

# **Appendix J**

## **Circuit-Based Meetings: Participant Information Packet**

Included items:

1. Sample Cover Letter
2. Sample Logistics Memorandum
3. Information Packet
  - a) Meeting Agenda (Participant List Removed)
  - b) Information for Judges Attending the Circuit-Based Case Weights Consensus Meetings of the 2003–2004 District Court Case-Weighting Study (Briefing Paper)
  - c) Instructions for Completing the Civil Case Worksheet
  - d) Civil Case Worksheet
  - e) Civil Case Type Categories
  - f) Instructions for Completing the Criminal Case Worksheet
  - g) Criminal Case Worksheet
  - h) Criminal Case Type Categories

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Subcommittee Members

Honorable Marilyn L. Huff, Chair  
Honorable Harry F. Barnes  
Honorable Wiley Y. Daniel  
Honorable James R. Melinson  
Honorable Karen J. Williams



Staff

Ellyn L. Vail

SUBCOMMITTEE ON JUDICIAL STATISTICS  
OF THE  
COMMITTEE ON JUDICIAL RESOURCES

August 18, 2003

Honorable Daniel L. Hovland  
Chief Judge  
United States District Court  
220 East Roster Ave  
Suite 411  
Bismarck, ND 58501

Dear Judge Hovland:

The U.S. Judicial Conference's Committee on Judicial Resources is working to revise the district court case weights before the next judgeship survey. You have been selected by circuit Chief Judge James B. Loken to help develop the new case weights. Your broad exposure to a variety of cases that are common in the district courts and your willingness to work with other judges to reach consensus on estimates of the average time judges spend on various activities will be invaluable to the project's success. We thank you very much for your participation, and look forward to working with you.

You will represent your district at a two-day meeting of judges from Eighth Circuit districts. At the meeting, you and your colleagues will work with trained facilitators from the Federal Judicial Center to arrive at estimates of the amount of time judges spend completing specific case activities. These estimates will be an important factor in computing final case weights.

The meeting is scheduled for September 16-17, 2003 in St. Louis at the Renaissance St. Louis Suites (827 Washington Avenue). The first-day session will be held from 10:00 am to 5:00 pm and, on the second day, we will convene from 8:00 am to 3:00 pm. We will provide a working lunch for participants on the second day.

The starting time on September 16 will permit some out-of-town judges to arrive on the day the meeting begins. Other judges will need hotel accommodations on September 15. The FJC has reserved a block of rooms for participants at the Renaissance St. Louis Suites – please note that you must contact the hotel in order to secure one of the

Honorable Daniel L. Hovland

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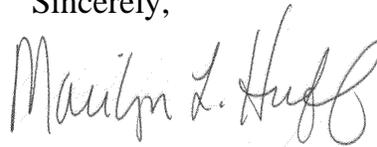
reserved rooms. A standard FJC travel authorization for Center programs, explaining allowable reimbursement limits, is enclosed. Also enclosed is a logistics memorandum from the FJC that provides information on hotel and travel arrangements. Unless travel home on the final day of the meeting presents a special hardship, we anticipate that judges will check out of the Renaissance St. Louis Suites on September 17.

Because we have such a limited amount of time to accomplish our task, we are providing you with a packet of information prior to the meeting. Enclosed are worksheets, along with instructions, that we ask you to complete before the meeting. Completion of these materials will provide important information needed both for statistical calculations and the work we will be doing at the meeting. Please take time to familiarize yourself with the materials and complete them prior to your arrival.

If you have questions about the project or the meeting, feel free to contact Judge Harry F. Barnes, U.S. District Court for the Western District of Arkansas (870-862-1303). Judge Barnes, a member of the Judicial Resources Committee, is the liaison between study participants, project staff, and Chief Judge Loken.

Thank you for your assistance on this project.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn L. Huff".

Marilyn L. Huff  
Chair, Subcommittee on  
Judicial Statistics

cc: Honorable Harry F. Barnes

Enclosures: Meeting Logistics memorandum  
Travel Authorization



# memorandum

DATE: August 18, 2003  
TO: Participants attending the Eighth Circuit Case Weights Consensus Meeting  
for the District Court Case Weighting Study  
FROM: Nicholle Reisdorff  
SUBJECT: Meeting Logistics

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Thank you for agreeing to serve as a representative from your district court to the Eighth Circuit Case Weights Consensus Meeting for the District Court Case Weighting Study.

The meeting will be held in St. Louis on Tuesday, September 16, 2003 (10:00 am - 5:00 pm) and Wednesday, September 17, 2003 (8:00 am – 3:00 pm). This schedule will permit some judges to arrive in St. Louis on Tuesday morning before the meeting begins. Absent exceptional circumstances, it should also provide for travel home on Wednesday afternoon. (If airline schedules preclude travel home on this day, please contact me for an amended travel authorization.)

This memorandum presents information about the meeting's logistics. Attached to the memorandum is a TRAVEL AUTHORIZATION. The packet of materials you have received with this memorandum includes a preliminary meeting agenda (with a list of participants) and the packet of information Judge Huff asked you to read before your arrival at the meeting. Two of the documents in the packet should be completed and turned in to the meeting facilitators when you arrive on the first day of the meeting.

## MEETING LOCATION

We will meet at the Renaissance St. Louis Suites, 827 Washington Avenue, in the Lennox Room, which is located on the 2<sup>nd</sup> floor.

## ACCOMMODATIONS

The FJC has reserved a block of rooms for the use of meeting attendees on September 15 and September 16, 2003 at the Renaissance St. Louis Suites. If you itemize your expenses, the FJC will reimburse you for lodging these nights at a daily room rate of \$102.00.

If you wish to use one of these rooms, please telephone the hotel by **Friday, August 29** to make your reservation and indicate which night(s) you will require lodging. The central reservation number is 800-228-9290. It is important that you indicate you are with the **Federal Judicial Center's District Court Case Weighting Study** when making the arrangements.

## WORKING LUNCHEON FOR MEETING PARTICIPANTS

To ensure the group can complete its work and still leave St. Louis mid-afternoon on September 17, a deli-style working luncheon will be served in the meeting room. Lunch will include a variety of sandwiches, salads, desserts, and beverages. Please let us know if you have any dietary restrictions prior to the meeting.

## REIMBURSEMENT FOR EXPENDITURES

As noted, the Center will reimburse you up to \$102 for hotel lodging on September 15 and 16. If you itemize expenditures, the FJC will reimburse you up to \$85 per day for meals and allowable incidental expenses September 15 and 16, and up to \$60 on September 17. Ground transportation is reimbursed separately and does not count toward the limit on allowable incidentals.

If you prefer, you may submit a per diem claim in lieu of actual expenses, not to exceed \$152 (\$50 on the last day of travel).

Upon completion of travel, please submit your voucher for reimbursement of expenses to your Clerk of Court, with a copy of the Center's TA attached. A copy of your voucher should additionally be sent to our office so that we may monitor expenditures for the meeting (send to: Jeannette Summers, Federal Judicial Center, One Columbus Circle, N.E., Washington, DC 20002).

## AIR AND GROUND TRANSPORTATION

The travel authorization urges the use of government fares; booking your flight through the judiciary's travel agent, National Travel Service (1-800-445-0668) will help you obtain the proper fares.

Reimbursement is authorized for round-trip ground transportation from home or office to the point of departure, and between the St. Louis airport and your hotel. Shuttle services are available in St. Louis.

Rental car reimbursement is not authorized for this meeting beyond the ground transportation equivalent (\$60). First class travel reimbursement is not authorized for this meeting.

## QUESTIONS

Please contact the FJC if you have any questions about the meeting or general logistics. I can be reached at 202-502-4073 (nreisdor@fjc.gov). Another project member, Carol Krafka, can be reached by dialing 202-502-4068 (ckrafka@fjc.gov).

# **Information Packet**

Prepared for Judges Attending the Circuit-Based  
Case Weights Consensus Meetings  
of the 2003-2004 District Court Case Weighting Study

## Contents

1. Meeting Agenda
2. Information for Judges Attending the Circuit-Based Meetings of the 2003-2004 District Court Case Weighting Study
3. Instructions for Completing the Civil Case Worksheet
4. Civil Case Worksheet
5. Civil Case Type Categories  
[A reference document listing the civil cases comprising each of the 39 case types appearing on the Civil Matrix Worksheet.]
6. Instructions for Completing the Criminal Case Worksheet
7. Criminal Case Worksheet
8. Criminal Case Type Categories  
[A reference document listing the criminal cases comprising each of the 21 case types appearing on the Criminal Matrix Worksheet.]

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Federal Judicial Center  
District Court Case Weighting Study

## **Eleventh Circuit Case Weights Consensus Meeting**

**November 13 - 14, 2003**

### **Agenda**

#### **November 13, 2003**

9:30 *Light refreshments are available*

10:00 Participant Welcome

Honorable Ursula M. Ungaro-Benages  
U.S. District Court for the Southern District of Florida  
Project Liaison, Committee on Judicial Resources

10:10 Project and Task Overview

- Overview of event-based case weighting
- How the meeting fits into the study

10:30 Discussion of Civil Worksheet and Pre-Meeting Task

- Identify case types and events
- Discuss the range of judicial activity encompassed by each task
- The role of the anchors / default values
- The role of judgment heuristics in estimation

10:45 Begin Work on the Civil Case Worksheet

- Discuss the fit between default values and judge experience
- Identify agreement and disagreement with default values

12:30 *Working Lunch - A deli-style catered lunch will be provided in the meeting room*

1:00 Resume Work on the Civil Case Worksheet

3:00 *Break*

**Agenda (continued)**

- 3:15 Begin Work on the Criminal Case Worksheet
- Identify case types and events
  - Discuss the range of judicial activity encompassed by each task
  - Discuss the fit between default values and judge experience

5:00 *Adjourn*

**November 14, 2003**

8:30 *Light refreshments are available*

9:00 Resume Work on the Criminal Case Worksheet

10:30 *Break*

10:45 Resume Work on the Criminal Case Worksheet

11:45 Final Discussion

- Have consensus values been determined for all items on the worksheets?
- What information about the circuit caseload and practices should be forwarded to the national meeting?

12:00 *Adjourn*

**Information for Judges Attending  
Case Weights Consensus Meetings  
Of the 2003-2004 District Court Case Weighting Study**

This sheet provides information on the 2003-2004 District Court Case Weighting Study for district judges who are participants in the study's circuit-based meetings.

Overview

The Judicial Resources Committee of the Judicial Conference has asked the Federal Judicial Center to update district court case weights. The FJC, with assistance from the Administrative Office, is using an event-based methodology to calculate new weights for use in the next judgeship survey.

Information needed to compute the case weights includes estimates of the amount of time it takes judges to complete specific case activities. Some of these estimates will be calculated from objective data that the courts collect on the time judges spend in the courtroom. Others will be obtained by asking experienced district court judges to deliberate on, and reach consensus about, average time expenditure for case events and activities such as conferences, hearings, and various in-chambers activities.

You have been invited to assist in developing the judgment-based estimates of time by participating in a two-day meeting of district court judges from your circuit. At this meeting, you and your colleagues will engage in a structured process to produce a series of agreed-upon time estimates reflecting the cases and practices within your circuit.

Circuit-based meetings of district judges begin in August 2003 and will be completed by the end of the year. The results of the meetings will then be analyzed and used as input for a national meeting of district judges that will convene in early 2004. At the national meeting, two judges from each circuit who are selected from the participants of the circuit-based meetings will engage in a formal Delphi-like process to arrive at final estimates of case-related activity time.<sup>1</sup> The final estimates are expected to reflect the average national experience. The computation of the case weights will rely on the national group's consensus judgments.

Preparation for the Circuit-Based Meetings

The packet of materials you have received includes a set of worksheets. It is very important that you complete these worksheets in advance of the meeting and that you bring them with you to the meeting. The completed worksheets will provide initial estimates of time that the FJC needs to calculate specific statistical parameters for the project. Separate worksheets are provided for civil and criminal case types.

The worksheets come with explicit directions on how to complete them, but you may find it helpful to familiarize yourself with the general task by taking a look at the worksheets

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<sup>1</sup> The Delphi Method is an iterative-feedback group estimation procedure, which produces a consensus estimate of case or event weights.

now. If you pull out the worksheet labeled Civil Case Worksheet (DOCUMENT 4), you'll see a matrix with a number of events that can occur in a case listed across the top row, and a display of civil case types listed in the left column.

Your pre-meeting task will be to complete the orange, green, and yellow-shaded columns of the matrix. In a row across the top, you will see that default time estimates have been provided as an example of how to complete the remaining cells in the worksheet and as a starting point for your consideration when estimating event times for the various case types. The instructions for completing the matrix describe how the default values were determined.

For each empty cell, you will determine whether the default value, which is provided in minutes, is a good estimate of the time required to complete the activity or event. If your experience suggests that the default value is appropriate to the case type, leave the cell blank and we will assume you agree with the default value. If you believe the default value does not represent the amount of judicial time required to complete the case activity, please record a value that better represents your experience.

In considering whether to adjust the default values for an event in a particular type of case, it will be important to guard against the natural tendency to focus on the most memorable cases of a particular type. Such memorable cases are likely to require more time than typical cases and will result in biased time estimates. Time estimates are to be based on typical events in average cases.

### Time Estimation at the Circuit-Based Meetings

You will use similar worksheets during the circuit-based meeting to arrive at consensus-based estimates of time associated with case events and activities. The consensus-based estimates are intended to represent the caseload and practices of district courts within your circuit.

Discussion at the meeting will focus on departures from the default values. Where you and your colleagues determine that a default is inaccurate for any given combination of case type and event, you will develop an agreed-upon estimate that better reflects the time demands of the case type.

### Questions and Answers

*What are case weights, and how are they used?* A case weight is a measure of the average time it takes judges to fully process a case of a given case type. A case type that *on average* consumes a lot of judge time has a large weight and a case type that *on average* consumes little judge time has a small weight. Case weights permit the judiciary to account for different filing rates and case mixes when determining a district's caseload burden.

*Why are new district court case weights needed?* The current weights have been in use for over ten years, and changes both to case law as well as case management procedures are thought to have affected their accuracy.

*How is this study different from the last case weighting study?* The last study required judges to meticulously record the time they spent handling case-related matters on a targeted sample of cases. Record keeping imposed a burden on virtually all district court judges and magistrate judges. The need to record time extended from filing of the target cases until their final disposition.

The current study does not require time keeping. It takes advantage, instead, of information already routinely collected for the administrative and case management databases of the courts. The study is event-based, which means that case weights are determined by combining docketed database information about different activities that occur in a case with estimates of the time it takes judges to complete the case activities and events. Some of the time estimates used for this study (i.e., estimates associated with trials and other evidentiary hearings) will be derived from objective data. Other estimates (e.g., time associated with reading briefs, deciding issues, and preparing orders) will be based on the experiences of judges themselves. The circuit-based and national meetings are the forums in which experience-based estimates will be developed.

*What are some of the benefits of the current study?* This study:

- Uses existing data to estimate time for several court activities rather than burdening judges with the need for keeping manual time sheets;
- Facilitates efforts to update case weights quickly to reflect new legislation and recent case practices;
- Permits circuit flexibility in event weights if warranted based upon circuit practices;
- Provides revised case weights in one year; and, additionally,
- Provides input about case events from district judges in each circuit for consideration by the Judicial Resources Committee in the judgeship survey.

*How were district judges selected to participate in the circuit-based meetings?* The chair of the Statistics Subcommittee of the Judicial Resources Committee asked the chief judge in each circuit to designate an active district judge from each district to help develop the new case weights by completing the preliminary work described above and then attending the meeting to refine the estimates. In circuits where there are fewer than eight district courts, additional judges were designated so the meeting would take place with no fewer than eight participating judges (six judges for the District of Columbia circuit).

*Who can I contact for more information?* A liaison from the Judicial Resources Committee is available to answer general questions about the study. The name of your circuit's liaison is listed in the cover letter for this packet of materials.

Project staff from the FJC can answer questions you have about the worksheets or the methodology of the study (contact Carol Krafka, 202-502-4068, [ckrafka@fjc.gov](mailto:ckrafka@fjc.gov) or Pat Lombard, 202-502-4083, [plombard@fjc.gov](mailto:plombard@fjc.gov)). Questions about meeting logistics or travel authorization should be directed to Nicholle Reisdorff (202-502-4073, [nreisdor@fjc.gov](mailto:nreisdor@fjc.gov)).

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## General Instructions for Completing the Worksheets

Calculation of the district court case weights depends in part on judges' estimates of how much time they spend on various civil and criminal case events. Estimates should be based on district judge time *only*. The estimates exclude the time that magistrate judges and law clerks spend on cases because the federal courts have a different system for assessing the need for these court personnel.

We are asking you to fill out the matrices on the civil and criminal worksheets and fax them to the FJC a week before the meeting (fax 202-502-4199, attn: Pat Lombard and Carol Krafka). Staff will use the worksheet information to calculate statistical parameters needed to examine judgment-based methods for estimating time and will also use the information to identify the types of cases requiring discussion at the meeting.

### Instructions for Completing the Civil Case Worksheet

Listed across the top of the matrix are 15 events that can occur in a civil case; listed down the left side are 39 types of cases. These case events define the case weighting system and are thought to account for a significant proportion (though not 100%) of the time that district judges spend on cases.

Please complete the orange, green, and yellow-shaded columns of the matrix by estimating how long it takes you, on average, to complete a single occurrence of each event for the 39 case types. You will not need to fill in the blue-shaded columns – the values for this part of the matrix are based on time reports that the courts provide on trials and other evidentiary proceedings. These figures, listed in hours, are simply provided for reference.

In a row across the top of the matrix, a default time estimate has been provided as a starting point for your estimate of each event and case type. You may strike a column's default value and provide an alternative default if you think the listed default is not appropriate.

The default values were derived from a variety of sources. Values for the orange columns (Non-Evidentiary Hearings and Conferences) were calculated from data contained in standard administrative court reports submitted to the Administrative Office. The data on which they are based make no distinctions among case types. The default values are reported to the nearest minute because they are based on an objective data source.

The default values for the first three green columns (In-Chambers Case-Related Activities) are also based on data. The data come from the case weighting study concluded in 1993 and the default values are likewise reported to the nearest minute. **These values represent as good an approximation of in-chambers time as is available from an objective time source, but they do not correspond directly to the event categories in the matrix and may seriously underestimate time for some in-chambers case-related events or for some case types.** The default value for an Order on Motion for Summary Judgment, in particular, has been identified as an underestimate. The default values for the last two green columns (trial and hearing preparation) were recommended by the judge advisory group that was consulted for the project.

The default values in the yellow columns (Case Adjustments) are set to zero. Part of the judgment task that you are asked to perform is to decide whether the factors in the yellow-shade columns influence the amount of judge time required to process a case.

**For each empty cell, determine whether the default value – your own or the default already provided -- is a good estimate of the time required to complete the activity or event. If your experience suggests that the preprinted default value (or the default value that you listed as an alternative) is appropriate for the case type, you can leave the cell blank, and we will assume that the default value is the estimate you would have recorded there. If you believe it does not represent the amount of judicial time required to complete the case activity, record a value (in minutes) that better represents your experience.**

Your estimates may be higher or lower than the default values. Please remember that estimates provided in the Non-Evidentiary Hearings and Conferences and In-Chambers Case-Related Activities sections of the worksheet should represent the **average** amount of time you devote to events. The focus there should be on typical cases rather than on especially difficult or time-consuming cases. Exclude from consideration those cases that have five or more parties, that have a class action allegation, or that involve motions in excess of fifty. You will use the Case Adjustments section of the worksheet to account for factors such as these that might impose additional case burden.

As an example of how to complete the worksheet, consider conferences, the event type listed in the first orange column of the civil case worksheet. Decide whether a conference in a typical case takes an average of 31 minutes to complete. If you agree that 31 minutes is accurate, leave the default value at 31 (or if you prefer, round off the default and write 30 minutes underneath). If, however, your experience is that the average conference takes more (or less) than 31 minutes, cross out the default value of 31 minutes and enter a value that better represents the typical conference. This is now the default.

With the default value established for conferences, turn to the case types listed on the left side of the matrix. Decide whether the default applies to conferences in Admiralty cases. If the default is a good estimate for conferences in Admiralty cases, leave the cell blank. If the default value is not a good estimate, enter an appropriate estimate. Do the same for each case type listed, and then repeat the process of establishing a default and working through the case types for the (Non-evidentiary) Motion Hearing column. Work your way through each of the columns of the matrix in this manner.

**Here are a few things to keep in mind:**

- The case types listed on the left side of the matrix are grouped into larger overall categories (such as Commercial Litigation) to make estimates easier. If you have questions about which civil causes of action fall under the provided headings, refer to Document #5, Civil Case Type Categories, for information.
- Some of the event categories listed across the top of the matrix encompass multiple events or activities. To provide the best estimates possible, you should examine the detailed description of the events that begins on the next page.

Examination of the event description will instruct you, for example, on how to include an estimate for the average time you spend reading briefs on a substantive motion, along with the time you subsequently spend researching, conferring on, and writing the resulting order, judgment, or opinion. All of these activities are included in the estimate you provide for Orders. Refer to the description of In-Chambers Case-Related Activities for Order on Motion for Summary Judgment, Order on a Discovery Motion, and Order on Any Other Enumerated Motion.

- Some case type and event combinations may occur so infrequently that you have little or no experience on which to base an estimate. When you encounter such a situation, the task becomes one of estimating time on a conditional basis. The holding of a conference in an Overpayment and Recovery case, for example, might be quite unusual. But *if* you were to hold such a conference, ask yourself how much time the conference would take, and then record your answer.
- The yellow-shaded **Case Adjustment** columns of the matrix reflect factors that may increase the amount of time required to manage certain case types, although not necessarily all case types. Your task is to determine whether the *mere presence* of these factors requires you to spend additional case-related time that is independent of docketed case activities. Do not assume that an adjustment is required simply because the presence of these factors signals more hearings, more conferences, more motion activity, etc. – the time associated with increases in these types of activities will already have been tallied. Consider instead, whether the presence of Multiple Parties (5 or more), a Class Action suit, or Motions (in excess of 50) require time expenditure not reflected in the docket. If the answer is yes, please estimate (in minutes) the amount of additional time required to handle a case of that type when each factor is present.

Please fax your completed matrix to the FJC a week in advance of the circuit meeting (fax 202-502-4199; Attention: Pat Lombard and Carol Krafka). In addition, please bring the worksheets with you to the meeting.

## **Description of Civil Case Event Categories**

### **Trials and Other Evidentiary Hearings**

The *Trials and Other Evidentiary Hearings* category (in blue) reflects the average time (in hours) judges spend in a contested proceeding where evidence is introduced. The values listed for individual case types in this portion of the worksheet are not subject to adjustment. They are listed as reference points for you to consider in evaluating the default estimates of the remaining portions of the worksheet.

The category includes 4 subheadings:

- **Jury Trial**
- **Non-Jury Trial**
- **Hearing on Preliminary Injunction/TRO**
- **Other Evidentiary Hearing**

### **Non-Evidentiary Hearings and Conferences**

The *Non-Evidentiary Hearings and Conferences* category (orange) reflects the average time (in minutes) it takes to conduct proceedings. These events normally result in a minute sheet. Another way to think about the estimate is to consider it the equivalent of average, elapsed gavel-to-gavel time. Time spent preparing for the hearing is not included in the estimate, since this time is represented by a separate Hearing Prep event (green). A non-evidentiary proceeding may take place in either the courtroom or in chambers.

The category includes 3 subheadings:

- **Conference**
  - Includes:*
    - Pretrial conferences
    - Status conferences
    - Scheduling conferences
    - Settlement conferences
    - Early neutral evaluation conferences
    - In-chambers conferences
    - Telephone conferences
    - Videoconferences
- **Motion Hearing (non-evidentiary)**

- **Other Non-Evidentiary Hearing**

*Includes:*

Hearing on a contempt order

Hearing on an order to show cause

Other hearings on issues initiated by the court rather than one or more of the parties

### **In-Chambers Case-Related Activities**

The *In-Chambers Case-Related Activities* category (green) considers the average time (in minutes) spent in chambers on two distinct types of activities – completion of an order (including a judgment, opinion, or memorandum) and preparation for a trial or hearing.

This category includes 3 events relating to the issuance of an Order (where the term Order is used to mean any written decision, including judgment, opinion, or memorandum). They are: Order on Motion for Summary Judgment, Order on a Discovery Motion, and Order on Any Other Enumerated Motion. The event defined as Order on Any Other Enumerated Motion represents a general collection of substantive motions. These motions are enumerated in a listing provided below.

Time estimates provided for Order events should reflect the average time you spend on work associated with producing a written decision – except the time you spend in a related hearing or preparing for the hearing. Your estimate should include time spent reading briefs, conferring with staff or colleagues, conducting research, and writing related orders, judgments, opinions, and memoranda. It does not include law-clerk time.

Two events included in *In-Chambers Case-Related Activities* capture estimated time spent preparing for an imminent (same or next day) courtroom proceeding: Trial Prep and Hearing Prep. Estimates of preparation time are intended to account for time spent reviewing briefs and other papers that have already been examined in full. Time spent on a more thorough examination of papers should be accounted for in the previously discussed Order events. Trial Prep *does* include the average amount of time you spend writing jury instructions.

The category includes 5 subheadings:

- **Order on Motion for Summary Judgment**

*Includes:*

Order on motion for summary judgment

Order on motion for partial summary judgment

- **Order on Discovery Motion**

*Includes:*

Order on motion for discovery

Order on motion for protective order

Order on motion for sanctions  
Order on motion to compel  
Order on motion to produce  
Order on motion to quash

- **Order on Any Other Enumerated Motion**

*Enumeration includes:*

Order on motion to dismiss case  
Order on motion to dismiss for lack of jurisdiction  
Order on motion for judgment on the pleadings  
Order on motion for temporary restraining order  
Order on motion for preliminary injunction  
Order on motion for permanent injunction  
Order on motion to intervene  
Order on motion to certify class  
Order on motion for declaratory judgment  
Order on motion to remand  
Order on motion for change of venue  
Order referring case to arbitration  
Order on motion to withdraw reference  
Order on motion for judgment as a matter of law  
Order on motion in limine  
Findings of fact and conclusions of law  
Judgment  
Order on motion to vacate/set aside/correct sentence (2255)  
Order adopting report and recommendations  
Memorandum opinion  
Order on motion for reconsideration  
Contempt order  
Order on motion for new trial  
Order on motion for certificate of appealability  
Order on motion for judgment on attorney fees

- **Trial Preparation**
- **Hearing Preparation**

## **Case Adjustment**

The *Case Adjustment* category (yellow) reflects additional case processing time (in minutes) associated with the presence of specific case characteristics. The category includes 3 subheadings:

- **Multiple Parties (5 or more)**
- **Class Action**
- **Motions (more than 50)**

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## District Court Case Weighting Study Event Weight Estimates by Type of Case

### Civil Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences			In-Chambers Case-Related Activities					Case Adjustments		
	Jury Trial	Non-Jury Trial	Hearing on Preliminary Injunction/TRO	Other Evidentiary Hearing	Conference	Motion Hearing	Other Non-Evidentiary Hearing	Order on Motion for Summary Judgment	Order on a Discovery Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep	Multiple Parties (5 or more)	Class Action	Motions (more than 50)
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	23.0 hrs	12.6 hrs	3.7 hrs	3.2 hrs	31 mins	28 mins	28 mins	72 mins	26 mins	45 mins	30 mins	30 mins	0 mins	0 mins	0 mins
<b>Admiralty</b>															
Admiralty	21.5	11.7	2.5	2.7											
<b>Bankruptcy</b>															
Bankruptcy Appeals and Withdrawals	32.5	12.4	2.1	3.2											
<b>Banking and Finance</b>															
Banking and Finance	23.2	10.8	3.2	2.2											
<b>Commercial Litigation</b>															
SEC, CFTC, and Similar Enforcement Actions (US Plaintiff)	-- <sup>1</sup>	20.8	3.4	1.6											
SEC, Commodities, and Stockholder Suits (non-US Plaintiff)	39.2	17.5	3.1	2.3											
Civil RICO	48.6	22.0	4.7	2.8											
Antitrust	66.6	53.1	9.8	3.4											
Other Fraud	30.1	13.4	4.0	2.6											
Interstate Commerce	-- <sup>1</sup>	15.0	-- <sup>1</sup>	-- <sup>1</sup>											

<sup>1</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

## District Court Case Weighting Study Event Weight Estimates by Type of Case

### Civil Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences			In-Chambers Case-Related Activities					Case Adjustments		
	Jury Trial	Non-Jury Trial	Hearing on Preliminary Injunction/TRO	Other Evidentiary Hearing	Conference	Motion Hearing	Other Non-Evidentiary Hearing	Order on Motion for Summary Judgment	Order on a Discovery Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep	Multiple Parties (5 or more)	Class Action	Motions (more than 50)
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	23.0 hrs	12.6 hrs	3.7 hrs	3.2 hrs	31 mins	28 mins	28 mins	72 mins	26 mins	45 mins	30 mins	30 mins	0 mins	0 mins	0 mins
<b>Contracts</b>															
Insurance Contracts	21.7	10.3	2.3	2.0											
Overpayment and Recovery	-- <sup>1</sup>	5.6	-- <sup>1</sup>	1.5											
Other Contract Actions	28.1	13.3	3.5	3.1											
<b>Torts</b>															
Personal Injury (excluding admiralty)	16.9	10.7	4.2	2.2											
Medical Malpractice	26.8	16.1	-- <sup>1</sup>	2.2											
Federal Employer's Liability	19.9	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
Assault, Libel, and Slander	24.0	5.4	-- <sup>1</sup>	1.5											
Product Liability (excluding admiralty)	28.5	17.4	5.3	3.3											
Asbestos	26.3	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
<b>Civil Rights</b>															
Civil Rights (non-prisoner)	23.0	13.9	3.8	2.7											

<sup>1</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

## District Court Case Weighting Study Event Weight Estimates by Type of Case

### Civil Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences			In-Chambers Case-Related Activities					Case Adjustments		
	Jury Trial	Non-Jury Trial	Hearing on Preliminary Injunction/TRO	Other Evidentiary Hearing	Conference	Motion Hearing	Other Non-Evidentiary Hearing	Order on Motion for Summary Judgment	Order on a Discovery Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep	Multiple Parties (5 or more)	Class Action	Motions (more than 50)
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	23.0 hrs	12.6 hrs	3.7 hrs	3.2 hrs	31 mins	28 mins	28 mins	72 mins	26 mins	45 mins	30 mins	30 mins	0 mins	0 mins	0 mins
<b>Prisoner Litigation</b>															
Prisoner Civil Rights / Prison Conditions (Federal)	12.7	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
Prisoner Civil Rights / Prison Conditions (State)	12.4	6.6	4.0	2.5											
Death Penalty Habeas Corpus	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	6.4											
§2254 Habeas Corpus	17.3	5.4	1.9	4.2											
§2255 Vacate Sentence	-- <sup>1</sup>	6.0	-- <sup>1</sup>	2.2											
Mandamus	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
Deportation / Immigration	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
<b>Social Security</b>															
Social Security	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
<b>Intellectual Property</b>															
Copyright and Trademark	31.6	12.8	3.8	3.3											
Patent	47.1	26.7	5.6	7.2											

<sup>1</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

## District Court Case Weighting Study Event Weight Estimates by Type of Case

### Civil Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences			In-Chambers Case-Related Activities					Case Adjustments		
	Jury Trial	Non-Jury Trial	Hearing on Preliminary Injunction/TRO	Other Evidentiary Hearing	Conference	Motion Hearing	Other Non-Evidentiary Hearing	Order on Motion for Summary Judgment	Order on a Discovery Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep	Multiple Parties (5 or more)	Class Action	Motions (more than 50)
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	23.0 hrs	12.6 hrs	3.7 hrs	3.2 hrs	31 mins	28 mins	28 mins	72 mins	26 mins	45 mins	30 mins	30 mins	0 mins	0 mins	0 mins
<b>Real and Personal Property</b>															
Land Condemnation	17.4	4.4	-- <sup>1</sup>	-- <sup>1</sup>											
Foreclosure	-- <sup>1</sup>	7.2	-- <sup>1</sup>	-- <sup>1</sup>											
Other Property Actions (Real or Personal)	26.0	15.9	3.8	2.1											
<b>Labor</b>															
ERISA	22.4	8.3	2.5	2.2											
All Other Labor	23.5	12.1	3.6	2.5											
<b>Forfeiture and Penalty</b>															
Forfeiture and Penalty	13.6	5.2	3.4	3.0											
<b>Other Actions</b>															
Freedom of Information Act	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>											
Federal Tax Suits	14.7	9.5	-- <sup>1</sup>	2.9											
Environmental Matters	45.3	22.8	3.9	7.5											
All Other Actions (incl Local Jurisdiction)	26.4	11.4	3.5	4.2											

<sup>1</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

## Civil Case Type Categories District Court Case Weighting Project

### by General Category

A reference document listing the civil cases comprising each of the 39 case types appearing on the Civil Case Worksheet

**% FY2002  
civil filings**

### Admiralty

<b>1</b>	Admiralty	120 MARINE CONTRACT ACTIONS 340 MARINE PERSONAL INJURY 345 MARINE PRODUCT LIABILITY	<b>1.57</b>
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### Bankruptcy

<b>2</b>	Bankruptcy Appeals and Withdrawals	422 BANKRUPTCY APPEALS RULE 28 USC 158 423 BANKRUPTCY WITHDRAWAL 28 USC 157	<b>1.63</b>
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### Banking and Finance

<b>3</b>	Banking and Finance	140 NEGOTIABLE INSTRUMENTS 371 TRUTH IN LENDING 430 BANKS AND BANKING	<b>.56</b>
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**Commercial Litigation**

<b>4</b>	SEC, CFTC, and Similar Enforcement Actions (US Plaintiff)	160 STOCKHOLDER'S SUITS (US PLAINTIFF) 850 SECURITIES, COMMODITIES, EXCHANGE (US PLAINTIFF)	<b>.13</b>
<b>5</b>	SEC, Commodities, and Stockholder's Suits (Non - US Plaintiff)	160 STOCKHOLDER'S SUITS (NON - US PLAINTIFF) 850 SECURITIES, COMMODITIES, EXCHANGE (NON - US PLAINTIFF)	<b>1.39</b>
<b>6</b>	Civil RICO	470 CIVIL (RICO)	<b>.31</b>
<b>7</b>	Antitrust	410 ANTITRUST	<b>.32</b>
<b>8</b>	Other Fraud	370 OTHER FRAUD	<b>.69</b>
<b>9</b>	Interstate Commerce	450 INTERSTATE COMMERCE	<b>.23</b>

**Contracts**

<b>10</b>	Insurance Contracts	110 INSURANCE	<b>3.47</b>
<b>11</b>	Overpayment and Recovery	150 OVERPAYMENTS & ENFORCEMENT OF JUDGMENTS 151 OVERPAYMENTS UNDER THE MEDICARE ACT 152 RECOVERY OF DEFAULTED STUDENT LOANS 153 RECOVERY OF OVERPAYMENTS OF VET BENEFITS	<b>1.84</b>
<b>12</b>	Other Contract Actions	190 OTHER CONTRACT ACTIONS 130 MILLER ACT	<b>6.93</b>

**Torts**

<b>13</b>	Personal Injury (excluding admiralty)	310 AIRPLANE PERSONAL INJURY 350 MOTOR VEHICLE PERSONAL INJURY 360 OTHER PERSONAL INJURY	<b>5.03</b>
<b>14</b>	Medical Malpractice	362 MEDICAL MALPRACTICE	<b>.58</b>
<b>15</b>	Federal Employer's Liability	330 FEDERAL EMPLOYERS' LIABILITY	<b>.37</b>
<b>16</b>	Assault, Libel, and Slander	320 ASSAULT, LIBEL, AND SLANDER	<b>.28</b>
<b>17</b>	Product Liability (excluding admiralty)	315 AIRPLANE PRODUCT LIABILITY 355 MOTOR VEHICLE PRODUCT LIABILITY 365 OTHER PERSONAL INJURY -PRODUCT LIABILITY 245 PRODUCT LIABILITY - REAL PROPERTY DAMAGE 195 CONTRACT PRODUCT LIABILITY 385 PROPERTY DAMAGE -PRODUCT LIABILITY	<b>6.36</b>
<b>18</b>	Asbestos	368 ASBESTOS PERSONAL INJURY - PROD.LIAB.	<b>2.78</b>

**Civil Rights**

<b>19</b>	Civil Rights (non-prisoner)	441 CIVIL RIGHTS VOTING 442 CIVIL RIGHTS JOBS 443 CIVIL RIGHTS ACCOMMODATIONS 444 CIVIL RIGHTS WELFARE 440 OTHER CIVIL RIGHTS	<b>15.88</b>
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**Prisoner Litigation**

<b>20</b>	Prisoner Civil Rights / Prison Conditions (Federal)	550 PRISONER -CIVIL RIGHTS (US DEFENDANT) 555 PRISONER - PRISON CONDITIONS (US DEFENDANT)	<b>.44</b>
<b>21</b>	Prisoner Civil Rights / Prison Conditions (State)	550 PRISONER -CIVIL RIGHTS (NON - US DEFENDANT) 555 PRISONER - PRISON CONDITIONS (NON - US DEFENDANT)	<b>9.11</b>
<b>22</b>	Death Penalty Habeas Corpus	535 HABEAS CORPUS: DEATH PENALTY	<b>.08</b>
<b>23</b>	§2254 Habeas Corpus Petitions	530 PRISONER PETITIONS -HABEAS CORPUS	<b>9.31</b>
<b>24</b>	§2255 Petitions to Vacate Sentence	510 PRISONER PETITIONS -VACATE SENTENCE	<b>2.34</b>
<b>25</b>	Mandamus	540 PRISONER PETITIONS -MANDAMUS AND OTHER	<b>.47</b>
<b>26</b>	Deportation / Immigration	460 DEPORTATION	<b>.13</b>

**Social Security**

<b>27</b>	Social Security	860 SOCIAL SECURITY 861 MEDICARE 862 BLACK LUNG 863 D.I.W.C./D.I.W.W. 864 S.S.I.D. 865 R.S.I.	<b>7.18</b>
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**Intellectual Property**

<b>28</b>	Copyright and Trademark	820 COPYRIGHT 840 TRADEMARK	<b>2.19</b>
<b>29</b>	Patent	830 PATENT	<b>1.05</b>

**Real and Personal Property**

<b>30</b>	Land Condemnation	210 LAND CONDEMNATION	<b>.31</b>
<b>31</b>	Foreclosure	220 FORECLOSURE	<b>2.25</b>
<b>32</b>	Other Property Actions (Real or Personal)	230 RENT, LEASE, EJECTMENT 240 TORTS TO LAND 290 OTHER REAL PROPERTY ACTIONS 380 OTHER PERSONAL PROPERTY DAMAGE	<b>1.02</b>

**Labor**

<b>33</b>	ERISA	791 EMPLOYEE RETIREMENT INCOME SECURITY ACT	<b>4.34</b>
<b>34</b>	All Other Labor	710 FAIR LABOR STANDARDS ACT 720 LABOR/MANAGEMENT RELATIONS ACT 730 LABOR/MANAGEMENT REPORT & DISCLOSURE 740 RAILWAY LABOR ACT 790 OTHER LABOR LITIGATION	<b>2.78</b>

**Forfeiture and Penalty**

<b>35</b>	Forfeiture and Penalty	625 DRUG RELATED SEIZURE OF PROPERTY 690 OTHER FORFEITURE AND PENALTY SUITS 610 AGRICULTURAL ACTS (PENALTY) 620 FOOD AND DRUG ACTS 630 LIQUOR LAWS 640 RAILROAD AND TRUCKS 650 AIRLINE REGULATIONS 660 OCCUPATIONAL SAFETY/HEALTH	<b>.83</b>
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**Other Actions**

<b>36</b>	Freedom of Information Act	895 FREEDOM OF INFORMATION ACT OF 1974	<b>.10</b>
<b>37</b>	Federal Tax Suits	870 TAX SUITS 871 IRS 3RD PARTY SUITS 26 USC 7609	<b>.48</b>
<b>38</b>	Environmental Matters	893 ENVIRONMENTAL MATTERS 891 AGRICULTURAL ACTS 894 ENERGY ALLOCATION ACT	<b>.45</b>
<b>39</b>	All Other Actions (including Local Jurisdiction)	400 STATE RE-APPORTIONMENT 810 SELECTIVE SERVICE 875 CUSTOMER CHALLENGE 12 USC 3410 890 OTHER STATUTORY ACTIONS 892 ECONOMIC STABILIZATION ACT	<b>4.76</b>

		900 APPEAL OF FEE -EQUAL ACCESS TO JUSTICE 910 DOMESTIC RELATIONS 920 INSANITY 930 PROBATE 940 SUBSTITUTE TRUSTEE 950 CONSTITUTIONALITY OF STATE STATUTES 990 OTHER 992 LOCAL JURISDICTIONAL APPEAL 999 MISCELLANEOUS	
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## Instructions for Completing the Criminal Case Worksheet

The criminal matrix is completed in much the same way as the civil matrix. Thirteen events that can occur in a criminal case are listed across the top of the matrix and 21 types of cases are listed on the left. Please estimate how much time it takes, on average, to complete a single occurrence of each type of event for particular case types.

**The task of completing the criminal matrix differs in one important respect from the task involving the civil matrix – the estimates you provide for criminal cases must be based on consideration of single-defendant cases *only*.** Estimates based on multiple defendants are likely to overstate the time required to complete case events.

As with the civil matrix, values have been inserted into the (blue) trial portion of the criminal matrix, and default values appear in a row across the top. You do not need to adjust the trial values. Your task is to evaluate the default values in the orange- and green-shaded columns and, where appropriate, provide time estimates that more accurately reflect your experience with the listed events and case types. If you believe the preprinted default is not appropriate, cross it out and insert your own default value. Wherever this is done, we will use your new default when a worksheet cell is left blank.

### Here are a few reminders:

- The case types listed on the left side of the matrix are grouped into larger overall categories (such as Drug Offenses) to make estimates easier. If you have questions about which offenses fall under the provided headings, please refer to Document #8, Criminal Case Type Categories, for information.
- Your estimates may be higher or lower than the default values. Keep in mind that the estimates you provide should represent **average** case-processing times, not extreme cases.
- Supervised Release and Probation Revocation Hearings are considered as a separate category of case, distinguished by the presence of an evidentiary (versus non-evidentiary) hearing. These case types appear in the final rows of the matrix. You are asked to provide only an estimate of the time associated with Hearing Prep (green).
- Some of the event categories listed across the top of the criminal matrix are similar to categories appearing on the civil matrix; others are specific to criminal case types. A description of each event will be found on the pages that follow.

Please fax your completed matrix to the FJC a week in advance of the circuit meeting (fax 202-502-4199; Attention: Pat Lombard and Carol Krafka) and also bring it to the meeting.

## Description of Criminal Case Event Categories

### **Trials and Other Evidentiary Hearings**

The *Trials and Other Evidentiary Hearings* category (in blue) reflects the average time (in hours) judges spend in a contested proceeding where evidence is introduced. The values reported in this section of the worksheet are for **single-defendant proceedings**. They are listed as reference points for you to consider in evaluating the default estimates of the remaining portions of the worksheet. They are not subject to adjustment.

The category includes 4 subheadings:

- **Jury Trial**
- **Non-Jury Trial**
- **Sentencing Hearing (evidentiary)**
- **Other Evidentiary Hearing**

### **Non-Evidentiary Hearings and Conferences**

The *Non-Evidentiary Hearings and Conferences* category (orange) reflects the average time (in minutes) it takes to conduct proceedings **in a single-defendant case**. These events normally result in a minute sheet. Another way to think about the estimate is to consider it the equivalent of elapsed gavel-to-gavel time. Time spent preparing for the hearing is not included in the estimate, since this time is represented by a separate (green) Hearing Prep event. The proceeding may take place in either the courtroom or in chambers.

The category includes 5 subheadings:

- **Conference**
  - Includes:*
  - Pretrial conferences
  - Status conferences
  - Scheduling conferences
  - In-chambers conferences
  - Telephone conferences
  - Videoconferences
- **Motion Hearing (non-evidentiary)**
- **Arraignment or Plea Hearing**
- **Sentencing Hearing (non-evidentiary)**

- **Other Non-Evidentiary Hearing**

- Includes:

- Hearing on a contempt order

- Hearing on an order to show cause

- Other hearings on issues initiated by the court rather than one or more of the parties

### **In-Chambers Case-Related Activities**

The *In-Chambers Case-Related Activities* category (green) considers the average time (in minutes) spent in chambers on two distinct types of activities – completion of an order (including a judgment, opinion, or memorandum) and preparation for a trial or hearing.

This category includes 2 events relating to the issuance of an Order (where the term Order is used to mean any written decision, including judgment, opinion, or memorandum). They are: Order on Suppression Motion and Order on Any Other Enumerated Motion. The event defined as Order on Any Other Enumerated Motion represents a general collection of substantive motions. These motions are enumerated in a listing provided below.

Time estimates provided for Order events should reflect the average time you spend on work associated with producing a written decision – except the time you spend in a related hearing or preparing for the hearing. Your estimate should include time spent reading briefs, conferring with staff or colleagues, conducting research, and writing related orders, judgments, opinions, and memoranda. It does not include law-clerk time.

Two events included in *In-Chambers Case-Related Activities* capture estimated time spent preparing for an imminent (same or next day) courtroom proceeding: Trial Prep and Hearing Prep. Estimates of preparation time are intended to account for time spent reviewing briefs and other papers that have already been examined in full. Time spent on a more thorough examination of papers should be accounted for in the previously discussed Order events. Trial Prep *does* include the average amount of time you spend writing jury instructions.

The category includes 4 subheadings:

- **Order on Suppression Motion**
- **Order on Any Other Enumerated Motion**

- Enumeration includes:

- Order on motion to dismiss case

- Order on motion to dismiss/speedy trial

- Order on motion for speedy trial

- Order on motion to withdraw as attorney

- Order on discovery motion

- Order on motion to exclude

Order on motion for forfeiture of property  
Order on motion in limine  
Order on motion to quash  
Order on motion for a judgment of acquittal (Rule 29)  
Order on motion for protective order  
Order on motion for psychological or psychiatric exam  
Order on motion for reconsideration  
Order on motion for release from custody  
Order on motion to appoint expert  
Order on motion to bifurcate  
Order on motion to sever defendant  
Order on motion to disqualify counsel  
Order on motion to withdraw plea  
Order on motion to modify conditions of release  
Findings of fact  
Memorandum opinion  
Judgment  
Order on motion for new trial  
Order on motion to seal  
Order on motion to reduce sentence  
Contempt order  
Order adopting report and recommendations  
Order authorizing payment of CJA voucher  
Order on motion for certificate of appealability  
Order on motion for judgment on attorney fees

- **Trial Preparation**
- **Hearing Preparation**

## District Court Case Weighting Study Event Weight Estimates by Type of Case

### Criminal Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences					In-Chambers Case-Related Activities			
	Jury Trial	Non-Jury Trial	Sentencing Hearing (evidentiary)	Other Evidentiary Hearing	Conference	Motion Hearing	Arraignment or Plea Hearing	Sentencing Hearing (non-evidentiary)	Other Non-Evidentiary Hearing	Order on Suppression Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	17.6 <sup>1</sup> hrs	4.3 hrs	1.3 hrs	2.2 hrs	31 mins	28 mins	24 mins	28 mins	28 mins	71 mins	38 mins	30 mins	30 mins
<b>Homicide, Assault, Kidnapping</b>													
Murder, Manslaughter, Homicide	25.3	8.4	2.8	7.4									
Aggravated or Felonious Assault, Kidnapping	17.5	7.0	1.5	2.3									
<b>Sexual Offenses</b>													
Sexual Offenses and Pornography	17.1	5.2	2.0	2.6									
<b>Robbery, Burglary, Larceny and Theft</b>													
Robbery and Burglary	15.6	2.7	1.4	2.0									
Larceny and Theft	21.4	6.2	1.7	2.5									
<b>Financial Crimes</b>													
Embezzlement, Forgery and Counterfeiting	19.7	5.1	1.5	1.8									
All Fraud	25.9	10.0	1.9	2.9									

<sup>1</sup> Default values for trials are based on the average time required to conduct a **one-defendant** trial based on JS-10 reports.

### District Court Case Weighting Study Event Weight Estimates by Type of Case

#### Criminal Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences					In-Chambers Case-Related Activities			
	Jury Trial	Non-Jury Trial	Sentencing Hearing (evidentiary)	Other Evidentiary Hearing	Conference	Motion Hearing	Arraignment or Plea Hearing	Sentencing Hearing (non-evidentiary)	Other Non-Evidentiary Hearing	Order on Suppression Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	17.6 <sup>1</sup> hrs	4.3 hrs	1.3 hrs	2.2 hrs	31 mins	28 mins	24 mins	28 mins	28 mins	71 mins	38 mins	30 mins	30 mins
<b>Immigration Offenses</b>													
Alien Smuggling	12.1	2.8	0.6	1.4									
Other Immigration	8.0	1.7	0.6	1.4									
<b>Drug Offenses</b>													
Sell or Distribute	15.4	3.8	1.2	2.1									
Import / Export	14.4	4.1	1.3	1.5									
Manufacture	17.5	-- <sup>2</sup>	1.6	2.1									
Possession	16.6	5.5	1.6	2.2									
Continuing Criminal Enterprise	40.1	-- <sup>2</sup>	2.1	3.7									
<b>Firearms</b>													
Firearms	13.4	3.1	1.5	2.3									
<b>Extortion, Threats, and RICO</b>													
All Extortion, Threats, and RICO	33.5	4.7	1.7	2.2									

<sup>1</sup> Default values for trials are based on the average time required to conduct a **one-defendant** trial based on JS-10 reports.

<sup>2</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

### District Court Case Weighting Study Event Weight Estimates by Type of Case

#### Criminal Cases

Case Type Description	Trials and Other Evidentiary Hearings				Non-Evidentiary Hearings and Conferences					In-Chambers Case-Related Activities			
	Jury Trial	Non-Jury Trial	Sentencing Hearing (evidentiary)	Other Evidentiary Hearing	Conference	Motion Hearing	Arraignment or Plea Hearing	Sentencing Hearing (non-evidentiary)	Other Non-Evidentiary Hearing	Order on Suppression Motion	Order on Any Other Enumerated Motion	Trial Prep	Hearing Prep
<b>Default Time Estimate</b> <i>(trials in hours, other events in minutes)</i>	17.6 <sup>1</sup> hrs	4.3 hrs	1.3 hrs	2.2 hrs	31 mins	28 mins	24 mins	28 mins	28 mins	71 mins	38 mins	30 mins	30 mins
<b>Espionage and Terrorism</b>													
Espionage and Terrorism	-- <sup>2</sup>	-- <sup>2</sup>	-- <sup>2</sup>	-- <sup>2</sup>									
<b>All Other Felony Offenses</b>													
All Other Felonies	24.4	6.6	2.0	2.7									
<b>Misdemeanor and Petty Offenses</b>													
All Misdemeanor and Petty Offenses	13.1	3.1	1.5	2.0									
<b>Supervised Release and Probation Revocation Hearings</b>													
Supervised Release and Probation – Evidentiary Revocation Hearing				1.1									
Supervised Release and Probation – Non-Evidentiary Revocation Hearing								30					

<sup>1</sup> Default values for trials are based on the average time required to conduct a **one-defendant** trial based on JS-10 reports.

<sup>2</sup> An estimate of trial time was not presented if there were less than 20 trials in the category.

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## Criminal Case Type Categories District Court Case Weighting Project

### by General Category

A reference document listing the criminal offenses comprising each of the 21 case types appearing on the Criminal Case Worksheet

**% FY2002  
criminal filings**

**Homicide, Assault, Kidnapping**

<b>1</b>	Murder, Manslaughter, Homicide	0100 MURDER, FIRST DEGREE	.50
		0101 MURDER, 1 <sup>ST</sup> DEGREE, GOVERNMENT OFFICIALS	
		0200 MURDER, SECOND DEGREE	
		0201 MURDER, 2ND DEGREE, GOVERNMENT OFFICIALS	
		0300 MANSLAUGHTER	
		0301 MANSLAUGHTER, GOVERNMENT OFFICIALS	
		0310 NEGLIGENT HOMICIDE	
		0311 NEGLIGENT HOMICIDE, GOVERNMENT OFFICIALS	
<b>2</b>	Aggravated or Felonious Assault, Kidnapping	1500 AGGRAVATED OR FELONIOUS	.64
		1501 FELONY ASSAULT, ON GOVERNMENT OFFICIAL	
		1560 ASSAULT FAIR HOUSING LAW	
		1600 ASSAULT, OTHER	
		7600 KIDNAPPING (18:1201,1202)	
		7601 KIDNAPPING, GOVERNMENT OFFICIALS	
		7610 KIDNAPPING (18:13)	
		7611 KIDNAPPING, HOSTAGE	

**Sexual Offenses**

<b>3</b>	Sexual Offenses and Pornography	6100	SEXUAL ABUSE OF ADULT	1.41
		6110	SEXUAL ABUSE OF CHILDREN	
		6120	INTERSTATE DOMESTIC VIOLENCE	
		6200	WHITE SLAVE & IMPORTING ALIENS	
		6300	SEX OFFENSES, OTHER	

**Robbery, Burglary, Larceny and Theft**

<b>4</b>	Robbery and Burglary	1100	ROBBERY, BANK	1.96
		1200	ROBBERY, POSTAL	
		1400	ROBBERY, OTHER	
		2100	BURGLARY, BANK	
		2200	BURGLARY, POSTAL	
		2300	BURGLARY, INTERSTATE COMMERCE	
		2400	BURGLARY, OTHER	
<b>5</b>	Larceny and Theft	3100	LARCENY & THEFT, BANK	2.88
		3200	LARCENY & THEFT, POSTAL	
		0320	LARCENY & THEFT, POSTAL	
		3300	LARCENY & THEFT, INTERSTATE COMMERCE	
		3400	THEFT OF U. S. PROPERTY	
		3600	TRANSPORTATION STOLEN PROPERTY	
		3700	LARCENY & THEFT, FELONY OTHER	
		5100	TRANSPORT ETC. STOLEN VEHICLES, AIRCRAFT	
		5200	AUTO THEFT, OTHER (INCLUDING CARJACKING)	
5500	TRANSPORT, FORGED SECURITIES			

**Financial Crimes**

<p><b>6</b></p>	<p>Embezzlement, Forgery and Counterfeiting</p>	<p>4100 BANK EMBEZZLEMENT                  4200 POSTAL EMBEZZLEMENT                  4310 EMBEZZLEMENT PUBLIC MONIES OR PROPERTY                  4320 LENDING, CREDIT, INSURANCE INSTITUTION                  4330 BY OFFICERS OF A CARRIER                  4340 WORLD WAR VETERANS RELIEF                  4350 EMBEZZLEMENT: OFFICER OR EMPLOYEE OF U. S.                  4390 EMBEZZLEMENT, OTHER                  9907 FEDERAL STATUTES-MONEY AND FINANCE                  5600 FORGERY, POSTAL                  5710 FORGERY, OTHER U. S.                  5720 FORGERY, OTHER                  5800 COUNTERFEITING</p>	<p>3.31</p>
<p><b>7</b></p>	<p>All Fraud</p>	<p>4900 BANKRUPTCY                  4920 SECURITIES &amp; EXCHANGE COMMISSION                  =====                  4510 INCOME TAX, EVADE OR DEFEAT                  4520 INCOME TAX, OTHER FELONY                  4530 INCOME TAX, FAILURE TO FILE                  4931 FRAUD, EXCISE TAX, OTHER                  4932 FRAUD, WAGERING TAX, OTHER                  4933 FRAUD, OTHER, TAX FRAUD                  8900 LIQUOR, INTERNAL REVENUE                  8901 FRAUD, OTHER TAX</p>	<p>12.17</p>

		=====	
		4941 FRAUD FOOD STAMP PROGRAM	
		4980 PASSPORT FRAUD	
		4995 CREDIT CARD FRAUD	
		=====	
		4600 LENDING, CREDIT INSTITUTIONS	
		4601 BANK FRAUD	
		4700 POSTAL, INTERSTATE WIRE, RADIO, ETC	
		4800 VETERANS AND ALLOTMENTS	
		4910 MARKETING AGREEMENTS & COMMODITY CREDIT	
		4940 RAILROAD RETIREMENT & UNEMPLOYMENT	
		4950 SOCIAL SECURITY	
		4960 FALSE PERSONATION	
		4970 NATIONALITY LAWS	
		4991 FALSE CLAIMS & STATEMENTS	
		4992 FRAUD, CONSPIRACY TO DEFRAUD, OTHER	
		4993 FRAUD, CONSPIRACY (GENERAL), OTHER	
		4994 FRAUD, FALSE ENTRIES, OTHER	
		4996 COMPUTER FRAUD	
		4997 TELEMARKETING FRAUD	
		4998 HEALTH CARE FRAUD	
		4999 FRAUD, OTHER	
		9910 COMMUNICATION ACTS (INCL WIRE TAPPING)	
		9911 WIRE INTERCEPTION	

**Immigration Offenses**

<b>8</b>	Alien Smuggling	8730	8:1324 BRINGING IN AND HARBORING ALIENS	2.81
		8730	8:1327 AIDING OR ASSISTING CERTAIN ALIENS TO ENTER	
<b>9</b>	Other Immigration	8710	IMMIGRATION LAWS, ILLEGAL ENTRY	12.89
		8720	IMMIGRATION LAWS, ILLIGAL RE-ENTRY	
		8730	IMMIGRATION LAWS, OTHER (except 8:1324 and 8:1327)	
		8740	IMMIGRATION LAWS, SUBSEQUENT ILLEGAL ENTRY	
		8750	IMMIGRATION LAWS, FRAUDULENT CITIZENSHIP	

**Drug Offenses**

<b>10</b>	Sell or Distribute	6501	MARIHUANA-SELL, DISTRIBUTE, OR DISPENSE	25.68
		6701	NARCOTICS-SELL, DISTRIBUTE, OR DISPENSE	
		6801	CONTROLLED SUB-SELL, DISTRIBUTE, OR DISPENSE	
<b>11</b>	Import / Export	6502	MARIHUANA-IMPORTATION/EXPORTATION	3.99
		6702	NARCOTICS-IMPORTATION/EXPORTATION	
		6802	CONTROLLED SUB-IMPORTATION/EXPORTATION	
<b>12</b>	Manufacture	6503	MARIHUANA-MANUFACTURE	1.59
		6703	NARCOTICS-MANUFACTURE	
		6803	CONTROLLED SUBSTANCE-MANUFACTURE	
<b>13</b>	Possession	6504	MARIHUANA-POSSESSION	2.43
		6704	NARCOTICS-POSSESSION	
		6804	CONTROLLED SUBSTANCE-POSSESSION	
<b>14</b>	Continuing Criminal Enterprise	6800	CONTINUING CRIMINAL ENTERPRISE	.09

**Firearms**

<b>15</b>	Firearms	7800	FIREARMS & WEAPONS	9.54
		7820	FIREARMS, UNLAWFUL POSSESSION	
		7830	FIREARMS	

**Extortion, Threats, and RICO**

<b>16</b>	All Extortion, Threats, and RICO	7400	EXTORTION, RACKETEERING, & THREATS	1.26
		7401	THREATS AGAINST THE PRESIDENT	
		7410	RACKETEERING, ARSON	
		7420	RACKETEERING, BRIBERY	
		7430	RACKETEERING, EXTORTION	
		7440	RACKETEERING, GAMBLING	
		7450	RACKETEERING, LIQUOR	
		7460	RACKETEERING, NARCOTICS	
		7470	RACKETEERING, PROSTITUTION	
		7471	RACKETEERING, MURDER	
		7472	RACKETEERING, KIDNAP	
		7473	RACKETEERING, MAIM	
		7474	CONSPIRACY, MURDER, KIDNAP	
		7475	ATTEMPT, CONSPIRE / MAIM, ASSAULT	
		7477	MONEY LAUNDERING	
		7478	MURDER, FIRST DEGREE	
		7480	RACKETEERING	
		7481	RACKETEERING, ROBBERY	
		7482	RACKETEERING, THREATS	
		7490	RACKETEERING, EXTORTION CREDIT TRANSACTION	

**Espionage and Terrorism**

<b>17</b>	Espionage and Terrorism	9752	ESPIONAGE	.03
		9957	TERRORIST ACTIVITY	

**All Other Felony Offenses**

<b>18</b>	All Other Felonies	6505	MARIHUANA-RECORDS, RX'S, FRAUDULENT	3.51
		6705	NARCOTICS-RECORDS, RX'S, FRAUDULENT	
		6805	CONTROL SUB-RECORDS, RX'S, FRAUDULENT	
		6500	NARC. MARIHUANA TAX ACT (TERMS/REOPENS)	
		6600	NARC. BORDER REGISTRATION (TERMS/REOPENS)	
		6700	NARCOTICS, OTHER (TERMS/REOPENS)	
		6706	NARCOTICS, OTHER (TERMS/REOPENS)	
		6707	NARCOTICS, OTHER (TERMS/REOPENS)	
		6806	DRUG CULTIVATION	
		6807	ILLCIT DRUG PROFITS	
		6808	CONTROLLED SUBSTANCES ABOARD AIRCRAFT	
		6809	MAIL ORDER DRUG PARAPHERNALIA	
		6810	UNDER INFLUENCE ALCOHOL/DRUGS	
		6900	POLLUTING FED LANDS-CONTROL SUBSTANCE	
		6905	OTHER DRUG OFFENSES	
		6907	ILLCIT DRUG PROFITS	
		6909	MAIL ORDER DRUG PARAPHERNALIA	
6911	OTHER DAPCA OFFENSES			
=====				
7210	TRAFFIC OFFENSES, DRUNKEN DRIVING			

	7220	TRAFFIC OFFENSES, OTHER	
	=====		
	9710	NATIONAL DEFENSE, SELECTIVE SERVICE	
	9720	NATIONAL DEFENSE, ILLEGAL USE OF UNIFORM	
	9730	NATIONAL DEFENSE, DEFENSE PRODUCTION ACT	
	9731	ECONOMIC STABILIZATION ACT OF 1970-PRICES	
	9732	ECONOMIC STABILIZATION ACT OF 1970-RENTS	
	9733	ECONOMIC STABILIZATION ACT OF 1970-WAGES	
	9740	ALIEN REGISTRATION	
	9741	ENERGY FACILITY	
	9751	TREASON	
	9753	SABOTAGE	
	9754	SEDITION	
	9755	SMITH ACT	
	9760	CURFEW, RESTRICTED AREAS	
	9770	EXPORTATION OF WAR MATERIALS	
	9771	ANTI-APARTHEID PROGRAM	
	9780	TRADING WITH THE ENEMY ACT	
	9790	NATIONAL DEFENSE, OTHER	
	9791	SUBVERSIVE ACTIVITIES CONTROL ACT	
	9792	DEFENSE CONTRACTORS	
	9793	ARMED FORCES	
	9950	WAR AND NATIONAL DEFENSE, OTHER	
	=====		
	1602	OBSTRUCTION OF JUSTICE-INTERFERENCE	
	7100	BRIBERY	
	0710	BRIBERY	

	7130	CONFLICT OF INTEREST-MINING	
	7131	CONFLICT OF INTEREST-HEALTH/WELFARE	
	=====		
	9001	HAZARDOUS WASTE-TREATMENT/DISPOSAL/	
	9110	AGRICULTURE ACTS	
	9115	AGRICULTURE ACTS	
	9120	AGRICULTURE, FEDERAL SEED ACT	
	9130	GAME CONSERVATION ACTS	
	9140	AGRICULTURE, INSECTICIDE ACT	
	9150	NATIONAL PARK/RECREATION VIOLATIONS	
	9160	AGRICULTURE, PACKERS & STOCKYARD AC	
	9170	AGRICULTURE, PLANT QUARANTINE	
	9180	AGRICULTURE, HANDLING ANIMALS, RESE	
	9500	MIGRATORY BIRD LAWS	
	9990	NATIONAL PARK/RECREATION VIOLATIONS	
	=====		
	7310	ESCAPE	
	7311	ESCAPE, JUMPING BAIL (BAIL REFORM ACT OF 1984)	
	7312	ESCAPE, BAIL REFORM ACT OF 1966	
	7313	ESCAPE FROM CUSTODY (WORK RELEASE)	
	7314	ESCAPE, CRIMINAL DEFAULT	
	7320	ESCAPE, AIDING OR HARBORING	
	7330	ESCAPE, PRISON CONTRABAND	
	7331	ESCAPE, FRAUD, OTHER	
	=====		
	7500	GAMBLING & LOTTERY	
	7520	GAMBLING & LOTTERY, TRAVEL/RACKETEERING	

	7530	GAMBLING & LOTTERY, TRANSMIT WAGER	
	7700	PERJURY	
	7910	ARSON	
	7920	ABORTION	
	7930	BIGAMY	
	7940	MALICIOUS DESTRUCTION OF PROPERTY	
	7950	DISORDERLY CONDUCT	
	7961	TRAVEL TO INCITE TO RIOT	
	7962	CIVIL DISORDER	
	7990	MISC. GENERAL OFFENSES, OTHER	
	7991	JUVENILE DELINQUENCY	
	9200	ANTITRUST VIOLATIONS	
	9300	FAIR LABOR STANDARDS ACT	
	9400	FOOD & DRUG ACT	
	9600	MOTOR CARRIER ACT	
	9810	OBSCENE MAIL	
	9820	OBSCENE MATTER IN INTERSTATE COMMER	
	9901	CIVIL RIGHTS	
	9902	ELECTION LAW VIOLATORS	
	9903	FEDERAL STATUES-PUBLIC OFFICER/EMPL	
	9904	FED'L STATUTE-US EMBLEMS/INSIGNAS	
	9905	FEDERAL STATUTES-FOREIGN RELATIONS	
	9906	FEDERAL STATUTES-BANK AND BANKING	
	9908	FEDERAL STATUTES-PUBLIC HEALTH & WE	
	9909	FEDERAL STATUTE-CENSUS	
	9912	FEDERAL STATUTE-COPYRIGHT LAWS	
	9914	FEDERAL STATUTES-COAST GUARD	

	9915	FEDERAL STATUTES-COMMERCE AND TRADE	
	9916	FEDERAL STATUTE-COMSUMER CREDIT PRO	
	9917	FEDERAL STATUTE-CONSUMER PRODUCT SA	
	9918	FEDERAL STATUE-TOXIC SUBSTANCE CONT	
	9919	FEDERAL STATUTE-TITLE 5	
	9920	FEDERAL STATUTE-CONSERVATION ACTS	
	9921	CONTEMPT	
	9922	CONTEMPT, CONGRESSIONAL	
	9923	FORFEITURE - CRIMINAL OR DRUG RELAT	
	9926	FEDERAL STATUTE-EXTORT/OPPRESS UNDE	
	9928	FEDERAL STATUTE-REMOVAL FROM STATE	
	9929	FEDERAL STATUTE-LABOR LAWS	
	9930	FEDERAL STATUTE-MINERALS & LAND MIN	
	9931	CUSTOMS LAWS (EXCEPT NARCOTICS & LIQUOR)	
	9932	CUSTOMS LAWS - IMPORT INJURIOUS ANIMALS	
	9935	PATENTS AND TRADE MARKS	
	9936	PATRIOTIC SOCIETIES AND OBSERVANCES	
	9938	VETERANS BENEFITS	
	9940	SOCIAL SECURITY	
	9941	CONALLY ACT/HOT OIL ACT	
	9942	TRANSPORT CONVICT-MADE GOODS INTERS	
	9943	RAILROAD & TRANSPORTATION ACTS	
	9944	DESTRUCTION/PROPERTY,INTERSTATE COM	
	9947	TELEPHONES TELEGRAPHS & RADIOS	
	9949	FEDERAL STATUTE-TRANSPORTATION	
	9951	TRANSPORTATION OF STRIKEBREAKERS	
	9952	TAFT HARTLEY ACT	

	9953	EIGHT HOUR DAY ON PUBLIC WORKS	
	9954	PEONAGE	
	9956	FEDERAL STATUTE, PHW	
	9960	LIQUOR (EXCEPT INTERNAL REVENUE)	
	9971	MARITIME & SHIPPING LAWS	
	0997	MARITIME & SHIPPING LAWS	
	9972	STOWAWAYS	
	9973	FEDERAL BOAT SAFETY ACT OF 1971	
	9974	FEDERAL WATER POLLUTION CONTROL ACT	
	9981	POSTAL, NON MAILABLE MATERIAL	
	9982	POSTAL, INJURY TO PROPERTY	
	9983	POSTAL, OBSTRUCTING THE MAIL	
	9984	POSTAL, VIOLATIONS BY POSTAL EMPLOY	
	9989	POSTAL, OTHER	
	0998	POSTAL, OTHER	
	9991	DESTROYING FEDERAL PROPERTY	
	9992	INTIMIDATION OF WITNESSES, JURORS,	
	9993	AIRCRAFT REGULATIONS	
	9994	EXPLOSIVES (EXCEPT ON VESSELS)	
	9995	GOLD ACTS	
	9996	TRAIN WRECKING	
	9999	FEDERAL STATUTES, OTHER	

**Misdemeanor and Petty Offenses**

<b>19</b>	All Misdemeanor and Petty Offenses	All offenses with offense level 1 or 3 regardless of offense code and these specific non-felony offense codes 1601 ASSAULT, MISDEMEANOR, ON GOVERNMENT OFFICIAL 3800 LARCENY & THEFT, MISDEMEANOR OTHER 4540 INCOME TAX, OTHER MISDEMEANOR	13.31
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**Supervised Release and Probation Revocation Hearings**

<b>20</b>	Supervised Release and Probation – Evidentiary Revocation Hearing	Occurrence of an evidentiary supervised release or probation revocation hearing noted on Page 1 of the JS-10	
<b>21</b>	Supervised Release and Probation – Non-Evidentiary Revocation Hearing	Occurrence of a non-evidentiary supervised release or probation revocation hearing noted on Page 2 of the JS-10	