1,214	111	8,276	985	7,291
NY,W	1,729	576	1,153	431	411	20	1,298	165	1,133
VT	348	56	292	27	22	5	321	34	287
3RD	61,311	6,058	55,253	4,942	4,272	670	56,369	1,786	54,583
DE	1,298	395	903	273	265	8	1,025	130	895
NJ	7,879	1,827	6,052	1,264	1,179	85	6,615	648	5,967
PA,E	46,788	1,908	44,880	1,750	1,272	478	45,038	636	44,402
PA,M	2,577	1,092	1,485	975	913	62	1,602	179	1,423
PA,W	2,457	769	1,688	653	618	35	1,804	151	1,653
VI	312	67	245	27	25	2	285	42	243
4TH	17,484	6,738	10,746	4,998	4,766	232	12,486	1,972	10,514
MD	3,871	1,318	2,553	869	840	29	3,002	478	2,524
NC,E	1,754	776	978	652	554	98	1,102	222	880
NC,M	1,066	483	583	383	376	7	683	107	576
NC,W	1,191	409	782	265	250	15	926	159	767
SC	3,449	1,429	2,020	1,050	1,030	20	2,399	399	2,000
VA,E	3,419	1,285	2,134	910	876	34	2,509	409	2,100
VA,W	1,161	574	587	484	478	6	677	96	581
WV,N	606	248	358	211	203	8	395	45	350
WV,S	967	216	751	174	159	15	793	57	736

Table C-13. (September 30, 2011—Continued)

Circuit and District	Total Civil Cases	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions			Nonprisoner Petitions		
				Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
5TH	**28,940**	**10,045**	**18,895**	**7,494**	**7,136**	**358**	**21,446**	**2,909**	**18,537**
LA,E	3,756	578	3,178	413	379	34	3,343	199	3,144
LA,M	933	348	585	307	293	14	626	55	571
LA,W	2,233	1,168	1,065	1,087	1,042	45	1,146	126	1,020
MS,N	926	270	656	216	211	5	710	59	651
MS,S	2,128	643	1,485	545	535	10	1,583	108	1,475
TX,N	5,234	2,076	3,158	1,611	1,554	57	3,623	522	3,101
TX,E	3,315	1,235	2,080	1,045	1,021	24	2,270	214	2,056
TX,S	7,192	2,550	4,642	1,313	1,226	87	5,879	1,324	4,555
TX,W	3,223	1,177	2,046	957	875	82	2,266	302	1,964
6TH	**22,781**	**5,910**	**16,871**	**4,258**	**3,881**	**377**	**18,523**	**2,029**	**16,494**
KY,E	1,583	374	1,209	311	296	15	1,272	78	1,194
KY,W	1,291	316	975	226	207	19	1,065	109	956
MI,E	5,657	1,370	4,287	965	869	96	4,692	501	4,191
MI,W	1,929	912	1,017	774	698	76	1,155	214	941
OH,N	5,198	770	4,428	523	479	44	4,675	291	4,384
OH,S	2,642	619	2,023	382	324	58	2,260	295	1,965
TN,E	1,405	382	1,023	288	279	9	1,117	103	1,014
TN,M	1,574	519	1,055	376	346	30	1,198	173	1,025
TN,W	1,502	648	854	413	383	30	1,089	265	824
7TH	**22,688**	**5,264**	**17,424**	**3,759**	**3,490**	**269**	**18,929**	**1,774**	**17,155**
IL,N	9,417	1,858	7,559	1,136	988	148	8,281	870	7,411
IL,C	1,323	694	629	555	544	11	768	150	618
IL,S	5,527	535	4,992	445	432	13	5,082	103	4,979
IN,N	1,576	479	1,097	359	321	38	1,217	158	1,059
IN,S	2,565	837	1,728	645	627	18	1,920	210	1,710
WI,E	1,307	450	857	321	295	26	986	155	831
WI,W	973	411	562	298	283	15	675	128	547
8TH	**15,086**	**3,971**	**11,115**	**3,175**	**2,882**	**293**	**11,911**	**1,089**	**10,822**
AR,E	2,386	864	1,522	771	731	40	1,615	133	1,482
AR,W	1,029	349	680	246	241	5	783	108	675
IA,N	531	133	398	136	113	23	395	20	375
IA,S	810	295	515	292	248	44	518	47	471
MN	3,872	473	3,399	276	257	19	3,596	216	3,380
MO,E	2,745	790	1,955	606	572	34	2,139	218	1,921
MO,W	2,471	718	1,753	539	519	20	1,932	199	1,733
NE	689	144	545	141	43	98	548	101	447
ND	223	70	153	56	54	2	167	16	151
SD	330	135	195	112	104	8	218	31	187

Table C-13. (September 30, 2011—Continued)

Circuit and District	Total Civil Cases	Pro Se Cases	Non-Pro Se Cases	Prisoner Petitions Total Cases	Pro Se Cases	Non-Pro Se Cases	Nonprisoner Petitions Total Cases	Pro Se Cases	Non-Pro Se Cases
9TH	**46,373**	**17,031**	**29,342**	**11,570**	**10,770**	**800**	**34,803**	**6,261**	**28,542**
AK	301	84	217	53	27	26	248	57	191
AZ	3,762	1,699	2,063	1,263	1,198	65	2,499	501	1,998
CA,N	6,591	2,277	4,314	1,537	1,457	80	5,054	820	4,234
CA,E	5,599	3,036	2,563	2,558	2,461	97	3,041	575	2,466
CA,C	15,257	4,987	10,270	2,891	2,682	209	12,366	2,305	10,061
CA,S	3,254	1,288	1,966	905	863	42	2,349	425	1,924
HI	821	234	587	85	74	11	736	160	576
ID	632	242	390	181	168	13	451	74	377
MT	570	212	358	175	165	10	395	47	348
NV	3,103	1,163	1,940	749	659	90	2,354	504	1,850
OR	2,255	565	1,690	473	373	100	1,782	192	1,590
WA,E	862	288	574	213	205	8	649	83	566
WA,W	3,296	943	2,353	477	431	46	2,819	512	2,307
GUAM	43	11	32	7	6	1	36	5	31
NMI	27	2	25	3	1	2	24	1	23
10TH	**10,871**	**3,066**	**7,805**	**1,995**	**1,878**	**117**	**8,876**	**1,188**	**7,688**
CO	3,428	1,052	2,376	728	714	14	2,700	338	2,362
KS	1,535	443	1,092	312	302	10	1,223	141	1,082
NM	1,233	317	916	220	203	17	1,013	114	899
OK,N	846	357	489	139	126	13	707	231	476
OK,E	494	147	347	108	99	9	386	48	338
OK,W	1,513	339	1,174	306	262	44	1,207	77	1,130
UT	1,422	324	1,098	125	118	7	1,297	206	1,091
WY	400	87	313	57	54	3	343	33	310
11TH	**33,168**	**10,385**	**22,783**	**7,237**	**6,894**	**343**	**25,931**	**3,491**	**22,440**
AL,N	4,603	786	3,817	594	574	20	4,009	212	3,797
AL,M	1,128	609	519	396	384	12	732	225	507
AL,S	777	241	536	186	182	4	591	59	532
FL,N	1,946	909	1,037	764	754	10	1,182	155	1,027
FL,M	7,996	2,556	5,440	2,024	1,914	110	5,972	642	5,330
FL,S	8,793	1,703	7,090	1,145	1,025	120	7,648	678	6,970
GA,N	5,465	2,196	3,269	1,024	995	29	4,441	1,201	3,240
GA,M	1,349	703	646	564	552	12	785	151	634
GA,S	1,111	682	429	540	514	26	571	168	403

Table C-3.
U.S. District Courts—Civil Cases Commenced, by Nature of Suit and District,
During the 12-Month Period Ending March 31, 2011

Circuit and District	Total Civil Cases	Total U.S. Civil Cases	Contract	Real Property	Tort Actions	Civil Rights	Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison Condition	Mandamus and Other	Habeas Corpus Alien Detainee	Forfeitures and Penalties	Labor Suits	Social Security	All Other
TOTAL	294,336	45,370	4,076	1,283	2,880	1,818	6,178	3,170	9	836	360	394	797	2,326	414	15,208	5,621
DC	2,540	1,247	92	6	39	175	28	83	-	91	18	37	-	16	2	17	643
1ST	6,393	1,542	50	39	57	52	202	29	-	11	1	5	52	129	28	703	184
ME	535	223	5	7	6	4	17	3	-	-	-	-	-	13	3	159	6
MA	2,946	682	21	8	20	23	76	21	-	7	-	3	52	46	11	274	120
NH	629	244	6	-	5	3	27	1	-	-	-	-	-	35	2	140	25
RI	971	113	4	-	12	6	10	2	-	4	-	-	-	13	4	47	11
PR	1,312	280	14	24	14	16	72	2	-	-	1	2	-	22	8	83	22
2ND	21,974	3,348	340	71	196	131	388	132	-	43	18	32	78	223	72	1,033	591
CT	2,169	438	15	5	20	11	29	17	-	6	-	-	1	29	8	239	58
NY,N	1,606	320	30	2	21	6	34	1	-	1	-	-	-	37	1	162	25
NY,E	6,356	1,041	183	3	91	55	102	57	-	15	2	9	4	48	46	201	225
NY,S	9,695	946	29	4	42	46	189	48	-	17	7	21	18	45	17	207	256
NY,W	1,797	430	82	33	19	13	26	6	-	4	8	-	55	58	-	102	24
VT	351	173	1	24	3	-	8	3	-	-	1	2	-	6	-	122	3
3RD	68,003	3,485	250	116	151	123	352	596	-	193	11	29	95	133	38	1,016	382
DE	1,236	124	4	-	3	6	12	-	-	-	-	1	-	6	4	73	15
NJ	7,433	1,178	188	10	61	50	86	281	-	75	1	13	1	40	16	192	164
PA,E	53,789	751	32	7	58	40	135	26	-	1	-	8	2	13	10	307	112
PA,M	2,714	819	14	42	11	13	57	258	-	115	3	5	92	5	3	166	35
PA,W	2,507	571	12	49	14	12	57	31	-	2	7	2	-	64	5	278	38
VI	324	42	-	8	4	2	5	-	-	-	-	2	-	5	-	-	18
4TH	17,617	3,989	111	15	161	170	952	301	-	92	45	111	9	257	21	1,449	295
MD	3,790	755	21	2	46	57	139	-	-	1	-	26	1	91	5	272	94
NC,E	1,650	672	28	-	16	14	85	150	-	23	33	68	-	47	-	180	28
NC,M	1,004	288	12	-	3	9	121	9	-	4	-	-	-	25	1	97	7
NC,W	1,148	278	11	3	4	7	100	1	-	-	-	-	-	25	1	104	22
SC	3,540	674	13	4	22	23	207	19	-	3	4	1	-	29	3	320	26
VA,E	3,433	521	12	4	45	39	151	27	-	9	8	8	8	25	8	91	86
VA,W	1,187	394	4	2	11	6	84	21	-	21	-	4	-	3	1	226	11
WV,N	611	129	6	-	3	5	33	23	-	7	-	2	-	1	-	42	7
WV,S	1,254	278	4	-	11	10	32	51	-	24	-	2	-	11	2	117	14

Table C-3. (March 31, 2011—Continued)

Circuit and District	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury[2]	Other Personal Injury	Other Tort Actions	Civil Rights	Prisoner Petitions Habeas Corpus General	Prisoner Petitions Death Penalty	Prisoner Petitions Conditions and Civil Rights	Prisoner Petitions Mandamus and Other	Intellectual Property	Labor Suits	All Other
TOTAL	**248,966**	**27,818**	**8,035**	**366**	**1,412**	**3,486**	**74,260**	**4,355**	**34,671**	**16,673**	**231**	**24,080**	**595**	**9,706**	**18,326**	**24,952**
DC	**1,293**	**129**	**39**	-	-	**12**	**332**	**31**	**202**	**34**	-	**37**	**15**	**47**	**126**	**289**
1ST	**4,851**	**839**	**281**	**8**	**60**	**60**	**929**	**113**	**894**	**152**	-	**258**	**11**	**243**	**434**	**569**
ME	312	62	3	-	8	3	39	12	92	10	-	24	-	9	18	32
MA	2,264	462	107	5	38	20	158	65	344	98	-	114	8	175	301	369
NH	385	67	19	-	-	14	38	10	95	23	-	40	3	19	17	40
RI	858	94	29	2	3	8	503	11	87	11	-	20	-	19	30	41
PR	1,032	154	123	1	11	15	191	15	276	10	-	60	-	21	68	87
2ND	**18,626**	**2,586**	**217**	**71**	**75**	**355**	**1,811**	**336**	**4,409**	**931**	**1**	**1,678**	**43**	**913**	**2,397**	**2,803**
CT	1,731	303	24	6	4	21	122	45	451	44	-	150	1	92	120	348
NY,N	1,286	85	18	9	-	15	95	20	321	190	-	262	-	43	62	166
NY,E	5,315	480	82	19	35	159	469	81	1,443	277	-	266	9	141	1,023	831
NY,S	8,749	1,593	84	36	34	123	904	173	1,901	286	1	777	33	597	1,134	1,073
NY,W	1,367	89	4	1	2	28	192	12	256	123	-	212	-	30	51	367
VT	178	36	5	-	-	9	29	5	37	11	-	11	-	10	7	18
3RD	**64,518**	**2,506**	**317**	**99**	**48**	**515**	**48,522**	**346**	**3,554**	**1,029**	**29**	**2,416**	**16**	**894**	**1,726**	**2,501**
DE	1,112	107	6	-	-	10	34	10	154	82	1	163	4	287	30	224
NJ	6,255	1,013	61	28	28	177	875	157	982	177	-	649	1	323	968	816
PA,E	53,038	867	52	59	12	213	47,357	125	1,475	361	17	1,026	4	202	361	907
PA,M	1,895	235	109	6	1	88	103	25	412	174	7	280	4	32	119	300
PA,W	1,936	254	20	6	5	21	93	24	474	229	4	289	1	49	239	228
VI	282	30	69	-	2	6	60	5	57	6	-	9	2	1	9	26
4TH	**13,628**	**1,944**	**282**	**2**	**41**	**337**	**1,566**	**271**	**2,200**	**1,179**	**5**	**2,357**	**158**	**500**	**1,268**	**1,518**
MD	3,035	431	79	-	5	109	329	88	431	77	-	473	119	90	346	458
NC,E	978	139	40	-	5	18	49	18	214	93	1	200	3	42	43	113
NC,M	716	87	13	-	-	1	65	7	166	83	2	129	2	48	50	63
NC,W	870	165	26	1	-	8	48	8	202	58	-	85	2	58	62	147
SC	2,866	411	29	-	14	91	253	34	518	342	-	637	13	46	310	168
VA,E	2,912	437	52	-	13	34	267	73	408	310	-	443	16	172	326	361
VA,W	793	83	16	-	-	24	52	19	128	102	2	249	2	18	38	60
WV,N	482	73	21	1	-	28	66	7	35	84	-	69	-	20	29	49
WV,S	976	118	6	-	4	24	437	17	98	30	-	72	1	6	64	99

Table C-3. (March 31, 2011—Continued)

Circuit and District	Total Civil Cases	Total U.S. Civil Cases	Contract	Real Property	Tort Actions	Civil Rights	U.S. Cases — Prisoner Petitions — Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison Condition	Mandamus and Other	Habeas Corpus Alien Detainee	Forfeitures and Penalties	Labor Suits	Social Security	All Other
5TH	**29,198**	**5,929**	**922**	**88**	**1,195**	**192**	**888**	**584**	**2**	**100**	**29**	**29**	**244**	**240**	**29**	**862**	**525**
LA,E	4,358	1,235	24	23	1,013	15	57	2	-	2	1	3	-	4	1	49	41
LA,M	897	73	6	-	3	4	16	-	-	-	-	-	-	1	1	18	24
LA,W	1,964	478	17	6	41	13	46	95	-	10	6	2	82	-	2	143	15
MS,N	966	130	12	22	3	4	12	1	-	-	-	-	-	2	-	62	12
MS,S	2,267	249	15	6	27	17	40	32	-	1	18	1	1	18	1	49	23
TX,N	4,766	921	7	5	20	34	162	171	-	26	1	8	52	34	3	211	187
TX,E	3,378	478	10	10	9	16	80	114	2	28	3	3	1	30	1	137	34
TX,S	7,455	1,590	792	11	38	36	249	37	-	29	-	6	75	85	13	105	114
TX,W	3,147	775	39	5	41	53	226	132	-	4	-	6	33	66	7	88	75
6TH	**20,458**	**4,197**	**571**	**275**	**125**	**146**	**442**	**102**	**-**	**32**	**47**	**16**	**25**	**194**	**39**	**1,827**	**356**
KY,E	1,464	666	6	153	16	13	51	57	-	21	45	1	1	6	2	277	17
KY,W	1,312	253	7	67	11	12	21	-	-	4	-	-	-	13	2	97	19
MI,E	5,223	1,099	444	25	25	28	77	8	-	1	-	11	14	62	5	302	97
MI,W	1,802	243	17	3	8	19	34	3	-	-	-	-	5	5	6	125	18
OH,N	3,775	636	42	6	25	25	59	21	-	6	1	3	4	18	11	326	89
OH,S	2,646	570	21	4	10	22	57	8	-	-	1	1	1	45	7	349	44
TN,E	1,339	313	13	6	7	6	85	2	-	6	-	-	-	10	3	168	13
TN,M	1,532	252	2	7	17	7	17	2	-	-	-	-	-	17	2	138	43
TN,W	1,365	165	19	4	6	14	41	1	-	-	-	-	-	18	1	45	16
7TH	**22,566**	**2,559**	**199**	**240**	**97**	**112**	**412**	**95**	**-**	**11**	**19**	**9**	**2**	**143**	**32**	**844**	**344**
IL,N	9,013	944	135	14	56	60	108	12	-	8	11	4	1	29	13	259	234
IL,C	1,189	229	7	43	2	4	52	5	-	-	1	1	-	14	2	80	18
IL,S	5,903	244	12	54	11	4	43	42	-	1	3	2	-	17	-	44	11
IN,N	1,656	303	9	60	10	13	52	-	-	-	-	-	-	28	5	116	10
IN,S	2,588	389	22	47	12	12	70	3	-	-	-	2	-	21	5	168	23
WI,E	1,293	256	12	8	3	10	53	2	-	-	4	-	1	18	1	125	23
WI,W	924	194	2	14	3	9	34	31	-	2	-	-	-	16	6	52	25
8TH	**17,013**	**3,566**	**83**	**101**	**76**	**101**	**491**	**203**	**2**	**40**	**31**	**19**	**8**	**120**	**21**	**2,023**	**247**
AR,E	3,231	541	9	10	10	31	26	60	-	5	18	-	-	4	1	351	16
AR,W	1,008	470	3	2	7	1	19	-	-	-	-	-	-	7	-	416	15
IA,N	533	208	4	16	1	7	47	-	-	-	-	-	-	4	1	122	6
IA,S	817	213	10	25	4	3	66	5	-	-	-	-	-	9	1	85	5
MN	4,772	378	16	8	11	15	42	57	-	19	-	-	6	19	6	114	65
MO,E	2,859	557	10	1	18	18	115	6	-	6	-	11	-	34	3	298	37
MO,W	2,500	888	18	6	14	9	89	66	2	6	13	8	-	20	5	565	67
NE	723	180	4	20	2	8	47	4	-	2	-	-	2	18	3	52	18
ND	229	55	7	7	3	4	17	-	-	-	-	-	-	4	-	8	5
SD	341	76	2	6	6	5	23	5	-	2	2	-	-	1	1	12	13

Table C-3. (March 31, 2011—Continued)

Circuit and District	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury[2]	Other Tort Actions	Civil Rights	Prisoner Petitions				Intellectual Property	Labor Suits	All Other
										Habeas Corpus General	Death Penalty	Conditions and Civil Rights	Mandamus and Other			
5TH	**23,269**	**4,827**	**988**	**33**	**566**	**636**	**2,531**	**482**	**2,868**	**2,454**	**35**	**2,851**	**62**	**1,390**	**1,363**	**2,183**
LA,E	3,123	538	107	13	382	158	683	175	251	194	-	194	5	46	85	292
LA,M	824	168	16	-	6	51	86	7	122	67	-	209	1	6	48	37
LA,W	1,486	212	63	1	63	80	212	33	188	135	1	370	-	7	76	45
MS,N	836	125	16	3	9	23	130	14	226	84	1	107	-	5	48	45
MS,S	2,018	367	40	8	10	93	535	37	282	124	1	342	2	9	79	89
TX,N	3,845	598	270	1	-	43	228	67	519	604	16	614	30	169	242	444
TX,E	2,900	384	108	2	13	80	164	30	214	417	3	365	5	845	127	143
TX,S	5,865	2,083	260	5	82	88	375	83	610	463	8	385	11	173	432	807
TX,W	2,372	352	108	-	1	20	118	36	456	366	5	265	8	130	226	281
6TH	**16,261**	**2,190**	**476**	**25**	**50**	**292**	**1,895**	**317**	**3,414**	**1,701**	**12**	**1,817**	**29**	**603**	**1,632**	**1,808**
KY,E	798	177	27	-	2	45	92	24	173	41	2	61	1	19	74	60
KY,W	1,059	168	19	2	7	45	153	23	190	47	1	154	4	41	119	86
MI,E	4,124	673	254	8	22	33	194	120	731	639	-	308	8	187	381	566
MI,W	1,559	102	54	-	5	16	45	9	234	203	-	489	3	45	115	239
OH,N	3,139	386	36	6	6	23	932	43	491	284	2	164	10	125	302	329
OH,S	2,076	263	33	5	2	27	119	41	613	238	3	101	2	85	307	237
TN,E	1,026	138	13	2	1	47	101	12	282	59	1	134	-	29	98	109
TN,M	1,280	148	15	1	-	28	168	22	322	80	1	234	-	27	142	92
TN,W	1,200	135	25	1	5	28	91	23	378	110	2	172	1	45	94	90
7TH	**20,007**	**1,699**	**684**	**26**	**17**	**199**	**5,718**	**267**	**3,294**	**975**	**4**	**2,169**	**18**	**716**	**2,213**	**2,008**
IL,N	8,069	1,007	573	8	2	61	407	176	1,602	219	-	791	6	435	1,529	1,253
IL,C	960	60	36	-	-	9	38	12	211	71	-	359	1	23	74	66
IL,S	5,659	70	27	8	10	21	4,902	17	116	53	-	262	7	31	74	61
IN,N	1,353	145	8	6	1	46	116	16	405	150	2	209	1	41	121	86
IN,S	2,199	223	20	2	1	51	135	23	627	308	2	236	-	72	236	263
WI,E	1,037	119	8	2	2	6	77	16	204	123	-	137	-	46	108	189
WI,W	730	75	12	-	1	5	43	7	129	51	-	175	3	68	71	90
8TH	**13,447**	**1,466**	**188**	**19**	**5**	**199**	**4,809**	**326**	**1,602**	**697**	**3**	**1,596**	**11**	**397**	**927**	**1,202**
AR,E	2,690	133	26	9	1	28	1,458	48	244	96	1	511	1	14	75	45
AR,W	538	96	13	1	-	23	44	18	71	20	-	192	-	9	18	33
IA,N	325	53	1	1	-	9	26	9	64	34	-	32	-	15	37	44
IA,S	604	71	9	2	-	11	22	13	104	43	-	177	2	32	60	58
MN	4,394	356	57	1	1	16	2,430	80	330	93	-	73	-	166	300	491
MO,E	2,302	322	33	-	3	41	539	79	294	166	1	260	3	88	204	269
MO,W	1,612	249	35	-	-	35	192	59	294	132	-	239	4	44	159	170
NE	543	85	11	3	-	14	42	12	141	39	1	56	-	22	47	70
ND	174	40	3	1	-	6	26	3	23	26	-	18	-	3	13	12
SD	265	61	-	1	-	16	30	5	37	48	-	38	1	4	14	10

Table C-3. (March 31, 2011—Continued)

Circuit and District	Total Civil Cases	Total U.S. Civil Cases	Contract	Real Property	Tort Actions	Civil Rights	U.S. Cases — Prisoner Petitions: Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison Condition	Mandamus and Other	Habeas Corpus Alien Detainee	Forfeitures and Penalties	Labor Suits	Social Security	All Other
9TH	**45,856**	**8,268**	**951**	**164**	**460**	**345**	**760**	**388**	**2**	**130**	**37**	**55**	**209**	**444**	**83**	**3,027**	**1,213**
AK	325	111	2	2	19	4	27	2	-	-	-	-	-	12	1	21	21
AZ	3,799	891	50	9	56	56	211	100	1	35	34	12	63	38	5	151	70
CA,N	6,361	723	103	14	45	64	48	13	-	6	-	1	12	51	10	129	227
CA,E	5,866	782	8	27	43	14	45	48	1	31	-	1	20	55	11	400	79
CA,C	14,810	2,812	702	46	102	69	115	188	1	32	1	-	18	116	34	982	406
CA,S	2,976	454	16	9	61	32	73	8	-	1	-	21	29	45	2	68	89
HI	808	95	6	1	23	10	24	-	-	2	-	-	-	3	1	1	24
ID	630	119	7	6	10	6	22	-	-	-	-	-	-	9	2	37	20
MT	553	132	1	13	10	4	45	1	-	-	-	-	-	7	1	33	17
NV	3,305	261	19	5	16	23	46	3	-	4	-	7	9	44	1	19	65
OR	2,372	715	17	4	30	14	30	7	-	13	2	10	1	24	10	489	64
WA,E	875	366	6	5	8	16	30	2	-	-	-	-	-	10	2	268	19
WA,W	3,108	794	14	23	36	30	42	16	-	6	-	3	57	27	3	429	108
GUAM	36	8	-	-	1	2	2	-	-	-	-	-	-	3	-	-	-
NMI	32	5	-	-	-	1	-	-	-	-	-	-	-	-	-	-	4
10TH	**10,931**	**2,382**	**91**	**119**	**105**	**94**	**274**	**163**	**-**	**21**	**77**	**4**	**46**	**181**	**17**	**913**	**277**
CO	3,336	531	3	6	15	37	35	99	-	13	52	1	2	39	3	134	92
KS	1,601	440	10	22	10	12	72	58	-	3	24	2	1	58	3	143	22
NM	1,263	323	20	8	31	13	51	2	-	-	1	-	35	56	2	79	25
OK,N	853	251	12	20	10	3	25	1	-	1	-	1	5	3	1	161	9
OK,E	519	215	7	6	5	1	12	-	-	1	-	-	-	5	1	169	7
OK,W	1,500	320	12	35	17	18	25	1	-	1	-	-	-	10	5	158	39
UT	1,505	236	22	22	11	8	31	1	-	2	-	-	3	5	2	58	71
WY	354	66	5	-	6	2	23	1	-	1	-	-	-	5	-	11	12
11TH	**31,787**	**4,858**	**416**	**49**	**218**	**177**	**989**	**494**	**3**	**72**	**27**	**48**	**29**	**246**	**32**	**1,494**	**564**
AL,N	4,087	434	30	3	16	22	53	20	-	3	3	1	2	16	2	241	22
AL,M	1,100	218	6	3	8	11	36	29	-	-	-	1	-	10	-	102	12
AL,S	752	136	7	2	4	3	32	2	-	-	-	-	-	14	-	66	6
FL,N	1,813	325	14	-	11	12	74	35	-	-	14	1	-	24	1	94	33
FL,M	7,707	1,511	27	21	68	50	272	305	2	48	8	17	12	22	15	530	125
FL,S	8,852	1,202	238	14	50	27	342	83	-	7	-	19	1	39	8	151	224
GA,N	5,267	695	80	4	46	41	102	17	1	13	2	9	-	84	2	180	107
GA,M	1,202	167	5	1	6	7	27	1	-	-	-	-	7	26	1	80	6
GA,S	1,007	170	9	1	9	4	51	2	-	1	-	-	-	11	3	50	29

Table C-3. (March 31, 2011—Continued)

Circuit and District	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury[2]	Other Tort Actions	Civil Rights	Private Cases — Prisoner Petitions Habeas Corpus General	Death Penalty	Conditions and Civil Rights	Mandamus and Other	Intellectual Property	Labor Suits	All Other
9TH	**37,588**	**4,403**	**3,156**	**50**	**141**	**312**	**1,895**	**1,183**	**5,755**	**4,777**	**91**	**4,774**	**96**	**2,761**	**2,660**	**5,534**
AK	214	58	5	-	3	4	26	5	38	13	-	16	-	7	18	21
AZ	2,908	414	195	13	-	31	319	83	477	220	3	499	7	139	125	383
CA,N	5,638	553	394	1	9	8	332	163	771	736	2	616	9	511	592	941
CA,E	5,084	260	259	2	3	15	114	86	1,133	1,183	6	1,370	6	58	100	489
CA,C	11,998	1,289	1,354	2	13	136	468	426	1,408	1,585	9	758	3	1,279	1,026	2,242
CA,S	2,522	276	206	1	17	8	111	85	256	343	9	336	9	190	113	571
HI	713	103	105	-	21	3	36	99	176	17	-	48	-	21	42	42
ID	511	94	33	1	-	3	34	12	78	71	-	88	-	17	27	53
MT	421	103	8	2	-	6	49	10	64	52	-	54	1	9	24	39
NV	3,044	499	353	-	1	58	145	105	458	253	69	451	5	311	116	220
OR	1,657	269	112	1	8	22	100	41	372	141	-	177	50	68	127	169
WA,E	509	52	10	13	1	3	26	15	139	39	-	118	2	8	16	67
WA,W	2,314	425	121	13	65	14	129	52	362	124	2	240	4	143	330	290
GUAM	28	4	1	1	-	-	4	-	12	-	-	3	-	-	-	3
NMI	27	4	-	-	-	1	2	1	11	-	-	-	-	-	4	4
10TH	**8,549**	**1,432**	**372**	**25**	**2**	**228**	**685**	**156**	**1,974**	**656**	**6**	**917**	**7**	**405**	**399**	**1,285**
CO	2,805	377	43	8	-	24	176	62	565	210	-	409	1	182	98	650
KS	1,161	169	23	2	-	65	101	14	314	66	-	110	1	26	103	167
NM	940	144	14	-	-	34	81	12	378	65	-	89	-	7	32	84
OK,N	602	145	3	2	1	11	67	6	174	70	1	29	2	16	40	35
OK,E	304	39	6	7	-	14	21	6	75	42	1	69	1	1	9	13
OK,W	1,180	254	17	-	-	29	126	16	275	164	4	126	1	20	50	98
UT	1,269	243	255	-	1	20	75	34	152	21	-	71	1	144	58	195
WY	288	61	11	6	1	31	38	6	41	18	-	14	-	9	9	43
11TH	**26,929**	**3,797**	**1,035**	**8**	**407**	**341**	**3,567**	**527**	**4,505**	**2,088**	**45**	**3,210**	**129**	**837**	**3,181**	**3,252**
AL,N	3,653	260	21	1	-	41	1,689	29	672	204	7	339	1	23	206	160
AL,M	882	120	10	-	-	19	49	11	222	56	1	246	10	4	41	93
AL,S	616	160	31	-	8	13	42	21	110	44	2	89	-	7	26	63
FL,N	1,488	133	44	-	4	26	65	21	399	229	2	353	1	24	110	77
FL,M	6,196	1,018	72	1	24	80	308	85	1,052	685	21	623	28	264	1,135	800
FL,S	7,650	1,334	75	-	367	47	1,005	164	937	322	4	365	20	320	1,355	1,335
GA,N	4,572	573	712	2	2	76	300	168	791	272	4	574	54	176	250	618
GA,M	1,035	102	43	3	-	26	59	14	181	146	4	338	13	14	40	52
GA,S	837	97	27	1	2	13	50	14	141	130	-	283	2	5	18	54

1 FELA = Federal Employers Liability Act.
2 Includes cases filed in previous years as consolidated cases that thereafter were severed into individual cases.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2012, the foregoing Brief of the Metropolitan Washington Employment Lawyers Association, the D.C. Employment Justice Center, the Washington Lawyers Committee for Civil Rights and Urban Affairs, and the Public Justice Center As *Amici Curiae* in Support of Plaintiff-appellant was filed electronically pursuant to Circuit Rule 25 and that service was effected electronically upon the following:

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