UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT Appeal No. 12-5106

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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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

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

Lama Brown

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

The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a nonprofit 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

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.

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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*42 U.S.C. § 1988
42 U.S.C. § 2000e-16(d)
OTHER AUTHORITIES
JUDICIAL CONFERENCE OF THE UNITED STATES, COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT, CIVIL LITIGATION MANAGEMENT MANUAL (2d ed. 2010)
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

¹The 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

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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Counsel for Amici Curiae

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

ATTACHMENT 1

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

								Notiting a second	
					Prisoner Petitions			Nonprisoner Petitions	
Circuit and District	Total Civil Cases	Pro Se Cases	Non-Pro Se Cases	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	28	2,633	348	2,285
ŦN	632	131	501	93	74	19	539	22	482
굡	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
N,'N	1,619	648	971	476	465	#	1,143	183	096
NY,E	6,490	1,270	5,220	869	620	78	5,792	650	5,142
NY,S	9,601	2,199	7,402	1,325	1,214	111	8,276	982	7,291
NY,W	1,729	929	1,153	431	411	20	1,298	165	1,133
VT	348	26	292	27	22	Ŋ	321	34	287
3RD	61,311	6,058	55,253	4,942	4,272	029	56,369	1,786	54,583
DE	1,298	395	903	273	265	80	1,025	130	895
N	7,879	1,827	6,052	1,264	1,179	85	6,615	648	2,967
PA,E	46,788	1,908	44,880	1,750	1,272	478	45,038	989	44,402
PA,M	2,577	1,092	1,485	975	913	62	1,602	179	1,423
PA,W	2,457	692	1,688	653	618	35	1,804	151	1,653
 	312	29	245	27	25	0	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	9//	826	652	554	86	1,102	222	880
NC,M	1,066	483	583	383	376	7	683	107	929
NC,W	1,191	409	782	265	250	15	926	159	292
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	287	484	478	9	229	96	581
W,'N	909	248	358	211	203	80	395	45	350
WV,S	296	216	751	174	159	15	793	22	736

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

					Prisoner Petitions			Nonprisoner Petitions	
	Total Civil	Pro Se	Non-Pro Se	Total	Pro Se	Non-Pro Se	Total	Pro Se	Non-Pro Se
Circuit and District	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	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	979	22	571
LA,W	2,233	1,168	1,065	1,087	1,042	45	1,146	126	1,020
MS,N	926	270	929	216	211	2	710	29	651
MS,S	2,128	643	1,485	545	535	10	1,583	108	1,475
N,XT	5,234	2,076	3,158	1,611	1,554	22	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
W,XT	3,223	1,177	2,046	957	875	82	2,266	302	1,964
6ТН	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	926
MI,E	5,657	1,370	4,287	965	869	96	4,692	501	4,191
MI,W	1,929	912	1,017	774	869	92	1,155	214	941
N,HO	5,198	770	4,428	523	479	44	4,675	291	4,384
S,HO	2,642	619	2,023	382	324	28	2,260	295	1,965
JN,E	1,405	382	1,023	288	279	6	1,117	103	1,014
M,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	969	18 929	1 774	17 155
Z	9.417	1.858	7.559	1.136	988	148	8.281	870	7.411
C	1.323	694	629	555	544	=	768	150	618
II,S	5,527	535	4,992	445	432	13	5,082	103	4,979
Z	1,576	479	1,097	359	321	38	1,217	158	1,059
N,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
8ТН	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	089	246	241	S	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	909	572	34	2,139	218	1,921
MO,W	2,471	718	1,753	539	519	20	1,932	199	1,733
빙	689	144	545	141	43	86	548	101	447
Q	223	20	153	56	54	2	167	16	151
SD	330	135	195	112	104	∞	218	31	187

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

Circuit and District	Total Civil Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases	Total Cases	Pro Se Cases	Non-Pro Se Cases
9ТН	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	902	863	42	2,349	425	1,924
፹	821	234	287	85	74	11	736	160	929
Q	632	242	390	181	168	13	451	74	377
MT	920	212	358	175	165	10	395	47	348
N	3,103	1,163	1,940	749	629	06	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	266
WA,W	3,296	943	2,353	477	431	46	2,819	512	2,307
GUAM	43	11	32	7	9	-	36	2	31
IMN	27	7	25	ო	-	2	24	-	23
			1	1		ļ			Î
HIOL	10,8/1	3,006	008,7	1,995	1,878) [1	8,876	1,188	7,088
8	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
MN	1,233	317	916	220	203	17	1,013	114	889
OK,N	846	357	489	139	126	13	707	231	476
OK,E	494	147	347	108	66	6	386	48	338
OK,W	1,513	339	1,174	306	262	44	1,207	77	1,130
10	1,422	324	1,098	125	118	7	1,297	206	1,091
WY	400	87	313	22	54	ဇ	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	202
AL,S	777	241	536	186	182	4	591	29	532
FL,N	1,946	606	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	829	6,970
GA,N	5,465	2,196	3,269	1,024	982	58	4,441	1,201	3,240
GA,M	1,349	203	646	564	552	12	785	151	634
GA,S	1.111	682	429	540	514	26	571	168	403

ATTACHMENT 2

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

									U.S. Cases								
								_	Prisoner Petitions	titions							
Circuit and District	Total Civil Cases	Total U.S. Civil Cases	Contract	Real Property	Tort	Civil Rights	Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison	Mandamus and Other	Habeas Corpus Alien Detainee	Forfeitures and Penalties	Labor Suits	Social Security	All
TOTAL	294,336	45,370	4,076	1,283	2,880	1,818	6,178	3,170	6	836	360	394	797	2,326	414	15,208	5,621
DC	2,540	1,247	95	9	39	175	28	83		91	18	37		16	7	17	643
1ST	6,393		20	39	22	52	202	59		=	-	2	52	129	58	703	184
	535		2	7	9	4	17	က				•		13	က	159	9
MA	2,946		21	80	20	23	92	21		7		ဇ	52	46	Ξ	274	120
I	629		9	•	2	က	27	-				•		35	7	140	52
Ē	971	113	4	•	12	9	10	2		4				13	4	47	Ξ
PR	1,312		4	24	14	16	72	7			-	0		22	∞	83	52
2ND	21,974	3,348	340	7	196	131	388	132		43	18	32	78	223	72	1,033	591
СТ	2,169		15	2	20	Ξ	59	17		9			-	29	80	239	28
N,'N	1,606		30	0	21	9	34	-		-			,	37	-	162	52
NY,E	6,356		183	ო	91	22	102	22		15	7	6	4	48	46	201	225
NY,S	9,695	946	59	4	42	46	189	48		17	7	21	18	45	17	207	256
ΝζW	1,797		82	33	19	13	56	9		4	ω		22	28	•	102	24
ΛT	351		-	24	က	•	∞	က			-	7		9	•	122	က
3RD	68,003	3,485	250	116	151	123	352	296		193	F	59	92	133	38	1,016	382
DE	1,236		4	•	က	9	12	•				-		9	4	73	15
S	7,433		188	10	61	20	98	281		75	-	13	-	40	16	192	164
PA,E	53,789		32	7	28	40	135	26		-		80	7	13	10	307	112
PA,M	2,714		4 ;	45	Ξ:	£ :	57	258		115	က၊	വ	95	ر د	က၊	166	32
¥, ×	2,507	5/1 42	된 '	4 υ α	4 4	ন ০	5/ 7	ნ '		Ν '	` '	Ν '		2 4 ռ	י ۵	5/8	8 4
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4TH	17,617		Ξ	15	161	170	952	301		95	45	#	6	257	21	1,449	295
MD	3,790		21	7	46	22	139	•		-	,	26	-	91	2	272	94
NC,E	1,650		28	•	16	4	82	150		23	33	89		47	•	180	58
NC,M	1,004		12	•	ო	6	121	6		4				25	-	6	7
NC,W	1,148		=	ო	4	7	100	-						25	-	104	52
SC	3,540		13	4	22	23	207	19		က	4	-		59	က	320	56
VA,E	3,433	521	12	4	45	36	151	27		6	80	∞ ·	∞	25	ω ·	91	98
VA,W	1,187	394	4	7	Ξ'	9 1	84	21		21		4		თ -	-	226	Ξ'
Z X	611	129	9		က ု	ر د	33	23		7		7		- ;		45	7
W,'S	1,254	278	4		-11	10	35	51		24		N		11	N	117	4

Table C-3. (March 31, 2011—Continued)

									Priv	Private Cases							
							Motor					Prison	Prisoner Petitions				
	Circuit	Total				Marine	-	Other	Other		Habeas		Conditions	Mandamus			
	and	Private		Real		Personal	_	Personal	Tort	Civil	Corpus	Death	and	and	Intellectual	Labor	Η
	District	Civil Cases	Contract	Property	FELA¹	Injury	Injury ²	Injury	Actions	Rights	General	Penalty	Penalty Civil Rights	Other	Property	Snits	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
2		1,293	129	39	•	•	12	332	31	202	34		37	15	47	126	289
	1ST	4,851	839	281	œ	09	09	929	113	894	152	•	258	Ξ	243	434	269
ME		312	62	ო		80	က	33	12	92	10		24		6	18	32
MA		2,264	462	107	2	38	20	158	65	344	86		114	œ	175	301	369
¥		385	29	19			14	38	10	92	23		40	က	19	17	40
☶		828	94	59	7	က	80	203	Ξ	87	Ξ		20		19	30	41
Н		1,032	154	123	-	Ξ	15	191	15	276	10	•	09		21	89	87
	2ND	18,626	2,586	217	7	75	355	1,811	336	4,409	931	-	1,678	43	913	2,397	2,803
CT		1,731	303	24	9	4	21	122	45	451	44		150	-	92	120	348
ΝΫ́N		1,286	85	18	6		15	92	20	321	190		262		43	62	166
NY,E		5,315	480	85	19	32	159	469	81	1,443	277		266	6	141	1,023	831
NY,S		8,749	1,593	84	36	34	123	904	173	1,901	286	-	777	33	265	1,134	1,073
NY,W		1,367	88	4	-	7	58	192	12	256	123		212		30	51	367
5		178	36	വ	•	•	6	29	2	37	Ξ	•	Ξ		10	7	48
	3RD	64,518	2,506	317	66	48	515	48,522	346	3,554	1,029	59	2,416	16	894	1,726	2,501
DE		1,112	107	9		•	10	34	10	154	85	-	163	4	287	30	224
3		6,255	1,013	61	28	28	177	875	157	982	177		649	-	323	896	816
PA,E		53,038	867	52	29	12	213	47,357	125	1,475	361	17	1,026	4	202	361	206
PA,M		1,895	235	109	9	-	88	103	52	412	174	7	280	4	32	119	300
PA,W		1,936	254	50	9	S	21	93	24	474	229	4	289	-	49	239	228
>		282	30	69	•	Ø	9	09	2	22	9		6	0	-	o	56
	4ТН	13,628	1,944	282	8	41	337	1,566	271	2,200	1,179	S	2,357	158	200	1,268	1,518
MD		3,035	431	79		2	109	329	88	431	77		473	119	06	346	458
NC,E		826	139	40	•	2	18	49	18	214	93	-	200	က	42	43	113
ΝĊΜ		716	87	13	•		-	65	7	166	83	2	129	7	48	20	63
NC,W		870	165	56	-		8	48	80	202	28		85	7	28	62	147
SC		2,866	411	59	•	14	91	253	8	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	7	249	7	18	38	09
W,N		482	73	2	-		58	99	7	32	84		69		20	59	49
WV,S		926	118	9		4	24	437	17	86	30		72	-	9	49	66

Table C-3. (March 31, 2011—Continued)

Total U.S. Property Propert	Total US. Total US. Total US. Marcianus Periodical Security Prison Pri	Total LS Field F									U.S. Cases								
Total U.S. Contract Property Propert	Total Line Contract Contrac	Chili Classes Chili Classe									Prisoner Pe	titions							
Charle Contract		Clark Clark Court Clark Court Cour	Total						Motions to	Habeas		Prison		Mandamus	Habeas	Forfeitures			
5,825 922 88 1,195 192 888 584 2 100 29 244 240 29 244 240 29 1,195 192 888 584 2 100 29 244 240 289 982 477 17 6 41 13 4 46 66 7 7 7 148 96 7 1 <th> 1,200 202 289 1,195 192 2895 2894 2 100 29 294 244 240 299 299 244 240 249 2</th> <th> 1,285</th> <th>Civil</th> <th>Total U.S. Civil Cases</th> <th>Contract</th> <th>Real Property</th> <th>Tort Actions</th> <th>Civil Rights</th> <th>Vacate Sentence</th> <th>Corpus General</th> <th>Death Penalty</th> <th></th> <th>Prison Condition</th> <th>and Other</th> <th>Alien Detainee</th> <th>and Penalties</th> <th>Labor Suits</th> <th>Social Security</th> <th>All Other</th>	1,200 202 289 1,195 192 2895 2894 2 100 29 294 244 240 299 299 244 240 249 2	1,285	Civil	Total U.S. Civil Cases	Contract	Real Property	Tort Actions	Civil Rights	Vacate Sentence	Corpus General	Death Penalty		Prison Condition	and Other	Alien Detainee	and Penalties	Labor Suits	Social Security	All Other
1,255 1,159 1,15	1,255 9,22 <t< td=""><td>1,52,52 9,24 9,25 9,25 9,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 <</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>i</td><td></td><td>9</td><td>8</td><td>8</td><td></td><td></td><td>8</td><td>8</td><td></td></t<>	1,52,52 9,24 9,25 9,25 9,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 10,25 10,100 <								i		9	8	8			8	8	
1,255 24 23 1,013 15 57 2 2 2 1 3 4 4 4 4 4 4 4 4 4	1,255 2,4 2,53 1,013 15 15 15 15 15 15 15	1,255 24 25 1,013 15 15 15 15 15 15 15	28,198		922	8	ca 1,1	192	888	284	N	90	53	R	244	240	S.	862	222
73 6 6 7 4 16 6 7 7 18 19	7.3 6 6 4 4 16 6 7 6 7 16 6 7 17 6 4 16 6 7 6 7 17 6 7<	73 6 9 4 16 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 10 9 9 9 10 9 9 9 10 9 10 9 9 10 10 9 10 9 10 10 9 10 9 10 10 9 10 10 9 10 10 10 9 10 10 10 10 10	4,358		24	23	1,013	15	22	7		2	-	က		4	-	49	41
478 17 2 41 13 46 95 10 6 2 82 2 62 249 15 6 27 17 40 32 1	478 17 2 41 13 46 95 10 6 2 82 2 64 249 15 6 27 17 40 12 1	478 17 26 41 13 46 96 . 10 6 2 82 . 2 3 4 2 3 4 3 4 3 4 4 2 2 3 4 3 4 4 3 4 4 3 4 4 3 4 4 3 4 4 3 4 <th< td=""><td>897</td><td></td><td>9</td><td></td><td>က</td><td>4</td><td>16</td><td></td><td></td><td></td><td></td><td></td><td></td><td>-</td><td>-</td><td>18</td><td>54</td></th<>	897		9		က	4	16							-	-	18	54
130 12 22 24 41 41 41 41 41	130 12 22 3 4 12 12 13 14 15 15 15 15 15 15 15	1.50 1.5 2.5 2.5 3.4 1.5	1,964		17	9	41	13	46	92		9	9	2	82		2	143	15
249 15 6 27 17 40 32 - 1 2 2 4 1 2 2 3 4 1 4 3 4 4 3 4 4 3 4 4 4 4 4 4 4 4 4<	249 15 6 27 17 40 32 14 16 17 40 32 14 16 14 2 14 16 14 2 28 3 3 3 4 17 4 3 4 16 14 2 28 3 3 28 3 3 4 17 18 3 4 17 18 3 4 17 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 3 4 18 4	249 15 6 27 14 6 32 4 15 6 27 14 6 32 4 14 15 6 27 14 15 14 15 14 15 14 15 14 14 2 26 3 6 7 6 3 1 14 15 14 2 26 3 6 7 6 3 1 14 15 14 2 26 3 6 7 6 3 1 14 3 14 2 26 3 4 3 4 3 4	996		12	22	ო	4	12	-			•	٠		7		62	12
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Table C-3. (March 31, 2011—Continued)

The contribution of the									Priv	Private Cases							
Private Priv							Motor					Prison	er Petitions				
Character Char	ü	Total				Marine		Other	Other		Habeas		Conditions	Mandamus			
1,100 1,10	<u> </u>	Private		Real	Ē	Personal		Personal	Tort	Civil	Corpus	Death		and	Intellectual	Labor	II €
23,246 4,877 989 24,877 989 28,63 686 2,873 489 2,873 689 2,873 489 2,874 689 175 2,899 175	trict	Civil Cases	Contract	Property	FELA	Injury	Injury	Injury ²	Actions	Rights	General	Penalty		Other	Property	Suits	Other
31,22 51,23 11,23 11,23 11,23 11,24 <th< td=""><td></td><td>23,269</td><td>4,827</td><td>886</td><td>33</td><td>266</td><td>929</td><td>2,531</td><td>482</td><td>2,868</td><td>2,454</td><td>32</td><td>2,851</td><td>62</td><td>1,390</td><td>1,363</td><td>2,183</td></th<>		23,269	4,827	886	33	266	929	2,531	482	2,868	2,454	32	2,851	62	1,390	1,363	2,183
1,480 1,16 1, 6 1, 6 1, 6 1, 6 1, 7 1, 10 1,		3,123	538	107	13	382	158	683	175	251	194	•	194	S	46	82	292
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2,000 2,004 2,04 2,05 2,04 2,05 2,04		836	125	16	က	6	23	130	4	226	8	-	107		2	48	45
3845 5896 270 1 44 64 104 16 64 10 64 <t< td=""><td></td><td>2,018</td><td>367</td><td>40</td><td>80</td><td>10</td><td>93</td><td>535</td><td>37</td><td>282</td><td>124</td><td>-</td><td>342</td><td>2</td><td>6</td><td>79</td><td>88</td></t<>		2,018	367	40	80	10	93	535	37	282	124	-	342	2	6	79	88
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4,124 673 254 8 22 34 120 731 659 9 9 187 381 1,580 102 54 2 6 12 43 491 204 203 9 9 187 381 3,139 386 6 6 2 2 7 11 41 613 28 3 10 2 189 187 381 3 2,076 138 36 6 6 2 7 11 41 613 28 3 1 2 68 3 3 3 3 3 3 3 4 41 613 2 48 49 </td <td></td> <td>1,059</td> <td>168</td> <td>19</td> <td>7</td> <td>7</td> <td>45</td> <td>153</td> <td>23</td> <td>190</td> <td>47</td> <td>-</td> <td>154</td> <td>4</td> <td>41</td> <td>119</td> <td>98</td>		1,059	168	19	7	7	45	153	23	190	47	-	154	4	41	119	98
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2007 283 33 101 2 7 119 41 613 238 3 101 2 85 307 1,026 148 15 1 2 1 12 324 - 2 7 142 85 30 1 234 - 2 7 142 142 1 234 - 2 7 142 142 1 244 - 2 7 142 1 244 - 2 1 4 2 1 2 1 1 2 2 1 2 3 4 2 1 4 1 4		3,139	386	36	9	9	23	932	43	491	284	7	164	10	125	302	329
1,006 138 13 2 1 47 101 12 282 59 1 134 - 29 98 1,280 148 15 1 2 28 168 22 328 10 2 27 142 142 143 144 144 144 144 144 144 144 144 144 144 144 144 144 144 144 145 144 145 144 145 144 145		2,076	263	33	S	5	27	119	41	613	238	က	101	Ø	82	307	237
1,280 148 15 1 2 168 22 322 80 1 24 1 24 1 24 1 24 142 20,007 1,589 644 26 17 199 5,718 267 3.294 975 4 2,169 18 71 4 975 4 2,169 18 71 4 975 4 2,169 18 74 18 975 4 2,169 18 7 94 975 4 2,169 18 7 19 2,718 20 17 1,07 19 2,718 10 2 17 1,07 1 2 1,07		1,026	138	13	7	-	47	101	12	282	29	-	134	,	29	86	109
20,007 1,699 684 26 17 199 5,718 267 3,294 975 4 2,169 18 716 2,213 8,069 1,007 573 8 2 61 407 176 1,602 219 7 71 6 456 16 407 176 1,602 219 7 71 6 456 16 407 176 1,602 219 7 71 6 456 152 7		1,280	148	15	-	•	78	168	52	322	80	-	234		27	142	95
0,007 1,699 644 26 17 490 5,718 267 3.294 975 4 2,169 716 405 716 1,602 219 7 <td></td> <td>1,200</td> <td>135</td> <td>52</td> <td>-</td> <td>2</td> <td>28</td> <td>91</td> <td>23</td> <td>378</td> <td>110</td> <td>7</td> <td>172</td> <td>-</td> <td>42</td> <td>94</td> <td>06</td>		1,200	135	52	-	2	28	91	23	378	110	7	172	-	42	94	06
8,069 1,007 573 8 2 61 407 176 1,602 219 7 7 7 7 7 7 7 7 436 1,529 7 436 17 4,602 17 1,602 2 7 8 7 7 7		20,007	1,699	684	26	17	199	5,718	267	3,294	975	4	2,169	18	716	2,213	2,008
960 60 36 - - 9 38 12 211 71 - 359 1 23 74 5,659 70 27 8 10 21 4,902 17 116 53 - 262 7 31 74 2,135 145 8 10 21 135 23 627 306 2 209 1 41 121 2,136 22 2 6 77 16 204 137 - 137 - 146 120 4 10 4 1 1 4 1		8,069	1,007	573	80	2	61	407	176	1,602	219		791	9	435	1,529	1,253
5,659 70 27 8 10 21 4,902 17 116 53 - 262 7 262 7 31 74 1,333 145 8 6 1 46 116 16 405 150 2 209 1 41 121 1,037 119 8 2 2 6 77 16 204 127 - 46 10 1,037 119 8 2 2 6 77 16 204 127 - 46 108 7 204 107 - 46 108 7 46 108 7 129 46 108 7 120 108 7 120 1 10 1 10 1 10 2 160 2 10 1 1 1 1 1 1 1 1 1 1 1 1 1		096	09	36		٠	6	38	12	211	71		329	-	23	74	99
1,353 145 8 6 1 46 116 16 405 150 2 209 1 41 121 2,199 223 2 627 306 2 236 - 72 236 1,037 119 2 6 77 16 123 - 137 - 46 108 1,037 119 6 7 12 12 2 26 2 2 6 77 16 2 28 1 2 28 1 4 1 1 1 4 1 1 1 4 1 2 1 9 1 1 1 1 2 244 96 1 51 1		5,659	70	27	80	9	21	4,902	17	116	23	•	262	7	31	74	61
2,199 223 20 2 1 51 135 23 627 308 2 236 - 72 236 1,037 119 8 2 6 77 16 204 123 - 137 - 46 108 1,037 119 4,809 326 1,602 697 3 1,596 11 37 71 2,690 133 26 9 1 28 1,458 48 244 96 1 511 1 1 71 20 - 192 - 9 18 71 20 - 192 - 9 18 71 20 - 192 - 9 18 71 20 - 19 18 71 20 - 192 - 19 20 - 19 - 19 - 19 - 19 - 19 -		1,353	145	ω	9	-	46	116	16	405	150	7	209	-	41	121	98
1,037 119 8 2 6 77 16 204 123 - 137 - 46 108 730 75 12 43 7 129 51 - 15 8 71 13,47 1,466 188 19 4,809 326 1,602 697 3 1,596 11 14 75 17 569 13 1 2 1,458 48 244 96 1 511 1 75 9 18 71 20 1 75 9 18 71 20 1 1 75 9 18 71 20 1 1 75 9 18 71 20 1 75 9 18 71 20 1 1 75 18 18 1 1 1 1 1 1 1 1 1 1 1 1 1		2,199	223	20	2	-	21	135	23	627	308	2	236		72	236	263
13,447 1,466 188 19 4,809 326 1,602 697 3 1,596 11 397 927 1 13,447 1,466 188 19 4,809 326 1,602 697 3 1,596 11 397 927 1 2,690 133 26 9 1,458 48 244 96 1 11 14 75 2 9 1 10 75 2 9 1 10 1 1 1 1 1 2 1 1 1 1 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 <t< td=""><td></td><td>1,037</td><td>119</td><td>∞</td><td>2</td><td>7</td><td>9</td><td>77</td><td>16</td><td>204</td><td>123</td><td></td><td>137</td><td></td><td>46</td><td>108</td><td>189</td></t<>		1,037	119	∞	2	7	9	77	16	204	123		137		46	108	189
13,47 1,466 18 19 4,809 326 1,602 697 3 1,596 11 31 1,7 1,458 48 244 96 1 511 1 14 75 1,458 48 244 96 1 511 1 1 4 75 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 2 2 2 3 2 3 2 3 4 3 4 4		730	75	12	•	-	2	43	7	129	51	•	175	ო	89	71	06
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96 13 1 - 23 44 18 71 20 - 192 - 9 18 53 1 1 - 9 64 34 - 15 37 15 37 71 9 2 - 11 22 13 104 43 - 177 2 32 60 356 57 1 16 2,430 80 330 93 - 73 - 166 300 - 166 300 - 166 300 - 166 300 - - 166 300 - - 166 300 - - 166 300 - - 166 300 - - 166 300 - - 160 20 - - 160 - - 160 - - 160 - - - - <td< td=""><td></td><td>2,690</td><td>133</td><td>56</td><td>6</td><td>-</td><td>28</td><td>1,458</td><td>48</td><td>244</td><td>96</td><td>-</td><td>511</td><td>-</td><td>14</td><td>75</td><td>45</td></td<>		2,690	133	56	6	-	28	1,458	48	244	96	-	511	-	14	75	45
53 1 1 - 9 26 9 64 34 - 32 - 15 37 71 9 2 - 11 22 13 104 43 - 177 2 32 60 356 57 1 1 16 2,430 80 330 - 73 - 166 300 - 322 33 - 3 41 539 79 294 166 1 260 3 88 204 5 249 35 - - 35 192 59 294 132 - 239 4 44 159 - 85 11 3 - 14 42 12 141 39 1 56 - 47 40 3 1 - 6 26 3 18 - 3 13 - <td></td> <td>538</td> <td>96</td> <td>13</td> <td>-</td> <td>•</td> <td>23</td> <td>44</td> <td>18</td> <td>71</td> <td>20</td> <td></td> <td>192</td> <td></td> <td>6</td> <td>18</td> <td>33</td>		538	96	13	-	•	23	44	18	71	20		192		6	18	33
71 9 2 - 11 22 13 104 43 - 177 2 32 60 356 57 1 1 16 2,430 80 330 - 73 - 166 300 - 322 33 - 3 41 539 79 294 166 1 260 3 88 204 2 249 35 - - 35 192 59 294 132 - 239 4 44 159 - 85 11 3 - 14 42 12 141 39 1 56 - 22 47 40 3 1 - 6 26 3 23 26 - 18 - 3 13 -		325	53	-	-	•	6	56	6	64	8		32	,	15	37	44
356 57 1 16 2,430 80 330 93 - 73 - 166 300 322 33 - 3 41 539 79 294 166 1 260 3 88 204 249 35 - - 35 192 59 294 132 - 239 4 44 159 85 11 3 - 14 42 12 141 39 1 56 - 22 47 40 3 1 - 6 26 3 23 26 - 18 - 3 13		604	71	6	7	•	Ξ	22	13	104	43		177	2	32	09	28
322 33 - 3 41 539 79 294 166 1 260 3 88 204 249 35 - 35 192 59 294 132 - 239 4 44 159 85 11 3 - 14 42 12 141 39 1 56 - 22 47 40 3 1 - 6 26 3 23 26 - 18 - 3 13		4,394	326	22	-	-	16	2,430	80	330	93		73		166	300	491
249 35 - 35 192 59 294 132 - 239 4 44 159 85 11 3 - 14 42 12 141 39 1 56 - 22 47 40 3 1 - 6 26 3 23 26 - 18 - 3 13		2,302	322	33	٠	ဇ	41	239	79	294	166	-	260	က	88	204	269
85 11 3 - 14 42 12 141 39 1 56 - 22 40 3 1 - 6 26 3 23 26 - 18 - 3		1,612	249	32		•	32	192	26	294	132		239	4	44	159	170
40 3 1 - 6 26 3 23 26 - 18 - 3		543	82	=	က		14	45	12	141	33	-	26		22	47	70
		174	40	ო	-	•	9	26	က	23	26	•	18	,	က	13	12

Table C-3. (March 31, 2011—Continued)

									U.S. Cases								
									Prisoner Petitions	titions							
:							;						Habeas	:			
Circuit	Civil	Total U.S.		Real	Tort	Civil	Motions to Vacate	Rabeas	Death	Civil	Prison	Mandamus	Corpus	Forreitures	Labor	Social	₩
District	Cases	Civil Cases	Contract	Property	Actions	Rights	Sentence	General	Penalty		Condition	Other	Detainee	Penalties	Suits	Security	Other
9ТН	45,856	8,268	951	164	460	345	260	388	7	130	37	22	500	444	83	3,027	1,213
AK	325	111	7	7	19	4	27	7						12	-	21	21
AZ	3,799	891	20	6	56	26	211	100	-	32	34	12	63	38	2	151	20
CA,N	6,361	723	103	4	45	64	48	13		9		-	12	51	10	129	227
CA,E	5,866	782	ω	27	43	14	45	48		31		-	20	22	Ξ	400	79
CA,C	14,810	2,812	702	46	102	69	115	188	-	32	-	,	18	116	34	982	406
CA,S	2,976	454	16	6	61	35	73	ω		-		21	29	45	7	89	88
豆	808	92	9	-	23	9	24	•		7		,		က	-	-	54
□	630	119	7	9	10	9	22							6	7	37	20
MT	553	132	-	13	10	4	45	-						7	-	33	17
N	3,305	261	19	2	16	23	46	ო		4		7	6	44	-	19	92
OR	2,372	715	17	4	30	14	30	7		13	2	10	-	24	10	489	64
WA,E	875	366	9	S	8	16	30	2				,	,	10	7	268	19
WA,W	3,108	794	4	23	36	30	42	16		9		က	22	27	က	429	108
GUAM	36	80	•	•	-	2	7	•				,		က			
IWN	32	2				-			,								4
10TH	10,931	2,382	91	119	105	94	274	163		21	12	4	46	181	17	913	277
8	3,336	531	ო	9	15	37	32	66		13	25	-	2	39	က	134	95
KS	1,601	440	10	22	9	12	72	28		က	24	0	-	28	က	143	22
MN	1,263	323	20	80	31	13	51	Ø			-		32	99	7	79	52
OK,N	853	251	12	20	9	ဇ	25	•		-		-	2	က	-	161	6
OK,E	519	215	7	9	2	-	12	-		-				2	-	169	7
OK,W	1,500	320	12	32	17	18	25	-						10	S)	158	33
5	1,505	236	22	22	=	80	31	-		7			က	ວ	7	28	71
Μ	354	99	2		9	Ø	23	-		-				2		Ξ	12
HTH	31.787	4.858	416	49	218	177	686	494	ю	72	27	48	53	246	32	1.494	564
	4.087	434	30	ო	16	22	23	20		က	က	-	2	16	8	241	22
AL,M	1,100	218	9	က	80	Ξ	36	29				-		10		102	12
AL.S	752	136	7	8	4	ო	32	2						14	٠	99	9
F, N	1,813	325	41	٠	=	12	74	35			4	-	12	24	-	94	33
N	707	1.511	27	2	89	50	272	305	ď	48	œ	17	-	66	75	530	125
FLS.	8.852	1.202	538 538	: -	20	27	342	83		<u> </u>	, '	- 61		39	. ∞	151	224
GA.N	5.267	695	80	. 4	46	4	102	17	-	13	2	თ	7	84	8	180	107
M AG	1 202	167	יני	-	٧	7	27	-				, ,	7	96	-	80	ď
GA,S	1,007	170	6	-	ာ	. 4	51	. 61		-			. •	: -	. ო	20	29

Table C-3. (March 31, 2011—Continued)

						Motor					Prison	Prisoner Petitions				
Circuit	Total				Marine	Vehicle	Other	Other		Habeas		Conditions	Mandamus			
and District	Private Civil Cases	Contract	Real Property	FELA1	Personal Injury	Personal Injury	Personal Injury ²	Tort Actions	Civil Rights	Corpus General	Death Penalty	and Civil Rights	and Other	Intellectual Property	Labor Suits	All
	-													-		
9ТН	37,588	4,403	3,156	20	141	312	1,895	1,183	5,755	4,777	91	4,774	96	2,761	2,660	5,534
٩K	214	28	2		က	4	56	2	38	13	•	16		7	18	21
AZ	2,908	414	195	13		31	319	83	477	220	က	499	7	139	125	383
OA,N	5,638	553	394	-	6	80	332	163	771	736	7	616	6	511	265	941
CA,E	5,084	260	259	7	က	15	114	98	1,133	1,183	9	1,370	9	28	100	489
CA,C	11,998	1,289	1,354	2	13	136	468	426	1,408	1,585	6	758	ო	1,279	1,026	2,242
S,AC	2,522	276	206	-	17	80	11	82	256	343	•	336	6	190	113	571
豆	713	103	105		21	က	36	66	176	17	•	48		21	42	42
Ω	511	94	33	-		က	34	12	78	71	•	88		17	27	23
MT	421	103	80	7		9	49	9	64	25	•	54	-	6	24	33
N	3,044	499	353		-	28	145	105	458	253	69	451	2	311	116	220
JR	1,657	269	112	-	80	52	100	4	372	141	•	177	20	89	127	169
WA,E	209	52	10	13	-	က	56	15	139	33	•	118	0	80	16	29
WA,W	2,314	425	121	13	92	14	129	25	362	124	2	240	4	143	330	290
GUAM	28	4	-	-			4		12	•		က			•	က
IΜ7	27	4		•	•	-	2	-	=	•	•	•			4	4
10TH	8.549	1.432	372	25	8	228	685	156	1.974	656	9	917	7	405	399	1,285
00	2,805	377	43	∞		24	176	62	565	210		409	-	182	86	650
KS	1,161	169	23	7	٠	92	101	7	314	99	٠	110	-	56	103	167
ΣN	940	144	4			34	81	12	378	65		88	•	7	35	84
OK,N	602	145	က	2	-	Ξ	29	9	174	70	-	29	0	16	40	35
JK,E	304	39	9	7		14	21	9	75	42	-	69	-	-	6	13
OK,W	1,180	254	17			53	126	16	275	164	4	126	-	20	20	86
-	1,269	243	255			20	75	34	152	21	•	71	-	144	28	195
WY	288	61	=	9	-	31	38	9	41	18	•	4		6	6	43
11TH	26,929	3,797	1,035	œ	407	341	3,567	527	4,505	2,088	45	3,210	129	837	3,181	3,252
AL,N	3,653	260	21	-		4	1,689	53	672	204	7	339	-	23	206	160
AL,M	882	120	10			19	49	Ξ	222	26	-	246	10	4	41	93
AL,S	616	160	31		œ	13	42	21	110	4	2	88		7	26	63
FL,N	1,488	133	44		4	56	65	21	399	229	2	353	-	24	110	77
FL,M	6,196	1,018	72	-	24	8	308	82	1,052	685	2	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	5	7	9/	300	168	791	272	4	574	54	176	250	618
GA,M	1,035	102	43	က		56	29	4	181	146	4	338	13	41	40	25

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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