New Case Weights
For Computing Each District's Weighted Filings Per Judgeship

The attached tables show new case weights derived from the Federal Judicial Center's 1987-1993 District Court Time Study and approved by the Subcommittee on Judicial Statistics for use in calculating the districts' annual Weighted Filings Per Judgeship.[1] The weights have been scaled to the same unit of measurement as the previous weights, which were derived from the Judicial Center's 1979 District Court Time Study. There are several changes in how the weights are applied, as follows.

- The weights are applied only at the time of initial filing of a case in the district (i.e., only for cases arising as original proceedings, by removal from state court, or by interdistrict transfer). Cases arising by reopening, remand, or appeal from a magistrate judgment are not counted in the weighted filings calculation (although such cases would have been counted at the time of their initial filing in the district). Cases transferred to the district by order of the Judicial Panel on Multi-District Litigation are also excluded from the weighted filings calculation. The burden imposed on the transferee district by Multi-District Litigation cases cannot be accounted for realistically by the weighted filings statistic, and so should be considered independently of weighted filings in determining a district's need for additional judgeships.
- The weights for criminal cases are applied on a per-defendant basis, rather than on a per-case basis. Hence a case with three defendants all charged with the same offense will be weighted at three time the weight associated with that offense.
- The districts' weighted filings are presented in conjunction with a 95% confidence interval to indicate the statistical reliability of the estimates.

  The confidence interval serves as a reminder of the limited accuracy of the caseweighting system. There are two important ways in which a district's weighted filings may misrepresent the true burden of that district's caseload. The confidence interval reflects only one of these two possible sources of error: the likelihood that the "luck of the draw" in selecting cases for inclusion in the time study created an unrepresentative sample of cases.

  The second source of error is not accounted for by the confidence interval. It is the possibility that cases of a given type in one district are not representative of such cases nationwide. The weighted filings measure employs an implicit assumption that the cases of a given type in a given district are merely a random selection chosen from among all cases of that type filed nationwide. We do not know how much error may inhere in that assumption, and it is not accounted for by the confidence interval figures. Factors indicating that a district's cases are not typical of those nationwide should be considered legitimate evidence of the unreliability of the weighted filings statistic as applied to that district.

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[1] The time study data include reports of judge time expended on a representative sample of approximately 5,000 criminal defendants and 9,000 civil cases filed between November, 1987 and January, 1991. Although both magistrate judges and Article III judges participated in the study, only time reported by Article III judges is accounted for in the weights presented here. A forthcoming report from the Judicial Center will provide a detailed explanation of the time study and the case weights.

CIVIL CASE WEIGHTS

Nature of Suit Code and Description	Weight	Number of Cases	Standard Error*
110 Contract: Insurance	1.25	252	0.188
120 Contract: Marine	0.45	120	0.149
130 Contract: Miller Act	0.35	53	0.094
140 Contract: Negotiable Instrument	0.58	122	0.227
150 Contract: Other Recovery, Enforcement 151 Contract: Medicare Recovery	0.17	34	0.109
152 Recovery of defaulted student loans 153 Recovery of veterans benefit overpayment	0.031	347	0.0036
160 Contract: Stockholder Suits 190 Other Contract 195 Contract Product Liability	1.02	993	0.141
210 Land Condemnation 220 Foreclosure	0.16	320	0.023
230 Rent, Lease, and Ejectment 240 Torts to Land 245 Real Property Product Liability 290 All Other Real Property	1.47	65	0.524
320 Assault, Libel and Slander	1.33	18	0.829
330 Federal Employers Liability	1.16	85	0.430
340 Marine Personal Injury	1.48	101	0.500
310 Airplane Personal Injury 350 Motor Vehicle 360 Other Personal Injury	0.84	568	0.102
362 Medical Malpractice	1.34	46	0.618
315 Airplane Product Liability 345 Marine Product Liability 355 Motor Vehicle Product Liability 365 Personal Injury Product Liability **Removed From State Court**	1.18	61	0.305

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* Standard error is used to compute the confidence interval for the weighted filings statistic for each district. It is included here for completeness. Expressed mathematically, the 95% confidence interval is $W \pm 1.96\frac{1}{J}\sqrt{\sum_i (n_i s_i)^2}$, where J is the number of judgeships in the district, W is the weighted filings per judgeship for the district, n_i is the number of cases of type i and s_i is the standard error for case type i. W is given by $\frac{1}{J}\sum_i (n_i w_i)$, where w_i is the weight for case type i. In general, the standard error is larger in relation to the weight--and the accuracy of the weight poorer--for case types represented by small numbers of cases in the time study and for case types whose representatives in the time study displayed substantial variation in the judge time expended per case.

315 Airplane Product Liability 345 Marine Product Liability 355 Motor Vehicle Product Liability 365 Personal Injury Product Liability: **Not Removed From State Court**	1.74	112	0.430
368 Asbestos	0.19	563	0.031
370 Fraud, Truth in Lending 371 Truth in lending	2.01	62	0.852
380 Other Personal Property Damage 385 Property Damage-Product Liability	1.26	57	0.555
422 Bankruptcy Appeals Rule 801 423 Withdrawal (bankruptcy)	0.86	138	0.156
440 Civil Rights: Other 441 Civil Rights: Voting 442 Civil Rights: Jobs 443 Civil Rights: Accommodations 444 Civil Rights: Welfare: **Removed From State Court**	0.59	59	0.149
440 Civil Rights: Other 441 Civil Rights: Voting 442 Civil Rights: Jobs 443 Civil Rights: Accommodations 444 Civil Rights: Welfare: **Not Removed From State Court**	1.66	625	0.156
450 Commerce: ICC Rates, etc.	0.21	37	0.086
470 RICO	2.96	41	1.720
510 Vacate Sentence 530 Habeas Corpus 540 Mandamus and Other: Prisoner	0.51	507	0.078
535 Death penalty habeas corpus	5.99	25	2.165
550 Civil Rights: Prisoner: **US Defendant**	0.48	41	0.125
550 Civil Rights: Prisoner: **Not US Defendant**	0.28	889	0.023
620 Forfeiture and Penalty: Food and Drug 625 Drug-related property forfeiture	0.27	54	0.063
610 Forfeiture and Penalty: Agriculture 640 Forfeiture and Penalty: Railroad and Truck 650 Air Line Regulations 660 Occupational Safety/Health 690 Miscellaneous Forfeiture and Penalty	0.45	124	0.117
710 Fair Labor Standards Act	2.12	58	0.694
720 Labor Management Relations 730 Labor Management Reporting and Disclosure	0.98	105	0.235
740 Railway Labor Act 790 Other Labor Litigation	0.48	52	0.133
791 ERISA	0.67	242	0.117
820 Copyright 840 Trademark	1.07	186	0.172
830 Patent	1.90	27	1.048
850 Securities, Commodities Exchange	1.88	112	0.704

861 Social Security-HIA 863 Social Security-DIWC 864 Social Security-SSID 865 Social Security-RSI	0.48	325	0.086
870 Taxes 871 Internal Revenue Service-Third Party **US Plaintiff**	0.22	22	0.102
870 Taxes 871 Internal Revenue Service-Third Party **Not US Plaintiff**	0.37	69	0.086
890 Other Statutory Actions **US Plaintiff**	0.17	50	0.047
ALL OTHERS	1.27	307	0.250

CRIMINAL WEIGHTS (PER DEFENDANT, NOT PER CASE)

CATEGORY Offense Code Description (Number of cases)	**Weight**	**Number of Cases**	**Standard Error***
Homicide 100 First Degree Murder 200 Second Degree Murder 300 Manslaughter 310 Negligent Homicide	2.49	26	1.141
1100 Bank Robbery	1.25	156	0.211
Aggravated Assault and Rape 1500 Aggravated Assault 6100 Rape	2.60	56	0.516
All larceny & theft, transportation of stolen property 3100 Bank Larceny and Theft 3200 Postal Larceny and Theft 3300 Interstate Commerce Larceny and Theft 3400 U.S. Property Larceny and Theft 3600 Transportation of Stolen Property 3700 Other Felony Larceny and Theft 5100 Stolen Motor Vehicles or Aircraft 5200 Other Auto Theft 5500 Transportation of Forged Securities	0.93	214	0.141
All embezzlement 4100 Bank Embezzlement 4200 Postal Embezzlement 4310 Embezzlement, Public Moneys 4320 Lending, Credit and Insurance Embezzlement 4330 Embezzlement by Officers of a Carrier 4350 Embezzlement by U.S. Officer or Employee 4390 Other Embezzlement	1.14	170	0.281
Income tax offenses 4510 Evading Income Tax 4520 Other Felony Income Tax	1.27	64	0.297

Food stamp, passport, and credit card fraud 4941 Food Stamp Fraud 4980 Passport Fraud 4995 Credit Card Fraud	0.45	102	0.055
Bankruptcy, Securities Exchange Comm. and "Other" fraud. 4900 Bankruptcy Fraud 4920 Securities Exchange Commission Fraud 4999 Other Fraud	5.31	45	1.806
All other fraud 4600 Fraud: Lending and Credit Institutions 4601 Bank Fraud 4700 Postal and Interstate Fraud 4910 Fraud in Marketing Agreements or Commodity Credit 4950 Social Security Fraud 4960 False Personation Fraud 4970 Nationality Laws Fraud 4991 False Claims and Statements 4992 Conspiracy to Defraud 4996 Computer Fraud 8750 Fraud: Citizenship and Immigration Laws	1.52	510	0.180
Forgery, counterfeiting 5600 Postal Forgery 5710 Other United States Forgery 5720 Other Forgery 5800 Counterfeiting	0.86	153	0.149
Heroin/cocaine distribution, importation, or manufacture 6701 Heroin/Cocaine Distribution 6702 Heroin/Cocaine Importation 6703 Heroin/Cocaine Manufacture	2.27	1563	0.141
Marijuana or Controlled substance distribution, importation, or manufacture 6501 Marijuana distribution 6502 Marijuana Importation 6503 Marijuana Manufacture 6801 Controlled Substances Distribution 6802 Controlled Substances Importation 6803 Controlled Substances Manufacture	1.63	360	0.211
All Escape offenses 7310 Escape 7311 Bail Reform Act of 1984 - Escape 7312 Bail Reform Act of 1966 - Escape 7313 Escape-Work Release Program 7320 Aiding or Harboring Escapees	0.77	74	0.195
7400-7499 Extortion, Racketeering and Threats	2.92	61	0.954
Firearms weapons and explosives offenses 7800 Firearms and Weapons 7820 Firearms, Unlawful Possession 7830 Firearms 9994 Explosives (except in vessels)	1.69	280	0.180

Immigration offenses 8720 Immigration: Illegal Reentry 8730 Other Immigration 8740 Immigration: Subsequent Illegal Entry	0.77	143	0.188
All Others	1.43	262	0.195