

Elements of an Evaluation Design for the CJRA Demonstration Program in the Northern District of Ohio

Federal Judicial Center, Research Division

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The Demonstration Program in the Northern District of Ohio

The Civil Justice Reform Act of 1990 instructs the Northern District of Ohio to adopt differentiated case management (sometimes called case tracking) for its civil caseload. The court has adopted a system that assigns cases to one of five tracks, each offering procedures and timetables suitable to the cases chosen for that track. The goal of the differentiated case management program is to reduce the cost and time of civil litigation while assuring that justice is done in every case.

Evaluation of the Demonstration Program

The Civil Justice Reform Act instructs the Judicial Conference of the United States to study the demonstration program and report to Congress by December, 1995. The Federal Judicial Center and the Administrative Office of the U.S. Courts will, by statute, assist the Judicial Conference in this study, with primary responsibility falling to the Research Division of the Federal Judicial Center.

The purpose of the Judicial Conference's study will be to evaluate the implementation and impact of the demonstration program adopted for civil case processing in Ohio Northern.

Scope of the Evaluation

The primary focus of the evaluation is the demonstration program, but the evaluation design must account for other court procedures and programs that may have an impact on the civil caseload. The design must also account for the effect of the criminal caseload on civil caseload processing.

The Evaluation Design

The demonstration program was implemented on January 1, 1992. Cases filed after that date will be subject to the policies and procedures of the program. To examine the impact of the program on litigation time and cost in these cases, the evaluation project should ideally include a group of non-program cases for comparison with the program cases. The non-program group of cases could be made up of a sample of cases terminated before January 1, 1992, or it might be made up of cases randomly assigned to a control group. The evaluation project might, on the other hand, include a district comparable to Ohio Northern but in which no special program is undertaken. The advantages and disadvantages of each of these designs will be discussed with the court.

Whichever design is adopted, the study very likely can rely on a sample of cases from the program and non-program groups. The sample should be stratified by the tracks used in the differentiated case management system. Care must be taken to ensure that the non-program cases resemble the program cases (i.e., would have been eligible for the same track had they been subject to a tracking system).

Principal Categories of Variables to be Measured and Data Collection Methods

For cases in the program group and the non-program group, a large number of variables could be measured and their relationships examined. The principal categories of variables are described below:

Disposition Time (Elapsed Time).

This is one of the major dependent variables of the analysis. It can be examined for the civil caseload as a whole and for cases on each of the case management tracks. Both overall time to disposition and the time intervals between events in each case are potential variables, under the hypothesis that both should be reduced by the demonstration program.

Data on overall disposition time is available from an electronic database maintained by the Judicial Center. Data on time between events would have to be gathered from case files (i.e., the electronic docket or paper files if necessary).

Costs of Litigation.

The other major dependent variable is the cost of litigation. The statute mentions only costs to litigants, but an argument could be made that the program's impact on the court's costs should also be measured.

To examine litigation costs with any reliability, the study will have to ask attorneys and litigants what the costs were in the cases in the study. This could be done through mailed questionnaires, through interviews, or, for attorneys, through examination of case files. The optimal method will be selected after discussing the advantages and disadvantages of each with the court.

Hours Spent on a Case by Judges and Attorneys.

Although the statute addresses itself to disposition time, another important dependent variable is the actual time in hours judges and attorneys spend on a case.

Time spent can be measured best through collection of time records. For attorneys, this information might be gathered through a questionnaire, interviews, or examination of records. For judges, the information could be collected by having the judges fill out time forms. The Judicial Center is currently collecting judge time data for a sample of pre-1992 cases in each federal district court. Collection of information about hours spent will be discussed with the court.

Case Processing and Disposition Methods.

Disposition time and costs may depend on a number of variables, among them the methods for handling the case. Thus, the study should examine the number and types of events that occurred (e.g., conferences), as well as how the case was resolved (e.g., settlement, judgment on motion, etc.). The study might also examine the numbers and kinds of papers required by the court or submitted or requested by attorneys.

Information about the processing of cases can be collected in part from the Judicial Center's electronic database, but case files are likely to be a richer source of data.

Case Characteristics.

Case characteristics are also likely to affect case time and cost. A number of characteristics might be relevant to the study, such as the nature of suit of the case, the number of parties, and the number of attorneys.

Case files contain some information about case characteristics, such as the number of parties and attorneys, but the parties themselves or their attorneys may be the only source for other kinds of information, such as the stakes involved in the case.

Satisfaction with the Litigation Process.

The study should assess the impact of the demonstration program on the quality of the litigation process. Do litigants and attorneys feel the process was fair? Did they find it expeditious? What do judges and other court personnel think of the process?

These data can be collected only by asking the participants for their views, either by questionnaires or interviews.

Satisfaction with the Litigation Outcome.

Likewise, the study might examine the types of case outcomes and whether attorneys and litigants think the outcome in their case was fair. The study might also look at the appeal rate as a reflection of satisfaction with the outcome.

The reactions of the participants can be determined through interviews or questionnaires. The appeal rate can be determined through examination of the electronic databases maintained by the FJC.

Procedures and Programs Implemented.

The procedures and programs implemented by the district constitute the final important set of independent variables in this analysis. The study should determine what these procedures and programs are, their principal features, whether they were fully implemented, problems encountered in implementation, changes made in the program, and the extent of support by judges and the bar.

This part of the analysis will require examination of the advisory group report and plan, interviews with judges, court staff, and advisory group members, and tracking of changes made over the years of the evaluation.

Timetable for the Evaluation and Research Tasks

To a great extent the time frame for the evaluation is set by the statute itself. Because the Judicial Conference must submit a report to Congress at the end of 1995, because the Conference must have sufficient time to review the staff report, and because staff need some time to analyze the data and prepare a report for the Conference, data collection should be completed by the end of 1994. There is some concern that the sample will consequently be biased against inclusion of longer, more complex cases. Therefore, data collection should begin as soon as possible.

A large number of research tasks are required by this evaluation. Those listed below should be addressed promptly.

1. Determine how a comparison group of non-program cases will be selected
2. Determine size of samples and method for sampling
3. Decide which variables will be collected from case files; design data collection methods and instruments
4. Decide which variables depend on responses from judicial officers, attorneys, and litigants; determine data collection methods and design data collection instruments
5. Decide which variables will be collected from the database of terminated cases maintained by the Judicial Center
6. Determine who will manage the various components of the evaluation and collect, code, and enter the data