

THE 1987 DISTRICT COURT CASE TIME STUDY

A Brief Description

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In November 1987, the Federal Judicial Center commenced its third major "time study" in the U.S. district courts. Like studies conducted in 1969 and 1979,¹ the purpose of the new study is to develop case "weights" for district court civil and criminal cases. Case weights reflect the difference in average judge time demanded by different types of cases (antitrust cases, for instance, have a much higher weight than automobile personal injury cases). Totalling the weights assigned to all cases filed in a district in a particular year yields a measure of the total judicial workload in that district, the district's "weighted filings." Compared to a simple count of the number of cases filed, the weighted filings index is a superior statistical indicator of the burden imposed by a district's caseload.

The 1987 time study employs a method different from that of the 1969 and 1979 studies. In the earlier studies, a large number of judges (about 200 in 1969, 100 in 1979) maintained diaries of all their case-related time expenditures during a period of several months. These "diary" time studies yielded reliable case weights through a simple series of calculations,² but the diary method made it very difficult to assess the accuracy of the resulting case weights or weighted filings indices, or to analyze the data for other purposes (e.g., to determine what factors about a case most strongly influence the amount of time it consumes). The 1987 study uses a "longitudinal" method: cases enter the study when they are filed, and all time spent on time study cases is reported from the time of filing until final case disposition. Because the study provides complete histories of each of the roughly 12,000 cases in the study, it will permit computation of weights of optimal reliability, will facilitate straightforward analysis of weight accuracy, and will permit further statistical analyses addressing a range of issues concerning civil and criminal litigation.

¹See U.S. Dep't of Agriculture, Statistical Reporting Service, The 1969-70 Federal District Court Time Study (Federal Judicial Center 1971), and S. Flanders, The 1979 District Court Time Study (Federal Judicial Center 1980)

²The calculations require computing the percentage of judge time and the percentage of the caseload accounted for by each case type. The ratio of percent time to percent caseload is the case weight for that case type, with the unit of measurement being the "average" case.

Due to its longitudinal approach, the 1987 study is more complex in organization than were the previous diary studies. All Article III district courts are participating. Five districts began a pilot test of the study in early 1986. Positive experience with the pilot phase led to full implementation beginning in November, 1987. Districts were brought into the study thereafter over a two-year period, with the last district commencing participation in January, 1990.³ Each district entered the study by including as time study cases all cases filed during a designated two-week "start-up" period. Prior to start-up, each district was visited by a member of the Judicial Center's Research Division, who explained the study to court personnel and helped organize a mechanism for assuring that the time-study status of a case was brought to the attention of a judge or magistrate on any occasion when he or she worked on such a case. On each such occasion, a time report form, showing the identity of the case, the time spent and the nature of the work, is completed and mailed to the Judicial Center.

Because the study tracks cases from filing to final disposition, it will not be finally concluded until nearly all time study cases are themselves disposed of. Since about one percent of civil cases last for at least 5 years, and the last district entered the study in 1990, the study may not be finally concluded until 1995. However, because certain types of cases (including almost all criminal cases) are disposed of more rapidly than others, and because case weights can sometimes be reliably estimated before all data are in, some results of the study will be available and will likely be put to use in computing the weighted filings index by late 1991.

³The time study was extended beginning August 1, 1990 and concluding in January, 1991 at the request of the Subcommittee on Judicial Statistics of the Judicial Conference Committee on Judicial Resources, for which the time study is being conducted. The extension will bring more felony cases and death penalty habeas corpus actions into the study, to enhance the accuracy of case weights to be computed for these types of cases.