

The Use of Courtrooms in U.S. District Courts

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

Federal Judicial Center

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Executive Summary

At the request of the Judicial Conference Committee on Court Administration and Case Management, the Federal Judicial Center conducted a study of the use of courtrooms in the U.S. district courts. The committee's request for the study was made in response to a November 2005 congressional subcommittee request for an empirical study of the use of federal courtrooms.

In designing the study, we were guided by two core questions: (1) How much of the time are the courtrooms actually in use? and (2) How much time is scheduled for the courtrooms? To answer these questions, we designed a comprehensive study that collected data in twenty-three randomly selected districts and three case study districts. These districts included ninety-one courthouses and 602 courtrooms. From January 15 to July 15, 2007, we collected data in each district for sixty-three federal workdays. For each courtroom in these districts, 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 scheduled time for courtroom events and tracked the rescheduling and cancellation of each event.

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 of different types of courtrooms. The core group of courtrooms are those in the twenty-three randomly selected districts that are assigned to individual active district judges, senior district judges, and magistrate judges in resident courthouses. This report focuses primarily, though not exclusively, on these 422 courtrooms, which constitute 82% of the sample courtrooms. We also decided to report our findings as averages across all courtrooms of a given type—for example, the average hours of use per day for courtrooms assigned to active district judges. Averages convey the overall use of courtrooms, but they do not represent an actual day in any courtroom. Our examination of quartile averages provides additional information about variations in courtroom use.

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 three sources: the JS-10 forms that routinely record district judge time in the courtrooms, the MJSTAR system for reporting magistrate judge time in the courtroom, and an independent study that collected data on courtroom use in a random sample of the study districts. From the high correlation of our data with these sources and 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 district courts as a whole.

Three Core Findings

Table 1 presents the principal findings for the courtrooms that are assigned to individual active district judges, senior district judges, and magistrate judges in the randomly selected districts. Three sets of findings answer the core questions of the study.

1. The average number of hours of actual courtroom use per day was (Row B)

- 2.9 hours for active district judge courtrooms,
- 1.5 hours for senior district judge courtrooms, and
- 1.9 hours for magistrate judge courtrooms.

These findings answer the basic question presented for the study by the congressional subcommittee: For how much time, on average, are the courtrooms actually used? More detailed findings about the types of events and users are provided in section VI.

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

- 2.7 hours for active district judge courtrooms;
- 1.1 hours for senior district judge courtrooms; and
- 1.5 hours for magistrate judge courtrooms.

These findings answer the question, How much time is scheduled, on average, for the courtrooms? 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 from now, how much time is scheduled on that calendar? Also, the scheduled time reported here accounts for time only once—i.e., the time is “non-overlapping” time. Judges commonly schedule more than one event, particularly trials, for the same block of time in the courtroom, with the expectation that only one of those events will actually be held. The time reported above does not include the additional time that is scheduled on top of the time accounted for by non-overlapping time alone—i.e., the “stacked” or “overlapping” time (see Row E). We report both non-overlapping time and overlapping time in more detail in section VIII.

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

- 4.1 hours for active district judge courtrooms;
- 2.0 hours for senior district judge courtrooms; and
- 2.6 hours for magistrate judge 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 canceled 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 the full daily claim on the courtroom. The complete analysis is presented in section IX.

Executive Summary Table
 Summary of the Study's Principal Findings for Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^a
 January 15 to July 15, 2007^b)

	Courtrooms Assigned to Single Active District Judges	Courtrooms Assigned to Single Senior District Judges	Courtrooms Assigned to Single Magistrate Judges
A. Number of Courtrooms	200	76	146
B. Average Hours Used Per Day	2.9	1.5	1.9
C. Average Hours Used Per Day, Bottom and Top Quartile Averages ^c	1.3 and 4.8	0.4 and 2.9	0.7 and 3.4
D. Average Hours of Non-overlapping Time Scheduled Per Day ^d	2.7	1.1	1.5
E. Average Hours of Overlapping Time Scheduled Per Day ^d	2.4	0.3	0.1
F. Average Hours of Non-overlapping Time Scheduled Per Day, Bottom and Top Quartile Averages ^c	0.7 and 5.3	0.2 and 2.5	0.3 and 3.0
G. Average Hours Per Day of Actual Use and Unused Scheduled Time Combined	4.1	2.0	2.6
H. Average Hours Per Day of Actual Use and Unused Scheduled Time Combined, Bottom and Top Quartile Averages ^c	2.0 and 6.6	0.6 and 4.0	1.0 and 4.4
I. Of Sixty-Three Workdays, the % on Which Courtrooms Were Actually Used (Includes Judge and Non-judge Time)	69%	45%	67%
J. Average Hours of Use on Days Trial Was Held and Average Number of Days of Trial	7.6 11 Days	7.2 4 Days	6.1 1 Day
K. Time Added to a Day by Unused Scheduled Time (As a % of Actual Use Time)	45%	40%	37%

Executive Summary Table continued
 Summary of the Study’s Principal Findings for Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^a
 January 15 to July 15, 2007^b)

	Courtrooms Assigned to Single Active District Judges	Courtrooms Assigned to Single Senior District Judges	Courtrooms Assigned to Single Magistrate Judges
L. Correlates of Court Use, District Characteristics ^c			A Border District
M. Correlates of Courtroom Use, Courthouse Characteristics ^e	Weighted Pending Caseload (Standard Case Weights) ^f Weighted Pending Caseload (Procedural Case Weights) ^f A Border Courthouse	Weighted Pending Caseload (Procedural Case Weights) ^f A Border Courthouse	A Border Courthouse
N. Correlates of Courtroom Use, Courtroom Characteristics	Weighted Pending Caseload (Standard Case Weight) ^f Weighted Pending Caseload (Procedural Case Weights) ^f Proportion of Caseload That Is Criminal Number of Years on Bench ^e	Weighted Pending Caseload (Standard Case Weight) ^f Weighted Pending Caseload (Procedural Case Weights) ^f	

- a. One of the sample districts is excluded from these analyses because its courtrooms are not individually assigned but are shared by all the district’s judges.
- b. The findings are based on sixty-three federal workdays—i.e., time used or scheduled in courtrooms is averaged across the sixty-three days of data collection.
- c. The quartile averages are for courtrooms (not districts).
- d. Scheduled hours were calculated using several different bases. The findings presented here are based on sixty-three 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.
- e. The variables that correlate with courtroom use have, with one exception, a positive relationship with use—for example, the higher the weighted pending caseload, the higher the average daily hours of courtroom use. The exception is the number of years on the bench, which has a negative relationship with use (i.e., the higher the number of years on the bench, the lower the average hours of courtroom use per day).
- f. We calculated a weighted pending caseload using both the standard case weights and the procedural case weights developed for this study. The procedural case weights measure the weight, or demand, of the proceedings held in courtrooms (see note 8 in the report for a fuller definition of procedural case weights).

Additional Principal Findings

The number of hours of actual courtroom use was considerably higher on days when trial was held—for example, 7.6 hours per day, on average, in active district judge courtrooms (Row J). Trial days, however, were a small portion of the total number of days in the study—eleven of sixty-three days for the active district judge courtrooms. Taking into account all events held in the courtrooms, the courtrooms were used on about one-half to two-thirds of the days during the study period—on 45% of the days, on average, in senior district judge courtrooms, for example, and on 69% of the days in active district judge courtrooms (Row I).

Judges routinely schedule more time for their courtrooms than is actually used to try to maximize use of the courtroom in the face of frequent scheduling cancellations and changes. This practice has been known 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 an additional 37% to 45%, on average, above the time that is used (Row K). For active district judge courtrooms, for example, unused scheduled time represents about 1.3 hours a day, or 45% of the actual use time of 2.9 hours per day. This unused scheduled time reserves the courtroom and marks it as unavailable for other purposes, often until very near or even 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 section X for additional findings on the average amount of notice for canceling and re-scheduling events.

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 Section XI).

The quartile averages in Table 1 show the considerable range in the average amount of time used and scheduled in the courtrooms (Rows C, F, and H). In active district judge courtrooms, for example, the combined actual use and scheduled time ranges from 2.0 hours per day, on average, in the fifty courtrooms with the least use to 6.6 hours per day, on average, in the fifty courtrooms with the greatest use (Row H). Our search for district, courthouse, and courtroom characteristics that might be related to courtroom use suggest that use is higher when pending caseloads are heavier and when the caseload involves more criminal cases and proceedings (Rows L, M, and N).

* * * * *

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 are

important for understanding the findings, we have placed these discussions at the beginning of the report. Readers who wish to go directly to the findings, however, can find them by consulting the detailed table of contents.

I. Purpose and History of the Study

In November 2005, 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 of courtroom use that would (1) “document how often courtrooms are actually in use,” (2) be designed with input from the Government Accountability Office, and (3) incorporate other factors the judiciary deemed necessary.¹ Responsibility for the study was assigned to the Judicial Conference Committee on Court Administration and Case Management, which asked the Federal Judicial Center to conduct the study.

History of the Request

The request for this study arose from discussions over a number of years between congressional entities and the federal judiciary about the use of courtrooms and the appropriate ratio of judges to courtrooms. The federal judiciary’s policy on courtroom allocation provides a courtroom for each active Article III district judge² and lists factors to consider when determining courtroom needs for senior district judges.³ There is no written policy for courtroom allocation to magistrate judges, but in practice the policy for active district judges is followed for magistrate judges.⁴ The judiciary’s policy of providing each judge a courtroom reflects a point judges make—i.e., that a one-to-one ratio of judges to courtrooms provides the resources they need to effectively manage their caseloads.⁵ Congressional committees and individual members of Congress have from time to time questioned this policy and have commissioned, as has the judiciary, several studies to examine courtroom use.⁶ The studies’ narrow scope and inadequate data have, however, limited their usefulness. In November 2005, Congressman Shuster called for a statistically sound study of actual courtroom use.

Questions for Study

Based on Congressman Shuster’s letter, our review of previous studies, discussions with congressional and judiciary policymakers, and deliberations within the Center, we developed the following questions for the study

1. How much are courtrooms actually used?
2. What are courtrooms used for and who uses them?

¹ See Appendix 1 for a copy of Congressman Shuster’s letter.

² See Appendix 2 for the judiciary’s courtroom allocation policy.

³ Judges in senior status may determine what size caseload to carry. For the eligibility requirements for senior status, see *Senior Status and Retirement for Article III Judges* (Administrative Office of the U.S. Courts, April 1999, p. 5).

⁴ Information provided by Mr. Thomas C. Hnatowski, Chief, Magistrate Judges Division, Administrative Office of the U.S. Courts, on October 30, 2007.

⁵ See, for example, testimony by Judge Jane R. Roth on behalf of the judiciary. Hearing Before the Subcommittee on Economic Development, Public Buildings and Emergency Management of the House Committee on Transportation and Infrastructure, *The Judiciary’s Ability to Pay for Current and Future Space Needs*, June 21, 2005 (U.S. Government Printing Office, pp. 22 and 24).

⁶ See Appendix 3 for a brief summary of previous research on courtroom use.

3. How much time is scheduled to be held in courtrooms?
4. Do courtrooms have a “latent” use? Does availability of a courtroom prompt settlements?
5. How often is at least one courtroom in a courthouse unused—i.e., available for use?
6. What are judges’ views of and experiences with courtroom use?
7. What are attorneys’ views of and experiences with courtroom use?

This report presents the central findings from the study. 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 those who wish to go to them directly. 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.

II. Nature of the Study

The study had two components: (1) collection of original data in all courtrooms in selected district courts and (2) surveys of judges and lawyers. We conducted the study in twenty-three randomly selected districts (“sample districts”) and three districts where judges are sharing courtrooms (“case study districts”).

For the randomly selected districts, we used two selection criteria: (1) the size of the largest courthouse, which distinguished districts on the basis of capacity and courthouse functionality,⁷ and (2) a weighted caseload measure based on procedural case weights, which distinguished districts on the basis of how much time is expected to be spent on courtroom proceedings.⁸ Together these criteria ensured a mix of districts by the capacity of and demand on courtrooms. We also oversampled the largest courthouses to ensure that a sufficient number would be included in the study.

We included the case study districts because they came to our attention. In two of them judges are temporarily sharing courtrooms because of courthouse renovations, and in one judges share courtrooms as a matter of district policy.⁹

Altogether, the twenty-three randomly selected districts and the three case study districts included ninety-one courthouses, 602 courtrooms, and every circuit except the District of Columbia Circuit. See Appendix 4 for a list of the districts included in the study.¹⁰

We collected data in three-month increments over a six-month period in 2007, for a total of sixty-three federal workdays of data collection in each district: thirteen districts from January 15 to April 15 (Wave 1) and thirteen districts from April 16 to July 15 (Wave 2). We initially designed the study to collect a year’s worth of data, to account for seasonal variations in courtroom use, but time constraints ultimately did not permit a study that long. The specific months of data collection were determined by the congressional request for early results and the time needed to prepare for data collection. Data routinely reported by the courts show that for the first six months of the calendar year, trial time tends to be

⁷ Larger courthouses, for example, may have specialized courtrooms, such as ceremonial courtrooms, that smaller courthouses do not have.

⁸ The procedural case weights, which we developed for the study, measure the relative weight, or demand, of different types of cases based on the likelihood and length of courtroom proceedings. A higher procedurally weighted caseload reflects, at least in part, a higher criminal caseload, as criminal cases are more proceedings-intensive than civil cases. In contrast, the standard case weights reflect the relative weight of filed cases based on all judicial activity in the case, including chambers time. Appendix 4 provides a fuller discussion of the study’s design and methodology, including the sampling frame.

⁹ The district where courtroom sharing is the court’s policy is a small district with multiple divisions where judges use courtrooms as needed depending on the division in which they are holding hearings.

¹⁰ The sample initially included twenty-four districts, but we removed the Eastern District of Louisiana from the study when a surge in filings altered the caseload so substantially that the district was no longer representative of the category of districts it was selected to represent. We also removed two of the case study districts, the District of Minnesota and the District of South Dakota, from presentation in this final report because we judged their sharing arrangements to have limited relevance to policy questions about courtroom sharing.

slightly above average, but also that those six months include neither the lowest nor the highest volume months of the year.¹¹

We trained court staff to record the data into a software application designed for the study. Although we recognized that questions might be raised about relying on court staff, 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: contemporaneous collection of the detailed data needed for understanding courtroom use and data collection in the large number of districts needed to represent the variability of the district courts.

To address possible concerns about bias in data recorded by court staff, we compared the study data with three sets of independently recorded data about courtroom use: the JS-10 data routinely recorded for courtroom events conducted by district judges, the MJSTAR data routinely recorded for courtroom events conducted by magistrate judges, and data collected by independent observers in a randomly selected subset of the districts in our sample. We also compared our findings with the results of a 1997 GAO study. The correlation between the study data and JS-10 data is .84, and the correlation between the study data and the MJSTAR data is .77.¹² The concordance rate between the study data and the data from the independent observation study ranges from 85% to 89%, depending on the comparison being made.¹³ In addition, our findings are similar to the GAO's 1997 findings on the number of days courtrooms are used.¹⁴ From the high rates of agreement between the study data and other data, we concluded that the study data collected in the courtrooms are valid and reliable.

Although the data on courtroom use answer many questions about courtroom scheduling and use, it is also important to understand how judges and attorneys use courtrooms and what their experience has been when courtrooms are shared. We sent a questionnaire focusing on these matters to all district court judges in the summer of 2007 and to a national sample of nearly 4,000 attorneys in the winter of 2007–2008.

When designing the study, we consulted with the Court Administration and Case Management Committee and an advisory group of court managers and staff. We also met with staff in the GAO Office of Physical Infrastructure Issues, who provided us with their guidelines for conducting empirically sound audits but declined to comment on the study design.

¹¹ See Appendix 4 for additional discussion of the time frame and the volume of trial activity by month as reported by the courts on the JS-10 form (*Monthly Report of Trial and Nontrial Activity*).

¹² See Appendix 5 for the correlation analyses.

¹³ The independent observation study was managed by a separate research team at the Federal Judicial Center and used law and graduate students in randomly selected study districts to record courtroom activity. When completed, the study report was provided to the Courtroom Use Study directors. An excerpt summarizing the study's finding is available at Appendix 6. For information on obtaining the full report, see Appendix 14.

¹⁴ This comparison is discussed at pp. 20–21.

III. Nature of the Courtroom Data

For every courtroom in the sample and case study districts, we recorded two types of data: (1) the precise time used for every event that occurred in courtrooms, no matter what the event was or who was involved in it (the “actual use” data); and (2) the amount of time scheduled for every type of event that was scheduled for the courtrooms, 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 district’s bench), court staff, attorneys, administrative agencies, and the public.

For every event, 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., trial, conference, preparation for a proceeding);
- the type of participants in the event (e.g., judge, attorneys, court staff);
- the cases involved in the event (by name if single case, by type if multiple cases);
- 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 it was changed, the date the need to change the event was known, and the new date for the rescheduled event.¹⁵

We also recorded data for certain occasions when a courtroom was not in use but was nonetheless unavailable. These included a trial recess when evidence was left in the courtroom, short adjournments in case proceedings, and periods when a courtroom was not usable because, for example, equipment was malfunctioning. 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 case-related events or ceremonies that were held in locations other than courtrooms—for example, chambers or conference rooms. We recorded this time because these events arguably have a claim on courtroom time and might be held in courtrooms under other circumstances or by other judges.

¹⁵ See Appendix 7 for a list of event types. A full list of data elements is available in a technical appendix, *Study Variables Defined*. See Appendix 14 for information on obtaining the technical appendices.

IV. Critical Analysis Decisions That Affect the Findings

We made several decisions about the analyses, which the reader should know in order to understand the study's findings.

Focus on Courtrooms, Not Judges

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

Separate Analyses for Sample Districts and Case Study Districts

Because the twenty-three randomly selected sample districts and the three case study districts serve different purposes for the study, we analyzed the data separately for the two sets of districts. Furthermore, we analyzed the data separately for each of the three case study districts because pooling the data would have obscured the very different circumstances of each district. Our analyses of the case study data revealed that courtroom allocation in two of the case study districts, while interesting for other purposes, has limited relevance to policy discussions of courtroom sharing, and therefore we do not discuss them in this report.

Wave 1 and Wave 2 Data Analyzed Together

For the sample districts, we combined the data for all twenty-three districts 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 first three months of data (Wave 1) with the second three months of data (Wave 2).

Separate Analyses by Type of Courtroom

Districts typically have more than one courthouse, not all of which have judges in residence. We identified three types of places where court business is conducted: "resident" courthouses, where at least one active district judge or full-time magistrate judge resides; "non-resident" courthouses, where no judges are in residence or only a senior district judge or part-time magistrate judge is in residence; and non-courthouse locations (e.g., an army base or civic center). Most of the courtrooms within the courthouses are assigned to a single active district judge, senior district judge, or magistrate judge.¹⁶ A small number are assigned to more than one judge or are unassigned.¹⁷ Because we expected the use of a courtroom to

¹⁶ It is the policy of the Judicial Conference that "each courtroom must be available on a case assignment basis to any judge. No judge of a multiple judge court should have the exclusive use of any particular courtroom." Proceedings of the Judicial Conference, October 29, 1971, p. 64. In practice, most judges are assigned a courtroom adjacent to their chambers for their use, rather than drawing on a pool of courtrooms. See also the findings from the judge survey, reported in section XIII.

¹⁷ A technical appendix titled *Profiles of the Study Districts* provides detailed information about courtroom assignments and the number of judges in each study district. See Appendix 14 for information on obtaining the technical appendices.

vary by the type of courthouse in which it was located and the type of judge to whom it was assigned, we analyzed the data separately by type of courthouse and type of courtroom.¹⁸ Courtrooms used by district judges, for example, are the site of different types of events (e.g., trials) than are those used by magistrate judges (e.g., criminal pretrial matters).¹⁹ If we combined the data for these two types of courtrooms, we would lose the differences between the two in both the amount of use and nature of use.

Sixty-Three Days as the Basis for the Analyses

There were sixty-three federal workdays in each data collection wave (thirteen five-day weeks, minus two federal holidays). However, we also calculated a specific number of available workdays for each courtroom, which for some courtrooms was less than sixty-three days. Reasons a courtroom might not be available, or might not be expected to be used, included equipment installation, courthouse closure due to a snowstorm, or absence of the judge to whom the courtroom was assigned. A courtroom was recorded as unavailable only if the condition lasted for a full day. We conducted a full set of analyses using sixty-three workdays and a separate set using available workdays. This report presents only the findings based on sixty-three days.

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 for a courtroom, the data included a substantial amount of overlapping time. To avoid counting time more than once, we established a hierarchy of events and a hierarchy of users that applied to all analyses of time. Trials took precedence over hearings, for example, which took precedence over conferences, and all case proceedings had higher rankings than non-case proceedings. 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.

¹⁸ We removed from the analysis 15 of the 602 courtrooms located in the study districts. Fourteen of these courtrooms were in sample districts and one was in a case study district. Eight were not used during the data collection period because, for example, they were under renovation. Three were used for part of the data collection period but were under renovation the rest of the time. And for four courtrooms, the judge assigned to the courtroom was in service as a judge only part of the data collection period. When we removed a courtroom from analysis, we also excluded all time recorded in that room to avoid calculating an inflated average.

¹⁹ The *U.S. Courts Design Guide* specifies different requirements for district judge and magistrate judge courtrooms. Many magistrate judge courtrooms, for example, do not have a jury box. See the *U.S. Courts Design Guide* and *Summary of Revisions Endorsed by the September 2005 and March 2006 Judicial Conference* (Administrative Office of the U.S. Courts, 1997 and 2006, respectively).

Time Reported as Averages and by Quartiles

We report actual use and scheduled time as the average number of hours a courtroom is used or scheduled per day for each type of courtroom. The number for 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 sixty-three workdays in the study. 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, the fifty-one minutes per day used for jury trials in active district judge courtrooms will not sound sensible to those who have conducted or participated in trials—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.

Generalizability of the Findings

The random selection of the twenty-three sample districts, the validity and reliability of the data as established by our data verification process, and the consistency we observed across our analyses suggest that the findings for these courtrooms can be generalized to the federal district courts as a whole. The findings from the case study district, the Southern District of New York, cannot be generalized to the federal district courts nationally but provide information about only this court's experience with shared courtrooms.

V. The Courthouses and Courtrooms Included in the Study

As noted in section IV, two features of the places we studied—type of courthouse and type of judge to whom the courtroom is assigned—are the bases for the analyses in this report. Table 1 shows the distribution of the 602 courtrooms in the sample and case study districts by the type of courthouse.²⁰ Nearly all of the sample and case study courtrooms, 578, or 96%, were located in “resident” courthouses—i.e., courthouses where at least one active district judge or full-time magistrate judge was in residence.

Table 1
Courthouse Classifications and Number of Courtrooms for the Twenty-Six Study Districts
(January 15 to July 15, 2007)

Courthouse Classification	Number of Courtrooms	
	Twenty-Three Sample Districts	Three Case Study Districts
At Least One Active District Judge or Full-Time Magistrate Judge Is Resident (71 Courthouses)	505	73
Only Senior District Judges or Part-Time Magistrate Judges Are Resident (8 Courthouses)	7	1
No Judges Are Resident (12 Courthouses)	16	0
Total (91 Courthouses, 602 Courtrooms)	528	74

The courtrooms located in the twenty-three sample districts are the primary focus of this report. Table 2 shows the assignment status of the courtrooms in these districts.²¹ Most of these courtrooms were located in resident courthouses and were assigned to individual active district judges, senior district judges, and magistrate judges. The 422 individually assigned courtrooms comprise 86% of the courtrooms in the sample’s resident courthouses and 82% of courtrooms in all sample courthouses. These 422 courtrooms represent the federal judiciary’s current courtroom allocation policy of assigning each judge his or her own courtroom and are the most fully discussed courtrooms covered in this report.

²⁰ The three case study districts were selected for a different purpose—as an opportunity to examine the effects of sharing courtrooms—and are therefore conceptually different from the sample districts. We analyzed the data for these districts separately and report on one of them in section XII.

²¹ Our analyses are limited to the 514 courtrooms that were usable and used throughout the data collection period. See n. 18.

Table 2
 Number of Courtrooms By Type of Courtroom Assignment
 (Resident and Non-Resident Courthouses, Twenty-Three Sample Districts,
 January 15 to July 15, 2007²²)

Type of Courtroom Assignment	Number of Courtrooms
Assigned Courtrooms in Resident Courthouses	439
Assigned to a single active district judge	200
Assigned to a single senior district judge	76
Assigned to a single full-time magistrate judge	146
Assigned to two or more full-time magistrate judges	10
Assigned to two or more judges (not both magistrate judges)	7
Unassigned Courtrooms in Resident Courthouses	54
Not assigned, visiting judge courtroom	25
Not assigned, magistrate judge duty courtroom	2
Not assigned, shared by the district's judges	4
Not assigned, current judgeship vacancy	7
Not assigned, special features (e.g., large size, ceremonial)	14
Not assigned, not in use	2
Courtrooms in Non-Resident Courthouses²³	21
Assigned to one active district judge	1
Assigned to one full-time magistrate judge	2
Assigned to one part-time magistrate judge	5
Assigned to two or more full-time magistrate judges	2
Assigned to two or more judges (not both magistrate judges)	2
Not assigned, visiting judge courtroom	9
Total Courtrooms in the Sample Districts	514

²² A detailed accounting of each study district's courtrooms is provided in *Profiles of the Study Districts*. See Appendix 14 for information on obtaining the technical appendices.

²³ There are no courtrooms in non-resident courthouses assigned to single senior district judges.

We also present findings, though more briefly, for three other types of courtrooms and locations where events were held: courtrooms in resident courthouses that were assigned to more than one judge or not assigned at all and courtrooms in non-resident courthouses.²⁴ For most of these categories, there were too few courtrooms to permit generalization of the findings to the district courts as a whole. We present findings, as well, for time that was spent for certain types of activities in other rooms in the sample courthouses. And we present findings—again, briefly—for the courtrooms in the case study district (the Southern District of New York).

²⁴ A courtroom may be unassigned for a variety of reasons, including vacant judgeships, use for large trials or ceremonies, or use by visiting judges from within or outside the district. A detailed accounting of each study district’s courtrooms is provided in *Profiles of the Study Districts*. See Appendix 14 for information on obtaining the technical appendices.

VI. Actual Use of Courtrooms

In this section we present the findings that most directly address Congressman Shuster's question: How much are the courtrooms actually in use? We first discuss the courtrooms in resident courthouses that were assigned to individual active district judges, senior district judges, and magistrate judges. We follow with shorter discussions of courtrooms in resident courthouses that are assigned to more than one judge or not assigned to any judge, non-courtroom locations, and non-resident courthouses.

Actual Use of Courtrooms Assigned to a Single Judge in Resident Courthouses

Of the 514 courtrooms in the sample districts, 422 were assigned to single judges in resident courthouses: 200 to single active district judges, 76 to single senior district judges, and 146 to single magistrate judges. We refer to these courtrooms as the individually assigned courtrooms. Table 3 shows the findings for the actual use of these courtrooms.²⁵

Average Hours of Actual Courtroom Use Per Day

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

- 2.9 hours per day for active district judge courtrooms,
- 1.5 hours per day for senior district judge courtrooms, and
- 1.9 hours per day for magistrate judge courtrooms.

These findings are averages across all courtrooms of each type in the sample districts and across the sixty-three federal workdays of data collection.²⁶ They do not reflect a typical day but instead provide an overall average for courtrooms in the resident, sample courthouses. When interpreting these averages, it is important to keep the following in mind: (1) there is considerable variation around the averages;²⁷ (2) a trial day in an actual district judge courtroom is longer than the average daily use reported here;²⁸ and (3) time scheduled in courtrooms adds an additional amount of time to the overall daily claim on courtroom time.²⁹

Quartile Averages For Actual Courtroom Use

For the three types of courtrooms, there is considerable variation in the average number of hours of courtroom use per day. Table 3 (Row C) shows the bottom and top quartile averages for each type of courtroom:

²⁵ The findings do not include courtrooms assigned to more than one judge or courtrooms that are not assigned to any judge, such as courtrooms that are vacant because of a pending judicial appointment. Findings for these courtrooms are discussed in sections VI.B and VI.C.

²⁶ We present numeric values in text and tables rounded to one decimal place. These values were computed from precise underlying numbers and in some instances (e.g., when summed) may differ slightly from values computed from the rounded figures reported in text and tables.

²⁷ See *Quartile Averages for Actual Courtroom Use*.

²⁸ See *Courtroom Use on a Trial Day*.

²⁹ See sections VIII and IX.

Table 3
 Findings on the Actual Use of Individually Assigned Courtrooms,
 By Courtroom Type, Based on Sixty-Three Workdays,
 (Resident Courthouses, Twenty-Two Sample Districts^a, January 15 to July 15, 2007)

	Courtrooms Assigned to Single Active District Judges	Courtrooms Assigned to Single Senior District Judges	Courtrooms Assigned to Single Magistrate Judges
A. Number of Courtrooms	200	76	146
B. Average Hours of Use Per Day	2.9	1.5	1.9
C. Average Hours Used Per Day, Bottom and Top Quartile Averages ^b	1.3 and 4.8	0.4 and 2.9	0.7 and 3.4
D. Number and Percent of Days on Which Courtrooms Were Actually Used (Judge and Non-Judge Time)	44 Days 69%	28 Days 45%	42 Days 67%
E. Percent of Average Hours of Use Per Day Accounted For By Case Proceedings	64%	51%	59%
F. Percent of Daily Hours Accounted For By Preparation For and Wrapping Up After Courtroom Events	24%	25%	29%
G. Average Hours of Use Per Day on Days Trial Was Held and Average Number of Days of Trial	7.6 11 Days	7.2 4 Days	6.1 1 Day
H. Percent of Daily Hours Accounted for by Judges, Attorneys, and Court Staff Users ^c	92%	82%	93%

a One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

b The quartiles are for courtrooms (not districts).

c Includes judges of the type to whom the courtroom is assigned but not other judges from within or outside the district.

- the fifty active district judge courtrooms with highest use average 4.8 hours per day, and the fifty with lowest use average 1.3 hours per day;
- the nineteen senior district judge courtrooms with highest use average 2.9 hours per day, and the nineteen with lowest use average 0.4 hours per day; and
- the thirty-seven magistrate judge courtrooms with highest use average 3.4 hours per day, and the thirty-six with lowest use average 0.7 hours per day.³⁰

For the averages for courtrooms for all four quartiles, see Table A.1 in Appendix 8. For the averages for districts grouped by quartile, see Table A.2 in Appendix 8.

Number and Percent of Days the Courtrooms Were Used

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

- 69% of the days for active district judge courtrooms,
- 45% of the days for senior district judge courtrooms, and
- 67% of the days for magistrate judge courtrooms.

For active district judge courtrooms, the greatest percentage of days of courtroom use—29%—involved case proceedings lasting under two hours. About 18% of the days involved case proceedings lasting over four hours. Trials occurred on about 17%—or eleven—of the sixty-three workdays. The greatest percentage of days—about 43%—were taken up with case proceedings other than trial. Figures A.1 and A.2 and Table A.3 in Appendix 8 provide detailed findings for the number of days the courtrooms were used.

In senior district judge and magistrate judge courtrooms the greatest percentage of days of use also involved proceedings lasting less than two hours. This type of use is particularly notable in magistrate judge courtrooms, where 38% of the days involved proceedings lasting less than two hours, compared with 29% of the days for the active district judge courtrooms and 20% of the days for the senior district judge courtrooms. The magistrate judge courtrooms also were more likely to be used for case proceedings other than trial—58% of the days, compared to 43% for active district judge and 25% for senior district judge courtrooms. Conversely, the active district judge courtrooms were used more often for trials than were senior district judge courtrooms (four days) and magistrate judge courtrooms (one day) (see Figures A.1 and A.2 and Table A.3 in Appendix 8).

Our findings on the number of days of courtroom use are similar to those reported by the GAO in 1997 when they used data from the JS-10 reports to examine courtroom time in seven district courts. The GAO found that, on average, active district judges used the courtrooms assigned to them on 65% of the available

³⁰ To compute quartile averages, we ranked all courtrooms of a given type from the one with the lowest use per day to the one with the highest use, divided the courtrooms into four equal groups, and computed the average hours per day of courtroom use for each group. For active district judge courtrooms, for example, fifty of the 200 study courtrooms are in each of the four quartiles.

days, and senior district judges used their courtrooms on 38% of the available days.³¹ On most days the courtrooms were used for two hours or less.³² We report higher percentages of use—69% and 45%, respectively—because our findings include days on which courtrooms were used for events other than case proceedings, such as court staff and attorney uses. If we limit our analysis to the types of events reported on the JS-10 forms used by the GAO—i.e., trial and non-trial proceedings conducted by a judge—we find that courtrooms assigned to active district judges were used on 60% of the sixty-three days and courtrooms assigned to senior district judges were used on 32% of the sixty-three days (see Table A.3 in Appendix 8).

Types of Events

In each type of courtroom, the greatest portion of courtroom use, on average, is accounted for by case proceedings³³ and preparing for and wrapping up after case proceedings³⁴ (see Table 3, sum of rows E and F):

- 88% of the 2.9 hours per day for active district judge courtrooms;
- 76% of the 1.5 hours per day for senior district judge courtrooms; and
- 88% of the 1.9 hours per day for magistrate judge courtrooms.

Of the block of time accounted for by case proceedings and preparation and wrap-up, case proceedings account for 64% of the average daily use of active district judge courtrooms, 51% of the use of senior district judge courtrooms, and 59% of the use of magistrate judge courtrooms (Table 3, Row E). Preparation and wrap-up together account for 24%, 25%, and 29% of the use of these courtrooms, respectively (see Table 3, Row F). Other types of events, such as use by non-district court judges, ceremonial and educational events, and maintenance, account for the remaining amount of time and account for somewhat more of that time in senior district judge courtrooms than in the other two types of courtrooms. Figure A.3 and Table A.4 in Appendix 8 provide detailed findings for the types of events that account for courtroom time.

The findings show clear differences between the types of proceedings that account for courtroom use in active and senior district judge courtrooms and those

³¹ The GAO study did not include magistrate judge courtrooms.

³² General Accounting Office, *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking* (GAO/GGD-97-39, May 1997, pp. 11, 13–14). The finding that the courtrooms were used on most days for proceedings lasting two hours or less is for both active and senior district judge courtrooms. The GAO report provides only a combined figure.

³³ Case proceedings include trials, hearings, conferences, “multiple short proceedings of different types,” “other” proceedings, and occasions when proceedings have adjourned but case materials are in the courtroom. The term “multiple short proceedings of different types” captures sessions of court during which a judge holds proceedings in a number of different cases, each of which may be before the judge for a different purpose. Such a session could include sentencings, probation revocation hearings, status conferences, and motions hearings.

³⁴ Preparation and wrap-up include the time court staff and attorneys and parties spend in the courtroom, *apart from* any time the judge is in the courtroom, on such activities as checking that equipment works properly, setting up exhibits, completing paperwork after case proceedings, and conferring with clients.

that account for use in magistrate judge courtrooms. Trials (jury and bench) are the principal proceeding in active and senior district judge courtrooms but account for little of the time in magistrate judge courtrooms: 32% of the average hours per day in active district judge courtrooms, 25% in senior district judge courtrooms, and 3% in magistrate judge courtrooms.³⁵ Magistrate judge courtrooms, on the other hand, are used more than the other two types of courtrooms for conferences and multiple short proceedings of different types: 35% of the average hours per day for magistrate judge courtrooms, compared with 11% for active district judge courtrooms and 8% for senior district judge courtrooms. (See Table A.4 in Appendix 8.) These differences are consistent with our understanding of the different jurisdictions and case management responsibilities of district and magistrate judges

Courtroom Use on a Trial Day

Averages across all courtrooms and across sixty-three 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 an active district judge courtroom (i.e., the 32% of each day reported above), but rather account for whole days in intermittent blocks of days. In fact, our findings show that on a day when a trial is taking place in a courtroom, the average hours of use per day (for all activities in the courtroom) is considerably higher than the average hours of use per day for all days. Trial days, however, account for a small portion of the sixty-three days in the study (see Table 3, Row G):³⁶

- Use averaged 7.6 hours per day on the eleven days of trial in active district judge courtrooms.
- Use averaged 7.2 hours per day on the four days of trial in senior district judge courtrooms.
- Use averaged 6.1 hours on the one day of trial in magistrate judge courtrooms.

Figure A.4 and Table A.5 in Appendix 8 provide findings for the kinds of events that take place in courtrooms on trial days.

Types of Users

The principal users of the courtrooms are judges of the type to whom the courtroom is assigned,³⁷ court staff, and attorneys and parties (see Table 3, Row H). These users account for, on average:

- 92% of the hours per day for active district judge courtrooms;
- 82% of the hours per day for senior district judge courtrooms; and
- 93% of the hours per day for magistrate judge courtrooms.

³⁵ These averages do not reflect the typical pattern for jury trials, which are likely to consume full days, not parts of every day. See the next section, Courtroom Use on a Trial Day.

³⁶ The number of days of trial is an average across all courtrooms of that type.

³⁷ For a courtroom assigned to an active district judge, for example, the figure includes use by the judge to whom the courtroom is assigned and by other active district judges.

Judges of the type to whom the courtroom is assigned account for the single largest portion of courtroom time: 60% of the average hours of use per day in active district judge courtrooms, 43% in senior district judge courtrooms, and 58% in magistrate judge courtrooms. Other users, such as court staff, attorneys and parties, judges other than the type to whom the courtroom is assigned, and visiting judges, account for the remainder of the time. These users are especially evident in senior district judge courtrooms, where they account for more than half (57%) of the average hours of use per day. Figure A.5 and Table A.6 in Appendix 8 provide detailed findings on the users of the courtrooms.

Courtroom Use Across the Days of the Week

The volume of courtroom use varies by day of the week in all three courtroom types, but a drop in volume on Fridays is common to all three (see Figure A.6 in Appendix 8). For active district judge and senior district judge courtrooms, the lower volume on Fridays is largely due to a drop in jury trial time (see Figure A.7 and Table A.7 in Appendix 8). In active district judge and senior district judge courtrooms, trial time is greatest on Tuesdays and lowest on Fridays. The lower trial time on Fridays and the general decline of trial time as the week progresses are consistent with two facts: judges tend to schedule trials to start on Mondays or Tuesdays³⁸ and 78% of the trials in federal district courts take three days or fewer.³⁹ The slightly lower volume on Mondays may reflect the fact that many trials cannot start until administrative matters involving jurors, such as juror orientation, have been completed.⁴⁰

Active district judge courtrooms are, on average, busiest on Mondays. Some of the time is trial time, but a substantial amount is accounted for as well by hearings and court sessions involving multiple short proceedings of different types. While the percentage of time used by hearings is fairly constant over the week, multiple proceedings are most likely to occur on Monday and fall off as trial activity rises on Tuesdays. Magistrate judge courtrooms have their heaviest use on Tuesdays through Thursdays. The nature of the work in magistrate judge courtrooms is quite consistent throughout the week and is concentrated in hearings, conferences, and court sessions involving multiple short proceedings.

* * * * *

The discussion above covers the central findings for the 422 courtrooms assigned to individual judges. These individually assigned courtrooms are the most common type of courtroom assignment in the federal district courts, accounting for 82% of the courtrooms in our sample districts. The next several sections discuss the remaining courtrooms.

³⁸ In this study, more than 80% of the scheduled starting dates for trial occurred on a Monday or Tuesday.

³⁹ Judicial Business of the United States Courts, Annual Report of the Director (Administrative Office of the U.S. Courts, 2007, Table C-8, p. 184).

⁴⁰ Administrative matters involving jurors usually take place in a jury assembly room. We did not record time involving jurors unless that time occurred in a courtroom.

Actual Use of Courtrooms Assigned to More Than One Judge in Resident Courthouses

Of the courtrooms in the twenty-three sample districts, seventeen (or 3%) were assigned to two or more judges in resident courthouses. Ten of these were assigned to two or more full-time magistrate judges, and seven were assigned to a combination of judges other than two magistrate judges. Figures A.8 to A.11, along with Tables A.8 to A.10, in Appendix 8 show the average number of hours per day these courtrooms were used, the types of events that accounted for the use of these courtrooms, the users of these courtrooms, and the number of days on which these courtrooms were used.

Here we briefly discuss the findings for the ten courtrooms assigned to two or more magistrate judges, but with a word of caution. The findings tell us something about the use of these courtrooms as a group, but because the number of courtrooms is small, the findings cannot be applied generally to other courtrooms assigned to two or more full-time magistrate judges. This same caution applies even more to the courtrooms assigned to two or more judges where both are not magistrate judges. There are only seven such courtrooms in the sample districts, and they include several types of sharing arrangements, including pairs of senior district judges and pairs of other combinations of judges. Because of the small number of courtrooms and because averages would obscure the variability between these courtroom types, we do not discuss these courtrooms.

For the ten courtrooms assigned to two or more full-time magistrate judges, the average number of hours used per day was 1.8 hours, nearly the same as the 1.9 hours of use per day for courtrooms assigned to a single magistrate judge. Both sets of courtrooms were used on 67% of the sixty-three workdays. Use of the courtrooms shared by magistrate judges is largely accounted for by the same types of events that account for the use of courtrooms assigned to a single magistrate judge. Conferences and multiple short proceedings account for 32% of the use of the shared courtrooms, compared with 35% of the use of the courtrooms assigned to a single magistrate judge. Overall, case proceedings and related preparation and wrap-up account for very similar amounts of time each day in the courtrooms assigned to two or more magistrate judges and in those assigned to single magistrate judges (86% and 88%, respectively). Magistrate judges, court staff, and attorneys are the primary users of these shared courtrooms; they account for 81% of the use of these courtrooms, compared with 93% of the use of the courtrooms assigned to individual magistrate judges. (See Tables A.8 to A.10 in Appendix 8.)

It may seem surprising that courtrooms shared by two or more magistrate judges are not used more than courtrooms assigned to a single magistrate judge. Keep in mind, however, that this is a small number of courtrooms, and the findings should not be generalized. Furthermore, we do not know the circumstances of these courtrooms, which may explain both their pattern of use and their assignment to more than one judge, which is atypical under a policy of one judge per courtroom.

Actual Use of Courtrooms in Resident Courthouses That Are Not Assigned to a Judge

In nearly every sample district there is at least one unassigned courtroom—that is, a courtroom that is not assigned to a specific judge or set of judges. There are fifty-four such courtrooms in the seventy-one resident courthouses in the sample districts (10% of the courtrooms in these courthouses). These courtrooms are unassigned for a variety of reasons. The largest single group is composed of twenty-five courtrooms designated for use by visiting judges, most often the district's own judges when they travel from other divisions to hold proceedings. The next largest group is made up of fourteen courtrooms built with special features, such as extra capacity for large trials or ceremonial events. Seven courtrooms are not assigned because there is a vacant judgeship, four are shared by all the district's judges, two are used as magistrate judge duty courtrooms, and two are not in use.

Figures A.12 and A.13 and Tables A.11 and A.12 in Appendix 8 present the findings for the unassigned courtrooms.⁴¹ The average use of these courtroom types ranged from 1.2 hours per day (the visiting judge courtrooms) to 2.0 hours per day (the courtrooms not in use), except for the courtrooms that are used as magistrate judge duty courtrooms, which averaged 4.2 hours of use per day. Two of the unassigned courtroom types—those shared by a district's judges and those that serve as magistrate judge duty courtrooms—deserve specific attention.

The four courtrooms that are unassigned and shared by the district's judges are all in a single courthouse. These courtrooms are used by two active district judges, one full-time magistrate judge, and one part-time magistrate judge. The courtrooms are used, on average, 1.9 hours per day, the same as the average use per day for courtrooms assigned to individual full-time magistrate judges and lower than the average use per day for courtrooms assigned to individual active district judges (2.9 hours per day), which may be explained in part by the lower use by the part-time magistrate judge. Consistent with a practice of sharing courtrooms, district and magistrate judges both account for the time used in these courtrooms. The findings for this district are, however, a picture of only this particular court and cannot be generalized to the district courts as a whole. (See Tables A.11 and A.12 in Appendix 8.)

The two magistrate judge duty courtrooms stand out for their high use per day—4.2 hours per day, on average. They are noteworthy as well for the high number of days they were used—94% of the sixty-three workdays. These courtrooms were used almost exclusively for two types of events: court sessions involving multiple proceedings of different types (34% of the average use per day) and the staff and attorney activities that are associated with these proceedings (62% of the average use per day). Consistent with this use, the principal users were magistrate judges (35% of the time) and court staff and attorneys and parties (61% of the time). Compared with courtrooms assigned to individual magistrate judges or pairs of magistrate judges, a greater proportion of the time in the magis-

⁴¹ A technical appendix, *Profiles of the Study Districts*, identifies each unassigned courtroom and provides the court's explanation for its status. See Appendix 14 for information on obtaining technical appendices.

trate judge duty courtrooms is accounted for by court staff and attorneys and parties. (See Tables A.11 and A.12 in Appendix 8.) This finding is consistent with our observations in these two courtrooms. Although we did not systematically observe proceedings in the sample courtrooms, we did on several occasions observe criminal proceedings in the two magistrate judge duty courtrooms. In both, court staff and attorneys were present in the room throughout the session—for example, managing paperwork and talking with defendants—while the judge came onto the bench only when each matter was ready for the judge’s attention. Given that there are only two courtrooms in this group, however, the findings do not have general applicability to the district courts.

On the whole, the other types of unassigned courtrooms were used, and their use varied, in ways that appear consistent with their designation. There were, for example, more educational and ceremonial events in the fourteen special-features courtrooms than in any other type of courtroom. In the twenty-five visiting judge courtrooms, the primary use was case proceedings and associated activity to prepare and wrap up the proceedings. The seven courtrooms that are awaiting judge appointments and the two designated as “unused” courtrooms were, in fact, used. Case-related activities other than proceedings were their primary use, which suggests that they served as locations for court staff, judges, or attorneys to carry out case-related activities in lieu of a conference room or a courtroom assigned to a specific judge. For most of these courtroom types, however, the number of courtrooms in the group is small and the results, although an interesting picture of these particular courtrooms, should not be generalized to the district courts as a whole.

Use of Chambers, Conference Rooms, Non-District Courtrooms, and Other Rooms in Resident Courthouses

Judges do not work exclusively, or even primarily, in the district’s courtrooms. Much of their work takes place in their chambers. Under some circumstances, proceedings one judge holds in chambers might be held in a courtroom by another judge. 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 other locations: (1) case proceedings involving a judge and the attorneys or parties and (2) ceremonies.

A Word About the Data

We recorded time in four “generic” locations— “chambers,” “conference room,” “other room,” and “other courtroom.”⁴² We provided one of each of these generic locations for each courthouse in a district.⁴³ The consequence of this arrangement is that a generic room acts as though it is a single room in a courthouse. We can calculate the total amount of time spent in each generic room, but because we do not know the precise number of any particular type of room in each courthouse,

⁴² “Other courtroom” usually refers to an appellate or bankruptcy courtroom located in the courthouse.

⁴³ For example, even though a courthouse likely had multiple chambers for judges, the data entry program provided only one generic “chambers” location per courthouse.

we cannot calculate averages for these non-courtroom spaces. Accordingly, we provide information on these other rooms as total time for the sixty-three 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.

The Amount of Time Spent in Other Rooms

Altogether, events in chambers, conference rooms, other courtrooms, and other rooms add 2,947 hours to the time recorded in the resident courthouses (see Figure A.14 and Table A.13 in Appendix 8). 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 is averaged across all courtrooms in the sample districts, the increase is very small—approximately six minutes per day for each courtroom.

By far the greatest portion of this time was spent in judges’ chambers—2,035 hours. Smaller amounts of time were spent in conference rooms (nearly 345 hours) and other rooms (nearly 474 hours), and only a very small amount was spent in other types of courtrooms (nearly 94 hours). One reason chambers time is higher than time spent in other rooms may be that judges do most of their non-courtroom work in chambers, but the main reason is more prosaic. The time is high because the time recorded in the “chambers” location represents the chambers of several hundred judges, whereas the time recorded in “conference rooms,” “other rooms,” and “other courtrooms” represents many fewer rooms.

Conferences are the dominant event in non-courtroom locations, accounting for 64% of the time across all four room types and 67% of the time in judges’ chambers (see Figure A.15 and Table A.13 in Appendix 8). Magistrate judges make the greatest contribution to non-courtroom time, accounting for 61% of the total hours (see Figure A.16 and Table A.14 in Appendix 8). This finding is consistent with the fact that conferences are the primary activity in other locations and that magistrate judges often handle civil pretrial matters, particularly settlement conferences, for their districts. Magistrate judges do not, however, handle all such matters; active district judges and senior district judges also contribute to the time spent in other locations, accounting for 20% of the total hours, although primarily in chambers and not other types of rooms.

Actual Use of Courtrooms in Non-Resident Courthouses

The non-resident courthouses have either no resident judges or only senior district judges or part-time magistrate judges in residence. These twelve courthouses are the location of twenty-one of the sample courtrooms, representing six different types of courtroom assignment: twelve are assigned to a single judge or varying

combinations of judges, and nine are not assigned but are designated for visiting judges. Although it may seem anomalous that courtrooms in these non-resident courthouses are assigned to specific judges, some district judges and full-time magistrate judges have routine responsibility for matters in their districts' outlying divisions and have designated courtrooms available for their use when they travel to these courthouses. The non-resident courthouses are also the location for several part-time magistrate judges with assigned courtrooms.

The findings for the courtrooms in the non-resident courthouses are presented in Figures A.17 and A.18 and Tables A.15 and A.16 in Appendix 8. Most of the courtroom types in the non-resident courthouses were used less than an hour a day, on average, very likely reflecting their occasional use by judges whose principal duty site is another courthouse. The exceptions are courtrooms assigned to a single part-time magistrate judge or two or more full-time magistrate judges, which were used, on average, 1.5 hours and 1.3 hours per day, respectively.

Overall, the findings for the non-resident courthouses reveal a small set of courtrooms (4% of the sample courtrooms) with less use than the courtrooms in resident courthouses. Given the small number of non-resident courtrooms, however, the findings can provide only a picture of events in these specific courtrooms and cannot be generalized to the district courts as a whole.

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

To examine whether districts with higher use vary in systematic ways from districts with lower use, we looked at the relationship between courtroom use and a number of readily available district, courthouse, and courtroom characteristics:

- the district’s filings weighted by standard and procedural⁴⁴ case weights;
- the district’s unweighted number of cases filed;
- the district’s pending caseload, weighted by standard and procedural case weights;
- the district’s criminal filings as a proportion of all filings;
- whether the district is a border court;⁴⁵
- the number of judges working in the district at the time of the study;
- the ratio of courtrooms to judges;⁴⁶
- the size of the largest courthouse in the district;
- the size of the population in the city where a courthouse is located;
- the number of years the judge to whom the courtroom is assigned has been on the bench; and
- the number of years the senior district judge to whom the courtroom is assigned has been in senior status.

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 district, courthouse, and courtroom levels. The analysis is limited to courtrooms that are assigned to individual active district judges, senior district judges, and magistrate judges. The full set of findings, including the correlation coefficients, are shown in Tables A.17–A.19 in Appendix 8. Table 4 provides a listing of the small number of statistically significant relationships identified by this analysis.

The individual relationships, when considered together, suggest that districts, courthouses, and courtrooms with some combination of high criminal caseloads and high pending caseloads have higher courtroom use. The correlates that point to a relationship between criminal caseloads and courtroom use are (1) the procedurally weighted pending caseload, which reflects the demand of events held in the courtroom, which are disproportionately criminal events; (2) location on the border; and (3) a caseload with a higher ratio of criminal to civil cases.

Relationships between courtroom use, except one, are positive—for example, as the pending caseload goes up courtroom use goes up.

⁴⁴ This is a measure of demand on a courtroom based on the number and type of proceedings held in courtrooms. See n. 8.

⁴⁵ The phrase “border court” refers to the districts that are on the U.S. border with Mexico.

⁴⁶ We hypothesized that districts with a higher ratio of courtrooms to judges might have lower courtroom use because judge time is spread across more courtrooms.

Table 4
 Statistically Significant Relationships Between Level of Courtroom Use and District, Courthouse,
 and Courtroom Characteristics for Individually Assigned Courtrooms (Sixty-Three Workdays,
 Resident Courthouses, Twenty-Two Sample Districts,^a January 15 to July 15, 2007)

	Courtrooms Assigned to Single Active District Judges	Courtrooms Assigned to Single Senior District Judges	Courtrooms Assigned to Single Magistrate Judges
Number of Courtrooms	200	76	146
Correlates of Courtroom Use, District Characteristics ^b			A Border District
Correlates of Courtroom Use, Courthouse Characteristics ^b	Weighted Pending Caseload (Standard Case Weights ^c) Weighted Pending Caseload (Procedural Case Weights ^c) A Border Courthouse	Weighted Pending Caseload (Procedural Case Weights ^c) A Border Courthouse	A Border Courthouse
Correlates of Courtroom Use, Courtroom Characteristics ^b	Weighted Pending Caseload (Standard Case Weights ^c) Weighted Pending Caseload (Procedural Case Weights ^c) Ratio of Criminal Cases to Civil Cases Number of Years on Bench	Weighted Pending Caseload (Standard Case Weights ^c) Weighted Pending Caseload (Procedural Case Weights ^c)	

- a. One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.
- b. The variables that correlate with courtroom use have, with one exception, a positive relationship with use—for example, the higher the weighted pending caseload, the higher the average daily hours of courtroom use. The exception is the number of years on the bench, which has a negative relationship with use (i.e., the higher the number of years on the bench the lower the average hours of courtroom use per day).
- c. We calculated a weighted pending caseload using both the standard case weights and the procedural case weights developed for this study. (Recall that the procedural case weights measure the weight, or demand, of proceedings held in courtrooms; note 8 provides more information). Case weights do not apply to magistrate judge caseloads, and therefore we calculated no pending caseload coefficients for magistrate judge courtrooms.

The only negative relationship among the correlations is that between years on the bench and courtroom use. We found no relationship between the average hours of daily courtroom use and the number of years the judge has been in senior status. Some judges who have been in senior status for ten or more years use courtrooms as much as or more than the average active district judge in their district. Some judges who have been in senior status for a short period of time, conversely, make little use of courtrooms (see Table A.20 in Appendix 8).

It is possible that other characteristics, such as judicial case management practices, are better predictors of courtroom use than the characteristics we explored. At this time, however, using data that were readily available, we were able to identify only the few relationships between courtroom use and court and judge characteristics shown in Table 4.

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 time scheduled for that courtroom. Assuming that the minimum amount of notice needed for scheduling an event is one week, we chose seven days in advance as the fixed point from which to look at courtroom schedules. The question we asked, then, is “When I look at a courtroom calendar a week from today, how much of the day is scheduled and what events are scheduled?” 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 canceled eight or more days in advance of the target date, the time scheduled in the courtroom for that event is not captured here.⁴⁷

We answered the questions of what is scheduled and how much of the day is scheduled in two ways. For one set of analyses, we averaged all scheduled time for the respective courtroom types across all sixty-three days of data collection. For a second set of analyses, we averaged scheduled time across only the days on which something was scheduled for the courtrooms. In this report, we focus only on time averaged across sixty-three workdays, but at appropriate places in the text we direct the reader to appendices in which results for the second set of analyses can be found.

Our analyses take into account that multiple courtroom events may be scheduled at the same time. It is common practice, for example, to schedule multiple trials for the same time period in the expectation that most cases will settle or plead before trial. 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 time that is scheduled for the courtrooms, or overlapping (or “stacked”) time. Table 5 presents the principal findings for time scheduled in the courtrooms. We limit the presentation to the individually assigned courtrooms in resident courthouses.

⁴⁷ Note, however, that the reservation and its cancellation are counted in the findings reported in Section X, Reservations for Courtroom Time and Outcome of the Reservations.

Table 5
Findings for Scheduled Time for Individually Assigned Courtrooms,
By Courtroom Type, Based on Sixty-Three Workdays
(Resident Courthouses, Twenty-Two Sample Districts^a, January 15 to July 15, 2007)

	Courtrooms Assigned to Single Active District Judges	Courtrooms Assigned to Single Senior District Judges	Courtrooms Assigned to Single Magistrate Judges
A. Number of Courtrooms	200	76	146
B. Number and Percent of Days on Which Something Was Scheduled	37 Days 58%	21 Days 33%	31 Days 49%
C. Average Hours of Non-Overlapping Time Scheduled Per Day	2.7	1.1	1.5
D. Average Hours of Overlapping Time Scheduled Per Day	2.4	0.3	0.1
E. Average Hours of Non-Overlapping Time Scheduled Per Day, Bottom and Top Quartile Averages ^b	0.7 and 5.3	0.2 and 2.5	0.3 and 3.0
F. Average Hours of Overlapping Time Scheduled Per Day, Bottom and Top Quartile Averages ^{bc}	0.1 and 8.3	0.0 and 1.1	0.0 and 0.2
G. Principal Activity Scheduled for the Courtroom ^d (Non-overlapping Time)	Trial (74% of Scheduled Time)	Trial (58% of Scheduled Time)	Other Case Proceeding (87% of Scheduled Time)

- a. One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned, but are shared by all the district's judges.
- b. The quartiles are for courtrooms (not districts).
- c. Overlapping time was calculated for the same courtrooms as those in the quartiles for non-overlapping time.
- d. Because of our rule for selecting records by priority in order to prevent double counting of time (see Section IV), there is a very slight over-representation of trials in the event data.

Percentage of Days with Scheduled Events

Events were scheduled for the courtrooms on some but not all of the sixty-three workdays in the study. As Table 5 (Row B) shows, on average, events were scheduled :

- 58% of the days for active district judge courtrooms;
- 33% of the days for senior district judge courtrooms; and
- 49% of the days for magistrate judge courtrooms.

Average Number of Hours Scheduled Per Day

Looking at a courtroom schedule seven days out—that is, seven days before the target date—the average number of hours of non-overlapping time scheduled per day over the sixty-three workdays was (see Table 5, Row C):

- 2.7 hours for active district judge courtrooms;
- 1.1 hours for senior district judge courtrooms; and
- 1.5 hours for magistrate judge courtrooms.

An additional portion of time was scheduled at the same time as other events—i.e., is overlapping time accounted for by stacked events. Combining the overlapping and non-overlapping time, the total number of hours scheduled for the courtrooms is 5.1, 1.4, and 1.6 hours per day, on average, respectively (see Table 5, sum of Rows C and D). Figures A.19 and A.20, along with Tables A.21 and A.22, in Appendix 8 provide the detailed findings on scheduled time, including findings for time averaged across only the days on which something was scheduled.

Both the total time and the pattern of scheduled time differ for senior district judge and magistrate judge courtrooms compared with active district judge courtrooms. There are nearly as many overlapping hours as non-overlapping hours in the active district judge courtrooms—i.e., the courtrooms are double-booked seven days prior to the target date. In contrast, the senior district judge and magistrate judge courtrooms have little overlapping time. For magistrate judge courtrooms, this is probably due to the nature of the events scheduled for these courtrooms—i.e., multiple short events of different types—which were typically recorded as single blocks of time rather than as individual stacked events.

Quartile Averages for Scheduled Time

There is substantial variation in the average number of hours scheduled per day. Table 5 shows the quartile averages for both non-overlapping and overlapping scheduled time. Considering only non-overlapping time averaged across the sixty-three workdays of the study, we found that (see Table 5, Row E):

- the fifty active district judge courtrooms with the highest scheduled time average 5.3 hours per day, and the fifty with the lowest scheduled time average 0.7 hours per day;
- the nineteen senior district judge courtrooms with the highest scheduled time average 2.5 hours per day, and the nineteen with the lowest scheduled time average 0.2 hours per day; and
- the thirty-seven magistrate judge courtrooms with the highest scheduled time average 3.0 hours per day, and the thirty-six with the lowest scheduled time average 0.3 hours per day.

The full set of quartile averages are provided in Tables A.23 to A.26 in Appendix 8, including quartile averages for districts.

Types of Events Scheduled

In each of the three types of courtrooms, a single type of event dominates the schedule seven days out from the target date. As Table 5, Row G, shows:

- trials account for 74% of the scheduled time in active district judge courtrooms;
- trials account for 58% of the scheduled time in senior district judge courtrooms; and
- other case proceedings account for 87% of the time in magistrate judge courtrooms.

These findings are based on non-overlapping time averaged across sixty-three workdays. Figures A.21 and A.22, along with Tables A.27 and A.28, in Appendix 8 provide detailed findings, including the time accounted for by other types of events. In analyzing the scheduling data, we collapsed the fifteen event type categories into a smaller set for ease of analysis and discussion.

Distribution of Scheduled Time Across the Day

The hours that are scheduled for the courtrooms are fairly evenly distributed across the day when the calendar is viewed from seven days out. Looking at time averaged across all sixty-three days, we found that:

- About twenty minutes of non-overlapping time and an additional nearly twenty minutes of overlapping time were scheduled for each hour from 9:00 a.m. to 5:00 p.m. in active district judge courtrooms.
- About ten minutes were on the schedule for each hour in senior district judge courtrooms between 9:00 a.m. and 5:00 p.m.
- Between ten and fifteen minutes were on the schedule for each hour in magistrate judge courtrooms between 9:00 a.m. and 5:00 p.m.

In all three types of courtrooms, more time is scheduled for the morning than the afternoon, but this pattern is somewhat more noticeable in senior district judge and magistrate judge courtrooms. The schedules for magistrate judge courtrooms also show a dip at noon, reflecting the fact that fewer trials—i.e., day-long events—are scheduled for these courtrooms, and the time is more often broken into morning and afternoon sessions. For detailed findings, including graphs of scheduled time across the hours of the day, see Figures A.23 and A.24, as well as Tables A.29 and A.30, in Appendix 8.

Outcome of Scheduled Courtroom Time and Scheduled Trial Time

When we look at the distribution of scheduled time across all sixty-three workdays, we find that, on average, around half of the scheduled non-overlapping time in active and senior district judge courtrooms was actually used:

- 50% of the 2.7 hours scheduled per day for active district judge courtrooms;
- 53% of the 1.1 hours scheduled per day for senior district judge courtrooms; and
- 87% of the 1.5 hours scheduled per day for the magistrate judge courtrooms.

The difference between the district judges and magistrate judges reflects the nature of the work in magistrate judge courtrooms—i.e., little trial work and primar-

ily conferences and court sessions involving multiple short proceedings of different types, which were less likely to be cancelled than were the trials scheduled for the district judge courtrooms. The detailed findings for the outcome of scheduled time are presented in Figures A.25 and A.26, along with Tables A.31 and A.32, in Appendix 8.

Table 6 provides another view of the relationship between scheduled time and the outcome of scheduled time, looking only at trials. The table presents the number and percentage of days on which trials were scheduled and held. For the active district judge courtrooms, trials were scheduled on eighteen days, about half of the thirty-seven days on which something was scheduled for these courtrooms and on 28% of the sixty-three workdays. Trial was held, however, on only eleven days, or on 17% of the sixty-three workdays. The number of days of trial was substantially smaller for senior district judge courtrooms and magistrate judge courtrooms than for active district judge courtrooms, but in these two types of courtrooms the pattern remains that there were more scheduled trial days than days when trial was held.

Table 6
Days on Which Trial Is Scheduled and Held
(Resident, Sample Courthouses, January 15 to July 15, 2007)

Courtroom Assigned to	Trial Days Scheduled		Trial Days Held	
	Number	Percent	Number	Percent
Active District Judge (<i>n</i> =200)	18	28.1	11	17.3
Senior District Judge (<i>n</i> =76)	7	11.0	4	7.0
Magistrate Judge (<i>n</i> =146)	2	2.7	1	1.4

n =Number of courtrooms.

Use of Courtrooms When No Events Are Scheduled

When we look at the courtroom calendars from seven days out, there are no scheduled events on a substantial number of days in courtrooms assigned to active and senior district judges and magistrate judges. As noted earlier, events were scheduled in active district judge courtrooms on 58% of the study's sixty-three workdays, in senior district judge courtrooms on 33% of the workdays, and in magistrate judge courtrooms on 49% of the workdays. There were, however, proceedings in the courtrooms on some days when no events were scheduled, as might be expected given the nature of judicial work. On average, active district judge courtrooms were used about 1.5 hours per day on days when no events were on the calendar seven days earlier. Senior district judge and magistrate judge courtrooms were used for about an hour per day, on average, on days when no events were on the schedule seven days earlier. The findings are shown in Figure A.27 and Table A.33 in Appendix 8.

IX. Combined Actual Use and Unused Scheduled Time

The full claim on courtroom time is reflected in the combined hours of actual use and 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 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. The time that was scheduled but not used has made a claim on the courtroom and, if canceled 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.⁴⁸

Table 7 presents the findings for combined actual use and unused scheduled time by courtroom type. The findings reported here are based on sixty-three workdays, use only non-overlapping time, and reflect the courtroom schedules from seven days out.⁴⁹

Average Hours Per Day of Combined Actual Use and Scheduled Time

As Table 7 (Row A) shows, when actual use and scheduled time are combined, the daily claim on courtroom time is:

- 4.1 hours per day for active district judge courtrooms;
- 2.0 hours per day for senior district judge courtrooms; and
- 2.6 hours per day for magistrate judge courtrooms.

These findings are, as expected, greater than the findings for actual use only, which were, respectively, 2.9, 1.5, and 1.9 hours per day, on average. Figures A.28 and A.29 and Table A.34 in Appendix 8 provide more detailed findings for combined time, including the division of combined time between events that were held and time that was scheduled but not held.

⁴⁸ 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.

⁴⁹ Combined time could be calculated using several different bases. We calculated combined time averaged across all sixty-three workdays and separately across only the days on which an event was scheduled. We chose to calculate it using only non-overlapping time, a more conservative measure, but could also have calculated it using both overlapping and non-overlapping time. Figures A.28 and A.29, along with Table A.34, in Appendix 8 show the findings.

Table 7
Findings for Combined Actual Use and Unused Scheduled Time for Individually Assigned Courtrooms, By Courtroom Type, Based on Sixty-Three Workdays (Resident Courthouses, Twenty-Two Sample Districts^a, January 15 to July 15, 2007)

	Courtrooms Assigned to Single Active District Judges (n =200)	Courtrooms Assigned to Single Senior District Judges (n =76)	Courtrooms Assigned to Single Magistrate Judges (n =146)
A. Average Hours Per Day of Combined Actual Use and Scheduled Time, Non-Overlapping Time Only	4.1	2.0	2.6
B. Average Hours Per Day of Actual Use and Unused Scheduled Time Combined, Bottom and Top Quartile Averages, ^b Non-Overlapping Time Only	2.0 and 6.6	0.6 and 4.0	1.0 and 4.4
C. Time Added to a Day by Unused Scheduled Time (As a % of Actual Use Time)	45%	40%	37%

a. One of the sample districts was excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

b. The quartile averages are for courtrooms (not districts).

The 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? Our findings show that the unused scheduled time represents an additional 37% to 45% above the time that the courtroom is actually used. For active district judge courtrooms, unused scheduled time is an additional 45% above the average daily use of those courtrooms—or 1.3 hours per day, on average, of additional time. For senior district judge courtrooms, the additional time is 40% (or 0.6 hours), and for magistrate judge courtrooms it is 37% (or 0.7 hours) (see Table 7, Row C).

Quartile Averages for Combined Time

There is substantial variation in the average hours of combined actual use and scheduled hours per day in the different types of courtrooms. Table 7 (Row B) shows that

- the fifty active district judge courtrooms with the highest combined time average 6.6 hours per day, and the fifty with the lowest combined time average 2.0 hours per day;
- the nineteen senior district judge courtrooms with the highest combined time average 4.0 hours per day, and the nineteen with the lowest combined time average 0.6 hours per day; and
- the thirty-seven magistrate judge courtrooms with the highest combined time average 4.4 hours per day, and the thirty-six with the lowest combined time average 1.0 hours per day.

Tables A.35 and A.36 in Appendix 8 provide the findings for all four quartiles for both the 422 individually assigned courtrooms and the twenty-two sample districts with individually assigned courtrooms.

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, February 5, then rescheduled to March 3, and then rescheduled again to April 13 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 canceled during the data collection period. They do not look at events only on a single day from seven days in advance, as scheduled time did (see section VIII), but count every change on the court calendars and thus capture the fluidity of these calendars.

Number of Reservations and Their Outcome

Our analysis of reservations is based on data from the resident courthouses in the twenty-three sample districts and, within those courthouses, the assigned and unassigned courtrooms that were usable and used throughout the study period. These 493 courtrooms are a larger group than the 422 individually assigned courtrooms that have been the focus of much of our discussion up to this point. Table 8 shows selected findings from our analysis of reservations. In sum:

- 70,388 reservations were made for courtroom events.
- Of these reservations, 41% were for trials and 54% were for other case proceedings.
- For 40% of the reservations, the event was held; for 32%, the event was cancelled; and for 28%, the event was rescheduled or changed.
- For reservations that were cancelled, 47% were cancelled because the case settled (15%), the defendant pled (21%), or the case closed for other reasons (11%). For the other 53% of cancelled reservations, the event was not or would not be held, would be rescheduled later, or the reason was not known.

Table 8
Reservations for Courtroom Time, by Type of Event Scheduled and Outcome
(Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

Type of Event	Number of Reservations	Percent of Reservations ^a
Total Number of Reservations	70,388	100.0
Type of Reservations	70,388	100.0
Jury or Bench Trial	28,581	40.6
Other Case Proceeding	38,126	54.2
Other Event	3,681	5.2
Outcome of Reservations	70,388	100.0
Held	27,801	39.5
Rescheduled/Changed ^b	19,405	27.6
Cancelled	22,751	32.3
Other/Unknown	431	0.6
For Cancelled Reservations: Reason for Cancellation	22,751	100.0
Settled	3,513	15.4
Pled	4,766	20.9
Case Closed	2,508	11.0
Event Will Not Be or Was Not Held	4,639	20.4
Event Will be Rescheduled Later	4,686	20.6
Cancelled: Other Reason	19	0.0
Reason Missing From Record	2,620	11.5

a. Percentages do not add to 100% due to rounding.

b. Just over 5% of the records were non-scheduling changes to the reservation, such as modifications of information on the record (e.g., correction of a case caption).

Courtroom Availability, Settlements, and Pleas: Latent Use

The 47% of cancellations that are due to either a plea, settlement, or other case closing invite the conclusion that courtrooms have a latent use—i.e., that the availability of a courtroom and a firm date for the event prompt settlements and pleas. For two reasons, the findings neither support nor refute this hypothesis. First, trials are at the center of the claim that courtrooms have a latent use, whereas the 47% figure is for all cancellations and provides no insight into the effect of courtrooms on the cancellation of trials. Second, we can describe what the data show, but the data do not permit the conclusion that a trial date caused a plea agreement or the closing of a case. Without exploring the parties' reasons for settling or pleading, it is not possible to determine whether the scheduled trial date prompted the case termination in any given case. Our judge and attorney surveys indicate that attorneys and particularly judges think that there is a direct effect. Most judges (81%) said a firm trial date and availability of a courtroom "often" prompt parties to settle or plead. Just over half the attorneys (53%) ranked the combination of courtroom, judge, and trial date certainty as one of the three most important factors in prompting settlement. Taken together, the findings seem to suggest a courtroom effect on settlement, but we have no direct evidence that courtroom availability prompted settlement in the specific cases handled in the courtrooms during the study.

Whether or not an impending trial causes cases to terminate early, it is clear from the reservations data that late changes or cancellations of scheduled events have a substantial effect on courtroom availability. About half of the events that will eventually be rescheduled or cancelled are still pending on the court's calendar seven days prior to the target date (see Table 9). Those events represent a substantial amount of time—on average 1.3 hours per day in district judge courtrooms—for which the courtroom is ultimately unused but whose availability was not known until close to the scheduled date (see Table 7, Row C, and the accompanying discussion). This represents 45% additional scheduled time over and above the actual time spent in district judge courtrooms per day. Although some case proceedings can be quickly rescheduled into newly available space, most events, especially trials, require more advance time (see Table 10), thus rescheduling often leaves courtrooms dark but generally unavailable for holding case proceedings.

Notice of Event Rescheduling or Cancellation

The reservations data permit us to examine the notice judges have that an event needs to be rescheduled or cancelled. Table 9 shows that

- approximately half of scheduled events were rescheduled or cancelled a week or less before their scheduled date (see right-most column);
- there was more notice that an event would be cancelled (sixteen days, on average) than that it would be rescheduled (twelve days, on average);
- there was more notice for rescheduling a trial (thirteen days, on average) than for rescheduling other types of case proceedings (ten days, on average); and
- there was more notice for cancellation of a trial date (nineteen days, on average) than for cancellation of other case proceedings (ten days, on average).

Table 9
Number of Days Between Date the Rescheduling or Cancellation of the Event Became Known and the Original Date Scheduled for the Event, By Type of Event Scheduled (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

Type of Event	Number of Events ^a	Mean Days	Median Days
Rescheduled or Changed Events	13,317	12	6
Jury or Bench Trial	7,055	13	8
Other Case Proceeding	6,082	10	4
Other Event	180	25	14
Cancelled Events	22,687	16	7
Jury or Bench Trial	14,105	19	11
Other Case Proceeding	7,453	10	2
Other Event	1,129	17	0

- a. The analysis includes only rescheduled and cancelled reservations that have data for the date the need for a change was known. For rescheduled reservations, the analysis includes only reservations that have data for the date to which the event was rescheduled.

Days Between Original Date and New Date

For events that are rescheduled, the reservations data also permit us to examine the number of days between the original date of an event and the new date to which it is rescheduled. As Table 10 shows:

- An event that was rescheduled was moved, on average, to a date thirty days later.
- New dates for trials were scheduled considerably further away from the original date (forty-three days later, on average) than new dates for other case proceedings (sixteen days later).

Table 10
Number of Days Between the Original Date for a Scheduled Event
and the New Date for That Event, By Type of Event Scheduled
(Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

Type of Event	Number of Events ^a	Mean Days	Median Days
Total	13,317	30	26
Jury or Bench Trial	7,055	43	42
Other Case Proceeding	6,082	16	6
Other Event	180	26	13

a. The analysis includes only rescheduled reservations that had data for the date to which the event was rescheduled.

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 are all the courtrooms in a courthouse in use or scheduled for use? To answer this question, we looked at actual use and scheduled time in all usable courtrooms in the sixty-three resident sample courthouses on each of the sixty-three workdays. We limited the definition of use to the occurrence or scheduling of a trial or other case proceeding. Table 11 shows the percentage of days courtrooms are in use because trials or other proceedings are occurring in them or are scheduled in them, by size of courthouse.

Table 11
Concurrent Use of Courtrooms in Resident Courthouses
(Resident, Sample Courthouses, January 15 to July 15, 2007)

Number and Percent of Workdays On Which the Indicated Percentage of Courtrooms in the Same Courthouse Were in Use on the Same Day							
Size of Courthouse (<i>n</i> = Number of Courthouses)	No Courtrooms in Use	1%-24% of Courtrooms in Use	25%-49% of Courtrooms in Use	50%-74% of Courtrooms in Use	75%-99% of Courtrooms in Use	All Courtrooms in Use	Total
One Courtroom (<i>n</i> = 7)	91 20.6%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	350 79.4%	441 100%
Two or Three Courtrooms (<i>n</i> = 14)	183 20.7%	0 0.0%	182 20.6%	370 42.0%	0 0.0%	147 16.7%	882 100%
Four or Five Courtrooms (<i>n</i> = 13)	34 4.2%	8 1.0%	144 17.6%	258 31.5%	285 34.8%	90 11.0%	819 100%
Six to Nine Courtrooms (<i>n</i> = 13)	4 0.5%	31 3.8%	193 23.6%	423 51.6%	142 17.3%	26 3.2%	819 100%
Ten or More Courtrooms (<i>n</i> = 16)	3 0.3%	42 4.2%	287 28.5%	497 49.3%	175 17.4%	4 0.4%	1,008 100%
All Courthouses (<i>n</i> = 63)	315 7.9%	81 2.0%	806 20.3%	1548 39.0%	602 15.2%	617 15.5%	3,969 100%

The findings show that

- the most common level of concurrent use was for 50%–74% of the courtrooms in a courthouse to be used on the same day.
- except for very small courthouses, all courtrooms in a courthouse were infrequently used or scheduled for use on the same day. For example, in courthouses with ten or more courtrooms, all the courtrooms were in use on 0.4% of the days.
- on most days, a courtroom was available in most courthouses.

Overall, the findings show that all courtrooms in a courthouse were seldom in 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 of the days, some courtrooms were in use.

XII. Findings from the Case Study Analyses⁵⁰

Some judges in the Southern District of New York have been sharing courtrooms, and as we were designing the study we were encouraged to include the district to examine the effects of sharing. The district's need to share courtrooms arose from the closing of the Foley Square courthouse for renovation in 2006. All the judges were consolidated in the Pearl Street courthouse, resulting in courtroom sharing by seven pairs of active and senior district judges, two pairs of senior district judges, and five pairs of magistrate judges.⁵¹ The district also set aside four overflow courtrooms for use whenever judges have a scheduling conflict in shared space, and there is a shared magistrate judge duty courtroom that predated the Foley Square courthouse renovations. The remaining twenty-four courtrooms are individually assigned to seventeen active district judges, six senior district judges, and one magistrate judge. Altogether there were forty-three courtrooms and fifty-one judges (twenty-four active district judges, sixteen senior district judges, and eleven magistrate judges) in the courthouse during the study period.

Findings from the Courtroom Data

In this summary we focus on the courtrooms shared by pairs of district judges (seven active–senior pairs and two senior–senior pairs) and ask whether these courtrooms are used more than those assigned to individual judges, in either this courthouse or the courthouses in the random sample. Table 12 shows the findings. Keep in mind that these findings are particular to this court and its circumstances and cannot be generalized to any other district.

- **Actual Use.** For the courtrooms shared by pairs of senior and active district judges or two senior district judges, the average hours of actual use per day (2.0 hours) is lower than for courtrooms assigned to individual active district judges in either the Southern District of New York (2.7 hours per day) or the sample districts (2.9 hours).
- **Scheduled Time.** The courtrooms shared by pairs of senior and active district judges or two senior district judges have 2.6 hours of overlapping and non-overlapping hours scheduled per day. This is higher than the 2.1 hours of overlapping and non-overlapping time scheduled per day in courtrooms assigned to individual active district judges in the district but considerably lower than the 5.1 hours of overlapping and non-overlapping time scheduled per day in active district judge courtrooms in the sample districts.

⁵⁰ See section IV for an explanation of our decision to report findings for only one of the case study districts.

⁵¹ This description captures the general pattern of assignments, but some assignments shifted during data collection. One courtroom that was initially shared by a pair of senior district judges, for example, became for a period of time an “unshared” courtroom when one of the judges moved to a newly vacant courtroom. The senior district judge remaining in the courtroom was later paired with a new active district judge.

- **Combined Time.** The courtrooms shared by pairs of senior and active district judges or two senior district judges have a lower number of combined actual use and scheduled hours per day (3.3 hours) than the individually assigned active district judge courtrooms in New York Southern (3.6 hours) and in the sample districts (4.1 hours).
- **Courtroom Availability.** There were no days on which a courtroom was not available (data not shown in table). Most commonly, 50% to 74% of the courtrooms were in use on any given day, for either actual or scheduled events. The four overflow courtrooms, which are used less than the other types of courtrooms, may or may not be one reason for this finding, but, in any case, this finding is similar to the findings for large courthouses in the sample districts.

Table 12
Summary of Findings on Actual Use, Scheduled Time, and Combined Time, Based on Sixty-three Workdays (Pearl Street Courthouse, Southern District of New York, April 16 to July 15, 2007)

	Assigned to a Single Active District Judge	Assigned to a Single Senior District Judge	Assigned to a Single Full-Time Magistrate Judge	Assigned to Two or More Full-time Magistrate Judges	Assigned to Judge Combination Other than Two Magistrate Judges	Magistrate Judge Duty Courtroom	Not Assigned (Overflow)
Number of Courtrooms	17	6	1	5	9	1	4
Average Hours of Actual Use Per Day	2.7	2.2	2.4	2.2	2.0	8.6	1.7
Number and Percent of Days on Which Something Was Scheduled	31 49%	19 30%	36 57%	35 51%	32 56%	57 90%	14 22%
Average Hours of Non-Overlapping Time Scheduled Per Day	1.9	1.1	2.0	1.5	2.3	7.2	1.0
Average Hours of Overlapping Time Scheduled Per Day	0.2	0.1	0.1	0.1	0.3	0.1	0.2
Average Hours Per Day of Combined Actual Use and Non-Overlapping Scheduled Time	3.6	2.8	3.2	2.8	3.3	10.3	2.3

The findings on actual use and scheduled time for New York Southern are to some extent counterintuitive. Most observers would expect higher use in the shared courtrooms, especially those in which an active district judge is one of the

sharing judges, than in the courtrooms assigned to individual judges. Possible explanations for the pattern of use in the paired courtrooms include (1) the decision about which judges to pair (e.g., active district judges with senior district judges with smaller caseloads); (2) the use of the overflow courtrooms, which absorb some of the time that might otherwise be spent in the shared courtrooms; and (3) the paired judges' frequent borrowing of courtrooms assigned to single judges. We know, as well, that at times during the data collection period one or more pairs of judges were temporarily reduced to a single judge owing to such circumstances as extended illness.

Findings from the Interviews

We conducted interviews with twenty-three judges who share courtrooms and twenty-one staff members who schedule for them. The interviewed judges included seven active district judges, six senior district judges, and ten magistrate judges.⁵² An additional active district judge and a senior district judge indicated that they effectively shared a courtroom “in name only” with a senior judge, so we have omitted their views from discussion, along with those of their scheduling deputies. We did not, by design, interview the twenty-four judges who have individually assigned courtrooms.

The interviews with judges included a number of questions, but two were central (see Appendix 9 for the interview protocol). We asked the judges to describe their experience with the district's courtroom sharing arrangement and to give an overall assessment of how the arrangement has worked. Questions for court staff concentrated on how they scheduled matters in the courtrooms, with specific attention to scheduling conflicts and courtroom availability.

We preface the summary of the interviews with two observations. First, although the respondents rarely mentioned it explicitly, we believe their responses to our interviews were grounded in their understanding that the need for shared courtrooms would be of limited duration. It is reasonable to expect that sharing might be evaluated in a different light if respondents expected the arrangements to be permanent. Second, we did not ask judges or staff to comment on collegiality, but the vast majority noted the importance of personal compatibility in making shared courtrooms work. With few exceptions, those we interviewed volunteered that they worked with a “good” partner, meaning a partner they said was cooperative and flexible.

Overall Evaluation

Two judges we interviewed (both active district judges) offered assessments of sharing that were negative. Neither of the judges felt entitled to an equal claim on the courtroom they shared with the senior judge partner because, they felt, the courtroom “belonged” to the senior judge.⁵³ As a consequence, these judges did

⁵² The number of active district judges contacted for an interview included a new district judge assigned to a shared courtroom. Four senior district judges who are assigned to a shared courtroom did not respond to our interview request.

⁵³ Senior district judges in the Pearl Street courthouse were asked to share their assigned courtrooms with the active and senior district judges moving over from the Foley Square courthouse.

not feel they could arrange things in the courtroom to meet their own needs, and they said they made frequent moves to other courtrooms to accommodate the senior judge's schedule. Such accommodations presented logistical challenges that led the judges to conclude that courtroom sharing had not worked.

Six judges we interviewed (one active district judge, one senior district judge, and four magistrate judges) said the sharing arrangement they had fashioned with their partner judge was adequate for the purpose of getting their work done. Their interviews made clear, however, that they did not view sharing as optimal. The magistrate judges in particular seemed to experience specific scheduling constraints. None of the judges we interviewed criticized the decision to have the magistrate judges double up in courtrooms, but each of the magistrate judges cited reduced scheduling flexibility as a drawback to using shared courtrooms, especially for cases with multiple parties. Other drawbacks cited by half or more of this group of judges were more staff time spent on scheduling; inconveniences for attorneys, parties, or the public (such as getting lost or having to take exhibits down quickly); and inconveniences and inefficiencies from having to set up or use a courtroom that is not customized for oneself (including managing non-standard technology and uncomfortable chairs).

The remaining fifteen judges (four active district judges, five senior district judges, and six magistrate judges) reported that their experience with shared courtrooms had not, in every case, been without complication, but none felt these complications interfered with how their work was done.

Most of the interviewed judges reported that the district's courtroom sharing arrangement had had little or no impact on their case management practices and had not changed how they used non-courtroom space, although three of the ten magistrate judges said they now conduct telephone conferences more frequently from chambers.

While twenty-one of twenty-three judges assigned to shared courtrooms said shared space met their needs, most judges who volunteered a preference indicated that they looked forward to having a courtroom of their own again or otherwise indicated a preference for their own courtroom.

When asked to comment on whether their scheduling duties were routine or challenging, almost all schedulers reported that scheduling was routine. This description did not mean that scheduling was without complication; schedulers indicated that it could be complicated to make arrangements for events that came up suddenly, involved multiple parties, or were trials. They were split in their overall assessment of how well the district's courtroom arrangement had worked. One said the logistics of scheduling had been burdensome and reported the overall experience as negative; seven said the arrangement had worked, but was not optimal; fourteen said the arrangement worked well or reasonably well. Without exception, the judges' staff told us that they have always been able to find a courtroom when one was needed.

Magistrate judges shared space that had not previously been assigned to either of the judges in a pair.

Reasons the Sharing Arrangement Has, Overall, Worked for This District

If a judge reported during the interview that the court's sharing arrangement had worked, we followed up with an open-ended question asking what, if anything, made it work. Respondents identified several reasons. It was important, they said, that each shared courtroom was assigned to a pair of judges carrying compatible caseloads—i.e., to an active district judge and senior district judge, to two senior district judges, or to two magistrate judges. They also noted that they often borrowed more convenient or better-equipped courtrooms from judges who have individually assigned courtrooms. A third major reason the sharing arrangement has worked, we were told, is that judges and staff have been committed to making it work and have been cooperative and flexible. Staff and judges alike emphasized the importance of having a good partner. Only a few identified the overflow courtrooms as critical to the success of sharing.

When asked, judges from the Southern District of New York had advice for similar districts faced with the need to structure a sharing plan: Avoid a model that revolves around a centrally scheduled pool of courtrooms; instead, assign two judges to share a single courtroom. The pairing of judges should take into account the workload of each. Chambers for each judge should be proximate to the courtroom. With respect to a duty courtroom, the magistrate judges observed that the space has enhanced utility under shared conditions because magistrate judges can plan for extended use of their own courtroom when the partnering judge is on criminal duty.

XIII. Judges' Views of and Experiences with Courtroom Use

In the summer and fall of 2007, we sent a questionnaire to all active district judges, senior district judges, and magistrate judges, asking for their courtroom use experience and their views on the use and allocation of courtrooms. We received completed questionnaires from 1,014 judges (359 active district judges, 70 chief district judges, 186 senior judges, and 399 magistrate judges), for an overall response rate of 66%. In this section we summarize their responses. See Appendix 10 for the survey design and questionnaire.

Courtroom Assignment and Frequency of Courtroom Sharing

With respect to current courtroom allocation, 85% of respondents reported that the courtroom they use most frequently is assigned to them and that they are the only (31%) or primary (54%) user of it. In contrast, 15% of the respondents said they share a courtroom or courtrooms with other judges. Approximately 6% of respondents reported that they are one of two judges to whom a courtroom is assigned as their primary courtroom, and about the same percentage reported that they use several different courtrooms, along with other judges, and do not have a courtroom specifically assigned to them.⁵⁴ As Table B.1 in Appendix 11 indicates, higher proportions of senior district judges and magistrate judges reported that they do not have an individually assigned courtroom (24% and 20%, respectively), relative to active district judges and chief district judges (7% for each). In response to a separate question, judges who share courtrooms reported most frequently (50%) that this occurred because there was not enough space in the courthouse for each judge to have his or her own courtroom. See Table B.2 in Appendix 11 for more detail about this question and responses.

Even though most judges have an individually assigned courtroom, most of those with their own courtroom (64%) reported that their courtroom is used by other judges sometimes, and most judges (92%) also sometimes use courtrooms or spaces other than the one that is primarily assigned to them. Overall, senior district judges and chief district judges reported the highest levels of sharing their courtrooms with others on a non-routine basis. See Table B.3 in Appendix 11 for more detail about this question. The most frequently mentioned reason (61%) for non-routine sharing was that another judge serving in the courthouse needed a courtroom for some reason other than absence of a feature in his or her own courtroom and the responding judge's courtroom was available. See Table B.4 in Appendix 11 for more detail about this question and responses.

With respect to courtroom scheduling, judges who routinely share courtrooms were more likely to have had occasions in the past twelve months when they did not have a courtroom available to hold a proceeding than were judges with individually assigned courtrooms (58% compared with 31%). Table B.5 in Appendix 11 shows, for both sharing and non-sharing judges, how frequently they mentioned the various reasons for unavailability of their courtrooms.

⁵⁴ Table B.1 in Appendix 11 shows the phrasing of response options for this question and the percentage of respondents selecting each option, including two options not discussed here. The findings in the table are further broken down by type of judge responding.

When their primary courtroom was unavailable, judges most often found another courtroom in which to hold a proceeding (78% reported using this option “occasionally” or “often”). Less than one-quarter (21%) of judges overall reported that they occasionally or often used a non-courtroom space to hold a proceeding when a courtroom was unavailable. See Table B.6 in Appendix 11 for all response options and the frequency with which they were selected. For fifteen of sixteen types of civil and criminal proceedings that we asked about in a separate set of questions, a higher percentage of judges without their own assigned courtroom reported sometimes holding that type of proceeding in a non-courtroom location relative to judges with their own assigned courtroom, although many of the differences were small.

In response to an open-ended question about courtroom scheduling, about 40% of responding judges with their own assigned courtroom noted that they could assume their courtroom was always available to them, while 5% of judges without their own assigned courtroom said they could assume one would always be available. About half of the responding judges without an assigned courtroom mentioned having to coordinate with staff outside their own chambers (i.e., clerk’s office staff or another judge’s chambers staff) in order to schedule use of a courtroom for a proceeding, compared with 20% of judges with their own assigned courtroom.

Judges’ Views About Courtroom Allocation and Sharing

In addition to asking about the assignment of courtrooms, we asked judges for their views on a number of issues relating to courtroom allocation and sharing.

Courtroom Allocation Policy

As shown in Table 13 below, on the overall issue of how courtrooms should be allocated, almost half of the judges—46%—said they believe that all federal district judges should have their own courtrooms. An additional 46% percent believe that most judges should have their own courtroom, but that there are situations in which it makes sense for some judges to share courtrooms.

A higher percentage of senior judges (11%) supported sharing among most or all judges as compared with active district judges (5%), chief judges (4%), or magistrate judges (6%). Among judges who have their own assigned courtroom, 95% believe most or all judges should have their own courtroom, as compared with 76% of judges who do not have their own assigned courtroom.

Table 13
Judges' Overall Views on the Allocation of Courtrooms Among Judges

Response Options	Overall Percentage of Judges Agreeing (n = 1010)	Active District Judges (n = 358)	Chief District Judges (n = 70)	Senior District Judges (n = 184)	Magistrate Judges (n = 398)
Each judge should have his or her own primary courtroom.	46%	46%	44%	40%	50%
Most judges should have their own primary courtrooms, but there are situations in which it makes sense for some judges to share courtrooms.	46%	48%	51%	48%	43%
Most judges should share courtrooms, but there are situations in which it would make sense for some judges to have their own primary courtrooms.	4%	3%	3%	8%	4%
All judges should share courtrooms according to the specific needs of their cases.	2%	2%	1%	3%	2%
Other.	1%	1%	0%	2%	2%

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, 67% of the responding judges said it was “very” important to them, 15% said it was “somewhat” important, 5% said it was “slightly” important, and 14% said it was “not” important. These views differed by type of judge responding and by his or her current courtroom situation. Overall, 89% of active district judges said it was somewhat or very important to them to have their own courtroom, as compared with 77% of magistrate judges and senior district judges. Similarly, 87% of judges who currently have their own assigned courtroom said it was somewhat or very important to them to have their own courtroom, as compared with 50% of judges who do not currently have their own assigned courtroom.

Proximity of Chambers to Courtroom

We asked judges to describe the reasons, if any, why their primary courtroom was easier for them to use than another courtroom. Of the judges who responded, the most frequent response was that their primary courtroom was easier to use because of the proximity of their chambers (54%). Those who provided further explanation pointed to increased work productivity and security afforded by having chambers in close proximity to their courtroom. In response to a separate question

about chambers proximity, judges who share courtrooms were less likely to report that their chambers are in close proximity to their primary courtroom (64%, as compared with 93% of judges with their own assigned courtroom). They were also slightly less likely to indicate that it was “somewhat” or “very” important to have their primary courtroom in close proximity to their chambers than were judges who have their own assigned courtrooms (81%, as compared with 90%, respectively).

Perceived Effects of Courtroom Sharing

For judges who currently share courtrooms, we asked them about the effects of sharing courtrooms on several matters related to themselves as well as the parties and attorneys. Judges who have their own assigned courtroom but sometimes use other courtrooms to hold proceedings were asked about how using another courtroom affected the same matters. See Tables B.7 and B.8 in Appendix 11 for a summary of responses to each of these questions. In general, judges perceived the sharing or using of another judge’s courtroom as having a neutral or detrimental effect on most matters, with the highest ratings for detrimental effects being for effects on the judges themselves.

For example, 56% of judges with their own assigned courtroom and 35% of judges who currently share thought that sharing or using another courtroom has a detrimental effect on the judge’s own efficiency; in contrast, 9% of judges with their own courtroom and 11% of sharing judges thought that sharing or using another courtroom had a detrimental effect on the cost to parties and attorneys, with most saying they didn’t know what the effect was or that they believed it was neutral. We also asked about the effects of sharing or using another courtroom on the speed with which proceedings are resolved (perceived mostly as neutral or detrimental); the convenience for parties and attorneys (mixed perceptions, especially among judges with their own courtrooms); and evidence presentation (perceived as mostly neutral).

In a separate question, the responses to which are also summarized in Tables B.7 and B.8 in Appendix 11, we asked all judges how sharing courtrooms does or would affect their ability to manage their caseloads. Judges who do not currently share were more likely to think sharing would have a negative effect on caseload management (with 90% saying sharing would somewhat or greatly compromise their caseload management) than judges who currently share (47% saying that sharing somewhat or greatly compromises caseload management).

The Latent Use of Courtrooms

In addition to asking about the perceived effects of sharing, we asked judges for their opinions about whether their courtroom serves any function when it is not actively being used, a concept sometimes referred to as “latent use.” Ten percent of respondents said this “never” occurs, 17% said it “rarely” occurs, 35% said it “occasionally” occurs, and 38% said it “often” occurs. When asked to describe situations in which a courtroom did serve such a function, judges who provided a response most frequently mentioned use of the courtroom by civic or educational groups and encouraging settlement because parties know a trial can go forward (each mentioned by approximately 30% of judges answering the question).

To explore the settlement issue further, we specifically asked judges for their views about how often, in cases approaching trial, the combination of a certain trial date and a place to hold trial encourages parties to reach a settlement or plea bargain. Most respondents (81%) said this happens “often,” while 12% said it happens “occasionally.”

Following up on this, we asked judges how often they set a trial date in a case that is approaching trial without knowing which courtroom they will use for trial. Of judges with their own individually assigned courtroom, 86% said they “never” (66%) or “rarely” (20%) set a trial date without knowing which courtroom they will use, whereas half (50%) of the judges without an individually assigned courtroom said they “occasionally” (18%) or “often” (32%) set a trial date without knowing which courtroom they will be using.

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

Most Important Considerations for Policymakers

To inform policymakers of judges’ views on one of the ultimate issues in this study, we asked judges to describe what was most important for Congress and judicial policymakers to consider in determining whether to require district judges to share courtrooms. The most frequent consideration, mentioned by more than one-third of the 810 judges who answered this question, was efficiency, or avoiding delay, in managing cases. Three additional factors were each mentioned as being important to consider by more than 5% of judges who answered this question: (1) the caseload or “busy-ness” of judges (13%); (2) the balance between cost savings and potential detrimental effects (6%); and (3) the effects of courtroom sharing on those outside the court, such as the litigants, witnesses, and attorneys (6%).

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 district or on a national level. Of the judges who provided a response to the question (approximately 40% of overall respondents), the largest percentage (25%, or 103 judges) said they thought courtroom sharing was a bad idea. The most frequent substantive suggestion, mentioned by forty-three judges (11%), was to have sharing occur between senior judges with low caseloads. Some of these judges simply mentioned “low” or “reduced” caseloads, while others specified a percentage, most commonly 50% or less of a full caseload. Thirty-six additional judges (9%) suggested sharing among senior judges without specifying any caseload standards. The next-most-frequent type of suggestion, mentioned by twenty judges (5%), was to leave decisions about implementing courtroom sharing to individual districts or divisions.

Summary

Most federal judges, particularly active district judges, have their own assigned courtroom, although most of those courtrooms have been used on occasion by other judges and most judges have used courtrooms or spaces other than their own to hold proceedings. Judges who do not have their own individually assigned

courtroom are slightly more likely to have instances where they do not have an available courtroom in which to hold a proceeding, to use a more complex process to schedule proceedings, and to have the primary courtroom they use not be in close proximity to their chambers. They are also less likely to report that sharing courtrooms has a negative effect on case management. Almost half (46%) of the judges responding to the survey believe that all federal judges should have their own assigned courtrooms, and the same percentage believe that most judges should have their own courtrooms but that there are situations in which it makes sense for some judges to share courtrooms.

XIV. Attorneys' Views of and Experiences with Courtroom Use

In the winter of 2007–2008, we sent a questionnaire to a national sample of 3,846 attorneys who had recent case experience in federal district court. The response rate was 27%, or 1,022 respondents. Their mean and median years of practice experience were twenty years. The survey design and questionnaire are provided in Appendix 12.

Attorneys' Experience with Courtroom Allocation Arrangements

To determine the extent to which attorneys who responded to the questionnaire had experience with courtroom sharing in federal district courts, we asked them to identify how courtrooms are allocated among judges in the district in which they most frequently practiced. About 8% of attorneys responding to the questionnaire reported that most judges shared courtrooms or used any available courtroom in the district in which the responding attorney most frequently practiced, while 80% reported that most judges had individually assigned courtrooms. The full set of responses, along with the wording of the response options, are shown in Table C.1 in Appendix 13.

Scheduling and Rescheduling of Courtroom Proceedings

We asked the attorneys a series of questions about scheduling matters for the courtrooms, to determine whether, from their perspective, shared courtrooms have an effect on scheduling. Overall, 85% of attorneys reported that they know the final courtroom location in which a proceeding will be held at the time the date for the proceeding is set. This number was higher for attorneys who primarily practiced in districts where judges have their own assigned courtroom (90%) than it was for attorneys in districts where most judges share courtrooms (64%).

When proceedings are rescheduled, lack of an available courtroom is never (87%) or rarely (11%) the reason. Attorneys more frequently reported that rescheduling of a proceeding is prompted by a party or attorney scheduling conflict (71% said this happened “occasionally” or “often”) or unforeseen developments in a case (55% said this occurred “occasionally” or “often”). Attorneys in shared-courtroom districts were slightly less likely to report that courtroom unavailability was never a reason for rescheduling, but even among that group, fewer than 3% reported that courtroom unavailability prompted reschedulings occasionally or often. See Table C.2 in Appendix 13 for more details.

When asked about the effects of rescheduled proceedings, attorneys reported that the most frequent effects were that the client incurred additional litigation costs generally, the attorney had to reschedule other professional obligations, and the attorney had to re-prepare the case. For each of these effects, at least 10% of attorneys said it happened “often.” Attorneys least frequently reported having to retain alternate experts, pay experts when they didn’t testify, or have themselves, their clients, or witnesses engage in unnecessary travel. “Other” effects mentioned by attorneys in comments were creating stress for clients or parties; having to re-notify victims who have a right to be present at the proceeding; and having to find

colleagues to handle conflicting obligations. Table C.3 in Appendix 13 provides the full set of responses.

Attorney Use of Courtrooms for Matters Other than Case-Related Proceedings

Even when case-related proceedings are not taking place in a courtroom, there are times when attorneys or their case materials occupy the courtroom. The most frequent circumstances under which attorneys reported being in a courtroom without a judge-directed proceeding taking place were when they were (1) testing out or setting up electronic equipment, (2) arranging exhibits or case materials, or (3) discussing procedural issues with court personnel. Attorneys' materials were most frequently in the courtroom during daytime breaks, while attorneys were testing out or setting up electronic equipment or other materials, and while the jury was deliberating after a trial. See Table C.4 in Appendix 13 for more details.

When asked about what would happen if the courtroom were not available during those times, more than one-quarter (28%) of attorneys said that it would be very inconvenient to have to take their materials with them during breaks if they were not allowed to be left in the courtroom. Other problems they mentioned included that daily set-up would be very time-consuming (12%); that it would delay proceedings (6%); that it would increase the parties' expenses (5%); and that there would be less privacy for attorney–client conversations (4%). About 9% of those responding indicated that it would not be a problem if a courtroom were not available during the listed circumstances.

The Role of Courtrooms in Settlement: The Latent Use of Courtrooms

We asked attorneys two questions about the role of courtrooms in the settlement of cases. The first asked whether an available courtroom *in itself* plays a role in promoting settlement. The second asked attorneys to identify the three most important factors (from a list of nine) in prompting settlement. Twenty-four percent of the respondents said the *combination* of courtroom, judge, and trial date certainty is the most important factor in prompting settlement, and 53% said it is one of the three most important factors in prompting settlement. With regard to courtroom availability *in itself*, 17% of the respondents said courtroom availability plays a major role in prompting settlement, 29% said it plays some role, 24% said it plays a very small role, and 31% said it plays no role. Tables C.5 and C.6 in Appendix 13 provide the full responses.

The Perceived Effects of Courtroom Sharing

Sixty-three attorneys with experience in districts where most judges shared courtrooms reported that the fact that judges did not have their own courtrooms had an effect on them or their clients. The effects mentioned most frequently included scheduling difficulties, delays in proceedings, and confusion in finding or directing clients and witnesses to the correct courtroom.

Twenty-six percent of the respondents (266 attorneys) had practiced before a state court judge who shared a courtroom. Of these attorneys, 118 reported that the shared courtroom arrangement had had an effect on them or their client. Simi-

lar to respondents with experience in shared federal courtrooms, those who explained the effect of shared state courtrooms most frequently mentioned increased delays in proceedings (noted by 32% of the respondents), confusion or uncertainty about the correct courtroom (26%), difficulties in scheduling proceedings (20%), and client or witness difficulty in finding the correct courtroom (15%).

Views on Courtroom Allocation Policy

As Table 14 shows, 44% of responding attorneys believed that each federal judge should have his or her own assigned courtroom, and 36% believed there are at least some circumstances in which judges could or should share courtrooms. Attorneys practicing in districts where most judges share courtrooms were more supportive of sharing than were attorneys practicing in districts where most judges have their own assigned courtrooms (50% compared with 16%).

Table 14
Attorneys' Overall Views of Federal Courtroom Allocation

	% of Attorneys Selecting This Response (N = 974)
Each federal district judge should have his or her own individually assigned courtroom.	44%
Most federal district judges should have their own individually assigned courtrooms, but there are situations in which it would make sense for some judges to share.	36%
Most federal district judges should share courtrooms, but there are situations in which it would make sense for some judges to have their own individually assigned courtrooms.	7%
All federal district judges should share courtrooms according to the specific needs of their cases.	4%
I do not have an opinion on this issue.	9%
Other.	< 1%

When asked to explain their opinions on courtroom allocation, attorneys who believed each federal district judge should have his or her own individually assigned courtroom most frequently mentioned that they were generally not in favor of sharing (25% of the attorneys who believed each judge should have his or her own assigned courtrooms), that sharing increases scheduling problems (12%), that it is important to know the location of a proceeding ahead of time (10%), that sharing is less efficient (8%), that it is important to be in the same place for an entire proceeding (6%), and that courtroom sharing diminishes the prestige of federal courts or judges (6%). Those who indicated they favored courtroom sharing in at least some situations most frequently mentioned that courtrooms are fre-

quently vacant and therefore could be shared (11%) and that senior district judges with reduced caseloads could share (7%).

Summary

In summary, about half the attorneys who responded to the survey were in favor of all federal district judges having their own courtrooms. Just over a third thought there were at least some circumstances in which judges could share courtrooms; this belief was more prominent among attorneys who had experience in districts in which most judges shared courtrooms. Attorneys generally said that courtroom availability *by itself* does not play a large role in promoting settlements, but they indicated that the combination of courtroom, judge, and trial date certainty contributes more than several other factors to settlements in civil cases. About one-third of the attorneys responding to the survey had experience practicing in shared courtrooms in either federal or state court; of those attorneys, just over half felt that sharing courtrooms affected attorneys and parties by increasing delays, increasing scheduling difficulties, or increasing confusion about finding the correct courtroom.

XV. Final Comments on the Study and Its Findings

Every study has limitations, and this study is no exception. Objectivity demands that we note the limits of the current work so that those who evaluate the findings can take them into consideration. We note three principal limitations.

The study represents the pattern of courtroom use during a single period of time. 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 district court caseloads, changes in the mix of case types, changes in the ratio of active to senior district judges, changes in the work of magistrate judges, adoption of different case management practices, and creation of additional judgeships.

The study collected data over a six-month period of time. Collection over the span of a full year would have been desirable, but time constraints dictated the shorter period. Although we know from data reported for other purposes that trial time historically is slightly above average during the six months we collected data, those six months include neither the highest nor lowest volume months of the year.

The data for the study were not gathered by the “ideal” data collector. The ideal collector 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 district. This person does not exist, and we relied instead on staff of the district 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 limits above notwithstanding, we believe the methods and the data collected by the study are sound. The study was based on a large, random, national sample of district courts. Districts, by design, 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 canceling of courtroom events. The sum total is 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 district courtroom scheduling and use.

FJC Courtroom Use Study

Final Report Appendices

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Appendix One

**Letter from Congressman Bill Shuster,
November 4, 2005**

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U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

Don Young
Chairman

James L. Oberstar
Ranking Democratic Member

November 4, 2005

Lloyd A. Jones, Chief of Staff
Elizabeth Morganston, Chief Counsel

David Heyman, Democratic Chief of Staff

The Honorable Jane R. Roth
Judge, Third Circuit Court of Appeals
Lockbox 12
5100 Federal Building
844 N. King Street
Wilmington, DE 19801

Dear Judge Roth,

At the Subcommittee's hearing on the Judiciary's rent this past June, the need for additional courtrooms was raised, and while it is a primary factor driving the need for new and larger courthouses, there is a total lack of information as to how frequently these courtrooms are being used. During the hearing, I suggested that a means by which some of this information could be gathered was a comprehensive usage study.

Following the Subcommittee's hearing you and I had a very frank, and I believed productive, conversation about the issue of courtroom sharing and usage. At that time, I again expressed my desire to gather more information about the actual amount of time Courtrooms across the country were in use by way of a detailed usage study. You raised many very valid and important factors that you believe should be considered, each of which I agreed should be included, provided we conduct such a study.

It was my understanding at that time that we were in agreement that the study would go forward, incorporating the concerns you raised at that time. It was also my understanding that you would direct your staff to begin to design such a study in consultation with the Subcommittee staff and with the expert advice of the Physical Infrastructure Division of the Government Accountability Office. It has come to my attention that no work has been done in furtherance of this request, and that this is because of the lack of a letter formally requesting such a study.

Please consider this a formal request for a study into the usage of courtrooms across the country. At a minimum, it is my expectation that this study will:

1. Document how often courtrooms are actually in use (meaning that there are people in the courtroom for official functions) based on a statistically significant sampling of courthouses;
2. Be designed with the input of the Government Accountability Office's Physical Infrastructure Division; and,
3. Incorporate such other factors as you deem necessary

I believe that gathering this information is in the best interest of the Judiciary, this Subcommittee and most importantly, the American taxpayer. Once this study is completed, the information gathered will, I believe, allow us all to do our jobs in a more productive manner, and ultimately save money by ensuring we are building what the Judiciary needs to carry out its Constitutional responsibilities.

Thank you for your attention to this matter. If you have any questions, or would like to discuss this matter further, please do not hesitate to contact me or the Subcommittee staff. This matter is too important to suffer any additional delay.

Sincerely,



Bill Shuster
Chairman
Subcommittee on Economic Development,
Public Buildings and Emergency Management

Cc: The Honorable Eleanor Holmes Norton
The Honorable David M. Walker

Appendix Two

The Federal Judiciary's Policy on Courtroom Allocation

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Considerations for Determining the Number of Courtrooms^{*}

The following policy statement, adopted by the Judicial Conference of the United States, encourages courts to take several factors into account when considering the construction of additional courtrooms:

Recognizing how essential the availability of a courtroom is to the fulfillment of the judge's responsibility to serve the public by disposing of criminal trials, sentencing, and civil cases in a fair and expeditious manner, and presiding over the wide range of activities that take place in courtrooms requiring the presence of a judicial officer, the Judicial Conference adopts the following policy for determining the number of courtrooms needed at a facility:

With regard to district judges, one courtroom must be provided for each active judge. In addition, with regard to senior judges who do not draw a caseload requiring substantial use of a courtroom, and visiting judges, judicial councils should utilize the following factors, as well as other appropriate factors, in evaluating the number of courtrooms at a facility necessary to permit them to discharge their responsibilities.

- *An assessment of workload in terms of the number and types of cases anticipated to be handled by each such judge;*
- *The number of years each such judge is likely to be located at the facility;*
- *An evaluation of the current complement of courtrooms and their projected use in the facility and throughout the district in order to reaffirm whether construction of an additional courtroom is necessary;*
- *An evaluation of the use of the special proceedings courtroom and any other special purpose courtrooms to provide for more flexible and varied use, such as use for jury trial; and*
- *An evaluation of the need for a courtroom dedicated to specific use by visiting judges, particularly when courtrooms for projected authorized judgeships are planned in the new or existing facility.*

In addition, each circuit judicial council has been encouraged by the Judicial Conference to develop a policy on sharing courtrooms by senior judges when a senior judge does not draw a caseload requiring substantial use of a courtroom.

The following assumptions, endorsed by the Judicial Conference in March 1997, should be considered to determine courtroom capacity in new buildings, new space, or space undergoing renovation. This model allows assumptions to be made about caseload projections, and the time frames in which replacement, senior, and new judgeships will occupy the facility.

^{*} Administrative Office of the U.S. Courts, U.S. Courts Design Guide (AOUSC, Washington, DC, December 19, 1997, pp. 4-43 to 4-45).

The model affords flexibility to courts and circuit judicial councils when making decisions about the number of courtrooms to construct in a new facility, since adjustments to the assumptions can be made to reflect a specific housing situation “on-line.”

- *The number of new judgeships approved by the Judicial Conference and recommended for approval by Congress, and the year approval is expected;*
- *The number of years senior judges will need a courtroom after taking senior status (a ten-year time frame is recommended);*
- *The average age of newly-appointed judges at the court location;*
- *Caseload projections based upon the district's long range facility plan (other caseload measures such as raw or weighted filings might also be considered);*
- *The percentage of the total district caseload handled at the location;*
- *The ratio of courtrooms per active and senior judge (at present the model assumes a ratio of one courtroom per judge);*
- *The number of years it will take for a new judgeship to be approved by the Judicial Conference and Congress once weighted filings reach the level that qualifies a court for an additional new judgeship (a three-year time frame is recommended);*
- *The number of years before replacement judges will be onboard after a judge takes senior status (a two-year time frame is recommended); and*
- *The year the judges are expected to take senior status once they become eligible (a court or council should assume a judge will take senior status when eligible).*

The planning assumptions described above are subject to modification by courts in consultation with the respective judicial council.

Appendix Three

Summary of Previous Research on Courtroom Use

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Courtroom Use Study

Previous Research and Reports on Courtroom Use

A limited number of studies of courtroom use have been done in the past. A brief summary of these studies appears below, along with summaries of several relevant reports.

Studies of Courtroom Use in the Federal Courts

The judiciary and Congressional committees have each commissioned two studies of courtroom use in the federal courts. In addition, at the request of either the judiciary or Congressional committees, several organizations have produced reports that discuss the issue of courtroom allocation and sharing

1993. In response to a Congressional request, the GAO evaluated the methodology used by the Administrative Office to project long-range space needs.¹ The GAO was critical of the methodology and found the estimates of future space needs unreliable.

1996. The Judicial Conference Committee on Security, Space, and Facilities commissioned a study that attempted to predict the caseload impact of shared courtrooms.² Known as the Leekley/Rule report, the study tested several mathematical models for predicting space requirements.

1996. The Administrative Office contracted with the RAND Institute for Civil Justice to review research to date on courtroom use.³ RAND found five studies; of these, only the Leekley/Rule study focused on the federal courts. RAND concluded that existing research did not provide a solid empirical basis for determining an appropriate courtroom-to-judge ratio and recommended a comprehensive research project.

1996. At the request of the Judicial Conference Committee on Court Administration and Case Management, the Federal Judicial Center reviewed the Leekley/Rule study and concluded that inadequate data rendered the study's findings inconclusive.⁴ The Center recommended that the judiciary make a long-term commitment to improving data collection that would more fully describe the activities in the courts.

¹ General Accounting Office, *Federal Judiciary Space: Long-Range Planning Process Needs Revision* (GAO/GGD-93-132, September 1993). The General Accounting Office is now known as the Government Accountability Office. We use the new name throughout our report.

² Leekley, E.H., & Rule, W.T. II, *The Impact of Providing Fewer than One Courtroom Per Judgeship* (Administrative Office of the U.S. Courts, 1996).

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

⁴ Federal Judicial Center, *Research Note on "The Impact of Providing Fewer than One Courtroom per Judgeship"* (Federal Judicial Center, August 1996).

1997. In response to a Congressional request, the Government Accountability Office examined courtroom use in seven district courts.⁵ The GAO concluded that in some circumstances federal district judges probably could share courtrooms. But the GAO also identified a number of limitations in the study due to inadequate data and recommended that the Administrative Office, the Federal Judicial Center, and the Judicial Conference design and implement research to more fully examine courtroom use.⁶

2000. The Congressional Budget Office used data from GAO's 1997 study to respond to a Congressional request for an analysis of courtroom sharing.⁷ The CBO attempted to estimate the effect of courtroom sharing on trial delays but noted that their model lacked many of the factors that can influence trial length and delay.

2000. The Administrative Office commissioned Ernst & Young to conduct a study of the judiciary's space and facilities program.⁸ The study used GAO's 1997 data to determine whether judges could share courtrooms. The study concluded that a complete answer to the question of courtroom sharing would require data not currently available.

2000. The GAO provided comments to Congress on the Ernst & Young study.⁹ The GAO was critical of the study and emphasized the continuing lack of courtroom data showing how often courtrooms were used. The GAO concluded that the judiciary seemed reluctant to do the needed research and suggested that Congress consider requiring the Administrative Office to provide persuasive courtroom use data to justify the number of courtrooms before funding courthouse construction projects.¹⁰

2002. The GAO reported to Congress on the judiciary's policies and practices for sharing of courtrooms among senior judges.¹¹ The GAO examined current policies in each circuit, interviewed judges in districts where courtrooms are shared, examined plans for sharing in future construction, and concluded that a significant amount of courtroom sharing was unlikely to occur in the future, even among senior judges.¹²

The theme of these studies is that current data cannot answer Congress's questions about courtroom sharing and that new research must be undertaken to collect appropriate and adequate data. Since first examining the issue, the GAO has urged the judiciary to undertake, as stated in its 2000 report, a “. . . cost-effective, empirical assessment that would generate actual courtroom use data Without these data,” the GAO stated, “it

⁵ General Accounting Office, *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking* (GAO/GGD-97-39, May 1997).

⁶ *Id.*, at pp. 22-23.

⁷ Congressional Budget Office, *The One-Courtroom, One-Judge Policy: A Preliminary Review* (Congressional Budget Office, April 2000).

⁸ Ernst & Young, *Independent Assessment of the Judiciary's Space and Facilities Program* (Ernst & Young, May 2000).

⁹ General Accounting Office, *Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue* (GAO-01-70, December 2000).

¹⁰ *Id.*, at p. 9.

¹¹ General Accounting Office, *Courthouse Construction: Information on Courtroom Sharing* (GAO-02-341, April 2002).

¹² *Id.*, at p. 2.

is not possible to determine more conclusively whether courtroom-sharing opportunities exist.”¹³ Likewise, the RAND Institute for Civil Justice and the Federal Judicial Center, when asked by the judiciary to assess current research, concluded that new data would be needed to examine the courtroom sharing question.

Studies of Courtroom Use in State Courts

To fully understand the background to our study, we also examined research on state court use of courtrooms. We found a number of studies undertaken to project future judgeship and courtroom needs, but these studies generally assumed a one-to-one ratio of courtrooms to judges. Only a small number of state court studies have examined courtroom use or courtroom sharing.

1977. To determine how to accommodate new judges in existing facilities, King County, Washington conducted a study to examine courtroom use.¹⁴ Using observations in the Superior Court courtrooms, the study found that the courtrooms were used, on average, 66% of the time and that 17% of the thirty courtrooms had a jury trial during the month-long data collection period.

1985. A study of the San Diego County court system examined whether anticipated caseload increases could be accommodated through courtroom sharing or off-hours court sessions.¹⁵ Based on interviews and workload data, the study concluded that sharing would be technically feasible in the civil division (the division most analogous to federal district courts), but that judicial attitudes, present court facilities, and the cost of a computerized scheduling system made substantial savings unlikely.

1989. The National Center for State Courts examined how an urgent need for space in Utah’s Third Judicial District might be met.¹⁶ The study, which covered five types of courts and was based on interviews with judges and court administrators, emphasized that when planning courtroom space, policy makers should balance potential savings against the burdens of centralized scheduling, the impact of reduced space on case dispositions, and the possibility of reduced judicial efficiency.

1994. Barnoski and Yang reported on a computerized case flow model developed by the Administrative Office of the Courts for Washington state.¹⁷ The simulation, which was developed for state courts of general jurisdiction, modeled the impact of case management practices, court resources, and scheduling practices on disposition time.

¹³ General Accounting Office, *Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue* (GAO-01-70, December 2000, at p. 7).

¹⁴ Office of the County Auditor, *King County Superior Courtroom Utilization Study* (King County, WA, March 1977).

¹⁵ Geisler Smith Association in association with Maureen Soloman and Walter H. Sobel, *Report to the County of San Diego Chief Administrative Office: Shared Courtroom Study* (April 1985).

¹⁶ Russillo, F., *The Co-Location of Trial and Appellate courts in Utah’s Third Judicial District: The Feasibility of Functional Consolidation* (National Center for State Courts, San Francisco, CA, September 1989).

¹⁷ Barnoski, R. & Yang, M., *The Trial Court Caseflow Simulation System: An Overview*, The Court Management and Administration Report, Vol. 5, No. 1 (April 1994).

The authors concluded that the model was conceptually easy to build and operate but that it required data that are probably not routinely recorded by most courts.

1995. The auditor's office in Multnomah County, Oregon examined the use of an existing county courthouse to determine future space needs.¹⁸ The audit found that on average 52% of the courtrooms were in use during the busiest part of the day and that the maximum percentage of courtrooms in use during an observation period was 70%. The study used a probability model to estimate the likelihood of courtroom shortages for different ratios of courtrooms to judges and found the optimum ratio to be seven courtrooms to ten judges. To control costs and increase courtroom use rates, the report recommended that the judicial system design smaller courtrooms to be shared by the judges.

1996. At the request of the Judicial Conference Committee on Court Administration and Case Management, a consultant surveyed state and local officials to determine whether judges in state trial courts share courtrooms.¹⁹ He found that in very few instances did state trial court judges share courtrooms as a matter of policy or practice. When sharing occurred it was usually due to space limitations or the need to accommodate senior or visiting judges. The preferred standard, including among judges who shared courtrooms, was a courtroom for each judge.

Of the six studies described here, three collected quantitative data about courtroom use. These three studies are jurisdiction-specific, and all six studies date back ten or more years. While informative, they do not provide the empirical data on courtroom use that the GAO has identified as necessary for decisions about courtroom sharing.

¹⁸ Multnomah County Auditor's Office, *Court Space Needs: Cost-Saving Alternatives* (Multnomah County Auditor's Office, 1995).

¹⁹ Hardenbergh, D., *Courtroom Sharing Practices Among State and Local Trial Courts* (Court Works, Williamsburg, VA, September 1996).

Appendix Four
Study Design and Methods

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Courtroom Use Study

Study Design and Methods

The questions for the study—all focused on how much time courtrooms are actually used and are scheduled for use—are quite straightforward, but the collection of data to answer the questions is not. 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 at the study website.

Our review of previous research, in particular the GAO’s 1997 study of courtroom use¹ and the RAND review of previous research,² informed our decisions about how to conduct the study. The GAO’s 1997 study is essentially the only study that has attempted to amass data on actual courtroom use in the federal courts.³ The GAO did not collect original data nor use a representative sample of courtrooms but relied on routinely reported data and a judgmental selection of districts.⁴ Subsequently, the GAO identified a number of limitations in its study, many 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—or the so-called “latent use” of the courtroom;⁸ and
- the study could not examine the scheduling of courtrooms.⁹

In response to the GAO critique and recommendations, we determined that we would, at minimum:

- conduct the study in a representative sample of district courts and in a sufficient number of districts so the findings would be generalizable;

¹ General Accounting Office, *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking* (GAO/GGD-97-39, May 1997).

² Dunworth, T. & Kakalik, J.S., *Research on Courtroom Sharing* (RAND Institute for Civil Justice, PM-598-1-ICJ, September 1996).

³ The CBO study and the Ernst & Young study relied on the data from the GAO’s 1997 study.

⁴ The GAO used data from the monthly JS-10 reports of courtroom activity, courtroom calendars, and the docketing system. General Accounting Office, *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking* (GAO/GGD-97-39, May 1997, at p. 8).

⁵ *Id.*, at p. 9.

⁶ General Accounting Office, *Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue* (GAO-01-70, December 2000, at p.5). In this report, the GAO commented on the Ernst & Young study, which used data from the GAO’s 1997 study.

⁷ *Id.*, at p. 17.

⁸ *Id.*, at p. 5.

⁹ *Id.*, at p. 5.

- collect the data over a calendar year to avoid seasonal fluctuations in courtroom use;
- collect data on the actual time courtrooms are in use by anyone on any activity, with the type of event and type of user identified;
- account for time when courtrooms are not available for use, such as periods when trial materials are in the room;
- account for time when courtrooms might not be expected to be used, such as days a judge is away;
- collect data on the scheduling, rescheduling, and canceling of courtroom events, including the reasons for reschedulings and cancellations;
- collect data on the time spent in other locations on events that might under other circumstances be held in courtrooms;
- include not only active district judge courtrooms in the study but also those used by senior judges and magistrate judges; and
- include districts known to be sharing courtrooms.

We discuss these decisions and others below.

The Type of Court in Which To Conduct the Study

Congressman Shuster’s letter (see Appendix 1) did not specify whether the study should be confined to any one type of court, but the history of Congressional inquiry and the focus of previous studies pointed to the district courts. Furthermore, the work of the courts of appeals and the bankruptcy courts and their use of courtrooms is sufficiently different from the district courts that including them would have required an expansion of the study beyond the resources available. Thus, we confined the study to the district courts.

The Selection of District Courts and Courtrooms for the Study

We decided at the outset to conduct the study in a randomly selected sample of district courts¹⁰ and in a large number of districts to ensure findings that were representative of the district courts as a whole. We call these the sample courts or sample districts. We also decided to select several districts in which judges were sharing courtrooms. These we call the case study courts or case study districts.

Our first task was to identify the population from which we would draw the sample. We defined the population as Article III district courts of general jurisdiction operating under normal conditions. By definition, the population did not include the three Article I territorial courts (Guam, the Northern Mariana Islands, and the Virgin Islands) or the two district courts with specialized jurisdiction (the Court of Federal Claims and the Court of International Trade). We removed from the population three districts that were not operating under normal conditions at the time we created the sampling frame. These were the District of Minnesota and the Southern District of New York, which each had closed a

¹⁰ Also, Congressman Shuster’s letter called for a “statistically representative sampling of courthouses.”

courthouse for renovation, and the Eastern District of California, which had an unusually high level of judicial vacancies. The final population included eighty-eight district courts.

We then developed criteria for drawing a random sample from this population.¹¹ After considering many different dimensions by which to select the sample, we chose two: (1) courtroom inventory, or the number of courtrooms in the largest courthouse in the district, and (2) a weighted filings estimate that focused on the likelihood that a courtroom proceeding would be held. The first dimension is a measure of courtroom capacity, and the second is a measure of courtroom demand. We were particularly committed to using a measure of capacity because fewer than one in five district courthouses has a dozen or more courtrooms. By building capacity into the sampling frame, we ensured that we would have a sufficient number of large courthouses in the study. The weighted proceedings measure 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. Because criminal cases have more courtroom proceedings than do civil cases, the relative weight of criminal cases to civil cases is higher in the weighted proceedings system than in the standard case weights system.

Our final sampling frame consisted of twelve cells and is shown at Attachment 1, with the total population of Article III courts of general jurisdiction listed in the cells.¹² We randomly selected two districts from each cell, for a final sample of twenty-four districts that varied in courtroom capacity and demand and represented every circuit except the District of Columbia. We randomly assigned the sample districts to the two data collection waves.¹³

We also selected three districts to serve as case study districts because of their experience with shared courtrooms. The District of Minnesota and the Southern District of New York are doing so because renovation has closed a principal courthouse. The District of South Dakota has done so for a number of years as a matter of district policy. We made no systematic effort to identify sharing districts and selected these three because they came to our attention while developing the sampling frame. The experience of these districts is not necessarily representative of the experience of any other district where judges may share courtrooms.

The study districts were notified of their selection on August 15, 2006 by a letter from Chief Justice Roberts. No court asked to be exempted from the study, but part way through, as we were preparing for the second wave of data collection, we decided to remove the Eastern District of Louisiana from the study. At the time we identified the population of districts eligible for the study, the district assured us they could participate if selected, despite the disruptions caused by Hurricane Katrina. When the time came to

¹¹ We discuss our decisions in developing the sampling frame in considerable detail in *The Sampling Frame*. See Appendix 14 for a list of technical appendices available from the project directors on request.

¹² The three districts removed from the population are also shown in Attachment 1 but are struck through.

¹³ We made insignificant adjustments in the random assignment of courts to waves to accommodate a few situations where compliance with the data collection procedures might be affected by ongoing court operations. One such situation involved a district that was implementing the CM/ECF system at the same time we would be collecting data. We dealt with such situations by exchanging districts that represented the same cell. For additional discussion of these decisions, see *The Sampling Frame*. See Appendix 14 for a list of technical appendices available from the project directors on request.

implement the study in this district, however, tens of thousands of new cases had been filed. Under these circumstances, we decided the district was no longer representative of the category of districts it had been chosen to represent, and we removed it from the study.

Table 1 shows the final set of study districts by wave. The sampling cells they represent can be seen at Attachment 1.

Table 1
Sample and Case Study Districts

Wave 1 Districts	Wave 2 Districts
Arizona	Alabama Middle
California Northern	California Central
Colorado	California Southern
Connecticut	Florida Southern
Georgia Northern	New York Southern (case study)
Illinois Northern	Oregon
Iowa Southern	Pennsylvania Western
Minnesota (case study)	Rhode Island
Mississippi Northern	South Dakota (case study)
New York Western	Tennessee Eastern
Oklahoma Western	Texas Western
Utah	Virginia Eastern
Wisconsin Eastern	Wisconsin Western

To ensure a full picture of courtroom use within the study districts, we decided to collect data in all the courtrooms in each district, including courtrooms designed for district judges and courtrooms designed for magistrate judges. We relied on several sources of information for an inventory of courtrooms, including records from the Administrative Office, the district’s web sites, and a detailed survey completed by each study district.¹⁴

¹⁴ See *The Sampling Frame* for identification of records provided by the Administrative Office and *The Court Information Survey* for the information provided to us by the courts. See Appendix 14 for a list of technical appendices available from the project directors on request.

The final group of study sites included ninety-one courthouses and 602 courtrooms. The total number of judges resident in these sites was 569 judges (239 district judges, 118 senior judges, and 212 magistrate judges).¹⁵

Initially, we proposed an additional study component that would have asked each district judge to look back at a previous week and report the events that had occurred in the judge's courtroom during that week. We ultimately dropped this part of the study because the data collected from the judges was to some extent duplicative of the monthly courtroom use forms they submit, was likely to be incomplete because reconstructed after the fact, and was unnecessary because of the comprehensive data we planned to collect in the study districts.

The Nature of the Data To Be Collected

Given the limitations of previous studies and the clear call for better data, we decided to invest considerable resources in collecting original data in the courtrooms of the study districts. 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:¹⁶

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 trials, 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 (e.g., trial materials were in the room or an equipment overhaul was underway), as well as days when the judge to whom a courtroom was assigned was away for a full day (e.g., in court elsewhere or on vacation). We recorded the start time and end time for each event.

Scheduling Data: We collected the scheduled time for each event placed on the courtroom calendar and then tracked the outcome of each event—i.e., 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 events, we recorded the new date for the event. We recorded the start time and end time for each scheduled and changed event.

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. We recorded

¹⁵ We provide detailed information about the courts in *Profiles of the Study Districts*. See Appendix 14 for a list of technical appendices available from the project directors on request.

¹⁶ The study data are defined in *Study Variables Defined*. See Appendix 14 for a list of technical appendices available from the project directors on request.

both the scheduling of these events and the actual use time when they occurred. We recorded the start time and end time for each such event.

Our decision to record start and end time 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.

Because Congressman Shuster's letter asked for a study of the use of the courtrooms for "official business," we were potentially faced with the question of how to define the official business of the courtroom. For two reasons, we did not answer this question. First, it is a policy question, better answered by the judiciary and Congressional policy makers. Second, because the study collects data on all activity in the courtrooms, it provides policy makers comprehensive data from which they can extract information about the events they consider the courts' official business.

The study in the courtrooms addresses 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 judges and attorneys on the use of courtrooms and the effects of courtroom sharing. Thus, we sent questionnaires to every judge in the district courts and shortly will send a questionnaire to a national sample of attorneys who have had cases in federal court.

The Time Frame for Data Collection

When the GAO noted the limitations of its 1997 study of courtroom use, among the problems identified was the limited period of time covered—i.e., one year of data.¹⁷ The GAO felt data should be collected for a longer period, if not routinely, so trends in courtroom use could be assessed.¹⁸ We determined, however, that we could not collect data for more than a year, largely because the Congressional subcommittee that requested the study expected to receive the findings sooner.

Nonetheless, we did propose that data be collected over a twelve-month period to account for any seasonal differences in courtrooms activity. We also recognized that we could not expect the study courts to be subject to a study lasting twelve months and therefore determined that we would collect data for three months in each district. To represent each portion of the calendar year, we planned to assign six districts to each of the four three-month periods of the year, with data collection beginning in January 2007.

We learned, however, that the Congressional committee that initiated the study expected findings before our projected 2009 completion date, and therefore we reduced the data collection period to six months. The specific months—January to July 2007—were determined by the Congressional demand for earlier results and the time we needed to prepare for data collection. As a consequence, we collected data in a period with slightly-higher-than-average courtroom volume, though it did not include the months with highest

¹⁷ General Accounting Office, *Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue* (GAO-01-70, December 2000, at p.5).

¹⁸ General Accounting Office, *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking* (GAO/GGD-97-39, May 1997, at p. 6).

or lowest volume. See Attachment 2, which shows courtroom activity for FY 2002-2004 as provided by the monthly JS-10 report. We decided to retain the number of districts to ensure the representativeness of the sample.

Data collection began in January 2007, with data collected in the first group of thirteen districts from January 15 to April 15 (Wave 1) and in the second group of thirteen districts from April 16 to July 15 (Wave 2). 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 the Data

We faced two questions in deciding how to collect the study data—who should collect it and by what method.

For a number of reasons, we decided to have court staff record the study data:

- 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.
- Court staff have access to information, such as scheduled events and cancelled events, that no one else would have access to.

We recognized from the outset the questions this decision 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 have permitted collection of the detailed data, in both breadth and depth, we were committed to collecting.

Early in the project, we decided to record the data using a software application rather than paper forms. We realized that development of an application would require more time than development of forms, but decided that computer-based data collection would permit us to collect more complex data and to build in functions to ensure complete and accurate recording. The software application we developed, Data Input System for the Courtroom Use Study (DISCUS), was based in Lotus Notes, the email 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 district—

i.e., we incorporated into the version we provided each district their own courthouse names, courtroom names, judges, and pending cases.¹⁹

The use of court staff and a software application for data recording required a considerable training effort. We developed extensive training materials and traveled to each of the study districts, and to many of the courthouses in the districts, to teach court staff how to use the application. The training was conducted by seven professional trainers recruited for the study. When the training was complete, we had traveled to fifty-six locations and trained over 1000 courtroom deputies, judicial assistants, and other staff to record the study data.²⁰

We developed both the software application and the training materials with assistance from the trainers and a Technical Advisory Group.²¹ A pre-test we conducted in two districts, the Western District of Missouri and the District of Nevada, was especially important for development and refinement of our software, training materials, and procedures.

Methods for Ensuring and Checking the 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 functions built 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 AM instead of 2:00 PM, recording a sentencing as an Other Event instead of a Hearing, or failing to resolve a scheduling record by linking it to an actual use record. 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.²²

We also established several means for comparing the study data against other data on courtroom use. The most readily available source is the monthly courtroom data reported to the Administrative Office on the JS-10 forms. While the data reported on these forms are not as comprehensive as ours, since they report only judge time, they provide an adequate comparison for the hours the courtrooms are used by judges. Further, the monthly reports are available for every court in the study.

¹⁹ The document *About DISCUS* describes the software application. See Appendix 14 for a list of technical appendices available from the project directors on request.

²⁰ The professional trainers were court education specialists, who are court staff members and are responsible for continuing education, particularly IT education, for judges and court staff. The document *The Training Process* provides more information about the training materials and process. See Appendix 14 for a list of technical appendices available from the project directors on request.

²¹ The members of the Technical Advisory Group included court managers, IT managers, courtroom deputies, and judicial assistants, who advised us on the software application and the training process.

²² The document *The Quality Control Process* describes our data quality review in detail. See Appendix 14 for a list of technical appendices available from the project directors on request.

We decided as well to ask that a separate research team at the Center conduct an independent observational study in the sample districts. That team sent independent observers into the study 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. Due to resource constraints, the observational study was in place for only the last month of Wave 1 data collection, but it was operational for the full span of Wave 2 data collection. Appendix 6 summarizes the results of the independent study.²³

We had expected to use the courts' docketing and case management system, the CM/ECF system, as a comparison database as well, but we found the system too complex to be usable in the short time frame for reporting our findings. We will explore the usefulness of this database at a later stage.

Methods for Answering Questions About Courtroom Sharing

The ultimate question that drives the Congressional request for this study—i.e., can judges share courtrooms without compromising the administration of justice—is a difficult one to answer. To collect data that would permit a partial response to that question, we included in the study several districts where judges share courtrooms. Data from these districts provide information about how courtrooms are scheduled and used in sharing circumstances. Data from our judge and attorney surveys also provide information about the impact of sharing. We intend, as well, to interview judges in the sharing districts and will report those findings in an addendum to this report.

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. As previous research has pointed out, such analyses require decisions about appropriate statistical methods for modeling courtroom sharing scenarios²⁴ and require detailed data about courtroom use and courtroom scheduling.²⁵ We designed the study to collect data that we believe would enable such computer modeling.

Consultation With Others

In March 2006, we provided a preliminary study design to the Court Administration and Case Management Committee's Courtroom Use Study Subcommittee, which 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 judici-

²³ Appendix 6 contains only the first pages of the independent study report. The document *Independent Observaton of Twelve Courtroom Use Studies* is the full report; it provides detailed information about the method and findings. See Appendix 14 for a list of technical appendices available from the project directors on request.

²⁴ Dunworth, T. & Kakalik, J.S., *Research on Courtroom Sharing* (RAND Institute fir Civil Justice, PM-598-1-ICJ, September 1996, at pp. 32-35.).

²⁵ Barnoski, R. & Yang, M., *The Trial Court Caseflow Simulation System: An Overview*, The Court Management and Administration Report, Vol. 5, No. 1 (April 1994).

ary policy makers' questions about courtroom use. The subcommittee suggested no additions or changes to the design.²⁶

In April 2006, we provided the same design document to the GAO's Office of Physical Infrastructure Issues, as directed by Congressman Shuster's letter. The GAO staff declined to comment on the design, stating that by policy they were required to remain neutral and to deliver their views of the study to Congress upon its completion. Later, the GAO sent a letter recommending that the study design conform to the GAO's audit guidelines.²⁷ Although these guidelines are not directly applicable to this study, as the study is not an audit, we have reviewed the GAO guidelines and followed them where they appeared to be relevant.

During the summer of 2006, Judge John Tunheim, chair of CACM, and Judge Barbara Rothstein, director of the Center, met several times with members of Congress to brief them on the study and to receive comments about the study design. It was during one of these meetings that the length of the study was questioned. Questions were raised as well about how we defined "official activity." We declined to define that phrase, leaving it to policy makers to determine which events should occur in courtrooms.

As we were designing the study, we learned from Congressional staff that they had pressed the GAO to be more responsive to Congressman Shuster's request that the GAO comment on the study. Congressional staff reported that the GAO again declined to offer comments on the design but did question the ability of Center and court staff to conduct an impartial study. We had anticipated that concern and, as noted above, established several methods for ensuring data quality and integrity.

²⁶ The design document provided to the subcommittee has been superseded by decisions made during the course of the research. The original document, *The Proposed Study Design*, is available on request. See Appendix 14 for a list of technical appendices available from the project directors on request.

²⁷ Letter from Mark Goldstein, Director of the GAO Office of Physical Infrastructure Issues, to James Eaglin, Federal Judicial Center Director of Research, June 5, 2006. On file with the study team.

Attachment 1

Classification of District Courts into the Sampling Frame[#]

	Proceedings-Weighted Filings Per Courtroom			
Number of Courtrooms in the Largest Courthouse (visiting facilities removed)	Below the Median Value of 278 (weighted filing)		At or Above the Median Value of 278 (weighted filing)	
1-3	AR-W (211) FL-N (172) IL-C (188) ME (191) MS-N (154) ND (226)	IA-N (232) KY-E (253) NC-M (261) OK-E (250) VA-W (250) WI-W (237)	GA-S (280) ID (279) KY-W (286) LA-M (309) TN-E (329) VT (332) WV-N (329) WY (303)	IA-S (368) IL-S (375) MI-W (435) MT (408) NC-E (355) NC-W (645) SD (372)
4-5	AK (114) LA-W (185) NH (157) OK-N (151) RI (175) WA-E (169) WV-S (124)	CT (210) DE (240) GA-M (264) KS (223) NY-N (218) PA-M (248) TN-M (264)	AL-S (294) IN-N (291) NE (284) NY-W (340) OH-S (286) TN-W (362)	SC (379) HI (388) MS-S (465) NM (490) TX-E (408) TX-W (758)
6-8	AL-M (181) IN-S (375) WI-E (255)		FL-M (385) NV (315) PR (319) VA-E (378)	AR-E (440) MN (461) UT (424)
9-11	AL-N (160) NJ (206) OK-W (140)	CA-E (221)* OR (235) TX-N (265)	CO (278) MO-W (280) OH-N (290)	FL-S (335) MO-E (336) NY-E (331)
12-16	DC (221) MA (185) PA-W (171)	GA-N (262) MD (275) WA-W (238)	AZ (475) CA-S (356)	TX-S (487)
17-32	CA-N (212) LA-E (185)^	MI-E (229) NY-S (247)+	CA-C (290) PA-E (290)	IL-N (299)

Five district courts were considered ineligible for the study and do not appear in the table below. Three are Article I territorial courts: Guam, the Northern Mariana Islands, and the Virgin Islands. Two have specialized subject-matter jurisdiction: the Court of Federal Claims and the Court of International Trade.

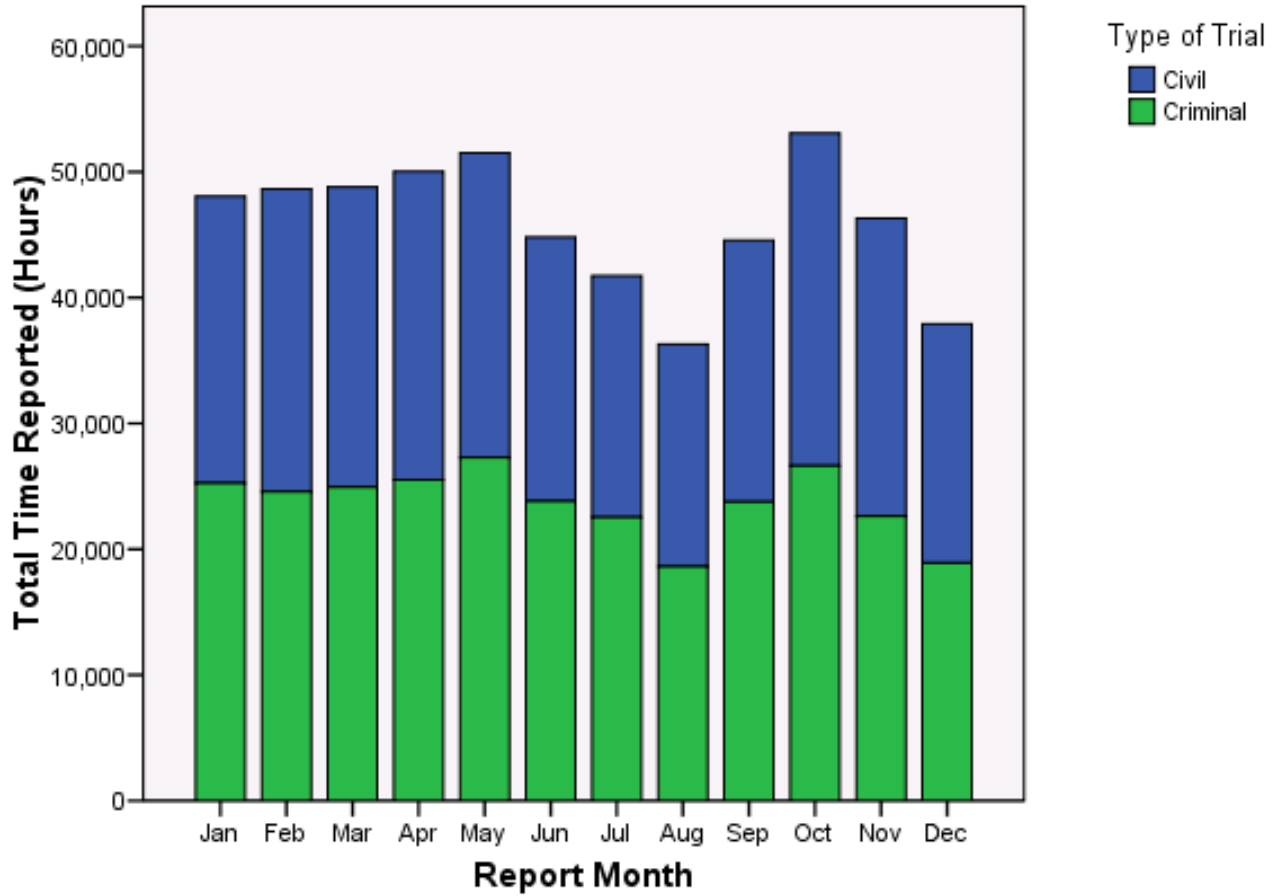
+ MN and NY-S were removed from the population because construction-related courtroom loss disrupted normal court operations; they were included as case study districts. SD was also included as a case study district due to a court policy that judges share courtrooms.

* CA-E was removed from the population because loss of a judgeship and a high weighted caseload (927, the highest of the district courts) had produced a situation that did not meet our requirement that a court be operating under normal conditions.

^ LA-E was removed from study before data collection began because a change in filing patterns made the district no longer representative of its sampling cell.

Attachment 2

**Total Trial Time Reported on the JS-10
By Active and Senior District Judges
From Oct. 2001 to Sep. 2004
By Calendar Month Reported**



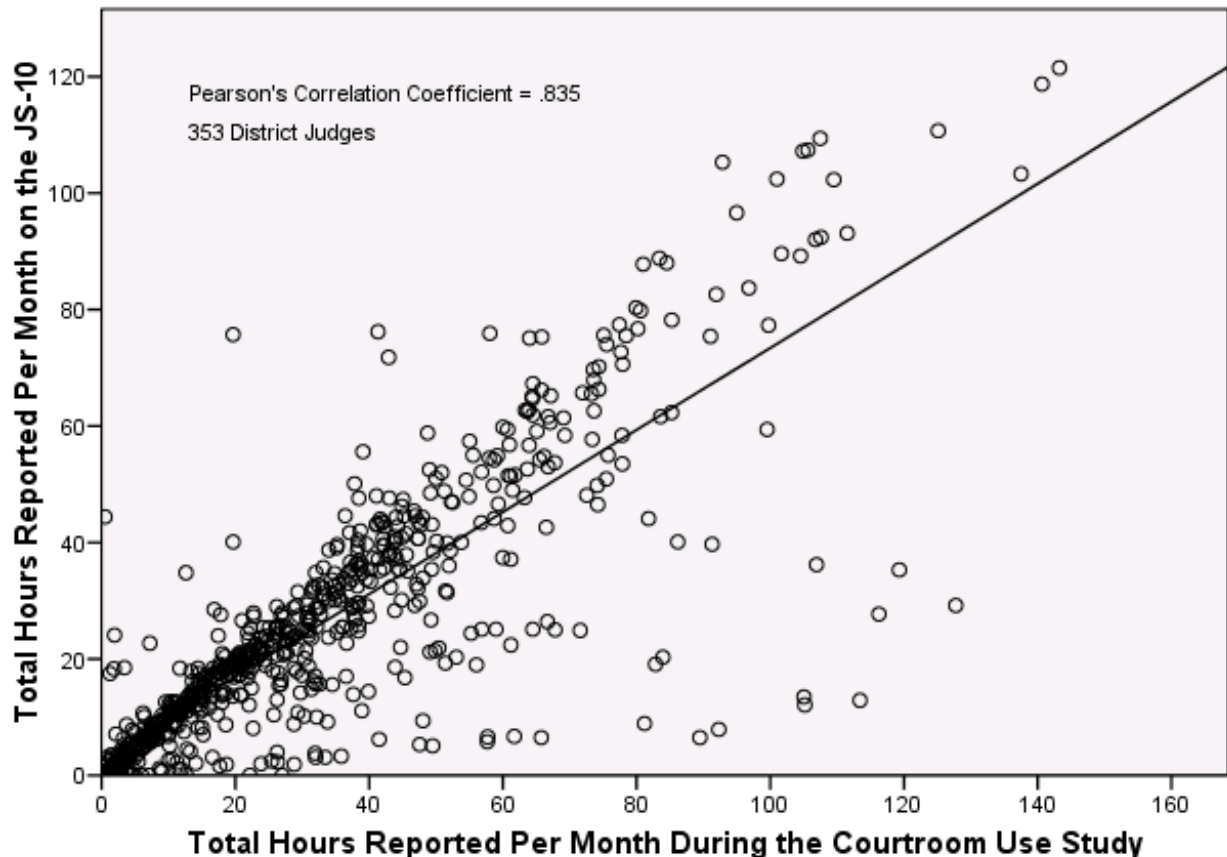
Appendix Five

JS-10 and MJSTAR Correlation Analyses

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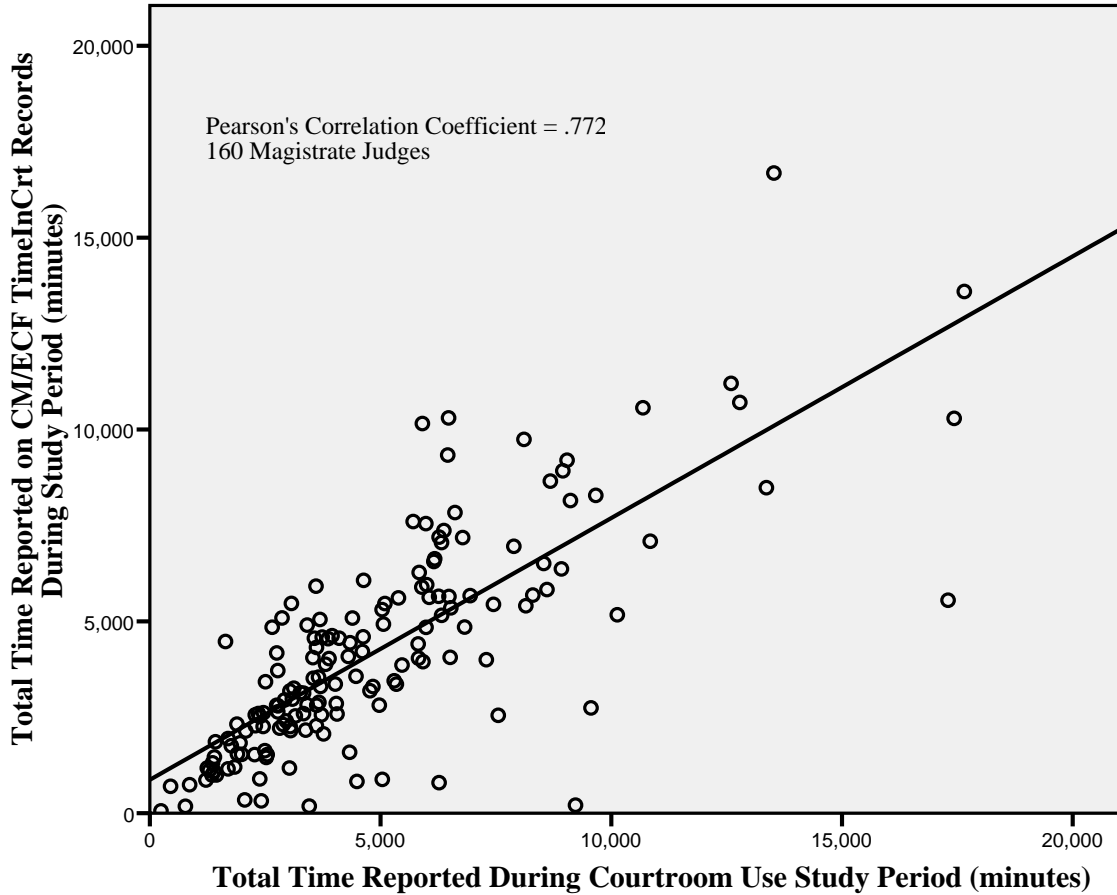
Courtroom Use Study

Comparison of Total Trial and Non-Trial Time (in Hours) Reported by Active and Senior District Judges on the JS-10 Report and in the Courtroom Use Study (Wave 1: Feb & Mar 07 -- Wave 2: May & Jun 07)



Note: JS-10 values were calculated from data records for February, March, May, and June 2007 based on information reported monthly by the district courts to the Administrative Office of the U.S. Courts.

**Comparison of Time Reported by Magistrate Judges
On CM/ECF TimeInCrt Records and Time Recorded in Magistrate Judge
Courtrooms for the Courtroom Use Study**



Note: Data are from sample districts, excluding the District of Oregon, Western District of Texas, or Western District of Wisconsin, which do not report TimeInCrt records.

Appendix Six

Independent Observation Study Report Excerpt

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REPORT EXCERPT

**INDEPENDENT OBSERVATION OF TWELVE
COURTROOM USE STUDY COURTS**

November 2, 2007

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 Judicial Conference, the Committee, or the Federal Judicial Center.

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INTRODUCTION¹

The purpose of this study is to provide an independent check on the data provided by the courts participating in the Federal Judicial Center's courtroom use study. Independent data collection is a desirable goal for an evaluation, as it establishes a distance between the differing objectives of the evaluator and the organization under study. The scope of the courtroom use study precluded such an approach and required a dedicated data collection effort by the participating courts. To assuage any concerns about the court-provided data, we conducted a smaller, separate study that relied on independent data collectors to visit randomly selected federal courthouses, to observe and record information in randomly selected courtrooms, distinct and apart from the overall court data collection effort.

This observation study was not designed to replicate the level of detail in the court-supplied data. Rather, it was intended to check the courtroom use data by recording basic information in the selected courtrooms. The independent observers visited courtrooms randomly selected from among those with scheduled proceedings and recorded whether the courtroom was in use at any time during their visits. The independent observers' data can be compared against the study courts' reported use data for the same courtrooms at the same times on the same dates.

Observation in the District Courts

These 12 districts were selected at random for observation from among the 26 districts participating in the two waves of the courtroom usage study:

Wave 1	Wave 2
District of Arizona	Central District of California
District of Colorado	Southern District of Florida
Northern District of Georgia	District of Oregon
Northern District of Illinois	Western District of Pennsylvania
Western District of New York	Eastern District of Tennessee
Western District of Oklahoma	Western District of Texas

The Wave 1 districts collected courtroom use data for the period January 15, 2007 to April 15, 2007. The observation study in the Wave 1 districts began on March 12,

¹ Vashty Gobinpersad provided invaluable assistance in the preparation of the data for this project. James B. Eaglin gave detailed and insightful comments on earlier drafts of this report. And 54 student observers worked diligently to observe and record information in several hundred courtrooms in 12 federal district courts.

2007 and concluded on April 13, 2007. The Wave 2 districts collected courtroom use data for the period April 16, 2007 to July 15, 2007; the observation study began on April 30, 2007 and ended on July 13, 2007.

In each of these 12 districts, we chose for observation the district courthouse, or courthouses, in the city that is the primary place of holding district court. To do the actual observations, we contracted with law school and graduate students in the selected cities to serve as independent observers. Using information that the district courts had provided to the Center about scheduled courtroom events, we sent the observers to randomly selected courtrooms at predetermined times, for one-half-hour intervals, to record whether the courtrooms were in use. No one in the 12 selected districts was given any advance notice that the observers would be in their courtrooms. We matched the information collected by the observers to the courts' reported use data for the same courtrooms, on the same dates and at the same times. These jointly-reported half-hour periods are the unit of analysis for this study.

Summary of Findings

The major findings of this study are the following.

- When courtroom use is defined as use by a judge, the overall degree of concordance between the independent observers' reports and the court-reported data in the 12 selected districts is 89%.
- When courtroom use is defined as use by anyone, including court staff, attorneys, and judges, the overall degree of concordance is 85%.
- In the Wave 1 study courts, the degree of concordance between the two data sources is 88% for courtroom use by a judge and 83% for courtroom use by anyone. In the Wave 2 study courts, these figures are 89% and 86%, respectively.
- Several districts have somewhat higher or somewhat lower degrees of concordance, compared to the overall averages, but the majority of districts differ little from the overall averages.
- Over time, the results are relatively stable. Week-by-week, from the first week of observation to the last week of observation in each study wave, the degree of concordance on each measure of courtroom use typically falls within 3 to 4 percentage points of the overall average.
- The independent observers were varied in their individual degrees of concordance with the court-supplied data, but none were exceptionally low. Put differently, the observers' performance does not appear to have had an impact on the data analysis.

Based upon our findings, we conclude that the courtroom use data provided by the study courts to the Center reliably represents what actually occurred in the courtrooms under study. The next sections contain detailed discussions of the methodology and the findings of the data analysis that lead us to this conclusion.

For information on obtaining the full report, see Appendix 14.

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Appendix Seven

Event Types Used for Data Recording and Data Analysis

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Courtroom Use Study

Event Types Used for Data Recording and Data Analysis

I. Event Types Used for Recording the Study Data

The software application used for recording the study data provided the following choices for recording a scheduled event and an actual use event. We instructed data recorders to use named events whenever possible and to use “other” events only when no other category applied. We began data recording with thirty-two event types and added four event types when reviewing and recoding data during the quality control process. The additional codes capture events the data recorders coded as “other” and that could be identified from their text description as a particular kind of event, but that did not fit the named event categories.

We list the original thirty-two event types first, then the four additional event types developed during the data review process.

Data Recording Event Categories

(1) Case Proceeding Conducted by a Judge

- Hearing – Evidentiary
- Hearing – Non-Evidentiary
- Conference
- Trial – Bench
- Trial – Jury
- Grand Jury Proceeding
- Multiple Short Proceedings of Different Types
- Other Case Proceeding (explain)

(2) Other Case-Related Activity

- Meeting Related to a Case
- Training or Practice on Courtroom Equipment
- Other Case-Related Activity (explain)

(3) Ceremony

- Naturalization
- Judge Investiture or Attorney Swearing-In
- Other Ceremony (explain)

- (4) General Education, Training, or Outreach
 - Attorney Education and Training
 - Staff Education and Training
 - Public Education and Outreach
 - Other Education, Training, or Outreach (explain)
- (5) Set-Up, Take-Down, or Short Adjournment
 - Set-Up or Preparation Before Proceeding or Event
 - Take-Down or Wrap-Up After Proceeding or Event
 - Short Adjournment During Proceeding or Event
- (6) Maintenance (during normal court hours)
 - Equipment Repairs or Upgrade
 - Room Repairs or Renovation
 - Cleaning
 - Other Maintenance (explain)
- (7) Unoccupied – Room Cannot Be Used for Proceedings
 - Case Materials/Equipment in Room for Ongoing Proceeding
 - Unusual Room Conditions (e.g., fumes, temperature)
 - Other Reason Room Cannot Be Used (explain)
- (8) Unoccupied – Judge is Away (for full days only)
 - In Court Elsewhere (e.g., different courthouse or district)
 - Other Official Activity (e.g., governance, education)
 - Other Reason Judge is Away (explain)
- (9) Other Use (explain)

Event Categories Added During Data Review

- (1) Judge Case Proceeding: Undifferentiated Hearing
- (2) Judge Case Proceeding: Warrants
- (3) Judge Case Proceeding: Non-District Judge Hearing
- (4) Judge Case Proceeding: Non-District Judge Other Court Event

II. Event Types Used in the Data Analysis

The thirty-six individual event types provide a rich data set, but that level of detail was not necessary for the analysis. Further, we found during data collection that the data recorders used the hearing categories differently from recorder to recorder. Whereas some recorded a sentencing as a hearing, for example, others recorded it as an “other” case proceeding. When the text description of the event clearly identified it, we were able to recode the event, but the differences in use of the hearing event type suggests that we combine all hearings for the analysis. We also combined a number of other categories. Even with the combined categories, the data provide a full picture of courtroom use.

- 1 Jury Trial
- 2 Bench Trial
- 3 Hearing
- 4 Conference
- 5 Multiple Short Proceedings of Different Types
- 6 Other Case Proceeding
- 7 Non-District Judge Event
- 8 Other Case-Related Activity
- 9 Ceremony
- 10 Education or Training
- 11 Set-Up or Take-Down
- 12 Other Event
- 13 Maintenance
- 14 Room Can't Be Used: Unusual Conditions
- 15 Room Can't Be Used: Materials in the Room, Proceedings in Adjournment

III. Priority Order of Event Types and Users for Data Analysis

Because time was recorded separately for different types of courtroom users (judge, court staff, attorneys, parties, and public) and because on occasion more than one event could be recorded for a courtroom, the data included overlapping time. To ensure that we counted time only once, we gave each type of event and user a priority code.

Event Priority Ranking

- 1 = Jury Trial
- 2 = Bench Trial
- 3 = Evidentiary Hearing
- 4 = Non-Evidentiary Hearing
- 5 = Undifferentiated Hearing
- 6 = Conference
- 7 = Multiple Short Proceedings of Different Types
- 8 = Other Judge-Conducted Case Proceeding
- 9 = Warrants, Complaints
- 10 = Grand Jury
- 11 = Non-District Judge Hearings
- 12 = Other Non-District Judge Events
- 13 = Other Case-Related Events
- 14 = Set-Up, Wrap-Up, and Adjournment
- 15 = Ceremony
- 16 = Education
- 17 = Other Use
- 18 = Maintenance
- 19 = Cannot Be Used
- 20 = Judge Away

User Priority Ranking

- 1 = District Judge
- 2 = Senior Judge
- 3 = Magistrate Judge
- 4 = Visiting Judge
- 5 = Other Judge, Case Proceedings
- 6 = Other Judge, Non-Case Proceedings
- 7 = Attorney or Party
- 8 = Court Staff
- 9 = Other User

Appendix Eight

Tables and Figures Summarizing Actual Use and Scheduling Data

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Courtroom Use Study
Appendix Eight
Tables and Figures Summarizing Actual Use and Scheduling Data

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Table A.1

Average Hours of Courtroom Use per Day for 422 Individually Assigned Courtrooms,^a
 Grouped by Quartile from Lowest to Highest Courtroom Use
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	1.3 (N=50)	2.2 (N=50)	3.1 (N=50)	4.8 (N=50)
A Single Senior District Judge	0.4 (N=19)	1.0 (N=19)	1.5 (N=19)	2.9 (N=19)
A Single Full-Time Magistrate Judge	0.7 (N=36)	1.3 (N=37)	2.1 (N=36)	3.4 (N=37)

N = Number of courtrooms.

a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.2

Average Hours of Courtroom Use per Day^a for Twenty-Two Sample Districts,^b
 Grouped by Quartiles from Lowest to Highest Courtroom Use
 (Individually Assigned Courtrooms, Resident Courthouses, January 15 to July 15, 2007)

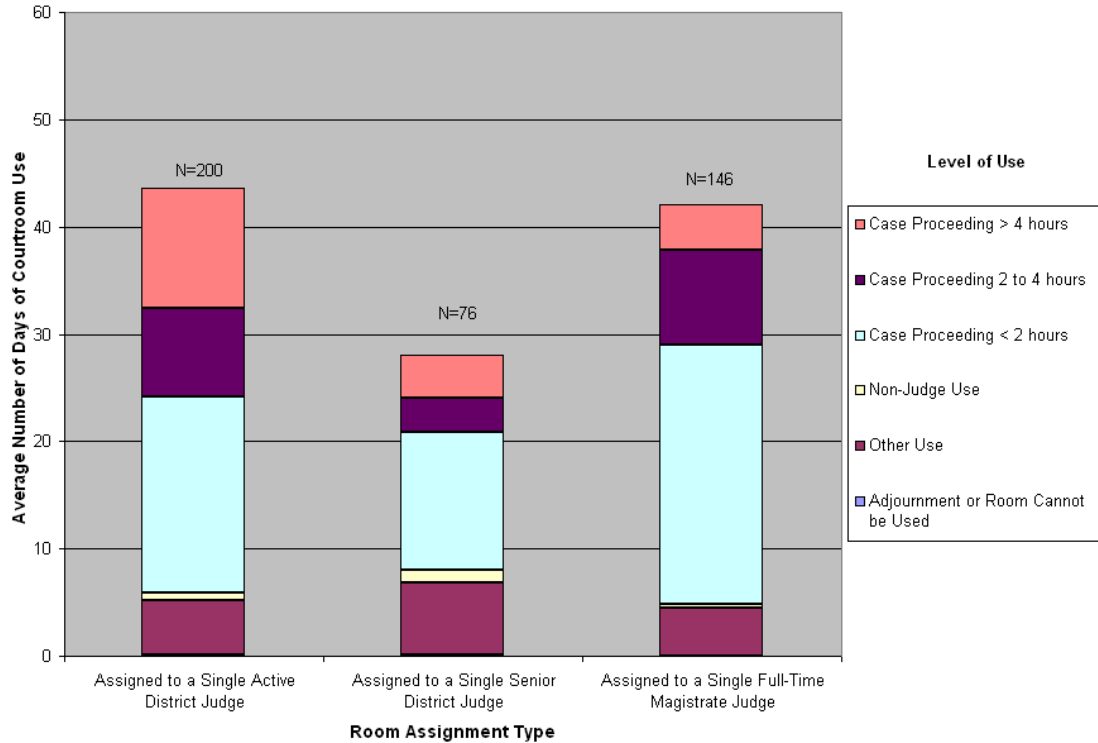
Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	1.7 (N=5, 30)	2.5 (N=6, 37)	2.9 (N=5, 56)	3.4 (N=6, 77)
A Single Senior Judge	0.6 (N=5, 12)	1.1 (N=5, 25)	1.6 (N=5, 26)	2.5 (N=5, 13)
A Single Full-Time Magistrate Judge	1.0 (N=5, 38)	1.5 (N=6, 33)	1.9 (N=5, 23)	2.8 (N=6, 52)

N = Number of districts, number of courtrooms.

- a The analysis is based on sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges. Only twenty of these districts have individually-assigned senior district judge courtrooms.

Figure A.1

Number of Days of Courtroom Use by Level of Use^a for Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

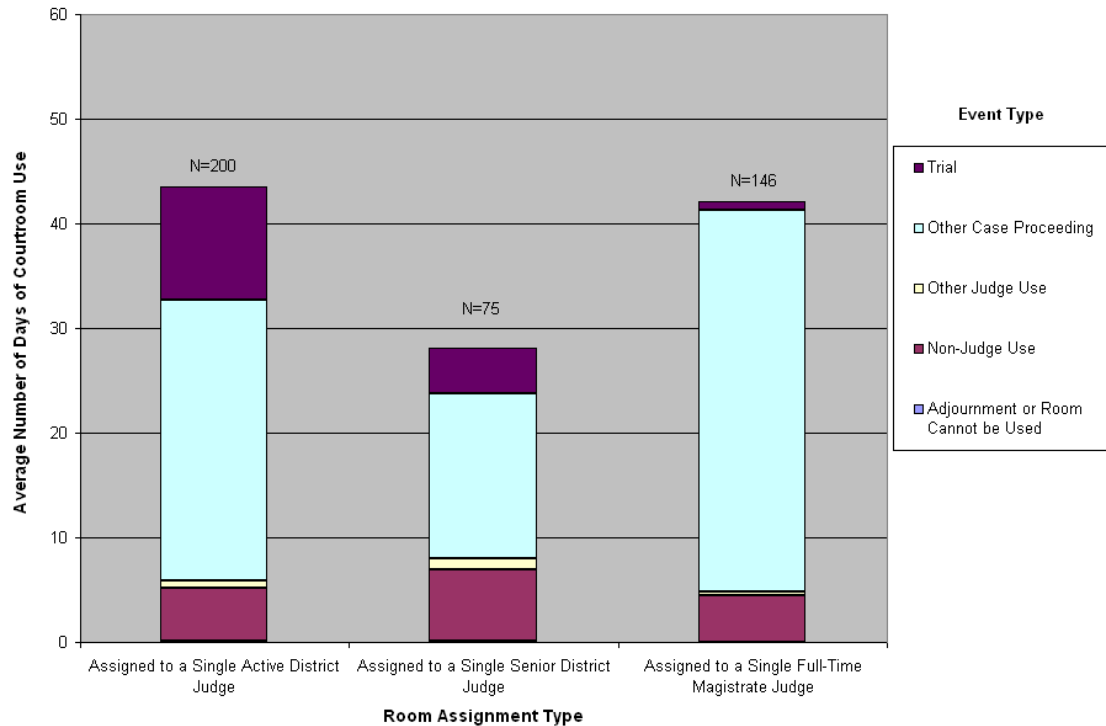


N = Number of courtrooms.

- a The analysis is based on sixty-three workdays. For this analysis, the event categories are collapsed into a smaller set. The categories used here are defined as follows: Case Proceedings = Jury and bench trials, hearings, conferences, grand jury proceedings, multiple short proceedings, warrants, other district court proceedings; Other Events with a Judge Present = Any other event in courtroom where the user was identified as a judge, including ceremonies, education, time in court before or after proceedings, non-district court case proceedings, other case-related events, etc.; Non-Judge Use = Any other event in court where the user was identified as anyone other than a judge (e.g., staff, attorneys, public), including ceremonies, education, training, set-up or take-down activities in court before or after proceedings, other case-related meetings, maintenance during regular court hours, etc.; Adjournment or Room Cannot be Used = Room is unoccupied but cannot be used because of adjournments, unusual room conditions, materials are left in room, etc. Several event categories appear in more than one of these collapsed categories depending whether a judge was present.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.2

Number of Days of Courtroom Use by Type of Event^a for Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

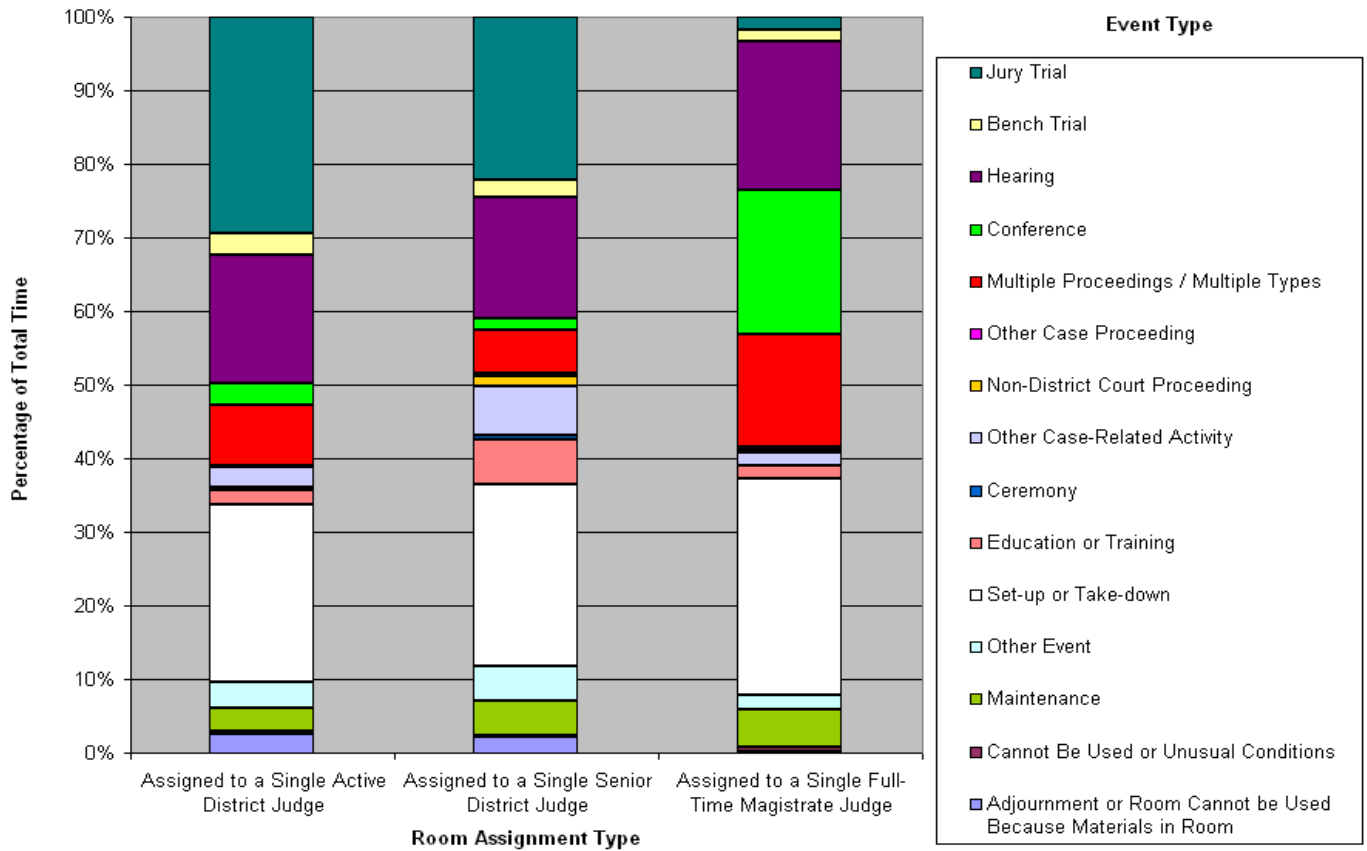


N = Number of courtrooms.

- a The analysis is based on sixty-three workdays. For this analysis, the event categories are collapsed into a smaller set. The categories used here are defined as follows: Trial = Jury and Bench Trials; Other Case Proceeding = Hearings, conferences, grand jury proceedings, multiple short proceedings, warrants, other district court proceedings; Other Events with a Judge Present = Any other event in courtroom where the user was identified as a judge, including ceremonies, education, time in court before or after proceedings, non-district court case proceedings, other case-related events, etc.; Non-Judge Use = Any other event in court where the user was identified as anyone other than a judge (e.g., staff, attorneys, public), including ceremonies, education, training, set-up or take-down activities in court before or after proceedings, other case-related meetings, maintenance during regular court hours, etc.; Adjournment or Room Cannot be Used = Room is unoccupied but cannot be used because of adjournments, unusual room conditions, materials are left in room, etc. Several event categories appear in more than one of these collapsed categories depending on whether a judge was present.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.3

Proportion of Courtroom Use per Day^a Accounted for by Type of Event Held,
 Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.3

Number of Days of Courtroom Use by Level of Use and Type of Event Held,^a
 Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-time Magistrate Judge	
Number of Courtrooms	200		76		146	
Level of Use (Case Proceedings)	# of Work Days	% of 63 Days	# of Work Days	% of 63 Days	# of Work Days	% of 63 Days
Over 4 Hours	11.2	17.7%	4.0	6.3%	4.3	6.9%
2 – 4 Hours	8.2	13.0%	3.2	5.2%	8.8	13.9%
Less than 2 Hours	18.4	29.2%	12.8	20.4%	24.2	38.5%
Type of Event	# of Work Days ^c	% of 63 Days ^c	# of Work Days ^c	% of 63 Days ^c	# of Work Days ^c	% of 63 Days ^c
Jury or Bench Trial	10.9	17.3%	4.4	6.9%	0.9	1.4%
Other Case Proceedings (except adjournments and materials in the room)	26.8	42.6%	15.7	24.9%	36.4	57.8%
Adjournments/Materials in Room	0.1	0.2%	0.1	0.1%	0.5	<0.1%
Other Judge Use	0.7	1.1%	1.1	1.8%	0.4	0.6%
Non-Judge Use	5.1	8.0%	6.8	10.8%	4.4	7.0%
Total ^c	43.6	69.1%	28.1	44.6%	42.1	66.8%

a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Sums may differ slightly from the total or from 100% due to rounding.

Table A.4

Courtroom Use per Day by Type of Event Held, Individually Assigned Courtrooms^a
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-Time Magistrate Judge	
Number of Courtrooms	200		76		146	
Average Minutes Used per Courtroom per Day ^c	172.5		87.8		113.9	
Average Hours Used per Courtroom per Day	2.9		1.5		1.9	
Type of Event	# of Avg. Minutes ^c	% of Avg. Minutes ^c	# of Avg. Minutes ^c	% of Avg. Minutes ^c	# of Avg. Minutes ^c	% of Avg. Minutes ^c
Case Proceedings	109.6	63.7%	44.8	51.0%	67.3	59.0%
Jury Trial	50.8	29.4%	19.4	22.1%	2.1	1.8%
Bench Trial	4.9	2.9%	2.2	2.5%	1.7	1.5%
Hearing	30.3	17.6%	14.4	16.4%	22.9	20.1%
Conference	5.0	2.9%	1.3	1.5%	22.5	19.7%
Multiple Proceedings/ Multiple Types	14.1	8.2%	5.3	6.0%	17.3	15.2%
Other Case Proceeding	0.3	0.2%	0.2	0.3%	0.4	0.4%
Materials in Room	4.3	2.5%	2.0	2.2%	0.3	0.3%
Set-Up or Take-down	41.7	24.2%	21.6	24.6%	33.5	29.4%
Other Case-Related Activity	4.8	2.8%	5.9	6.8%	2.1	1.9%
Ceremonies and Education	3.9	2.3%	5.9	6.8%	1.9	1.7%
Ceremony	0.5	0.3%	0.4	0.5%	0.1	0.1%
Education and Training	3.4	2.0%	5.5	6.3%	1.8	1.6%
Other	12.5	7.2%	9.6	10.9%	9.1	7.9%
Non-District Court Proceedings	0.1	0.1%	1.2	1.4%	0.4	0.3%
Other Event	6.1	3.5%	4.2	4.7%	2.4	2.1%
Maintenance	5.5	3.2%	4.1	4.6%	5.7	5.0%
Unusual Room Conditions	0.8	0.4%	0.1	0.2%	0.6	0.5%

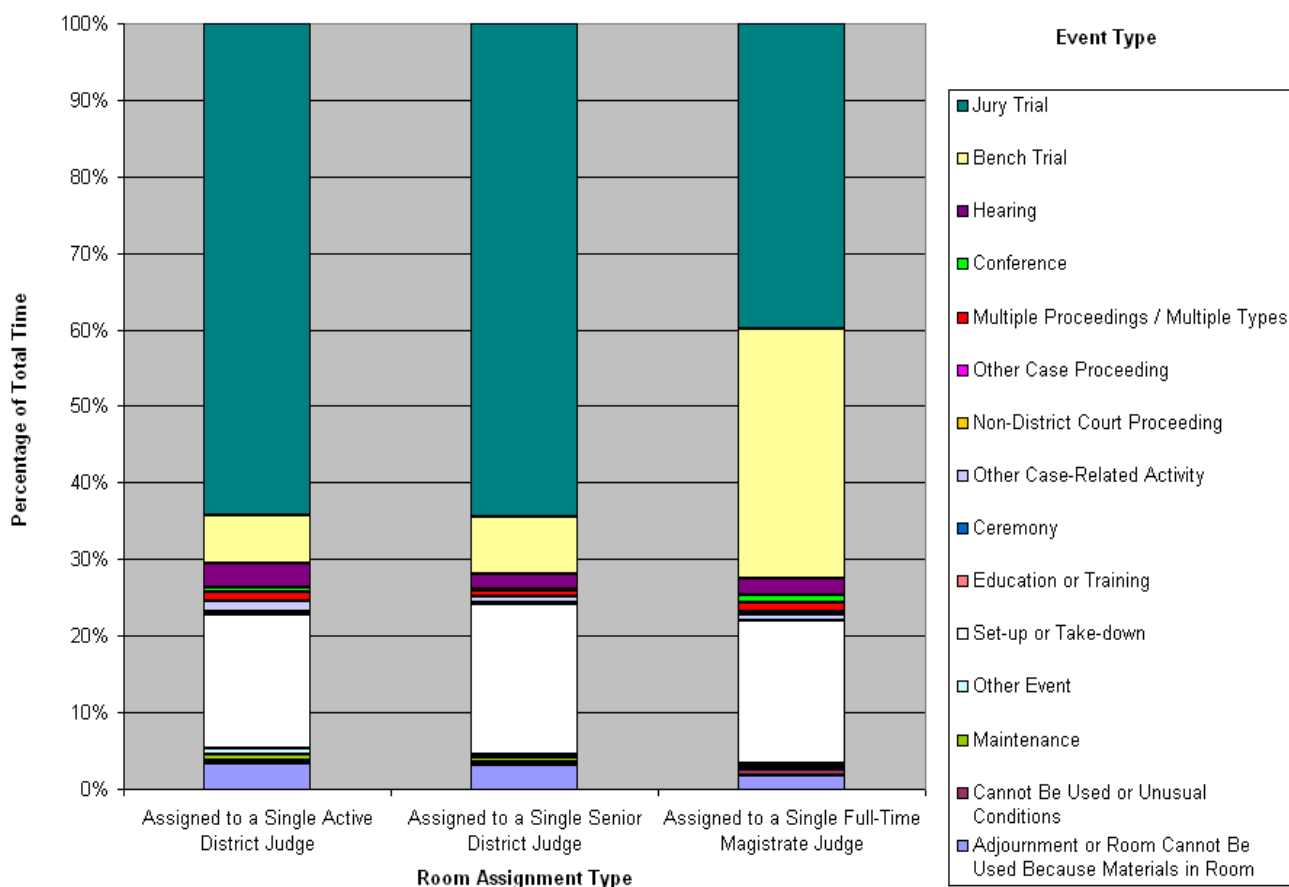
a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.4

Proportion of Courtroom Use Accounted for by Type of Event Held
 on Days on Which a Trial Occurred,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges .

Table A.5
 Courtroom Use by Type of Event Held
 on Days on Which a Trial Occurred,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-Time Magistrate Judge	
Number of Courtrooms	200		76		146	
Average Minutes Used per Courtroom per Day ^b	172.5		87.8		113.9	
Average Hours Used per Courtroom per Day	7.6		7.2		6.1	
Type of Event	# of Avg. Minutes ^c	% of Avg. Minutes ^c	# of Avg. Minutes ^c	% of Avg. Minutes ^c	# of Avg. Minutes ^c	% of Avg. Minutes ^c
Case Proceedings	360.1	78.8%	337.8	78.8%	289.7	56.4%
Jury Trial	293.4	64.2%	279.1	64.2%	147.0	39.9%
Bench Trial	28.6	6.3%	31.9	6.3%	120.2	32.6%
Hearing	14.7	3.2%	8.5	3.2%	8.2	2.2%
Conference	2.5	0.5%	0.6	0.5%	3.7	1.0%
Multiple Proceedings/ Multiple Types	5.3	1.2%	3.9	1.2%	4.3	1.2%
Other Case Proceeding	0.1	0.0%	0.1	0.0%	0.1	0.0%
Materials in Room	15.5	3.4%	13.7	3.4%	6.2	1.7%
Set-Up or Take-down	80.6	17.6%	84.9	17.6%	69.4	18.8%
Other Case-Related Activity	6.8	1.5%	3.0	1.5%	2.6	0.7%
Ceremonies and Education	1.1	0.2%	0.8	0.2%	0	0.0%
Ceremony	0.1	0.0%	0.1	0.0%	0	0.0%
Education and Training	1.1	0.2%	0.6	0.2%	0	0.0%
Other	8.3	1.8%	6.0	1.8%	6.9	1.9%
Non-District Court Proceedings	0	0.0%	0.0	0.0%	1.1	0.3%
Other Event	2.8	0.6%	1.4	0.6%	1.1	0.3%
Maintenance	4.1	0.9%	3.3	0.9%	1.5	0.4%
Unusual Room Conditions	1.4	0.3%	1.3	0.3%	3.2	0.9%

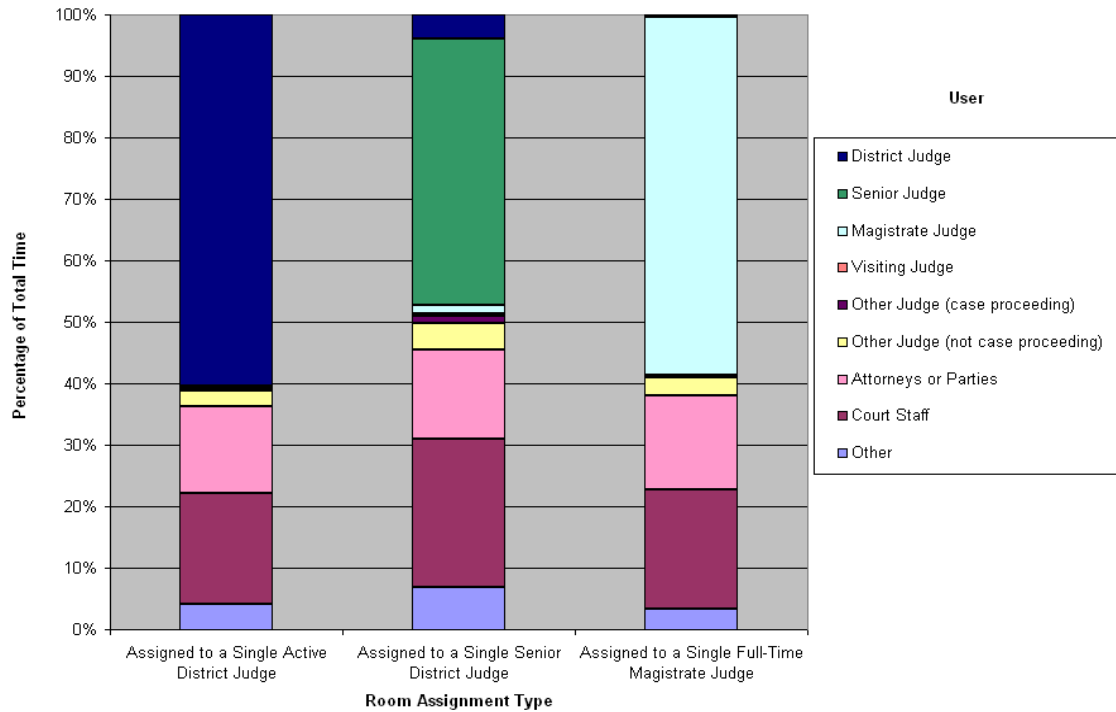
a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.5

Proportion of Courtroom Use per Day^a Accounted for by Type of User,
 Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.6

Courtroom Use per Day by Type of User,^a Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-Time Magistrate Judge	
Number of Courtrooms	200		76		146	
Average Minutes Used per Courtroom per Day ^b	172.5		87.8		113.9	
Average Hours Used per Courtroom per Day	2.9		1.5		1.9	
User	# Avg. Minutes ^c	% Avg. Minutes ^c	# Avg. Minutes ^c	% Avg. Minutes ^c	# Avg. Minutes ^c	% Avg. Minutes ^c
District Judge	104.1	60.3%	3.4	3.9%	0.3	0.3%
Senior Judge	0.6	0.4%	38.1	43.4%	0.1	0.1%
Magistrate Judge	0.6	0.4%	1.2	1.3%	66.4	58.3%
Attorneys or Parties	24.3	14.1%	12.8	14.6%	17.5	15.4%
Court Staff	31.2	18.1%	21.1	24.0%	22.1	19.4%
Other Judge	4.7	2.7%	5.2	5.8%	3.8	3.3%
Visiting Judge	<0.1	0.0%	0.3	0.4%	<0.1	0.0%
Other Judge in Case Proceedings	0.1	0.1%	1.0	1.1%	0.5	0.4%
Other Judge in Non-Case Proceeding Events	4.6	2.6%	3.9	4.3%	3.3	2.9%
Other Type of User	6.9	4.0%	6.1	7.0%	3.7	3.3%

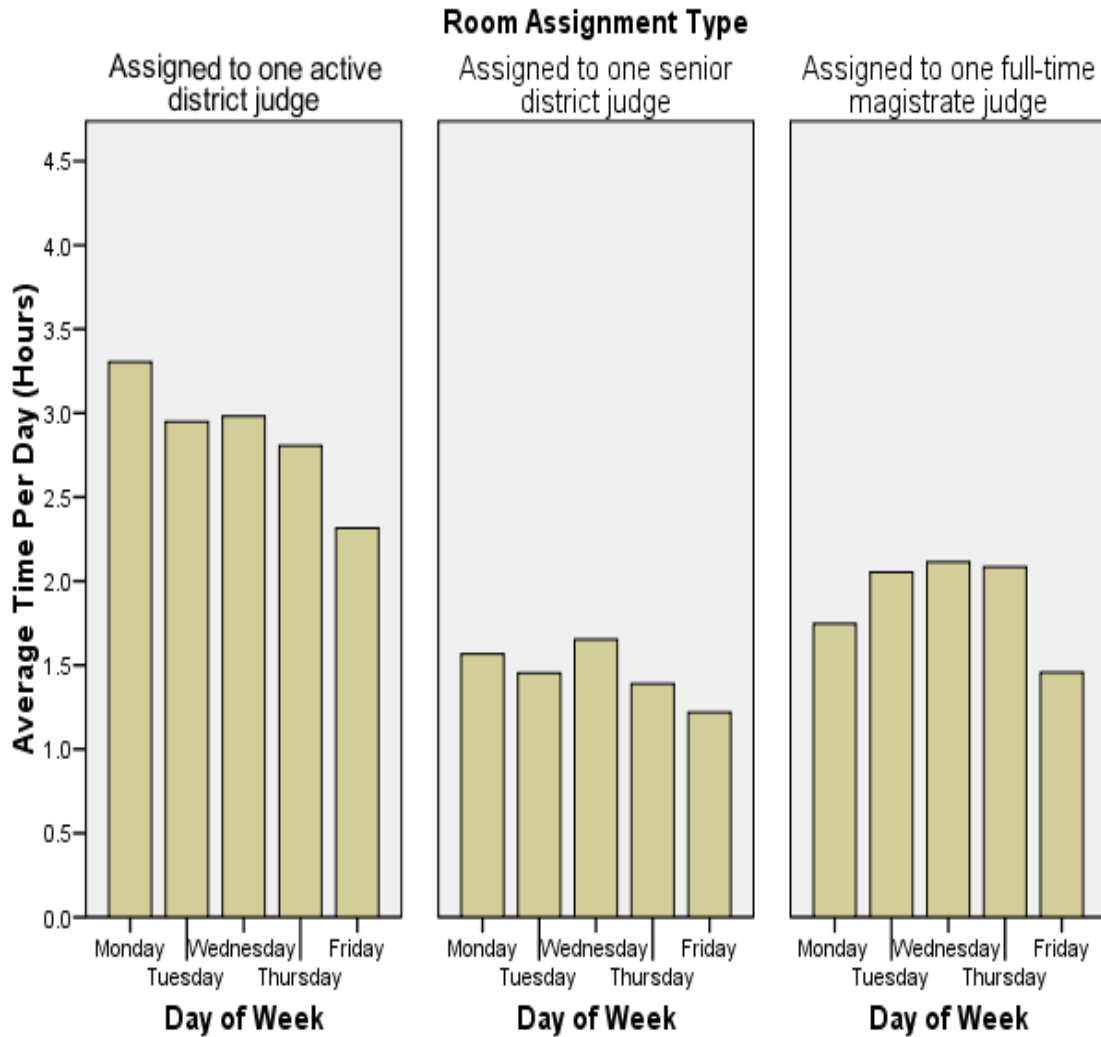
a That analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district’s judges.

c “Minutes” refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.6

Courtroom Use per Day by Day of the Week,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

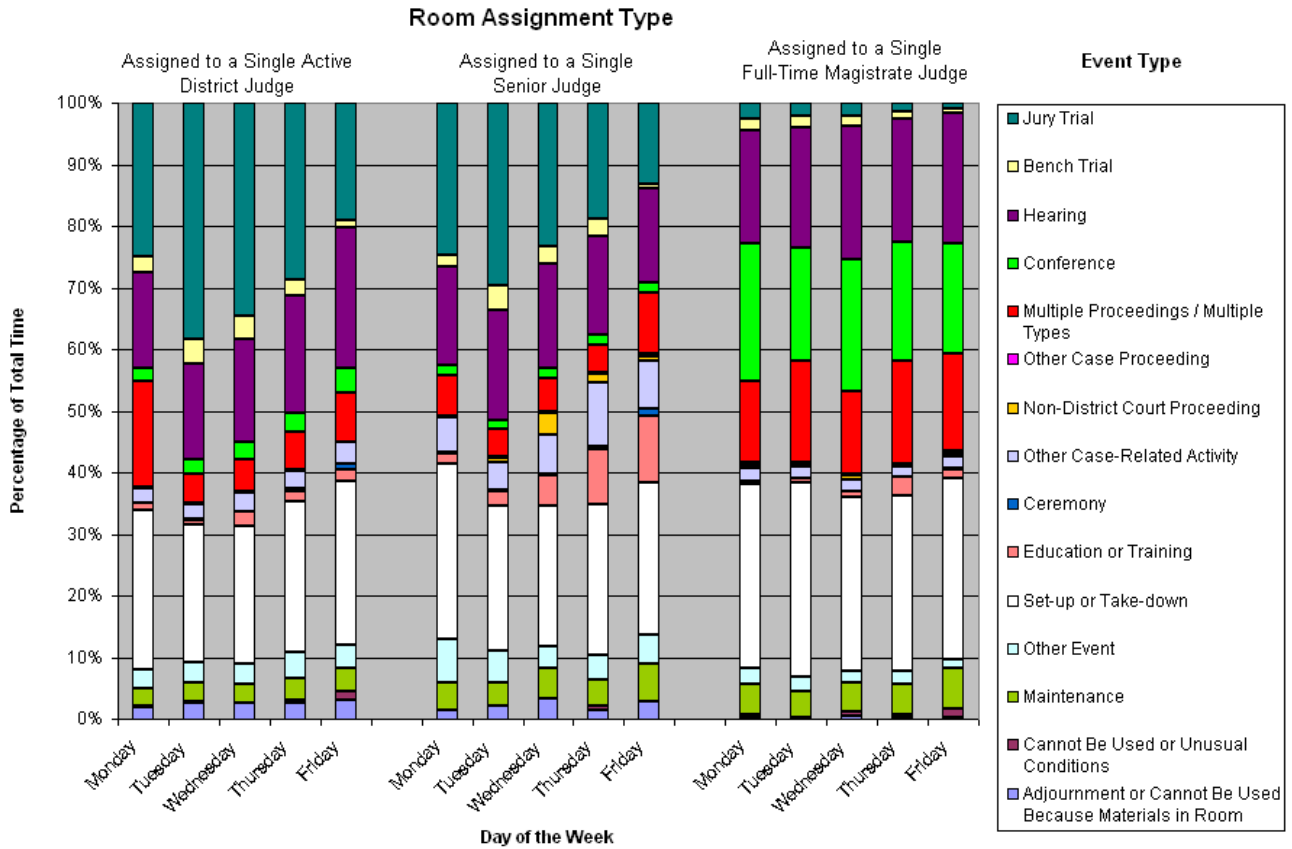


a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.7

Proportion of Courtroom Use Accounted for by Type of Event
 on Each Day of the Week,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.7
 Courtroom Use per Day by Day of the Week, and Proportion of Time Accounted for by
 Type of Event on Each Day of the Week,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Day of the Week	Assigned to a Single Active District Judge					Assigned to a Single Senior District Judge					Assigned to a Single Full-Time Magistrate judge				
	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri
Number of Courtrooms	200	200	200	200	200	76	76	76	76	76	146	146	146	146	146
Average Minutes Used per Courtroom per Day ^c	198.3	176.9	178.9	168.4	139.0	93.9	87.2	99.2	83.3	73.1	104.8	123.2	126.8	125.1	87.4
Average Hours Used per Courtroom per Day	3.3	3.0	3.0	2.8	2.3	1.6	1.5	1.7	1.4	1.2	1.7	2.1	2.1	2.1	1.5
Case Proceedings	127.5 64.3%	119.6 67.6%	117.4 65.7%	105.0 62.4%	81.0 58.3%	49.3 52.5%	52.1 59.8%	53.2 53.7%	37.9 45.4%	32.1 43.9%	61.9 59.0%	72.8 59.1%	77.3 60.9%	73.9 59.1%	50.1 57.3%
Jury Trial	49.5 24.9%	68.0 38.4%	61.7 34.5%	48.3 28.7%	26.6 19.2%	23.1 24.6%	25.8 29.6%	23.1 23.3%	15.7 18.9%	9.6 13.1%	2.7 2.5%	2.7 2.2%	2.7 2.2%	1.7 1.4%	0.7 0.8%
Bench Trial	5.2 2.6%	6.8 3.8%	6.9 3.8%	4.4 2.6%	1.6 1.1%	1.8 1.9%	3.5 4.0%	2.9 2.9%	2.4 2.8%	0.5 0.7%	2.0 1.9%	2.2 1.7%	2.1 1.7%	1.6 1.3%	0.7 0.8%
Hearing	30.6 15.4%	27.5 15.6%	29.8 16.7%	32.0 19.0%	31.6 22.7%	15.2 16.2%	15.5 17.8%	16.8 16.9%	13.3 15.9%	11.3 15.5%	19.4 18.5%	24.0 19.5%	27.4 21.6%	25.0 20.0%	18.6 21.2%
Conference	4.5 2.3%	4.4 2.5%	5.2 2.9%	5.1 3.0%	5.7 4.1%	1.4 1.5%	1.4 1.6%	1.6 1.6%	1.3 1.6%	1.1 1.5%	23.4 22.3%	22.8 18.5%	27.2 21.4%	23.9 19.1%	15.5 17.7%
Multiple Proceedings/ Multiple Types	33.8 17.0%	8.1 4.6%	9.2 5.2%	10.6 6.3%	11.0 7.9%	6.4 6.8%	3.9 4.4%	5.3 5.3%	3.7 4.4%	7.4 10.1%	13.8 13.1%	20.3 16.5%	16.8 13.3%	21.0 16.8%	14.0 16.0%
Other Case Proceeding	0.3 0.1%	0.3 0.1%	0.2 0.1%	0.4 0.2%	0.2 0.2%	0.1 0.1%	0.1 0.1%	0.4 0.4%	0.3 0.3%	0.3 0.4%	0.3 0.3%	0.6 0.5%	0.5 0.4%	0.4 0.3%	0.4 0.5%
Materials in Room	3.7 1.9%	4.6 2.6%	4.4 2.5%	4.2 2.5%	4.3 3.1%	1.3 1.4%	1.9 2.2%	3.2 3.2%	1.2 1.4%	2.0 2.7%	0.3 0.3%	0.2 0.2%	0.5 0.4%	0.2 0.2%	0.3 0.3%
Set-Up or Take-down	51.3 25.9%	39.8 22.5%	39.8 22.2%	41.0 24.4%	37.1 26.7%	26.77 28.5%	20.5 23.5%	22.7 22.9%	20.5 24.6%	18.1 24.7%	31.4 30.0%	38.6 31.4%	35.9 28.3%	35.7 28.6%	25.6 29.3%

a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Table A.7 continued
 Courtroom Use per Day by Day of the Week, and Proportion of Time Accounted for by
 Type of Event on Each Day of the Week,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Day of the Week	Assigned to a Single Active District Judge					Assigned to a Single Senior District Judge					Assigned to a Single Full-Time Magistrate judge				
	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri	Mon	Tue	Wed	Thu	Fri
Number of Courtrooms	200	200	200	200	200	76	76	76	76	76	146	146	146	146	146
Average Minutes Used per Courtroom per Day ^c	198.3	176.9	178.9	168.4	139.0	93.9	87.2	99.2	83.3	73.1	104.8	123.2	126.8	125.1	87.4
Average Hours Used per Courtroom per Day	3.3	3.0	3.0	2.8	2.3	1.6	1.5	1.7	1.4	1.2	1.7	2.1	2.1	2.1	1.5
Other Case-Related Activity	4.8 2.4%	4.4 2.5%	5.3 3.0%	4.6 2.7%	4.8 3.5%	5.4 5.8%	3.8 4.4%	6.2 6.2%	8.5 10.3%	5.7 7.8%	2.3 2.2%	2.1 1.7%	2.4 1.9%	2.1 1.7%	1.7 1.9%
Ceremonies and Education	2.1 1.1%	1.4 0.8%	4.4 2.4%	3.6 2.1%	3.8 2.7%	1.7 1.9%	2.4 2.7%	5.1 5.2%	7.8 9.4%	8.8 12.1%	0.4 0.4%	1.0 0.8%	1.3 1.0%	3.8 3.1%	1.5 1.7%
Ceremony	0.2 0.1%	0.1 0.1%	0.2 0.1%	0.7 0.4%	1.3 0.9%	0.1 0.1%	0.2 0.2%	0.4 0.4%	0.4 0.5%	0.9 1.2%	0.1 0.1%	0.1 0.0%	0.1 0.1%	0.1 0.1%	0.2 0.2%
Education or Training	2.0 1.0%	1.3 0.7%	4.2 2.3%	2.9 1.7%	2.5 1.8%	1.7 1.8%	2.2 2.5%	4.8 4.8%	7.4 8.9%	7.9 10.9%	0.3 0.3%	1.0 0.8%	1.2 0.9%	3.8 3.0%	1.4 1.5%
Other	12.5 6.3%	11.7 6.5%	11.9 6.7%	14.1 8.4%	12.3 8.8%	10.8 11.5%	8.4 9.6%	12.0 12.0%	8.6 10.3%	8.4 11.5%	8.9 8.5%	8.5 6.9%	9.9 7.9%	9.5 7.6%	8.5 9.6%
Non-District Court Proceeding	0.2 0.1%	0.2 0.1%	0.2 0.1%	0.0 0.0%	0.0 0.0%	0.0 0.0%	0.7 0.8%	3.5 3.5%	1.3 1.5%	0.5 0.6%	0.6 0.6%	0.2 0.2%	0.7 0.6%	0.1 0.1%	0.3 0.3%
Other Event	6.22 3.1%	5.9 3.3%	6.0 3.4%	7.4 4.4%	5.0 3.6%	6.6 7.1%	4.3 5.0%	3.3 3.4%	3.3 3.9%	3.5 4.8%	2.5 2.4%	2.9 2.3%	2.4 1.9%	2.7 2.1%	1.3 1.5%
Maintenance	5.7 2.9%	5.4 3.0%	5.4 3.0%	5.9 3.5%	5.2 3.7%	4.2 4.4%	3.3 3.8%	5.1 5.1%	3.5 4.2%	4.3 5.9%	5.2 5.0%	5.4 4.4%	5.9 4.7%	6.3 5.0%	5.8 6.6%
Unusual Room Conditions	0.4 0.2%	0.2 0.1%	0.3 0.2%	0.9 0.5%	2.0 1.5%	0.0 0.0%	0.0 0.0%	0.0 0.0%	0.6 0.7%	0.1 0.2%	0.5 0.5%	0.0 0.0%	0.9 0.7%	0.5 0.4%	1.1 1.2%

a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Table A.8

Courtroom Use per Day by Type of Event,^a Courtrooms Assigned to More Than One Judge,
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned			
	Assigned to Two or More Full-Time Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)	
Number of Courtrooms	10		7	
Average Minutes Used per Courtroom per Day ^c	110.3		160.0	
Average Hours Used per Courtroom per Day	1.8		2.7	
Type of Event	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
Case Proceedings	66.1	59.9%	116.8	72.9%
Jury Trial	6.8	6.2%	51.3	32.1%
Bench Trial	0.7	0.7%	4.8	3.0%
Hearing	19.2	17.4%	29.6	18.5%
Conference	14.8	13.4%	5.2	3.2%
Multiple Proceedings/ Multiple Types	20.8	18.8%	13.6	8.5%
Other Case Proceeding	3.0	2.7%	0.1	0.0%
Materials in Room	0.8	0.7%	12.2	7.6%
Set-Up or Take-down	29.3	26.6%	38.8	24.3%
Other Case-Related Activity	0.4	0.3%	1.2	0.8%
Ceremonies and Education	0.3	0.2%	1.4	0.9%
Ceremony	<0.1	0.0%	1.0	0.6%
Education and Training	0.3	0.2%	0.4	0.3%
Other	14.3	12.9%	1.7	1.1%
Non-District Court Proceedings	2.0	1.8%	0	0.0%
Other Event	0	0.0%	0.4	0.3%
Maintenance	9.4	8.5%	0.6	0.4%
Unusual Room Conditions	2.9	2.6%	0.7	0.4%

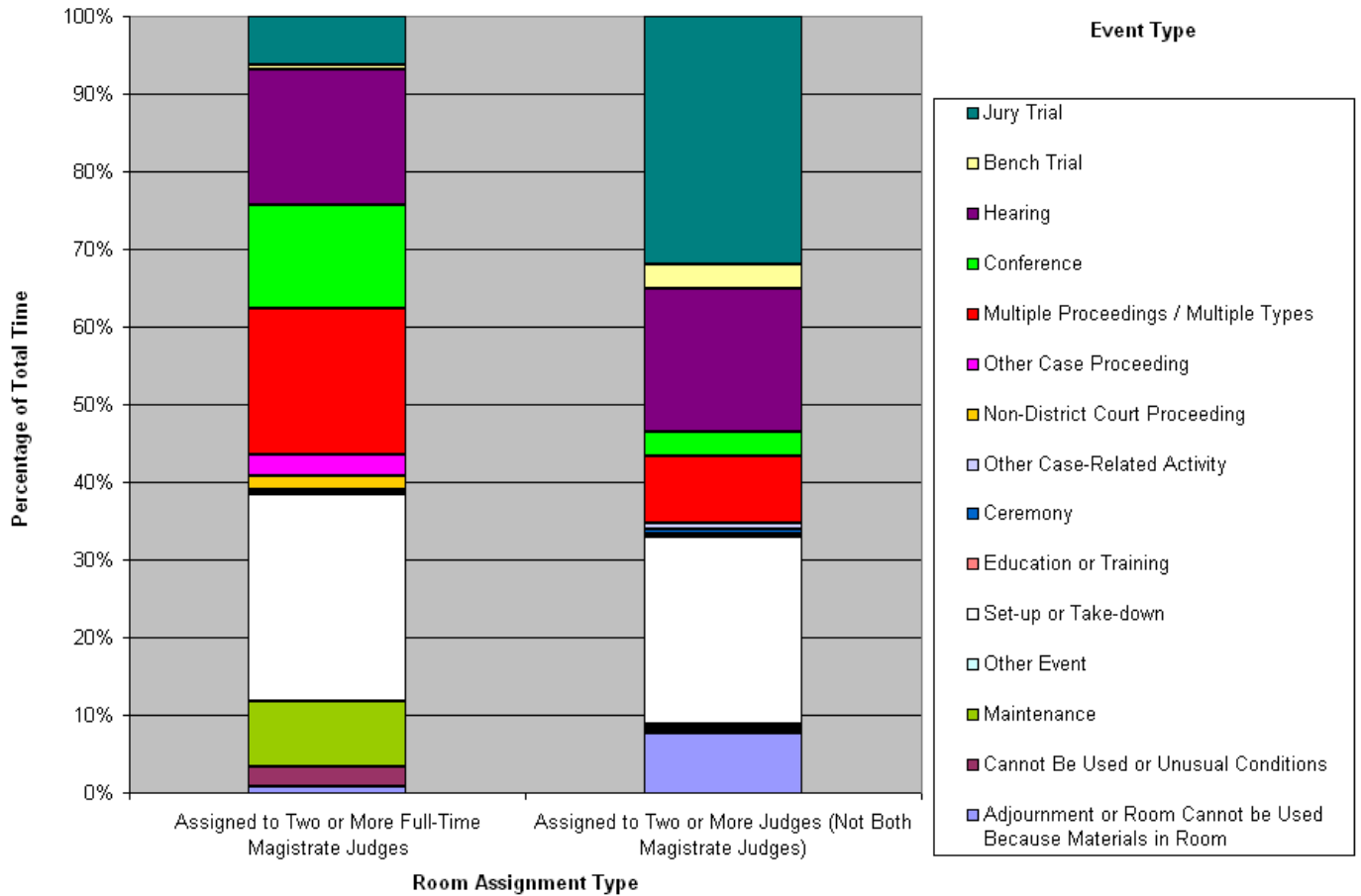
a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.8

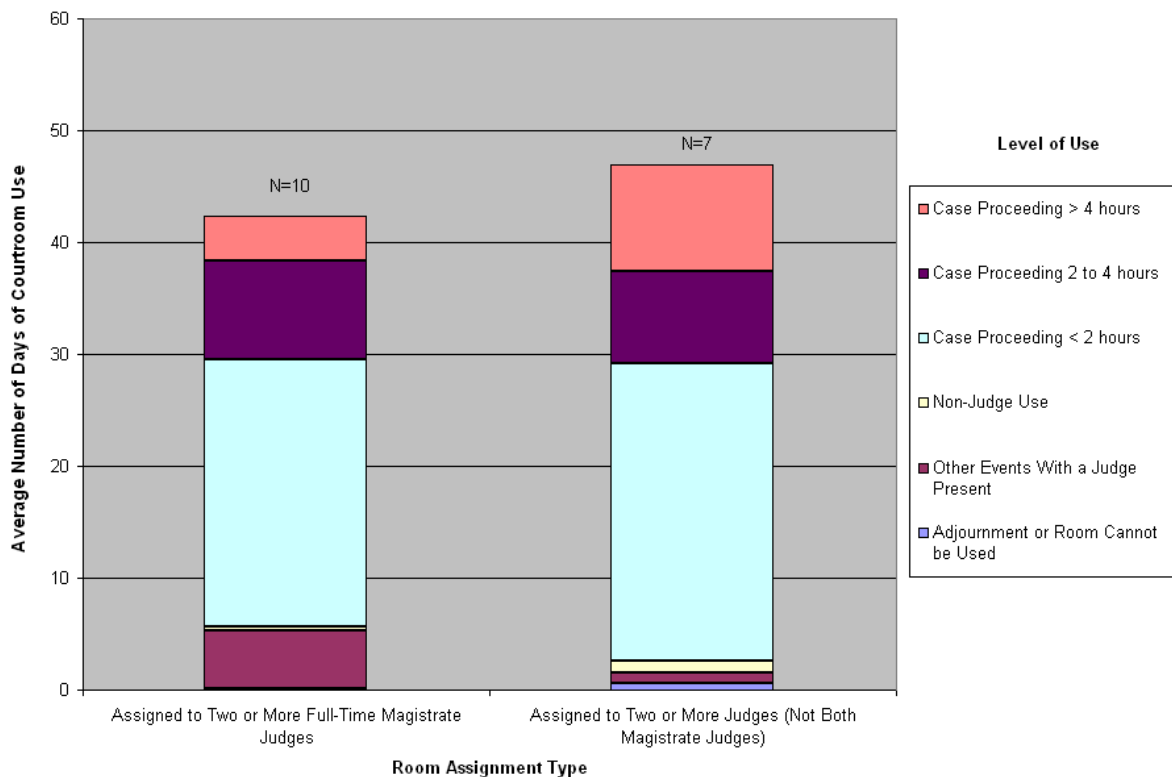
Proportion of Courtroom Use per Day Accounted for by Type of Event,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.9
 Number of Days of Courtroom Use by Level of Use,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

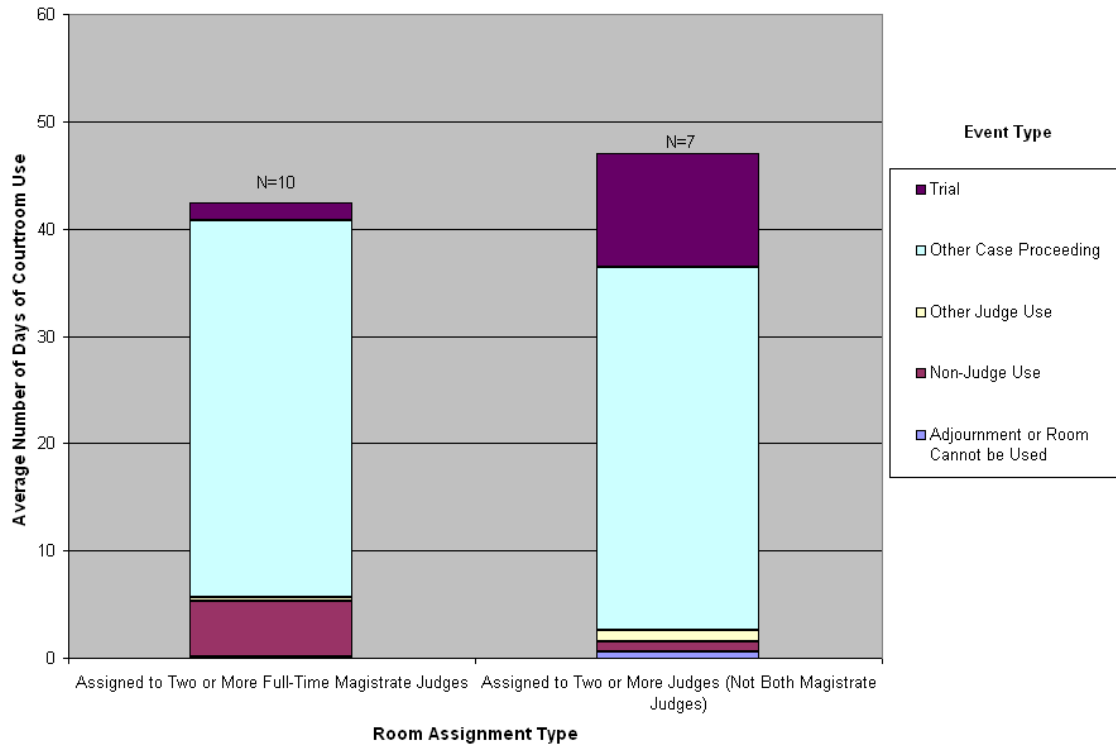


N = Number of courtrooms.

a The analysis is based on sixty-three workdays. For this analysis, the event categories were collapsed into a smaller set. The categories used here are defined as follows: Case Proceedings = Jury and bench trials, hearings, conferences, grand jury proceedings, multiple short proceedings, warrants, other district court proceedings; Other Events with a Judge Present = Any other event in courtroom where the user was identified as a judge, including ceremonies, education, time in court before or after proceedings, non-district court case proceedings, other case-related events, etc.; Non-Judge Use = Any other event in court where the user was identified as anyone other than a judge (e.g., staff, attorneys, public), including ceremonies, education, training, set-up or take-down activities in court before or after proceedings, other case-related meetings, maintenance during regular court hours, etc.; Adjournment or Room Cannot be Used = Room is unoccupied but cannot be used because of adjournments, unusual room conditions, materials are left in room, etc. Several event categories appear in more than one of these collapsed categories depending whether a judge was present.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.10
 Number of Days of Courtroom Use by Type of Event,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



N = Number of courtrooms.

- a The analysis is based on sixty-three workdays. For this analysis, the event categories were collapsed into a smaller set. The categories used here are defined as follows: Trial = Jury and Bench Trials; Other Case Proceeding = Hearings, conferences, grand jury proceedings, multiple short proceedings, warrants, other district court proceedings; Other Events with a Judge Present = Any other event in courtroom where the user was identified as a judge, including ceremonies, education, time in court before or after proceedings, non-district court case proceedings, other case-related events, etc.; Non-Judge Use = Any other event in court where the user was identified as anyone other than a judge (e.g., staff, attorneys, public), including ceremonies, education, training, set-up or take-down activities in court before or after proceedings, other case-related meetings, maintenance during regular court hours, etc.; Adjournment or Room Cannot be Used = Room is unoccupied but cannot be used because of adjournments, unusual room conditions, materials are left in room, etc. Several event categories appear in more than one of these collapsed categories depending whether a judge was present.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.9

Number of Days of Courtroom Use by Level of Use and Type of Event,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Assigned to Two or More Full-Time Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)	
Number of Courtrooms	10		7	
Level of Use (Case Proceedings)	# of Work Days	% of 63 Days	# of Work Days	% of 63 Days
Over 4 Hours	4.1	6.5%	9.6	15.2%
From 2 – 4 Hours	8.8	14.0%	8.3	13.2%
Less than 2 Hours	23.9	38.0%	26.6	42.2%
Type of Event	# of Work Days	% of 63 Days	# of Work Days	% of 63 Days
Jury or Bench Trial	1.6	2.5%	10.6	16.8%
Other Case Proceedings (except adjournments and materials in the room)	35.2	55.9%	33.9	53.8%
Adjournments/Materials in Room	0.1	0.2%	0.6	1.0%
Other Judge Use	0.3	0.5%	1.0	1.6%
Non-Judge Use	5.2	8.3%	1.0	1.6%
Total ^c	42.4	67.3%	47.0	74.6%

a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Sums may differ slightly from the total or from 100% due to rounding.

Table A.10
 Courtroom Use per Day Accounted for by Type of User,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned			
	Assigned to Two or More Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)	
Number of Courtrooms	10		7	
Average Minutes Used per Courtroom per Day ^c	110.3		160.0	
Average Hours Used per Courtroom per Day	1.8		2.7	
User	# of Avg. Minutes ^c	% of Avg. Minutes ^c	# of Avg. Minutes ^c	% of Avg. Minutes ^c
District Judge	<1.0	0.0%	39.6	24.7%
Senior Judge	8.4	7.6%	34.6	21.6%
Magistrate Judge	54.6	49.5%	29.4	18.4%
Attorneys or Parties	15.2	13.8%	31.1	19.4%
Court Staff	18.7	17.0%	14.5	9.1%
Other Judge	6.5	5.9%	2.8	1.7%
Visiting Judge	0	0.0%	1.0	0.6%
Other Judge in Case Proceedings	4.3	3.9%	0	0.0%
Other Judge in Non-Case Proceeding Events	2.2	2.0%	1.8	1.1%
Other Type of User	6.8	6.2%	8.2	5.1%

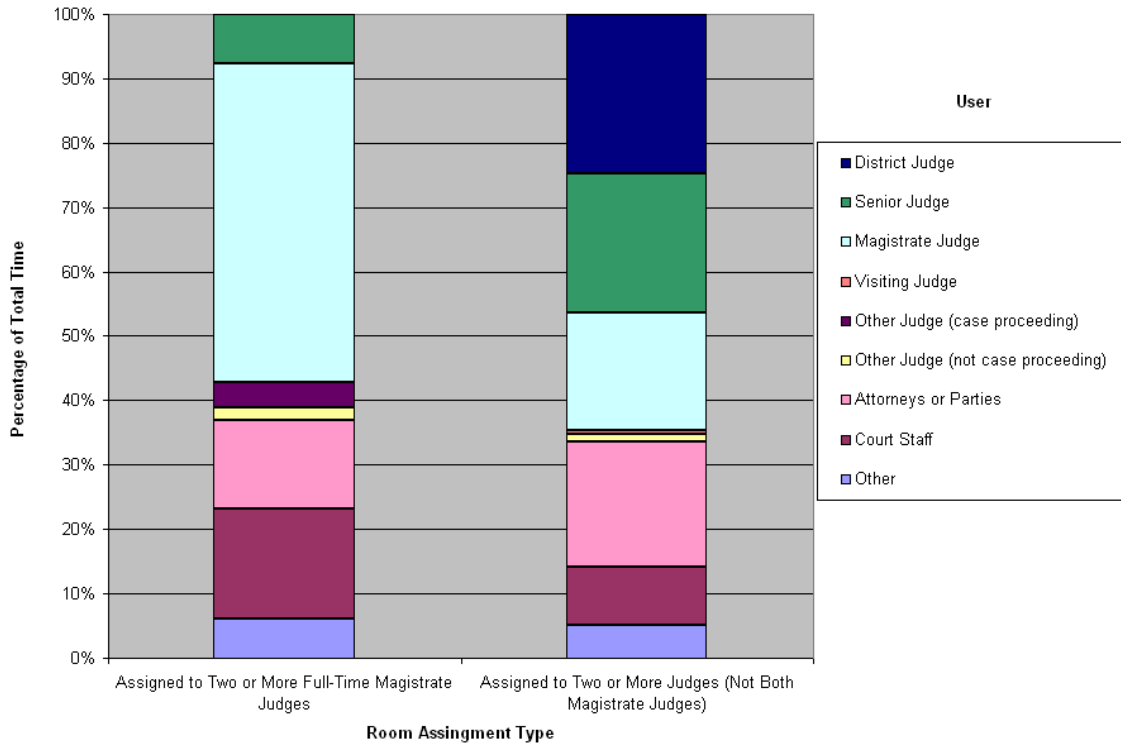
a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.11

Proportion of Courtroom Use per Day Accounted for by Type of User,^a
 Courtrooms Assigned to More Than One Judge
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.11
Courtroom Use per Day by Type of Event,^a Unassigned Courtrooms
(Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

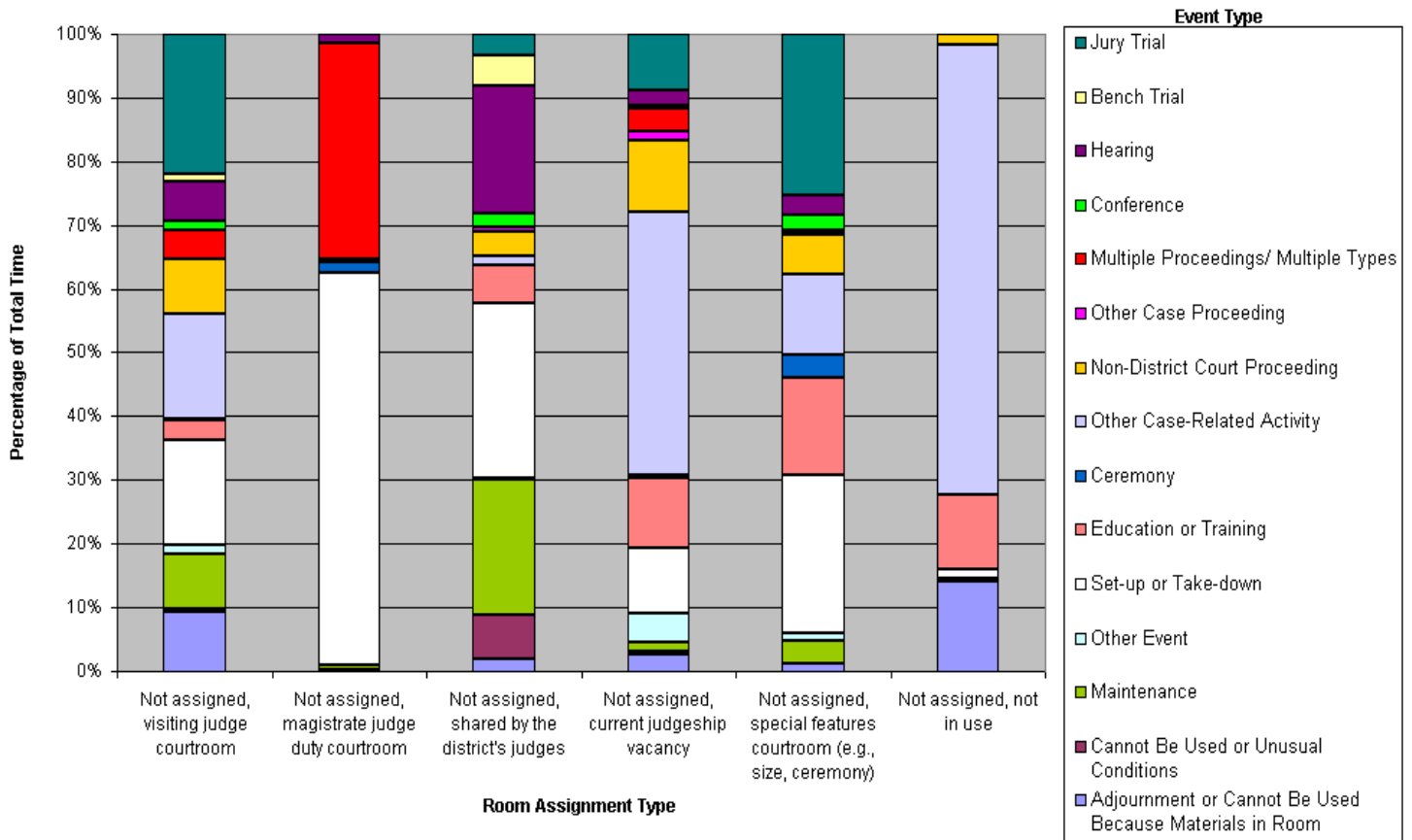
Type of Event	Type of Courtrooms Not Assigned to a Specific Judge											
	Not Assigned, Visiting Judge Courtroom		Not Assigned, Magistrate Judge Duty Courtroom		Not Assigned, Shared by the District's Judges		Not Assigned, Current Judgeship Vacancy		Not Assigned, Special Features Courtroom (e.g., size, ceremony)		Not Assigned, Not in Use	
Number of Courtrooms	25		2		4		7		14		2	
Average Minutes Used per Courtroom per Day ^b	69.8		251.9		115.7		106.0		88.9		121.2	
Average Hours Used per Courtroom per Day	1.2		4.2		1.9		1.8		1.5		2.0	
Type of Event	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
Court Proceedings	31.2	44.7%	89.2	35%	38.1	33.0%	20.5	19.4%	29.0	32.7%	17.1	14.1%
Jury Trial	15.3	21.9%	0	0.0%	3.8	3.3%	9.4	8.9%	22.4	25.2%	0	0.0%
Bench Trial	1.0	1.4%	0	0.0%	5.6	4.9%	0	0.0%	0	0.0%	0	0.0%
Hearing	4.2	6.0%	3.7	1.5%	23.0	19.9%	2.5	2.4%	2.9	3.2%	0	0.0%
Conference	1.1	1.6%	0.0	0.0%	2.6	2.2%	0.4	0.4%	2.0	2.3%	0	0.0%
Multiple Proceedings/ Multiple Types	3.1	4.5%	85.0	33.7%	0	0.0%	3.9	3.7%	0.1	0.2%	0	0.0%
Other Case Proceeding	0	0.0%	0	0.0%	0.9	0.8%	1.4	1.3%	0.5	0.5%	0	0.0%
Materials in Room	6.5	9.3%	0.5	0.2%	2.2	1.9%	2.9	2.7%	1.1	1.3%	17.1	14.1%
Set-Up or Take-down	11.6	16.6%	155.3	61.6%	31.6	27.3%	10.9	10.3%	22.0	24.8%	1.7	1.4%
Other Case Related Activity	11.4	16.4%	1.4	0.5%	1.6	1.4%	43.9	41.4%	11.4	12.8%	85.7	70.7%
Ceremonies and Education	2.3	3.3%	4.4	1.7%	7.1	6.1%	12.2	11.5%	16.7	18.8%	14.2	11.8%
Ceremony	0.2	0.3%	4.4	1.7%	0	0.0%	0.5	0.5%	3.0	3.4%	0	0.0%
Education or Training	2.1	3.0%	0.0	0.0%	7.1	6.1%	11.7	11.0%	13.7	15.4%	14.2	11.8%
Other	13.3	19.1%	1.8	0.7%	37.2	32.2%	18.5	17.5%	9.7	10.9%	2.4	2.0%
Non-District Court Proceeding	6.0	8.7%	0	0.0%	4.3	3.7%	11.9	11.3%	5.5	6.2%	1.9	1.6%
Other Event	1.0	1.4%	0	0.0%	0.2	0.2%	4.6	4.3%	1.1	1.2%	0	0.0%
Maintenance	5.9	8.5%	1.8	0.7%	24.7	21.3%	1.5	1.4%	3.1	3.5%	0.5	0.4%
Unusual Room Conditions	0.4	0.5%	0.0	0.0%	8.0	7.0%	0.5	0.5%	0	0.0%	0	0.0%

a The analysis is based on sixty-three workdays.

b "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.12

Proportion of Courtroom Use per Day Accounted for by Type of Event,^a Unassigned Courtrooms
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



^a The analysis is based on sixty-three workdays.

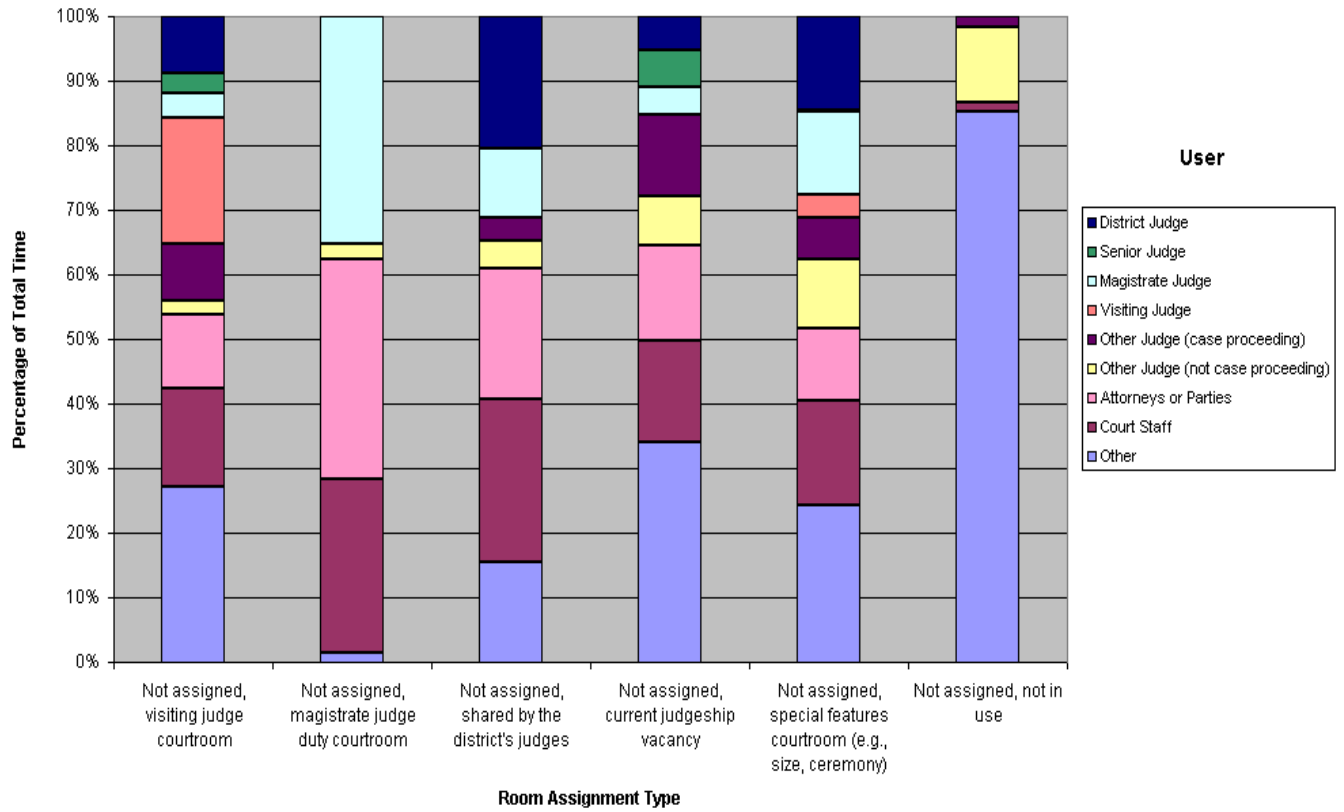
Table A.12
 Courtroom Use per Day by Type of User,^a Unassigned Courtrooms
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

	Type of Courtrooms Not Assigned to a Specific Judge											
	Not Assigned, Visiting Judge Courtroom		Not Assigned, Magistrate Judge Duty Courtroom		Not Assigned, Shared by the District's Judges		Not Assigned, Current Judgeship Vacancy		Not Assigned, Special Features Courtroom (e.g., size, ceremony)		Not Assigned, Not in Use	
Number of Courtrooms	25		2		4		7		14		2	
Average Minutes Used per Courtroom per Day ^b	69.8		251.9		115.7		106.0		88.9		121.2	
Average Hours Used per Courtroom per Day	1.2		4.2		1.9		1.8		1.5		2.0	
User	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
District Judge	6.1	8.7%	0	0.0%	23.8	20.6%	5.5	5.2%	12.9	14.5%	0	0.0%
Senior Judge	2.3	3.3%	0	0.0%	0	0.0%	6.2	5.8%	0.2	0.2%	0	0.0%
Magistrate Judge	2.6	3.8%	88.7	35.2%	12.2	10.6%	4.6	4.3%	11.4	12.9%	0	0.0%
Attorneys or Parties	8.0	11.5%	86.1	34.2%	23.3	20.1%	15.7	14.8%	9.9	11.1%	0	0.0%
Court Staff	10.7	15.3%	67.7	26.9%	29.3	25.4%	16.8	15.8%	14.5	16.3%	1.8	1.5%
Other Judge	21.2	30.3%	5.8	2.3%	9.2	7.9%	21.3	20.0%	18.6	20.8%	16.0	13.3%
Visiting Judge	13.6	19.5%	0	0.0%	0	0.0%	0	0.0%	3.3	3.7%	0	0%
Other Judges in Case Proceedings	6.1	8.7%	0	0.0%	4.3	3.7%	13.3	12.5%	5.7	6.4%	1.9	1.6%
Other Judge in Non-Case Proceeding Events	1.5	2.1%	5.8	2.3%	4.9	4.2%	8.0	7.5%	9.6	10.7%	14.1	11.7%
Other Type of User	18.9	27.1%	3.6	1%	17.8	15.4%	36.0	33.9%	21.5	24.2%	103.3	85.3%

a The analysis is based on sixty-three workdays.

b "Minutes" refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ slightly from the total or from 100% due to rounding.

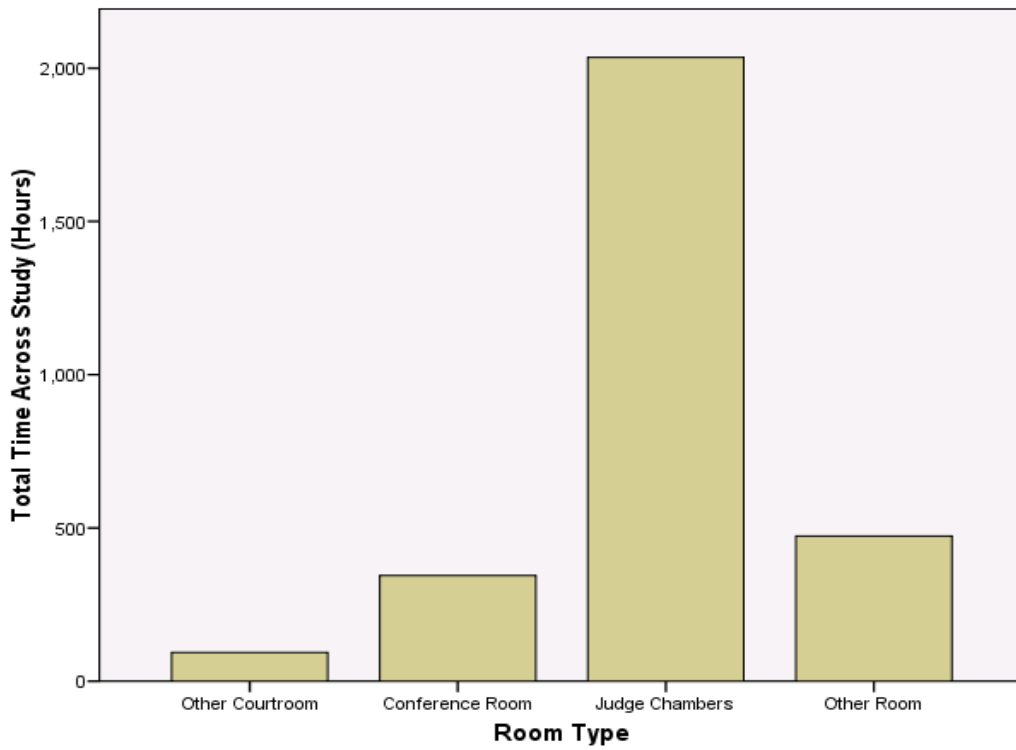
Figure A.13
 Proportion of Courtroom Use per Day Accounted for by Type of User,
 Unassigned Courtrooms^a
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

Figure A.14

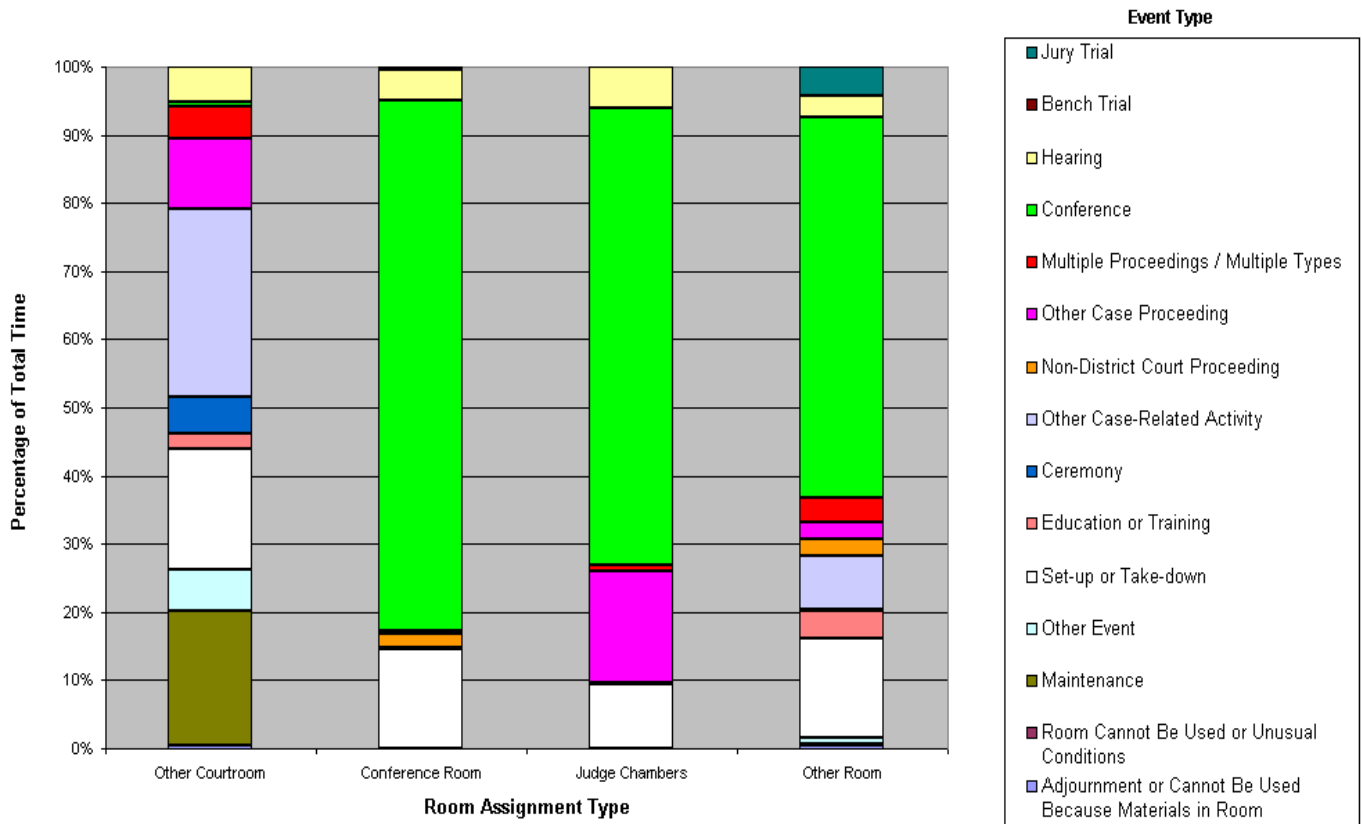
Total Time Spent in Other Courthouse Rooms by Type of Room^a
(Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

Figure A.15

Proportion of Time Spent in Other Courthouse Rooms by Type of Room and Type of Event^a
 (Resident, Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

Table A.13

Time Spent in Other Courthouse Rooms by Type of Room and Type of Event^a
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

	Type of Other Room							
	Other Courtroom		Conference Room		Judge Chambers		Other Room	
Number of Rooms	9		21		57		52	
Total Hours ^b	93.8		344.7		2,035.0		473.6	
Type of Event	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b
Case Proceedings	20.0	21.3%	286.7	83.2%	1,841.2	90.4%	330.2	69.7%
Jury Trial	0	0.0%	1.3	0.4%	0.9	<0.1%	19.7	4.1%
Bench Trial	0	0.0%	0	0.0%	0.2	<0.1%	0	0.0%
Hearing	4.9	5.2%	15.5	4.55%	120.3	5.9%	15.9	3.4%
Conference	0.5	0.5%	268.4	77.9%	1,368.1	67.2%	264.3	55.8%
Multiple Proceedings/ Multiple Types	4.5	4.8%	1.0	0.3%	16.5	0.8%	16.6	3.5%
Other Case Proceeding	9.7	10.4%	0.5	0.1%	334.8	16.5%	11.6	2.5%
Materials in Room	0.4	0.4%	0	0.0%	0.5	<0.1%	2.1	0.5%
Set-Up or Take-down	16.7	17.8%	50.5	14.7%	190.9	9.4%	69.4	14.7%

a The analysis is based on sixty-three workdays.

b Sums may differ slightly from the total or from 100% due to rounding.

Table continued on next page.

Table A.13 continued

Time Spent in Other Courthouse Rooms by Type of Room and Type of Event^a
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

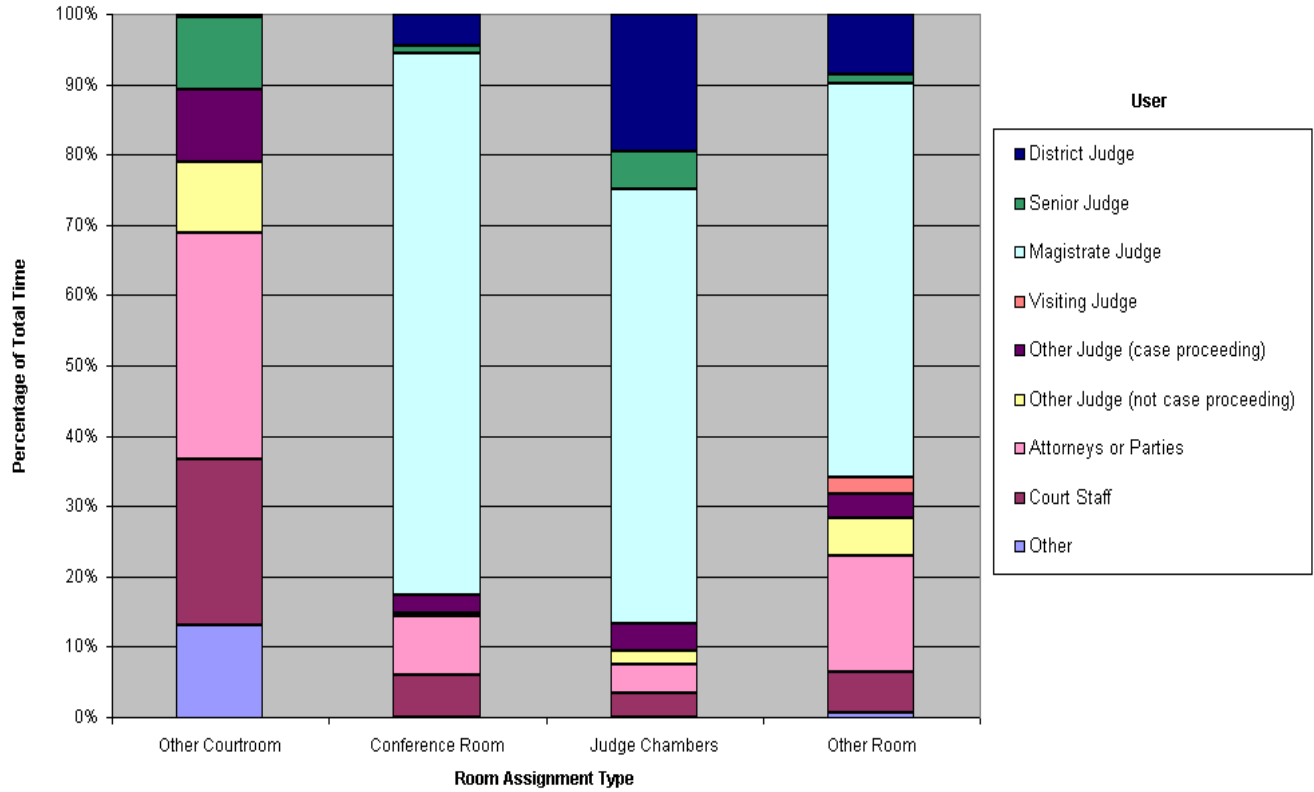
	Type of Other Room							
	Other Courtroom		Conference Room		Judge Chambers		Other Room	
Number of Rooms	9		21		57		52	
Total Hours ^b	93.8		344.7		2,035.0		473.6	
Type of Event	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b
Other Case-Related Activity	25.8	27.5%	0	0.0%	0	0.0%	37.6	7.9%
Ceremonies and Education	7.1	7.6%	0.5	0.1%	2.9	0.1%	19.7	4.2%
Ceremony	5.1	5.5%	0	0.0%	0	0.0%	0.5	0.1%
Education or Training	2.0	2.1%	0.5	0.1%	2.9	0.1%	19.2	4.1%
Other	24.3	25.8%	7.0	2.0%	0	0.0%	16.7	3.5%
Non-District Court Proceeding	0.0	0.0%	7.0	2.0%	0	0.0%	11.5	2.4%
Other Event	5.8	6.1%	0	0.0%	0	0.0%	4.0	0.8%
Maintenance	18.5	19.7%	0	0.0%	0	0.0%	1.2	0.3%
Unusual Room Conditions	0	0.0%	0	0.0%	0	0.0%	0	0%

a The analysis is based on sixty-three workdays.

b Sums may differ slightly from the total or from 100% due to rounding.

Figure A.16

Proportion of Time Spent in Other Courthouse Rooms by Type of Room and Type of User^a
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

Table A.14

Time Spent in Other Courthouse Rooms by Type of Room and Type of User^a
 (Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

	Type of Other Room							
	Other Courtroom		Conference Room		Judge Chambers		Other Room	
Number of Rooms	9		21		57		52	
Total Hours ^b	93.8		344.7		2,035.0		473.6	
User	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b	# of Hours ^b	% of Hours ^b
District Judge	0.4	0.4	15.7	4.6%	396.6	19.5%	40.3	9%
Senior Judge	9.8	10.4%	3.5	1.0%	111.6	5.5%	7.0	2%
Magistrate Judge	0.0	0.0%	265.5	77.0%	1256.4	61.7%	265.2	56%
Attorneys or Parties	30.2	32.2%	28.9	8.4%	81.0	4%	77.6	16%
Court Staff	22.1	23.6%	21.0	6.1%	70.8	4%	28.3	6%
Other Judge	19.1	20.3%	10.1	2.9%	117.8	5.8%	52.7	11.1%
Visiting Judge	0	0.0%	0	0.0%	0	0.0%	10.9	2.3%
Other Judge in Case Proceedings	9.5	10.1%	9.0	2.6%	76.5	3.8%	16.2	3.4%
Other Judge in Non-Case Proceeding Events	9.6	10.2%	1.1	0.3%	41.3	2.0%	25.7	5.4%
Other Type of User	12.3	13.1%	0	0.0%	1.1	0.1%	2.6	0.5%

a The analysis is based on sixty-three workdays.

b Sums may differ slightly from the total or from 100% due to rounding.

Table A.15
Courtroom Use Accounted for by Type of Event and Type of Courtroom Assignment^a
(Non-Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned											
	Assigned to a Single Active District Judge		Assigned to a Single Full-Time Magistrate Judge		Assigned to a Single Part-Time Magistrate Judge		Assigned to Two or More Full-Time Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)		Not Assigned, Visiting Judge Courtroom	
Number of Courtrooms	1		2		5		2		2		9	
Average Minutes Used per Courtroom per Day ^b	49.6		48.4		90.8		78.5		23.5		35.7	
Average Hours Used per Courtroom per Day	0.8		0.8		1.5		1.3		0.4		0.6	
Type of Event	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
Court Proceedings	34.9	70.4%	19.4	40.0%	47.2	52.0%	18.7	23.8%	8.4	35.6%	12.2	34.2%
Jury Trial	4.9	9.9%	0	0.0%	10.3	11.3%	0	0.0%	0	0.0%	4.5	12.5%
Bench Trial	2.5	5.0%	0	0.0%	3.0	3.3%	1.4	1.8%	0	0.0%	1.4	3.9%
Hearing	10.8	21.8%	5.9	12.2%	12.5	13.8%	6.0	7.7%	4.4	18.7%	2.1	5.8%
Conference	0.0	0.0%	0.0	0.0%	2.0	2.2%	0.0	0.0%	1.2	5.1%	0	0.0%
Multiple Proceedings/ Multiple Types	16.7	33.7%	13.4	27.8%	12.3	13.6%	11.3	14.4%	2.8	11.7%	4.0	11.3%
Other Case Proceeding	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Materials in Room	0	0.0%	0	0.0%	7.0	7.8%	0	0.0%	0	0.0%	0.3	0.8%
Set-Up or Take-down	12.8	25.8%	9.4	19.4%	7.2	7.9%	34.7	44.1%	8.6	36.6%	6.4	18.0%

a The analysis is based on sixty-three workdays.

b “Minutes” refer to the average minutes spent in a particular type of courtroom per day across all sixty workdays for that type of courtroom. Sums may differ slightly from the total or from 100% due to rounding.

Table continued on next page.

Table A.15 continued

Courtroom Use Accounted for by Type of Event by Type of Courtroom Assignment^a
(Non-Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

	Type of Judge to Whom Courtroom Is Assigned											
	Assigned to a Single Active District Judge		Assigned to a Single Full-Time Magistrate Judge		Assigned to a Single Part-Time Magistrate Judge		Assigned to Two or More Full-Time Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)		Not Assigned, Visiting Judge Courtroom	
Number of Courtrooms	1		2		5		2		2		9	
Average Minutes Used per Courtroom per Day ^b	49.6		48.4		90.8		78.5		23.5		35.7	
Average Hours Used per Courtroom per Day	0.8		0.8		1.5		1.3		0.4		0.6	
Type of Event	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
Other Case Related Activity	0	0.0%	0	0.0%	0.1	0.1%	0	0.0%	0.6	2.5%	4.8	13.4%
Ceremonies and Education	0	0.0%	1.2	2.5%	6.0	6.7%	0	0.0%	0	0.0%	0	0.0%
Ceremony	0	0.0%	0	0.0%	0.0	0.0%	0	0.0%	0	0.0%	0	0.0%
Education or Training	0	0.0%	1.2	2.5%	6.0	6.7%	0	0.0%	0	0.0%	0	0.0%
Other	1.9	3.8%	18.5	38.2%	30.3	33.3%	25.2	32.1%	6.0	25.2%	12.2	34.3%
Non-District Court Proceeding	0	0.0%	0.0	0.0%	22.3	24.5%	11.8	15.1%	2.5	10.6%	6.0	16.8%
Other Event	0	0.0%	2.4	4.9%	1.5	1.7%	0	0.0%	0	0.0%	0.8	2.3%
Maintenance	1.9	3.8%	16.1	33.3%	6.5	7.1%	13.3	17.0%	0.8	3.5%	5.4	15.2%
Unusual Room Conditions	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2.6	11.1%	0	0.0%

a The analysis is based on sixty-three workdays.

b "Minutes" refer to the average minutes spent in a particular type of courtroom per day across all sixty workdays for that type of courtroom. Sums may differ slightly from the total or from 100% due to rounding.

Table A.16
Courtroom Use per Day Accounted for by Type of User and Type of Courtroom Assignment^a
(Non-Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)

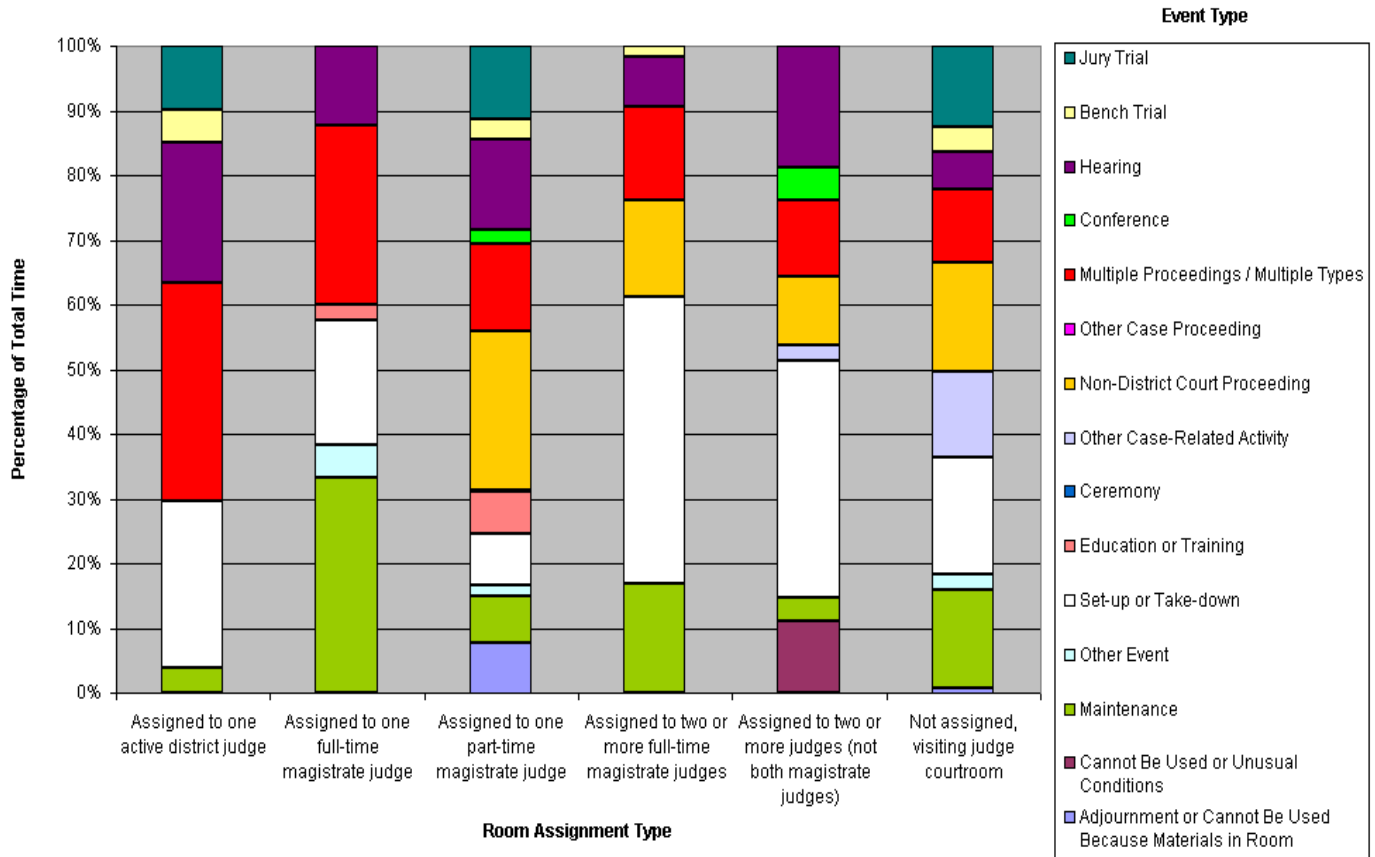
	Type of Courtroom											
	Assigned to a Single Active District Judge		Assigned to a Single Full-Time Magistrate Judge		Assigned to a Single Part-Time Magistrate Judge		Assigned to Two or More Full-Time Magistrate Judges		Assigned to Two or More Judges (Not Both Magistrate Judges)		Not Assigned, Visiting Judge Courtroom	
Number of Courtrooms	1		2		5		2		2		9	
Average Minutes Used per Courtroom per Day ^b	49.6		48.4		90.8		78.5		23.5		35.7	
Average Hours Used per Courtroom per Day	0.8		0.8		1.5		1.3		0.4		0.6	
User	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b	# of Avg. Minutes ^b	% of Avg. Minutes ^b
District Judge	34.9	70.4%	0	0.0%	5.5	6.0%	0	0.0%	0	0.0%	2.6	7.3%
Senior Judge	0	0.0%	0	0.0%	0.2	0.2%	0	0.0%	3.7	15.9%	3.8	10.7%
Magistrate Judge	0	0.0%	19.4	40.0%	34.5	38.0%	18.7	23.8%	4.6	19.7%	4.7	13.1%
Attorneys or Parties	6.9	13.8%	6.5	13.4%	2.6	2.8%	6.2	7.9%	3.7	15.6%	2.4	6.8%
Court Staff	7.8	15.8%	22.6	46.6%	13.2	14.5%	22.1	28.1%	6.2	26.4%	9.1	25.4%
Other Judge	0	0.0%	0	0.1%	27.8	30.6%	18.3	23.3%	2.5	10.7%	11.8	33.2%
Visiting Judge	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other Judge in Case Proceedings	0	0.0%	0	0.0%	22.3	24.5%	11.8	15.1%	2.5	10.6%	6.8	19.1%
Other Judge in Non-Case Proceeding Events	0	0.0%	0	0.1%	5.5	6.1%	6.4	8.2%	0	0.1%	5.0	14.1%
Other Type of User	0	0.0%	0	0.0%	7.1	7.9%	13.2	16.8%	2.7	11.6%	1.2	3.4%

a The analysis is based on sixty-three workdays.

b “Minutes” refer to the average minutes spent in a particular type of courtroom per day across all sixty-three days for that type of courtroom. Sums may differ slightly from the total or from 100% due to rounding.

Figure A.17

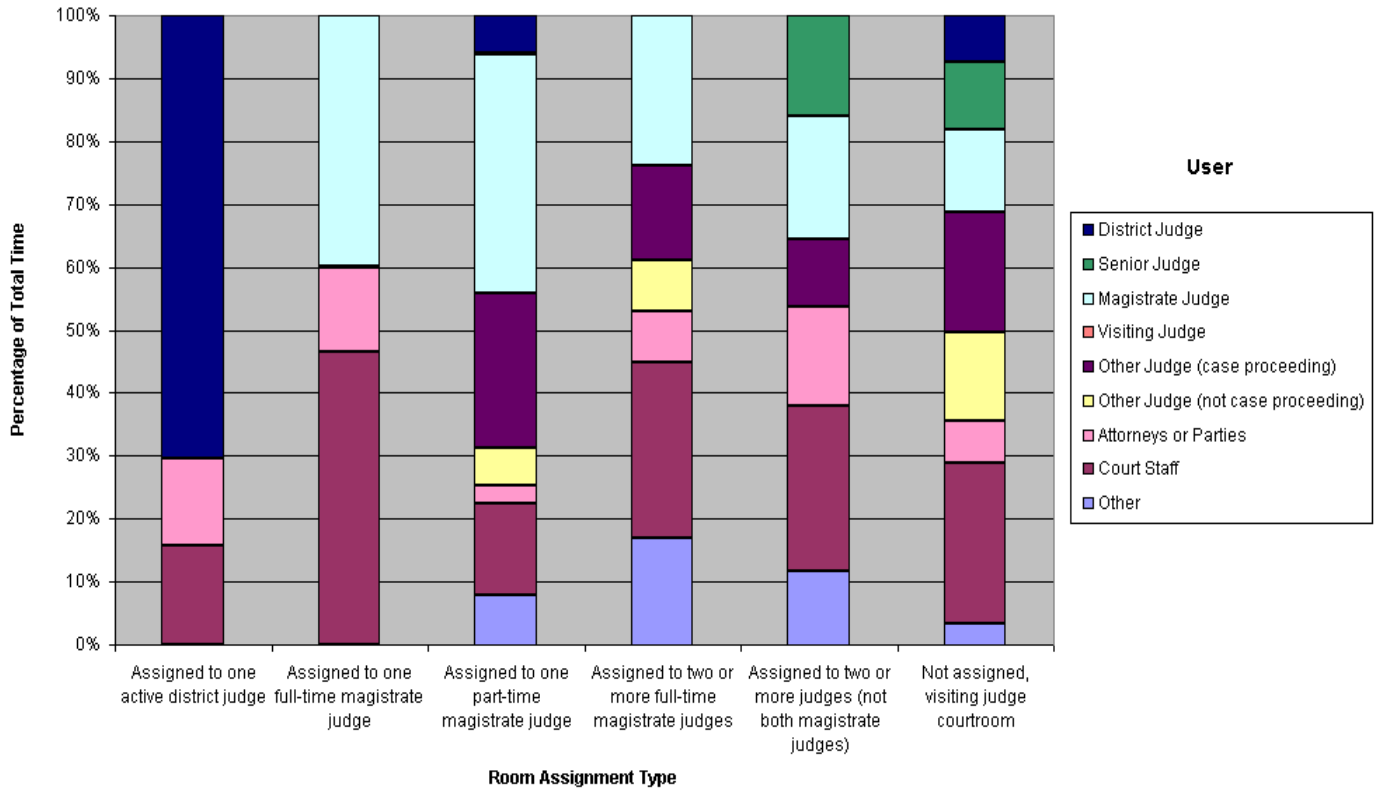
Proportion of Courtroom Use per Day Accounted for by Type of Event and Type of Courtroom Assignment^a
 (Non-Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays.

Figure A.18

Proportion of Courtroom Use Accounted for by Type of User and Type of Courtroom Assignment^a
 (Non-Resident Courthouses, Twenty-Three Sample Districts, January 15 to July 15, 2007)



^a The analysis is based on sixty-three workdays.

Table A.17
 Correlation Coefficients for Relationship Between Average Hours of
 Courtroom Use per Day and Various District Characteristics^a
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

District Characteristics	Type of Judge to Whom Courtroom Is Assigned		
	Assigned to a Single Active District Judge	Assigned to A Single Senior District Judge	Assigned to a Single Full-Time Magistrate Judge
Unweighted Filings per Authorized Judgeship	-.03	-.08	NA ^c
Pending Caseload Weighted by Standard Case Weights	.16	-.11	NA ^c
Pending Caseload Weighted by Procedural Case Weights	.18	-.07	NA ^c
% of Filings That Are Criminal	.16	.24	.41
Number of Judges Active During the Study	.36	.16	.10
Ratio of Courtrooms to Judges	-.21	.01	-.02
Size of Largest Courthouse	.28	.31	.23
Whether a Border Court	.35	.38	.56 ^d

- a The number of observations is twenty-two districts. The analysis is based on sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.
- c Filings per judgeship and case weights are based on district judge caseloads and do not apply to magistrate judge workloads.
- d Statistically significant at the $p \leq .01$ level.

Table A.18
 Correlation Coefficients for Relationship Between Average Hours of
 Courtroom Use per Day and Various Courthouse Characteristics^a
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courthouse Characteristics	Type of Judge to Whom Courtroom Is Assigned		
	Assigned to a Single Active District Judge	Assigned to A Single Senior District Judge	Assigned to a Single Full-Time Magistrate Judge
Pending Caseload Weighted by Standard Case Weights	.32 ^c	.33	NA ^e
Pending Caseload Weighted by Procedural Case Weights	.30 ^c	.37 ^c	NA ^e
Number of Judges Active During the Study	.14	.19	-.02
Ratio of Courtrooms to Judges	-.19	-.22	-.17
Size of Population	.15	.14	.03
Number of Courtrooms	.14	.17	-.01
Whether a Border Courthouse	.29 ^c	.42 ^c	.56 ^d

- a The number of observations is seventy-one courthouses. The analysis is based on sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.
- c Statistically significant at the $p \leq .05$ level.
- d Statistically significant at the $p \leq .01$ level.
- e Case weights are based on district judge caseloads and do not apply to magistrate judge workloads.

Table A.19
 Correlation Coefficients for Relationship Between Average Hours of
 Courtroom Use per Day and Various Courtroom Characteristics^a
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Characteristics	Type of Judge to Whom Courtroom Is Assigned		
	Assigned to a Single Active District Judge	Assigned to A Single Senior District Judge	Assigned to a Single Full-Time Magistrate Judge
Pending Caseload Weighted by Standard Case Weights	.18 ^c	.23 ^c	-.06
Pending Caseload Weighted by Procedural Case Weights	.19 ^d	.24 ^c	.03
% of Pending Cases That Are Criminal	.14 ^c	.05	NA ^e
Number of Years on Bench	-.14 ^c	.09	-.13
Number of Years in Senior Status	NA	.07	NA

a Number of observations is 422 courtrooms. The courtroom characteristics used in the analysis are those of the judge to whom the courtroom was assigned. The analysis is based on sixty-three workdays.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Statistically significant at the $p \leq .05$ level.

d Statistically significant at the $p \leq .01$ level.

e Pending caseloads do not apply to magistrate judges.

Table A.20

Average Hours of Courtroom Use per Day by Years in Senior Status,^a
 Courtrooms Assigned to Individual Senior District Judges
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

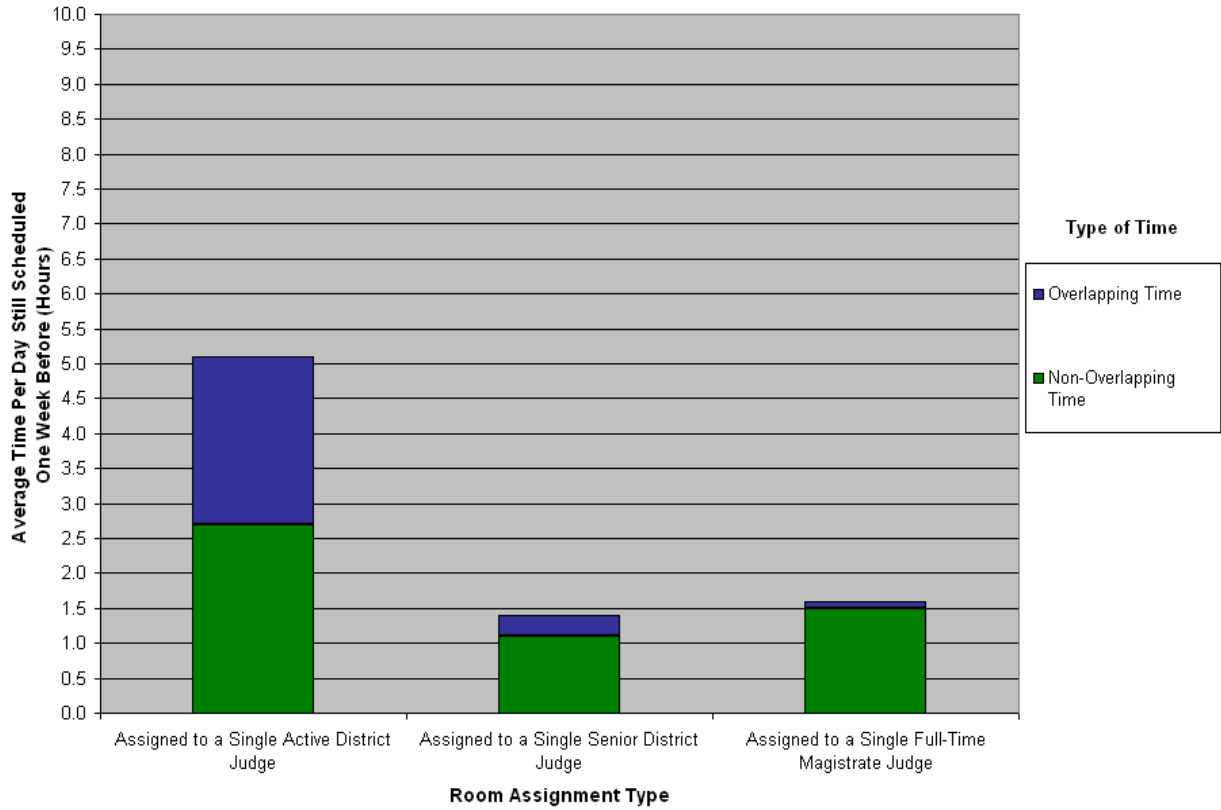
	Average Hours of Courtroom Use per Day					
Courtroom Assigned To	Years in Senior Status					
	0-3	4-6	7-9	10-12	13-15	16+
A Single Senior District Judge (N=76)	1.4 (N=17)	1.1 (N=12)	1.6 (N=15)	1.5 (N=19)	1.6 (N=6)	1.6 (N=7)

N = Number of courtrooms.

- a The analysis is based on sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.19

Average Number of Overlapping and Non-Overlapping Hours Scheduled per Day,^a
With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

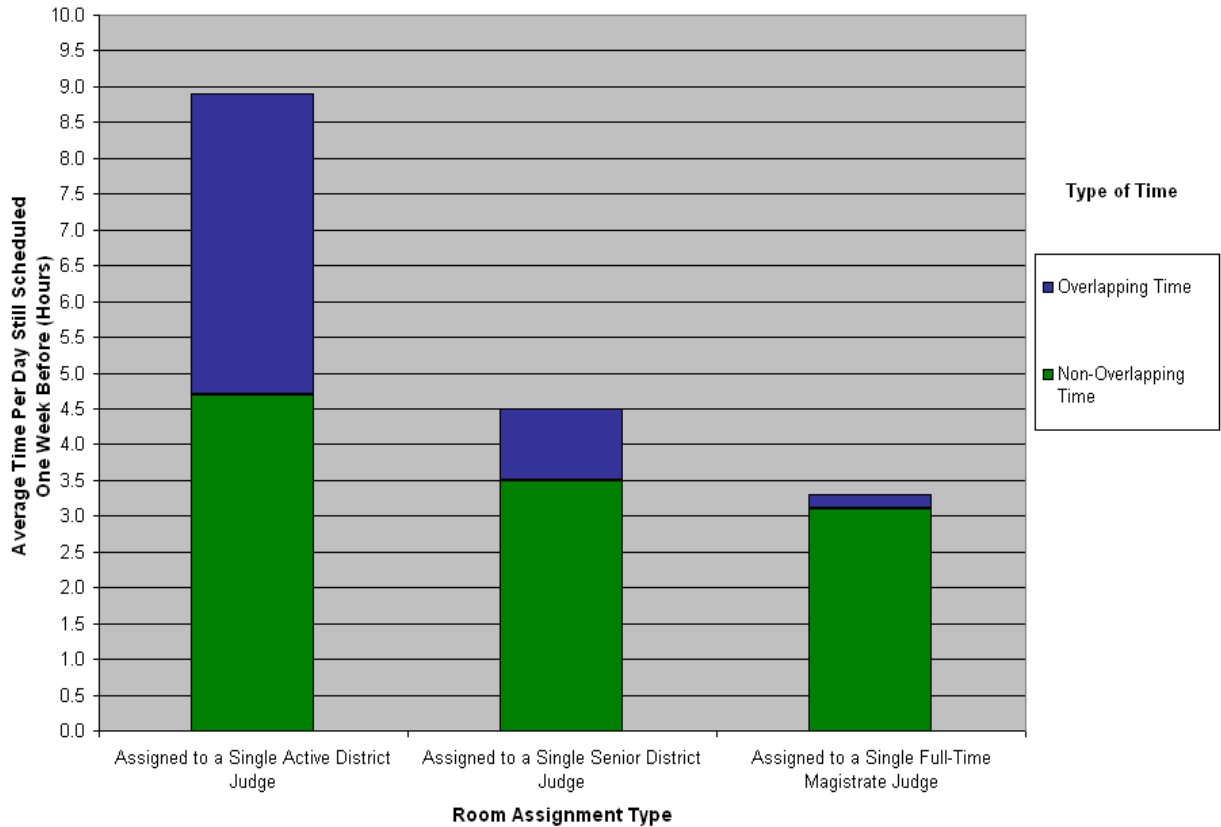


a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.20

Average Number of Overlapping and Non-Overlapping Hours Scheduled per Day,^a with Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms, (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.21

Average Number of Overlapping and Non-Overlapping Hours Scheduled per Day,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Type of Time	
	Non-Overlapping Time	Overlapping Time
	Average Number of Hours	Average Number of Hours
A Single Active District Judge (N=200)	2.7	2.4
A Single Senior District Judge (N=76)	1.1	0.3
A Single Full-Time Magistrate Judge (N=146)	1.5	0.1

N = Number of courtrooms.

- a The analysis is based on a target date seven days out.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.22

Average Number of Overlapping and Non-Overlapping Hours Scheduled per Day,^a
 With Time Averaged over Days on Which Something is Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Days on Which Something Was Scheduled		
	Avg.# of Days with Scheduled Events, per Courtroom, and % of All Days	Type of Scheduled Time	
		Non-Overlapping Time	Overlapping Time
		Average Number of Hours	Average Number of Hours
A Single Active District Judge (N=200)	37 (58%)	4.8	4.3
A Single Senior District Judge (N=76)	21 (33%)	3.6	1.0
A Single Full-Time Magistrate Judge (N=146)	31 (49%)	3.1	0.2

N = Number of courtrooms.

- a The analysis is based on a target date seven days out.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.23

Average Hours of Scheduled Non-Overlapping Time^a for 422 Individually Assigned Courtrooms,
 Grouped by Quartiles from Lowest to Highest Hours Scheduled per Day
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	0.7 (N=50)	1.8 (N=50)	3.0 (N=50)	5.3 (N=50)
A Single Senior District Judge	0.2 (N=19)	0.6 (N=19)	1.2 (N=19)	2.5 (N=19)
A Single Full-Time Magistrate Judge	0.3 (N=36)	0.9 (N=37)	1.7 (N=36)	3.0 (N=37)

N = Number of courtrooms.

- a The analysis is based on a target date seven days out and sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.24

Average Hours of Scheduled Overlapping Time^a for 422 Individually Assigned Courtrooms,
 Grouped by Quartiles from Lowest to Highest Hours Scheduled per Day
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	0.1 (N=50)	0.3 (N=50)	1.0 (N=50)	8.3 (N=50)
A Single Senior District Judge	0.0 (N=19)	0.1 (N=19)	0.1 (N=19)	1.1 (N=19)
A Single Full-Time Magistrate Judge	0.0 (N=36)	0.1 (N=37)	0.1 (N=36)	0.2 (N=37)

N = Number of courtrooms.

- a The analysis is based on a target date seven days out and sixty-three workdays. Overlapping time was calculated for the same courtrooms as those in the quartiles for non-overlapping time.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.25

Average Hours of Scheduled Non-Overlapping Time^a for Twenty-Two Sample Districts,^b
 Grouped by Quartiles from Lowest to Highest Hours Scheduled per Day
 (Resident Courthouses, January 15 to July 15, 2007)

Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	1.4 (N=5, 24)	2.0 (N=6, 84)	2.7 (N=5, 28)	4.1 (N=6, 64)
A Single Senior District Judge	0.6 (N=5, 20)	0.9 (N=5, 20)	1.3 (N=5, 19)	2.0 (N=5, 17)
A Single Full-Time Magistrate Judge	0.6 (N=5, 19)	1.1 (N=6, 51)	1.6 (N=5, 32)	2.3 (N=6, 44)

N = Number of districts, number of courtrooms.

- a The analysis is based on a target date seven days out and sixty-three workdays.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges. Only twenty of these districts have individually-assigned senior district judge courtrooms.

Table A.26

Average Hours of Scheduled Overlapping Time^a for Twenty-Two Sample Districts,^b
 Grouped by Quartile from Lowest to Highest Hours Scheduled per Day
 (Resident Courthouses, January 15 to July 15, 2007)

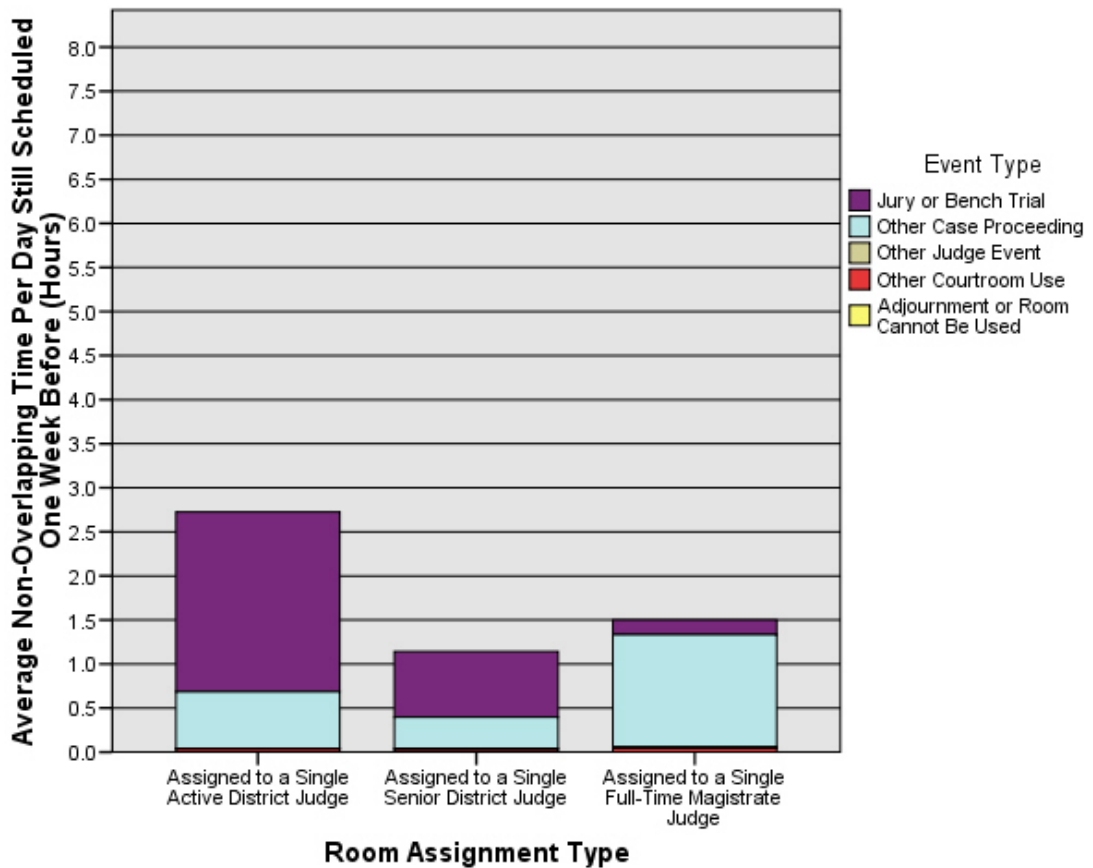
Courtroom Assigned To	Average Hours of Courtroom Use per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	0.3 (N=5, 24)	0.7 (N=6, 84)	0.4 (N=5, 28)	6.4 (N=6, 64)
A Single Senior District Judge	0.1 (N=5, 20)	0.1 (N=5, 20)	0.3 (N=5, 19)	0.9 (N=5, 17)
A Single Full-Time Magistrate Judge	<0.1 (N=5, 19)	0.1 (N=6, 51)	0.2 (N=5, 32)	0.1 (N=6, 44)

N = Number of districts, number of courtrooms.

- a The analysis is based on a target date seven days out and sixty-three workdays. Overlapping time was calculated for the same courtrooms as those in the quartiles for non-overlapping time.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges. Only twenty of these districts have individually-assigned senior district judge courtrooms.

Figure A.21

Average Number of Non-Overlapping Hours Scheduled per Day by Type of Event,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



- a The analysis is based on a target date seven days out and sixty-three workdays
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.27

Average Number of Non-Overlapping Hours Scheduled per Day by Type of Event,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms,
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

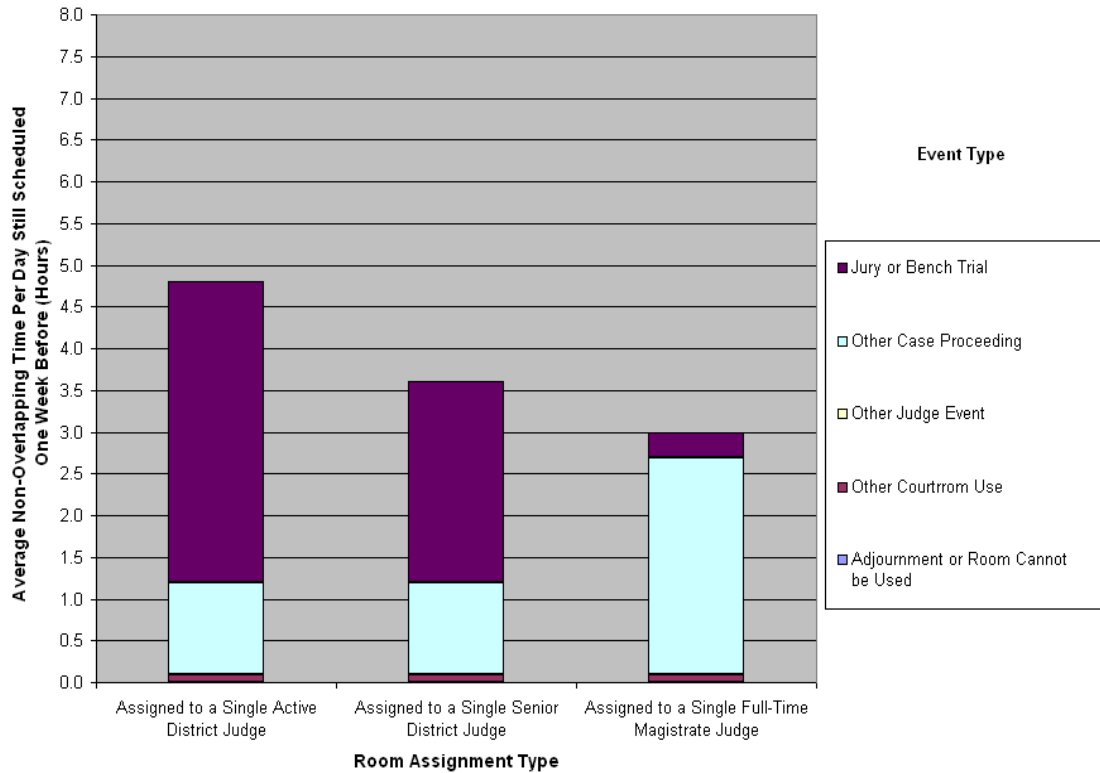
	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-time Magistrate Judge	
Number of Courtrooms	200		76		146	
Type of Event	Avg. Hours	% of Hours	Avg. Hours	% of Hours	Avg. Hours	% of Hours
Jury or Bench Trial	2.0	74.1%	0.7	58.0%	0.2	13.3%
Other Case Proceeding	0.6	22.2%	0.4	33.3%	1.3	86.7%
Other Judge Event	<0.1	<1.0%	<0.1	<1.0%	<0.1	<1.0%
Other Courtroom Use	<0.1	<1.0%	0.1	8.3%	<0.1	<1.0%
Room Cannot Be Used: Materials in Room or Other Reason	<0.1	<1.0	0	0%	0	0%
Total	2.7	100.0%	1.2	100.0%	1.5	100.0%

N = Number of courtrooms.

- a The analysis is based on a target date seven days out.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.22

Average Number of Non-Overlapping Hours Scheduled per Day by Type of Event,^a
 With Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.28

Average Number of Non-Overlapping Hours Scheduled per Day by Type of Event,^a
 With Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

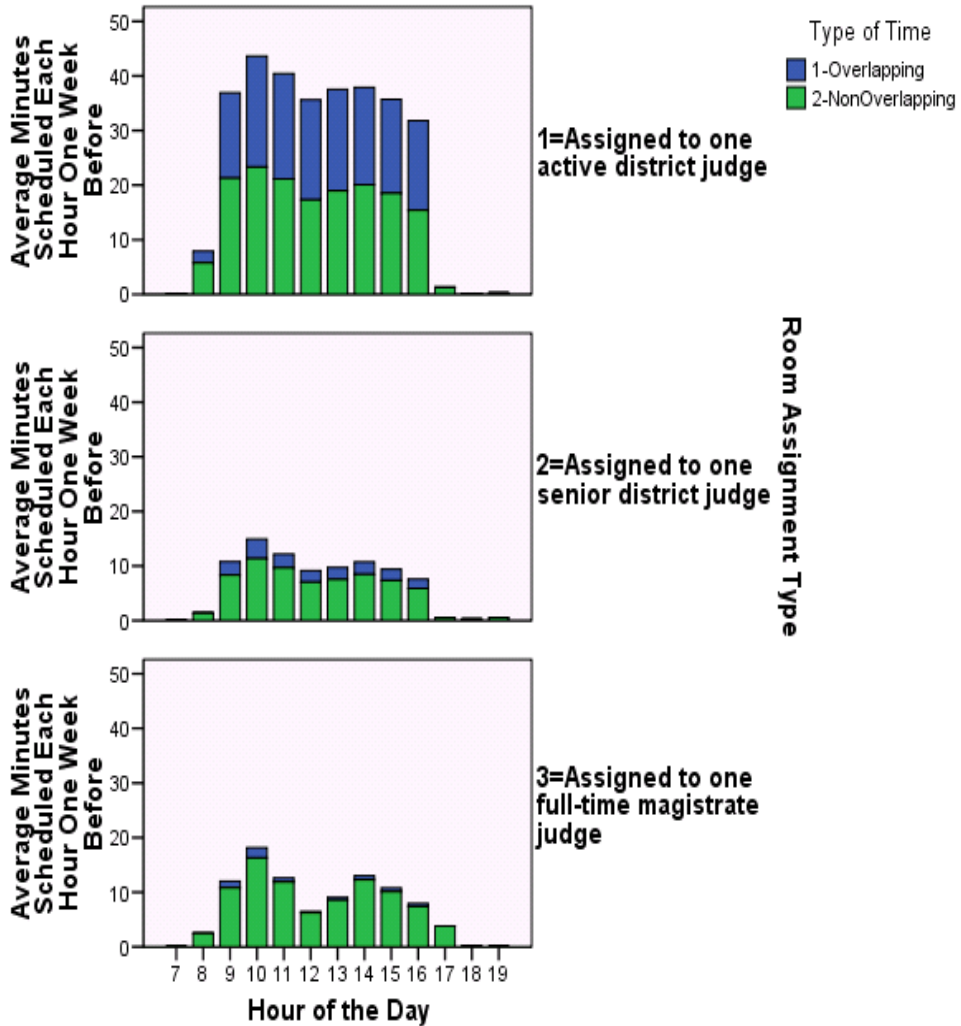
	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-time Magistrate Judge	
Number of Courtrooms	200		76		146	
Type of Event	Avg. Hours	% of Hours	Avg. Hours	% of Hours	Avg. Hours	% of Hours
Jury or Bench Trial	3.6	75.0%	2.4	66.7%	0.3	9.7%
Other Case Proceeding	1.1	22.9%	1.1	30.6%	2.6	83.4%
Other Judge Event	<0.1	<1.0%	<0.1	<1.0%	0.1	3.2%
Other Courtroom Use	0.1	2.1%	0.1	2.8%	0.1	3.2%
Room Cannot Be Used: Materials in Room or Other Reason	<0.1	<1.0%	0	0%	0	0%
Total	4.8	100.0%	3.6	100.0%	3.1	100.0%

N = Number of courtrooms.

- a The analysis is based on a target date seven days out.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.23

Average Number of Overlapping and Non-Overlapping Minutes Scheduled for Each Hour of the Day,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.29
Average Number of Overlapping and Non-Overlapping Minutes Scheduled for Each Hour of the Day,^a
With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Hour of the Day	Type of Courtroom Assignment											
	Assigned to a Single Active District Judge				Assigned to a Single Senior District Judge				Assigned to a Single Full-Time Magistrate Judge			
	Non-Overlapping Time		Overlapping Time		Non-Overlapping Time		Overlapping Time		Non-Overlapping Time		Overlapping Time	
	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total
7:00 a.m. – 8:00 a.m.	0.1	<1%	<0.1	<1%	<0.1	<1%	0	0%	<0.1	0%	0	0%
8:00 a.m. – 9:00 a.m.	5.8	4%	2.1	1%	1.3	2%	0.1	1%	2.5	3%	<0.1	<1%
9:00 a.m. – 10:00 a.m.	21.3	13%	15.6	11%	8.3	13%	2.4	14%	10.8	12%	1.2	19%
10:00 a.m. – 11:00 a.m.	23.3	14%	20.3	14%	11.4	17%	3.5	19%	16.3	18%	1.9	29%
11:00 a.m. – Noon	21.1	13%	19.3	13%	9.7	14%	2.5	13%	11.9	13%	0.7	11%
Noon – 1:00 p.m.	17.3	11%	18.3	12%	7.1	10%	2.1	11%	6.2	7%	0.2	3%
1:00 p.m. – 2:00 p.m.	18.9	12%	18.6	13%	7.5	11%	2.2	11%	8.5	9%	0.5	8%
2:00 p.m. – 3:00 p.m.	20.1	12%	17.8	12%	8.5	12%	2.3	12%	12.3	16%	0.7	11%
3:00 p.m. – 4:00 p.m.	18.5	11%	17.2	12%	7.4	11%	2.0	11%	10.1	11%	0.7	11%
4:00 p.m. – 5:00 p.m.	15.4	9%	16.4	11%	5.9	9%	1.7	9%	7.4	8%	0.5	8%
5:00 p.m. – 6:00 p.m.	1.2	1%	0.2	<1%	0.5	1%	<0.1	<1%	3.8	4%	<0.1	<1%
6:00 p.m. – 7:00 p.m.	0.2	<1%	<0.1	<1%	0.3	<1%	0	0%	0.1	<1%	0	0%
7:00 p.m. – 8:00 p.m.	0.3	<1%	0	0%	0.5	1%	0	0%	0.1	<1%	0	0%
Total ^c	163.5	100%	145.8	100%	68.4	100%	18.8	100%	90.0	100%	6.5	100%

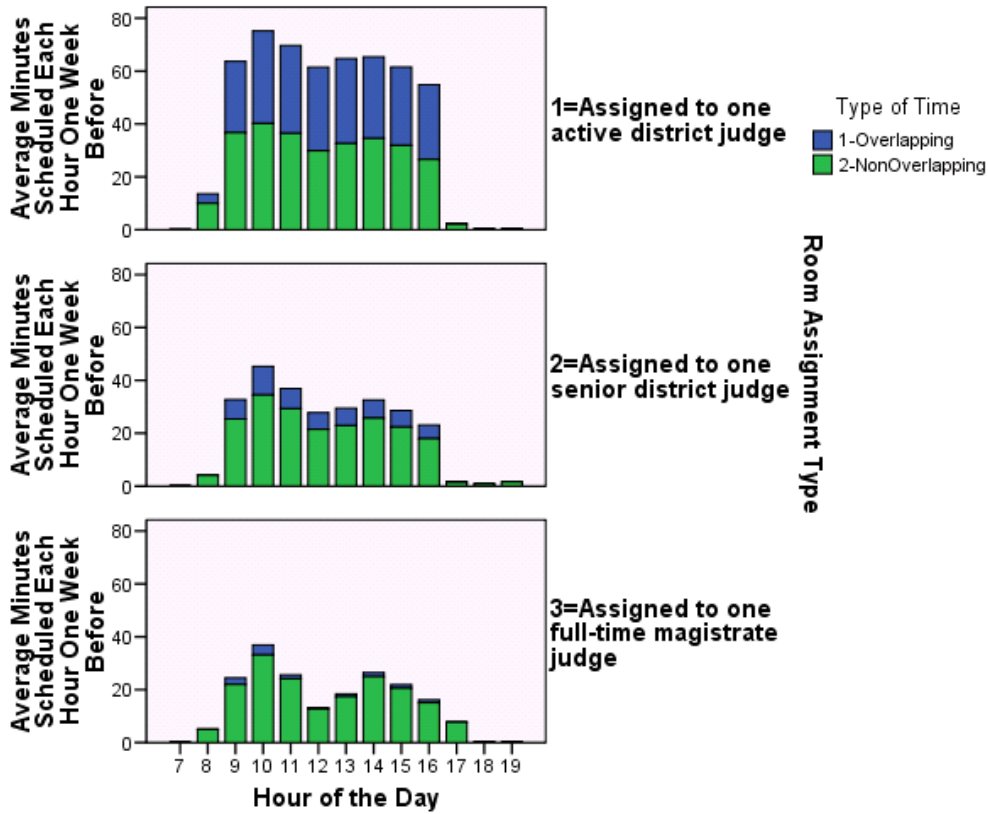
a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district’s judges.

c “Minutes” refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ from the total or from 100% due to rounding.

Figure A.24

Average Number of Overlapping and Non-Overlapping Minutes Scheduled for Each Hour of the Day,^a
 With Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.30

Average Number of Overlapping and Non-Overlapping Minutes Scheduled for Each Hour of the Day,^a
 With Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Hour of the Day	Type of Courtroom Assignment											
	Assigned to a Single Active District Judge				Assigned to a Single Senior District Judge				Assigned to a Single Full-Time Magistrate Judge			
	Non-Overlapping Time		Overlapping Time		Non-Overlapping Time		Overlapping Time		Non-Overlapping Time		Overlapping Time	
	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total	Minutes ^c	% of Total
7:00 a.m. – 8:00 a.m.	0.1	0.0%	<0.1	0.0%	0.1	0.1%	0.0	0.0%	0.0	0.0%	0.0	0.0%
8:00 a.m. – 9:00 a.m.	10.2	3.5%	3.7	1.4%	4.3	2.0%	0.3	0.5%	5.0	2.7%	0.1	0.6%
9:00 a.m. – 10:00 a.m.	37.5	13.0%	27.5	10.7%	26.6	12.2%	7.8	12.9%	22.1	12.0%	2.5	18.5%
10:00 a.m. – 11:00 a.m.	41.0	14.3%	35.7	13.9%	36.2	16.6%	11.3	18.8%	33.3	18.1%	3.8	28.7%
11:00 a.m. – Noon	37.2	12.9%	33.2	13.2%	30.8	14.1%	8.0	13.2%	24.2	13.2%	1.4	10.9%
Noon – 1:00 p.m.	30.4	10.6%	29.8	12.6%	22.5	10.3%	6.7	11.1%	12.8	6.9%	0.5	3.7%
1:00 p.m. – 2:00 p.m.	33.3	11.6%	32.1	12.8%	24.0	11.0%	6.9	11.5%	17.4	9.5%	1.0	7.7%
2:00 p.m. – 3:00 p.m.	35.3	12.3%	30.8	12.2%	27.0	12.4%	7.2	12.0%	25.1	13.6%	1.5	11.3%
3:00 p.m. – 4:00 p.m.	32.6	11.3%	29.6	11.8%	23.5	10.8%	6.5	10.9%	20.6	11.2%	1.4	10.2%
4:00 p.m. – 5:00 p.m.	27.1	9.4%	28.25	11.2%	18.9	8.6%	5.4	8.9%	15.1	8.2%	1.1	8.3%
5:00 p.m. – 6:00 p.m.	2.2	0.8%	0.3	0.1%	1.6	0.7%	0.1	0.2%	7.7	4.2%	0.0	0.2%
6:00 p.m. – 7:00 p.m.	0.3	0.1%	<0.1	0.0%	1.0	0.4%	0.0	0.0%	0.3	0.2%	0.0	0.0%
7:00 p.m. – 8:00 p.m.	0.5	0.2%	0.0	0.0%	1.7	0.8%	0.0	0.0%	0.2	0.1%	0.0	0.0%
Total ^c	287.7	100.0%	256.5	100.0%	218.2	100.0%	60.1	100.0%	183.9	100.0%	13.3	100.0%

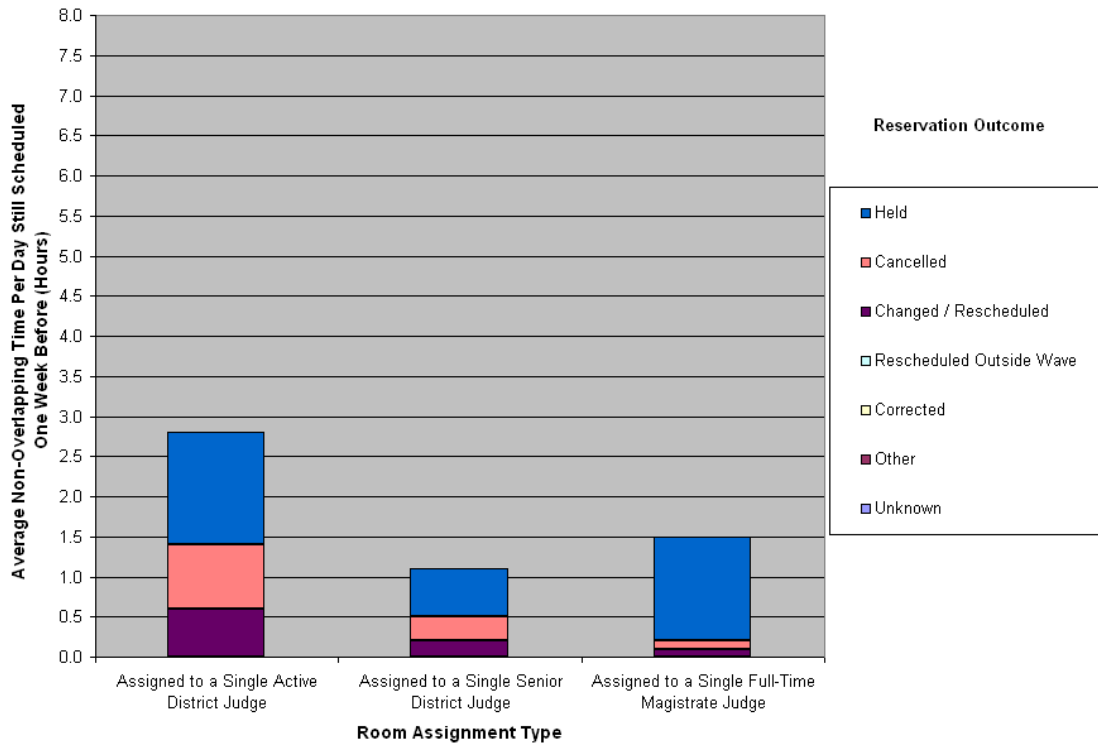
a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district’s judges.

c “Minutes” refers to the average minutes spent in a particular type of courtroom per day across all sixty-three workdays. Sums may differ from the total or from 100% due to rounding.

Figure A.25

Average Number of Non-Overlapping Hours Scheduled per Day by Outcome,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.31

Average Number of Non-Overlapping Hours Scheduled per Day by Outcome,^a
 With Time Averaged over Sixty-Three Workdays, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Outcome	Type of Courtroom Assignment					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-Time Magistrate Judge	
	Avg. Hrs.	% of Total	Avg. Hrs.	% of Total	Avg. Hrs.	% of Total
Held	1.4	51.9%	0.6	54.5%	1.3	86.7%
Changed / Rescheduled	0.8	29.6%	0.3	27.2%	0.1	6.7%
Cancelled	0.6	22.2%	0.2	18.1%	0.1	6.7%
Corrected	<0.1	<1.0%	<0.1	<1.0%	<0.1	<1.0%
Other	<0.1	<1.0%	0	0.0%	<0.1	<1.0%
Rescheduled Outside Wave	<0.1	<1.0%	0	0.0%	0	0.0%
Unknown	<0.1	<1.0%	<0.1	<1.0%	<0.1	<1.0%
Total ^c	2.7	100%	1.1	100%	1.5	100%

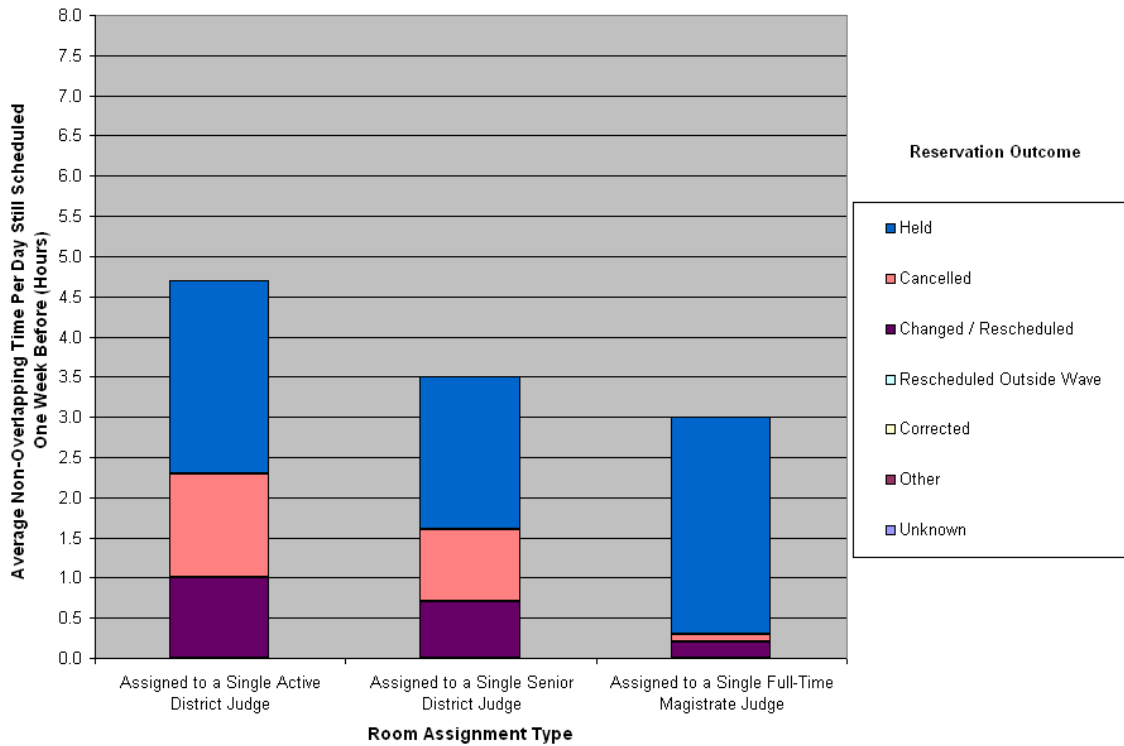
a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Sums may differ from total or from 100% due to rounding.

Figure A.26

Average Number of Non-Overlapping Hours Scheduled per Day by Outcome,^a
 With Time Averaged over Days on Which Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.32

Average Number of Non-Overlapping Hours Scheduled per Day with Time Averaged over Days on Which
 Something Was Scheduled, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^a January 15 to July 15, 2007)

Outcome	Type of Courtroom Assignment					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-Time Magistrate Judge	
	Avg. Hrs	% of Total	Avg. Hrs	% of Total	Avg. Hrs	% of Total
Held	2.4	50%	1.9	52.8%	2.7	87.1%
Changed / Rescheduled	1.3	27.1%	0.9	25.0%	0.1	3.2%
Cancelled	1.0	20.8%	0.7	19.4%	0.2	6.5%
Corrected	<0.1	<1.0%	0.1	<1.0%	<0.1	<1.0%
Other	<0.1	<1.0%	0	0.0%	<0.1	<1.0%
Rescheduled Outside Wave	<0.1	<1.0%	0	0.0%	0	0.0%
Unknown	<0.1	<1.0%	0.1	<1.0%	<0.1	<1.0%
Total ^b	4.8	100%	3.6	100%	3.1	100%

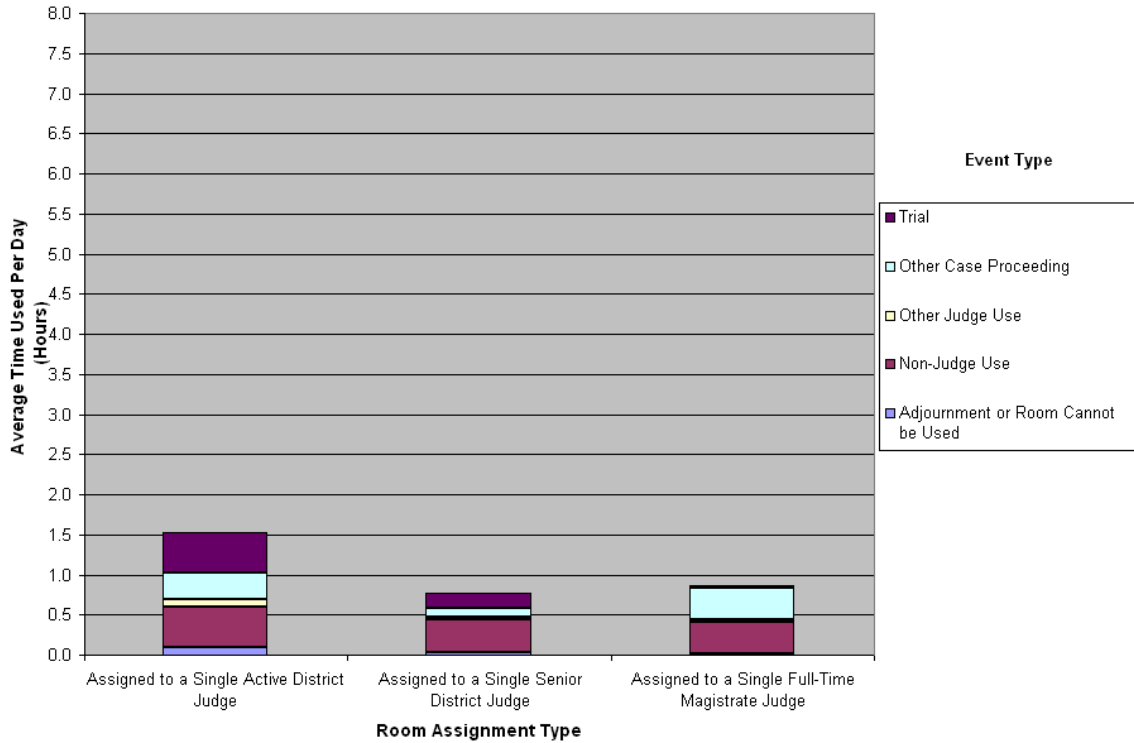
a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Sums may differ from total or from 100% due to rounding.

Figure A.27

Actual Use Time Averaged over Days on Which Nothing Was Scheduled^a
by Type of Event, Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on sixty-three workdays and a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.33

Actual Use Time Averaged over Days on Which Nothing Was Scheduled^a
 by Type of Event, Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

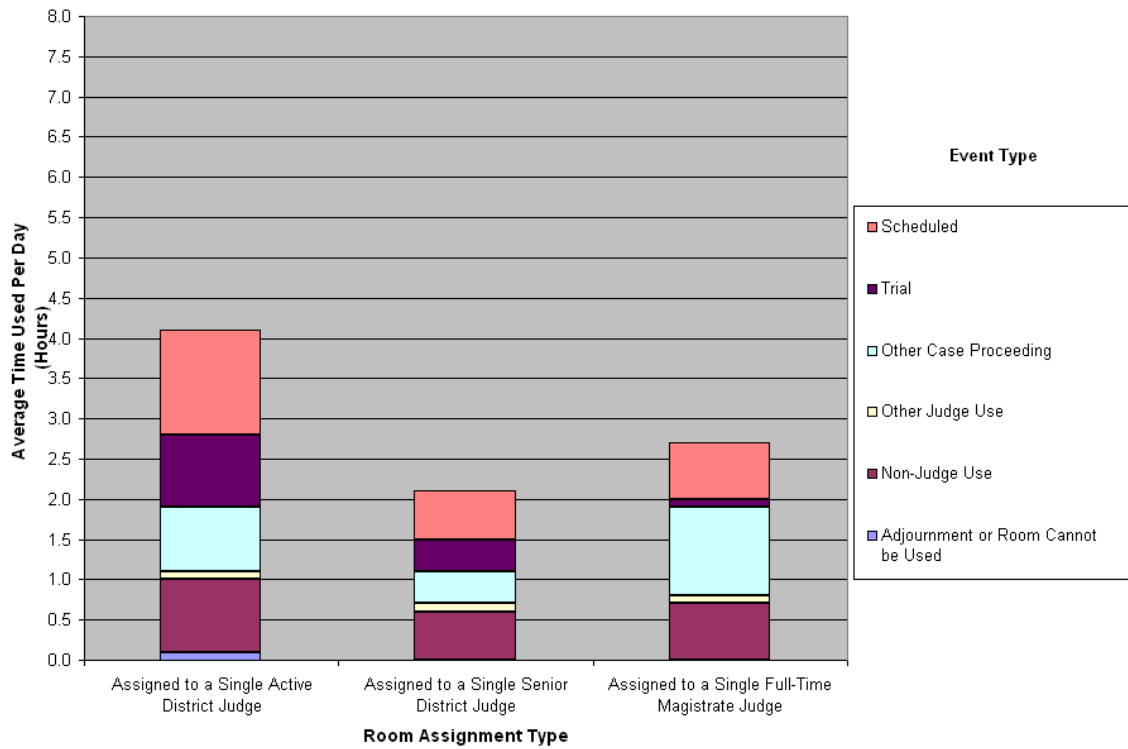
	Type of Judge to Whom Courtroom Is Assigned					
	Assigned to a Single Active District Judge		Assigned to a Single Senior District Judge		Assigned to a Single Full-time Magistrate Judge	
Number of Courtrooms	200		76		146	
Type of Event	Avg. Hours	% of Hours	Avg. Hours	% of Hours	Avg. Hours	% of Hours
Jury or Bench Trial	0.5	33.3%	0.2	25.0%	<0.1	3.7%
Other Case Proceeding	0.3	20.0%	0.1	12.5%	0.4	44.4%
Other Judge Event	0.1	6.7%	<0.1	6.3%	<0.1	3.7%
Other Courtroom Use	0.5	33.3%	0.4	50.0%	0.4	44.4%
Room Cannot Be Used: Materials in Room or Other Reason	0.1	6.7%	<0.1	6.3%	<0.1	3.7%
Total	1.5	100.0%	0.8	100.0%	0.9	100.0%

N = Number of courtrooms.

- a The analysis is based on sixty-three workdays and a target date seven days out.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.28

Average Time per Day, Actual and Scheduled Time Combined,
 With Time Averaged Across Sixty-Three Workdays,^a Individually Assigned Courtrooms
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

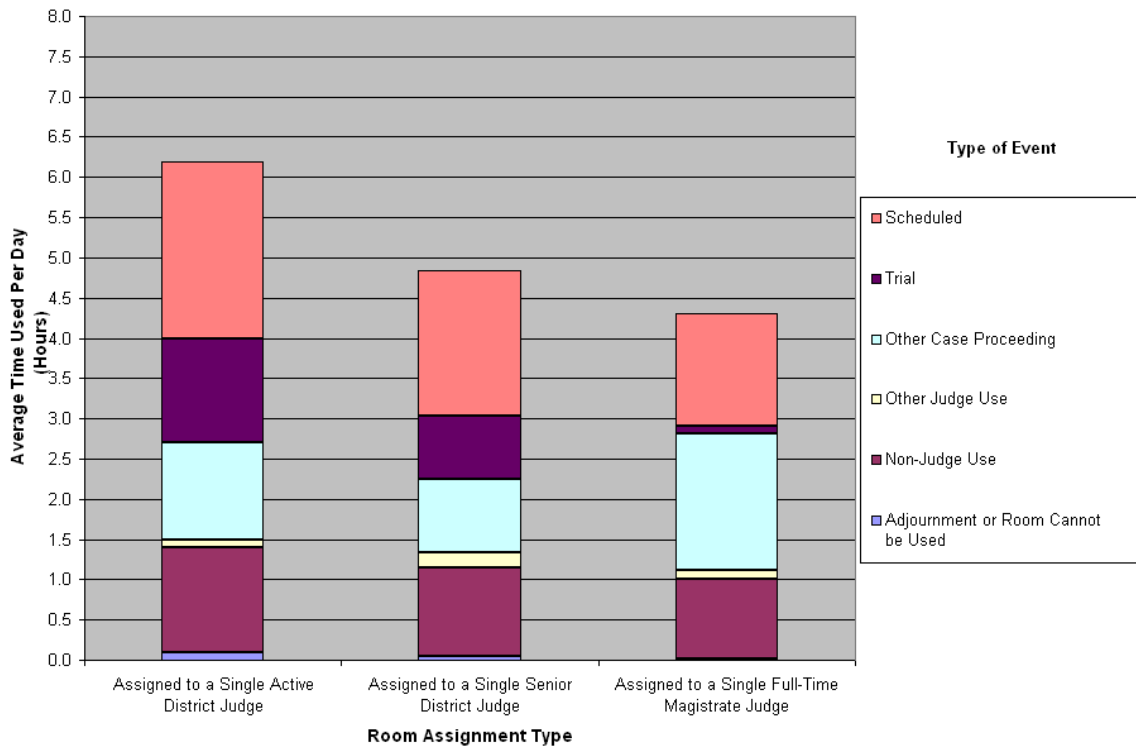


a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Figure A.29

Average Time per Day, Actual and Scheduled Time Combined, with Time Averaged Across All Days on Which an Event Was Scheduled,^a Individually Assigned Courtrooms (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)



a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.34

Average Time per Day, Actual and Scheduled Time Combined,^a Individually Assigned Courtrooms
(Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Type if Event	Type of Judge to Whom Courtroom Is Assigned											
	Assigned to a Single Active District Judge				Assigned to a Single Senior Judge				Assigned to a Single Full-Time Magistrate Judge			
	Sixty-Three Workdays		Days with Something Scheduled		Sixty-Three Workdays		Days with Something Scheduled		Sixty-Three Workdays		Days with Something Scheduled	
	Avg. Hrs.	% Avg. Hrs.	Avg. Hrs.	% Avg. Hrs.	Avg. Hrs.	% Avg. Hrs.	Avg. Hrs.	% Avg. Hrs.	Avg. Hrs.	% Avg. Hrs.	Avg. Hrs.	% Avg. Hrs.
Scheduled	1.3	31.7%	2.2	36.1%	0.6	30.0%	1.8	37.5%	0.7	26.9%	1.4	33.0%
Jury or Bench Trial	0.9	22.0%	1.3	21.3%	0.4	17.5%	0.8	16.7%	0.1	3.8%	0.1	2.3%
Other Case Proceeding	0.8	19.5%	1.2	19.7%	0.4	17.5%	0.9	18.8%	1.1	42.3%	1.7	39.5%
Other Judge Event	0.1	2.4%	0.1	1.6%	0.1	4.0%	0.2	4.2%	0.1	3.8%	0.1	2.3%
Other Courtroom Use	0.9	22.0%	1.3	21.3%	0.6	30.0%	1.1	22.9%	0.7	26.9%	1.0	23.3%
Room Cannot Be Used: Materials in Room or Other Reason	0.1	2.4%	0.1	1.6%	<0.1	<1.0%	<0.1	<1.0%	<0.1	<1.0%	<0.1	<1.0%
Total ^c	4.1	100%	6.1	100%	2.0	100%	4.8	100%	2.6	100%	4.3	100%

a The analysis is based on a target date seven days out.

b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

c Sums may differ from total or from 100% due to rounding.

Table A.35

Average Hours per Day, Actual and Scheduled Time Combined for 422 Sample Courtrooms,
 Grouped by Quartiles from Lowest to Highest Combined Time^a
 (Resident Courthouses, Twenty-Two Sample Districts,^b January 15 to July 15, 2007)

Courtroom Assigned To	Average Hours of Combined Time per Day, Courtrooms Grouped by Quartiles			
	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	2.0 (N=50)	3.4 (N=50)	4.6 (N=50)	6.6 (N=50)
A Single Senior District Judge	0.6 (N=19)	1.4 (N=19)	2.2 (N=19)	4.0 (N=19)
A Single Full-Time Magistrate Judge	1.0 (N=36)	1.9 (N=37)	2.9 (N=36)	4.4 (N=37)

N = Number of courtrooms.

- a The analysis is based on sixty-three days, a target date seven days out, and non-overlapping time only.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges.

Table A.36

Average Hours per Day, Actual and Scheduled Time Combined for Twenty-Two Districts,^b
 Grouped by Quartiles from Lowest to Highest Combined Time^a
 (Resident Courthouses, January 15 to July 15, 2007)

	Average Hours of Combined Time per Day, Districts Grouped by Quartiles			
Courtroom Assigned To	Quartile 1 (Lowest Use)	Quartile 2	Quartile 3	Quartile 4 (Highest Use)
A Single Active District Judge	2.7 (N=5, 24)	3.5 (N=6, 53)	4.0 (N=5, 52)	5.2 (N=6, 71)
A Single Senior District Judge	0.8 (N=5, 12)	1.8 (N=5, 28)	2.2 (N=5, 19)	3.1 (N=5, 17)
A Single Full-Time Magistrate Judge	1.5 (N=5, 33)	2.0 (N=6, 38)	2.7 (N=5, 25)	3.6 (N=6, 50)

N = Number of districts, number of courtrooms.

- a The analysis is based on sixty-three days, a target date seven days out, and non-overlapping time only.
- b One of the sample districts is excluded from this analysis because its courtrooms are not individually assigned but are shared by all the district's judges. Only twenty of these districts have individually-assigned senior district judge courtrooms.

Appendix Nine

Methods and Protocol for Interviews in the Southern District of New York

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Courtroom Use Study

Methods and Protocol for Interviews in the Southern District of New York

The Southern District of New York was one of three case study districts included in the study because at least some judges in these districts share courtrooms. Using a standard protocol, we conducted interviews with sharing judges, as well as with the staff who schedule for them, to learn about their experience. The interview questions for judges focused on evaluation of the sharing experience, the impact of sharing, and advice for courts anticipating a courtroom-sharing situation. From staff we collected additional information about the scheduling of shared courtrooms.

Questions varied somewhat between districts depending on what prompted the court's sharing and how the sharing was implemented. Some staff we interviewed held supervisor positions and we asked questions of them which also varied somewhat from the standard staff interview protocol. Variations from district to district and among staff were minor, however. The interview questions for any one district are illustrative for all districts; attached are the questions for the Southern District of New York to serve as an exemplar. There is a separate protocol each for judges and staff.

When needed, interviewers used standard prompts to elicit more detail from individuals who might have provided only partial information.

Judges received the questions in advance of their interview. Some, but not all, schedulers received questions in advance.

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Courtroom Use Study

Interview Questions for Judges

Southern District of New York

The purpose of this interview is to ask about your experience with and evaluation of the district's courtroom sharing arrangement. The interview is part of the Courtroom Use Study. The Southern District of New York is included in the study because it is sharing courtrooms while the Foley Street courthouse is under renovation, which provides an opportunity to examine the effect of courtroom sharing.

Experience with Shared Courtrooms

1. Please describe your experience with shared courtrooms.

In what ways, if any, have you changed how you do things?

Has courtroom sharing had an impact on how you manage cases?

If there have been any positive or negative impacts on your work, particularly with regard to scheduling, please describe them.

How have negative impacts, if any, been resolved?

2. Has your use of chambers and/or conference rooms changed since courtroom sharing began?
3. Has shared courtroom space resulted in any unexpected consequences, either positive or negative?
4. Why did the court decide to use its particular approach to courtroom sharing?

Evaluation of Shared Courtrooms

1. What has been the impact of courtroom sharing on court staff?
2. Have you perceived an impact on lawyers or parties?
3. Would you retain any of the current sharing and scheduling practices when renovations are complete?

4. Overall, how has it worked out, positively or negatively, to share courtrooms?

What, if anything, has made it work?

What, if anything, has worked against its success?

What has made it particularly challenging?

5. What advice would you offer to courts facing renovation or a decision by Congress that courtrooms must be shared?

6. If judges had to share courtrooms, based on your experience, what type of sharing arrangement would you suggest?

Courtroom Use Study
CRD/JA Interview Protocol
Southern District of New York

Preliminaries:

CRD name:

Name of judge served:

Introduction: As you know from participating in data collection last year, the FJC is conducting a study of courtroom use. As part of the study, I'm talking with staff and judges in your district to gather information on courtroom sharing. I have a number of topics I'd like to cover with you, starting with a description of how you coordinate courtroom scheduling for your judge.

1. Would you tell me how you go about setting up a time and place for a courtroom proceeding? If trial scheduling is different from scheduling other proceedings, please distinguish between them.
2. How often is courtroom space not available when needed? Would you say this happens:

Never ... Rarely ... Occasionally ... Often ?

[If availability problems arise *Often*] What are the circumstances?

3. How often do scheduling conflicts result in a matter being set on the calendar a week or more beyond the initial target date? Would you say this happens:

Never... Rarely... Occasionally... Often ?

[If scheduling problems arise *Often*] What accounts for them?

Possibilities include:

the judge's schedule

the parties' or attorneys' schedules

witness schedules

courtroom availability
unforeseen developments in a case

4. When scheduling conflicts between judges' calendars occur, how are they resolved?
5. I understand that six of the district's largest courtrooms are assigned to an individual judge, but they may be borrowed from the assigned judge whenever another judge needs a large room. Are you familiar with this aspect of the court's sharing plan?

Have you made use of any of these spaces since renovation began? How often?

Can you comment on how the scheduling of these rooms has been managed?

6. Tell me how you coordinate the scheduling of events with the lawyers and litigants. I'm interested, for example, in hearing about how and when you communicate information about when a proceeding or trial will be held.
7. Please describe your judge's use of non-courtroom space for holding proceedings, specifically chambers and conference rooms. For example, does your judge ever hold conferences in chambers or hear matters in a conference room that other judges might hear in a courtroom? Have you seen a change in how this space is used, relative to before the Foley courthouse renovations began?
8. You've been scheduling under shared courtroom conditions for how long now? Has scheduling courtroom time become routine for you or do you find it a challenge?

[If scheduling is a challenge] What makes scheduling a challenge?

[If scheduling is routine] What makes scheduling go smoothly?

Have you made adjustments to the way you schedule since the early days of courtroom sharing?

[If yes] What adjustments? What prompted the change?

[If no] Are there adjustments you think *should* be made? What are they?

9. Think back to the time you first learned your judge would be sharing courtroom space. Would you say your initial expectations about sharing were:

Positive ... Negative ... Neutral ... Mixed ?

[If positive] What aspects of sharing appealed to you? Which of your expectations have been met? Which have not been met?

[If negative] What problems did you expect? Which of these problems, if any, have you experienced? Which have not occurred?

[If neutral or mixed] Tell me what aspects of sharing appealed to you and what problems you expected to encounter. Which of these expectations have been met? Which have not been met?

10. Has sharing courtroom space resulted in any unexpected consequences, either positive or negative?

11. Based on your own experience, how well would you say courtroom sharing is working out?

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Appendix Ten

Judge Survey Methods and Questionnaire

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Courtroom Use Study

Judge Survey Methods and Questionnaire

The questionnaire gathered demographic information from respondents (e.g., type of judge; district; number of years on the bench); asked them to identify their current courtroom situation (e.g., whether they had an assigned courtroom, whether they shared a courtroom or courtrooms with other judges, etc.); and solicited information about courtroom availability and scheduling; latent use of courtrooms; experiences with courtroom sharing or using a courtroom or space other than one's primary courtroom; and their overall views on the role of courtrooms and courtroom allocation. While other parts of the study have obtained some of this information about the courtrooms in the study districts, the survey provided an opportunity for all federal district and magistrate 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 email 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 some different questions depending on their courtroom situation and other factors. We also made printable versions of the questionnaire available for those who preferred to provide their responses on a hard-copy form. Two weeks after the questionnaire link was mailed to judges in each circuit, Judge John Tunheim, Chair of the Court Administration and Case Management Committee, sent a letter to the chief judges in each district, asking them to encourage judges within their district to respond.

Attached is one of the three printed versions of the questionnaire. This version was used by judges who are assigned their own courtrooms and are the only or primary users of those courtrooms. A second questionnaire was for judges who have assigned courtrooms but share them with other judges. A third questionnaire was for judges who do not have an assigned courtroom. Most questions were the same for all three versions or had only slight wording changes to make them appropriate for the responding judge's courtroom situation. A few questions were asked only of judges who had experience sharing courtrooms (e.g., a question asking judges why they did not have a courtroom assigned for their exclusive use).

Overall, out of 1,518 judges to whom we sent the questionnaire, 1,025 responded in some way, for an overall response rate of 68%. Eleven judges told us that they did not have relevant experience, or that they did not wish to complete the questionnaire. The results we report here are from 1,014 judges who completed the entire questionnaire by January 21, 2008, for a completed questionnaire response rate of 67%. These include 359 active district judges, 70 chief district judges, 186 senior district judges, and 399 magistrate judges. 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. The table notes

in Appendix 12 indicate the numbers of respondents on which the data for each table are based.

Any differences between groups mentioned in the text (e.g., between judges who share courtrooms and those who have an individually-assigned courtroom) are supported by a Chi-square analysis. Counts and percentages for qualitative data (i.e., open-ended responses) are based on the coding of one or both of the researchers involved in the survey analysis.

The data from the survey are based on 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.

Survey of District Judges and Magistrate 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. Latent Use of Courtrooms;
- IV. Your Views on the Role of Courtrooms and Courtroom Allocation; and
- V. Demographic Information. This final section includes questions specific to senior judges and chief judges, but you will skip those questions if you do not fall into either category.

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.

Please complete the questionnaire by June 14th.

If you have questions about the questionnaire, please contact Molly Johnson (mjohnson@fjc.gov; 315-824-4945) or Meghan Dunn (mdunn@fjc.gov; 805-226-7497). 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? *Please select one by circling the appropriate letter.*
 - a. It is assigned to me, and I am the only judge who uses it.
 - b. It is assigned to me and I am the primary user, but other judges use it sometimes.
 - c. I am one of two judges to whom the courtroom is assigned as our primary courtroom.
 - d. I am one of more than two judges to whom the courtroom is assigned as our primary courtroom.
 - e. It is one of several that I use, along with other judges, and is not assigned specifically to me.
 - f. It is a courtroom that is 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. Are your chambers in close proximity to your primary courtroom?
 - a. Yes
 - b. No

Now we want you to think about use of your primary courtroom by others.

3. In the following table please indicate, with a check mark in each row, the frequency with which *others use your primary courtroom*:

	Never	Rarely	Occasionally	Often
Active district judge(s)				
Senior district judge(s)				
Magistrate judge(s)				
Bankruptcy judge(s)				
Other types of judges				
Groups or individuals other than judges				

Note: If you answered "Never" to each of the above, please SKIP to Question #5

Courtroom Use Questionnaire
5/30/07

4. Under what circumstances has another judge used your primary courtroom?
Please circle all that apply.

- a. When coming from another division within my district to hold a proceeding
- b. When sitting as a visiting judge in my district
- c. When holding a proceeding for which he or she needed a feature available in my courtroom that was not available in his or her primary courtroom (e.g., more space for parties or public, special electronic equipment, etc.)
- d. When a judge who serves in my courthouse needed a courtroom for some other reason, and mine was available
- e. Other → ***Please specify:***

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

5. In the following table please indicate, with a checkmark in each row, the frequency with which ***you have used another judge's courtroom***, either in your own courthouse, another courthouse within your district, or a courthouse outside of your district.

	Never	Rarely	Occasionally	Often
An active district judge's courtroom				
A senior district judge's courtroom				
A magistrate judge's courtroom				
A bankruptcy judge's courtroom				
Other judge's courtroom. <i>Please specify:</i>				

Courtroom Use Questionnaire
5/30/07

6. Some courthouses have specialized courtrooms available for the use of most or all judges in the courthouse. In the following table please indicate, by placing a check mark in each row, the frequency with which you have used specialized courtrooms *in your own courthouse*. If the type of courtroom listed is not available in your courthouse, please place a check mark in the “Not available” column. If the type of courtroom listed is not applicable (e.g., all courtrooms in the courthouse are high-security, so there is no need for a specialized high-security courtroom), please place a check mark in the “Not applicable” column.

	Not Available	Never	Rarely	Occasionally	Often	Not Applicable
A ceremonial or special proceedings courtroom						
A specialized high-technology courtroom						
A high-security courtroom						
A courtroom dedicated to use by visiting judges						
Other specialized courtrooms not assigned to a specific judge						

7. Have you ever held proceedings in a *courthouse* other than the one to which you are primarily assigned?
- a. No → **SKIP to Question #9**
 - b. Yes

Courtroom Use Questionnaire
5/30/07

8. In the following table please indicate, by placing a check mark in each row, the frequency with which you have used specialized courtrooms **in another courthouse**. If the type of courtroom was not available in any of the other courthouses in which you have served, or if you are not aware of whether that type of courtroom was available, please place a check mark in the appropriate column. If the type of courtroom is not applicable (e.g., all courtrooms in the courthouse are high-security and there is no need for a specialized high-security courtroom), please place a check mark in the “Not applicable” column.

	Not available, or availability unknown	Never	Rarely	Occasionally	Often	Not Applicable
A ceremonial or special proceedings courtroom						
A special proceedings courtroom						
A specialized high-technology courtroom						
A high-security courtroom						
A courtroom dedicated to use by visiting judges						
Other specialized courtrooms not assigned to a specific judge						

9. How often do you use rooms or spaces **outside of a courthouse** (e.g., a civic center, a law school moot courtroom, etc.) to hold proceedings? ***Please circle one.***
- Never
 - Rarely
 - Occasionally
 - Often

10. Under what circumstances have you used a courtroom or other space that is not your primary courtroom to hold a proceeding? ***Please circle all that apply.***
- a. I have never used a courtroom or space other than my primary courtroom to hold a proceeding. → ***SKIP to Question #18***
 - b. When sitting in another division within my district
 - c. When sitting as a visiting judge in another district
 - d. 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.)
 - e. When my primary courtroom was unavailable at a time I needed to hold a proceeding
 - f. Other → ***Please specify:***
11. When you use a courtroom or space other than your primary courtroom, where do you typically store materials relating to the proceedings taking place? ***Please circle all that apply.***
- a. In the courtroom or other space where I am holding the proceeding
 - b. In my chambers, and I bring them back and forth each day
 - c. In a storage room in the courthouse
 - d. I do not have to store materials
 - e. Other → ***Please specify:***
12. When you use another courtroom or space, what effect does that have on ***the speed with which the proceeding is resolved***, relative to holding the proceeding in your primary courtroom? ***Please circle one.***
- a. It generally expedites the proceeding.
 - b. It expedites some proceedings, but delays others.
 - c. It generally delays the proceeding.
 - d. It has no effect on the speed with which the proceeding is resolved.

If you wish, please explain:

13. When you use another courtroom or space, how does it affect your *efficiency*, relative to using your primary courtroom? ***Please circle one.***
- a. I am generally more efficient when using another courtroom or space.
 - b. I am sometimes more efficient, and sometimes less efficient when using another courtroom or space.
 - c. I am generally less efficient when using another courtroom or space.
 - d. I am neither more nor less efficient when using another courtroom or space.

If you wish, please explain:

14. When you use another courtroom or space, to the best of your knowledge what effect does that have on the *cost for the parties and attorneys* relative to using your primary courtroom? ***Please circle one.***
- a. It generally decreases the cost for the attorneys and parties.
 - b. It decreases the cost in some cases, and increases it in others.
 - c. It generally increases the cost for the attorneys and parties.
 - d. It has no effect on the cost for the attorneys and parties.
 - e. I am not aware of the effect on the cost for the parties and attorneys.

If you wish, please explain:

15. When you use another courtroom or space, to the best of your knowledge how *convenient* is it *for the parties and attorneys* relative to using your primary courtroom? ***Please circle one.***
- a. It is generally more convenient for the parties and attorneys.
 - b. It is more convenient for the parties and attorneys in some cases, and less convenient in others.
 - c. It is generally less convenient for the parties and attorneys.
 - d. It is neither more nor less convenient for the parties and attorneys.
 - e. I am not aware of the effect on the convenience for the parties and attorneys.

If you wish, please explain:

16. When you use another courtroom or space, to the best of your knowledge how does it affect *evidence presentation* relative to using your primary courtroom?
Please circle one.

- a. It generally enhances evidence presentation.
- b. It enhances evidence presentation in some cases, and diminishes it in others.
- c. It generally diminishes evidence presentation.
- d. It has no effect on evidence presentation.

If you wish, please explain:

17. Does using another courtroom or space have any other effects on the proceedings you hold?

- a. No
- b. Yes → ***Please explain:***

18. The table below lists various case-related proceedings. For each type of **criminal** proceeding, please indicate, with a check mark in each row, how often you hold proceedings of that type in a **NON-COURTROOM LOCATION** (such as chambers or a conference room).

HOW OFTEN HELD IN A NON-COURTROOM LOCATION

	Not Applicable	Never or Almost Never	About 1/4 of the time	About half of the Time	About 3/4 of the time	Always or Almost Always
Arraignments						
Emergency Hearings						
Pretrial Conferences						
Evidentiary Hearings						
Other Pretrial Hearings						
Plea						
Bench Trial						
Jury Trial						
Sentencing						
Other (Please specify:)						

19. The table below lists various case-related proceedings. For each type of **civil** proceeding, please indicate, with a check mark in each row, how often you hold proceedings of that type in a **NON-COURTROOM LOCATION** (such as chambers or a conference room).

HOW OFTEN HELD IN A NON-COURTROOM LOCATION

	Not Applicable	Never or Almost Never	About ¼ of the time	About half of the time	About ¾ of the time	Always or Almost Always
Emergency Hearings (e.g., request for injunction)						
Evidentiary Hearings						
Other Pretrial Hearings (e.g., non-evidentiary motions)						
Pretrial Conferences						
Settlement Conferences and Mediation						
Bench Trial						
Jury Trial						
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.

20. Have there been times in the past twelve months when you have needed your primary courtroom for a proceeding but your courtroom has been unavailable?
- a. Yes
 - b. No → **SKIP to Section III (Question #24)**

21. Overall, for approximately how many proceedings in the past twelve months was your primary courtroom unavailable for you to use?

_____ proceedings

22. In the table below please indicate, with a checkmark in each row, 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 box marked “Other.” If you are not sure, or if you did not have any proceedings for which your courtroom was not available, please place a check mark in the “Not applicable” column.

	Not Applicable	Never	Rarely	Occasionally	Often
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. <i>Please specify:</i>					

Courtroom Use Questionnaire

5/30/07

23. What did you do when your primary courtroom was unavailable for proceeding(s) you needed to hold? Please indicate, with a check mark in each row, how frequently you relied on each of the options listed below.

	Not Applicable	Never	Rarely	Occasionally	Often
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. <i>Please specify:</i>					

III. Latent Use of Courtrooms

Actual courtroom use is fairly straightforward to measure, and will be 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. This is known as *latent use*. In this section we ask for your experience with and views about such latent use of the courtroom.

24. In your estimate, about how often when your primary courtroom is not actively being used is it nevertheless serving an important function? *Please circle one.*

- a. Never
- b. Rarely
- c. Occasionally
- d. Often

25. 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.

26. In your estimate, about how often in cases approaching trial does the certainty of a trial date and a place to hold the trial encourage the parties to reach a settlement or plea bargain? *Please circle one.*

- a. Never
- b. Rarely
- c. Occasionally
- d. Often

Courtroom Use Questionnaire
5/30/07

27. About how often in cases approaching trial do you set a trial date without knowing which courtroom you will use for the trial? ***Please circle one.***
- a. Never → ***SKIP to Question #30***
 - b. Rarely
 - c. Occasionally
 - d. Often
28. Please explain whether not having a specific courtroom designated for a trial affects the certainty of a trial date that has been set.
29. Please explain whether not having a specific courtroom designated for a trial affects the ***attorneys' perceptions*** of the certainty of a trial date that has been set.
30. What role, if any, do you believe the availability of a courtroom plays in encouraging earlier or more frequent settlements?
31. 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.

32. Which of the following statements best describes your *overall* view on the allocation of courtrooms among judges? ***Please circle one.***
- a. Each judge should have his or her own primary courtroom.
 - b. Most judges should have their own primary courtrooms, but there are situations in which it makes sense for some judges to share courtrooms.
 - c. Most judges should share courtrooms, but there are situations in which it would make sense for some judges to have their own primary courtrooms.
 - d. All judges should share courtrooms according to the specific needs of their cases.
 - e. Other

Please explain:

33. Which of the following statements best describes the importance to you *personally* of having your own courtroom? ***Please circle one.***
- a. 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.
 - b. It is slightly important to me to have my own courtroom.
 - c. It is somewhat important to me to have my own courtroom.
 - d. It is very important to me to have my own courtroom.

Please explain:

Courtroom Use Questionnaire
5/30/07

34. What effect do you think sharing a courtroom with one or more other judges on a regular basis would have on your *ability to manage your caseload*? **Please circle one.**
- a. Sharing a courtroom would greatly compromise my ability to manage my caseload.
 - b. Sharing a courtroom would somewhat compromise my ability to manage my caseload.
 - c. Sharing a courtroom would not affect my ability to manage my caseload
 - d. Sharing a courtroom would somewhat enhance my ability to manage my caseload.
 - e. Sharing a courtroom would greatly enhance my ability to manage my caseload.

Please explain:

35. Which of the following statements best describes the importance to you of having your chambers in close proximity to your primary courtroom? **Please circle one.**
- a. It is not important at all for my chambers to be in close proximity to my primary courtroom.
 - b. It is slightly important for my chambers to be in close proximity to my primary courtroom.
 - c. It is somewhat important for my chambers to be in close proximity to my primary courtroom.
 - d. It is very important for my chambers to be in close proximity to my primary courtroom.

Please explain:

36. Please describe the reasons, if any, why your primary courtroom is easier for you to use than another courtroom.

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; active, senior, or magistrate judges; and so on. No individual judges will be identified in any of the analyses or reports we produce.

40. In which district do you sit?

41. In which courthouse do you normally sit?

42. How long have you been on the federal bench?

- a. 2 years or fewer
- b. 3-5 years
- c. 6-10 years
- d. 11-20 years
- e. More than 20 years

43. What type of judge are you?

- a. Chief district judge
- b. Active district judge
- c. Senior district judge
- d. Magistrate judge

44. Please indicate, with a check mark in the appropriate column, approximately what percentage of your work time you spend on each of the following activities *over the course of a typical work week*.

Percentage of Work Time Spent on Activity

Activity	0%	1%- 10%	11%- 25%	26%- 50%	51%- 75%	76%- 100%
Trials or evidentiary hearings held in the courtroom						
Sentencings						
Other non-trial proceedings held in the courtroom with both judge and parties present						
Non-trial proceedings held in a place other than a courtroom with both judge and parties present						
Other case-related work with parties not present (e.g., research and writing)						
Other work activities not related to a specific case						
Other → Please specify:						

Note: If you are a senior judge, please continue with Question 45.

If you are a chief district judge, please skip to Question 53.

If you are an active district judge or a magistrate judge, please skip to Question 62.

The following questions are for senior judges only.

This set of questions asks about your work as a senior judge, both in your “home” courthouse and in other courthouses or districts in which you might serve. For questions that ask about your current caseload and the types of cases you handle, please answer based on the last twelve months.

45. How long have you been a senior judge?
- a. 2 years or fewer
 - b. 3-5 years
 - c. 6-10 years
 - d. 11-20 years
 - e. More than 20 years
46. When you first took senior status, did you continue to handle a full caseload draw?
- a. No → **SKIP to Question #48**
 - b. Yes
47. For how many years after taking senior status did you continue to handle a full caseload?
- a. 2 years or fewer
 - b. 3-5 years
 - c. 6-10 years
 - d. More than 10 years
 - e. I am continuing to handle a full draw
48. Which of the following best describes your *current* caseload? **Please circle all that apply.**
- a. I handle trials or other specific events for other judges.
 - b. I handle certain categories of cases. → **Please specify:** _____
 - c. I exclude certain categories of cases. → **Please specify:** _____
 - d. I handle a full caseload draw.
 - e. I handle a percentage of a full caseload draw.

Note: If you answered “e” to Question 48, please continue with Question 49; All others please skip to Question 51.

Courtroom Use Questionnaire
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49. What percentage of a full draw do you take for civil cases?

- a. Less than 10%
- b. 11-25%
- c. 26-50%
- d. 51-75%
- e. 76-90%
- f. Over 90%

50. What percentage of a full draw do you take for criminal cases?

- a. Less than 10%
- b. 11-25%
- c. 26-50%
- d. 51-75%
- e. 76-90%
- f. Over 90%

51. Which of the following best describes the mix of cases on your docket?

- a. Mostly civil
- b. Mostly criminal
- c. Roughly an even mix between civil and criminal

52. Did your courtroom assignment change after you took senior status?

- a. No
- b. Yes → *Please describe how it changed, and what prompted the change:*

The following questions are for Chief District Judges Only; Others Should Skip to Question #62

53. Does your district have a *policy* for allocating courtroom space to a judge who has taken senior status?
- a. Yes
 - b. No
54. If you have a policy, please describe it. If you don't, please describe how your district allocates courtroom space to a judge who has taken senior status.
55. Does the way in which your district allocates space to senior judges differ depending on the caseload they maintain?
- a. No
 - b. Yes → *Please describe how a senior judge's caseload is taken into account in allocating courtrooms:*
56. Do some or all judges in your district currently share courtrooms?
- a. No → *SKIP to Question #59*
 - b. Yes

57. Why are judges currently sharing courtrooms in your district? ***Please circle all that apply.***

- a. There is not enough space in my courthouse for each judge to have a courtroom for his/her exclusive use.
- b. My district has a policy that mandates courtroom sharing by judges other than active district judges.
- c. My district has a policy that mandates courtroom sharing by all judges.
- d. The judges in my district believe that sharing courtrooms is the best way to manage our dockets effectively.
- e. The judges in my district believe that sharing courtrooms is the best way to manage our space resources effectively.
- f. Different courtrooms in my courthouse have different features, and judges schedule proceedings according to the features they need.
- g. My courthouse is undergoing renovations, so judges must share temporarily.
- h. Other → ***Please specify:***

58. Please explain the nature of the sharing taking place.

59. About how many requests ***per year*** does your district get for use of its courtrooms by people or groups from outside the court (e.g., ALJs, state court judges, law schools)?

- a. None → ***SKIP to Question #62***
- b. 1-10
- c. 11-25
- d. 26-50
- e. More than 50

60. About what percentage of these requests does your district **turn down**?

- a. Less than 10%
- c. 11-25%
- d. 26-50%
- e. 51-75%
- f. 76-90%
- g. Over 90%

61. Please indicate why you turn down these requests when you do. **Circle all that apply.**

- a. Not applicable
- b. We do not have enough space to accommodate them.
- c. Security considerations prevent us from being able to loan courtroom space to outside entities.
- d. Other → **Please specify:**

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

Thank you for taking the time to respond to this questionnaire. Your input will be very valuable to the Center and the Committee. If you have questions about this questionnaire, please contact Molly Johnson (mjohnson@fjc.gov; 315-824-4945) or Meghan Dunn (mdunn@fjc.gov; 805-226-7497). If you have questions about the overall courtroom use study, please contact project directors Pat Lombard (plombard@fjc.gov; 202-502-4083) or Donna Stienstra (dstienst@fjc.gov; 202-502-4081).

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Appendix Eleven
Judge Survey Tables

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Table B.1

Courtroom Used Most Frequently By Responding Judges in Past Twelve Months

Description of Most Frequently-Used Courtroom	% of Total Selecting this Option (N = 1014)	Active District Judges (N = 359)	Chief District Judges (N = 70)	Senior District Judges (N = 186)	Magistrate Judges (N = 399)
It is assigned to me, and I am the only judge who uses it.	31%	37%	23%	19%	32%
It is assigned to me and I am the primary user, but other judges use it sometimes.	54%	56%	70%	57%	48%
I am one of two judges to whom the courtroom is assigned as our primary courtroom.	6%	4%	1%	10%	7%
I am one of more than two judges to whom the courtroom is assigned as our primary courtroom.	1%	<1%	0%	2%	1.5%
It is one of several that I use, along with other judges, and is not assigned specifically to me.	6%	2%	6%	11%	7.5%
It is a courtroom assigned to someone other than me.	2%	1%	0%	1%	4%

Table B.2

Responses to Why 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 (N = 153)
There is not enough space in my courthouse for each judge to have a courtroom for his/her exclusive use.	50%
My district has a policy that mandates courtroom sharing by judges other than active district judges.	8%
My district has a policy that mandates courtroom sharing by all judges.	3%
The judges in my district believe that sharing courtrooms is the best way to manage our docket effectively.	9%
The judges in my district believe that sharing courtrooms is the best way to manage our space resources effectively.	18%
Different courtrooms in my courthouse have different features, and judges schedule proceedings according to the features they need.	13%
My courthouse is undergoing renovations, so judges must share temporarily.	14%
Other.	25%

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

Table B.3
Occasional or Frequent Use of Responding Judge’s Primary Courtroom By Another Judge

Responding Judge	Type of Judge Using Responding Judge’s Courtroom					
	Active District Judge	Senior District Judge	Magistrate Judge	Bankruptcy Judge	Other Types of Judges	Groups or Individuals Other Than Judges
Active District Judge	31%	24%	25%	3%	5%	39%
Senior District Judge	49%	37%	33%	6%	13%	34%
Chief District Judge	45%	41%	47%	15%	15%	64%
Magistrate Judge	18%	15%	41%	13%	10%	31%

Note: N’s range from 302-337 for active district judges; 53-64 for chief district judges; 307-339 for magistrate judges; and 132-156 for senior district judges. Percentages indicate the proportion of respondents of each type who said the others used their courtroom either “occasionally” or “often.” For example, 49% of responding senior judges said that active district judges had used their courtroom either occasionally or often. The other response options to this question, which are not reported in this table, were “never” and “rarely.”

Table B.4

Circumstances Under Which Another Judge Uses the Responding Judge’s Courtroom

	Percentage Selecting This Option (N = 932)
When coming from another division within my district to hold a proceeding	36%
When sitting as a visiting judge in my district	33%
When holding a proceeding for which he or she needed a feature available in my courtroom that was not available in his or her primary courtroom (e.g., more space for parties or public, special electronic equipment, etc.)	32%
When a judge who serves in my courthouse needed a courtroom for some other reason, and mine was available	61%
Other	17%

Note: Percentages are based on respondents who selected at least one response category. They sum to more than 100% because respondents could select more than one response.

Table B.5
Reasons for Unavailability of Courtroom

Reason for Unavailability of Courtroom	Judges With Own Courtroom Reporting This Reason Occurred “Occasionally” or “Often”	Judges Without Own Courtroom Reporting This Reason Occurred “Occasionally” or “Often”
Another judge was using it for a case-related proceeding.	55%	92%
It was being used for a ceremonial or non-case-related proceeding.	19%	8%
It was in need of or undergoing renovations or maintenance.	39%	16%
Other.	14%	11%

Note: N’s range from 219-242 for judges with their own courtroom, and from 73-86 for judges without their own courtroom, except for the “other” category, where N’s were 94 and 28, respectively. Percentages include those instances in which the judge reported that the reason occurred “occasionally,” or “often,” out of all respondents who answered that part of the question. The other response options were: “Not applicable”; “Never”; and “Rarely.”

Table B.6
How Judges Handle Unavailability of Primary Courtroom

	Not Applicable	Never	Rarely	Occasionally	Often
I rescheduled the proceeding for another time.	7%	19%	26%	31%	18%
I used another courtroom to hold the proceeding.	2%	5%	15%	34%	44%
I used a non-courtroom space to hold the proceeding.	9%	54%	15%	17%	4%
Other.	72%	19%	2%	5%	3%

Note: N's range from 294-343, except for the "other" category, where N = 111.

Table B.7

Perceptions of Judges Who Share Courtrooms About Effects of Sharing Courtrooms

Effect On:	Positive/ Beneficial	Some Positive, Some Negative	Neutral/No Effect	Negative/ Detrimental	Don't Know
The speed with which proceedings are resolved	3%	12%	56%	29%	N/A
Judge's own efficiency	5%	7%	54%	35%	N/A
The cost for parties and attorneys	1%	4%	40%	11%	44%
The convenience for parties and attorneys	3%	3%	41%	33%	20%
Evidence presentation	3%	4%	78%	15%	N/A
Judges' ability to manage caseload	3%	N/A	50%	47%	N/A

Note: This table summarizes responses from questions asked separately about each of the effects listed. N's range from 149-152. For the phrasing of each question and accompanying response options, see the copy of the questionnaire in Appendix 11.

Table B.8

Perceptions of Judges Who Have an Individually-Assigned Courtroom About Effects of Using Other Courtrooms or Spaces to Hold Proceedings

Effect On:	Positive/ Beneficial	Some Positive, Some Negative	Neutral/No Effect	Negative/ Detrimental	Don't Know
The speed with which proceedings are resolved	7%	10%	53%	29%	N/A
Judge's own efficiency	1%	5%	37%	56%	N/A
The cost for parties and attorneys	12%	7%	35%	9%	38%
The convenience for parties and attorneys	19%	12%	31%	19%	19%
Evidence presentation	9%	8%	60%	22%	N/A
Judges' ability to manage caseload	0.5%	N/A	9%	90%	N/A

Note: This table summarizes responses from questions asked separately about each of the effects listed. N's range from 766-860. For the phrasing of each question and accompanying response options, see the copy of the questionnaire in Appendix 11.

Appendix Twelve

Attorney Survey Methods and Questionnaire

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Courtroom Use Study

Attorney Survey Methods and Questionnaire

The questionnaire gathered demographic information from respondents (e.g., type of practice; district in which they most frequently practice; number of years practicing law; frequency of appearances in federal courtrooms); asked them to identify the courtroom situation in the district in which they most frequently practice (e.g., whether judges have assigned courtrooms, whether they shared a courtroom or courtrooms with other judges, etc.); and solicited information about courtroom availability and scheduling; the use of courtrooms when proceedings are not taking place; experiences with courtroom sharing in both federal and state courts; and their overall views on courtroom allocation. While the majority of the study focuses on the experience and views of judges, this survey provides an opportunity for the other primary participants in the courtroom, attorneys, to share their views on courtroom allocation, and how it affects their courtroom practice. The data from the survey are based on attorneys' reported experiences and perceptions, rather than actual measures of these experiences, and therefore one cannot draw causal conclusions about any trends or differences noted.

Survey Administration

We programmed the questionnaire to be completed on-line, and provided attorneys with a link to the questionnaire in an email 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, attorneys answered some different questions depending on their courtroom experience and other factors. A printed version of the questionnaire is attached.

Sample Selection

The attorneys who were surveyed were a randomly selected group who had had recent experience practicing in federal district court. The names were extracted from the CM/ECF database for each district court except Wisconsin Western¹. In selecting the data records to extract, we first identified cases that met our selection criteria² then identified the attorneys who were linked to those cases (e.g., attorneys who made an appearance in the case or were otherwise associated with it). The total number of attorneys identified using these criteria was 684,150. To arrive at a sample of attorneys who had moderate and recent experience in federal court, we then excluded attorneys who were deceased, disbarred, or pro hac vice, attorneys who appeared in cases that started before 2003, and attorneys who had fewer than 3 cases and who had not appeared since 2005. This resulted in a population of 249,856 attorneys.

¹ Wisconsin Western data were excluded because the court is not live on CM/ECF. We contacted a technical manager from the court to ask if they could provide comparable information on attorneys, but they were not able to do so within the time frame required.

² The selection criteria were as follows: 1. The case was still pending on the date of extraction (December 10-14, 2007), or it was closed on or after May 1, 2005; and 2. The attorney's association with the case was still active on the date of the extraction, or it ended on or after May 1, 2005.

From that overall population, we drew our random selection of 4006 attorneys, with oversampling on two criteria. We oversampled from attorneys whose caseload was at least 10% criminal (with the assumption that attorneys in criminal cases are in the courtroom more than attorneys with mostly civil cases), and we oversampled from attorneys who practice in districts in which at least some judges share courtrooms (as identified in the judges' survey), to better get a sense of how courtroom allocation works in practice. An extra 500 recipients were selected from among "criminal caseload" attorneys, and an extra 1000 recipients were selected from "sharing" districts. Thus, the overall counts included 2500 drawn from all courts proportionally, 500 drawn from all courts proportionally but only including attorneys with 10% or more criminal cases, and 1000 drawn proportionally from the 19 sharing courts, with the count of New York Southern attorneys reduced by half.³

Criminal caseload and sharing district flags were used along with the general population proportions to identify the number of attorneys from each district. Three counts were identified for each district: the number of attorneys to be selected (of out 2500) based on the district's proportional representation among all districts; the number of extra attorneys in sharing districts to be selected based on the district's proportional representation among sharing districts (with the NYS weighting discount); and the number of extra attorneys to be selected based on criminal caseload. To facilitate the actual selection of attorneys, a random number was generated for each attorney, and the records were sorted within district by that random number. A unique sequence number was then assigned to the record based on its new sort position. If the new random sequence number was less than the combined number of records to be selected from that district as part of the 2500 case proportional segment and the extra records in sharing districts, the attorney record was selected. Additional attorneys were selected equivalent to the proportional count for criminal caseload, but only attorneys with a criminal caseload flag were selected in this second pass. This process resulted in the district-by-district selection of 4006 attorneys (2501 from all courts, 505 from the criminal caseload, and 1000 from the sharing courts) to whom the survey would be sent. Of those 4006 attorneys, we were unable, after multiple attempts, to find email addresses for 160 attorneys, and the survey went out to a total of 3846 recipients.

Response Rate

Overall, out of 3846 attorneys to whom we sent the questionnaire, 1,071 responded in some way, for an overall response rate of 28%. The results we report here are from 1022 judges who completed the entire questionnaire by March 13, 2008. Table 1 shows the number of attorneys who responded to our survey invitation and the way in which they did so.

³ The original sampling of sharing courts was heavily dominated by attorneys in the large district of NYS; reducing it by half made the sharing sample more representative.

Table 1

Breakdown of the Overall Response Rate

Action of Respondent	Number of Respondents
Completed the questionnaire.	1022
Contacted us to tell us they did not have relevant experience.	26
Told us they could not respond for some reason (i.e., no longer with firm, on extended leave of absence, etc).	23

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The Federal Judicial Center

Survey of Attorneys About Courtroom Use

It is currently the policy of the federal judiciary that each active district judge has his or her own courtroom. The United States Judicial Conference Committee on Court Administration and Case Management (“the Committee”), responding to a request from the House of Representatives Subcommittee that authorizes funds for courthouse construction, has asked the Federal Judicial Center (FJC) to conduct a study of federal courtroom use. As part of the study, the FJC has produced this questionnaire, which is designed to gather information about attorneys’ experiences with and views about courtroom use and allocation in federal courts.

Court records indicate that you have recent experience practicing in at least one federal district court. We hope you will take 10-15 minutes to answer some questions about courtrooms and how they affect you and your cases in federal court. We are sending the questionnaire to a relatively small sample of attorneys across the country, so your response is very important to ensure the representativeness of the results. The FJC will provide the findings from this questionnaire to the Committee, along with information gathered from other sources.

The survey contains the following brief sections: A. Courtroom Allocation and Use in Federal District Courts; B. Scheduling of Proceedings in the District in Which You Most Frequently Practice; C. Use of Courtrooms in Federal Civil Cases; D. Your Use of Courtrooms When Proceedings Are Not Taking Place; E. Overall Opinions About Courtroom Allocation in Federal Courts; F. State Court Experience; and G. Attorney Demographics. You will be able to skip any sections or questions for which you do not have relevant experience.

If you have any questions about the survey, please contact Molly Johnson (mjohnson@fjc.gov; 315-824-4945) or Meghan Dunn (mdunn@fjc.gov; 805-226-7497).

If you have not practiced in federal district court in the past 2 years, please check here: _____ and return only this page via fax to the FJC Research Division at: 1-800-507-1364. Otherwise, please continue to the next page.

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A. Courtroom Allocation and Use in Federal District Courts

This set of questions asks about your experiences in federal courts with respect to courtroom use and sharing of courtrooms among judges.

1. In which federal district court have you practiced most frequently in the past two years?

*For the remainder of this section, **unless otherwise specified**, please focus on the district court you named in response to Question #1.*

2. Which of the following phrases best describes how courtrooms are typically assigned in the federal district in which you practice most frequently?
 - a. Most judges have their own individually-assigned courtrooms and do not normally share their courtrooms with other judges.
 - b. Most judges have an assigned courtroom but they share it with one or more other judges.
 - c. Most judges do not have an assigned courtroom and use courtrooms as they are available.
 - d. Other → Please specify: _____
 - e. I am not aware of the typical courtroom use arrangement in this district.
3. In addition to the federal district court you appear in most frequently, in which other federal districts have you appeared in proceedings in the past two years?
4. Considering all of the federal districts you have named to this point, have any of them been districts in which most judges **did not** have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges?
 - a. I don't know → Skip to Question #6
 - b. No → Skip to Question #6
 - c. Yes.

5. Were there any effects (either positive or negative) on you or your clients when judges did not have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges?
- a. No
 - b. Yes. → Please describe how you or your client were affected by the fact that judges did not have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges:

B. Scheduling of Proceedings in Federal District Courts

6. When a proceeding is scheduled for a courtroom in the federal district in which you most frequently practice, at what point do you normally know the final courtroom location where the proceeding will take place?
- a. As soon as a date for the proceeding is set.
 - b. Within a few days of the time a date for the proceeding is set
 - c. In-between the time a date for the proceeding is set and the date of the proceeding itself
 - d. Within a few days of the date of the proceeding
 - e. Other. → Please specify:
7. Based on your experiences in the federal district in which you most frequently practice, for courtroom proceedings that take place, in what percentage of the time are they actually held:
- a. at the originally-scheduled date and time? ___% of the time
 - c. in the originally-scheduled courtroom? ___% of the time

8. In the table below please indicate, with a checkmark in each row, the reasons why courtroom proceedings get rescheduled in the district in which you most frequently practice, and about how frequently each of those reasons prompts the rescheduling. If there are additional or alternative reasons for rescheduling that happen at least rarely, please describe them in the box marked "Other."

Frequency of This Reason for Rescheduling

Reasons for Rescheduling	Never	Rarely	Occasionally	Often
The judge has a scheduling conflict.				
There are problems with scheduling witness(es).				
One of the parties or attorneys has a scheduling conflict.				
No courtroom is available for holding the proceeding.				
There are unforeseen developments in the case.				
Other. <i>Please specify:</i>				

9. In the table below please indicate, with a check mark in each row, the effects that reschedulings of courtroom proceedings have on you or your clients, and the frequency with which you encounter each of these effects when a courtroom proceeding is rescheduled.

Frequency of This Effect of Rescheduling

Effects of Rescheduling	Never	Rarely	Occasionally	Often
I have to reschedule witnesses.				
I have to retain alternate expert witnesses.				
My client has to pay expert witnesses even when they haven't testified.				
My clients or I engage in unnecessary travel.				
Witnesses engage in unnecessary travel.				
I have to reschedule other professional obligations.				
I have to re-prepare the case.				
My client incurs additional litigation costs generally.				
Other. → Please specify:				

10. How much advance notice of rescheduling *of a non-trial proceeding to be held in a courtroom* do you need in order to avoid any effects you identified in response to Question #9? ***Please circle one.***

- a. Not applicable
- b. Less than one week
- c. 1-2 weeks
- d. 3-4 weeks
- e. 1-2 months
- f. 3-4 months
- g. More than 4 months

C. Use of Courtrooms in Federal Civil Cases

11. Have you handled *civil* cases in any federal district court in the past two years?
- No → *Skip* to Question #15.
 - Yes.
12. Some believe that the availability of a courtroom for trial prompts parties to reach a settlement by increasing the certainty that the trial will take place. Which of the following best represents your view about the relationship between courtroom availability and settlements? *Please circle one.*
- Knowing that a courtroom is available for trial plays a major role in prompting parties to reach settlements.
 - Knowing that a courtroom is available for trial plays some role in prompting parties to reach settlements.
 - Knowing that a courtroom is available for trial plays a very small role in prompting parties to reach settlements.
 - Knowing that a courtroom is available for trial plays no role in prompting parties to reach settlements.
13. The following menu lists factors that might be important in prompting settlement of a *civil* case. While it is no doubt difficult to generalize across cases, please indicate what in your opinion are typically the three *most important* factors in prompting parties to settle a case (1 = most important; 2 = second-most important; 3 = third-most important). If you select “other” for any of your rankings, please explain each of them below.
- Completing discovery and having all of the evidence in hand
 - A firm trial date (courtroom, date, and judge are certain)
 - Uncertainty about how soon trial can take place (e.g., because of civil case backlog)
 - Participation in alternative dispute resolution (e.g., mediation or arbitration)
 - A judicial decision on an evidentiary matter
 - A judicial decision pending on a dispositive motion
 - The costs of going through trial
 - The relative financial strength or vulnerability of one or more parties
 - The principal issues in the case are factual rather than legal
 - Other (please specify below)

14. The following menu lists factors that might be important in prompting settlement of a *civil* case. Please indicate what in your opinion are typically the three *least important* factors in prompting parties to settle a case (1 = least important; 2 = second-least important; 3 = third-least important). If you select “other” for any of your rankings, please explain each of them below.

- Completing discovery and having all of the evidence in hand
- A firm trial date (courtroom, date, and judge are certain)
- Uncertainty about how soon trial can take place (e.g., because of civil case backlog)
- Participation in alternative dispute resolution (e.g., mediation or arbitration)
- A judicial decision on an evidentiary matter
- A judicial decision pending on a dispositive motion
- The costs of going through trial
- The relative financial strength or vulnerability of one or more parties
- The principal issues in the case are factual rather than legal
- Other (please explain below)

D. Your Use of Courtrooms When Proceedings Are Not Taking Place

In this section we ask about the extent to which you use courtrooms, or leave your materials in them, when no judge-directed proceeding is taking place.

15. In the following table, please indicate those circumstances under which you, or your materials (such as computer equipment or paper files), are occupying a courtroom (not including ancillary rooms adjoining the courtroom) part or all of the time even when no judge-directed proceeding is taking place. ***Please place a check mark in all boxes that apply.*** If there are other circumstances not listed, please specify each circumstance below.

Circumstance	You are in courtroom	Your materials are in courtroom
Daytime breaks (e.g., lunch) during a courtroom proceeding such as a trial		
Overnight breaks during a courtroom proceeding such as a trial		
The jury is deliberating after a trial		
Meetings with clients before or after a courtroom proceeding		
Settlement talks with other attorneys		
Arranging exhibits or case materials		
Discussions with deputy or law clerk over procedure		
Testing out or setting up electronic equipment		
Other. → Please specify:		

16. If no courtroom was available during the above types of situations, where would you and your materials be during those times? Would this be a problem? Please explain any effects that the unavailability of a courtroom during these times would or does have on you or your clients.

E. Overall Opinions About Courtroom Allocation in Federal Courts

In this section we ask for your opinions about courtroom allocation in *federal district courts*.

17. Based on your litigation experience, which of the following best describes your *overall* view on the allocation of courtrooms among federal district judges?
- a. Each federal district judge should have his or her own individually-assigned courtroom.
 - b. Most federal district judges should have their own individually-assigned courtrooms, but there are situations in which it would make sense for some judges to share courtrooms.
 - c. Most federal district judges should share courtrooms, but there are situations in which it would make sense for some judges to have their own individually-assigned courtrooms.
 - d. All federal district judges should share courtrooms according to the specific needs of their cases.
 - e. I do not have an opinion on this issue.
 - f. Other. → *Please specify:*
18. Please explain your answer to the previous question.
19. If you have any other comments about *federal* courtroom use and allocation that are not addressed elsewhere in this questionnaire, please provide them here.

F. State Court Experience

20. Have you practiced in a *state trial court* of general jurisdiction in the past 2 years?
- a. No → SKIP to Question 25
 - b. Yes. → In which state trial court have you practiced most frequently in the past two years?

21. Which of the following phrases best describes how courtrooms are typically assigned in the state trial court in which you practice most frequently?

- a. Most judges have their own individually-assigned courtrooms and do not normally share their courtrooms with other judges.
- b. Most judges have an assigned courtroom but they share it with one or more other judges.
- c. Most judges do not have an assigned courtroom and use courtrooms as they are available.
- d. Other → Please specify: _____
- e. I am not aware of the typical courtroom use arrangement in this state trial court.

22. Considering all of the state trial courts in which you have practiced, have you ever practiced in a state court in which most judges **did not** have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges?

- a. I don't know. → Skip to Question #24
- b. No → Skip to Question #24
- c. Yes.

23. Were there any effects (either positive or negative) on you or your clients when judges did not have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges?

- a. No
- b. Yes. → Please describe how you or your client were affected by the fact that judges did not have their own individually-assigned courtrooms and normally shared a courtroom, or courtrooms, with other judges:

24. If you have experience in the last two years in both state and federal trial courts, please comment here on any differences you have observed between the two types of courts with respect to courtroom use and allocation, including how any such differences affect you or your clients.

G. Attorney Demographics

In order to have a context for your responses, we would like some information about your practice experience and the type of law you practice. We will report such information in the aggregate only, and no respondents will be identified in any of the analyses or reports we produce.

25. For how many years have you practiced law?

_____ years

26. Please indicate the percentage and type of your practice that encompasses each of the following areas. Your responses should add to 100%.

- a. Civil litigation in federal district court: _____%
- b. Criminal litigation in federal district court: _____%
- c. Civil litigation in state trial court: _____%
- d. Criminal litigation in state trial court: _____%
- e. Non-litigation practice: _____%
- f. Other → (Please specify: _____): _____%

27. About how frequently do you typically participate in proceedings held in a **courtroom** in federal district court?

_____ times per year

28. Which of the following types of clients have you represented in federal district court in the past two years? *Please select all that apply.*

- a. Plaintiff in a civil case
- b. Defendant in a civil case
- c. Prosecution in a criminal case
- d. Defendant in a criminal case
- e. Other → Please specify: _____

29. So that we can calculate an accurate response rate, please provide your last name below. We will not associate your name with any of your responses to the questionnaire.

Last name: _____

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Appendix Thirteen
Attorney Survey Tables

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Table C.1
 How Courtrooms Are Typically Assigned in the Federal District
 in Which the Responding Attorney Most Frequently Practices

Typical Courtroom Assignment	Respondents Selecting This Option (N=976)
Most judges have their own individually-assigned courtrooms, and do not normally share their courtrooms with other judges.	80%
Most judges have an assigned courtroom but they share it with one or more other judges.	6%
Most judges do not have an assigned courtroom and use courtrooms as they are available.	2%
Other.	2%
I am not aware of the typical courtroom use arrangement in this district.	10%

Table C.2
Reasons for Rescheduling Courtroom Proceedings

Reasons for Rescheduling	Never	Rarely	Occasionally	Often
One of the parties or attorneys has a scheduling conflict. (N = 926)	7%	22%	54%	18%
There were unforeseen developments in the case. (N = 918)	9%	36%	48%	7%
The judge has a scheduling conflict. (N = 933)	13%	46%	37%	5%
There are problems with scheduling witnesses. (N = 900)	23%	45%	31%	1%
No courtroom is available for holding the proceeding. (N = 903)	87%	11%	1%	.2%
Other. (N = 183)	60%	9%	19%	12%

Table C.3
Effects of Rescheduled Courtroom Proceedings on Attorneys and Clients

Effect of Rescheduling	Never	Rarely	Occasionally	Often
My client incurs additional litigation costs generally. (N = 910)	25%	31%	31%	13%
I have to reschedule other professional obligations. (N = 921)	14%	32%	44%	10%
I have to re-prepare the case. (N = 916)	21%	33%	36%	10%
I have to reschedule witnesses. (N = 915)	22%	40%	31%	6%
My clients or I engage in unnecessary travel. (N = 912)	35%	37%	26%	3%
Witnesses engage in unnecessary travel. (N = 906)	35%	42%	20%	3%
My client has to pay expert witnesses even though they haven't testified. (N = 902)	62%	24%	12%	2%
I have to retain alternate expert witnesses. (N = 903)	69%	27%	4%	0%
Other. (N = 127)	86%	6%	3%	6%

Table C.4

Circumstances Under Which Attorneys or Their Materials Occupy a Courtroom
Part or All of the Time When No Judge-Directed Proceeding is Taking Place*

Circumstance	You Are in the Courtroom	Your Materials Are in the Courtroom
Daytime breaks (e.g., lunch) during a courtroom proceeding such as a trial	43%	90%
Overnight breaks during a courtroom proceeding such as a trial	4%	69%
The jury is deliberating after a trial	44%	62%
Meetings with clients before or after a courtroom proceeding	34%	45%
Settlement talks with other attorneys	35%	43%
Arranging exhibits or case materials	72%	73%
Discussions with deputy or law clerk over procedure	65%	44%
Testing out or setting up electronic equipment	75%	66%
Other.	2%	2%

* N = 907.

Table C.5
Attorneys' Views of the Relationship Between Courtroom Availability
and Settlements in Civil Cases

	% of Attorneys Selecting This Response (N = 792)
Knowing that a courtroom is available for trial plays a <i>major</i> role in prompting parties to reach settlements.	17%
Knowing that a courtroom is available for trial plays <i>some</i> role in prompting parties to reach settlements.	29%
Knowing that a courtroom is available for trial plays a <i>very small</i> role in prompting parties to reach settlements.	24%
Knowing that a courtroom is available for trial plays <i>no</i> role in prompting parties to reach settlements.	31%

Table C.6
Attorney Rankings of Factors Prompting Settlement in Civil Cases

Factor	Respondents Ranking This as the Most Important Factor (N = 784)	Respondents Ranking This as the Least Important Factor (N = 773)
A firm trial date (courtroom, date, and judge are certain)	24%	11%
Completing discovery and having all of the evidence in hand	19%	9%
A judicial decision pending on a dispositive motion	17%	3%
The costs of going through trial	15%	6%
Participation in alternative dispute resolution	13%	9%
The relative financial strength or vulnerability of one or more of the parties	5%	15%
The principal issues in the case are factual rather than legal	4%	30%
Other	3%	<1%
A judicial decision on an evidentiary matter	<1%	15%

Appendix Fourteen

List of Technical Appendices

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Courtroom Use Study

List of Technical Appendices

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

Technical Appendix 1	The Sampling Frame
Technical Appendix 2	The Court Information Survey
Technical Appendix 3	Profiles of the Study Districts
Technical Appendix 4	Study Variables Defined
Technical Appendix 5	About DISCUS
Technical Appendix 6	The Training Process
Technical Appendix 7	The Quality Control Process
Technical Appendix 8	The Proposed Study Design
Technical Appendix 9	Independent Observation of Twelve Courtroom Use Study Courts

These documents are available on request from the study directors:

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