

Appendix R

Survey of Court Docketing Practices

Included items:

1. Administration of the Docketing Survey
2. Sample Cover Letter to the Clerks of Court
3. Survey of Court Docketing Practices
4. Instructions for Creating and Submitting Event-Usage Reports to the FJC

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Administration of the Docketing Survey

Project staff surveyed the district courts to gather information about individual courts' docketing practices. The results of the survey were intended to guide development of the data-extraction programs and, additionally, address issues that the Technical Advisory Group had identified as possible areas of differing practice. Members of the advisory group and two clerks of court reviewed the survey in draft form, suggesting additional or alternative questions and response options, many of which we incorporated into the final version.

Survey Administration

We mailed a printed copy of the survey to the clerk of each Article III district court on August 28, 2003, and asked for a faxed response by September 12. A cover letter provided background information on the case-weighting study and explained the reason for the survey. The letter also informed clerks that the survey requested technical details about their court's docketing system and suggested that consultation with systems or operations staff might be required to answer some of the items. The chief judge of each of the district courts received a courtesy copy of the cover letter without attachments.

We asked that courts using ICMS send information regarding the event and relief codes used for docketing. Instructions for generating and transmitting the information were included with the survey package.

Survey Response

Response to the mailing was good, with sixty-seven of ninety-one courts (74%) returning surveys within a month. On September 26, 2003, we initiated followup with non-responding courts by email. The email message provided a web site address where a copy of the survey and other information could be downloaded if a court needed to replace the mailed materials. With follow-up efforts, we obtained a 100% response rate from the courts.

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RESEARCH DIVISION

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August 28, 2003

Mr. William S. Brownell
Clerk
U.S. District Court
for the District of Maine
Edward T. Gignoux United States Courthouse
156 Federal St
Portland, ME 04101

Dear Mr. Brownell:

The Committee on Judicial Resources is working to revise the district court case weights before the next judgeship survey. The Committee has asked the Federal Judicial Center to conduct a new case weighting study that uses an event-based approach to computing case weights. A critical element of this method is information about the frequency with which different case events occur in different types of cases. This incidence data will be obtained by extracting information about case events that were docketed in each district court's case management database for civil and criminal cases terminated during calendar year 2002. The FJC is currently in the process of developing data extraction programs that can be used with each court's database to obtain the information needed for the study.

We recognize that district courts have different caseloads and employ different case management procedures. The courts have adapted their databases to support their own practices and needs. As we prepare to extract and analyze the docketing data, it is important for us to know more about each court's database structure and docketing practices. We are asking for your assistance in this endeavor.

The enclosed survey requests information about a variety of docketing and database issues. Please complete the survey and indicate for each question the responses that best represent the database procedure or docketing practice in your court. A number of the questions request specific system details; therefore, it may be necessary to consult with someone from your systems management staff and your operations staff to obtain the required information.

Please complete the survey and return it by fax (without a cover sheet) to 1-800-507-1364 **no later than Friday, September 12, 2003.**

In addition to completing the survey, if your court uses an ICMS database system, please ask your system manager to send to the FJC information about the docketing codes (i.e., event, relief, and order action) that are used in your database. The enclosed Instructions for Creating and Submitting Event Usage Reports to the FJC provide detailed information on how to produce and send the requested files. The information that you provide will help us to interpret the data we extract from your database and allow us to convert any court specific information into general categories that are applicable to all courts nationwide.

Thank you for your help on this important project. If you have any questions about the survey, the event usage reports, or the District Court Case Weighting Study in general, please don't hesitate to contact project staff Pat Lombard (202-502-4083, plombard@fjc.gov) or George Cort (202-502-4087, gcort@fjc.gov).

Sincerely,

James B. Eaglin
Director, Research Division

Enclosures:

Survey of Court Docketing Practices
Instructions for Creating and Submitting Event Usage Reports to the FJC

cc: Honorable George Z. Singal

2003-2004 District Court Case Weighting Study Survey of Court Docketing Practices

The Federal Judicial Center is conducting this survey as part of the new district court case weighting study approved in December 2002 by the Committee on Judicial Resources. The new case weighting study uses an event-based approach to computing case weights. A critical component of the new case weighting method is the extraction of information about case events that were docketed in each district court's case management database for civil and criminal cases terminated during calendar 2002. The FJC is currently in the process of developing data extraction routines that can be executed against each court's database to obtain the information needed for the study.

We recognize that the district courts have different caseloads and employ different case management procedures. The courts have adapted their databases to their practices and needs. As we prepare to both extract and analyze the docketing data it is important for us to know certain information about each court's database structure and docketing practices.

This survey requests information about docketing and database issues. Members of both the systems management staff and operations staff may need to be consulted to obtain all the information.

General Information (Please provide this information so that we may contact someone in your court to follow-up on any specific answers if needed.)

District Court: _____

Contact's Name: _____ Title: _____

Contact's Phone Number: _____ E-mail Address: _____

Basic Database Structure

1. We need to extract docket information for cases terminated during calendar 2002 in your court. From what type of database system will these extractions need to be done? (Check one for Civil and one for Criminal.)

- Civil: ICMS (based on the Arizona training center dictionary)
 ICMS (based on the Texas training center dictionary)
 CM/ECF
 Other (please explain _____).

- Criminal: ICMS (based on the Arizona training center dictionary)
 ICMS (based on the Texas training center dictionary)
 CM/ECF
 Other (please explain _____).

2. Are cases that were terminated in calendar 2002 available for extraction from your court's live database? (Check one for Civil and one for Criminal.)

- Civil:
- All cases terminated in calendar 2002 are in the live database.
 - No cases terminated in calendar 2002 are in the live database.
 - Some cases are in the live database and some are not (e.g., already archived).
 - Other (please explain _____).

- Criminal:
- All cases terminated in calendar 2002 are in the live database.
 - No cases terminated in calendar 2002 are in the live database.
 - Some cases are in the live database and some are not (e.g., already archived).
 - Other (please explain _____).

3. Occasionally case documents, events, and even complete cases are sealed by the judge. How are these documents, events, and cases included in the database? (Check all that apply.)

- Civil:
- Sealed cases are included in the live database.
 - Sealed cases are not included in the live database.
 - Events requesting or ordering the sealing of documents or cases are docketed.
 - Events or documents that are sealed are not included in the database.
 - Events or documents that are sealed are included in the database, but are not reflected on the public docket sheet (e.g., PACER).
 - Events or documents that are sealed are included in the database, and are reflected on the public docket sheet (e.g., PACER).
 - The docketing of sealed documents, events, and cases varies (e.g., by judge, by office, by type of case).
 - Other (please explain _____).

- Criminal:
- Sealed cases are included in the live database.
 - Sealed cases are not included in the live database.
 - Events requesting or ordering the sealing of documents or cases are docketed.
 - Events or documents that are sealed are not included in the database.
 - Events or documents that are sealed are included in the database, but are not reflected on the public docket sheet (e.g., PACER).
 - Events or documents that are sealed are included in the database, and are reflected on the public docket sheet (e.g., PACER).
 - The docketing of sealed documents, events, and cases varies (e.g., by judge, by office, by type of case).
 - Other (please explain _____).

4. When we process the docket information extracted from your database we will need to know how to interpret the codes included on the records. Many courts based their initial database dictionaries on a standard "starter" dictionary provided by the Administrative Office, but then made modifications to represent the court's particular needs. How have local modifications to the database dictionary (e.g., to event or relief codes in ICMS or to type or subtype codes in CM/ECF) been implemented in your court? (Check all that apply.)

- We always use the standard codes that are included in the starter dictionary with their standard dictionary meaning (e.g., in ICMS event code 442 always refers to a motion and relief code 114 always refers to a summary judgment).
- We have altered the text description of some standard codes but have made no substantive changes in meaning (e.g., in ICMS the text associated with event code 442 may be "attorney's request" instead of "motion", or relief code 114 may be labeled a "Rule 56 judgment" instead of a "summary judgment").
- We have sometimes used a standard code to mean something substantively different from the meaning the code had in the starter dictionary (e.g., in ICMS event code 442 represents a "mandatory assignment of the case" rather than a "motion", or relief code 114 references a "local ADR program" rather than "summary judgment").
- We have always added new, unique codes (i.e., codes that were not already in the starter dictionary) for new events or local variations (e.g., in ICMS event code 99123 is used to represent a mandatory assignment of a case, and relief code 99978 is used to reference a local ADR program).
- Other (please explain _____).

Docketing Trials, Conferences, Hearings

5. When a trial is held (jury or bench), what is the common practice in your court for docketing the proceeding? (Check all that apply.)

- An event noting the start of trial only is docketed.
- An event noting the end of trial only is docketed.
- Events are docketed for both the start and end of trial.
- An event is docketed on a regular basis during trial (e.g., daily, weekly).
- A trial event is docketed that uses codes to clearly indicate the type of trial activity (e.g., jury trial begun or bench trial concluded).
- A trial event is docketed that uses docket text to indicate the type of trial activity.
- A generic event (e.g., minutes) is docketed and specific information about the type or status of the trial is noted in docket text.
- The docketing of trials varies (e.g., by judge, by office, by type of case).
- Trials are not routinely docketed.
- Other (please explain _____).

6. When a conference is held (e.g., settlement, scheduling, discovery, pretrial), what is the common practice in your court for docketing the proceeding? (Check all that apply.)

- A conference held in the courtroom is docketed.
- A conference held in chambers is docketed.
- A telephone conference is docketed.
- A video conference is docketed.
- Docketed events use codes to clearly indicate the type of conference held (e.g., settlement or pretrial).
- Docketed events use docket text to indicate the type of conference held.
- The docketing of conferences varies (e.g., by judge, by office, by type of case).
- Conferences are not routinely docketed.
- Other (please explain _____).

7. When a hearing is held (e.g., motion, initial appearance, plea, sentencing), what is the common practice in your court for docketing the proceeding? (Check all that apply.)

- A hearing held in the courtroom is docketed.
- A hearing held in chambers is docketed.
- If the hearing is an evidentiary hearing, the docketed event clearly identifies it as such.
- The events used to docket hearings do not always indicate if it is an evidentiary hearing or a non-evidentiary hearing.
- Docketed events use codes to clearly indicate the type of hearing held (e.g., motion hearing or sentencing hearing).
- Docketed events use docket text to indicate the type of hearing held.
- The docketing of hearings varies (e.g., by judge, by office, by type of case).
- Hearings are not routinely docketed.
- Other (please explain _____).

8. How is the judge who conducts a proceeding (e.g., trial, conference, or hearing) identified in your court's database? (Check all that apply.)

- A "Who" record (in ICMS) or a dkt_person record (in CM/ECF) that identifies the judge is created and linked to the event.
- The judge is identified in docket text.
- Judges are not routinely identified.
- The method of identifying judges varies (e.g., by judge, by office, by type of case).
- Proceedings are not routinely docketed.
- Other (please explain _____).

Docketing Orders and Opinions

9. When an order or opinion is issued (e.g., pretrial order, order ruling on a motion), what is the common practice in your court for docketing the occurrence? (Check all that apply.)

- An order issued by a judge is docketed.
- An opinion (or memorandum) issued by a judge is docketed.
- If an opinion (or memorandum) is issued with an order, 2 different events are docketed (i.e., the order and the opinion separately).
- If an opinion (or memorandum) is issued with an order, 1 event is docketed (i.e., an event that references both the order and the opinion together).
- If the order is a tentative order, the docket entry clearly identifies it as such (either through codes or docket text).
- The methods used to docket orders do not always clearly distinguish a tentative order from a final order.
- Tentative orders are not routinely docketed.
- Docketed events use codes to clearly indicate the type or object of the order or opinion (e.g., scheduling order or order ruling on a motion for summary judgment).
- Docketed events use docket text to indicate the type or object of the order or opinion.
- The docketing of orders and opinions varies (e.g., by judge, by office, by type of case).
- Orders are not routinely docketed.
- Opinions are not routinely docketed.
- Other (please explain _____).

10. How is the judge who issues an order or opinion identified in your court's database? (Check all that apply.)

- A "Who" record (in ICMS) or a dkt_person record (in CM/ECF) that identifies the judge is created and linked to the event.
- The judge is identified in docket text.
- Judges are not routinely identified.
- The method of identifying judges varies (e.g., by judge, by office, by type of case).
- Orders and opinions are not routinely docketed.
- Other (please explain _____).

Docketing Events in Consolidated Cases

11. If two or more cases have been formally consolidated, what is the common practice in your court for docketing events that occur after the date of consolidation? (Check all that apply.)

- All events are docketed in the lead case only.
- All events are docketed in the lead case and all of the joined cases.
- All events are docketed in the lead case and each of the joined cases to which they pertain.
- If an event pertains to only one case, it is docketed only in the case to which it pertains.
- If an event pertains to more than one case, it is docketed in the lead case and each of the joined cases to which it pertains.
- If an event pertains to more than one case, it is docketed only in each of the cases to which it pertains.
- The method of docketing events in consolidated cases varies (e.g., by judge, by office, by type of case).
- Other (please explain _____).

Docketing Events in Multi-Defendant Criminal Cases

12. If there are two or more defendants in a single criminal case, what is the common practice in your court for docketing events that refer to one or more defendants? (Check all that apply.)

ICMS Courts Only:

- In all situations, we create a separate "Who" record for each defendant referenced and link it to the event.
- If all defendants are included in the event, we do not create individual "Who" records (i.e., the default situation is to assume all defendants are referenced).
- If fewer than all defendants are included in the event, a "Who" record for each defendant referenced is linked to the event.
- Defendants included in the event are referenced by name in docket text.
- Defendants included in the event are referenced by defendant number in docket text.
- If all defendants are included in the event, the docket text does not refer to individual defendants (e.g., docket text is blank or there is a reference to "All").
- The method of docketing events in multi-defendant cases varies (e.g., by judge, by office, by type of case).
- Defendants are not routinely identified as part of docketing events.
- Other (please explain _____).

CM/ECF Courts Only:

- In all situations, we create a separate criminal_dktentry record for each defendant referenced and link it to the event.
- Other (please explain _____).

Identifying Criminal Defendants who are Death Penalty-Eligible

13. If a criminal defendant has been indicted for an offense that can result in a death penalty sentence, and there is a likelihood the government will seek the death penalty, the government is required to file a Notice of Intent to Seek the Death Penalty with the court. What is the common practice in your court for docketing that notification? (Check all that apply.)

- A specific event that refers just to the Notice of Intent to Seek the Death Penalty is docketed. (Please indicate the event code(s) your court uses: _____.)
- A general event is docketed, with a specific reference in docket text to a Notice of Intent to Seek the Death Penalty. (Please indicate the event code and text your court uses: _____.)
- A general event is docketed, without a specific reference to a Notice of Intent to Seek the Death Penalty. (Please indicate the event code your court uses: _____.)
- The method of docketing of a Notice of Intent to Seek the Death Penalty varies (e.g., by judge, by office, by type of case).
- A Notice of Intent to Seek the Death Penalty is not routinely filed with the court.
- A Notice of Intent to Seek the Death Penalty is not routinely docketed.
- Other (please explain _____).

14. The CJA Form 30 (Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel) is used to record the appointment of and payments to court appointed counsel in death-eligible cases. What is the common practice in your court for docketing the CJA Form 30? (Check all that apply.)

- A specific event that refers just to the CJA Form 30 is docketed. (Please indicate the event code your court uses for Appointment of Counsel: _____ and for Authorization to Pay: _____.)
- A general event is docketed, with a specific reference in docket text to the CJA Form 30. (Please indicate the event code(s) and text your court uses: _____.)
- A general event is docketed, without a specific reference to the CJA Form 30. (Please indicate the event code(s) your court uses: _____.)
- The docketing of the CJA Form 30 varies (e.g., by judge, by office, by type of case).
- The CJA Form 30 is not routinely filed with the court.
- The CJA Form 30 is not routinely docketed.
- Other (please explain _____).

Special Considerations Regarding Data Extraction

15. Please note any special considerations or limitations that might affect extracting data from your court's database for this project. Tell us, for example, if you have particular **system, memory, or disk space limits** that need to be addressed.

Additional Information or Comments

16. As we process the docket records extracted from your database, what unique docketing practices in your court or what unique features of your case management database should we keep in mind?

Thank you for your help.

**If you have any questions please contact
Pat Lombard (plombard@fjc.gov, 202-502-4083) or
George Cort (gcort@fjc.gov, 202-502-4087)**

Please return this survey via fax to 1-800-507-1364 without a cover sheet by September 12, 2003 or if a fax machine is not available, mail to: George Cort -DCCWS, The Federal Judicial Center, Research Division, One Columbus Circle, N.E., Washington, D.C. 20002-8003

Instructions for Creating and Submitting Event-Usage Reports to the FJC

The script to be run in your court can be downloaded from the AO Information Technology website:

<http://156.132.84.151/dc/>

in the category “Database Conversion”, subcategory “Utilities”

The script is named “event_usage.tar.Z” and is listed on the site with the following description:

This *Event Usage Report* shows how many times each event code, relief code, and/or order action code was used during a specified time period. It can be useful to determine codes which are not needed or are overused and may need to be divided into several different codes.

Please download and run this script in your court using the following parameters:

- 1) The date range to use is 1/1/2002 through 12/31/2002.
Change the default “end date” to 12/31/2002 by changing the line in the script that reads
DEFED=12/31/2030; export DEFED
to
DEFED=12/31/2002; export DEFED
- 2) Execute the script with the command:

```
event_usage 1/1/2002
```

This will create three reports named “ev_cnt”, “or_cnt” and “rl_cnt”

IMPORTANT: Before transferring these files to us, please prefix each of the filenames with your court’s district abbreviation (i.e. “TXS.ev_cnt”, “NYE.ev_cnt”, etc.).

You may either send the files to us as email attachments to gcort@fjc.gov or you may FTP them using the instructions below.

```
ftp wind.fjc.dcn (or 156.132.47.249)
user: anonymous
password: <your email address>
```

```
cd incoming
put <filename>
```

To upload multiple files at once:

```
prompt (turns off interactive mode)
mput <filename pattern>
```

```
quit
```

If you have any questions, please contact George Cort at 202-502-4087 or gcort@fjc.gov. Thank you.