



Richard Sheppard Arnold United States Courthouse, Little Rock, Arkansas

2022 Year-End Report on the Federal Judiciary

For the handful of Paratroopers and Guardsmen on duty at Little Rock Central High School to welcome the New Year of 1958 on a quiet, crisp Arkansas night, it must have been hard to believe how hot the nearby streets had been just a few months earlier.

On September 23, 1957, nine African-American children—later known as the Little Rock Nine—had bravely entered the building to go to the formerly all-white school.

This followed the Supreme Court’s 1954 decision in *Brown v. Board of Education* holding that school segregation by race was unconstitutional. The next year, in 1955, the Supreme Court directed that this vindication of the Constitution proceed “with all deliberate speed.” Not everyone was convinced. The states, the courts, and the people had more work to do.

The Little Rock School Board was finally preparing for integration in fall 1957 when Governor Orval Faubus ordered the Arkansas National Guard to prevent it. Wiley Branton, the local lawyer for the nine students and later dean of Howard University School of Law, called Thurgood Marshall to request his help with a federal lawsuit to order school integration consistent with *Brown*. Branton later recalled, “Governor Faubus had the full might of the State of Arkansas and its resources behind him in his effort to keep nine Black children from entering Central High School, but I felt as though our side was almost an equal match when Thurgood came down and joined the battle.” Marshall, of course, was the pioneering attorney who had argued *Brown v. Board* before the Supreme Court, and went on to serve as a Supreme Court Justice from 1967 to 1991.

It fell to U.S. District Judge Ronald N. Davies to hear the case. That Judge Davies found himself in Little Rock at all, much less at a pivotal moment in history, was surprising. Born in Crookston, Minnesota, Davies attended high school in Grand Forks, North Dakota—where the federal courthouse today bears his name—and then starred as a sprinter at the University of North Dakota before attending law school at Georgetown University in Washington, D.C. He worked his way through law school, including a stint on the graveyard shift for the U.S. Capitol Police, and then returned home to start a law practice. President Dwight D. Eisenhower appointed him to the District Court in 1955, and Davies was just two years into his federal judicial career when Chief Judge Archibald Gardner of the Eighth Circuit tapped him for a special assignment briefly noted on an inside page of the August 22, 1957 edition of the *Fargo Forum*: “U.S. District Judge Ronald N. Davies of Fargo will leave Saturday for Little Rock, Ark. to preside at a



Thurgood Marshall, attorney for the NAACP, arrives at the U.S. District Court in Little Rock, Arkansas, on September 20, 1957.

term of the Eastern District of the U.S. Court of Arkansas. He will replace the presiding judge, who is ill.”

Judge Davies had no idea what cases he would draw upon his arrival. But when it came time to rule in the school desegregation litigation, Davies did not flinch. As he recalled years later, his decision did not involve any difficult legal interpretation: “It was purely a question of whether the Governor of the State of Arkansas could get away with the doctrine of interposition, placing himself between the Federal Government and the people of Arkansas. The law was very clear that the schools had to be integrated.” In deciding the case, Judge Davies said: “I have a constitutional duty and obligation from which I shall not shrink. In an organized society, there can be nothing but ultimate confusion and chaos if court decrees are flaunted.”

And that brings us to September 23, when the Little Rock Nine attempted to enter the school. An angry crowd encouraged by the Governor sought to block their path. In response, President Eisenhower issued a national proclamation ordering “all persons” to cease the obstruction of justice. He also federalized the 10,000 strong Arkansas National Guard, and deployed 1,200 paratroopers from the 101st Airborne Division—the “Screaming Eagles” out of Fort Campbell, Kentucky—to enforce the Court’s order and protect the children’s right to go to school. The troops stayed until Ernest Green became the first African-American graduate of Little Rock Central High School in May 1958.

Some years later, the little Auxiliary Courtroom where Judge Davies had presided was decommissioned as part of a courthouse renovation. This past year, the U.S. District



A member of the Arkansas National Guard stands at his post on the sidewalk in front of Little Rock Central High School on the night of September 25, 1957.

Court for the Eastern District of Arkansas worked with the General Services Administration—which manages government real estate nationwide—to recover the judge’s bench and other original courtroom furnishings. The District Court and GSA are, together, refurbishing an era-faithful courtroom in the working part of what is today the Richard Sheppard Arnold U.S. Courthouse so that these important artifacts will be used to hold court once again, and also for programs about the events of 1957 and the rule of law in our country. This coming May, students in the National High School Mock Trial Championship will pass through the same doors Thurgood Marshall used in 1957 on their way into the courtroom. In a few years, the original judge’s bench will be installed there, too.

But first, GSA and the District Court have loaned the bench to the Supreme Court for a special exhibit that will open this fall and run for the next several years. The authentic bench will give visitors an opportunity to transport themselves in place and time to the events in Little Rock of 65 years ago. The exhibit will introduce visitors to how the system of federal

courts works, to the history of racial segregation and desegregation in our country, and to Thurgood Marshall’s towering contributions as an advocate before he became a Justice. Come and visit the Court and—starting this fall—have a close-up look at the historic bench Judge Davies used.

Judge Davies missed his own son’s wedding to see through his charge to follow the law. We have roughly 2,000 federal judicial officers—Circuit Judges, District Judges, Magistrate Judges, Bankruptcy Judges, and more—who quietly, diligently, and faithfully discharge their duties every day of the year. Each of them makes sacrifices for a career in public service.

Judicial opinions speak for themselves, and there is no obligation in our free country to agree with them. Indeed, we judges frequently dissent—sometimes strongly—from our colleagues’ opinions, and we explain why in public writings about the cases before us. But Judge Davies was physically threatened for following the law. His wife feared for his safety. The judge was uncowed, and happily so were others who stuck up for the rule of law—not just with regards to the judge, but to even greater threats against the schoolchildren, their families, and leaders like the NAACP’s Daisy Bates. Following a bomb threat on the Sam Peck Hotel where Judge Davies was staying across the street from the courthouse, the judge offered to the proprietor to move elsewhere. Mr. Peck said, “no Judge, you stay right here.”

I want to thank the Members of Congress who are attending to judicial security needs—these programs and the funding of them are essential to run a system of courts. Judge Esther Salas, a U.S. District Judge in New Jersey, has been a brave, able, and admirable advocate for

this cause since her son Daniel Anderl was murdered in 2020 when he answered the door to her home in what was meant to be an attack on her. Just this month, Congress enacted the Daniel Anderl Judicial Security and Privacy Act to help protect judges and their families.

The law requires every judge to swear an oath to perform his or her work without fear or favor, but we must support judges by ensuring their safety. A judicial system cannot and should not live in fear. The events of Little Rock teach about the importance of rule by law instead of by mob.

I thank the U.S. Marshals, Court Security Officers, Federal Protective Service Officers, Supreme Court Police Officers, and their partners who are on duty as we ring in the year,

working to ensure that judges can sit in courtrooms to serve the public throughout the coming year and beyond. They will make it possible for every American to visit a courthouse, because the buildings and what they represent belong to the public.

Once again this year, I am privileged and honored to thank all of the judges, court staff, and other judicial branch personnel throughout the Nation for their outstanding service.

Best wishes to all in the New Year.

John G. Roberts, Jr.
Chief Justice of the United States
December 31, 2022

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Appendix

Workload of the Courts

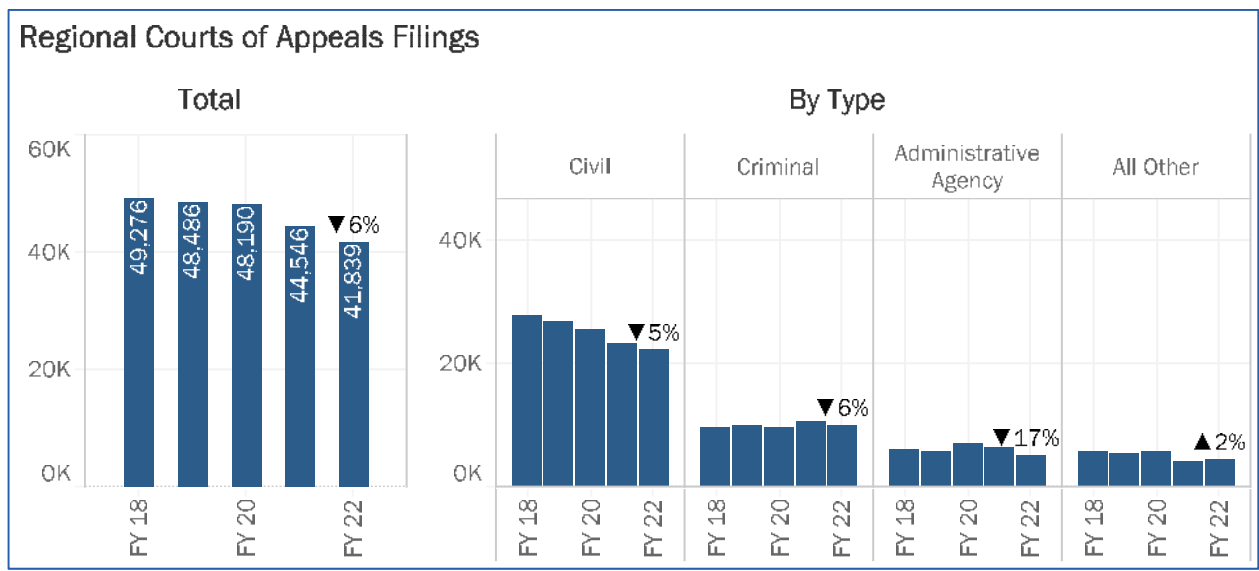
In the 12-month period ending September 30, 2022, the number of cases filed in the Supreme Court fell by eight percent compared to the prior year, with similar new case declines in the U.S. courts of appeals, U.S. district courts, and U.S. bankruptcy courts. Pretrial supervision cases were modestly lower and post-conviction supervision case numbers were nearly even.

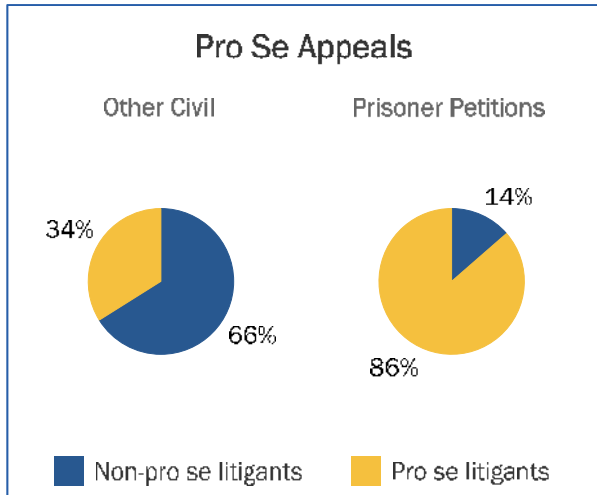
The Supreme Court of the United States

The total number of cases filed in the Supreme Court decreased eight percent from 5,307 filings in the 2020 Term to 4,900 filings in the 2021 Term. The number of cases filed in the Court’s *in forma pauperis* docket decreased five percent from 3,477 filings in the 2020 Term to 3,288 filings in the 2021 Term. The number of cases filed in the Court’s paid docket decreased 12 percent from 1,830 filings in the 2020 Term to 1,612 filings in the 2021 Term. During the 2021 Term, 70 cases were argued and 63 were disposed of in 58 signed opinions, compared to 72 cases argued and 69 disposed of in 55 signed opinions in the 2020 Term. The Court also issued seven per curiam decisions in argued cases during the 2021 Term.

The Federal Courts of Appeals

In the regional courts of appeals, filings fell six percent from 44,546 to 41,839 in FY 2022. This represents a 14 percent drop from FY 2019, the last full year prior to the COVID-19 pandemic. Total civil appeals were down five percent from the prior year to 22,181. Criminal appeals were down five percent from the prior year to 10,111. Administrative Agency appeals were down 17 percent from the prior year to 5,527. All Other appeals were up 2 percent from the prior year to 5,611.





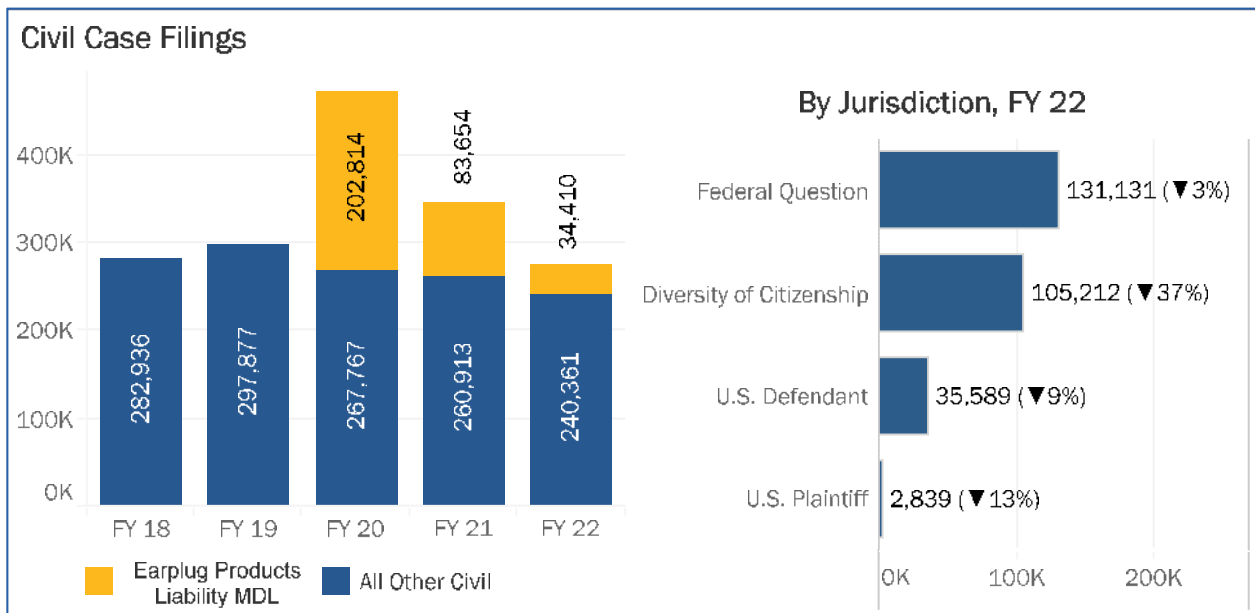
were down six percent from the prior year to 9,973. Appeals of administrative agency decisions fell 17 percent to 5,282. And all other appeals (bankruptcy appeals, original proceedings, and miscellaneous applications) increased two percent to 4,403.

Appeals by pro se litigants, which amounted to 46 percent of filings, decreased 10 percent to 19,294. Prisoner petitions accounted for 22 percent of appeals filings (a total of 9,401), and 86 percent of prisoner petitions were filed pro se, compared with 34 percent of other civil filings.

The Federal District Courts

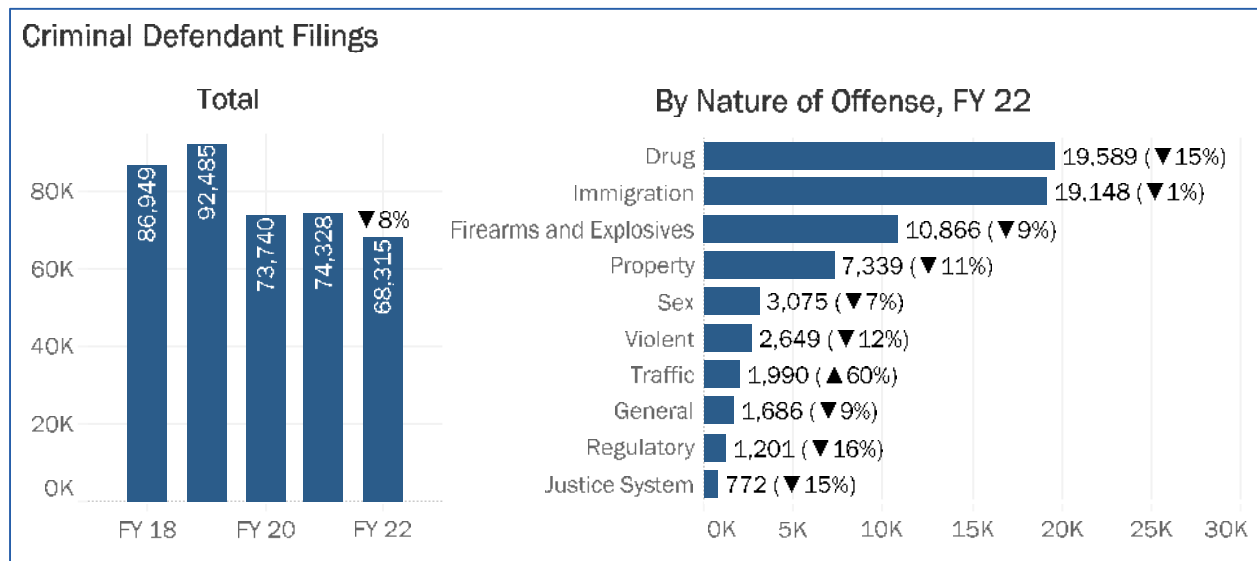
The federal district courts docketed 274,771 civil cases in FY 2022, 20 percent fewer than the prior year. Once again, an unusually large number of filings were associated with an earplug products liability multidistrict litigation (MDL) centralized in the Northern District of Florida, which consolidated more than 83,654 filings in 2021 and 34,410 filings in FY 2022. Excluding those MDL filings, total civil case filings fell eight percent to 240,361. This represents a 19 percent drop from FY 2019.

Cases involving diversity of citizenship (*i.e.*, disputes between citizens of different states) dropped 37 percent to 105,212, and personal injury cases dropped 48 percent to 70,933, mainly because of the MDL cases included in these categories. Federal question cases (*i.e.*, actions under



the Constitution, laws, or treaties of the United States in which the United States is not a party) decreased three percent to 131,131. Cases with the United States as defendant fell nine percent to 35,589, as a large reduction occurred in Social Security filings (down 31 percent to 13,370). Prisoner petition filings declined for the second year in a row, dropping ten percent to 7,811. Cases with the United States as plaintiff decreased 13 percent to 2,839.

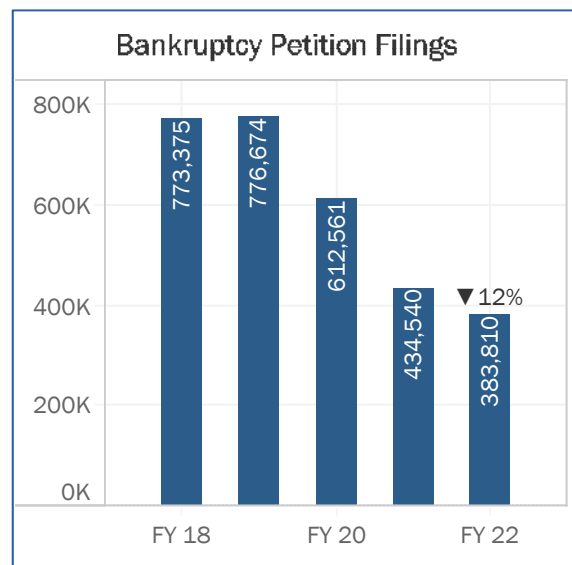
The federal district courts docketed 68,315 criminal defendant filings in FY 2022, eight percent fewer than the prior year. This represents a 26 percent drop from FY 2019. The largest categories of criminal defendant filings involved drug offenses, which decreased 15 percent to 19,589, and immigration offenses, which decreased one percent to 19,148.

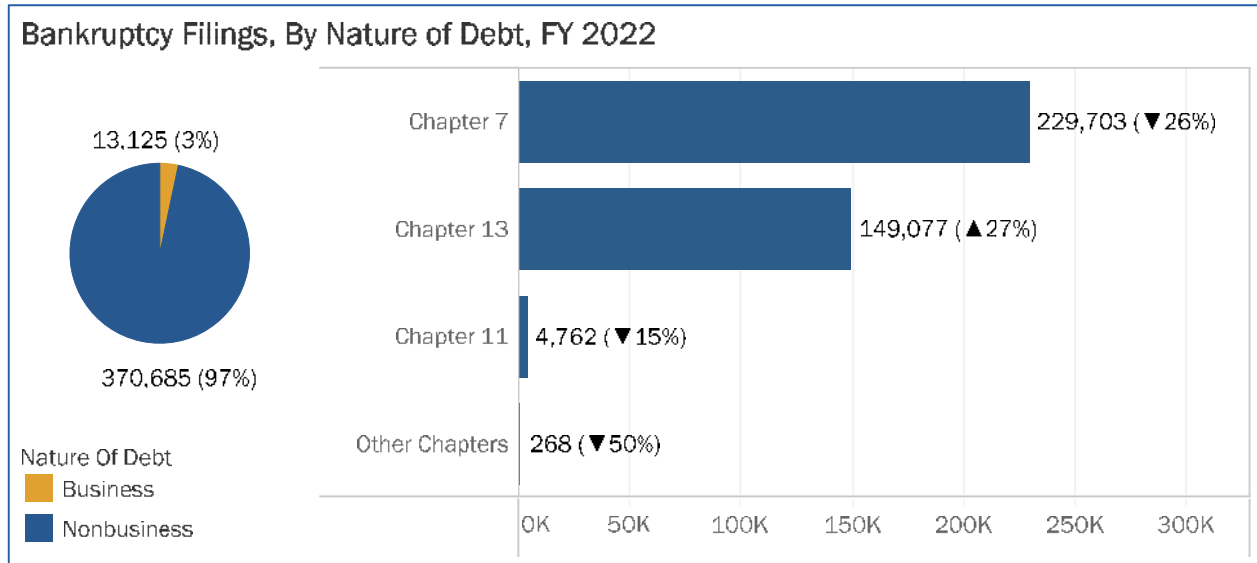


The Bankruptcy Courts

Bankruptcy courts docketed 383,810 new filings in FY 2022, representing a 12 percent reduction from the prior year and a 51 percent reduction from FY 2019. Of the 90 bankruptcy courts, 79 received fewer petitions this year.

Consumer (*i.e.*, non-business) petitions, which amounted to approximately 97 percent of bankruptcy petitions, decreased 11 percent to 370,685. Business petitions declined 19 percent to 13,125. Petitions filed under Chapter 7

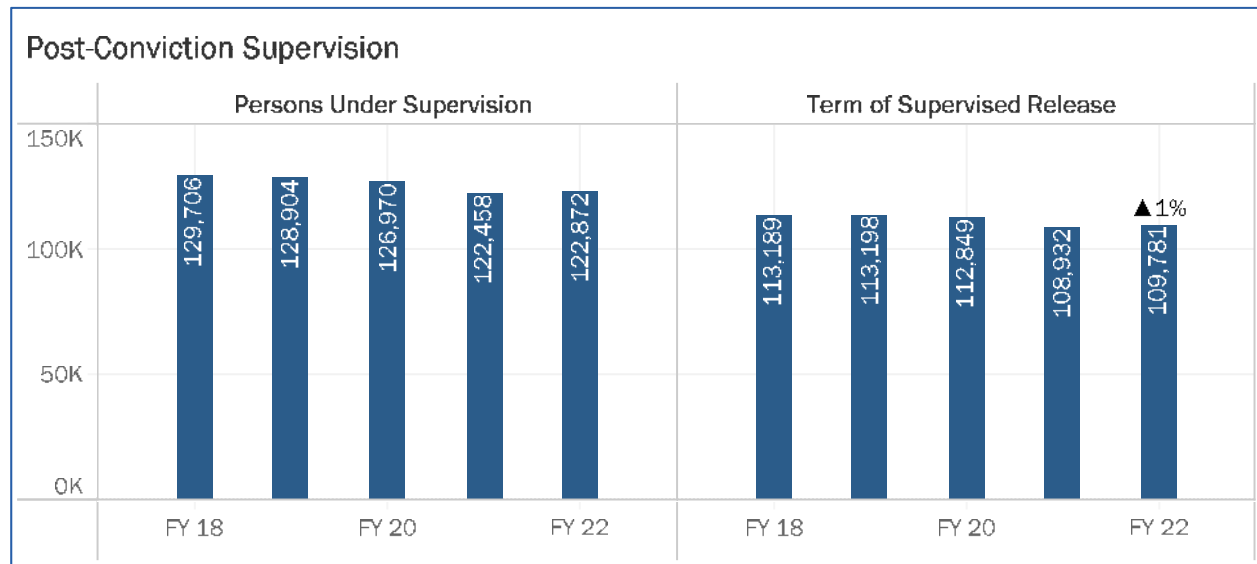




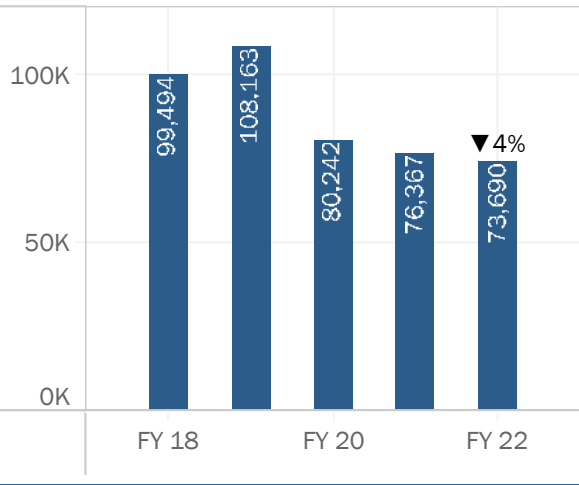
fell 26 percent, those filed under Chapter 11 went down 15 percent, and those under Chapter 13 rose 27 percent.

Pretrial Services, Federal Probation, and Supervised Release System

A total of 122,872 persons were under post-conviction supervision on September 30, 2022, an increase of less than one percent from the prior year and a five percent decrease compared to



Total Pretrial Services Cases Activated



FY 2019. Of that number, 109,781 were serving terms of supervised release after leaving correctional institutions, an increase of one percent. Cases activated in the pretrial services system, including pretrial diversions, fell four percent to 73,690. Pretrial case activations were 32 percent lower than in FY 2019.