

**Chief District Judges' Management of Court Caseloads:
A Survey by the Federal Judicial Center, April 1996**

**Summary Prepared for the Court Administration and Case Management
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In April 1996, the Center posed a number of questions to chief judges asking about their role in managing their district's caseload. The judges' responses are shown below.

The questions were posed to the judges, via an overhead projector, at the Center's annual workshop for chief judges. The judges responded through an electronic handset, and their responses were recorded instantaneously, providing the basis for subsequent small group discussions. You should keep in mind, therefore, that the responses are to some extent "off the top of the head"—i.e., the judges did not have an opportunity to check records that might have verified some of their responses.

The summary below shows, for each question, all the options offered to the chief judges, the percentage who selected each option, and the total number of judges who responded to the question.

Sources of Difficulty in Managing the District's Caseload

Nearly half the chief judges said they have no problems managing their district's caseload. For those who did, the greatest number said high criminal filings are the source of their difficulties. A notable minority said inadequate authority is the source of their difficulties.

1. Which of the following causes the greatest difficulty for you in managing your district's caseload?
 - 5.0 Multiple court locations
 - 8.0 Wide variations in the speediness of the judges
 - 13.0** Inadequate authority for the chief judge to manage the court's caseload
 - 6.0 High number of unusually demanding civil cases
 - 18.0** High criminal filings
 - 2.0 Inadequate caseload information for making management decisions
 - 47.0** I don't really have any problems managing the court's caseload.

N=83

Dealing with the Chronically Slow Judge

A series of questions asked the chief judges whether certain actions should be taken or had been taken to assist a "chronically slow judge." (This phrase was used to distinguish the chronic problem from a temporary one caused by, for example, an unusually large case.)

Most chief judges said they are not formally authorized to reassign cases from a chronically slow judge, but over half would be reluctant in any case to use such authority (Q2).¹ Such action had been taken in a quarter of the districts; in nearly a third, slow judges are a problem but no action has been taken. (Q4). Three-quarters of the judges agreed that reassigning cases is seldom a good idea (Q5). Among the quarter of the chief judges who had sought circuit help with a chronically slow judge, most had found the circuit helpful (Q7).

2. Are you authorized by local rule or order to reassign cases from a judge who is chronically slow to judges who move their cases more quickly?

0.0 I am formally authorized and willing to use my authority.

7.0 I am formally authorized but reluctant to use that authority.

39.0 I am not formally authorized but am willing to do so.

54.0 I am not formally authorized and would in any case be reluctant to do so.

N=83

3. Do you review the judges' caseload statistics to see whether some are chronically slow compared to other judges on the court?

88.0 Yes

12.0 No

N=86

4. Have you, or one of your predecessors to your knowledge, ever reassigned cases from a chronically slow judge to other judges?

12.0 Yes, I had to take such action.

13.0 Not I, but one of my predecessors had to take such action.

38.0 Slow judges have not been a problem in my court.

31.0 Slow judges are (or have been) a problem in my court, but such action has not been (was not) taken.

6.0 Not sure

N=84

¹ All percents have been rounded and may not add to 100%.

5. Reassigning cases from a chronically slow judge to speedier judges is seldom a good idea.
- 31.0** Strongly agree
 - 43.0** Agree
 - 20.0 Disagree
 - 2.0 Strongly disagree
 - 5.0 No opinion
- N=87

6. Reassigning cases from a chronically slow judge to speedier judges can be a contentious matter. What has your experience been?
- 8.0 Not at all contentious
 - 9.0 Somewhat contentious
 - 11.0 Very contentious
 - 72.0** No experience in this area
- N=86

7. When I have sought circuit help—e.g., from the circuit counsel or chief judge—in dealing with judges who are chronically slow, I have found them
- 15.0 Always or almost always helpful.
 - 7.0 Sometimes helpful.
 - 2.0 Never or almost never helpful.
 - 75.0** No experience/No opinion
- N=85

Other Policies and Practices For Ensuring That Cases Move Expeditiously

Over half the chief judges said they have too little authority to ensure that cases move expeditiously in their districts (Q8). Most of the courts do not provide parties a procedure for requesting assistance in moving a delayed case or motion, though over half do have either formal or informal standards for the time in which dispositive motions should be decided (Qs 9, 10). In half the districts, the chief judge has not transferred delayed motions to another judge though there have been delays that would warrant such a step (Q11).

Case assignment policies may affect whether a judge becomes backlogged. Three-quarters of the chief judges did not believe new judges should receive a reduced caseload (Q12), though two-thirds agreed that selection of cases for the new judge should not be left to the discretion of each individual sitting judge (Q13); most court policies do not, in fact, permit such discretion (Q14). Opinion was split on whether assignments should be reduced for a judge who receives an unusually demanding case (Q15); most courts have no formal policy on the matter, but in a quarter such reductions do occur in practice (Q16). Nearly three-quarters of the courts do not take into account the number of defendants when assigning criminal cases (Q17).

8. Do you have adequate formal, written authority to take reasonable steps to ensure that cases move expeditiously in your district?

57.0 I have too little authority

28.0 I have sufficient authority.

3.0 I have more authority than is needed.

12.0 It is not the role of the chief judge to manage the caseload.

N=81

9. Does your court provide a procedure whereby parties can seek assistance in moving a delayed case or motion to decision, when approaching the judge who has to make the decision has not helped?

17.0 Yes

81.0 No

2.0 Not sure

N=87

10. Does your court have standards, either formal or informal, for the time within which dispositive motions should be decided?

59.0 Yes

41.0 No

N=85

11. Have you, or to your knowledge your predecessors, ever transferred undecided motions from one judge to another because of delays in rulings on motions?
- 25.0 No, there have not been delays that would warrant such a step.
- 52.0** No, though there have been delays that warrant such a step, we have not done so.
- 20.0 Yes, we have taken such a step.
- 4.0 Not sure
- N=85
12. New judges should be given a reduced caseload when they come on the bench.
- 24.0 Yes
- 76.0** No
- N=82
13. The selection of specific cases for reassignment to a new judge should be left to each individual judge already sitting in the district.
- 10.0 Strongly agree
- 21.0 Agree
- 21.0** Disagree
- 46.0** Strongly disagree
- 1.0 No opinion
- N=84
14. When a new judge joins your bench, and after the court has determined how many cases that judge should receive, how are specific cases reassigned from the sitting judges to the new judge?
- 14.0 The sitting judges have complete discretion to select cases from their dockets.
- 32.0** The sitting judges select from their dockets but within constraints set by the court.
- 54.0** Someone other than individual judges selects the cases.
- N=78

15. When a judge receives a case that is expected to be unusually demanding, the court should reduce the number of new cases assigned to that judge.

7.0 Strongly agree

35.0 Agree

38.0 Disagree

15.0 Strongly disagree

5.0 No opinion

N=86

16. Does your court have a written policy or a practice of reducing new case assignments to a judge who has drawn a case expected to be unusually demanding?

7.0 Yes, the court has a written policy authorizing such reductions.

25.0 No, the court has no written policy but in practice such reductions do occur.

68.0 No, the court has no written policy and such reductions do not occur in practice either.

N=85

17. In assigning criminal cases, does your court take into account the number of defendants?

29.0 Yes

71.0 No

N=86

Making Case Assignments to Specific Judges Rather than by Random Assignment

Two-thirds or more of the chief judges did not think the following nonrandom adjustments in case assignments are appropriate: to assign a new case with unusually challenging subject matter to a judge with expertise in that subject matter (Q18); to assign a highly visible and controversial case to the judge best able to handle it (Q19); or to assign a case needing expedited treatment to a judge who can handle it quickly (Q20). Nearly a third of the judges, however, reported that they or their predecessors had intervened to assign a new case to a specific judge (Q21). Few had intervened to *prevent* assignment of a new case to a specific judge (Q22).

Half the chief judges said the principle of random assignment should always be observed in assigning civil cases (Q23), but the other half said that in rare instances it would be appropriate not to follow that principle. The primary reason not to abandon random assignment, according to nearly half the judges, is to prevent judge shopping (Q24). The judges were closely split in their views on whether case assignment policies should be part of the local rules and thus subject to public comment (Q25).

18. It is appropriate to assign a new case with unusually challenging subject matter to a judge who has special expertise in that subject matter.

5.0 Strongly agree

21.0 Agree

37.0 Disagree

35.0 Strongly disagree

2.0 No opinion

N=86

19. It is appropriate to assign a highly visible and controversial case to the judge best able to handle that case.

5.0 Strongly agree

12.0 Agree

38.0 Disagree

43.0 Strongly disagree

2.0 No opinion

N=86

20. It is appropriate to assign a new case needing expedited treatment to a judge able to handle it quickly.

6.0 Strongly agree

24.0 Agree

35.0 Disagree

34.0 Strongly disagree

1.0 No opinion

N=85

21. Other than in related cases, have you, or your predecessors to your knowledge, ever intervened to assign a newly filed case to a specific judge rather than assigning the case randomly?

62.0 No

32.0 Yes

6.0 Not sure

N=84

22. Other than in related cases, have you, or your predecessors to your knowledge, ever prevented assignment of a particular newly filed case to a specific judge?

88.0 No

11.0 Yes

1.0 Not sure

N=82

23. Other than in related cases, how important is the principle of random assignment in assigning civil cases to judges?

52.0 Civil cases should never be assigned by any other principle.

49.0 There are instances when the principle should not be followed, but they are rare.

0.0 There are frequent instances when the principle should not be followed.

0.0 The principle should be abandoned.

N=87

24. For those who would not abandon the principle of random assignment, which of the following is the most important reason for keeping it?

15.0 It prevents judges from selecting cases they want to decide for some particular reason.

7.0 It prevents the court or chief judge from trying to influence the outcome of a case.

48.0 It prevents parties from judge shopping.

16.0 It evens out the burden of the caseload.

14.0 Others

N=87

25. Policies or practices the court adopts for making case assignments should be part of the local rules and subject to public comment.

21.0 Strongly agree

26.0 Agree

30.0 Disagree

21.0 Strongly disagree

1.0 No opinion

N=84

Use of Internal Reports on the Condition of the Caseload

Nearly all of the courts regularly prepare reports on the judges' caseloads, most of them on a monthly basis (Qs 26, 27). In most courts, each judge receives the full reports, with each judge identified by name (Q28). Nearly all of the chief judges find these reports helpful for identifying where the caseload may be bogging down, with half finding them very helpful (Q29). In most districts, the caseload is discussed at judges' meetings, but in nearly half the districts only when prompted by a crisis or special circumstances (Q30). Nearly three-quarters of the judges think there is too much emphasis on comparing courts on the basis of their caseload statistics (Q31).

26. Does your court prepare regular reports on the judges' caseloads, such as the number of cases filed, terminated, and pending per judge?

98.0 Yes

2.0 No

N=84

27. How often are these reports prepared?

2.0 Weekly

94.0 Monthly

2.0 Quarterly

0.0 On some other cycle

1.0 Reports are not routinely prepared.

N=84

28. Who receives these reports?

88.0 Each judge receives the full report, with each judge identified by name.

2.0 Each judge receives the full report, but other judges are not identified by name.

6.0 Each judge receives only his or her own report.

0.0 Reports are not sent automatically, but only at the request of the judge.

4.0 Other

N=83

29. How helpful do you find these reports for identifying where the caseload may be bogging down?

52.0 Very helpful

40.0 Somewhat helpful

8.0 Not at all helpful

N=83

30. Do your judges discuss the condition of the district's caseload at court meetings?

41.0 Yes, on a regular basis

49.0 Yes, but only if prompted by special circumstances—e.g., a crisis or an outside request for information.

11.0 Never

N=84

31. There is too much emphasis on comparing courts on the basis of their statistics.

28.0 Strongly agree

45.0 Agree

23.0 Disagree

4.0 Strongly disagree

1.0 No opinion

N=87