

## FOREWORD

*Chief Judge Carl E. Stewart*

It is an honor and privilege to be selected to author this year's foreword to the *Texas Tech Law Review's* annual Fifth Circuit Survey. I would first like to thank the faculty, students, and all others responsible for the Survey. Staying abreast of changes in the law in our circuit is no small task, but it is indeed an important one. I commend the *Texas Tech Law Review* for helping students, practitioners, and judges alike achieve this goal. I am grateful to Dean Darby Dickerson for graciously inviting me to the Texas Tech University School of Law in February 2015. I look forward to several opportunities for me to greet students and other members of the law school community!

In 2014, the caseloads for United States district courts remained steady, but overall filings in the courts of appeal fell by three percent.<sup>1</sup> Filings by pro se litigants, which account for fifty-one percent of federal courts of appeals' caseloads, also fell by three percent. Criminal appeals, bankruptcy appeals, and appeals from administrative agency decisions all fell by at least eight percent, while civil appeals increased by one percent in total.

Despite this decrease in 2014, we remain assiduous and active. In total, 7,765 appeals were filed in the Fifth Circuit in 2014, second only to the Ninth Circuit. A total of 7,622 appeals were terminated in the Fifth Circuit from June 2013 to June 2014, on the merits or otherwise. We issued 234 written decisions per active judge in that same time, second only to the Eleventh Circuit and eclipsing our highest prior total of 229.

Handling this workload amidst budget constraints has indeed been a challenge, but our circuit's success is made possible by the tireless work of my colleagues on the court, their dedicated support staff, our staff attorneys, and our clerk's office. Our support staff, staff attorneys, and the clerk's office not only draw on years of experience, but also continue to find innovative ways to face the challenges that routinely arise in the Fifth Circuit. We are fortunate to employ a group of individuals who are enthusiastic about the judicial process and public service.

We currently have fifteen active judges, seven senior judges that still serve our court, and two vacant seats. In June 2014, we welcomed Judge Gregg J. Costa to our court, a former United States District Judge for the Southern District of Texas and federal prosecutor. The court is already benefitting greatly from his experience and scholarship.

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1. JOHN G. ROBERTS, JR., 2014 YEAR-END REPORT ON THE FEDERAL JUDICIARY 1 (DEC. 31, 2014).

This year, the John Minor Wisdom United States Court of Appeals Building enjoys its 100th anniversary. Our building, located in New Orleans across from Lafayette Square, has a storied past. When it opened in 1915, the building originally housed not only the Fifth Circuit Court of Appeals, but also the United States District Court, the United States Post Office, and Executive Branch agencies. In the 1960s, each of these groups found alternative locations, leaving the building unoccupied from 1963 to 1965. In 1965, the building served as a refuge for McDonough 35 High School, which was destroyed by Hurricane Betsy. The building was extensively restored in the early 1970s, and the Fifth Circuit Court of Appeals returned as its only tenant. The courthouse was added to the National Register of Historic Places in 1974.

Though the building and its history are important, its namesake, Judge John Minor Wisdom, remains infinitely more so. Judge Wisdom served our court for nearly forty-two years until his death at the age of ninety-three. His commitment to the court and the rule of law is an example for all current and future judges. I am honored to work in a building named after such an inspiring individual.

Once again, I commend the *Texas Tech Law Review* for its publication of the Survey and am grateful for the opportunity to provide its Foreword to the 2014 edition.

Chief Judge Carl E. Stewart  
U.S. Court of Appeals for the Fifth Circuit