The Use of Courtrooms in U.S. Bankruptcy Courts

A Report to the Judicial Conference Committee on Court Administration & Case Management

Federal Judicial Center

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We were fortunate to have the advice and guidance of many judges and court staff during the planning and execution of the bankruptcy courtroom use study. We worked at the outset with two advisory groups, one made up of bankruptcy judges and the other of bankruptcy court staff. Early in the project we tested our data collection and training procedures in two districts that generously agreed to serve as laboratories. Throughout the study we relied greatly on our liaisons in the study districts—that is, the individuals each district appointed to facilitate data collection on site. We are grateful for the counsel and help of each of these individuals and districts.

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Above all, we are grateful to the nearly 150 court staff who recorded the study data. Without their patient and careful work every day for the three months of data collection, there would have been no study or report. Their service on behalf of the judiciary was exemplary.

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Executive Summary

Origin of the Study

At the request of the Judicial Conference Committee on Court Administration and Case Management (CACM), the Federal Judicial Center conducted a study of courtroom use in the U.S. bankruptcy courts. The study arose from a prior study of courtroom use in the district courts, which CACM undertook at the request of a House of Representatives subcommittee. Following completion of the first study, which the Federal Judicial Center also conducted for CACM, the Judicial Conference directed the committee to "conduct a study of courtroom use in the bankruptcy courts."

The Study Questions and Data Collection Process

In designing the study, we were guided by two core questions: (1) How much are courtrooms actually used? and (2) How much time is scheduled for courtrooms? To answer these questions, we designed a comprehensive study that collected data in 18 randomly selected bankruptcy courts. These courts included 69 locations of holding court and 161 courtrooms. We collected data in 9 courts from September 14 to December 14, 2009, and in the other nine courts from January 18 to April 16, 2010, for a total of 63 federal workdays for each court. For each courtroom, we recorded the precise time used for all events that occurred in the courtroom, the type of event that was taking place, and the types of users involved in the event. We also recorded the time for all events scheduled in each courtroom and tracked the rescheduling and cancellation of each scheduled event.

To supplement our understanding of courtroom use, we sent a questionnaire to all 335 bankruptcy judges on the bench in late 2009. We asked the judges about their views on the use and allocation of bankruptcy courtrooms.

Critical Analysis Decisions: Classification of Courtrooms; Time Reported as Averages

We made several decisions that shaped the analyses and findings. One of the most important was our decision to analyze the data by courtroom type, in recognition of the different functions served by different types of courtrooms. The courtrooms we call "Type I" courtrooms are each assigned to an individual bankruptcy judge, the courtroom's location is the judge's primary location, and 85% or more of the judge's case-related time recorded during the study was spent at this location. There were 90 Type I courtrooms in the study.

The courtrooms we call "Type II" courtrooms are also assigned to individual bankruptcy judges, but the judges split their time between two or more of these courtrooms, or between one of these courtrooms and a courtroom of another type, traveling between these locations as needed to hear matters. Less than 85% of the judge's case-related time recorded during the study was spent in any one of the judge's locations. There were 14 Type II courtrooms in the study.

This report focuses primarily, though not exclusively, on the Type I and Type II courtrooms, which constitute 65% of the sample courtrooms. Courtrooms borrowed from other courts, both federal and non-federal, and unassigned courtrooms make up the remainder of the courtrooms. More complete definitions of the courtroom types are provided in *infra* Part IV, Critical Analysis Decisions That Affect the Findings.

A second important decision was to report our findings as averages across all courtrooms of a given type—for example, the average hours of use per day for Type I courtrooms. Averages convey the overall use of courtrooms, but they do not represent an actual day in any given courtroom. Our examination of quartile averages provides additional information about variations in courtroom use.

Data Quality and Generalizability

Anticipating questions about our decision to use court staff to record the courtroom data and about our involvement, as a judiciary agency, in a study of federal courtroom use, we sought independent verification of our data. That verification came from an independent study that collected data on courtroom use in a random sample of the study courts. From the high correlation of our data with data collected by the independent study, as well as the internal consistency of our data, we conclude that the data are valid and reliable. Because of our sampling method and the large number of courtrooms in the study, we also conclude that the findings are generalizable to the federal bankruptcy courts as a whole.

Three Core Findings

The Executive Summary Table presents the principal findings for the courtrooms that are assigned to individual bankruptcy judges in the sample courts. Three sets of findings answer the central questions of the study.

1. **The average number of hours of actual courtroom use per day (Row B) was**
   - 2.5 hours for the 90 Type I courtrooms and
   - 1.2 hours for the 14 Type II courtrooms.

These findings answer the basic question presented for the study: How much time, on average, are the courtrooms actually used? Detailed findings about the types of events and users are provided in *infra* Part VI, Actual Use of Bankruptcy Courtrooms.

As we will show throughout this report, the Type I and Type II courtrooms are similar in the type of use made of them but differ in the amount of use, with lower average daily use of Type II courtrooms than of Type I courtrooms. The lower level of use of Type II courtrooms reflects the fact that the judges assigned to these courtrooms split their time across more than one location.

Executive Summary Table
Summary of the Study's Principal Findings for Type I and Type II Courtrooms,
Sixty-Three Workdays[a]
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type I Courtrooms[c]	Type II Courtrooms[d]
A. Number of courtrooms	90	14
B. Average hours of actual courtroom use per day	2.5	1.2
C. Average hours of actual courtroom use per day, quartile averages[e]	3.9, 2.5, 2.1, 1.4	—[f]
D. Average hours of non-overlapping time scheduled per day[g]	2.1	1.3
E. Average hours of overlapping time scheduled per day[g]	0.1	< 0.1
F. Average hours of non-overlapping time scheduled per day, quartile averages[g]	3.4, 2.3, 1.6, 0.9	—[f]
G. Average hours per day of actual use and unused scheduled time combined	3.3	1.8
H. Average hours per day of actual use and unused scheduled time combined, quartile averages[h]	5.0, 3.4, 2.7, 1.9	—[f]
I. Of 63 workdays, the number and percentage on which courtrooms were actually used (judge and non-judge time)	43 days 68.5%	27 days 43.0%
J. Average hours of actual use on days when trial was held and average number of days of trial	5.5 10 days	4.8 5 days
K. Time added to a day by unused scheduled time (as a % of actual use time)	31% 0.8 hours	50% 0.6 hours
L. Correlates of courtroom use: court characteristics[i]	% of case proceedings during study with evidence introduced	—[j]
M. Correlates of courtroom use: court-house characteristics[i]	% of case proceedings during study with evidence introduced	—[j]
N. Correlates of courtroom use: court-room characteristics[i]	% of case proceedings during study with evidence introduced Assigned judge's number of years on the bench	—[j]

Note: See footnotes on next page.

a. The findings are based on 63 federal workdays—that is, time used or scheduled in courtrooms is averaged across 63 days of data collection in each sample court.
b. One of the sample bankruptcy courts is not included in the analysis because it has no Type I or Type II bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Each of the 90 Type I courtrooms was located in a bankruptcy courthouse, was assigned to a single bankruptcy judge, and served as the judge's primary location. During the study, 85% or more of the judge's courtroom time was spent at this location.
d. Each of the 14 Type II courtrooms was located in a bankruptcy courthouse and was assigned to a bankruptcy judge, but the judge had responsibility for two or more courtrooms and spent less than 85% of his or her time during the study in any one courtroom.
e. The quartile averages are for courtrooms (not courts).
f. Quartile averages are not computed for the Type II courtrooms because there are too few courtrooms in each quartile for reliable analyses.
g. Scheduled hours were calculated using several different bases. The findings presented here are based on 63 workdays, are from the perspective of seven days before a "target" date (i.e., the date on which something is scheduled), and are based on non-overlapping time (i.e., it does not include time that is "stacked" with multiple events scheduled for the same time period). The exception is Row E, which reports the average amount of scheduled time that is overlapping (or "stacked") time.
h. Combined time is the sum of the average daily hours of courtroom use plus the average daily hours of unused scheduled time. See *infra* Part IX, Combined Actual Use and Unused Scheduled Time, for a full discussion of how this measure was calculated.
i. The correlation analysis is based on the 16 sample courts that have Type I courtrooms.
j. We did not do a correlation analysis for the Type II courtrooms because the small number of courtrooms would have produced unreliable results.

2. The average amount of time scheduled for the courtrooms per day (Row D) was

- 2.1 hours for the 90 Type I courtrooms and
- 1.3 hours for the 14 Type II courtrooms.

These findings answer the question, How much time is scheduled, on average, for the courtrooms? Here, as we would expect, we see the same pattern of a lower number of hours for the Type II courtrooms, consistent with judges' splitting their time between multiple locations.

The scheduled time is reported from the perspective of seven days before a day on which matters are scheduled—that is, if we look at the courtroom calendar seven days into the future, how much time is scheduled on that calendar? Also, the principal measure of scheduled time reported here accounts for time only once—that is, the time is "non-overlapping" time. We report separately the "overlapping" time—that is, the "stacked" or additional time a judge may have scheduled for multiple events in the same time frame (see Row E). For more detailed information about non-overlapping time and overlapping time, see *infra* Part VIII, Scheduled Time in the Courtrooms.

3. The average number of hours of combined actual use and unused scheduled time per day (Row G) was

- 3.3 hours for the 90 Type I courtrooms and
- 1.8 hours for the 14 Type II courtrooms.

These findings answer the question, What was the full daily claim on courtroom time? When a judge schedules matters for a day in the courtroom, the judge does not know exactly how many of the scheduled hours will be used. After the day's matters have been heard, some portion, but perhaps not all, of the scheduled time will have been used. The time that was scheduled but not used has made a claim on the courtroom and, if cancelled close to the scheduled date, probably could not be filled with another matter. Together the actual use time and the unused scheduled time make up the combined time, or the full daily claim on the courtroom. As expected, the time is less for the Type II courtrooms than for the Type I courtrooms. The complete analysis is presented in *infra* Part IX, Combined Actual Use and Unused Scheduled Time.

Additional Principal Findings from the Courtroom Data

The number of hours of actual courtroom use was higher on days when trial was held—for example, 5.5 hours per day, on average, in Type I courtrooms and 4.8 hours per day, on average, in Type II courtrooms (Row J). Trial days, however, were a small portion of the total number of days in the study—10 of 63 days for the Type I courtrooms and 5 of 63 days for the Type II courtrooms. Taking into account all events held in the courtrooms, during the 63 workdays of the study, the Type I courtrooms were used on 69% of the days and the Type II courtrooms were used on 43% of the days (Row I).

Judges routinely schedule more time for their courtrooms than is actually used. This practice has been recognized for a long time, but how much scheduled time eventually goes unused has been difficult to quantify. Our findings show that the unused scheduled time represents 31% and 50% more time, on average, than the time actually used in Type I and Type II courtrooms, respectively (Row K). For Type I courtrooms, unused scheduled time represents about 0.8 hours a day, and for Type II courtrooms it represents about 0.6 hours per day. This unused scheduled time reserves the courtroom and marks it as unavailable for other purposes, often until very near to, or even on, the day of the anticipated use, leaving the courtroom dark because there is too little notice to schedule other events at the newly available time. See the findings in *infra* Part X, Reservations for Courtroom Time and Outcome of the Reservations, for additional findings on the average amount of notice given for events that are cancelled or rescheduled.

Although events scheduled for courtrooms often were cancelled or rescheduled, on most days in most courthouses some courtrooms were in use. The most common level of use was for 50% to 74% of the courtrooms in a courthouse to be in use or scheduled for use on the same day (or to be "concurrently" used). It was uncommon, except in very small courthouses, for all courtrooms in a courthouse to be used or scheduled for use on the same day (these findings are shown in *infra* Part XI, Concurrent Use).

Quartile averages reported in the Executive Summary Table show the considerable range in the average amount of time used and scheduled in the courtrooms (Rows C, F, and H). In Type I courtrooms, for example, the combined actual use and scheduled time ranges from 5.0 hours per day, on average, in the 23 courtrooms with the greatest use to 1.9 hours per day, on average, in the 22 courtrooms

with the least use (Row H). Our search for court, courthouse, and courtroom characteristics that might be related to courtroom use suggests that higher use is found where there are more proceedings in which evidence is introduced. Lower use is associated with longer judge tenure on the bench (Rows L, M, and N).

Findings from the Survey of Bankruptcy Judges

The survey of bankruptcy judges, which was answered by 81% of the bankruptcy judges, revealed that nearly all bankruptcy judges have individually assigned courtrooms and do not share courtroom space. Although most bankruptcy judges have their own courtrooms, many reported that their courtroom is sometimes used by others (most frequently by groups or individuals other than judges and by other bankruptcy judges) and that they themselves have sometimes used other courtrooms or spaces.

In general, judges perceived the regular sharing of courtrooms as having (or potentially having) a detrimental effect on most matters, including efficiency, caseload management, and the speed with which proceedings are resolved. More than half (52%) of the responding judges said they believe that each bankruptcy judge should have his or her own primary courtroom, and 41% said that most should have their own courtroom but that there are some situations where it makes sense for bankruptcy judges to share courtrooms. Almost two-thirds of the responding judges (64%) said that having their own courtroom was "very important" to them personally.

* * * * *

These findings and others are presented in this report. To make the report more accessible, we have written a relatively brief document and have placed many of the detailed tables and figures in appendices. Because we believe an understanding of the history of the study, the study design, and our analysis decisions is important for interpreting the findings, we have placed discussions of these topics at the beginning of the report. Readers who want to go directly to the findings, however, can find them by consulting the detailed Table of Contents.

I. Purpose and History of the Study

This study has its origin in a 2005 congressional request for a study of courtroom use in the federal courts. In November of that year, Congressman Bill Shuster, then chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management of the House Committee on Transportation and Infrastructure, asked the federal judiciary to conduct a study that would document actual courtroom use. Responsibility for the study was assigned to the Judicial Conference Committee on Court Administration and Case Management (CACM), which asked the Federal Judicial Center (the Center) to conduct the study.

The Center collected data on courtroom use in the federal district courts during 2007 and 2008 and submitted a final report to CACM in summer 2008.[1] Based on recommendations made by CACM, the Judicial Conference adopted several new policies regarding the use of district court courtrooms and also directed CACM "to study the usage of bankruptcy courtrooms and, if usage levels so indicate, develop—in consultation with the Committee on Space and Facilities and the Committee on the Administration of the Bankruptcy System—an appropriate sharing policy for bankruptcy courtrooms."[2] CACM again asked the Center to conduct the study.

Questions for Study

In designing and conducting the study of bankruptcy courtroom use, we closely followed the research design and data collection methods of the study we conducted in the district courts. In addition to gaining the obvious benefits of using a research design and data collection methods that had already been tested, we—and CACM—wanted to collect data for the bankruptcy courts that would allow for meaningful comparison with the data collected for the district courts. Thus, we were guided by many of the same questions asked for the district court study:

1. How much are courtrooms actually used?
2. What are courtrooms used for and who uses them?
3. How much time is scheduled in courtrooms?
4. How often is at least one courtroom in a courthouse unused—that is, available for use?
5. What are judges' views of and experiences with courtroom use?

Differences Between the Bankruptcy Court and District Court Studies

The present study differs from the first study in two significant respects. First, we did not survey attorneys for the bankruptcy study. Because the purpose of the attorney survey in the district court study was to assess attorneys' experiences when judges share courtrooms, and because we found virtually no shared courtrooms in the bankruptcy courts, we determined that there was no need to survey attorneys.

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1. The Use of Courtrooms in U.S. District Courts (Federal Judicial Center 2008).

2. See Report Appendix 1 for text from the report of the Judicial Conference proceedings for September 2008. Although there is no written policy regarding courtroom allocation in the bankruptcy courts, the practice has been to assign each judge his or her own courtroom.

Second, although the research design and data collection methods were similar for the two studies, our analysis reflects some of the structural differences between the two types of courts, which is most clearly seen in our classification of courtrooms. We discuss our analysis decisions in *infra* Part IV, Critical Analysis Decisions That Affect the Findings.

In this report, we first describe how the study was conducted and then present the findings on courtroom use. The Table of Contents provides a guide to each set of principal findings for readers who want to go to them directly, but we suggest that readers read *infra* Part IV, Critical Analysis Decisions That Affect the Findings, before reading the findings. To make the study's findings accessible, the report is relatively brief. More information is provided in appendices to this report and in separately available technical appendices. To make comparisons between the district court study and the bankruptcy court study easier, in this report we generally follow the format we used to present findings in the district court report.

II. Nature of the Study

The study had two components: (1) collection of original data in all courtrooms in 18 randomly selected bankruptcy courts and (2) a survey of all bankruptcy judges.

To randomly select courts, we used two selection criteria: (1) the size of the largest courthouse[3] and (2) a weighted caseload measure based on the average amount of time taken by different case type proceedings in the courtroom. The first criterion, size of the largest courthouse, distinguished bankruptcy courts on the basis of capacity and courthouse functionality.[4] The second criterion distinguished bankruptcy courts on the basis of how much demand a court's case volume and case type mix were expected to place on courtroom facilities.[5] Together these criteria ensured a mix of bankruptcy courts that differed in the capacity of and demand on courtrooms.

Altogether, the 18 randomly selected bankruptcy courts included 69 locations of holding court,[6] 161 courtrooms, and every circuit except the District of Columbia Circuit and the Tenth Circuit.[7] For reasons explained in *infra* Part V, The Courtrooms Included in the Study and Their Locations, our analysis is based on 157 courtrooms, not the 161 courtrooms actually found in the sample courts.

We collected data in two three-month increments over a seven-month period in 2009 and 2010, for a total of 63 federal workdays of data collection in each sample court. Nine courts provided data from September 14 to December 14, 2009, and nine courts provided data from January 18 to April 16, 2010. The specific months of data collection were determined by the amount of time we needed to prepare for data collection after receiving the Judicial Conference request for the study and by our decision to avoid the end-of-year holidays, when staffing in the courts might be lower than usual. To address concerns about seasonality and six versus 12 months of data collection, we examined data from the B-102 re-

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3. We defined the largest courthouse for each bankruptcy court as the courthouse with the highest number of resident bankruptcy judges.

4. Large courthouses may have greater functionality than small courthouses. Large courthouses, for example, may have specialized courtrooms, such as large courtrooms that can accommodate mega-cases.

5. The weighting system we developed to measure caseload demand on courtrooms used data on judicial proceedings time that had been collected for the (suspended) 2005 Bankruptcy Court Time Study. The weights reflected courtroom time spent by judges on different case types. This time is a component of standard bankruptcy case weights, but standard case weights incorporate all judicial time spent processing cases, including time spent in chambers and other locations, whereas the proceedings-based case weights incorporate only courtroom proceedings time. Report Appendix 2 provides a full discussion of the study's design and methodology, and Technical Appendix 2 discusses the development of the proceedings-based case weights and the sampling frame. See Report Appendix 8 for information on how to obtain the technical appendices.

6. Bankruptcy courts are located in several different types of buildings. Some bankruptcy courts for a federal district are located in the same courthouse as the district court, whereas others are located in their own stand-alone courthouse or in leased space in an office building. Because of the range of building types that house the courtrooms where bankruptcy proceedings are held, we refer to them collectively as locations of holding court. For a complete accounting of all locations for the courts in this study, see Technical Appendix 5, Profiles of the Study Courts. Report Appendix 8 provides information on how to obtain the technical appendices.

7. See Report Appendix 2, Table 1 for a list of the bankruptcy courts included in the study.

ports, which reflect the time that judges spend on trials and other proceedings in courtrooms.[8] Analysis of data from January 2003 through June 2008 found no consistent pattern of differences in judges' courtroom time over the 12 months of the year.[9]

We trained court staff to enter the data into a software application designed for the study. Although we recognized, as we did in the district court study, that questions might be raised about relying on court staff to record data, we determined that, with appropriate safeguards (including checks within the software application), this was the only approach that would enable the study to meet two important goals: (1) contemporaneous collection of the detailed data needed for under-standing courtroom scheduling and use and (2) data collection in a sufficiently large number of bankruptcy courts so that the variability of these courts was properly represented.

To address possible concerns about bias in data recorded by court staff, we asked for a comparison of our data with data collected by a separate research team at the Center.[10] The concordance rate is 95% agreement between our data and the independent study data for the presence of a judge in the courtroom and 87% agreement for the presence of anyone in the courtroom (e.g., court staff working in the courtroom). From the high rate of agreement between the independent study data and our data, the independent study concluded that "the court-supplied data reliably represent what actually occurred in the observed courtrooms."[11]

Although the data we collected answer many questions about courtroom scheduling and use, it is also important to understand how judges use courtrooms and what their experience has been when courtrooms are shared. We sent a questionnaire focusing on these matters to all bankruptcy judges in late 2009.

During the design phase of the study, we consulted with the Court Administration and Case Management Committee and with two advisory groups, one of bankruptcy judges and one of bankruptcy court managers and staff.[12] We also pretested our data recording methods and our training materials by having court staff in two pretest districts, the Northern District of Georgia and the Eastern District of Virginia, record data for three weeks in April and May 2009.

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8. The bankruptcy courts use the B-102 form (Monthly Report of Trials and Other Activity) to report judges' courtroom activity to the Administrative Office of the U.S. Courts.

9. This analysis is available in Technical Appendix 3, Analysis of Monthly Variation in Courtroom Use. See Report Appendix 8 for information on how to obtain the technical appendices.

10. The separate research team used law and graduate students to observe courtroom activity in randomly selected study courts. There was no interaction between the two study teams. When the independent observation team completed its study, it compared its data with data from the courtroom use study and then provided a written report to the directors of the courtroom use study.

11. David Rauma, Independent Observation of Eleven Bankruptcy Courtroom Use Study Courts (Federal Judicial Center 2010), at 2. See Report Appendix 3 for the independent study's executive summary. For the full report, which includes many more comparisons than the two cited here, see Technical Appendix 10. Report Appendix 8 provides information on how to obtain the technical appendices.

12. See p. v for a list of members of the advisory groups.

III. Nature of the Courtroom Data

For each courtroom in the sample courts, we recorded two types of data: (1) the precise start and end time of every event that occurred in the courtroom, no matter what the event was or who was involved in it (the "actual use" data); and (2) the start and end time for every event that was scheduled for the courtroom, no matter what the event was or who was involved in it (the "scheduling" data). Those who might be involved in an event included any type of judge (including judges who were not members of the bankruptcy court's bench), court staff, attorneys, administrative agencies, the public, and the media.

For every event,[13] we recorded a considerable amount of detailed information. The most important data elements are the following:

- the location where the event occurred or was scheduled to occur (e.g., specific courthouse and courtroom);
- the nature of the event (e.g., hearing/trial, conference, educational program, set-up for a court proceeding, maintenance);
- for certain types of actual use events, whether witnesses were sworn in or documents were entered into evidence;
- the type of participants in the event (e.g., judge, attorneys, trustees, court staff);
- when applicable, the type of cases involved in the event (e.g., Chapter 7, Chapter 11, adversary proceeding);
- the time court staff, attorneys, and others were in the courtroom to set up for proceedings or to take down afterward;
- for events that occurred, the actual start and end time of the event;
- for events that were scheduled, the expected start and end time and whether the event was held, rescheduled, or cancelled; and
- for a rescheduled or cancelled event, the reason the event was changed, the date the need to change the event was known, and the new date for the rescheduled event.

We also recorded data for certain occasions when a courtroom was not in use but also was not available for use. These included, for example, brief adjournments during a proceeding or periods when equipment malfunctions rendered a courtroom unusable. We recorded as well any whole days when a judge was away from his or her assigned courtroom.

In addition to courtroom data, we recorded time spent in other locations, such as chambers or conference rooms, when the event taking place in these locations was either a case-related event involving a judge and/or attorneys and parties or a bankruptcy ceremony. We recorded this time because these events arguably have

13. See Report Appendix 4 for a list of event types. A full list of data elements is available in Technical Appendix 6, Study Variables Defined. Report Appendix 8 provides information on how to obtain the technical appendices.

a claim on courtroom time and might be held in courtrooms under other circumstances or by other judges.

We defined the data elements to conform as closely as possible to the data elements in the district court study. Some adjustments were, of course, necessary. There are only bankruptcy judges in the bankruptcy courts, for example, and not multiple types of judges as in the district courts; the case types are different; and trustees were a necessary addition to the list of courtroom users.

The principal difference between the bankruptcy court and district court data, however, involved the recording of "trials." We did not define "trial" for the data recorders, but instead asked them to indicate whether a judge-convened event involved "Hearings/Trials" or "A Mix of Event Types (e.g., both hearings/trials and conferences)." If the event was one of these two types, we asked them to record whether witnesses were sworn in, documents were entered into evidence, or neither occurred during the event. This approach permitted us, in our analyses, to identify several different types of judge-convened events that included either or both types of evidence.

As in the district court study, we did not attempt to define the "business hours" of the courts, but simply instructed staff to record all events scheduled for and actually held in the courtrooms, whatever time of day they occurred, with two exceptions: we instructed staff to record maintenance in the courtroom and judge-away time only between 8:00 a.m. and 6:00 p.m.

IV. Critical Analysis Decisions That Affect the Findings

The courtroom use data are voluminous and complex. To use the data effectively to answer the study's questions, we made several critical decisions about how to carry out the analyses, which readers should know in order to understand the findings. These decisions parallel those we made for the district court study.

Focus on Courtrooms, Not Judges

The focus of data collection and our analysis is on courtrooms, not judges. The findings tell us, for example, how much courtroom time is accounted for by hearings. They do not tell us how much time judges spend in hearings.

Data from Both Data Collection Periods Analyzed Together

We combined the data for all 18 sample courts into a single data set and a single set of analyses. We were able to do so because we found no meaningful differences in the distribution of the data when we compared the data from the first three months of data collection with the data from the second three months of data collection.

Separate Analyses by Type of Courtroom

In the district court study, we identified a set of courtrooms for our principal analyses. These were the courtrooms assigned to a single active district judge, senior district judge, or magistrate judge in "resident" courthouses. A resident courthouse was one in which at least one active district judge or full-time magistrate judge had his or her primary chambers. In the final report, we provided separate findings for each of these three types of courtrooms, which accounted for 82% of the sample courtrooms in the study. The final report also provided analyses of several additional types of courtrooms, including those assigned to more than one judge and those located in non-resident courthouses.[14]

We developed a courtroom classification system for the bankruptcy courtrooms, too, and analyzed the data separately for each type of courtroom. Our bankruptcy classification reflects several key features of the bankruptcy system: (1) there is only one type of judge in the bankruptcy courts, (2) some bankruptcy judges have responsibility for multiple courtrooms and thus split their time between two or more locations, and (3) the bankruptcy courts use a substantial number of borrowed locations in addition to the bankruptcy courthouses. These features resulted in a four-part classification system.

The majority of courtrooms in the study fall into a category we call "Type I" courtrooms. Each of the Type I courtrooms is a bankruptcy courtroom and is located in a federal courthouse where at least one bankruptcy judge is resident. The courtroom is assigned to an individual bankruptcy judge, the courtroom's location is the judge's primary location, and 85% or more of the judge's case-related time

14. See the final report, The Use of Courtrooms in U.S. District Courts (Federal Judicial Center 2008), at 15–16, for the study's full classification of district court courtrooms. The report is available at http://cwn.fjc.dcn/fjconline/home.nsf/pages/1055.

recorded during the study was spent at this location.[15] These courtrooms are part of the inventory of the bankruptcy court and account for 90—or 57%—of the sample courtrooms in the study.[16]

Our second category of courtrooms comprises those we call "Type II" courtrooms. These courtrooms are also bankruptcy courtrooms, are located in federal courthouses, and are assigned to bankruptcy judges.[17] These judges, however, have substantial responsibility for multiple courtrooms located in different cities, rather than for a single courtroom, and split their time between their courtrooms, traveling between locations as needed to hear matters. Less than 85% of the judge's case-related time recorded during the study was spent in any one of the judge's locations.[18] Because the judges assigned to these courtrooms split their time across at least two locations, we would not expect average daily use for Type II courtrooms to be as high as that for Type I courtrooms, and thus we analyze the two groups of courtrooms separately. Type II courtrooms are part of the inventory of the bankruptcy courts and account for 14—or 9%—of the sample courtrooms in the study.

The third category of courtrooms in the study consists of those we call "borrowed" courtrooms. These courtrooms are located in either a federal building (e.g., a federal courthouse) or a non-federal building (e.g., a county courthouse). These courtrooms either provide the bankruptcy court with a place to hold hearings when the court does not have sufficient space (e.g., a district court courtroom borrowed for proceedings that exceed the capacity of a bankruptcy courtroom) or permit the bankruptcy court to serve litigants in locations that can be a considerable distance from the bankruptcy court's primary location. These courtrooms are not part of the inventory of the bankruptcy courts, and other courts or government entities have primary claim on them; consequently, these courtrooms are not assigned to individual bankruptcy judges. Borrowed courtrooms account for 29—or

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15. Many judges spent 100% of their courtroom time in the Type I courtroom to which they were assigned. The small amount of time some judges spent in a courtroom other than their assigned Type I courtroom was spent in either another Type I courtroom, an unassigned (i.e., vacant) courtroom, or a borrowed courtroom.

16. See *infra* Part V, The Courtrooms Included in the Study and Their Locations, for information about the number of courtrooms in the study and the types of buildings in which they were located. Technical Appendix 5, Profiles of the Study Courts, provides a detailed accounting of each sample court's courtrooms. See Report Appendix 8 for information on how to obtain this technical appendix.

17. One of the Type II courtrooms was assigned to two bankruptcy judges. This is the only bankruptcy courtroom in the sample courts that was assigned to two judges.

18. The rest of the judge's time was spent in a different courthouse in either another Type II courtroom or a borrowed courtroom. One court in the study, for example, has several divisions, and one of the court's judges is assigned a bankruptcy courtroom in each of two divisions; his recorded time during the study was split about one-third/two-thirds between the two courtrooms. Another court in the study uses borrowed courtrooms in several county and local courthouses in addition to its own courthouses; several judges in this court had recorded time in their assigned bankruptcy courtrooms in one of the bankruptcy courthouses, as well as significant amounts of time (between one-quarter and one-third of their time) in the borrowed courtrooms in the county and local courthouses. In these examples, the courtrooms in the bankruptcy courthouses are Type II courtrooms, whereas the courtrooms in the county courthouses are borrowed courtrooms and fall into the third of our courtroom groups.

18%—of the sample courtrooms in the study; 21 of these courtrooms are located in federal buildings and 8 are located in non-federal buildings. In our analyses, we make a distinction between the federal and non-federal courtrooms.

"Unassigned" courtrooms make up our fourth courtroom category of courtrooms. Like the district courts, the bankruptcy courts have a number of courtrooms that are not assigned to a judge, either because the court reserves the courtroom for visiting judges, the court has a judicial vacancy, or the courthouse was built for future expansion in caseloads and judgeships, or for some other reason. Unassigned courtrooms are part of the inventory of the bankruptcy courts and account for 24—or 15%—of the sample courtrooms in the study. In our analyses, we make a distinction between unassigned courtrooms reserved for visiting judges and other unassigned courtrooms.

Because the Type I and Type II distinction is important but may be difficult to understand, we offer several examples to make the distinction more concrete. As in the district court study, the courtroom classification reflects the fact that there are distinct groups of courtrooms that are used differently from each other. The following examples illustrate their different uses. Recall that all Type I and Type II court-rooms are part of the bankruptcy courts' inventory of courtrooms.

- In one of the sample courts, more than half the judges spent nearly 100% of their courtroom time during the study in their own single assigned courtroom. Because each judge spent more than 85% of his or her time in this courtroom, we classified each courtroom as a Type I courtroom. When the judges assigned to these courtrooms spent courtroom time elsewhere, which was seldom, they spent it in another Type I courtroom in the same courthouse (e.g., to take advantage of courtroom features lacking in their own courtrooms).
- This same court serves several outlying areas by using borrowed courtrooms in those locations. Two judges travel to the outlying courtrooms. One spent 69% of his time in his courtroom in the federal bankruptcy courthouse in the main location and 31% of his time in a county courtroom in an outlying location. The other judge spent 77% of his time at the main location and 23% of his time in a different county courthouse. The courtrooms in the bankruptcy courthouse were classified as Type II courtrooms—that is, less than 85% of the judges' recorded courtroom time was spent in this location—while the county courtrooms were classified as borrowed courtrooms.
- In another sample court, a judge had two assigned bankruptcy courtrooms, each one in a different bankruptcy courthouse in a different city. The judge spent 70% of his time in his assigned courtroom in one bankruptcy courthouse and 30% of his time in his assigned courtroom in the other bankruptcy courthouse. Because the judge spent less than 85% of his time in each of these courtrooms, we classified both as Type II courtrooms.

Other than the borrowed courtrooms located in non-federal buildings, all other courtrooms in the study were located in buildings we call bankruptcy courthouses. Some of these buildings are stand-alone bankruptcy courthouses, and some are

large federal buildings housing other federal courts and government offices in addition to the bankruptcy court. Although these larger buildings are most likely called "the U.S. courthouse" or "the federal building," in the context of this study, with its focus on the bankruptcy courts, we simply call them "bankruptcy courthouses."

Consideration of Court Size

The bankruptcy court system is smaller than the district court system. The largest bankruptcy court in this study has 30 courtrooms, for example, whereas its counterpart in the district court study had 61 courtrooms. The smaller number of bankruptcy courtrooms, combined with the number of locations where bankruptcy courtrooms are present, results in a small number of courtrooms in many bankruptcy locations. To take as an example the 39 locations we call bankruptcy courthouses, only 12 have 4 or more bankruptcy courtrooms. In this study, we did not analyze courtroom use by courthouse size (as measured by number of courtrooms), but we did examine courthouse size as part of our search for characteristics that might explain variations in courtroom use. See the discussion in *infra* Part VII, Variations in Courtroom Use by Court, Courthouse, and Courtroom Characteristics.

Definition of Trial

As noted in *supra* Part III, Nature of the Study, we did not collect data on "trials" per se, but instead asked the data recorders to indicate whether witnesses were sworn in and/or documents were entered into evidence during proceedings. Thus, we know when either or both of these types of evidence were present in a judge-convened event that was recorded as (1) a Hearing/Trial or (2) a Mix of Event Types (e.g., both hearings/trials and conferences). For purposes of this report, we define as a "trial" any event that involves the swearing in of witnesses, the entering of documents into evidence, or both.[19]

Sixty-Three Days as the Basis for the Analyses

We recorded data on 63 federal workdays in each sample bankruptcy courtroom in each of the two data collection periods. We also calculated a specific number of potential days of use for each courtroom, which for some courtrooms was less than 63 days. Reasons a courtroom might not be available for use, or might not be expected to be used, included equipment installation, courthouse closure owing to a snowstorm, or absence of the judge to whom the courtroom was assigned. A courtroom was considered unavailable only if the condition (e.g., equipment installation) lasted for a full day. The analyses presented in this report are based on 63 workdays for the Type I, Type II, and unassigned courtrooms because these

19. This definition parallels the one provided by the Administrative Office for the B-102 form (Monthly Report of Trials and Other Activity): "For purposes of this report, a trial is a contested hearing before either a court or jury, whether on an adversary proceeding, motion, or application, in which evidence is introduced. A proceeding becomes a trial for purposes of this report if one witness is sworn and gives testimony or one document is introduced."

courtrooms are in the bankruptcy courts' inventory and are routinely available for use. For the borrowed courtrooms, we present findings based on the number of days these courtrooms were actually used, because the bankruptcy courts can use these courtrooms only on specified days, usually by special agreement.

Time Counted Only Once

Because we recorded time for each type of participant in a courtroom and because more than one type of event could on occasion be recorded in a courtroom at the same time, the data included some amount of overlapping time. To avoid counting time more than once, we established hierarchies of events and users that applied to all analyses of time. Judge-conducted matters took precedence over trustee-conducted matters, for example, which took precedence over education events. When more than one user was in the courtroom at the same time, judges took precedence over attorneys, and attorneys took precedence over court staff. This approach precluded any risk of counting time more than once and gave priority to events and users that arguably have the highest claim on courtroom time.

Time Reported as Averages and by Quartiles

For the Type I and Type II courtrooms, we report actual use and scheduled time as the average number of hours a courtroom is used or scheduled for use per day for each type of courtroom. The average hours per day is the result of dividing the total amount of actual use or scheduled time recorded during the study for each type of courtroom by the 63 workdays in the study and by the number of courtrooms of that type.

An average does not represent the use of any given courtroom on any given day, but rather the average across all courtrooms of a given type during the study period. Averages can be startling—for example, in Type I courtrooms, the 30 minutes per day used for trials (i.e., hearings in which evidence is presented) may not sound sensible to those who have conducted or participated in such hearings—but averages are the only way to represent time across all the courtrooms and days in the study. To help place these national summary statistics in context, we provide quartile averages, which show, for each courtroom type, the range in the average number of hours of courtroom use.

We present average per-day use for the borrowed courtrooms as well, but because these courtrooms are under the control of another court or government entity and the bankruptcy courts use them infrequently, the averages are based on the number of days these courtrooms were actually used by the bankruptcy courts and not the full 63 days of the study.

Generalizability of the Findings

The random selection of the 18 sample courts, the validity and reliability of the courtroom data as established by the independent study, and the consistency we observed across our data and analyses suggest that the findings from the sample courtrooms can be generalized to the bankruptcy courts as a whole.

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V. Courtrooms Included in the Study and Their Locations

Before turning to the study's findings, we should address one more question: How many courtrooms were included in the study and in what types of buildings were they located? Table 1 shows the types of buildings in which the sample courtrooms were located.

Table 1
Type and Number of Buildings in Which the Sample Courtrooms Were Located
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Type of Building	Number of Buildings
Bankruptcy courthouse	39[a]
Other federal courthouse or building	18
Non-federal courthouse or building	12
Total number of buildings in which sample courtrooms were located	69

a. We have included one non-federal building in the "bankruptcy courthouse" group because the building provides the functions of a bankruptcy courthouse—specifically a clerk's office, a courtroom designed for and assigned to a bankruptcy judge, and a resident bankruptcy judge.

For purposes of this study, a building labeled a "bankruptcy courthouse" is either a stand-alone bankruptcy courthouse or a federal courthouse where the bankruptcy court is co-located with the district court and/or other federal offices. Each of these courthouses has at least one bankruptcy judge in residence. A building labeled an "other federal courthouse or building" is one in which the bankruptcy court borrows and intermittently uses a courtroom—for example, a courtroom assigned to a district judge—but has no bankruptcy judge in residence. A "non-federal courthouse or building" includes such locations as a county courthouse or municipal building; in these locations, too, the bankruptcy court has no judges in residence but borrows and intermittently uses courtrooms or other spaces.

Of the 18 bankruptcy courts in the sample, 17 had one or more bankruptcy courthouses. One bankruptcy court had no courthouse of its own and instead held proceedings only in courtrooms borrowed from the district court.

Table 2 shows the number of sample courtrooms for each of the four courtroom type categories. The 157 courtrooms accounted for in Table 2 are those that were both usable and used throughout the data collection period. Not included in the table (or our analyses) are four courtrooms that were technically part of the bankruptcy courts' inventory of courtrooms but either were not used or were not usable for the full study: a courtroom assigned to a judge who returned from maternity leave two weeks before data collection ended; a courtroom assigned to a

new judge who did not take the bench until halfway through data collection;[20] and two courtrooms on long-term loan to district courts.[21]

Of the 157 courtrooms, the 90 Type I courtrooms accounted for 57% of the sample courtrooms and a majority (83%) of the actual use events recorded in courtrooms during the study. The next largest category, the 29 borrowed federal and non-federal courtrooms, accounted for 18% of the sample courtrooms and 2% of the actual use events recorded in courtrooms. The 14 Type II courtrooms accounted for 9% of the sample courtrooms and 8% of the actual use events recorded in courtrooms.

Table 2
Number of Sample Courtrooms by Courtroom Type
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Type of Courtroom	Number of Courtrooms	Percentage of All Sample Courtrooms
Type I courtroom[a]	90	57%
Type II courtroom[b]	14	9%
Borrowed courtroom		
Located in federal building[c]	21	13%
Located in non-federal building[d]	8	5%
Unassigned courtroom[a]		
Visiting judge courtroom	11	7%
Other reason courtroom was unassigned	13	8%
Total courtrooms in the sample courts	157[e]	99%[f]

a. All Type I and unassigned courtrooms are located in bankruptcy courthouses.
b. Most Type II courtrooms are located in bankruptcy courthouses; three, however, are located in other federal courthouses.
c. Most courtrooms borrowed from federal sources are located in non-bankruptcy courthouses or buildings, but five are located within bankruptcy courthouses; these five are district judge or magistrate judge courtrooms in federal courthouses where the bankruptcy court is co-located with the district court.
d. All of the courtrooms borrowed from non-federal sources are located in non-federal courthouses or buildings.
e. Of the 161 courtrooms in the study, 157 were both usable and used throughout the data collection period. See explanation in text accompanying notes 20 and 21.
f. The column does not add to 100% because of rounding.

Because the Type I and Type II courtrooms represent the federal judiciary's current practice of assigning each bankruptcy judge his or her own courtroom, we provide more extensive analyses for these courtrooms than we do for the other

20. In three other courtrooms, a newly appointed judge took the bench late in the study, but we recorded time in these three courtrooms and included them in the analyses because other judges scheduled and handled matters in these courtrooms for the full data collection period.

21. A detailed accounting of each sample court's courtrooms is provided in Technical Appendix 5, Profiles of the Study Courts. See Report Appendix 8 for information on how to obtain the technical appendices.

two types. In addition to findings for time scheduled for and spent in courtrooms, we also present findings for time spent in other rooms in the sample courthouses, such as chambers and conference rooms.

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VI. Actual Use of Bankruptcy Courtrooms

In this part we present the findings that most directly address the study's central question: How much are the bankruptcy courtrooms actually used? We first discuss the Type I and Type II courtrooms. We follow with shorter discussions of the borrowed and unassigned courtrooms.

Actual Use of Type I Courtrooms and Type II Courtrooms

Before we present the findings, we should briefly reiterate the definitions of the Type I and Type II courtrooms. The 90 Type I courtrooms are those that were assigned to a single bankruptcy judge and served as the judge's primary location. During the study, 85% or more of the judge's courtroom time was spent at this location. The 14 Type II courtrooms were also assigned to bankruptcy judges, but these judges had responsibility for two or more courtrooms and spent less than 85% of their time during the study in any one courtroom. Because the judges split their time across courtrooms, we expect the average daily hours to be less in the Type II courtrooms than in the Type I courtrooms. For more complete definitions of the courtroom types, see *supra* Part IV, Critical Analysis Decisions That Affect the Findings.

Average Hours of Actual Courtroom Use per Day

Table 3 (Row B) shows that over the three months of data collection in the sample courts, the average hours of actual courtroom use were

- 2.5 hours per day for the 90 Type I courtrooms, and
- 1.2 hours per day for the 14 Type II courtrooms.

These numbers are averages across all courtrooms of each type in the sample courts and across the 63 federal workdays of data collection.[22] Averages do not reflect a typical day, but instead provide overall averages for the Type I and Type II courtrooms. When interpreting these averages, it is important to keep the following in mind: (1) there is considerable variation around the average (see next section below); (2) a day involving trial proceedings is longer than the average daily use reported here;[23] and (3) time scheduled in courtrooms adds an additional amount of time to the overall daily claim on courtroom time.[24]

As expected, the average hours of use per day for the Type II courtrooms was lower than the average for the Type I courtrooms, reflecting the fact that the judges assigned to the Type II courtrooms split their time between two or more courtrooms. The number of courtrooms in the Type II group is relatively small, but for several reasons we believe the average use per day can be relied on as representa-

22. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any discrepancies are the result of summing or dividing the rounded numbers presented in the Appendix 5 tables.

23. See the section Courtroom Use on Days on Which a Trial Occurred, *infra* p. 21.

24. See the discussion in *infra* Part VIII, Scheduled Time in the Courtrooms, and *infra* Part IX, Combined Actual Use Time and Unused Scheduled Time.

tive for this type of courtroom: (1) these courtrooms are not concentrated in one or two courts, but are located in five of the sample courts; (2) the five courts range from a small rural court to a large urban court; and (3) the 14 courtrooms constitute 13% of the sample courtrooms assigned to bankruptcy judges.

Table 3
Findings for the Actual Use of Bankruptcy Courtrooms,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type I Courtrooms	Type II Courtrooms
A. Number of courtrooms	90	14
B. Average hours of actual courtroom use per day	2.5	1.2
C. Average hours of actual courtroom use per day, quartile averages[c]	3.9, 2.5, 2.1, 1.4	—[d]
D. Number and percentage of days on which courtrooms were actually used (judge and non-judge time)	43 days 68.5%	27 days 43.0%
E. Number and percentage of average hours of actual use per day accounted for by case proceedings	1.4 58.0%	0.7 55.9%
F. Number and percentage of average hours of actual use per day accounted for by preparation for and wrapping up after courtroom events	0.7 27.1%	0.3 24.0%
G. Average hours of actual use per day on days on which a trial occurred and average number of days of trial	5.5 10 days	4.8 5 days
H. Number and percentage of average hours of actual use per day accounted for by bankruptcy judges,[e] attorneys/parties, and court staff users	2.3 93.1%	1.1 90.9%

a. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any apparent discrepancies are the result of rounding in this table (days) or summing or dividing the rounded numbers presented in the Appendix 5 tables.
b. One of the sample bankruptcy courts is not included in the analysis because it has no Type I or Type II bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. The quartile averages are for courtrooms (not courts).
d. Quartile averages were not computed because of the small number of courtrooms in each quartile.
e. This group includes bankruptcy judges from the specific bankruptcy court and does not include visiting bankruptcy judges or other types of judges.

Quartile Averages for Actual Courtroom Use per Day

Across the Type I courtrooms, there is considerable variation in the average number of hours of courtroom use per day. Table 3 (Row C) shows the quartile averages for the Type I courtrooms:

- 3.9 hours per day (the 23 most used courtrooms),
- 2.5 hours per day (22 courtrooms),
- 2.1 hours per day (23 courtrooms), and
- 1.4 hours per day (the 22 least used courtrooms).

We did not compute quartile averages for the Type II courtrooms because the small number of courtrooms in each quartile would make an average unreliable.

Number and Percentage of Days on Which Courtrooms Were Actually Used

In addition to the number of hours the courtrooms were used, we looked at the number of days on which they were used, either by a judge or by other users, for any kind of event (see Table 3, Row D). Of the 63 workdays in the study, the courtrooms were used, on average, on

- 43 days, or 69% of the workdays, in the 90 Type I courtrooms, and
- 27 days, or 43% of the workdays, in the 14 Type II courtrooms.

Type II courtrooms were used on fewer days than were Type I courtrooms, again reflecting the fact that the Type II courtrooms were used by judges who had responsibilities in more than one courtroom.

Case proceedings that did not involve presentation of evidence accounted for 40% of the days on which the courtrooms were used—or 25 out of the 43 days, on average. Other types of use accounted for the balance of the days on which the courtrooms were used. Table A.1 and Figure A.1 in Report Appendix 5 provide detailed findings for the number of days the courtrooms were used.

Of the days on which the courtrooms were used, the greatest number of days in both Type I and Type II courtrooms involved judge-convened events lasting less than two hours, as shown in Table 4. In Type I courtrooms, 39% of the days of use, or 17 days, on average, involved judge-convened events lasting less than two hours, whereas 18% of the days, or 8 days, on average, involved judge-convened events lasting more than four hours. In Type II courtrooms, 45% of the days (or 12 days) involved judge-convened events lasting less than two hours, and 9% of the days (or 3 days) involved judge-convened events lasting more than four hours.

Table 4
Number and Percentage of Workdays by Duration of Judge-Convened Events
Type I and Type II Courtrooms, Based on Days of Use
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

Of the days of use, this number and percentage of the days . . .	. . . involved judge-convened events of this duration.[b]
Type I courtrooms (90)	
17 days, or 39.1%	< 2 hours
10 days, or 23.5%	2–4 hours
8 days, or 18.3%	> 4 hours
Type II courtrooms (14)	
12 days, or 44.9%	< 2 hours
5 days, or 19.3%	2–4 hours
3 days, or 9.2%	> 4 hours

a. One of the sample bankruptcy courts is not included in the analysis because it has no Type I or Type II bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. Other types of events, such as staff and attorney setup before proceedings, education and outreach events, or maintenance, may also have occurred on these days.

Courtroom Use by Type of Event

In both the Type I courtrooms and the Type II courtrooms, the greatest portion of courtroom use each day, on average, was accounted for by case proceedings[25] and preparing for and wrapping up after case proceedings[26] (see Table 3, sum of rows E and F):

- 85% of the 2.5 hours per day for the 90 Type I courtrooms, and
- 80% of the 1.2 hours per day for the 14 Type II courtrooms.

Case proceedings alone accounted for 58% (or 1.4 hours) of the average daily use of Type I courtrooms and 56% (or 0.7 hours) of the use of Type II courtrooms (Table 3, Row E). Preparation and wrap-up together accounted for 27% (or 0.7 hours) and 24% (or 0.3 hours) of the use of these courtrooms, respectively (see Table 3, Row F).

Other types of events, such as other case-related matters, ceremonies, education programs, and maintenance, accounted for the remaining amount of time.

25. For this study, case proceedings include the judge-convened events recorded as Hearings/Trials, Conferences, and A Mix of Event Types (e.g., both hearings/trials and conferences). We included the last of these three event types in the recording scheme because many bankruptcy judges schedule multiple matters of varying types (e.g., both hearings and conferences) for a session of court, rather than scheduling individual matters at their own specific times.

26. Preparation and wrap-up include the time court staff, attorneys, and parties spend in the courtroom, *apart from* any time the judge is in the courtroom. Court staff, for example, may check that equipment works properly before a proceeding and may complete paperwork afterward. Attorneys may meet with clients, discuss schedules with court staff, or meet with opposing counsel.

Such events accounted for somewhat more of that time, proportionally, in Type II courtrooms (20%, or 0.2 hours per day, on average) than in Type I courtrooms (15%, or 0.4 hours per day, on average) (see Report Appendix 5, Table A.2 and Figure A.2).

Among the types of events that take place in courtrooms are events that include submission of evidence—for example, both hearings/trials and conferences—where witnesses are called or documents are entered into evidence. For purposes of this report, such events are defined as trials.[27] For Type I courtrooms, trials accounted for 21% of average daily use, or 0.5 hours per day. For Type II courtrooms, trials accounted for 20% of average daily use, or 0.2 hours per day (see Report Appendix 5, Table A.2 and Figure A.2). As we discuss in the next section, these averages do not reflect the typical experience with trials, which are likely to consume large blocks of time on a limited number of days, rather than a small amount of time every day.

Although the daily averages for the Type II courtrooms were less than the daily averages for the Type I courtrooms, the pattern of use for the two types of courtrooms was very similar. In both types, for example, case-related proceedings were the dominant activity and accounted for about the same portion of daily use (85% and 80%, respectively). The Type II courtrooms, in other words, appear to perform the same function as the Type I courtrooms, but at a lower level of activity because of the judges' assignments to multiple locations.

Table A.2 and Figure A.2 in Report Appendix 5 provide detailed findings for the types of events that account for courtroom time.

Courtroom Use on Days on Which a Trial Occurred

Averages across all courtrooms and across 63 days do not reflect any given day in any given courtroom. Trials, for example, do not typically account for a portion of each day in a courtroom (e.g., the 21% of each day reported above for Type I courtrooms). Rather, trials typically account for larger blocks of time on only some days.

In fact, our findings show that on a day when trial proceedings occurred in a courtroom, the average number of hours of use per day was considerably higher than the average number of hours of use per day for all days (see Table 3, Row G):

- 5.5 hours per day, on average, for the 90 Type I courtrooms, compared with 2.5 hours, and
- 4.8 hours per day, on average, for the 14 Type II courtrooms, compared with 1.2 hours.

These averages are for all uses of the courtrooms on a trial day, not just for trial proceedings, and are based on all courtrooms of that type only.

Although hours of courtroom use on a day on which a trial occurred were greater than hours of use on a day without a trial, trial days accounted for a small

27. See *supra* Part IV, Critical Analysis Decisions That Affect the Findings, for the definition of "trial."

portion of the 63 workdays in the study (see Table 3, Row G and Table A.1, Report Appendix 5):

- 10 days, or 16% of the workdays, for the 90 Type I courtrooms, and
- 5 days, or 8% of the workdays, for the 14 Type II courtrooms.

The greatest number of days were taken up with case proceedings other than trial (see Table A.1 in Report Appendix 5):

- 25 days, or 40% of the workdays, for the 90 Type I courtrooms, and
- 15 days, or 24% of the workdays, for the 14 Type II courtrooms.

On a day on which a trial occurred, trials (i.e., events involving presentation of evidence) accounted for the greatest portion of the day—61% of the time per day, on average, for Type I courtrooms and 66% of the time per day, on average, for the Type II courtrooms. Other types of events accounted for the balance of the days on which the courtrooms were used. See Table A.3 and Figure A.3 in Report Appendix 5 for full information about the kinds of events that took place in courtrooms on days when trial proceedings were held.[28]

As with preceding findings, we found that the Type II courtrooms were used very much like the Type I courtrooms, but less frequently. The length of an average trial day in Type II courtrooms, for example, was similar to the length of an average trial day in Type I courtrooms—4.8 and 5.5 hours per day, on average, respectively—but the level of use was lower in Type II courtrooms than in Type I courtrooms—five days of trial compared with ten days for the Type I courtrooms.

Courtroom Use by Type of User

The principal users of the courtrooms were bankruptcy judges,[29] court staff, and attorneys and parties (see Table 3, Row H). These users accounted for most of the time that the courtrooms were in use. On average, bankruptcy judges, court staff, and attorneys and parties accounted for

- 93% of the hours per day, or 2.3 hours, for the 90 Type I courtrooms, and
- 91% of the hours per day, or 1.1 hours, for the 14 Type II courtrooms.

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28. We learned during data analysis that data recorders for eight Type I courtrooms and three Type II courtrooms did not record any instances of a document being submitted into evidence or a witness being sworn in, two key elements of a trial (see *supra* Part IV, Critical Analysis Decisions That Affect the Findings, for the definition of "trial"). Thus, our data potentially understate the average *hours* per day used for trial and the average number of trial *days*. (The data do not understate the *total* number of hours of use per day or the *total* number of days used because data recorders faithfully recorded all the time; they simply did not identify the time as trial time.) To estimate the underreported trial time, we examined the B-102 data (the Monthly Report of Trials and Other Activity submitted by the courts to the Administrative Office) and found, as expected, that trial events did occur in these courtrooms. After combining the B-102 data for the affected courtrooms with our data, we found that the increase in the average number of trial days in the Type I and Type II courtrooms was insignificant (the average computed to the tenth place did not change). The B-102 data permit us to estimate the number of *days* of trial but not the average number of *hours* used for trial, either on trial days or across the 63 workdays.

29. This group of users includes the bankruptcy judge to whom the courtroom was assigned; it does not include other bankruptcy judges or other types of judges.

In Type I courtrooms, bankruptcy judges accounted for 45% of the time the courtroom was used, or 1.1 hours per day, on average. Attorneys, parties, and court staff accounted for slightly more time—48%, or 1.2 hours of use per day, on average. For Type II courtrooms, attorneys, parties, and court staff also accounted for somewhat more time than judges—49%, or 0.6 hours of use per day, on average, compared with 42%, or 0.5 hours per day, on average, for judges. Given that the types of events held in Type I and Type II courtrooms were similar, it is not surprising that the types of users were, too. There was, however, a somewhat lower level of use by judges in the Type II courtrooms because of their responsibility for more than one courtroom. Table A.4 and Figure A.4 in Report Appendix 5 provide detailed findings on the users of the courtrooms.

Courtroom Use Across the Days of the Week

The volume of courtroom use varied by day of the week, although somewhat more so in Type I courtrooms than in Type II courtrooms. As expected, use was higher on most days in Type I courtrooms as compared with Type II courtrooms—for example, 3.2 hours per day, on average, on the highest-use day in Type I courtrooms and 1.4 hours per day, on average, on the highest-use day in Type II courtrooms. See Figures A.5 and A.6, as well as Table A.5, in Report Appendix 5 for detailed information about use across days of the week.

Tuesdays were the busiest days in Type I courtrooms, with 3.2 hours of use per day, on average. Half that much time—1.6 hours per day, on average—was spent in Type I courtrooms on Fridays, the least busy day of the week. Proceedings involving judges were concentrated in the first four days of the week, whereas other types of events—for example, education programs and activities that prevent the room from being used[30]—tended to occur on Fridays.

In the Type II courtrooms, too, proceedings involving judges were more likely to occur on Monday through Thursday, and other types of events were more likely to occur on Friday. Use of the Type II courtrooms was fairly even across the week; the highest use was on Thursdays, with 1.4 hours of use per day, on average, and the lowest use was on Fridays, with 1.0 hour of use per day, on average.

Actual Use of Borrowed Courtrooms

The bankruptcy courts in our sample used 21 borrowed courtrooms located in federal courthouses or buildings and 8 borrowed courtrooms located in nonfederal courthouses or buildings. These courtrooms account for a significant portion of the bankruptcy locations of holding court—18%—but are not part of the courtroom inventory of the bankruptcy courts. Rather, these courtrooms permit the bankruptcy courts to hear matters in other spaces (e.g., larger courtrooms) when necessary and to extend services to distant locations on an as-needed basis.

In contrast to our analysis of the Type I and Type II courtrooms, we based our analyses of the borrowed courtrooms on their actual days of use rather than the 63 workdays of the study. We did so because there is no expectation that these court-

30. Activities that prevent a courtroom from being used include, for example, replacing carpets or upgrading computer equipment.

rooms will or should be used every day—in fact, they belong to other courts—and therefore averages based on all 63 days would not accurately reflect the purpose of these courtrooms or the use made of them.

The actual use of these courtrooms reflects their more limited purpose. On average, the number of days of use was as follows (see Table 5, Row B):

- 4 days in the 21 borrowed federal courtrooms, and
- 4 days in the 8 borrowed non-federal courtrooms.

For more detailed information about days of use in the borrowed courtrooms, see Table A.6 and Figure A.7 in Report Appendix 5.

Table 5 (Row C) shows that on the days on which the borrowed courtrooms were used, the average number of hours of actual courtroom use was

- 4.5 hours per day for the 21 borrowed federal courtrooms, and
- 3.8 hours per day for the 8 borrowed non-federal courtrooms.

Most of the time in the borrowed federal courtrooms and all of the time in the borrowed non-federal courtrooms was spent on case proceedings and the preparation and wrap-up that are part of proceedings (see Table 5, sum of Rows D and E). On average, case proceedings and related events accounted for

- 91% of the daily use in the 21 borrowed federal courtrooms, and
- 100% of the daily use in the 8 borrowed non-federal courtrooms.

Trials accounted for 25% of average daily use in the borrowed federal courtrooms, or 1.1 hours per day. For borrowed non-federal courtrooms, trials accounted for 34% of average daily use, or 1.3 hours per day. See Table A.7 and Figure A.8 in Report Appendix 5 for more detailed information about the types of events held in the borrowed courtrooms.

As noted in the discussion of average use in Type I and Type II courtrooms, trial proceedings do not typically take place in small amounts of time spread over several days, and that was the case with the borrowed courtrooms as well (see Table 5, Row F):

- of the 4 days of use in the 21 borrowed federal courtrooms, trial proceedings occurred, on average, on 1 day, and
- of the 4 days of use in the 8 borrowed non-federal courtrooms, trial proceedings occurred, on average, on 2 days.

On a day when trial occurred, the average use of the courtroom was somewhat more than on a non-trial day. The average number of hours of use per day on a trial day (see Table 5, Row F) was

- 6.0 hours per day, on average, for the 21 borrowed federal courtrooms, and
- 5.3 hours per day, on average, for the 8 borrowed non-federal courtrooms.

Table A.6 and Figure A.7 in Report Appendix 5 provide more information about days of use in the borrowed courtrooms.

Table 5
Findings for the Actual Use of Borrowed Courtrooms,[a]
Based on Days on Which There Was Some Use
(Ten Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Borrowed Federal Courtrooms	Borrowed Non-Federal Courtrooms
A. Number of courtrooms	21	8
B. Number of days on which courtrooms were actually used (judge and non-judge time)	4	4
C. Average hours of actual courtroom use per day on days of use[c]	4.5	3.8
D. Number and percentage of average hours of actual use per day accounted for by case proceedings	2.3 52.1%	2.7 70.1%
E. Number and percentage of average hours of actual use per day accounted for by preparation for and wrapping up after courtroom events	1.7 39.0%	1.1 29.9%
F. Average hours of actual use per day on days when trial proceedings were held and number of days of trial	6.0 1	5.3 2
G. Number and percentage of average hours of actual use per day accounted for by bankruptcy judges,[d] attorneys/ parties, and court staff users	4.4 98.4%	3.8 100.0%

a. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any discrepancies are the result of summing or dividing the rounded numbers presented in the appendix tables.
b. Ten of the 17 sample courts used one or more borrowed courtrooms. Six borrowed only federal courtrooms, two borrowed only non-federal courtrooms, and two borrowed both types of courtrooms.
c. Quartile averages were not computed because of the small number of courtrooms in each quartile.
d. This group includes bankruptcy judges from the specific bankruptcy court and does not include visiting bankruptcy judges or other types of judges.

In keeping with the types of events that accounted for most of the average use of borrowed courtrooms per day—and the fact that these courtrooms are borrowed for use by the bankruptcy court for its own use—bankruptcy judges, court staff, and attorneys and parties were the predominant users of the borrowed courtrooms (see Table 5, Row G). These users accounted for

- 98% of the hours per day, or 4.4 hours, on average, for the 21 borrowed federal courtrooms, and
- 100% of the hours per day, or 3.8 hours, on average, for the 8 borrowed non-federal courtrooms.

Bankruptcy judges accounted for 40% of average daily use of borrowed federal courtrooms and 55% of average daily use of borrowed non-federal courtrooms. In comparison with the judges, court staff and attorneys and parties accounted for a larger portion of daily courtroom use of the borrowed federal

courtrooms—59%, on average—and a somewhat smaller portion of the use of borrowed non-federal courtrooms—44%, on average. These findings suggest that fewer staff may have traveled with the judge to borrowed courtrooms in non-federal locations and/or that more of these court sessions were held by videoconference. See Table A.8 and Figure A.9 in Report Appendix 5 for detailed information about users of the borrowed courtrooms.

If we add the time spent in the borrowed courtrooms to the time spent in the Type I courtrooms, the additional time would be seven minutes per day, on average, in each Type I courtroom. If we add the time spent in the borrowed courtrooms to the Type I, Type II, and unassigned courtrooms—that is, all the courtrooms in the bankruptcy courts' inventory—the additional time would be five minutes per day, on average, in each courtroom.

Actual Use of Courtrooms That Are Not Assigned to a Judge

Eight of the 18 sample courts had at least one courtroom that is not assigned to a judge. Courtrooms may be unassigned for a number of reasons, including vacant judgeships, anticipation of future growth, and use by visiting judges. Use of the unassigned courtrooms was low, as we would expect, but we include them in the analysis and findings because they are part of the inventory of the bankruptcy courts.

For our analysis, we divided the unassigned courtrooms into two groups: those reserved for use by visiting judges and all other unassigned courtrooms; these groups include 11 and 13 courtrooms, respectively. Note that for these findings we return to 63 workdays as the basis for the analysis. We do so because these courtrooms are part of the bankruptcy courts' inventory and are routinely available for use.

Not unexpectedly, the unassigned courtrooms were used infrequently. Those reserved for visiting judges were used on 8 days, or 12% of the 63 workdays, on average. The other unassigned courtrooms were used somewhat more—on 10 days, or 17% of the workdays, on average (see Table 6, Row B; also see Table A.9 and Figure A.10 in Report Appendix 5).

Because the unassigned courtrooms were infrequently used, the use per day, which is averaged over 63 days, was also quite low: only 20 minutes per day, on average, for all uses in the visiting judge courtrooms and 30 minutes per day, on average, for all uses in the other unassigned courtrooms (see Table 6, Row C).

About two-thirds of the time spent in the courtrooms reserved for visiting judges was spent on case proceedings and the preparation and wrap-up activities related to case proceedings (see Table 6, sum of Rows D and E; see also Table A.10 and Figure A.11 in Report Appendix 5). Courtrooms reserved for visiting judges had particularly high use on days when trial proceedings occurred—nearly six hours, on average—although trial proceedings occurred, on average, on only one day out of the 63 workdays (see Table 6, Row F; see also Table A.9 and Figure A.10 in Report Appendix 5).

Table 6
Findings for the Actual Use of Unassigned Courtrooms,[a]
Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[b] September 14, 2009, to April 16, 2010)

	Unassigned Courtrooms Reserved for Visiting Judges	Other Unassigned Courtrooms
A. Number of courtrooms	11	13
B. Number and percentage of days on which courtrooms were actually used (judge and non-judge time)	8 12.0%	10 16.6%
C. Average minutes of actual courtroom use per day[c]	20.4 minutes	29.5 minutes
D. Number and percentage of average minutes of actual use per day accounted for by case proceedings	10.3 minutes 50.8%	6.0 minutes 20.3%
E. Number and percentage of average minutes of actual use per day accounted for by preparation for and wrapping up after courtroom events	2.1 minutes 10.3%	5.8 minutes 19.7%
F. Average actual use per day on days when trial proceedings were held and number of days of trial	5.9 hours 1	18.6 minutes < 1
G. Number and percentage of average minutes of actual use per day accounted for by judges of all types,[d] attorneys/parties, and court staff users	15.2 minutes 74.5%	20.6 minutes 70.1%

a. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any discrepancies are the result of summing or dividing the rounded numbers presented in the appendix tables.
b. Eight of the 18 sample courts had one or more unassigned courtrooms.
c. Quartile averages were not computed owing to the small number of courtrooms in each quartile.
d. Unlike the percentages in the last row of Tables 3 and 5, the percentages in this row account for all types of judge users for whom data were recorded (bankruptcy judges of the specific court, visiting judges, "other" judges, and "general" judges).

Less than half the time in the other unassigned courtrooms was spent on case proceedings and related activities (see Table 6, sum of Rows D and E). It appears that when courts scheduled education and outreach events, they were particularly likely to hold such events in the other unassigned courtrooms (see Table A.10 and Figure A.11 in Report Appendix 5). By contrast, these types of events accounted for almost no time in the Type I, Type II, and visiting judge courtrooms.

The principal users of the unassigned courtrooms were judges, court staff, and attorneys and parties, as they are in the Type I and Type II courtrooms (see Table 6, Row G). In the unassigned courtrooms reserved for visiting judges, judges oth-

er than the court's bankruptcy judges accounted for a noticeable portion of the average daily use, whereas they accounted for almost no use in the Type I and Type II courtrooms. Use by "other" users of the unassigned courtrooms was considerably higher than their use of other types of courtrooms, which is consistent with the greater use of these courtrooms for education and outreach events. Table A.11 and Figure A.12 in Report Appendix 5 provide detailed information about users of these courtrooms.

Use of Chambers, Conference Rooms, Videoconference Rooms, Other Courtrooms, and Other Rooms

Judges do not work exclusively, or even primarily, in courtrooms. Much of their work takes place in chambers. Under some circumstances, proceedings that one judge holds in chambers might be held by another judge in a courtroom. To provide information about all time that might have a plausible claim on courtroom time, we recorded two types of events when they occurred in rooms other than the courtrooms routinely used by the bankruptcy judges: (1) case proceedings involving a judge and the attorneys or parties and (2) bankruptcy court ceremonies.

A Word About the Data

We recorded time in five "generic" locations—"chambers," "conference room," "videoconference room," "other courtroom,"[31] and "other room." We programmed into our data collection software one of each of these generic rooms for each location where the bankruptcy court held proceedings. The consequence of this arrangement is that a generic room acts as though it is a single room in a courthouse.[32] We can calculate the total amount of time spent in each type of generic room across all the locations where the bankruptcy court held proceedings, but because we do not know the precise number of any particular type of room in each courthouse, we cannot calculate averages for these non-courtroom spaces. Accordingly, we provide information on these other rooms as total time for the 63 days of data collection.

Having observed the data recording process, we suspect non-courtroom events were the most difficult for court staff to record. Sometimes the data recorder may not have known about an event—for example, if a judge telephoned attorneys for an impromptu conference. In other instances, the data recorder may simply not have been able to observe or track the event, such as a settlement conference held in multiple locations. For reasons such as these, the time spent on events in other rooms may be underreported, and the findings discussed here should be viewed as approximate.

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31. "Other courtroom" usually refers to an appellate or district court courtroom located in the courthouse that is not regularly used by bankruptcy judges (as reported to us by the sample courts).

32. For example, even though a courthouse most likely had multiple chambers for judges, the data entry application provided only one generic "chambers" location per courthouse.

Amount of Time Spent in Other Rooms

Altogether, events in chambers, videoconference rooms, conference rooms, other courtrooms, and other rooms add 321 hours to the time recorded in the bankruptcy court locations. See Table A.12 in Report Appendix 5. This is the total time across the study, not an average, and it is time that was recorded in addition to the time recorded in courtrooms. If this time were averaged across all Type I courtrooms in the sample courts, the increase would be very small—approximately 3.4 minutes per day for each courtroom.

The greatest portion of this time was spent in judges' chambers—158 hours. Smaller amounts of time were spent in other rooms (101 hours) and videoconference rooms (57 hours), and negligible amounts of time were spent in regular conference rooms (4 hours) and other types of courtrooms (less than an hour). One likely reason that chambers time is higher than time spent in other rooms is that judges do most of their non-courtroom work in chambers, but the second reason for the high total reflects simple mathematics: the time recorded in chambers counts the chambers of several scores of judges, whereas the time recorded in conference rooms, videoconference rooms, other rooms, and other courtrooms counts many fewer rooms. Conferences were the dominant event in most generic locations, accounting for 57% of the time across all five room types and 75% of the time in judges' chambers. For detailed information about the types of events held in each of the other rooms, see Figures A.13 and A.14, as well as Table A.12, in Report Appendix 5.

Bankruptcy judges were the primary users of these locations, accounting for 57% of the time overall. Court staff; visiting judges; and attorneys, parties, and trustees (collectively) accounted for most of the remaining time spent in these locations—17%, 13%, and 11%, respectively. See Table A.13 and Figure A.15 in Report Appendix 5 for more details.

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VII. Variations in Courtroom Use by Court, Courthouse, and Courtroom Characteristics

To determine whether courts with higher courtroom use vary in systematic ways from courts with lower use, we examined the relationship between courtroom use and a number of court, courthouse, and courtroom characteristics:

- the court's pending caseload, weighted by standard and proceedings-based case weights;[33]
- the number of locations of holding court;
- the number of Type I courtrooms in all bankruptcy courthouses with at least one Type I courtroom;
- the number of Type I courtrooms in the largest bankruptcy courthouse with at least one Type I courtroom;
- the ratio of courtrooms to judges active at the time of the study;[34]
- the percentage of vacant judgeship days;
- the size of the population in the counties served by a courthouse;
- the homogeneity of the weighted pending caseload;[35]
- the percentage of case proceedings identified during the study as having evidence introduced; and
- the number of years the judge to whom the courtroom was assigned had been on the bench.

For each characteristic, we computed a correlation coefficient, which tests whether there is a relationship between two variables and indicates the direction and strength of that relationship. As appropriate, we computed coefficients at the court, courthouse, and courtroom levels. The analysis is limited to Type I courtrooms because there are too few Type II courtrooms for reliable analyses. Table 7 provides a listing of the small number of statistically significant relationships identified by the correlation analysis. The complete findings, including the correlation coefficients, are shown in Tables A.14 to A.16 in Report Appendix 5.

The individual relationships, when considered together, suggest that the level of courtroom use is related to the nature of cases. At all three levels—court, courthouse, and courtroom—the greater the number of cases in which evidence was introduced, the greater the use of the courtrooms, suggesting that more demanding cases are related to more time in the courtroom. It also appears that

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33. The proceedings-weighted caseload measure is discussed in note 5 of this report. In calculating standard weighted caseloads, we used the new 2010 bankruptcy case weights. See James C. Duff, New Judicial Conference Bankruptcy Case-Weight Formula and Revised Policy (Nov. 3, 2010) (available at http://jnet.ao.dcn/Memos/2010_Archive/Dir10112.html).

34. We hypothesized that courts with a higher ratio of courtrooms to judges might have lower courtroom use because judge time is spread across more courtrooms.

35. The homogeneity of case types reflects the extent to which the caseload is concentrated in one particular type of case as measured by the percentage of cases filed during FY 2009. If, for example, 80% of the cases filed in Court A were Chapter 7 cases and 80% of the cases filed in Court B were Chapter 13 cases, the homogeneity score of both courts would be 80%. We hypothesized that courts with relatively homogeneous caseloads might have lower courtroom use.

judges who are more experienced use less time in the courtroom, as seen in the negative relationship (at the courtroom level) between time on the bench and courtroom use—that is, the longer the judge assigned to the courtroom had been on the bench, the lower the courtroom use.[36]

Table 7
Statistically Significant Relationships Between Level of Courtroom Use and Court, Courthouse, and Courtroom Characteristics for Type I Courtrooms, Sixty-Three Workdays (September 14, 2009 to April 16, 2010)

	Correlates of Courtroom Use
Court characteristics (N = 16 bankruptcy courts)[a]	% of case proceedings identified during the study as having evidence introduced[d]
Courthouse characteristics (N = 31 bankruptcy courthouses)[b]	% of case proceedings identified during the study as having evidence introduced[d]
Courtroom characteristics (N = 82 and 88 courtrooms, respectively)[c]	% of case proceedings identified during the study as having evidence introduced[d] Assigned judge's number of years on the bench[d]

a. Two of the sample courts are excluded from this analysis because they do not have Type I courtrooms.
b. Eight bankruptcy courthouses are excluded from this analysis because they do not have Type I courtrooms.
c. For the correlation analysis involving introduction of evidence, we used only the 82 courtrooms that had evidence recorded for at least one proceeding during the study period. For the correlation analysis involving years on the bench, we used only the 88 courtrooms that had a single judge assigned to them for the entire study period.
d. Statistically significant at the $p \leq .01$ level (two-tailed).

We did not collect original data for the correlation analysis but rather relied on data that were readily available. If one were able to collect original data on characteristics likely to be related to courtroom use—judicial case management practices, for example—it might be possible to identify better predictors of courtroom use than the characteristics we explored. Using data that were readily available, however, we were able to identify few relationships between courtroom use and caseload, court, and judge characteristics.

36. Introduction of evidence explains 38%, 23%, and 60% of the variance in courtroom use at the court, courthouse, and courtroom levels, respectively. Time on the bench is a much weaker correlate, explaining only 8% of the variance in courtroom use at the courtroom level. See Tables A.14–A.16 in Report Appendix 5.

VIII. Scheduled Time in the Courtrooms

Courtroom schedules are constantly changing. Consequently, we had to decide on a fixed point from which to look at the schedule in any given courtroom before we could measure the amount of time scheduled for the courtroom. In the study of courtroom use in the district courts, we assumed that the minimum amount of notice needed for scheduling an event is one week, and thus we chose seven days in advance of the event as the fixed point from which to look at courtroom schedules. We adopted the same approach in the bankruptcy courtroom use study.

The question we ask, then, about scheduled time is, "When I look at the courtroom calendar on the day seven days into the future from today, how much of that day is scheduled and what events are scheduled for that day?" We refer to the day of scheduled events as the "target date." Our use of a seven-day period bears emphasis: If an event scheduled for a courtroom was changed or cancelled eight or more days in advance of the target date, the time scheduled in the courtroom for that event is not captured here.[37]

Our analyses take into account that multiple courtroom events may be scheduled at the same time. Judges may, for example, schedule more than one complex matter for hearing at the same time with the expectation that only one will remain on the calendar. Thus, we calculated scheduled time in two separate components: (1) the amount of time accounted for if time is counted only once, or non-overlapping time, and (2) the amount of additional scheduled time accounted for by overlapping (or "stacked") time. Table 8 presents the principal findings for time scheduled in the courtrooms. We limit the presentation to the Type I and Type II courtrooms. Except where noted, the analyses are based on 63 workdays.

The findings for scheduled time repeat the pattern seen for actual use in Type I and Type II courtrooms—the two types of courtrooms served similar functions, but Type II courtrooms had less use because the assigned judges' time was divided between multiple locations. Hearings and trials, for example, accounted for nearly the same proportion of average daily hours in the two types of courtrooms (61% and 59%, respectively), but the absolute amount of time was greater in the Type I courtrooms than the Type II courtrooms (1.3 hours per day, on average, compared to 0.8 hours). See Table A.19 and Figure A.18 in Report Appendix 5.

Percentage of Days with Scheduled Events

Events were scheduled for the courtrooms on some but not all of the 63 workdays in the study. Events were scheduled, on average, on

- 36 days, or 57% of the workdays, for the 90 Type I courtrooms, and
- 24 days, or 39% of the workdays, for the 14 Type II courtrooms.

See Table 8, Row B, and Table A.17 and Figure A.16 in Report Appendix 5.

37. Note, however, that the reservation and its cancellation are counted in the findings reported in *infra* Part X, Reservations for Courtroom Time and Outcome of the Reservations.

Average Number of Hours Scheduled per Day

Looking at a courtroom schedule as it appeared seven days before the target date, the average number of hours of non-overlapping time scheduled per day over the 63 workdays (see Table 8, Row C) was

- 2.1 hours for the 90 Type I courtrooms, and
- 1.3 hours for the 14 Type II courtrooms.

An additional portion of time was scheduled at the same time as other events—that is, overlapping time accounted for by multiple events scheduled at the same time, which was

- 0.1 hours for the 90 Type I courtrooms, and
- < 0.1 hours for the 14 Type II courtrooms.

Table 8
Findings for Scheduled Time in Bankruptcy Courtrooms,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type I Courtrooms	Type II Courtrooms
A. Number of courtrooms	90	14
B. Number and percentage of days on which something was scheduled	36 days 57.3%	24 days 38.5%
C. Average hours of non-overlapping time scheduled per day	2.1	1.3
D. Average hours of overlapping time scheduled per day	0.1	< 0.1
E. Average hours of non-overlapping time scheduled per day, quartile averages[c]	3.4, 2.3, 1.6, 0.9	__[e]
F. Average hours of overlapping time scheduled per day, quartile averages[c,d]	0.08, 0.05, 0.03, 0.10	__[e]
G. Number and percentage of average hours scheduled per day accounted for by case proceedings (non-overlapping time)	2.0 95.7%	1.1 83.1%

a. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any apparent discrepancies are the result of rounding in this table (days) or summing or dividing the rounded numbers presented in the Appendix 5 tables.
b. One of the sample bankruptcy courts is not included in the analysis because it has no Type I or Type II bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. The quartile averages are for courtrooms (not courts).
d. Overlapping time was calculated for the same courtrooms as those in the quartiles for non-overlapping time. The quartile averages, therefore, need not be, and are not, a linear progression.
e. Quartile averages were not computed owing to the small number of courtrooms in each quartile.

Very little overlapping time was scheduled in bankruptcy courtrooms. This finding indicates that bankruptcy judges, in contrast to district court judges, rarely stack discrete matters anticipated to be lengthy into a single block of time, with the expectation that few or none of these matters will remain on the calendar when the scheduled day arrives. The more common practice in bankruptcy courtrooms is to schedule a block of time during which judges expect to hear multiple, usually short, matters in sequence. For a full accounting of non-overlapping and overlapping time, see Table A.18 and Figure A.17 in Report Appendix 5.

If we look at scheduled time on only the days when something was scheduled, rather than averaged over the 63 study days, we find a higher number of scheduled hours. For Type I courtrooms, the average non-overlapping time scheduled across the 36 days on which something was scheduled was 3.6 hours. The comparable figure for the Type II courtrooms is 3.4 hours across the 24 days on which something was scheduled. See Table A.17 and Figure A.16 in Report Appendix 5 for the detailed findings on average hours scheduled on days when something is scheduled.

Quartile Averages for Scheduled Time

There is substantial variation in the average number of hours scheduled per day. Table 8 shows the quartile averages for both non-overlapping and overlapping scheduled time. Considering only non-overlapping time averaged across the 63 workdays of the study, the quartile averages for the Type I courtrooms (see Table 8, Row E) are

- 3.4 hours per day (the 23 courtrooms with the most scheduled time),
- 2.3 hours per day (22 courtrooms),
- 1.6 hours per day (23 courtrooms), and
- 0.9 hours per day (the 22 courtrooms with the least scheduled time).

Types of Events Scheduled

In both Type I and Type II courtrooms, case proceedings were the principal events on the calendar when viewed from seven days before the target date. As Table 8, Row G, shows,

- case proceedings accounted for 96% of the scheduled time, or 2.0 hours per day, on average, in the 90 Type I courtrooms, and
- case proceedings accounted for 83% of the scheduled time, or 1.1 hours per day, on average, in the 14 Type II courtrooms.

These findings are based on non-overlapping time averaged across 63 workdays. As we would expect, the amount of time scheduled per day for Type II courtrooms was lower than the amount of time scheduled for Type I courtrooms, because of the judges' split responsibilities. Table A.19 and Figure A.18 in Report Appendix 5 provide detailed findings about the types of events scheduled for the courtrooms.

Note that in analyzing the scheduling data, we used a set of 4 event types (shown in Table A.19) rather than the 12 event types used in the actual use analy-

sis. The scheduling data were by their nature less detailed than the actual use data because the data recorders knew less about events at scheduling than they knew after the events were held.

Distribution of Scheduled Time Across the Day

When the calendar is viewed from seven days out, the amount of time scheduled for the courtrooms was concentrated in certain hours of the day. Looking at time averaged across all 63 days, we see distinct scheduling peaks for the morning hours that started at 10:00 a.m. and 11:00 a.m. in the Type I courtrooms. A smaller peak occurred in the afternoons for the hour that starts at 2:00 p.m. Type II courtrooms show the same peak times, though the amount of scheduled time is lower and the afternoon peak is less distinct. See Table A.20 and Figure A.19 in Report Appendix 5 for detailed information about time scheduled across the day.

Looking at the hours where scheduled events are concentrated, we see that

- in the 90 Type I courtrooms, the amount of time scheduled, on average, during the peak hours was 27 minutes for the hour from 10:00 to 11:00 a.m., 22 minutes from 11:00 a.m. to noon, and 18 minutes from 2:00 to 3:00 p.m.
- in the 14 Type II courtrooms, the amount of time scheduled, on average, during the peak hours was 17 minutes for the hour from 10:00 to 11:00 a.m., 12 minutes from 11:00 a.m. to noon, and 9 minutes from 2:00 to 3:00 p.m.

In both types of courtrooms, more time was scheduled for the morning than the afternoon, but this pattern is somewhat more noticeable for Type I courtrooms than for Type II courtrooms. The schedules show a dip at noon and a trailing off of scheduled events after 3:00 p.m.

Outcome of Scheduled Courtroom Time

When we look at the outcome of scheduled time, we find that, on average, a little more than three-quarters of the scheduled non-overlapping time in Type I and Type II courtrooms was actually used:

- 79% of the 2.1 hours scheduled per day for the 90 Type I courtrooms was used, and
- 78% of the 1.3 hours scheduled per day for the 14 Type II courtrooms was used.

Here, as before, similarities between the two types of courtrooms are evident. Events scheduled for the Type I and Type II courtrooms had nearly the same outcomes—that is, most were held—but fewer hours were scheduled in the Type II courtrooms because of the judges' responsibilities for multiple courtrooms. The detailed findings for the outcome of scheduled time are presented in Table A.21 and Figure A.20, in Report Appendix 5.

Use of Courtrooms When No Events Are Scheduled

When we look at courtroom calendars seven days before the target date, there are no scheduled events on a substantial number of days in the courtrooms—that is, on 43% (or 27 days) of the study's 63 workdays in Type I courtrooms and on 62% (or 39 days) of the study's 63 workdays in Type II courtrooms. Events were held, however, in the courtrooms on some days when no events were scheduled. On average, Type I courtrooms were used for about three-quarters of an hour per day (or 48 minutes) on days when no events were on the calendar seven days earlier. Type II courtrooms were used, on average, for about a quarter of an hour per day (or 14 minutes) on days when no events were on the calendar seven days earlier. Events that were not case proceedings (e.g., education and outreach) were the primary use on days when nothing was scheduled. The findings are shown in Table A.22 and Figure A.21 in Report Appendix 5.

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IX. Combined Actual Use Time and Unused Scheduled Time

The full claim on courtroom time is reflected in the combined hours of actual use and unused scheduled time. Recall that we are looking at a court calendar day from seven days beforehand. At that point, a judge has scheduled the courtroom for a certain number of hours on that day (the target date) but does not know exactly how many hours will be used. For the scheduled periods of time, however, the courtroom is not expected to be available for other uses. Seven days later, the judge will have used some portion of the scheduled time, but perhaps not all of it. Any time that was scheduled but not used has made a claim on the courtroom and, if cancelled close to the scheduled date, probably could not be filled with another matter. Together the unused scheduled time and the actual use time make up the combined time, or, as we describe it, the full daily claim on the courtroom.[38]

Table 9 presents the findings for combined actual use time and unused scheduled time by courtroom type. The findings reported here are based on 63 workdays, use only non-overlapping time, and reflect the courtroom schedules from seven days out.[39]

Average Hours per Day of Combined Actual Use Time and Scheduled Time

As Table 9 (Row B) shows, when actual use time and unused scheduled time are combined, the daily claim on courtroom time was, on average,

- 3.3 hours per day for Type I courtrooms, and
- 1.8 hours per day for Type II courtrooms.

These daily averages are, as expected, greater than the daily averages for actual use only, which were, respectively, 2.5 and 1.2 hours per day. Also, as expected, the combined time was higher for the Type I courtrooms than for the Type II courtrooms because judges assigned to Type II courtrooms split their time between two or more courtrooms. Table A.23 and Figure A.22 in Report Appendix 5 provide more detailed findings for combined time.

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38. Combined time is the sum of hour-by-hour combined time values. We calculated a value for each hour of the day equal to the total actual use time for that hour plus any non-overlapping time scheduled for the hour that exceeded the actual use time. For example, if the period from 9:00 to 9:45 a.m. was scheduled, but actual use occurred from 9:10 to 9:40 a.m., then an additional 15 minutes of scheduled time was added to the 30 minutes of actual use time for a combined time of 45 minutes for that hour. No single hour in the day could have a combined time of more than 60 minutes.

39. Combined time could be calculated using several different bases. We calculated combined time averaged across all 63 workdays, rather than only for days on which an event was scheduled. We also chose to calculate it using only non-overlapping scheduled time and excluding overlapping scheduled time. Both decisions result in a more conservative measure of combined time (though the second of these decisions has little effect, since there is so little overlapping time).

Table 9
Findings for Combined Actual Use Time and Unused Scheduled Time in Bankruptcy Courtrooms,[a] Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type I Courtrooms	Type II Courtrooms
A. Number of courtrooms	90	14
B. Average hours per day of combined actual use and unused scheduled time, non-overlapping time only	3.3	1.8
C. Average hours per day of actual use and unused scheduled time combined, quartile averages,[c] non-overlapping time only	5.0, 3.4, 2.7, 1.9	__[d]
D. Time added to a day by unused scheduled time (as a % of actual use time)	31.3% 0.8 hours	49.6% 0.6 hours

a. Numbers in the body of this report may differ slightly from numbers that are computed from tables in Report Appendix 5. The numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers presented in the Appendix 5 tables.
b. One of the sample bankruptcy courts is not included in the analysis because it has no Type I or Type II bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. The quartile averages are for courtrooms (not courts).
d. Quartile averages were not computed owing to the small number of courtrooms in each quartile.

Quartile Averages for Combined Time

There is substantial variation in the average daily hours of combined actual use and unused scheduled time for the Type I courtrooms. Table 9 (Row C) shows the quartile averages:

- 5.0 hours per day (the 23 most used courtrooms),
- 3.4 hours per day (22 courtrooms),
- 2.7 hours per day (23 courtrooms), and
- 1.9 hours per day (the 22 least used courtrooms).

We did not compute quartile averages for the Type II courtrooms because the small number of courtrooms in each quartile would make an average unreliable.

Amount of Time Added to a Day by Unused Scheduled Time

In planning for courtroom use, it is relatively easy to determine the actual time courtrooms are used. More difficult to determine is the amount of time that is scheduled—or is expected to be used—but is not ultimately used. This time may remain unavailable for use until very near the date of the scheduled event and is an important component of courtroom time when planning courtroom capacity.

How much time does the unused scheduled time represent above the actual time that a courtroom is used? For Type I courtrooms, our findings show that the

unused scheduled time represents an additional 31% above the average daily use, or 0.8 hours per day, on average, of additional courtroom time. For Type II courtrooms, the unused scheduled time represents an additional 50% above the average daily use of the courtrooms, or 0.6 hours per day, on average (see Table 9, Row D).

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X. Reservations for Courtroom Time and Outcome of the Reservations

When a hearing is scheduled for a courtroom, it may be placed on the calendar for, say, October 19, be rescheduled to November 9, and then rescheduled again to November 30 and held. Although in practice, each of these steps involves a single event (the hearing), to understand the scheduling of courtroom time we need to take into account each of the three dates on which the hearing was scheduled. We call each scheduled date a reservation—that is, the blocking out of a certain period of time on a certain date or dates in a specific location. Reservations capture the occurrence of all events scheduled, rescheduled, and cancelled during the data collection period. They do not reflect events on a single day as seen from seven days in advance, as scheduled time did (see *supra* Part VIII, Scheduled Time in the Courtrooms), but instead count every change on court calendars to capture the fluidity of these calendars.

Number of Reservations and Their Outcome

Our analysis of reservations is based on data from the 18 sample courts and, within these courts, all courtrooms that were usable and used throughout the study period—that is, all 157 courtrooms included in the analyses. Table 10 shows selected findings from our analysis of reservations. In sum:

- We found that 7,787 reservations were made for courtroom events.[40]
- Of these reservations, 63% were for hearings/trials and 32% were for other case proceedings.
- For 71% of the reservations, the event was held.
- For 22% of the reservations, the event was cancelled.
- Of all reservations, less than 3% were rescheduled because of a change of date.
- For reservations that were cancelled, about 45% were cancelled because the case closed or was resolved, and 30% were or would be rescheduled later. For 12% of the cancelled reservations, the time scheduled on the calendar was not needed because the calendar cleared.

40. In bankruptcy courts, courtroom time is most often spent processing large groups of cases, and thus we designed our data entry process to permit data recorders to enter information about blocks of time spent in the courtroom, rather than information about individual cases. The number of reservations, then, reflects the way matters are scheduled in bankruptcy courtrooms—that is, many matters in large blocks of time—and does not in any way approximate the number of matters heard by the court. We took a somewhat different approach in the district court study, where data recorders entered information more frequently for individual cases rather than information for blocks of time. Thus, the substantially smaller number of reservations in the bankruptcy courts in comparison with the number in the district courts reflects not only the smaller size of the bankruptcy system and the different way these courts do business, but also the software design and recording rules we used in the bankruptcy study.

Table 10
Reservations for Courtroom Time, by Type of Event Scheduled and Outcome,
All Sample Courtrooms,[a] Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Type of Event	Number of Reservations	Percentage of Reservations[b]
Total number of reservations	7,787	100.0
Type of reservations	7,787	100.0
Hearings/trials	4,935	63.4
Other case proceedings[c]	2,500	32.1
Non-proceeding events[d]	352	4.5
Outcome of reservations	7,787	100.0
Held	5,491	70.5
Rescheduled, date change	199	2.6
Rescheduled, location change	61	0.8
Changed (time, nature of event, etc.)	364	4.7
Cancelled	1,672	21.5
Cancelled reservations: reason for cancellation	1,672	100.0
Case closed/matter resolved	745	44.6
Event was/will be rescheduled	495	29.6
Time that was scheduled was not needed[e]	202	12.1
Scheduled time has passed, event not held	92	5.5
Cancelled: other reason	122	7.3
Reason unknown	16	1.0

a. $N = 157$ courtrooms.
b. Percentages do not add to 100% because of rounding.
c. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences), Conferences, and Other Matters Convened by a Judge.
d. Non-Proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Ceremony; Education, Training, and Outreach; Other Use; Maintenance; and Room Could Not Be Used.
e. Time that was scheduled was not needed because the calendar cleared.

The reservations data suggest that bankruptcy calendars are fairly stable: 71% of events were held and 22% of events were cancelled. Less than 3% of reservations involved rescheduling to a different date.

Days Between Notice of Rescheduling or Cancellation and Original Date

The reservations data permit us to examine the notice judges have that an event needs to be rescheduled or cancelled. Table 11 shows the mean and median number of days between the original date of a scheduled event and the date on which

the court learned that the event would have to be rescheduled or cancelled. The table shows the following:

- A change in the calendar was more than two and a half times as often due to cancelling an event as to rescheduling or changing an event (1,672 events compared with 624 events).
- On average, the courts had nearly two weeks' notice for events that were rescheduled or changed (median of 13 days) but only 3 days' notice for events that were cancelled.
- On average, the courts had less notice for rescheduling a hearing/trial (median of 10 days) than for rescheduling other types of case proceedings (median of 22 days).

Table 11
Number of Days Between Original Date for a Scheduled Event and the Date the Need for Rescheduling or Cancelling the Event Became Known, by Type of Event Scheduled, All Sample Courtrooms,[a] Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Type of Event	Number of Events	Median Days	Mean Days
Rescheduled or changed events	624	13	20
Hearing/trials	446	10	19
Other case proceedings[b]	158	22	26
Non-proceeding events[c]	20	0	7
Cancelled events	1,672	3	10
Hearings/trials	1,269	3	9
Other case proceedings[b]	365	3	14
Non-proceeding events[c]	38	2	6

a. $N = 157$ courtrooms.
b. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences), Conferences, and Other Matters Convened by a Judge.
c. Non-Proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Ceremony; Education, Training, and Outreach; Other Use; Maintenance; and Room Could Not Be Used.

Days Between Original Date and New Date

For events that were rescheduled to a new date, the reservations data also permit us to examine the number of days between the original dates of these events and the new dates to which they were rescheduled (see Table 12).

- Few events were rescheduled (199 altogether, or less than 3% of the 7,787 reservations).
- An event that was rescheduled was moved to a date about two weeks later (median of 15 days).

- Events involving a hearing or trial were set further in the future (median of 21 days after the original date) than were events involving other types of case proceedings (median of 7 days after the original date).

Table 12
Number of Days Between the Original Date for a Scheduled Event and the New Date for That Event, by Type of Event Scheduled, All Sample Courtrooms,[a] Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Type of Event	Number of Events[b]	Median Days	Mean Days
Hearings/trials	161	21	29
Other case proceedings[c]	34	7	10
Non-proceeding events[d]	4	13	13
Total	199	15	25

a. *N* = 157 courtrooms.
b. The analysis includes only reservations for which the new date is a later date (i.e., not simply a change of time on the same date).
c. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences), Conferences, and Other Matters Convened by a Judge.
d. Non-Proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Ceremony; Education, Training, and Outreach; Other Use; Maintenance; and Room Could Not Be Used.

XI. Concurrent Use: How Often Are All the Courtrooms in a Courthouse in Use?

One question remains about the use of the courtrooms: How often were all the courtrooms in a courthouse in use or scheduled for use? To answer this question, we looked at actual use and scheduled time on each of the 63 workdays in all usable courtrooms in the 39 bankruptcy courthouses in our sample. We limited the definition of use to the occurrence or scheduling of a case proceeding (e.g., trial, hearing, conference). Table 13 shows the percentage of days court-rooms were in use because case proceedings were occurring in them or were scheduled in them, by size of courthouse.

Table 13
Concurrent Use of Courtrooms in Bankruptcy Courthouses
(Thirty-Nine Sample Bankruptcy Courthouses, September 14, 2009 to April 16, 2010)

Number and Percentage of Workdays on Which the Indicated Percentage of Courtrooms in the Same Bankruptcy Courthouse Were in Use on the Same Day							
Size of Courthouse (*n* = No. of Courthouses)	No Court-rooms in Use	1%–24% of Court-rooms in Use	25%–49% of Court-rooms in Use	50%–74% of Court-rooms in Use	75%–99% of Court-rooms in Use	All Court-rooms in Use	Total
One court-room (*n* =15)	514 54.4%	NA	NA	NA	NA	431 45.6%	945 100%
Two or three courtrooms (*n* =12)	128 16.9%	0 0.0%	174 23.0%	248 32.8%	0 0.0%	206 27.2%	756 100%
Four or five courtrooms (*n* =6)	20 5.3%	46 12.2%	90 23.8%	118 31.2%	61 16.1%	43 11.4%	378 100%
Six to nine courtrooms[a] (*n* =4)	10 4.0%	27 10.7%	65 25.8%	102 40.5%	48 19.0%	0 0.0%	252 100%
Ten or more courtrooms (*n* =2)	5 4.0%	30 23.8%	28 22.2%	54 42.9%	9 7.1%	0 0.0%	126 100%
All court-houses (*n* =39)	677 27.6%	103 4.2%	357 14.5%	522 21.2%	118 4.8%	680 27.7%	2,457 100%

a. There are no courthouses in the sample with nine courtrooms.

The findings show the following:

- Except for courthouses with one courtroom, the most common level of concurrent use was for 50%–74% of the courtrooms in a courthouse to be in use on the same day.
- In courthouses with one courtroom, the courtroom was in use or was scheduled for use on 46% of the 63 workdays, on average, and was not in use on 54% of the workdays, on average.
- The larger the courthouse, the more likely that some courtrooms were in use or were scheduled for use.
- Except for very small courthouses, all courtrooms in a courthouse were infrequently in use or scheduled for use on the same day. In courthouses with six or more courtrooms, for example, there were no days when all the courtrooms were in use or were scheduled for use.
- On most days, a courtroom was available in most courthouses.

Overall, the findings show that all courtrooms in a courthouse were seldom in use or scheduled for use at the same time. This finding varies by courthouse size: use of all courtrooms was more likely in smaller courthouses than in larger ones. It is also the case that on most days, some courtrooms were in use.

XII. Bankruptcy Judges' Views of and Experiences with Courtroom Use

In November and December 2009, we sent a questionnaire to all 335 bankruptcy judges listed at that time in the U.S. Court Directory, asking for their courtroom use experience and their views on the use and allocation of courtrooms. We received completed questionnaires from 272 judges, for an overall response rate of 81%. In this part we summarize their responses. See Report Appendix 6 for the survey design and questionnaire, and Report Appendix 7 for full tables of the data reported in this part.

Courtroom Assignment and Frequency of Courtroom Sharing

We asked bankruptcy judges to select a response option that best described the courtroom they used most frequently in the 12 months preceding the survey (their "primary" courtroom, as defined in the survey). The options, and the percentage selecting each, are set forth in Table 14.

Table 14
Primary Courtroom Assignment[a]

Response Option	Respondents Selecting This Option
It is assigned to me, and I am the only judge who uses it.	71.7%
It is assigned to me, and I am the primary user, but other judges (district, magistrate, or bankruptcy) use it sometimes.	22.1%
I am one of two judges to whom the courtroom is assigned as our primary courtroom.	3.7%
I am one of more than two judges to whom the courtroom is assigned as our primary courtroom.	0%
It is one of several that I use, along with other judges, and is not assigned specifically to me.	0.7%
It is a courtroom assigned to someone other than me.	1.8%

a. *N* = 272 respondents. The question asked, "Which of the following phrases best describes the courtroom that you have used most frequently in the last twelve months?"

As shown in Table 14, 94% of the responding bankruptcy judges reported that the courtroom they use most frequently is assigned to them and that they are the only user (72%) or primary user (22%) of it.

Of the 17 judges (or 6% of all respondents) who reported not having their own individually assigned courtroom, 13 reported that they shared a courtroom with another bankruptcy judge. Three judges reported sharing with a senior district judge, 2 with an active district judge, and 2 with a magistrate judge.[41]

41. See Table 1 in Report Appendix 7 for more details about the responses to this question.

When asked why they did not have a courtroom assigned for their exclusive use, judges who reported sharing a courtroom most frequently indicated that there was not enough space in their courthouse for each bankruptcy judge to have an assigned courtroom (noted by 7 of 17 respondents) or that the judges in their courts believed that sharing courtrooms was the best way to manage space resources (5 respondents).[42]

Because of the small number of respondents who reported that they routinely shared a courtroom (only 17 of 272), we were not able to conduct meaningful analyses comparing judges who have their own assigned primary courtroom with judges who routinely share a courtroom with one or more judges. Thus, unless otherwise specified, the remaining discussion of responses includes judges in all courtroom situations, most of whom have their own assigned courtroom.

Non-routine Sharing of Courtrooms

Even though the great majority of bankruptcy judges have an individually assigned courtroom, most (84% of respondents) reported that their courtroom is sometimes used by others. The most frequent use is by groups or individuals other than judges, such as a bar association or school group (less than 40% of respondents said this "never" occurs); other bankruptcy judges (less than half of the judges said this "never" occurs); or judges other than federal district, magistrate, or bankruptcy judges (such as state court judges or administrative law judges). Few bankruptcy judges reported sharing their courtrooms more than once a month with active district judges, senior district judges, or magistrate judges.[43]

In addition to sharing their primary courtrooms, most bankruptcy judges (79%) sometimes use courtrooms or spaces other than the one that is primarily assigned to them. Consistent with their reports of sharing their own courtrooms, responding judges most frequently reported that when they use another courtroom, it is a bankruptcy judge's courtroom (less than 35% said this "never" occurred in the 12 months preceding the survey).[44]

The most frequent situation in which judges reported using a different courtroom or non-courtroom space was when they were sitting in another division within their own court; 42% of respondents indicated that they had done this in the 12 months preceding the survey. Other circumstances in which judges reported using a space other than their own courtroom to hold proceedings included to make the proceeding more convenient for attorneys and parties to attend (21%); when their primary courtroom was unavailable at a time when they needed to hold a proceeding (21%); when holding a proceeding for which they needed a feature not available in their own courtroom (e.g., more space, special electronic equipment; 15%); and when sitting as a visiting judge in a court other than their own (10%).[45]

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42. See Table 2 in Report Appendix 7 for more details about the responses to this question.

43. See Table 3 in Report Appendix 7 for more details about the responses to this question.

44. See Table 4 in Report Appendix 7 for more details about responding judges' use of courtrooms or spaces other than their own courtroom.

45. See Table 5 in Report Appendix 7 for more details about the responses to this question.

Courtroom Availability and Scheduling

With respect to courtroom availability, judges were asked if there had been days in the past 12 months when they needed their primary courtroom for a proceeding but it had been unavailable. Overall, 18% of respondents said they had experienced this situation. The number of workdays in the past 12 months on which this had occurred varied greatly across the judges; the average (mean) was 17 days, the median was 10 days, and the most common response was 3 days. Of the 17 judges who reported not having their own individually assigned courtroom, 65% (11 judges) said their primary courtroom was unavailable on a day when they needed it, compared with 15% of the judges (39 judges) who did not regularly share a primary courtroom.

When the judges were asked why their primary courtroom was unavailable on certain days, the most common reason they reported was that the courtroom was in need of or undergoing renovations or maintenance; only 10% of judges said this was "never" a reason for courtroom unavailability. Use by another judge for a case-related proceeding was also a commonly cited reason that a judge's own courtroom was unavailable; 32% of judges said this was "never" a reason.[46]

When their primary courtroom was unavailable for a proceeding, judges most often used another courtroom. Only 2 judges (5%) said they "never" do this. Rescheduling for another time and using non-courtroom space to hold the proceeding were less commonly chosen alternatives.[47]

In response to an open-ended question about how their courtrooms are scheduled, about 20% of the responding judges indicated that their courtrooms were always available to them. More than one-third of the responding judges reported that their courtroom deputy does the scheduling for their courtroom, and another 18% of responding judges reported that chambers staff are responsible for scheduling courtroom use. Just over 10% of judges (24 of the 235 who responded to this question) indicated that they do their own scheduling, and 9% allow attorneys or parties to schedule their own proceedings by way of the court's website or other means.

Judges' Views About Courtroom Allocation and Sharing

In addition to asking about courtroom assignment and their experience with sharing courtrooms, we asked judges for their views on a number of issues related to courtroom allocation, courtroom sharing among bankruptcy judges, and the location of chambers relative to courtrooms.

Courtroom Allocation Policy

As shown in Table 15, on the overall issue of how courtrooms should be allocated, just over half of the responding judges—52%—said they believe that each bankruptcy judge should have his or her own primary courtroom. An additional 41% percent believed that most bankruptcy judges should have their own courtroom, but that there are situations in which it makes sense for some judges to

46. See Table 6 in Report Appendix 7 for more details about the responses to this question.
47. See Table 7 in Report Appendix 7 for more details about the responses to this question.

share courtrooms. Most of the remaining respondents believed that most or all bankruptcy judges should share courtrooms.

Table 15
Bankruptcy Judges' Overall Views on Courtroom Allocation[a]

Overall View on Courtroom Allocation	Respondents Selecting This Option
Each bankruptcy judge should have his or her own primary courtroom	51.8%
Most bankruptcy judges should have their own primary courtrooms, but there are situations in which it makes sense for some bankruptcy judges to share courtrooms.	40.8%
Most bankruptcy judges should share courtrooms, but there are situations in which it would make sense for some bankruptcy judges to have their own primary courtrooms.	3.7%
All bankruptcy judges should share courtrooms according to the specific needs of their cases.	1.5%
Other	2.2%

a. $N = 272$ respondents.

Importance to Judges of Having Their Own Courtrooms

We also asked judges how important it was to them *personally* to have their own courtroom. Overall, 64% of the responding bankruptcy judges said it was "very" important to them, 19% said it was "somewhat" important, 5% said it was "slightly" important, and 13% said it was "not" important to have their own courtroom as long as they had an appropriate place to hold proceedings when they needed to.

Proximity of Chambers to Courtroom

Because our earlier survey of judges in district courts indicated that it was important to the district judges that their chambers be close to their courtroom, we asked bankruptcy judges several questions specifically about this issue. Ninety-five percent of the responding judges indicated that their chambers are in close proximity to their primary courtroom, and two-thirds of them can access their primary courtroom directly from chambers. When asked to indicate the importance to them of having chambers in close proximity to their primary courtroom, the great majority of responding judges said it was "very important" (59%) or "somewhat important" (27%).[48] In response to a follow-up, open-ended question about why chambers proximity is important, most judges cited the enhanced efficiency (29%) and security (25%) afforded by having chambers close to the courtroom. Increased work productivity was also a commonly mentioned reason; 14% of judges said they were able to quickly access reference materials or staff,

48. See Table 8 in Report Appendix 7 for more details about the responses to this question.

and 12% said they were able get work done in chambers during breaks in courtroom proceedings. Ten percent of responding judges said they did not mind having some amount of separation between their primary courtroom and chambers.

Perceived Effects of Courtroom Sharing

We asked all bankruptcy judges for their perceptions of the effects that sharing a courtroom on a regular basis has, or would have, on three measures—the judge's ability to manage his or her caseload; the judge's efficiency; and the speed with which proceedings are resolved. In general, judges perceived that sharing of courtrooms on a regular basis would have a detrimental effect on these measures (see Table 16).

Table 16

Bankruptcy Judges' Perceptions of the Effects of Sharing Courtrooms

Effect on:	Positive/ Beneficial	Some Positive/Some Negative	Neutral/No Effect	Negative/ Detrimental
Judges' ability to manage caseload	1.1%	N/A[a]	7.8%	91.1%
Judges' own efficiency	0.4%	5.6%	16.4%	77.6%
The speed with which proceedings are resolved	0.4%	3.7%	13.4%	82.5%

Note: This table summarizes responses from questions asked separately about each of the effects listed, and some response categories are collapsed. The number of respondents ranges from $N = 268$ to $N = 270$. For details about the responses to each question, see Tables 9–11 in Report Appendix 7.

a. N/A indicates that this response option was not available for this question.

Specifically, 78% of judges thought that sharing a courtroom makes (or would make) the judge less efficient, and 83% said that sharing a courtroom would generally delay the resolution of proceedings. Judges also said that sharing a courtroom would "greatly" (59%) or "somewhat" (32%) compromise their ability to manage their caseloads.

In response to an open-ended question, judges who indicated that sharing a courtroom would have additional effects on proceedings were asked to explain those effects. The most frequent response, mentioned by a quarter of the 122 judges who answered this question, was that courtroom sharing would reduce the ability to schedule emergency hearings. Illustrative comments on this topic include the following:

> "[E]mergencies and urgent matters make up a large part of the matters requiring a hearing in our court. Availability of a courtroom determines access to our court."

> "As a bankruptcy judge, I frequently must schedule emergency hearings on short notice. This would be much more difficult if I were to share a courtroom."

Of the judges who answered this open-ended question, 16% said sharing would be disruptive, with proceedings being cut short or extending past their allotted time. Other effects of sharing that judges mentioned included delays (8%) and increased confusion for attorneys and parties (7%).

Function of Courtrooms When Not in Active Use

We asked judges for their opinions about whether their courtroom serves any function when it is not actively being used. Eighteen percent of respondents said this "never" occurs, 35% said it occurs less than 10% of the time, 26% said it occurs 10% to 50% of the time, and 21% said it occurs more than 50% of the time.

When asked to describe situations in which a courtroom served an important function when it was not being used for a case-related proceeding, judges who provided a response most frequently mentioned use of the courtroom for education or training sessions (47 of the 204 judges who answered this question). An additional 19% of judges (38) mentioned that an available courtroom can encourage settlements or resolutions prior to trial or hearings, and 16% of judges (33) indicated that the availability of a courtroom for emergency motions or hearings was important. Other uses include providing a convenient location for holding meetings, either for clerks and other court staff (11%), parties and trustees (7%) or 341 conferences (3%), as well as ceremonial proceedings (9%) or moot court (10%).

Judges' Views on Courtroom Allocation Policy and How to Implement It

Most Important Considerations for Policy Makers

We asked judges to describe what they thought was most important for Congress and judicial policy makers to consider in determining whether to require bankruptcy judges to share courtrooms. The most frequent consideration, mentioned by more than a quarter of the 245 judges who answered this question, was that sharing courtrooms reduces efficiency. Respondents also noted several bankruptcy-specific factors, including (1) the high volume of bankruptcy cases (mentioned by 20% of judges); (2) the prevalence of emergency hearings and the resultant need for an available courtroom on short notice (mentioned by 11% of judges); and (3) the speed with which hearings must be scheduled under the Bankruptcy Code (mentioned by 6% of judges). An additional 7% of judges noted that a courtroom must always be available when it is needed.

Suggestions for Implementation of Courtroom Sharing

We also asked judges to describe any ideas they might have about how courtroom sharing could best be implemented, either in their own court or on a national level. Of the 129 judges who provided a response to this question, the largest percentage (22%, or 28 judges) said that courtrooms should not be shared. The most frequent suggestion, mentioned by 13 judges (10%), was to leave decisions about implementing sharing to individual courts or divisions. Fifteen judges (almost 12%) indicated that sharing courtrooms could work under certain circumstances,

such as by judges with reduced schedules (5%) or in courts with small caseloads (2%).

Trends Potentially Affecting Courtroom or Courthouse Design in the Future

We asked judges to identify any social, legal, or technological trends they believed would make certain courtroom or courthouse features more or less critical in the future. More than half of the 157 judges who responded to this question identified the increased use of videoconferencing and teleconferencing in bankruptcy proceedings as a trend that will affect the design of courtrooms and courthouses. Another 36 judges (23%) said they think the increased use of technology in general, including electronic recording and electronic filing, will affect courthouse and courtroom design. More than 5% of judges who answered this question cited two other trends as potentially affecting courthouse design: (1) the need to maintain the public perception of the courtroom as an important place (7% of respondents) and (2) the increase in bankruptcy filings, which these respondents think will result in an increased need for space in bankruptcy courts (5% of respondents).

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XIII. Final Comments on the Study and Its Findings

Even the most well-designed and executed study has limitations. So that those who evaluate the findings of this study can take its limitations into consideration, we note them here. There are two principal limitations.

First, the study represents the pattern of courtroom use during a single period of time, and the findings are accordingly time-bound. As such, they may or may not generalize to changed conditions of the future. Such changes could include expansion or contraction of court caseloads, changes in the mix of case types, adoption of different case-management practices, and creation of additional judgeships.

Second, the data for the study were not gathered by the "ideal" data recorder. The ideal recorder is an individual who is able to track the scheduling and use of individual courtrooms, is present on site, will respond to data quality systems that catch errors, and yet is not affiliated with the court. This person does not exist, so we relied instead on staff of the bankruptcy courts to serve as our data recorders. Ultimately, we believe their access to information, ability to record the data stream, and knowledge about their own work, as well as our data verification procedures, more than compensate for a lack of outsider status. Some individuals reading this report may be concerned that staff would overreport the use of the courtrooms. Given the study's demands, however, we suspect underreporting is more likely the case.

The limitations above notwithstanding, we believe the study's methods and the data collected by the study are sound. The study was based on a large, random, national sample of bankruptcy courts. By design, the courts varied in courtroom and courthouse capacity, as well as in the demand on courtroom facilities that is driven by the nature of the caseload. The study collected systematic and detailed information about time spent in courtrooms, including, for example, who spent time in the courtrooms and what they were doing. The study is notable for having devised a way to collect previously unavailable information about the scheduling of courtrooms, including information about the scheduling, rescheduling, and cancelling of courtroom events. In sum, this study design resulted in data that provide for a richer, more complete understanding of the dynamics of courtroom use. On balance, the limitations of the study noted above are themselves limited in scope. Policymakers can be confident this study provides them with comprehensive, empirical information about current bankruptcy courtroom scheduling and use.

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REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

September 16, 2008

The Judicial Conference of the United States convened in Washington, D.C., on September 16, 2008, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge Sandra L. Lynch
Judge Ernest C. Torres,
District of Rhode Island

Second Circuit:

Chief Judge Dennis Jacobs
Chief Judge William K. Sessions III,
District of Vermont

Third Circuit:

Chief Judge Anthony J. Scirica
Chief Judge Garrett E. Brown, Jr.,
District of New Jersey

Fourth Circuit:

Chief Judge Karen J. Williams
Chief Judge James P. Jones,
Western District of Virginia

Fifth Circuit:

Chief Judge Edith Hollan Jones[1]
Judge Sim Lake,
Southern District of Texas

Sixth Circuit:

Chief Judge Danny J. Boggs
Judge Thomas M. Rose,
Southern District of Ohio

Seventh Circuit:

Chief Judge Frank H. Easterbrook
Judge Wayne R. Andersen,
Northern District of Illinois

Eighth Circuit:

Chief Judge James B. Loken
Judge Lawrence L. Piersol,
District of South Dakota

Ninth Circuit:

Judge Sidney R. Thomas[2]
Judge Charles R. Breyer,
Northern District of California

Tenth Circuit:

Chief Judge Robert H. Henry
Judge Alan B. Johnson,
District of Wyoming

1. Due to a weather emergency, Chief Judge Jones and Judge Lake participated by telephone.
2. Designated by the Chief Justice.

Eleventh Circuit:

Chief Judge J. L. Edmondson
Judge Myron H. Thompson,
Middle District of Alabama

District of Columbia Circuit:

Chief Judge David Bryan Sentelle
Chief Judge Royce C. Lamberth,
District of Columbia

Federal Circuit:

Chief Judge Paul R. Michel

Court of International Trade:

Chief Judge Jane A. Restani

The following Judicial Conference committee chairs or chair substitutes attended the Conference session: Circuit Judges Arthur J. Gajarsa, Julia Smith Gibbons, Roger L. Gregory, M. Margaret McKeown, Carl E. Stewart, and Richard C. Tallman, and District Judges Joseph F. Bataillon, Julie E. Carnes, Dennis M. Cavanaugh, John Gleeson, Janet C. Hall, Robert L. Hinkle, D. Brock Hornby, Henry E. Hudson, Mark R. Kravitz, Barbara M.G. Lynn, J. Frederick Motz, Gordon J. Quist, Lee H. Rosenthal,[3] George Z. Singal, Ortrie D. Smith, Laura Taylor Swain, John R. Tunheim, and Thomas I. Vanaskie. Bankruptcy Judge David S. Kennedy and Magistrate Judge Robert B. Collings were also in attendance. Millie Adams of the Eighth Circuit represented the circuit executives.

James C. Duff, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Jill C. Sayenga, Deputy Director; William R. Burchill, Jr., Associate Director and General Counsel; Laura C. Minor, Assistant Director, and Wendy Jennis, Deputy Assistant Director, Judicial Conference Executive Secretariat; Cordia

3. Due to a weather emergency, Judge Rosenthal participated by telephone.

A. Strom, Assistant Director, Legislative Affairs; and David A. Sellers, Assistant Director, Public Affairs. District Judge Barbara Jacobs Rothstein, Director, and John S. Cooke, Deputy Director, Federal Judicial Center, and District Judge Ricardo H. Hinojosa, Chair, and Judith W. Sheon, Staff Director, United States Sentencing Commission, were in attendance at the session of the Conference, as was Jeffrey P. Minear, Administrative Assistant to the Chief Justice. Scott Harris, Supreme Court Counsel, and the 2008-2009 Supreme Court Fellows also observed the Conference proceedings.

Attorney General Michael B. Mukasey addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice. Senators Patrick Leahy, Arlen Specter, and Jeff Sessions and Representative John Conyers, Jr., spoke on matters pending in Congress of interest to the Conference.

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COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

COURTROOM USAGE STUDY

In response to a request from Congress, the Court Administration and Case Management Committee asked the Federal Judicial Center to conduct an independent and comprehensive study of courtroom use in the district courts. Based on the findings of this study, the Committee, after consultation with several other Conference committees, recommended that the Conference adopt several policy changes with regard to courtroom usage to be applied to new courthouse construction and to construction of additional courtrooms in existing buildings. After discussion and in accordance with the Committee's recommendations, the Conference agreed to —

a. Direct the Committee on Court Administration and Case Management – in consultation with the Committee on Space and Facilities – to develop appropriate regulations for the *U.S. Courts Design Guide* regarding the assignment of courtrooms for senior judges to reflect a policy that provides one courtroom for every two senior judges, recognizing that the application of this policy for some senior judges who maintain a high caseload may require closer examination and the development of a standard, objective, and narrowly tailored exemption policy.

b. Direct the Committee on Court Administration and Case Management – in consultation with the Committee on Space and Facilities and the Committee on the Administration of the Magistrate Judges System – to develop appropriate regulations for the *U.S. Courts Design Guide* to implement a courtroom sharing policy for magistrate judges, balancing the need to maintain the flexibility afforded to district courts to utilize magistrate judge resources to meet local needs with the ability to standardize space planning on a national basis, and ensuring the efficient use of courtrooms without sacrificing the availability of immediate access to a courtroom.

c. Direct the Committee on Court Administration and Case Management – in consultation with the Committee on Space and Facilities – to assess the feasibility of, and to develop an appropriate policy implementing, courtroom sharing among non-senior district judges in large courthouses (i.e., courthouses with more than ten non-senior district judges).

d. Direct the Committee on Court Administration and Case Management to study the usage of bankruptcy courtrooms and, if usage levels so indicate, develop – in consultation with the Committee on Space and Facilities and the Committee on the Administration of the Bankruptcy System – an appropriate sharing policy for bankruptcy courtrooms.

e. Adopt the proposed "Report on the Usage of Federal District Court Courtrooms" as the position of the Conference and transmit it, in conjunction with the Federal Judicial Center's study on courtroom use, to the House Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings and Emergency Management, as an explanation of the Conference's views on the FJC's study.

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Appendix 2: Study Design and Methods

In this appendix we discuss decisions we made about how to conduct the study, and we describe the study design. We discuss only the key issues, leaving details to documents that are referenced below and available from the study team.

The design of this study closely follows the design of our previous study of courtroom use in the federal district courts.[1] We took this approach for two reasons: (1) the questions that were central to the district court study are also central to the bankruptcy court study and (2) we wanted the findings from the two studies to be comparable.

Regarding the central questions of the two studies, we were guided by issues important to judiciary and congressional policy makers, by our review of previous research on courtroom use, and, in particular, by the General Accounting Office (now the Government Accountability Office) 1997 study of courtroom use[2] and the RAND review of previous research.[3] The GAO 1997 study is essentially the only one that has attempted to amass data on actual courtroom use in the federal courts. GAO did not collect original data or use a representative sample of courtrooms, but relied on routinely reported data and a judgmental selection of districts.[4] Subsequently, GAO identified a number of limitations in its study, many of which were due to a lack of adequate courtroom use data:

- the findings could not be generalized to other district courts;[5]
- the study's scope was limited to only a year of data;[6]
- the study could not report actual use in finer increments than days because the monthly reports of courtroom time did not provide the necessary data;[7]
- the study could not address the role of an available courtroom in prompting settlements and plea agreements—the so-called "latent use" of the courtroom;[8] and
- the study could not examine the scheduling of courtrooms.[9]

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1. D. Stienstra et al., The Use of Courtrooms in U.S. District Courts (Federal Judicial Center 2008).

2. General Accounting Office, Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking (GAO/GGD-97-39, May 1997).

3. T. Dunworth & J.S. Kakalik, Research on Courtroom Sharing (RAND Institute for Civil Justice, PM-598-1-ICJ, September 1996).

4. GAO used data from the monthly JS-10 reports of courtroom activity, courtroom calendars, and the docketing system. General Accounting Office, *supra* note 2, at 8.

5. *Id.* at 9.

6. General Accounting Office, Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue (GAO-01-70, December 2000), at 5.

7. *Id.* at 17.

8. *Id.* at 5.

9. *Id.*

In response to GAO's critique and recommendations, we made a number of decisions about the design of the district court study. These decisions apply to the bankruptcy court study as well. The most important of these decisions were to

- collect original data—that is, not rely on the limited data the courts routinely report to the Administrative Office of the U.S. Courts;
- conduct the study in a representative sample of bankruptcy courts and in a sufficient number of courts so the findings could be generalized;
- collect the data over at least six months to avoid seasonal fluctuations in courtroom use;
- collect data on the actual time courtrooms were used by anyone on any activity, with the type of event and type of user identified;
- collect data on the scheduling, rescheduling, and canceling of courtroom events, including the reasons for reschedulings and cancellations; and
- record time to the minute.

We discuss these decisions and others below.

The Selection of Bankruptcy Courts and Courtrooms for Study

We decided at the outset to conduct the study in a randomly selected sample of bankruptcy courts and in a large number of courts to ensure findings that were representative of the bankruptcy courts as a whole. Our first task was to identify the population from which to draw the sample. We began by investigating whether any courts should be removed from the population because unusual circumstances had altered normal practices. Finding none, we included all 91 bankruptcy courts in the population.

We then developed criteria for drawing a random sample from this population.[10] In designing the district court study, we considered many different dimensions by which to select the sample and chose two: (1) courtroom inventory, or the number of courtrooms in the largest courthouse in the district, and (2) a weighted filings estimate reflecting the expected average time of courtroom proceedings held in particular case types. Rather than assuming that these two dimensions were appropriate for the bankruptcy courts, we revisited the question and considered several other options, but we ultimately decided to use the same two dimensions because they were the best options and provided consistency across the two studies.

The first dimension, number of courtrooms in the largest location of the bankruptcy court,[11] is a measure of courtroom capacity. We were particularly commit-

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10. We discuss our decisions in developing the sampling frame in considerable detail in Technical Appendix 2, The Sampling Frame. See Report Appendix 8 for information about accessing the technical appendices.

11. The bankruptcy courts are located in several different types of buildings. For example, some bankruptcy courts for a federal district are located in the same courthouse as the district court, whereas some other bankruptcy courts are located in their own stand-alone courthouse or in leased space in an office building. Like the district courts, the bankruptcy courts may have multiple locations within a federal district, usually with one central location and one or more outlying

ted to using a measure of capacity because few locations where bankruptcy proceedings are held have 10 or more courtrooms. By building capacity into the sampling frame, we ensured that we would have at least some large locations in the study. We relied on several sources of information to develop an inventory of courtrooms, including records from the Administrative Office, the courts' websites, and a detailed survey completed by each study court.[12]

The second dimension, the weighted proceedings measure, is an indicator of courtroom demand. It is a variant of the more familiar case weights measure but reflects the weight of proceedings likely to be held in courtrooms rather than the overall caseload.

Our final sampling frame, consisting of 10 cells, is shown in Attachment 1, with total population of bankruptcy courts listed in the cells. For seven cells, we randomly selected two courts from each cell; for three cells with a small number of courts in the cell, we selected all courts. Our final sample included 18 bankruptcy courts that varied in courtroom capacity and demand and represented every circuit except the Tenth Circuit and the District of Columbia Circuit. We randomly assigned the sample courts to the two data collection waves.[13] Table 1 shows the final set of study courts by wave. The sampling cells they represent can be seen in Attachment 1.

Table 1
Sample Courts

Wave 1 Courts	Wave 2 Courts
District of Arizona	Central District of California
Northern District of Illinois	Southern District of Florida
Western District of Missouri	District of Massachusetts
District of Nevada	Eastern District of New York
District of New Hampshire	Southern District of New York
Middle District of Tennessee	Eastern District of Pennsylvania
Southern District of Texas	District of Puerto Rico
Eastern District of Wisconsin	Western District of Virginia
Western District of Wisconsin	District of Vermont

locations. Because of the range of building types that house the bankruptcy courts, we refer to them collectively as locations of holding court. For a complete accounting of all locations for the courts in this study, see Technical Appendix 5, Profiles of the Study Courts. See Report Appendix 8 for information about accessing the technical appendices.

12. See Technical Appendix 2, The Sampling Frame, for identification of records provided by the Administrative Office and Technical Appendix 4, The Court Information Survey, for the survey we sent to the courts. See Report Appendix 8 for information about accessing the technical appendices.

13. For a discussion of data collection waves, see the section The Time Frame for Data Collection, below.

The final group of study sites included 69 locations of holding court and 161 courtrooms.[14] The total number of judges resident in these sites was 99.[15]

We notified the study districts of their selection on February 10, 2009, by a letter from Judge John Tunheim, then-chair of the Judicial Conference Committee on Court Administration and Case Management.[16] No court asked to be exempted from the study.

The Nature of the Data To Be Collected

Given the importance of comprehensive, fine-grained data for answering the study's questions, we invested considerable resources in collecting original data in the courtrooms of the study courts. As in the district court study, we also decided to address the unknown contributions of scheduling and latent use to the availability of courtrooms. And we decided to collect data on certain types of events that occur in other locations, since these events might, under some circumstances, be held in courtrooms. Because we planned to collect original data, the study was necessarily prospective. The study data include three types of data:[17]

1. *Actual Use Data:* We collected the time for every instance in which a courtroom was used, no matter what the event was or who participated in it. For each event, the data collection process distinguished the nature of the event and who was involved. Events included not only such activities as hearings and conferences, but also staff and attorney time setting up for and wrapping up after proceedings, educational and ceremonial occasions, use by other judges, and maintenance. We also recorded time for periods when the courtroom was not available for use (for example, materials were in the room during an adjournment or an equipment overhaul was under way), as well as days when the judge to whom a courtroom was assigned was away for a full day (for example, in court elsewhere or on vacation). We recorded the start time and end time for each event.
2. *Scheduling Data:* We collected the scheduled time for each event placed on the courtroom calendar and then tracked the outcome of each event—that is, whether it was held, cancelled, or moved to a later date. For events that were cancelled or rescheduled, we recorded the reason for the change and the date on which the need for a change was first known. For rescheduled

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14. We include in this count all locations—for example, central locations as well as outlying ones and federal courthouses as well as borrowed quarters in non-federal buildings. We provide detailed information about the courts' locations in Technical Appendix 5, Profiles of the Study Courts. See Report Appendix 8 for information about accessing the technical appendices.

15. Excluded from this count are the judges who were not active during the full study period (a recalled judge who stepped down two weeks after the study began, a judge on maternity leave until the last two weeks of the study, and five newly appointed judges who came on the bench near the end of the study).

16. The Court Administration and Case Management Committee is the judiciary's policy-making body with oversight responsibility for the study.

17. The study data are defined in Technical Appendix 6, Study Variables Defined. See Report Appendix 8 for information about accessing the technical appendices.

events, we recorded the new date for the event. We recorded the start time and end time for each scheduled and changed event.

3. *Data on Events in Other Locations:* In some circumstances events that might otherwise be held in a courtroom are held in other locations. We limited these events to two types: (1) proceedings involving a judge and the parties and (2) ceremonies. Wherever these types of events occurred, we recorded both the scheduling of the events and the actual use time when they occurred. We recorded the start time and end time for each such event.

These three types of data are comparable to the district court data, with the necessary adjustments for the bankruptcy courts. We added items, for example, to account for bankruptcy trustee events and changed the listing of cases to reflect the types of cases filed in the bankruptcy courts.

Our decision to record start and end times made data collection considerably more complex than it would have been had we simply determined whether events were held on any given day. We could not, however, describe the actual use of courtrooms without measuring time to the minute.

As in the district court study, we did not attempt to define the "business hours" of the courts, but instructed staff to record all events scheduled for and occurring in the courtrooms, whatever time of day they occurred, with two exceptions: maintenance in the courtroom and judge-away time were recorded only between 8:00 a.m. and 6:00 p.m. We also did not attempt to define the "official business" of the courts, but instead instructed staff to record the nature of each event so that we would have a complete inventory of the use made of the courtrooms. Also as we did in the district court study, we collected data in all courtrooms in each court to ensure a full picture of courtroom use within the study courts.

The data on courtroom activity address most of the questions that have been posed about how much these places are used. To examine the qualitative side of courtroom use, we decided to also seek the views of those who use the courtrooms. Thus, in the district court study we sent questionnaires to district judges, magistrate judges, and attorneys to ask for their experiences with and views on courtroom allocation and use. In the present study, we sent a questionnaire to every bankruptcy judge; however, we did not survey attorneys. The purpose of the questionnaire used in the district court study was to obtain information from attorneys about their experiences when appearing before judges who shared courtrooms. We found only one instance of a shared courtroom in our sample bankruptcy courts and therefore decided not to survey attorneys, as they would have no experience with shared courtrooms.

The Time Frame for Data Collection

When GAO noted the limitations of its 1997 study of courtroom use, among the problems identified was the limited period of time covered—that is, one year of data.[18] GAO felt data should be collected for a longer period, if not routinely, so

18. General Accounting Office, *supra* note 6, at 5.

that trends in courtroom use could be assessed.[19] Because policy makers wanted earlier findings from the district court study, our proposed 12-month study for the district courts (designed to account for seasonal variation) was ultimately reduced to 6 months. At the conclusion of the district court study, we were satisfied that 6 months provided sufficient data for reliable findings and were inclined to use the same time span for the bankruptcy study. We also, however, examined data from the B-102 reports to determine whether bankruptcy caseloads have a noticeable seasonal variation.[20] Analysis of data spanning January 2003 through June 2008 found no significant differences in judges' courtroom time over the 12 months of the year.[21] Based on this analysis and our experience in the district courts, we adopted a 6-month time frame for the bankruptcy study.

Also in keeping with the district court study, we decided to collect data for three months in each court—as before, out of consideration for the burden we were imposing on the courts. The specific data collection dates were determined largely by practical considerations—for example, how quickly we could design the study, select the courts, develop the software, and train data recorders.

We collected data in the nine Wave 1 courts from September 14 to December 14, 2009, and in the nine Wave 2 courts form January 18 to April 16, 2010. Starting on the first day of the wave, data recorders began recording actual use events and all scheduled or rescheduled events from that date through the last day of the wave. Before the wave started, they recorded all events already scheduled for the three-month period, completing that task one month before the wave started and tracking those events from that date until the end of the wave.

The Method for Collecting Data

As in the district court study, we faced two questions in deciding how to collect the study data—who should collect it and by what method. We made the same decision for the bankruptcy courts that we made for the district courts—that is, to have court staff record the study data. We made this decision for several reasons:

- Given the large number of courtrooms in the study, a six-month data collection period, and the comprehensive scope of the data, the cost of sending either Center staff or contractors to record the data would have been prohibitive.
- At least one member of a judge's staff is present in the courtroom when proceedings occur, and because staff keep the judge's calendar, they are aware of the judge's non-courtroom activities.
- Court staff are far more familiar with the events that occur in courtrooms than outside recorders and therefore could be relied on to record events in the detail we were seeking.

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19. General Accounting Office, *supra* note 2, at 6.

20. The bankruptcy courts use the B-102 form (Monthly Report of Trials and Other Activity) to report to the Administrative Office of the U.S. Courts the time judges spend on trials and other proceedings in courtrooms.

21. This analysis is available in Technical Appendix 3, Analysis of Monthly Variation in Courtroom Use. See Report Appendix 8 for information about accessing the technical appendices.

- Court staff have access to information, such as scheduled events and cancelled events, that no one else would have access to.
- Our experience with the district courts gave us confidence that court staff would record comprehensive and accurate data.

When we designed the district court study, we recognized from the outset the questions our decision to have court staff record the data might engender (addressed in the next section), but we determined that, with appropriate safeguards, court staff would be by far the best data recorders for the study. No other approach would permit collection of the detailed data, in both breadth and depth, we were committed to collecting. Our experience in the district courts more than confirmed this expectation, and therefore we took the same approach in the bankruptcy courts.

As in the district court study, we decided to record the data using a software application rather than paper forms. This computer-based system permitted us to collect more complex data and to build in functions to ensure complete and accurate recording. We built the bankruptcy data collection software on the base provided by the district court study. The software application, Data Input System for the Courtroom Use Study—Bankruptcy (DISCUS-B), was based in Lotus Notes, the e-mail system used by the federal courts, and thus had many features familiar to court staff. To further ease data collection, as well as enhance data quality, we customized the application for each court—that is, we incorporated into the version we provided to each court their own courthouse, courtroom, and judge names.[22]

The use of court staff and a software application for data recording required a considerable training effort. We developed extensive training materials and then brought the courts' designated data recorders to our offices in Washington, D.C., to teach them how to use the application.[23] The training was conducted by professional trainers recruited for the study.[24] Before the training, we traveled to each study court to brief judges and court staff on the study, address any questions or concerns they might have, view courtroom facilities, and informally gather information about court practices.

We developed both the software application and the training materials with assistance from the trainers and a Staff Advisory Group.[25] A pretest we conducted in the Northern District of Georgia and the Eastern District of Virginia was criti-

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22. Technical Appendix 7, About DISCUS-B, describes the software application. See Report Appendix 8 for information about accessing the technical appendices.

23. For two study courts we trained the data recorders at the court rather than in Washington. For more information about the training materials and process, see Technical Appendix 8, The Training Process. See Report Appendix 8 for information about accessing the technical appendices.

24. The professional trainers included one member of the Federal Judicial Center's Education Division and two court education specialists (court staff members who are responsible for continuing education, particularly IT education, for judges and court staff).

25. For more information about the Staff Advisory Group, see the section Consultation with Others, below.

cally important for developing and refining our software, training materials, and procedures.

Methods for Ensuring and Checking Accuracy of the Data

Mindful of concerns that might be raised about the impartiality of court staff, we sought ways to minimize inaccurate recording at the data entry stage and to check for inaccuracies after the fact. We decided on two main steps for minimizing inaccurate data recording at the data entry stage: careful training of court staff, as noted above, and building functions into the software application that would both limit the recording options and check for inconsistencies.

We took two approaches to examining data quality and integrity after the fact. First, we developed a series of computer screens that identified all records with data anomalies. These included such errors as recording an event at 2:00 a.m. instead of 2:00 p.m., recording a hearing as an Other Event instead of a Hearing, or failing to resolve a scheduling record (i.e., failure to link it to an actual use record, cancel it, or reschedule it). We addressed every anomalous record, resolving it ourselves when the correct coding was obvious and working with the data recorders when we could not resolve the error.[26]

Second, as in the district court study, we asked that a separate research team at the Center conduct an independent observational study in the sample courts. That team sent independent observers into a sample of courts to record data that could be used as a check on the accuracy of our data. The courtroom use study team played no role in the design, implementation, or data analysis of the independent study. Report Appendix 3 summarizes the results of the independent study.[27]

Methods for Answering Questions About Courtroom Sharing

The ultimate question that drove the request for this study—that is, can judges share courtrooms without compromising the administration of justice—is a difficult one to answer. Data from our judge surveys provide information about the perceived impact of courtroom sharing, and data on courtroom use provide information on time actually spent in the courtrooms and time scheduled for the courtrooms. More complete answers, however, particularly with regard to delayed dispositions, would require computer modeling to test the effects of reducing the number of courtrooms while keeping caseloads and the number of judges constant.

Consultation with Others

In November 2008, we provided a preliminary study design to the Court Administration and Case Management Committee's Courtroom Subcommittee, which

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26. Technical Appendix 9, The Quality Control Process, describes our data quality review in detail. See Report Appendix 8 for information about accessing the technical appendices.

27. Report Appendix 3 contains only the Executive Summary of the independent study report. Technical Appendix 10, Independent Observation of Bankruptcy Courtroom Use, is the full report; it provides detailed information about the method and findings. See Report Appendix 8 for information about accessing the technical appendices.

had been established to provide judiciary input on the design and execution of the study. Our goal in seeking the committee's review was to make sure the study would answer judiciary policy makers' questions about courtroom use. The subcommittee suggested no additions or changes to the design.[28]

We also formed two advisory groups, a Judge Advisory Group and a Staff Advisory Group.[29] On October 15, 2008, we met with the 10 judges on the Judge Advisory Group to get their advice on conducting a study of courtroom use in the bankruptcy courts. We were particularly interested in learning about the different ways judges use courtrooms. On October 28, 2008, we met for a full day with the 10 members of the Staff Advisory Group and discussed a number of topics, including judges' and trustees' use of courtrooms, our need to inventory courthouses and courtrooms, and training of the court data recorders. Both meetings were very important for designing a study that could be reliably implemented.

Because the bankruptcy courtroom use study was undertaken on the judiciary's initiative, unlike the district courtroom use study, which had a congressional impetus, there was no requirement to consult with GAO or congressional subcommittees. They are, however, aware that the judiciary has undertaken the bankruptcy study.

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28. The design document, The Proposed Study Design, is available as Technical Appendix 1. See Report Appendix 8 for information about accessing the technical appendices.

29. All members of the Judge Advisory Group were bankruptcy judges. The members of the Staff Advisory Group were court managers, courtroom deputies, judicial assistants, and a bankruptcy administrator, who advised us on the software application and the training process.

Attachment 1: Classification of the Ninety-One Bankruptcy Courts Into the Sampling Frame

Number of Courtrooms in the Largest Courthouse (Visiting Facilities Removed)[a]	Proceedings-Weighted Filings Per Courtroom			
	At or Below the Median Value of 287 (Weighted Filing)		Above the Median Value of 287 (Weighted Filing)	
1–3, Single Location Bankruptcy Court	AL-S (2) DC (1) HI (1) IA-S (3) LA-E (2) LA-M (1) ND (1) **NH (2)** NM (3)	OK-E (1) OK-N (2) OK-W (3) RI (1) SD (1) UT (3) **VT (1)** WY (1)	AR-E (3) AR-W (1) MS-N (2) **PR (3)**[b] **TN-M (3)** WV-S (2)	
1–3, Multiple Location Bankruptcy Court	AK (1) AL-N (3) FL-N (1) IA-N (1) ID (2) IL-C (1) KS (2) ME (1) MS-S (2) MT (1)	NC-M (3) NE (1) PA-M (2) TN-E(2) TX-W (2) **VA-W (1)** WA-E (2) **WI-W (1)** WV-N (2)	CT (1) **FL-S (3)** GA-M (2) GA-S (1) IL-S (1) IN-N (2) KY-E (2) KY-W (3) LA-W (1) MD (2) MI-W (3)	MN (2) **MO-W (3)** NC-E (1) NC-W (2) NY-N (1) NY-W (2) OH-S (3) TN-W (2) TX-E (1) TX-N (3) VA-E (2)
4–5	CA-E (5) CA-N (4) CA-S (5) OR (4) **PA-E (4)** WA-W (5) **WI-E (4)**		AL-M (4) DE (5) FL-M (5) IN-S (4) **MA (4)** MI-E (4)	MO-E (4) **NV (5)** OH-N (4) PA-W (4) SC (4)
6–8	**AZ (7)** **NY-E (7)**		CO (6) GA-N (8) NJ (6)	**NY-S (8)** **TX-S (6)**
10 or more	**CA-C (16)**		**IL-N (10)**	

Note: Bold font indicates a court selected for the study.

a. The number of courtrooms is based on Administrative Office records, court websites, and a survey we conducted in the study courts. See Technical Appendix 2, The Sampling Frame, for identification of records provided by the Administrative Office and Technical Appendix 4, The Court Information Survey, for the survey we sent to the courts. See Report Appendix 8 for information about accessing the technical appendices.

b. At the time of selection, Puerto Rico had a single bankruptcy courthouse. Before data collection began, the court opened a second location.

Bankruptcy Courtroom Use Study, Report to the CACM Committee

Appendix 3: Independent Observation Report, Executive Summary

INDEPENDENT OBSERVATION OF ELEVEN BANKRUPTCY COURTROOM USE STUDY COURTS

October 28, 2010

Federal Judicial Center

David Rauma
Project Director

This report was undertaken in furtherance of the Federal Judicial Center's statutory mission to provide research and planning assistance to the Judicial Conference of the United States and its committees. The views expressed are those of the author and not necessarily those of the Federal Judicial Center.

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EXECUTIVE SUMMARY

The Federal Judicial Center conducted a separate observational study as an independent check on the court-supplied bankruptcy courtroom use data. Using a sample of 11 of the 18 districts participating in the courtroom use study, we recruited 49 graduate or law student observers from local colleges and universities to observe and record information about bankruptcy courtroom use in those sampled districts. With weekly courtroom observation schedules supplied by the Center, the observers visited bankruptcy courtrooms and recorded information about courtroom use.

The courtroom use study was conducted in two separate waves over time. The districts included in the observational study were selected independently and without input from the research team that conducted the overall bankruptcy courtroom study. Within each district, the Project Director of the independent observation study selected the main place of holding court as the site for the observational study and recruited observers from colleges and universities in that region.

Observational Study Districts

Wave 1	**Wave 2**
Northern District of Illinois	Central District of California
District of Nevada	Southern District of Florida
District of New Hampshire	District of Massachusetts
Middle District of Tennessee	Eastern District of New York
Western District of Wisconsin	Eastern District of Pennsylvania
	Western District of Virginia

The observers were typically 2nd or 3rd year law or graduate students whose class schedules gave them blocks of free time during which they could visit the local bankruptcy court. Each week, the observers were given a schedule of courtrooms to visit over the span of two and one-half hours during a morning or an afternoon. Courtroom visits were usually for one-half hour per courtroom. We selected the courtrooms for visits on a random basis, except in two districts in which the local bankruptcy courthouse had only one courtroom. During each courtroom visit, observers were to record information such as whether an event was in progress upon their arrival, whether and at what time an event ended or began during their visit, and who was present for the event (e.g., a judge, attorneys, members of the public). Observers had an observation form on which to record this information and instructions on how to make their observations.

The observers entered the data from their forms into an online database that was matched, on the basis of time and courtroom, with the courtroom use data

supplied by the bankruptcy courts. We used two measures to assess the degree of concordance between the observers' information and the court-supplied courtroom use data: (1) was a courtroom in use by a judge, and (2) was the courtroom in use, whether by a judge, court staff, or anyone else. Overall, on the first measure, the observers agreed with court-supplied data 95% of the time. In other words, there was a 95% degree of concordance between the two data sources about whether observed courtrooms were in use by a judge. On the second measure, the degree of concordance was 87%. We examined the data over time and by district, to assess the stability of these results, and found a great deal of consistency. In other words, the results are not skewed over time nor by district. We conclude from our findings that the court-supplied data reliably represent what actually occurred in the observed courtrooms.

Bankruptcy Courtroom Use Study, Report to the CACM Committee

Appendix 4: Event and User Codes Used for Data Recording and Analysis

I. Event Categories, Event Types, Calendar Information, Case Types, and User Types Used for Data Recording

Listed below are the Event Categories and Event Types we used for recording each scheduled event and actual use event into the data collection software (DISCUS-B). Event Categories are broad classifications, most of which encompass two or more Event Types. We instructed data recorders to use named Event Categories and Event Types whenever possible and to use "Other" events only when no other category applied.

To further understand the nature of the scheduled and actual use events, we also recorded, for each event, the type of calendar on which the event was placed, information about the types of cases involved, and a description of the event. These codes are also listed below.

We began data recording with approximately fifty codes to describe each event and created four new codes after data recording had ended. The new codes combine two original Event Types and four Proceeding Characteristics into four new Event Types. We list the original codes first, then the four new codes.

Data Recording Event Categories and Event Types

(1) Matters Convened by a Judge
- Hearings/Trials
- Conferences (e.g., status, settlement, etc.)
- A Mix of Event Types (e.g., both hearings/trials and conferences)
- Other Matters Convened by a Judge (describe)

(2) Other Case-Related Activity
- Event Convened by a Trustee
- Other Meeting Related to a Case
- Training or Practice on Courtroom Equipment
- Other Case-Related Activity (describe)

(3) Bankruptcy Court Ceremony (describe)

(4) General Education, Training, or Outreach
- Debtor Education
- Attorney/Trustee Education and Training
- Staff Education and Training
- Public Education and Outreach
- Other Education, Training, or Outreach (describe)

(5) Maintenance (during normal court hours)
   Equipment Repairs or Upgrade
   Room Repairs or Renovation
   Cleaning
   Other Maintenance (describe)

(6) Special Circumstances: Room Cannot Be Used or Judge Away
   Room Contains Materials for Ongoing Proceeding
   Room Conditions Prevent Use (e.g., temperature, fumes)
   Other Reason Room Cannot Be Used (describe)
   Judge in Court Elsewhere for 6+ Hours (e.g., other division)
   Judge on Official Business Elsewhere for 6+ Hours (e.g., education)
   Other Reason Judge Away for 6+ Hours (describe)

(7) Other Use
   Set-Up or Take-Down (on a day other than the event)
   Other Use (describe)

Calendar Information [recorded for Matters Convened by a Judge only]

(1) Regularly Scheduled Calendar
(2) Specially Set Time
(3) Not Calendared (e.g., carried over from an earlier event, emergency matter) [recorded for actual use events only]

Proceeding Characteristics [recorded in the Actual Use Module and for judge-convened Hearings/Trials only]

(1) Witness(es) Sworn In
(2) Document(s) Entered into Evidence
(3) Jury Present
(4) None of the Characteristics Listed

Types of Cases Included in the Proceeding [recorded for Matters Convened by a Judge only]

(1) Chapter 7
(2) Chapter 9
(3) Chapter 11
(4) Chapter 12
(5) Chapter 13
(6) Chapter 15
(7) SIPA (15 U.S.C. Sections 78aaa et seq.)
(8) Adversary Proceedings
(9) Other (describe)

Activity [recorded for Event Convened by a Trustee only]

(1) 341 Creditors' Meeting

(2) Auction

(3) Conference (e.g., status, settlement, etc.)

(4) Other Trustee Event (describe)

Calendar Information [recorded for Event Convened by a Trustee only]

(1) Regularly Scheduled Calendar

(2) Specially Set Time

(3) Not Calendared: Event Preceded or Followed Court Session Convened by a Judge [recorded for Actual Use events only]

(4) Not Calendared: Other Reason (describe) [recorded for Actual Use events only]

Set-Up and Take-Down Time [recorded in the Actual Use Module only and only for Matters Convened by a Judge, Other Case-Related Activity, Bankruptcy Court Ceremony, and General Education, Training, and Outreach]

(1) Court Staff

(2) Trustee/Attorneys/Parties

(3) Judge

(4) Other

*Event Types Created After Data Collection [created by combining Hearings/Trials and A Mix of Event Types (e.g., both hearings/trials and conferences) with the four Proceeding Characteristics codes]**

(1) Judge Matters – Evidentiary Hearings or Trials

(2) Judge Matters – Non-Evidentiary Hearings or Trials

(3) Judge Matters – Mixed, Some Evidentiary

(4) Judge Matters – Mixed, None Evidentiary

* In tables in the report (see Report Appendix 5), these four event types are labeled, respectively: (1) Hearing/Trials, Evidence Presented; (2) Hearings/Trials, No Evidence Presented; (3) Mix of Hearings/Trials & Conferences, Evidence Presented; (4) Mix of Hearings/Trials & Conferences, No Evidence Presented.

User Types

(1) Named Judge

(2) Visiting Judge

(3) Other Judge [e.g., ALJs]

(4) General Judge [judge participants in non-proceeding events, such as ceremonies]

(5) Trustee(s)

(6) Attorney(s)
(7) Party(ies)
(8) Trustee(s)/Attorney(s)/Party(ies)
(9) Attorney(s)/Party(ies)
(10) Court Staff [includes security personnel]
(11) IT [includes court and contract IT personnel]
(12) Cleaning/Maintenance
(13) Public
(14) No Primary User [more than one type of user in courtroom, none in charge]
(15) Unoccupied
(16) Judge Away
(17) Other

II. Event and User Types Used in Analyses

The fifty individual event codes, four event codes added during data preparation, and seventeen user codes provide a rich data set, but the high level of detail provided by these codes was not necessary for analysis. Thus, we combined a number of event and user types into a smaller set of codes. In addition, we established priorities for events and users to ensure that we counted courtroom time only once.[1] The final event codes and user codes used in the analysis are listed below, by priority ranking.

Event Codes

1 = Judge Matters – Evidentiary Hearings or Trials*
2 = Judge Matters – Non-Evidentiary Hearings or Trials*
3 = Judge Matters – Mixed, Some Evidentiary*
4 = Judge Matters – Mixed, None Evidentiary*
5 = Judge Matters – Conferences*
6 = Other Case-Related – Trustee Event
7 = Other Case-Related Matters
8 = Set-Up or Take-Down
9 = Bankruptcy Ceremony
10 = Education, Training, or Outreach
11 = Other Use
12 = Maintenance

1. Because we recorded time separately for different types of courtroom users, such as judges, court staff, and attorneys, and because on occasion more than one event could be recorded for a courtroom, the data included overlapping time. We established a ranking of events and users to ensure that any single segment of time was counted only once in calculating time in the courtroom.

13 = Room Could Not Be Used
14 = Judge Away

User Codes

1 = Named Bankruptcy Judge
2 = Visiting Judge
3 = Other Judge
4 = General Judge
5 = Party to the Proceeding or Event (i.e., attorney, party, trustee)
6 = Court Staff (includes IT and maintenance)
7 = No Primary User
8 = Unoccupied
9 = Other
10 = Judge Away

* In tables in the report (see Report Appendix 5), these five event types are labeled, respectively: (1) Hearing/Trials, Evidence Presented; (2) Hearings/Trials, No Evidence Presented; (3) Mix of Hearings/Trials & Conferences, Evidence Presented; (4) Mix of Hearings/Trials & Conferences, No Evidence Presented; (5) Conferences, No Evidence Presented.

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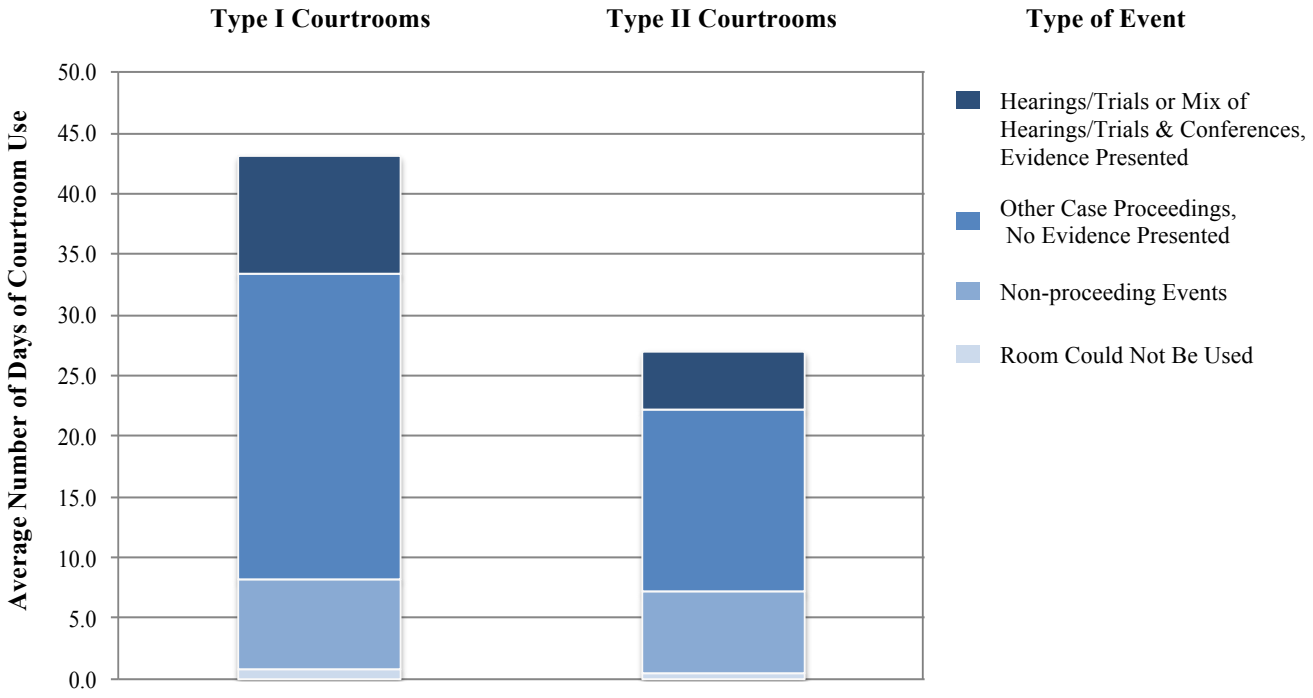
Table A.1
Average Number of Days of Courtroom Use by Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

	Type of Courtroom			
	Type I Courtrooms		Type II Courtrooms	
Number of Courtrooms	90		14	
Average per Courtroom Number and Percentage of Days of Use[b]	43 68.5%		27 43.0%	
Average per Courtroom Number and Percentage of Days on Which a Trial Occurred[b]	10 15.5%		5 7.6%	
Type of Event	Avg. # of Days of Use	% of 63 Workdays	Avg. # of Days of Use	% of 63 Workdays
Hearings/Trials or Mix of Hearings/Trials & Conferences, Evidence Presented	9.8	15.5%	4.8	7.6%
Other Case Proceedings, No Evidence Presented	25.1	39.9%	15.1	23.9%
Non-proceeding Events	7.5	11.9%	6.7	10.7%
Room Could Not Be Used	0.8	1.3%	0.5	0.8%

a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.

Figure A.1
Average Number of Days of Courtroom Use by Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



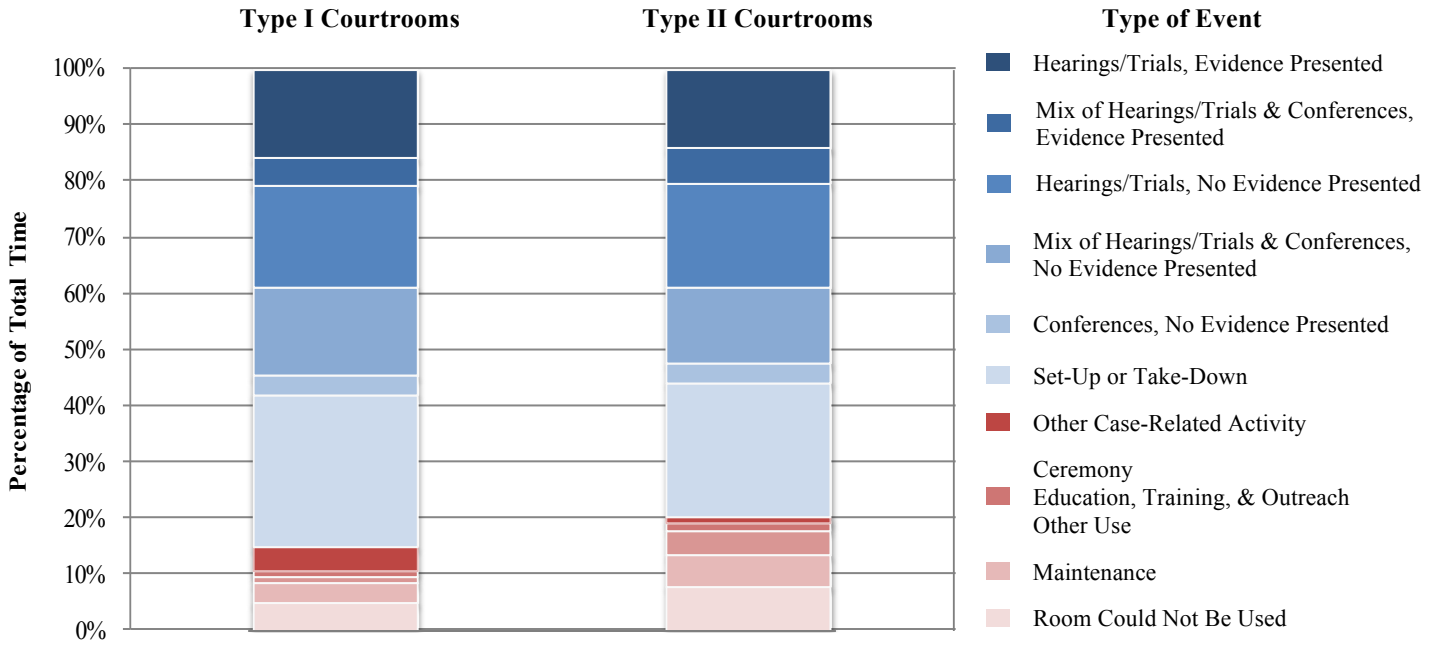
a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.2
Average Courtroom Use per Day by Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average per Courtroom Minutes of Use per Day[b]	149.6			70.5		
Average per Courtroom Hours of Use per Day[b]	2.5			1.2		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Case Proceedings	1.4	86.8	58.0%	0.7	39.4	55.9%
Hearings/Trials, Evidence Presented	0.4	23.9	16.0%	0.2	10.0	14.1%
Mix of Hearings/Trials & Conferences, Evidence Presented	0.1	7.4	5.0%	0.1	4.3	6.2%
Hearings/Trials, No Evidence Presented	0.4	26.8	17.9%	0.2	13.2	18.8%
Mix of Hearings/Trials & Conferences, No Evidence Presented	0.4	23.7	15.9%	0.2	9.4	13.3%
Conferences, No Evidence Presented	0.1	4.9	3.3%	< 0.1	2.5	3.5%
Set-Up or Take-Down	0.7	40.5	27.1%	0.3	16.9	24.0%
Other Case-Related Activity	0.1	6.4	4.3%	< 0.1	0.6	0.9%
Other	0.3	15.8	10.6%	0.2	13.5	19.2%
Ceremony	< 0.1	< 0.1	< 0.1%	< 0.1	0.1	0.2%
Education, Training, & Outreach	< 0.1	1.4	0.9%	< 0.1	0.8	1.2%
Other Use	< 0.1	2.0	1.3%	0.1	3.2	4.5%
Maintenance	0.1	5.2	3.5%	0.1	3.9	5.5%
Room Could Not Be Used	0.1	7.3	4.9%	0.1	5.5	7.8%

a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.2
Percentage of Average Courtroom Use per Day by Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.3
Average Courtroom Use by Type of Event on Days on Which a Trial Occurred,
Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[a] September14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	82[c]			11[c]		
Average per Courtroom Number and Percentage of Days on Which a Trial Occurred	10 15.5%			5 7.6%		
Average per Courtroom Minutes of Use per Day on Days Trial Occurred[b]	330.4			287.8		
Average per Courtroom Hours of Use per Day on Days Trial Occurred[b]	5.5			4.8		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Case Proceedings	3.8	227.4	68.8%	3.7	222.0	77.1%
Hearings/Trials, Evidence Presented	2.6	154.4	46.7%	2.2	131.4	45.7%
Mix of Hearings/Trials & Conferences, Evidence Presented	0.8	48.0	14.5%	1.0	57.1	19.9%
Hearings/Trials, No Evidence Presented	0.2	11.6	3.5%	0.4	25.2	8.8%
Mix of Hearings/Trials & Conferences, No Evidence Presented	0.2	10.5	3.2%	0.1	6.9	2.4%
Conferences, No Evidence Presented	< 0.1	2.9	0.9%	< 0.1	1.4	0.5%
Set-Up or Take-Down	1.5	90.6	27.4%	1.0	62.4	21.7%
Other Case-Related Activity	0.1	7.9	2.4%	< 0.1	1.6	0.6%
Other	0.1	4.5	1.4%	< 0.1	1.8	0.6%
Ceremony	< 0.1	0.1	< 0.1%	—	—	—
Education, Training, & Outreach	< 0.1	1.2	0.4%	—	—	—
Other Use	< 0.1	0.9	0.3%	—	—	—
Maintenance	< 0.1	1.9	0.6%	< 0.1	1.8	0.6%
Room Could Not Be Used	< 0.1	0.4	0.1%	—	—	—

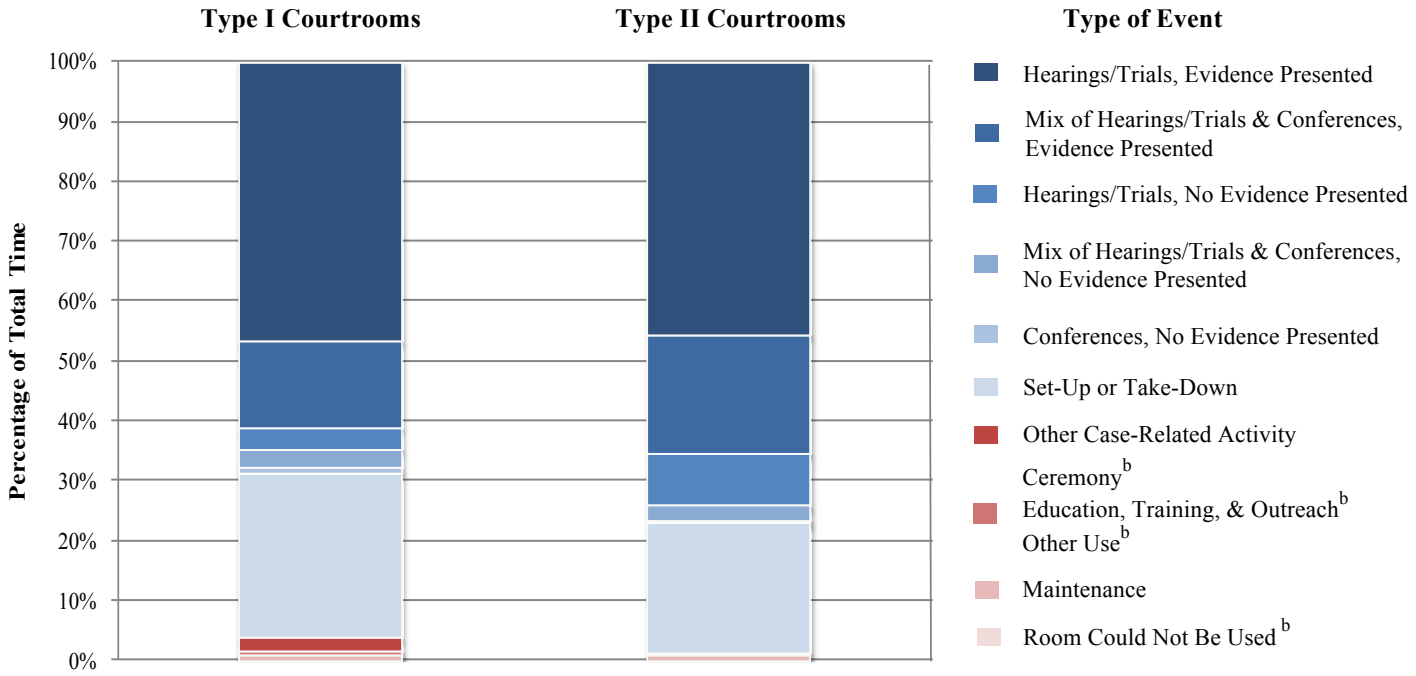
Note: Dashes indicate that no time was recorded for these types of events on trial days in the Type II courtrooms.

a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.

c. The number of Type I and Type II courtrooms in this table is less than in other tables because no trials were held in some courtrooms.

Figure A.3
Percentage of Average Courtroom Use by Type of Event on Days on Which a Trial Occurred,
Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. No time was recorded for these types of events in the Type II courtrooms.

Table A.4
Average Courtroom Use per Day by Type of User,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

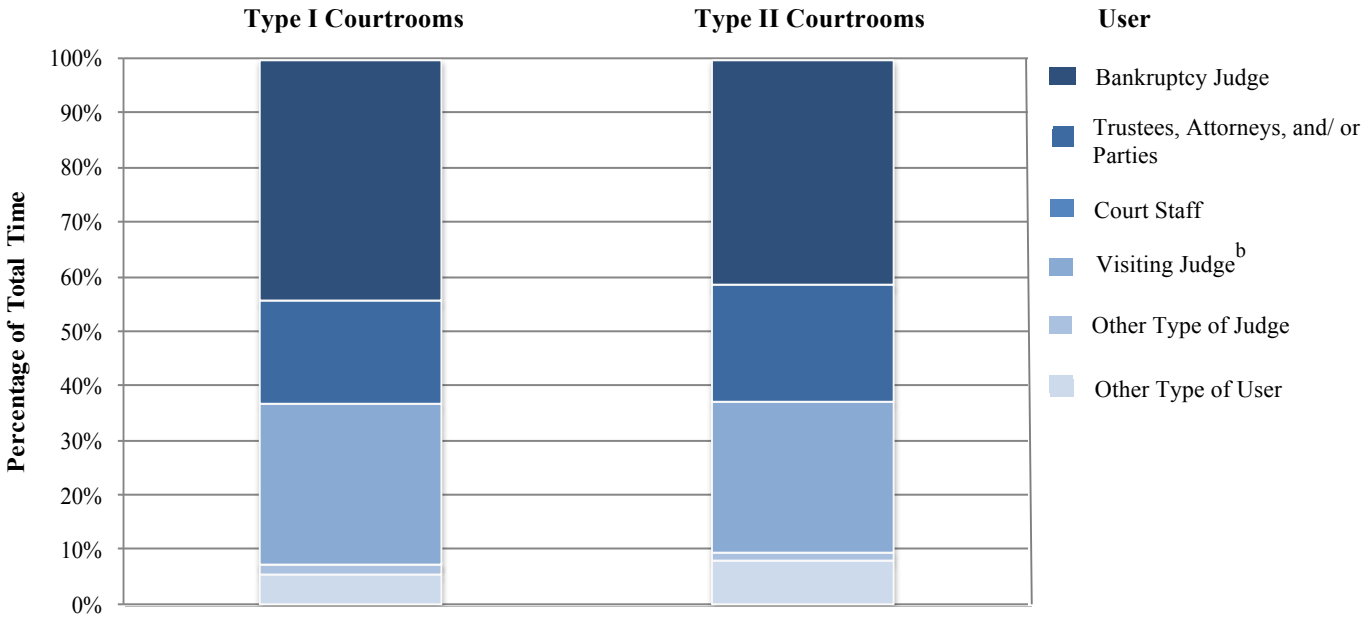
	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average per Courtroom Minutes of Use per Day[b]	149.6			70.5		
Average per Courtroom Hours of Use per Day[b]	2.5			1.2		
Type of User	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Bankruptcy Judge	1.1	66.7	44.6%	0.5	29.4	41.6%
Trustees, Attorneys, and/or Parties	0.5	28.3	18.9%	0.2	15.0	21.2%
Court Staff	0.7	44.2	29.5%	0.3	19.7	28.0%
Visiting Judge	< 0.1	0.3	0.2%	—	—	—
Other Type of Judge	< 0.1	2.1	1.4%	< 0.1	0.9	1.3%
Other Type of User	0.1	7.9	5.3%	0.1	5.5	7.9%

Note: Dashes indicate that no time was recorded for these types of events on trial days in the Type II courtrooms.

a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.4
Percentage of Average Courtroom Use per Day by Type of User,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. No visiting judge time was recorded in the Type II courtrooms.

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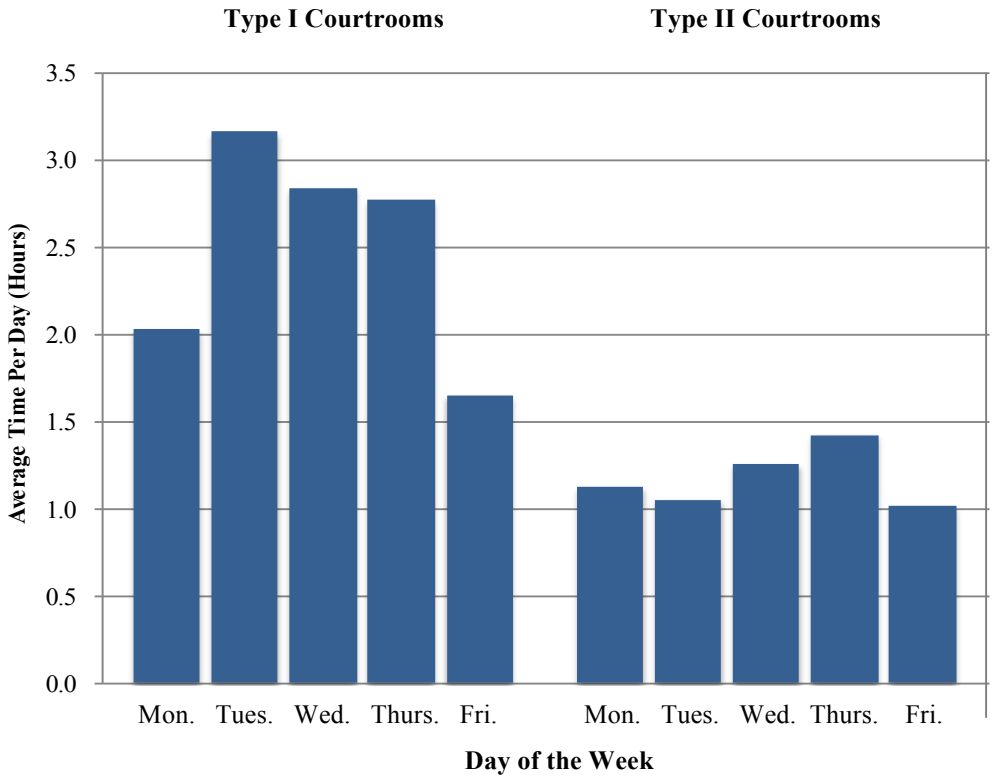
Figure A.5
Average Courtroom Use per Day by Day of the Week,
Type I and Type II Courtrooms, Based on Sixty-Three Work Days
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 18, 2010)



a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.5
Average Courtroom Use per Day by Day of the Week and Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

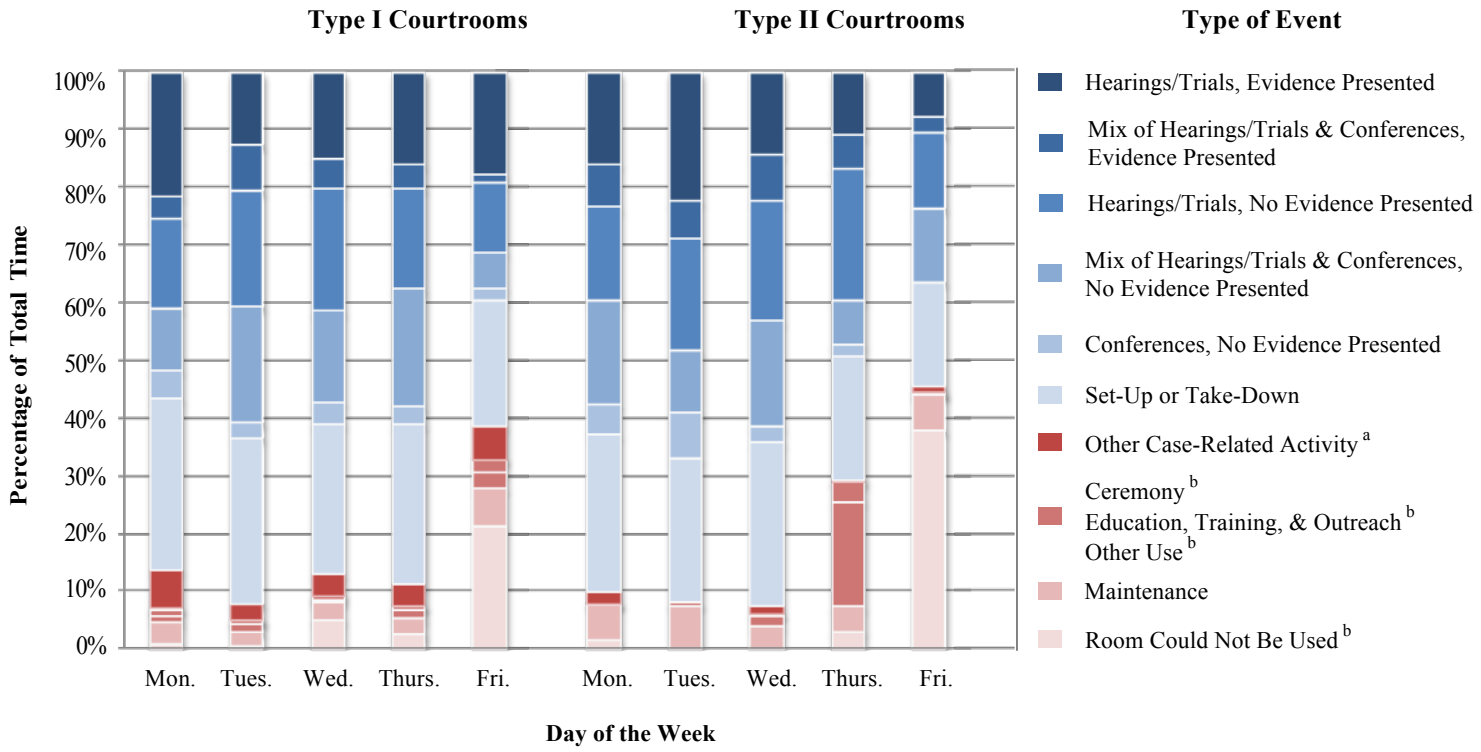
	Type I Courtrooms					Type II Courtrooms				
Day of the Week	Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.	Tues.	Wed.	Thurs.	Fri.
Number of Courtrooms	90	90	90	90	90	14	14	14	14	14
Average per Courtroom Minutes of Use per Day[b]	121.7	189.5	170.4	166.1	98.8	67.7	63.3	75.5	85.6	61.0
Average per Courtroom Hours of Use per Day[b]	2.0	3.2	2.8	2.8	1.6	1.1	1.1	1.3	1.4	1.0
Type of Event	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.	Avg. # & % of Mins.
Case Proceedings	68.8 56.6%	120.0 63.3%	103.7 60.9%	101.4 61.1%	39.3 39.7%	42.6 62.9%	42.5 67.0%	48.5 64.2%	42.2 49.3%	22.2 36.4%
Hearings/Trials, Evidence Presented	26.2 21.6%	24.0 12.6%	25.4 14.9%	26.8 16.1%	17.5 17.7%	10.8 16.0%	14.2 22.3%	10.8 14.3%	9.4 11.0%	4.8 7.9%
Mix of Hearings/Trials & Conferences, Evidence Presented	4.8 3.9%	15.0 7.9%	9.2 5.4%	6.7 4.0%	1.3 1.3%	5.1 7.5%	4.1 6.5%	6.1 8.1%	4.9 5.7%	1.7 2.8%
Hearings/Trials, No Evidence Presented	18.8 15.5%	38.0 20.1%	36.1 21.2%	28.7 17.3%	12.0 12.1%	10.9 16.1%	12.3 19.5%	15.7 20.7%	19.5 22.8%	7.8 12.9%
Mix of Hearings/Trials & Conferences, No Evidence Presented	12.9 10.6%	38.1 20.1%	26.7 15.7%	34.1 20.6%	6.2 6.3%	12.3 18.2%	6.8 10.8%	13.9 18.3%	6.5 7.6%	7.8 12.9%
Conferences, No Evidence Presented	6.1 5.0%	4.9 2.6%	6.3 3.7%	5.1 3.1%	2.3 2.3%	3.5 5.2%	5.0 7.9%	2.1 2.8%	1.8 2.1%	—
Set-Up or Take-Down	36.1 29.7%	54.5 28.8%	44.5 26.1%	46.0 27.7%	21.4 21.6%	18.5 27.4%	15.7 24.9%	21.4 28.3%	18.2 21.3%	11.1 18.2%
Other Case-Related Activity	8.2 6.7%	5.6 2.9%	6.5 3.8%	6.3 3.8%	5.8 5.8%	1.2 1.8%	—	1.1 1.5%	0.3 0.3%	0.6 0.9%
Other	8.5 7.1%	9.3 5.0%	15.8 9.2%	12.3 7.4%	32.4 32.8%	5.4 7.9%	5.1 8.1%	4.5 5.9%	25.0 29.1%	27.1 44.4%
Ceremony	0.1 0.1%	< 0.1 < 0.1%	< 0.1 < 0.1%	< 0.1 < 0.1%	< 0.1 < 0.1%	0.1 0.1%	—	< 0.1 < 0.1%	0.3 0.3%	0.2 0.3%
Education, Training, & Outreach	1.6 1.3%	0.9 0.5%	1.1 0.6%	1.0 0.6%	2.1 2.1%	—	—	1.4 1.8%	2.8 3.2%	—
Other Use	1.2 1.0%	2.7 1.5%	0.6 0.3%	2.4 1.4%	2.9 2.9%	< 0.1 < 0.1%	0.3 0.5%	—	15.6 18.2%	< 0.1 0.1%
Maintenance	4.6 3.8%	4.8 2.5%	5.4 3.2%	4.7 2.9%	6.5 6.6%	4.3 6.3%	4.8 7.6%	3.0 3.9%	3.6 4.3%	3.8 6.2%
Room Could Not Be Used	1.0 0.9%	0.9 0.5%	8.7 5.1%	4.2 2.5%	20.9 21.2%	1.0 1.5%	—	0.1 0.2%	2.7 3.1%	23.1 37.8%

Note: Dashes indicate that no time was recorded for these types of events on trial days in the Type II courtrooms.

a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.6
Percentage of Average Courtroom Use per Day by Day of the Week and Type of Event,
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
b. No time was recorded for these types of events on some days in the Type II courtrooms.

Table A.6
Average Number of Days of Courtroom Use by Type of Event,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

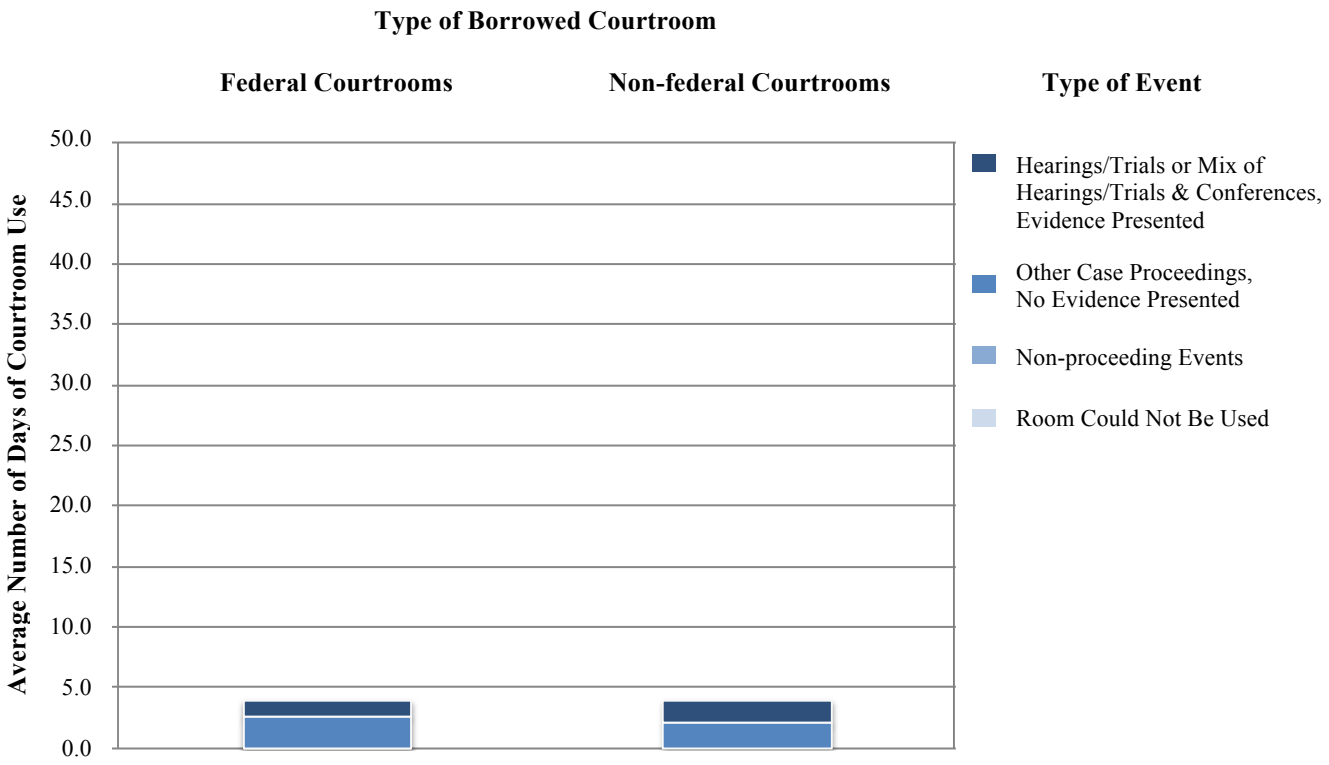
	Type of Borrowed Courtroom			
	Federal Courtrooms		Non-federal Courtrooms	
Number of Courtrooms	21		8	
Average per Courtroom Number of Days of Use[b]	4		4	
Average per Courtroom Number of Days on Which a Trial Occurred[b]	1		2	
Average per Courtroom Hours of Use per Day on Days Trial Occurred[b]	6.0		5.3	
Type of Event	Avg. # of Days of Use	Avg. % of Days of Use	Avg. # of Days of Use	Avg. % of Days of Use
Hearings/Trials or Mix of Hearings/Trials & Conferences, Evidence Presented	1.4	34.5%	1.9	46.9%
Other Case Proceedings, No Evidence Presented	2.5	63.1%	2.1	53.1%
Non-proceeding Events	0.1	2.4%	—	—
Room Could Not Be Used	—	—	—	—

Note: Dashes indicate that no time was recorded for this type of use in borrowed courtrooms.

a. Eight of the sample bankruptcy courts had no borrowed courtrooms.

b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.

Figure A.7
Average Number of Days of Courtroom Use by Type of Event,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



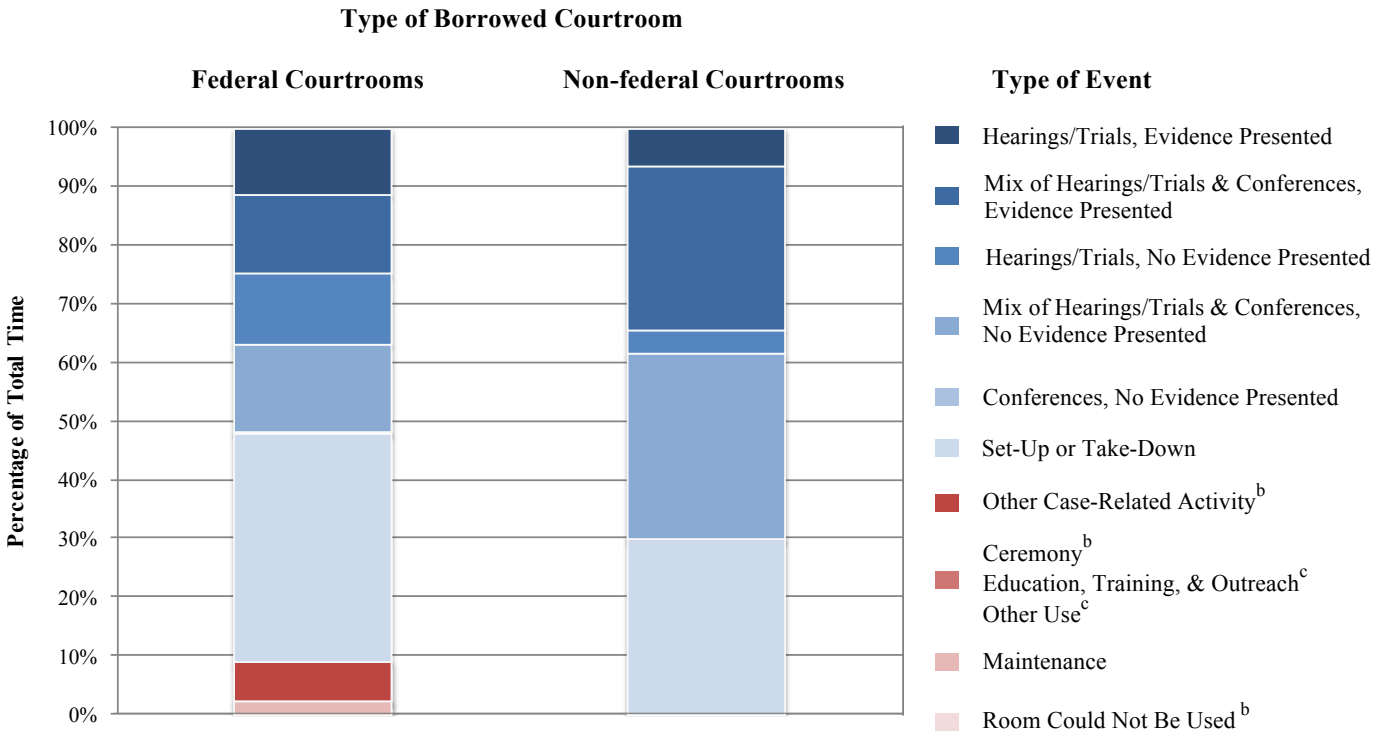
a. Eight of the sample bankruptcy courts had no borrowed courtrooms.

Table A.7
Average Courtroom Use per Day by Type of Event,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

	Type of Borrowed Courtroom					
	Federal Courtrooms			Non-federal Courtrooms		
Number of Courtrooms	21			8		
Average per Courtroom Minutes of Use on Days of Actual Use[b]	267.3			227.7		
Average per Courtroom Hours of Use on Days of Actual Use[b]	4.5			3.8		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Case Proceedings	2.3	139.2	52.1%	2.7	159.7	70.1%
Hearings/Trials, Evidence Presented	0.5	30.6	11.4%	0.3	15.1	6.6%
Mix of Hearings/Trials & Conferences, Evidence Presented	0.6	35.9	13.4%	1.1	63.4	27.8%
Hearings/Trials, No Evidence Presented	0.5	32.1	12.0%	0.2	9.1	4.0%
Mix of Hearings/Trials & Conferences, No Evidence Presented	0.7	40.1	15.0%	1.2	71.9	31.6%
Conferences, No Evidence Presented	< 0.1	0.5	0.2%	< 0.1	0.2	0.1%
Set-Up or Take-Down	1.7	104.2	39.0%	1.1	68.1	29.9%
Other Case-Related Activity	0.3	17.7	6.6%	—	—	—
Other	0.1	6.2	2.3%	—	—	—
Ceremony	< 0.1	0.5	0.2%	—	—	—
Education, Training, & Outreach	—	—	—	—	—	—
Other Use	—	—	—	—	—	—
Maintenance	0.1	5.7	2.1%	—	—	—
Room Could Not Be Used	—	—	—	—	—	—

Note: Dashes indicate that no events of these types were recorded in the borrowed courtrooms.
a. Eight of the sample bankruptcy courts had no borrowed courtrooms.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.8
Percentage of Average Courtroom Use per Day by Type of Event,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



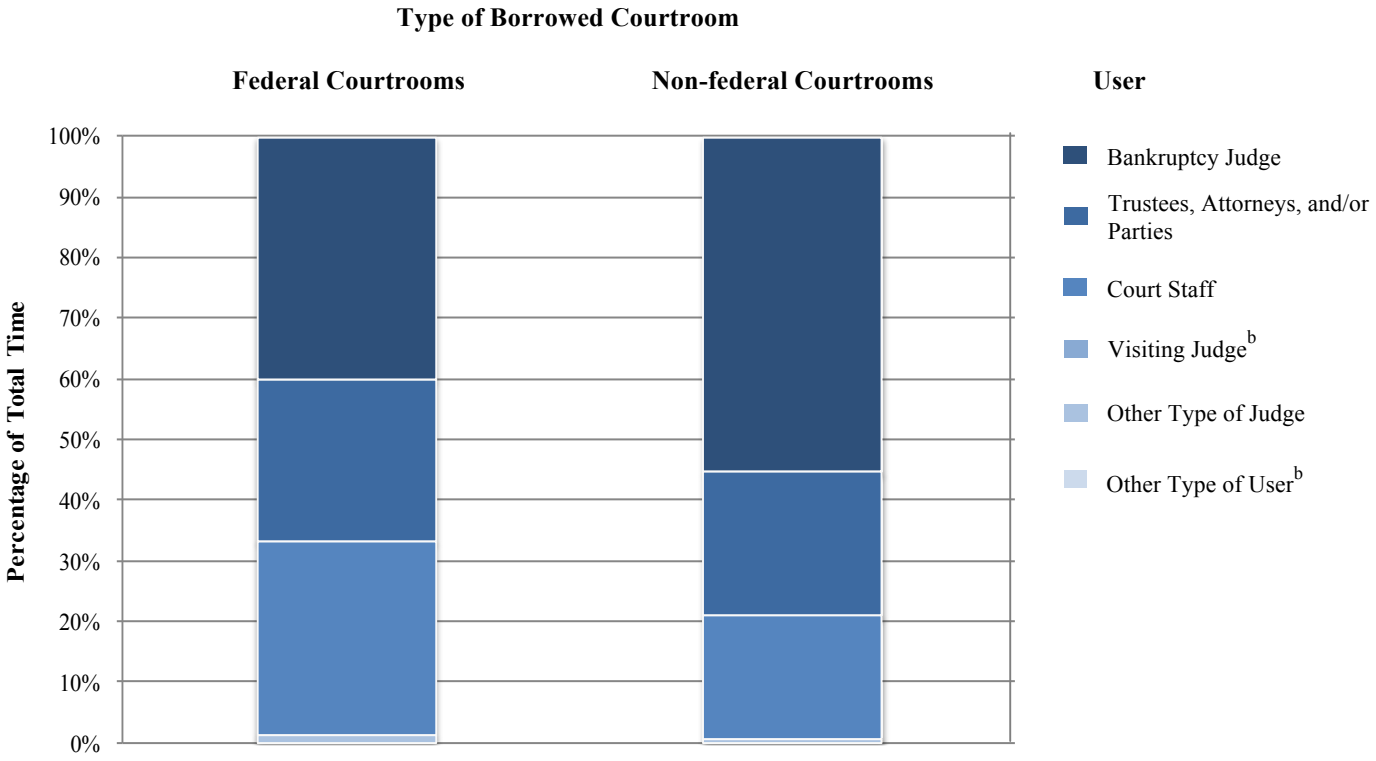
a. Eight of the sample bankruptcy courts had no borrowed courtrooms.
b. No events of this type were held in the non-federal borrowed courtrooms.
c. No events of this type were held in any of the borrowed courtrooms.

Table A.8
Average Courtroom Use per Day by Type of User,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

	Type of Borrowed Courtroom					
	Federal Courtrooms			Non-federal Courtrooms		
Number of Courtrooms	21			8		
Average per Courtroom Minutes of Use on Days of Actual Use[b]	267.3			227.7		
Average per Courtroom Hours of Use on Days of Actual Use[b]	4.5			3.8		
Type of User	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Bankruptcy Judge	1.8	106.8	40.0%	2.1	125.8	55.3%
Trustees, Attorneys, and/ or Parties	1.2	71.4	26.7%	0.9	54.0	23.7%
Court Staff	1.4	85.1	31.8%	0.8	45.9	20.2%
Visiting Judge	—	—	—	—	—	—
Other Type of Judge	0.1	4.0	1.5%	< 0.1	1.9	0.8%
Other Type of User	—	—	—	—	—	—

Note: Dashes indicate that no users of these types were recorded in any of the borrowed courtrooms.
a. Eight of the sample bankruptcy courts had no borrowed courtrooms.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.9
Percentage of Average Courtroom Use per Day by Type of User,
Borrowed Courtrooms, Based on Days of Actual Use
(Ten Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



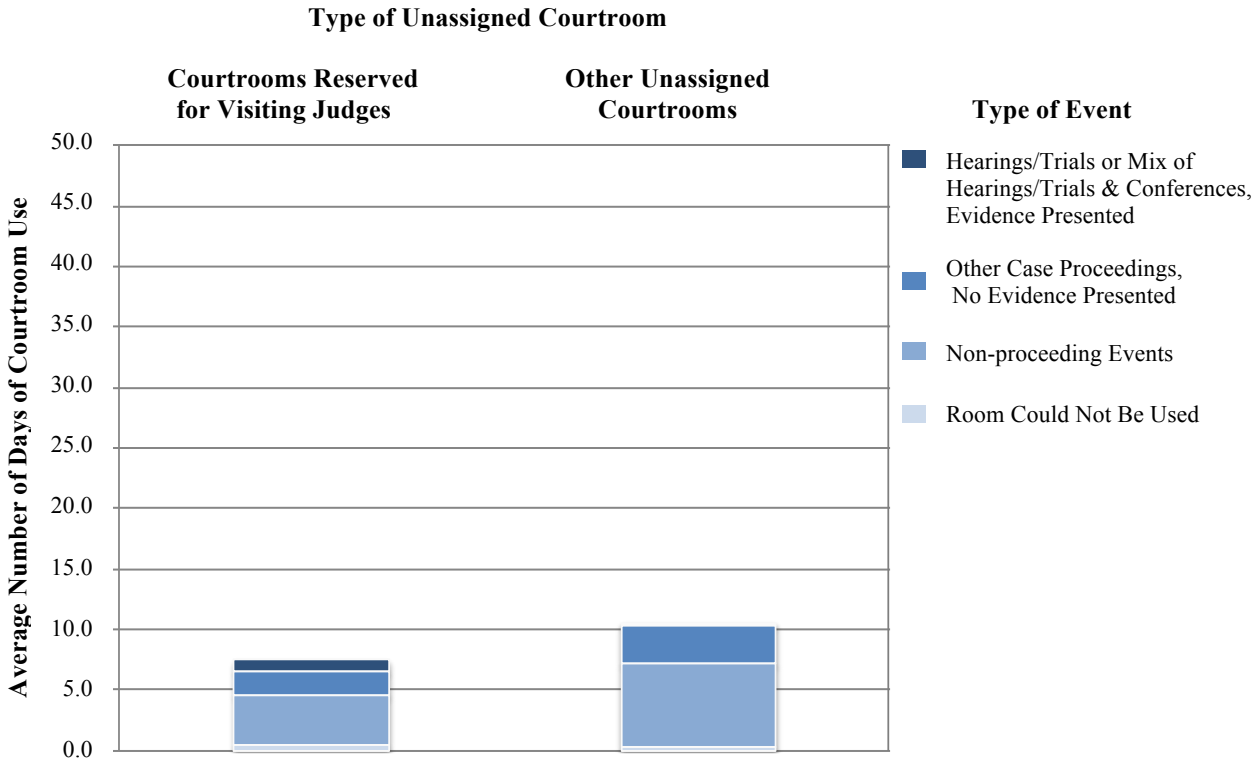
a. Eight of the sample bankruptcy courts had no borrowed courtrooms.
b. No time was recorded for this type of user in any of the borrowed courtrooms.

Table A.9
Average Number of Days of Courtroom Use by Type of Event,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

	Type of Unassigned Courtroom			
	Courtrooms Reserved for Visiting Judges		Other Unassigned Courtrooms	
Number of Courtrooms	11		13	
Average per Courtroom Number and Percentage of Days of Use[b]	8 12.0%		10 16.6%	
Average per Courtroom Number and Percentage of Days on Days on Which a Trial Occurred[b]	1 1.4%		< 1 0.1%	
Average per Courtroom Use per Day on Days on Which a Trial Occurred[b]	5.9 hours		18.6 minutes	
Type of Event	Avg. # of Days of Use	% of 63 Workdays	Avg. # of Days of Use	% of 63 Workdays
Hearings/Trials or Mix of Hearings/Trials & Conferences, Evidence Presented	0.9	1.4%	0.1	0.1%
Other Case Proceedings, No Evidence Presented	2.0	3.2%	3.2	5.0%
Non-proceeding Events	4.1	6.5%	6.9	11.0%
Room Could Not Be Used	0.5	0.9%	0.3	0.5%

a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.

Figure A.10
Average Number of Days of Courtroom Use by Type of Event,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



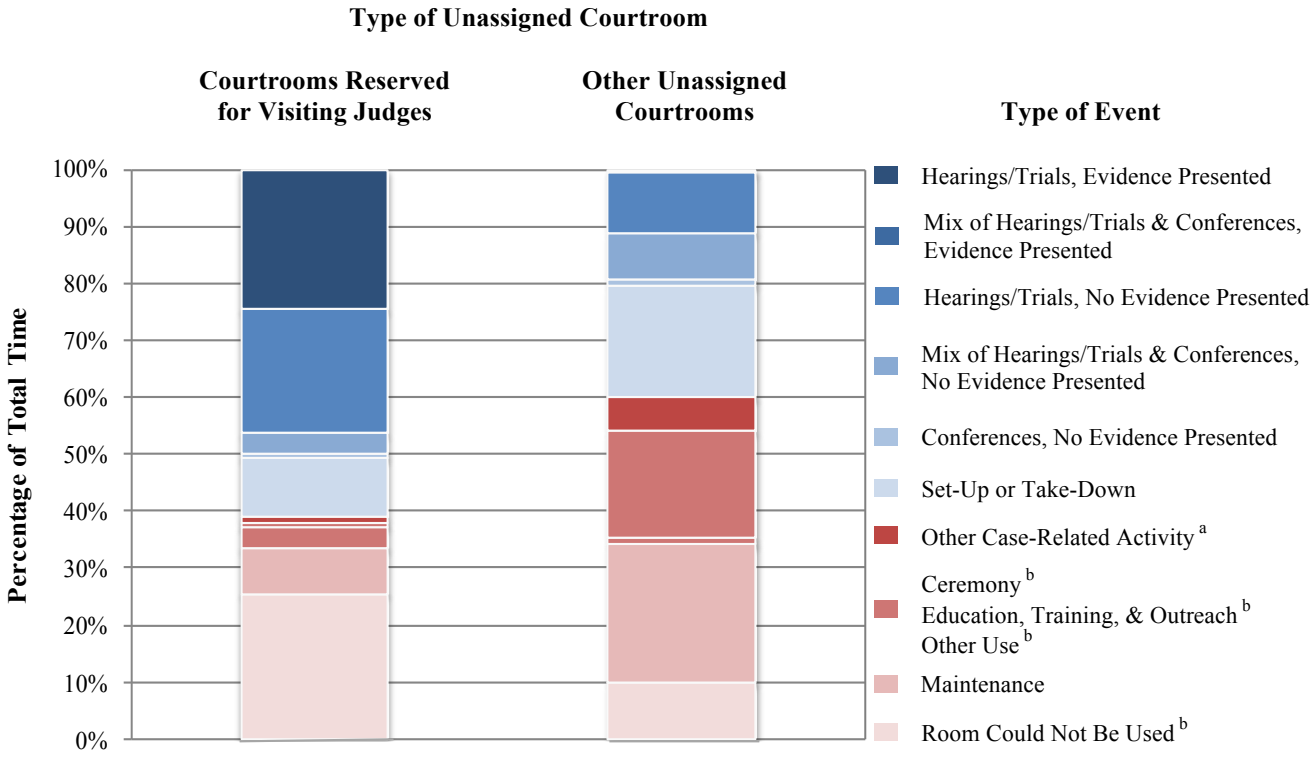
a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.

Table A.10
Average Courtroom Use per Day by Type of Event,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September14, 2009 to April 16, 2010)

	Type of Unassigned Courtroom			
	Courtrooms Reserved for Visiting Judges		Other Unassigned Courtrooms	
Number of Courtrooms	11		13	
Average per Courtroom Minutes of Use per Day[b]	20.4		29.5	
Average per Courtroom Hours of Use per Day[b]	0.3		0.5	
Type of Event	Avg. # of Minutes	% of Avg. Minutes	Avg. # of Minutes	% of Avg. Minutes
Case Proceedings	10.3	50.8%	6.0	20.3%
Hearings/Trials, Evidence Presented	5.0	24.5%	0.2	0.6%
Mix of Hearings/Trials & Conferences, Evidence Presented	4.4	21.8%	3.1	10.5%
Hearings/Trials, No Evidence Presented	—	—	—	—
Mix of Hearings/Trials & Conferences, No Evidence Presented	0.7	3.6%	2.5	8.4%
Conferences, No Evidence Presented	0.2	0.8%	0.3	0.9%
Set-Up or Take-Down	2.1	10.3%	5.8	19.7%
Other Case-Related Activity	0.2	1.0%	1.8	6.0%
Other	7.7	37.9%	15.9	54.0%
Ceremony	—	—	—	—
Education, Training, & Outreach	0.1	0.6%	5.5	18.7%
Other Use	0.8	3.8%	0.3	1.0%
Maintenance	1.6	8.1%	7.2	24.3%
Room Could Not Be Used	5.2	25.5%	2.9	9.9%

Note: Dashes indicate that no events of these types were recorded in the unassigned courtrooms.
a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.
b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.11
Percentage of Average Courtroom Use per Day by Type of Event,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.
b. No events of this type were held in any of the unassigned courtrooms.

Table A.11
Average Courtroom Use per Day by Type of User,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September14, 2009 to April 16, 2010)

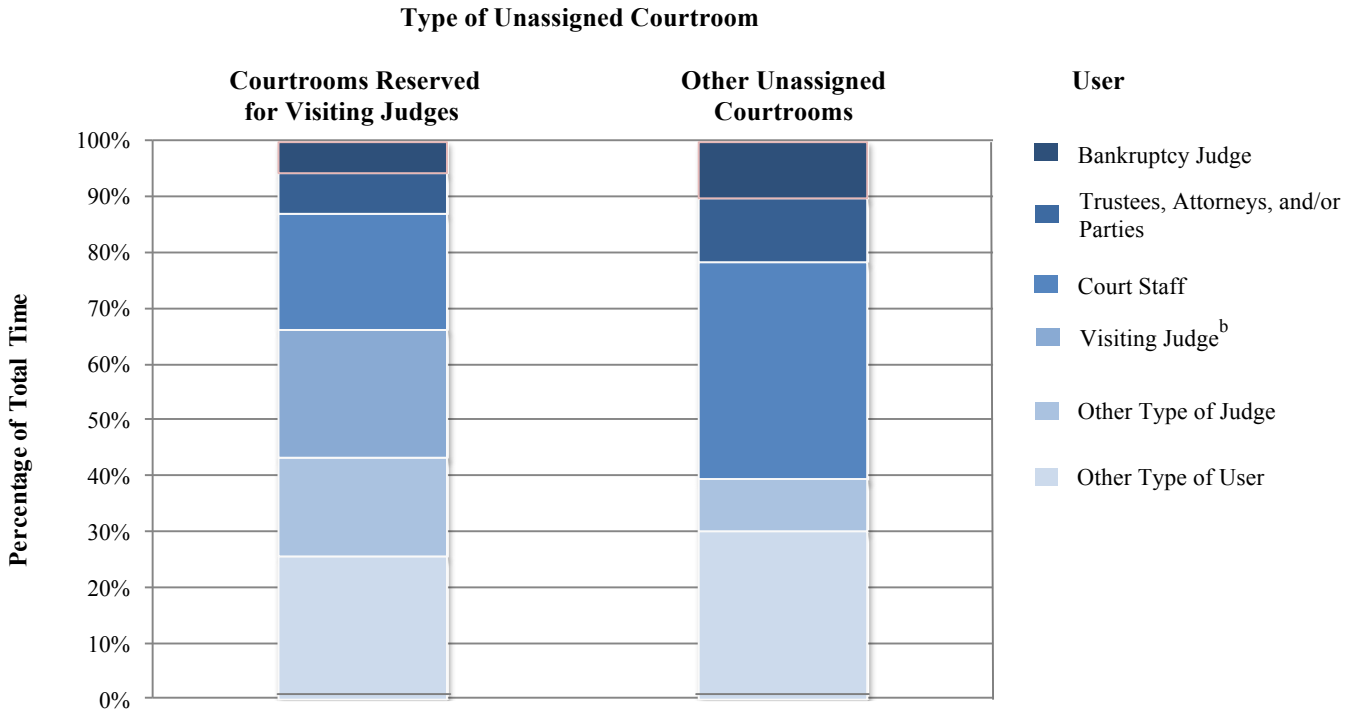
	Type of Unassigned Courtroom			
	Courtrooms Reserved for Visiting Judges		Other Unassigned Courtrooms	
Number of Courtrooms	11		13	
Average per Courtroom Minutes of Use per Day[b]	20.4		29.5	
Average per Courtroom Hours of Use per Day[b]	0.3		0.5	
Type of User	Avg. # of Minutes	% of Avg. Minutes	Avg. # of Minutes	% of Avg. Minutes
Bankruptcy Judge	1.2	5.7%	3.0	10.3%
Trustees, Attorneys, and/or Parties	1.5	7.3%	3.3	11.3%
Court Staff	4.2	20.8%	11.5	39.1%
Visiting Judge	4.7	22.9%	—	—
Other Type of Judge	3.6	17.7%	2.8	9.4%
Other Type of User	5.2	25.5%	8.8	29.9%

Note: Dashes indicate that no visiting judge time was recorded in the Other Unassigned Courtrooms.

a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.

b. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.12
Percentage of Average Courtroom Use per Day by Type of User,
Unassigned Courtrooms, Based on Sixty-Three Workdays
(Eight Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)



a. Ten of the sample bankruptcy courts had no unassigned bankruptcy courtrooms.
b. No visiting judge time was recorded in the Other Unassigned Courtrooms.

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Figure A.13
Total Aggregated Time Spent on Case Proceedings or Ceremonies in Other Courthouse Rooms,
by Type of Room, Based on Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

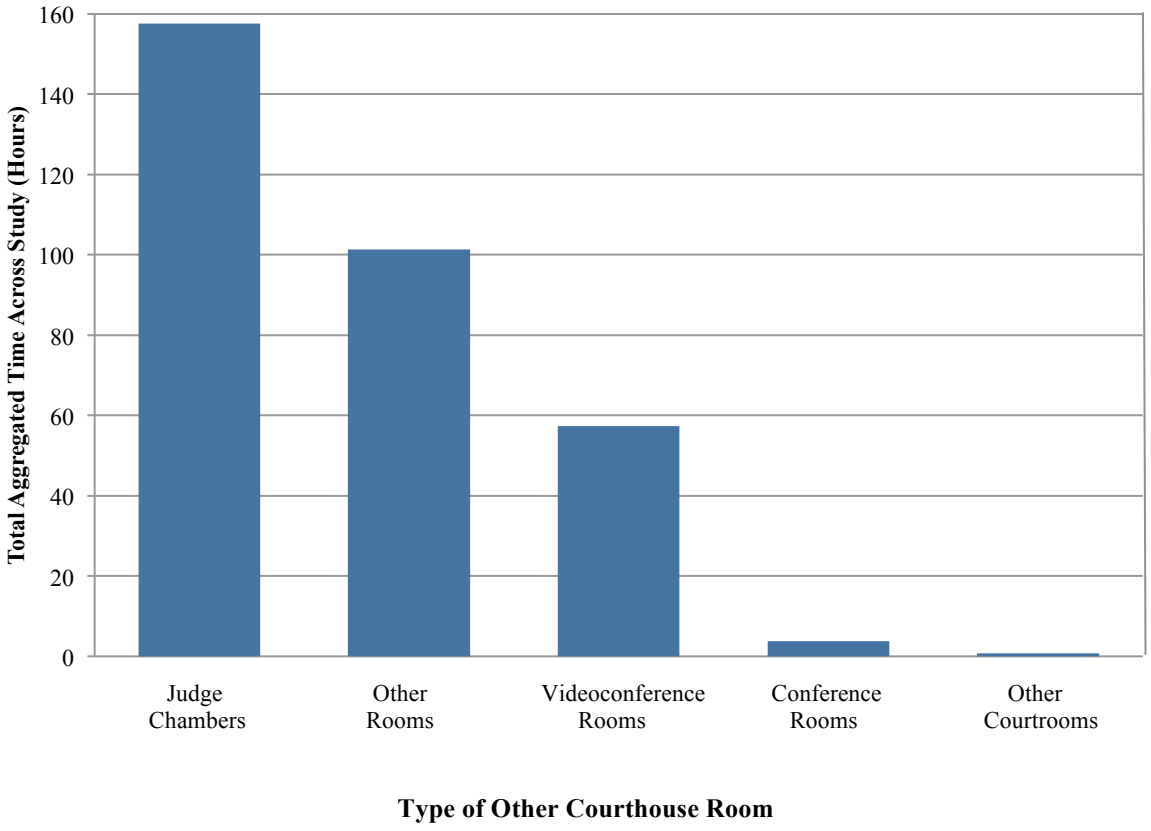


Table A.12
Total Aggregated Time Spent on Case Proceedings or Ceremonies in Other Courthouse Rooms
by Type of Room and Type of Event, Based on Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

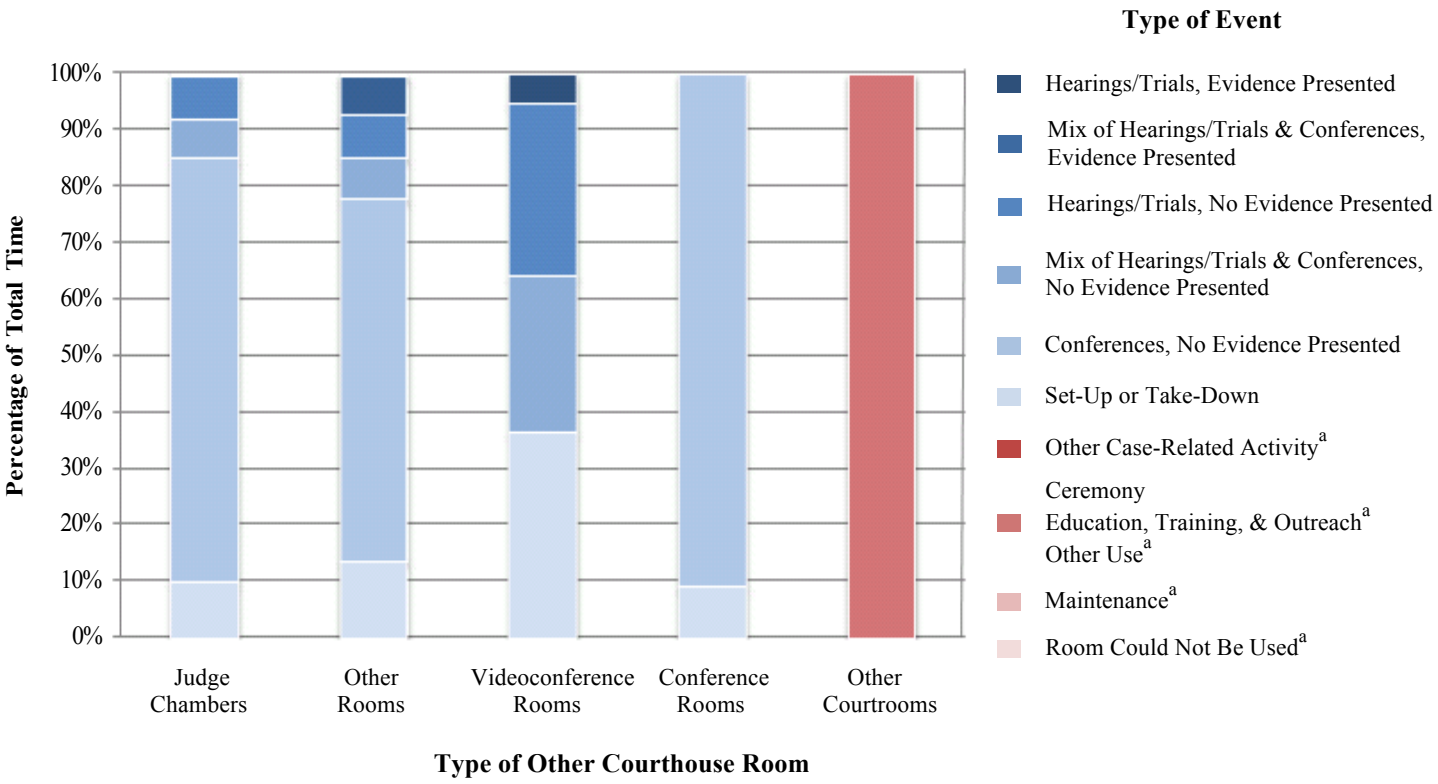
	Type of Other Courthouse Room									
	Judge Chambers		Other Rooms		Videoconference Rooms		Conference Rooms		Other Courtrooms	
Number of Rooms	37		39		24		37		11	
Total Aggregated Hours[a]	157.5		101.4		57.3		3.7		0.7	
Type of Event	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours
Case Proceedings	141.9	90.1%	82.9	81.8%	36.4	63.6%	3.4	91.1%	—	—
Hearings/Trials, Evidence Presented	0.6	0.3%	0.6	0.6%	3.0	5.2%	—	—	—	—
Mix of Hearings/Trials & Conferences, Evidence Presented	—	—	6.7	6.6%	—	—	—	—	—	—
Hearings/Trials, No Evidence Presented	12.2	7.8%	7.1	7.0%	17.7	30.9%	—	—	—	—
Mix of Hearings/Trials & Conferences, No Evidence Presented	11.2	7.1%	7.0	6.9%	15.8	27.5%	—	—	—	—
Conferences, No Evidence Presented	117.9	74.9%	61.5	60.7%	—	—	3.4	91.1%	—	—
Set-Up or Take-Down	15.6	9.9%	13.0	12.9%	20.8	36.4%	0.3	8.9%	—	—
Other Case-Related Activity										—
Other	—	—	5.4	5.4%	—	—	—	—	0.7	100%
Ceremony	—	—	5.4	5.4%	—	—	—	—	0.7	100%
Education, Training, & Outreach[b]										—
Other Use[b]										—
Maintenance[b]										—
Room Could Not Be Used[b]										—

Note: Dashes indicate that no events of this type took place in the specified type of Other Courthouse Room.

a. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

b. This type of event was not to be recorded in any type of Other Courthouse Room except Other Courtrooms.

Figure A.14
Percentage of Total Aggregated Time Spent on Case Proceedings or Ceremonies in Other Courthouse Rooms
by Type of Room and Type of Event, Based on Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)



a. This type of event was not to be recorded in any type of Other Courthouse Room except Other Courtrooms.

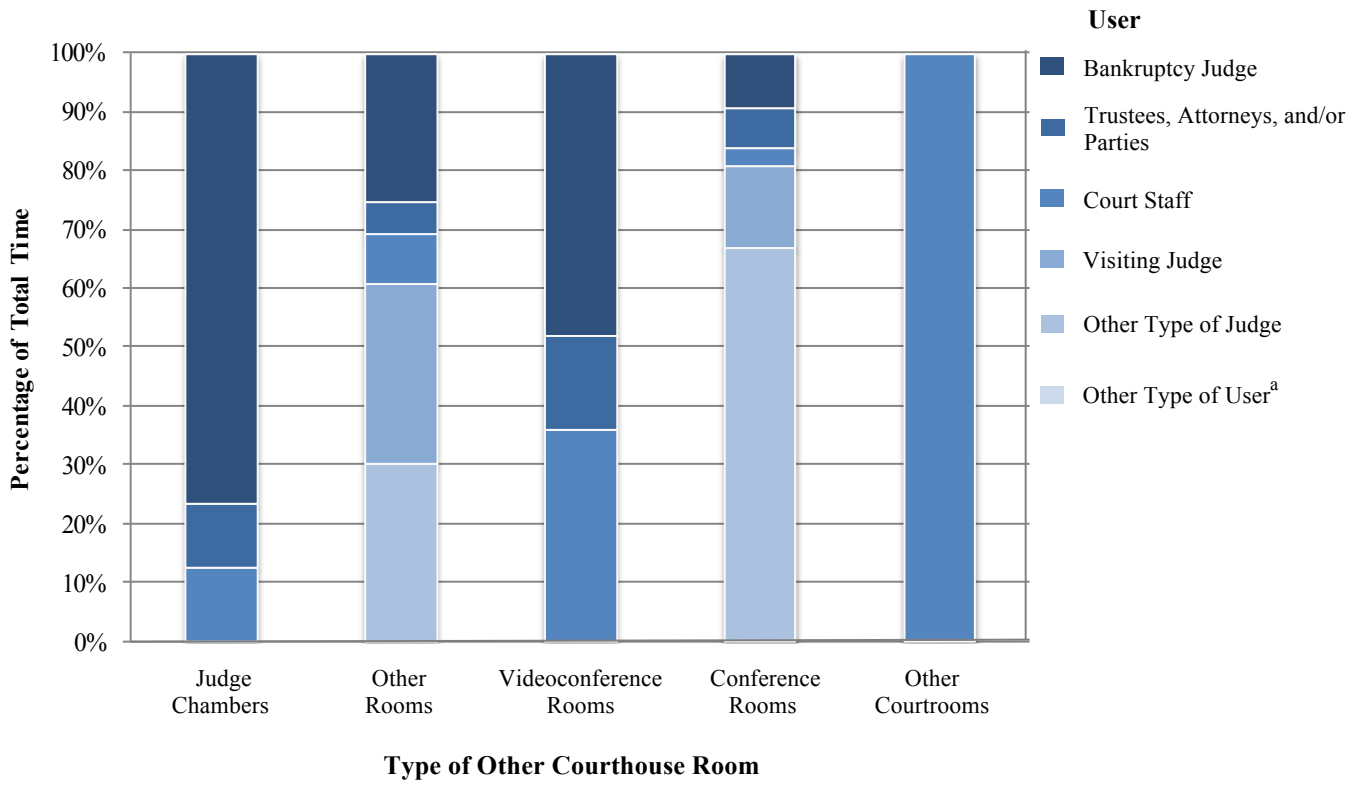
Table A.13
Total Aggregated Time Spent on Case Proceedings and Ceremonies in Other Courthouse Rooms
by Type of Room and Type of User, Based on Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)

	Type of Other Courthouse Rooms									
	Judge Chambers		Other Rooms		Videoconference Rooms		Conference Rooms		Other Courtrooms	
Number of Rooms	37		39		24		37		11	
Total Aggregated Hours[a]	157.5		101.4		57.3		3.7		0.7	
Type of User	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours	# of Hours	% of Hours
Bankruptcy Judge	120.6	76.5%	34.6	34.1%	27.5	48.1%	0.4	9.4%	—	—
Trustees, Attorneys, and/or Parties	17.0	10.8%	7.5	7.4%	9.1	15.9%	0.3	6.7%	—	—
Court Staff	20.0	12.7%	11.8	11.6%	20.6	36.0%	0.1	3.1%	0.7	100%
Visiting Judge	—	—	41.8	41.2%	—	—	0.5	13.8%	—	—
Other Type of Judge	—	—	5.8	5.7%	—	—	2.5	67.0%	—	—
Other Type of User	—	—	—	—	—	—	—	—	—	—

Note: Dashes indicate that no time was recorded for this type of user in the specified type of Other Courthouse Room.

a. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.15
Total Aggregated Time Spent on Case Proceedings and Ceremonies in Other Courthouse Rooms
by Type of Room and Type of User, Based on Sixty-Three Workdays
(Eighteen Sample Bankruptcy Courts, September 14, 2009 to April 16, 2010)



a. No Other Type of User was recorded in any type of Other Courthouse Room.

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Table A.14
Correlation Between Average Hours of Use per Day in Type I Courtrooms
and Various Court Characteristics, Sixty-Three Workdays
(Sixteen Sample Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

Court Characteristics	Pearson's *r*
Caseload Measures	
Weighted Pending Cases per Judge (2010 Case Weights)[b]	.358
Weighted Pending Cases per Judge (Proceedings-Based Case Weights)[b]	.375
Case Features	
Homogeneity of Court Pending Caseload[c]	.347
% of Case Proceedings Identified During the Study as Having Evidence Introduced	.619[d]
Other Court Characteristics	
Number of Locations of Holding Court	.195
Number of Type I Courtrooms in All Bankruptcy Courthouses with at Least One Type I Courtroom	.007
Number of Type I Courtrooms in Largest Bankruptcy Courthouse with at Least One Type I Courtroom	.176
Ratio of Courtrooms to Judges Active During the Study	–.065
Percentage of Vacant Judgeship Days	.063

a. The number of observations is the 16 bankruptcy courts that have Type I courtrooms.
b. Cases were pending on September 14, 2009, for courts in the first data collection period and January 18, 2010, for courts in the second.
c. The homogeneity of case types reflects the extent to which the caseload is concentrated in one particular type of case as measured by the bankruptcy cases that were pending in the court on the first day of the study. If, for example, 80% of the cases pending in Court A were Chapter 7 cases and 80% of the cases pending in Court B were Chapter 13 cases, the homogeneity score of both courts would be 80%. In 7 of the 16 courts, Chapter 13 cases were the most common type of pending bankruptcy case, with a median homogeneity score of 67%. In the other 9 courts, Chapter 7 cases were the most common, with a median homogeneity score of 58%.
d. Statistically significant at $p \leq .01$ (two-tailed). When adjusted for sample size to better estimate the population correlation, the correlation is $r_{adj} = .582$ ($p \leq .01$, two-tailed).

Table A.15
Correlation Between Average Hours of Use per Day in Type I Courtrooms
and Various Courthouse Characteristics, Sixty-Three Workdays
(Thirty-One Courthouses in Sixteen Bankruptcy Courts,[a] September 14, 2009 to April 16, 2010)

Courthouse Characteristics	Pearson's *r*
Caseload Measures	
Weighted Pending Cases per Judge (2010 Case Weights)[b]	.045
Weighted Pending Cases per Judge (Proceedings-Based Case Weights)[b]	.068
Case Features	
Homogeneity of Courthouse Pending Caseload[c]	.156
% of Case Proceedings Identified During the Study as Having Evidence Introduced	.775[d]
Other Courthouse Characteristics	
Ratio of Courtrooms to Judges Active During the Study	.175
Size of the Population Served by the Courthouse	.012

a. The number of observations is the 31 courthouses that have at least one Type I courtroom.
b. Cases were pending on September 14, 2009, for courts in the first data collection period and January 18, 2010, for courts in the second.
c. The homogeneity of case types reflects the extent to which the caseload is concentrated in one particular type of case as measured by the bankruptcy cases that were pending in the courthouse on the first day of the study. If, for example, 80% of the cases pending in Courthouse A were Chapter 7 cases and 80% of the cases pending in Courthouse B were Chapter 13 cases, the homogeneity score of both courthouses would be 80%. In 13 of the 31 courthouses, Chapter 13 cases were the most common type of pending bankruptcy case, with a median homogeneity score of 58%. In the other 18 courthouses, Chapter 7 cases were the most common, with a median homogeneity score of 62%.
d. Statistically significant at $p \leq .01$. When adjusted for sample size to better estimate the population correlation, the correlation is $r_{adj} = .766$ ($p \leq .01$, two-tailed).

Table A.16
Correlation Between Average Hours of Use per Day in Type I Courtrooms
and Various Courtroom Characteristics,[a] Sixty-Three Workdays
(Eighty-Eight Courtrooms in Sixteen Bankruptcy Courts, September 14, 2009 to April 16, 2010)

Courtroom Characteristics	Pearson's *r*
Caseload Measures	
Weighted Pending Cases of Assigned Judge (2010 Case Weights)[b]	.011
Weighted Pending Cases of Assigned Judge (Proceedings-Based Case Weights)[b]	.027
Caseload Features	
Homogeneity of Assigned Judge Pending Caseload[c]	.123
% of Case Proceedings Identified During the Study as Having Evidence Introduced[d]	.475[e]
Other Courtroom Characteristics	
Assigned Judge's Number of Years on the Bench	–.278[e]

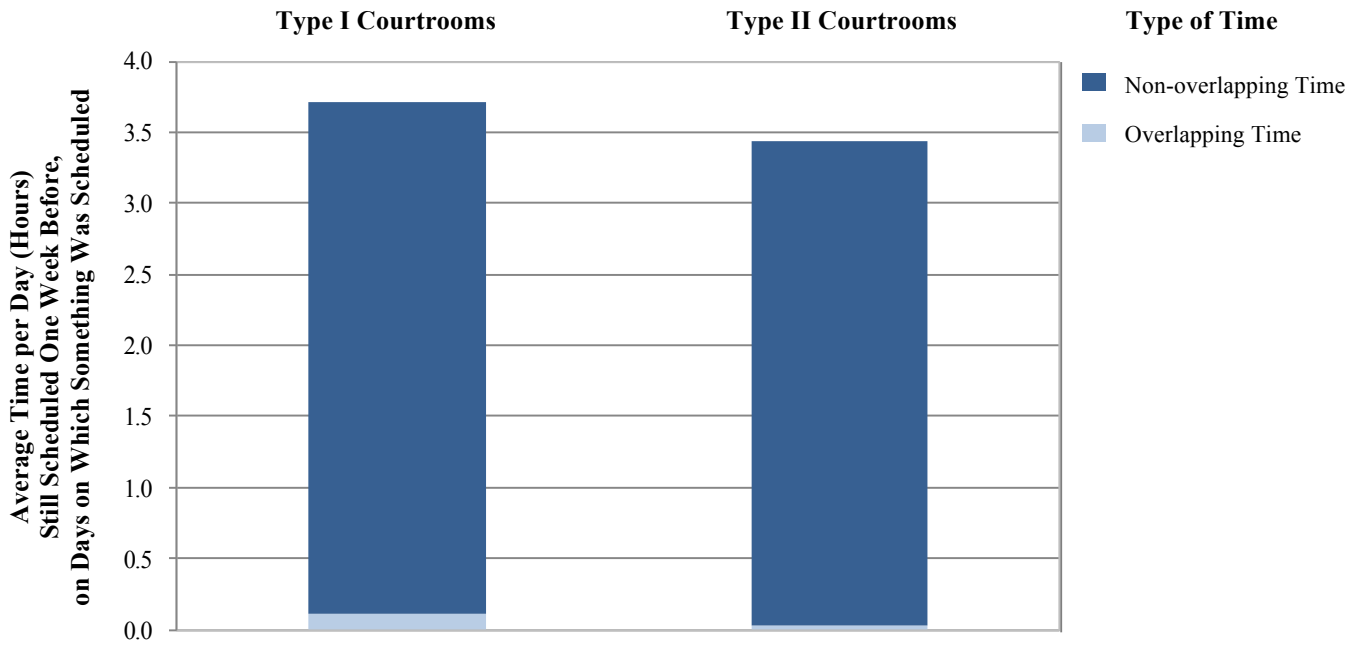
a. Except where noted, the number of observations is the 88 Type I courtrooms that were assigned to a single judge for all or most of the study period. The two courtrooms that were excluded were assigned to newly appointed judges mid-way through the study and had each been assigned to two judges before the judgeship vacancies were filled.
b. Cases were pending on September 14, 2009, for courts in the first data collection period and January 18, 2010, for courts in the second.
c. The homogeneity of case types reflects the extent to which the caseload is concentrated in one particular type of case as measured by the bankruptcy cases that were pending in the courtroom on the first day of the study. If, for example, 80% of the cases pending in Courtroom A were Chapter 7 cases and 80% of the cases pending in Courtroom B were Chapter 13 cases, the homogeneity score of both courtrooms would be 80%. In 36 of the 88 courtrooms, Chapter 13 cases were the most common type of pending bankruptcy case, with a median homogeneity score of 65%. In the other 52 courtrooms, Chapter 7 cases were the most common, with a median homogeneity score of 64%.
d. The number of observations is the 82 Type I courtrooms in which evidence was reported in at least one proceeding during the study period.
e. Statistically significant at the $p \leq .01$ level.

Table A.17
Average Non-overlapping and Overlapping Time Scheduled per Day,
Based on Days on Which Something Was Scheduled,[a] Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Number and Percentage of Days on Which Something was Scheduled[c]	36 57.3%			24 38.5%		
Average Non-overlapping and Overlapping Minutes Scheduled per Courtroom per Day[c]	222.9			206.3		
Average Non-overlapping and Overlapping Hours Scheduled per Courtroom per Day[c]	3.7			3.4		
Type of Time Scheduled	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Non-overlapping Time	3.6	216.0	96.9%	3.4	205.1	99.4%
Overlapping Time	0.1	6.9	3.1%	< 0.1	1.3	0.6%

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.

Figure A.16
Average Non-overlapping and Overlapping Time Scheduled per Day,
Based on Days on Which Something Was Scheduled,[a] Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



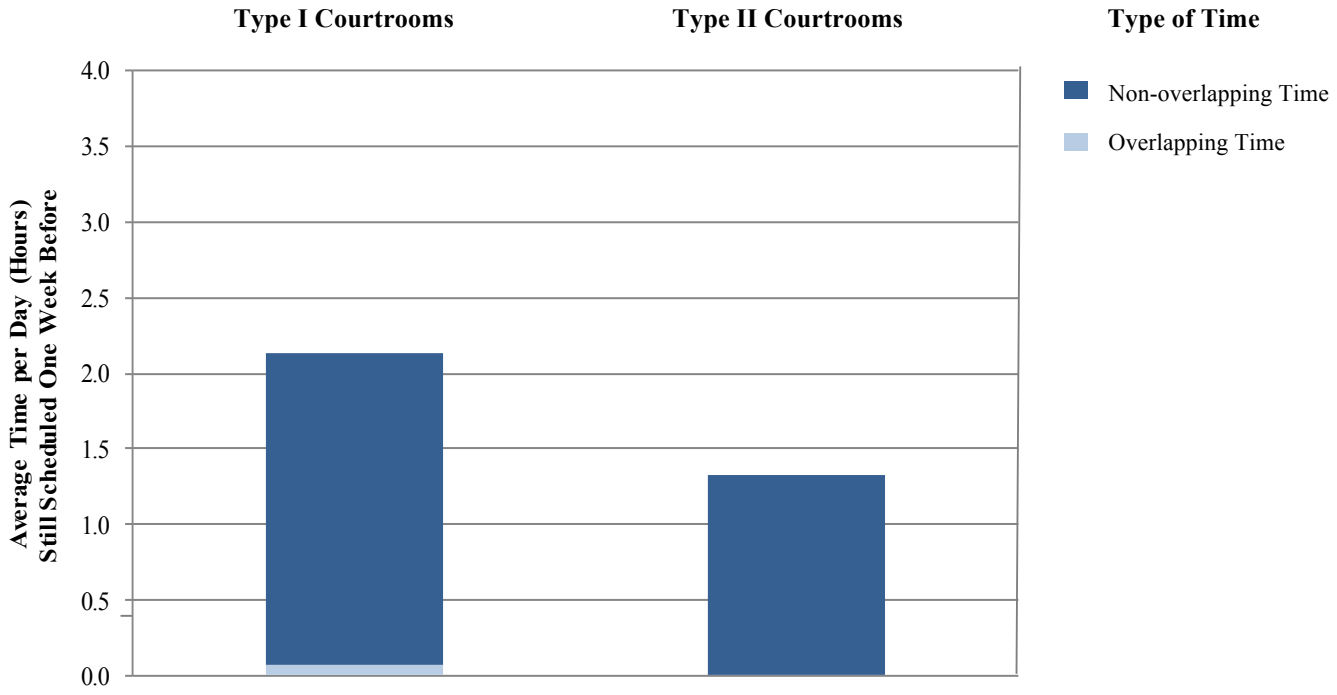
a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.18
Average Non-overlapping and Overlapping Time Scheduled per Day,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Non-overlapping and Overlapping Minutes Scheduled per Courtroom per Day[c]	127.7			79.5		
Average Non-overlapping and Overlapping Hours Scheduled per Courtroom per Day[c]	2.1			1.3		
Type of Time Scheduled	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Non-overlapping Time	2.1	123.8	96.9%	1.3	79.0	99.4%
Overlapping Time	0.1	3.9	3.1%	< 0.1	0.5	0.6%

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.17
Average Non-overlapping and Overlapping Time Scheduled per Day,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



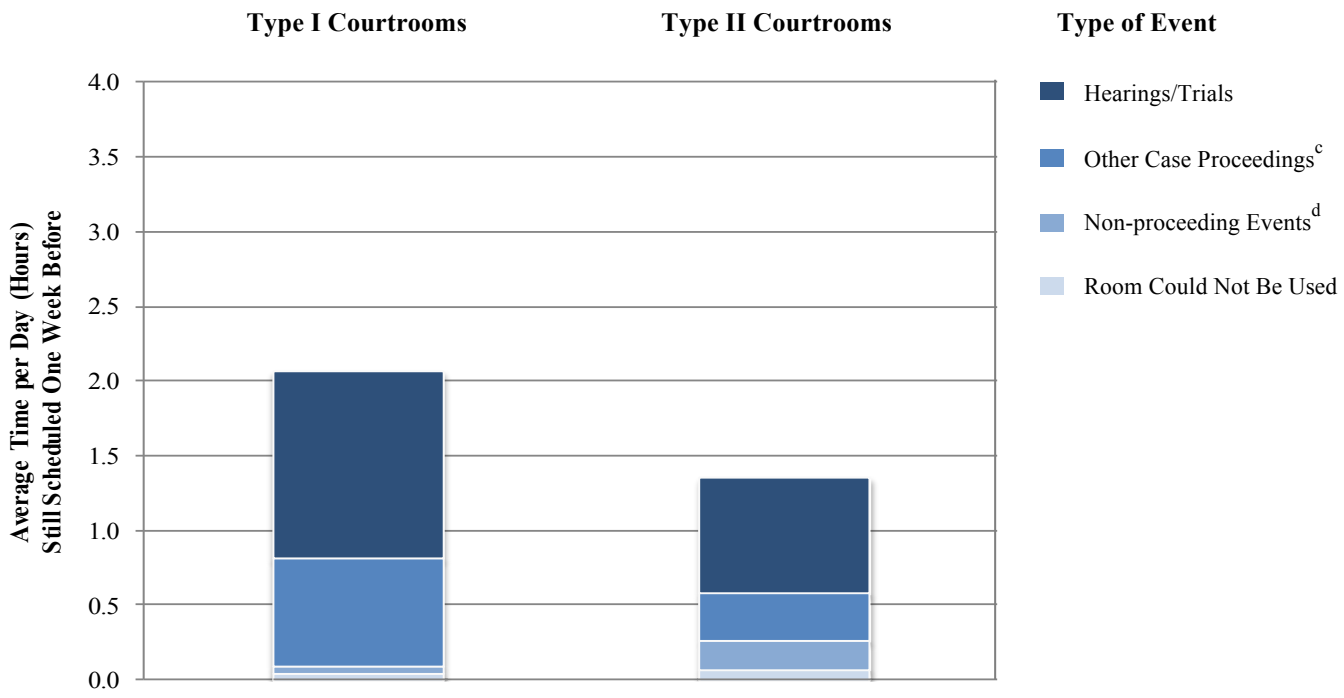
a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.19
Average Non-overlapping Time Scheduled per Day by Type of Event,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Non-overlapping Minutes Scheduled per Courtroom per Day[c]	123.8			79.0		
Average Non-overlapping Hours Scheduled per Courtroom per Day[c]	2.1			1.3		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Hearings/Trials	1.3	75.3	60.8%	0.8	46.7	59.1%
Other Case Proceedings[d]	0.7	43.1	34.8%	0.3	18.9	23.9%
Non-proceeding Events[e]	< 0.1	2.7	2.2%	0.2	9.3	11.7%
Room Could Not Be Used	< 0.1	2.6	2.1%	0.1	4.1	5.2%

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.
d. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement, etc.); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
e. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

Figure A.18
Average Non-overlapping Time Scheduled per Day by Type of Event,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement, etc.); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
d. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

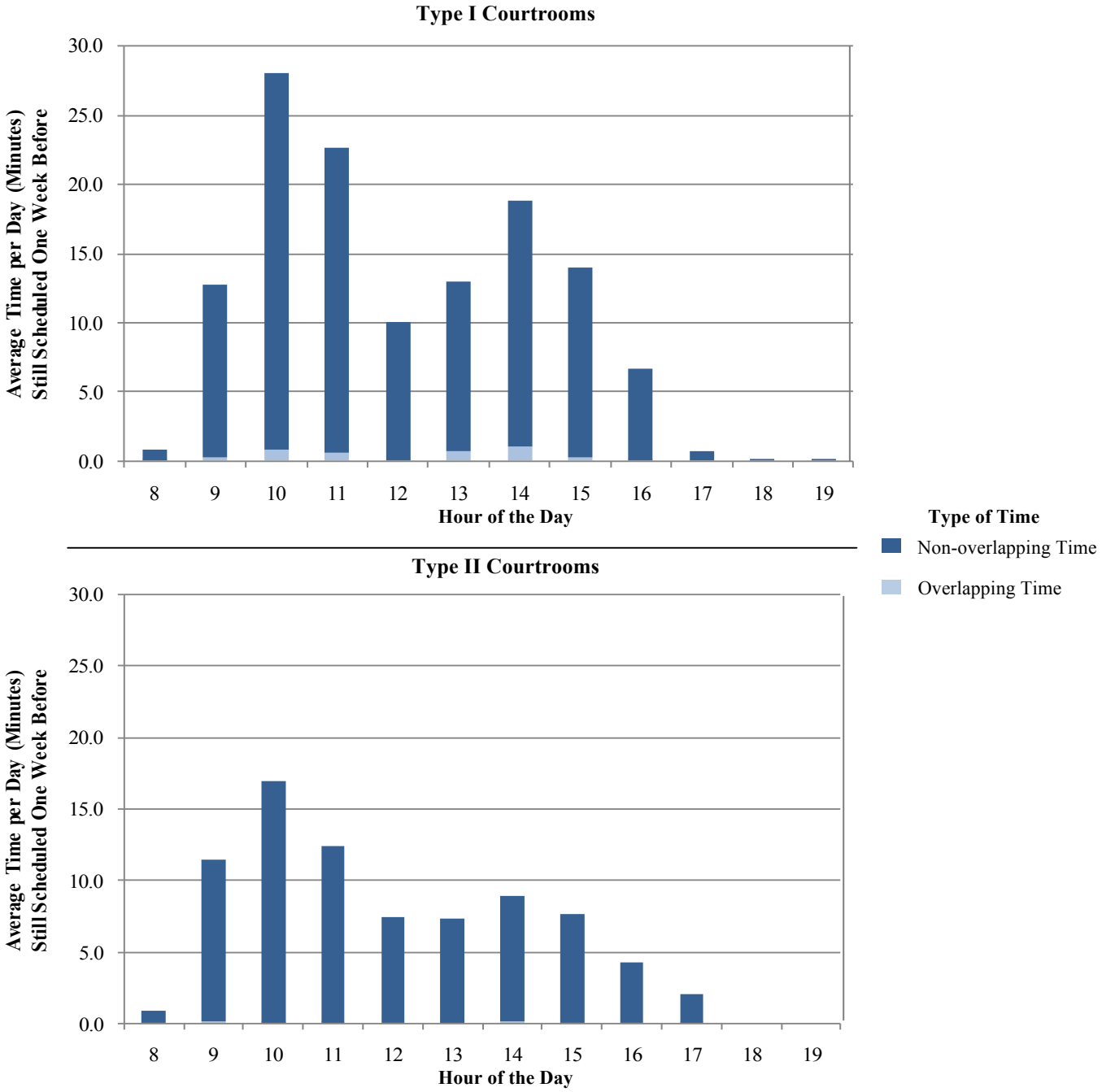
Table A.20
Average Non-overlapping and Overlapping Time Scheduled for Each Hour of the Day,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom							
	Type I Courtrooms				Type II Courtrooms			
Number of Courtrooms	90				14			
Average Non-overlapping Minutes Scheduled per Courtroom per Day[c]	123.8				79.0			
Average Overlapping Minutes Scheduled per Courtroom per Day[c]	3.9				0.5			
	Non-overlapping Time		Overlapping Time		Non-overlapping Time		Overlapping Time	
Hour of the Day	Avg. # of Minutes	% of Avg.	Avg. # of Minutes	% of Avg.[d]	Avg. # of Minutes	% of Avg.	Avg. # of Minutes	% of Avg.[d]
Before 9:00 a.m.	0.8	0.7%	< 0.1		0.9	1.1%	—	
9:00 a.m.–10:00 a.m.	12.6	10.1%	0.2		11.3	14.3%	0.1	
10:00 a.m.–11:00 a.m.	27.2	22.0%	0.9		16.9	21.4%	0.1	
11:00 a.m.–12:00 p.m.	22.0	17.8%	0.6		12.4	15.7%	< 0.1	
12:00 p.m.–1:00 p.m.	10.0	8.1%	0.1		7.5	9.5%	—	
1:00 p.m.–2:00 p.m.	12.2	9.9%	0.7		7.3	9.3%	0.1	
2:00 p.m.–3:00 p.m.	17.8	14.4%	1.0		8.8	11.1%	0.2	
3:00 p.m.–4:00 p.m.	13.7	11.1%	0.3		7.6	9.6%	—	
4:00 p.m.–5:00 p.m.	6.6	5.3%	0.1		4.3	5.4%	—	
5:00 p.m.–6:00 p.m.	0.7	0.6%	—		2.0	2.6%	< 0.1	
6:00 p.m.–7:00 p.m.	0.1	0.1%	—		—	—	—	
7:00 p.m. or later	0.1	0.1%	—		—	—	—	

Note: Dashes indicate that no time was scheduled during that hour in the specified type of courtroom. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding.
d. Percentages are omitted because they may be misleading due to the insignificant amount of overlapping time.

Figure A.19
Average Non-overlapping and Overlapping Time Scheduled for Each Hour of the Day,[a,b]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[c] September 14, 2009 to April 16, 2010)



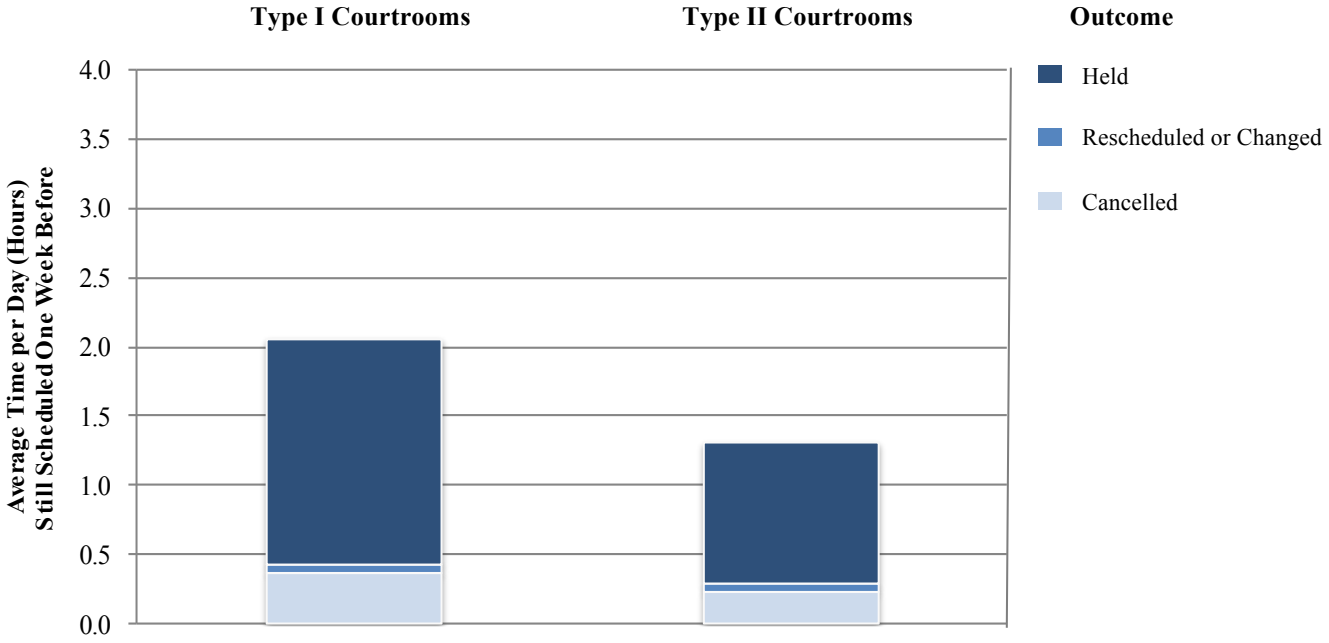
a. The analysis is based on a target date seven days out.
b. Hour of the Day refers to a 60-minute block of time. The 8th hour of the day, for example, spans the time from 8:00 through 8:59 a.m.
c. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.21
Average Non-overlapping Time Scheduled per Day by Type of Outcome,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Non-overlapping Minutes Scheduled per Courtroom per Day[c]	123.8			79.0		
Average Non-overlapping Hours Scheduled per Courtroom per Day[c]	2.1			1.3		
Outcome	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Held	1.6	97.6	78.8%	1.0	61.9	78.3%
Rescheduled or Changed	0.1	3.7	3.0%	0.1	3.0	3.9%
Cancelled	0.4	22.5	18.2%	0.2	14.1	17.9%

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.

Figure A.20
Average Non-overlapping Time Scheduled per Day by Type of Outcome,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



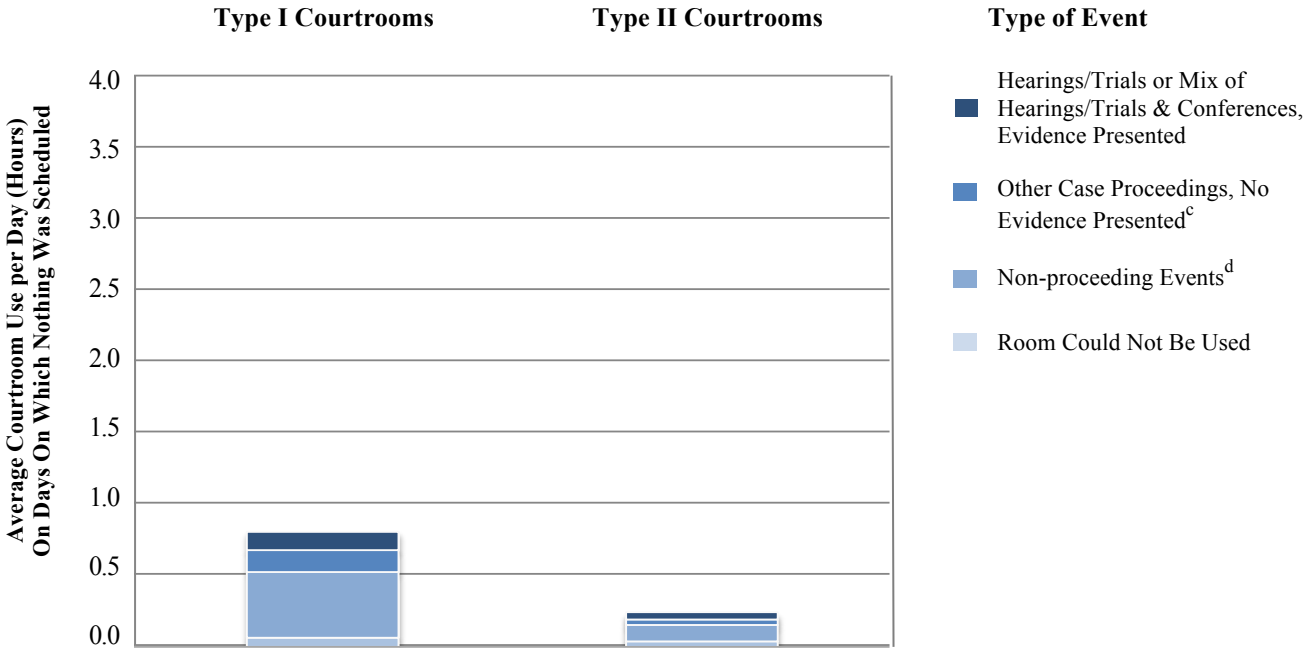
a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.

Table A.22
Average Courtroom Use per Day by Type of Event
on Days on Which Nothing Was Scheduled,[a] Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Number and Percentage of Days with Nothing Scheduled	27 42.7%			39 61.5%		
Average Minutes of Use per Day[c]	47.9			14.0		
Average Hours of Use per Day[c]	0.8			0.2		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Hearings/Trials or Mix of Hearings/Trials & Conferences, Evidence Presented	0.1	7.7	16.1%	< 0.1	2.6	19.0%
Other Case Proceedings, No Evidence Presented[d]	0.2	9.4	19.7%	< 0.1	2.6	19.0%
Non-proceeding Events[e]	0.5	27.1	56.6%	0.1	6.7	47.7%
Room Could Not Be Used	0.1	3.7	7.6%	< 0.1	2.0	14.4%

a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of presenting days in whole numbers, or summing or dividing the rounded numbers displayed here.
d. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement, etc.); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
e. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

Figure A.21
Average Courtroom Use per Day by Type of Event
on Days on Which Nothing Was Scheduled,[a] Type I and Type II Courtrooms
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



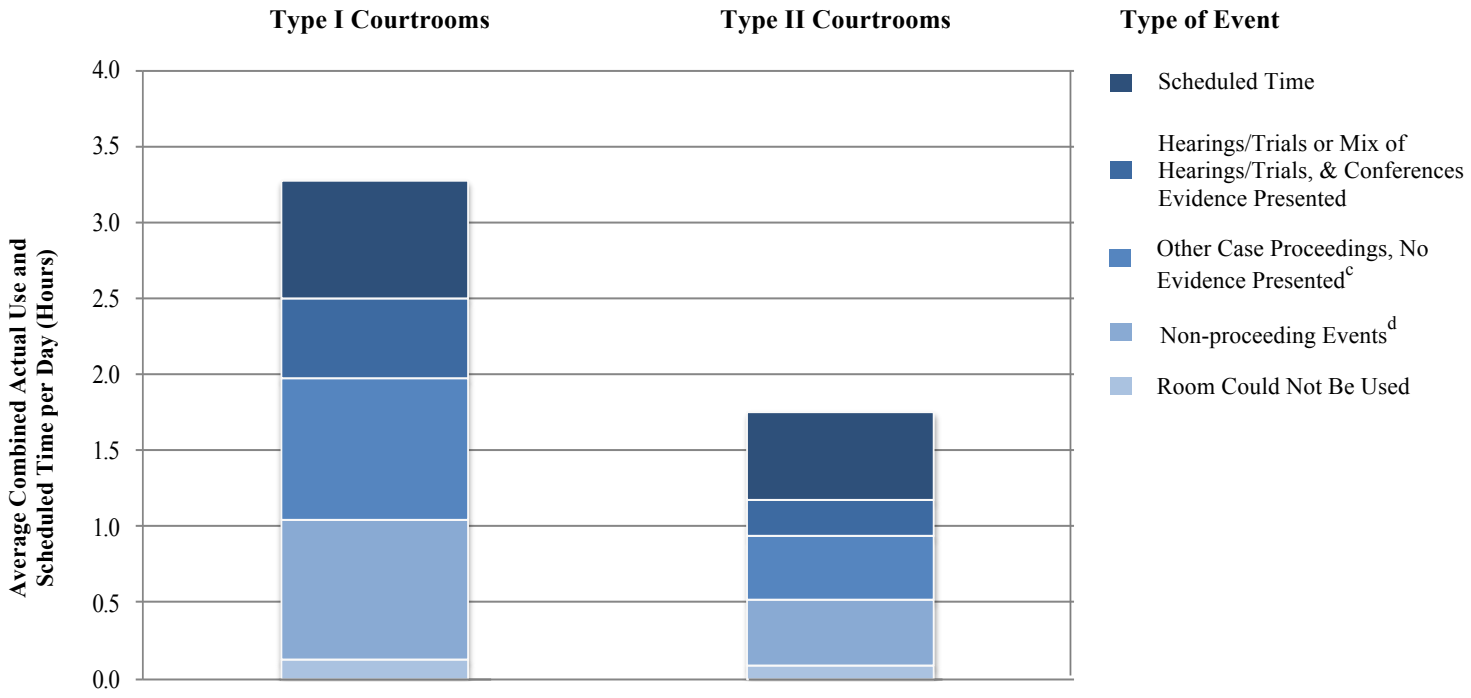
a. The analysis is based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement, etc.); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
d. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

Table A.23
Average Combined Actual Use Time and Unused Scheduled Time per Day by Type of Event,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)

	Type of Courtroom					
	Type I Courtrooms			Type II Courtrooms		
Number of Courtrooms	90			14		
Average Combined Actual Use and Unused Scheduled Minutes per Courtroom per Day[c]	196.4			105.2		
Average Combined Actual Use and Unused Scheduled Hours per Courtroom per Day[c]	3.3			1.8		
Type of Event	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time	Avg. # of Hours	Avg. # of Minutes	% of Avg. Time
Unused Scheduled Time	0.8	46.8	23.8%	0.6	34.7	33.0%
Actual Use Time	2.5	149.6	76.2%	1.2	70.5	67.0%
Hearings/Trials or Mix of Hearings/Trials & Conferences, Evidence Presented	0.5	31.3	16.0%	0.2	14.3	13.6%
Other Case Proceedings, No Evidence Presented[d]	0.9	55.4	28.2%	0.4	25.1	23.9%
Non-proceeding Events[e]	0.9	55.5	28.3%	0.4	25.6	24.3%
Room Could Not Be Used	0.1	7.3	3.7%	0.1	5.5	5.2%

a. Unused Scheduled Time is unused non-overlapping time based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Sums may differ slightly from the total or from 100% due to rounding. Numbers in the body of the report may differ slightly from numbers computed from this table. Numbers in the body of the report are accurate; any apparent discrepancies are the result of summing or dividing the rounded numbers displayed here.
d. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
e. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

Figure A.22
Average Combined Actual Use Time and Unused Scheduled Time per Day by Type of Event,[a]
Type I and Type II Courtrooms, Based on Sixty-Three Workdays
(Seventeen Sample Bankruptcy Courts,[b] September 14, 2009 to April 16, 2010)



a. Scheduled Time is unused non-overlapping time based on a target date seven days out.
b. One of the sample bankruptcy courts is excluded from this analysis because it has no bankruptcy courtrooms. Bankruptcy business is conducted in two district judge courtrooms borrowed from the district court.
c. Other Case Proceedings include events classified as A Mix of Event Types (e.g., both hearings/trials and conferences); Conferences (e.g., status, settlement); and Other Matters Convened by a Judge. See Appendix 4, p. 1, for variable information.
d. Non-proceeding Events include events classified as Set-Up and Take-Down; Other Case-Related Activity; Bankruptcy Court Ceremony; General Education, Training, or Outreach; Other Use; Maintenance; and Room Cannot Be Used. See Appendix 4, pp. 1–3, for variable information.

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Bankruptcy Courtroom Use Study, Report to the CACM Committee

Appendix 6: Judge Survey Methods and Questionnaire

This questionnaire gathered demographic information from bankruptcy judges (e.g., district; number of years as a bankruptcy judge); asked the judges to identify their current courtroom situation (e.g., whether they had an assigned courtroom, whether they shared a courtroom or courtrooms with other judges); solicited information about courtroom availability, scheduling, and sharing; and asked for the judges' overall views on the role of courtrooms and courtroom allocation. While other parts of the bankruptcy courtroom use study have obtained some of this information about the courtrooms in the 18 sample courts, the survey provided an opportunity for all bankruptcy judges to share their experiences with and views on courtroom use and allocation.

We programmed the questionnaire to be completed on-line and provided judges with a link to the questionnaire in an e-mail message from the Center's Director, Judge Barbara Rothstein. The computerized questionnaire allowed respondents to be routed automatically around questions that were not relevant to their situations; thus, judges answered different questions depending on their courtroom situation and other factors. Two weeks after the questionnaire link was mailed to judges in each circuit, a reminder e-mail was sent to judges who had not yet responded.

A printed version of the questionnaire is attached.

Out of 335 bankruptcy judges to whom we sent the questionnaire, 272 responded, for an overall response rate of 81%. The results we report here are from the 272 bankruptcy judges (73 of whom were chief bankruptcy judges) who completed the entire questionnaire by January 20, 2010. Recalled bankruptcy judges were not included in the sample. Length of time on the bench varied, but more than half (55%) of the responding judges had served for more than ten years, and only 13 judges (4.8%) had served for two years or fewer.

Because some judges were asked questions that other judges were not (e.g., about experiences with sharing an assigned courtroom), and because not all judges responded to every question presented to them, the number of respondents varies among questions and sometimes even for response categories within questions.

Counts and percentages for qualitative data (i.e., open-ended responses) are based on coding by both researchers involved in the survey analysis.

The data from the survey are based on bankruptcy judges' reported experiences and perceptions, rather than actual measures of these experiences, and therefore one cannot draw causal conclusions about any trends or differences noted.

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Survey of Bankruptcy Judges About Courtroom Use

This questionnaire is divided into the following sections:

I. Information about the Courtroom(s) You Use and Your Experience Sharing Courtrooms;

II. Courtroom Availability;

III. Other Uses of Courtrooms;

IV. Your Views on the Role of Courtrooms and Courtroom Allocation; and

V. Demographic Information. In addition to a small number of demographic questions for all respondents, this section contains three questions directed at chief bankruptcy judges. If you are not a chief bankruptcy judge, you will be able to skip over those questions.

In addition to multiple-choice questions, there are a number of open-ended questions asking you to describe your experiences or opinions on particular issues.

Guidance About Using the On-line Questionnaire

The questionnaire is designed so that you will be asked only questions that are relevant to your current situation with respect to courtroom use and sharing; those that are not relevant, as determined by your responses to earlier questions, will be skipped automatically. Before submitting your responses, you may go back through your questionnaire and change or elaborate on answers if you choose. Changing the answers to certain questions can alter which questions are asked later in the questionnaire, so please continue through the end of the questionnaire if you change a response. If you are unable to finish the questionnaire in one sitting, you may close the window; your work will be saved. You can then return to the questionnaire at another time and resume from the beginning or from the last full page of responses you provided. When you have finished the questionnaire, you must click on the "Submit Survey" button on the last page in order for your responses to be recorded.

If you encounter any technical problems while trying to complete the questionnaire, please contact Meghan Dunn of the FJC (mdunn@fjc.gov; 805-226-7497). If you have substantive questions about the survey, please contact Molly Johnson (mjohnson@fjc.gov; 315-824-4945) or Meghan Dunn.

Thank you for your participation.

I. Information about the Courtroom(s) You Use and Your Experience Sharing Courtrooms

The questions in this section ask about the courtroom you have used most frequently in the last twelve months, and your use of other courtrooms within that same time period.

1) Which of the following phrases best describes the courtroom that you have used most frequently in the last twelve months?

❍ It is assigned to me, and I am the only judge who uses it. → **Skip to Q4**
❍ It is assigned to me and I am the primary user, but other judges (district, magistrate, or bankruptcy) use it sometimes. → **Skip to Q4**
❍ I am one of two judges to whom the courtroom is assigned as our primary courtroom.
❍ I am one of more than two judges to whom the courtroom is assigned as our primary courtroom.
❍ It is one of several that I use, along with other judges, and is not assigned specifically to me.
❍ It is a courtroom assigned to someone other than me.

For the remainder of this survey, we use the phrase primary courtroom to refer to the courtroom that you have used most frequently in the last twelve months.

2) Please indicate the type(s) of judges to whom your courtroom is also assigned as their primary courtroom. Please check all that apply.

❑ Bankruptcy judge
❑ Active district judge
❑ Magistrate judge
❑ Senior district judge
❑ Other (please specify)

If you selected other, please specify:

3) Why do you not have a courtroom assigned for your exclusive use? Please check all that apply.

❑ There is not enough space in my courthouse for each bankruptcy judge to have a courtroom for his/her exclusive use.
❑ My district has a policy that mandates courtroom sharing by bankruptcy judges.
❑ The judges in my court believe that sharing courtrooms is the best way to manage our dockets effectively.
❑ The judges in my court believe that sharing courtrooms is the best way to manage our space resources effectively.
❑ Different courtrooms in my courthouse have different features, and judges schedule proceedings according to the features they need.
❑ My courthouse is undergoing renovations, so judges must share temporarily.
❑ Other (please specify)

If you selected other, please specify:

For the remainder of this survey, we use the phrase primary courtroom to refer to the courtroom that you have used most frequently in the last twelve months.

4) Do you have a non-courtroom space available to you where you can hold case-related proceedings? Please check all that apply.

❑ Yes, a conference room (in a public space outside of chambers) → **Skip to Q6**
❑ Yes, my chambers (including, if any, a chambers conference room) → **Skip to Q6**
❑ Yes, a videoconference room→ **Skip to Q6**
❑ Yes, another room
❑ No→ **Skip to Q6**

5) Please specify the other kind of room you use.

6) Are your chambers in close proximity to your primary courtroom?

❍ Yes
❍ No

7) Can you access your primary courtroom directly from your chambers?

❍ Yes
❍ No

Recall that we use the phrase "primary courtroom" to refer to the courtroom you have used most frequently in the last 12 months. Please think about use of your primary courtroom by others.

8) In the following table please indicate, with a mark in each row, the frequency with which <u>others have used your primary courtroom, on average, in the last 12 months</u>.

	Not Applicable/Never	Less than once a month	1-5 times per month	Once a week or more
Bankruptcy judge(s) (including BAP judges)	❍	❍	❍	❍
Magistrate judge(s)	❍	❍	❍	❍
Senior district judge(s)	❍	❍	❍	❍
Active district judge(s)	❍	❍	❍	❍
Other types of judges (e.g., state court judge, ALJ)	❍	❍	❍	❍
Groups or individuals other than judges (e.g., bar associations, high school class)	❍	❍	❍	❍

Now we want you to think about your use of courtrooms other than your primary courtroom.

9) In the following table please indicate the frequency with which you have <u>held proceedings, on average, in the last 12 months in a courtroom or other space that is not your primary courtroom</u>. This includes courtrooms or spaces you used in your own courthouse, another courthouse, or a non-courthouse location.

	Not Applicable/Never	Less than once a month	1-5 times per month	Once a week or more
A bankruptcy judge's courtroom	❍	❍	❍	❍
A magistrate judge's courtroom	❍	❍	❍	❍
A senior district judge's courtroom	❍	❍	❍	❍
An active district judge's courtroom	❍	❍	❍	❍
A non-courtroom space within a courthouse (e.g., a videoconference room)	❍	❍	❍	❍
A non-courtroom space outside of a courthouse	❍	❍	❍	❍
Other	❍	❍	❍	❍

10) Under what circumstances, <u>in the last 12 months</u>, have you used a courtroom or other space that is not your primary courtroom to hold a proceeding? Please check all that apply.

❑ I have not used a courtroom or space other than my primary courtroom to hold a proceeding.
❑ When sitting in another division within my district
❑ When sitting as a visiting judge in another district
❑ When holding a proceeding for which I needed a feature not available in my primary courtroom (e.g., more space for parties or public, special electronic equipment, etc.)
❑ To make the proceeding more convenient for attorneys and parties to attend
❑ When my primary courtroom was unavailable at a time I needed to hold a proceeding
❑ Other (please specify)

If you selected other, please specify:

II. Courtroom Availability

This set of questions asks about the extent to which you have a courtroom available when you need to hold proceedings.

11) Have there been days in the past twelve months when you have needed your primary courtroom to hold proceedings but your courtroom has been unavailable?

❍ Yes
❍ No → **Skip to Section III**

12) Overall, for approximately how many work days in the past twelve months was your primary courtroom unavailable for you to use?

_____work days

13) In the table below please indicate the reasons why your courtroom was unavailable when you needed it, and how frequently each of those circumstances occurred. If there were additional or alternative reasons for its unavailability, please describe them in the "comments" field.

	Not Applicable/ Never	<10% of the time	10-50% of the time	>50% of the time
Another judge was using it for a case-related proceeding.	❍	❍	❍	❍
It was being used for a ceremonial or other non-case-related proceeding.	❍	❍	❍	❍
It was in need of or undergoing renovations or maintenance.	❍	❍	❍	❍
Other	❍	❍	❍	❍

14) What did you do when your primary courtroom was unavailable for proceeding(s) you needed to hold? Please indicate how frequently you relied on each of the options listed below.

	Not Applicable/Never	<10% of the time	10-50% of the time	>50% of the time
I re-scheduled the proceeding for another time.	❍	❍	❍	❍
I used another courtroom to hold the proceeding.	❍	❍	❍	❍
I used a non-courtroom space to hold the proceeding.	❍	❍	❍	❍
Other (please specify in "comments" field.	❍	❍	❍	❍

III. Other Uses of Courtrooms

The observable use of courtrooms is fairly straightforward to measure, and is being assessed in a separate phase of this project. Some have suggested, however, that the availability of a courtroom serves important functions, even when the courtroom is not actively being used. In this section we ask for your experience with and views about this issue.

15) In your opinion, about how often when your primary courtroom is not actively being used is it nevertheless serving an important function?

- ❍ Never
- ❍ Less than 10% of the time
- ❍ 10-50% of the time
- ❍ More than 50% of the time

16) Please describe in as much detail as possible any situations you encounter in which your primary courtroom is not actively being used for a case-related proceeding, but is nonetheless serving an important function.

17) Please describe how the scheduling of your primary courtroom takes place, and how your staff determines whether your primary courtroom is available at a given time.

IV. Your Views on the Role of Courtrooms and Courtroom Allocation

In this section, we would like your views on courtroom allocation in general, and your input about the role of the courtroom in your work as a judge.

18) Which of the following statements best describes your overall view on the allocation of courtrooms among bankruptcy judges?

❍ Each bankruptcy judge should have his or her own primary courtroom.
❍ Most bankruptcy judges should have their own primary courtrooms, but there are situations in which it makes sense for some bankruptcy judges to share courtrooms.
❍ Most bankruptcy judges should share courtrooms, but there are situations in which it would make sense for some bankruptcy judges to have their own primary courtrooms.
❍ All bankruptcy judges should share courtrooms according to the specific needs of their cases.
❍ Other (please specify)

If you selected other, please specify:

19) Please explain your answer to the previous question.

20) Which of the following statements best describes the importance to you personally of having your own courtroom?

❍ It is not important for me to have my own courtroom as long as I have an appropriate place to hold proceedings when I need to.
❍ It is slightly important to me to have my own courtroom.
❍ It is somewhat important to me to have my own courtroom.
❍ It is very important to me to have my own courtroom.

21) Please explain your answer to the previous question.

Now we would like you to think about effects of sharing courtrooms on a regular basis. If you have shared a courtroom, please rely on your personal experience when answering the questions. If you have not regularly shared a courtroom, please respond in terms of the effects of sharing courtrooms you would expect in your district and for your cases.

22) What effect do you think sharing a courtroom with one or more judges on a regular basis would have (or does have) on your ability to manage your caseload?

❍ Sharing a courtroom would greatly enhance (or does greatly enhance) my ability to manage my caseload.
❍ Sharing a courtroom would somewhat enhance (or does somewhat enhance) my ability to manage my caseload.
❍ Sharing a courtroom would not affect (or does not affect) my ability to manage my caseload.
❍ Sharing a courtroom would somewhat compromise (or does somewhat compromise) my ability to manage my caseload.
❍ Sharing a courtroom would greatly compromise (or does greatly compromise) my ability to manage my caseload.

23) What effect do you think sharing a courtroom with one or more judges on a regular basis would have (or does have) on the speed with which proceedings would be (or are) resolved?

❍ Sharing a courtroom would generally expedite (or does generally expedite) proceedings
❍ Sharing a courtroom would expedite (or does expedite) some proceedings, but would delay (or does delay) others.
❍ Sharing a courtroom would generally delay (or does generally delay) proceedings.
❍ Sharing a courtroom would have no effect (or does have no effect) on the speed with which proceedings are resolved.

24) What effect do you think sharing a courtroom with one or more judges on a regular basis would have (or does have) on your efficiency?

❍ I would be (or am) generally more efficient when sharing a courtroom.
❍ I would be (or am) sometimes more efficient and sometimes less efficient when sharing a courtroom.
❍ I would be (or am) generally less efficient when sharing a courtroom.
❍ I would be (or am) neither more nor less efficient when sharing a courtroom.

25) Would (or does) sharing a courtroom have any other effects on the proceedings you hold?

❍ Yes
❍ No → **Skip to Q27**

26) Please explain what other effects sharing a courtroom would (or does) have on proceedings.

27) Which of the following statements best describes the importance to you of having your chambers in close proximity to your primary courtroom?

❍ It is not important at all for my chambers to be in close proximity to my primary courtroom.
❍ It is slightly important for my chambers to be in close proximity to my primary courtroom.
❍ It is somewhat important for my chambers to be in close proximity to my primary courtroom.
❍ It is very important for my chambers to be in close proximity to my primary courtroom.

28) Please explain your answer to the previous question.

29) In your view, what is most important for policy-makers to consider in determining whether to require bankruptcy judges to share courtrooms?

30) If you have ideas about how bankruptcy courtroom sharing could best be implemented, either on a national level or in your own district, please describe them in as much detail as possible.

31) Are there any social, legal, or technological trends that you believe will make certain courtroom or courthouse features more or less critical in the future? If so, please describe the trends and the features that you believe will affect the design of individual courtrooms or entire courthouses.

V. Demographic Information

The information we ask for in this section will help us to analyze questionnaire responses according to various groups to which respondents belong -- e.g., those in large or small courts; those who have been on the bench for a long time or a relatively short time; and so on. No individual judges will be identified in any of the analyses or reports we produce.

32) In which district do you sit?

_____

33) In which courthouse do you normally sit?

_____

34) How long have you served as a bankruptcy judge?

❍ 2 years or fewer
❍ 3-5 years
❍ 6-10 years
❍ 11-20 years
❍ More than 20 years

35) Are you a chief bankruptcy judge?

❍ Yes
❍ No → **Skip to Q39**

36) About how many requests <u>per year</u> does your bankruptcy court get for use of its courtrooms by people or groups from outside the court (e.g., ALJs, state court judges, law schools)?

❍ None
❍ 1-10
❍ 11-25
❍ 26-50
❍ More than 50

37) About what percentage of these requests does your bankruptcy court turn down?

- ❍ Less than 10%
- ❍ 11-25%
- ❍ 26-50%
- ❍ 51-75%
- ❍ 76-90%
- ❍ Over 90%

38) Please indicate why you turn down these requests when you do. Please check all that apply.

- ❑ Not applicable
- ❑ We do not have enough space to accommodate them.
- ❑ Security considerations prevent us from being able to loan courtroom space to outside entities.
- ❑ Other (please specify)

If you selected other, please specify:

39) If you have any other comments about courtroom allocation or sharing that have not been covered in this questionnaire, please provide them here.

Please click on the "Submit Survey" button to submit your responses. Thank you for your participation.

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Bankruptcy Courtroom Use Study, Report to the CACM Committee

Appendix 7: Tables of Findings from the Survey of Bankruptcy Judges

Table 1 (Question 2)
Types of Judges to Whom the Responding Judge's Courtroom Is Also Assigned as a Primary Courtroom

Type of Judge to Whom Courtroom Is Also Assigned	Respondents Selecting This Option
Bankruptcy judge	76.5%
Active district judge	11.8%
Magistrate judge	11.8%
Senior district judge	17.6%
Other	23.5%

Note: N = 17. Percentages sum to more than 100% in each column because respondents could choose more than one response. "Other" includes recalled bankruptcy judges.

Table 2 (Question 3)
Responses to Why Bankruptcy Judges Do Not Have a Courtroom Assigned for Their Exclusive Use

Reason for Not Having Courtroom Assigned for Judge's Exclusive Use	Respondents Selecting This Option
There is not enough space in my courthouse for each judge to have a courtroom for his/her exclusive use.	41.2%
My district has a policy that mandates courtroom sharing by bankruptcy judges.	0.0%
The judges in my court believe that sharing courtrooms is the best way to manage our docket effectively.	5.9%
The judges in my court believe that sharing courtrooms is the best way to manage our space resources effectively.	29.4%
Different courtrooms in my courthouse have different features, and judges schedule proceedings according to the features they need.	5.9%
My courthouse is undergoing renovations, so judges must share temporarily.	0.0%
Other	23.5%

Note: N = 17. Percentages sum to more than 100% in each column because respondents could choose more than one response.

Table 3 (Question 8)
Non-Routine Use of Bankruptcy Judge's Primary Courtroom by Others

Type of Judge or Group Using Courtroom	Once a Week or More	1–5 Times per Month	Less Than Once a Month	Not Applicable/ Never
Bankruptcy judge(s) (including BAP judges)	5.4%	9.7%	39.1%	45.7%
Magistrate judge(s)	0.9%	0.9%	9.0%	89.2%
Senior district judge(s)	0.5%	0.9%	5.0%	93.6%
Active district judge(s)	0.5%	1.4%	9.2%	88.9%
Other types of judges (e.g., state court judge, ALJ)	0.0%	3.1%	25.3%	71.6%
Groups or individuals other than judges (e.g., bar associations, high school class)	0.8%	7.6%	52.9%	39.7%

Note: The question asked respondents to "indicate the frequency with which others have used your primary courtroom, on average, in the last twelve months." *N*'s range from 216 to 257, as not all judges answered every subpart of the question.

Table 4 (Question 9)
Frequency of Responding Judge's Use of Other Courtrooms or Spaces to Hold Proceedings

Type of Courtroom or Space	Once a Week or More	1–5 Times per Month	Less Than Once a Month	Not Applicable/ Never
Bankruptcy judge's courtroom	4.4%	18.3%	43.2%	34.3%
Magistrate judge's courtroom	0.5%	8.1%	6.7%	84.8%
Senior district judge's courtroom	0.0%	3.5%	5.4%	91.1%
Active district judge's courtroom	1.4%	9.0%	11.4%	78.1%
Non-courtroom space within a courthouse	1.9%	11.4%	21.3%	65.4%
Non-courtroom space outside of a courthouse	1.0%	2.6%	7.7%	88.7%
Other	0.0%	4.7%	10.5%	84.8%

Note: The question asked respondents to "indicate the frequency with which you have held proceedings, on average, in the last 12 months in a courtroom or other space that is not your primary courtroom." *N*'s range from 170 to 250, as not all judges answered every subpart of the question.

Table 5 (Question 10)
Circumstances Under Which Responding Judge Has Used Another Courtroom or Space in Last 12 Months

Circumstances for Using Another Courtroom	Percentage Selecting This Option
Responding judge has not used a courtroom or space other than his or her primary courtroom to hold a proceeding	21.0%
When sitting in another division within his or her district	41.9%
When sitting as a visiting judge in another district	9.6%
When holding a proceeding for which the responding judge needed a feature not available in his or her primary courtroom (e.g., more space for parties or public, special electronic equipment)	15.1%
To make the proceeding more convenient for attorneys and parties to attend	21.0%
When judge's primary courtroom was unavailable at a time he or she needed to hold a proceeding	21.0%
Other	21.0%

Note: $N = 272$. Percentages sum to more than 100% because respondents could select more than one response.

Table 6 (Question 13)
Reasons for Unavailability of Courtroom

Reason for Unavailability of Courtroom	Not Applicable/ Never	Less Than 10% of the Time	Between 10% and 50% of the Time	More Than 50% of the Time
Another judge was using it for a case-related proceeding.	31.7%	24.4%	19.5%	24.4%
It was being used for a ceremonial or non-case-related proceeding.	78.6%	10.7%	10.7%	0%
It was in need of or undergoing renovations or maintenance.	10.3%	41.0%	12.8%	35.9%
Other	64.7%	17.6%	5.9%	11.8%

Note: *N*'s range from 17 to 41, as not all judges answered all subparts. Only judges who had previously indicated that they had days when their courtroom was unavailable ($N = 50$) answered this question.

Table 7 (Question 14)
Frequency of Judges' Responses to Unavailability of Primary Courtroom

Response to Courtroom Being Unavailable	Not Applicable	Less Than 10% of the Time	Between 10% and 50% of the Time	More Than 50% of the Time
Rescheduled the proceeding for another time	39.4%	18.2%	18.2%	24.2%
Used another courtroom to hold the proceeding	4.5%	34.1%	22.7%	38.6%
Used a non-courtroom space to hold the proceeding	42.9%	21.4%	28.6%	7.1%
Other	84.6%	7.7%	0%	7.7%

Note: *N*'s range from 13 to 44, as not all judges answered all subparts. Only judges who had previously indicated that they had days when their courtroom was unavailable ($N = 50$) answered this question.

Table 8 (Question 27)
Importance to Judges of Having Their Chambers in Close Proximity to Their Primary Courtroom

Importance of Having Chambers in Close Proximity	Respondents Selecting This Option
It is not important at all for my chambers to be in close proximity to my primary courtroom.	5.5%
It is slightly important for my chambers to be in close proximity to my primary courtroom.	8.1%
It is somewhat important for my chambers to be in close proximity to my primary courtroom.	27.2%
It is very important for my chambers to be in close proximity to my primary courtroom.	59.2%

Note: $N = 272$.

Table 9 (Question 22)
Perceived Effects of Courtroom Sharing on Judge's Ability to Manage His or Her Caseload

Perceived Effects of Sharing on Ability to Manage Caseload	Respondents Selecting This Option
Sharing a courtroom would greatly enhance (or does greatly enhance) my ability to manage my caseload.	0.4%
Sharing a courtroom would somewhat enhance (or does somewhat enhance) my ability to manage my caseload.	0.7%
Sharing a courtroom would not affect (or does not affect) my ability to manage my caseload.	7.8%
Sharing a courtroom would somewhat compromise (or does somewhat compromise) my ability to manage my caseload.	32.2%
Sharing a courtroom would greatly compromise (or does greatly compromise) my ability to manage my caseload.	58.9%

Note: $N = 270$.

Table 10 (Question 23)
Perceived Effects of Courtroom Sharing on the Speed with Which Proceedings Are Resolved

Perceived Effects of Sharing on Speed of Proceedings	Respondents Selecting This Option
Sharing a courtroom would generally expedite (or does generally expedite) proceedings.	0.4%
Sharing a courtroom would expedite (or does expedite) some proceedings, but would delay (or does delay) others.	3.7%
Sharing a courtroom would generally delay (or does generally delay) proceedings.	82.5%
Sharing a courtroom would have no effect (or does have no effect) on the speed with which proceedings are resolved.	13.4%

Note: $N = 269$.

Table 11 (Question 24)
Perceived Effects of Courtroom Sharing on Judge's Efficiency

Perceived Effects of Sharing on Judge's Efficiency	Respondents Selecting This Option
I would be (or am) generally more efficient when sharing a courtroom.	0.4%
I would be (or am) sometimes more efficient and sometimes less efficient when sharing a courtroom.	5.6%
I would be (or am) generally less efficient when sharing a courtroom.	77.6%
I would be (or am) neither more nor less efficient when sharing a courtroom.	16.4%

Note: $N = 268$.

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Appendix 8: List of Technical Appendices

The following technical appendices provide additional documentation for the Bankruptcy Courtroom Use Study.

Technical Appendix 1. The Proposed Study Design

Technical Appendix 2. The Sampling Frame

Technical Appendix 3. Analysis of Monthly Variation in Courtroom Use

Technical Appendix 4. The Court Information Survey

Technical Appendix 5. Profiles of the Study Courts

Technical Appendix 6. Study Variables Defined

Technical Appendix 7. About DISCUS-B

Technical Appendix 8. The Training Process

Technical Appendix 9. The Quality Control Process

Technical Appendix 10. Independent Observation Report

The technical appendices are available online in PDF format. They can be found at

http://cwn.fjc.dcn/fjconline/home.nsf/pages/1312 (the Center's intranet site) and
http://www.fjc.gov/public/home.nsf/pages/1312 (the Center's Internet site).