

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Maine

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Maine

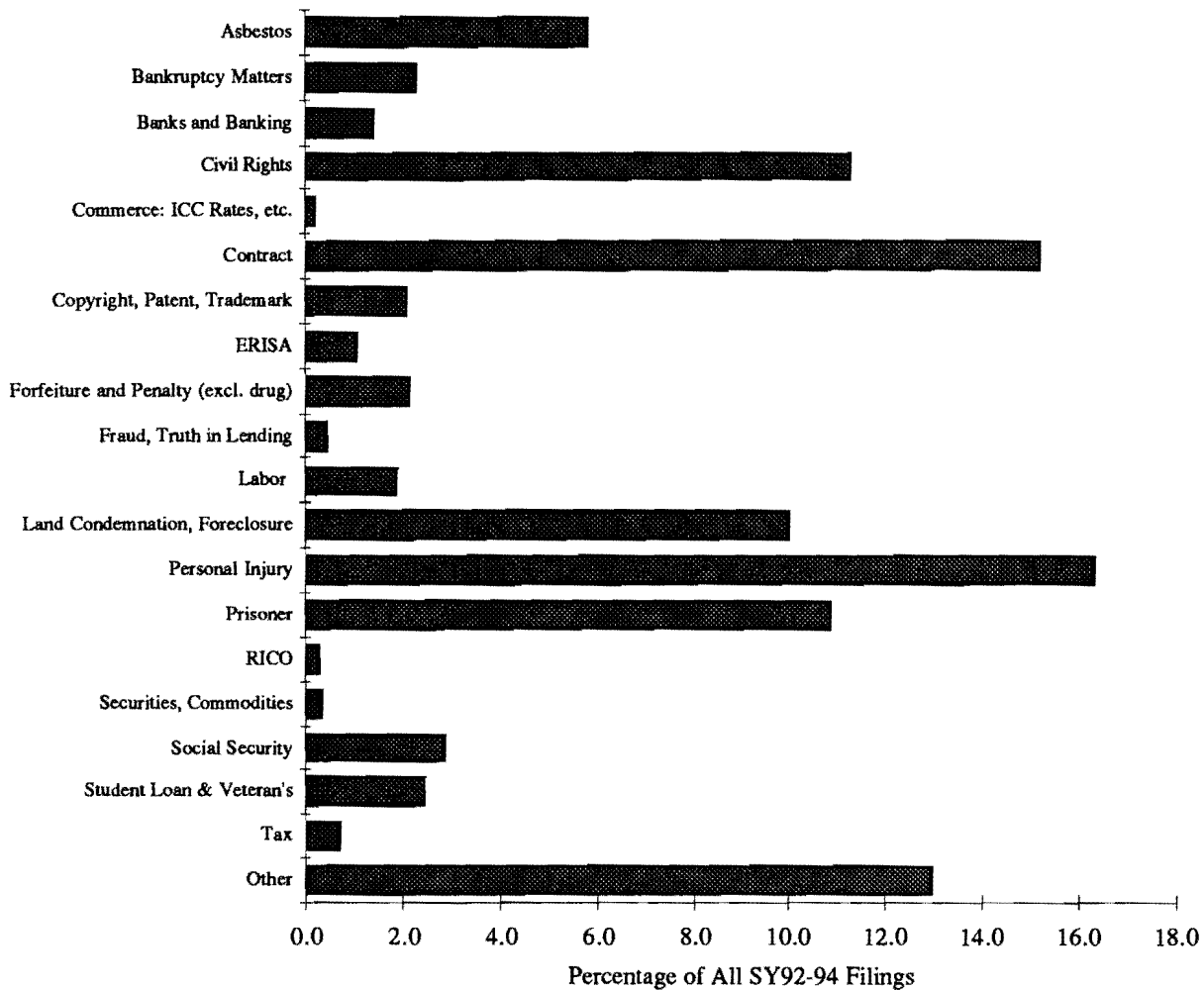
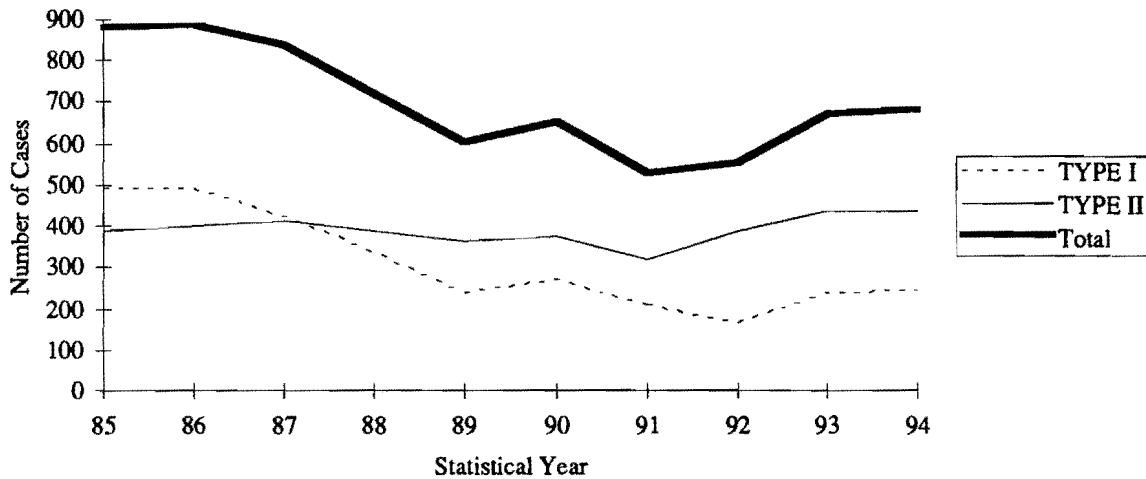


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Maine

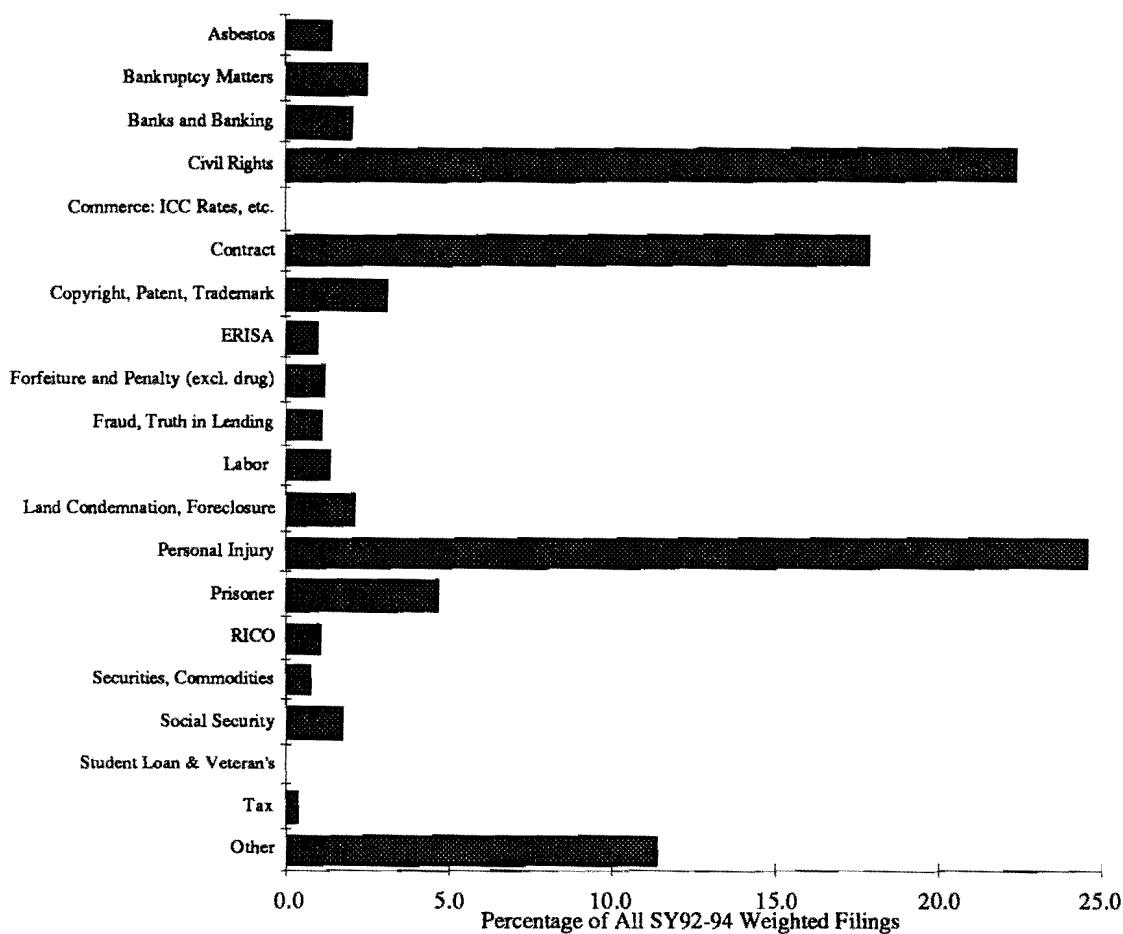


**Table 1: Filings by Case Type, SY85-94**

District of Maine	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	52	26	44	38	30	31	40	28	31	52
Bankruptcy Matters	9	12	9	2	17	15	12	9	17	17
Banks and Banking	1	1	0	0	0	1	6	17	8	2
Civil Rights	49	38	48	42	33	55	35	58	58	100
Commerce: ICC Rates, etc.	2	0	1	1	1	5	5	2	1	0
Contract	97	99	75	94	90	77	77	102	98	90
Copyright, Patent, Trademark	11	15	10	15	16	10	12	12	14	13
ERISA	2	4	3	3	5	8	6	8	6	6
Forfeiture and Penalty (excl. drug)	14	14	31	27	18	32	33	17	18	5
Fraud, Truth in Lending	4	5	4	1	4	1	4	2	3	3
Labor	28	24	28	18	14	9	15	5	18	12
Land Condemnation, Foreclosure	88	90	116	78	40	42	42	50	68	73
Personal Injury	110	119	140	108	121	100	74	89	115	108
Prisoner	38	75	76	103	84	123	81	40	85	83
RICO	0	0	0	0	3	3	2	1	3	0
Securities, Commodities	5	5	5	10	1	11	3	4	1	0
Social Security	109	65	89	54	27	15	14	9	32	15
Student Loan and Veteran's	200	224	92	61	42	46	21	31	6	9
Tax	7	6	4	4	4	1	2	4	2	7
All Other	56	68	61	63	53	66	49	66	91	90
All Civil Cases	882	890	836	722	603	651	533	554	675	685

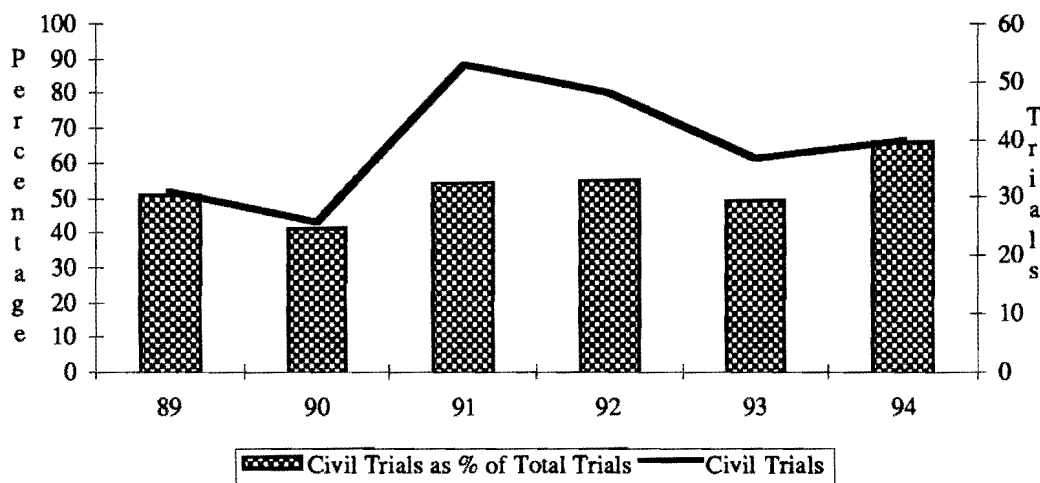
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of Maine**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of Maine**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

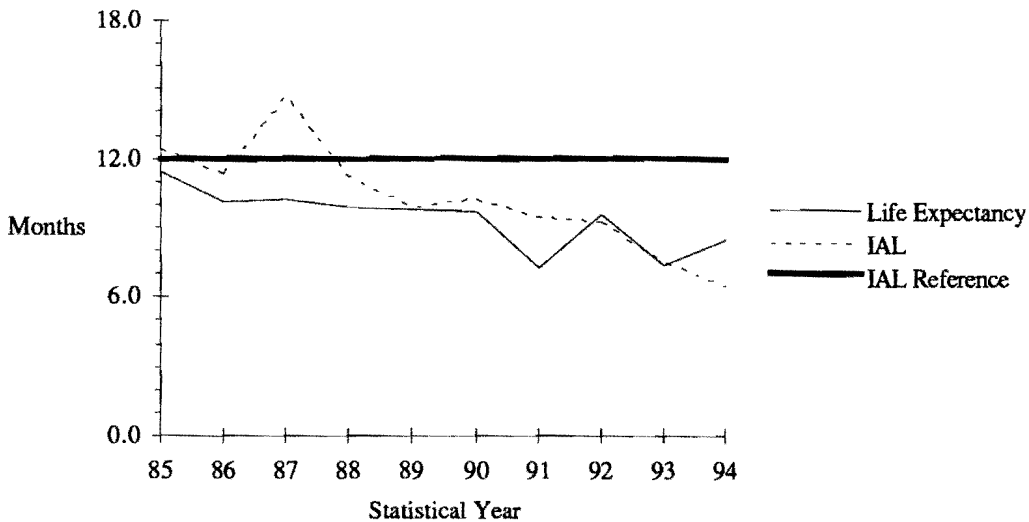
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan* (IAL), permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

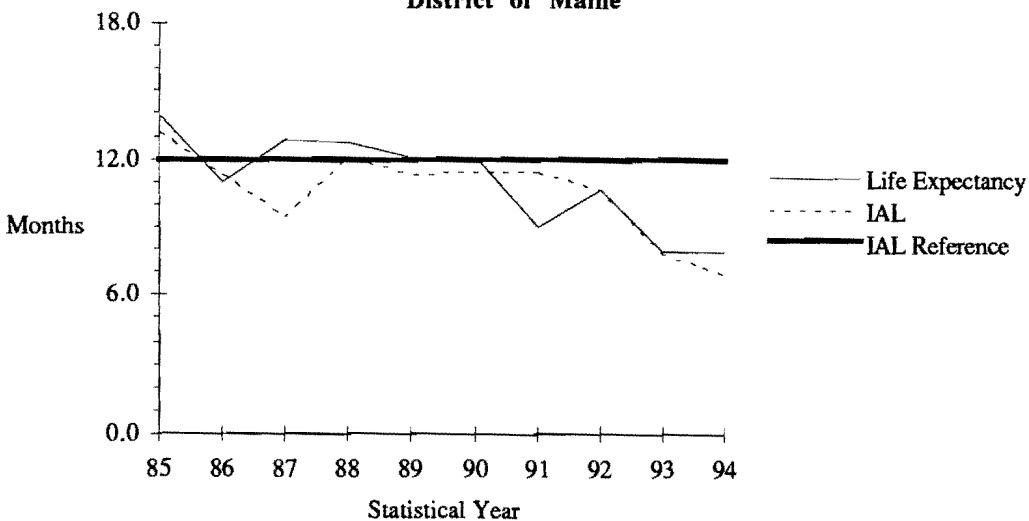
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Maine**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Maine**





**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

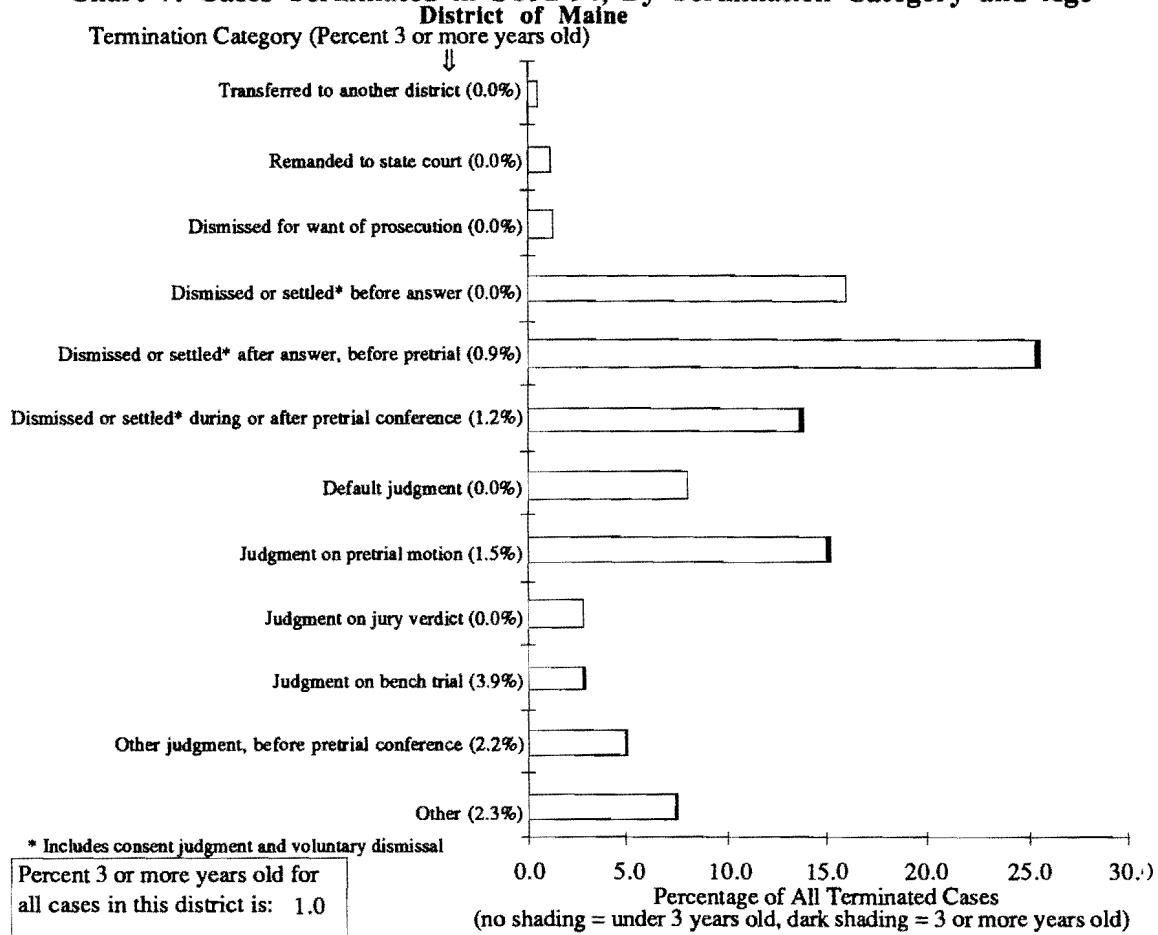
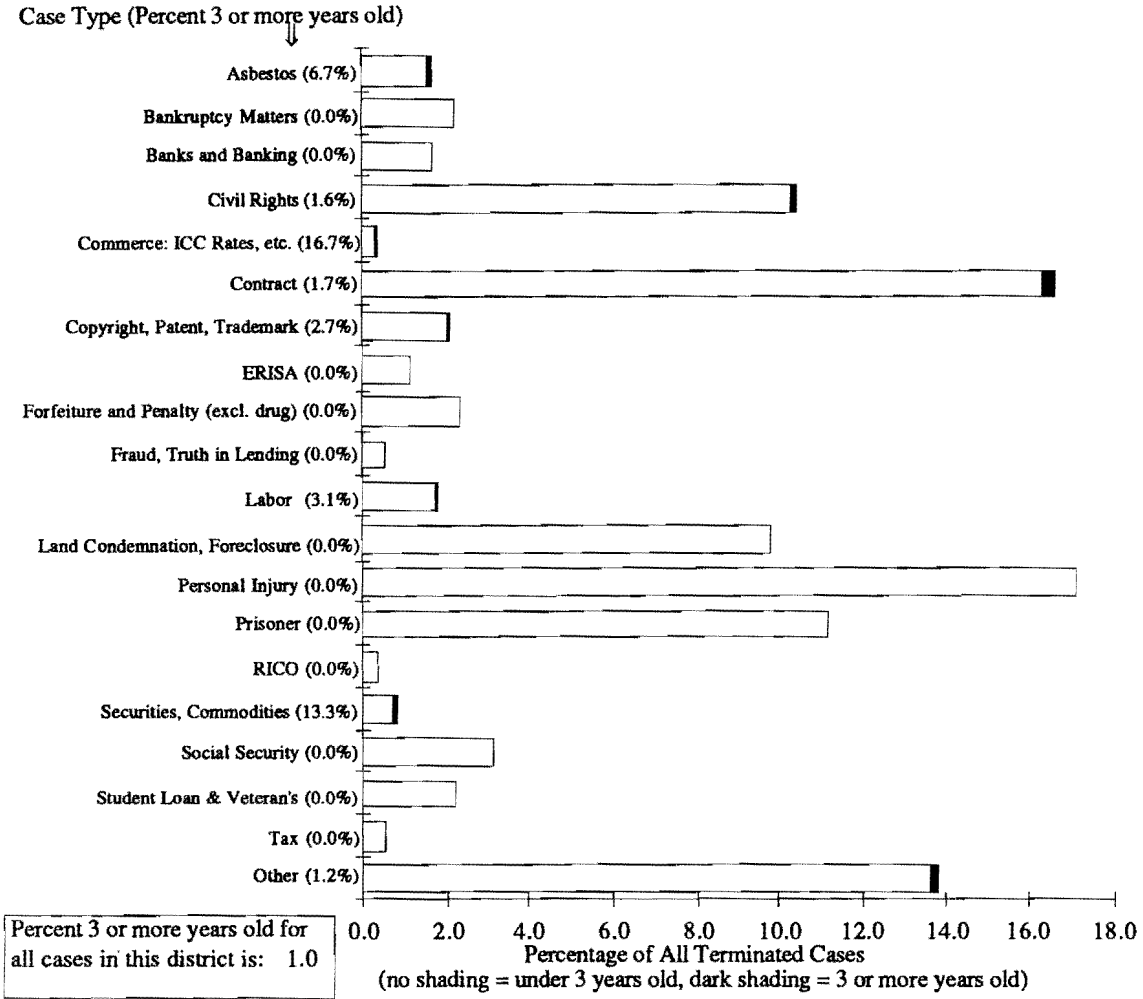


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Maine



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

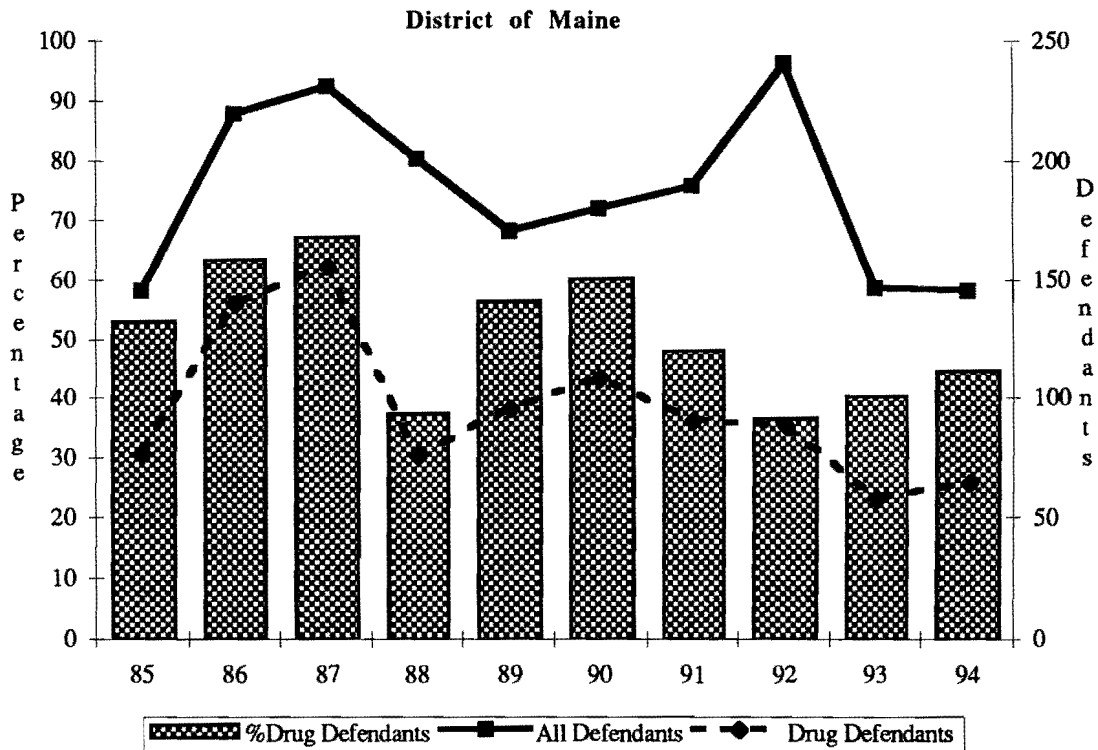
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

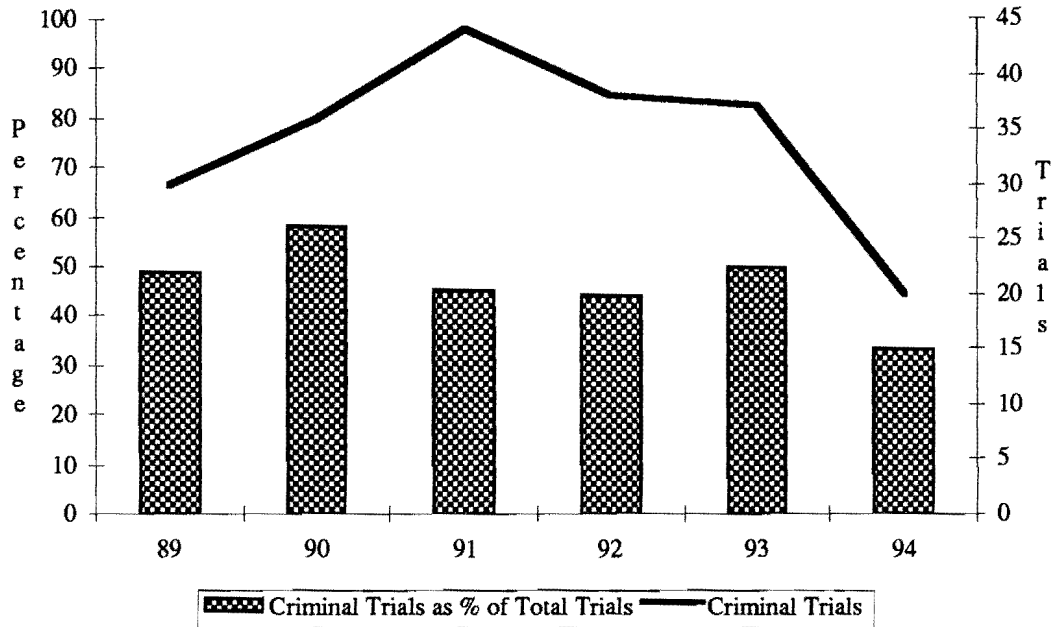
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
District of Maine



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

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District of Massachusetts**

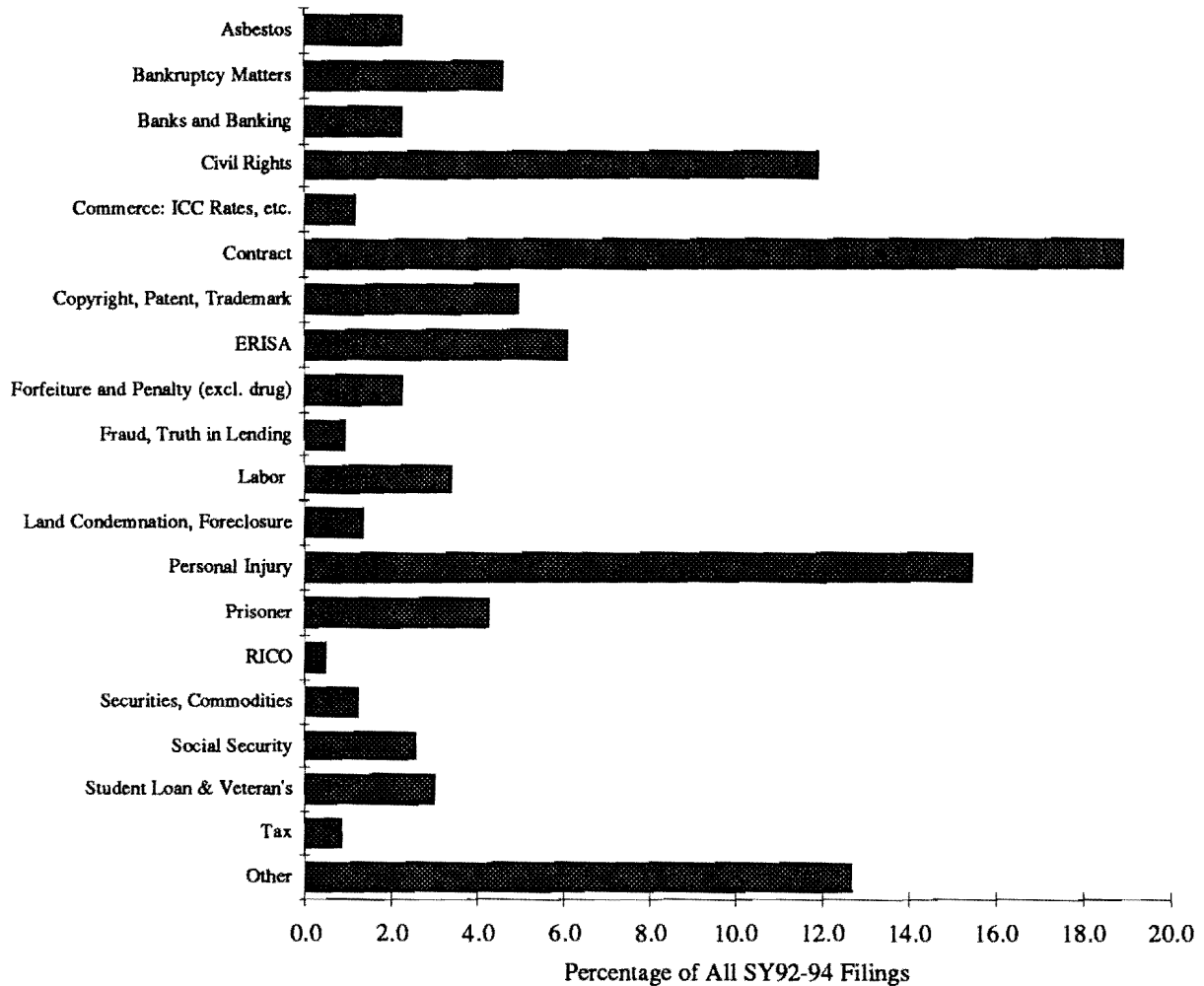
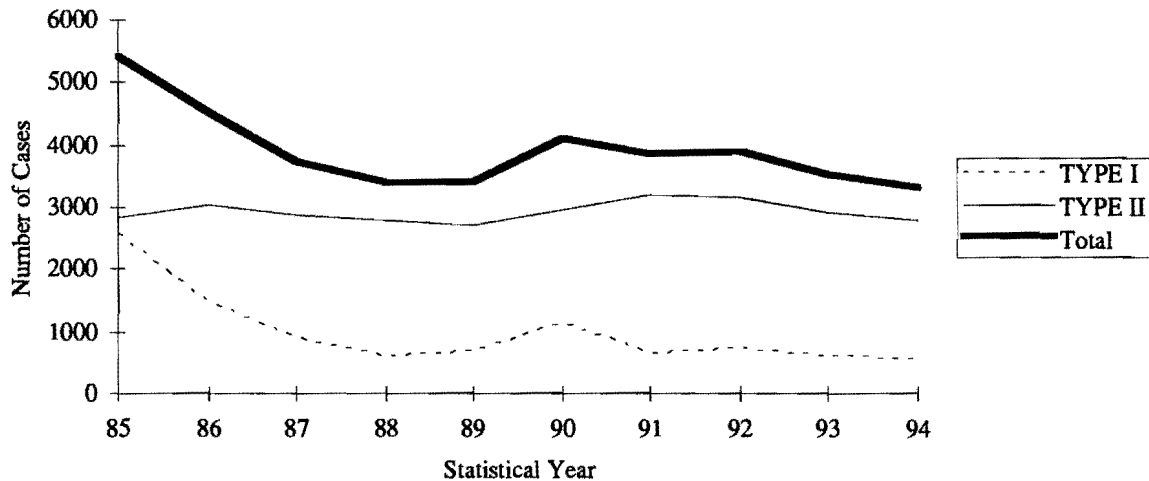




Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Massachusetts

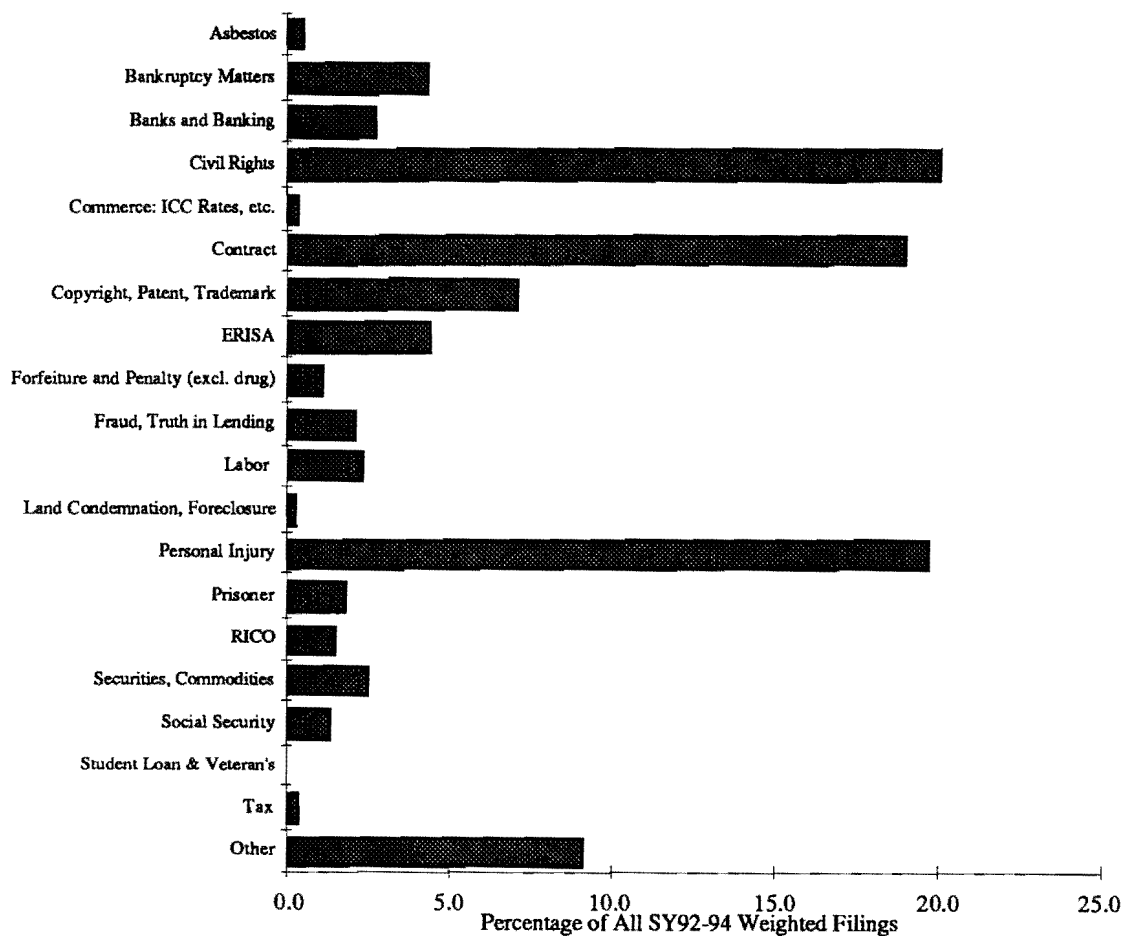


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Labor	156	132	110	111	118	112	124	124	123	118
Land Condemnation, Foreclosure	55	54	44	15	28	21	30	38	51	51
Personal Injury	765	762	715	662	604	752	650	582	581	500
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RICO	0	1	19	15	17	27	30	23	15	9
Securities, Commodities	50	81	104	58	82	124	77	35	36	61
Social Security	278	152	94	71	63	53	69	57	124	88
Student Loan and Veteran's	1058	720	150	102	86	121	162	157	103	57
Tax	43	45	29	31	34	37	32	24	32	29
All Other	314	334	311	343	276	350	391	513	444	404
All Civil Cases	5431	4513	3756	3426	3420	4091	3868	3904	3528	3333

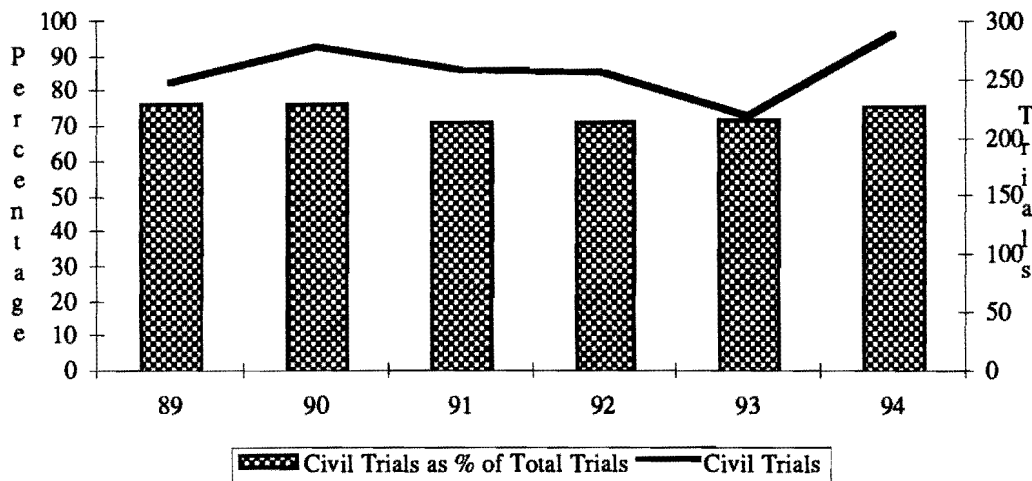
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District of Massachusetts



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

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District of Massachusetts**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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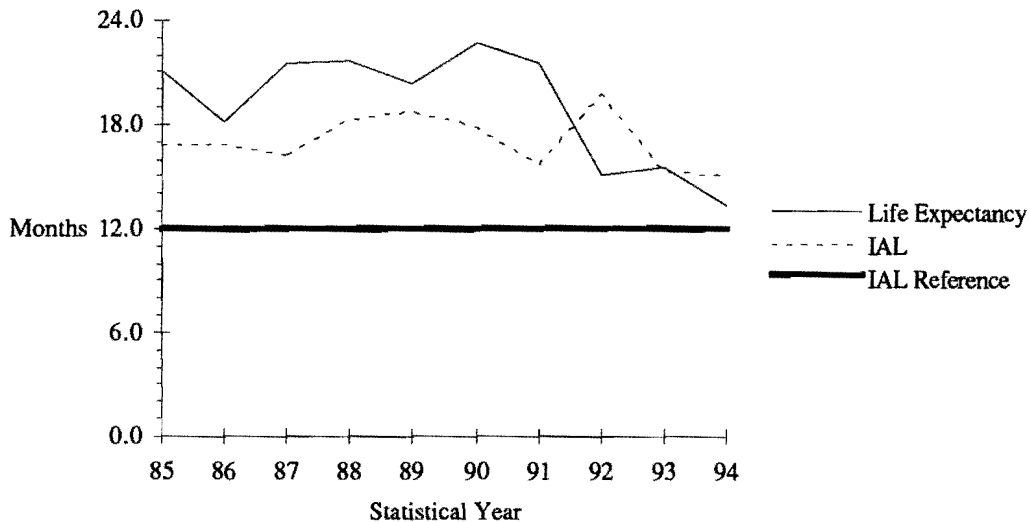
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A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

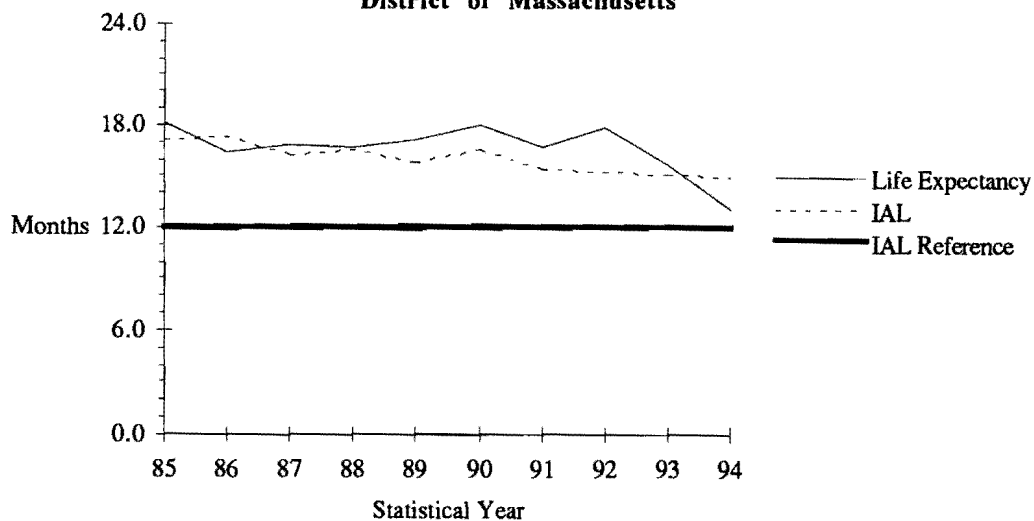
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Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Massachusetts**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Massachusetts**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

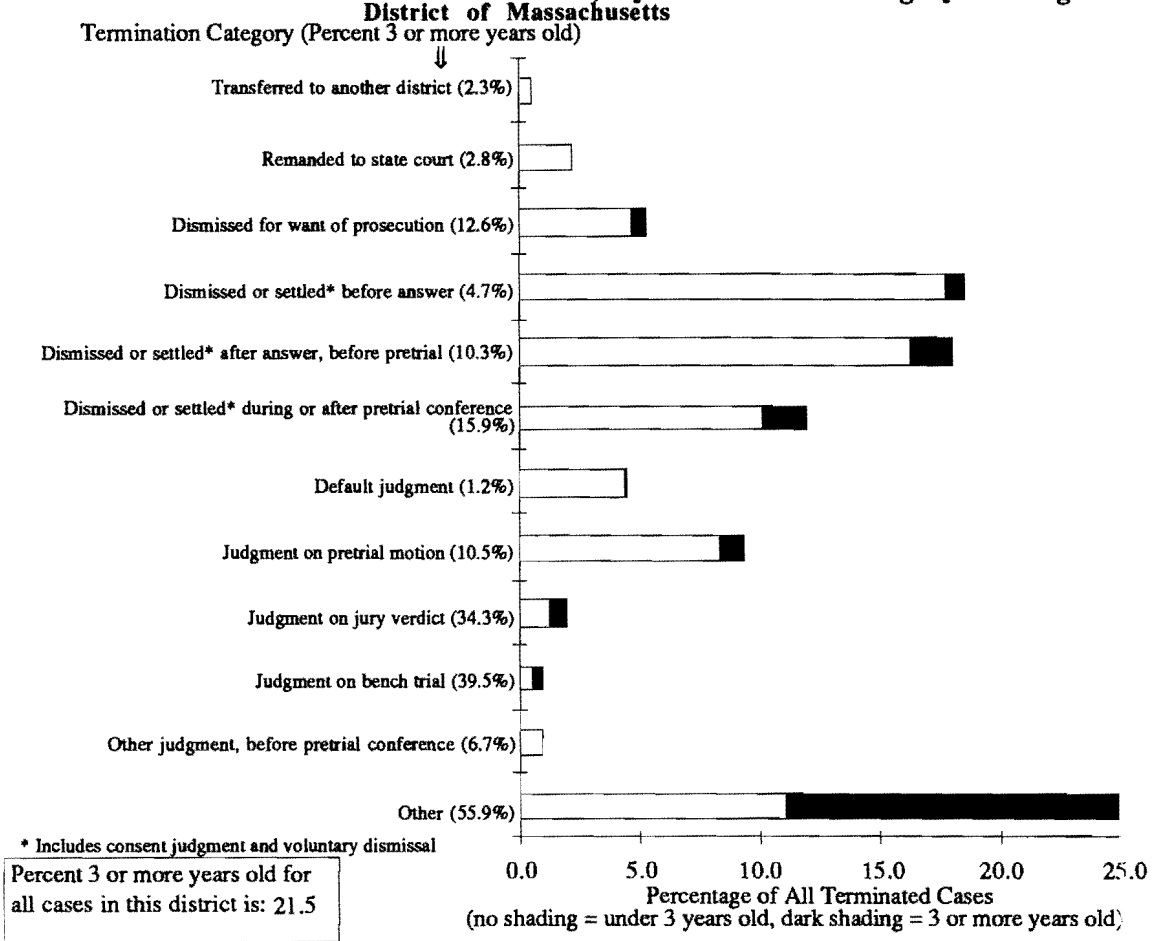
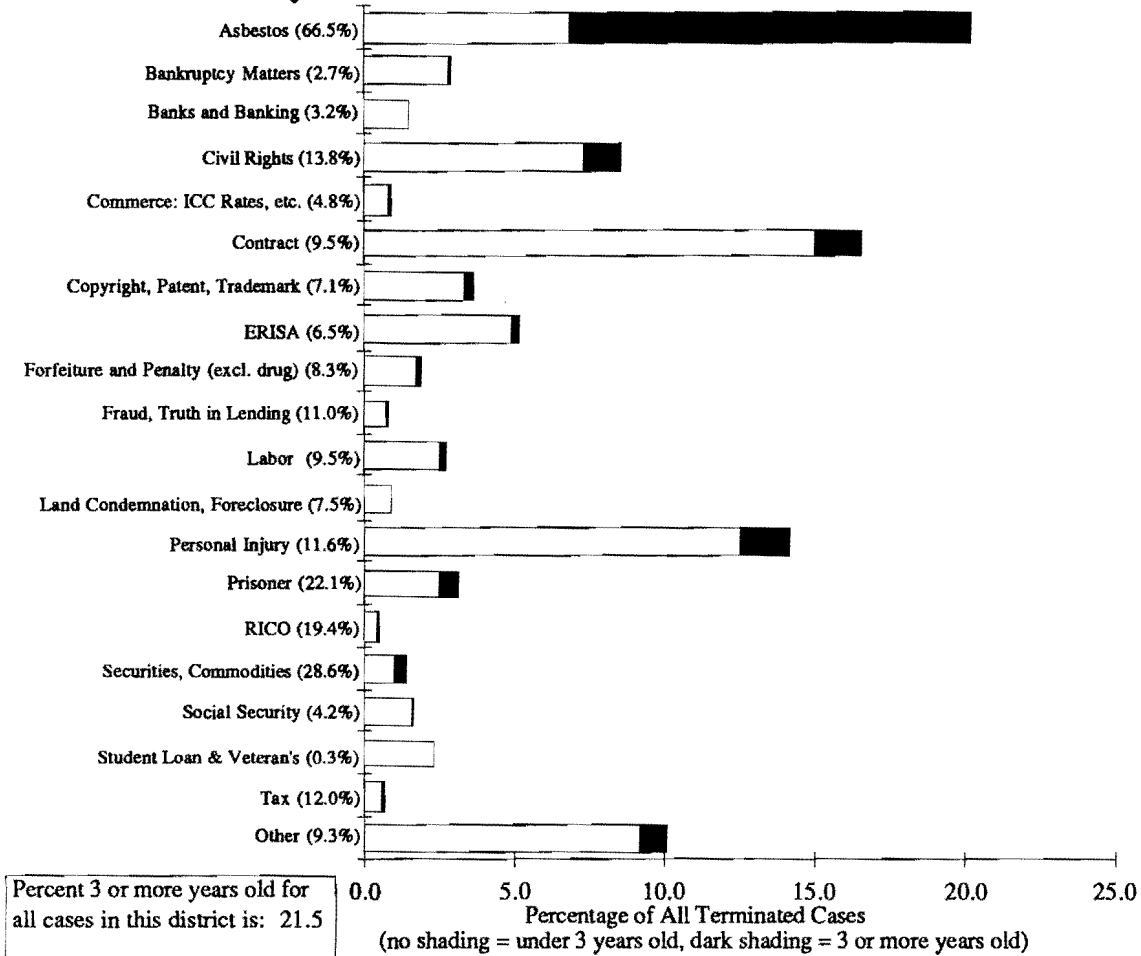


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Massachusetts

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

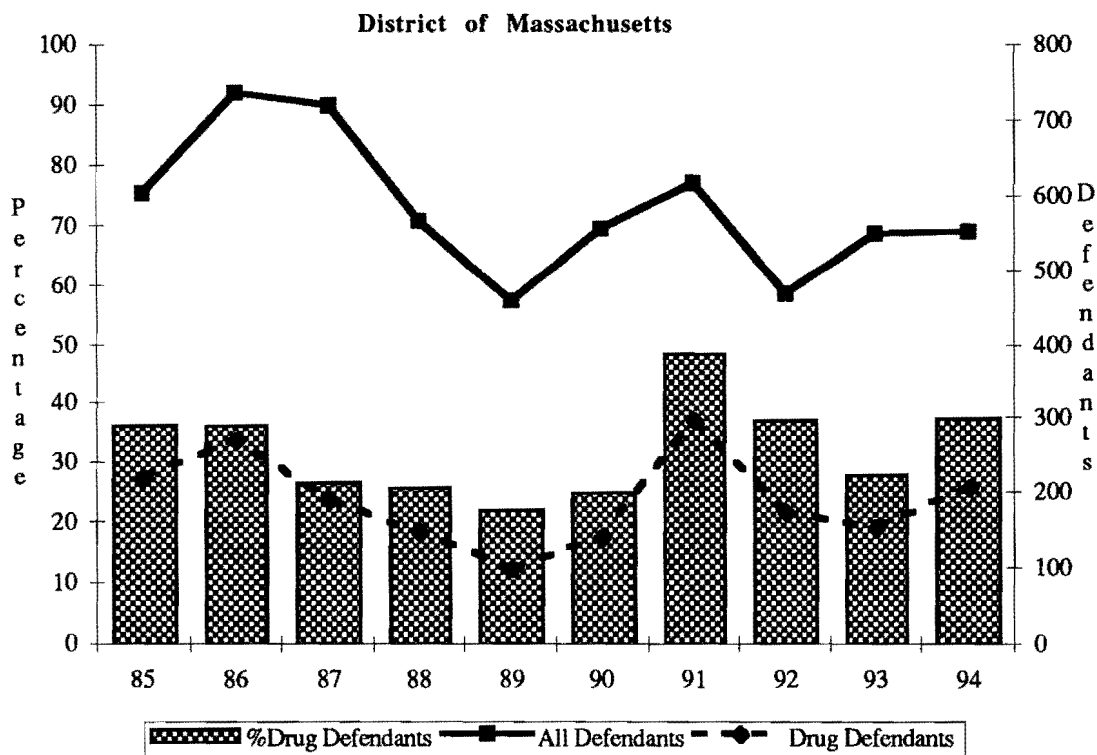
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

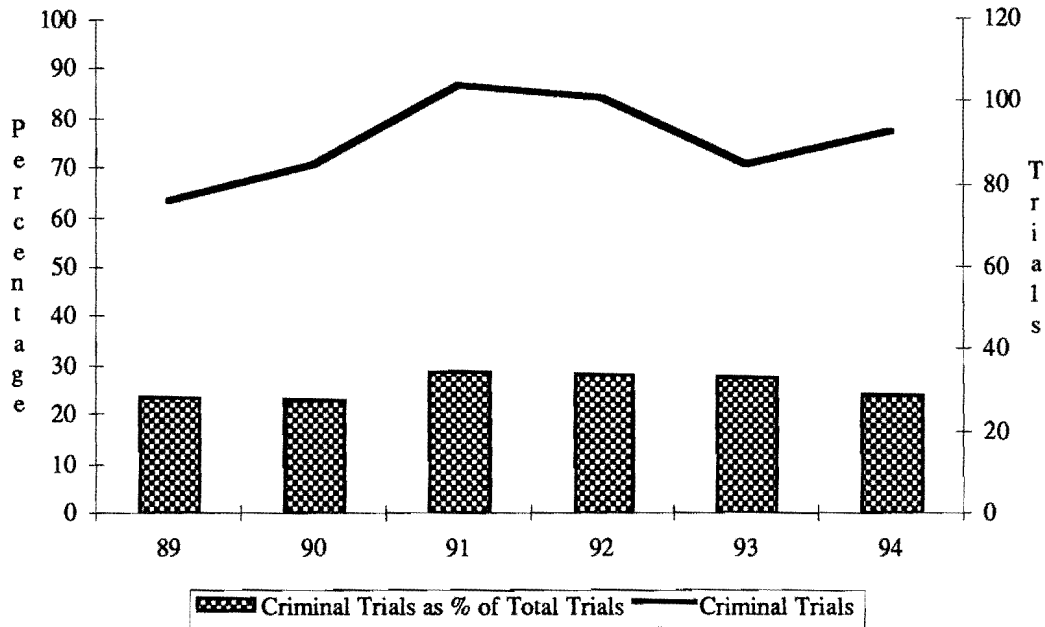
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
District of Massachusetts**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.



**Federal Judicial Center**

Note: John Shapard

**FJCVAX::SYSTEM**

**JOB 679**

**Microsoft Word – AGM SY94 UPDÉ**

**Owner UIC:** [SYSTEM]  
**Account:** <start>

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Submitted: 26-OCT-1994 12:41  
Printer queue: LPS20  
Printer device: LPS20  
Started: 26-OCT-1994 12:41

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of New Hampshire

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of New Hampshire

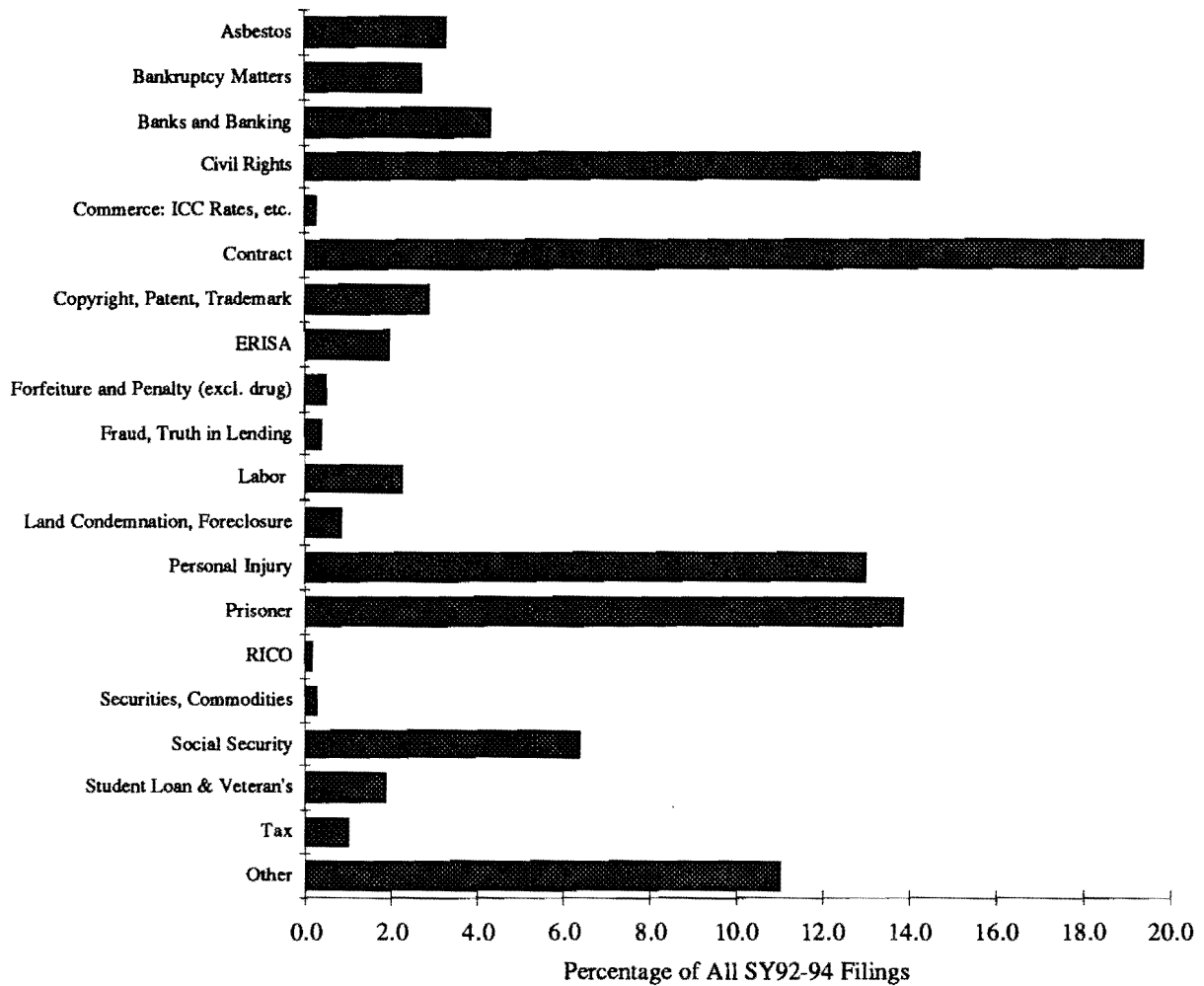
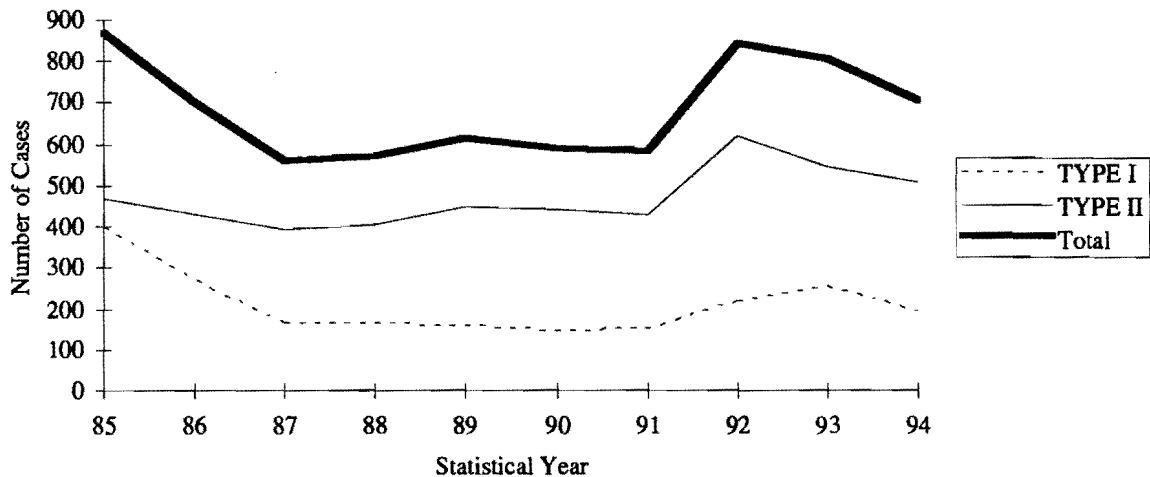


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of New Hampshire

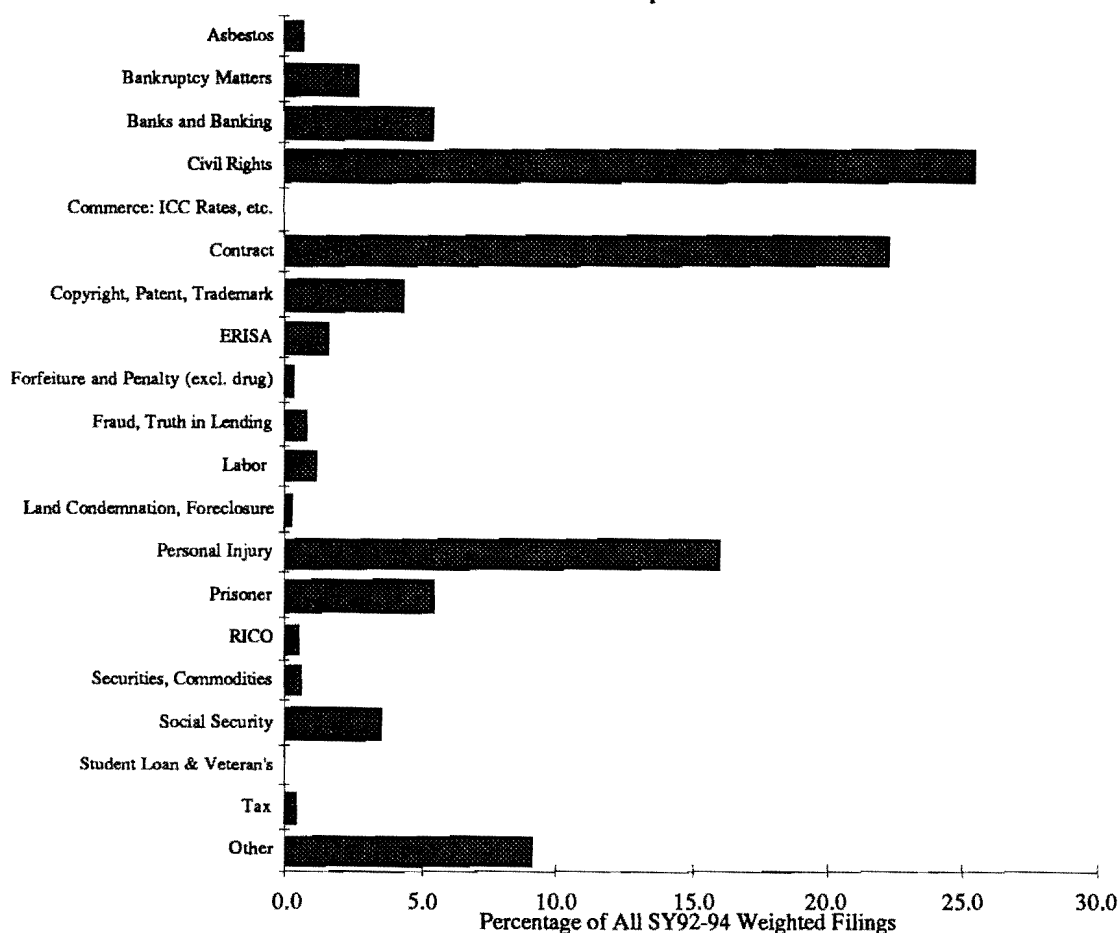


**Table 1: Filings by Case Type, SY85-94**

District of New Hampshire	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	4	21	15	16	11	30	16	26	42	9
Bankruptcy Matters	8	9	9	10	10	14	18	11	22	30
Banks and Banking	1	1	0	0	3	2	6	84	11	6
Civil Rights	54	52	44	43	74	61	58	81	137	118
Commerce: ICC Rates, etc.	0	1	0	0	3	3	1	1	3	1
Contract	121	108	104	115	109	103	125	206	135	116
Copyright, Patent, Trademark	19	16	15	23	21	17	12	20	17	30
ERISA	5	3	3	1	14	5	6	13	15	18
Forfeiture and Penalty (excl. drug)	1	3	10	1	14	5	12	4	7	0
Fraud, Truth in Lending	2	4	1	5	3	1	1	4	1	3
Labor	16	22	25	22	17	9	11	18	23	12
Land Condemnation, Foreclosure	16	11	5	7	2	0	4	9	7	3
Personal Injury	173	156	133	120	123	146	122	88	104	114
Prisoner	94	94	58	35	67	59	83	106	123	97
RICO	0	0	0	1	4	2	2	0	1	2
Securities, Commodities	8	12	6	7	3	15	6	2	0	4
Social Security	70	57	51	77	34	23	20	44	55	51
Student Loan and Veteran's	206	82	30	21	39	23	13	26	10	7
Tax	8	0	11	2	4	1	12	2	7	14
All Other	62	51	41	67	59	72	59	98	90	71
All Civil Cases	868	703	561	573	614	591	587	843	810	706

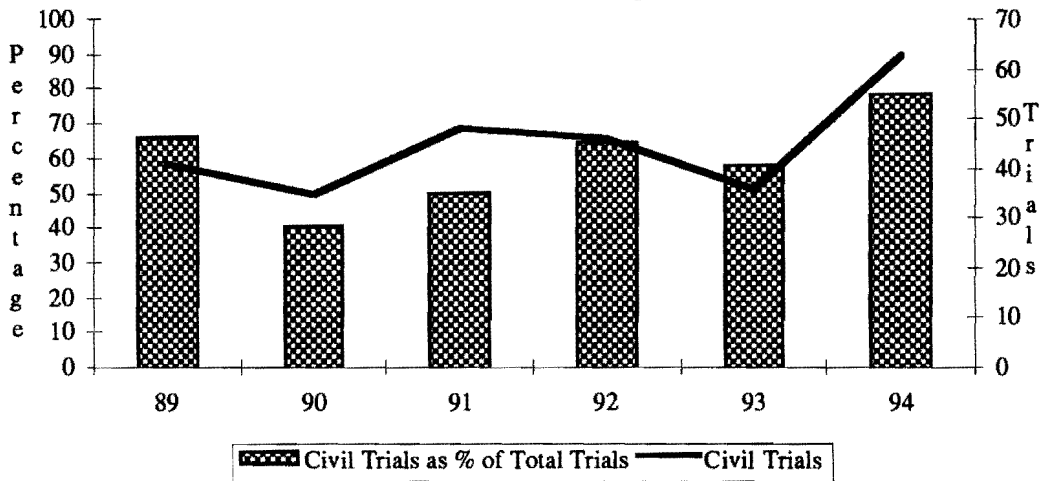
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of New Hampshire**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of New Hampshire**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

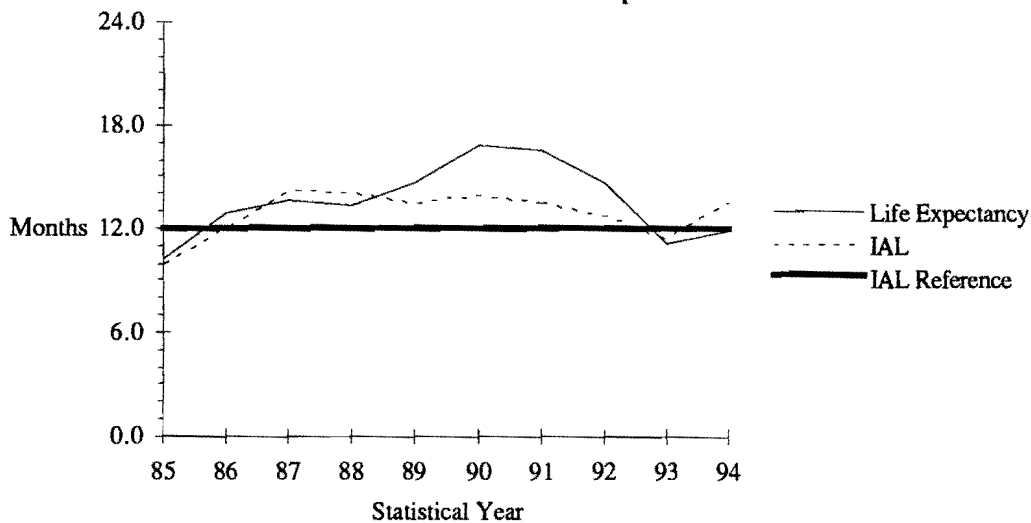
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



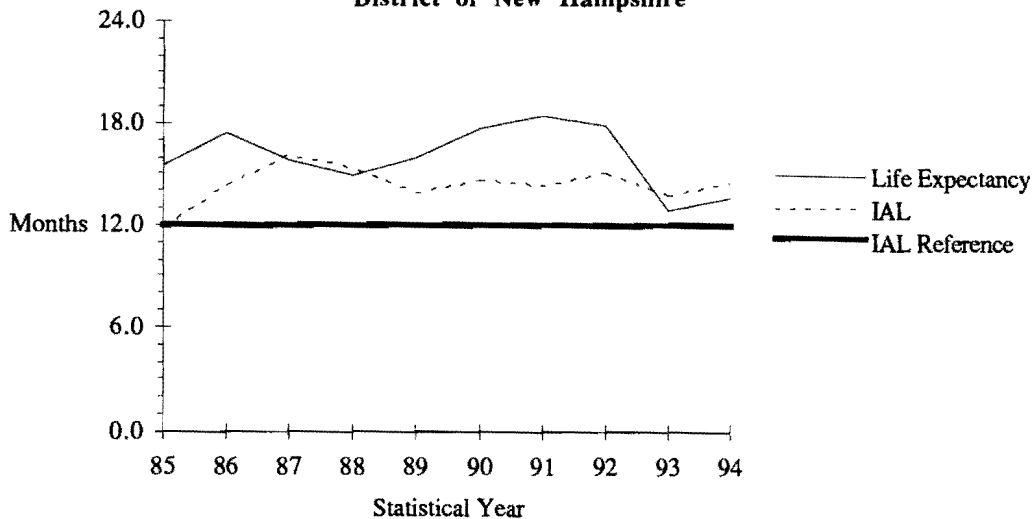
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of New Hampshire**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of New Hampshire**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 District of New Hampshire  
 Termination Category (Percent 3 or more years old)

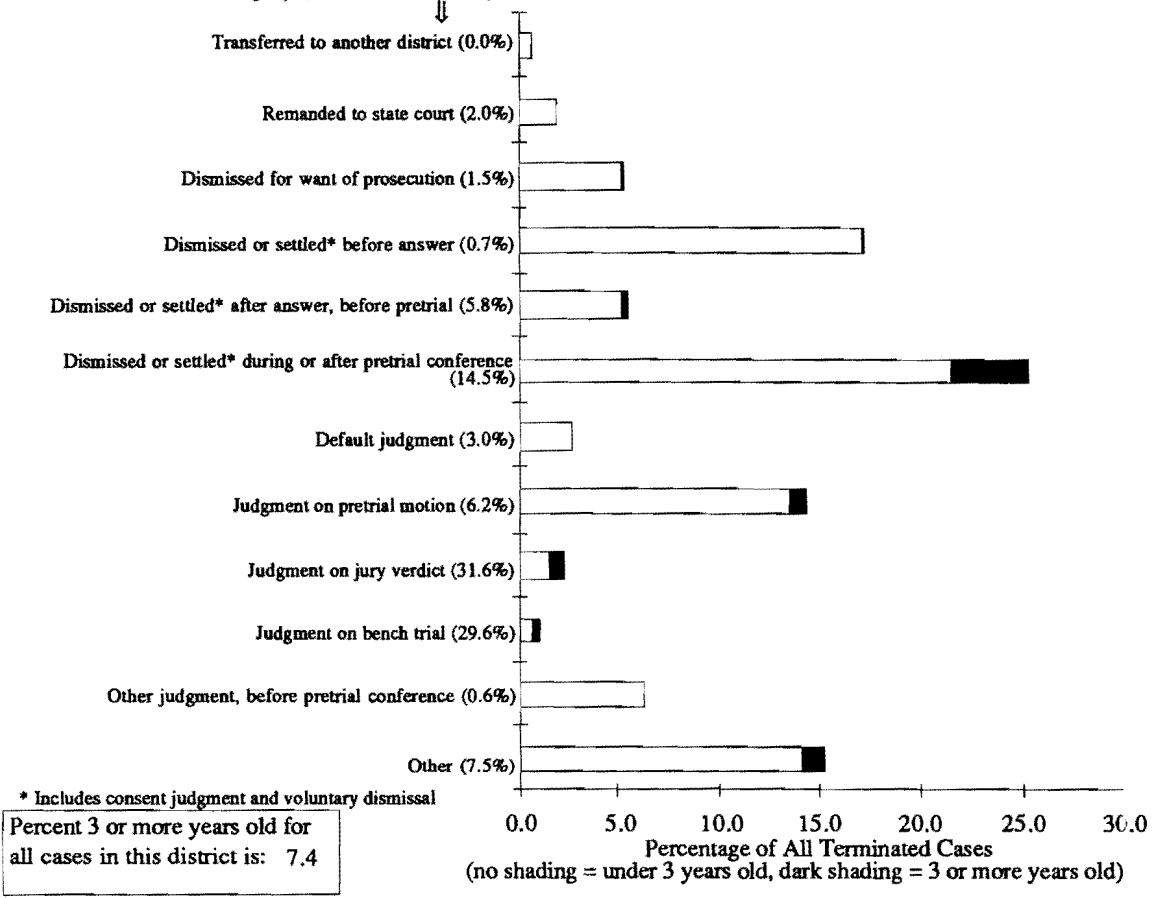
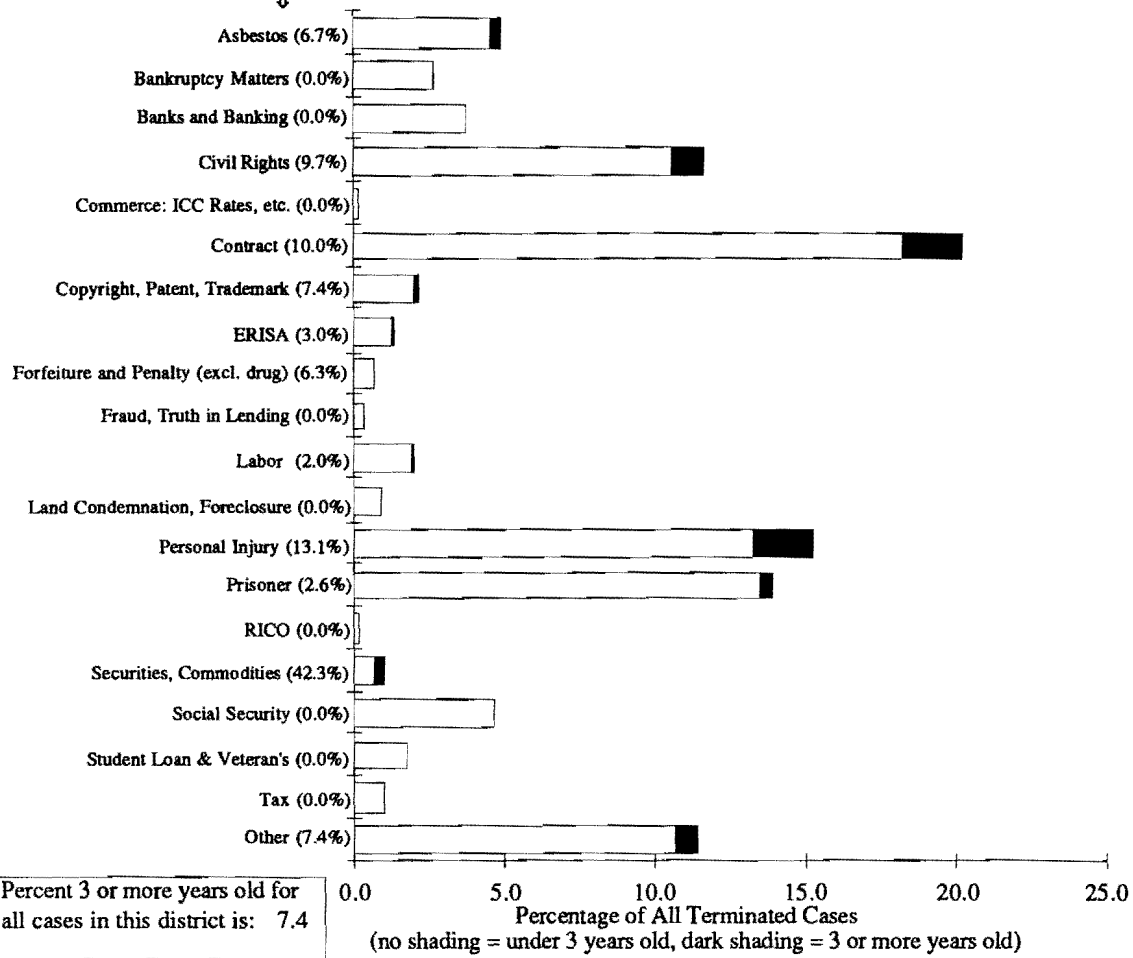


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of New Hampshire

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

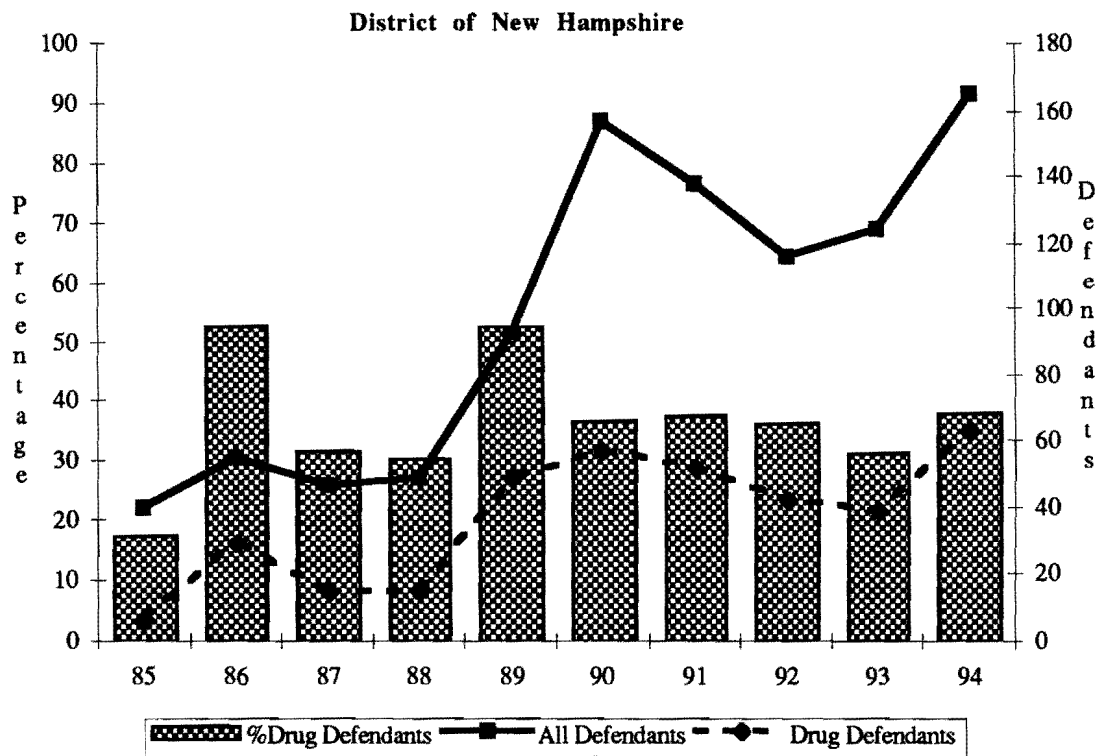
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

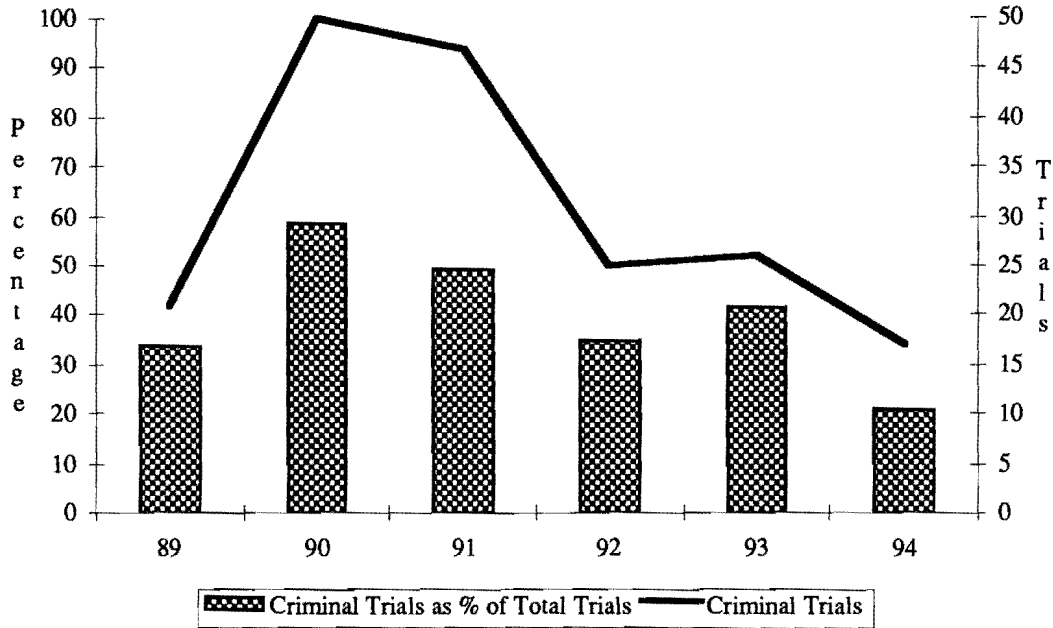
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**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Rhode Island

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- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
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- land condemnation cases
- asbestos product liability cases

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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Rhode Island

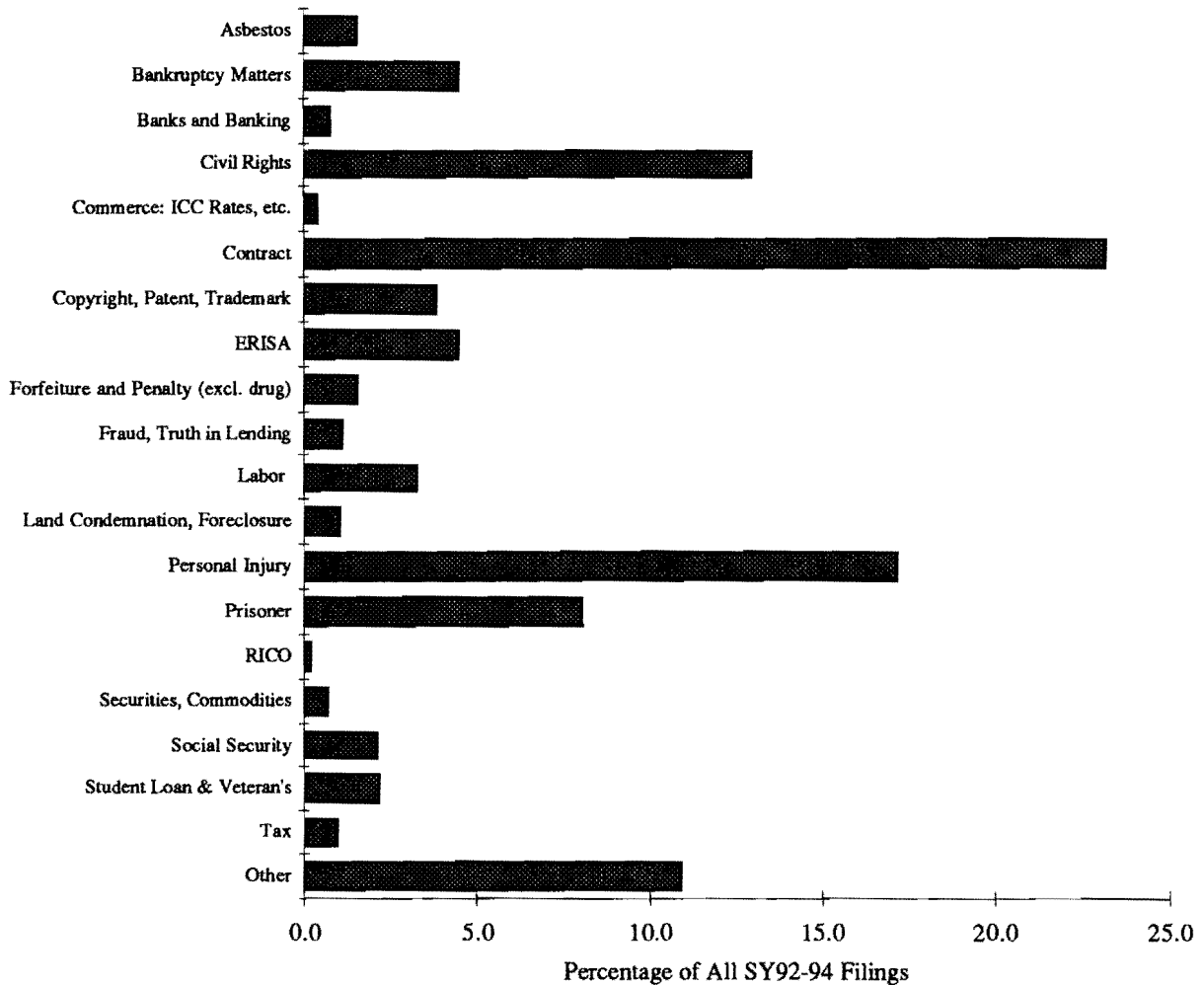
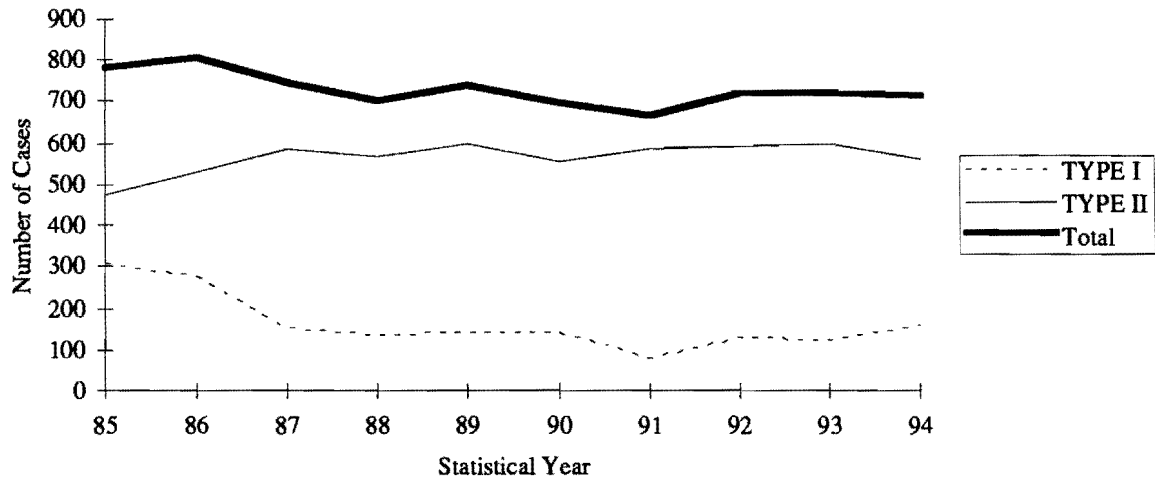


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Rhode Island

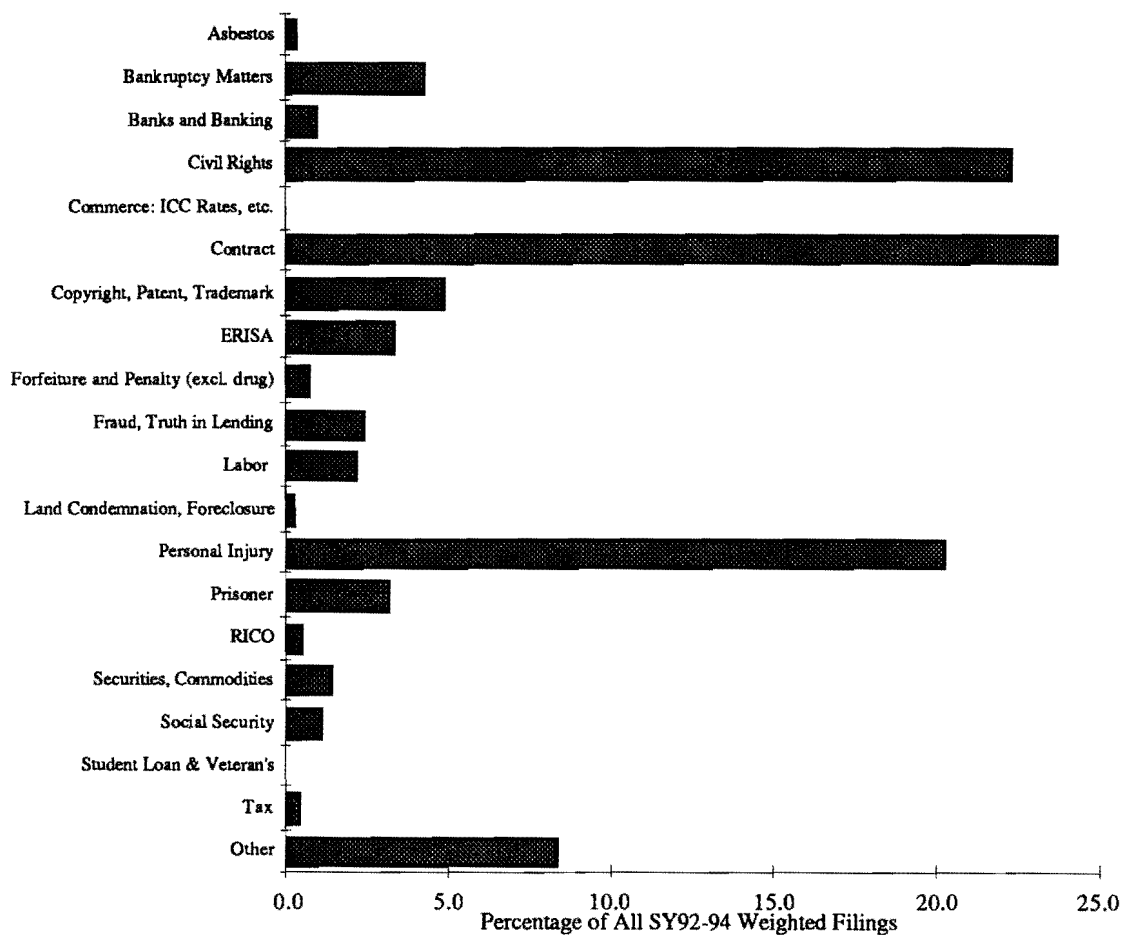


**Table 1: Filings by Case Type, SY85-94**

District of Rhode Island	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	24	13	18	44	36	3	11	12	11	9
Bankruptcy Matters	1	17	17	5	5	14	13	32	31	33
Banks and Banking	0	0	0	0	0	1	6	3	6	7
Civil Rights	103	102	90	83	78	69	87	90	87	102
Commerce: ICC Rates, etc.	1	1	1	3	3	1	7	4	1	3
Contract	139	166	188	204	224	179	212	187	190	123
Copyright, Patent, Trademark	14	20	30	19	19	25	15	30	22	29
ERISA	6	4	10	3	6	10	18	37	28	30
Forfeiture and Penalty (excl. drug)	6	9	19	10	26	19	8	5	15	13
Fraud, Truth in Lending	4	3	6	1	5	2	6	2	7	14
Labor	20	21	27	13	7	18	14	25	15	29
Land Condemnation, Foreclosure	1	1	5	0	11	72	1	12	5	5
Personal Injury	112	129	135	152	150	142	124	127	121	122
Prisoner	44	40	41	39	54	25	26	32	50	91
RICO	0	1	2	1	2	3	0	2	1	0
Securities, Commodities	1	6	8	3	4	10	14	2	4	8
Social Security	69	62	28	10	15	8	10	13	17	14
Student Loan and Veteran's	172	144	47	40	21	17	18	29	10	7
Tax	1	5	5	8	3	1	2	4	4	12
All Other	66	66	66	67	70	77	72	75	94	66
All Civil Cases	784	810	743	705	739	696	664	723	719	717

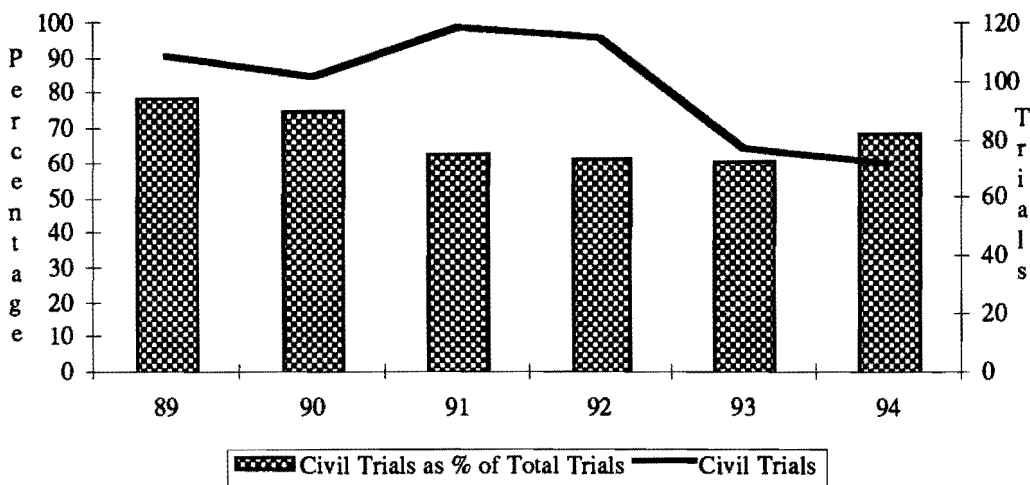
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of Rhode Island**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of Rhode Island**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

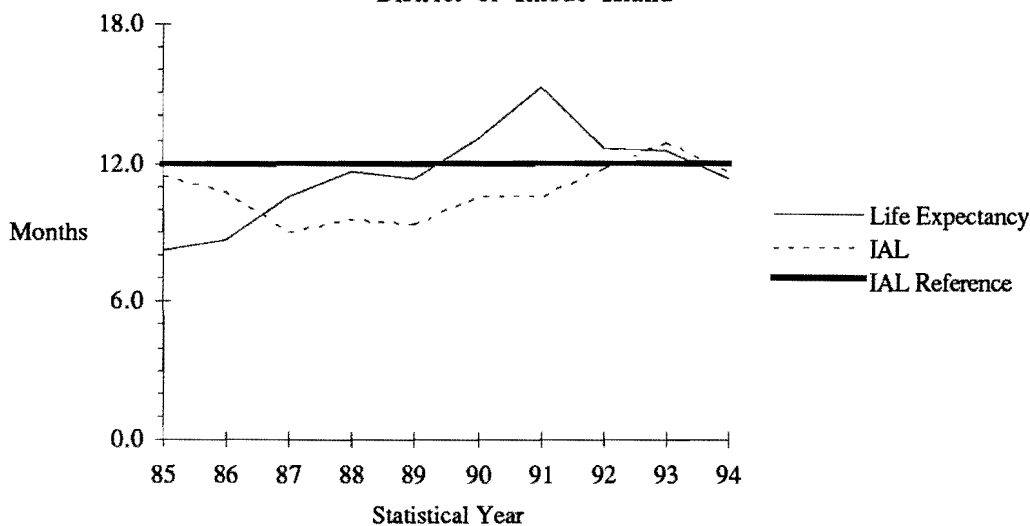
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

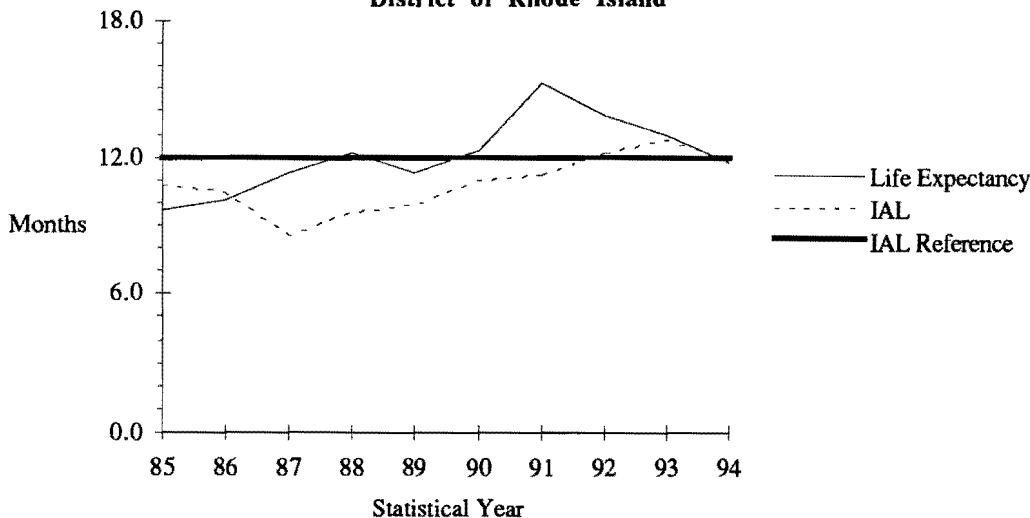
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Rhode Island**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Rhode Island**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
District of Rhode Island

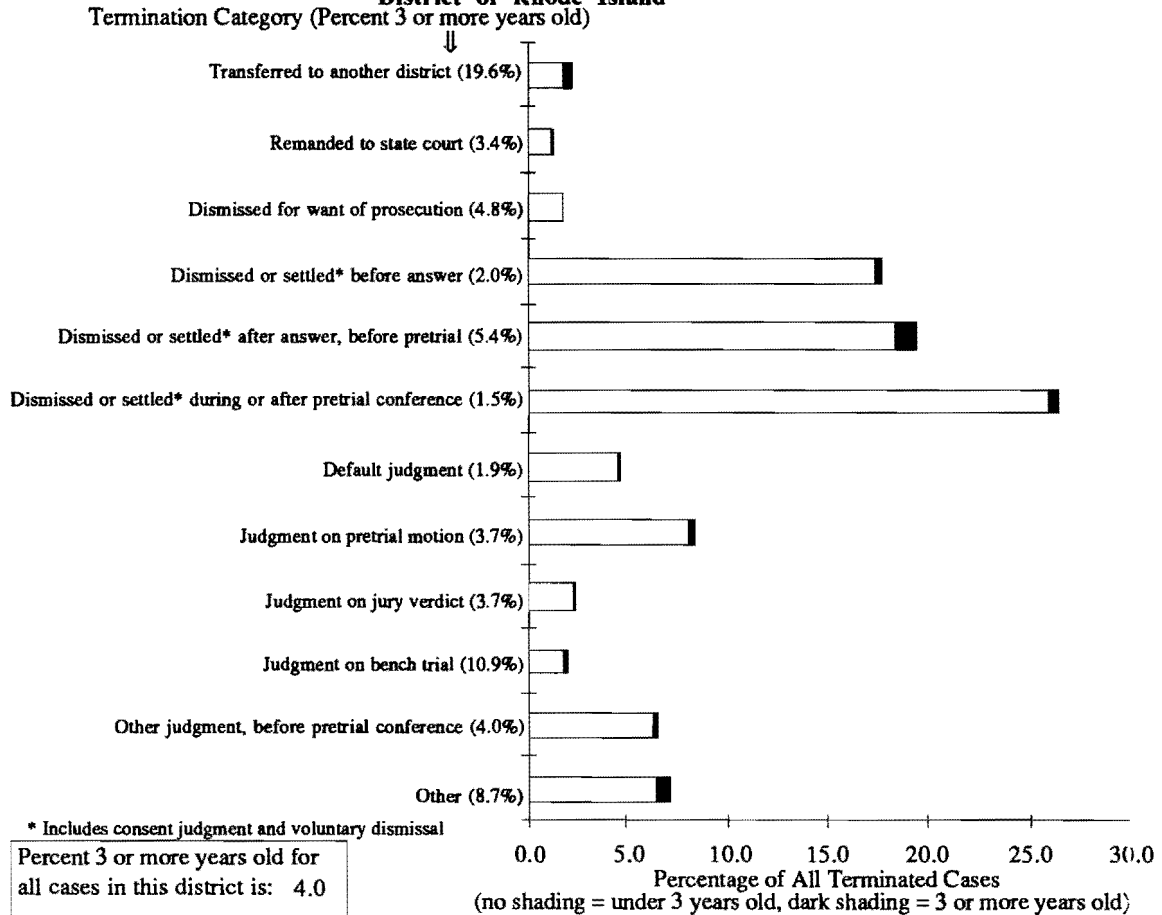
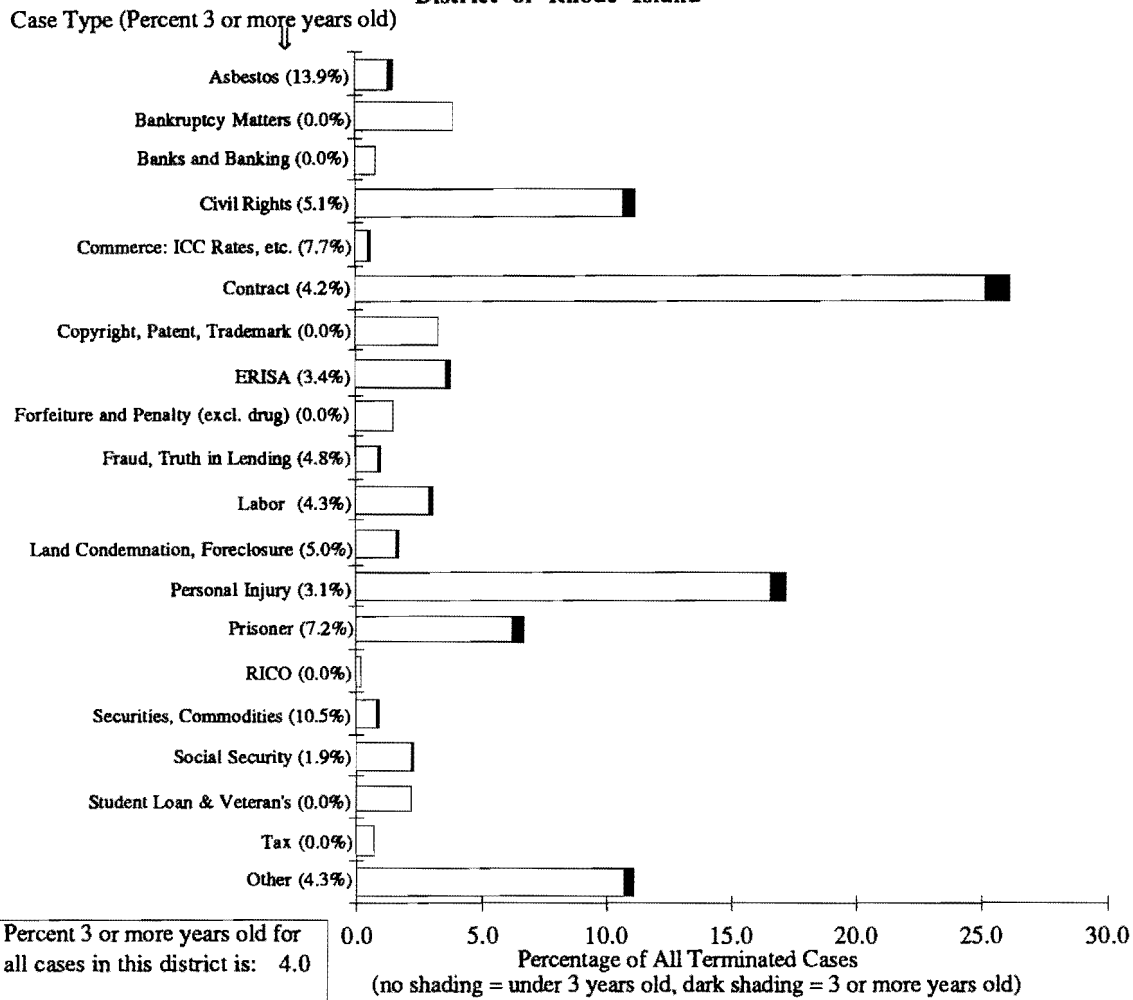


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Rhode Island



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

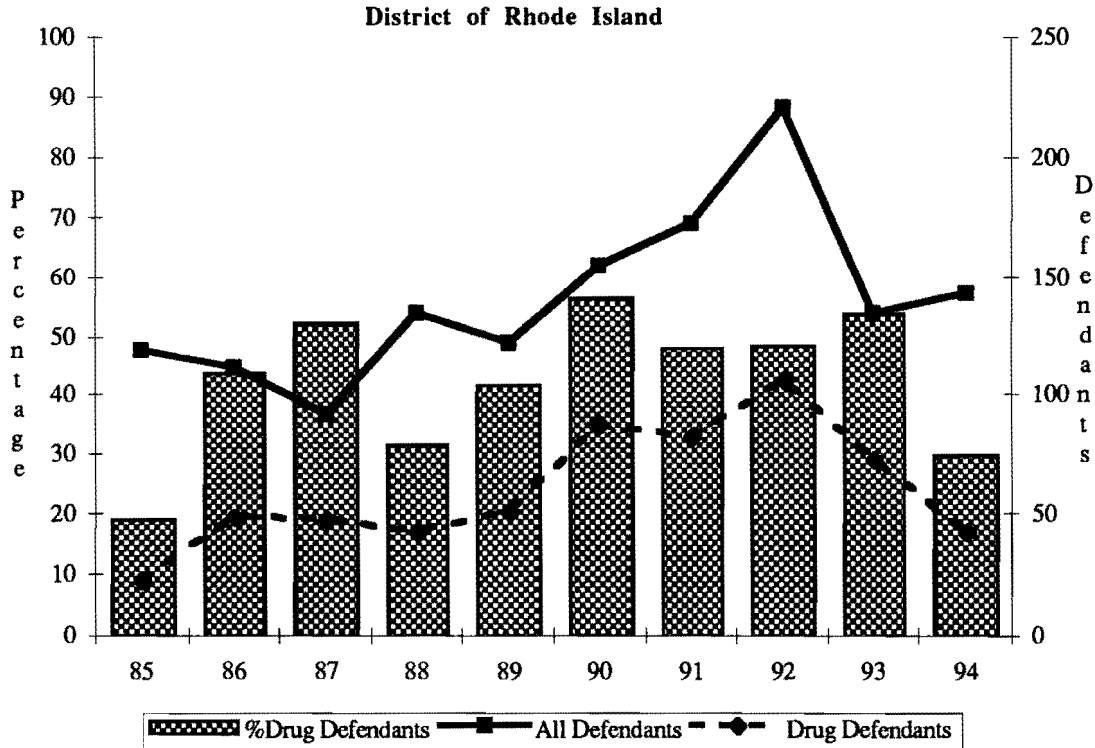
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## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

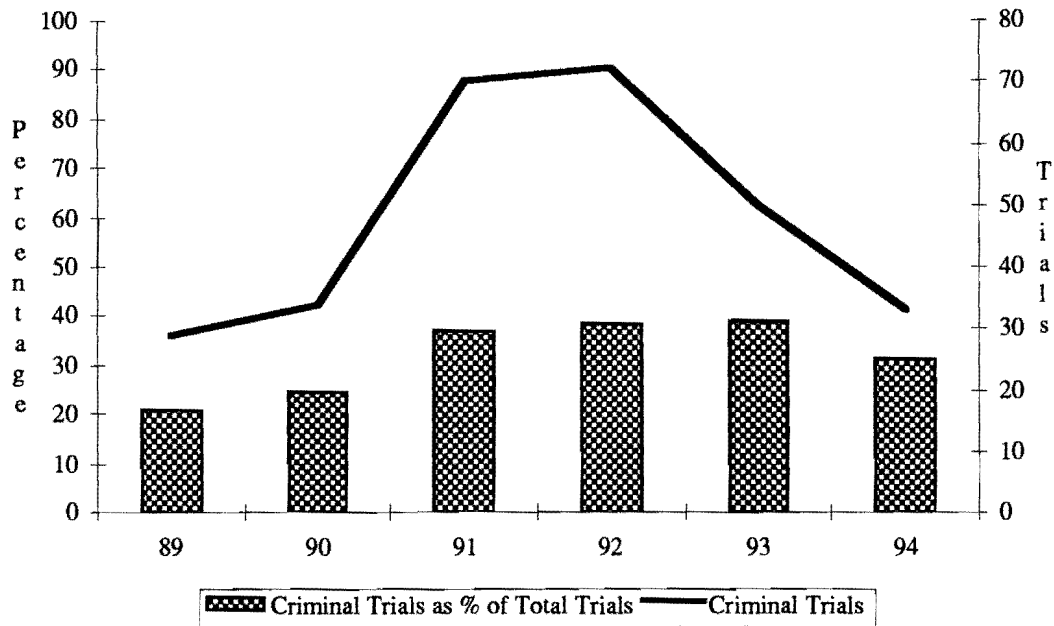
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
District of Rhode Island**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Puerto Rico

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
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3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

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We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Puerto Rico

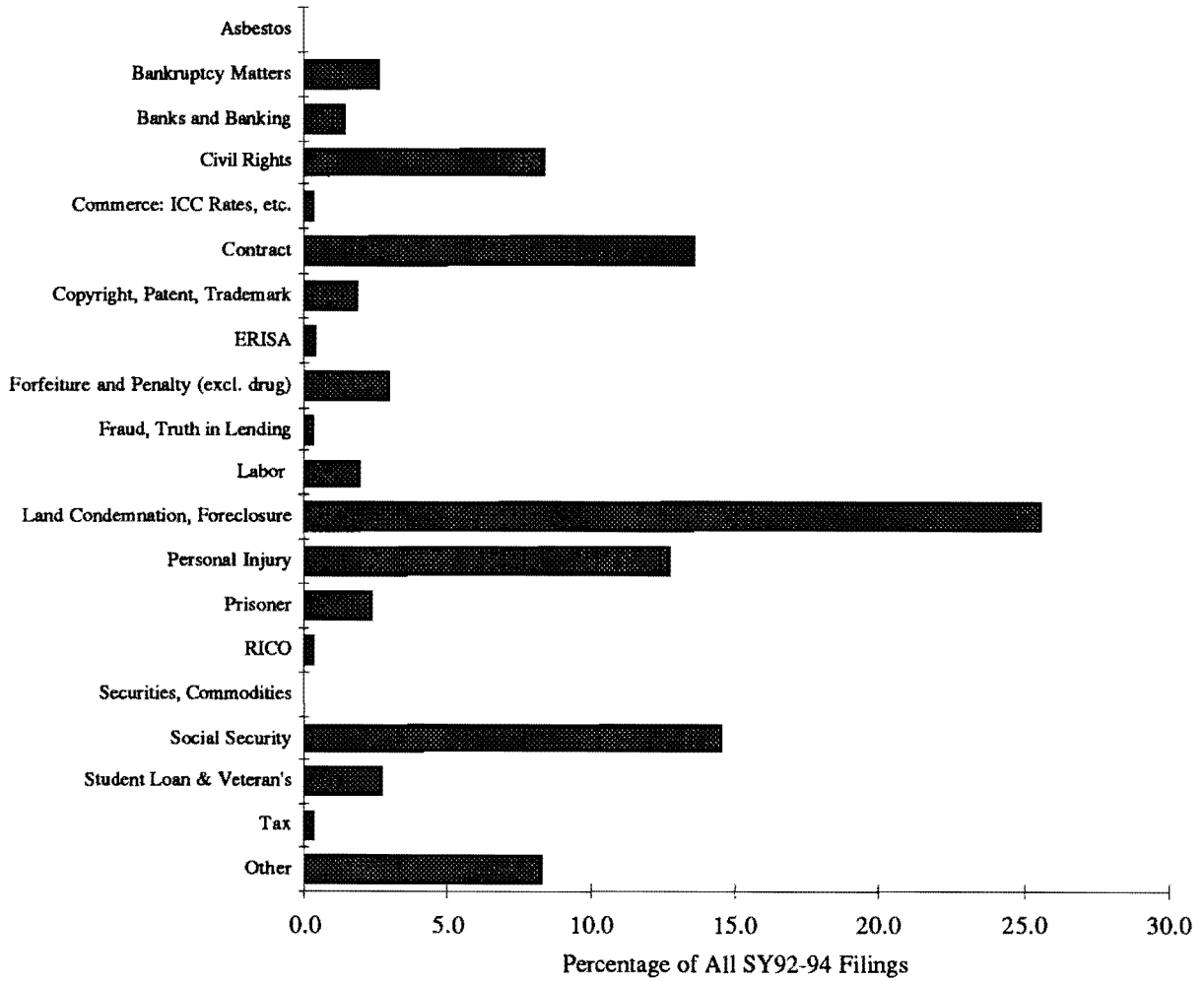
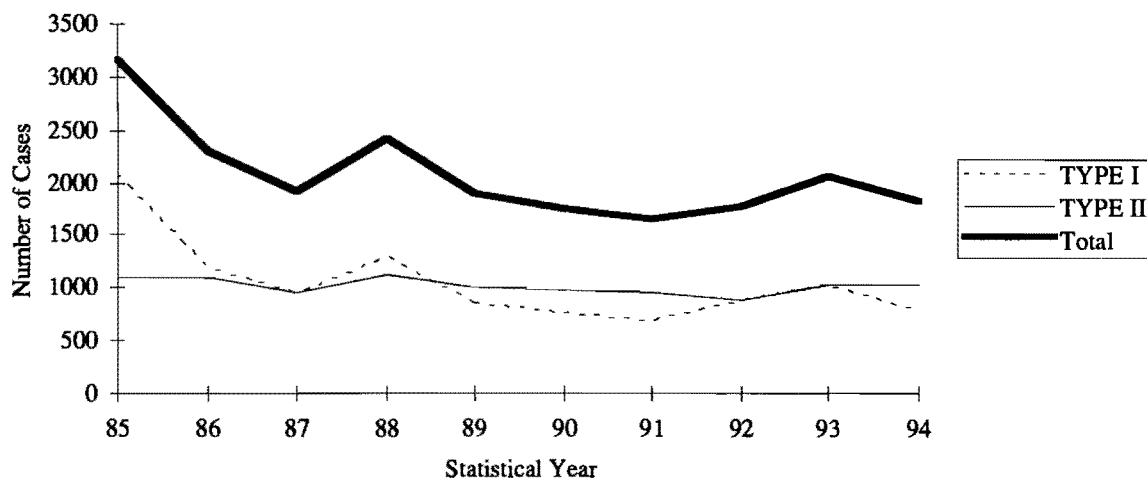


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Puerto Rico

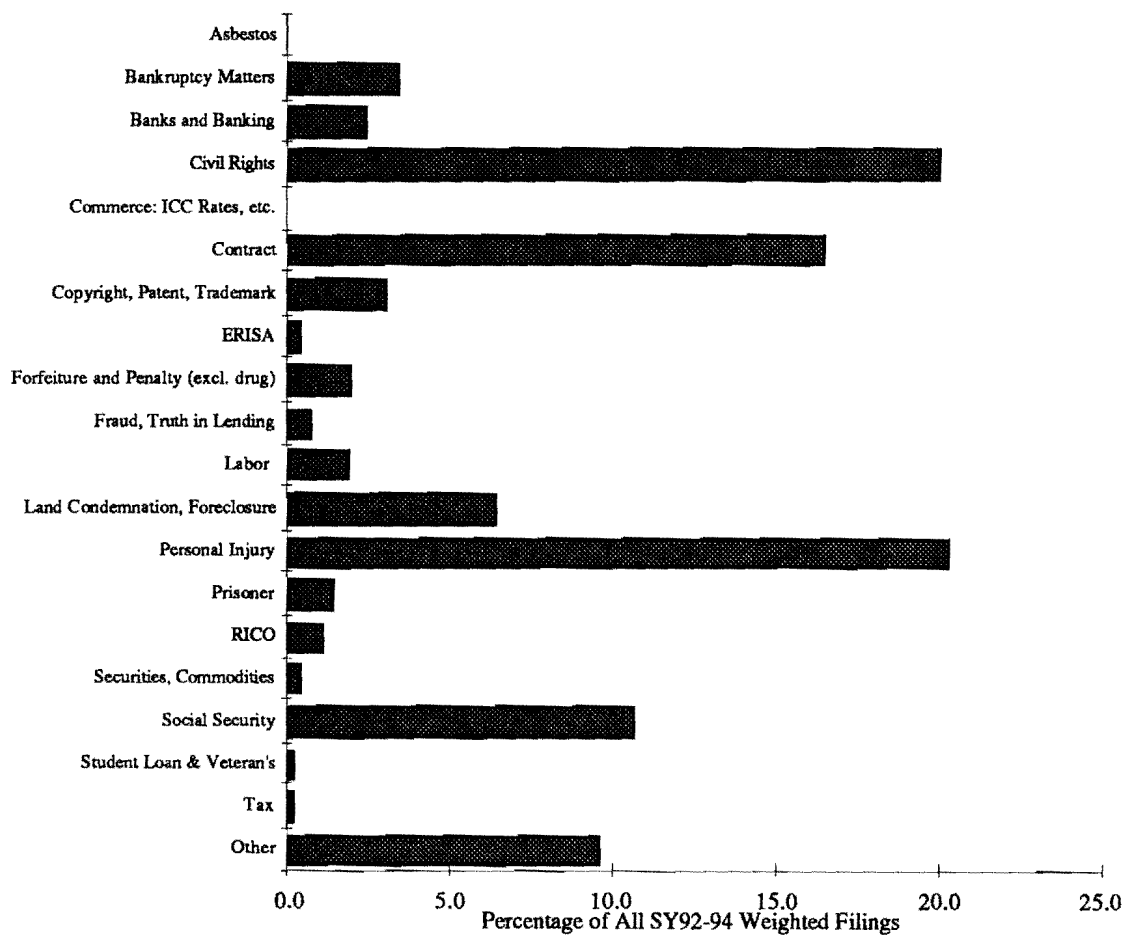


**Table 1: Filings by Case Type, SY85-94**

District of Puerto Rico	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	0	0	0	0	2	0	6	0	0
Bankruptcy Matters	42	58	44	33	16	36	39	50	54	39
Banks and Banking	7	6	16	11	17	45	47	40	27	12
Civil Rights	187	321	196	116	145	156	130	142	167	163
Commerce: ICC Rates, etc.	3	1	0	1	2	3	15	0	2	14
Contract	323	307	288	279	301	264	258	226	280	260
Copyright, Patent, Trademark	12	10	14	32	36	32	37	41	30	29
ERISA	2	3	8	4	2	2	9	2	8	9
Forfeiture and Penalty (excl. drug)	20	16	19	41	43	41	38	31	52	82
Fraud, Truth in Lending	1	5	2	3	4	1	5	6	1	6
Labor	43	49	56	39	32	35	43	34	31	42
Land Condemnation, Foreclosure	1091	652	428	761	490	393	442	501	494	450
Personal Injury	192	180	234	407	253	222	237	239	224	256
Prisoner	40	19	42	29	33	37	30	36	38	59
RICO	0	1	4	3	5	10	7	7	3	3
Securities, Commodities	9	5	1	5	8	6	2	2	2	3
Social Security	877	459	377	390	184	195	166	223	369	229
Student Loan and Veteran's	26	10	56	87	152	107	21	77	67	6
Tax	8	11	15	17	9	4	8	4	3	7
All Other	291	178	109	160	151	161	125	105	205	155
All Civil Cases	3174	2291	1909	2418	1883	1752	1659	1772	2057	1824

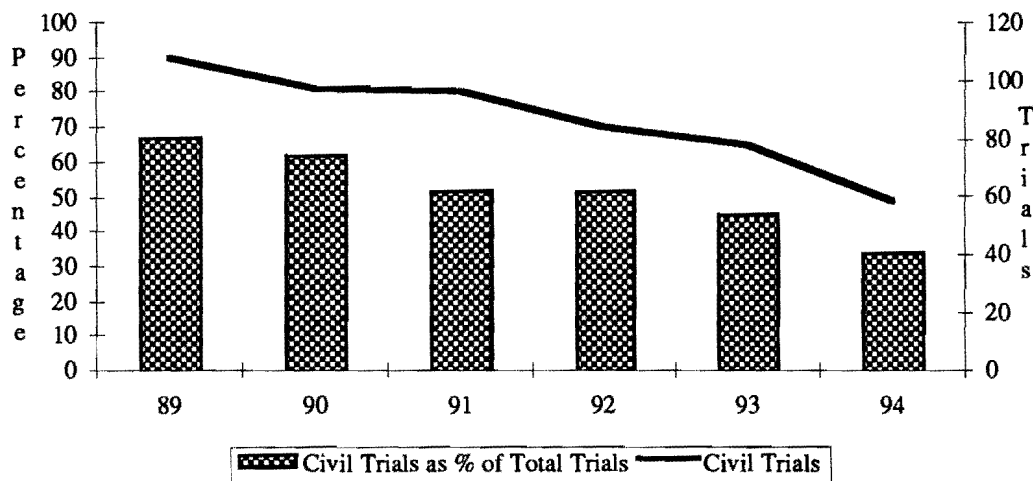
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of Puerto Rico**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of Puerto Rico**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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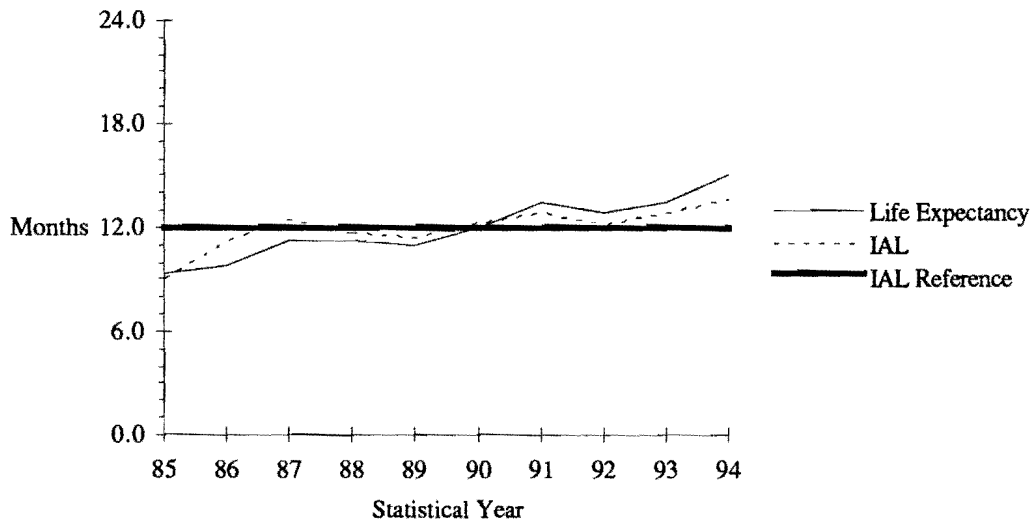
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



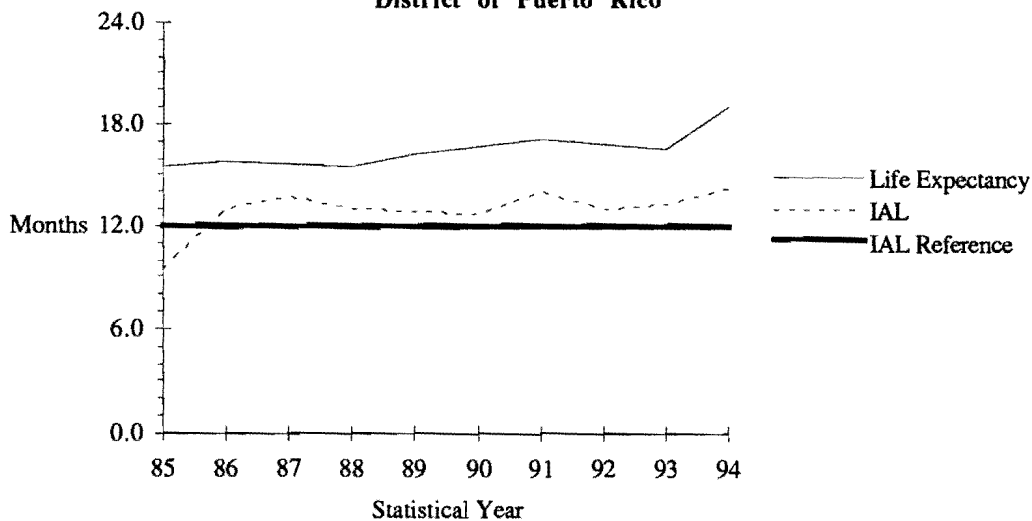
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94**  
District of Puerto Rico



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94**  
District of Puerto Rico



**e. Three-year-old cases.** The *MgmRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**District of Puerto Rico**  
 Termination Category (Percent 3 or more years old)

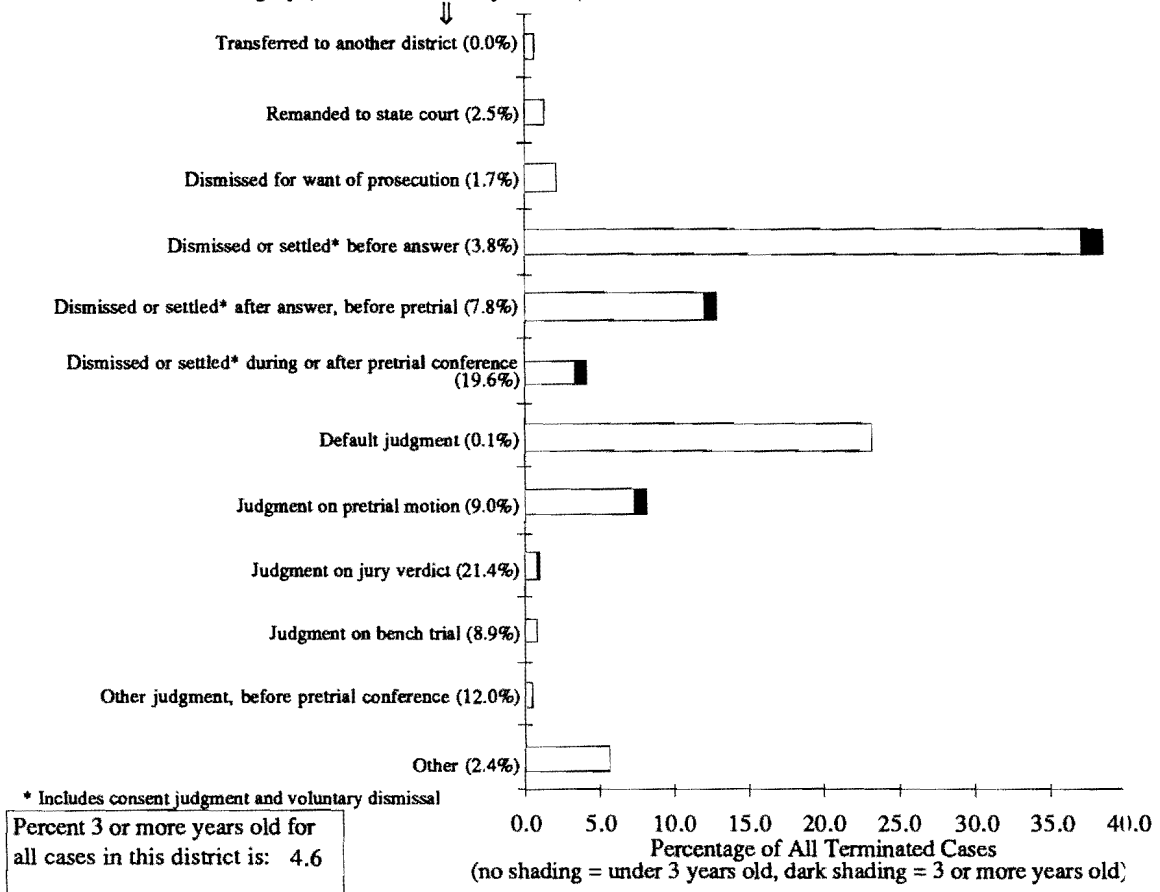
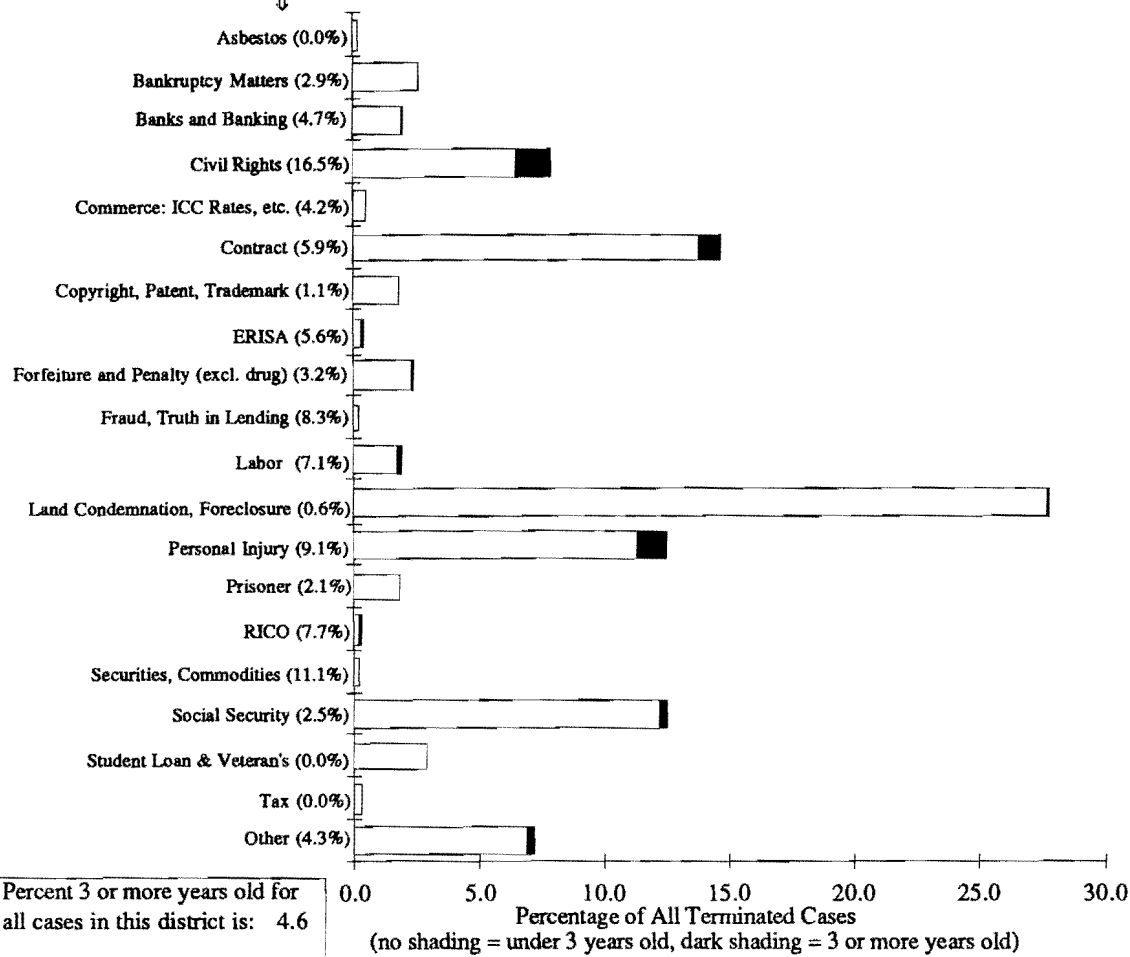


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Puerto Rico

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

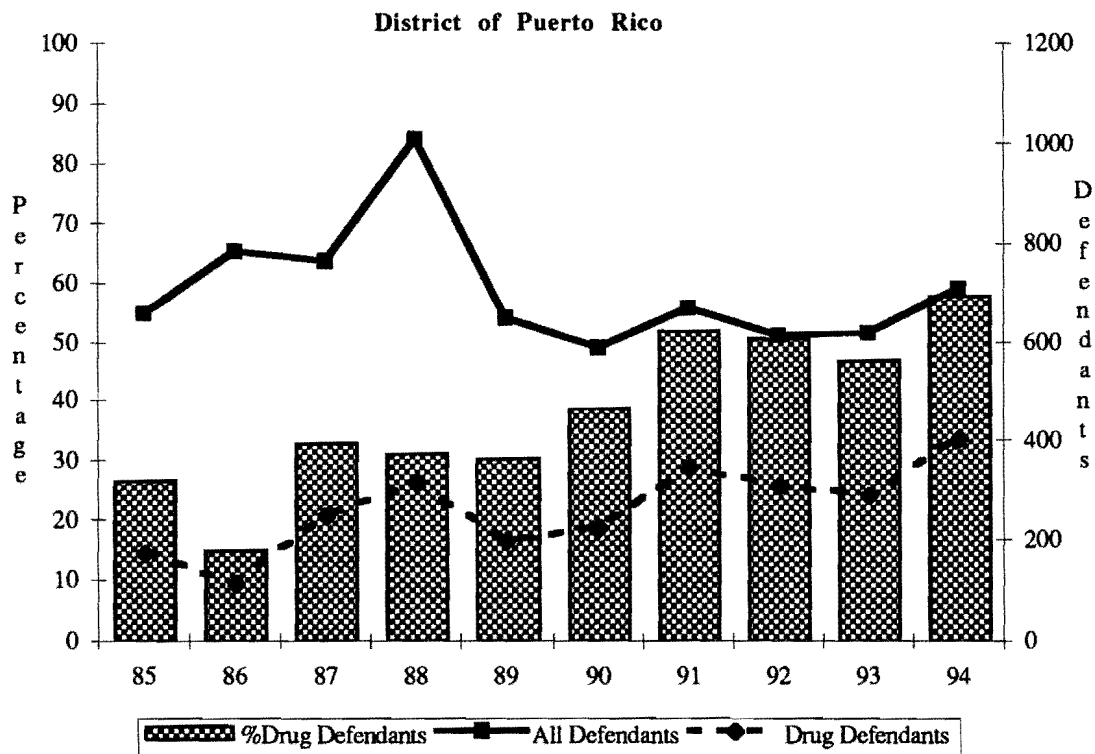
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## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

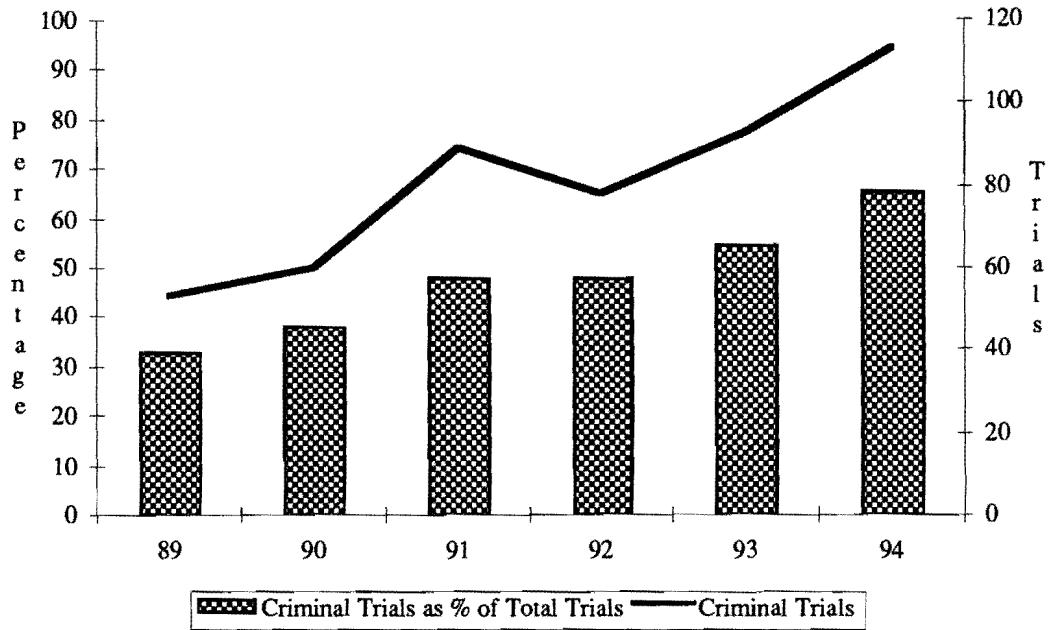
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**For more information on caseload issues**

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Connecticut

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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Connecticut

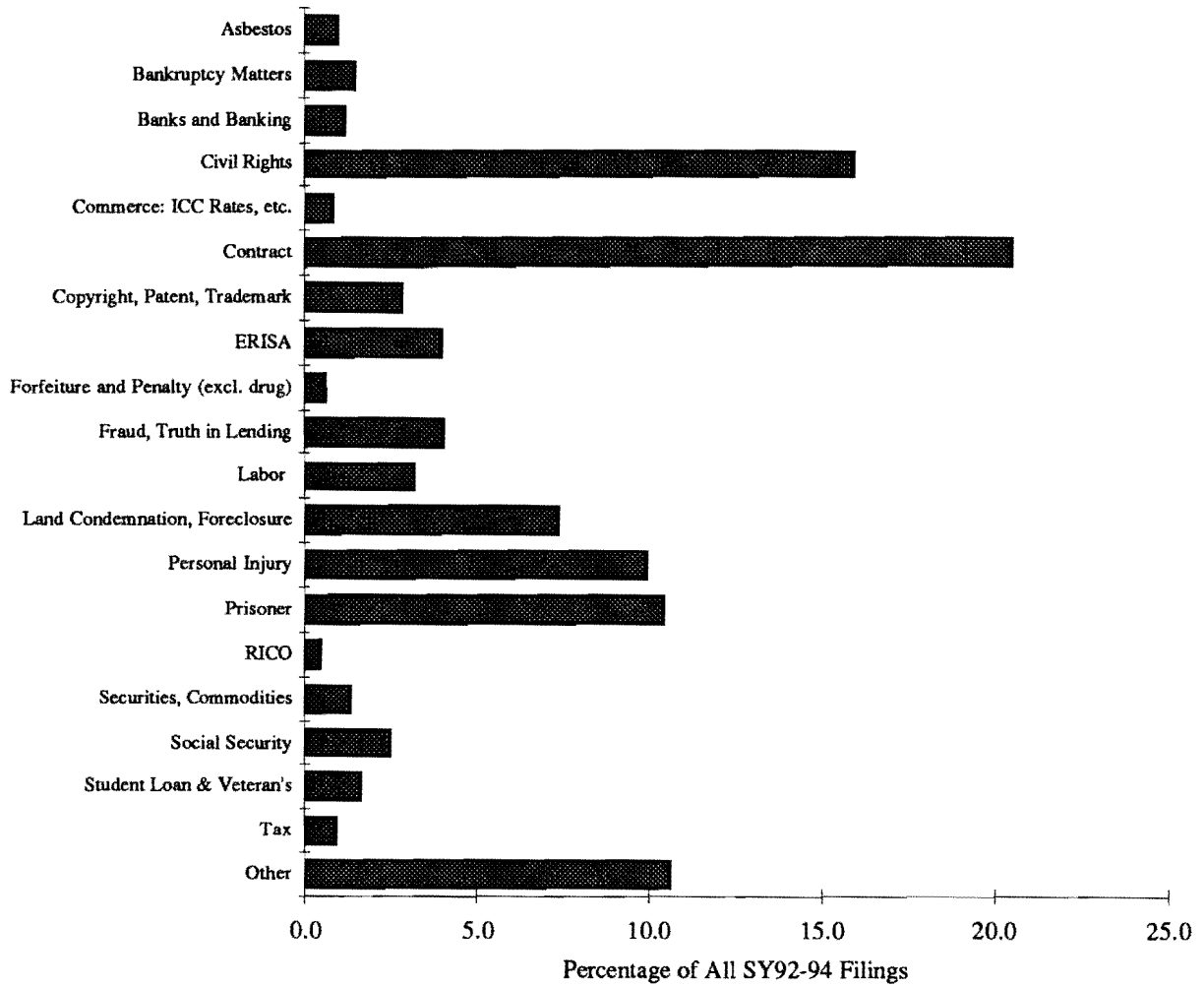
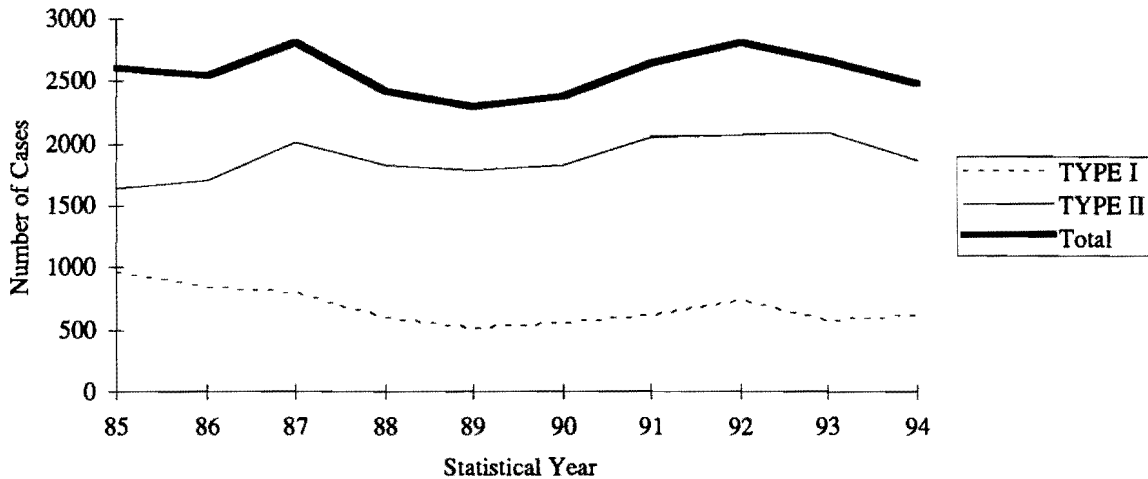


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Connecticut

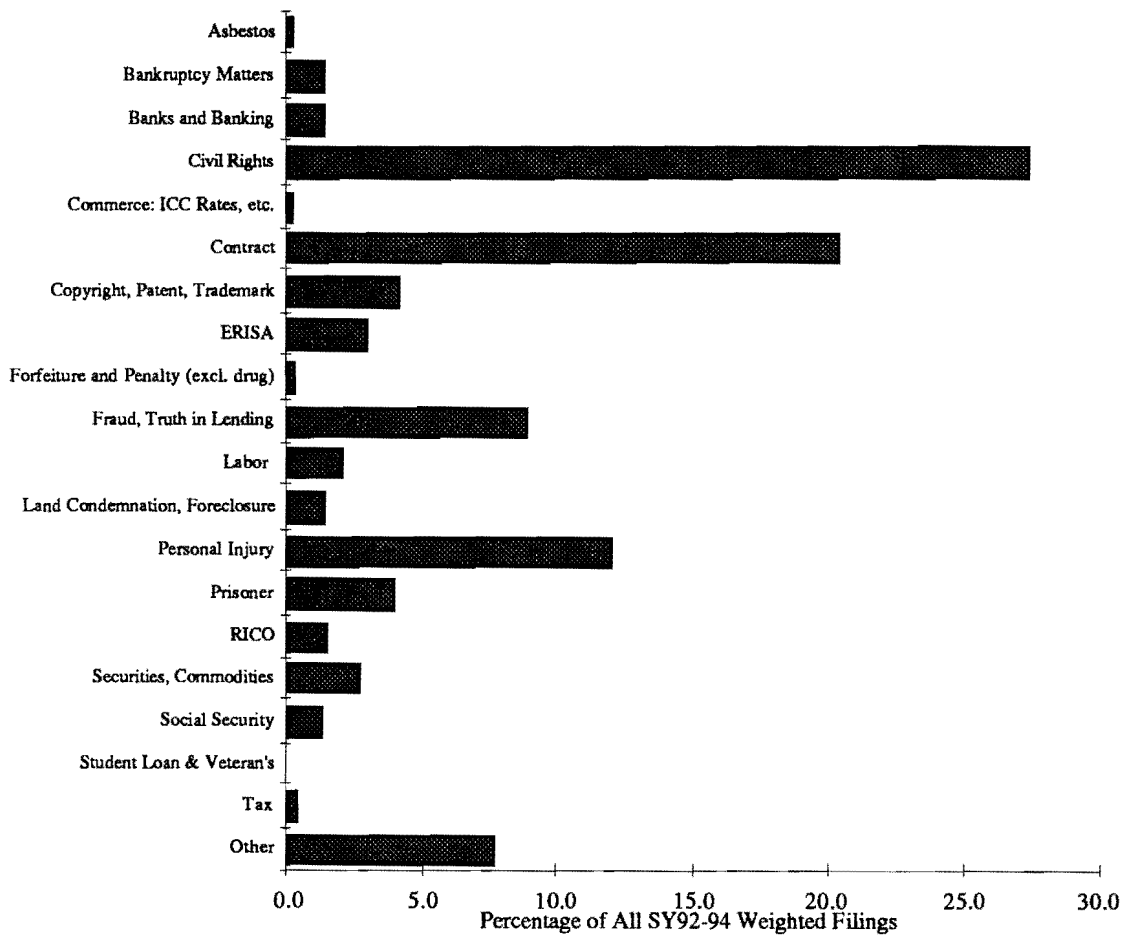


**Table 1: Filings by Case Type, SY85-94**

District of Connecticut	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	101	226	282	63	63	146	184	42	27	5
Bankruptcy Matters	15	21	27	22	18	17	19	43	28	45
Banks and Banking	2	5	4	4	6	1	27	34	40	17
Civil Rights	290	331	291	290	288	330	332	415	385	469
Commerce: ICC Rates, etc.	5	35	18	23	17	18	17	36	20	5
Contract	445	447	659	541	417	417	458	597	568	469
Copyright, Patent, Trademark	94	57	72	73	90	63	77	83	65	74
ERISA	35	26	27	54	68	71	121	92	129	93
Forfeiture and Penalty (excl. drug)	24	44	60	67	83	40	28	11	14	21
Fraud, Truth in Lending	50	53	57	62	39	25	25	79	136	105
Labor	80	64	65	59	58	47	104	83	105	64
Land Condemnation, Foreclosure	32	35	28	21	16	34	74	307	159	124
Personal Injury	314	380	440	293	352	321	298	259	285	248
Prisoner	294	257	335	293	206	212	201	205	255	374
RICO	0	3	8	11	10	23	16	17	10	8
Securities, Commodities	75	42	46	38	55	84	69	27	55	21
Social Security	186	135	70	106	84	63	71	53	83	57
Student Loan and Veteran's	340	165	64	87	129	80	65	93	28	7
Tax	20	22	22	27	29	23	18	24	17	25
All Other	204	205	245	285	268	374	455	320	261	261
All Civil Cases	2606	2553	2820	2419	2296	2389	2659	2820	2670	2492

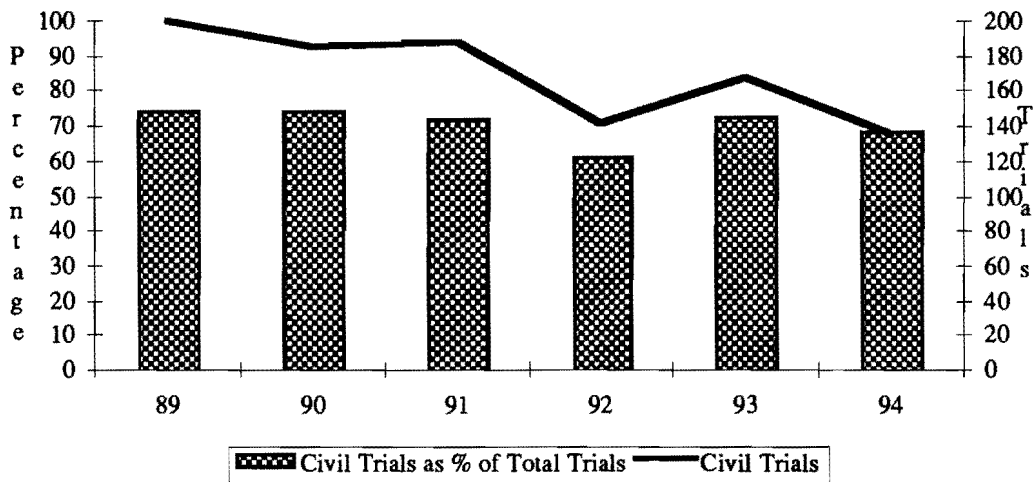
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
District of Connecticut



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of Connecticut**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

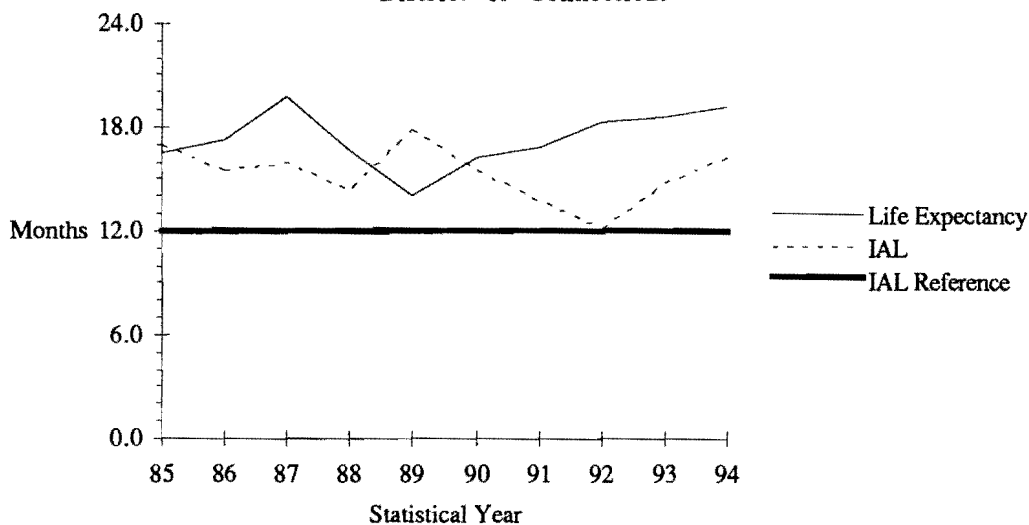
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan* (IAL), permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

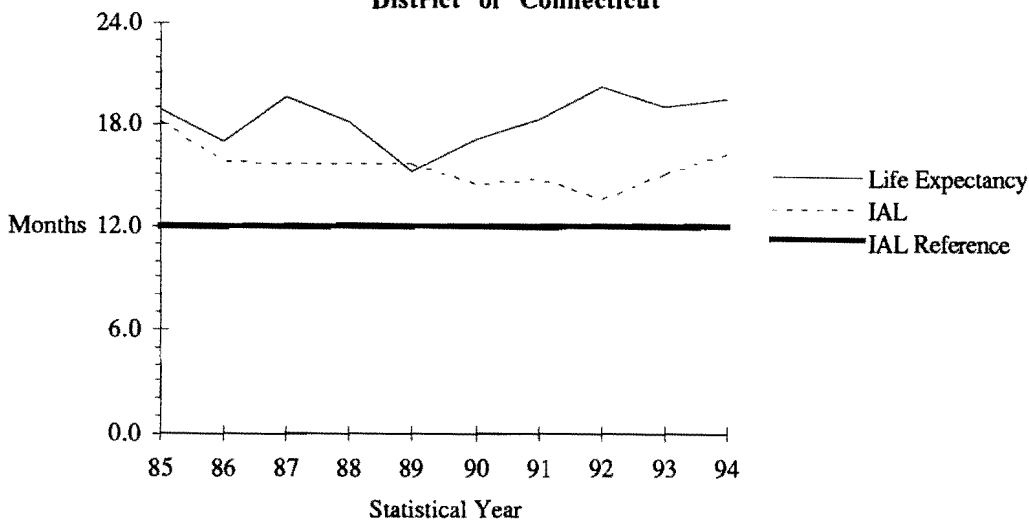
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Connecticut**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Connecticut**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**District of Connecticut**

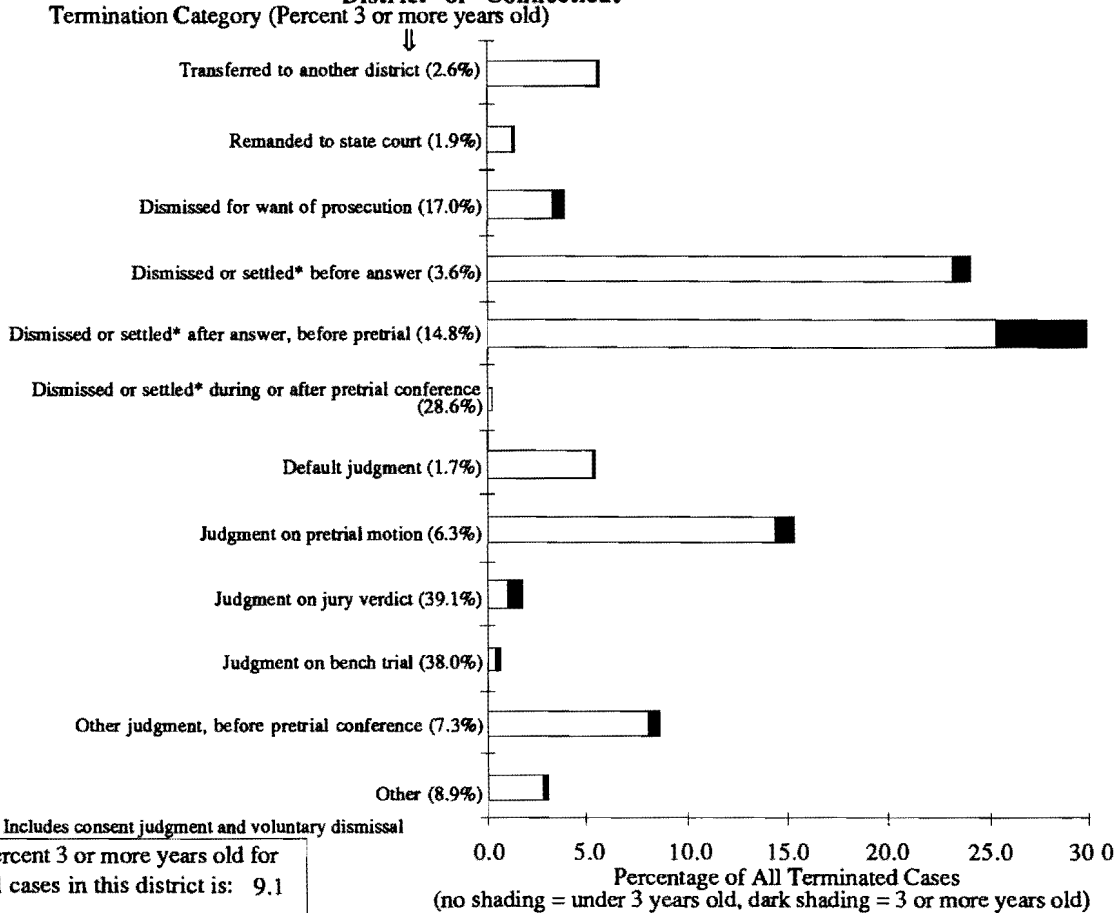
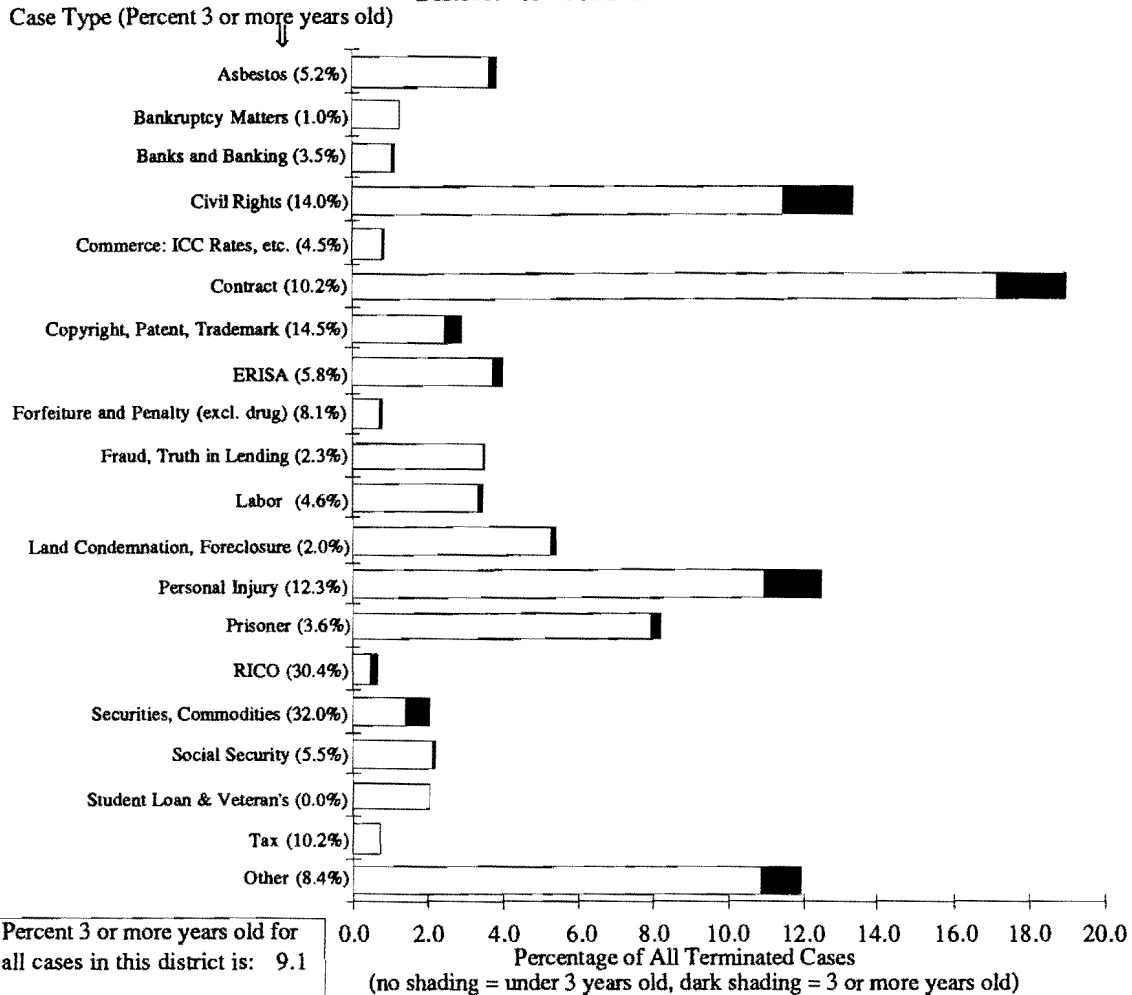


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Connecticut



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

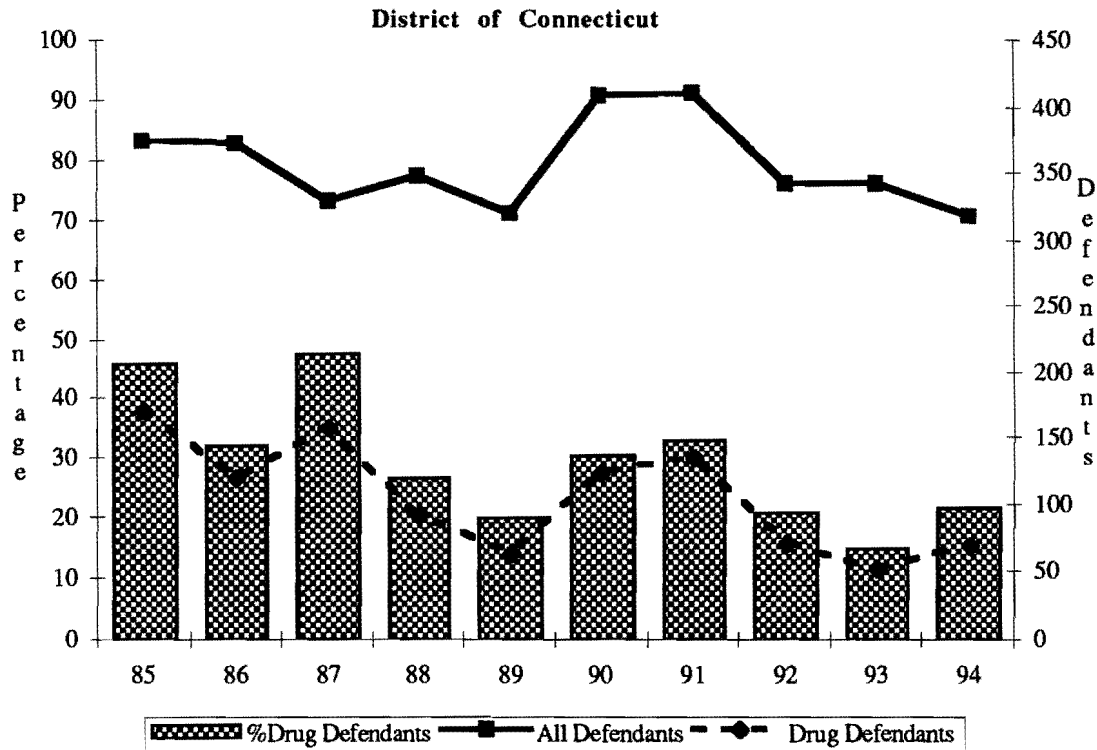
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

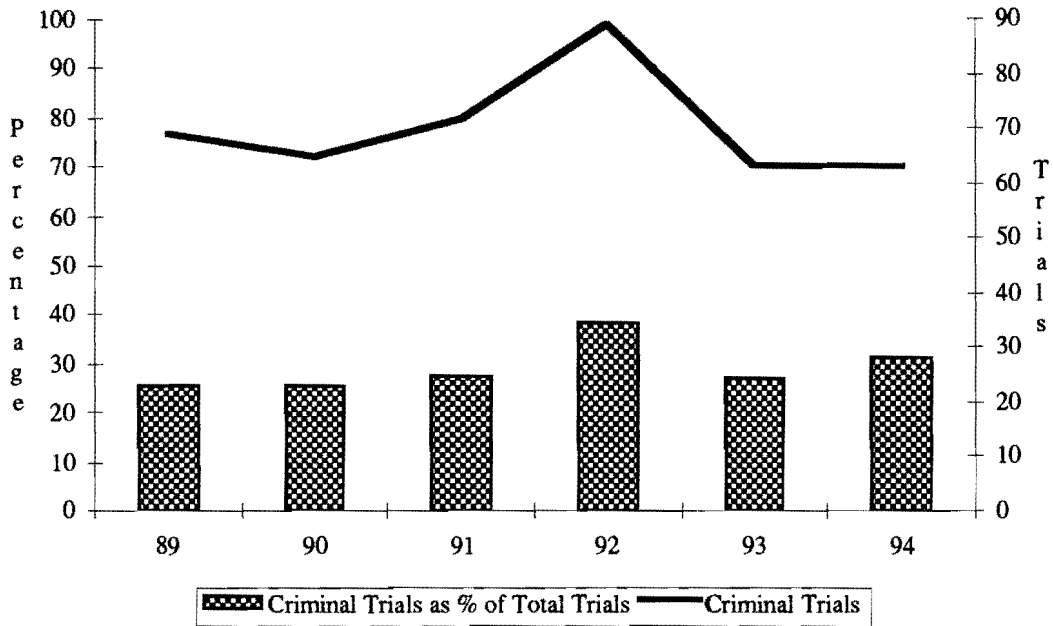
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
**District of Connecticut**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of New York

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of New York

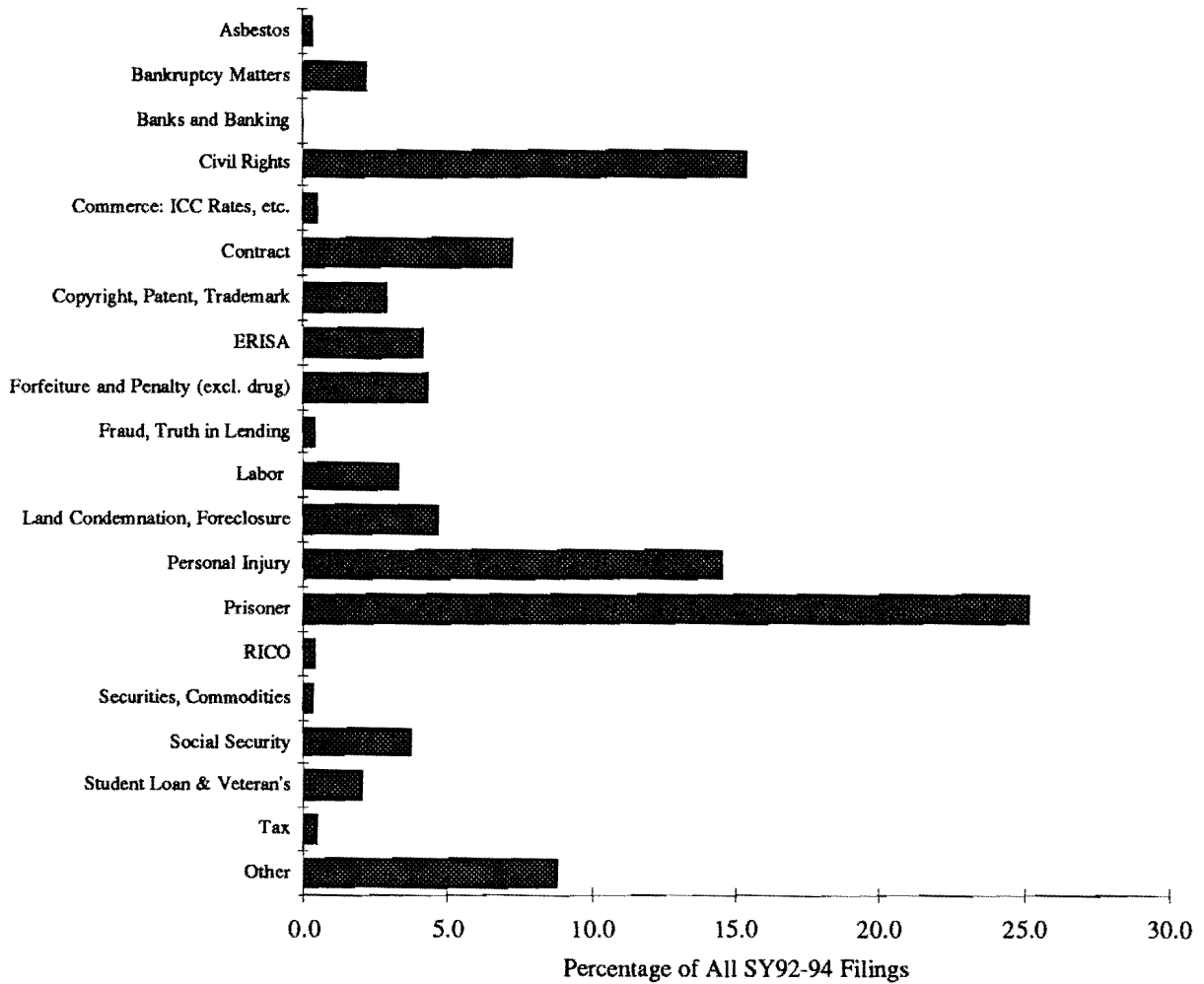
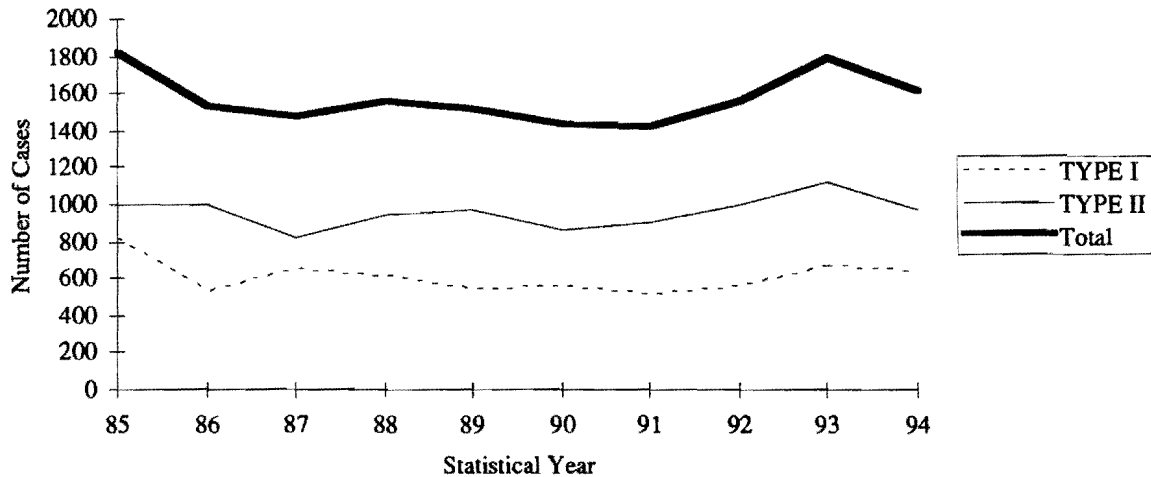


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of New York

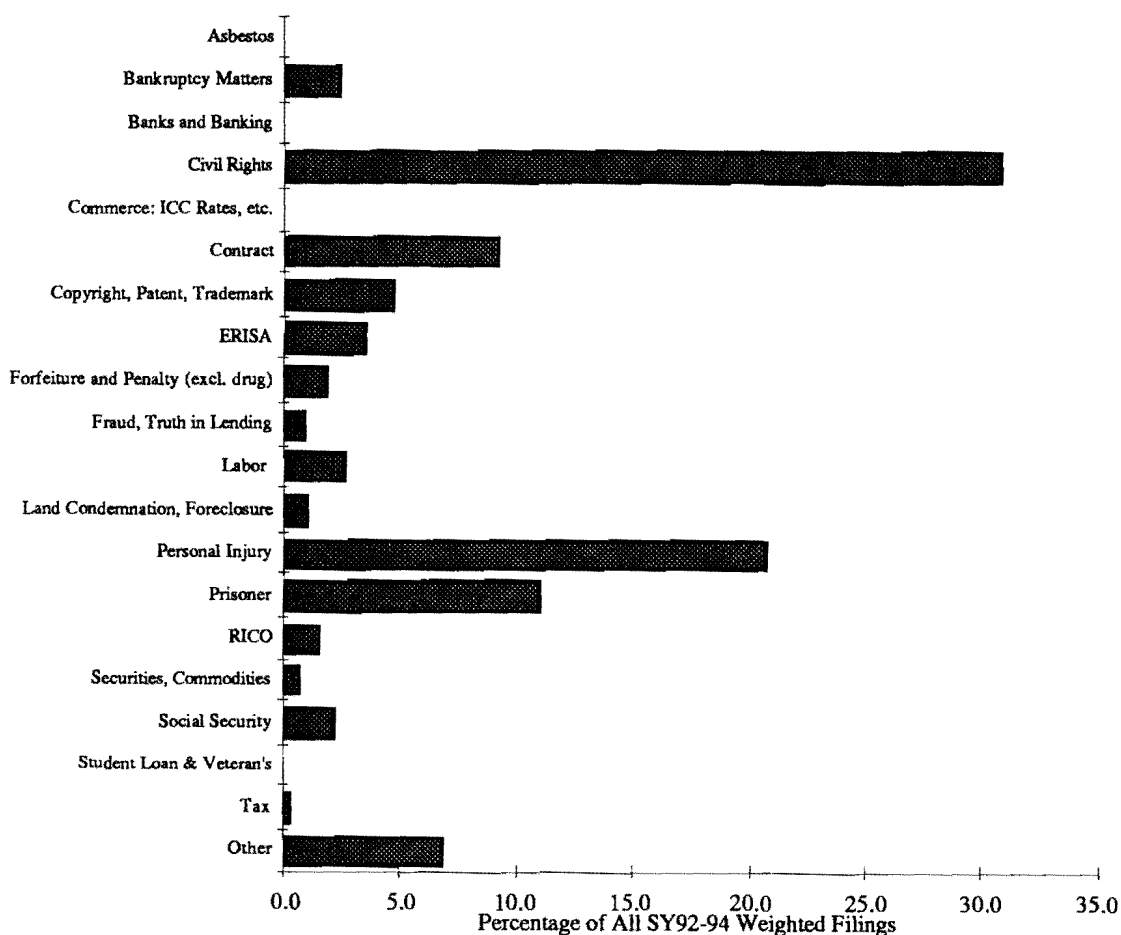


**Table 1: Filings by Case Type, SY85-94**

Northern District of New York	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	6	5	256	161	64	78	41	6	4	2
Bankruptcy Matters	15	15	16	11	17	44	16	27	35	44
Banks and Banking	0	1	2	2	1	1	1	1	1	2
Civil Rights	186	173	96	130	148	147	160	210	305	249
Commerce: ICC Rates, etc.	3	5	2	64	8	13	6	8	8	4
Contract	180	211	176	174	208	127	125	129	128	103
Copyright, Patent, Trademark	62	41	44	42	47	32	39	37	56	49
ERISA	46	20	10	26	39	42	51	65	79	60
Forfeiture and Penalty (excl. drug)	18	21	21	29	55	84	73	84	86	42
Fraud, Truth in Lending	7	12	7	9	4	2	7	6	7	4
Labor	72	95	60	58	58	63	65	65	45	54
Land Condemnation, Foreclosure	38	46	20	28	27	45	55	62	82	85
Personal Injury	300	279	275	279	256	203	229	243	252	227
Prisoner	559	293	278	290	304	308	335	373	441	434
RICO	0	4	1	2	5	7	7	7	7	5
Securities, Commodities	13	25	16	8	10	7	8	3	5	4
Social Security	123	133	66	97	73	51	53	47	65	73
Student Loan and Veteran's	80	39	15	34	63	42	26	47	41	9
Tax	18	19	21	10	9	10	8	5	8	11
All Other	90	95	92	109	129	126	123	141	134	163
All Civil Cases	1816	1532	1474	1563	1525	1432	1428	1566	1789	1617

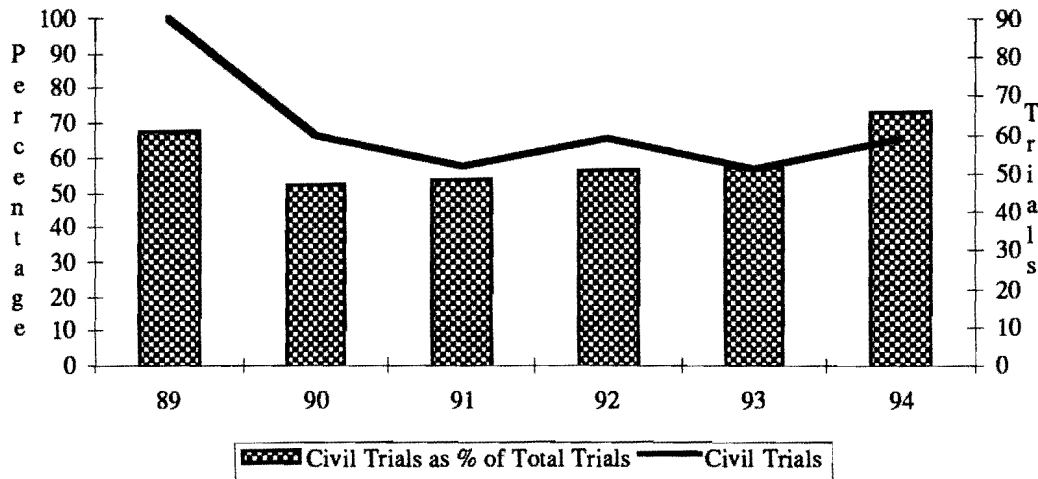
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of New York**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Northern District of New York**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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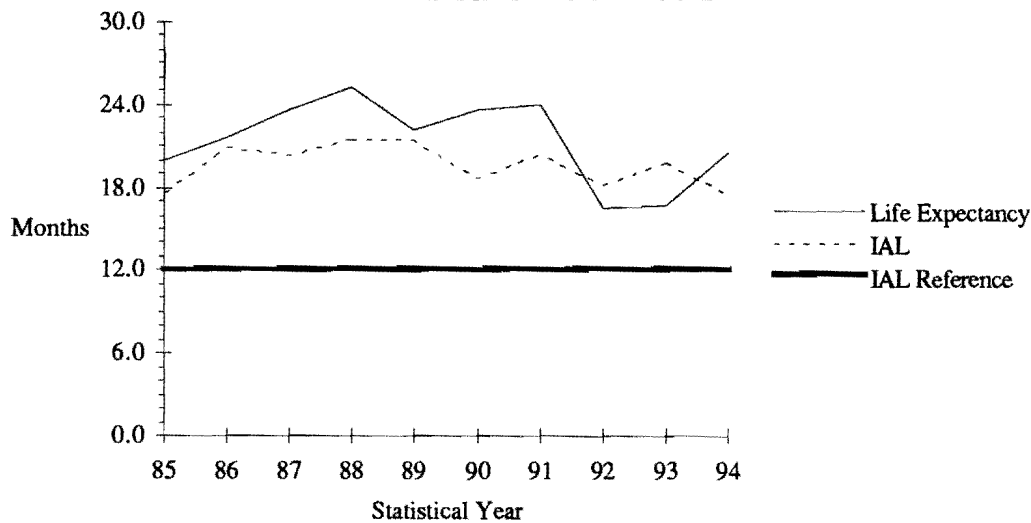
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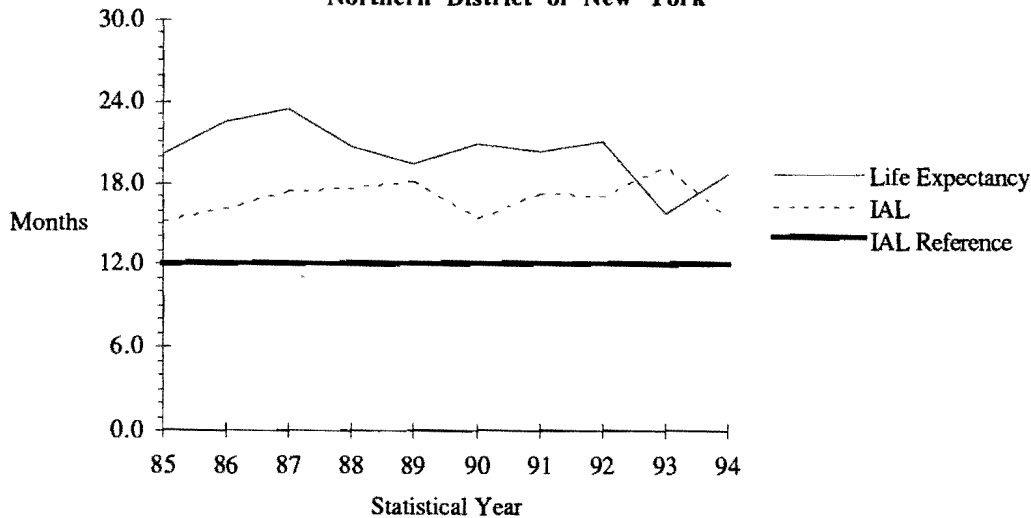
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of New York**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of New York**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of New York  
Termination Category (Percent 3 or more years old)

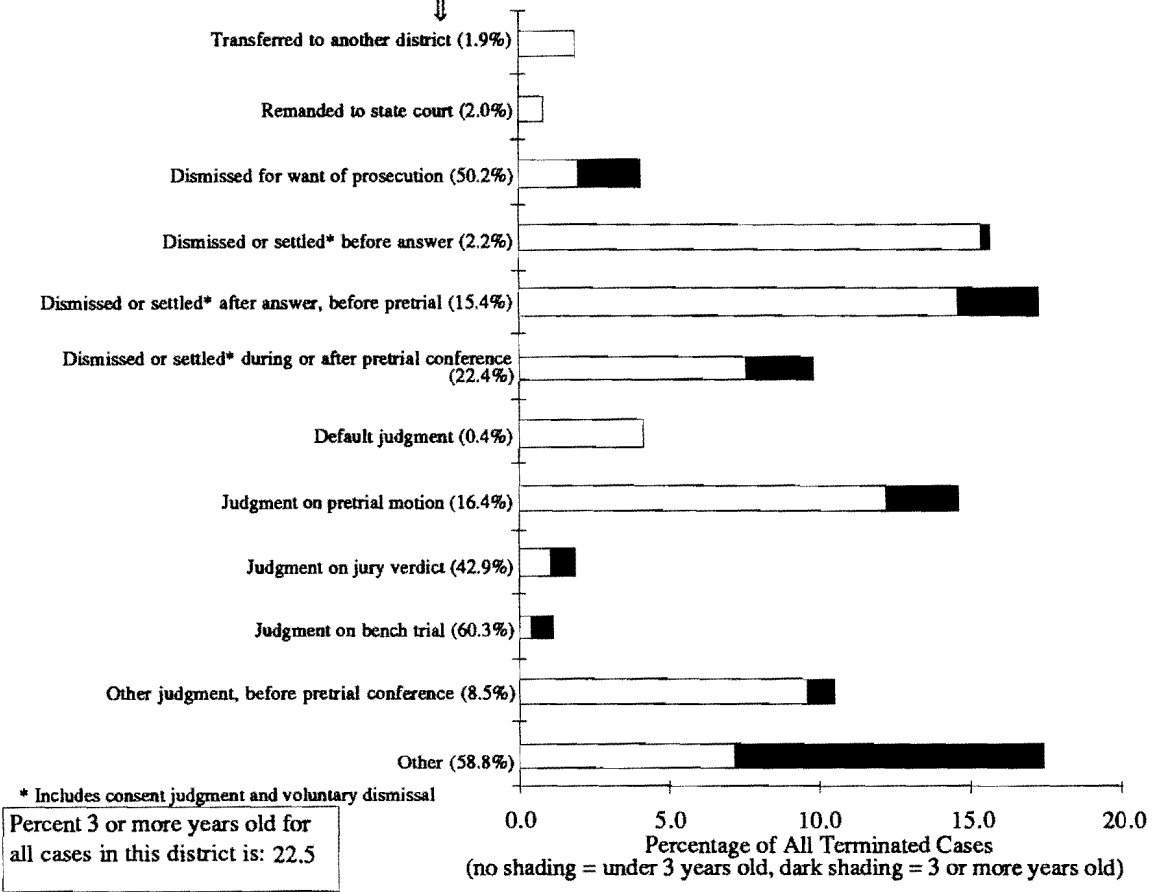
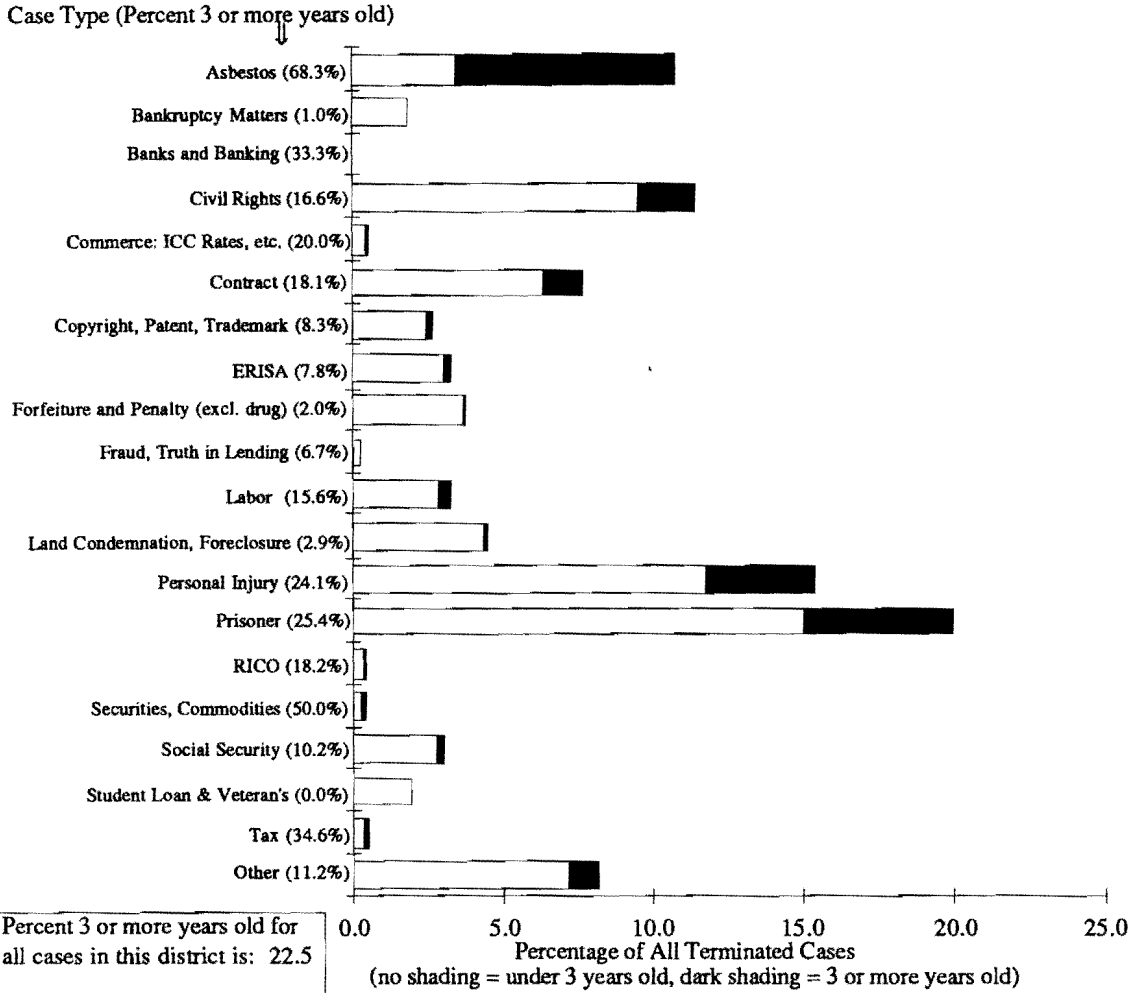


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of New York



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

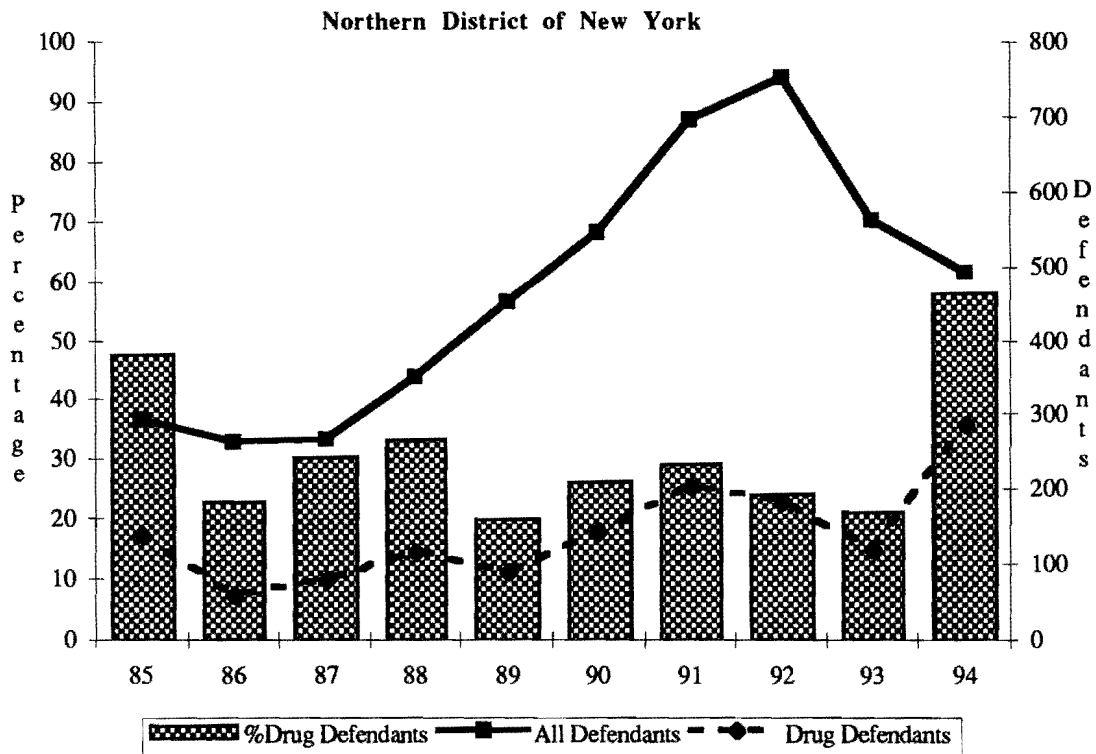
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

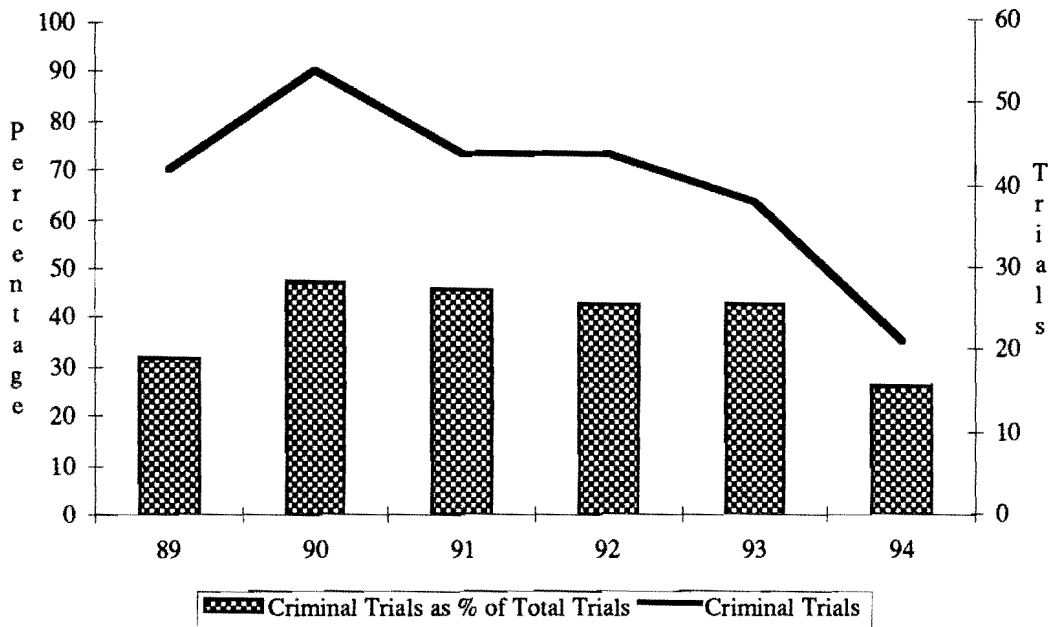
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Northern District of New York



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of New York

## NOTES:

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**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Eastern District of New York

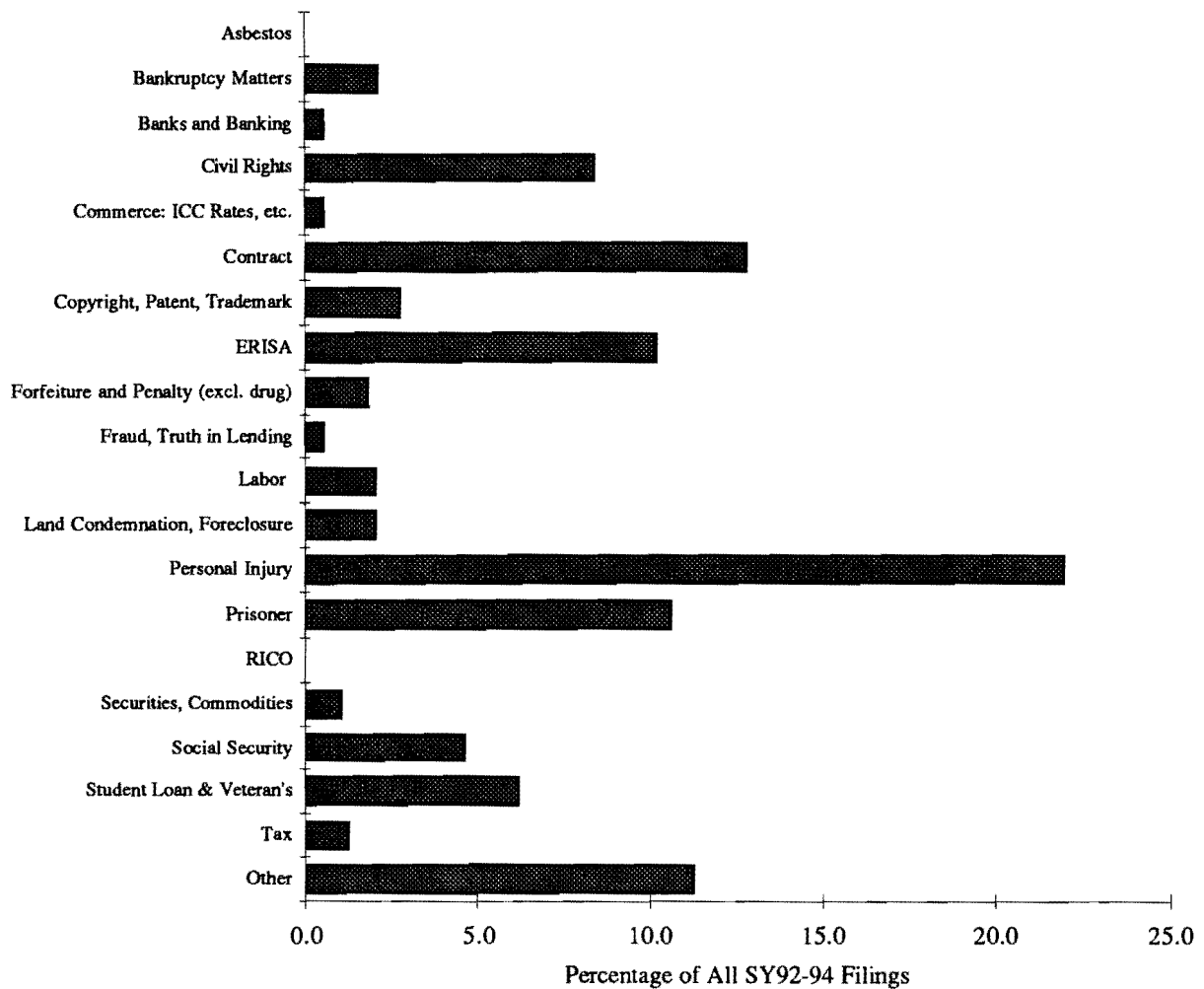
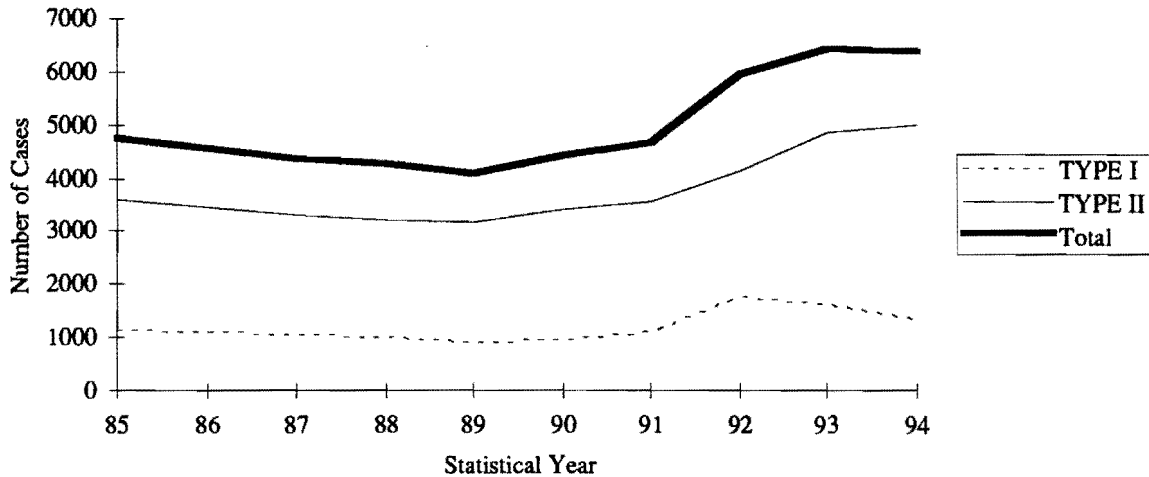


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of New York

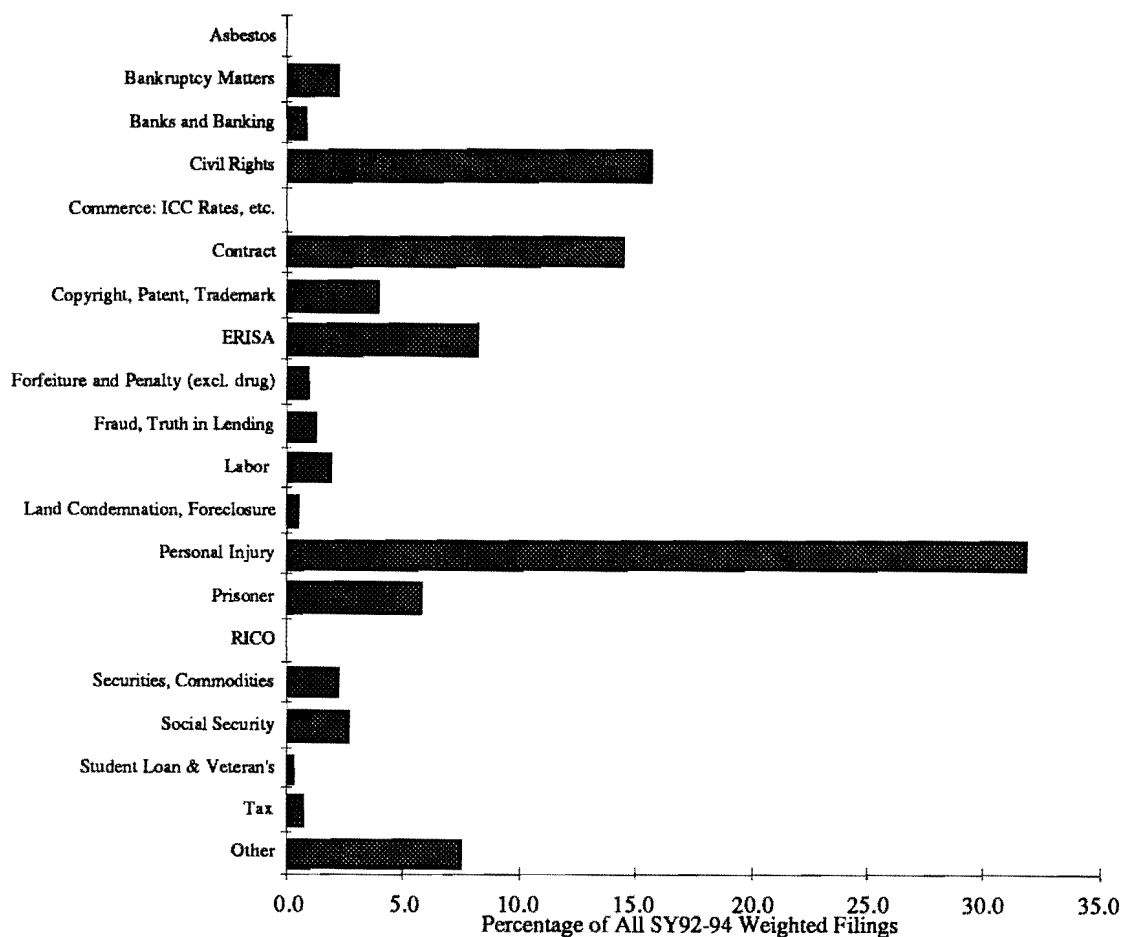


**Table 1: Filings by Case Type, SY85-94**

Eastern District of New York	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	3	1	40	17	1	45	169	14	1	3
Bankruptcy Matters	90	36	90	72	76	76	62	106	147	133
Banks and Banking	5	2	3	1	6	11	9	40	34	20
Civil Rights	359	413	358	364	305	287	325	433	496	633
Commerce: ICC Rates, etc.	15	11	16	45	31	32	38	45	19	24
Contract	1107	1036	858	825	840	688	702	781	846	774
Copyright, Patent, Trademark	230	218	170	206	176	170	172	147	187	171
ERISA	135	184	262	247	277	401	474	557	658	682
Forfeiture and Penalty (excl. drug)	147	121	141	157	157	229	171	172	112	57
Fraud, Truth in Lending	32	26	24	29	25	36	35	28	30	34
Labor	182	151	170	140	111	120	88	114	134	126
Land Condemnation, Foreclosure	17	38	154	80	26	32	77	151	138	82
Personal Injury	797	704	758	683	717	803	878	1069	1404	1634
Prisoner	338	369	314	317	360	434	468	476	710	795
RICO	0	10	8	0	1	0	0	2	1	1
Securities, Commodities	51	38	52	44	42	74	57	26	78	78
Social Security	589	533	313	448	294	194	183	152	398	304
Student Loan and Veteran's	108	130	150	87	160	185	141	883	224	44
Tax	99	114	82	62	61	59	57	54	84	89
All Other	457	425	398	433	420	512	548	677	739	680
All Civil Cases	4761	4560	4361	4257	4086	4388	4654	5927	6440	6364

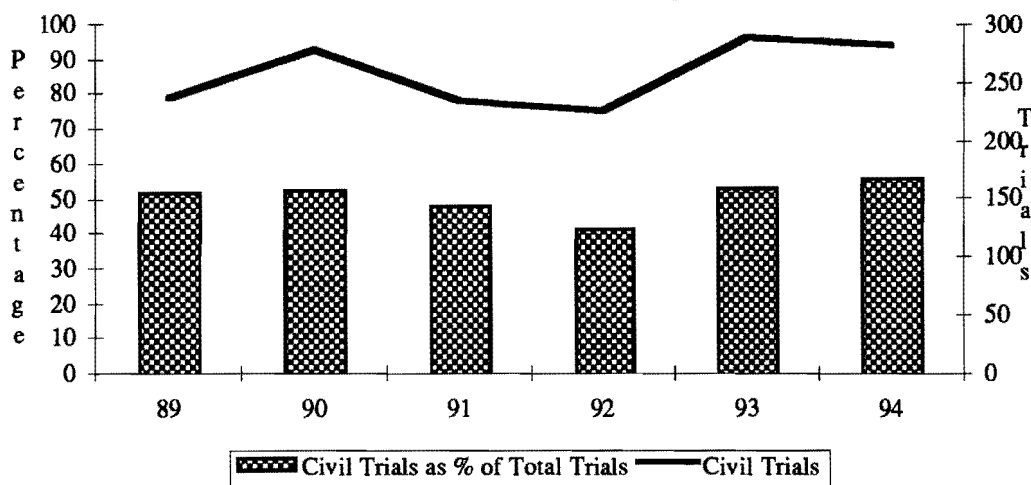
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
Eastern District of New York



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Eastern District of New York**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

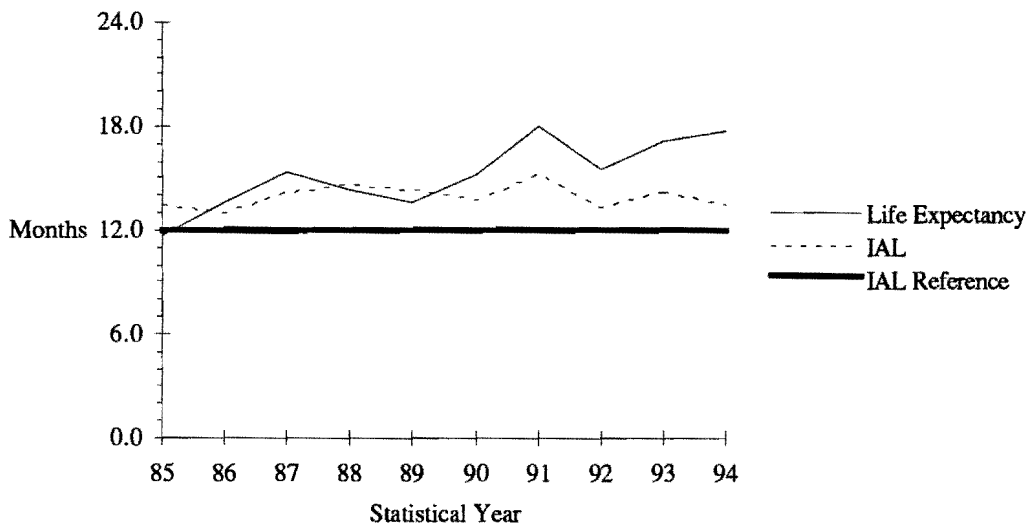
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

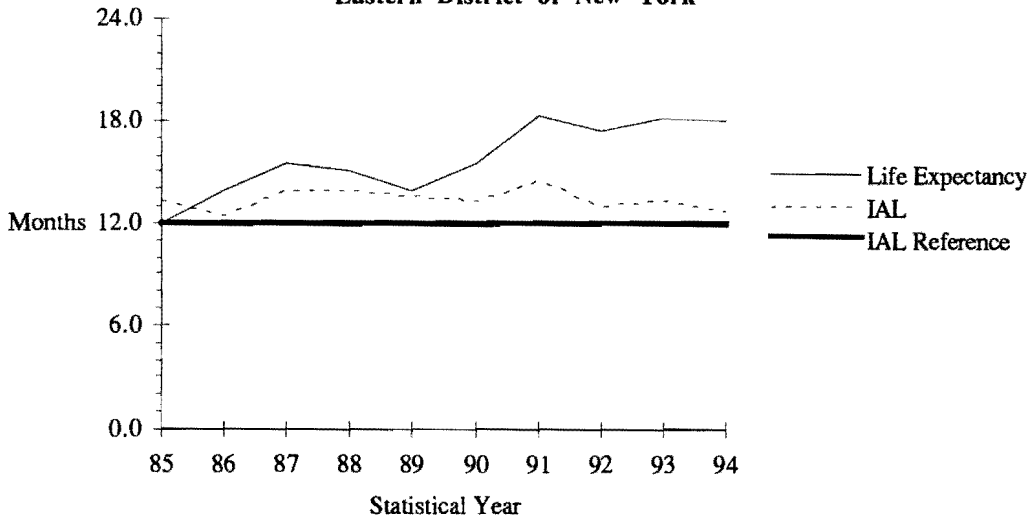
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Eastern District of New York**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Eastern District of New York**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Eastern District of New York**  
 Termination Category (Percent 3 or more years old)

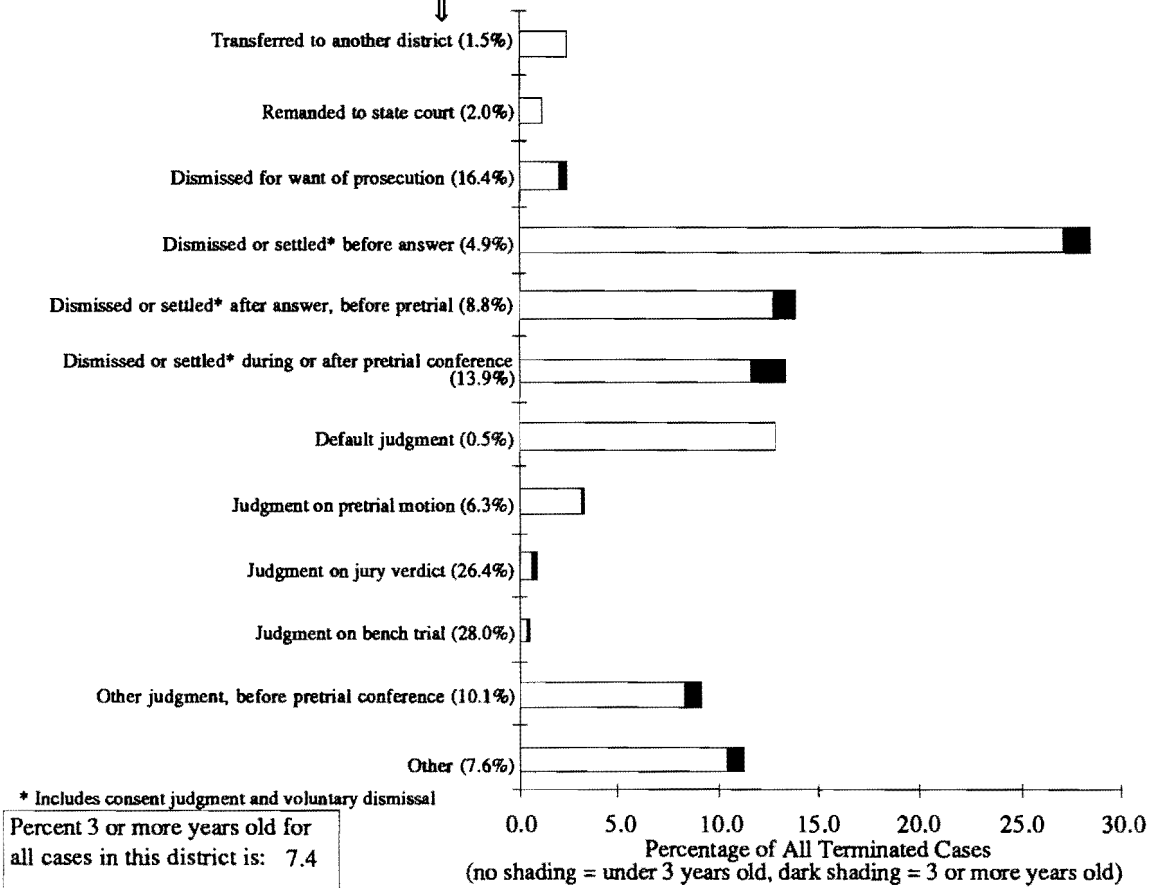
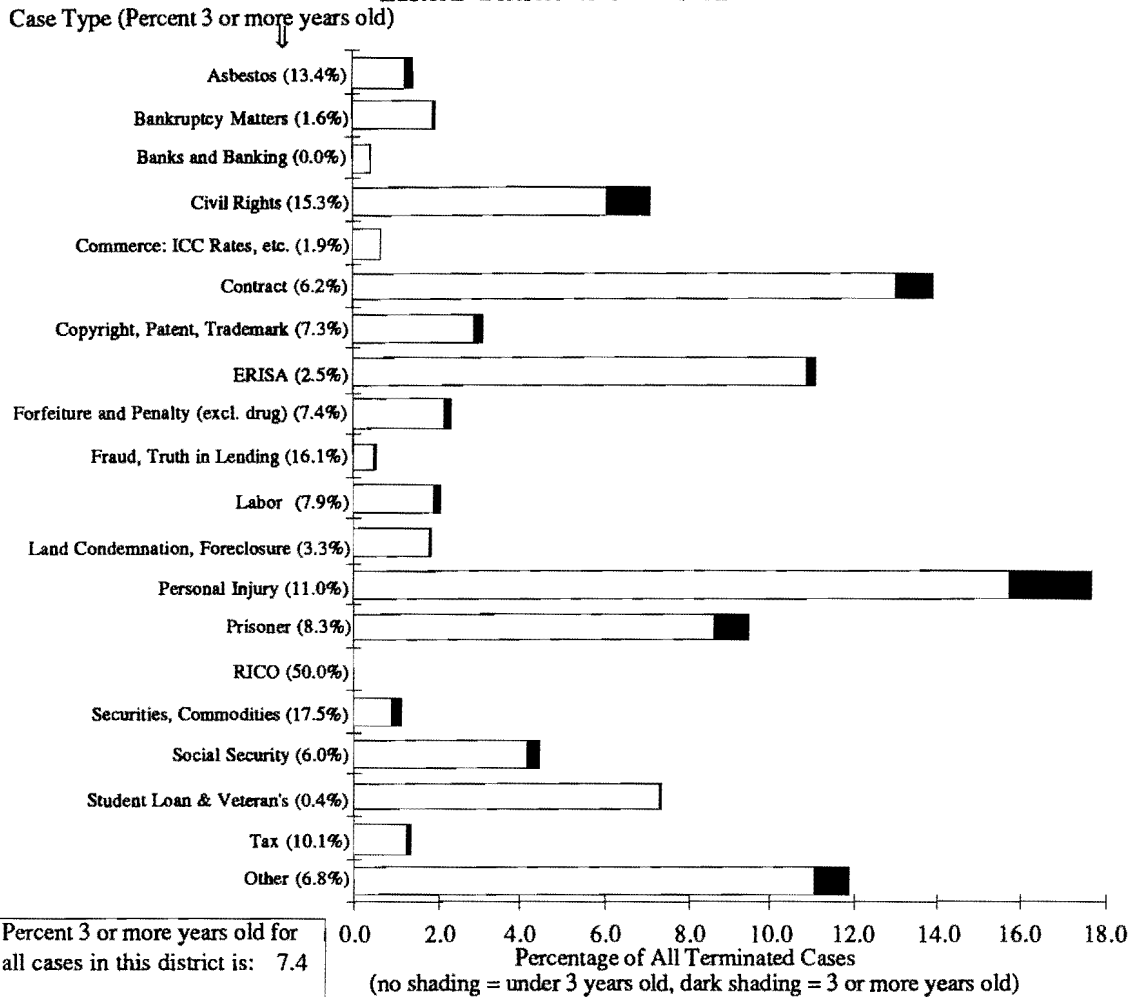


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of New York



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

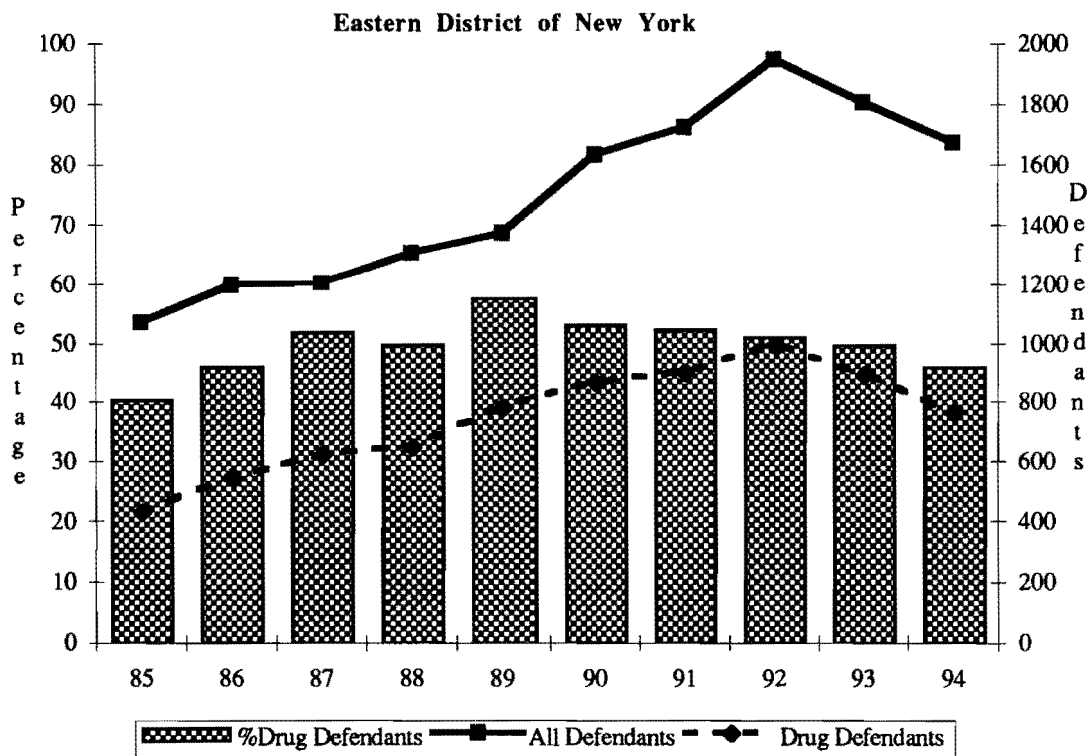
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

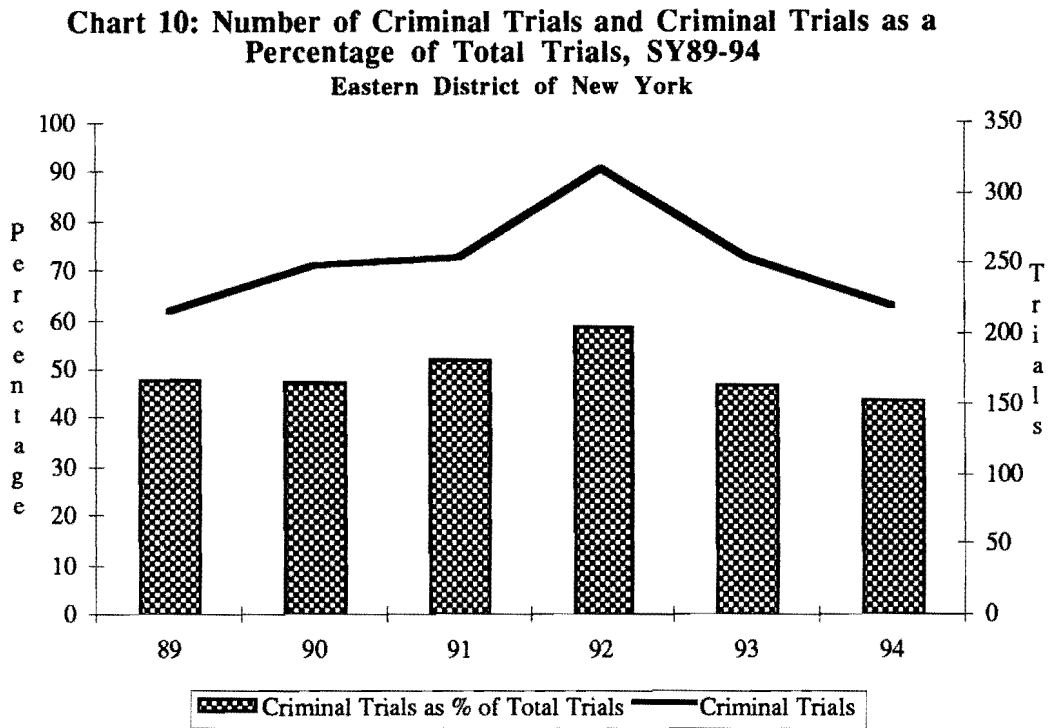
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of New York

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
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We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
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- appeals from bankruptcy court decisions
- land condemnation cases
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Southern District of New York**

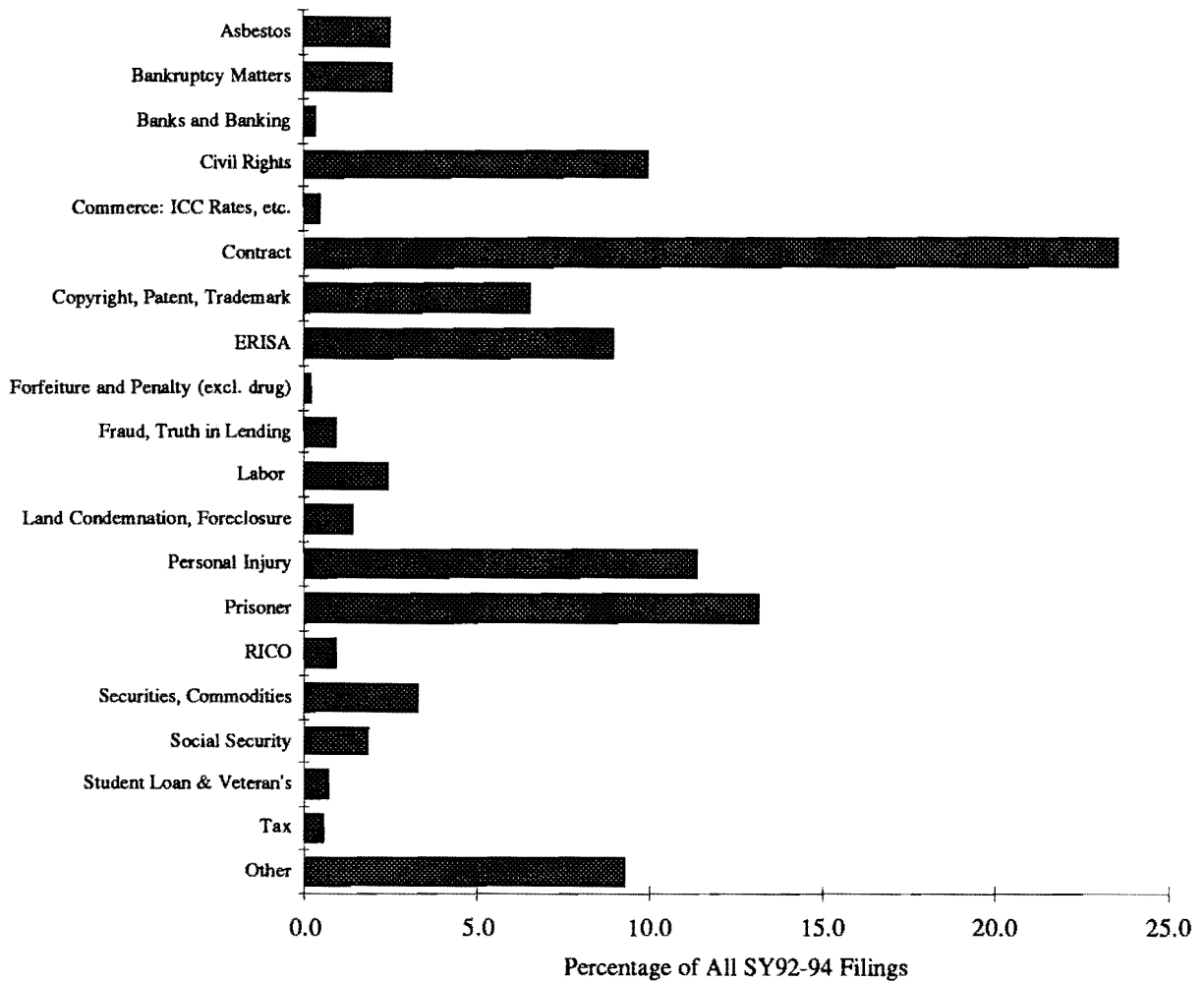
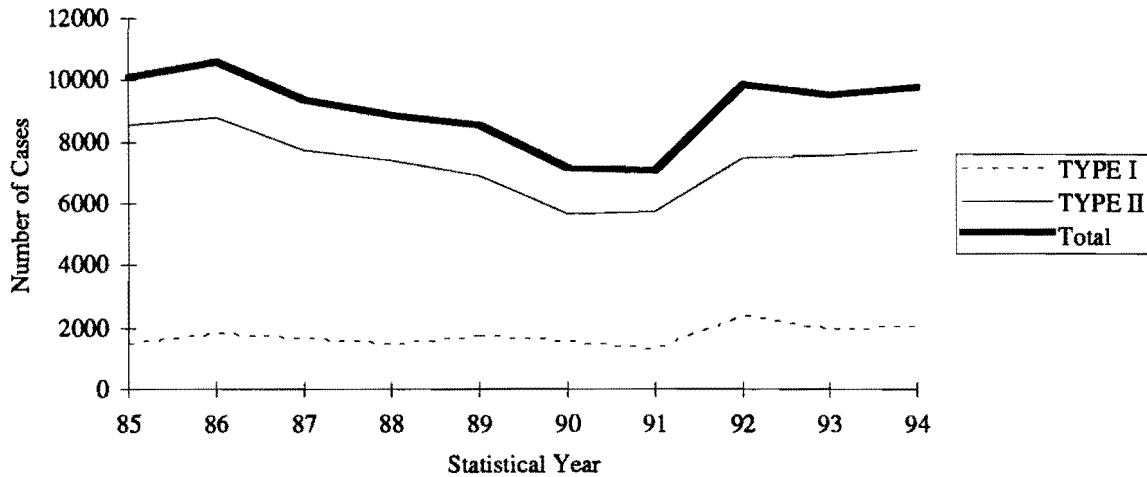


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of New York

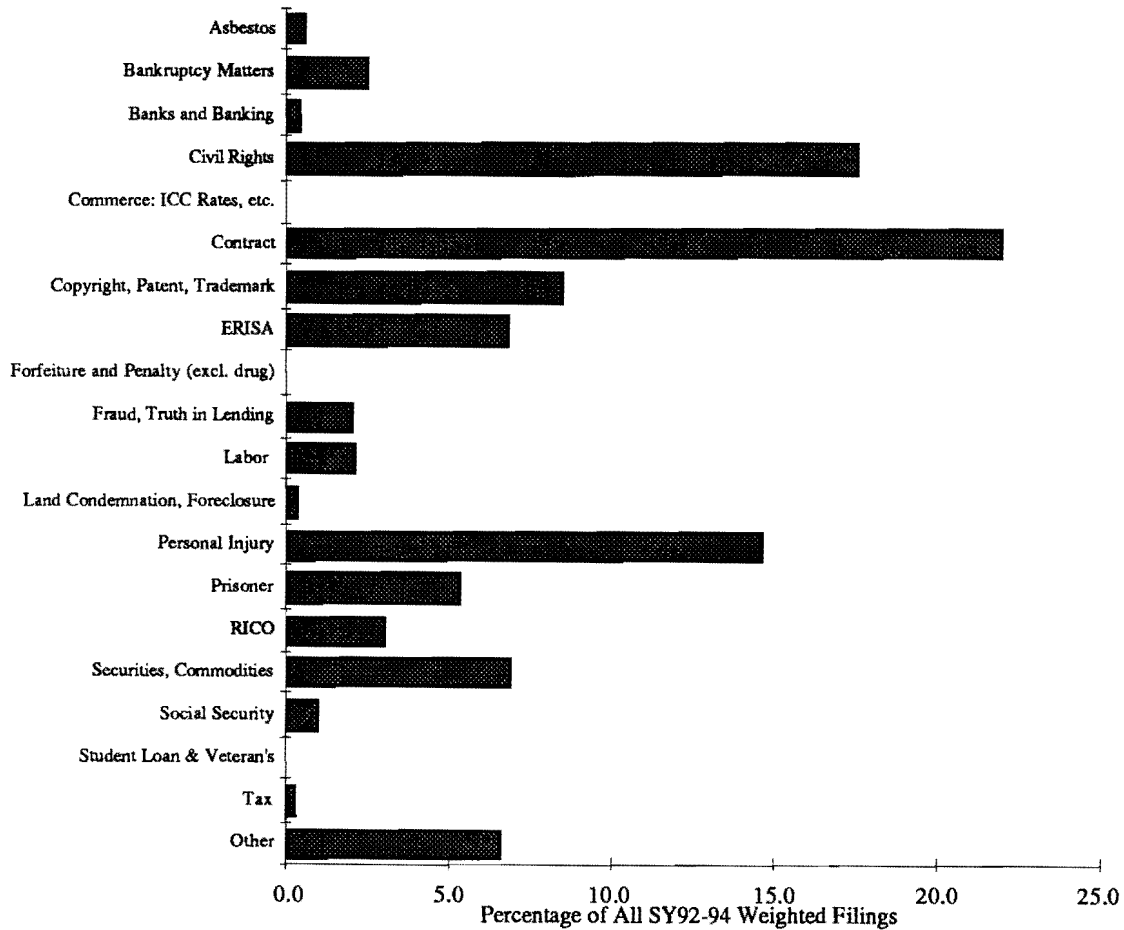


**Table 1: Filings by Case Type, SY85-94**

Southern District of New York	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	3	4	168	119	486	220	116	641	33	37
Bankruptcy Matters	80	101	118	85	121	117	136	260	268	204
Banks and Banking	4	9	14	16	8	12	12	27	34	20
Civil Rights	662	559	608	603	564	499	540	858	996	1049
Commerce: ICC Rates, etc.	35	34	23	69	36	36	45	61	22	35
Contract	3708	3890	3289	3131	2969	2001	1999	2411	2203	2249
Copyright, Patent, Trademark	598	721	549	574	553	498	454	556	629	707
ERISA	411	423	463	473	454	513	612	864	932	802
Forfeiture and Penalty (excl. drug)	102	55	91	55	74	37	15	23	16	11
Fraud, Truth in Lending	105	101	80	90	65	56	76	93	78	85
Labor	300	303	299	223	205	186	210	245	193	249
Land Condemnation, Foreclosure	32	20	15	26	20	43	108	137	154	104
Personal Injury	1262	1076	967	868	745	630	742	1052	1097	1172
Prisoner	880	1122	1084	930	785	978	842	1095	1295	1450
RICO	0	47	106	67	107	110	101	103	66	91
Securities, Commodities	387	362	321	306	315	319	247	370	300	273
Social Security	353	388	195	292	189	117	91	111	181	219
Student Loan and Veteran's	157	142	45	61	99	47	38	126	36	22
Tax	67	80	68	46	56	60	46	50	60	35
All Other	924	1157	879	874	716	674	615	795	927	973
All Civil Cases	10070	10594	9382	8908	8567	7153	7045	9878	9520	9797

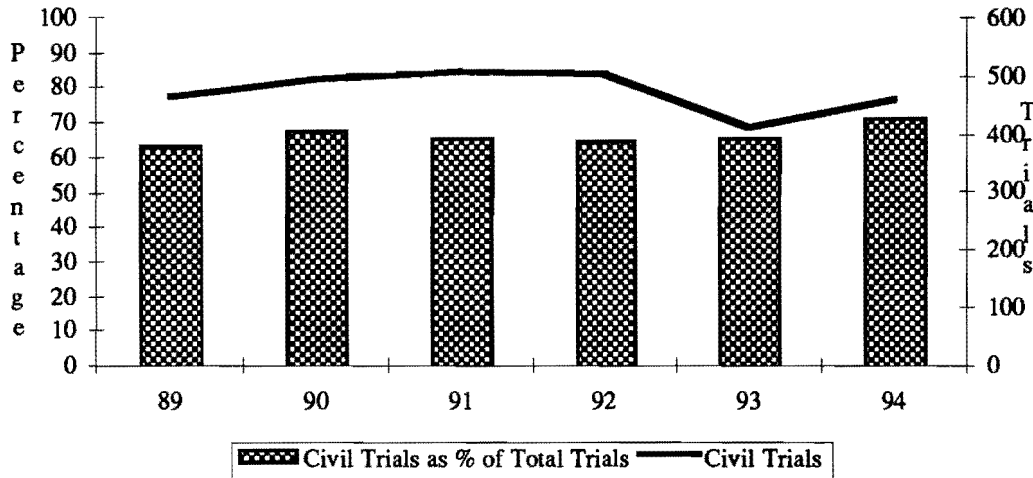
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Southern District of New York



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Southern District of New York



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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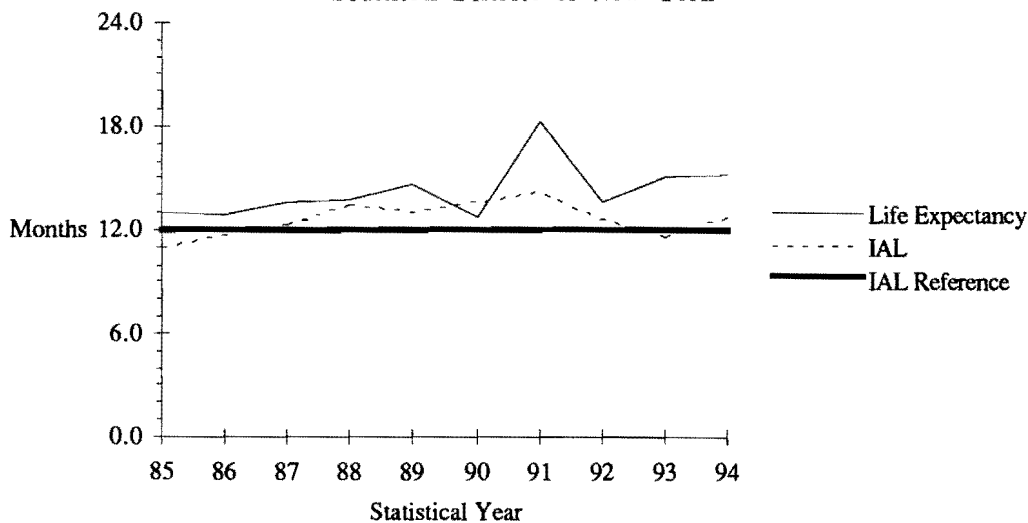
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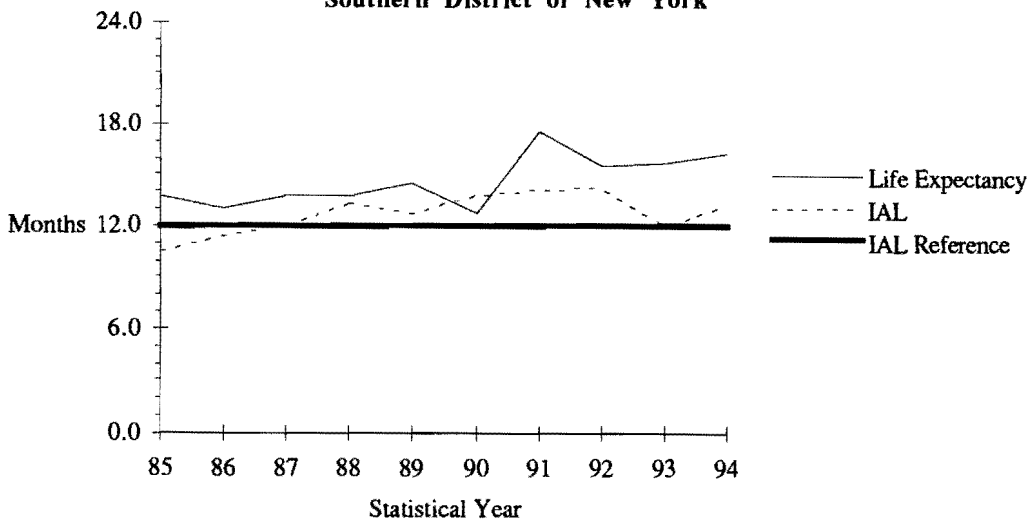
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of New York**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of New York**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Southern District of New York  
 Termination Category (Percent 3 or more years old)

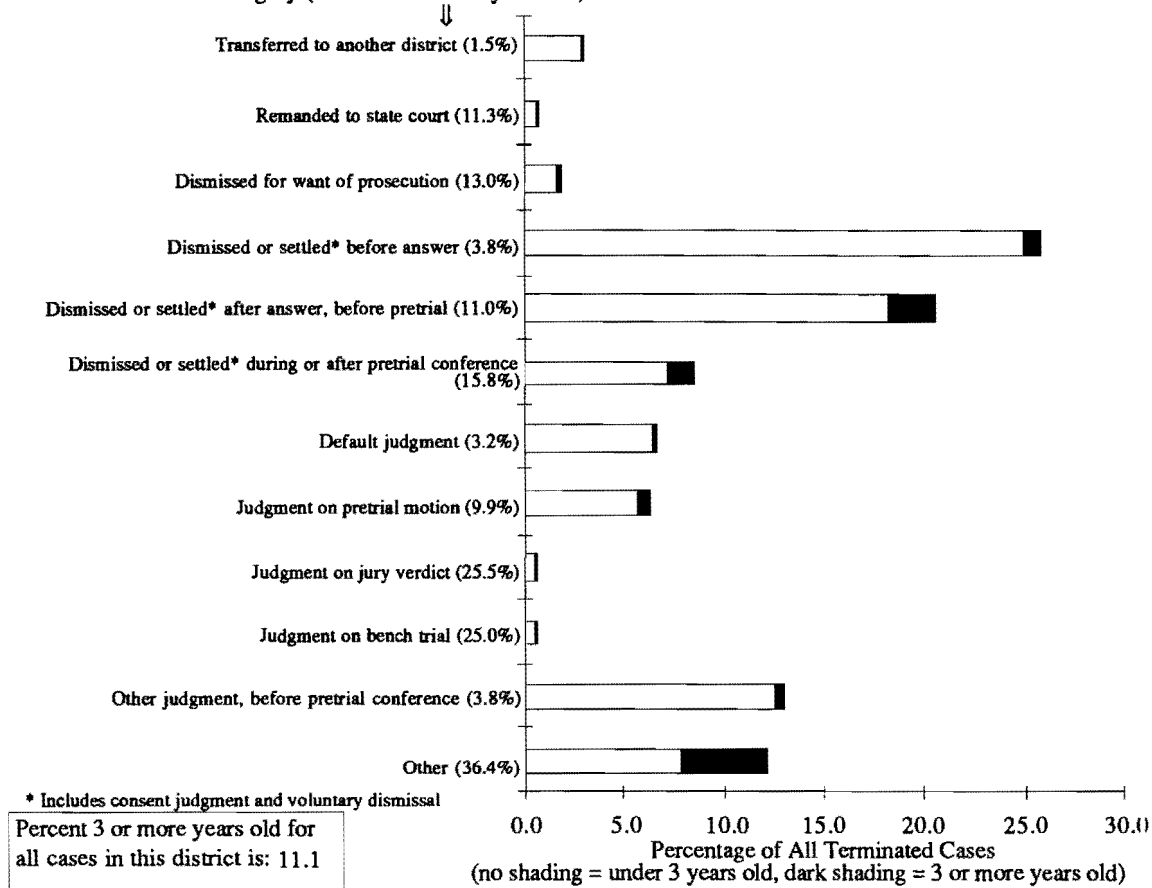
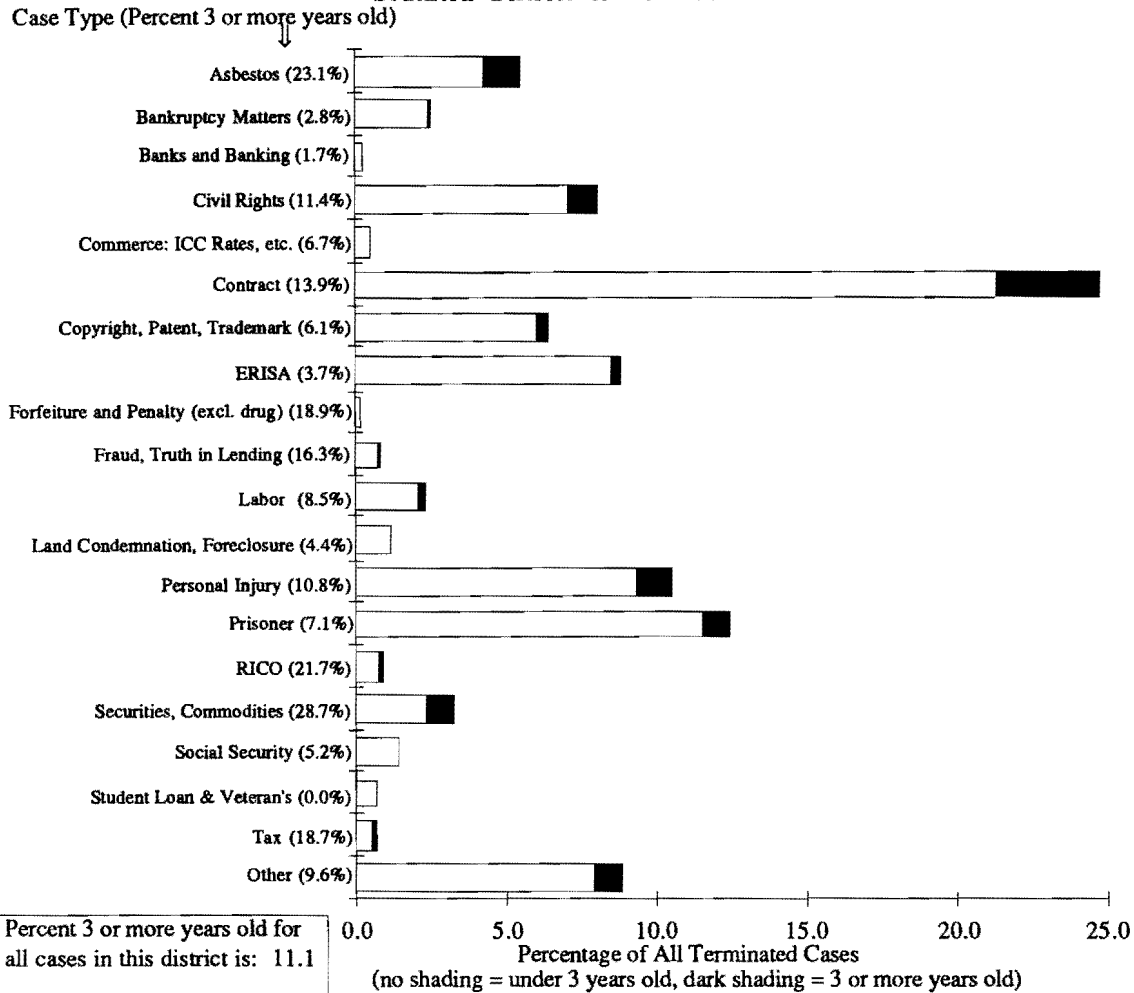


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of New York



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

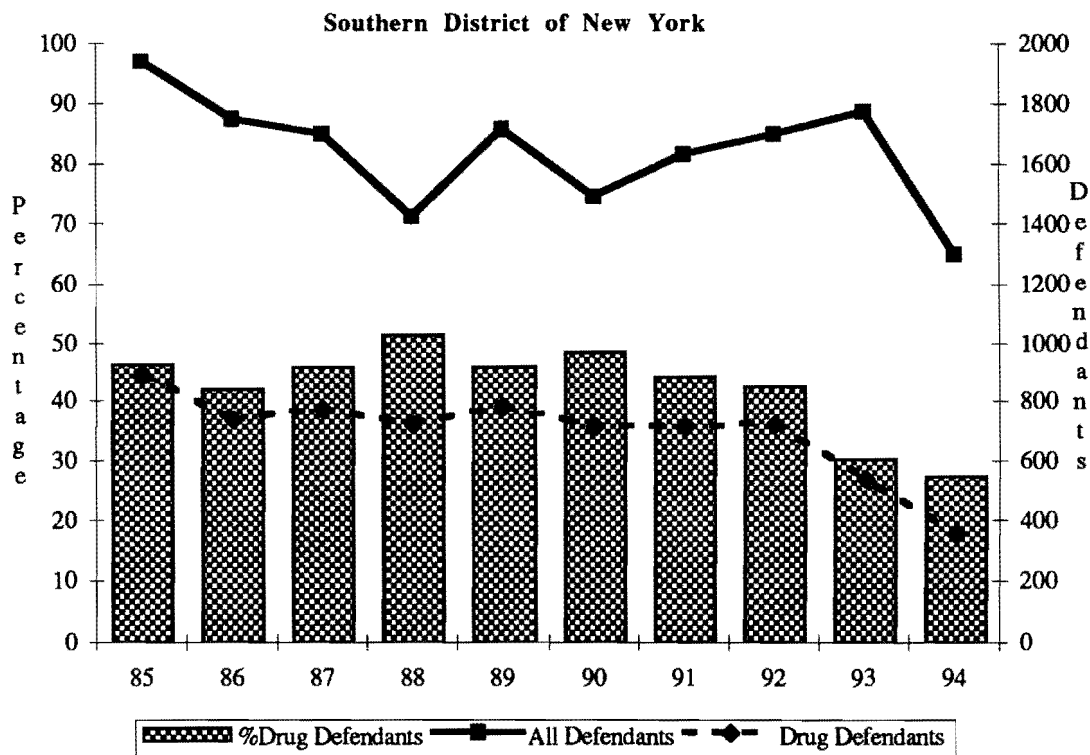
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

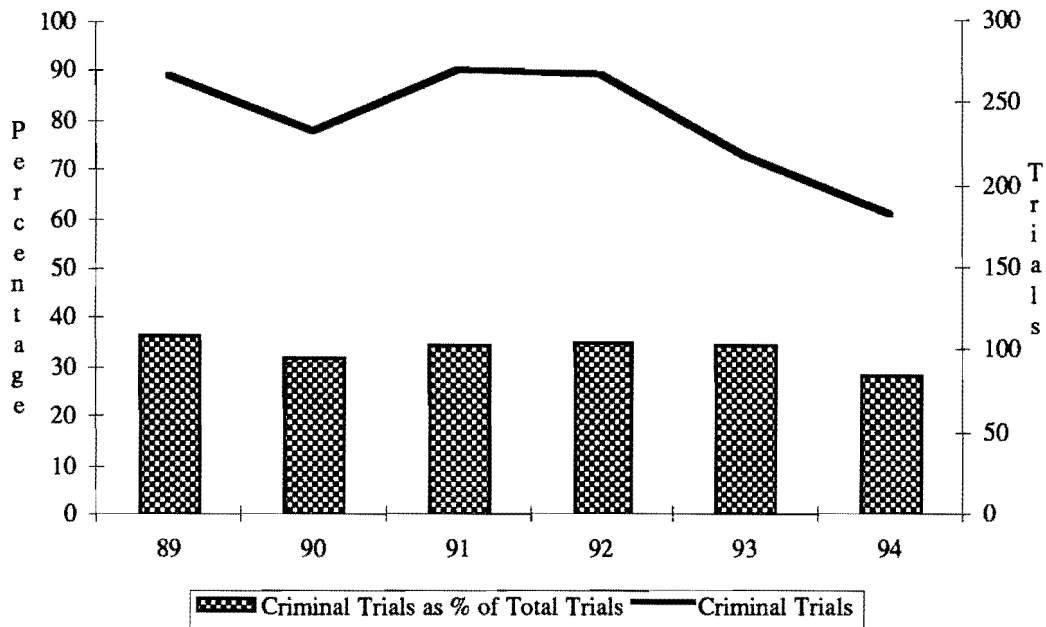
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Southern District of New York



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of New York

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
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3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Western District of New York

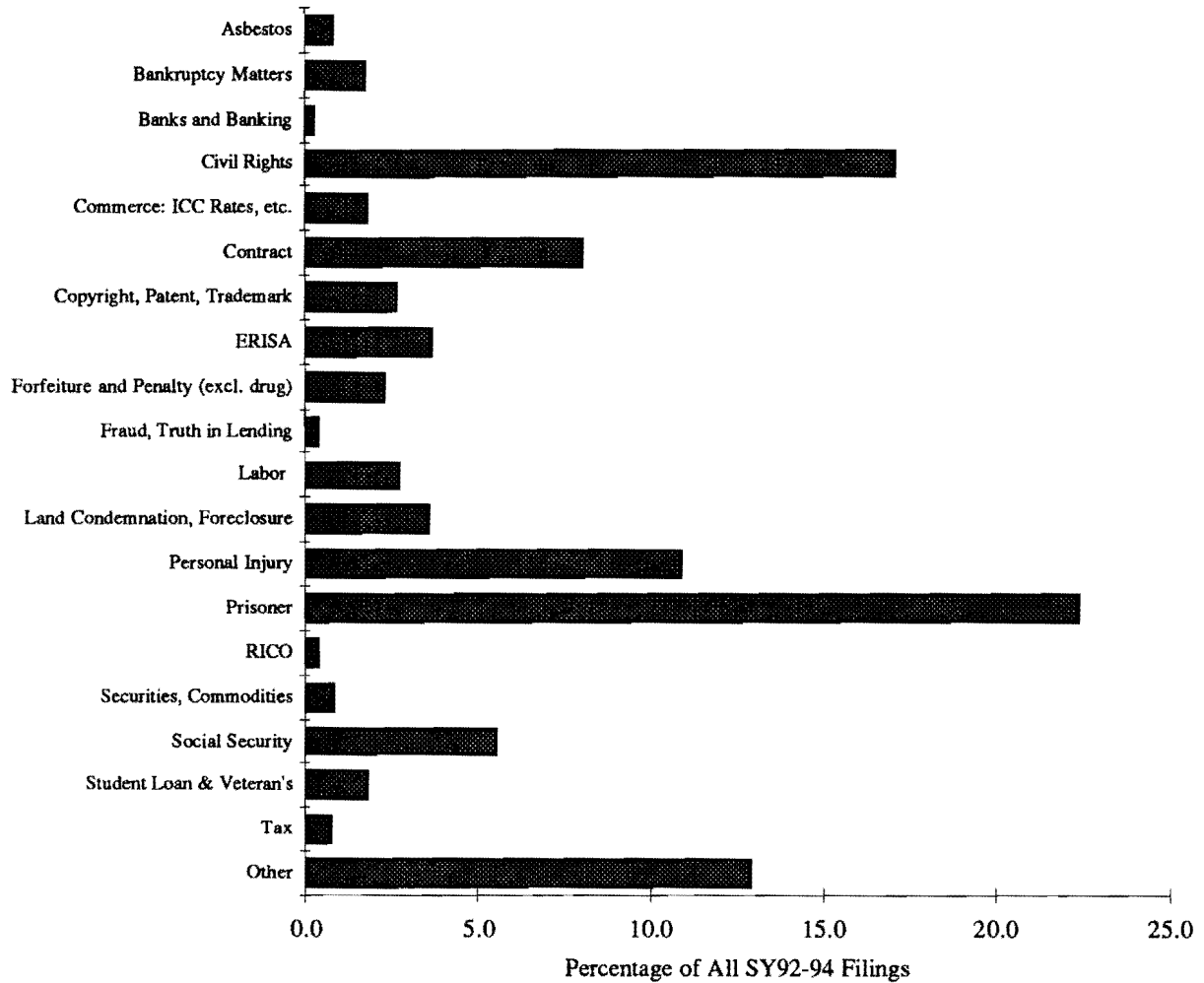
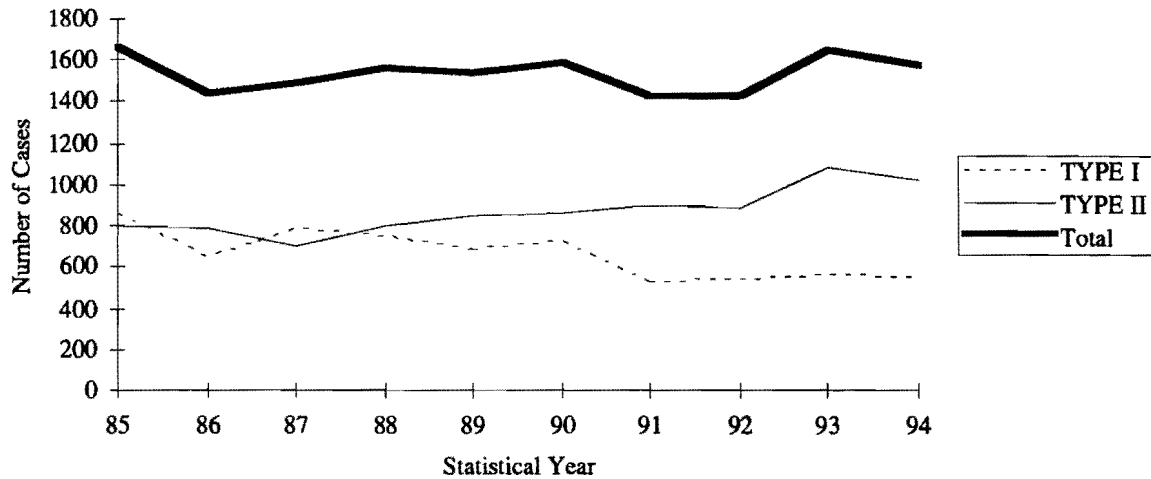


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of New York

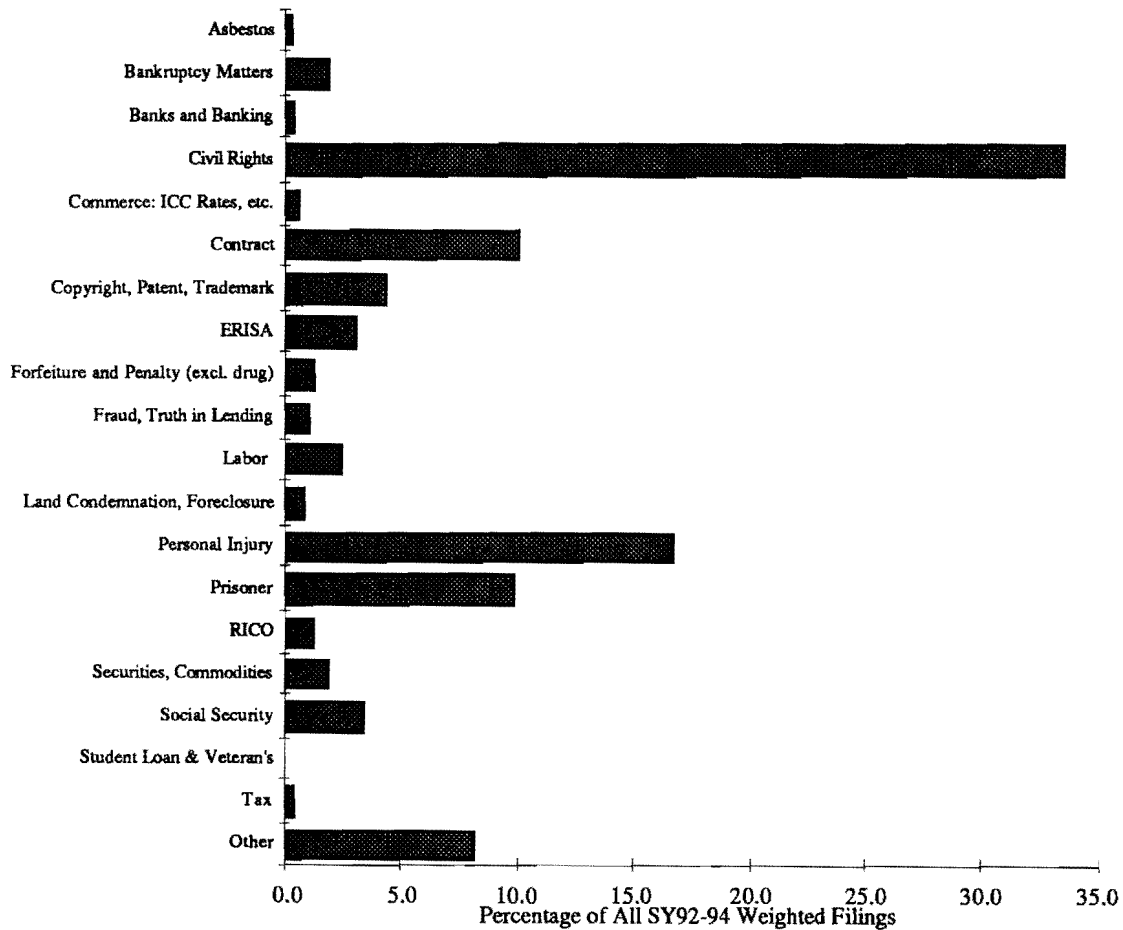


**Table 1: Filings by Case Type, SY85-94**

Western District of New York	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	1	2	217	71	14	155	51	26	10	1
Bankruptcy Matters	41	33	35	25	20	34	46	30	22	27
Banks and Banking	2	0	2	0	1	0	4	6	2	3
Civil Rights	134	133	127	141	125	160	169	230	280	286
Commerce: ICC Rates, etc.	10	14	8	55	22	18	29	11	54	17
Contract	188	165	125	148	167	127	173	110	144	118
Copyright, Patent, Trademark	42	41	46	40	41	38	34	25	56	41
ERISA	37	14	17	20	29	28	32	45	62	61
Forfeiture and Penalty (excl. drug)	34	30	35	67	111	57	48	38	38	32
Fraud, Truth in Lending	4	8	10	11	10	8	3	12	3	3
Labor	55	74	66	48	43	50	37	40	45	43
Land Condemnation, Foreclosure	35	32	23	51	34	42	28	33	61	73
Personal Injury	141	158	132	129	164	154	108	135	170	202
Prisoner	389	359	381	374	438	364	280	329	355	358
RICO	0	0	0	2	4	5	7	3	7	5
Securities, Commodities	10	13	11	9	18	15	16	13	9	13
Social Security	238	182	127	183	101	69	65	66	98	92
Student Loan and Veteran's	160	42	6	50	79	67	54	59	19	6
Tax	25	13	9	21	18	13	16	6	19	7
All Other	117	126	112	116	102	185	228	210	196	191
All Civil Cases	1663	1439	1489	1561	1541	1589	1428	1427	1650	1579

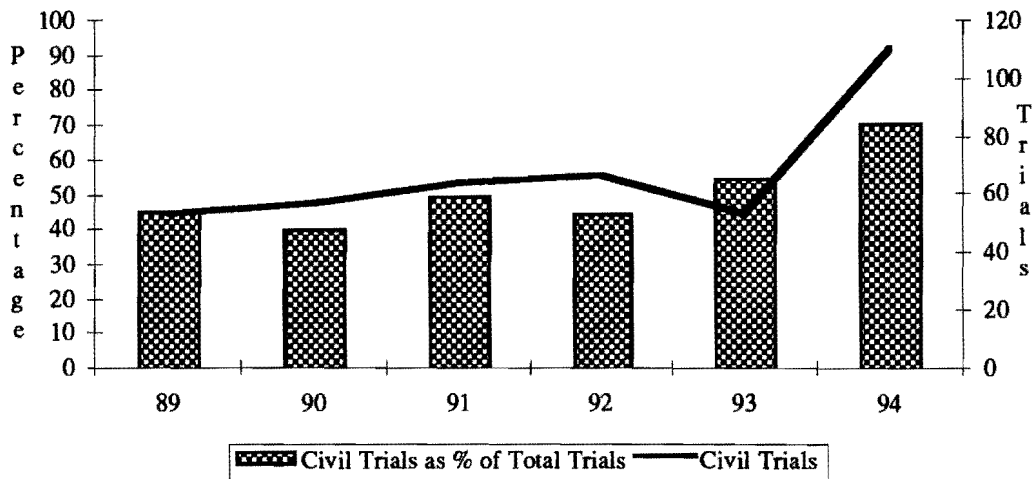
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Western District of New York**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Western District of New York**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

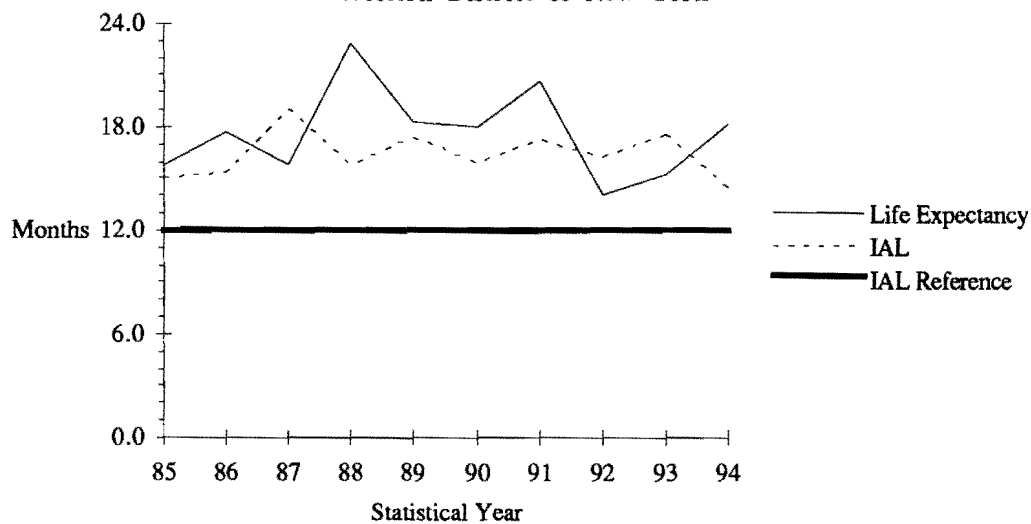
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

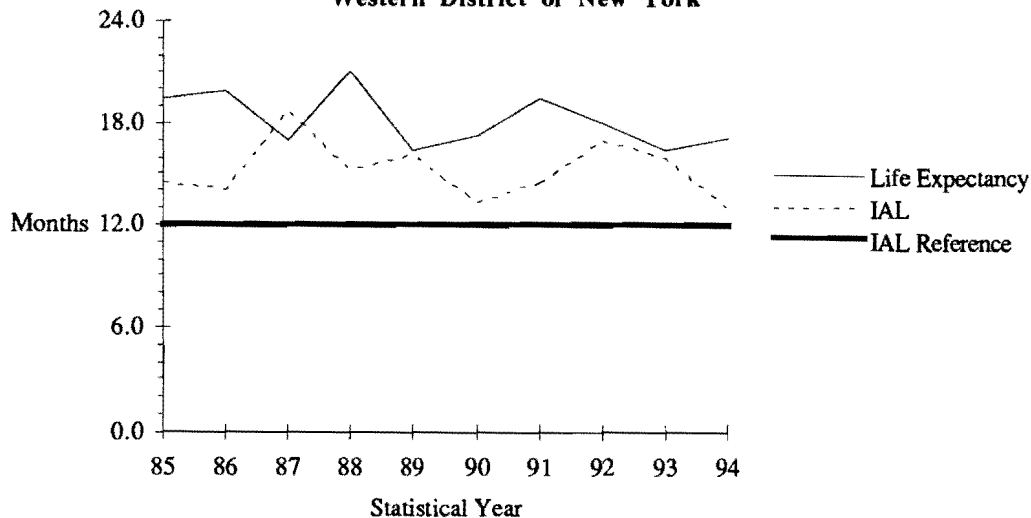
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of New York**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of New York**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Western District of New York  
 Termination Category (Percent 3 or more years old)

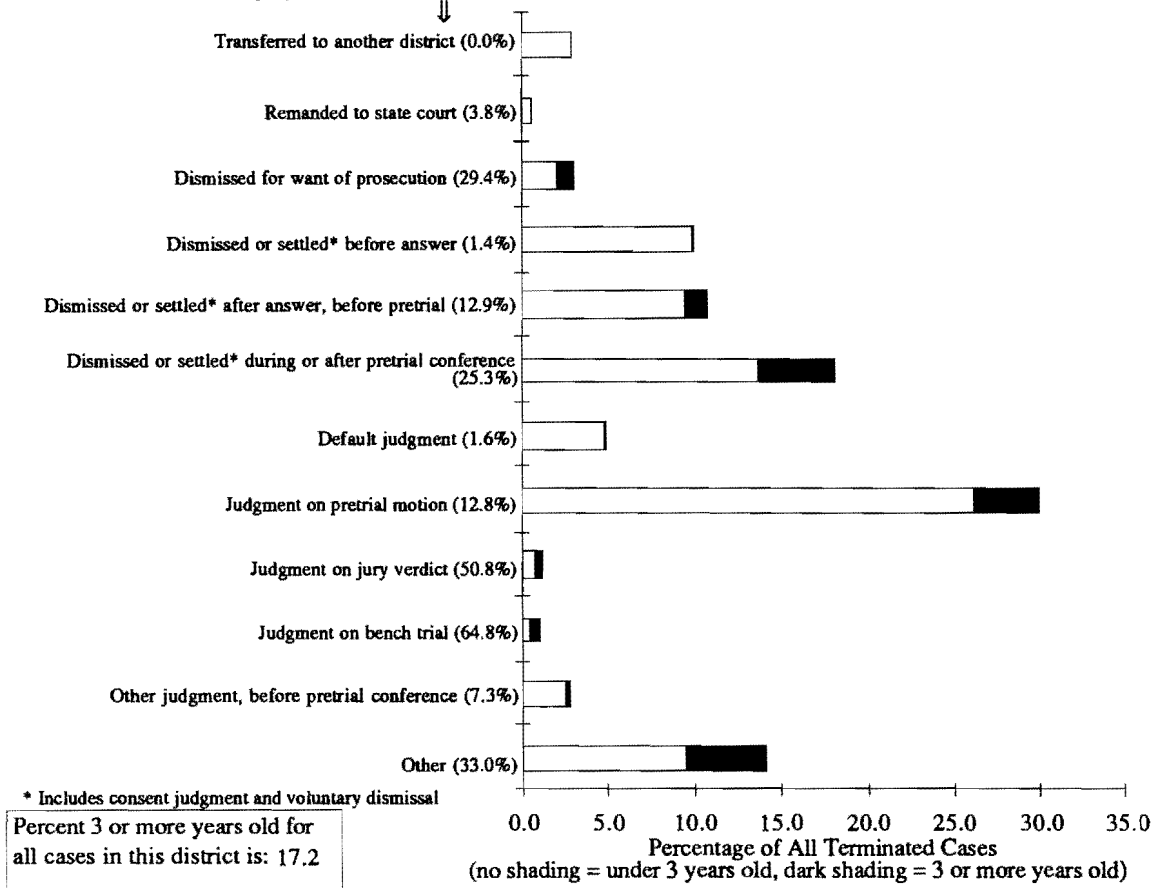
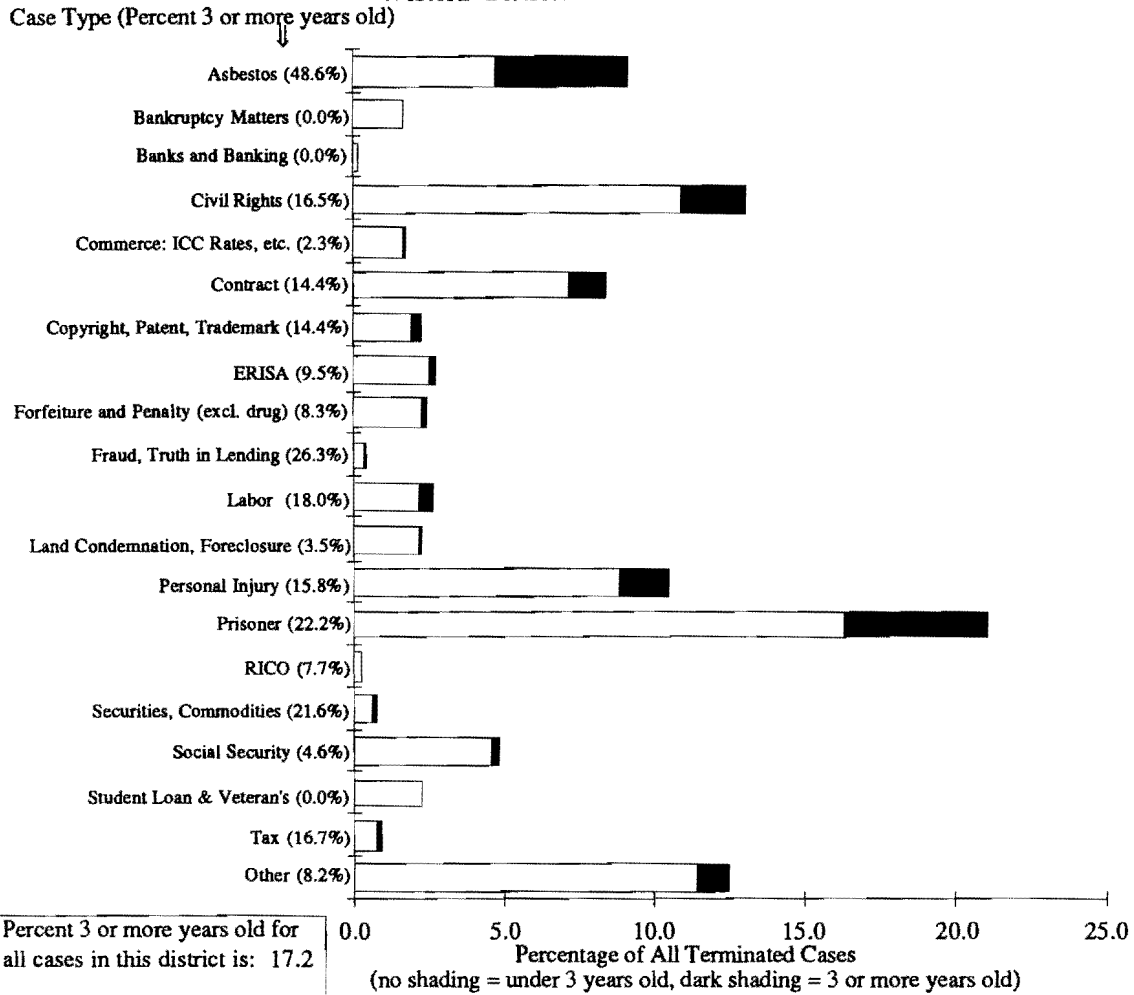


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of New York



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

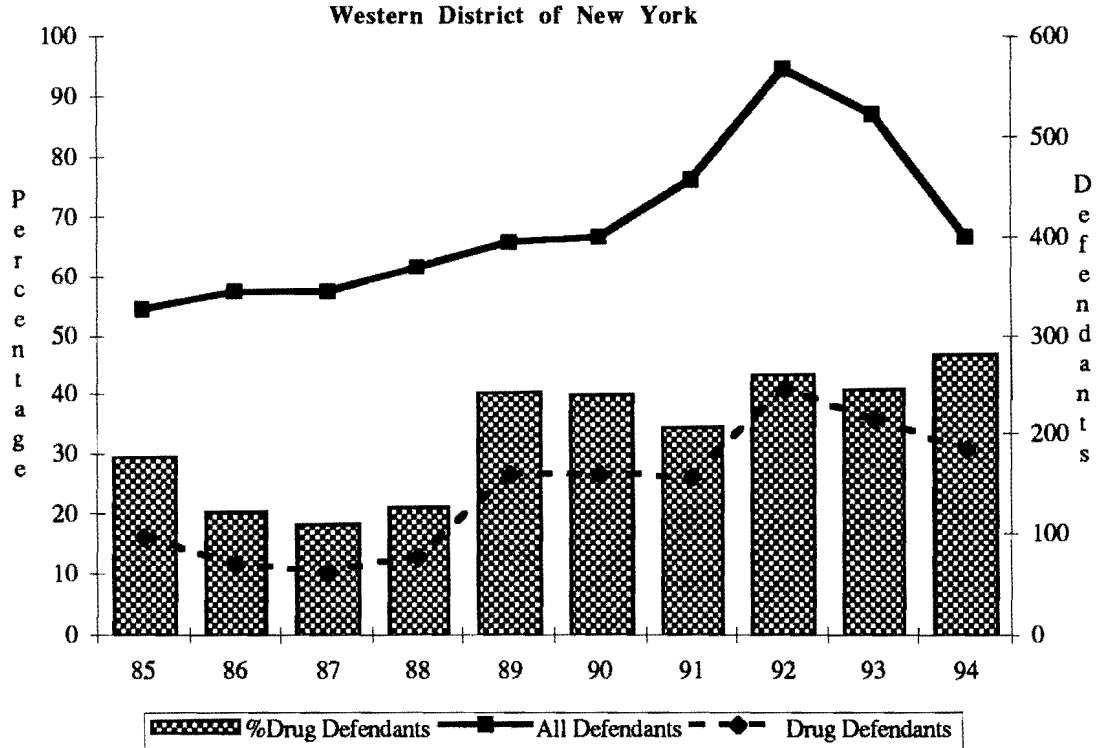
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

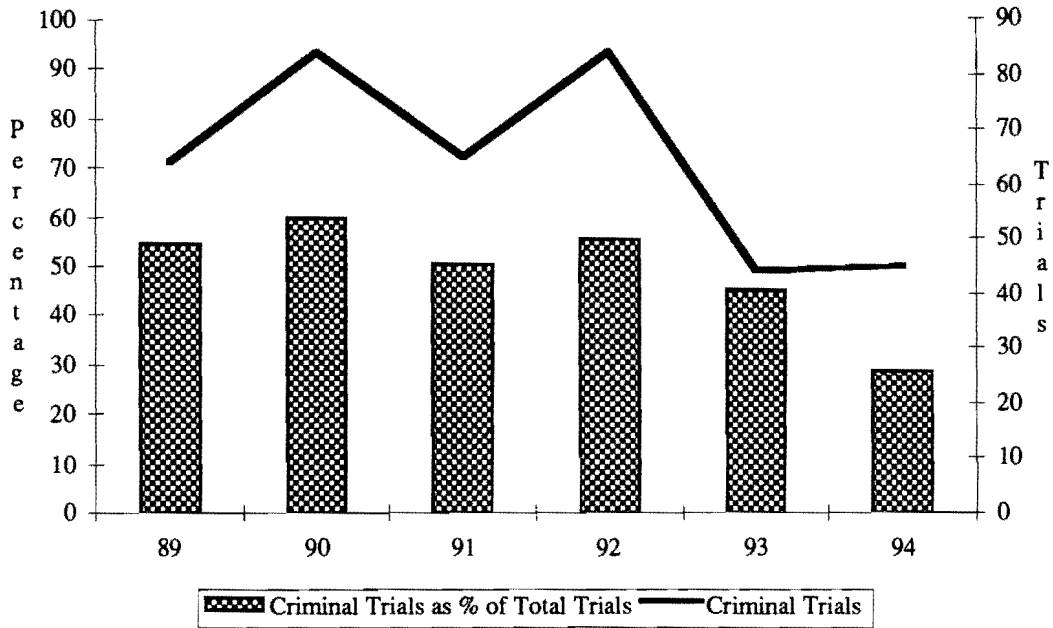
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**For more information on caseload issues**

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Vermont

## NOTES:

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- appeals of Social Security Administration benefit denials
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- land condemnation cases
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- personal injury cases other than asbestos
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- securities cases
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Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
District of Vermont**

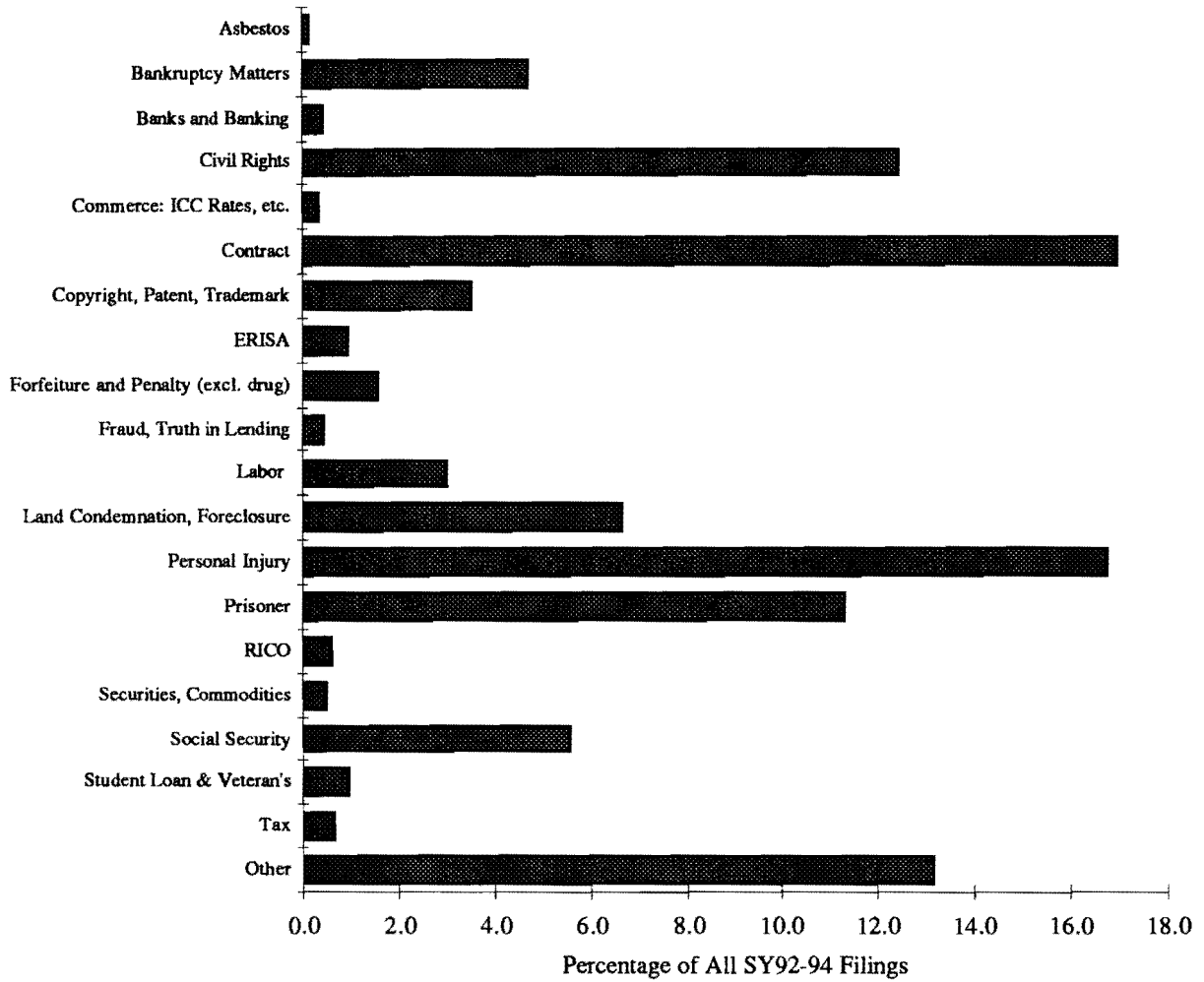
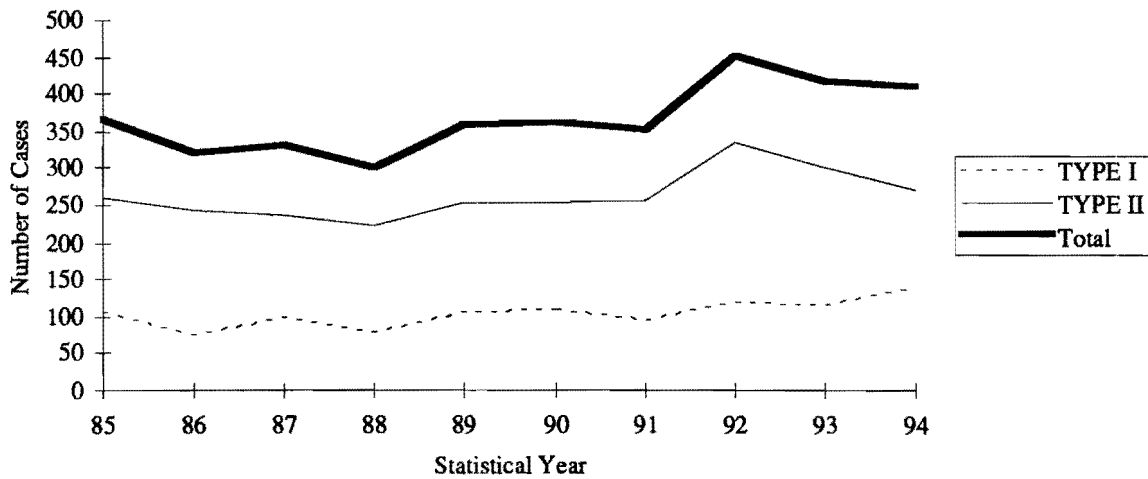


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Vermont

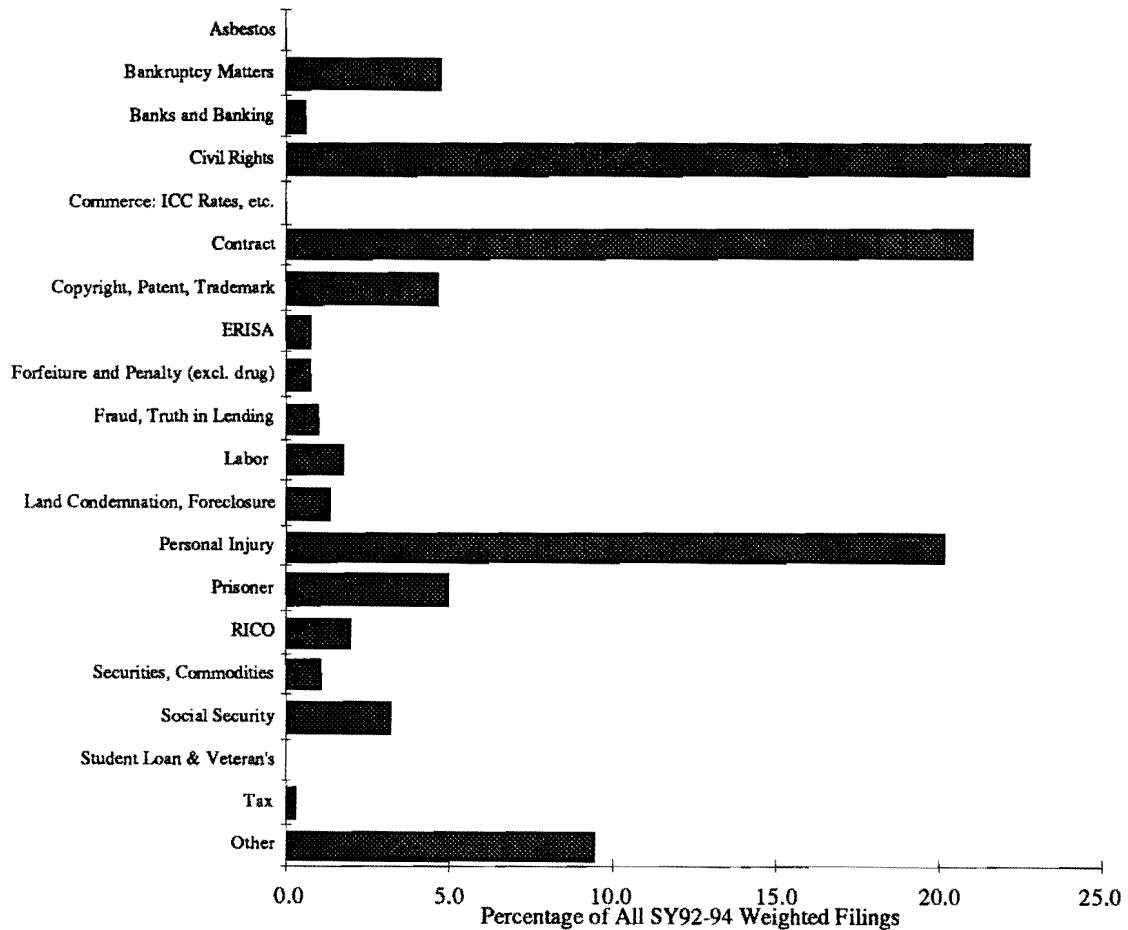


**Table 1: Filings by Case Type, SY85-94**

District of Vermont	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	0	0	1	0	0	0	0	1	0
Bankruptcy Matters	8	8	6	4	4	7	8	12	26	22
Banks and Banking	0	2	2	0	0	0	1	1	0	4
Civil Rights	34	32	16	29	27	26	39	45	65	49
Commerce: ICC Rates, etc.	0	0	2	1	1	0	0	2	0	2
Contract	40	55	52	65	67	63	65	88	68	61
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ERISA	0	2	1	1	0	1	2	3	4	5
Forfeiture and Penalty (excl. drug)	12	11	9	11	32	8	5	11	3	6
Fraud, Truth in Lending	2	6	4	2	1	4	1	2	2	1
Labor	14	7	13	8	6	2	10	15	15	8
Land Condemnation, Foreclosure	17	18	23	15	16	15	24	34	13	38
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Prisoner	15	20	42	27	57	57	44	47	44	50
RICO	0	1	1	1	4	2	0	3	3	1
Securities, Commodities	6	6	9	2	5	3	1	4	0	2
Social Security	46	27	27	29	24	27	19	22	24	25
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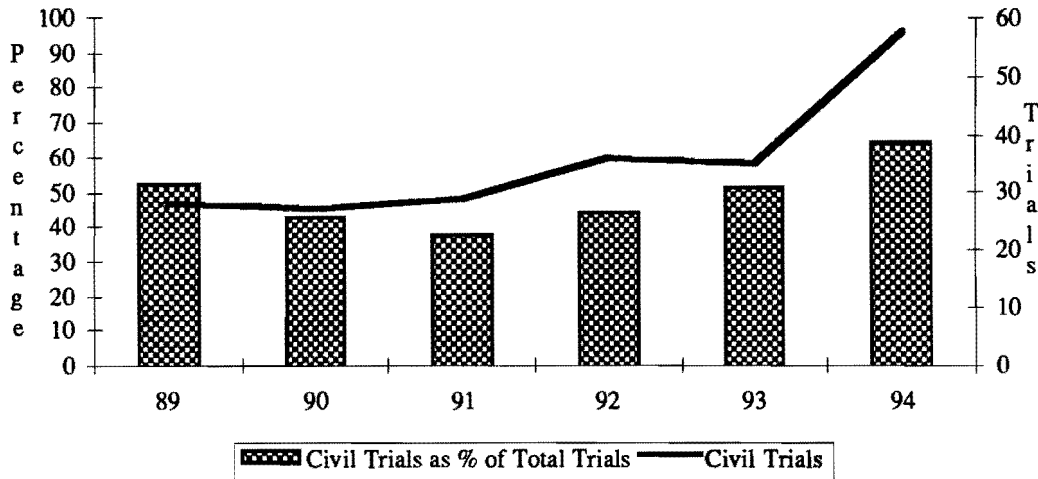
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of Vermont**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of Vermont**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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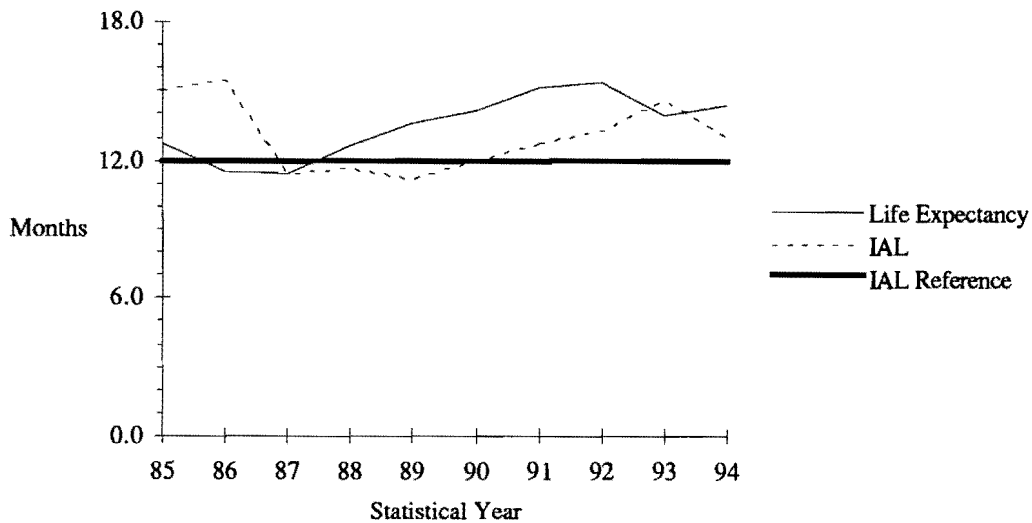
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



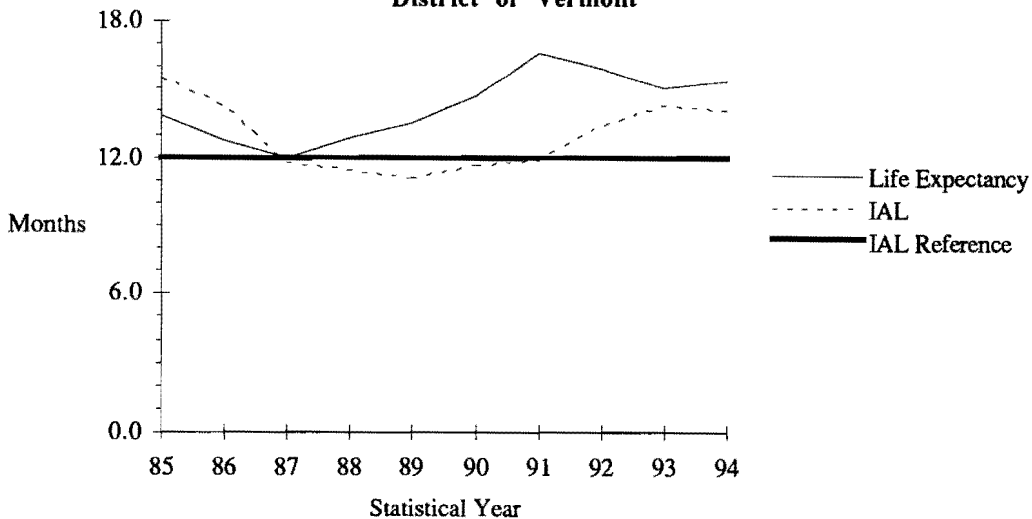
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Vermont**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Vermont**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 District of Vermont  
 Termination Category (Percent 3 or more years old)

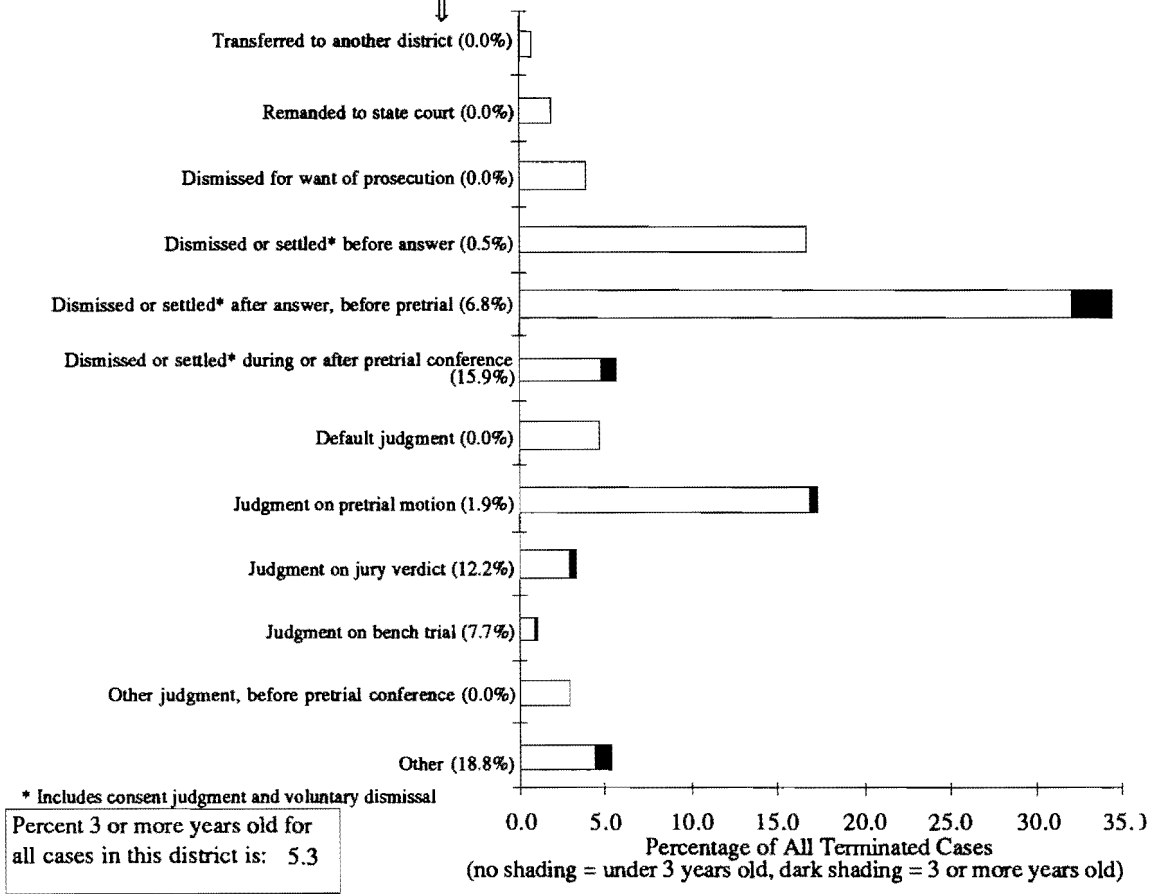
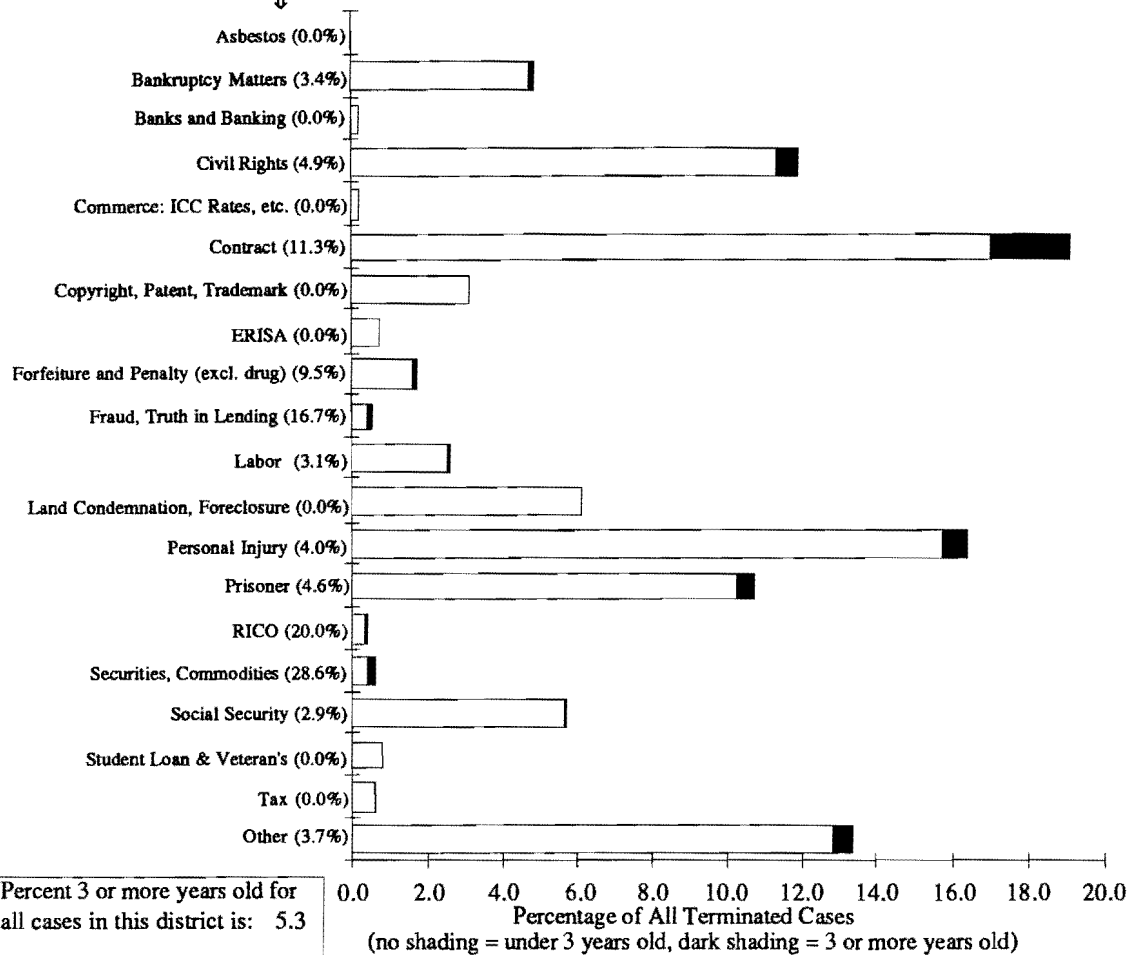


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Vermont

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

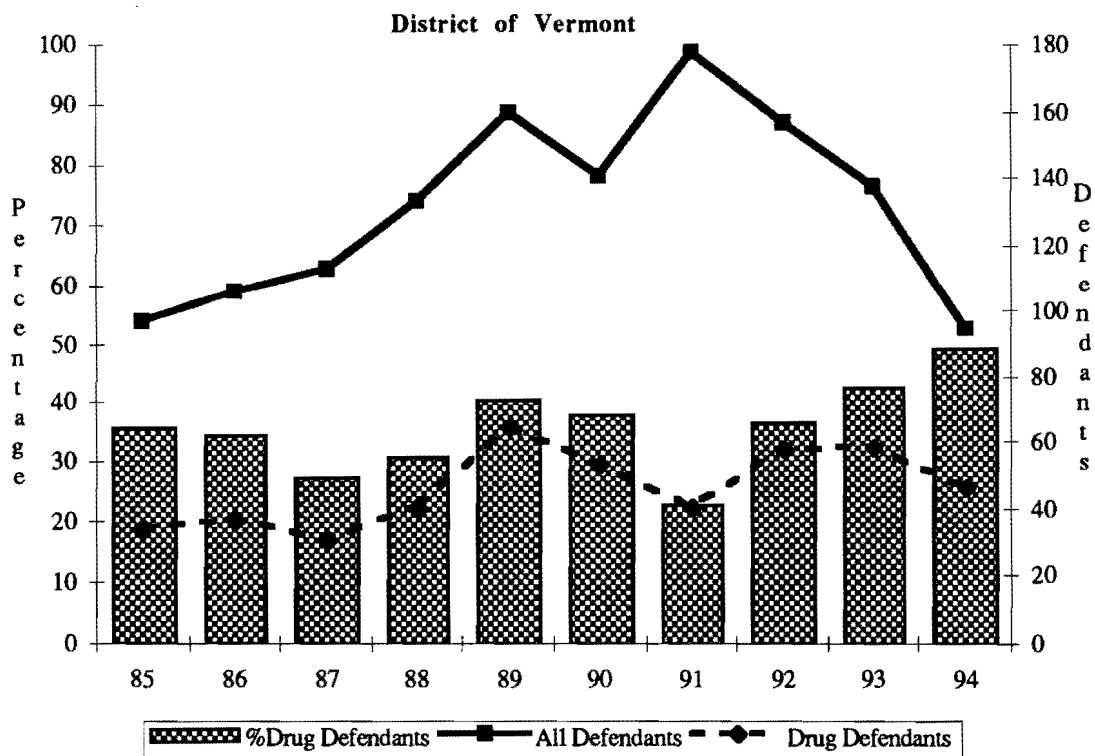
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

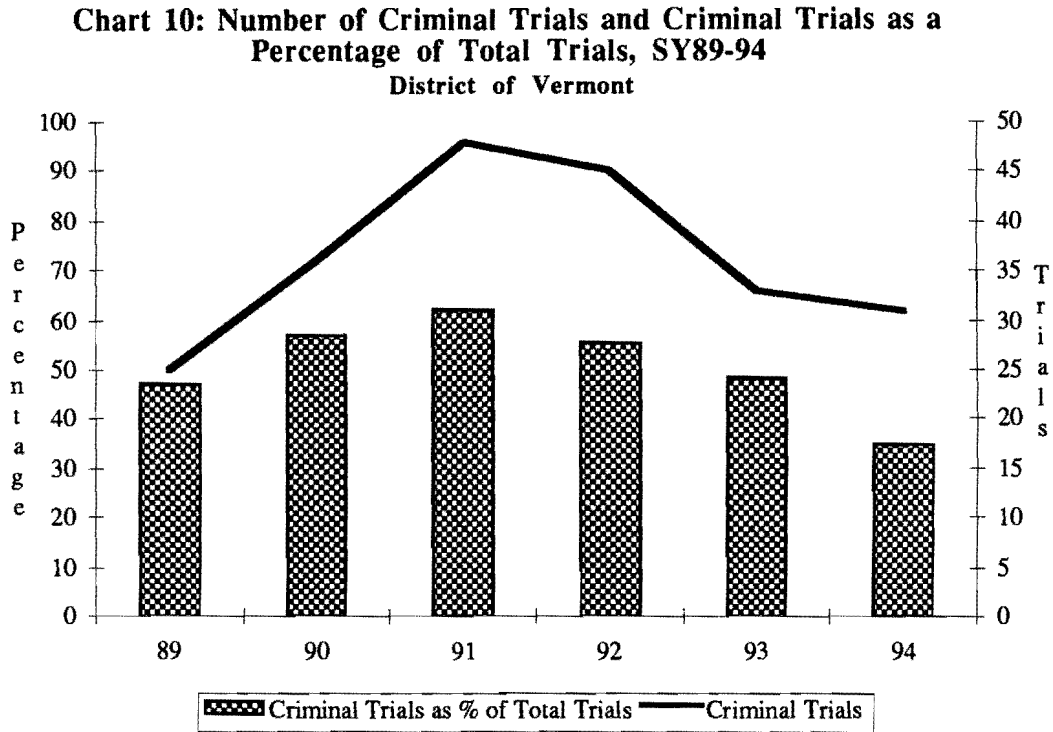
**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Delaware

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Delaware

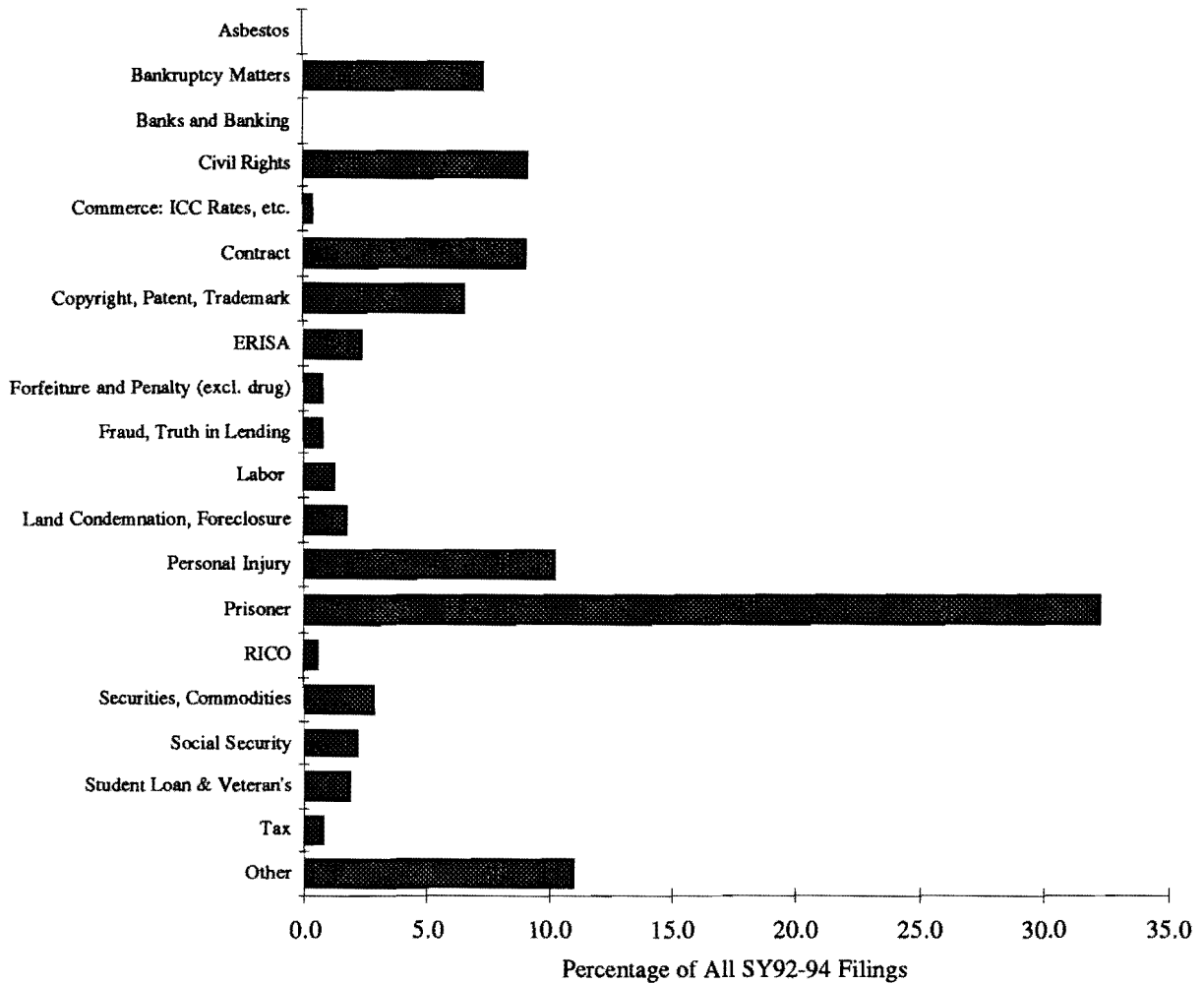
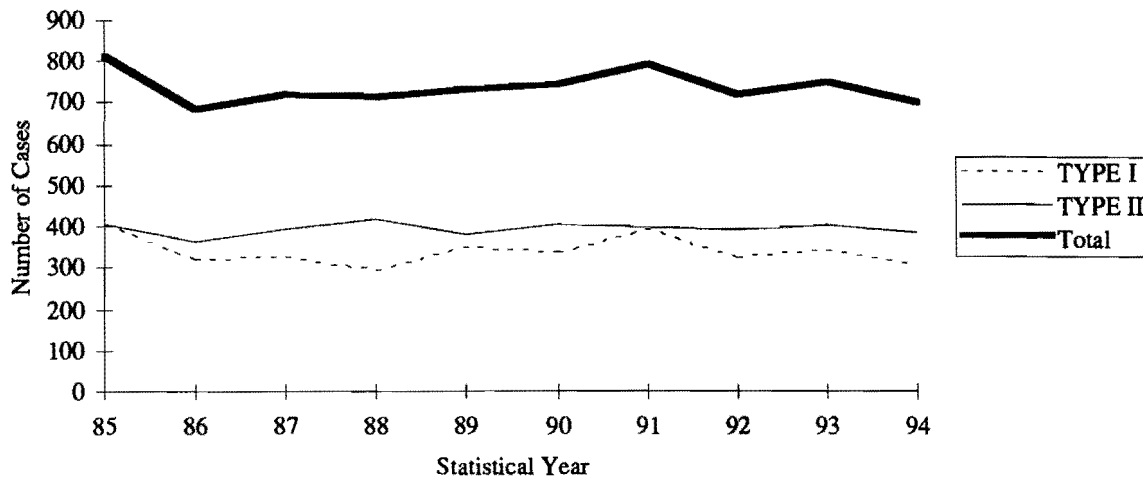


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Delaware

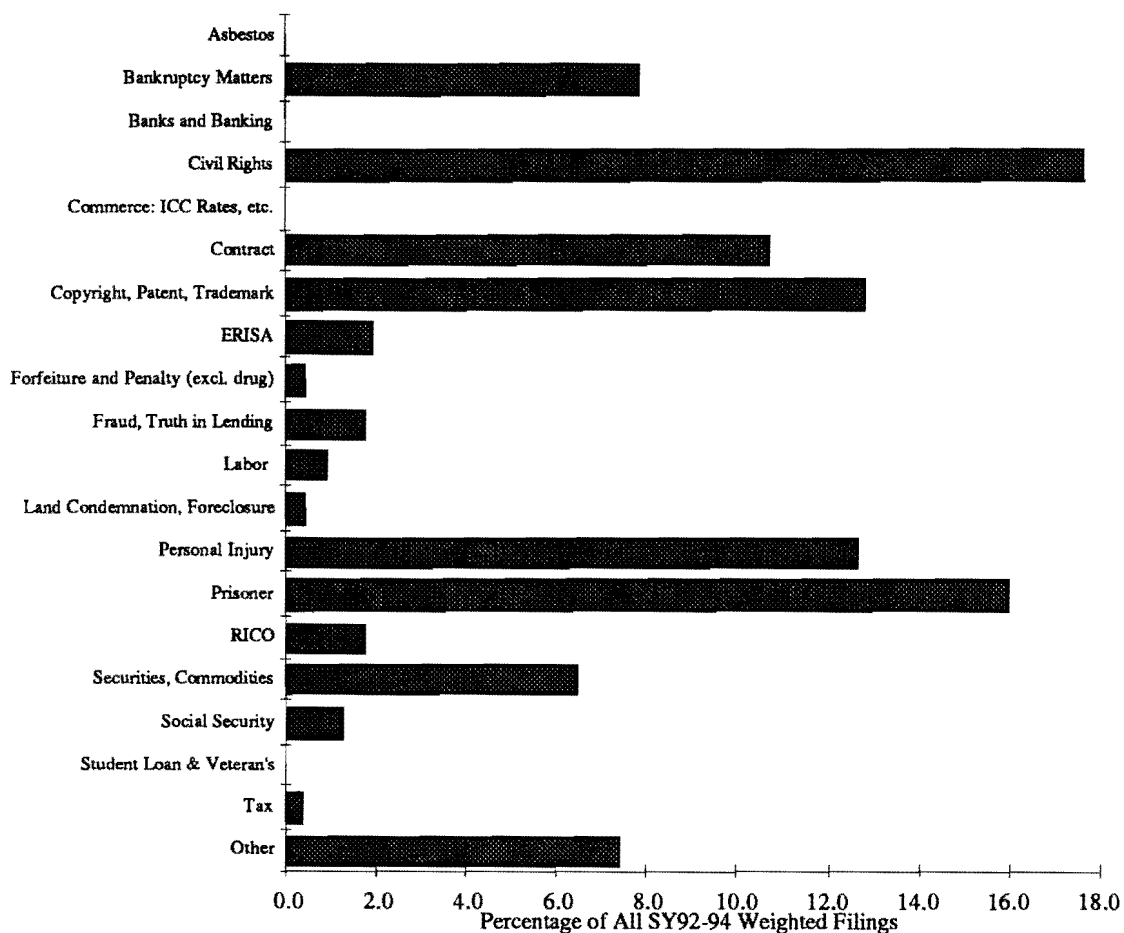


**Table 1: Filings by Case Type, SY85-94**

District of Delaware	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	8	17	3	14	16	1	0	0	0	1
Bankruptcy Matters	6	1	7	9	11	9	53	52	61	46
Banks and Banking	0	1	1	1	1	0	0	0	1	0
Civil Rights	41	46	37	38	35	44	52	53	75	70
Commerce: ICC Rates, etc.	1	1	1	5	5	1	4	4	2	0
Contract	100	91	99	85	86	66	68	66	64	65
Copyright, Patent, Trademark	59	35	47	47	48	42	45	34	50	57
ERISA	3	2	5	10	5	8	10	10	25	15
Forfeiture and Penalty (excl. drug)	6	2	3	6	19	10	3	3	7	6
Fraud, Truth in Lending	4	5	9	4	8	6	5	5	9	1
Labor	9	5	10	7	9	9	7	11	5	9
Land Condemnation, Foreclosure	8	49	28	20	16	22	11	17	8	12
Personal Injury	96	96	116	107	82	81	88	81	75	65
Prisoner	260	185	231	213	269	272	300	210	254	237
RICO	0	0	2	5	1	6	10	4	4	2
Securities, Commodities	18	22	15	42	21	19	25	30	20	10
Social Security	34	18	23	22	14	21	22	12	21	13
Student Loan and Veteran's	89	49	36	17	25	15	8	34	2	2
Tax	3	4	3	4	8	1	7	7	4	4
All Other	67	54	47	58	54	111	78	86	63	87
All Civil Cases	812	683	723	714	733	744	796	719	750	702

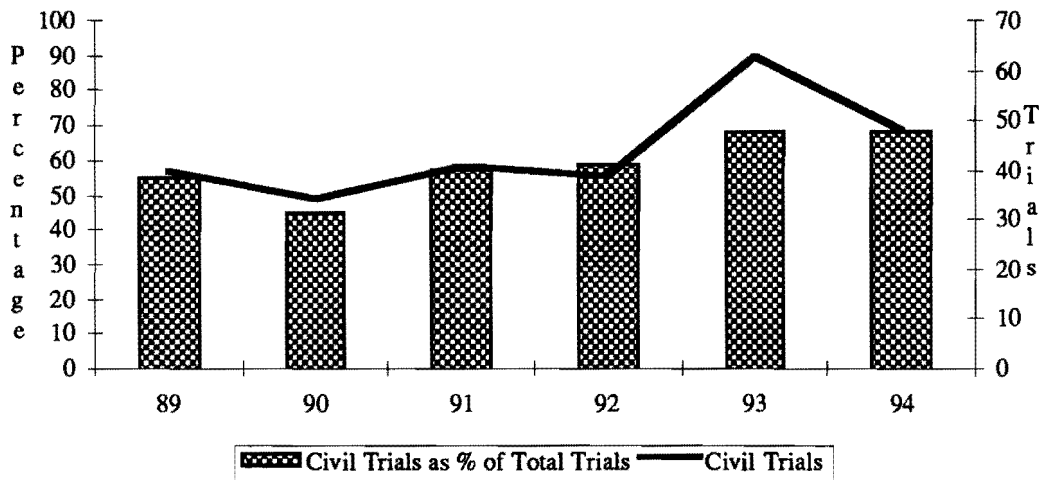
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
District of Delaware



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
District of Delaware



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

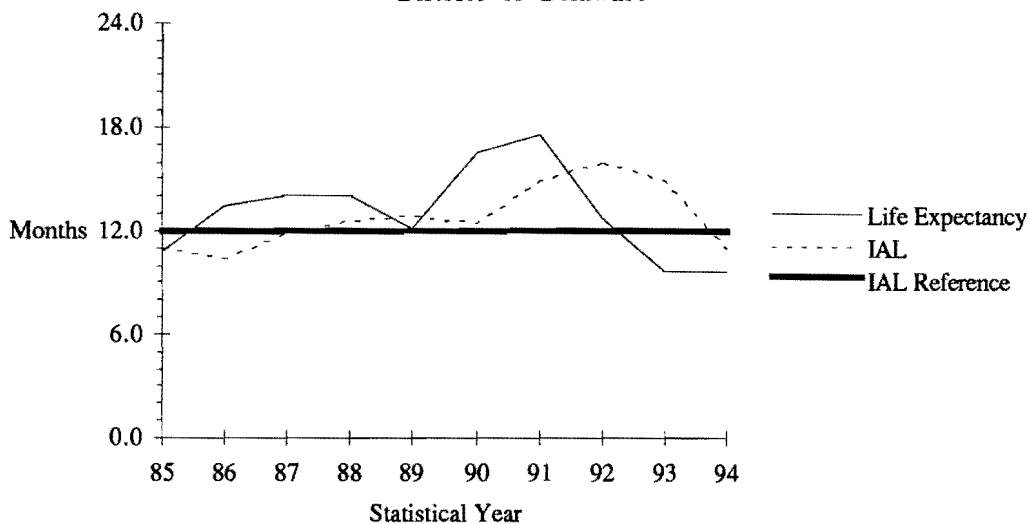
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

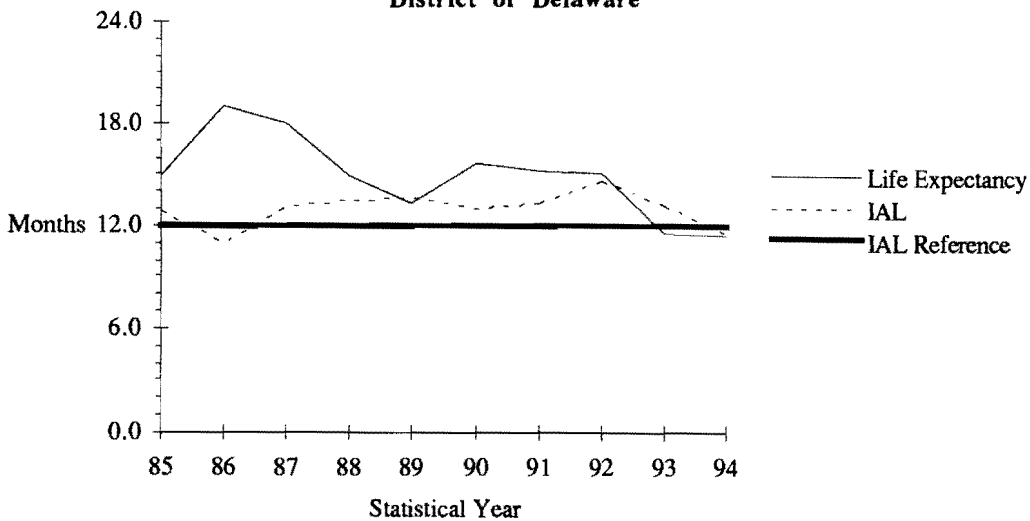
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Delaware**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Delaware**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

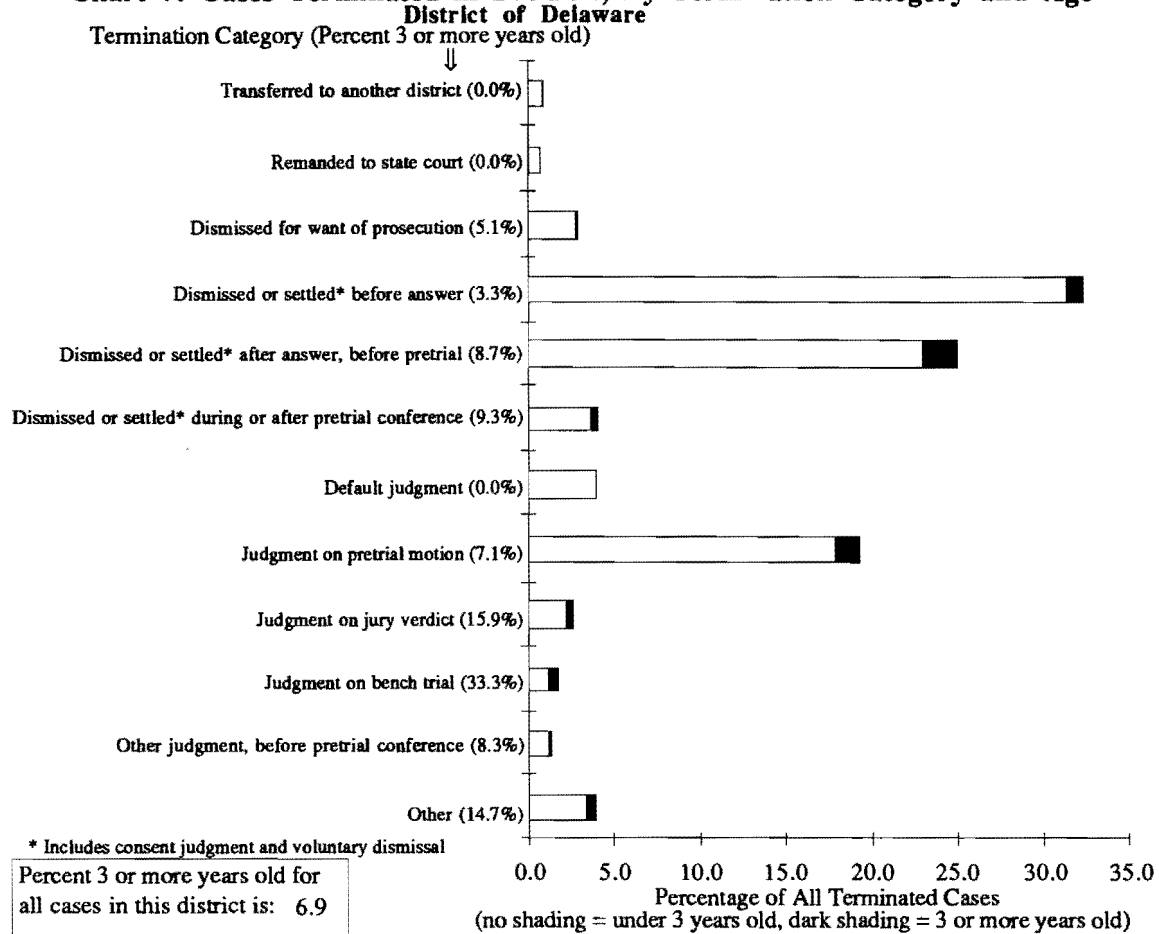
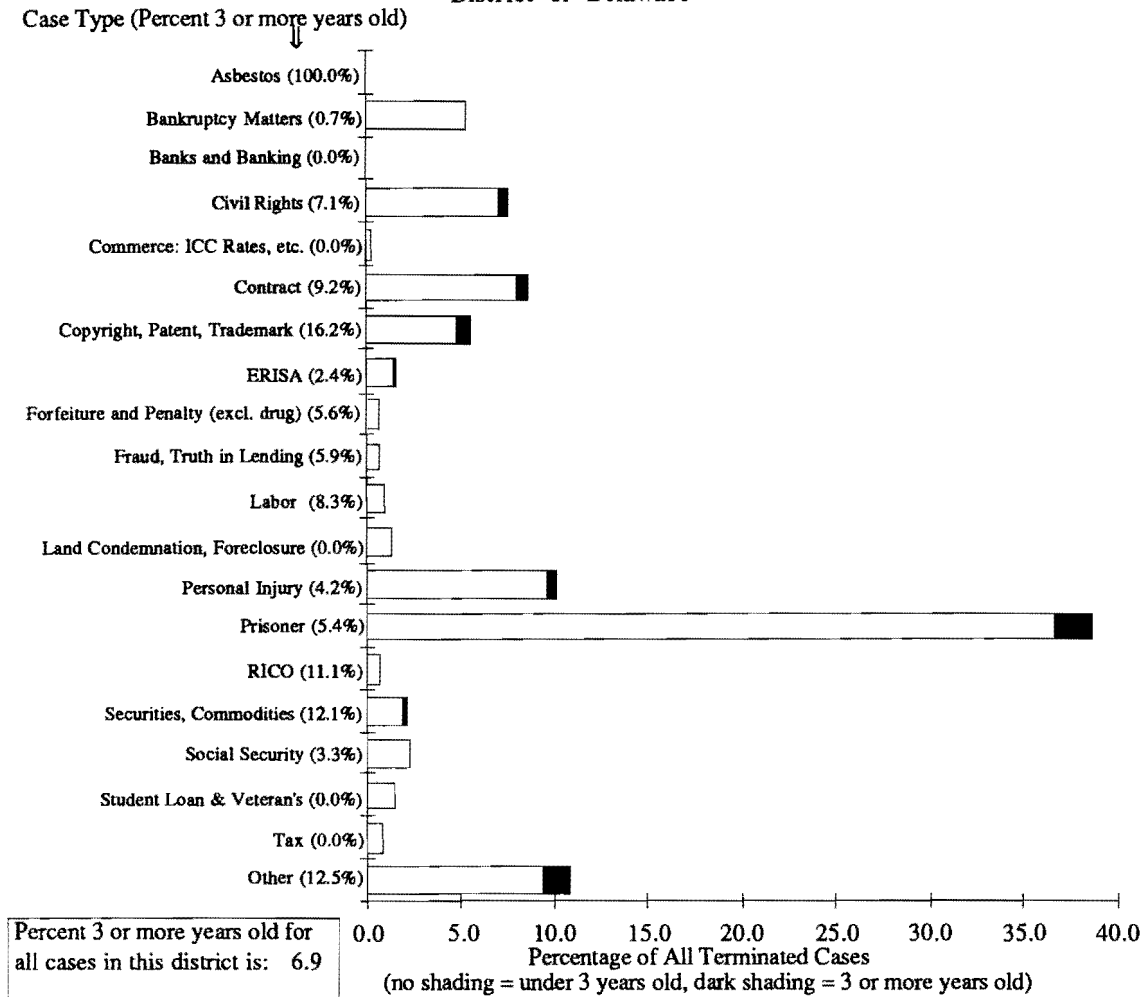


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Delaware



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

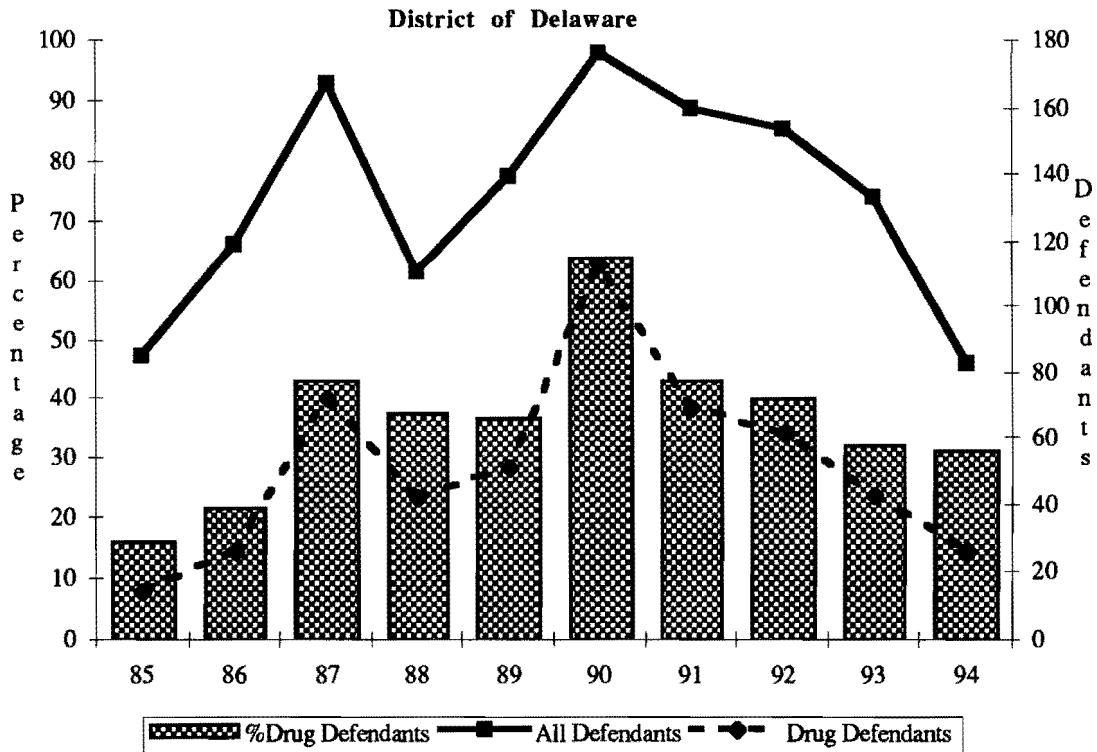
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

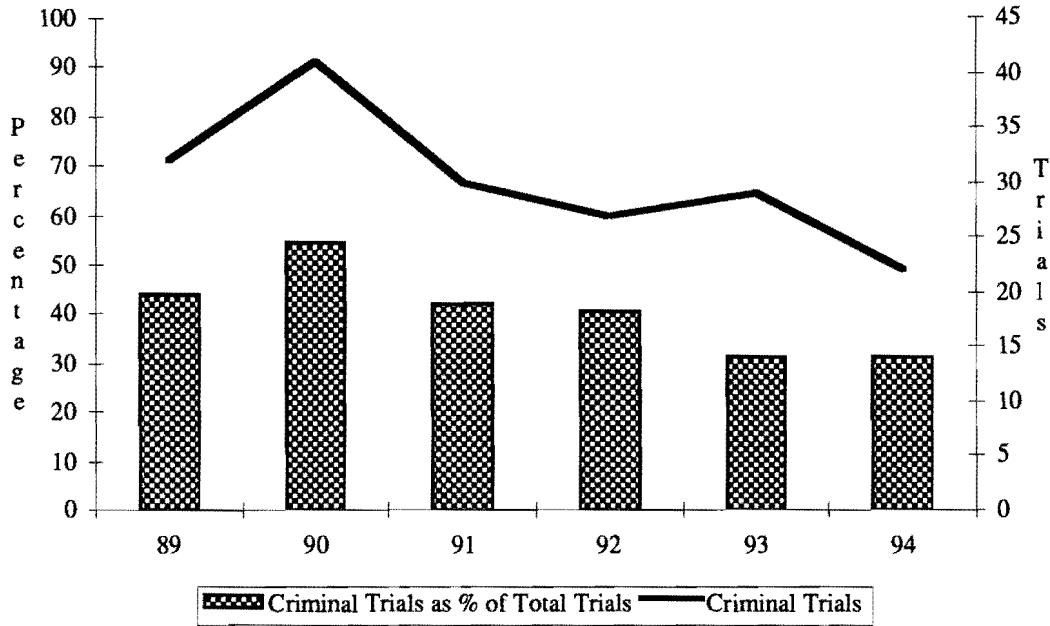
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
District of Delaware



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of New Jersey

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of New Jersey

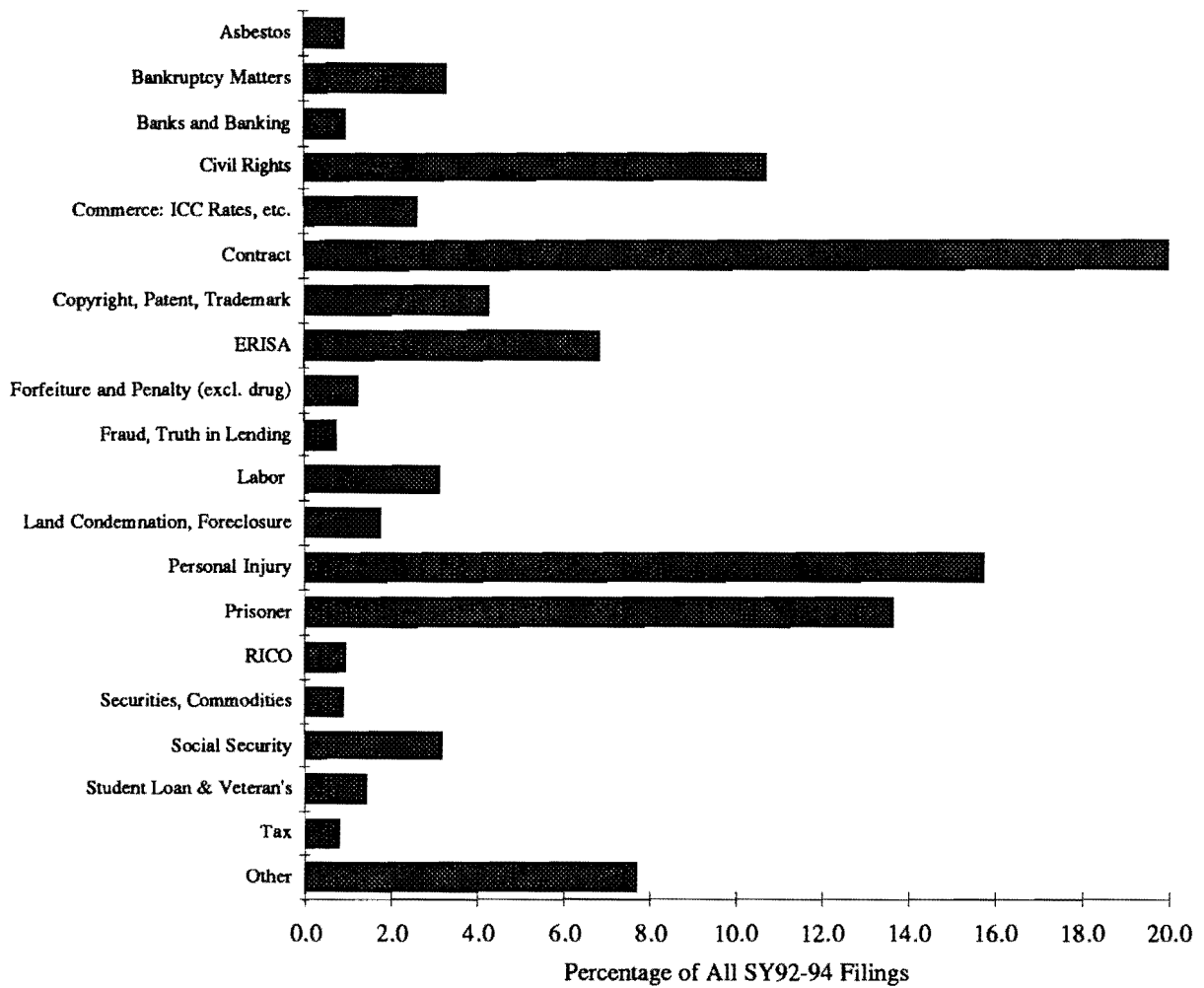
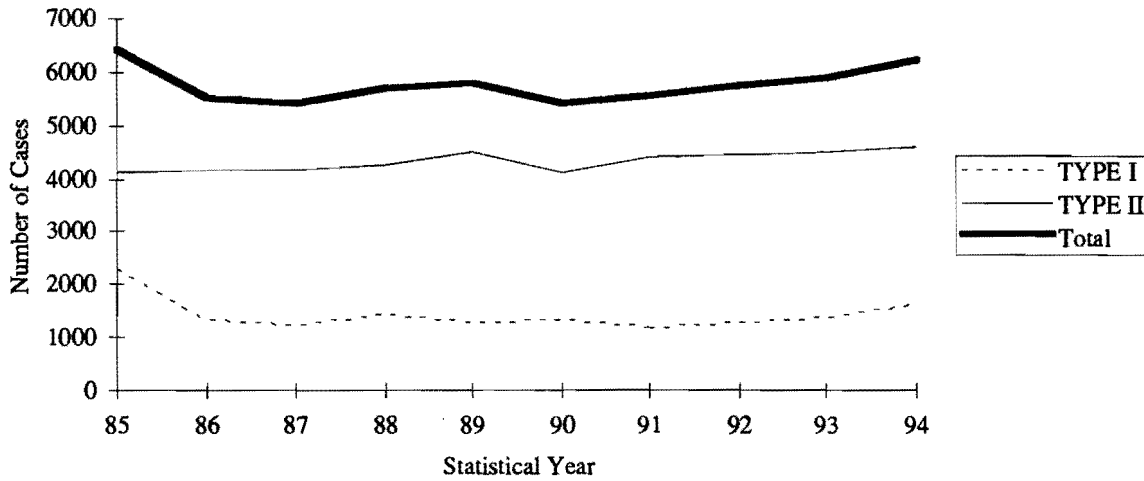


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of New Jersey

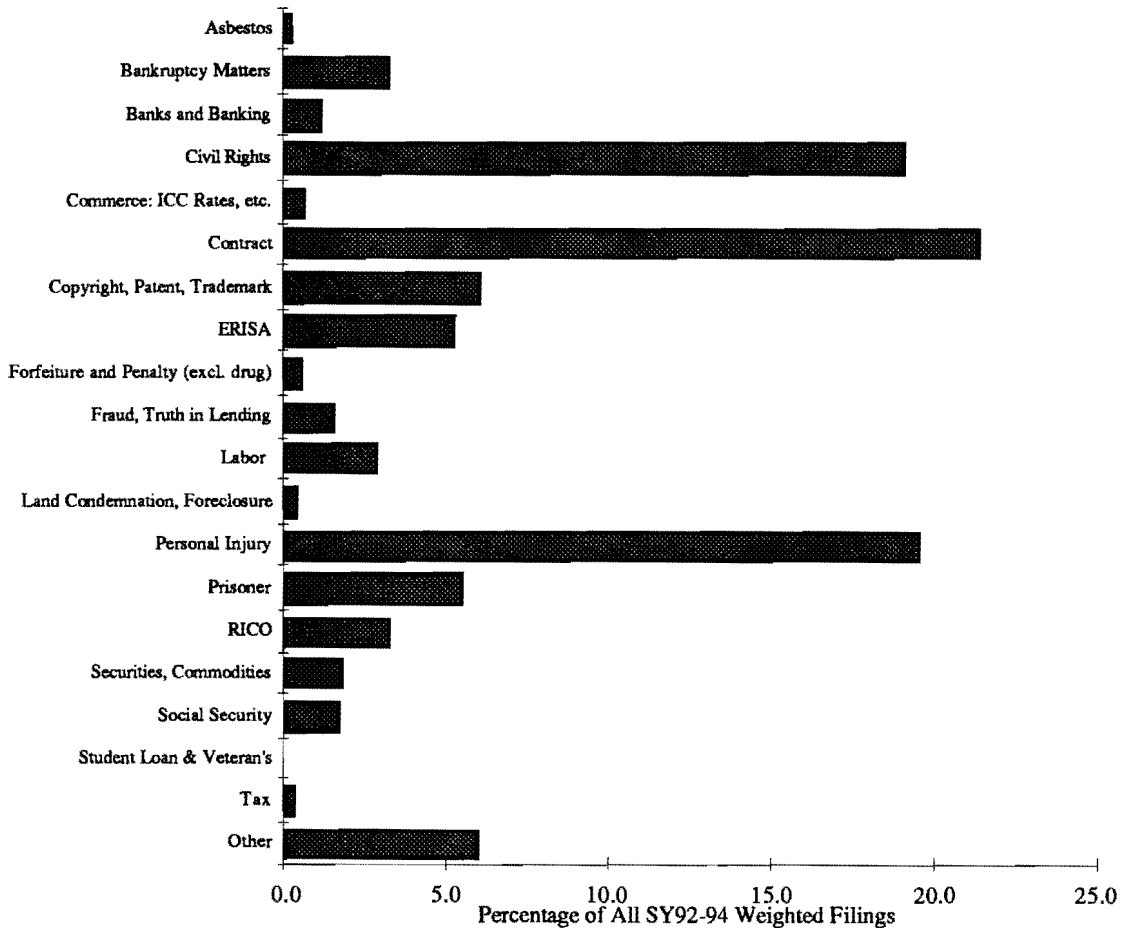


**Table 1: Filings by Case Type, SY85-94**

District of New Jersey	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	20	25	29	49	35	257	90	108	42	14
Bankruptcy Matters	79	95	219	244	95	125	122	166	192	221
Banks and Banking	6	10	4	18	7	12	28	19	70	76
Civil Rights	571	526	489	552	565	536	574	602	620	690
Commerce: ICC Rates, etc.	90	72	60	104	57	36	71	347	49	61
Contract	1272	1402	1428	1357	1472	1145	1193	1119	1233	1208
Copyright, Patent, Trademark	213	241	224	208	219	236	190	228	249	275
ERISA	113	139	131	155	193	249	327	406	436	373
Forfeiture and Penalty (excl. drug)	75	41	55	58	48	42	55	57	50	110
Fraud, Truth in Lending	30	33	43	45	46	32	56	52	30	37
Labor	214	229	167	164	195	199	165	179	201	173
Land Condemnation, Foreclosure	110	47	96	90	30	27	68	140	101	69
Personal Injury	958	921	992	968	1006	882	925	882	916	1011
Prisoner	723	598	553	647	700	680	713	692	769	966
RICO	0	13	57	38	55	60	52	55	48	65
Securities, Commodities	103	74	100	81	90	91	71	54	41	56
Social Security	629	393	288	309	219	186	136	115	212	235
Student Loan and Veteran's	738	190	60	101	209	63	49	65	61	114
Tax	60	72	63	72	63	69	71	48	53	33
All Other	410	399	372	446	476	513	610	416	502	454
All Civil Cases	6414	5520	5430	5706	5780	5440	5566	5750	5875	6241

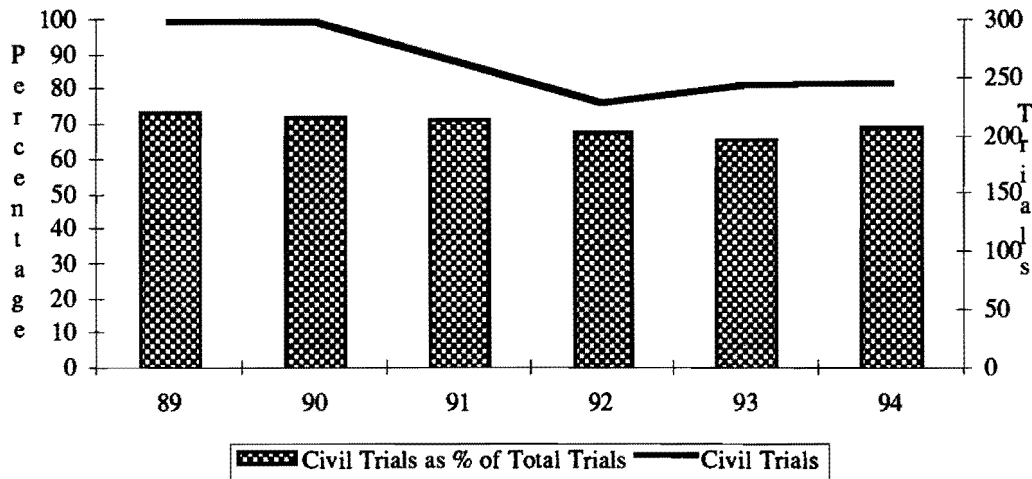
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of New Jersey**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
District of New Jersey



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

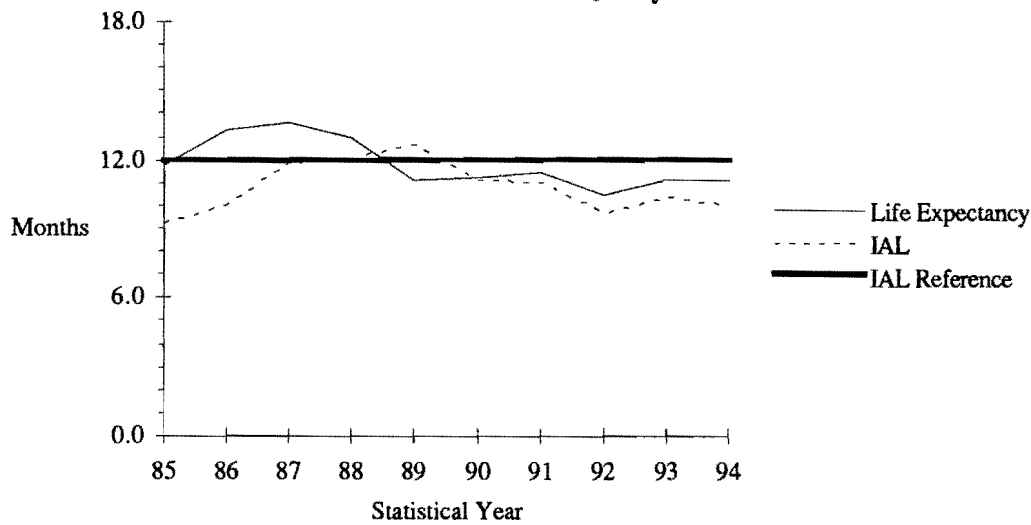
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



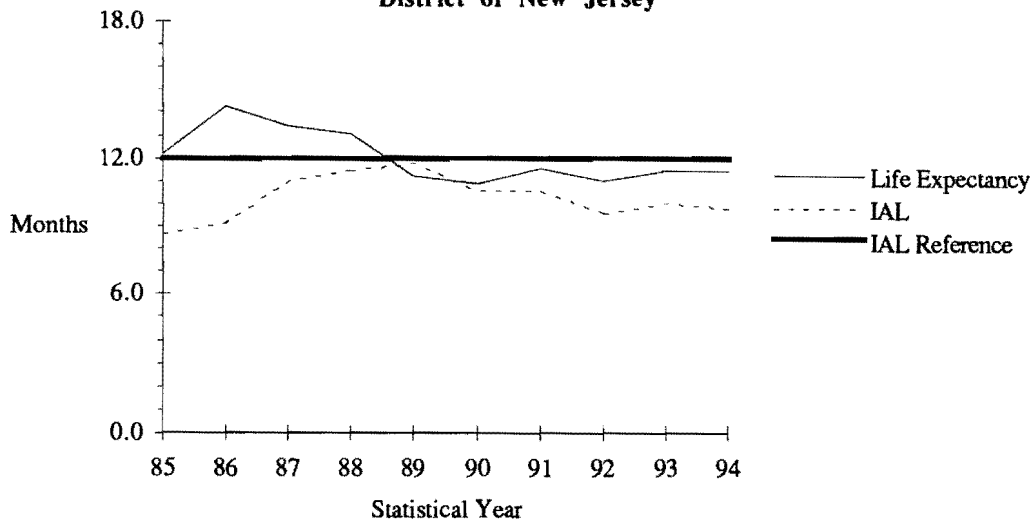
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94**  
District of New Jersey



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94**  
District of New Jersey



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**District of New Jersey**

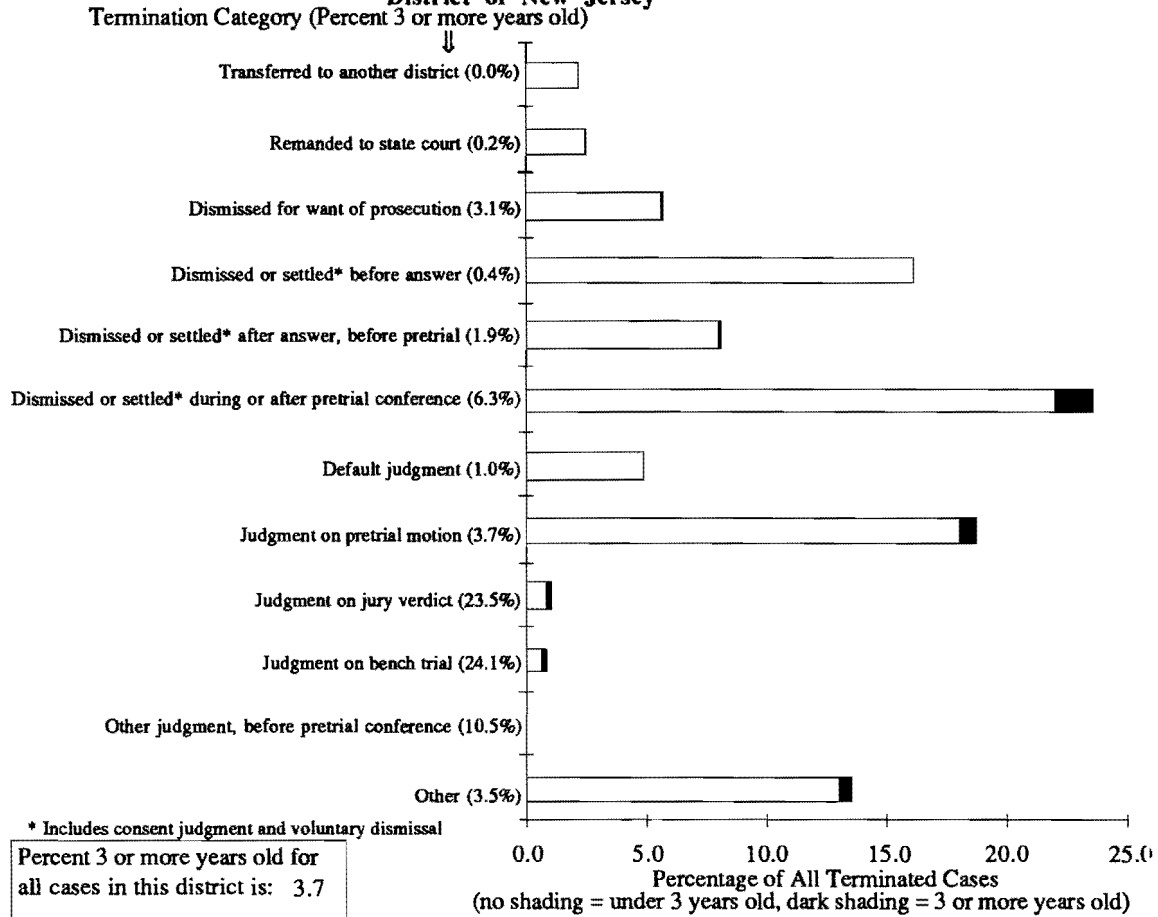
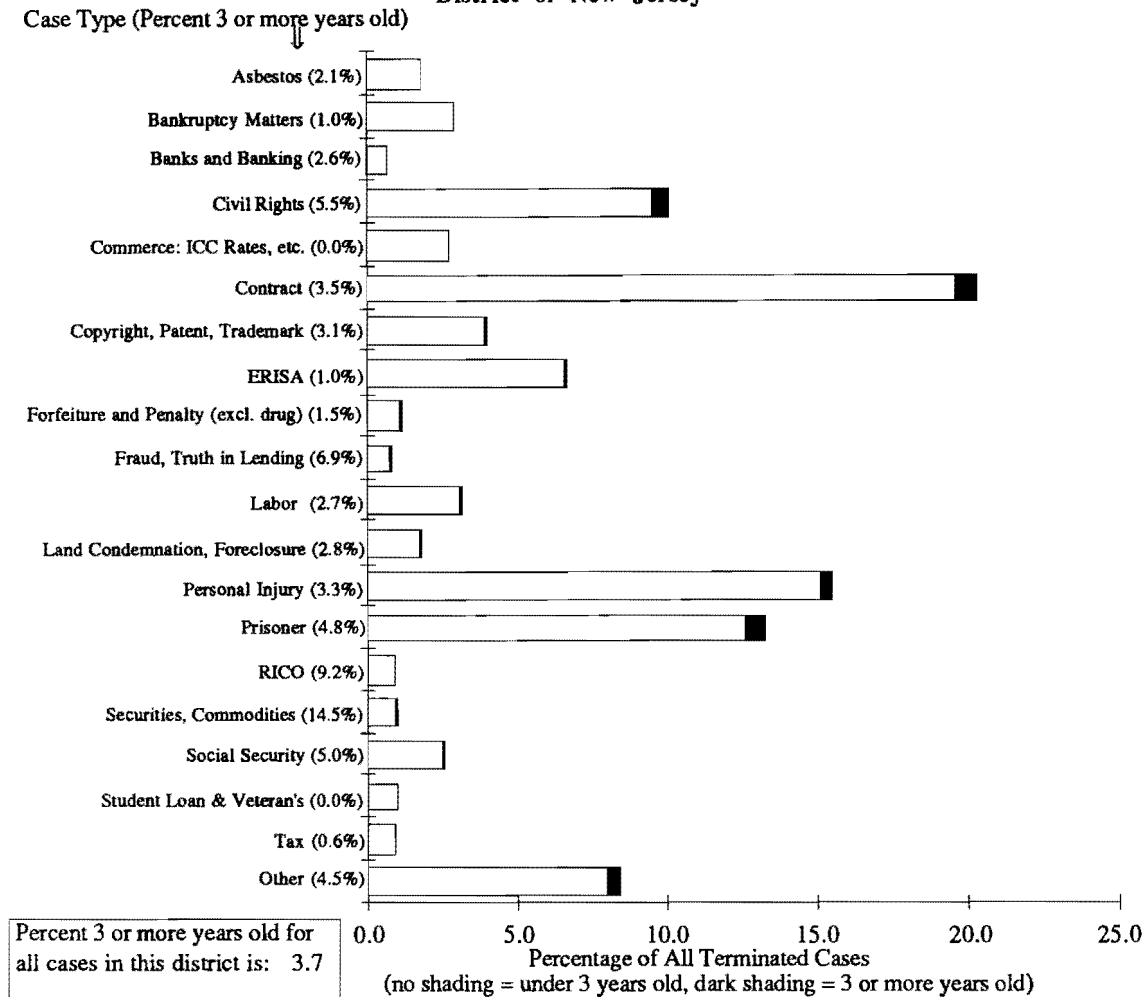


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of New Jersey



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

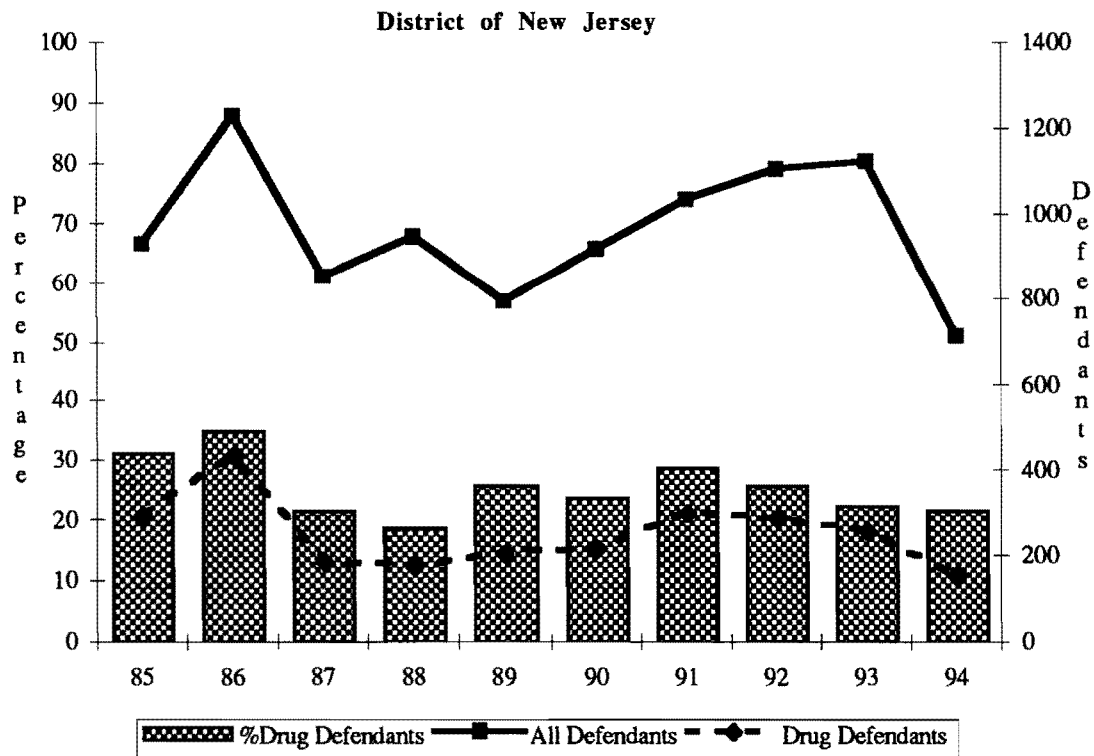
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

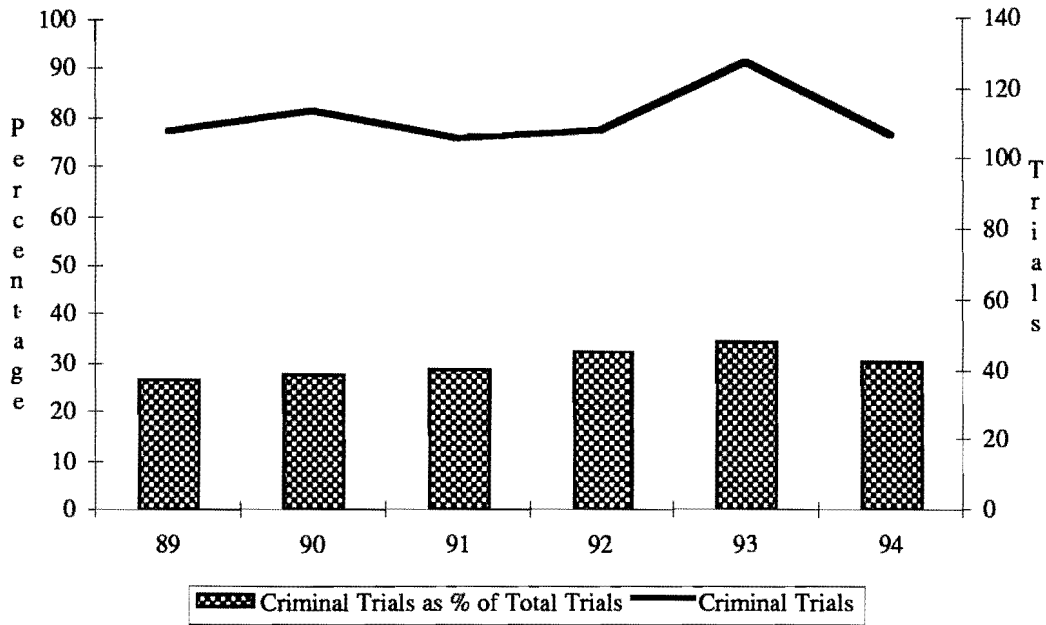
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
District of New Jersey



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of Pennsylvania

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Eastern District of Pennsylvania**

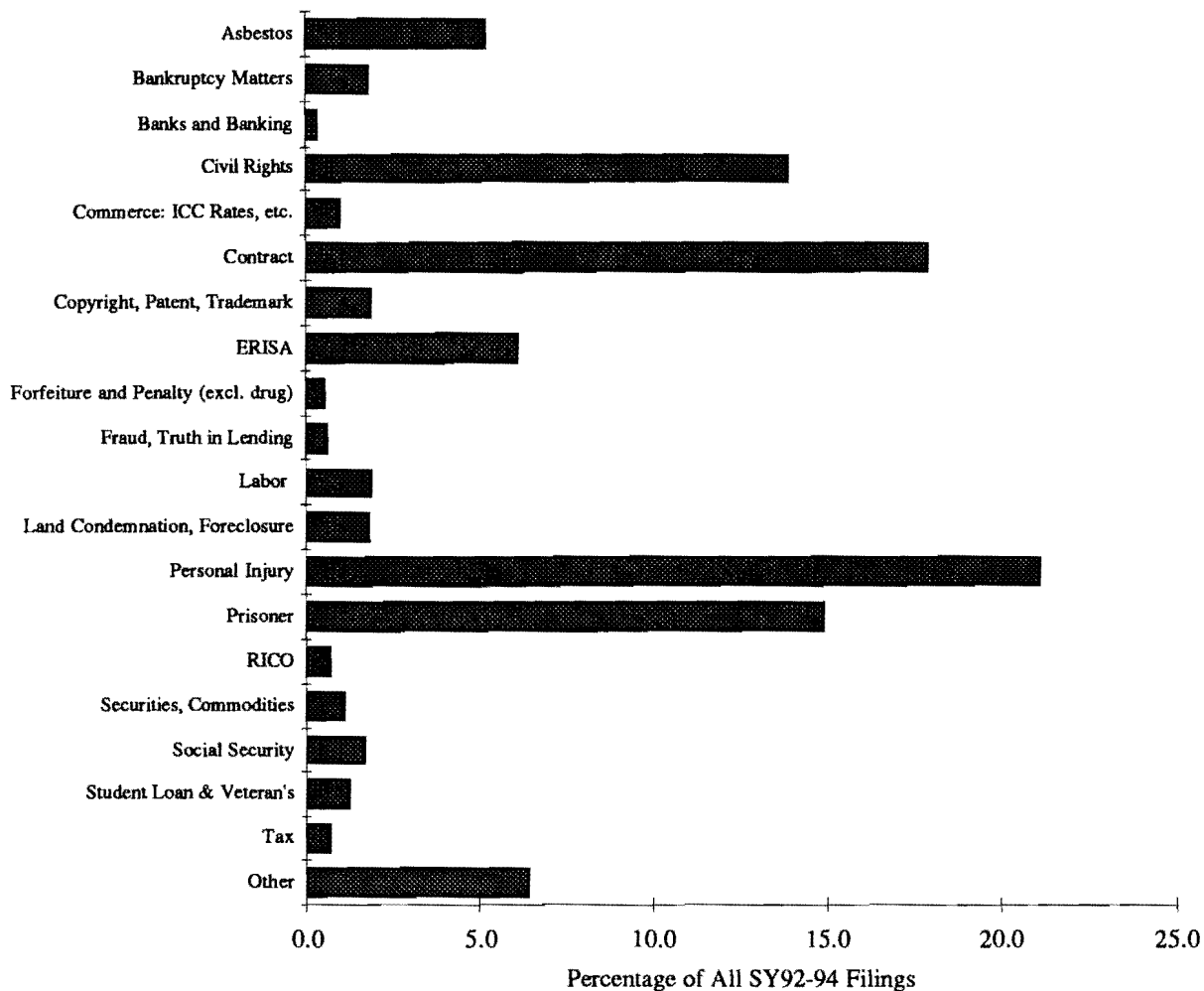
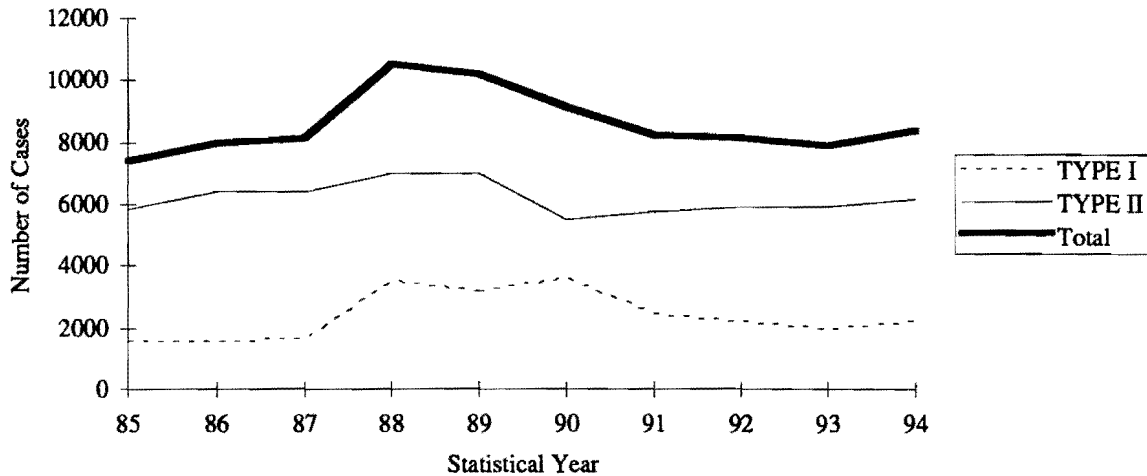


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of Pennsylvania

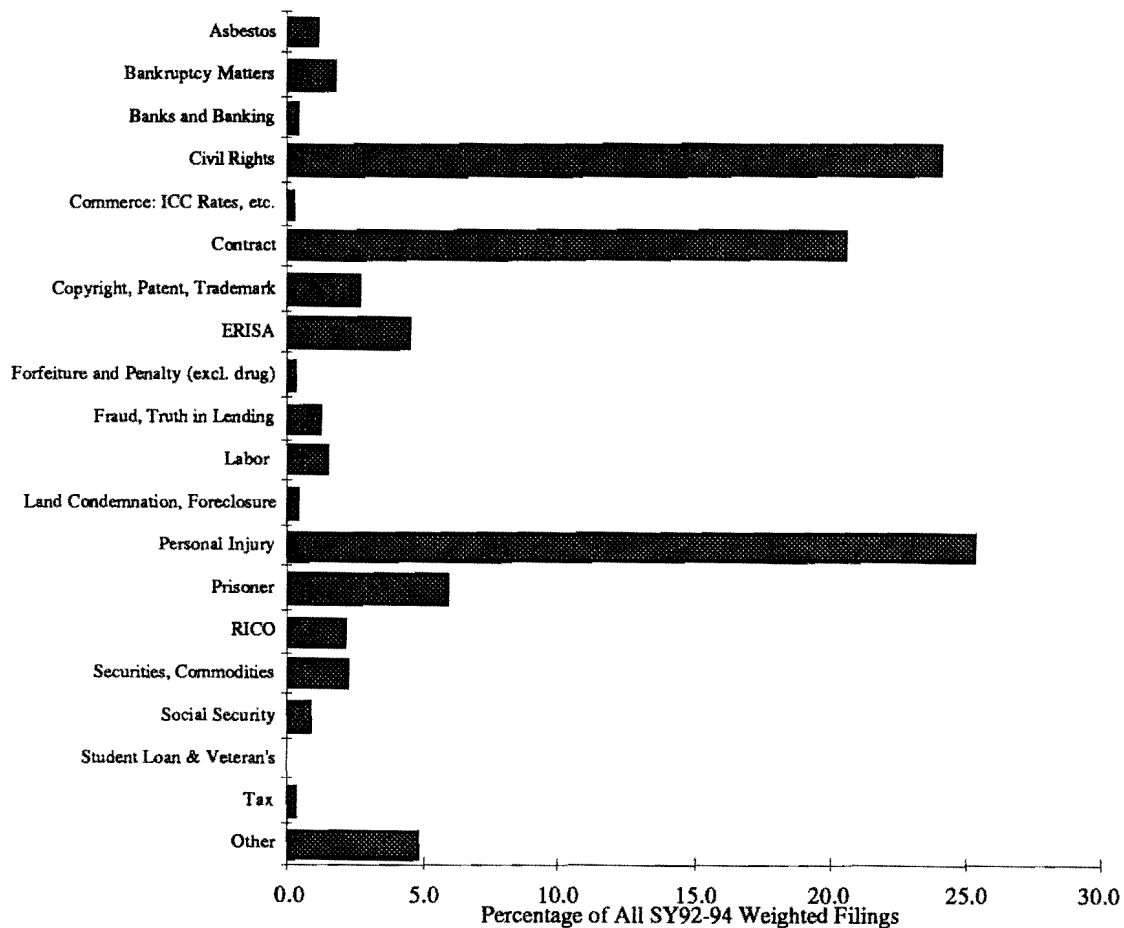


**Table 1: Filings by Case Type, SY85-94**

Eastern District of Pennsylvania	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	222	317	440	2096	1525	2141	1188	486	347	424
Bankruptcy Matters	96	81	167	153	169	142	138	131	151	148
Banks and Banking	1	5	8	6	7	14	10	27	15	21
Civil Rights	505	625	637	630	614	595	697	801	1065	1522
Commerce: ICC Rates, etc.	86	74	65	41	34	22	149	123	42	56
Contract	1609	1818	1885	2074	2310	1418	1469	1508	1389	1482
Copyright, Patent, Trademark	107	103	132	125	123	164	136	151	154	156
ERISA	282	250	276	375	421	449	490	479	535	465
Forfeiture and Penalty (excl. drug)	33	33	37	50	63	53	59	50	50	26
Fraud, Truth in Lending	46	50	59	60	51	43	52	42	42	48
Labor	234	254	188	162	171	154	126	187	139	135
Land Condemnation, Foreclosure	43	57	42	35	78	74	79	216	90	134
Personal Injury	2167	2400	2379	2661	2414	1842	1689	1801	1716	1643
Prisoner	650	680	823	971	1066	1002	872	1086	1191	1367
RICO	0	35	41	39	54	70	53	61	48	48
Securities, Commodities	146	126	108	130	135	99	106	113	76	76
Social Security	355	316	160	201	223	163	119	98	164	147
Student Loan and Veteran's	163	90	29	67	130	100	99	233	57	7
Tax	50	55	56	30	43	41	96	44	65	46
All Other	603	565	579	600	575	555	582	539	553	471
All Civil Cases	7398	7934	8111	10506	10206	9141	8209	8176	7889	8422

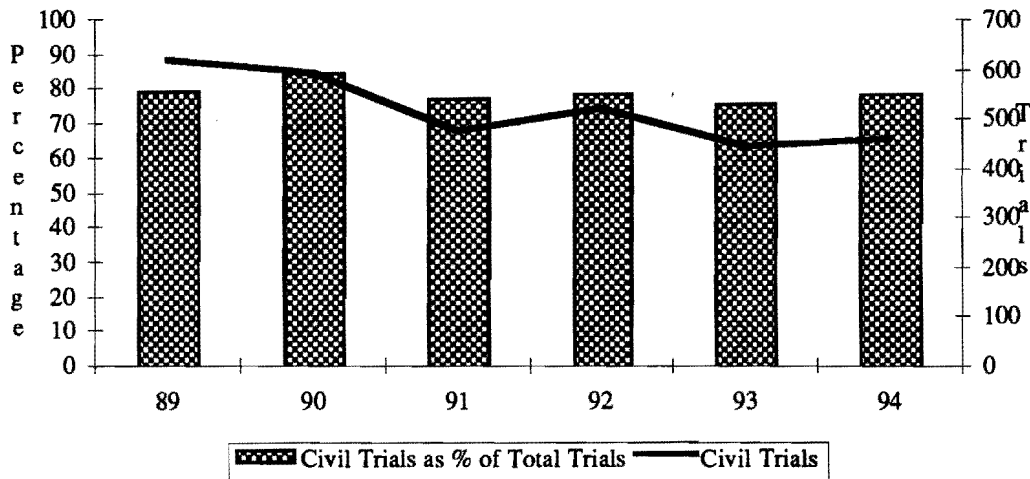
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Eastern District of Pennsylvania**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Eastern District of Pennsylvania



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

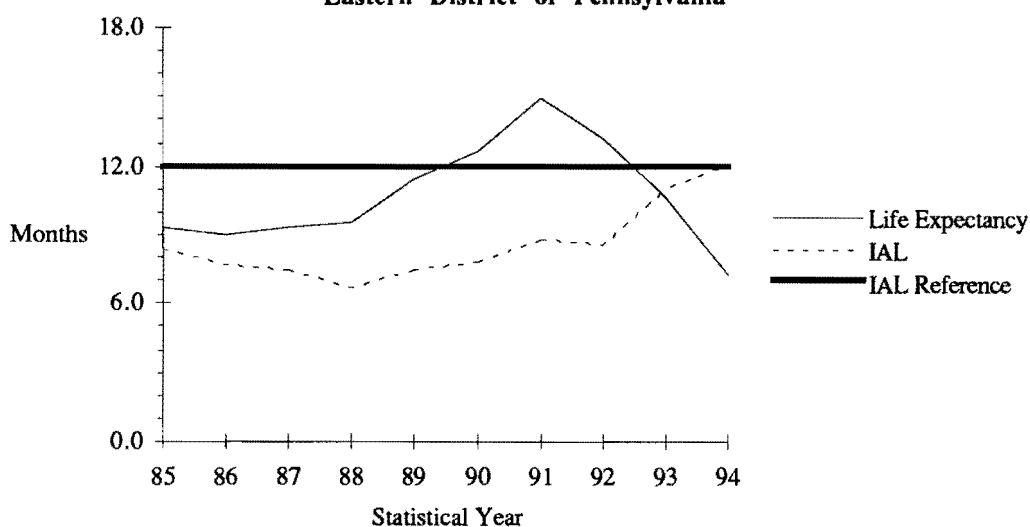
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A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

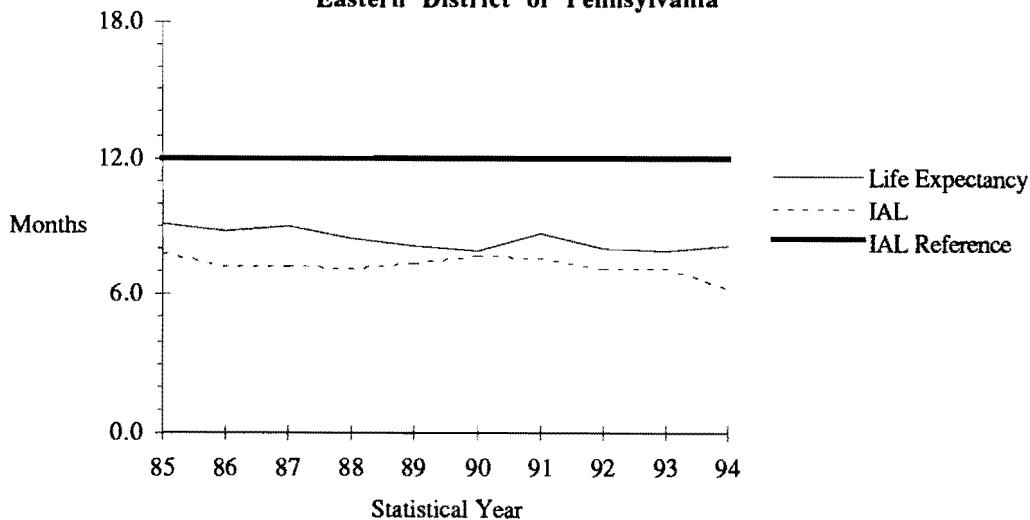
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Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Eastern District of Pennsylvania**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Eastern District of Pennsylvania**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Eastern District of Pennsylvania  
 Termination Category (Percent 3 or more years old)

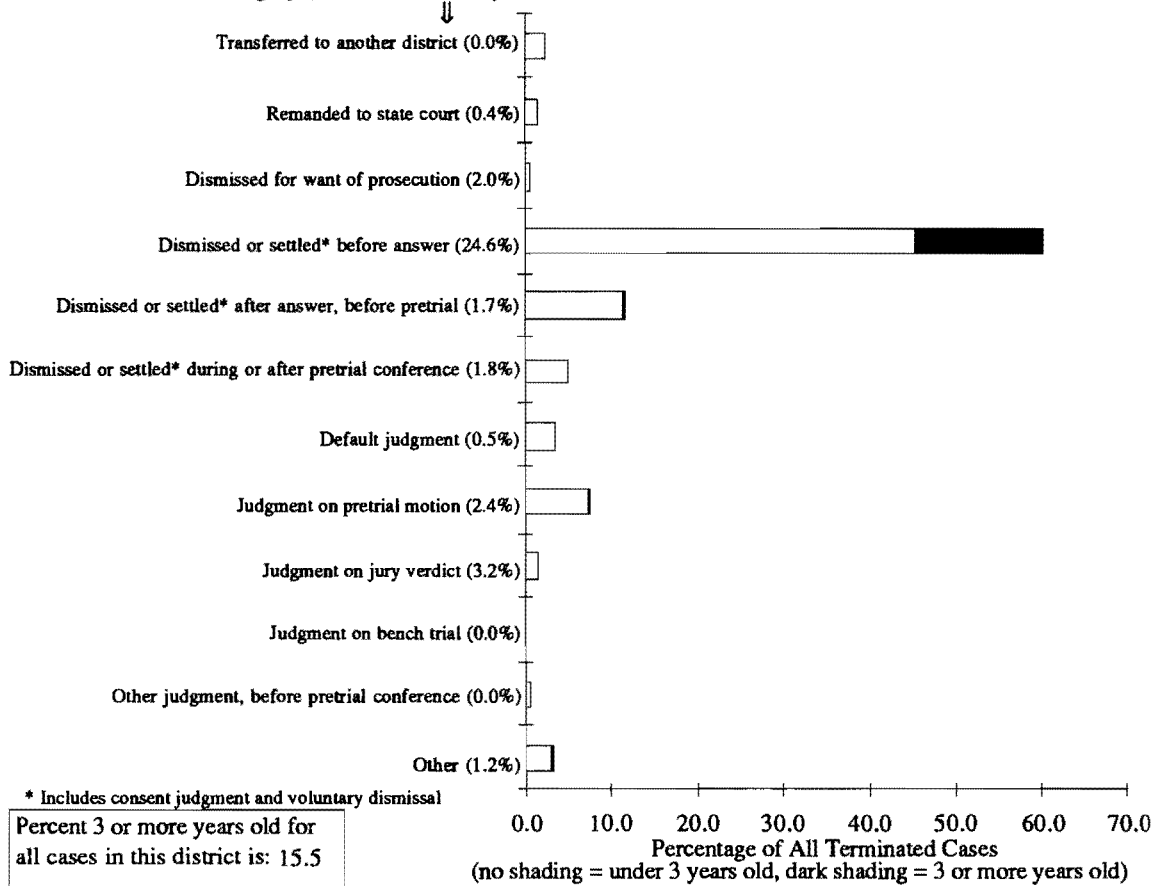
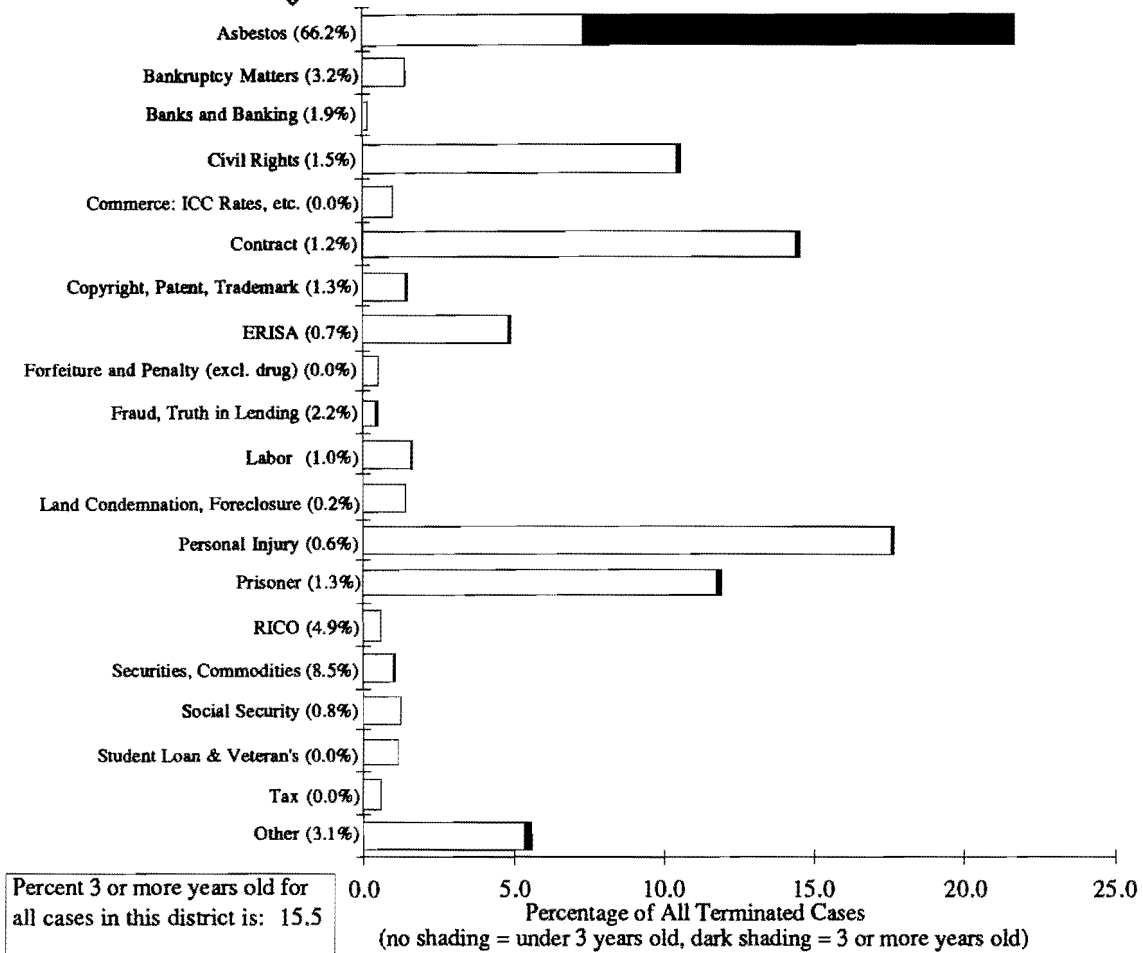


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of Pennsylvania

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

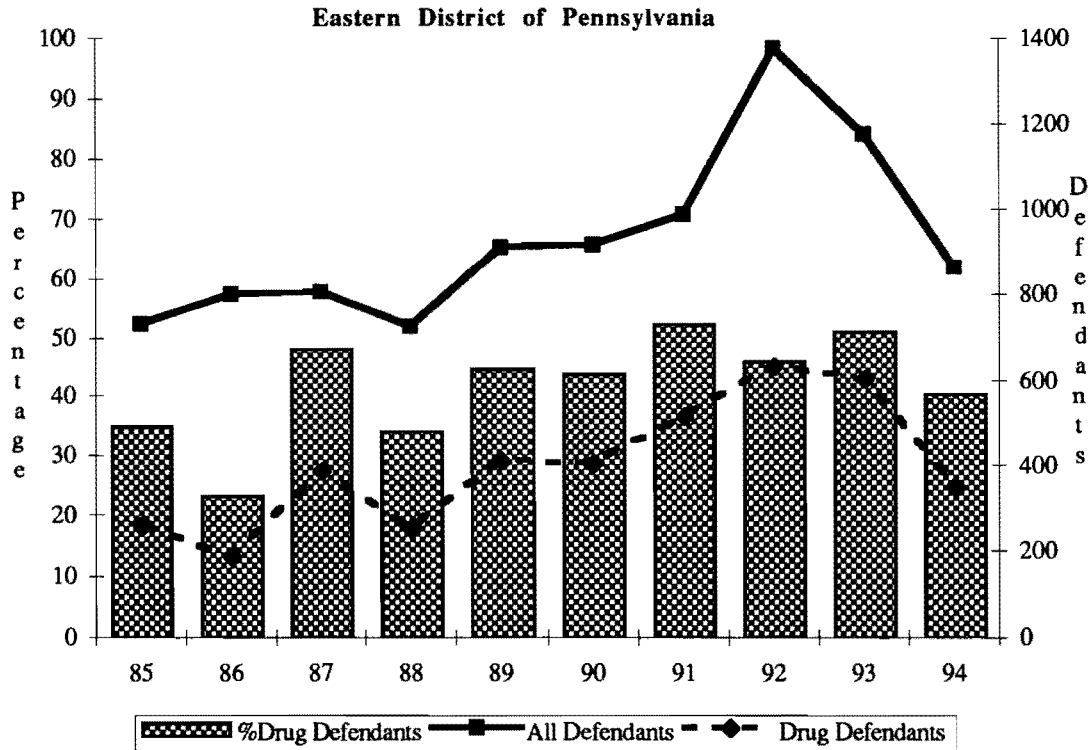
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

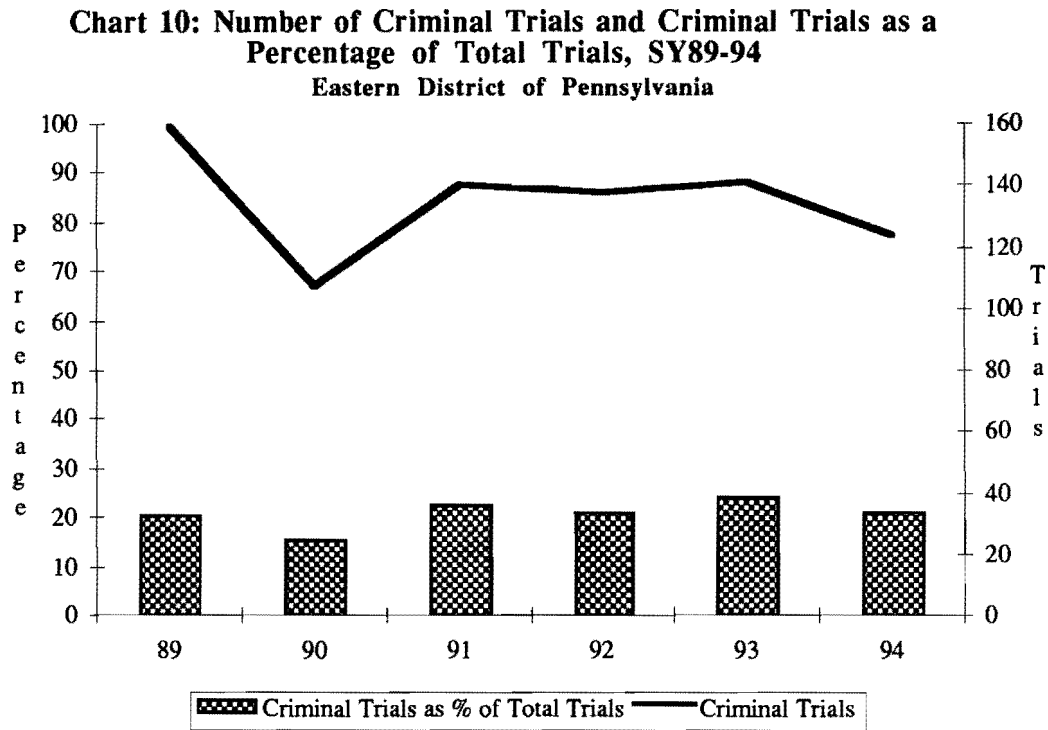
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**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

### **October 1994**



Prepared for the Middle District of Pennsylvania

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Middle District of Pennsylvania

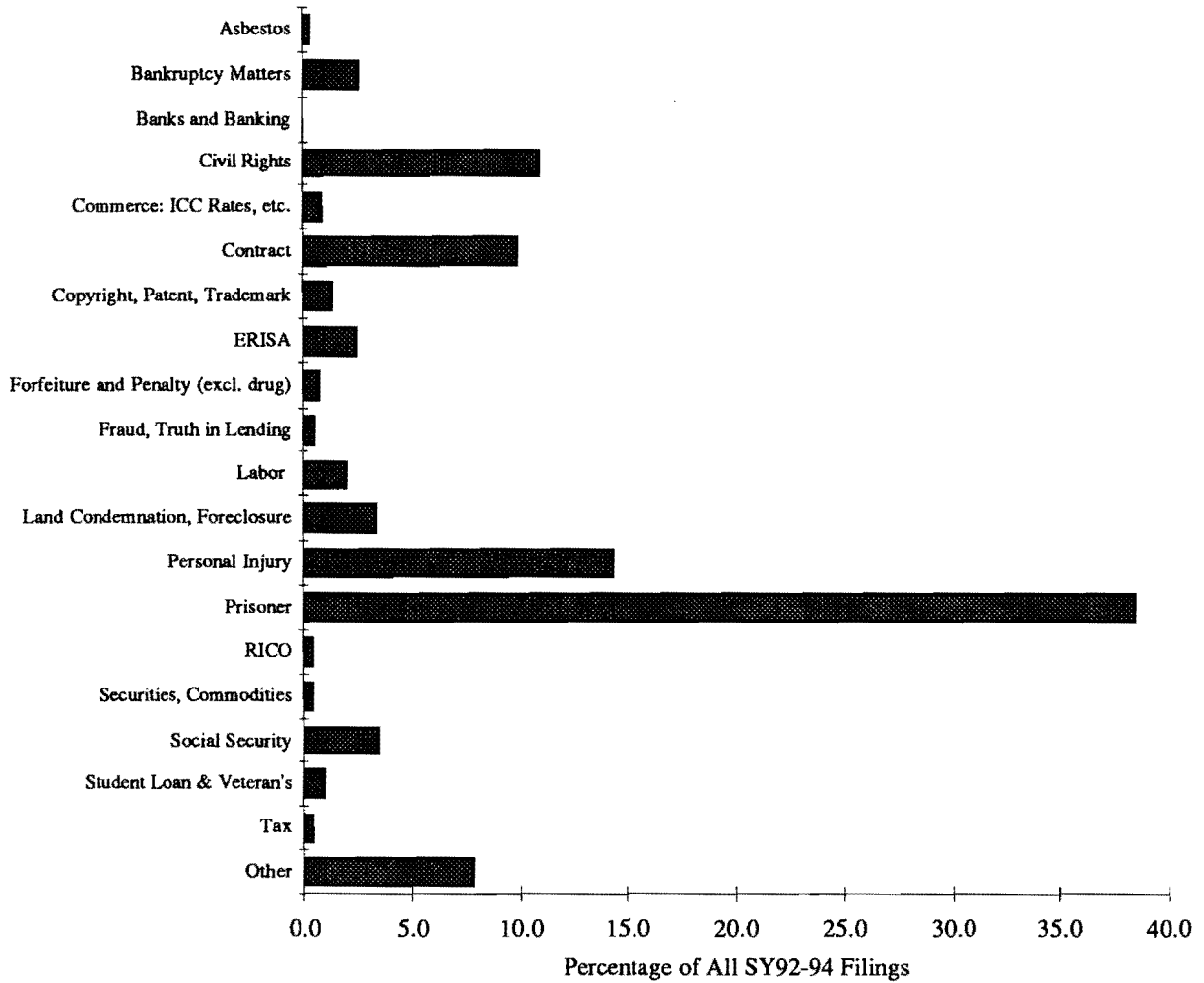
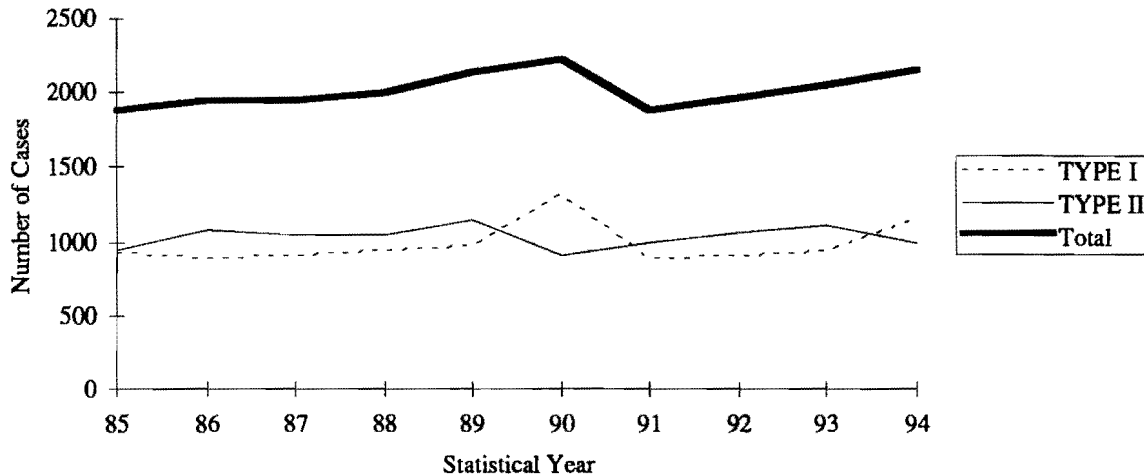


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of Pennsylvania

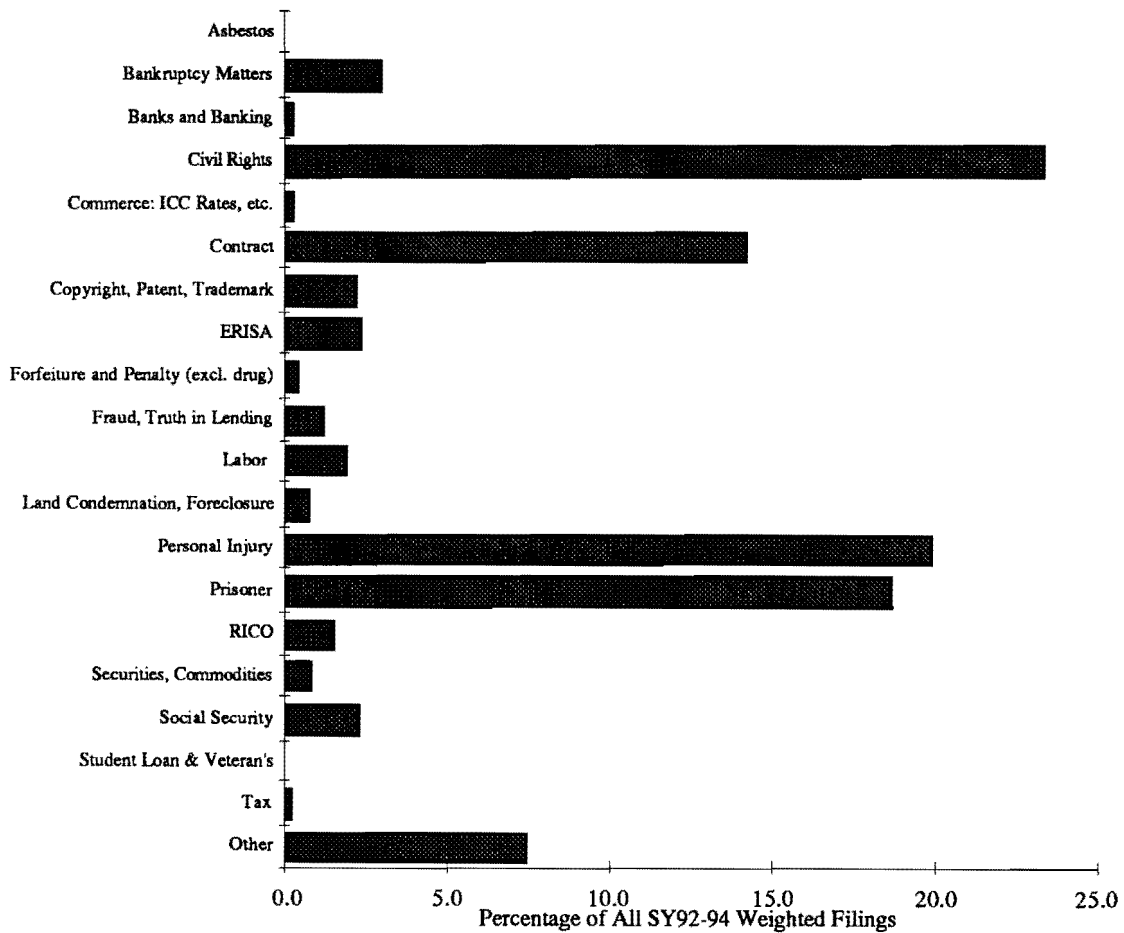


**Table 1: Filings by Case Type, SY85-94**

Middle District of Pennsylvania	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	10	5	18	26	43	227	17	1	12	2
Bankruptcy Matters	16	28	16	11	14	17	19	41	44	68
Banks and Banking	2	4	1	2	2	3	4	0	7	3
Civil Rights	140	133	123	120	146	132	149	201	239	228
Commerce: ICC Rates, etc.	7	16	21	10	7	19	13	17	13	18
Contract	252	226	223	245	295	200	212	203	224	177
Copyright, Patent, Trademark	14	19	16	37	28	25	32	19	35	24
ERISA	35	41	35	42	42	52	65	40	51	60
Forfeiture and Penalty (excl. drug)	4	15	37	16	18	20	24	16	10	16
Fraud, Truth in Lending	6	3	5	9	10	5	13	10	9	7
Labor	70	61	77	48	41	35	43	30	47	40
Land Condemnation, Foreclosure	46	72	50	58	70	56	30	65	66	71
Personal Injury	252	368	357	342	417	281	286	349	298	231
Prisoner	630	676	711	729	724	938	779	713	717	940
RICO	0	0	4	11	19	11	9	9	5	7
Securities, Commodities	6	10	9	10	8	8	12	4	8	6
Social Security	158	91	107	110	86	56	41	37	92	80
Student Loan and Veteran's	73	13	8	15	43	27	11	48	7	2
Tax	11	12	14	10	9	10	15	10	7	7
All Other	145	163	124	150	113	109	112	148	159	172
All Civil Cases	1877	1956	1956	2001	2135	2231	1886	1961	2050	2159

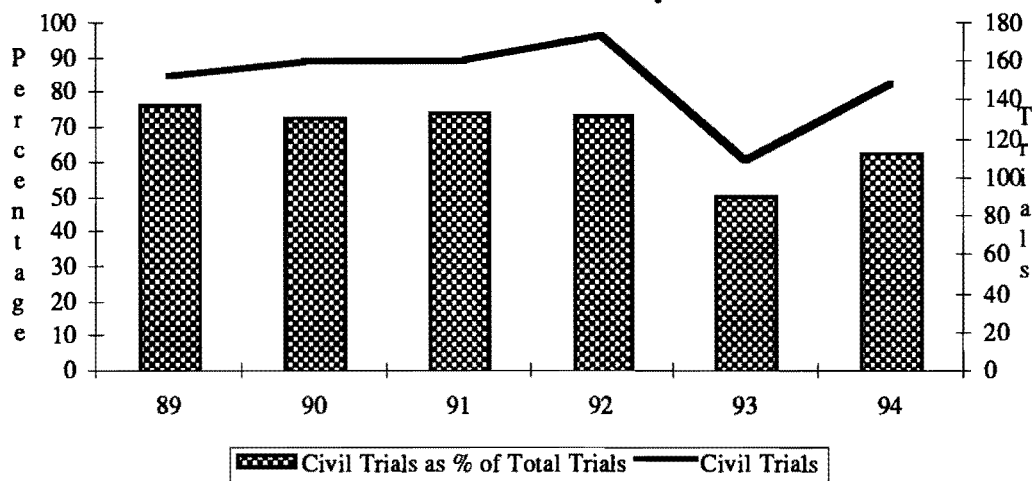
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of Pennsylvania**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of Pennsylvania**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

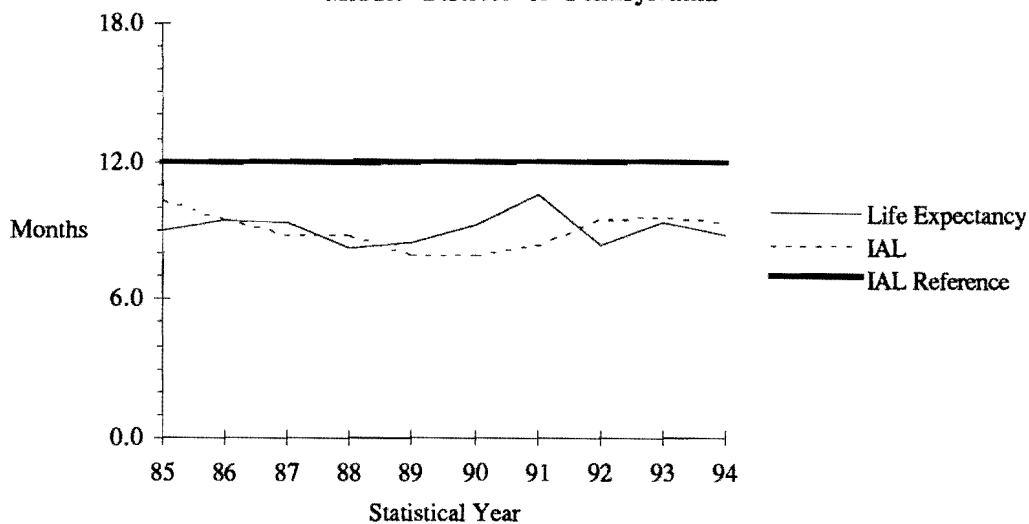
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



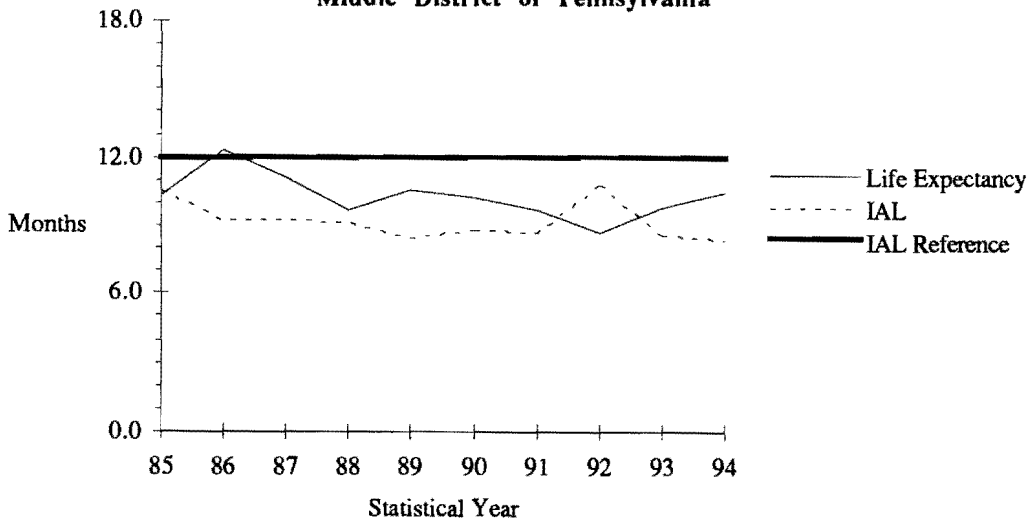
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of Pennsylvania**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of Pennsylvania**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Middle District of Pennsylvania**  
 Termination Category (Percent 3 or more years old)

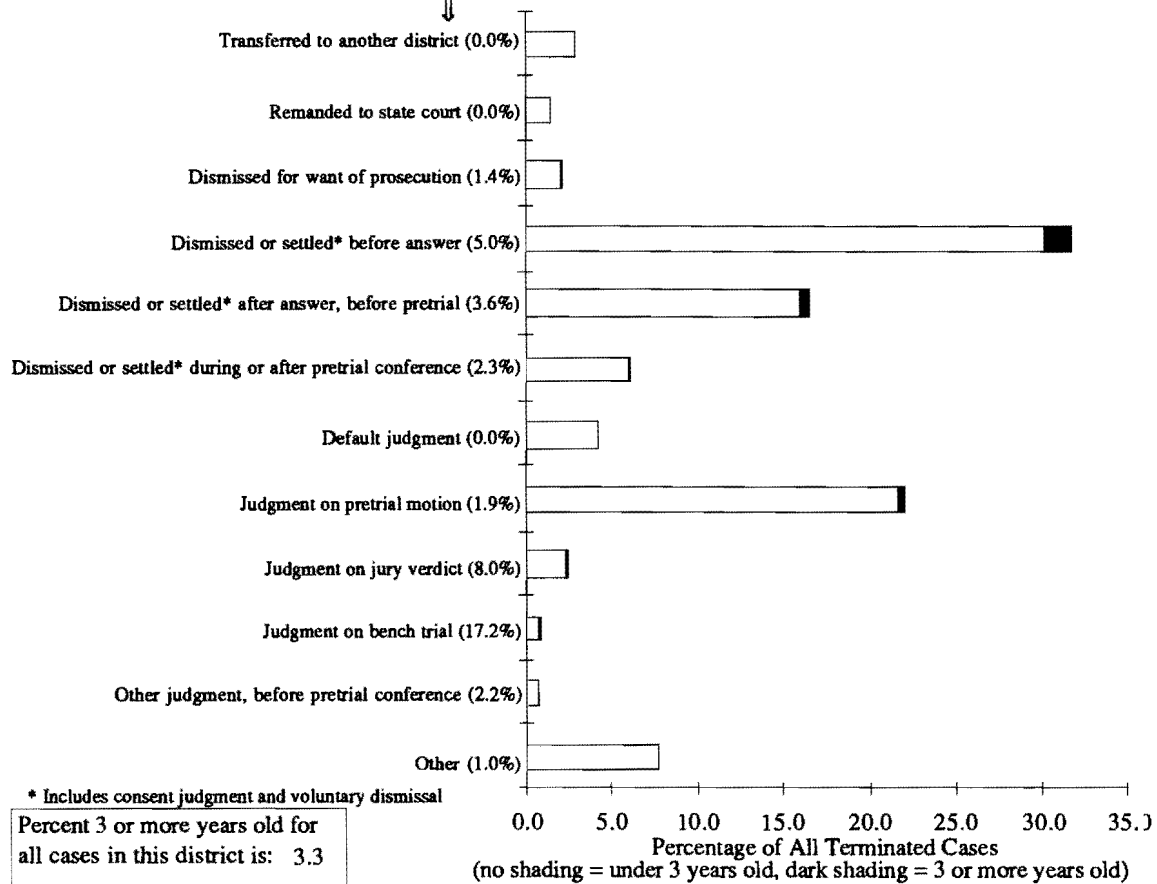
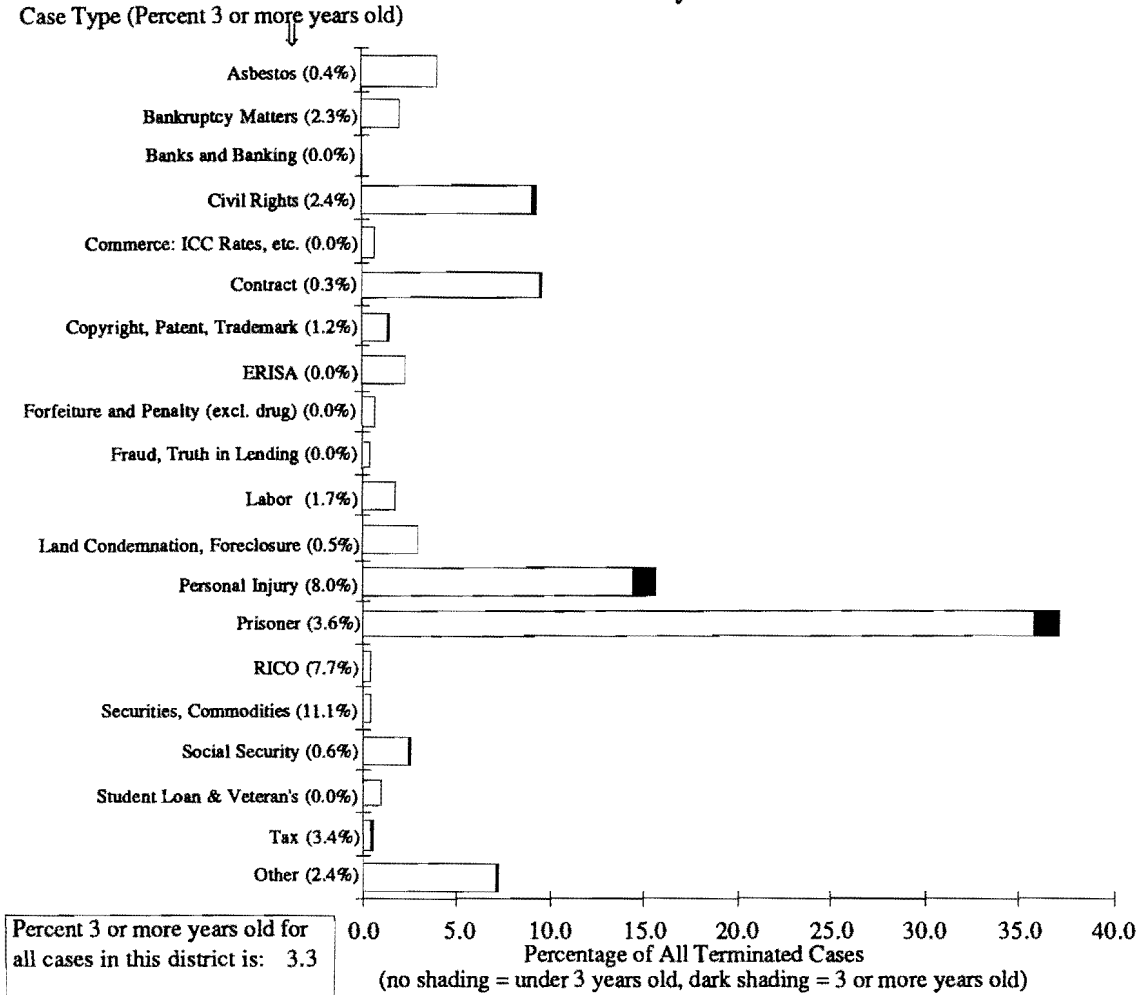


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of Pennsylvania



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

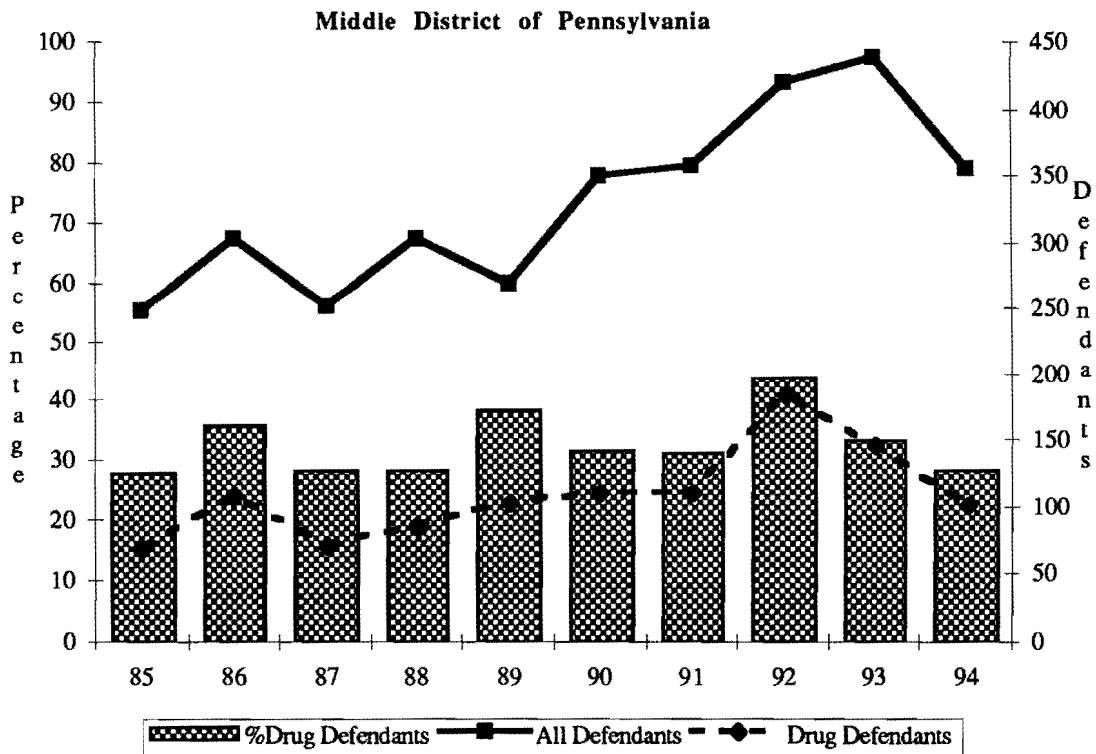
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

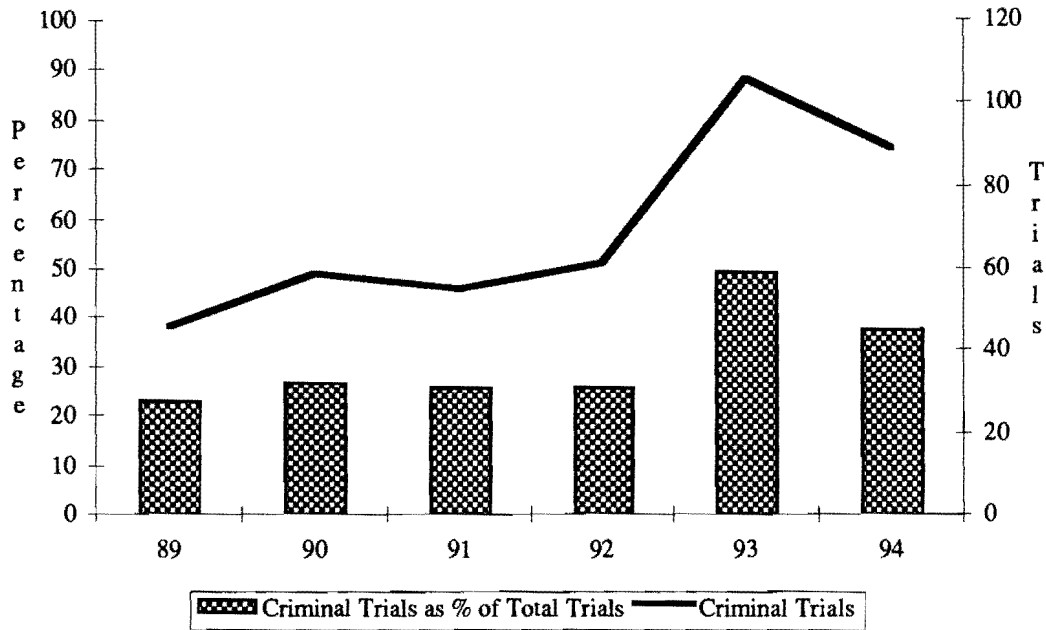
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Middle District of Pennsylvania



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of Pennsylvania

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Western District of Pennsylvania

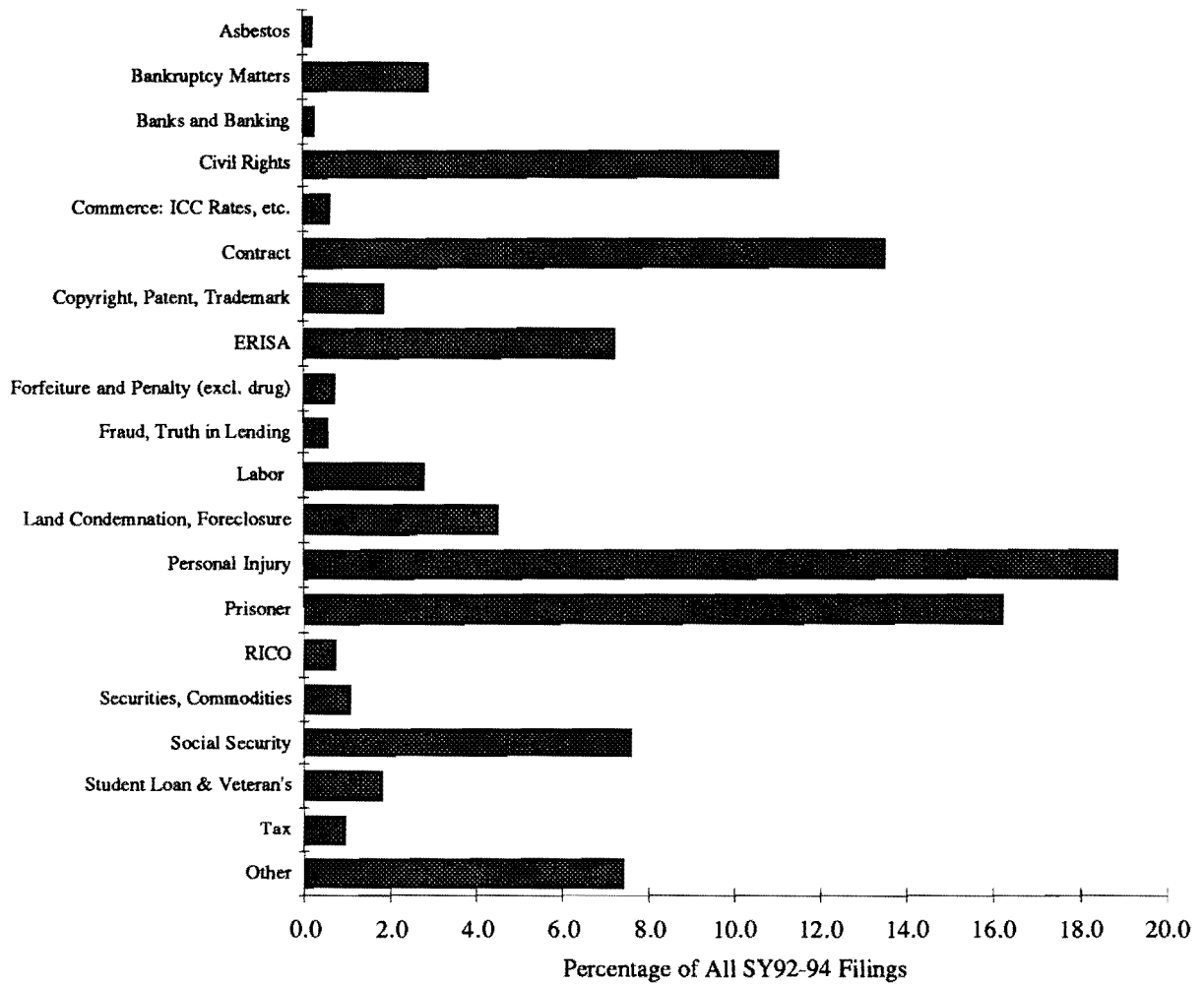
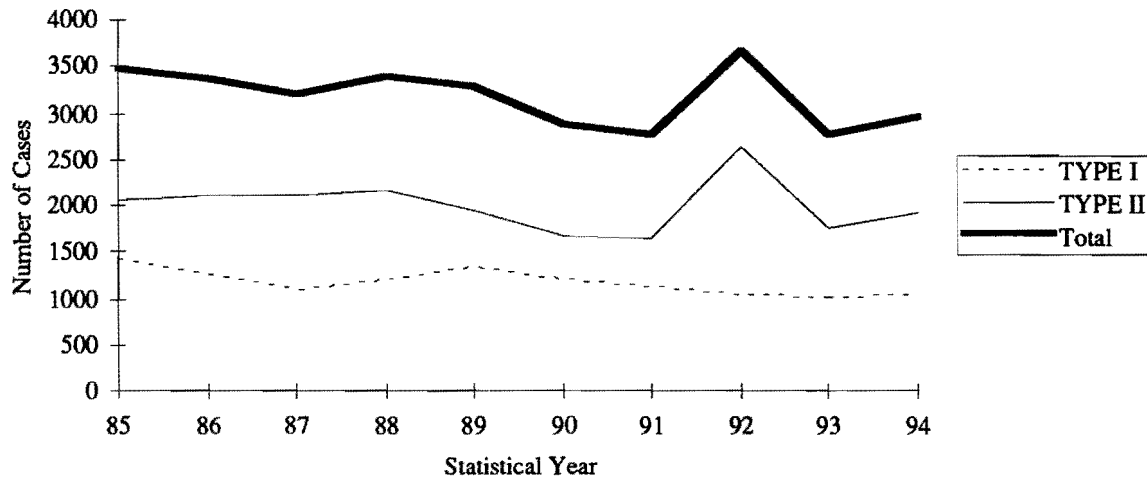


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of Pennsylvania

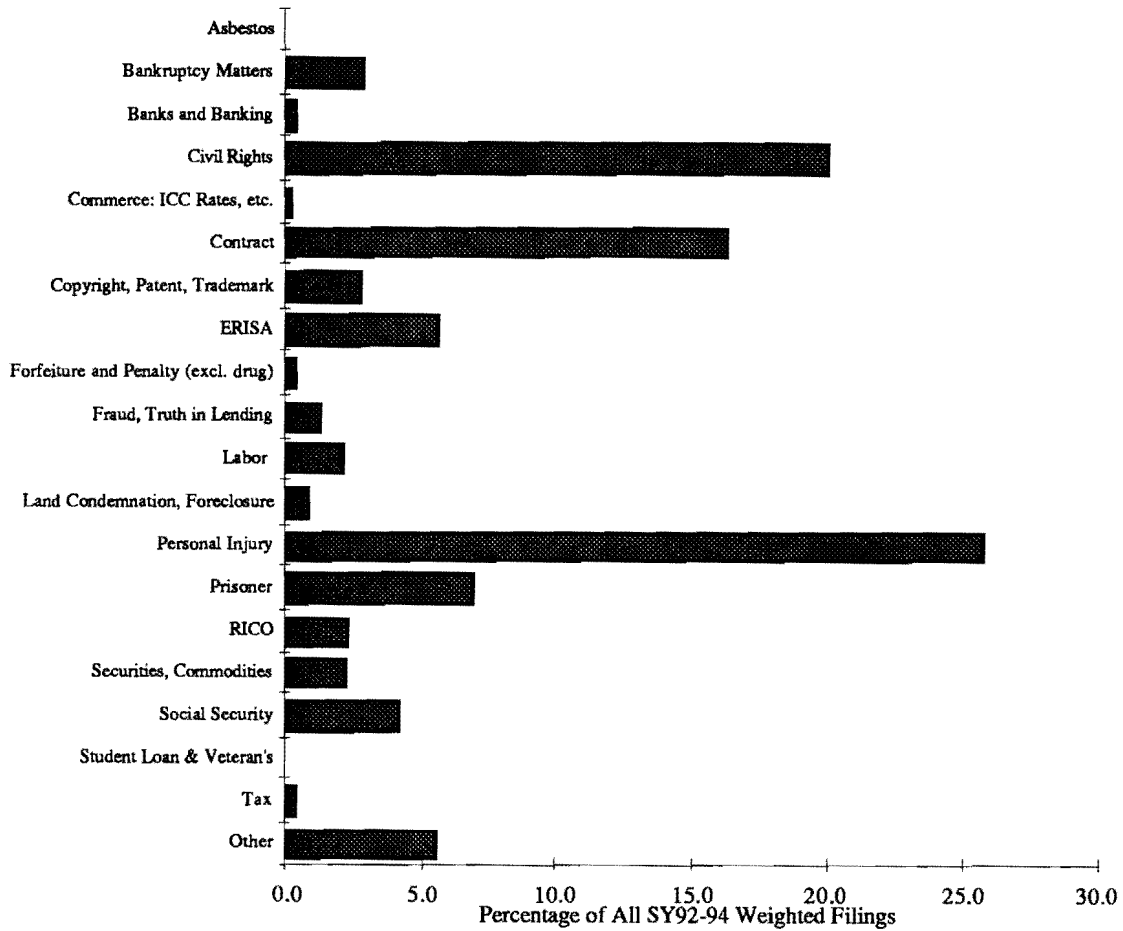


**Table 1: Filings by Case Type, SY85-94**

Western District of Pennsylvania	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	20	34	9	18	91	140	21	9	5	0
Bankruptcy Matters	43	81	65	94	134	137	108	94	94	79
Banks and Banking	1	1	2	2	3	12	4	13	5	5
Civil Rights	208	235	215	236	248	254	235	317	300	421
Commerce: ICC Rates, etc.	9	10	23	16	12	6	21	24	12	16
Contract	787	763	831	846	712	395	443	412	418	438
Copyright, Patent, Trademark	54	46	52	73	62	43	46	54	53	63
ERISA	149	164	159	188	140	184	211	216	225	237
Forfeiture and Penalty (excl. drug)	73	45	13	13	63	53	11	17	26	23
Fraud, Truth in Lending	22	10	17	11	24	18	5	17	19	15
Labor	142	133	122	119	108	118	121	102	80	75
Land Condemnation, Foreclosure	75	65	63	106	113	95	82	96	167	154
Personal Injury	345	364	336	360	300	266	248	1110	326	333
Prisoner	346	436	455	510	469	501	651	570	440	509
RICO	0	7	15	34	16	23	24	20	28	16
Securities, Commodities	24	22	48	32	14	25	37	49	21	25
Social Security	430	384	342	321	336	224	189	152	263	294
Student Loan and Veteran's	502	262	161	165	196	103	82	121	37	9
Tax	34	23	30	42	43	19	36	34	34	17
All Other	211	277	246	203	204	255	199	246	204	241
All Civil Cases	3475	3362	3204	3389	3288	2871	2774	3673	2757	2970

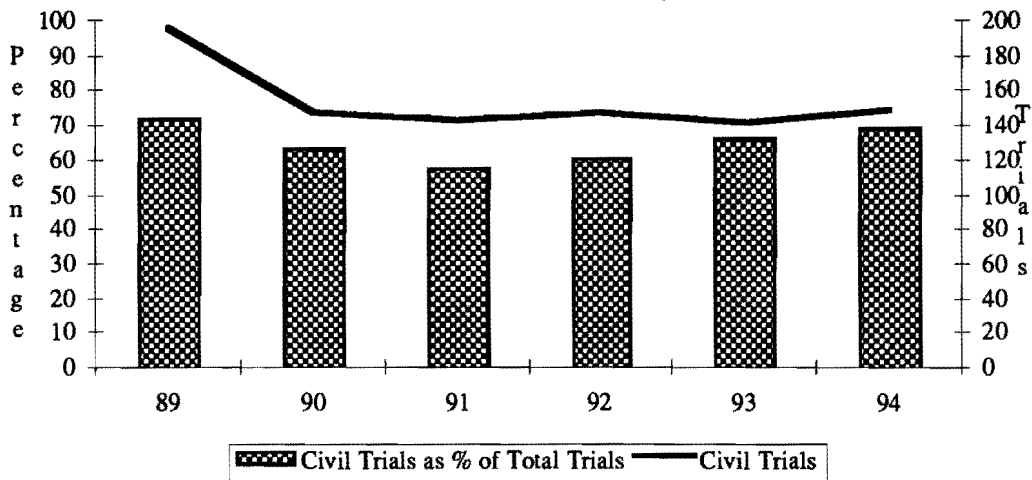
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Western District of Pennsylvania**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Western District of Pennsylvania



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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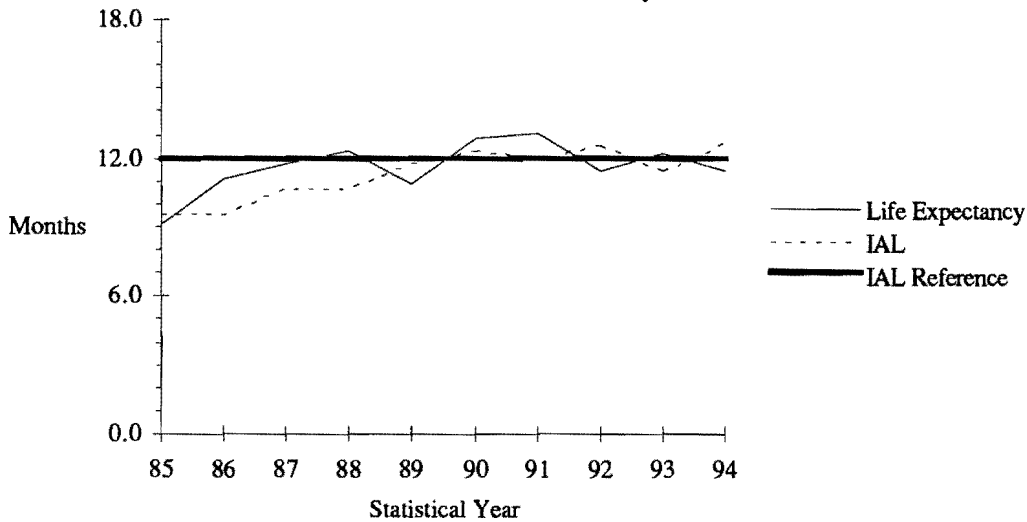
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A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

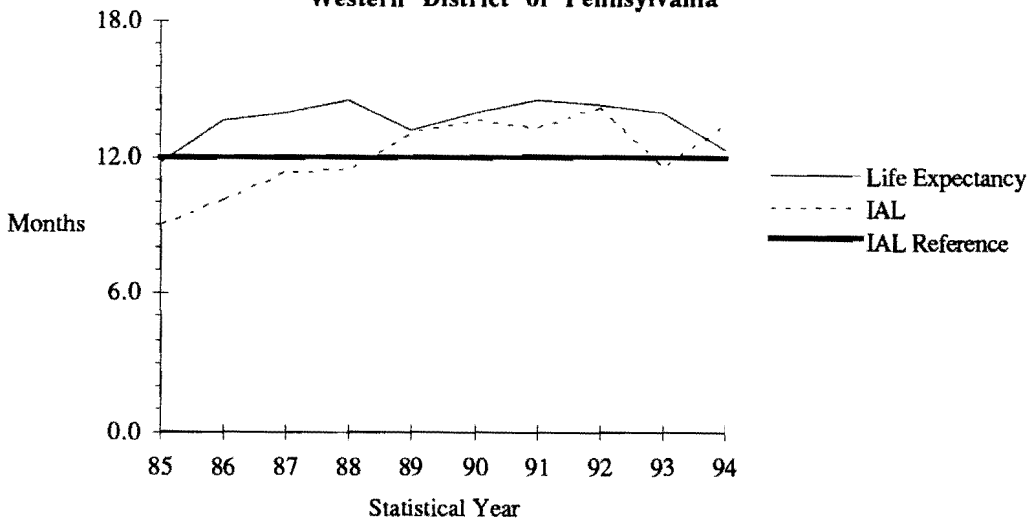
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of Pennsylvania**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of Pennsylvania**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

Western District of Pennsylvania  
Termination Category (Percent 3 or more years old)

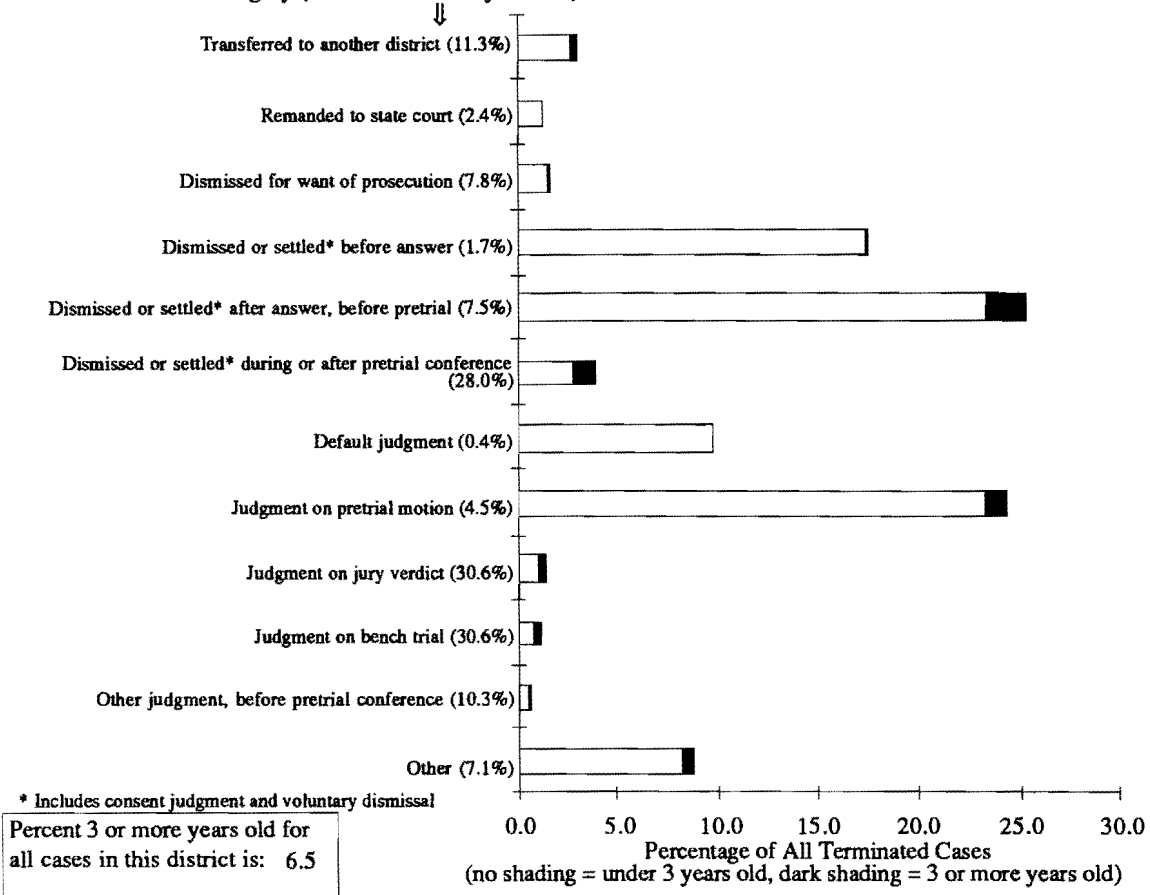
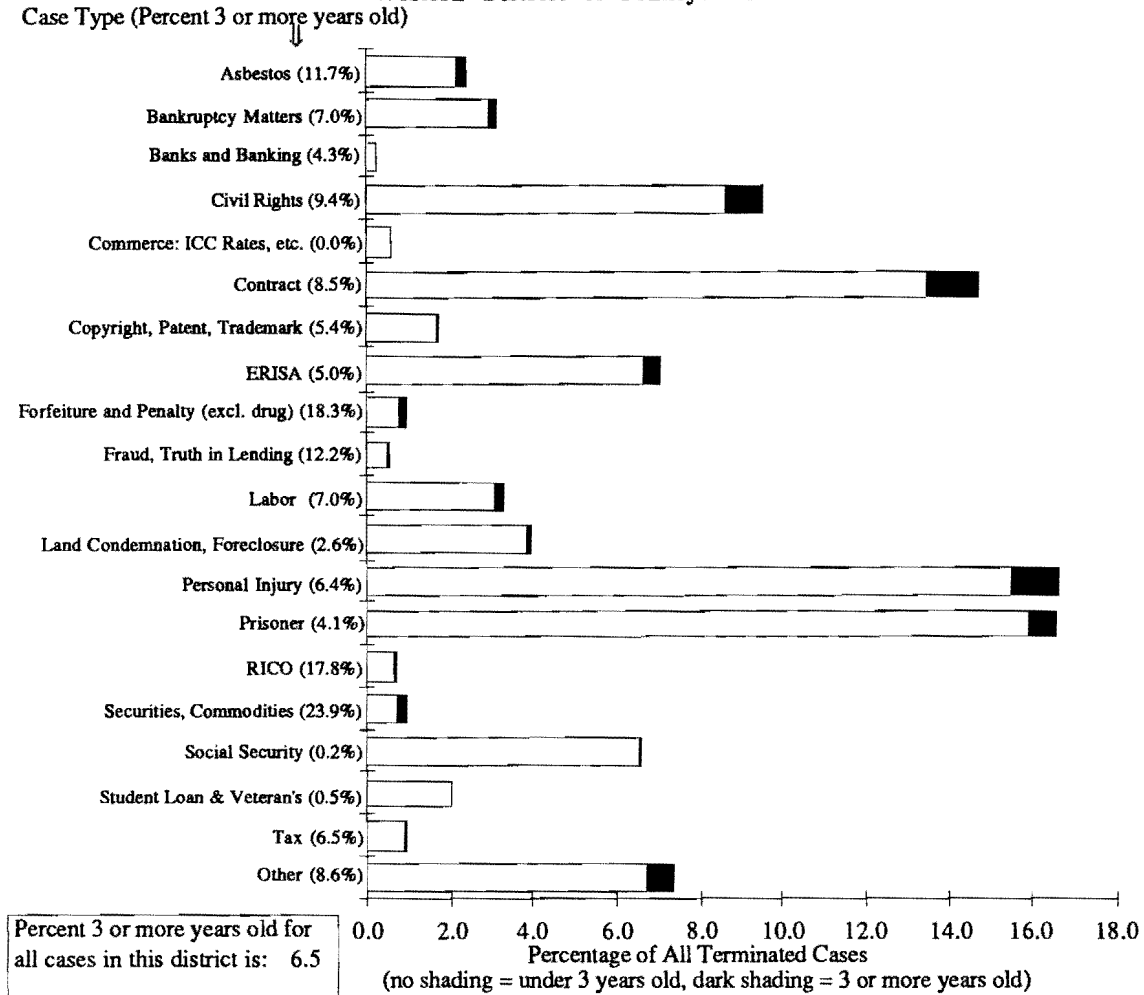


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of Pennsylvania



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

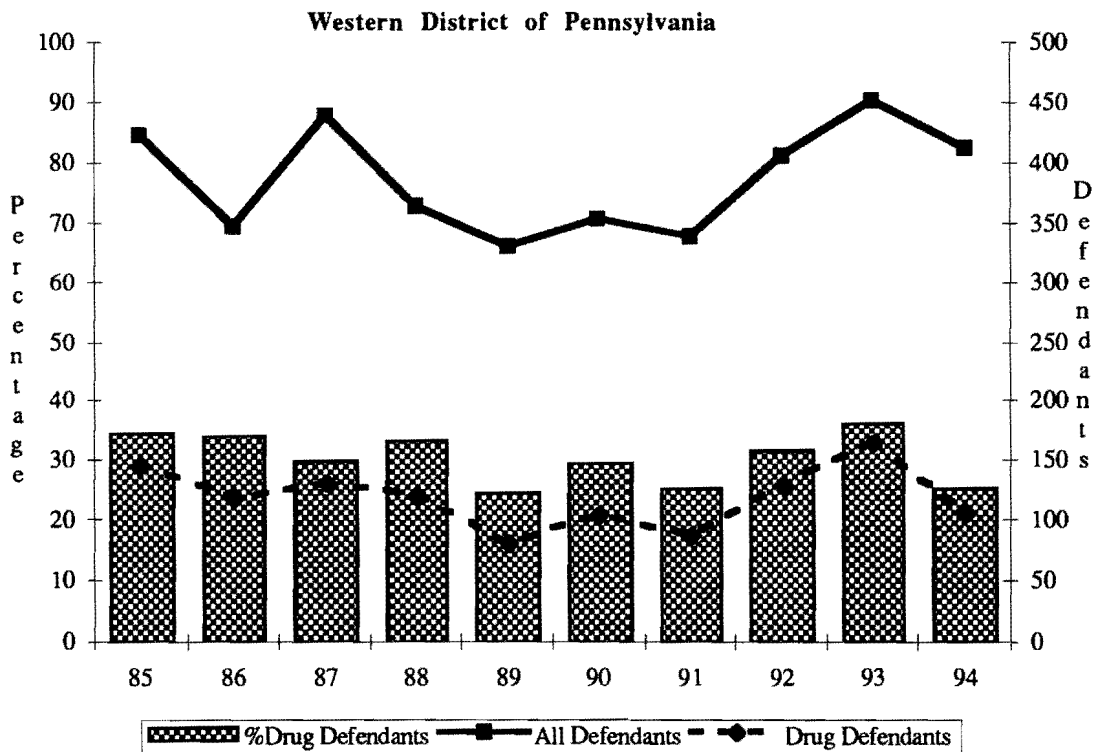
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

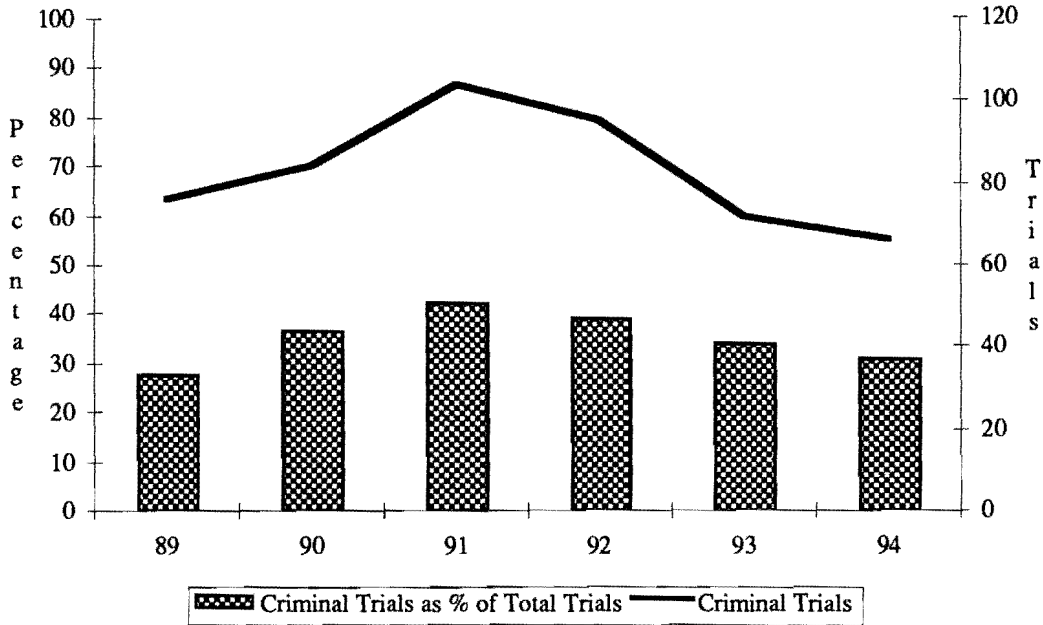
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Western District of Pennsylvania



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of Maryland

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of Maryland

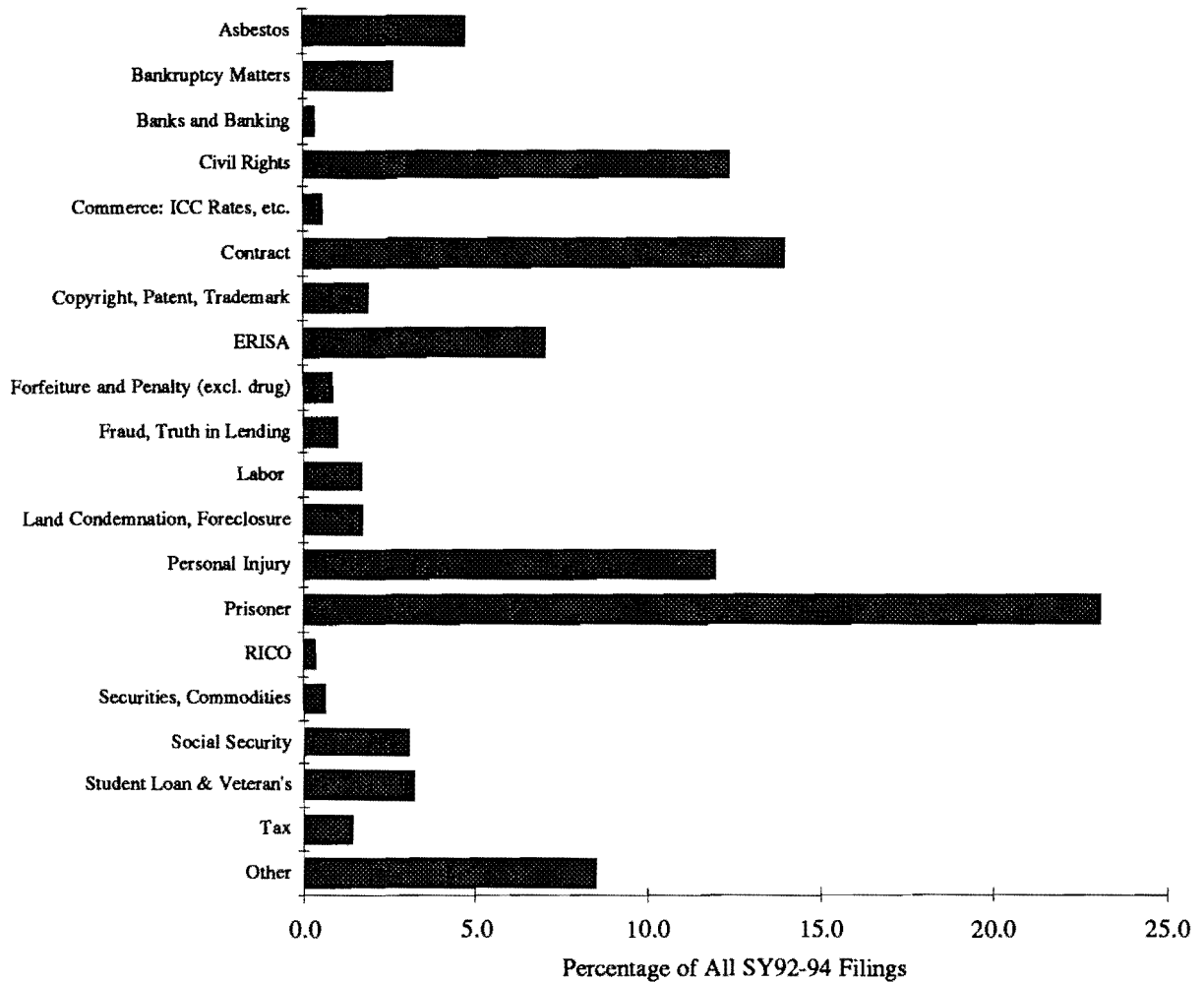
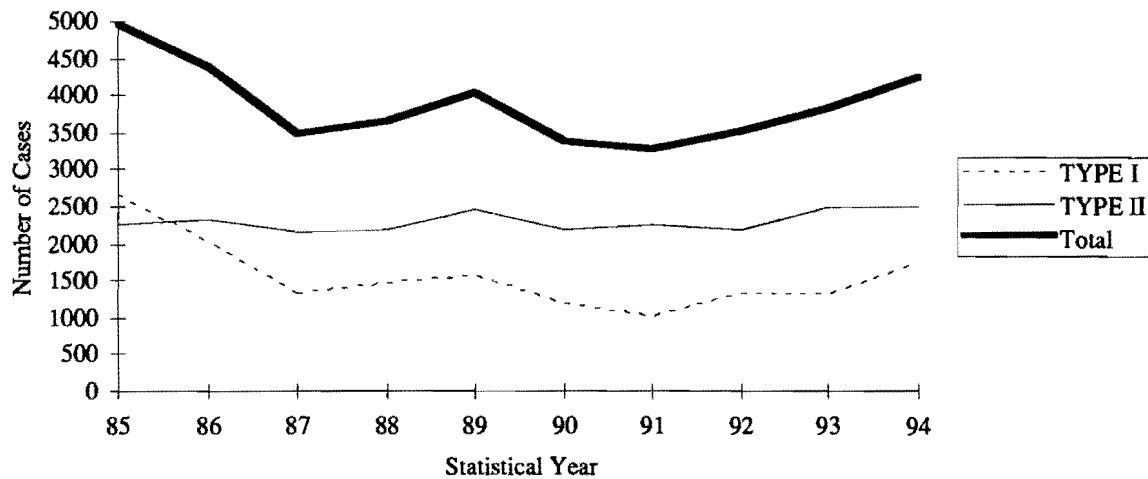


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of Maryland

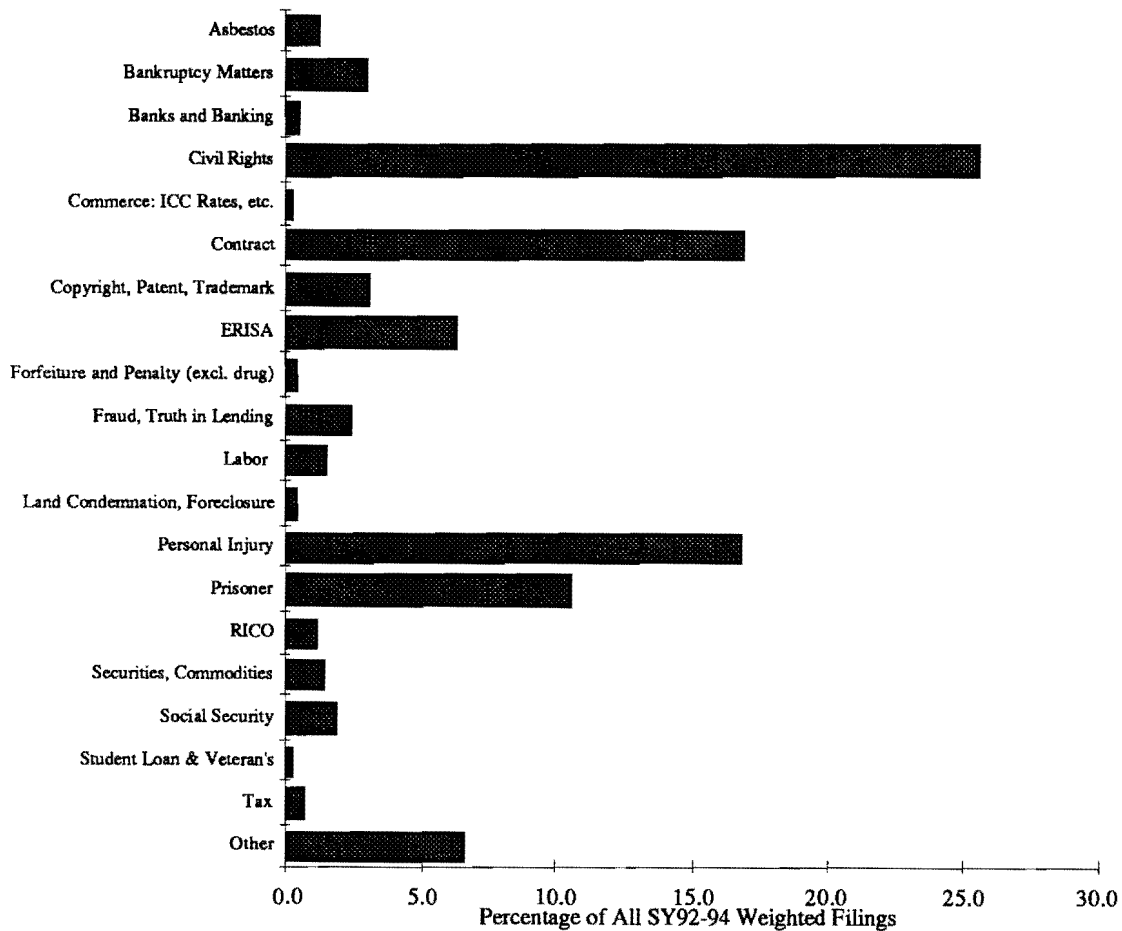


**Table 1: Filings by Case Type, SY85-94**

District of Maryland	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	157	189	153	122	182	112	50	23	12	516
Bankruptcy Matters	84	88	82	77	75	89	82	84	117	100
Banks and Banking	4	3	3	2	2	3	4	12	12	9
Civil Rights	335	344	303	285	334	308	310	406	495	533
Commerce: ICC Rates, etc.	6	7	15	19	8	19	22	40	9	13
Contract	666	755	680	594	711	566	619	537	558	520
Copyright, Patent, Trademark	54	62	54	89	77	75	64	68	67	84
ERISA	105	132	129	137	184	204	199	225	304	282
Forfeiture and Penalty (excl. drug)	52	57	63	56	59	39	18	32	37	22
Fraud, Truth in Lending	25	14	20	22	26	18	36	19	27	59
Labor	85	80	69	70	61	40	32	61	71	55
Land Condemnation, Foreclosure	56	48	63	141	90	91	44	61	65	65
Personal Injury	618	522	459	562	634	550	476	444	488	456
Prisoner	780	718	637	701	797	632	661	824	922	931
RICO	0	4	6	5	11	20	19	17	8	8
Securities, Commodities	26	29	18	14	22	19	27	7	22	34
Social Security	333	240	173	173	152	84	75	85	139	122
Student Loan and Veteran's	1270	748	226	249	271	197	113	261	86	20
Tax	36	46	40	37	46	38	47	43	51	67
All Other	264	287	305	311	295	290	394	286	338	357
All Civil Cases	4956	4373	3498	3666	4037	3394	3292	3535	3828	4253

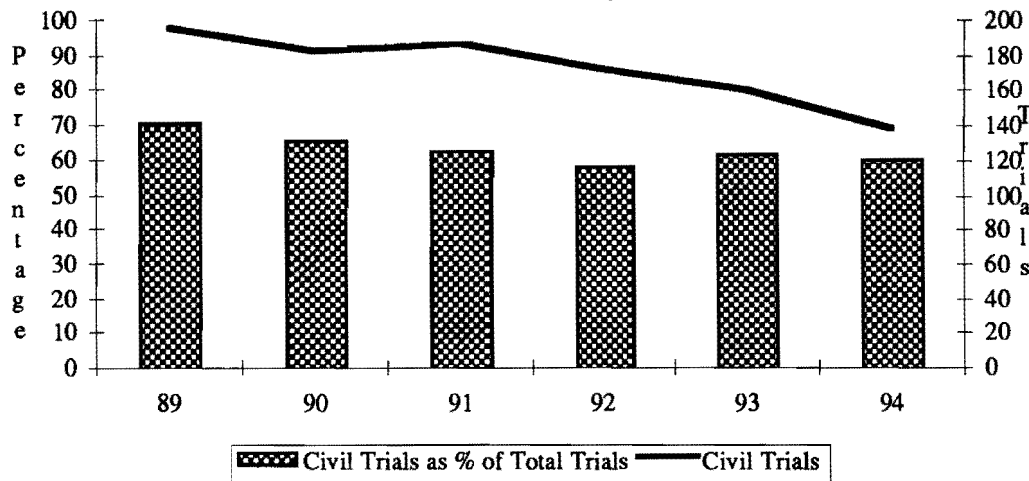
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of Maryland**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
District of Maryland



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

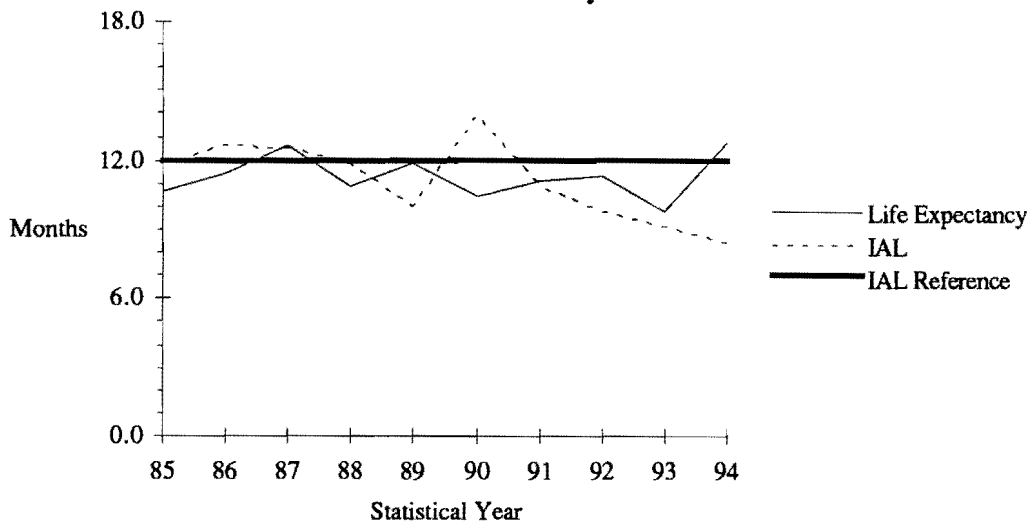
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



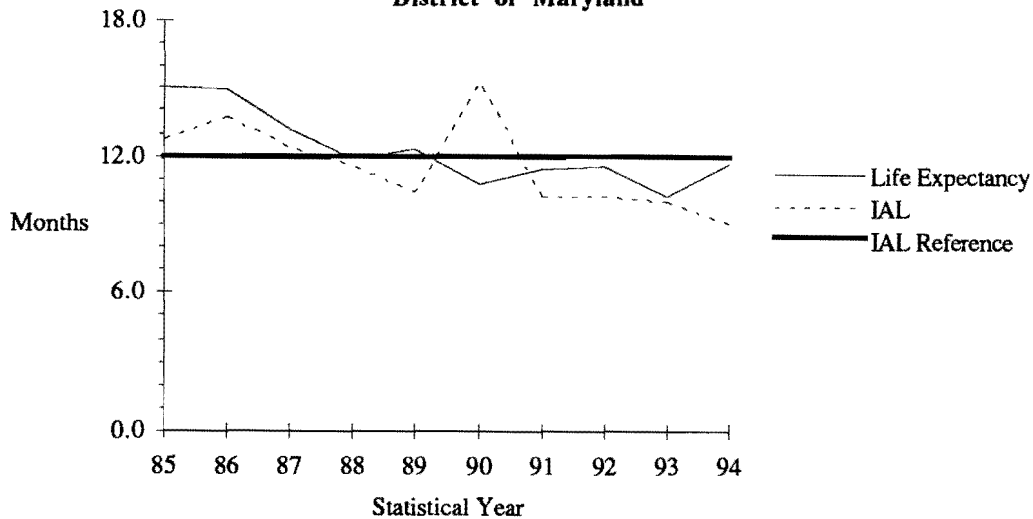
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of Maryland**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of Maryland**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

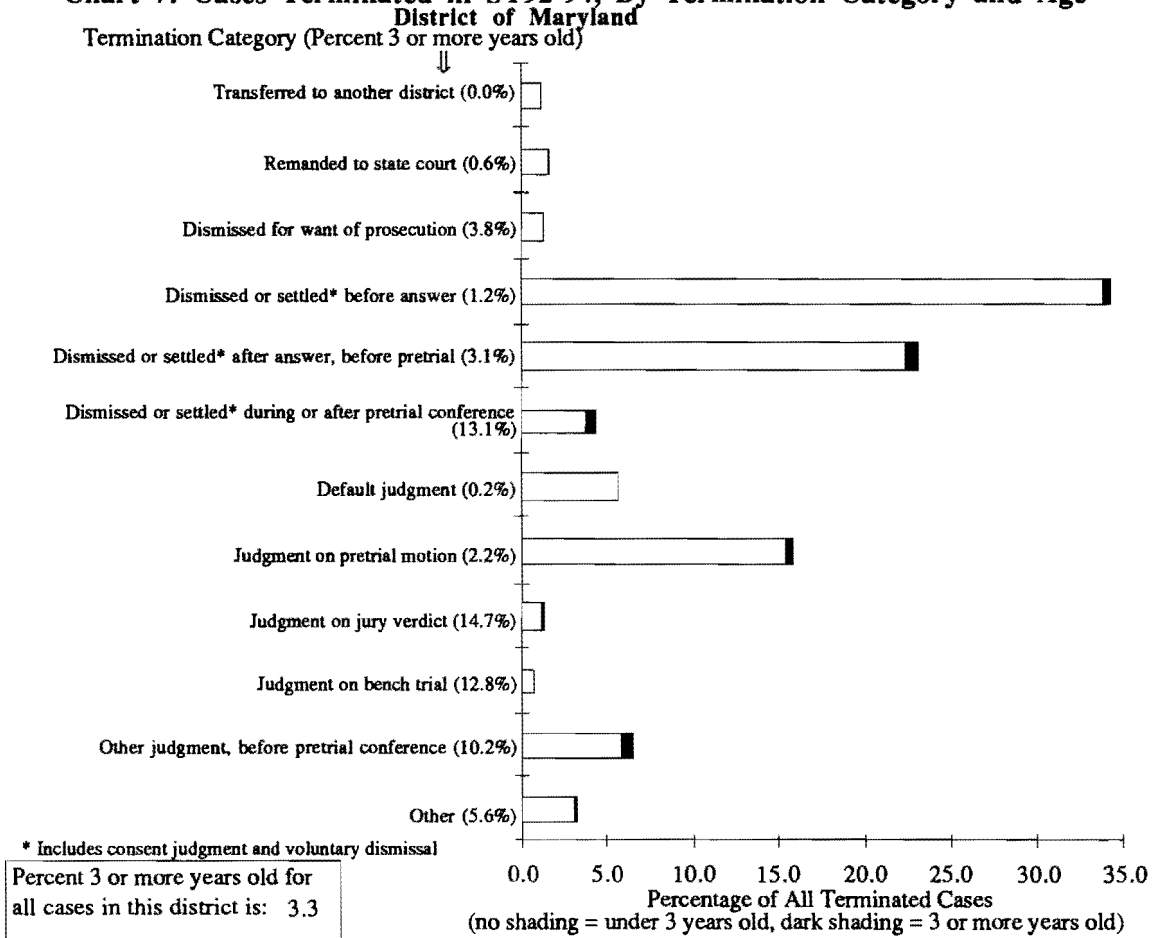
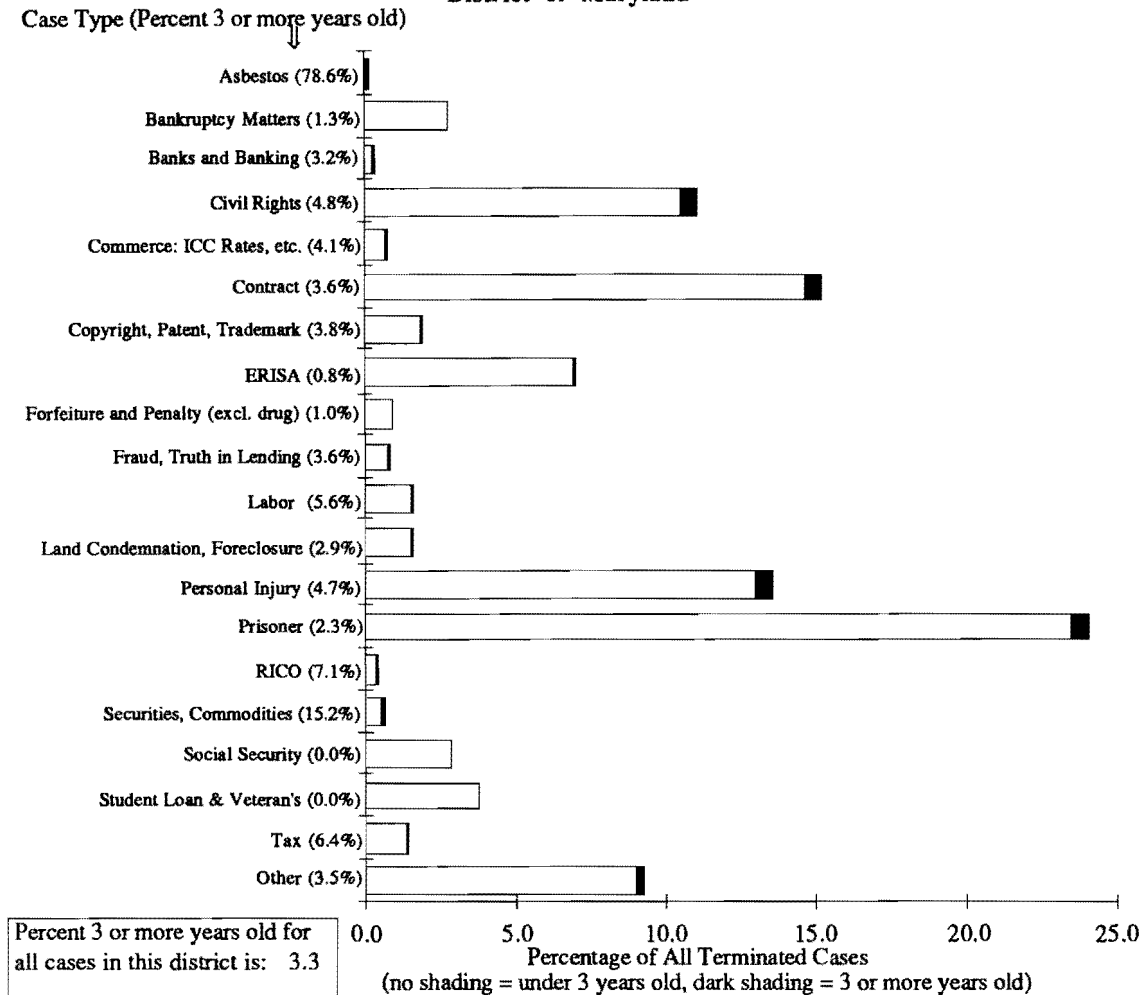


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of Maryland



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

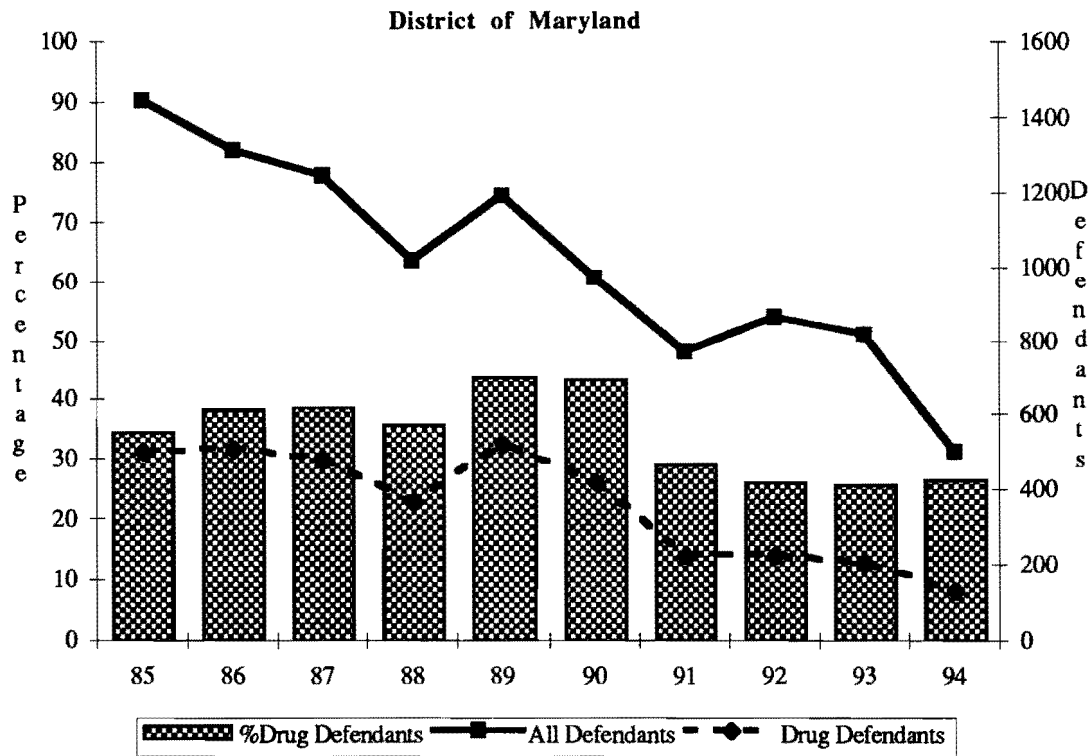
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

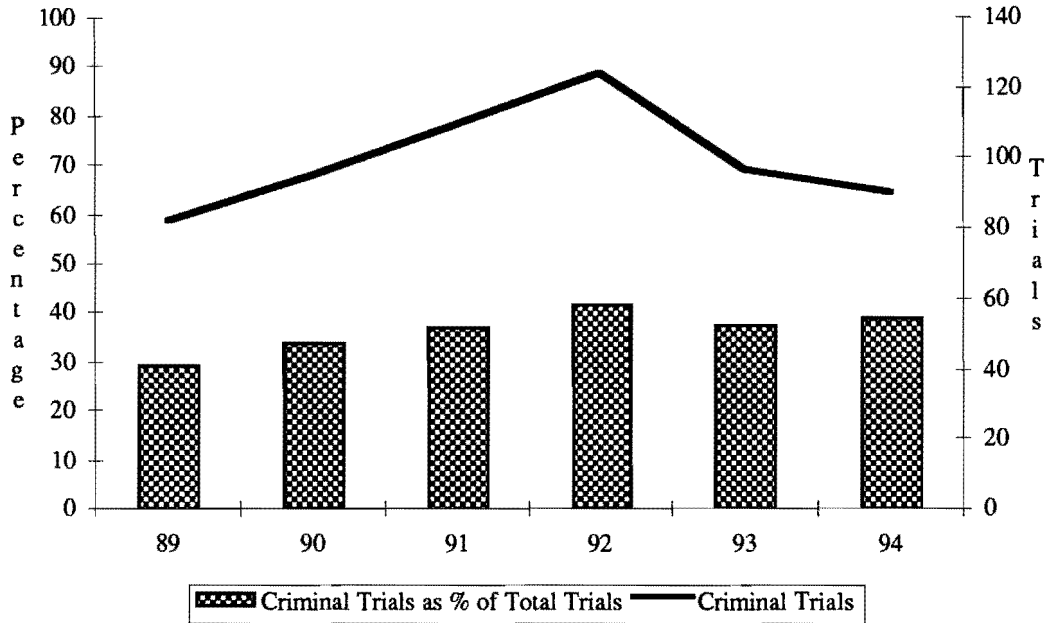
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
District of Maryland**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of North Carolina

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- appeals of Social Security Administration benefit denials
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- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Eastern District of North Carolina**

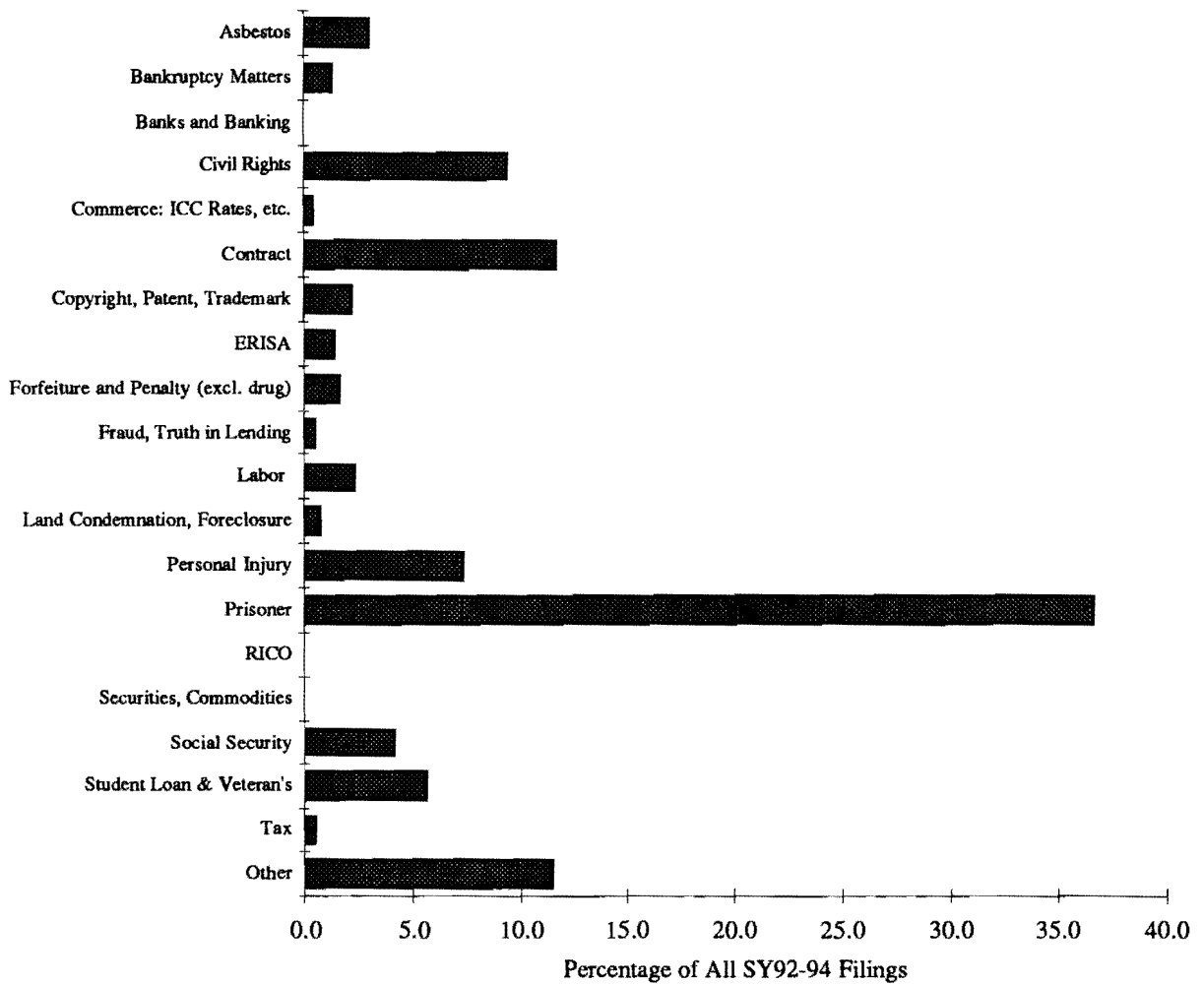
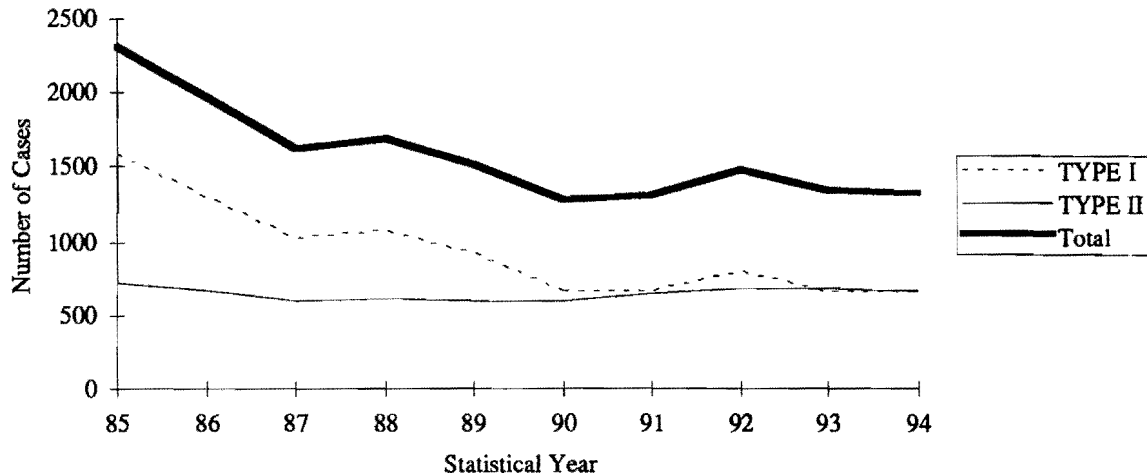


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of North Carolina

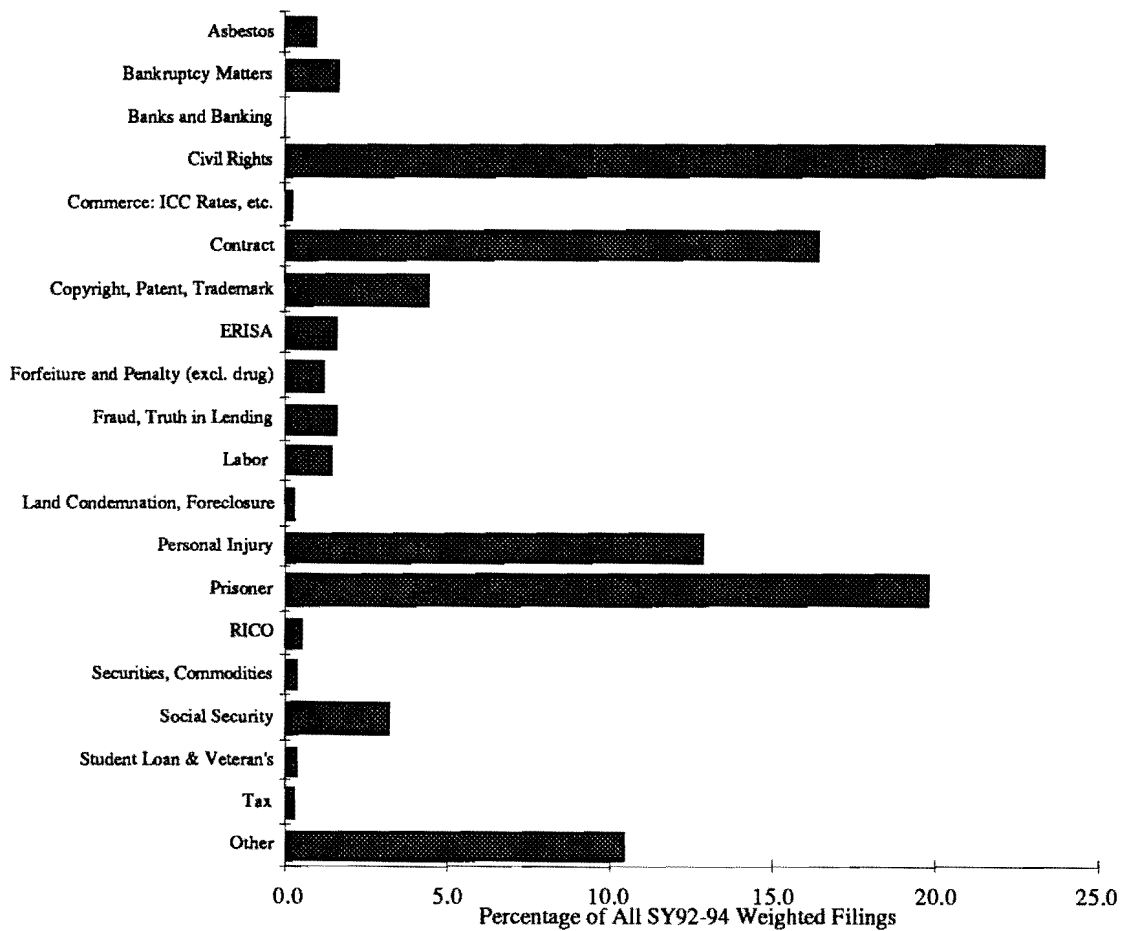


**Table 1: Filings by Case Type, SY85-94**

Eastern District of North Carolina	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
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Banks and Banking	1	2	1	0	1	1	3	1	0	0
Civil Rights	90	84	91	91	77	69	100	129	123	139
Commerce: ICC Rates, etc.	3	1	4	2	2	2	0	8	2	5
Contract	156	176	211	247	237	242	205	191	158	140
Copyright, Patent, Trademark	20	28	22	21	21	25	32	34	28	30
ERISA	2	3	4	7	6	8	12	12	23	24
Forfeiture and Penalty (excl. drug)	190	99	53	43	41	48	47	26	13	28
Fraud, Truth in Lending	9	5	7	3	5	5	9	4	11	5
Labor	17	35	37	23	16	22	23	37	35	22
Land Condemnation, Foreclosure	4	3	1	3	38	3	2	3	22	5
Personal Injury	101	113	73	74	92	94	78	82	118	108
Prisoner	482	570	673	659	577	458	500	480	479	572
RICO	0	0	3	0	3	0	0	1	3	0
Securities, Commodities	4	4	7	12	12	10	5	2	1	1
Social Security	120	35	48	89	26	37	8	62	69	43
Student Loan and Veteran's	968	675	272	229	215	118	89	187	40	7
Tax	23	16	9	7	2	10	3	4	9	4
All Other	107	102	84	88	89	70	129	160	166	155
All Civil Cases	2315	1968	1634	1691	1521	1281	1317	1497	1354	1337

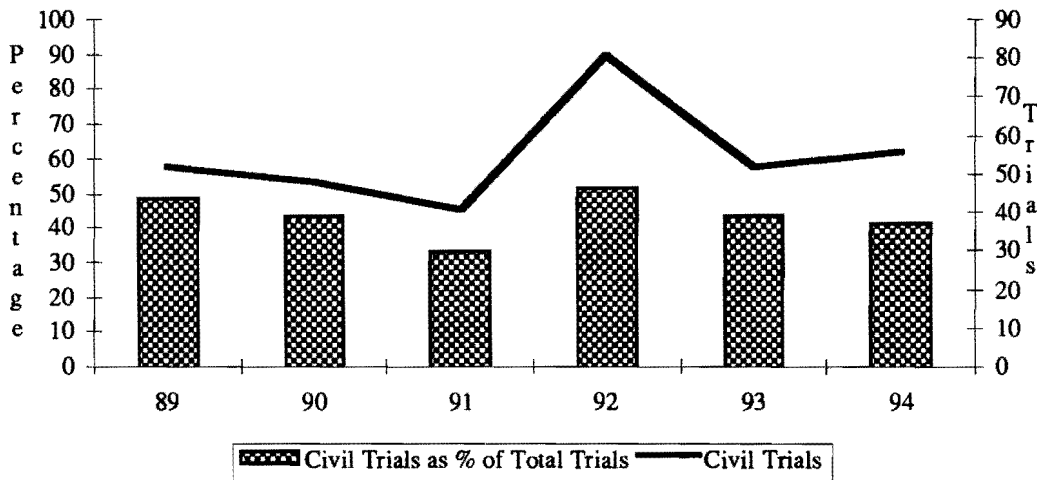
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
Eastern District of North Carolina



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Eastern District of North Carolina



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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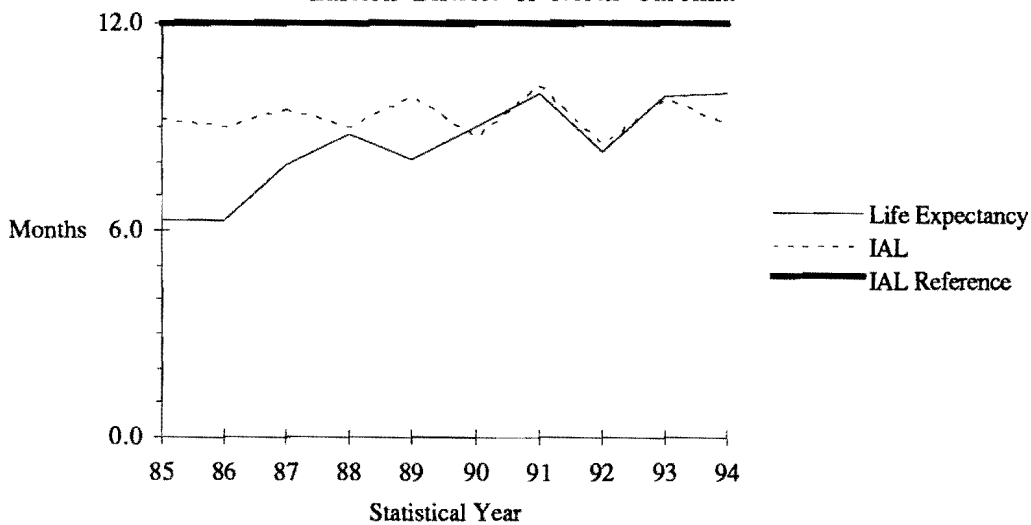
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A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

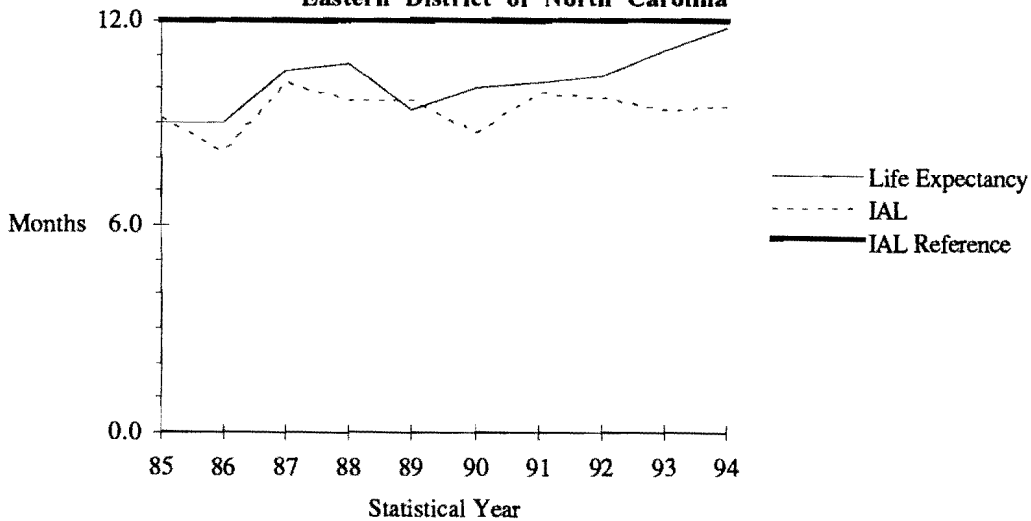
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Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Eastern District of North Carolina**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Eastern District of North Carolina**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

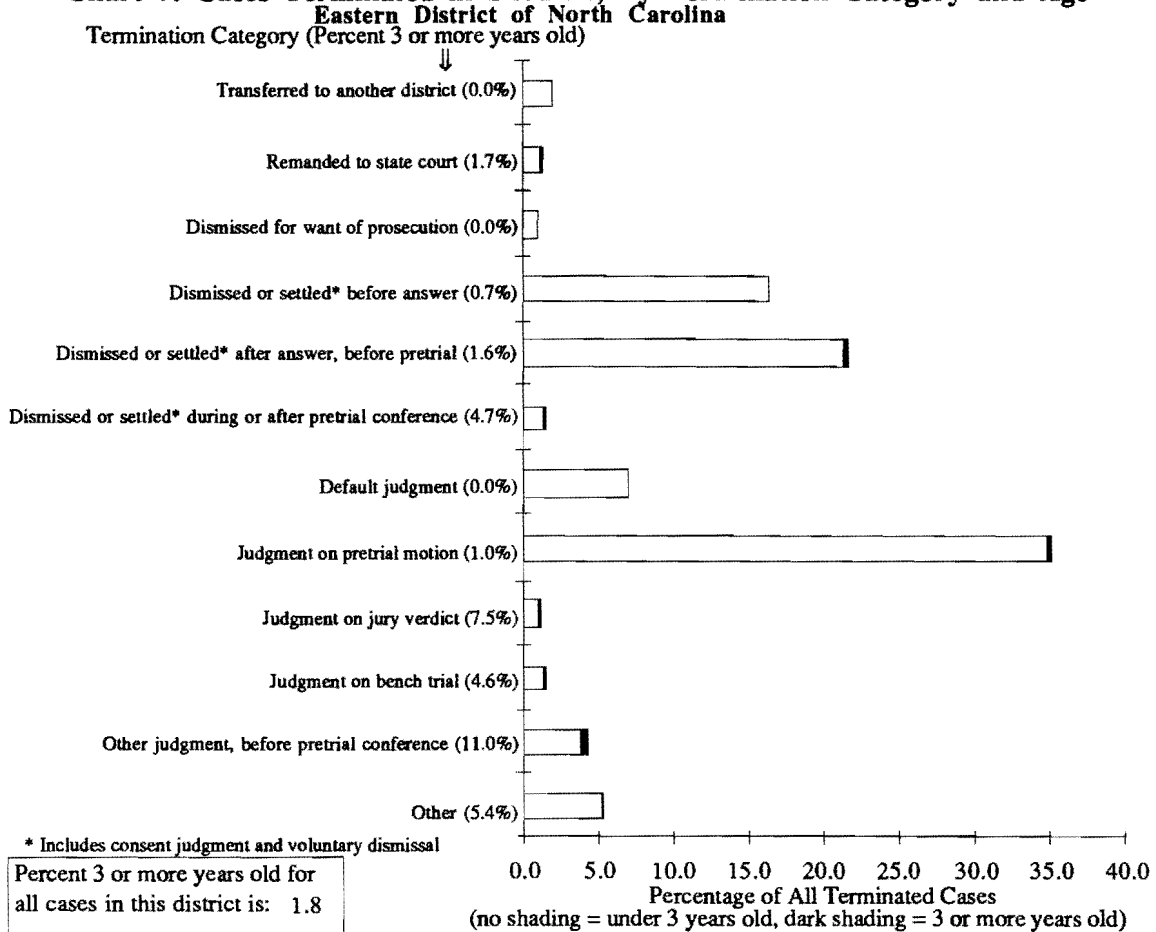
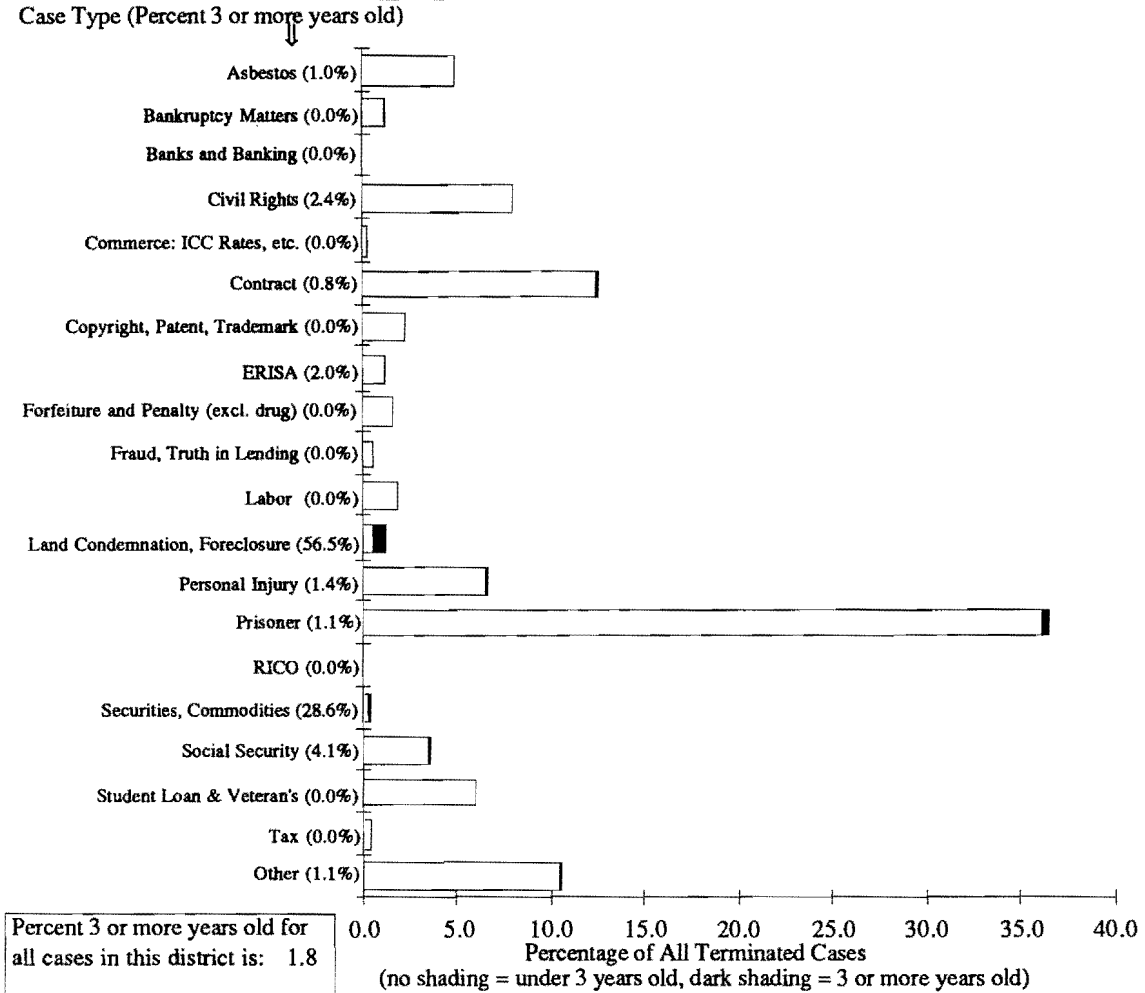


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of North Carolina



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

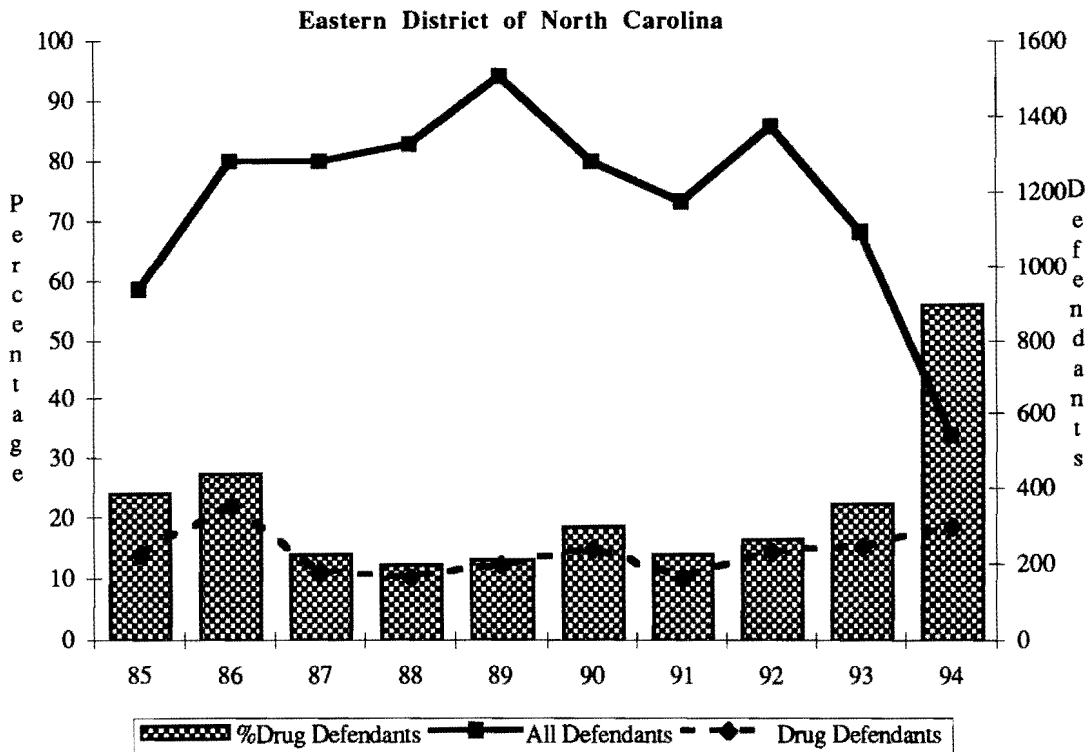
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

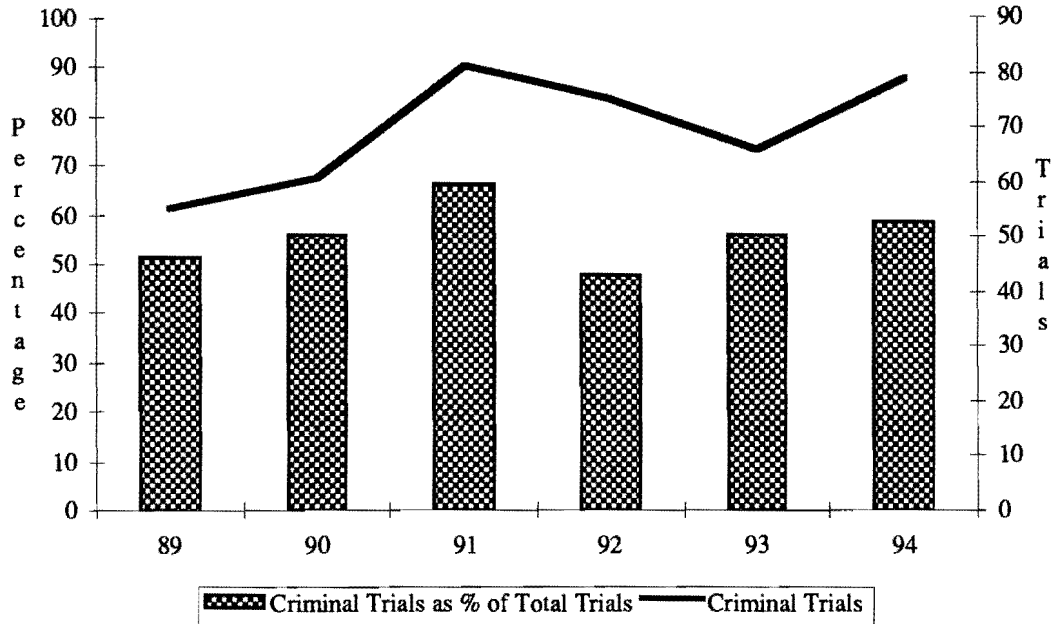
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Eastern District of North Carolina**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Middle District of North Carolina

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Middle District of North Carolina

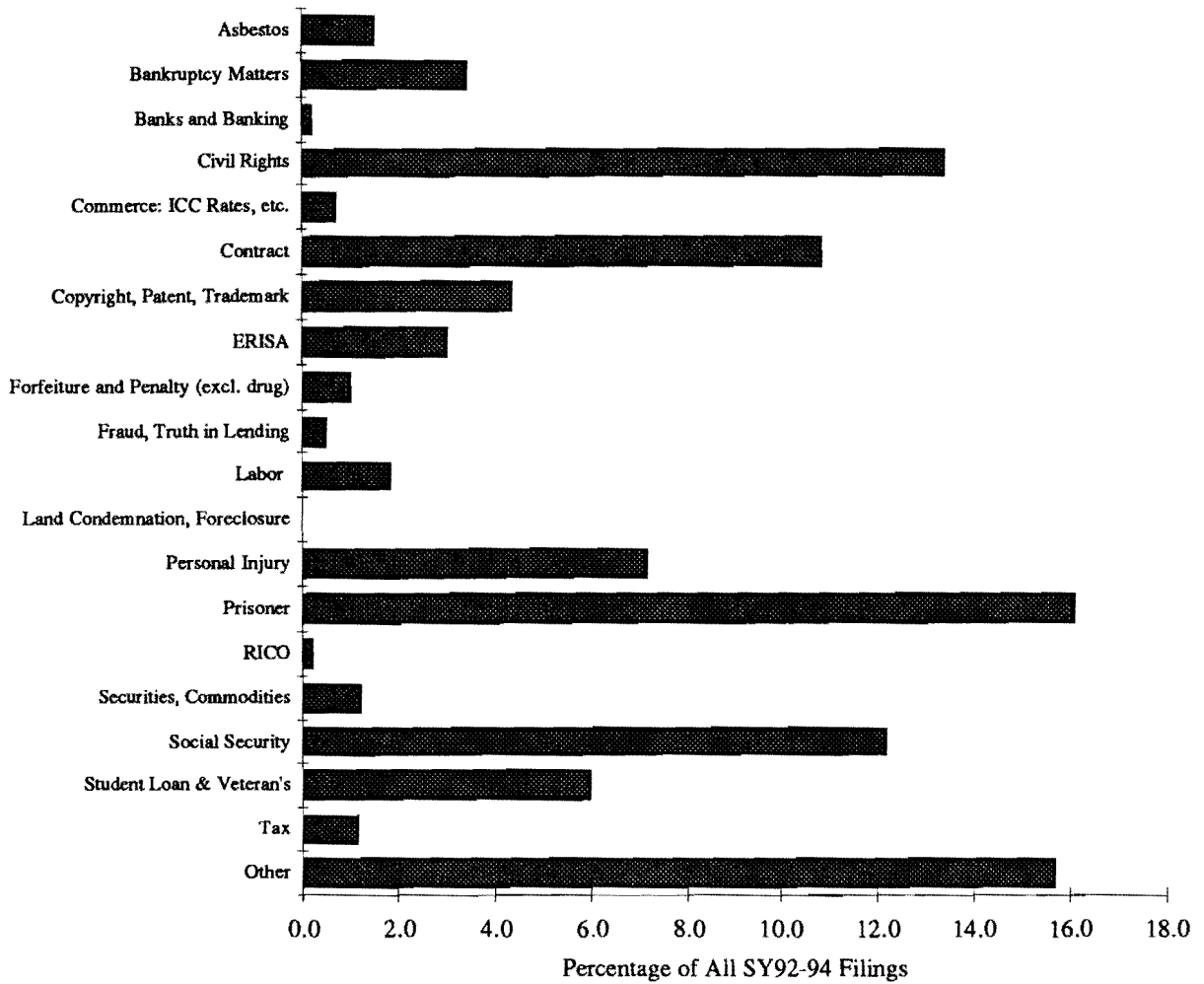
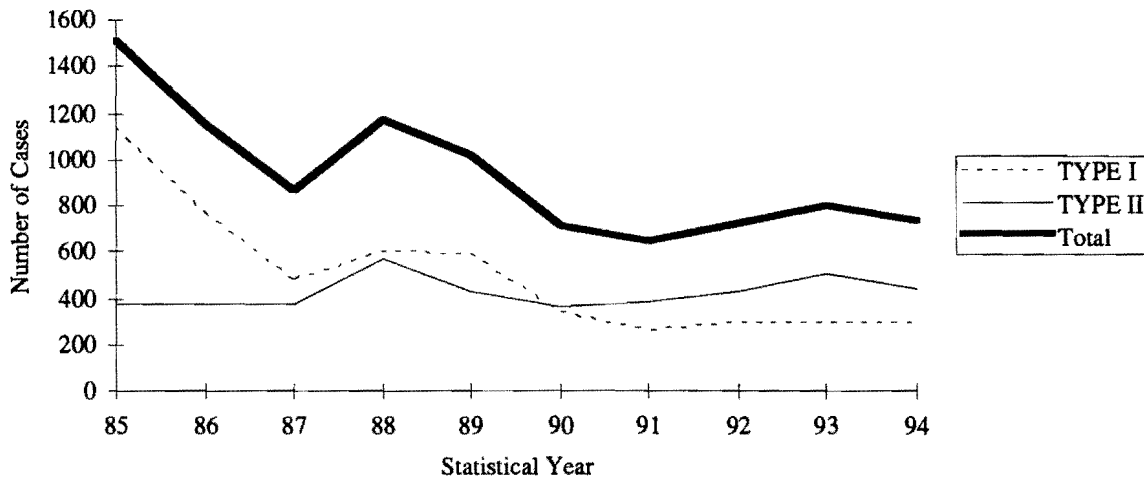


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of North Carolina

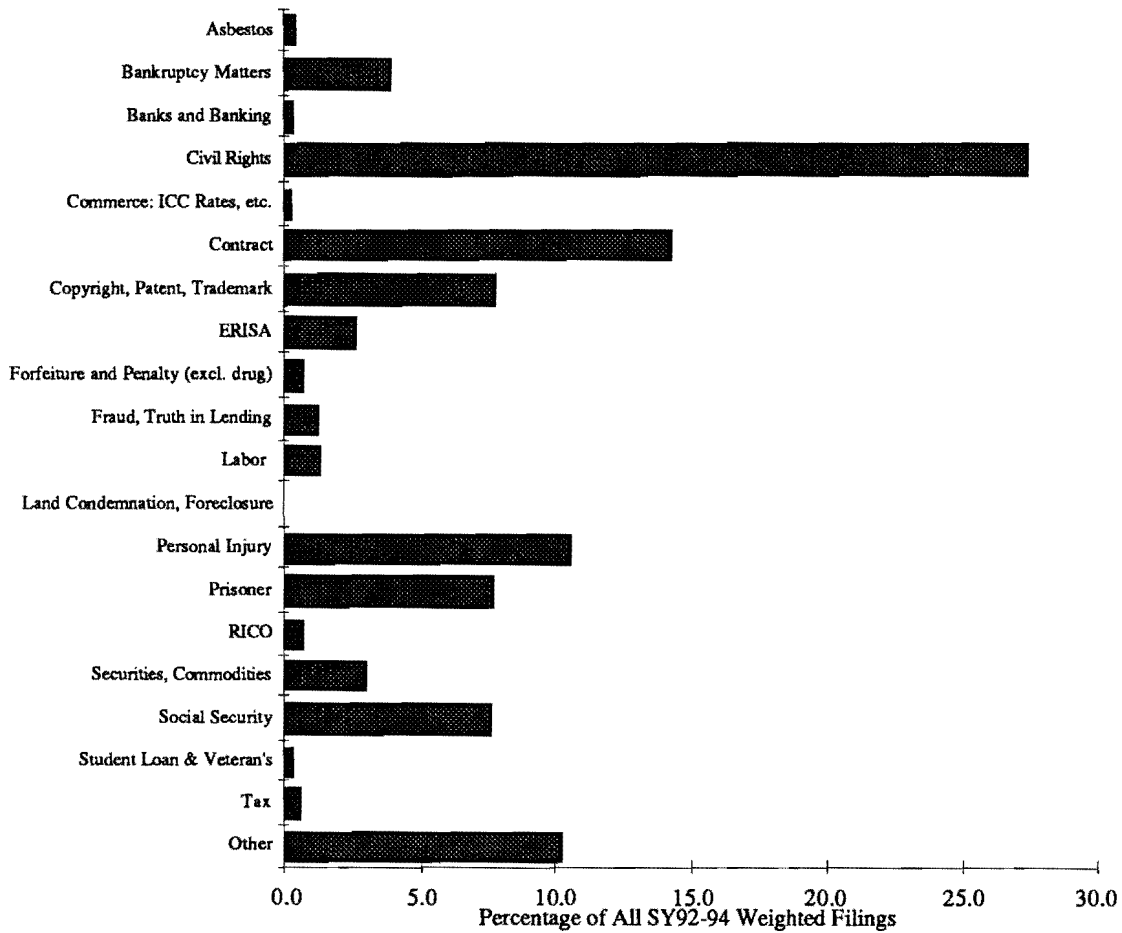


**Table 1: Filings by Case Type, SY85-94**

Middle District of North Carolina	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	6	15	11	14	20	15	18	9	7
Bankruptcy Matters	23	19	16	30	21	12	18	23	30	24
Banks and Banking	3	1	0	1	1	0	3	2	2	0
Civil Rights	79	69	66	75	83	56	64	83	115	105
Commerce: ICC Rates, etc.	4	1	4	128	15	1	4	6	7	2
Contract	106	132	120	175	151	116	80	77	90	77
Copyright, Patent, Trademark	25	31	37	29	7	26	19	29	37	32
ERISA	3	2	6	10	10	15	13	25	23	19
Forfeiture and Penalty (excl. drug)	19	20	18	36	32	8	4	12	5	5
Fraud, Truth in Lending	5	7	1	4	8	1	5	3	5	2
Labor	15	16	16	18	11	13	13	13	17	11
Land Condemnation, Foreclosure	1	1	0	1	0	2	1	0	0	1
Personal Injury	43	37	35	31	44	34	42	54	46	62
Prisoner	238	261	243	259	313	178	163	89	119	155
RICO	0	0	1	1	3	2	1	1	1	2
Securities, Commodities	7	2	12	6	4	6	11	16	8	3
Social Security	56	18	45	51	22	20	6	64	116	95
Student Loan and Veteran's	817	466	168	252	221	111	64	101	24	10
Tax	13	6	4	5	5	7	11	5	7	14
All Other	50	51	58	47	49	82	111	106	141	107
All Civil Cases	1507	1146	865	1170	1014	710	648	727	802	733

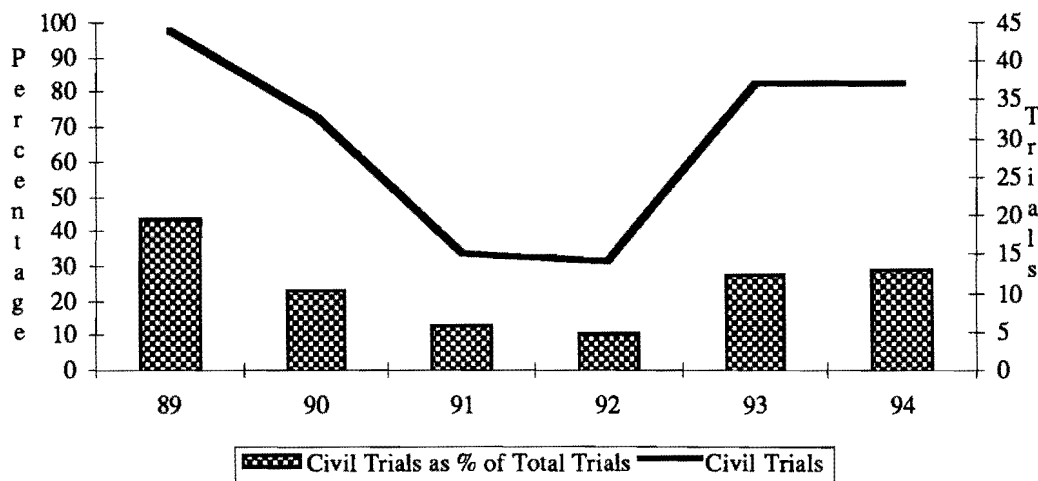
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of North Carolina**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of North Carolina**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

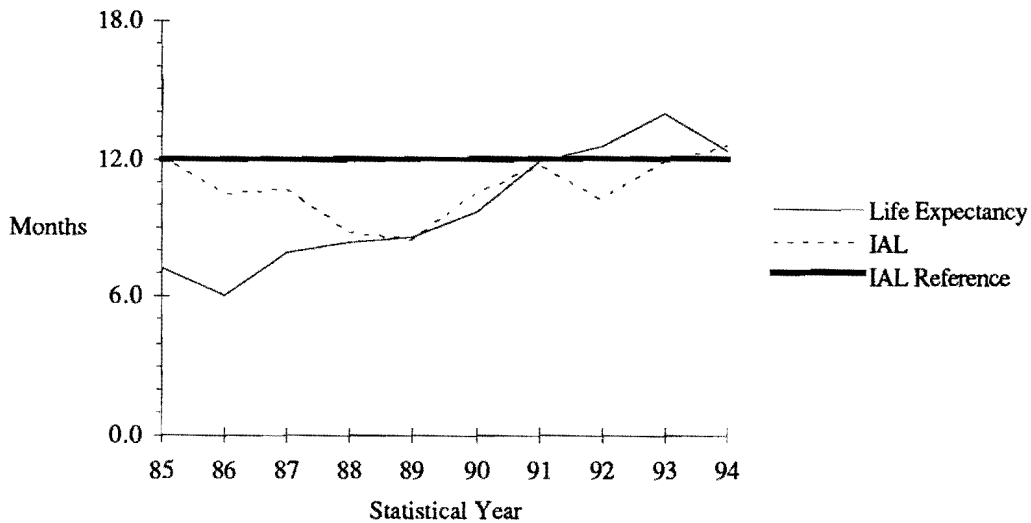
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



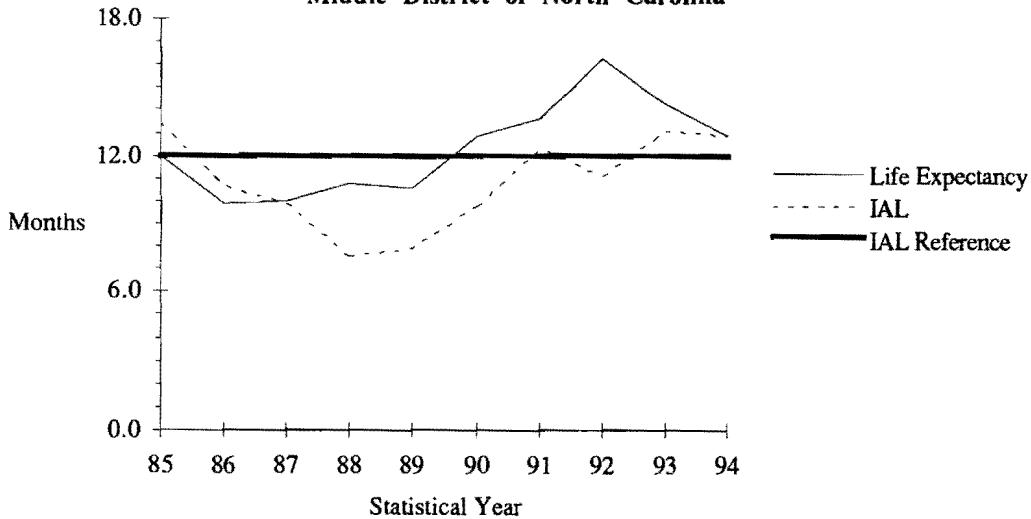
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of North Carolina**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of North Carolina**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Middle District of North Carolina  
Termination Category (Percent 3 or more years old)

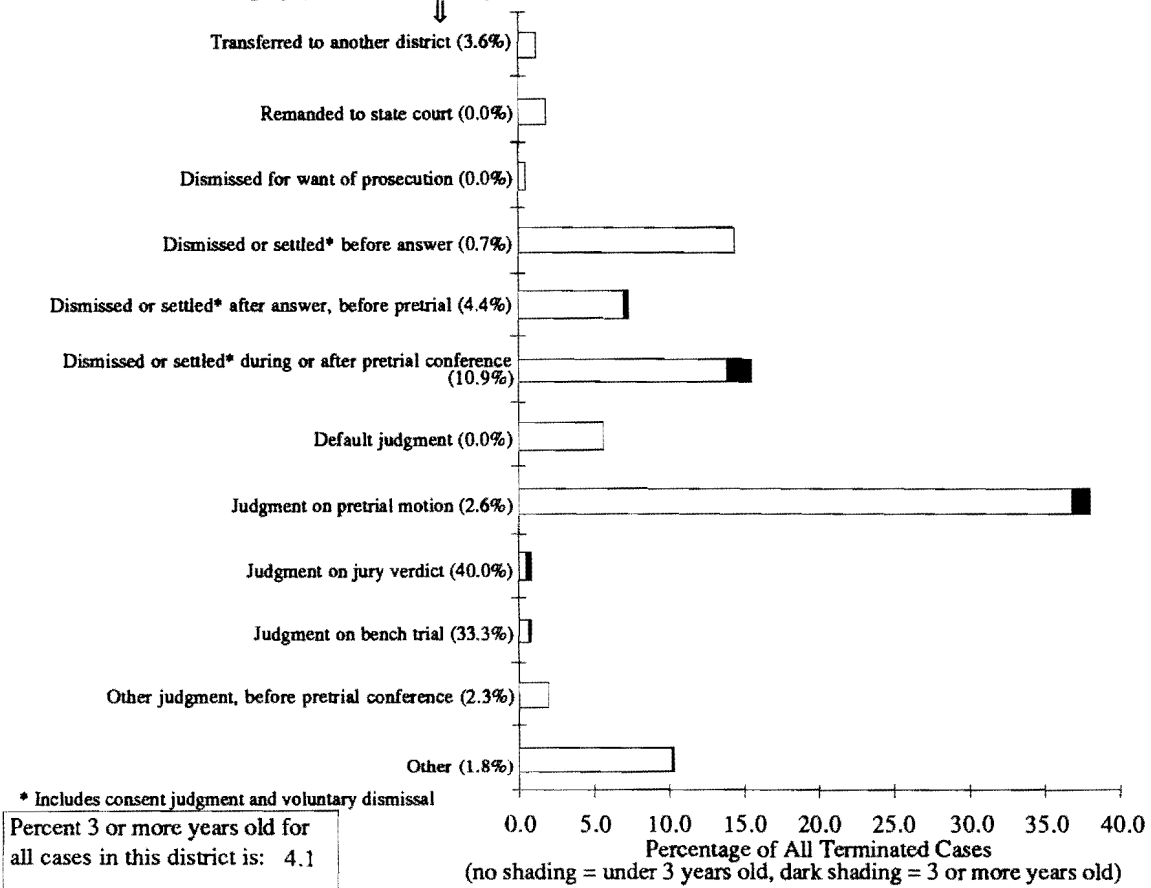
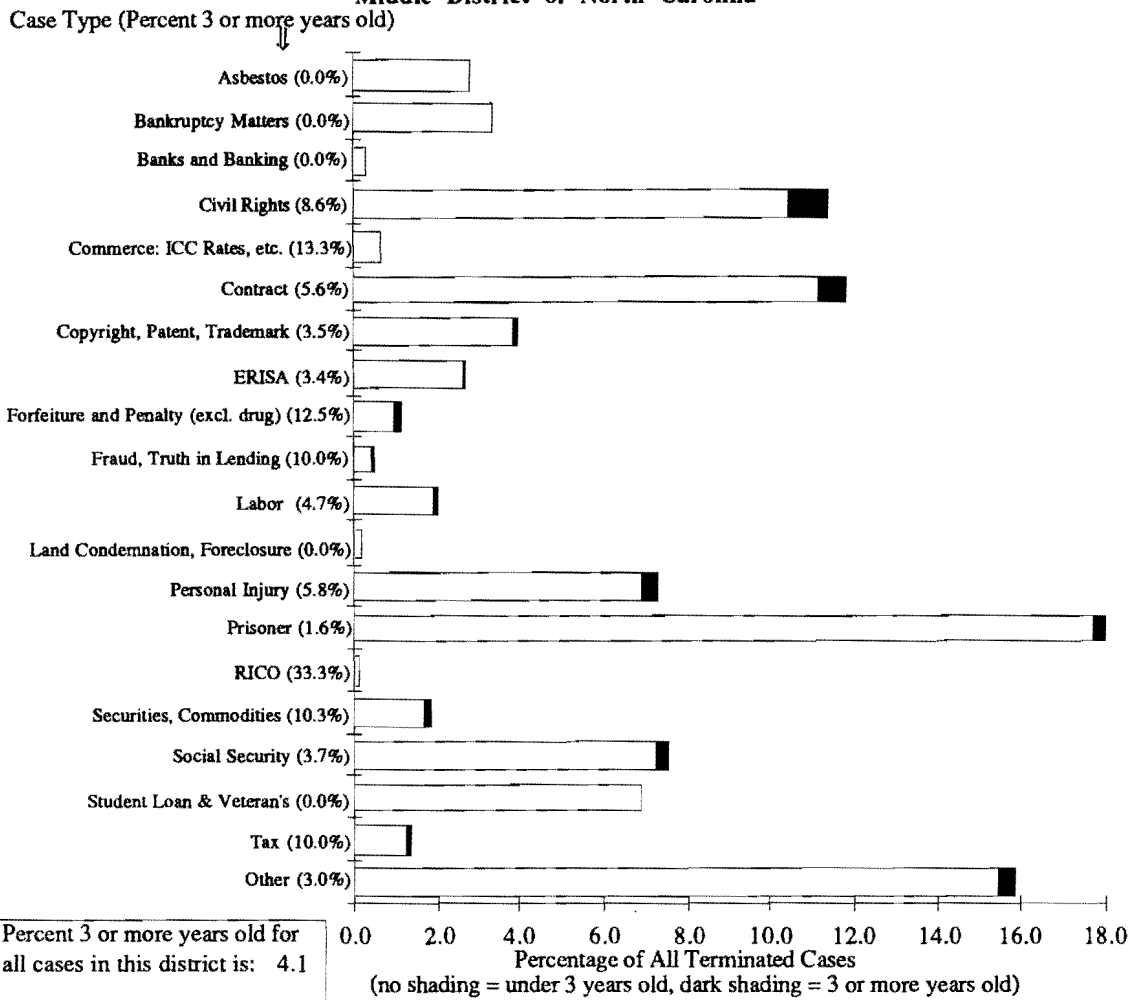


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of North Carolina



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

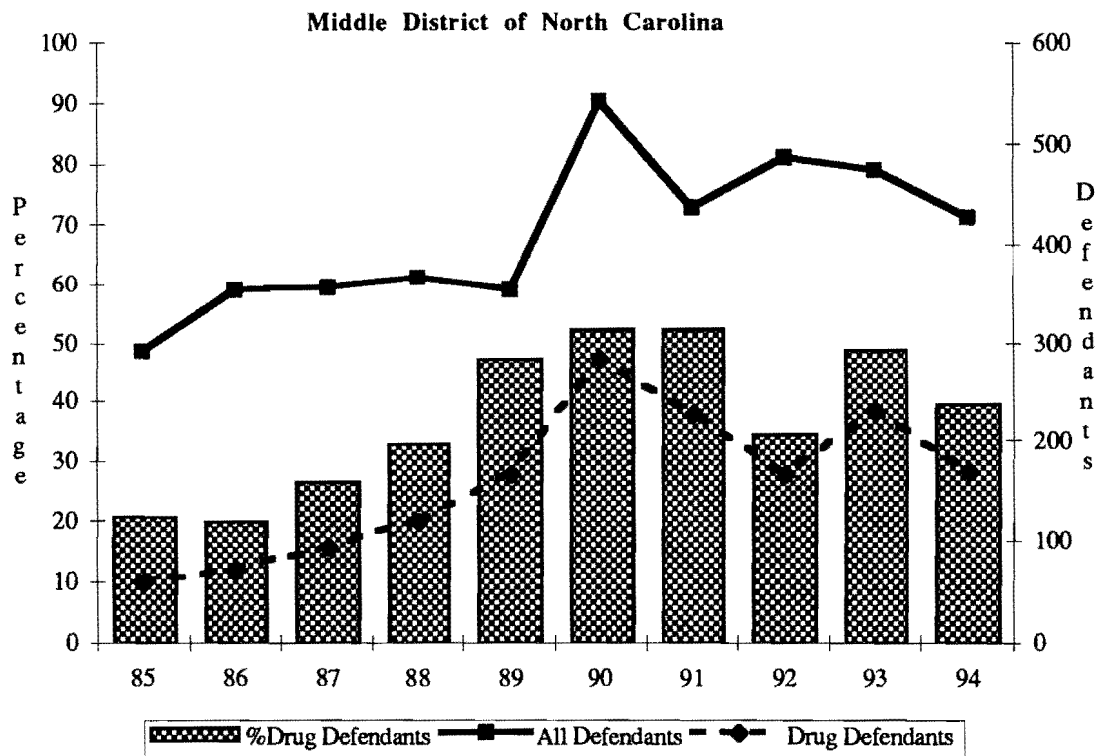
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## 2. The Criminal Docket

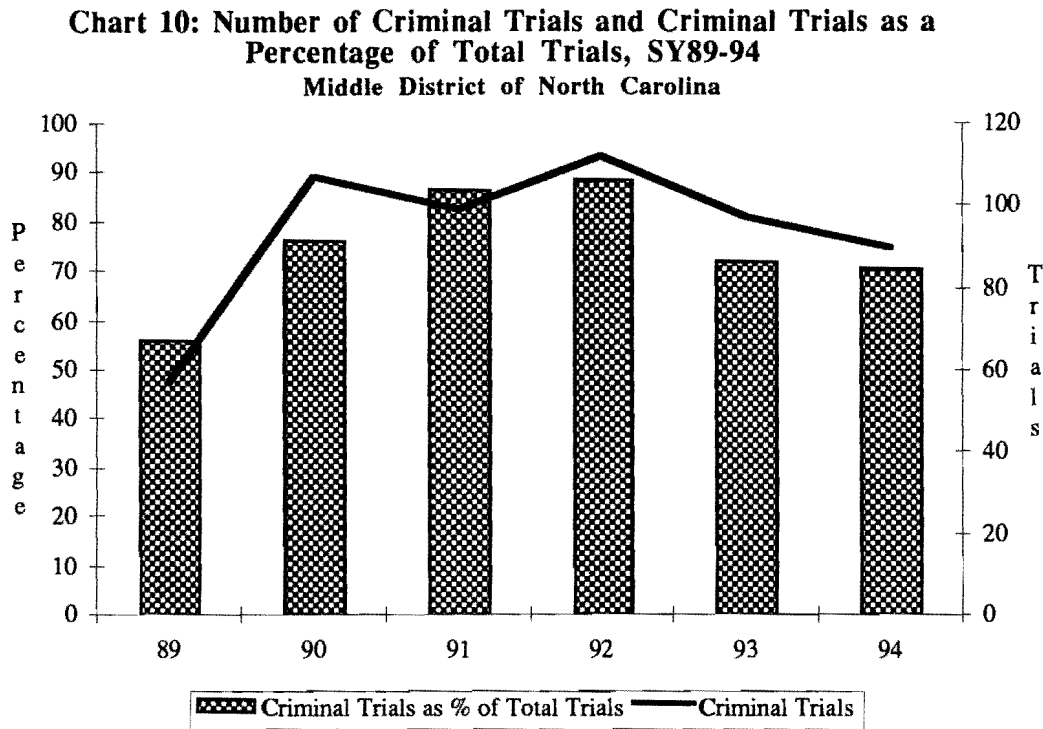
**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

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**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.



**For more information on caseload issues**

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of North Carolina

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Western District of North Carolina

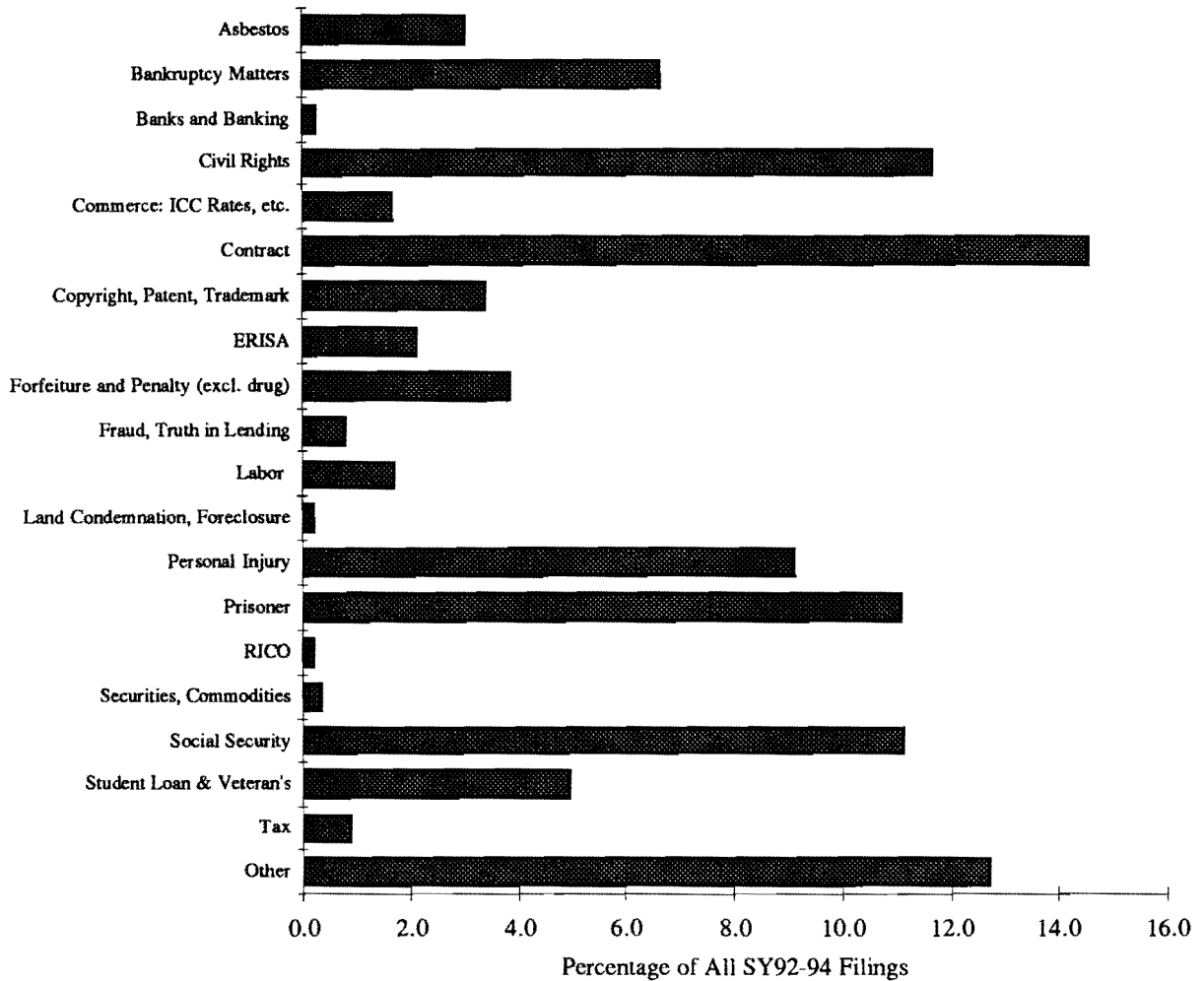
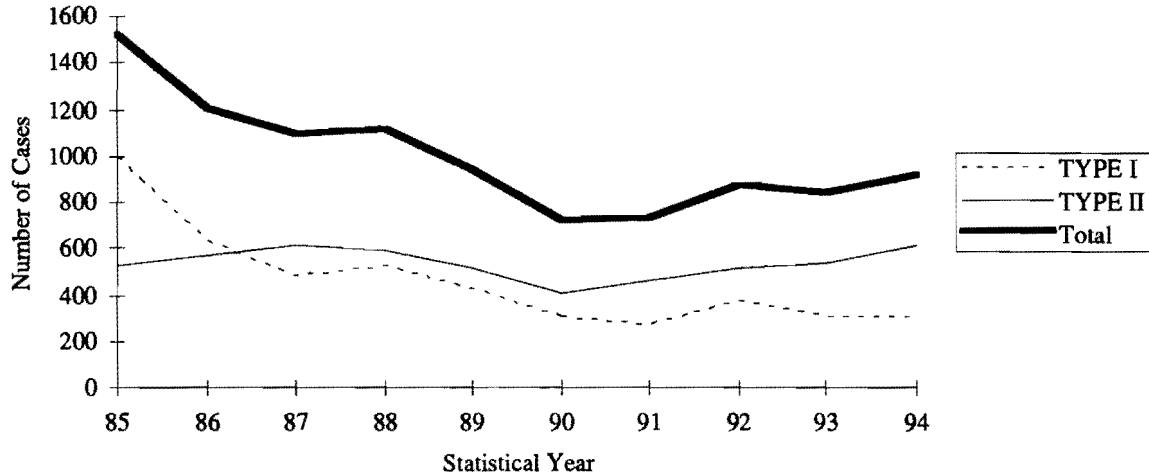


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of North Carolina

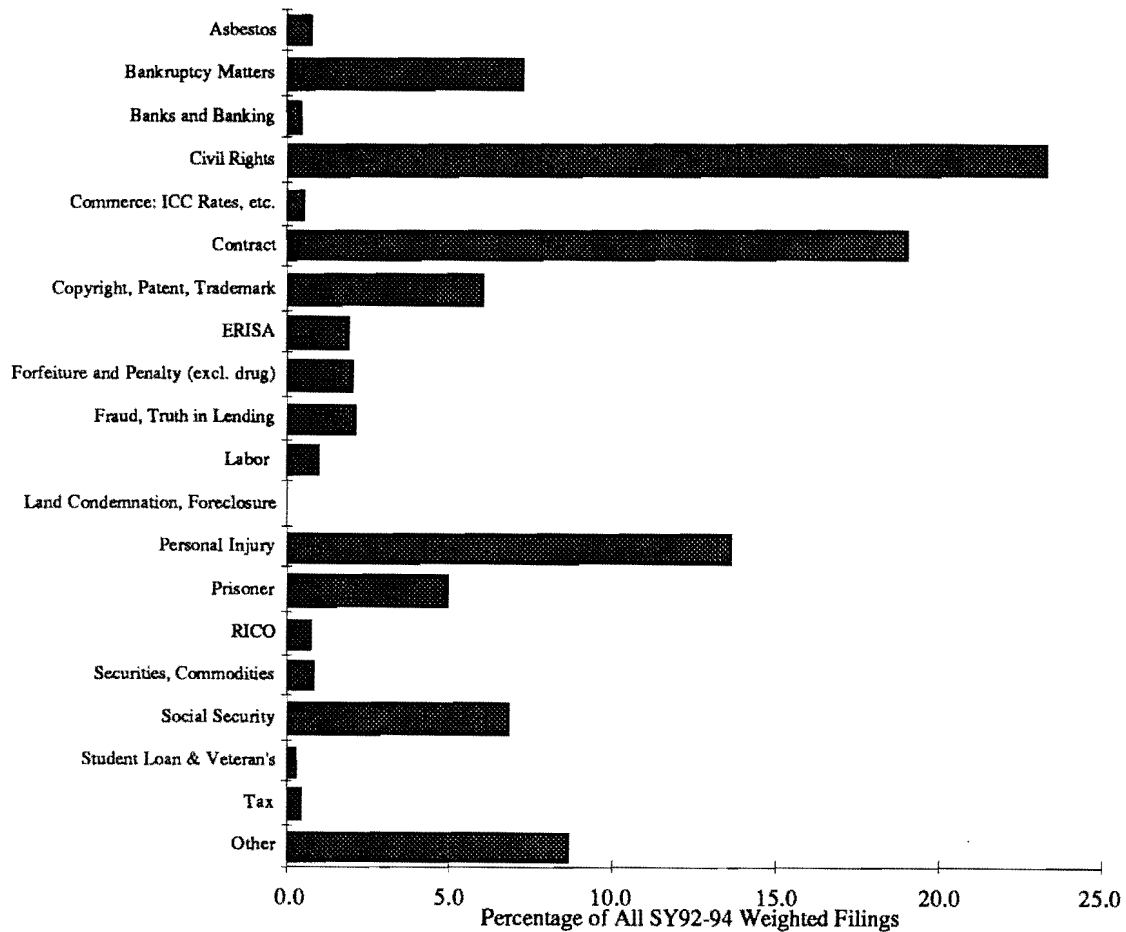


**Table 1: Filings by Case Type, SY85-94**

Western District of North Carolina	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	1	19	6	34	29	26	36	18	26
Bankruptcy Matters	15	8	17	25	10	29	47	41	52	82
Banks and Banking	3	2	1	0	0	1	1	0	4	2
Civil Rights	114	107	96	98	90	70	62	86	91	131
Commerce: ICC Rates, etc.	2	0	7	12	6	2	10	7	25	11
Contract	172	226	246	200	198	146	154	150	118	117
Copyright, Patent, Trademark	26	24	32	40	25	25	33	20	28	41
ERISA	4	4	8	10	10	9	13	22	19	15
Forfeiture and Penalty (excl. drug)	14	10	21	22	20	29	10	29	44	29
Fraud, Truth in Lending	9	8	7	8	9	4	6	10	6	5
Labor	12	13	20	20	11	14	12	20	9	16
Land Condemnation, Foreclosure	3	2	0	3	1	2	2	3	0	2
Personal Injury	88	65	88	86	68	40	47	60	76	105
Prisoner	147	172	178	165	157	121	112	96	94	103
RICO	0	5	1	1	1	2	2	1	2	2
Securities, Commodities	6	2	2	7	4	5	5	0	2	7
Social Security	143	46	108	118	33	46	8	106	106	82
Student Loan and Veteran's	692	410	162	213	196	85	75	87	32	12
Tax	12	10	5	11	5	6	7	4	3	16
All Other	65	95	82	74	68	53	97	104	114	118
All Civil Cases	1527	1210	1100	1119	946	718	729	882	843	922

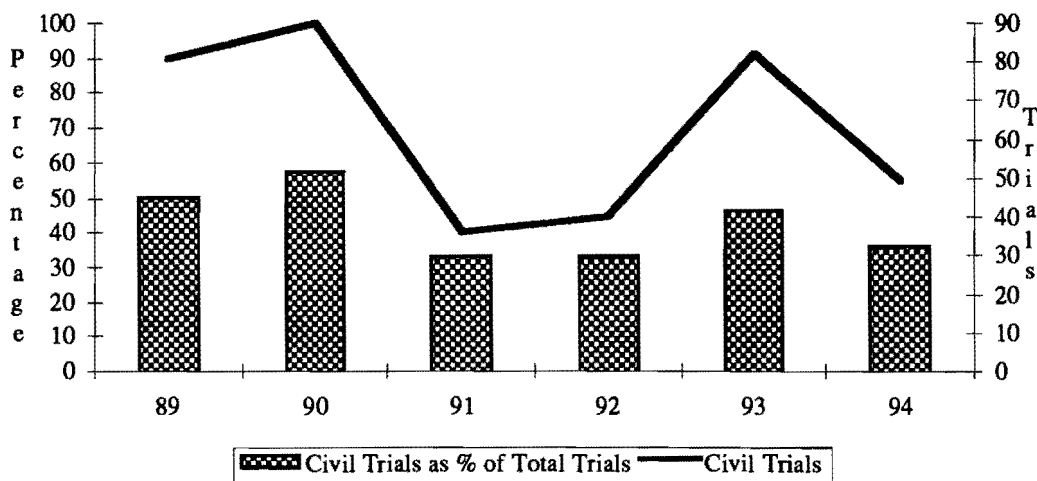
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Western District of North Carolina**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Western District of North Carolina



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

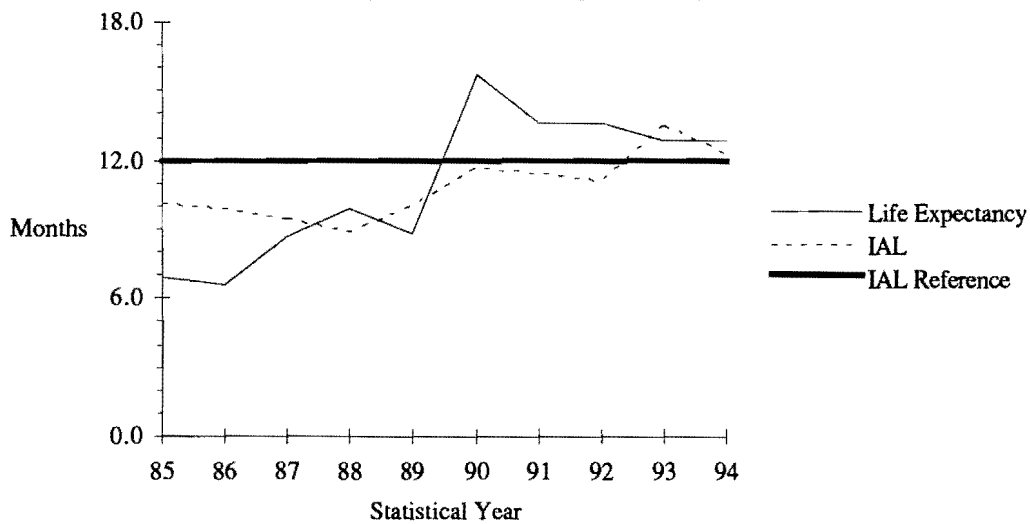
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

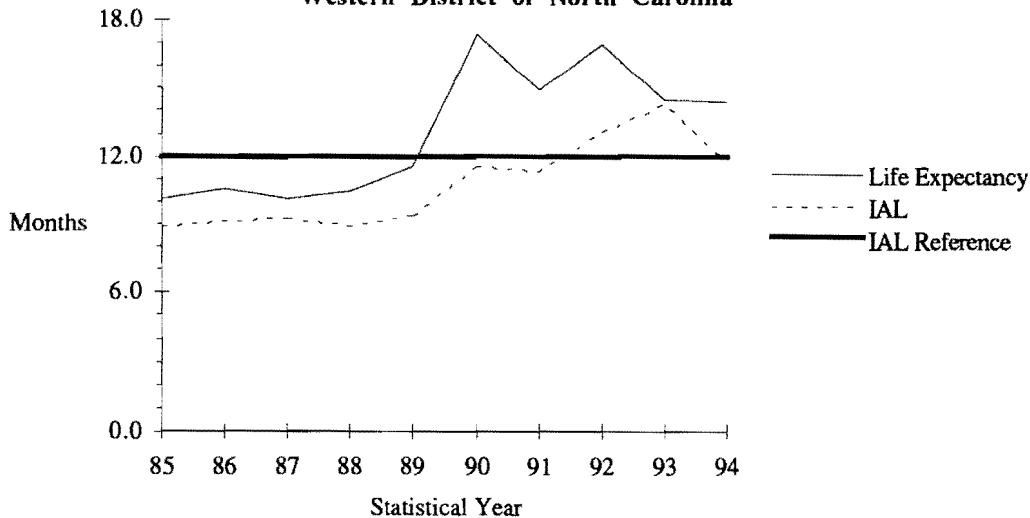
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of North Carolina**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of North Carolina**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Western District of North Carolina  
 Termination Category (Percent 3 or more years old)

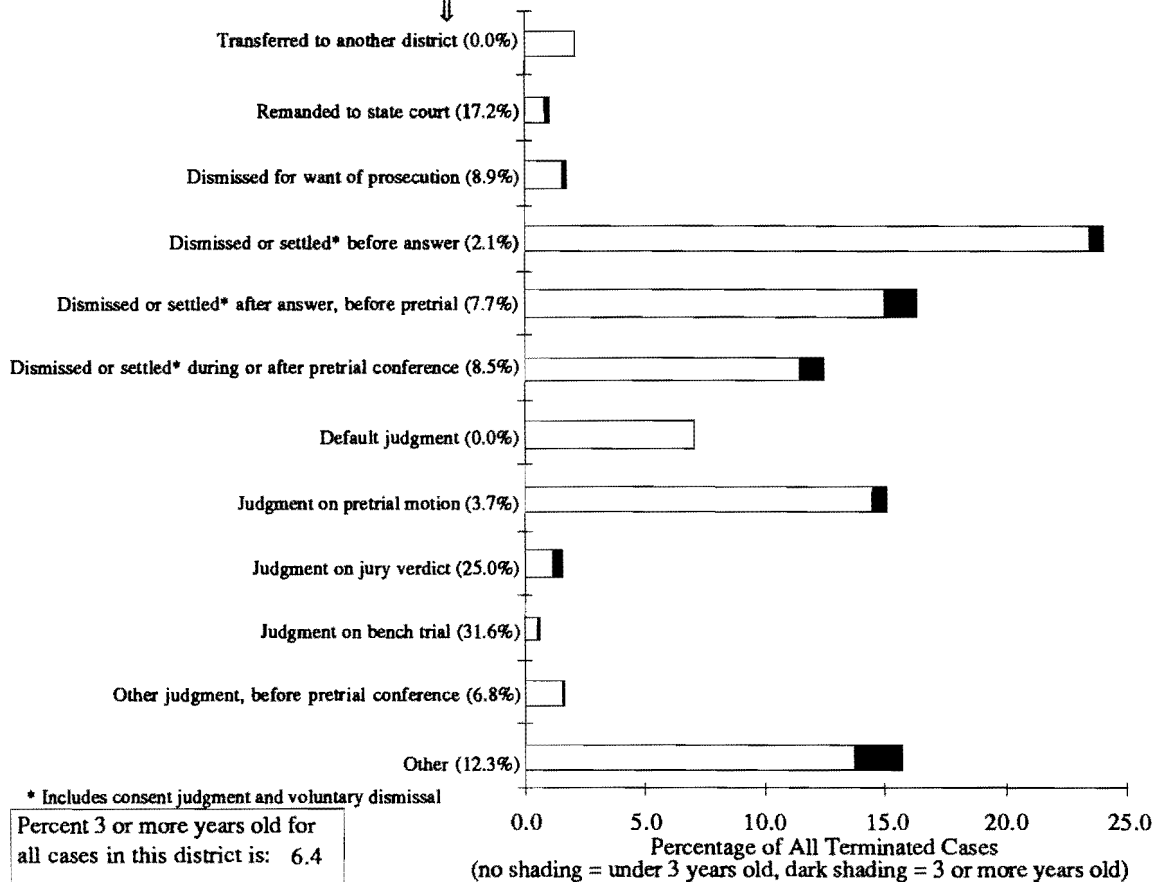
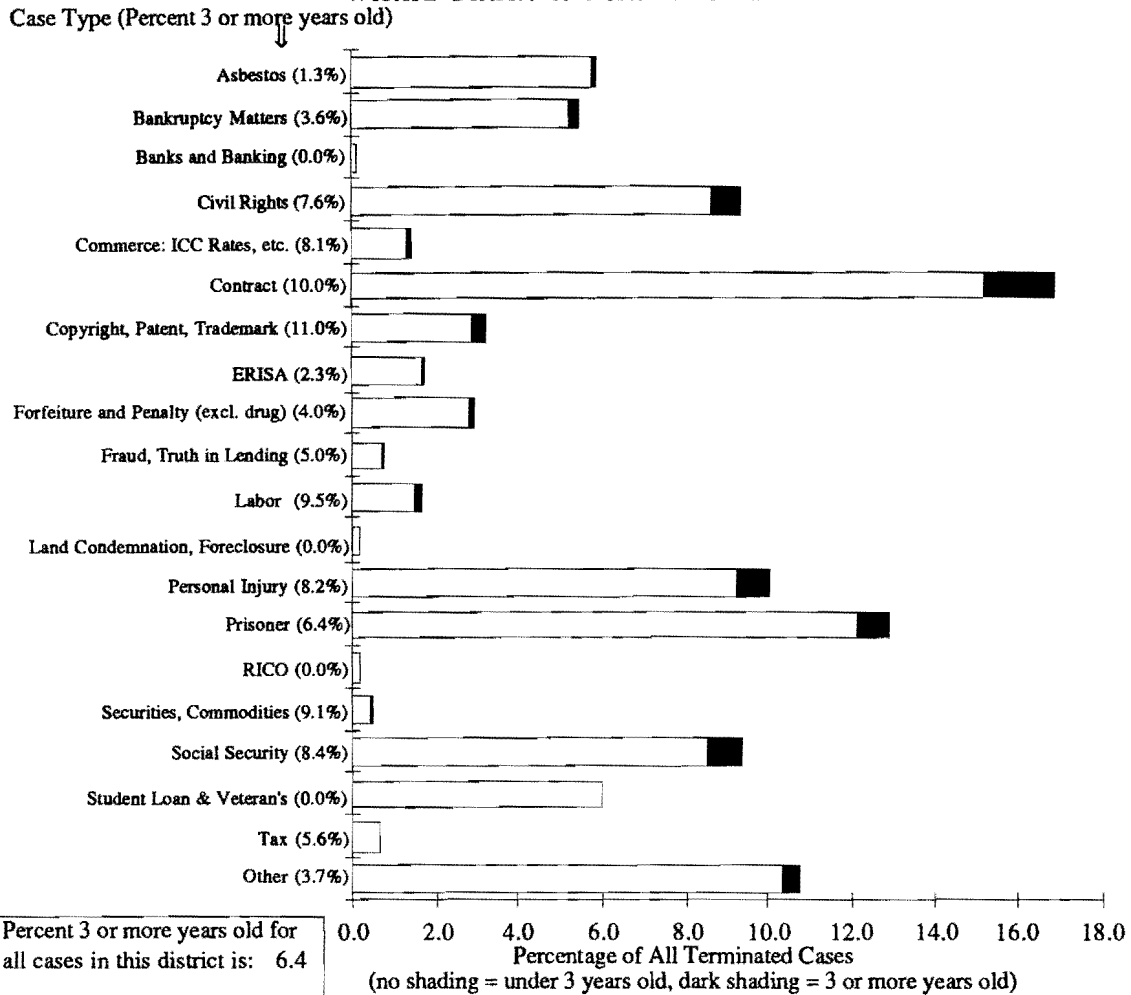


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of North Carolina



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

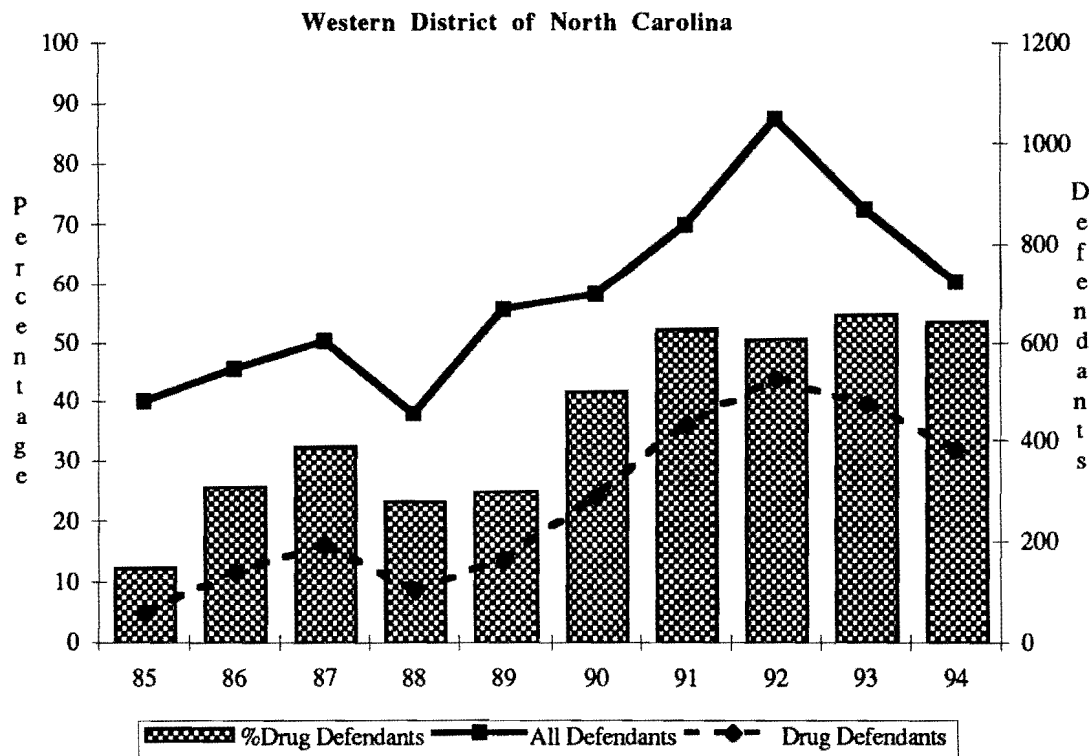
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## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

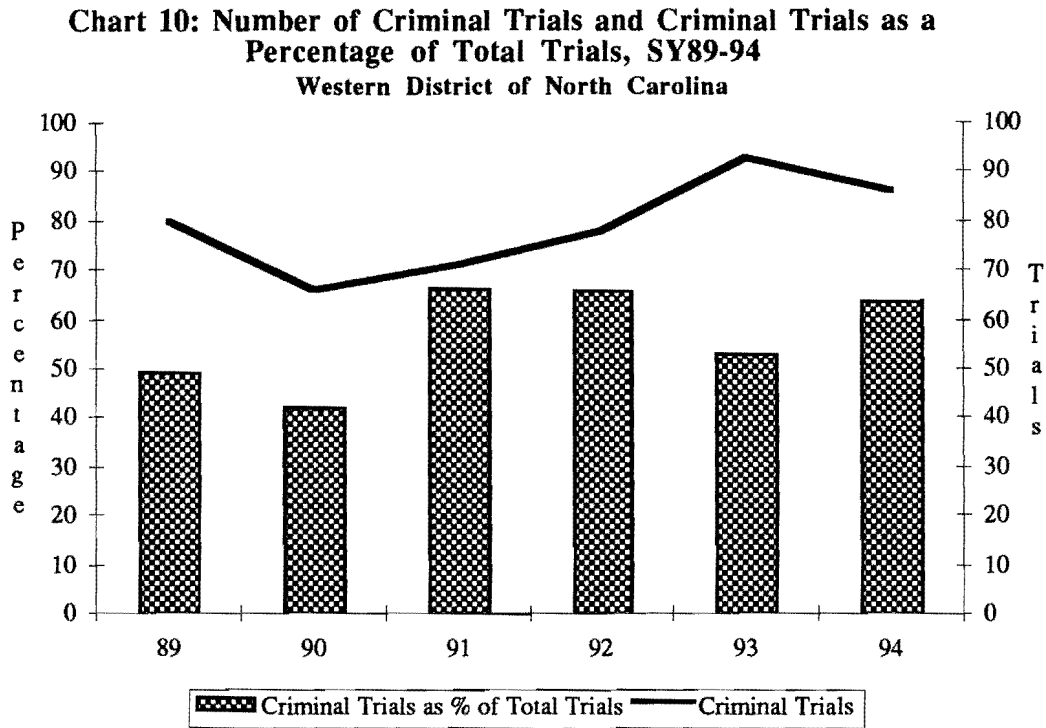
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the District of South Carolina

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

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3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
District of South Carolina

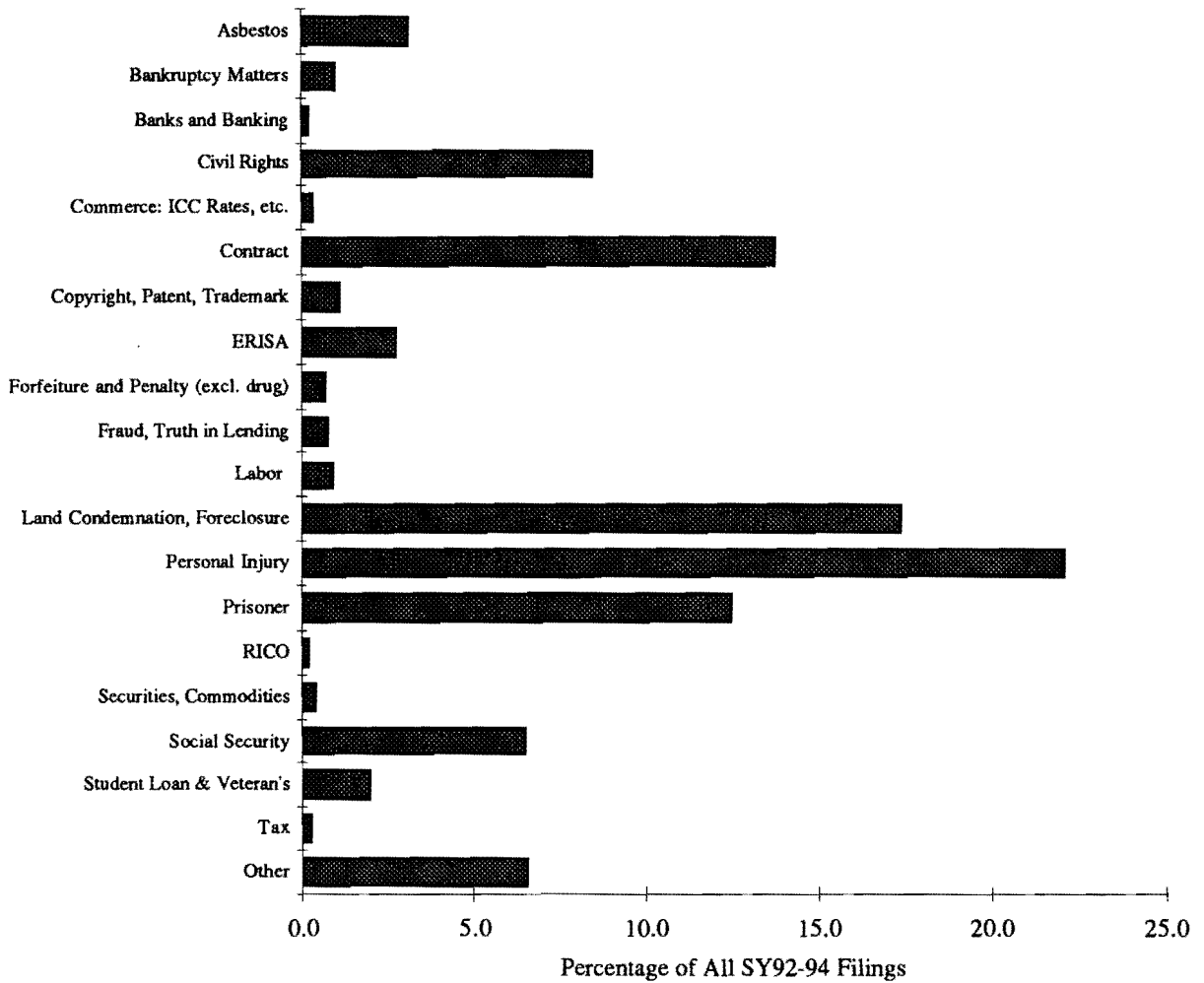
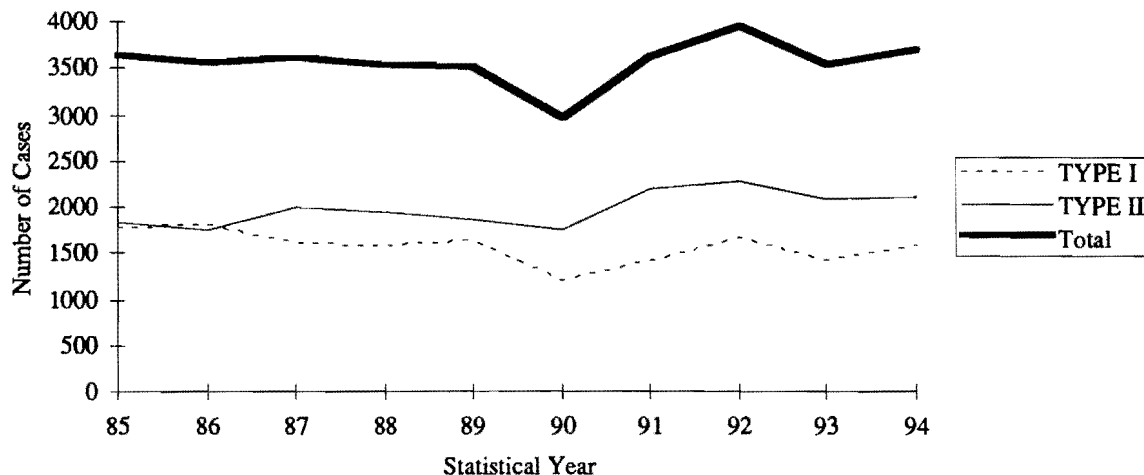


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
District of South Carolina

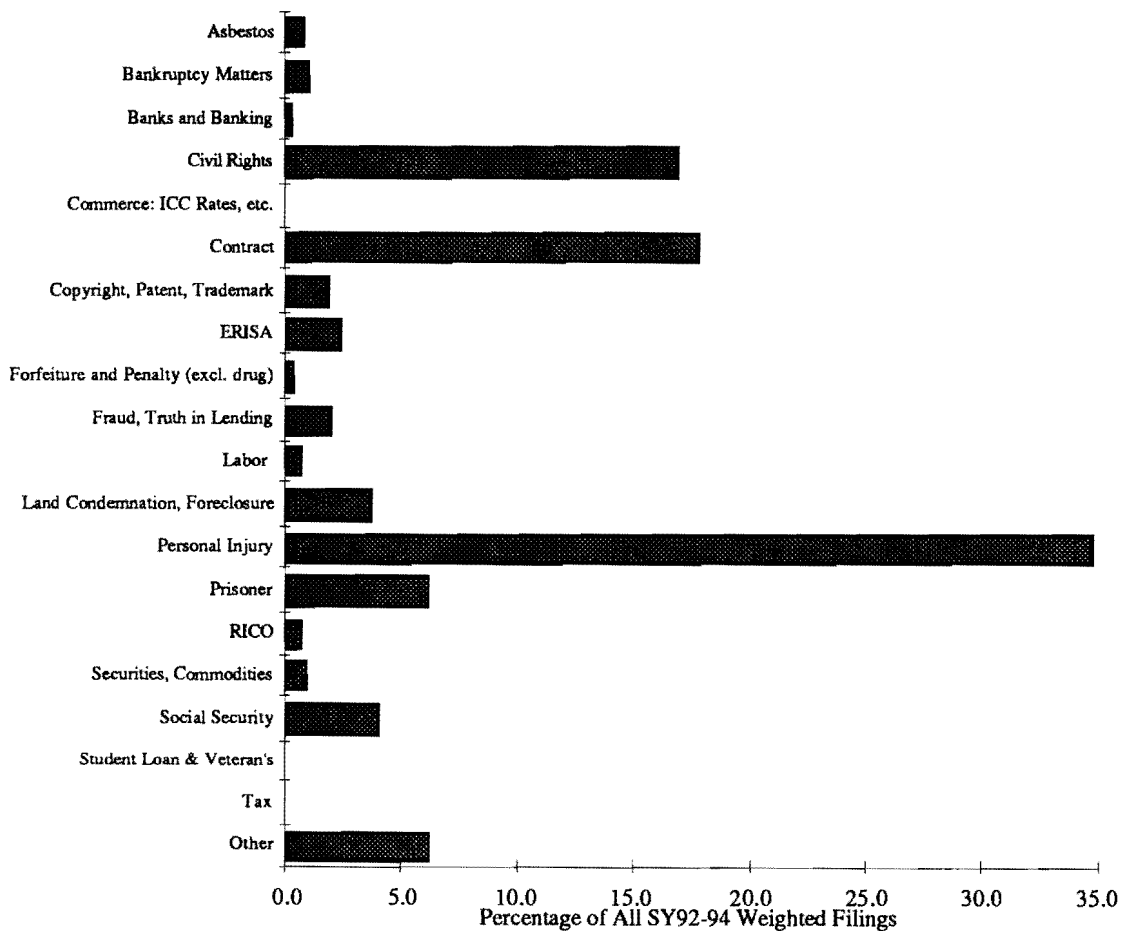


**Table 1: Filings by Case Type, SY85-94**

District of South Carolina	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	88	89	54	120	126	90	78	185	108	46
Bankruptcy Matters	28	24	20	21	32	43	33	39	26	35
Banks and Banking	1	6	2	0	3	4	4	3	6	6
Civil Rights	167	175	180	163	221	218	184	258	295	385
Commerce: ICC Rates, etc.	4	11	14	9	2	6	12	12	19	2
Contract	676	652	728	788	645	547	611	565	522	448
Copyright, Patent, Trademark	42	34	47	42	44	43	35	32	48	42
ERISA	10	9	11	31	78	126	89	94	99	110
Forfeiture and Penalty (excl. drug)	68	16	10	27	18	27	27	24	22	22
Fraud, Truth in Lending	48	33	18	23	43	35	36	35	18	30
Labor	23	18	37	24	22	33	32	24	25	50
Land Condemnation, Foreclosure	516	574	548	588	743	581	740	715	573	648
Personal Injury	537	520	520	481	490	457	819	935	767	764
Prisoner	222	254	279	221	251	285	327	381	422	587
RICO	0	2	3	7	4	12	11	7	7	3
Securities, Commodities	24	14	49	38	15	16	9	20	9	11
Social Security	449	285	351	311	186	114	153	189	270	261
Student Loan and Veteran's	486	590	369	334	306	95	105	165	39	8
Tax	24	6	6	13	20	14	16	5	9	8
All Other	223	247	370	303	271	210	295	255	245	229
All Civil Cases	3636	3559	3616	3544	3520	2956	3616	3943	3529	3695

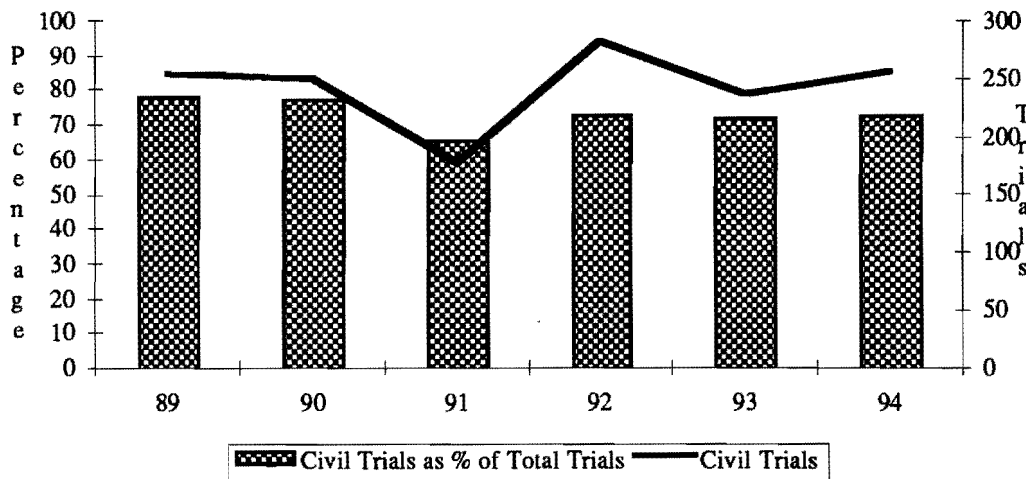
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
District of South Carolina**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
District of South Carolina**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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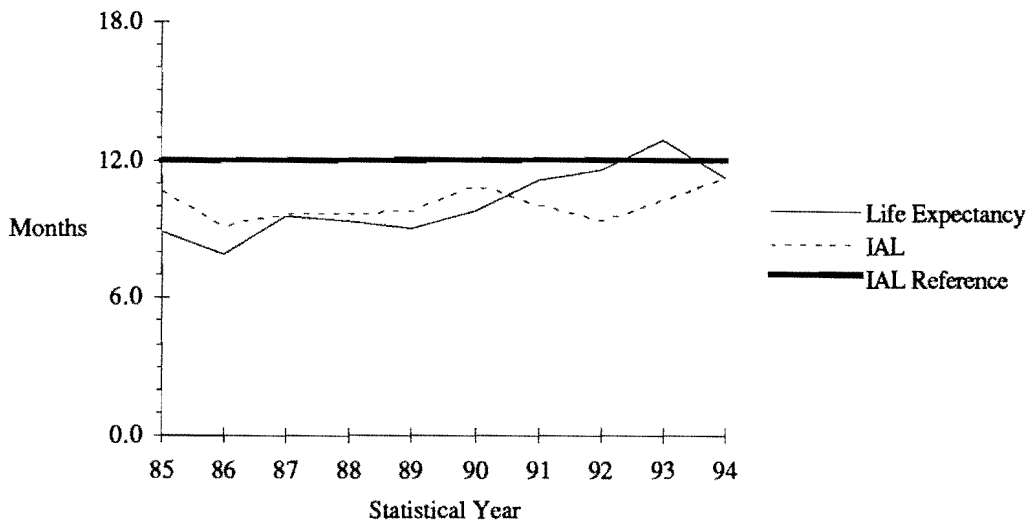
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



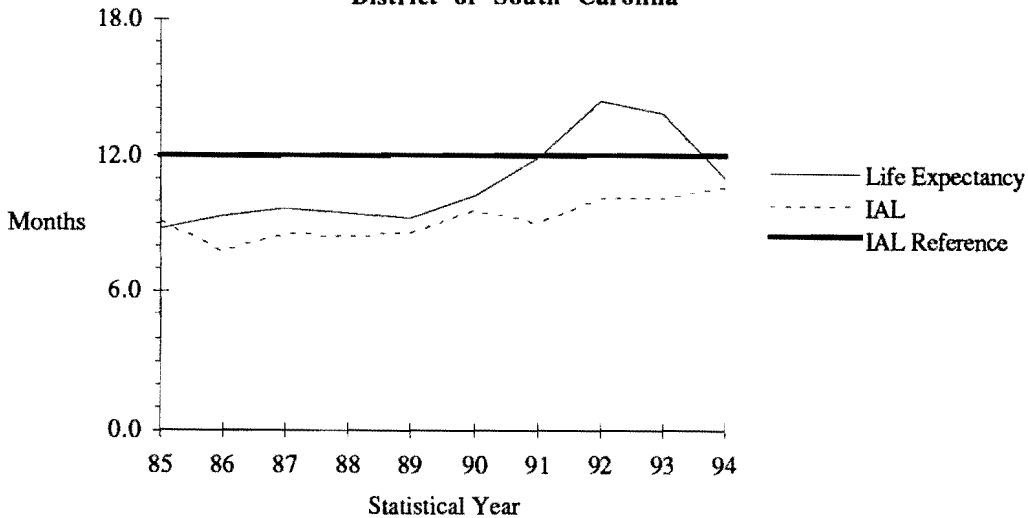
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
District of South Carolina**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
District of South Carolina**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**District of South Carolina**  
 Termination Category (Percent 3 or more years old)

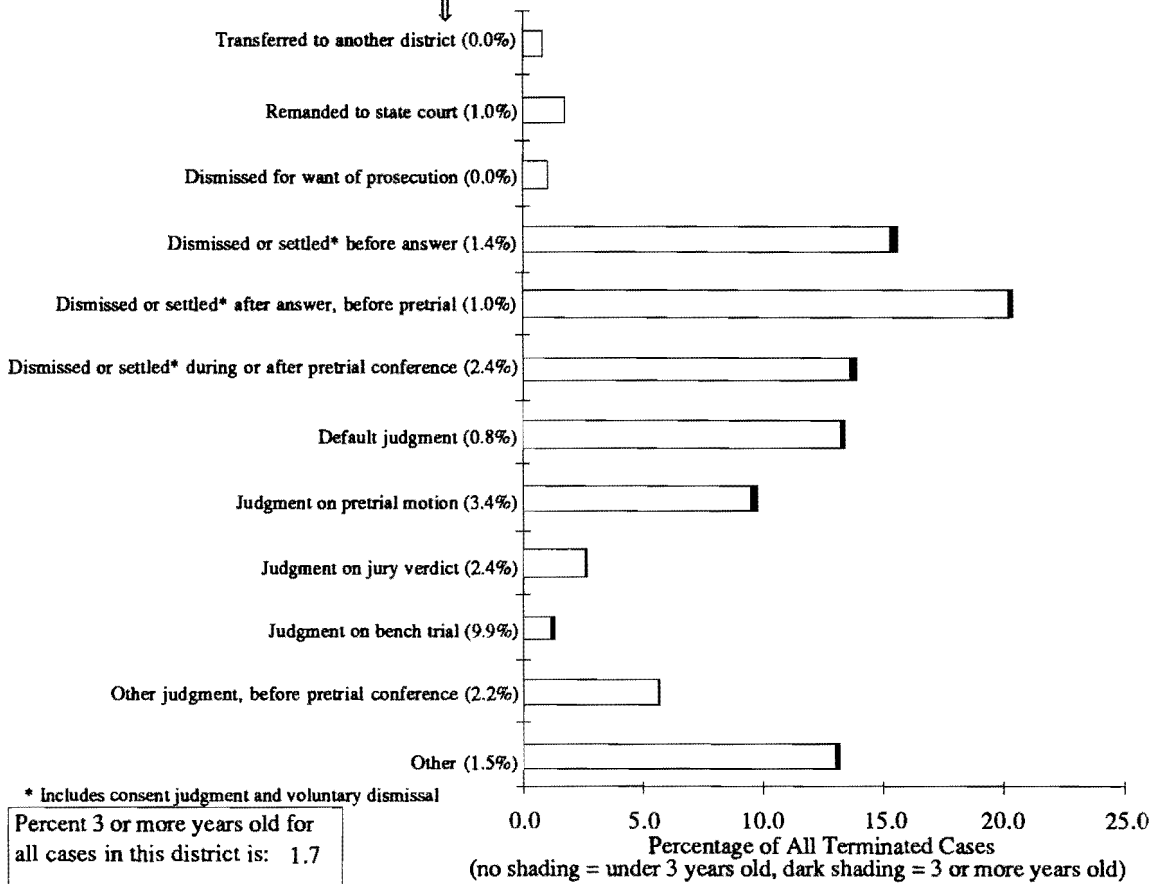
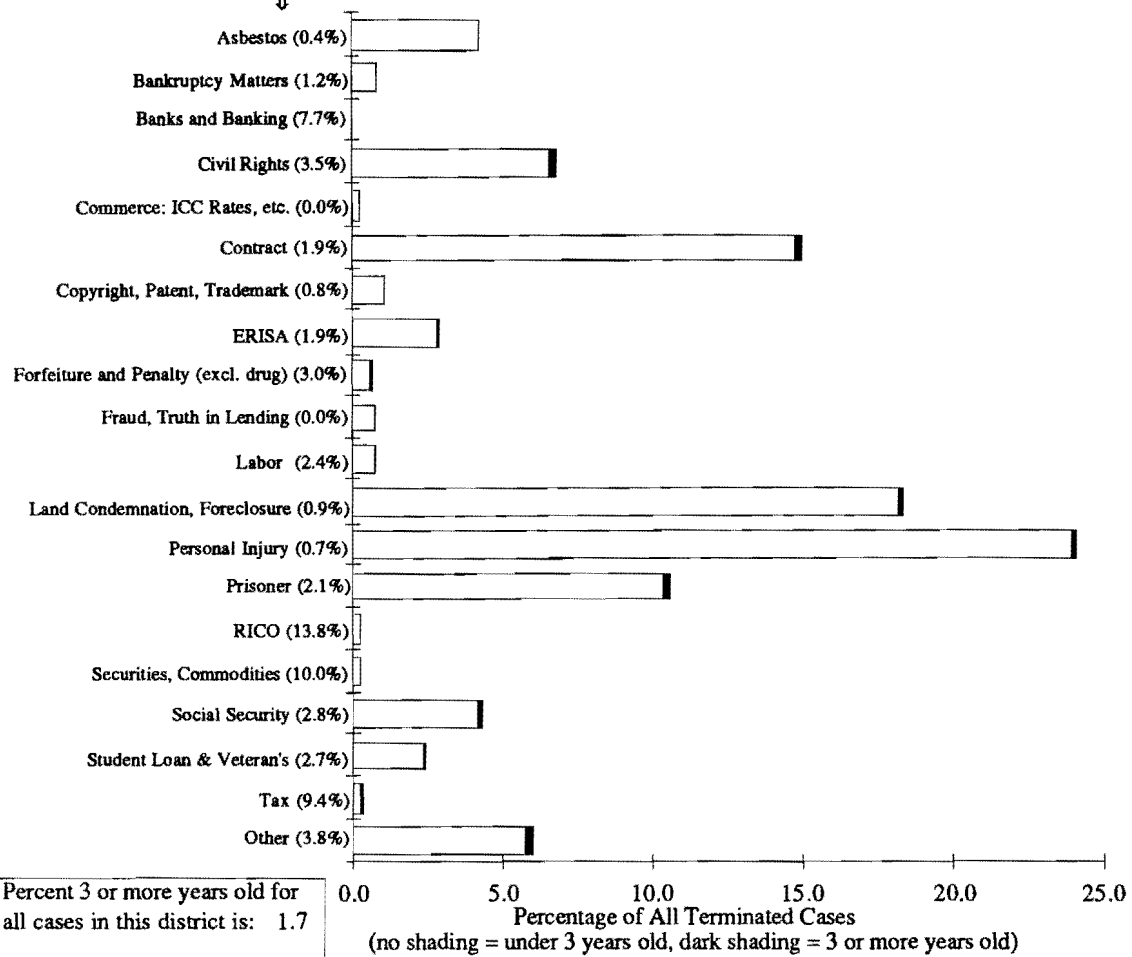


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
District of South Carolina

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

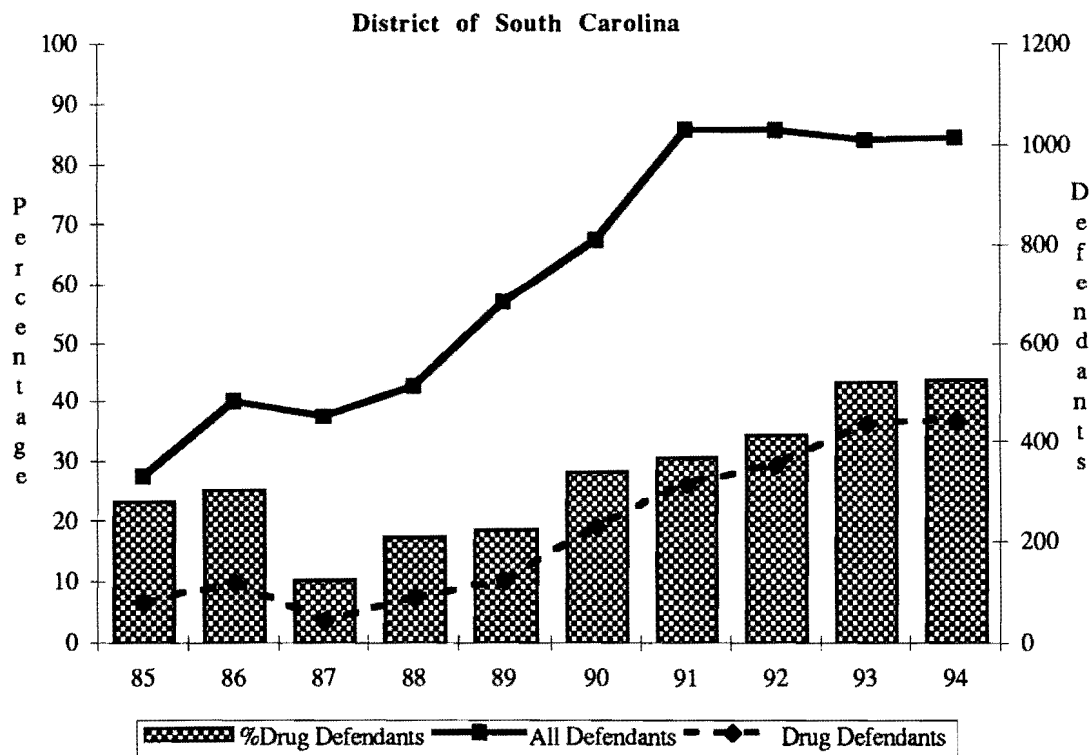
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## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

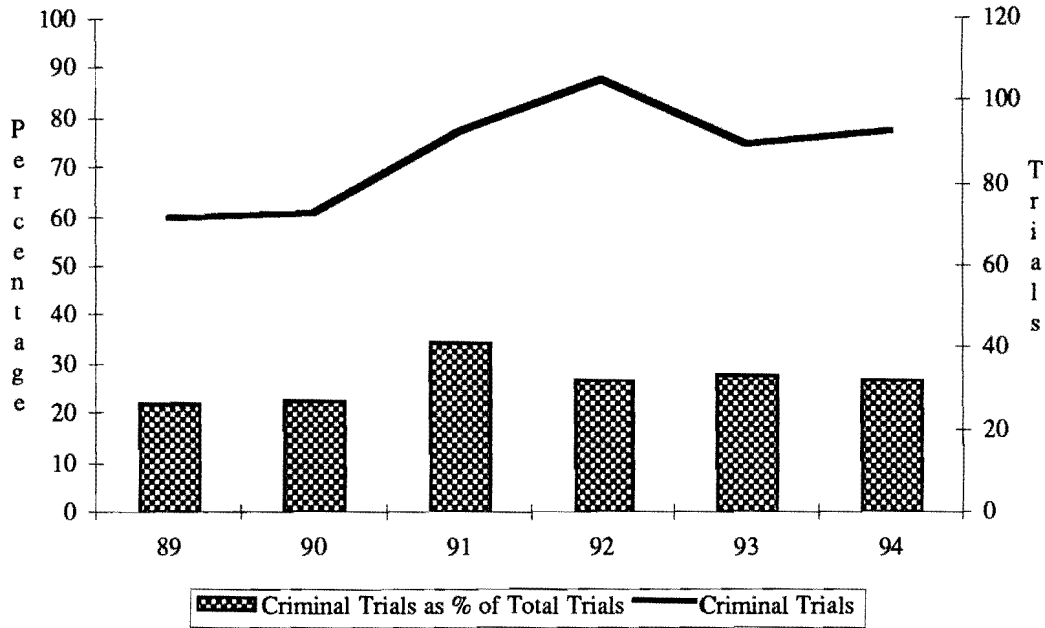
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**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

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**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of Virginia

## NOTES:

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- appeals of Social Security Administration benefit denials
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Eastern District of Virginia

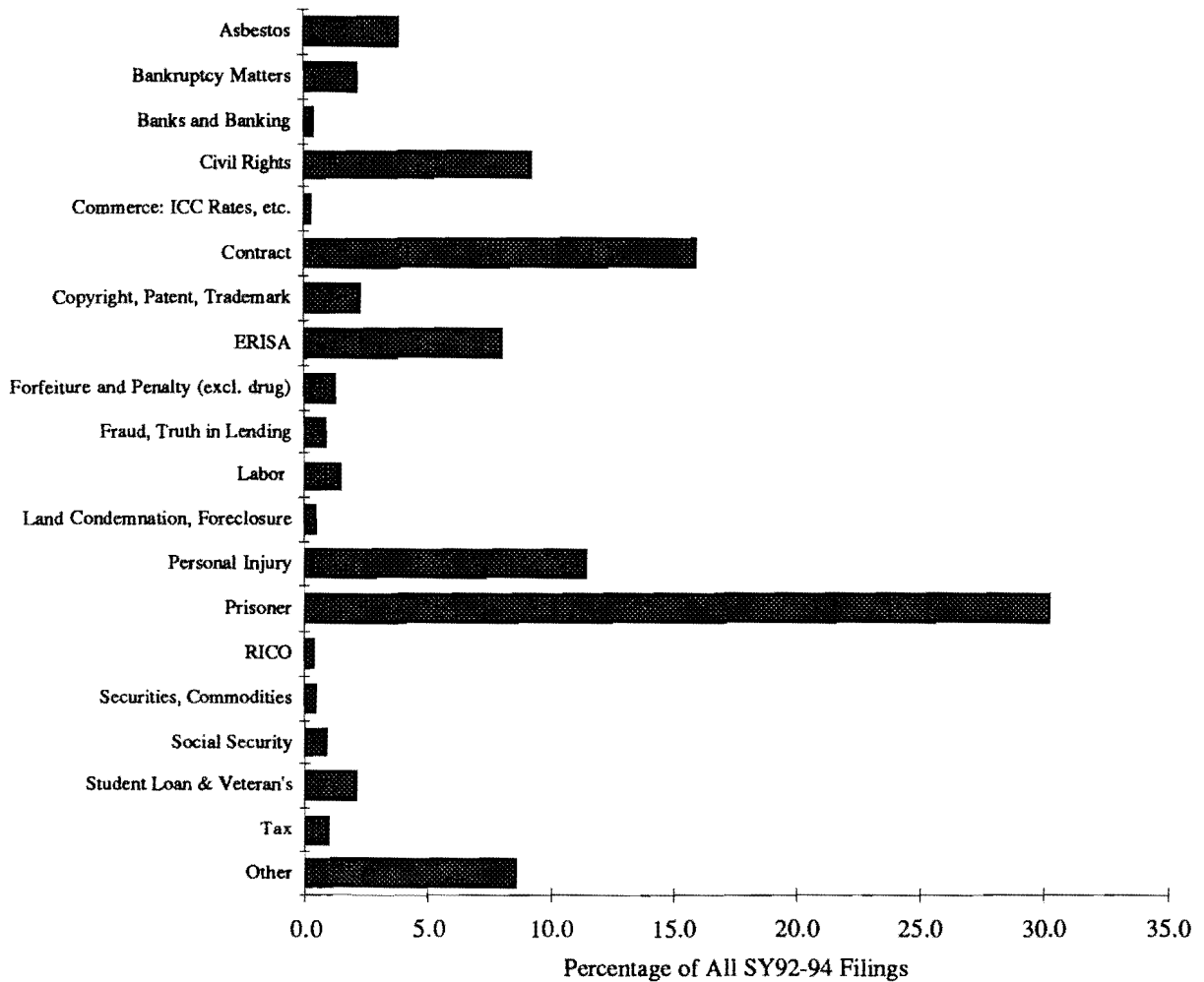
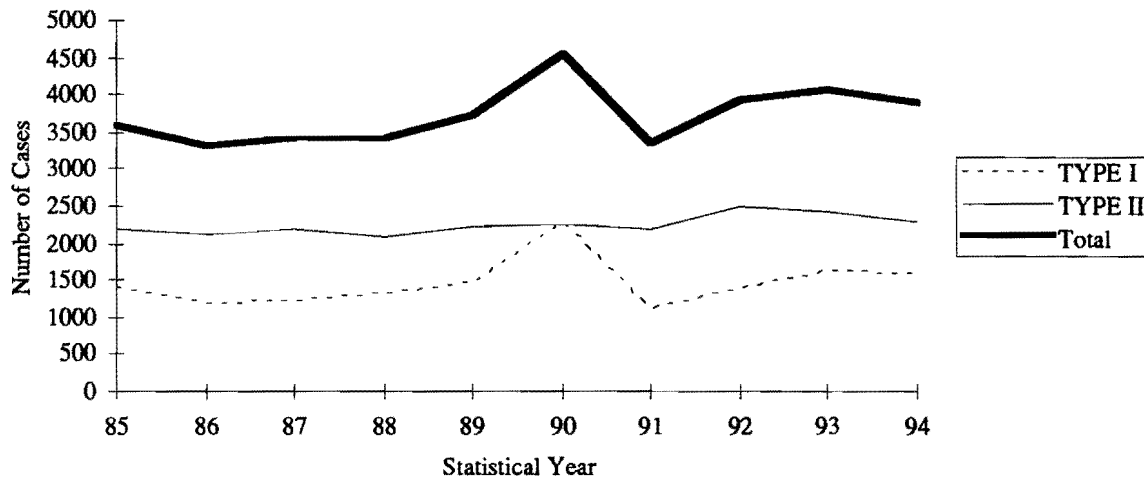


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of Virginia

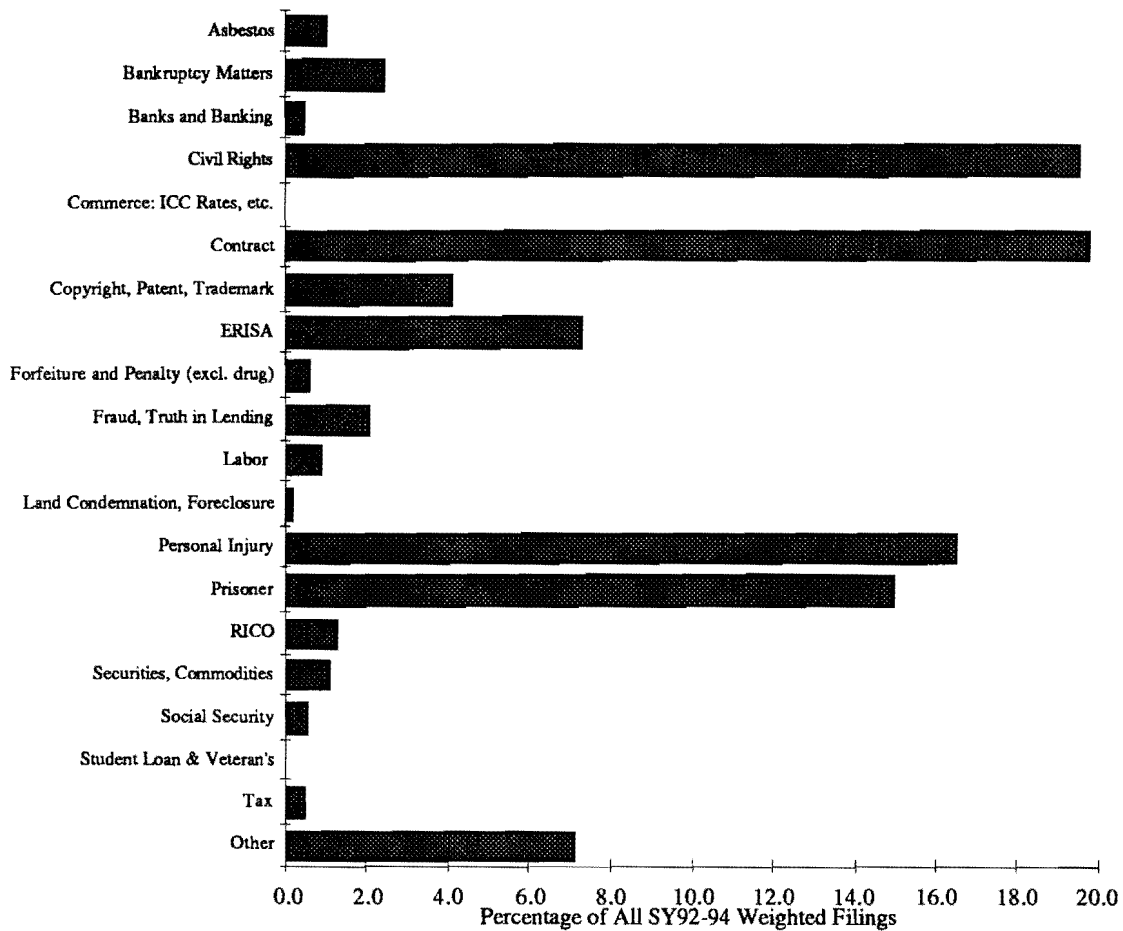


**Table 1: Filings by Case Type, SY85-94**

Eastern District of Virginia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	21	52	207	264	116	1168	183	47	146	257
Bankruptcy Matters	61	53	56	52	57	77	50	53	117	77
Banks and Banking	2	2	1	0	3	2	6	16	9	8
Civil Rights	301	342	353	273	250	282	284	349	341	410
Commerce: ICC Rates, etc.	9	3	11	10	13	8	13	20	3	5
Contract	652	755	728	794	888	718	692	735	640	520
Copyright, Patent, Trademark	55	56	47	63	54	61	86	81	82	100
ERISA	17	32	50	57	137	176	301	380	295	278
Forfeiture and Penalty (excl. drug)	23	16	30	43	71	72	35	65	52	22
Fraud, Truth in Lending	28	28	32	26	24	19	18	30	30	31
Labor	49	51	49	60	45	42	31	45	58	66
Land Condemnation, Foreclosure	6	14	19	21	8	5	1	34	11	4
Personal Injury	778	474	544	383	418	536	383	426	493	446
Prisoner	946	928	814	834	1131	936	850	1099	1260	1237
RICO	0	4	15	9	7	15	9	11	15	10
Securities, Commodities	24	22	27	33	30	34	13	17	22	10
Social Security	131	96	78	92	44	27	22	18	47	34
Student Loan and Veteran's	240	64	62	75	133	72	35	164	63	9
Tax	31	39	33	45	38	40	39	37	43	30
All Other	234	300	263	281	253	259	293	298	356	364
All Civil Cases	3608	3331	3419	3415	3720	4549	3344	3925	4083	3918

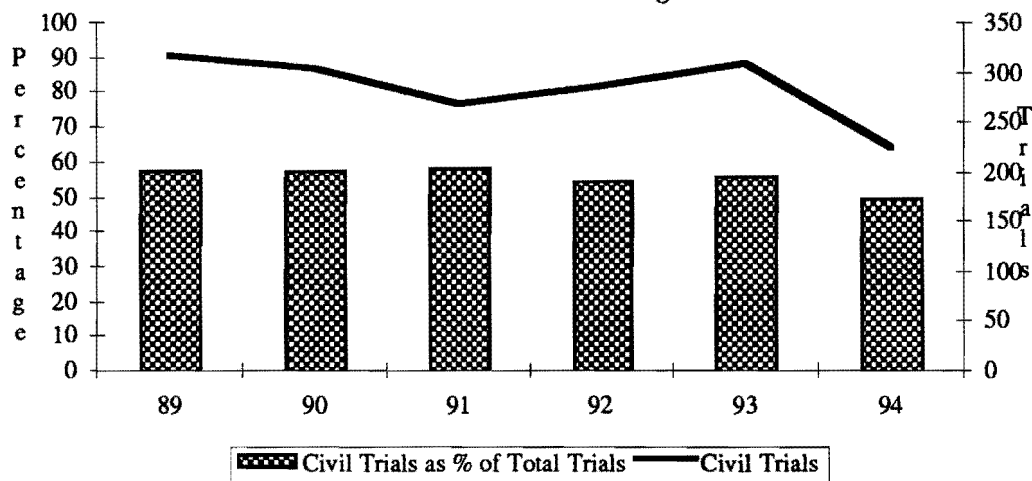
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Eastern District of Virginia**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Eastern District of Virginia**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

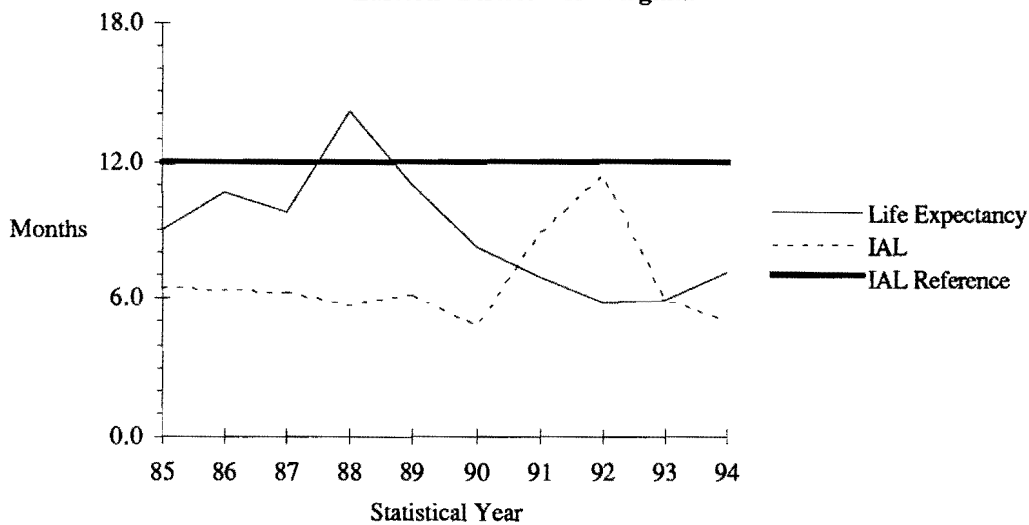
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

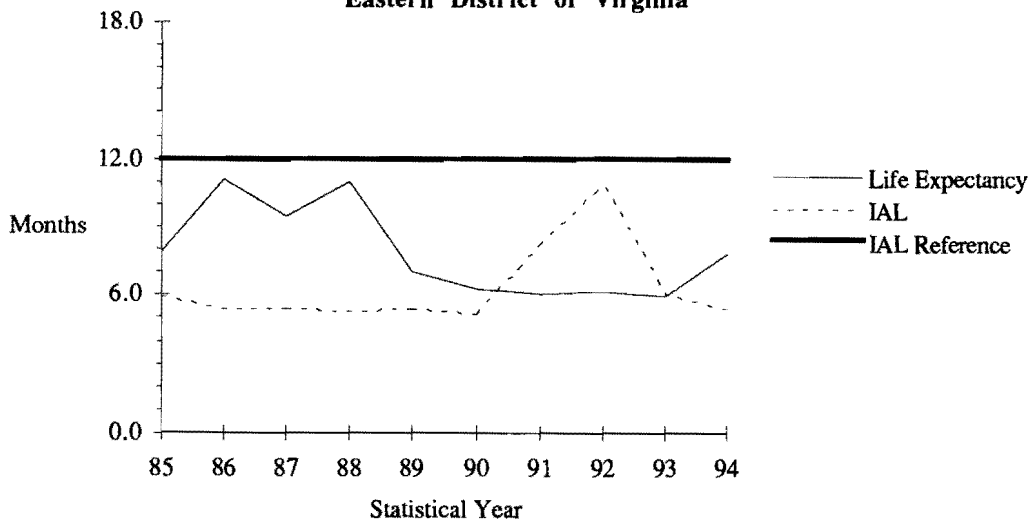
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94**  
Eastern District of Virginia



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94**  
Eastern District of Virginia



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Eastern District of Virginia**

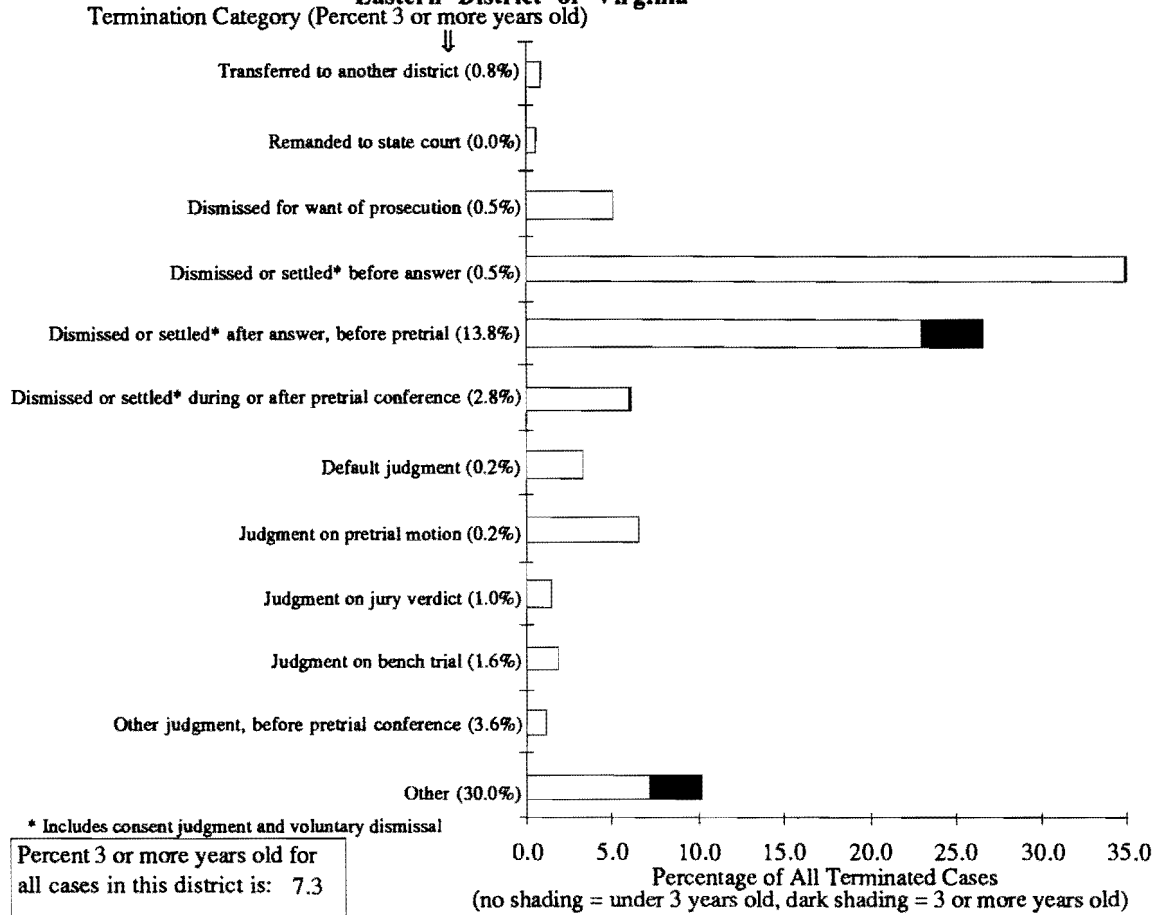
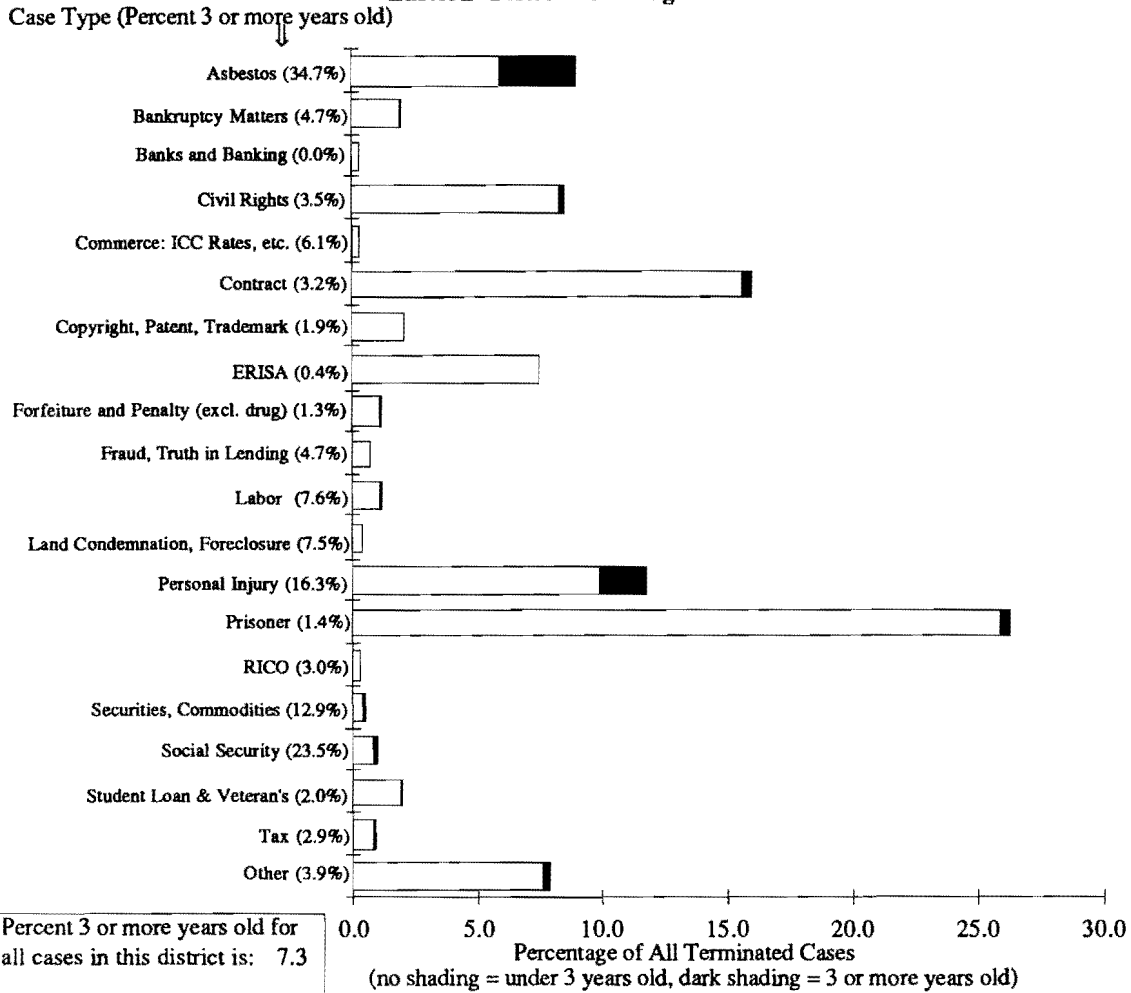


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of Virginia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

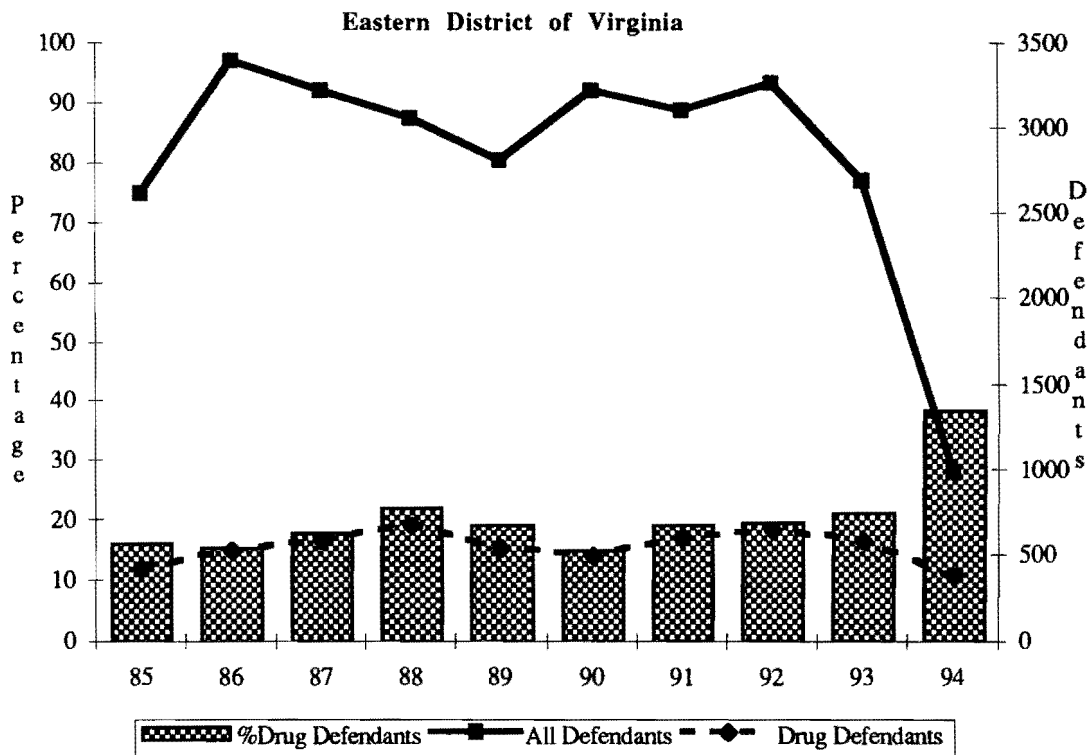
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

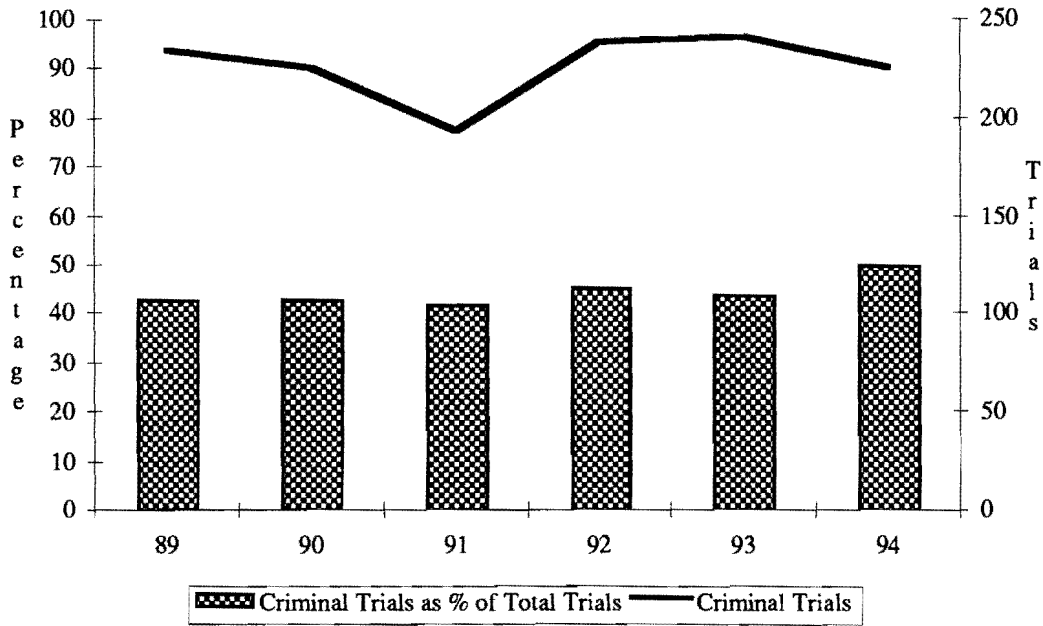
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Eastern District of Virginia**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of Virginia

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Western District of Virginia**

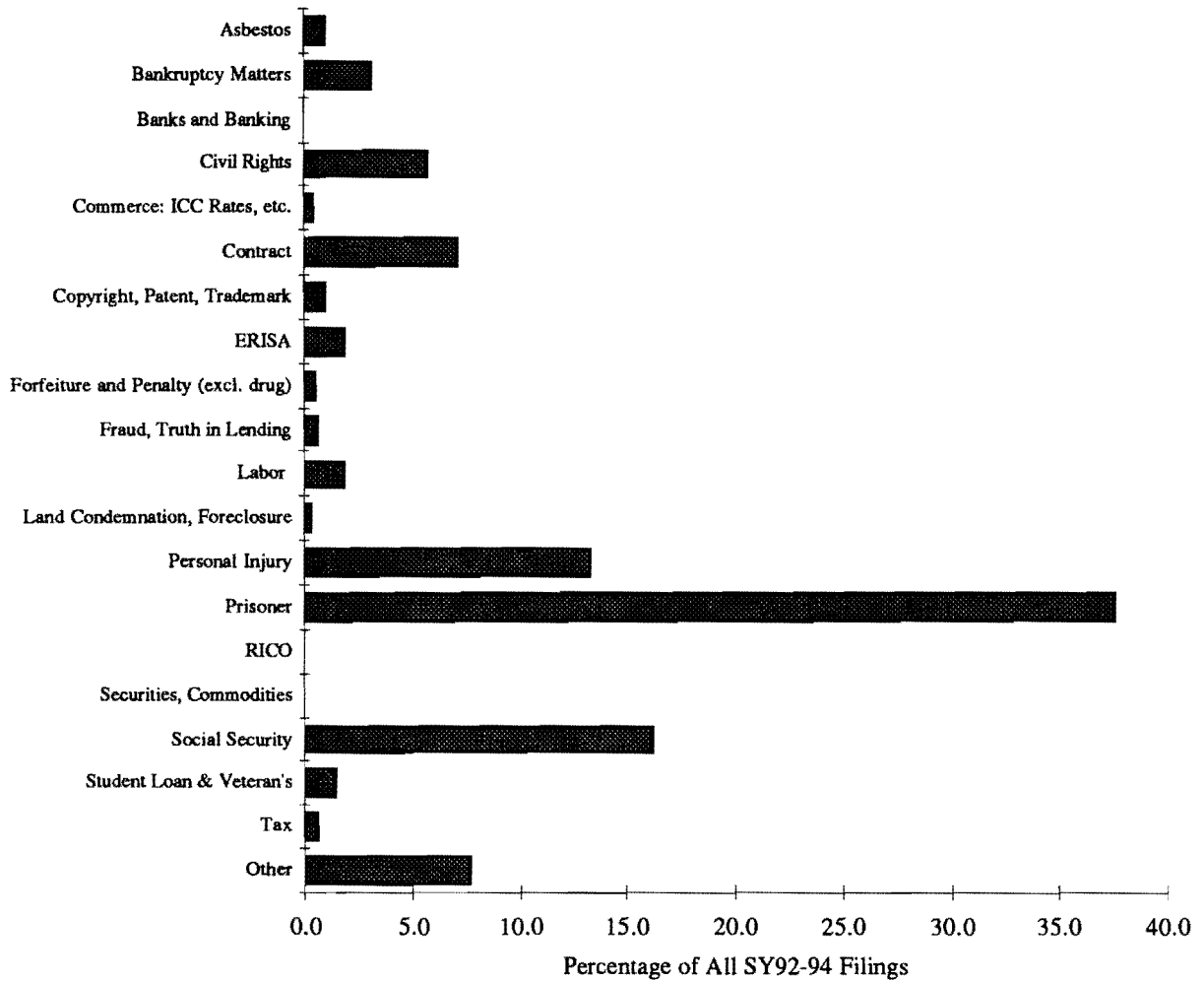
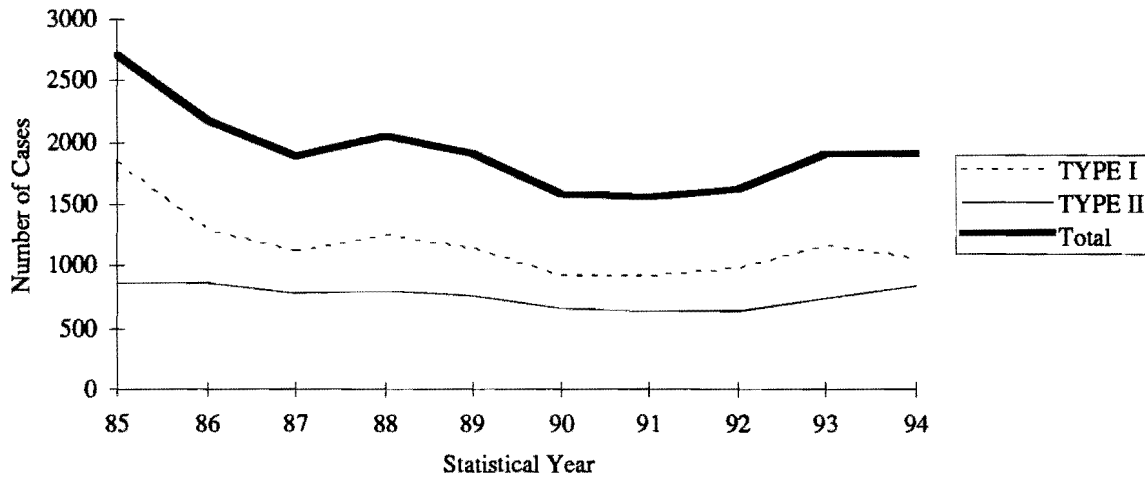


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of Virginia

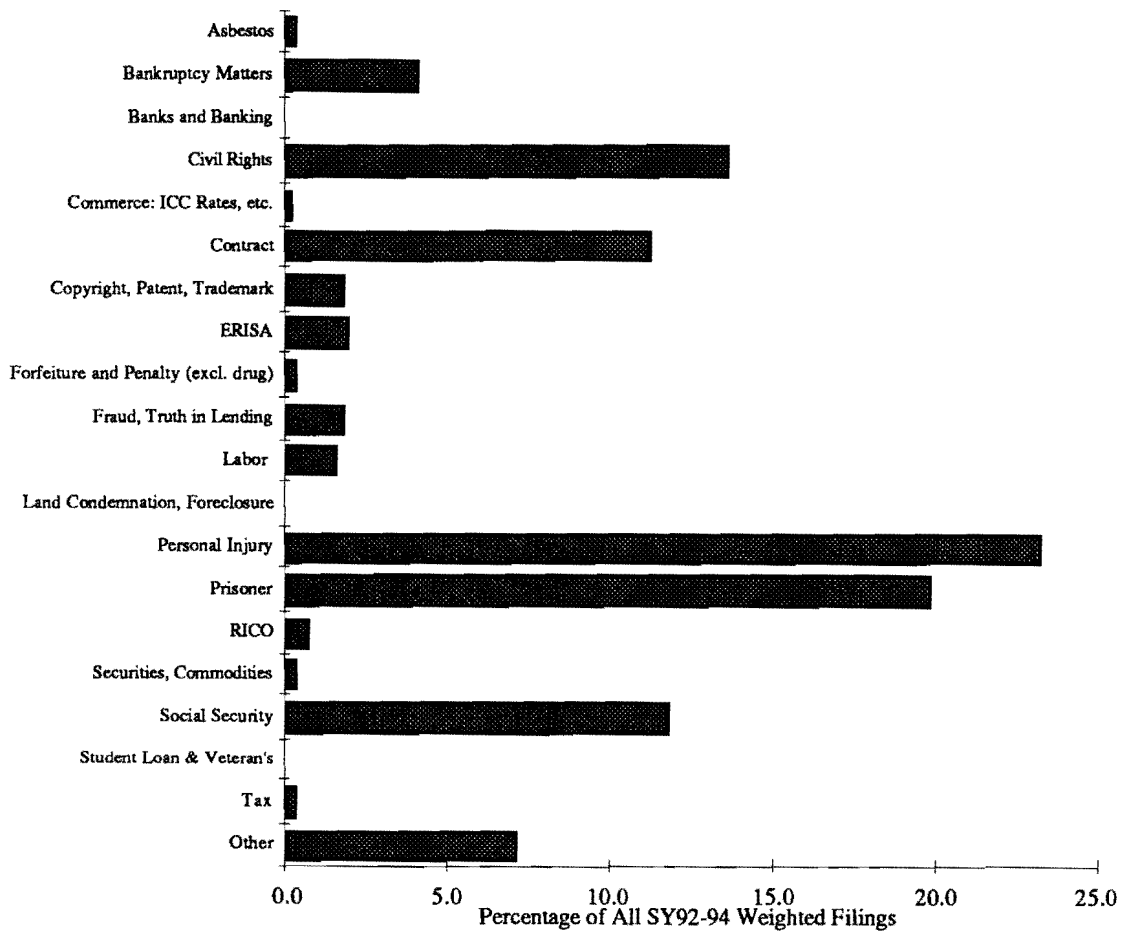


**Table 1: Filings by Case Type, SY85-94**

Western District of Virginia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	18	38	37	30	51	165	74	13	38	1
Bankruptcy Matters	105	67	57	64	58	57	79	49	68	51
Banks and Banking	0	0	0	2	1	0	1	0	1	0
Civil Rights	133	151	112	116	99	70	106	78	104	129
Commerce: ICC Rates, etc.	1	1	3	1	4	2	4	15	2	4
Contract	216	216	217	241	221	156	124	138	154	96
Copyright, Patent, Trademark	13	18	9	16	14	3	10	12	16	21
ERISA	18	13	20	19	19	24	33	32	36	33
Forfeiture and Penalty (excl. drug)	78	25	13	17	32	22	12	7	5	13
Fraud, Truth in Lending	19	10	8	9	7	10	2	20	5	7
Labor	61	104	63	44	40	49	42	33	34	35
Land Condemnation, Foreclosure	18	22	4	7	3	9	3	8	1	2
Personal Injury	177	178	184	179	216	185	148	176	207	340
Prisoner	463	400	461	508	562	475	537	644	657	742
RICO	0	3	4	3	1	4	1	4	1	4
Securities, Commodities	4	5	11	8	4	4	13	2	1	3
Social Security	592	349	430	541	361	177	214	214	403	263
Student Loan and Veteran's	662	423	135	101	107	49	22	63	8	1
Tax	8	12	9	16	13	7	12	14	10	10
All Other	133	137	120	140	94	114	134	111	155	153
All Civil Cases	2719	2172	1897	2062	1907	1582	1571	1633	1906	1908

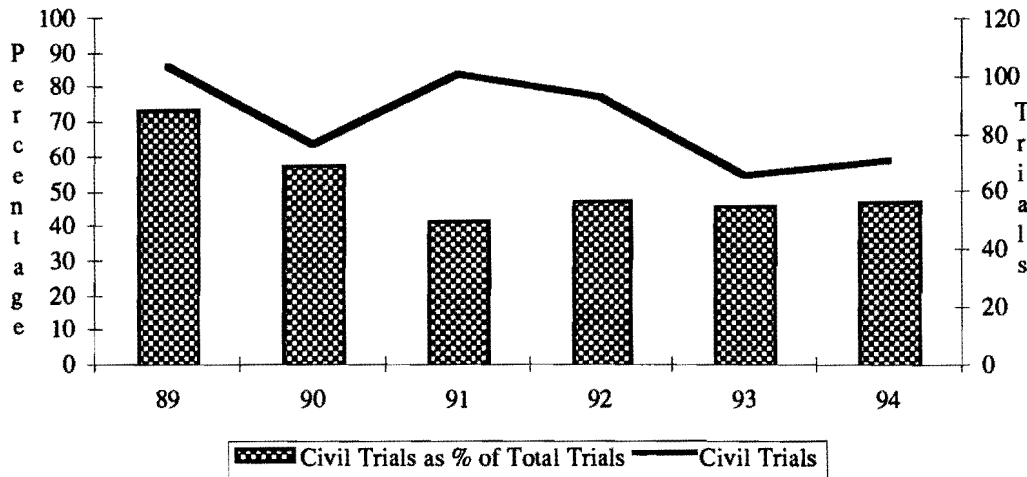
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Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Western District of Virginia**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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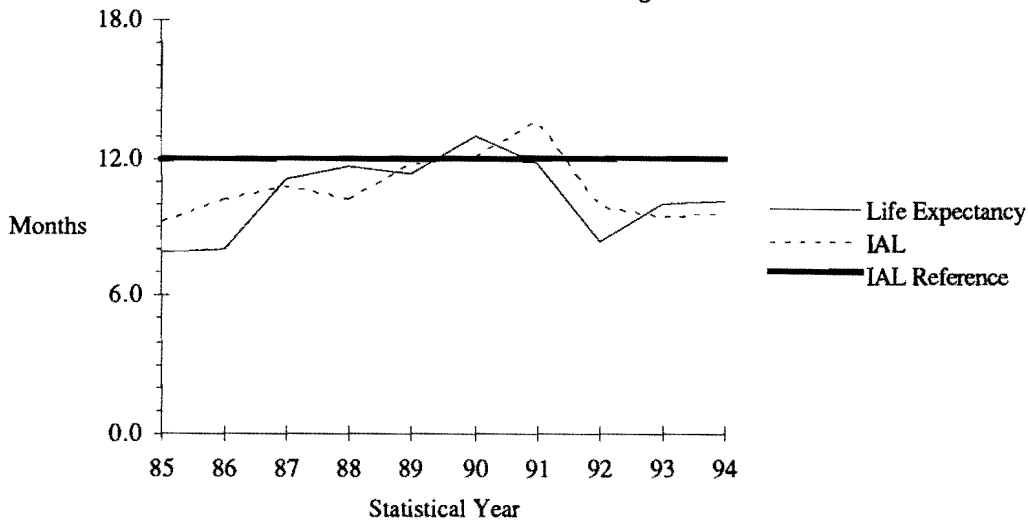
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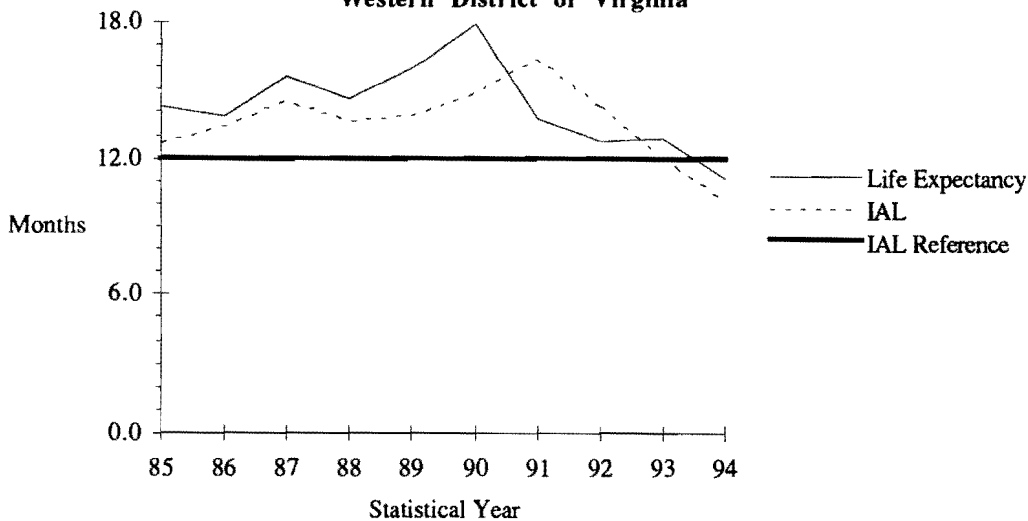
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of Virginia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of Virginia**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

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Western District of Virginia

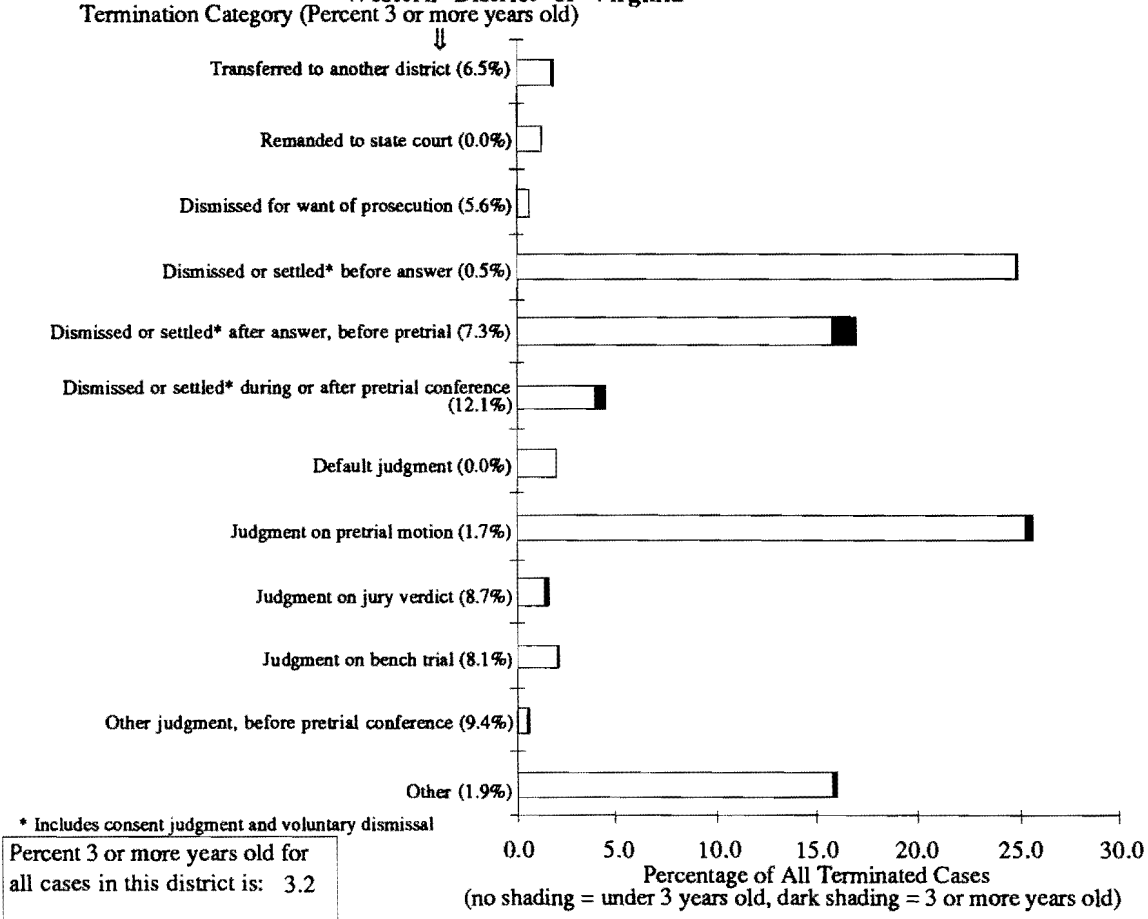
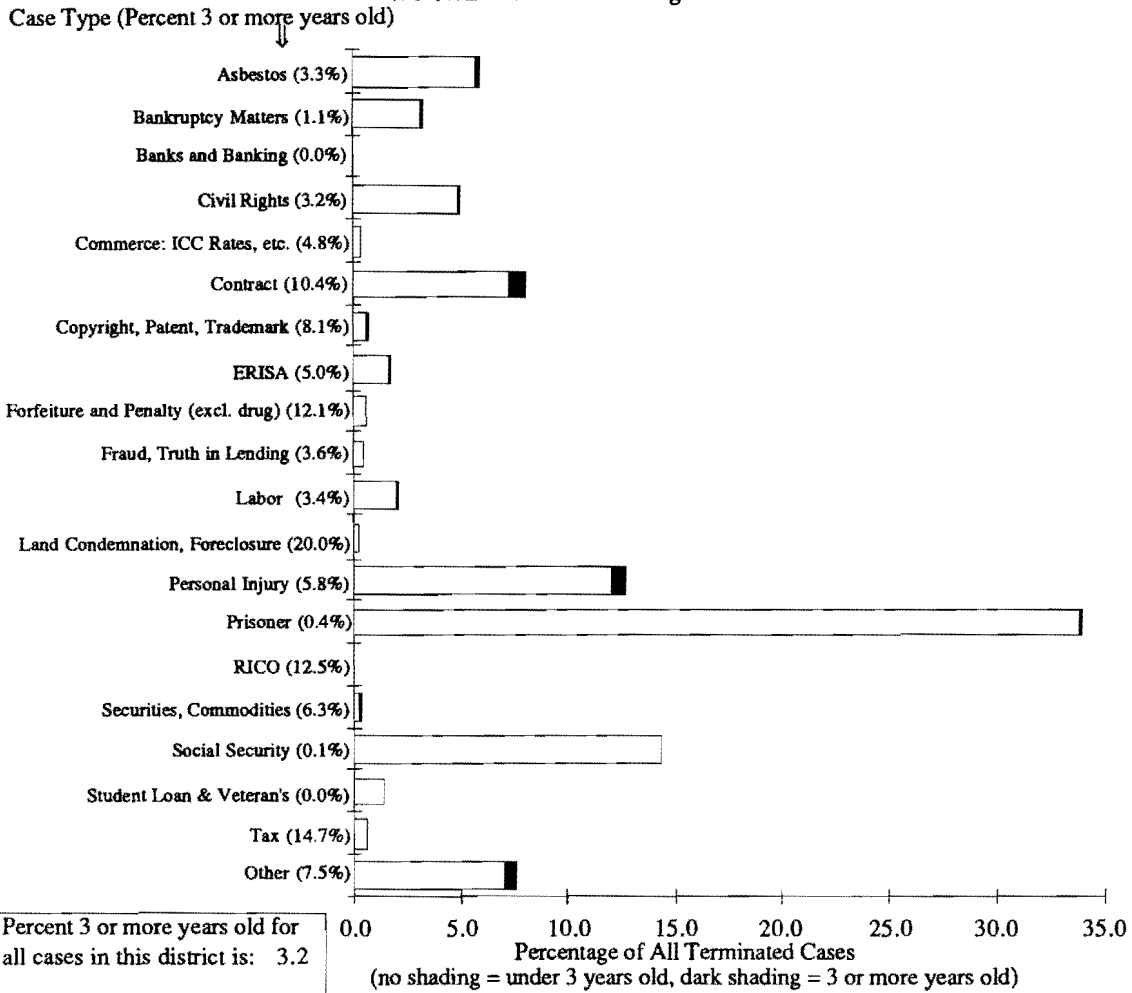


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of Virginia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

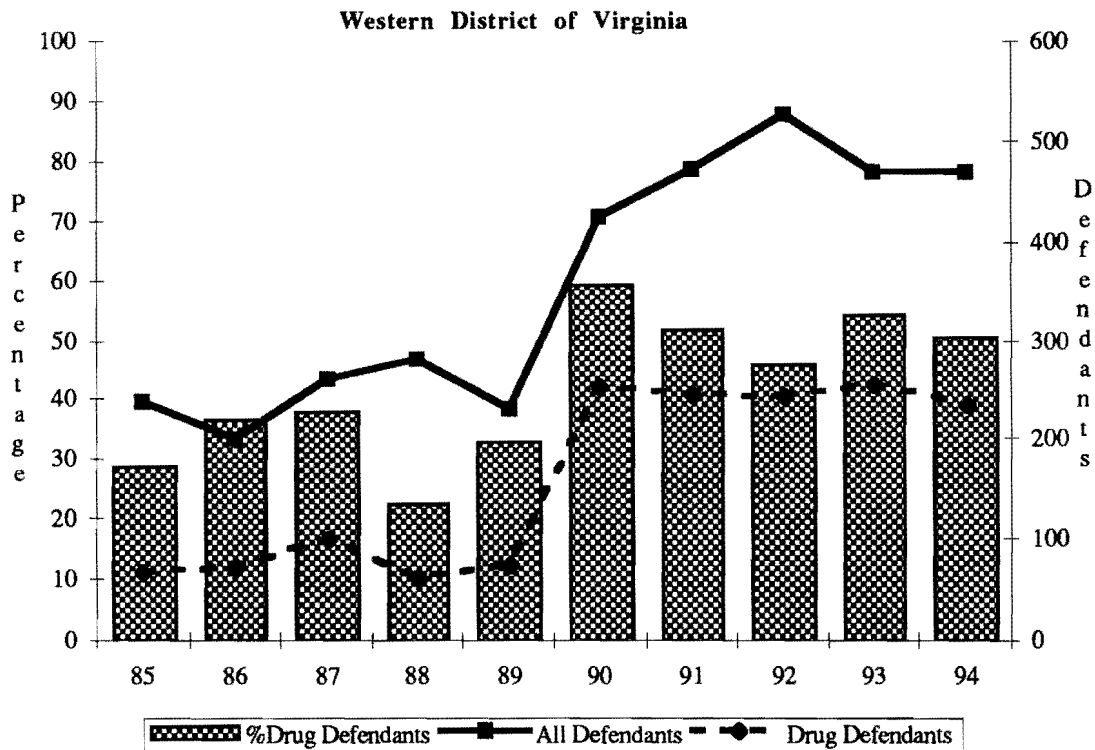
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

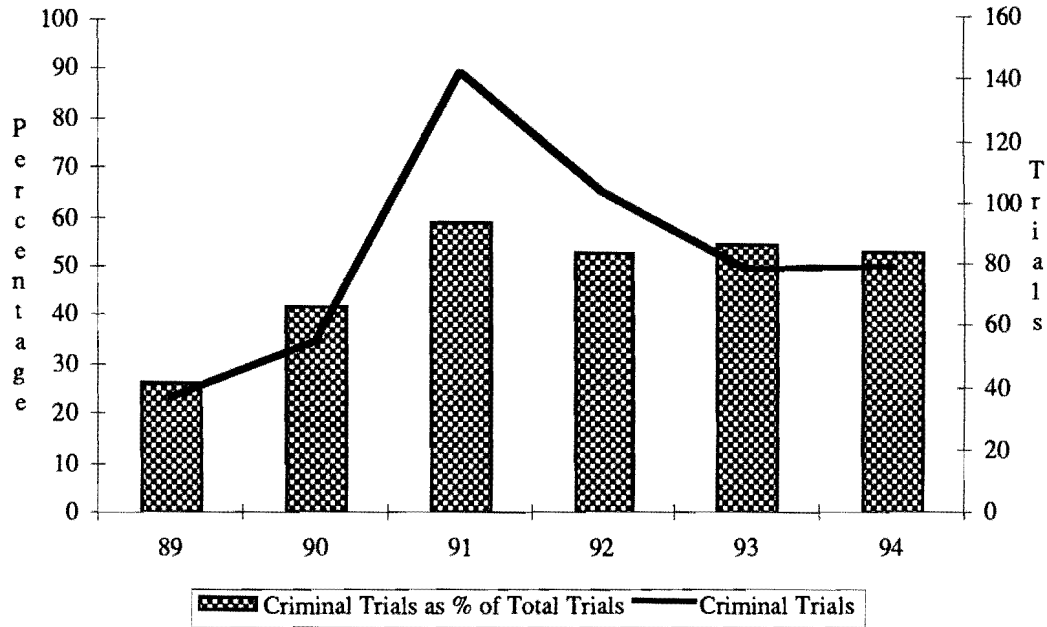
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Western District of Virginia**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of West Virginia

## NOTES:

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**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- appeals of Social Security Administration benefit denials
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- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of West Virginia

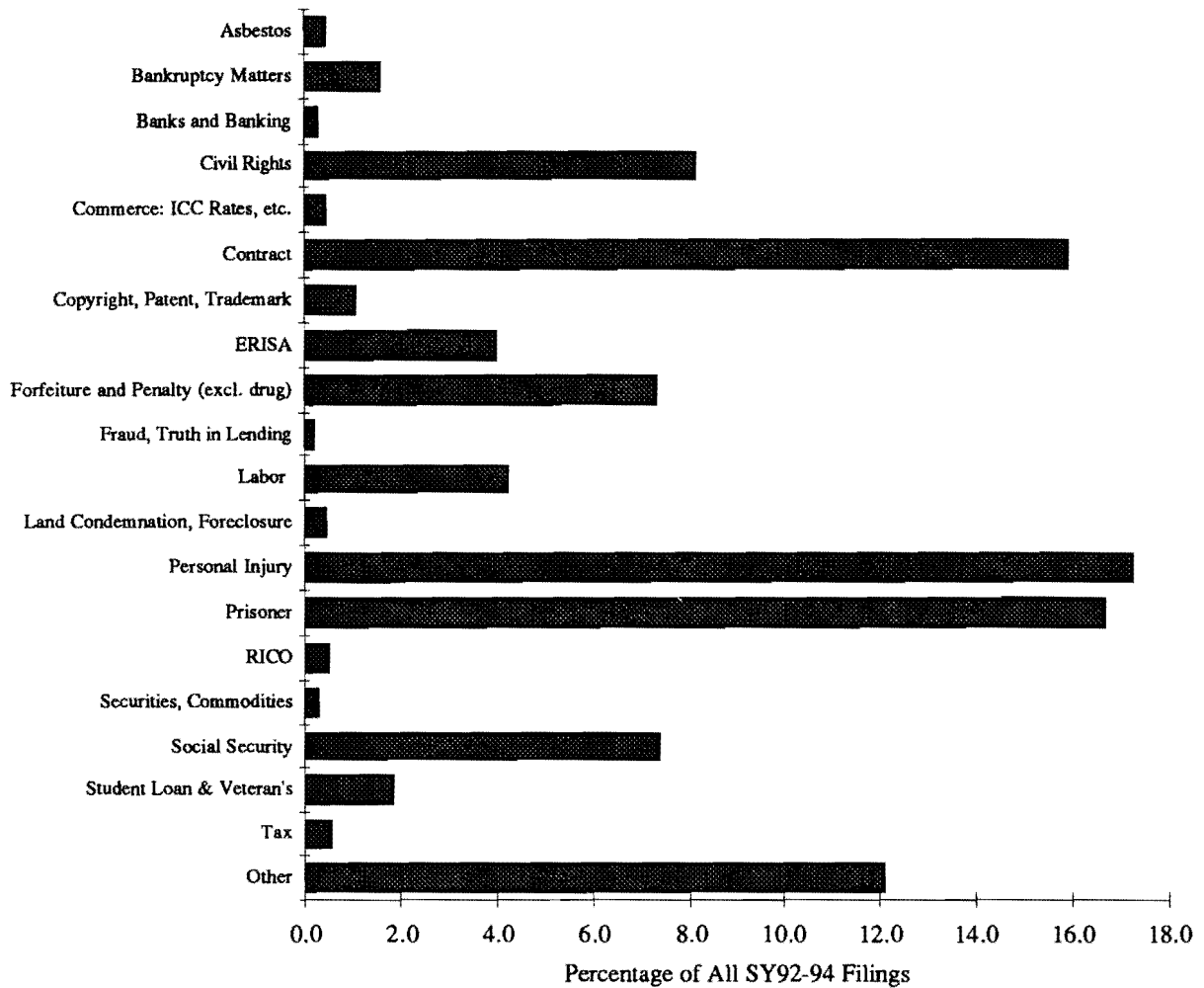
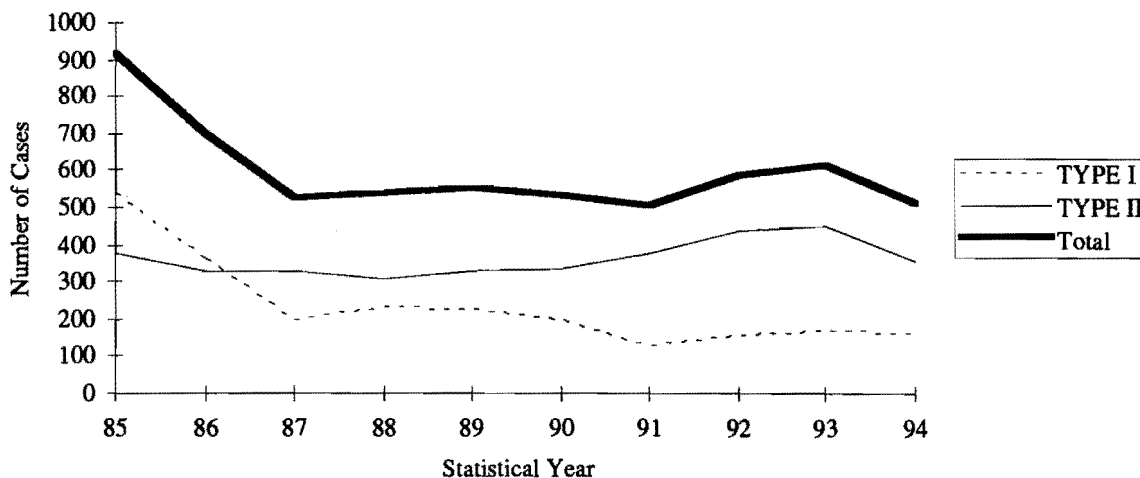


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of West Virginia

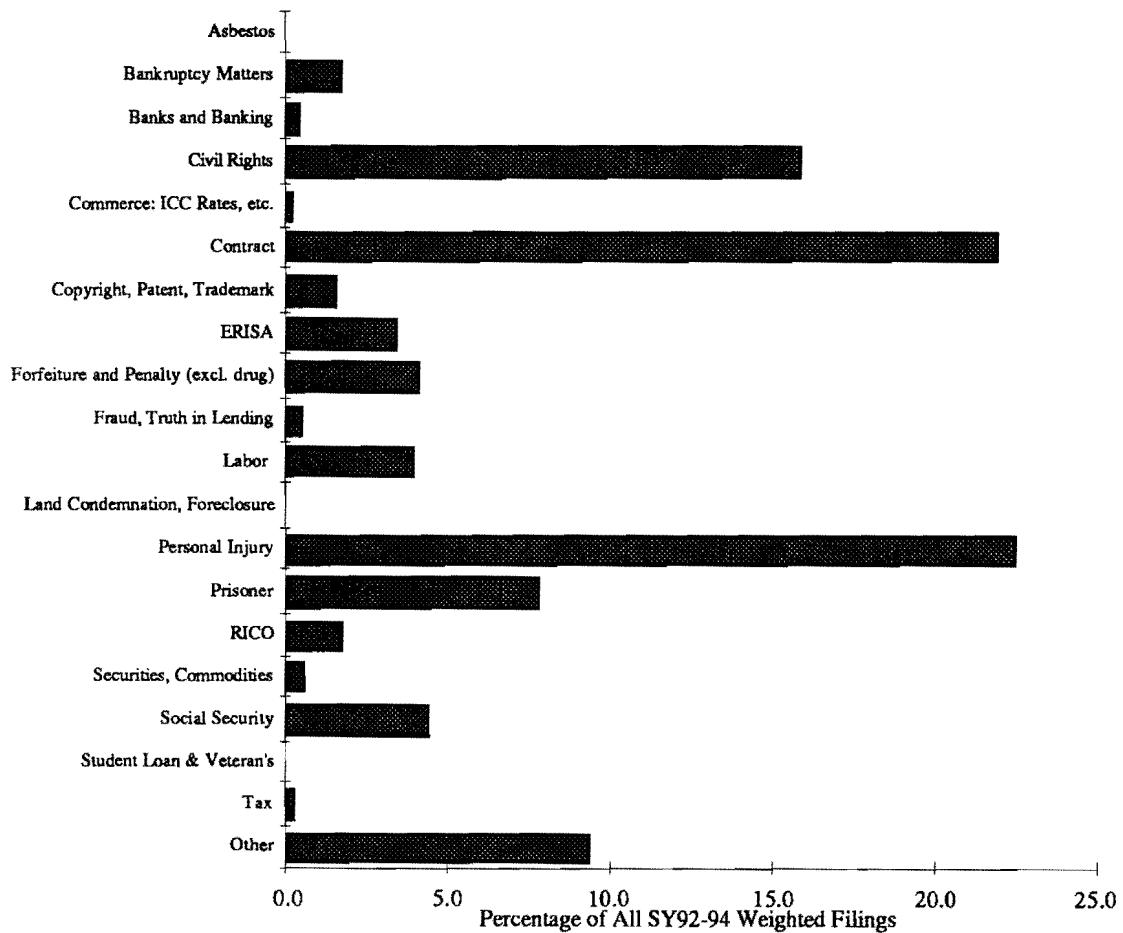


**Table 1: Filings by Case Type, SY85-94**

Northern District of West Virginia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	2	3	7	4	17	1	11	1	2	4
Bankruptcy Matters	9	20	15	18	19	20	16	15	6	6
Banks and Banking	0	0	3	1	0	0	1	2	1	1
Civil Rights	35	39	27	24	35	30	42	50	46	44
Commerce: ICC Rates, etc.	1	0	0	0	0	2	2	4	2	1
Contract	104	83	88	91	99	88	100	98	96	81
Copyright, Patent, Trademark	8	11	8	18	9	8	5	2	13	3
ERISA	6	6	13	9	12	13	14	27	22	19
Forfeiture and Penalty (excl. drug)	22	7	7	5	4	9	27	64	48	14
Fraud, Truth in Lending	2	2	4	1	0	3	1	2	0	1
Labor	31	27	28	20	37	39	34	27	22	24
Land Condemnation, Foreclosure	35	27	21	8	3	7	1	2	4	1
Personal Injury	79	71	66	84	73	74	78	83	114	101
Prisoner	147	138	72	81	99	126	71	95	103	90
RICO	0	0	0	0	2	2	2	2	3	3
Securities, Commodities	4	2	2	7	2	2	0	2	1	1
Social Security	111	75	48	102	65	34	22	25	44	58
Student Loan and Veteran's	238	101	33	18	22	14	8	18	11	2
Tax	4	9	12	5	7	3	5	3	5	1
All Other	82	75	72	42	48	61	68	70	76	62
All Civil Cases	920	696	526	538	553	536	508	592	619	517

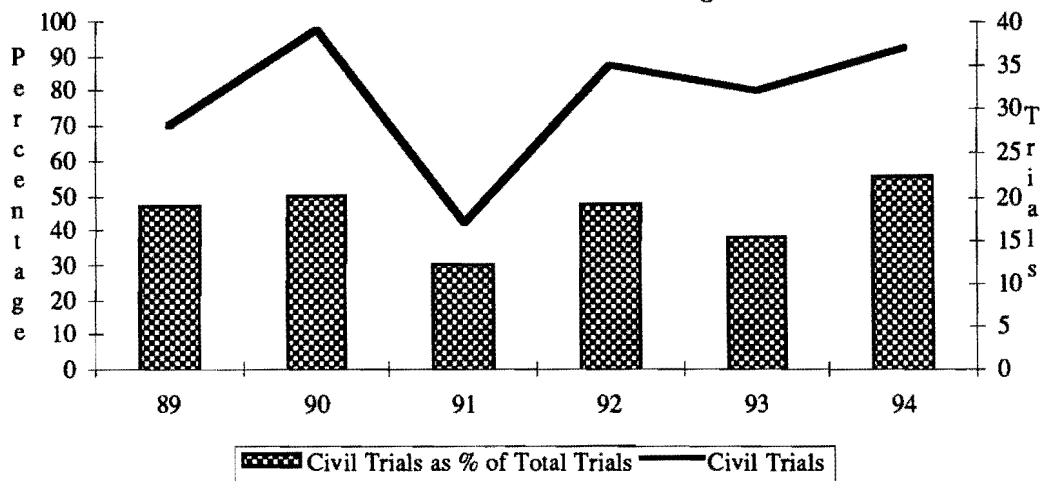
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of West Virginia**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Northern District of West Virginia



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

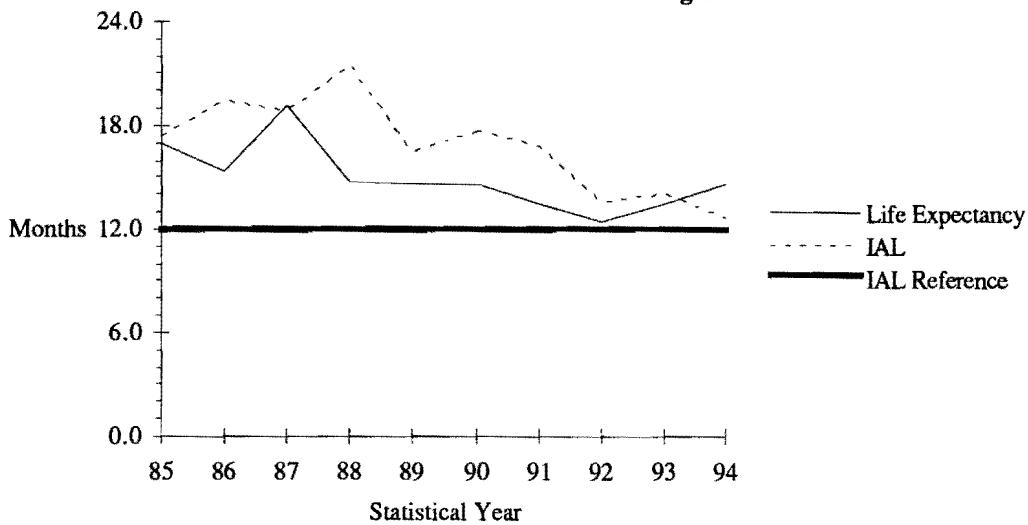
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan* (IAL), permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

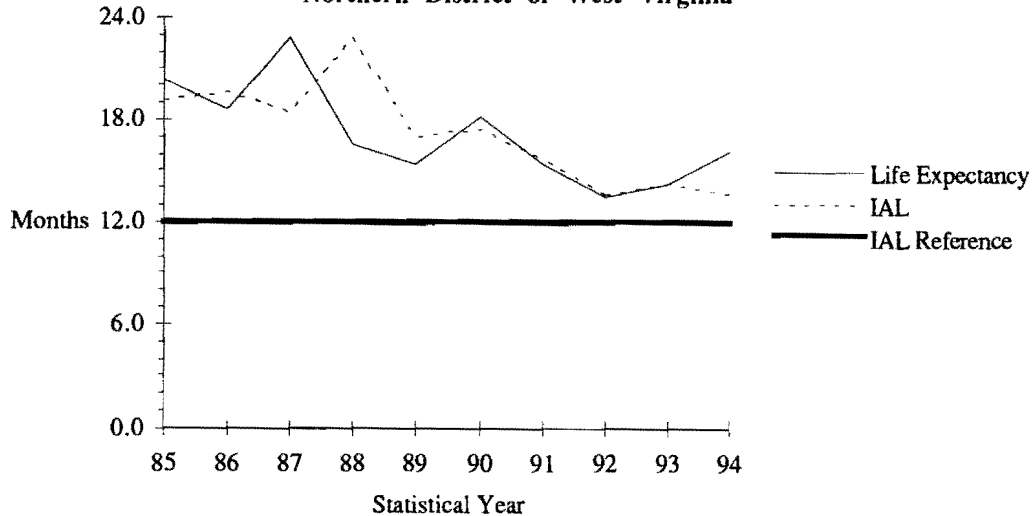
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of West Virginia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of West Virginia**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of West Virginia

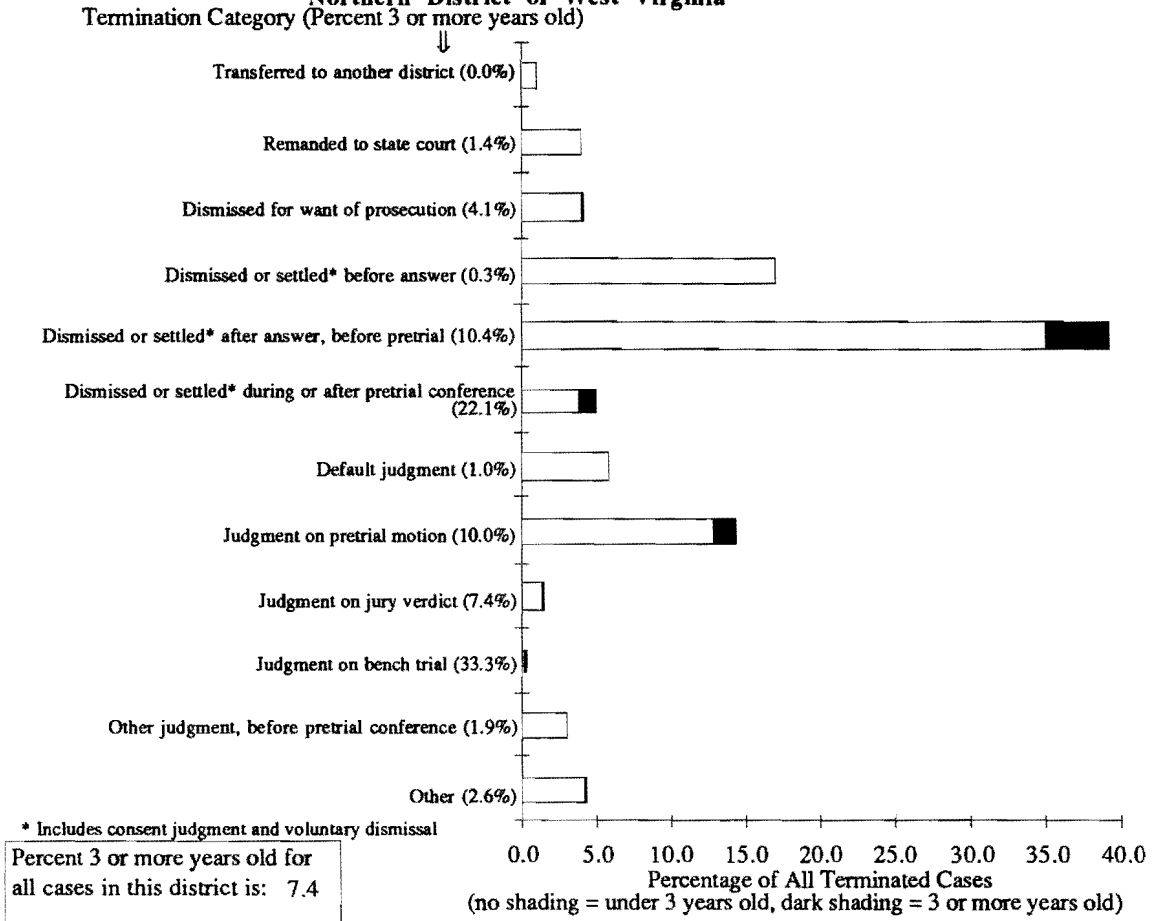
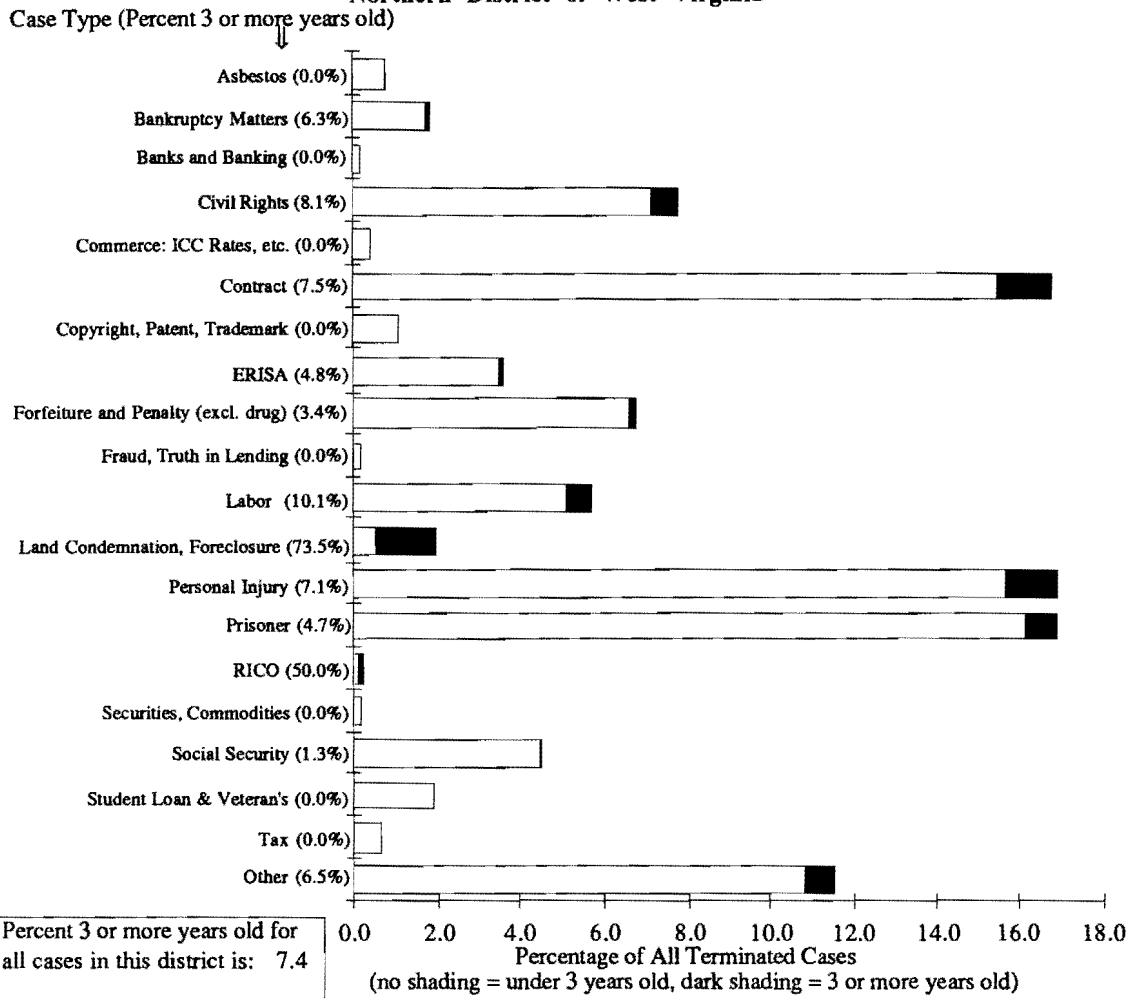


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of West Virginia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

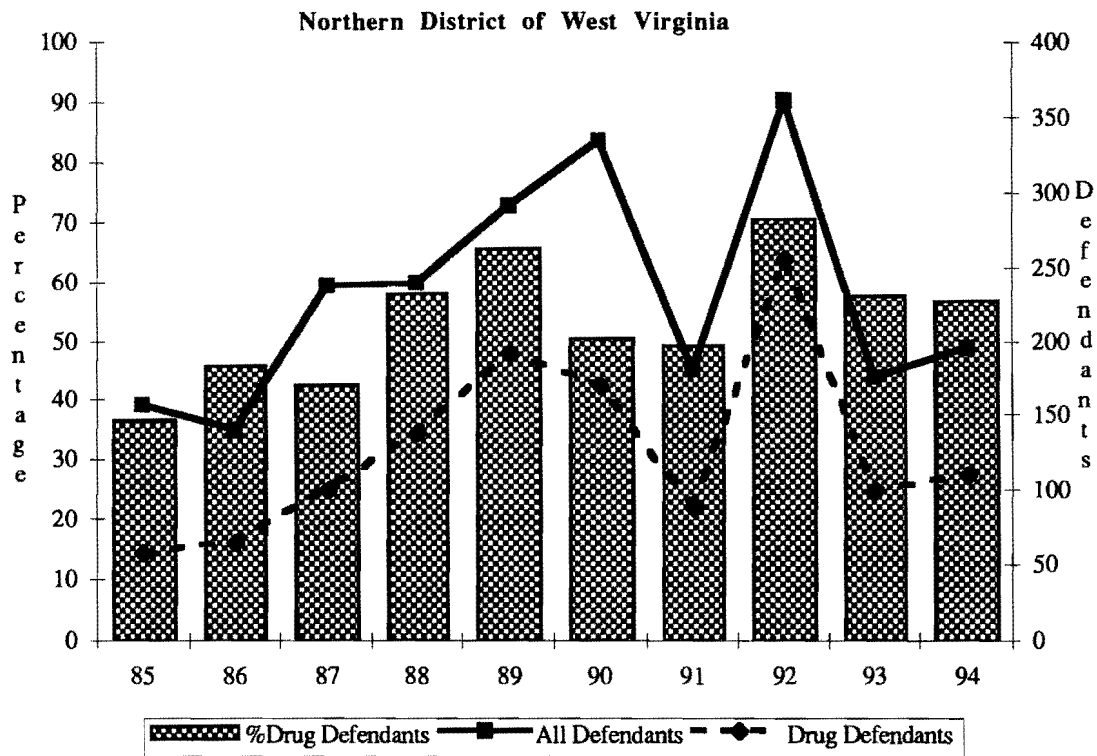
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

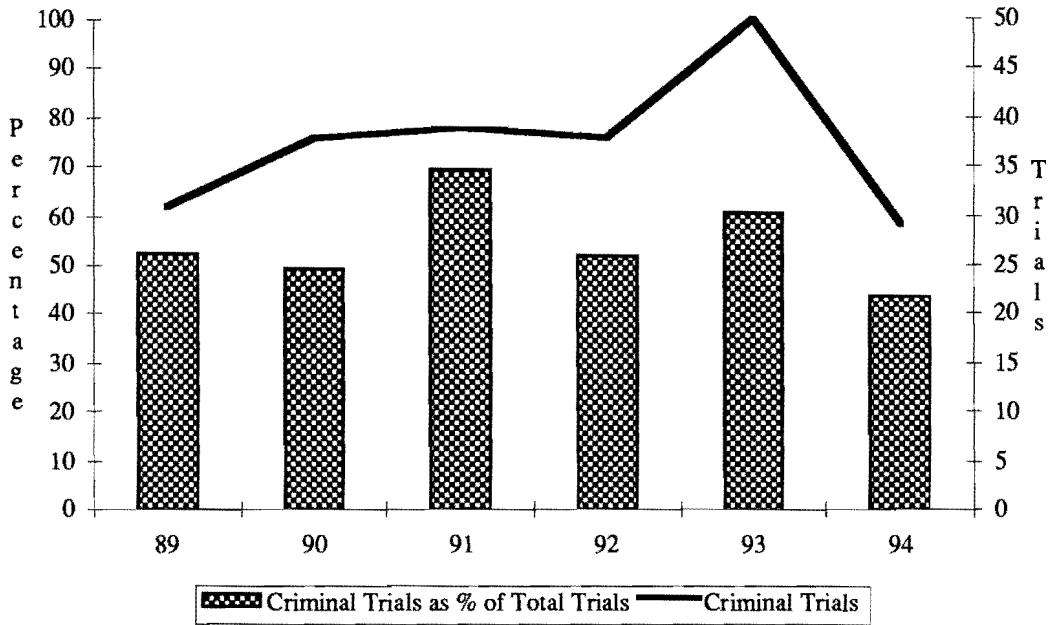
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Northern District of West Virginia



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of West Virginia

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- appeals of Social Security Administration benefit denials
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of West Virginia

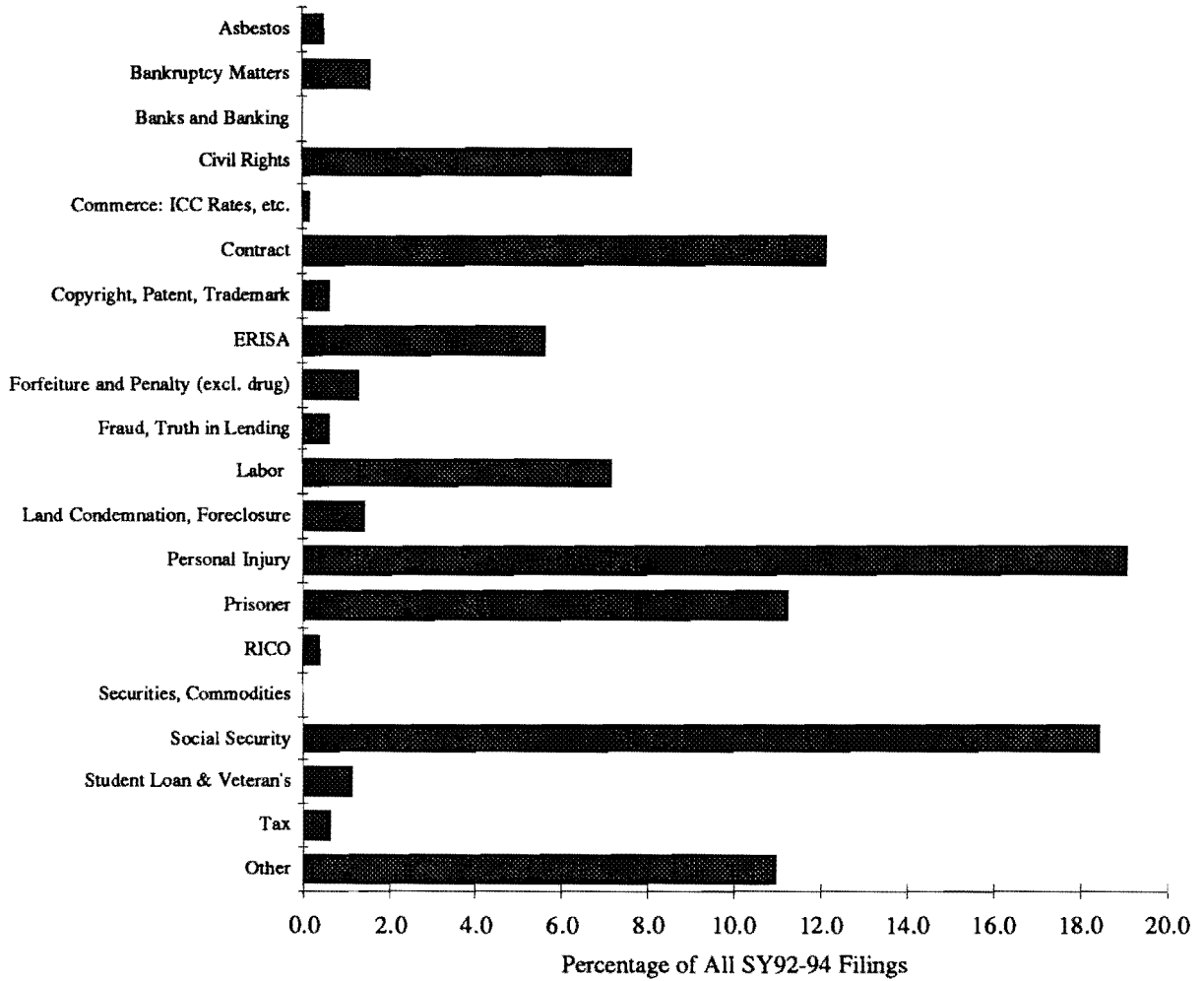
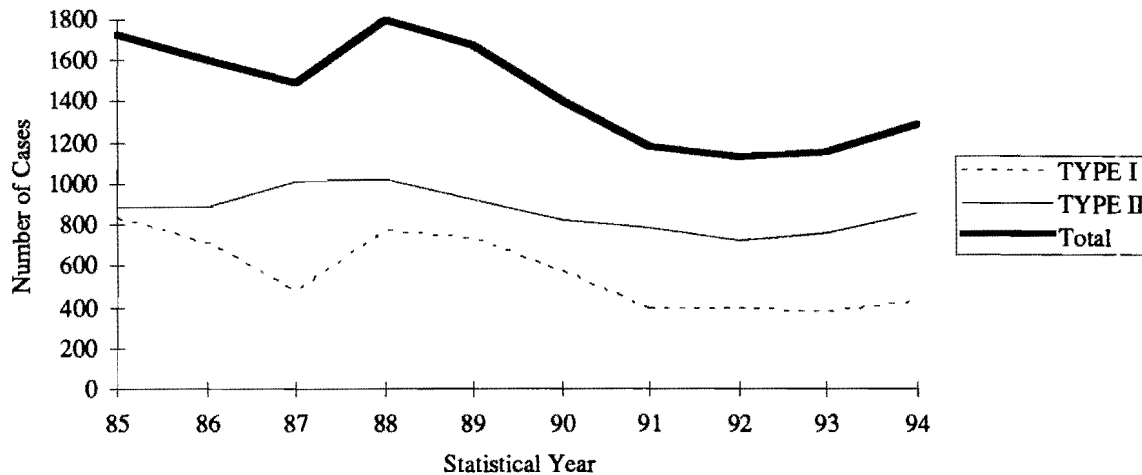


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of West Virginia

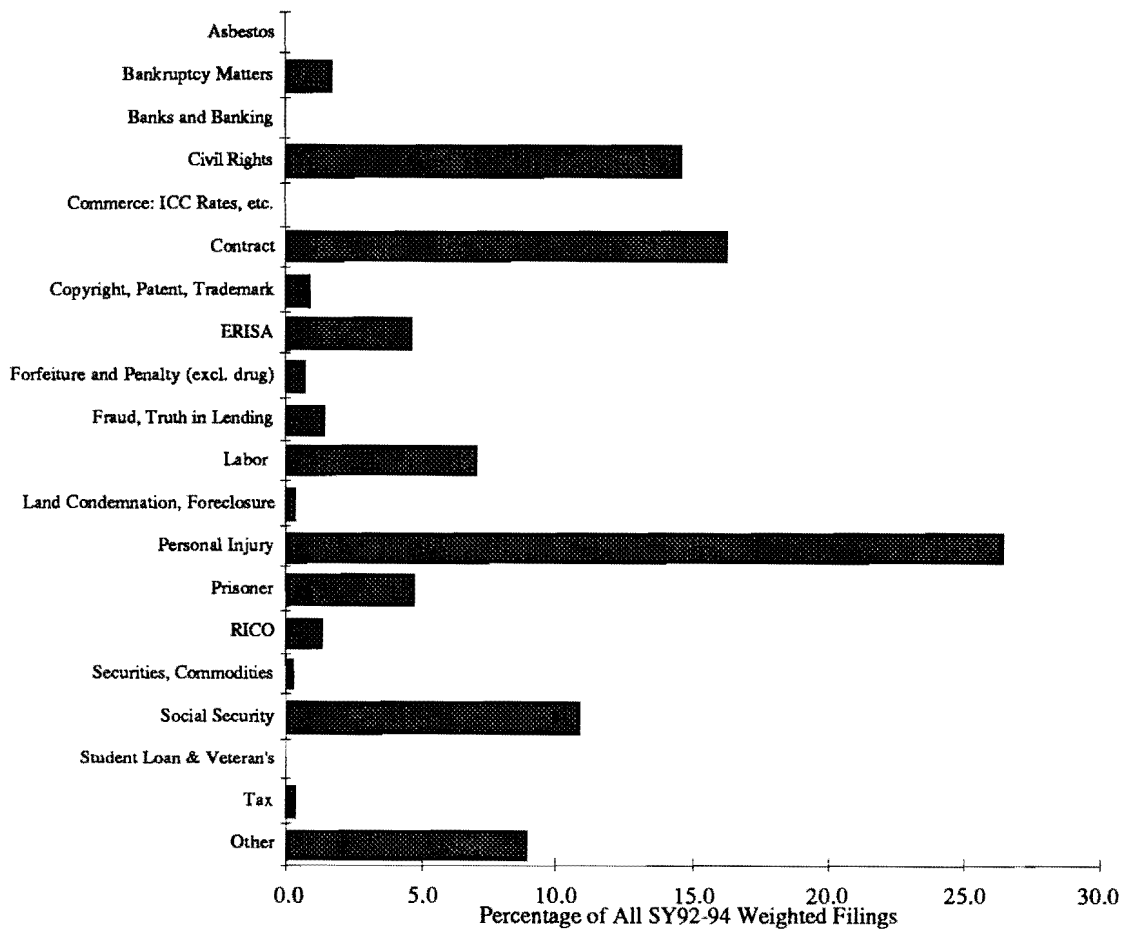


**Table 1: Filings by Case Type, SY85-94**

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Asbestos	10	64	33	62	119	208	42	15	1	1
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Banks and Banking	2	4	0	2	1	1	0	1	1	0
Civil Rights	103	91	93	73	85	72	107	96	83	93
Commerce: ICC Rates, etc.	0	2	0	0	1	2	4	2	0	2
Contract	233	252	286	258	253	212	159	160	147	127
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ERISA	17	17	36	66	61	71	47	63	56	82
Forfeiture and Penalty (excl. drug)	15	9	12	11	11	16	5	20	13	11
Fraud, Truth in Lending	3	9	12	19	13	15	10	2	8	10
Labor	138	136	130	84	116	117	100	94	86	76
Land Condemnation, Foreclosure	7	16	18	5	7	16	15	41	7	2
Personal Injury	232	210	281	358	296	178	225	176	221	285
Prisoner	122	120	112	170	160	137	166	123	113	164
RICO	0	2	5	3	0	11	4	4	6	3
Securities, Commodities	1	8	13	2	2	5	3	2	1	0
Social Security	380	270	224	477	386	174	146	185	225	248
Student Loan and Veteran's	301	219	83	44	49	28	8	18	13	8
Tax	10	17	16	14	6	13	6	5	10	5
All Other	130	120	119	121	73	108	107	102	127	161
All Civil Cases	1731	1600	1496	1794	1675	1404	1185	1129	1154	1297

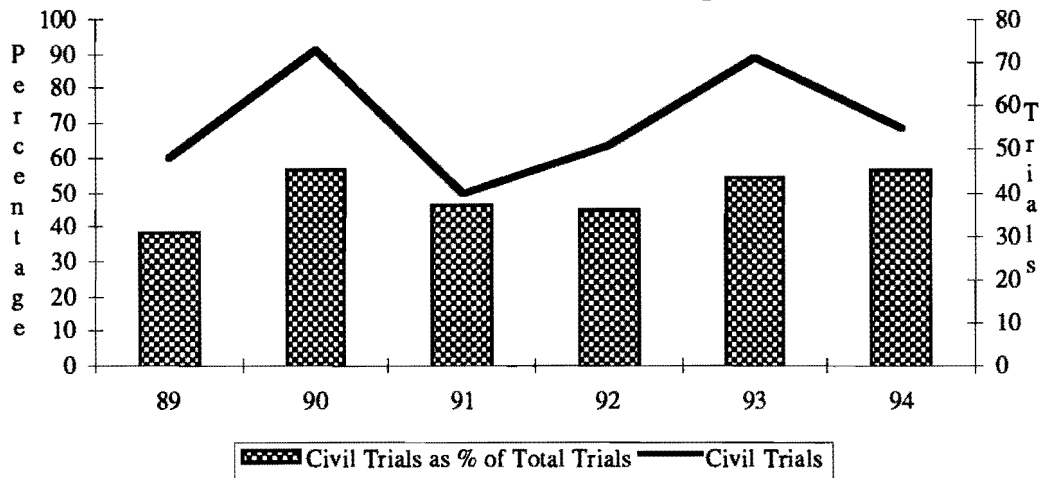
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
Southern District of West Virginia



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Southern District of West Virginia



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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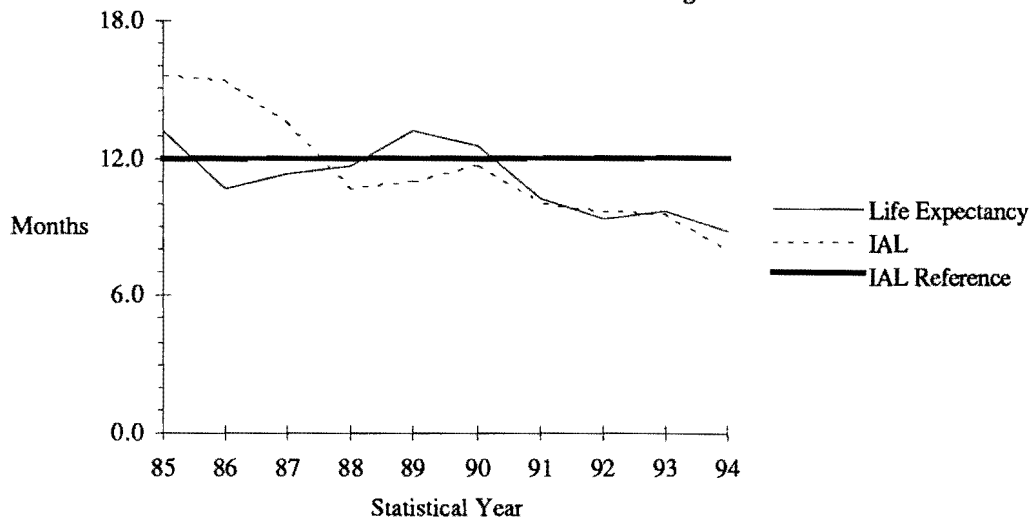
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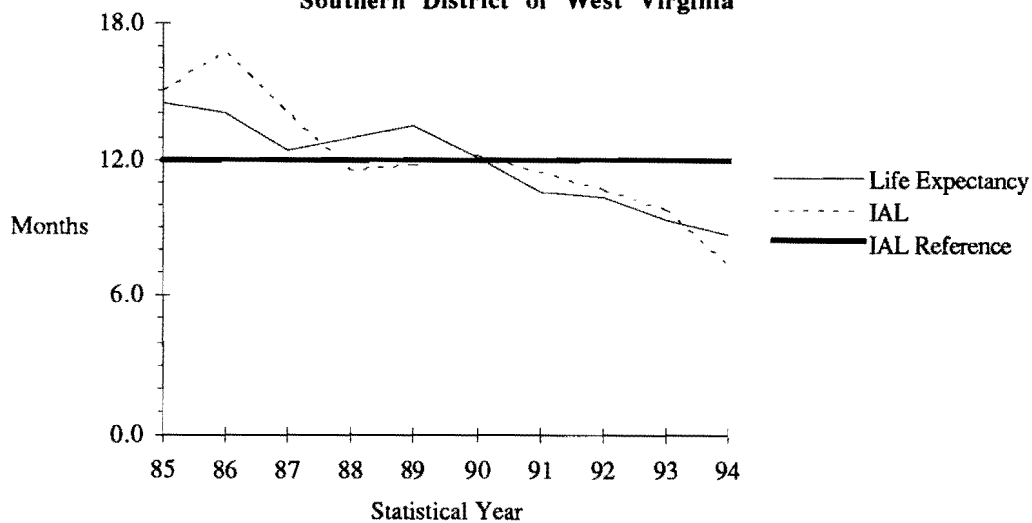
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of West Virginia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of West Virginia**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Southern District of West Virginia  
 Termination Category (Percent 3 or more years old)

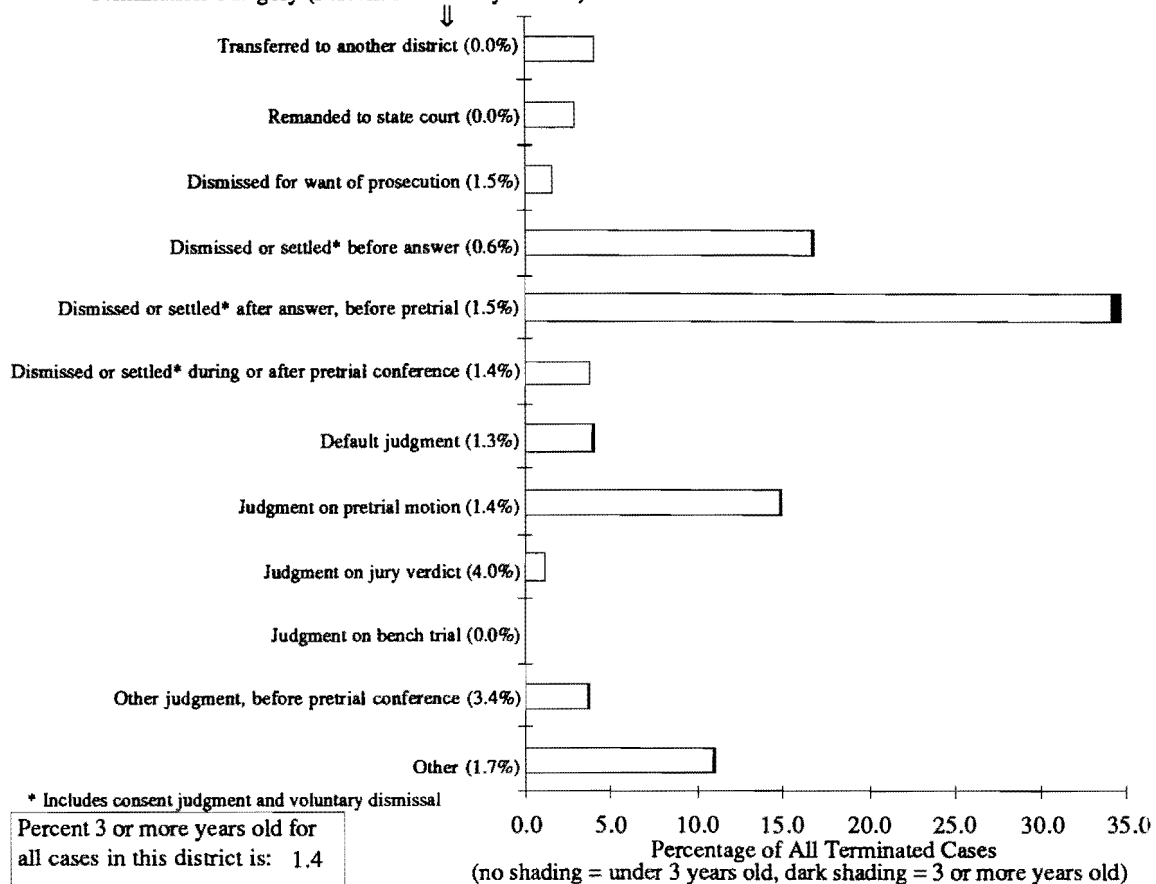
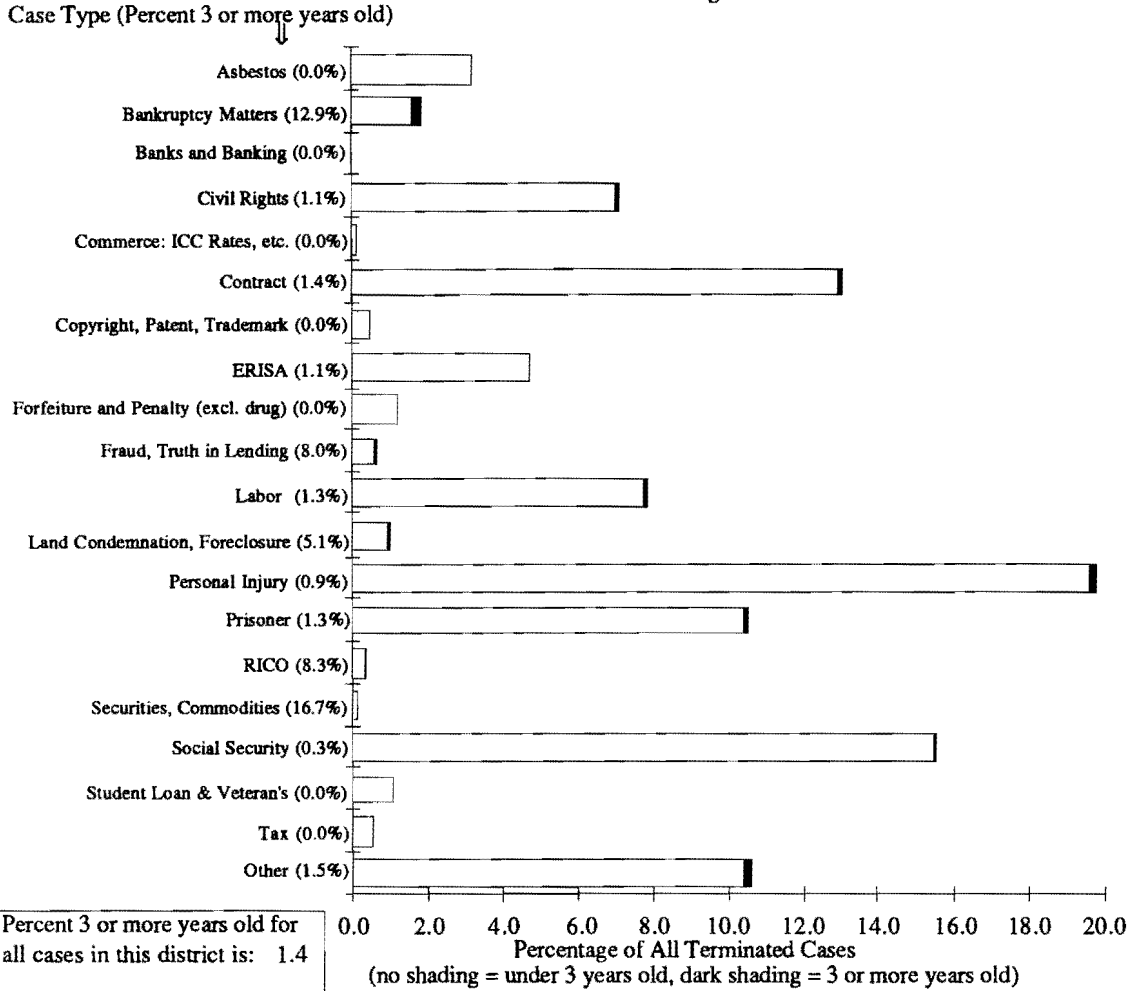


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of West Virginia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

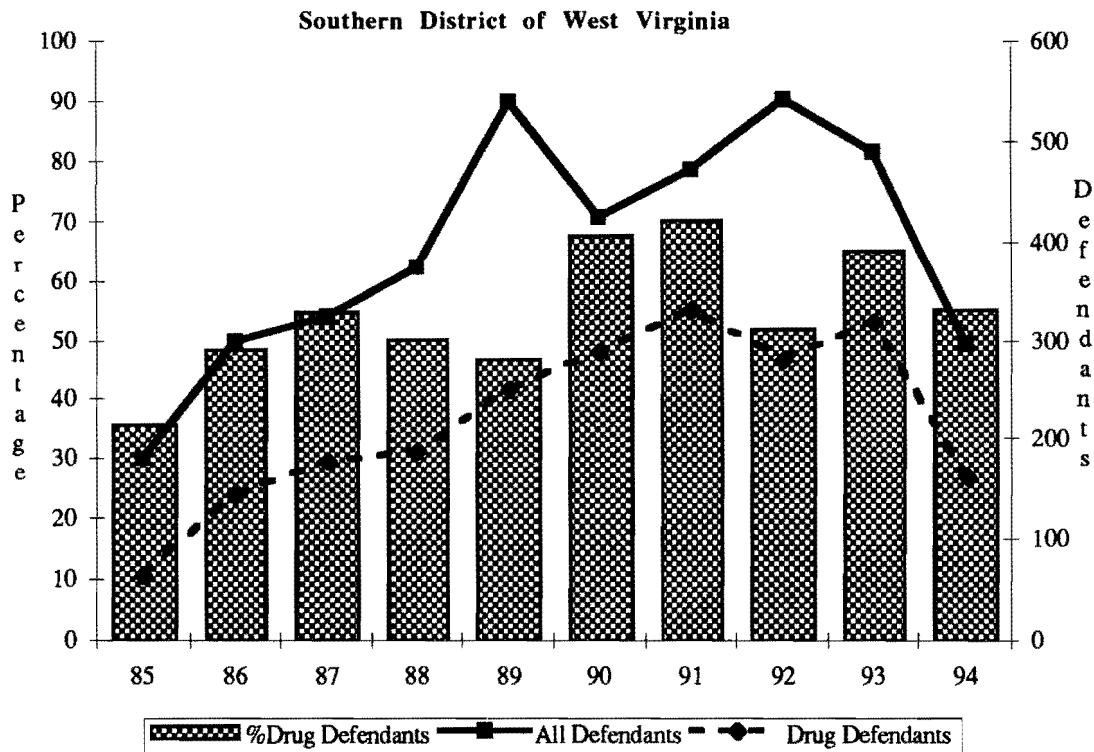
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

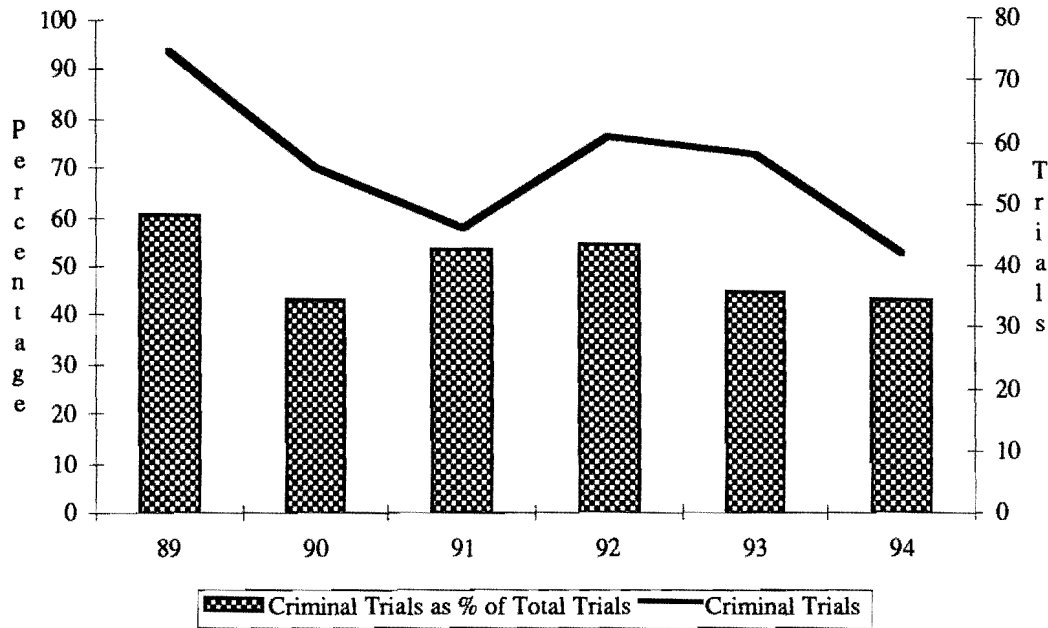
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Southern District of West Virginia



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of Alabama

## NOTES:

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1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
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3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
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- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Northern District of Alabama**

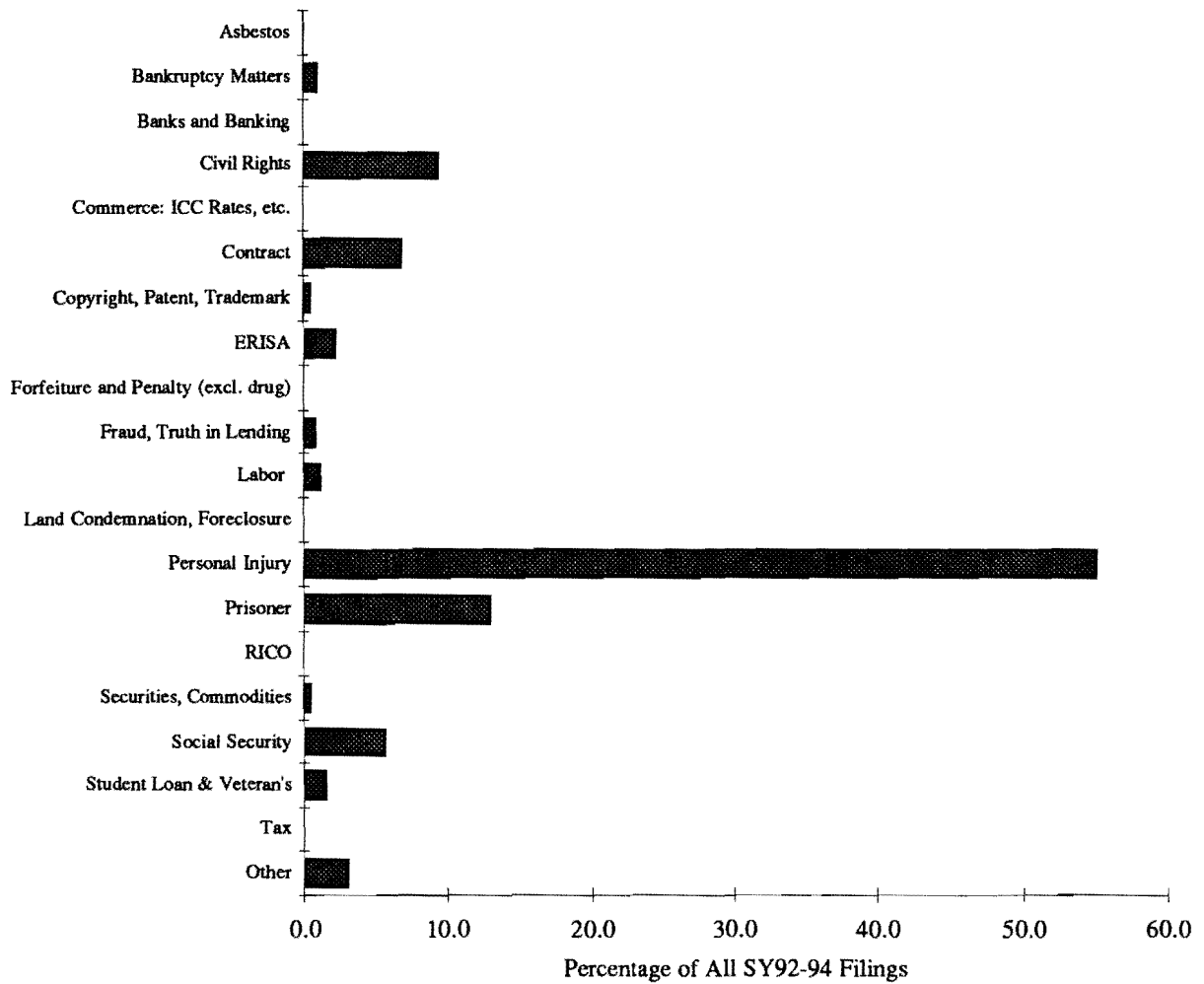
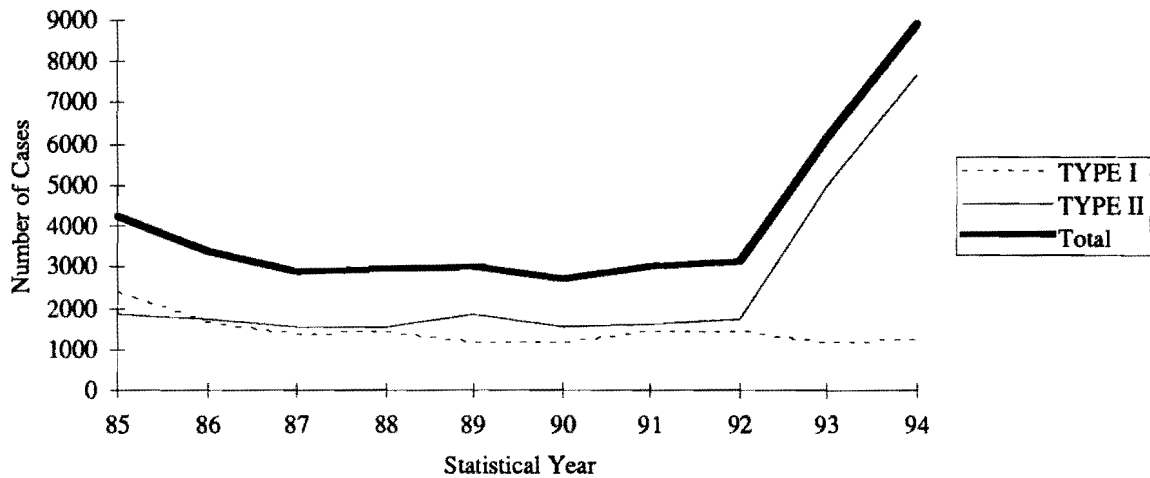


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of Alabama

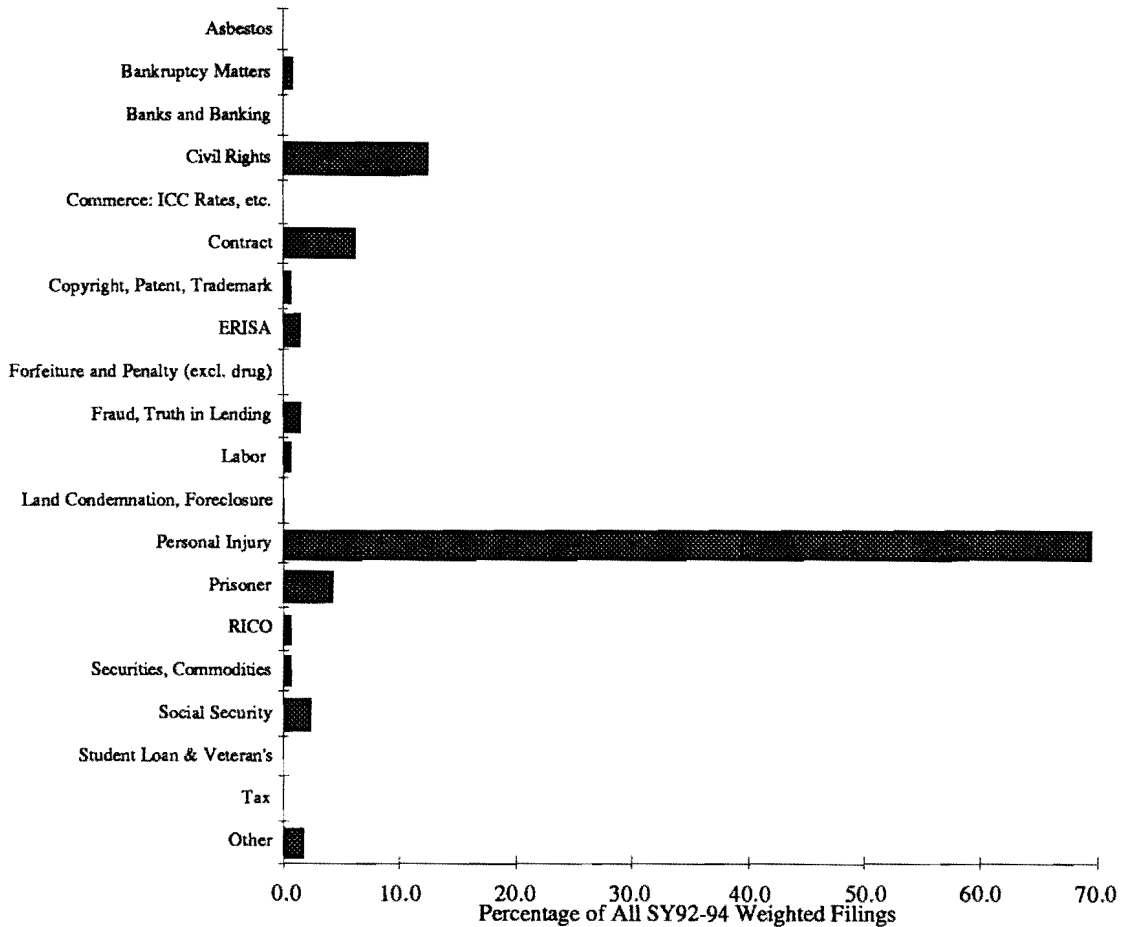


**Table 1: Filings by Case Type, SY85-94**

Northern District of Alabama	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	0	1	8	2	1	85	21	1	1
Bankruptcy Matters	41	38	33	34	47	31	45	44	55	60
Banks and Banking	5	9	4	0	0	4	0	8	7	4
Civil Rights	357	372	274	347	377	386	406	468	515	699
Commerce: ICC Rates, etc.	7	8	12	7	7	5	1	4	16	7
Contract	795	680	632	562	664	458	479	443	398	367
Copyright, Patent, Trademark	24	17	16	35	33	18	29	26	23	26
ERISA	48	54	81	96	86	80	120	131	143	107
Forfeiture and Penalty (excl. drug)	58	37	22	26	32	37	26	4	6	17
Fraud, Truth in Lending	49	46	36	34	41	36	46	40	50	37
Labor	81	81	84	70	61	56	49	67	62	50
Land Condemnation, Foreclosure	9	29	14	9	10	8	11	12	7	24
Personal Injury	213	210	186	173	344	244	248	356	3542	6162
Prisoner	555	568	690	718	648	708	809	856	693	797
RICO	0	5	6	6	1	10	2	8	4	10
Securities, Commodities	19	14	13	5	16	10	9	9	32	6
Social Security	498	433	405	448	245	279	344	288	373	338
Student Loan and Veteran's	1284	611	212	206	229	169	105	192	53	19
Tax	23	24	21	30	23	20	24	12	15	16
All Other	187	181	156	141	158	167	184	172	186	183
All Civil Cases	4253	3417	2898	2955	3024	2727	3022	3161	6181	8930

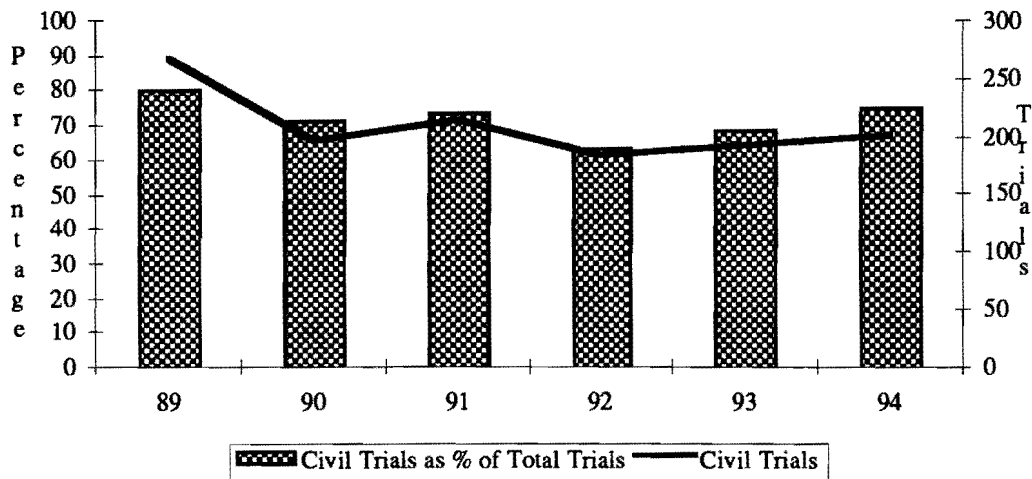
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of Alabama**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Northern District of Alabama**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

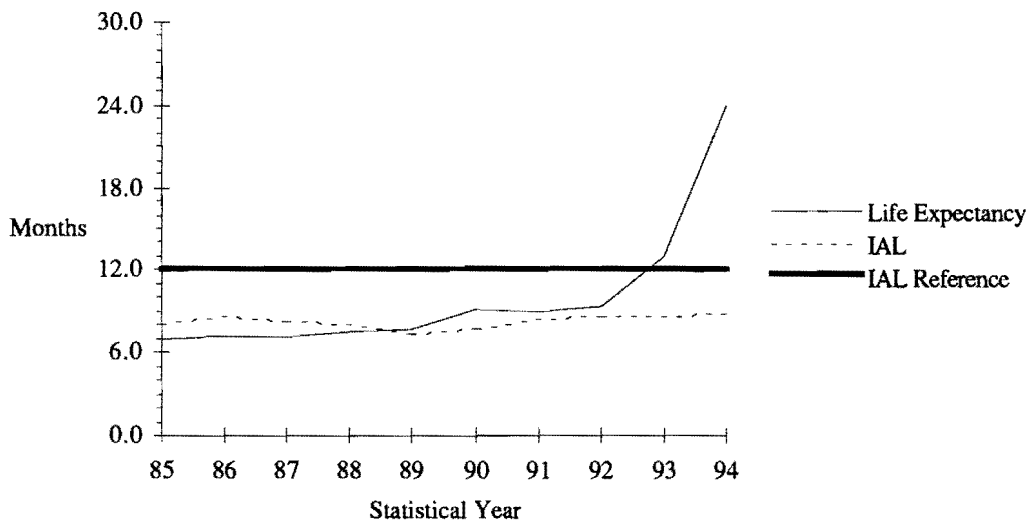
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

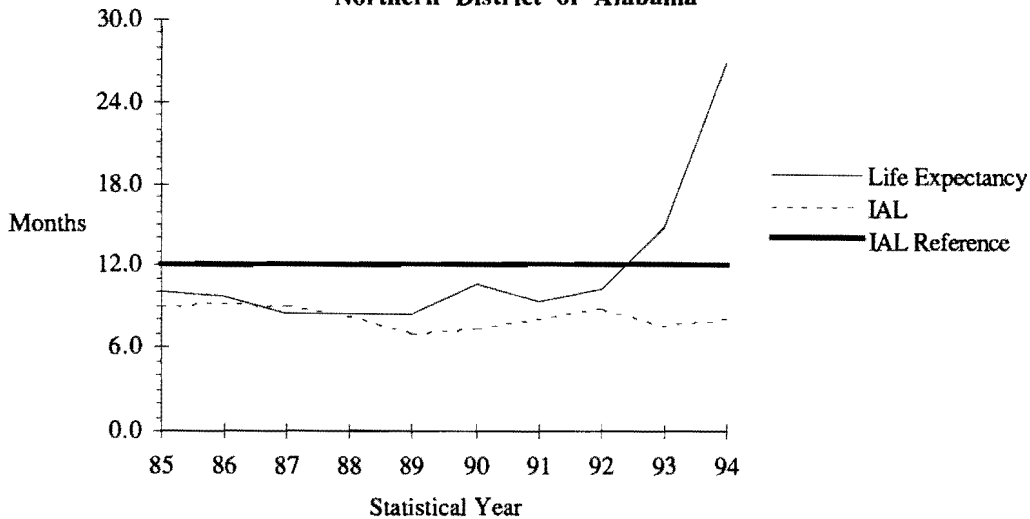
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of Alabama**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of Alabama**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of Alabama  
Termination Category (Percent 3 or more years old)

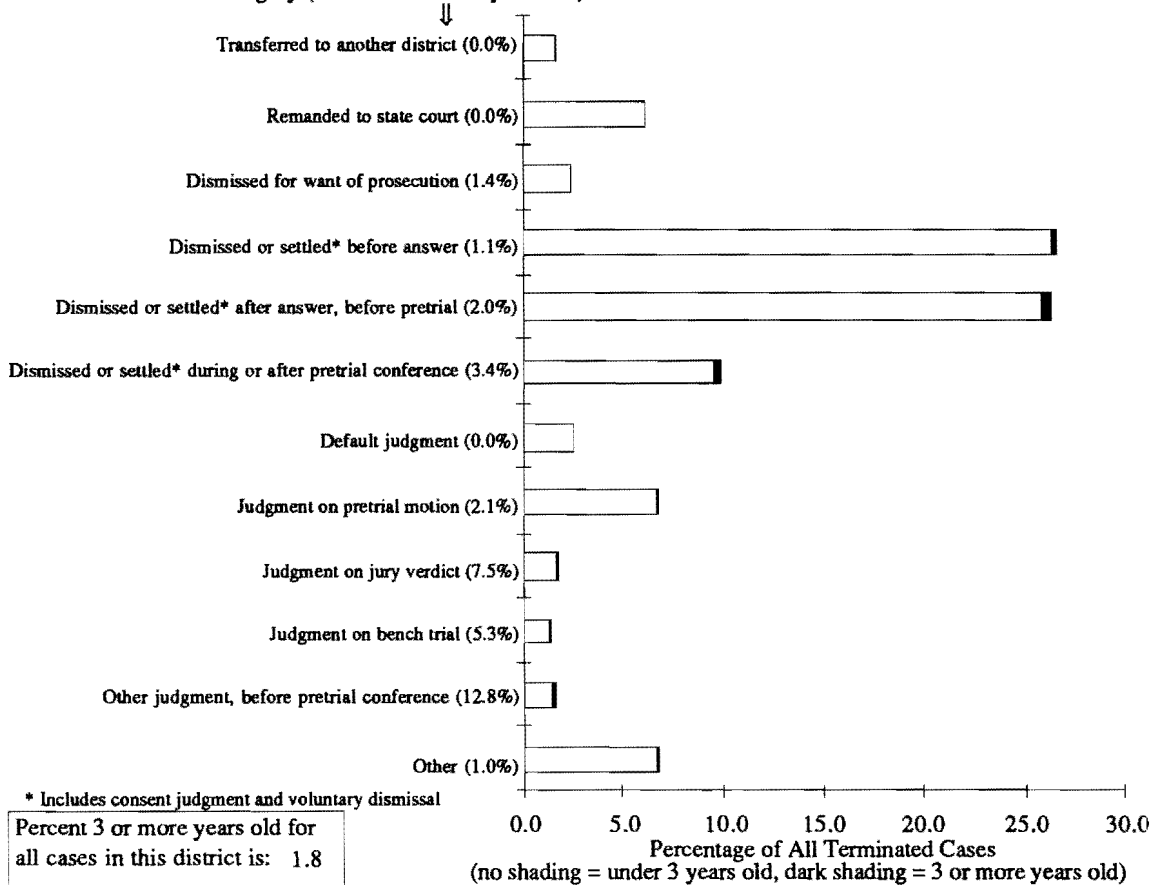
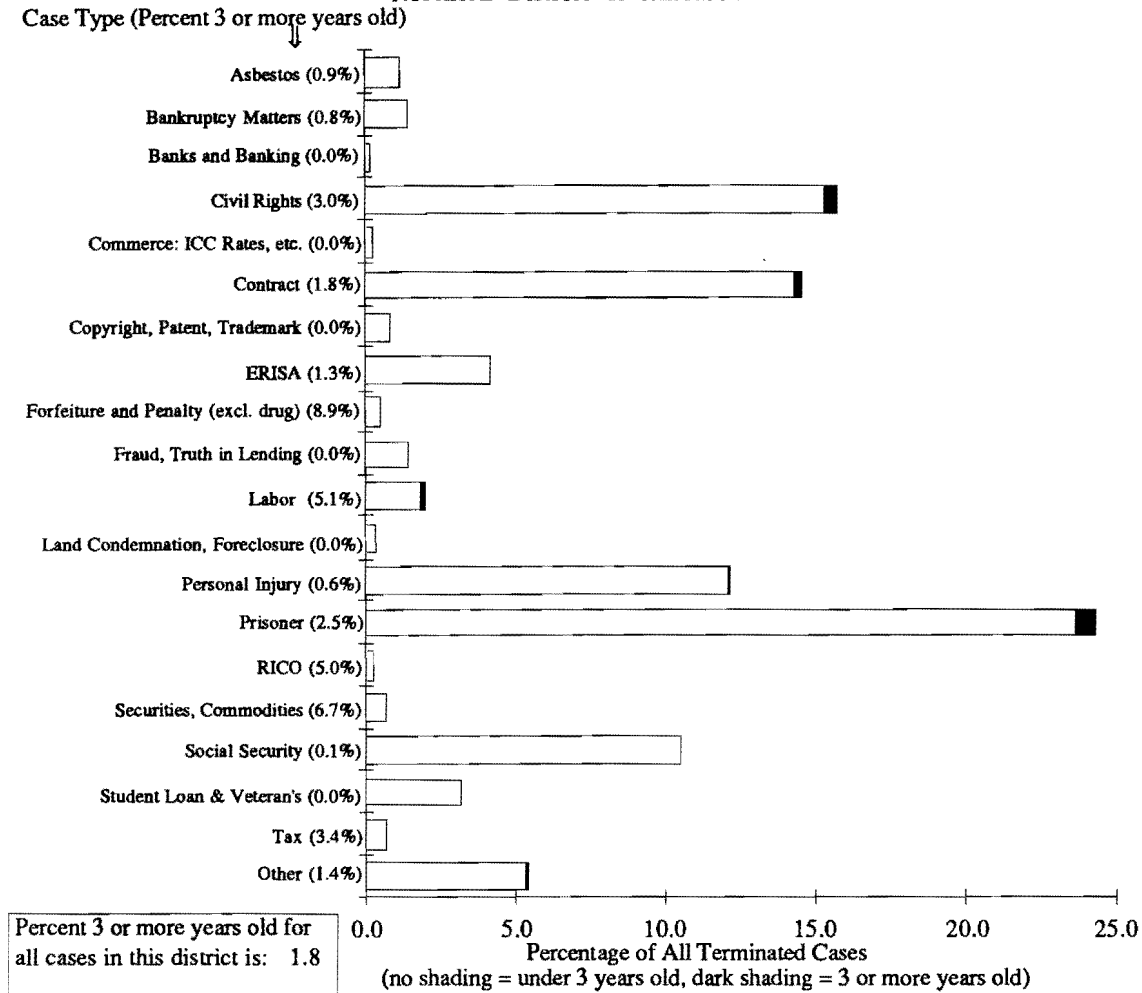


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of Alabama



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

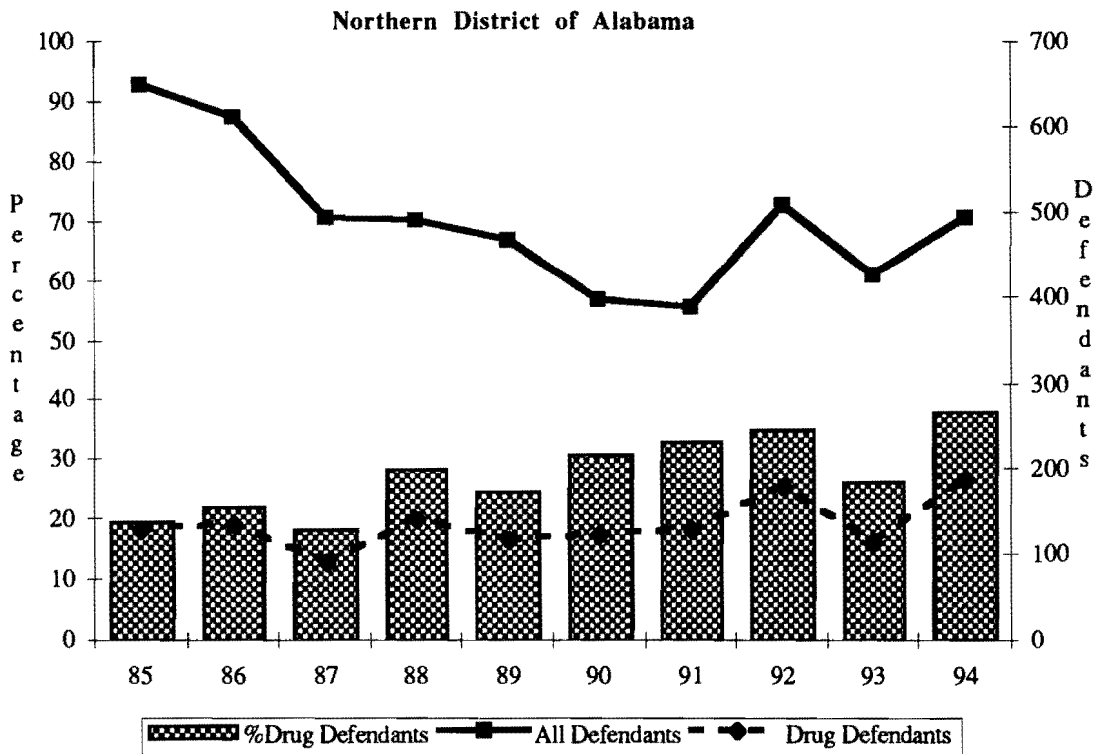
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

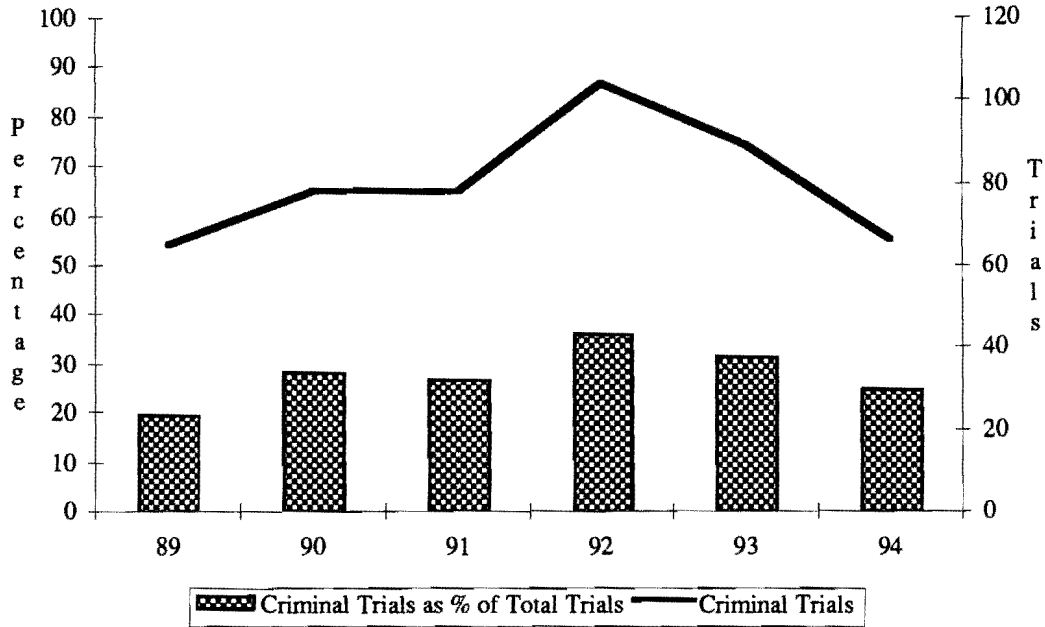
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**For more information on caseload issues**

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Middle District of Alabama

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- appeals of Social Security Administration benefit denials
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- personal injury cases other than asbestos
- non-prisoner civil rights cases
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- ERISA cases
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- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Middle District of Alabama**

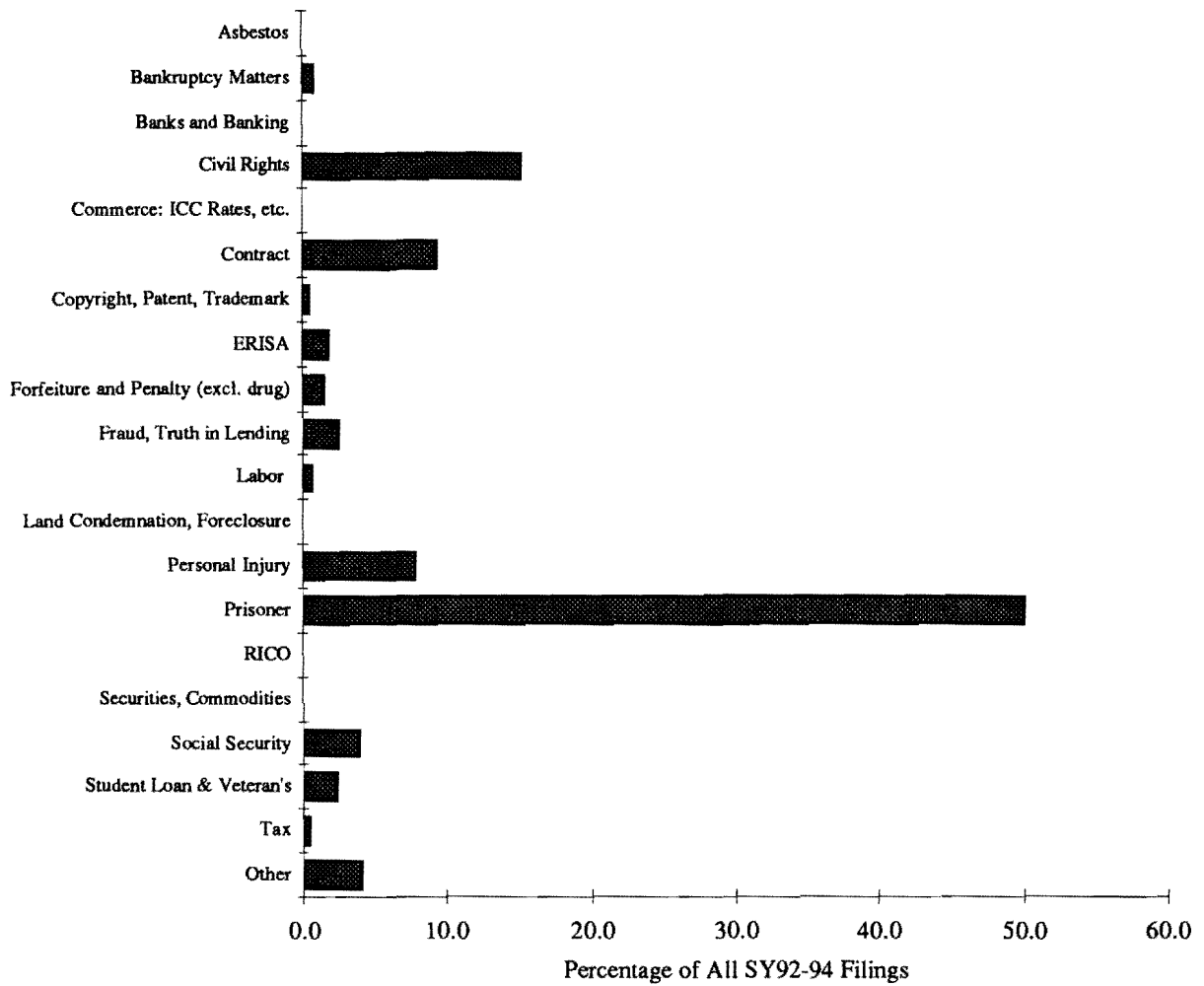
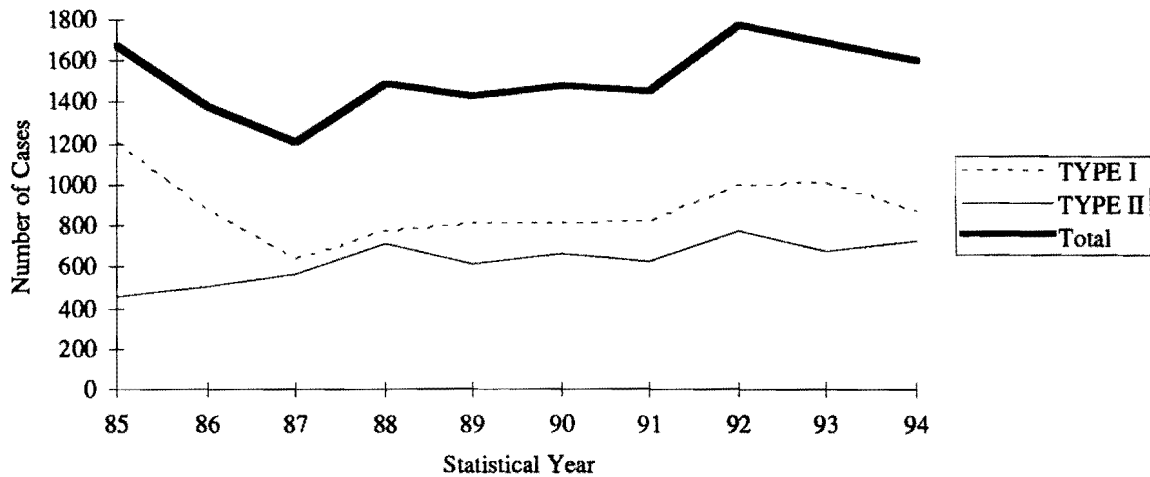


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of Alabama

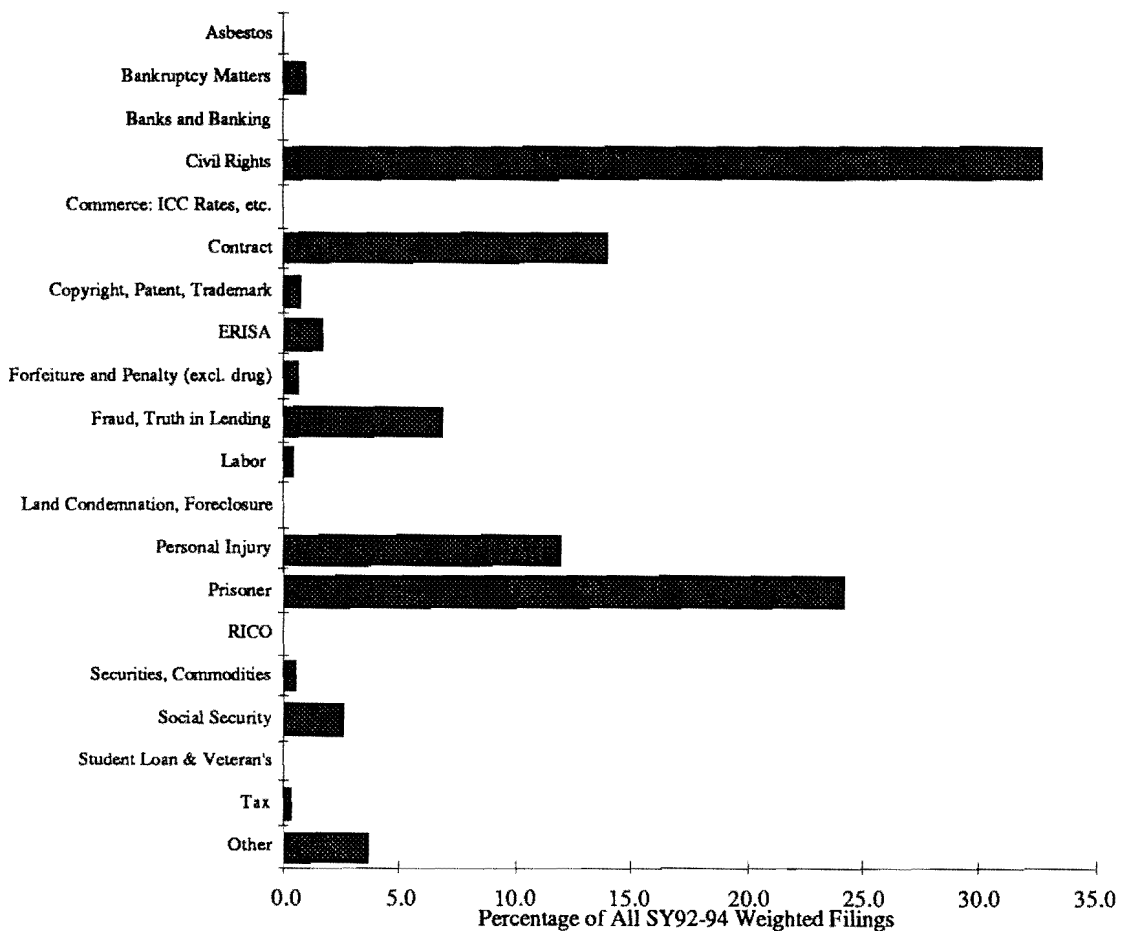


**Table 1: Filings by Case Type, SY85-94**

Middle District of Alabama	YEAR									
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Asbestos	0	1	0	0	0	1	1	0	1	0
Bankruptcy Matters	10	12	4	6	7	9	10	9	16	12
Banks and Banking	0	0	4	0	0	5	0	0	0	0
Civil Rights	124	134	168	301	143	176	177	315	204	245
Commerce: ICC Rates, etc.	0	1	1	1	3	0	2	1	0	4
Contract	145	180	196	220	215	220	190	154	160	154
Copyright, Patent, Trademark	5	5	7	2	13	4	2	5	5	10
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Forfeiture and Penalty (excl. drug)	4	7	4	10	11	6	26	49	15	2
Fraud, Truth in Lending	20	15	18	10	9	13	17	31	38	55
Labor	16	8	8	7	13	9	7	11	5	10
Land Condemnation, Foreclosure	43	39	5	5	5	5	3	5	0	2
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Prisoner	375	417	449	550	651	680	698	861	895	776
RICO	0	0	3	5	2	2	3	1	0	0
Securities, Commodities	1	7	5	3	2	0	5	5	0	2
Social Security	201	102	117	153	108	81	80	51	69	74
Student Loan and Veteran's	582	299	71	61	43	36	29	77	25	8
Tax	8	20	7	1	9	7	4	4	7	5
All Other	63	62	46	73	64	96	94	58	72	69
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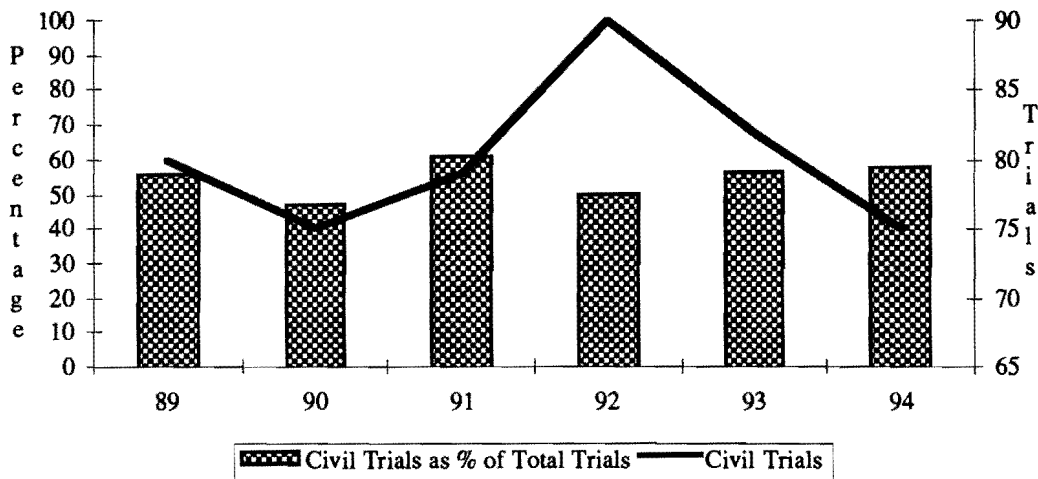
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of Alabama**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of Alabama**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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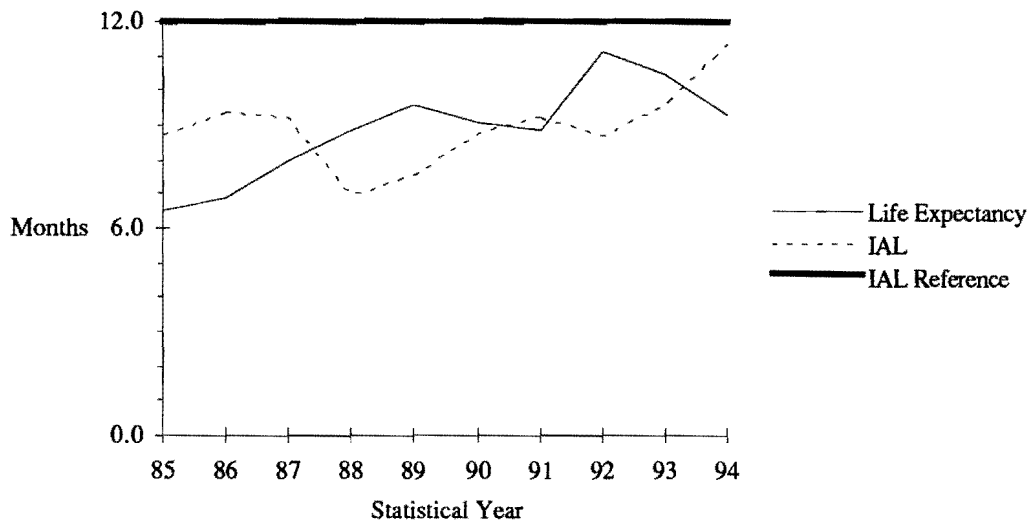
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



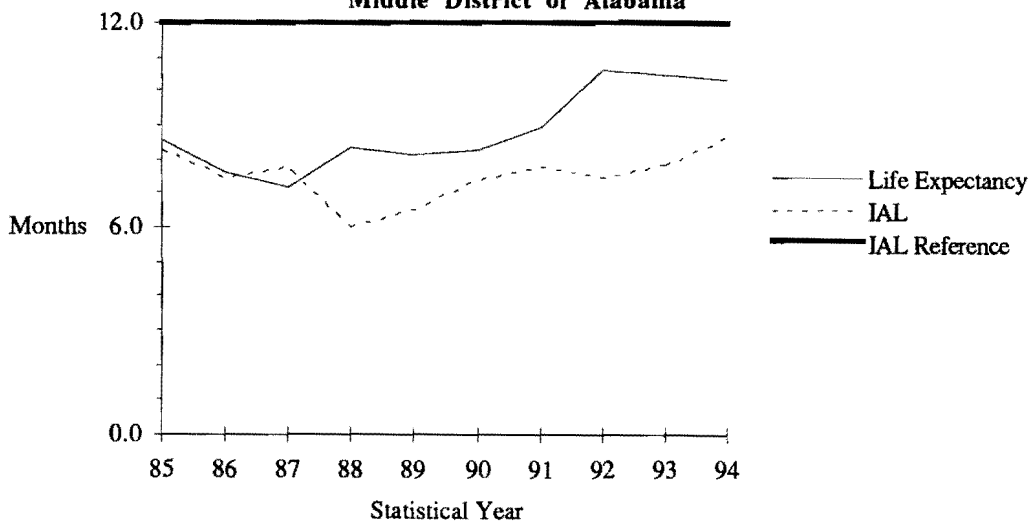
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of Alabama**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of Alabama**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Middle District of Alabama

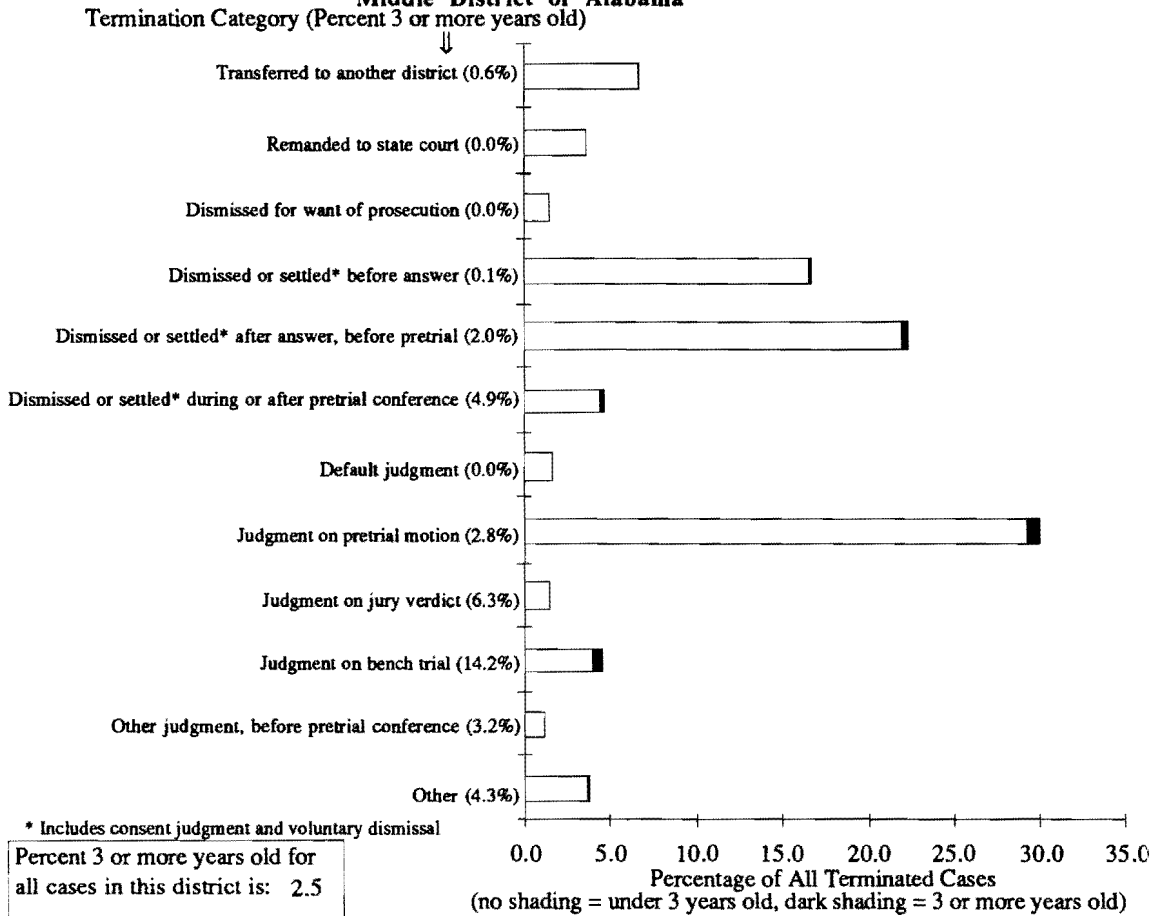
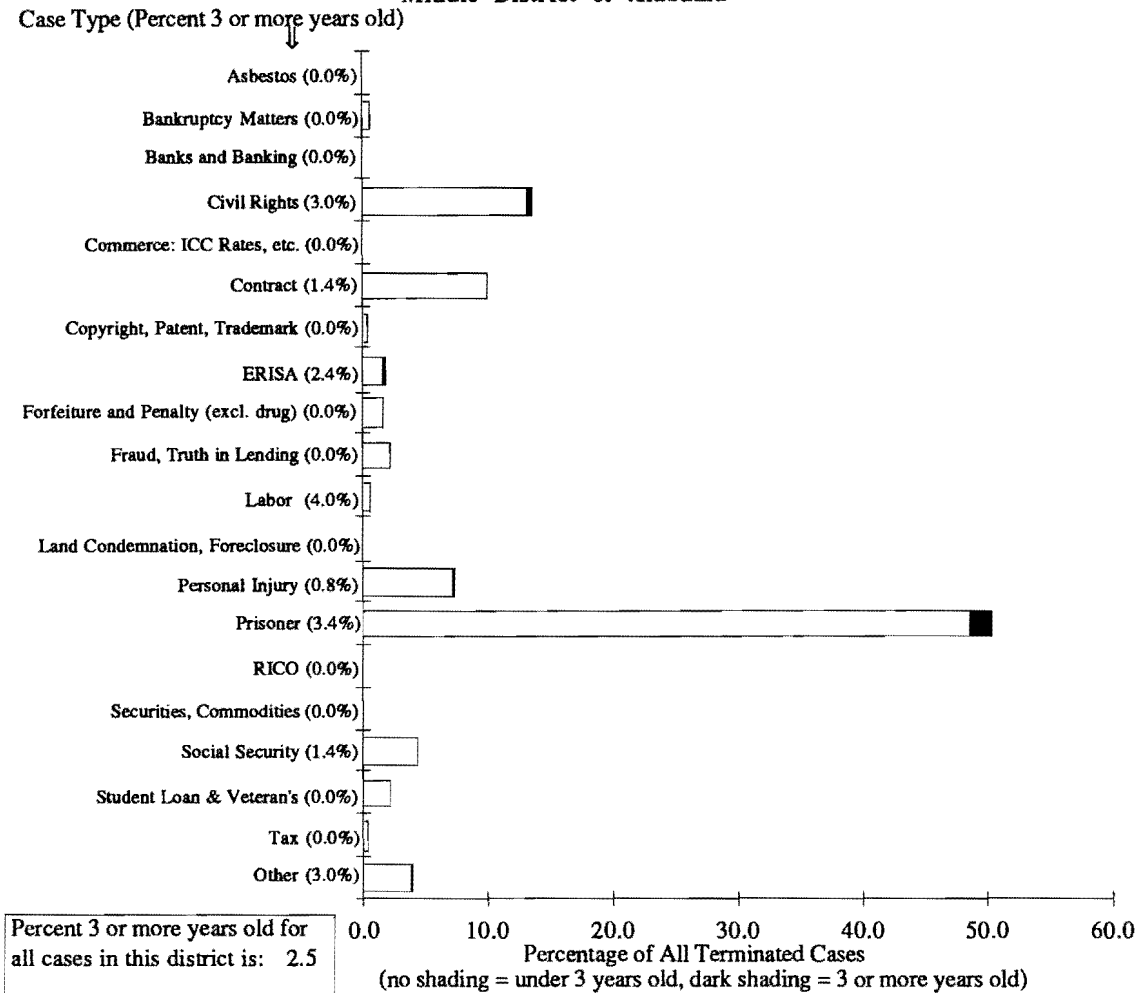


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of Alabama



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

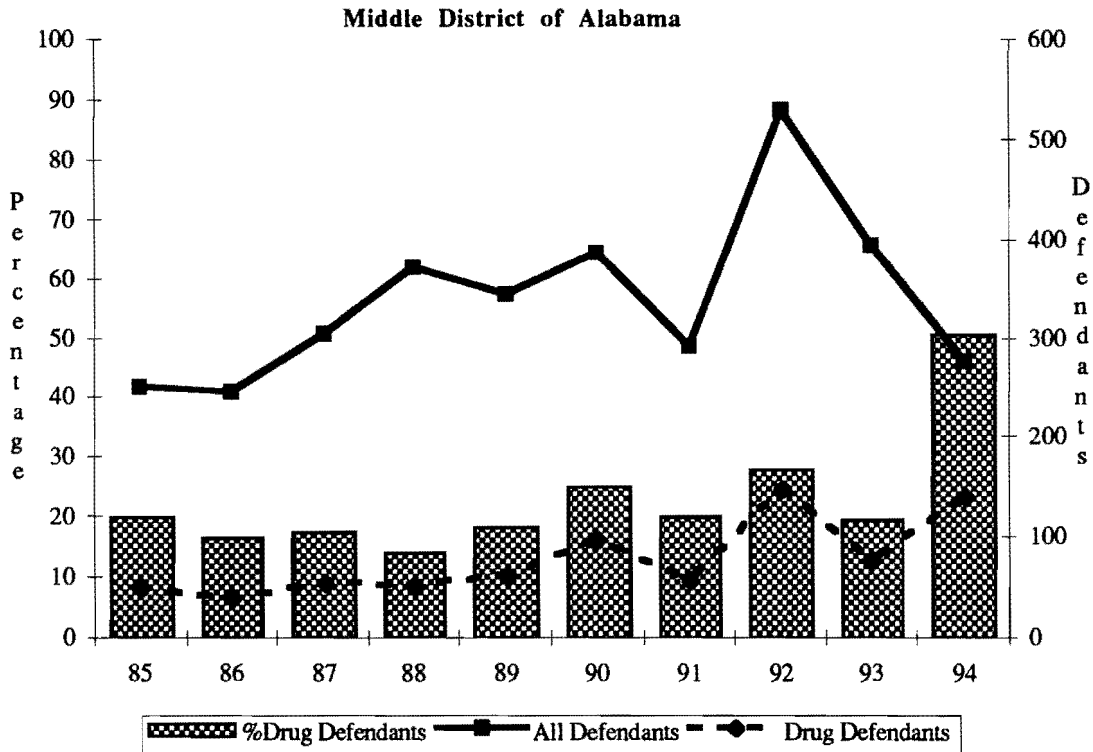
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

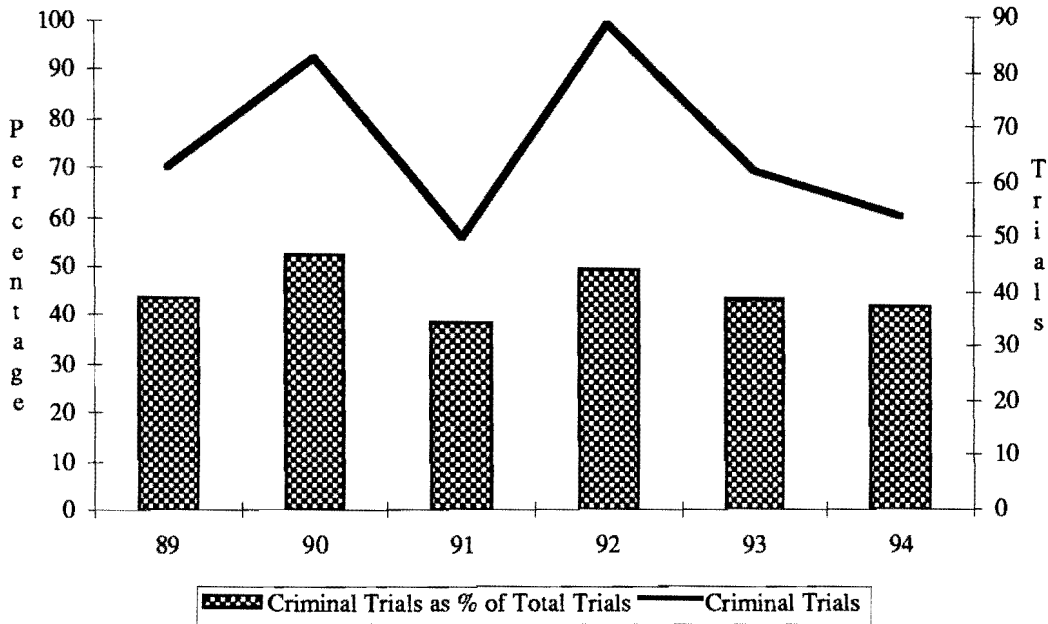
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Middle District of Alabama**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of Alabama

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of Alabama

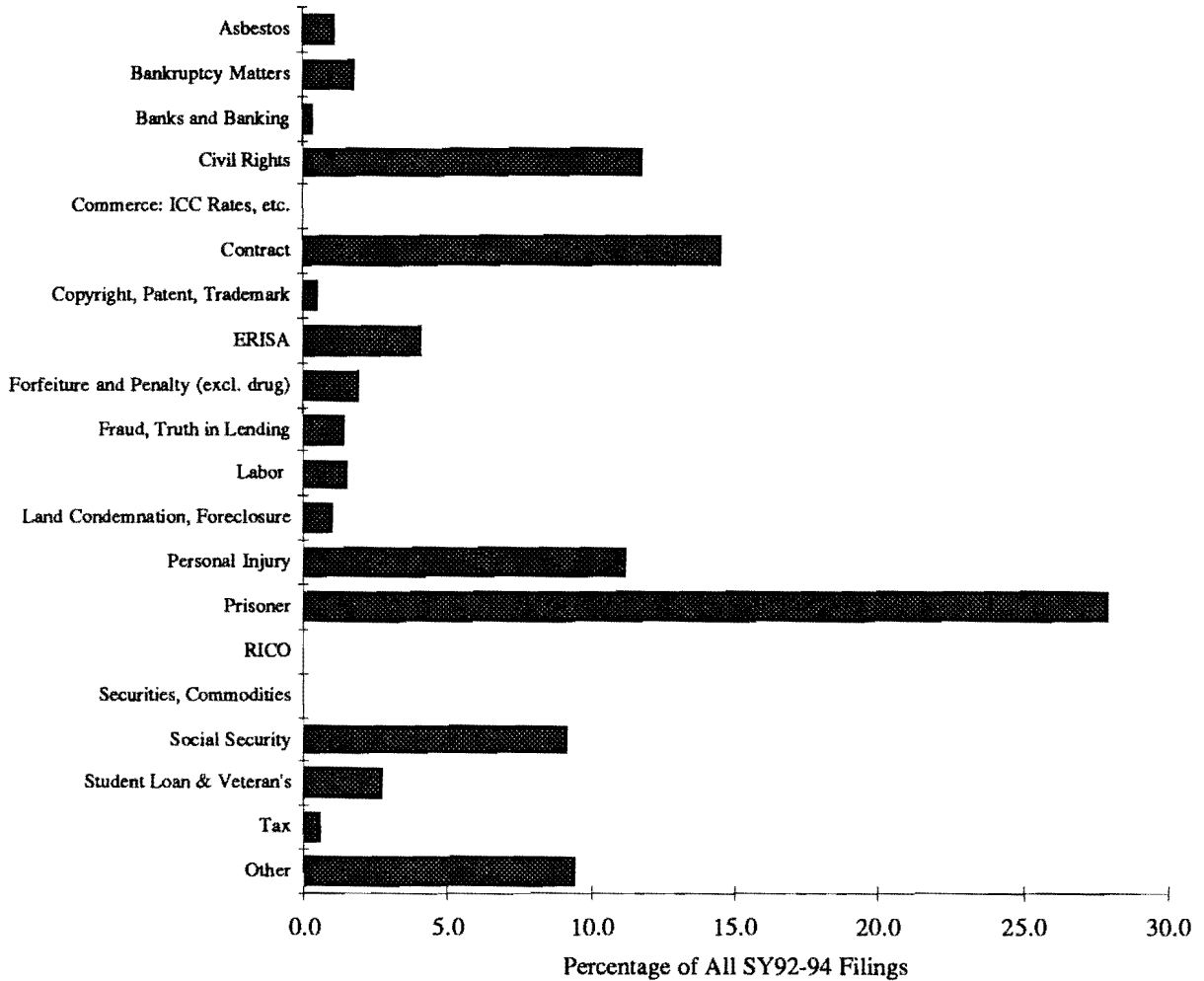
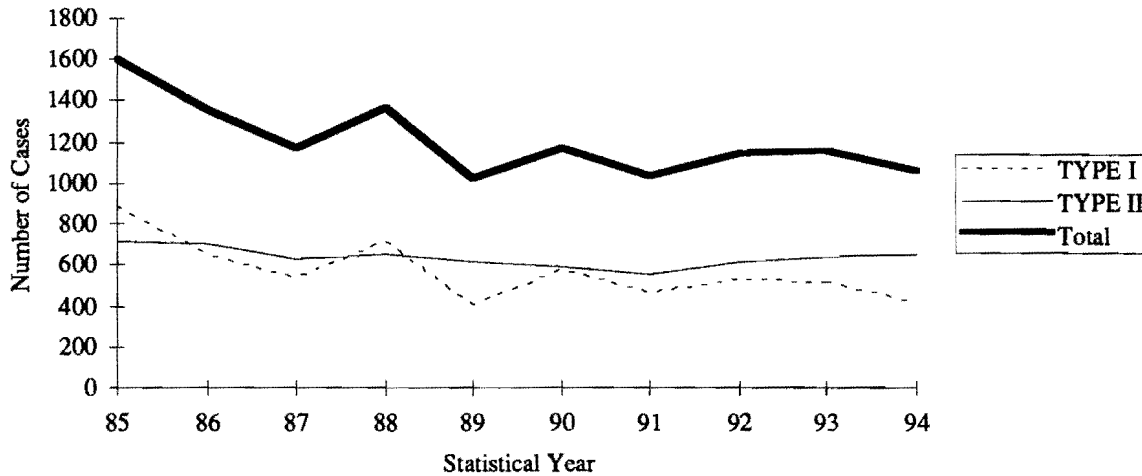


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of Alabama

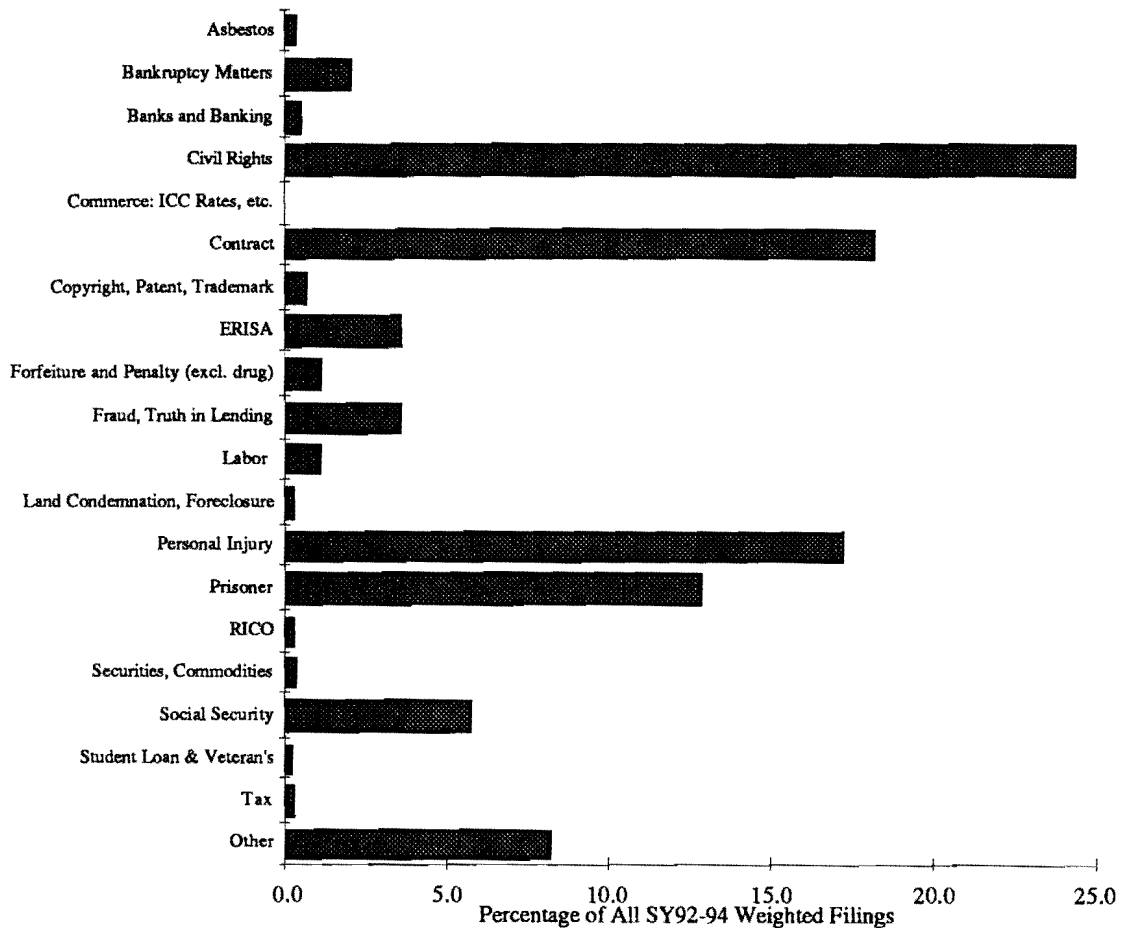


**Table 1: Filings by Case Type, SY85-94**

Southern District of Alabama	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	18	22	61	184	0	136	34	28	1	5
Bankruptcy Matters	23	20	12	19	8	10	13	17	19	22
Banks and Banking	0	0	1	3	6	0	3	5	2	2
Civil Rights	100	108	66	60	61	83	75	132	127	135
Commerce: ICC Rates, etc.	0	1	1	1	0	1	0	0	2	0
Contract	313	330	274	294	236	226	198	184	160	144
Copyright, Patent, Trademark	7	6	4	3	7	9	3	9	2	4
ERISA	8	6	12	20	21	20	26	27	85	23
Forfeiture and Penalty (excl. drug)	27	6	18	20	34	23	25	23	29	10
Fraud, Truth in Lending	14	7	14	10	12	4	15	16	14	15
Labor	12	15	16	14	15	16	11	16	17	16
Land Condemnation, Foreclosure	17	16	8	7	4	5	4	18	9	4
Personal Injury	120	115	116	114	121	122	107	98	98	178
Prisoner	302	345	319	296	239	264	298	304	351	281
RICO	0	0	2	3	4	4	3	1	1	0
Securities, Commodities	6	4	3	2	2	3	2	1	2	1
Social Security	107	109	94	137	80	84	101	106	106	92
Student Loan and Veteran's	418	140	52	77	76	80	23	51	28	10
Tax	9	8	7	4	9	9	5	9	3	5
All Other	100	95	94	106	87	70	85	96	101	116
All Civil Cases	1601	1353	1174	1374	1022	1169	1031	1141	1157	1063

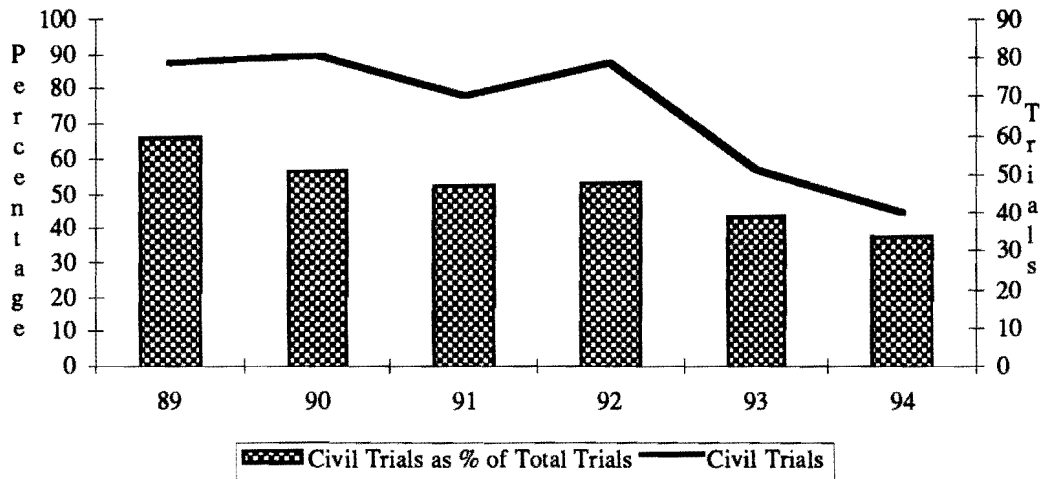
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
Southern District of Alabama



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Southern District of Alabama**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

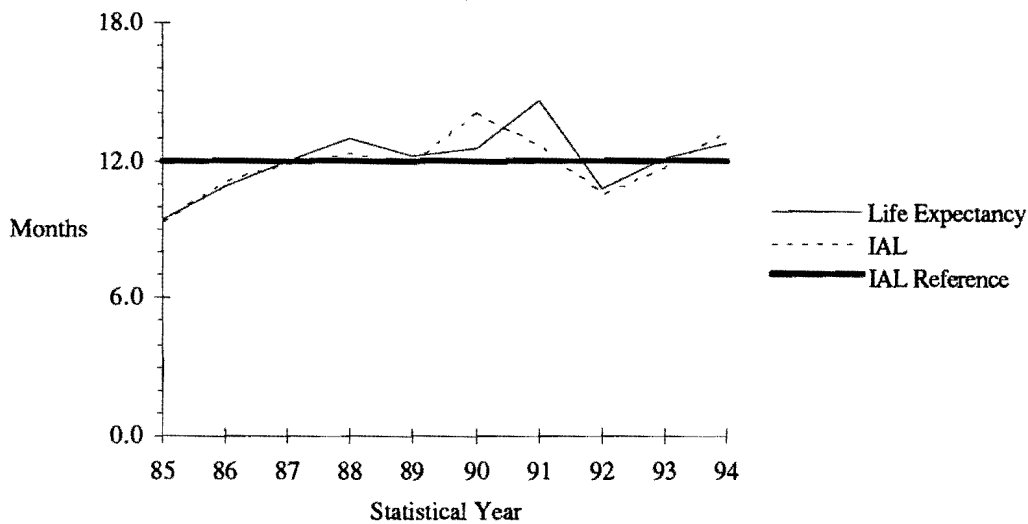
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

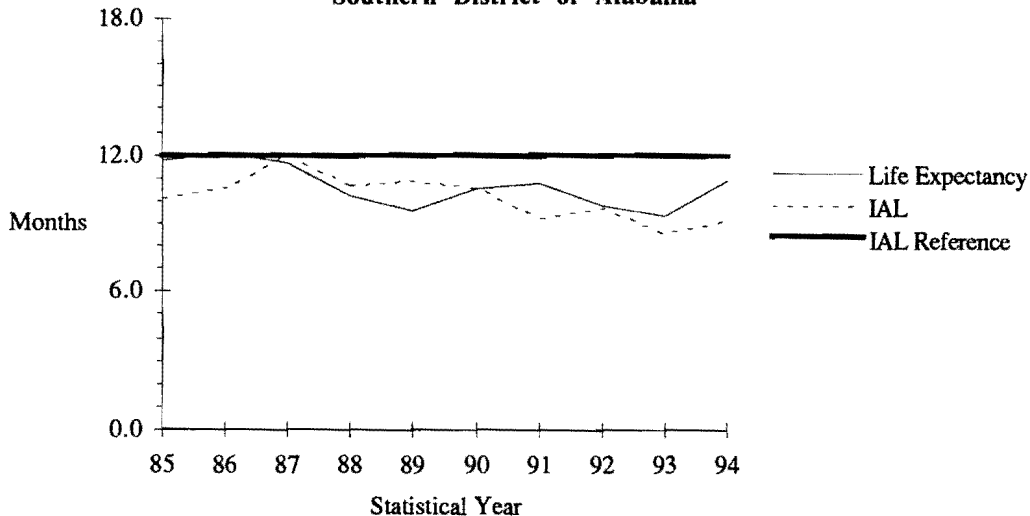
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of Alabama**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of Alabama**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Southern District of Alabama

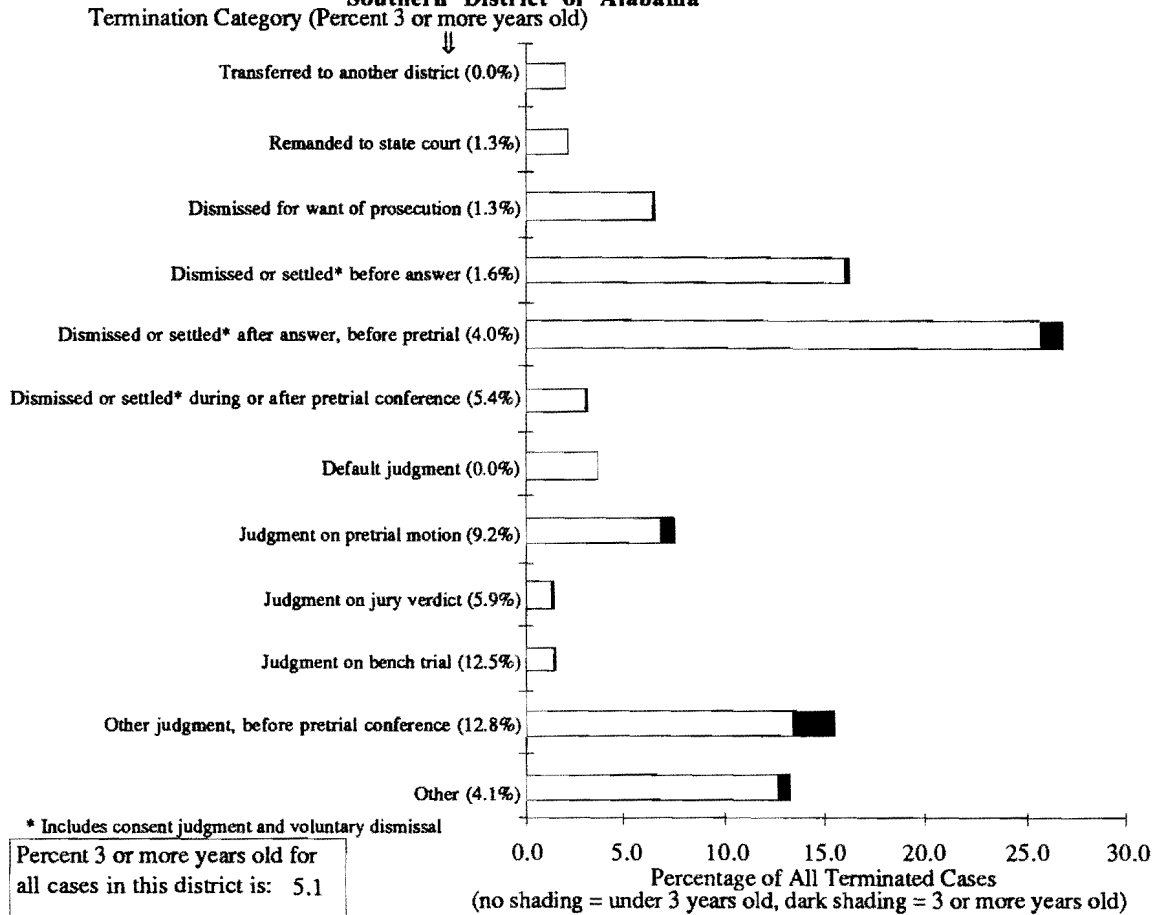
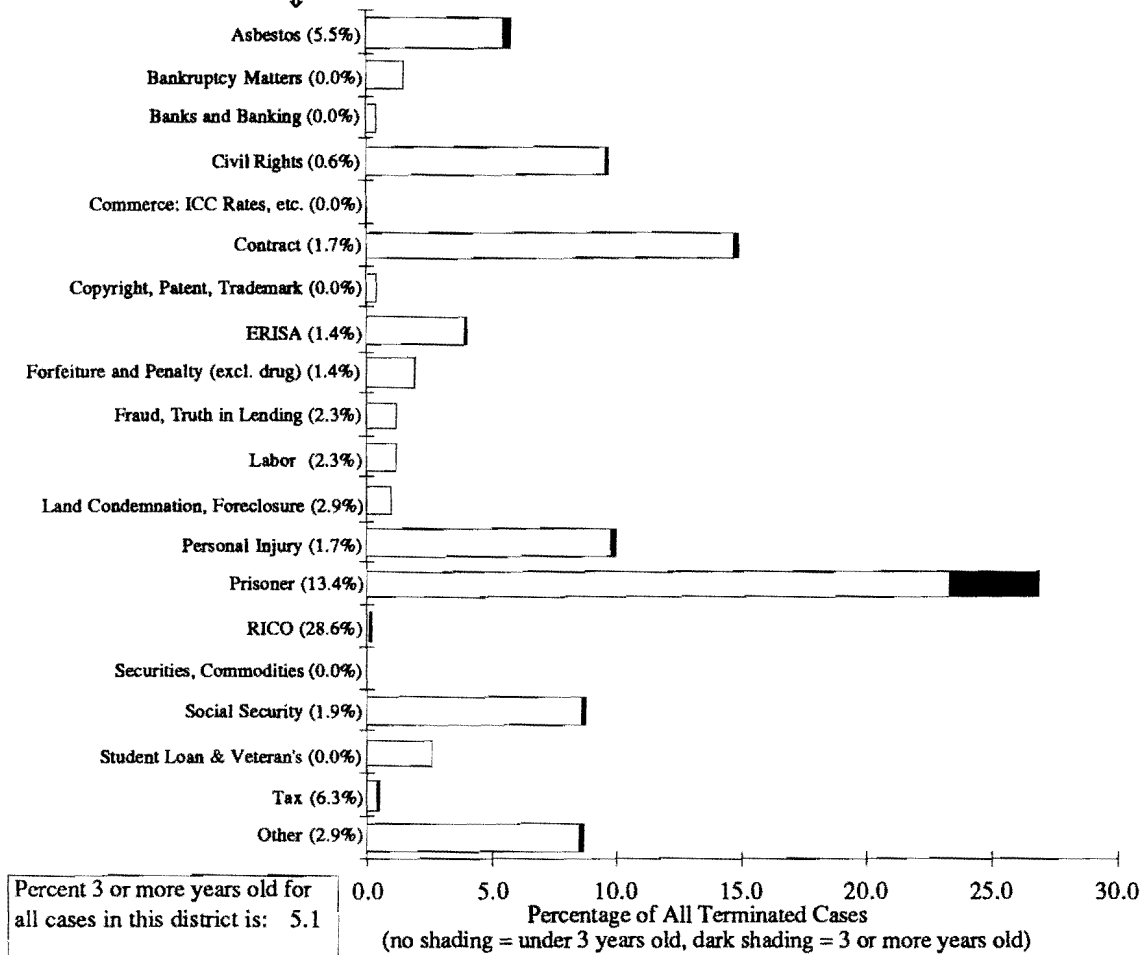


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**

Southern District of Alabama

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

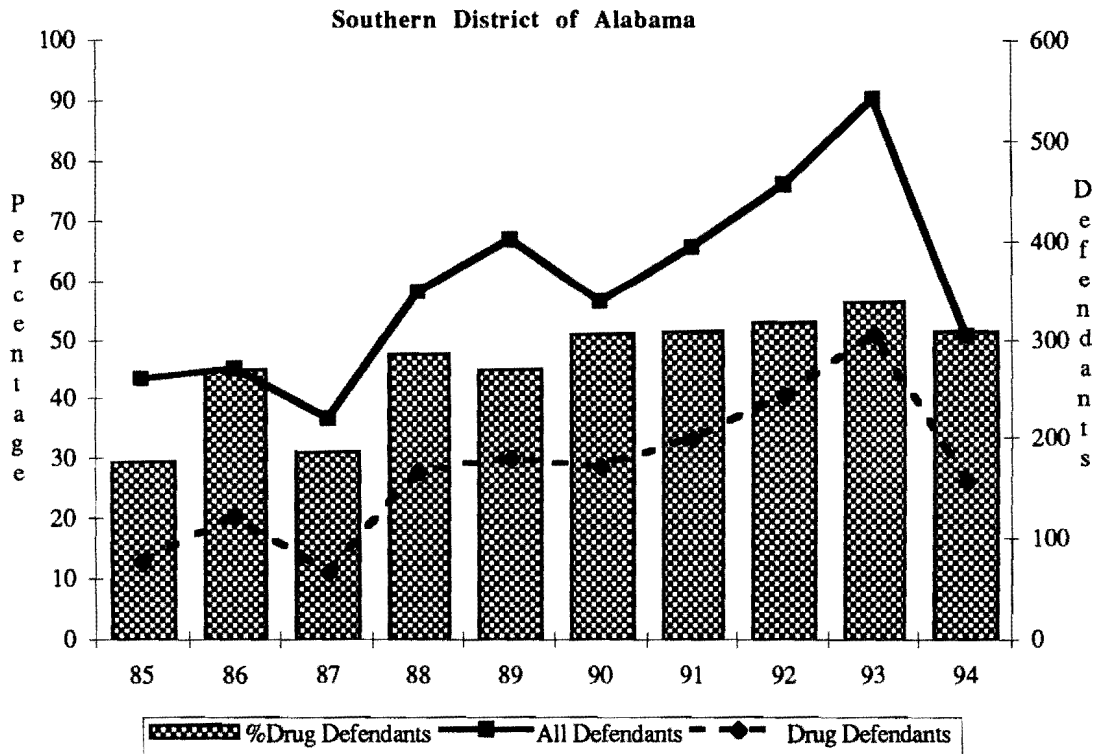
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

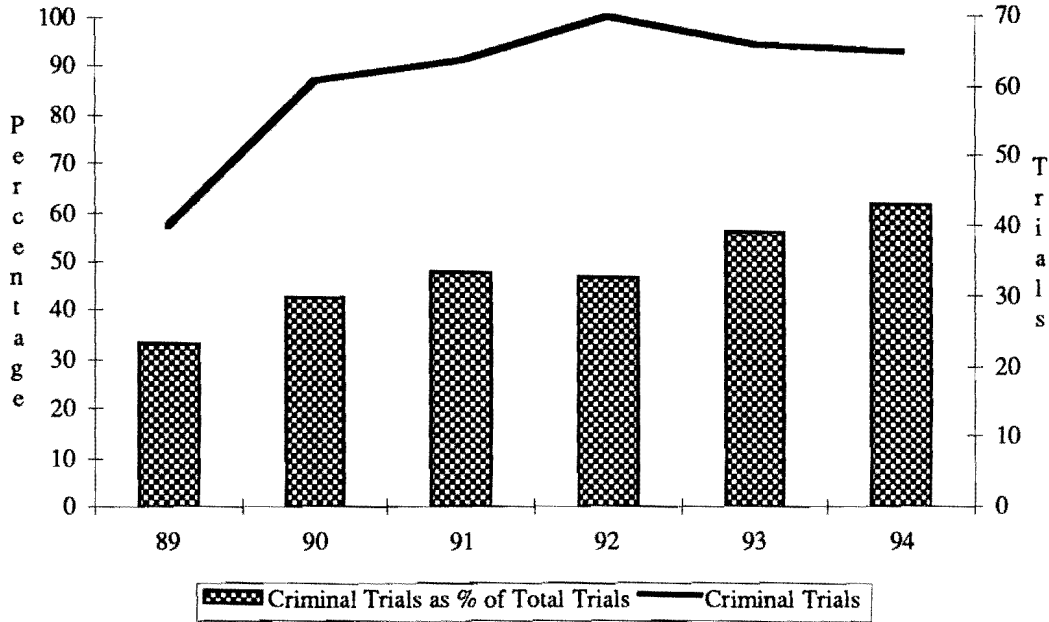
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Southern District of Alabama



**For more information on caseload issues**

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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of Florida

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of Florida

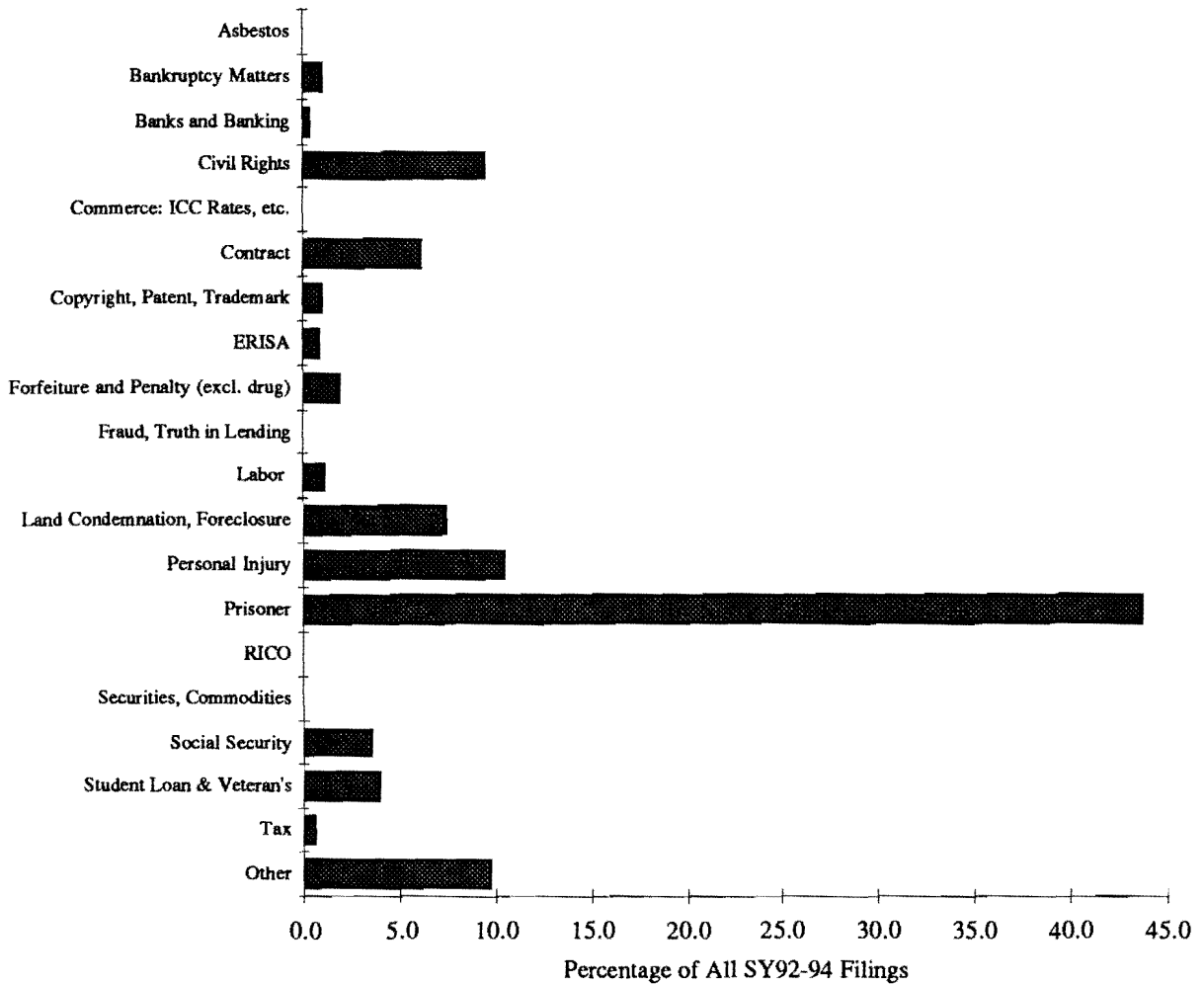
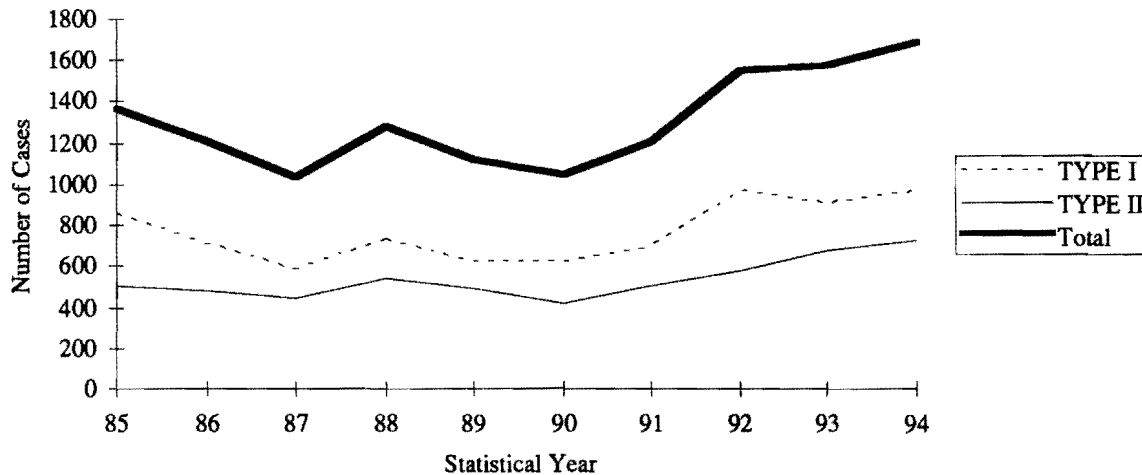


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of Florida

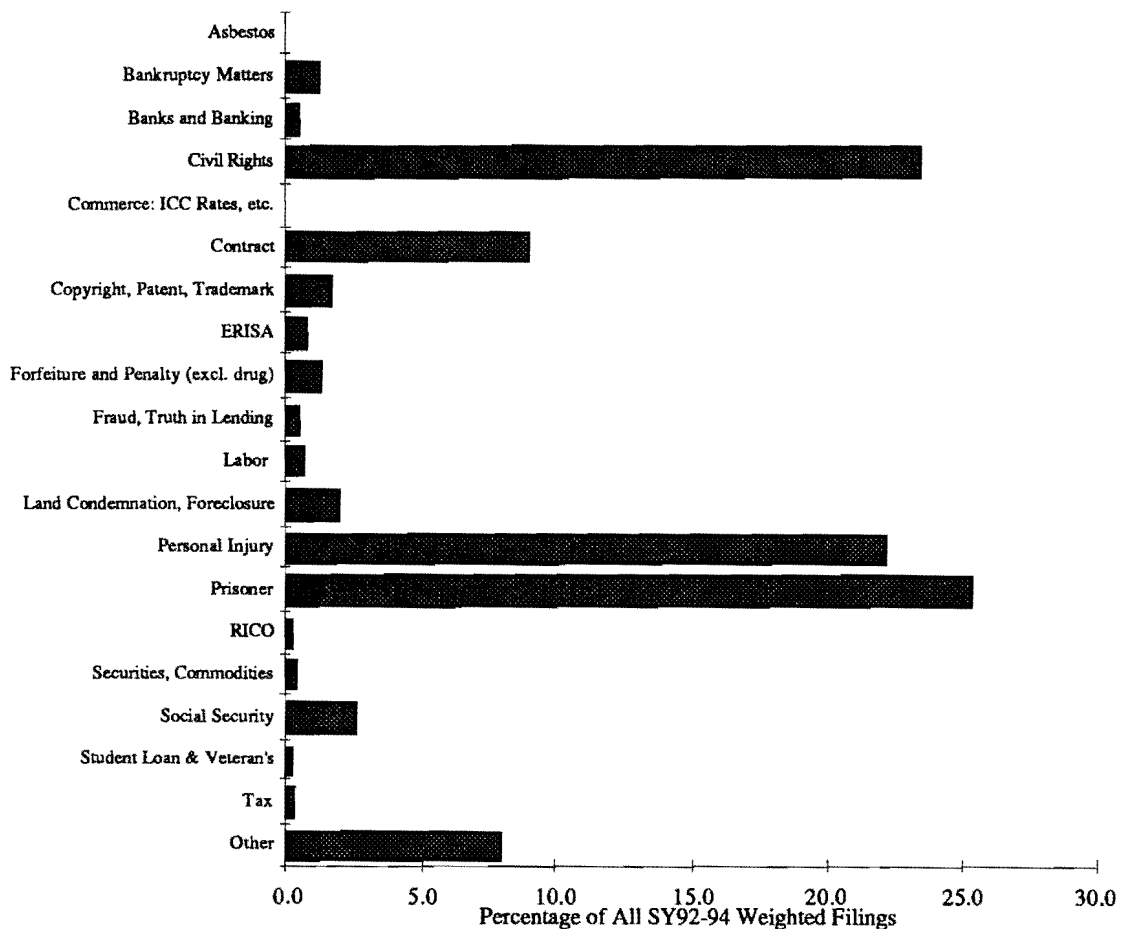


**Table 1: Filings by Case Type, SY85-94**

Northern District of Florida	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	0	0	2	0	0	3	0	0	0
Bankruptcy Matters	10	16	21	13	41	23	13	14	14	15
Banks and Banking	0	1	1	1	0	0	2	6	3	2
Civil Rights	66	76	80	88	80	72	98	124	159	169
Commerce: ICC Rates, etc.	1	0	0	3	1	2	1	0	1	0
Contract	135	143	139	207	123	100	96	113	89	91
Copyright, Patent, Trademark	12	11	9	19	13	13	10	15	10	17
ERISA	3	3	6	5	7	7	14	8	15	13
Forfeiture and Penalty (excl. drug)	9	17	20	28	61	16	51	55	13	20
Fraud, Truth in Lending	7	7	5	1	9	0	5	3	2	2
Labor	22	15	12	20	6	12	8	12	21	16
Land Condemnation, Foreclosure	111	118	97	202	49	94	97	142	122	90
Personal Injury	85	103	69	75	84	93	76	91	190	221
Prisoner	342	264	257	254	308	369	463	673	660	768
RICO	0	0	2	0	1	7	2	1	1	0
Securities, Commodities	9	8	2	2	15	0	3	0	4	2
Social Security	92	69	47	83	51	37	53	40	54	71
Student Loan and Veteran's	307	252	174	189	182	102	78	105	58	25
Tax	17	8	18	10	7	6	11	11	8	4
All Other	137	92	81	86	81	94	124	140	157	166
All Civil Cases	1365	1203	1040	1288	1119	1047	1208	1553	1581	1692

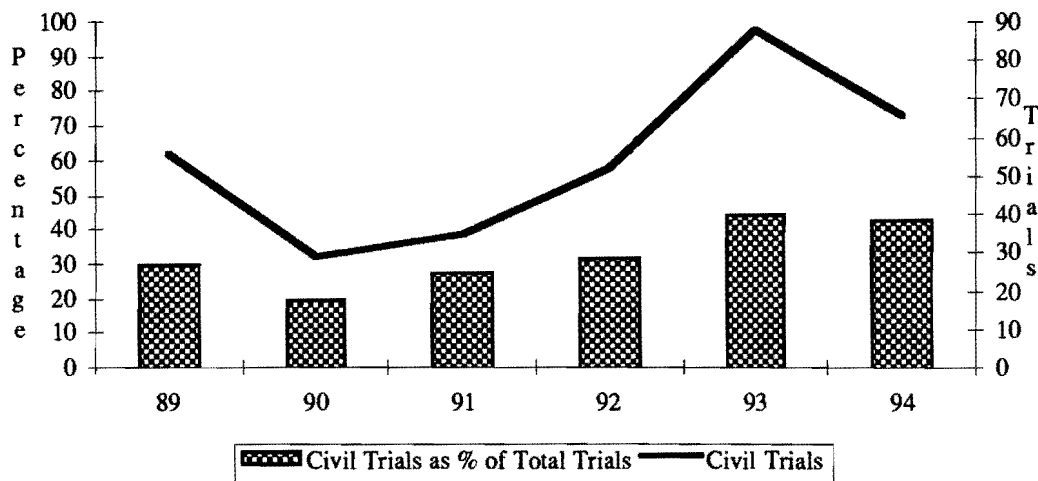
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of Florida**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Northern District of Florida**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

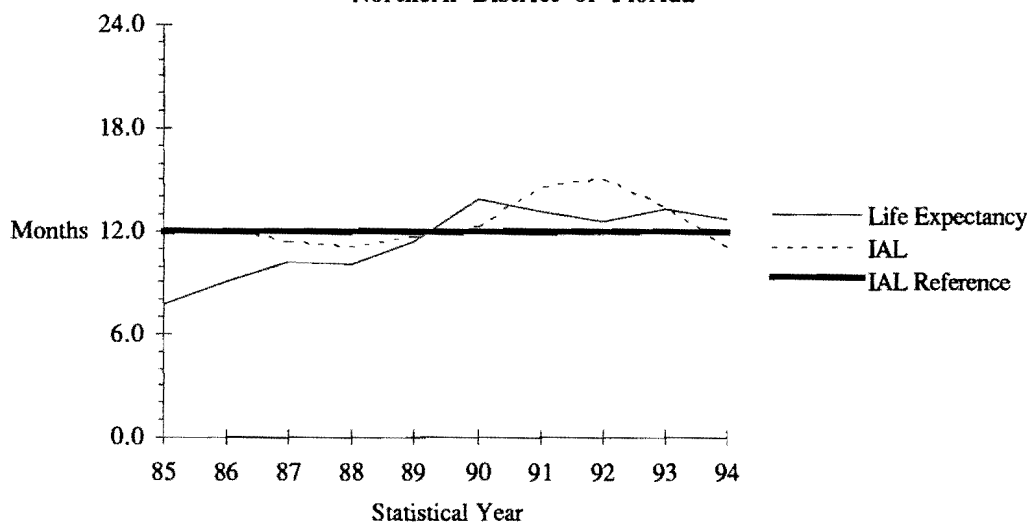
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



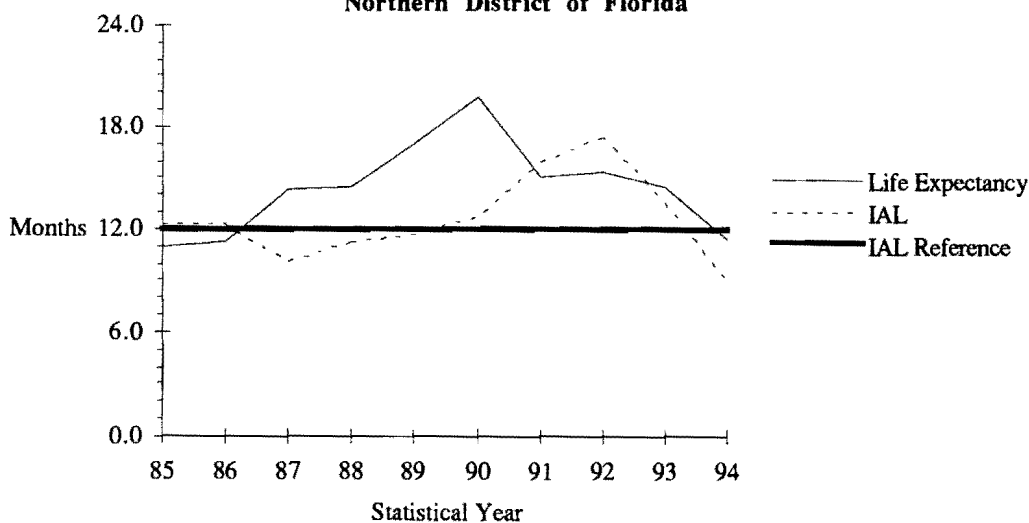
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of Florida**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of Florida**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of Florida

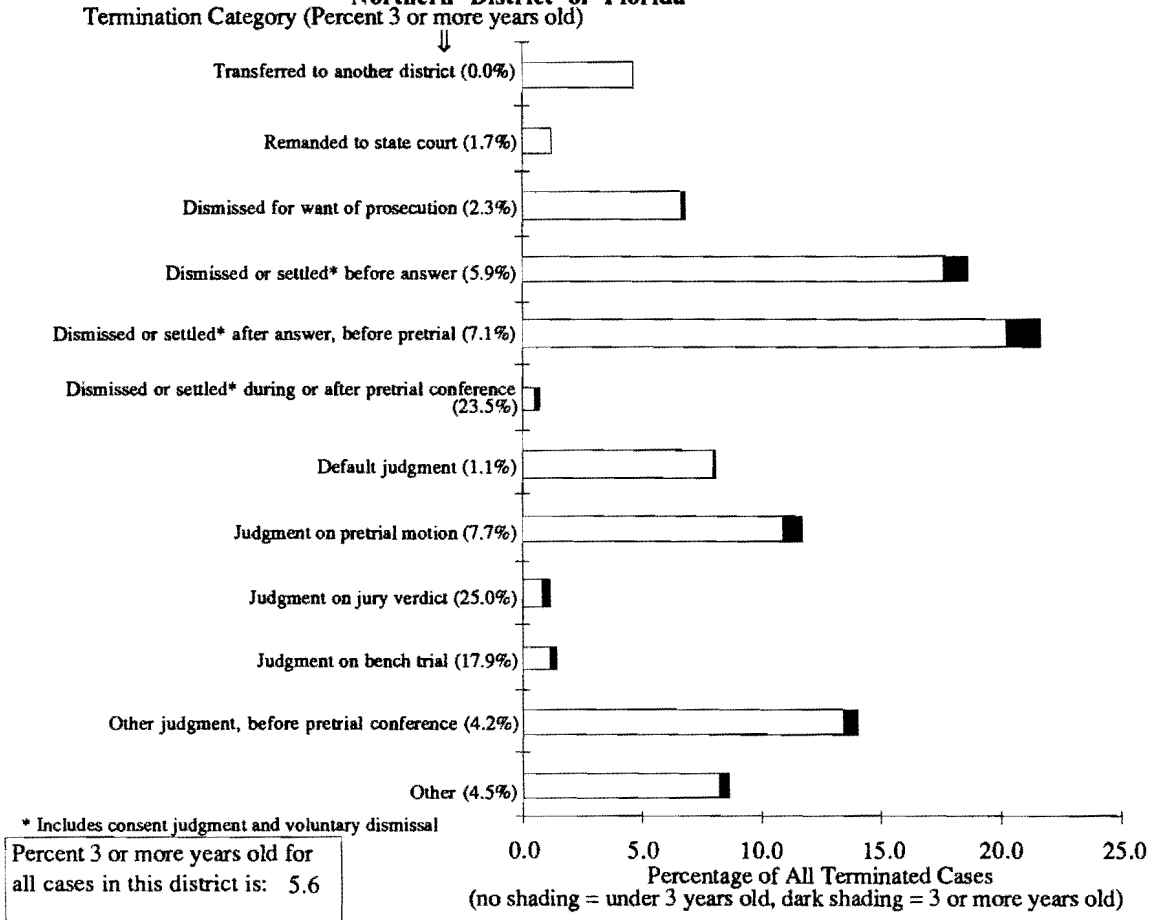
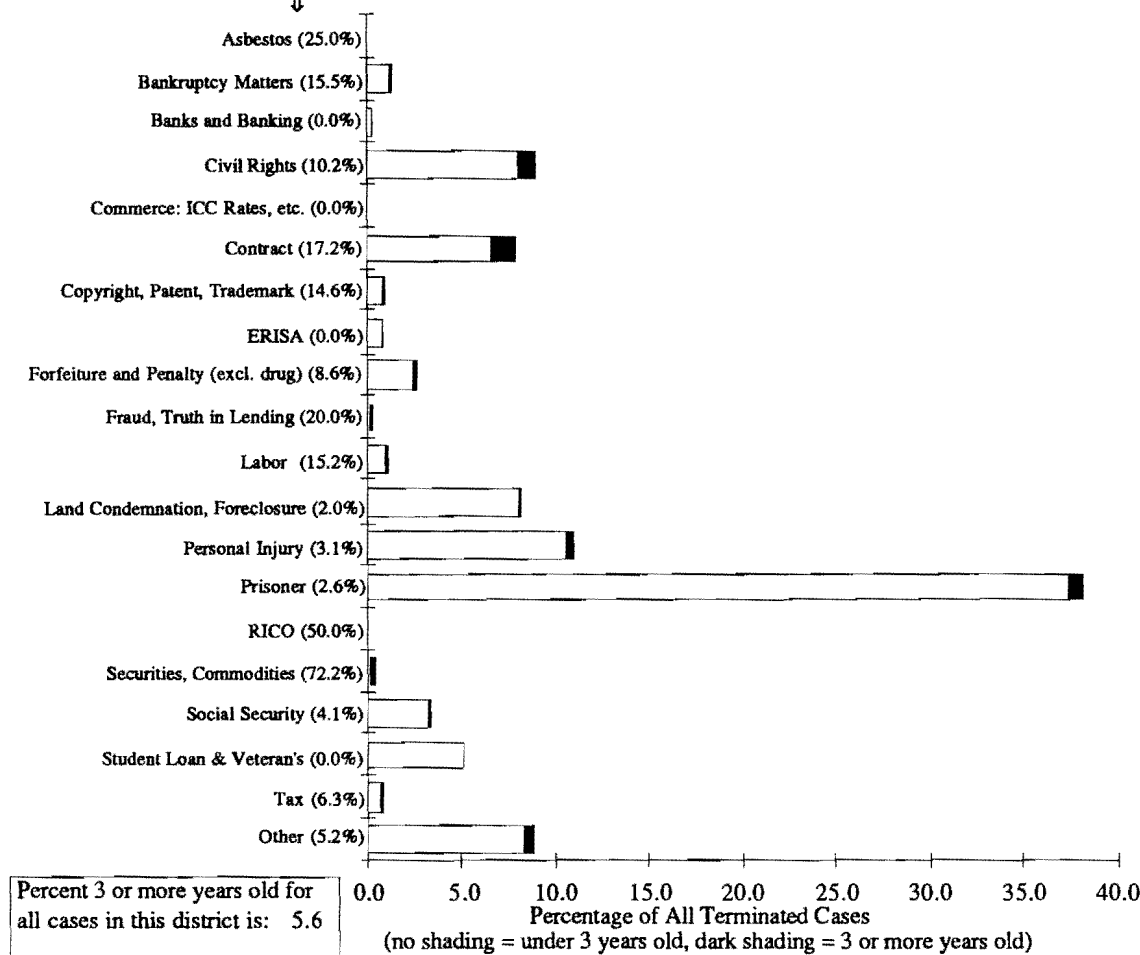


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of Florida

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

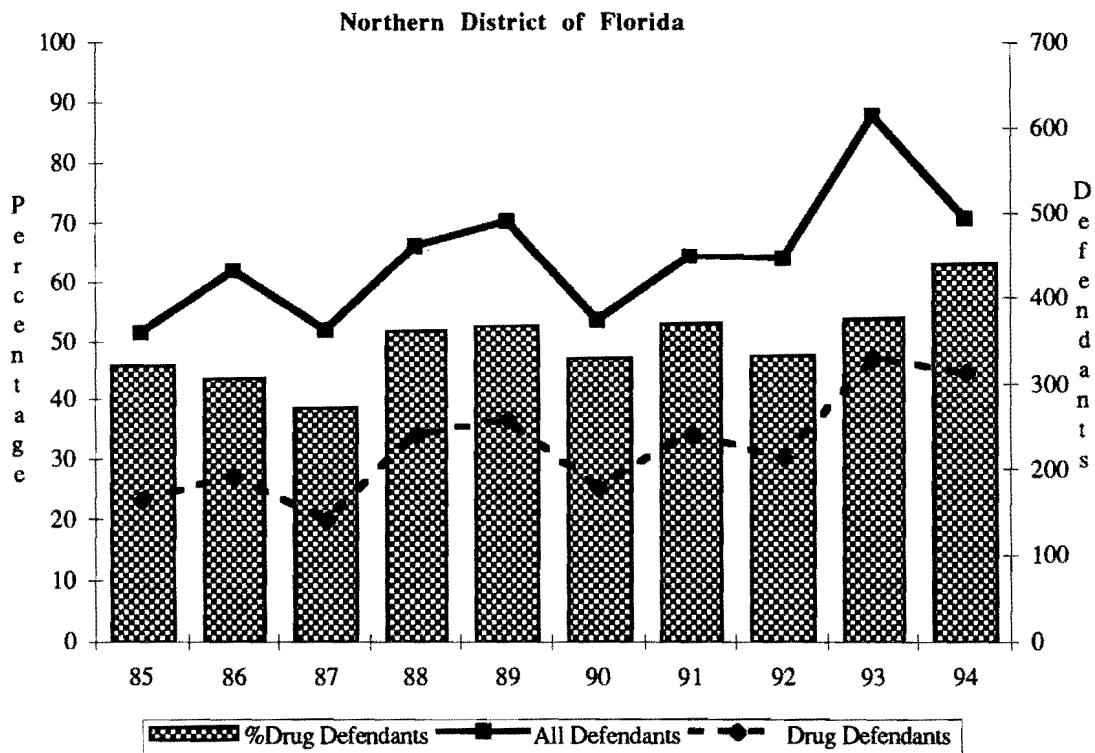
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

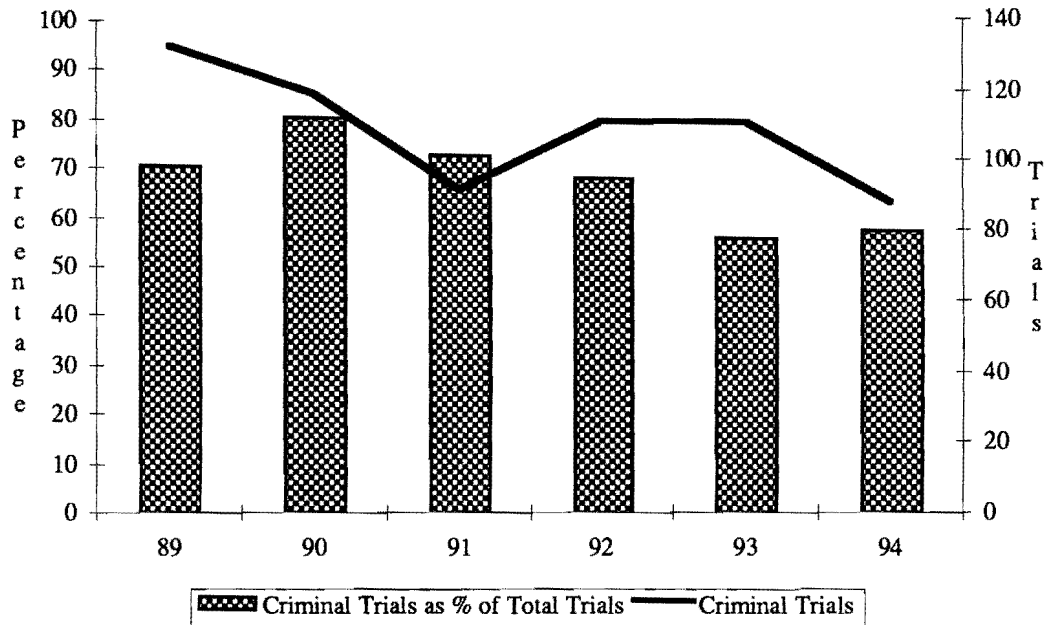
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Northern District of Florida



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of Louisiana

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Western District of Louisiana**

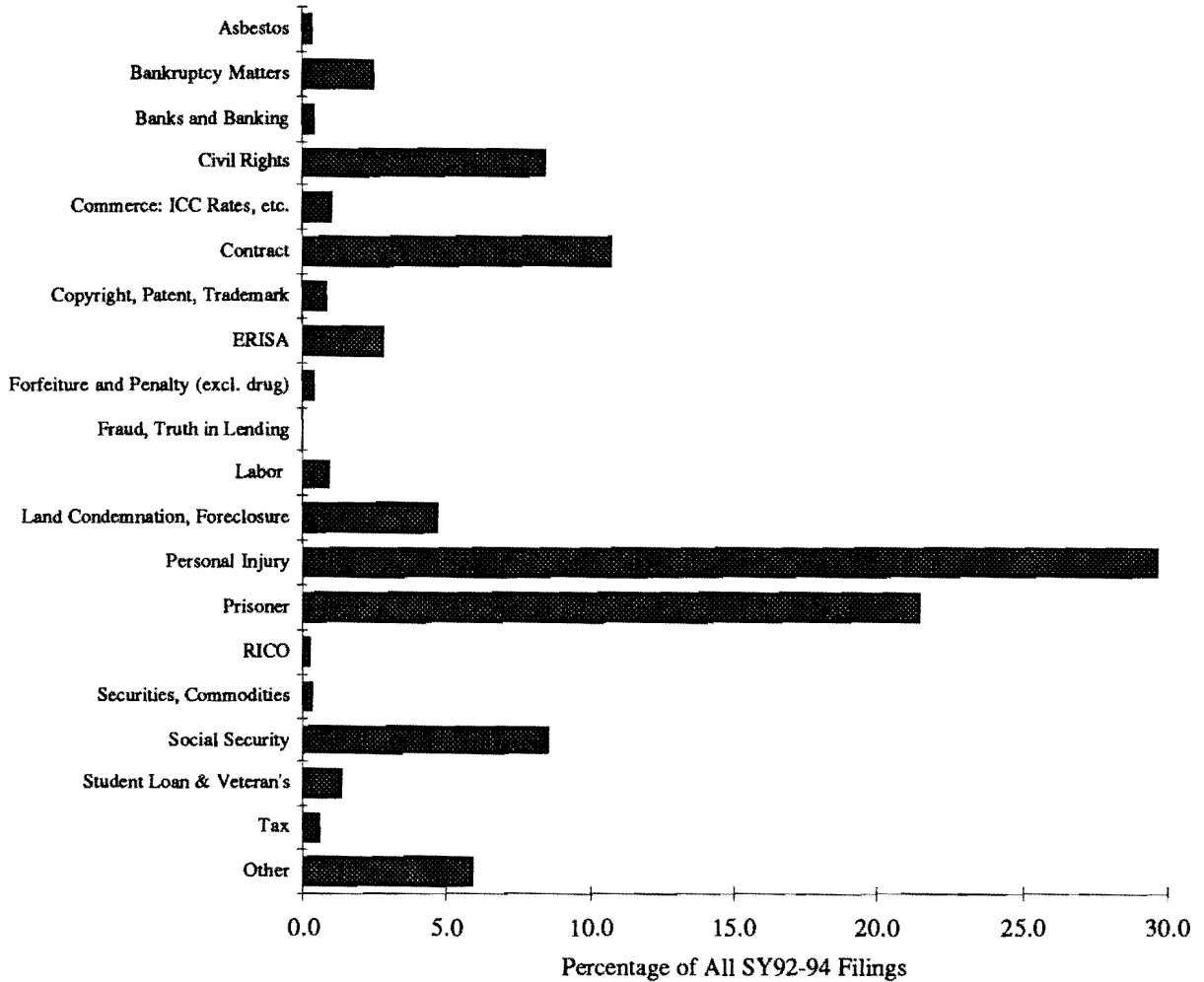
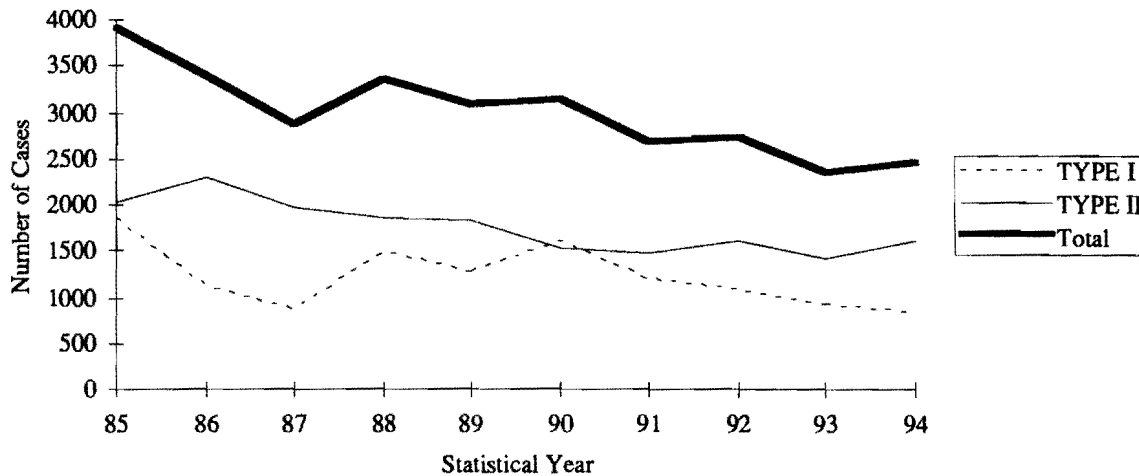


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of Louisiana

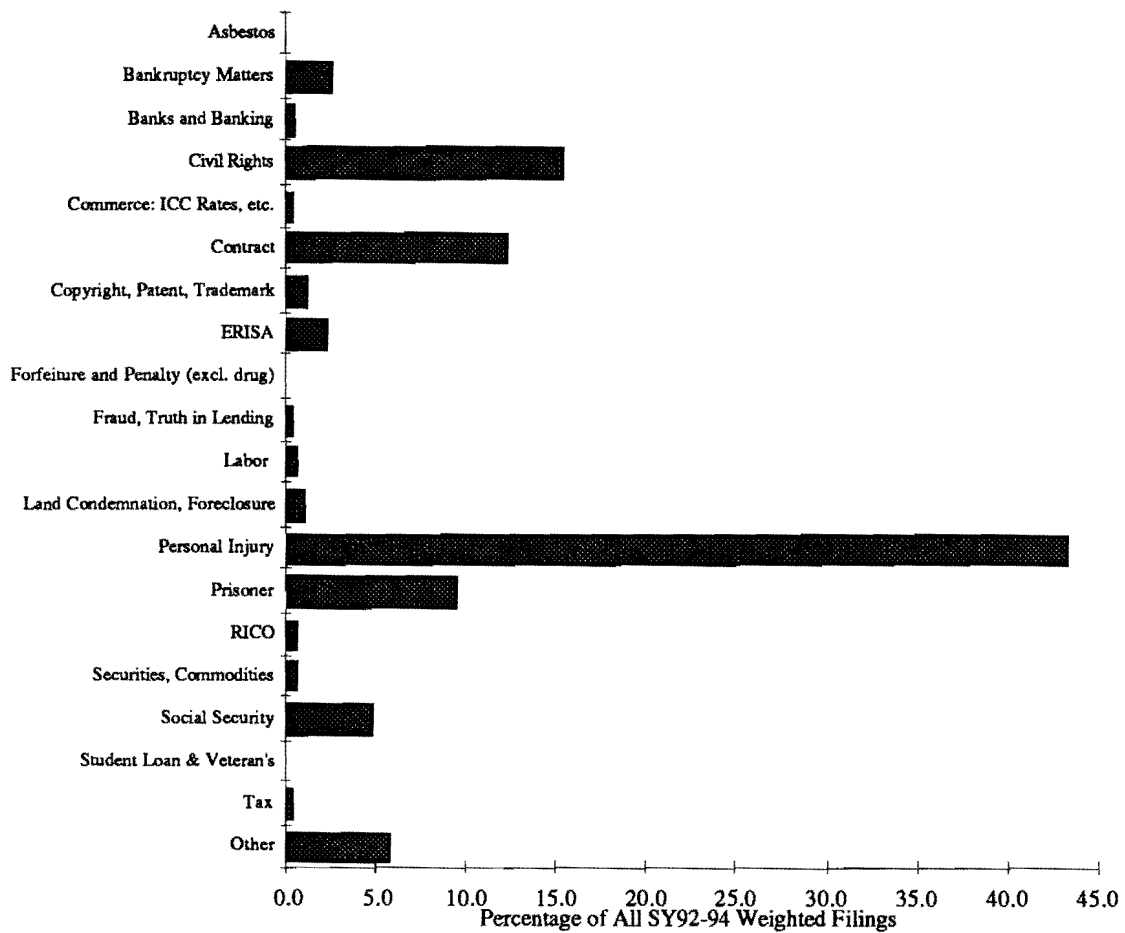


**Table 1: Filings by Case Type, SY85-94**

Western District of Louisiana	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	2	62	133	25	35	26	14	14	2	4
Bankruptcy Matters	70	65	61	74	76	71	55	103	47	32
Banks and Banking	3	17	6	8	15	9	10	16	4	3
Civil Rights	247	227	221	198	171	172	171	171	222	242
Commerce: ICC Rates, etc.	0	6	2	0	4	2	0	54	9	8
Contract	600	651	524	490	472	358	310	302	278	229
Copyright, Patent, Trademark	13	19	13	21	29	24	20	21	15	21
ERISA	14	10	18	44	75	105	85	83	52	73
Forfeiture and Penalty (excl. drug)	13	15	23	16	10	17	11	15	6	5
Fraud, Truth in Lending	7	6	5	8	7	4	5	4	2	3
Labor	32	39	29	35	24	12	16	17	26	21
Land Condemnation, Foreclosure	496	189	141	667	493	861	418	185	115	48
Personal Injury	904	1037	885	812	839	678	674	755	657	829
Prisoner	286	322	289	318	335	435	494	548	496	574
RICO	0	24	17	6	12	7	10	4	3	3
Securities, Commodities	9	9	14	28	4	4	8	10	5	2
Social Security	244	212	175	317	189	143	181	187	269	185
Student Loan and Veteran's	775	268	88	115	146	76	49	66	12	18
Tax	14	43	19	19	16	13	14	20	10	9
All Other	179	188	202	167	152	142	146	152	129	156
All Civil Cases	3908	3409	2865	3368	3104	3159	2691	2727	2359	2465

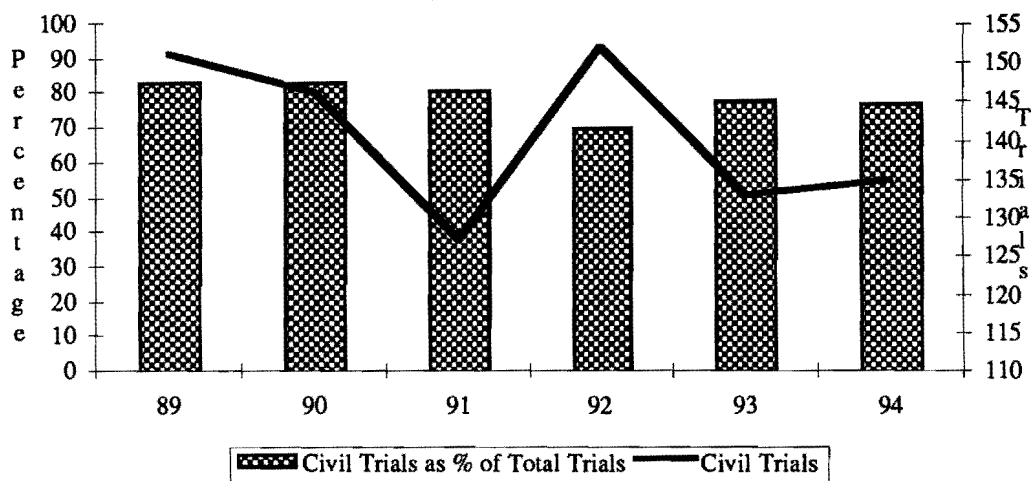
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94**  
Western District of Louisiana



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Western District of Louisiana**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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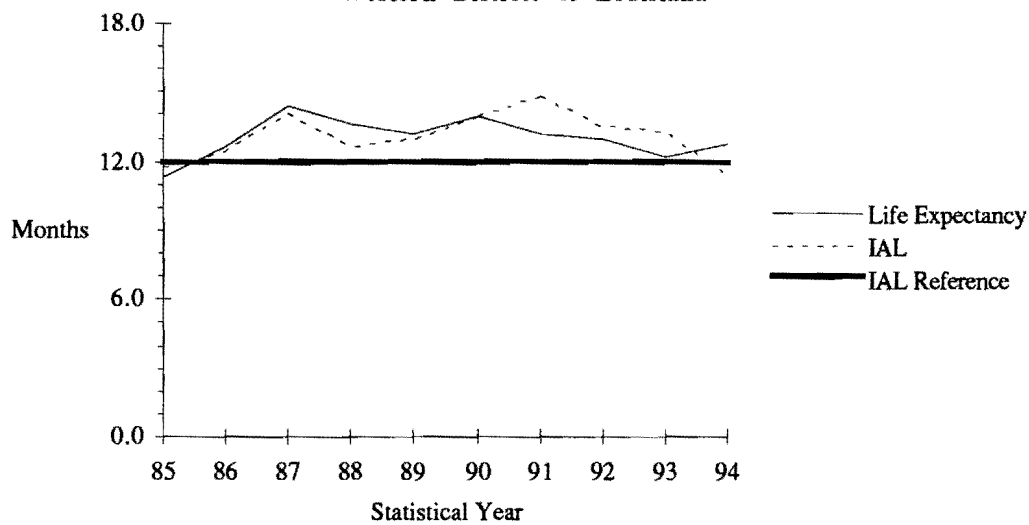
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A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

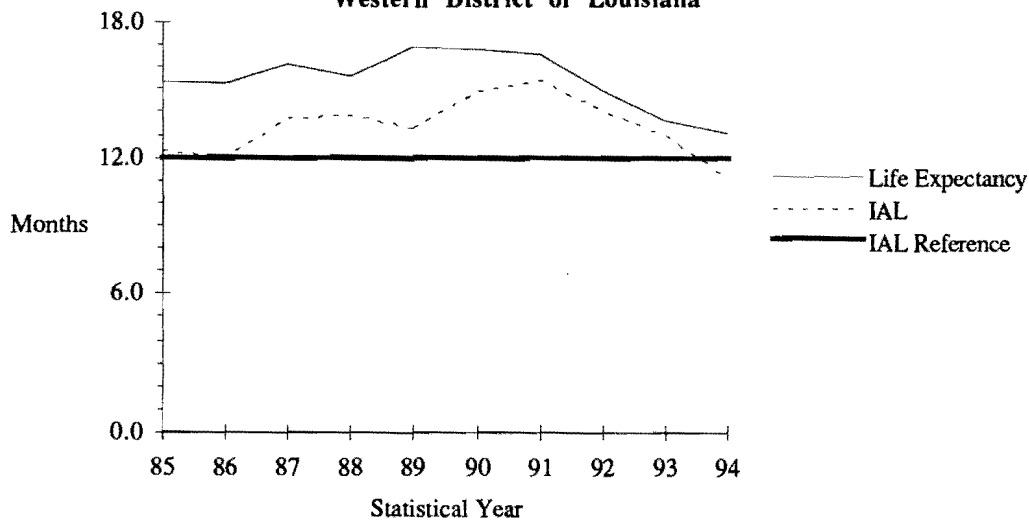
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of Louisiana**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of Louisiana**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

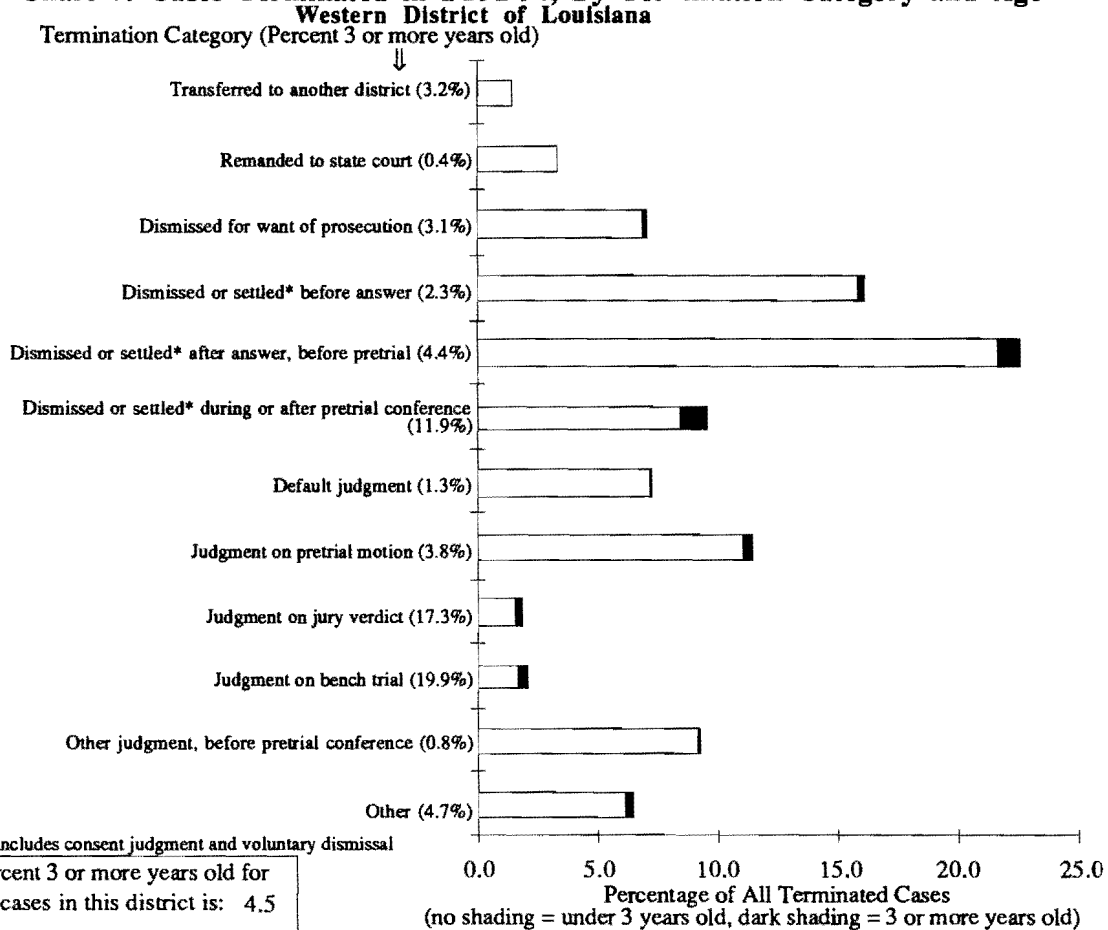
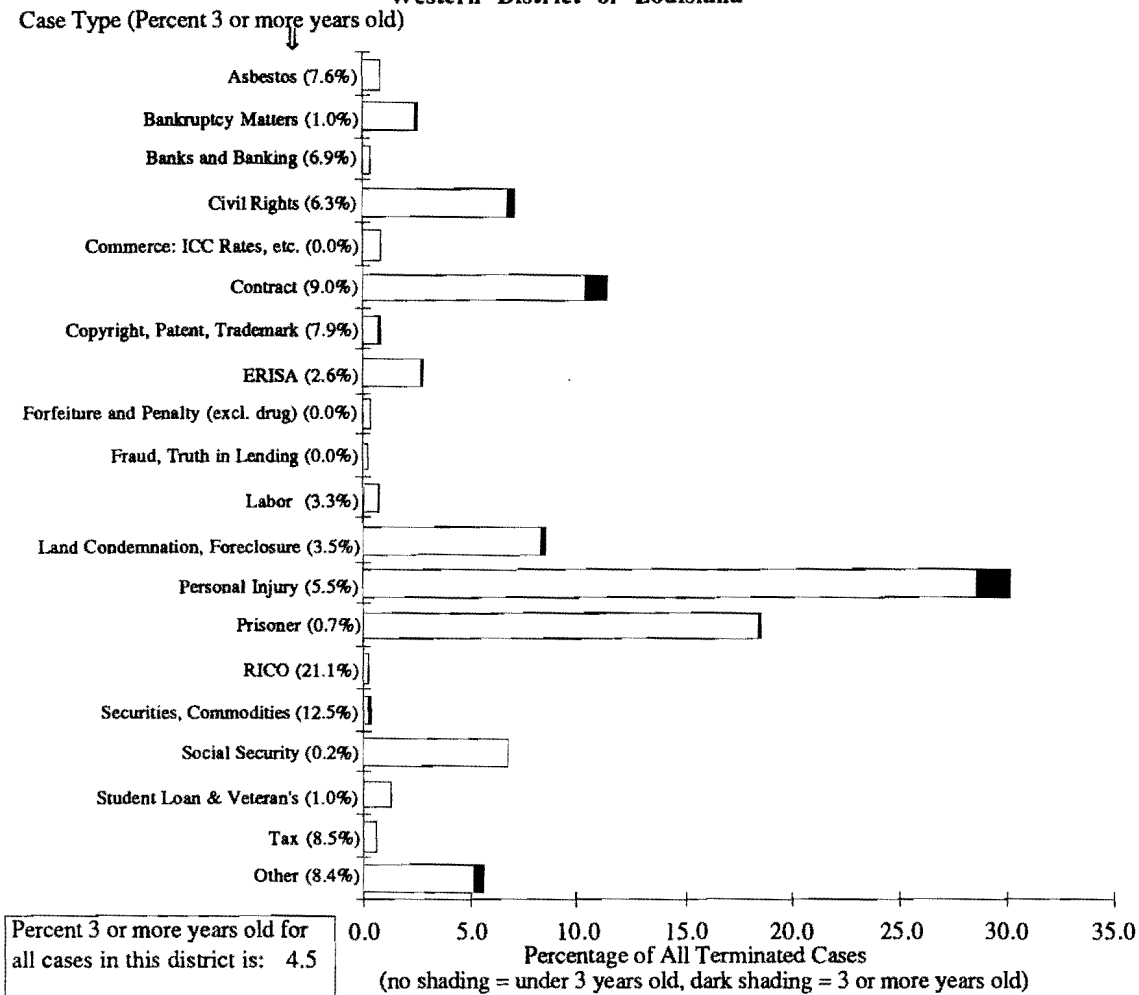


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of Louisiana



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

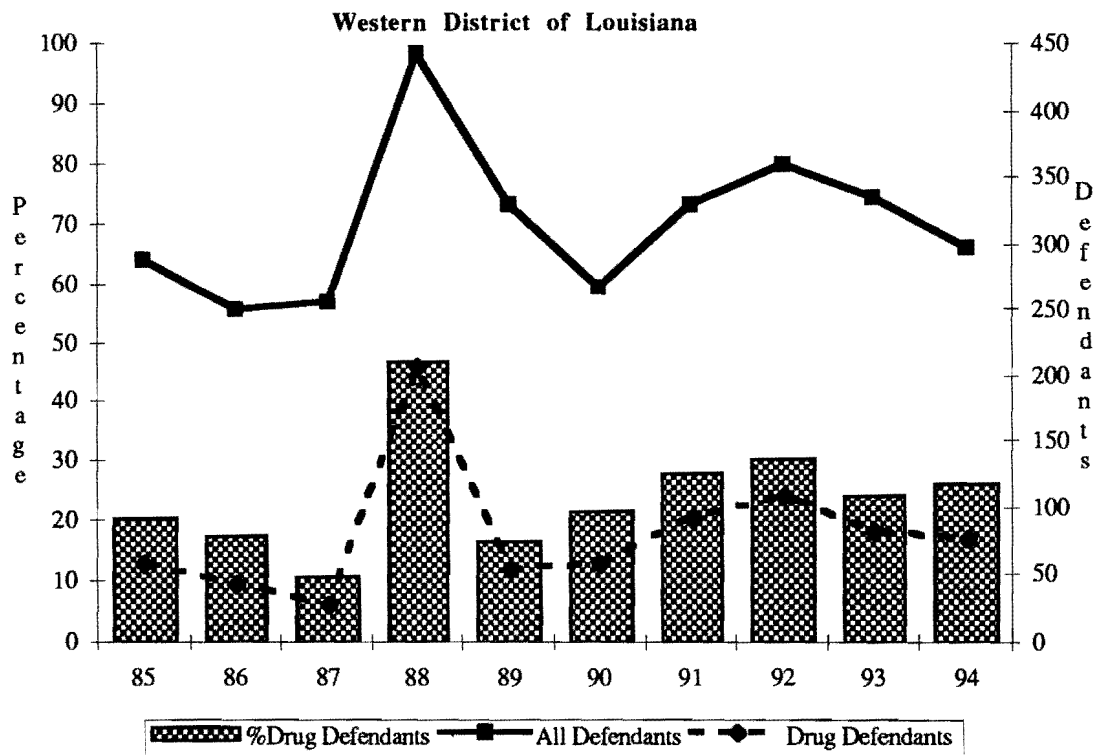
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

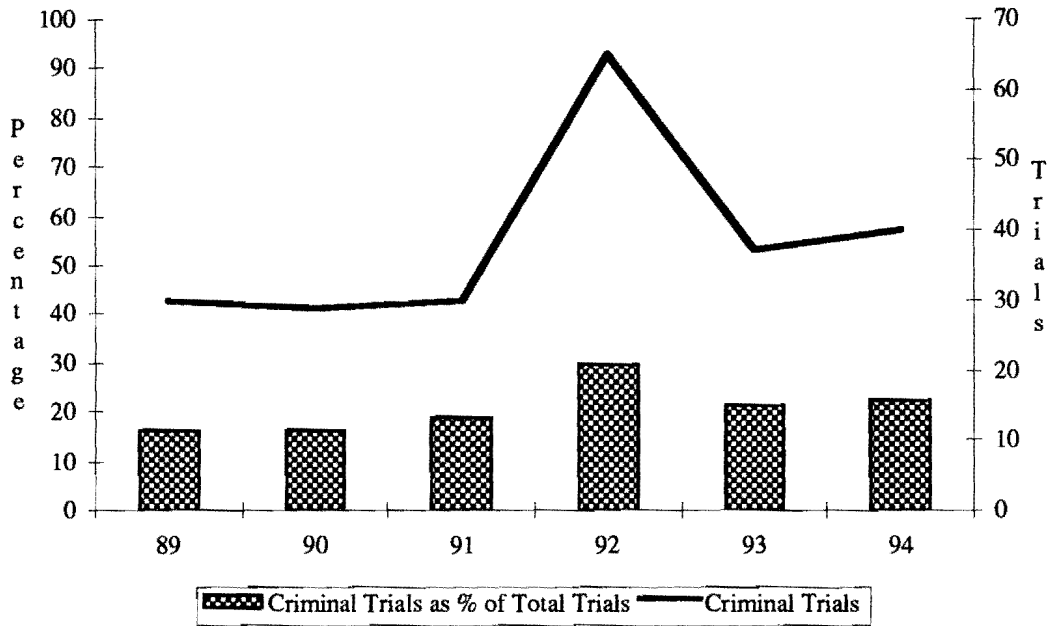
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**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
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**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of Mississippi

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
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- appeals from bankruptcy court decisions
- land condemnation cases
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- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of Mississippi

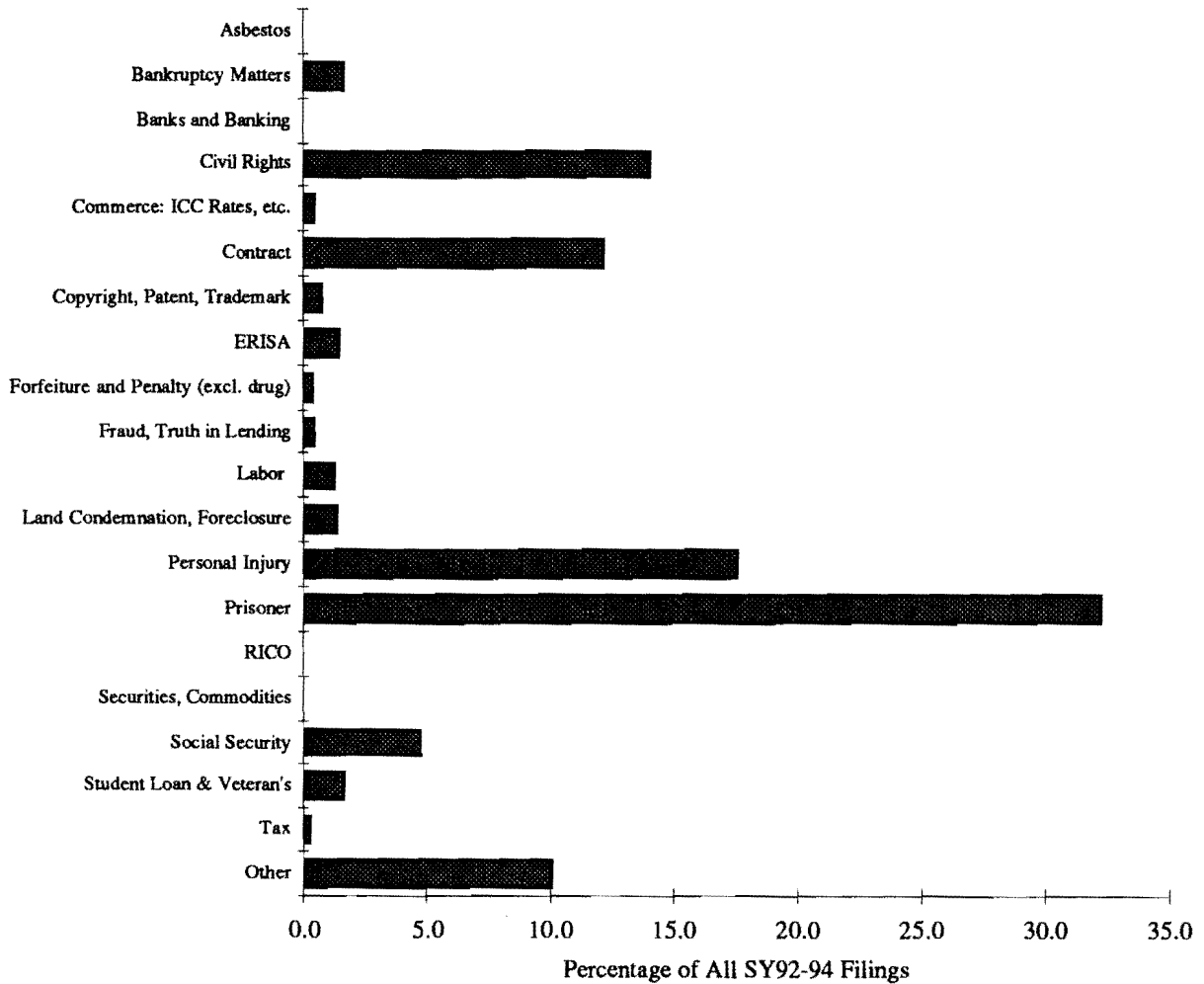
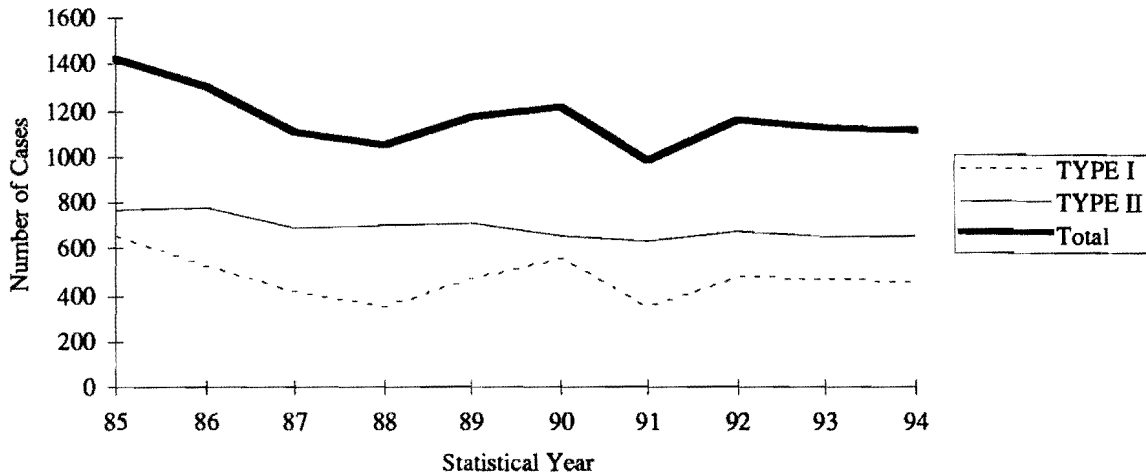


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of Mississippi

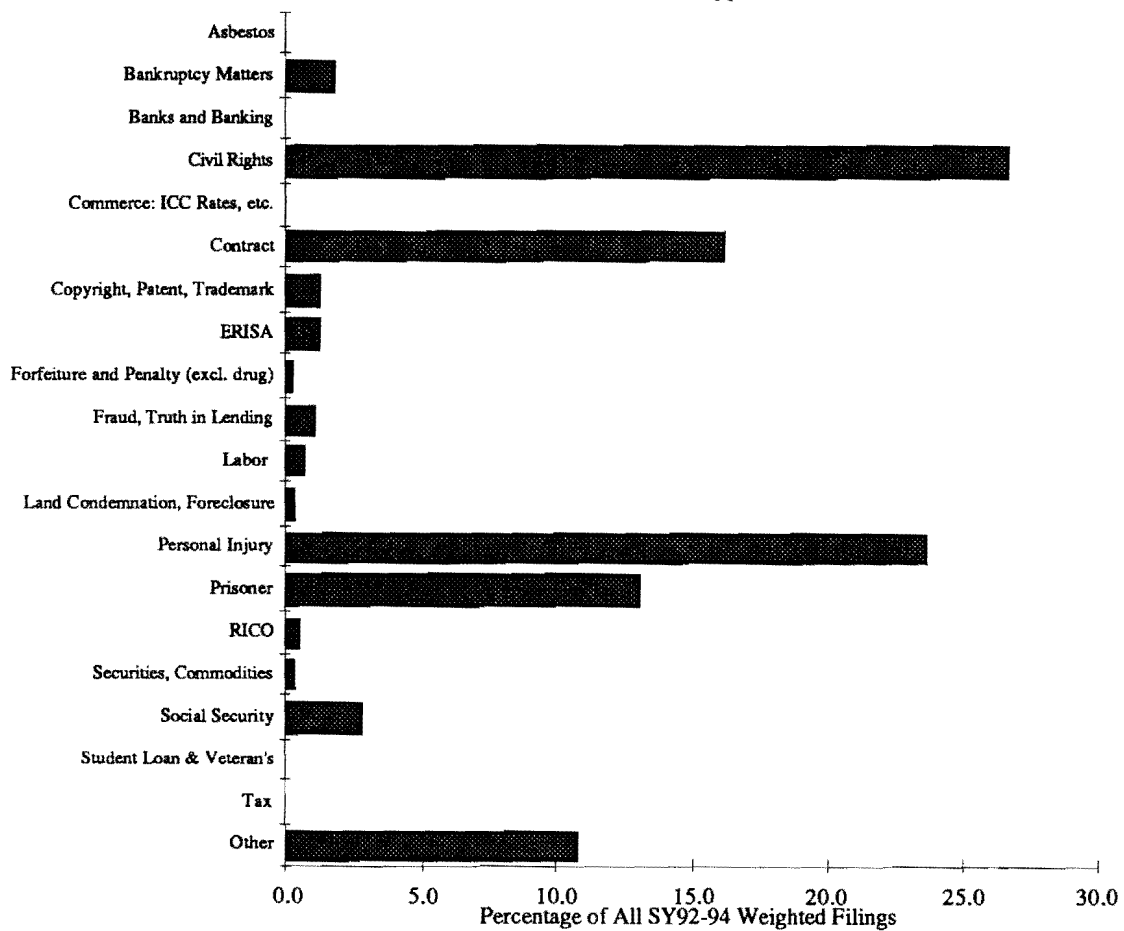


**Table 1: Filings by Case Type, SY85-94**

Northern District of Mississippi	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	72	23	17	8	6	4	1	0	0	1
Bankruptcy Matters	6	3	3	12	9	5	6	15	35	6
Banks and Banking	0	1	1	1	1	1	5	1	0	0
Civil Rights	139	97	89	77	119	111	98	161	159	156
Commerce: ICC Rates, etc.	1	0	0	9	2	1	1	4	6	5
Contract	248	283	264	218	218	170	178	163	120	129
Copyright, Patent, Trademark	8	8	12	4	6	4	8	11	5	8
ERISA	0	2	0	3	5	7	14	27	8	14
Forfeiture and Penalty (excl. drug)	4	9	1	3	13	8	11	5	2	2
Fraud, Truth in Lending	13	10	8	7	7	4	3	7	5	2
Labor	17	25	15	12	18	13	14	14	19	9
Land Condemnation, Foreclosure	8	13	17	20	8	5	10	8	13	24
Personal Injury	219	222	207	232	211	168	193	168	207	222
Prisoner	164	267	268	186	329	458	276	383	351	363
RICO	0	0	0	3	3	3	1	1	1	2
Securities, Commodities	1	5	2	4	4	2	0	0	4	0
Social Security	78	50	74	67	47	36	29	41	62	57
Student Loan and Veteran's	331	173	36	55	69	49	31	38	10	7
Tax	4	6	4	5	8	3	10	3	2	3
All Other	109	108	92	121	95	162	97	109	125	108
All Civil Cases	1422	1305	1110	1047	1178	1214	986	1159	1134	1118

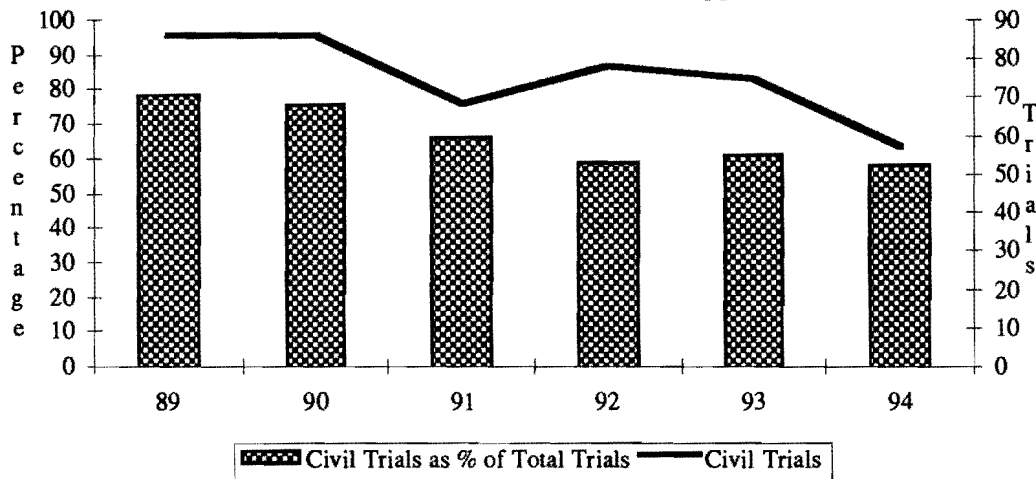
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of Mississippi**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Northern District of Mississippi



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

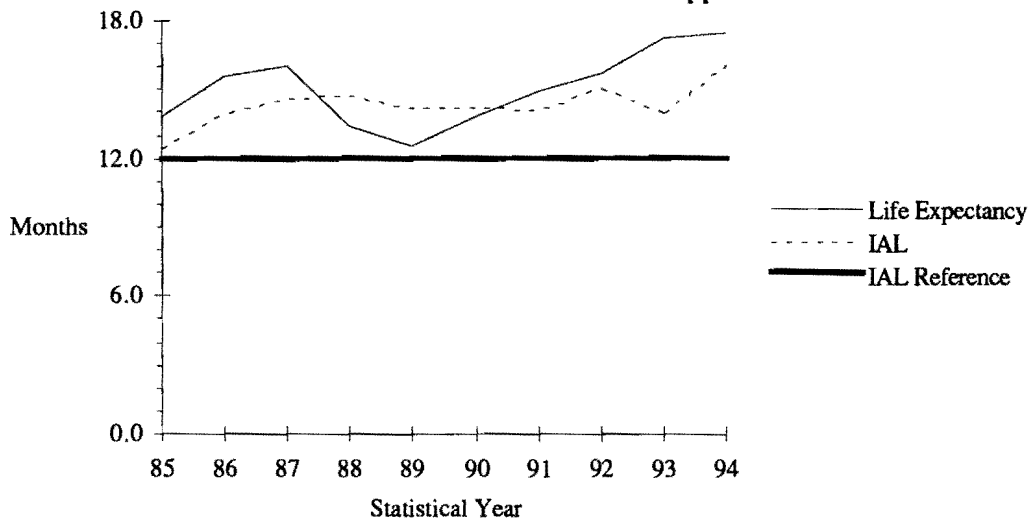
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



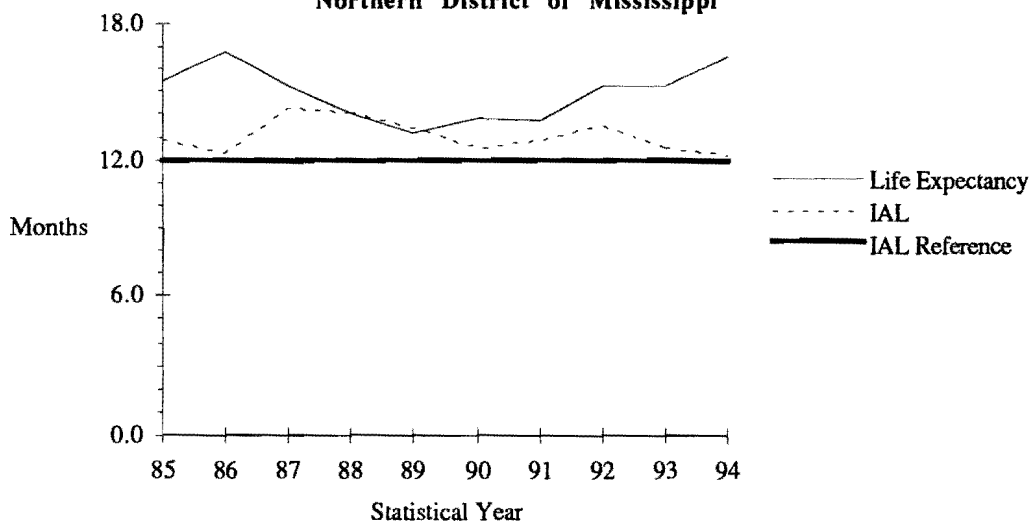
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of Mississippi**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of Mississippi**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of Mississippi  
Termination Category (Percent 3 or more years old)

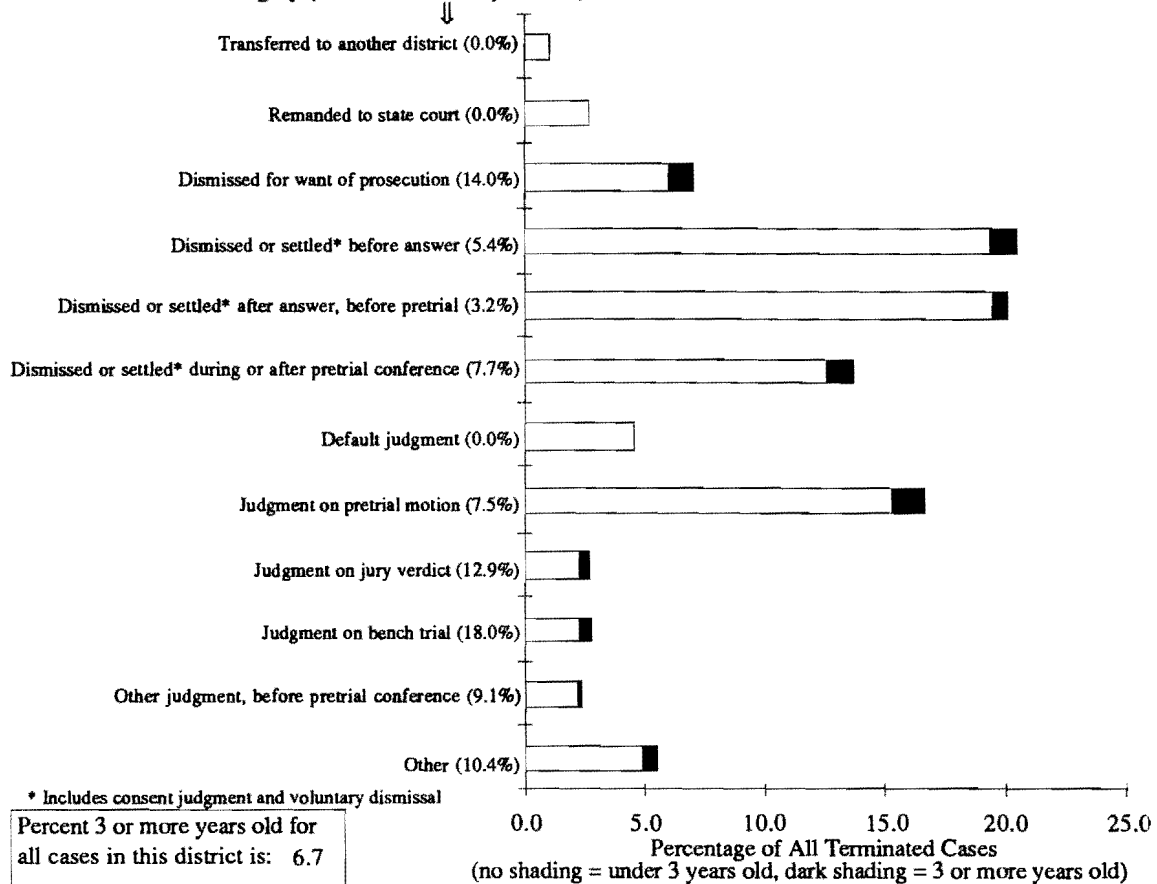
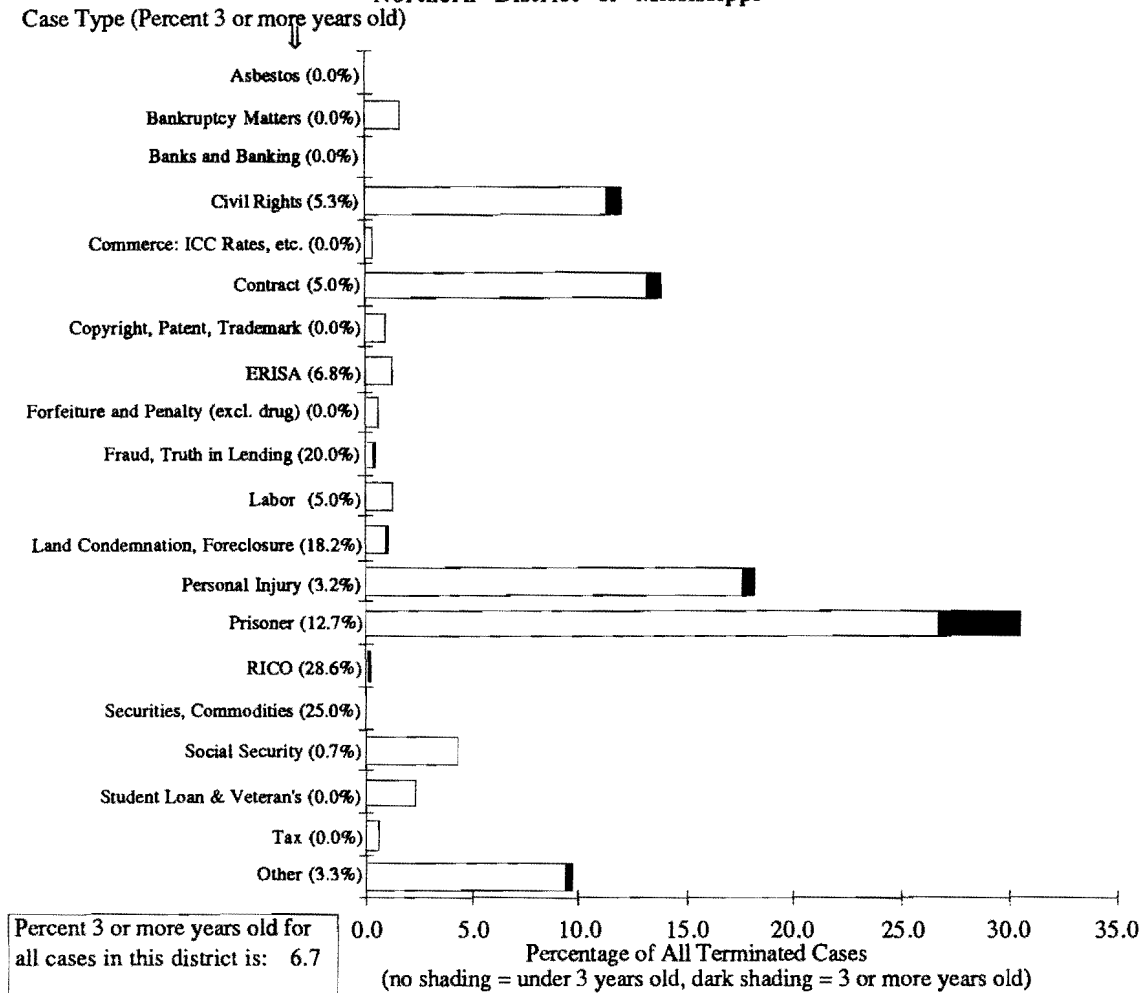


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of Mississippi



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

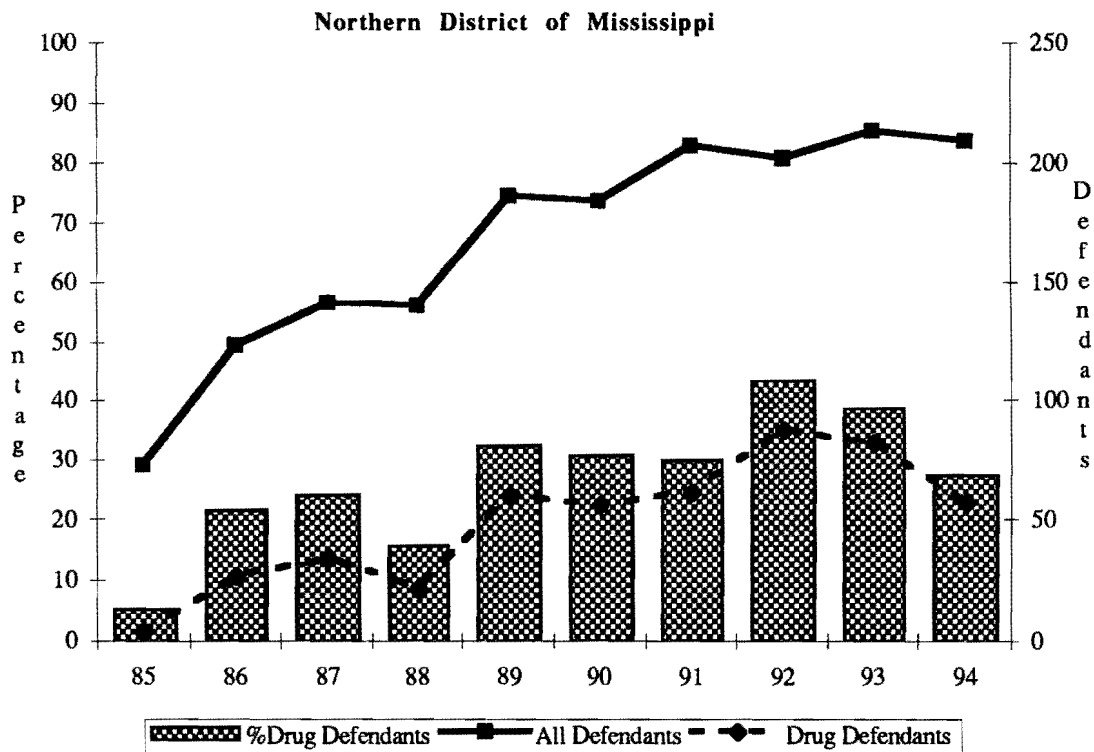
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

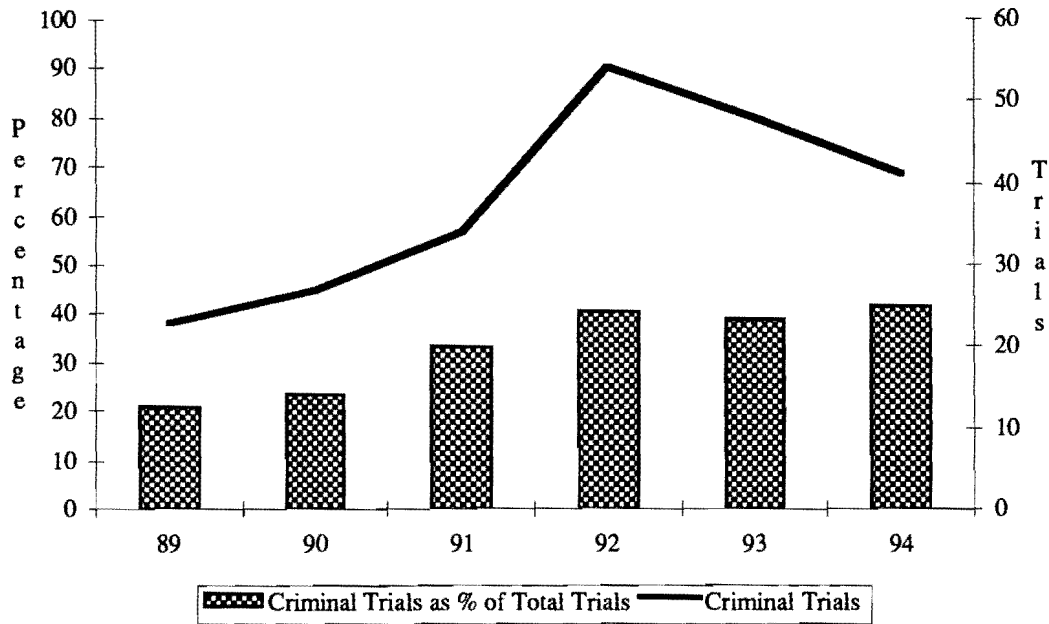
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Northern District of Mississippi**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of Mississippi

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of Mississippi

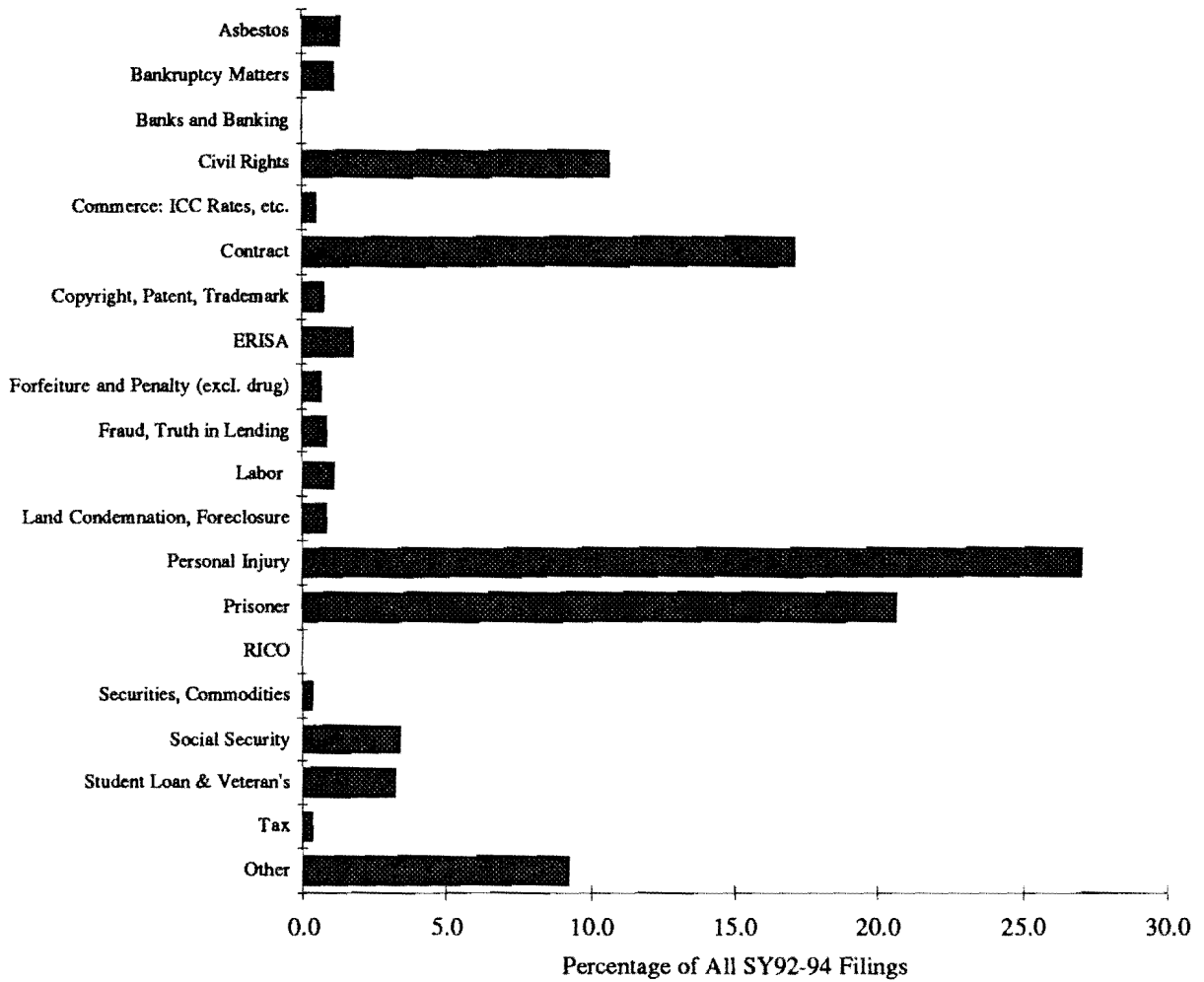
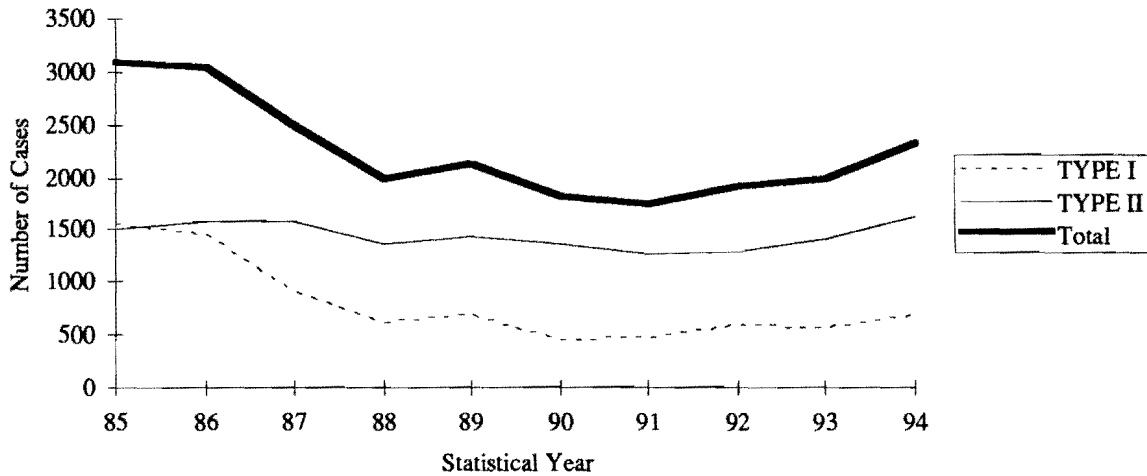


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of Mississippi

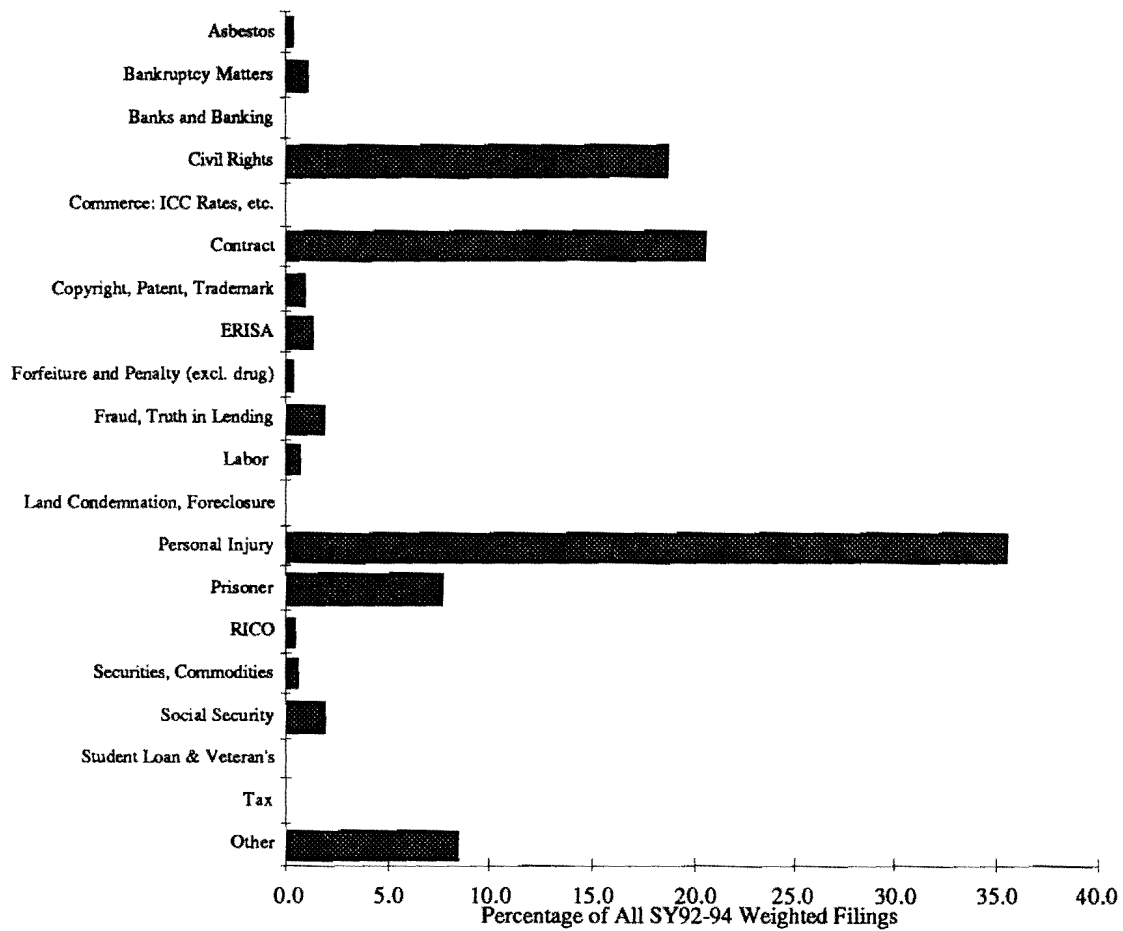


**Table 1: Filings by Case Type, SY85-94**

Southern District of Mississippi	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	499	771	464	182	292	83	59	22	26	34
Bankruptcy Matters	15	26	25	14	13	17	11	14	28	22
Banks and Banking	6	6	5	3	2	3	5	2	1	2
Civil Rights	174	192	223	168	163	148	182	214	200	249
Commerce: ICC Rates, etc.	1	4	2	23	2	1	5	1	15	10
Contract	579	622	612	458	507	476	396	364	353	343
Copyright, Patent, Trademark	15	10	9	9	15	12	14	14	12	15
ERISA	5	7	11	22	31	30	29	37	46	24
Forfeiture and Penalty (excl. drug)	10	8	12	9	11	28	16	8	15	14
Fraud, Truth in Lending	20	12	16	16	17	8	9	16	18	16
Labor	30	26	29	21	54	27	18	23	18	24
Land Condemnation, Foreclosure	8	12	4	2	6	11	10	12	22	13
Personal Injury	508	498	460	449	447	437	411	442	516	719
Prisoner	117	122	183	147	177	166	288	335	390	555
RICO	0	5	6	2	3	4	3	1	4	2
Securities, Commodities	11	13	8	12	8	10	9	3	5	7
Social Security	143	104	118	143	84	55	54	73	78	55
Student Loan and Veteran's	787	435	124	125	130	115	57	155	29	13
Tax	16	13	5	10	13	15	9	5	7	6
All Other	143	159	174	174	165	178	170	173	197	198
All Civil Cases	3087	3045	2490	1989	2140	1824	1755	1914	1980	2321

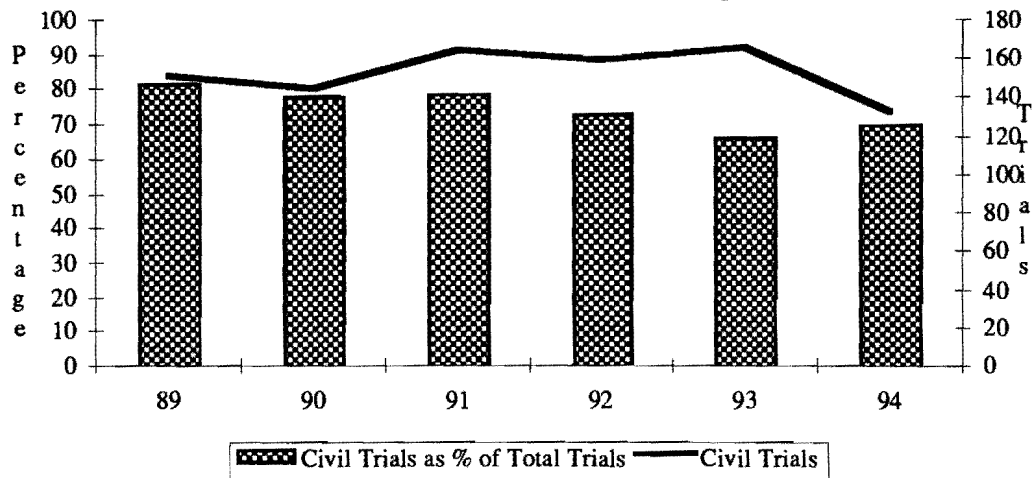
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Southern District of Mississippi**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Southern District of Mississippi



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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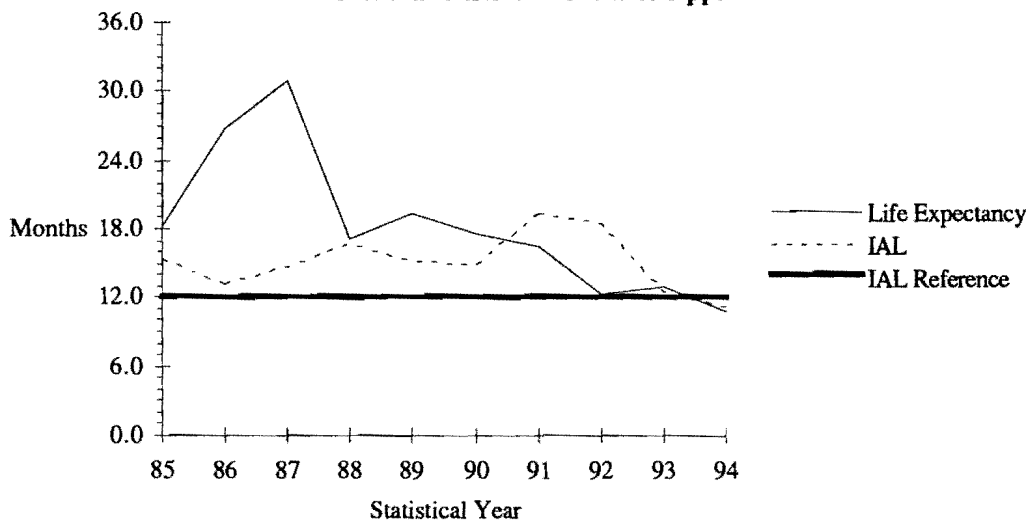
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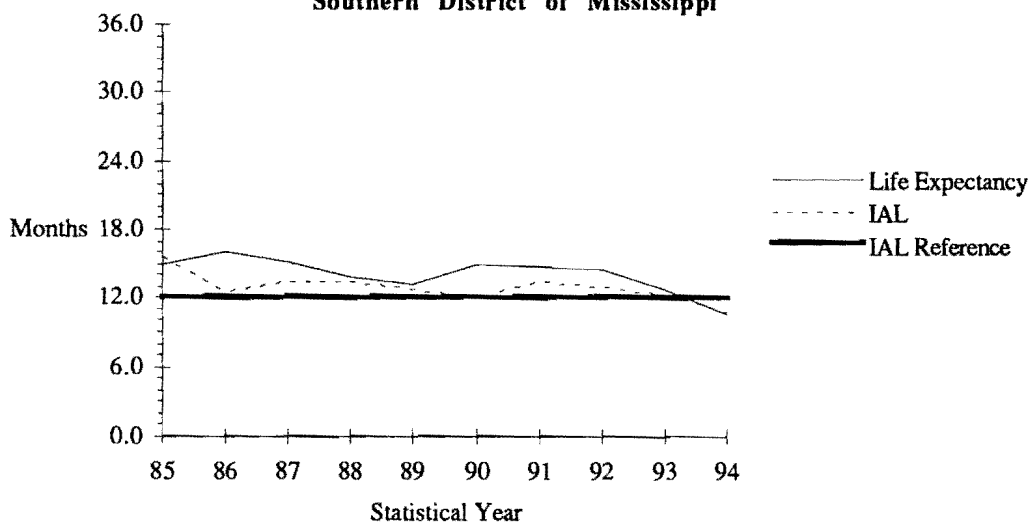
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of Mississippi**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of Mississippi**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
 Southern District of Mississippi  
 Termination Category (Percent 3 or more years old)

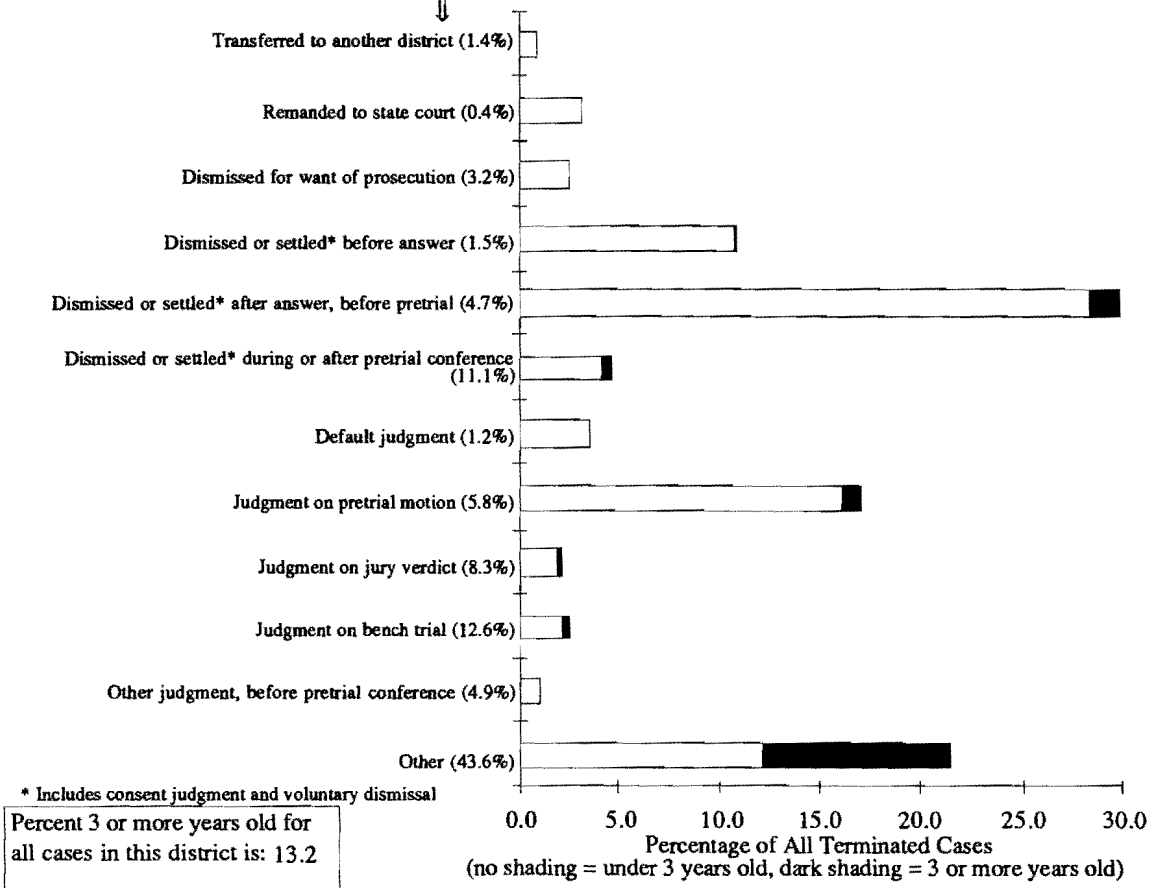
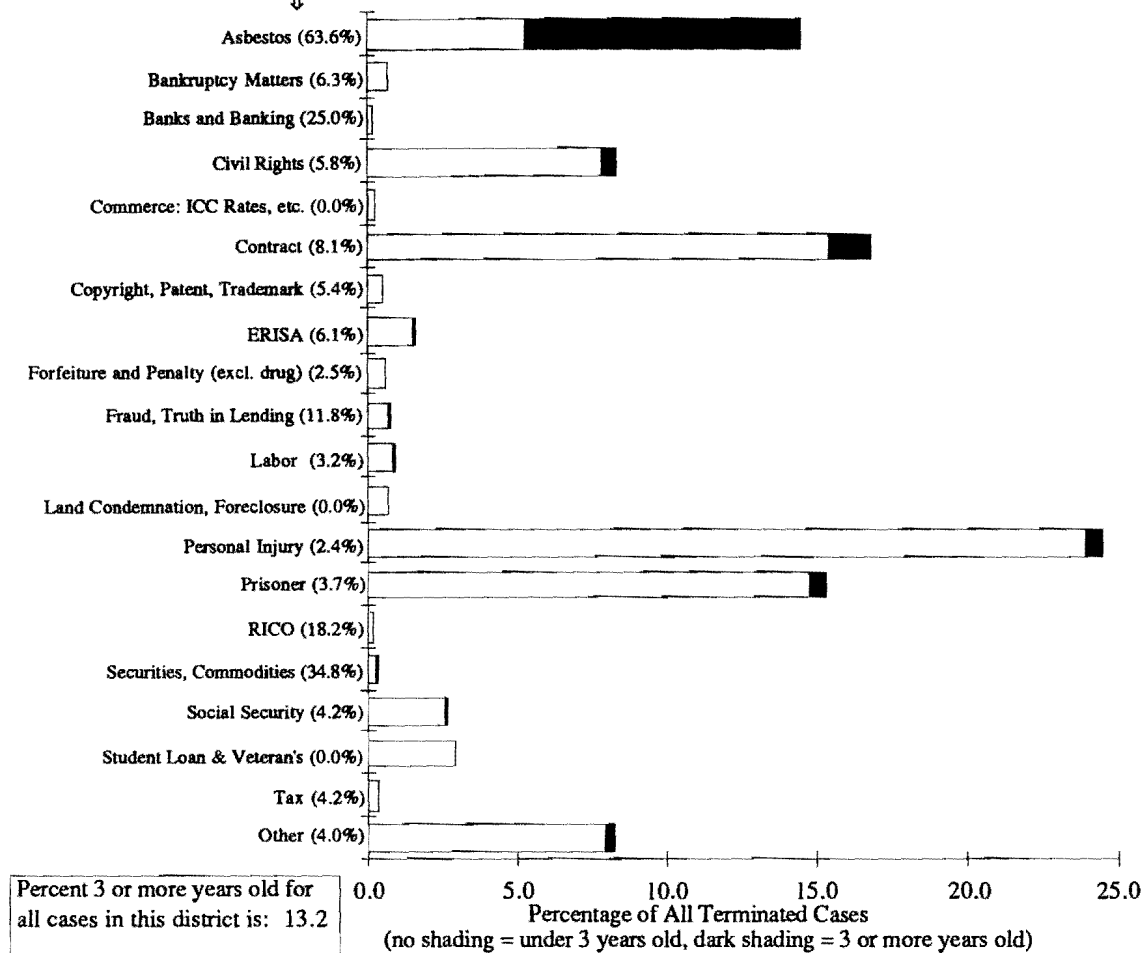


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of Mississippi

Case Type (Percent 3 or more years old)



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

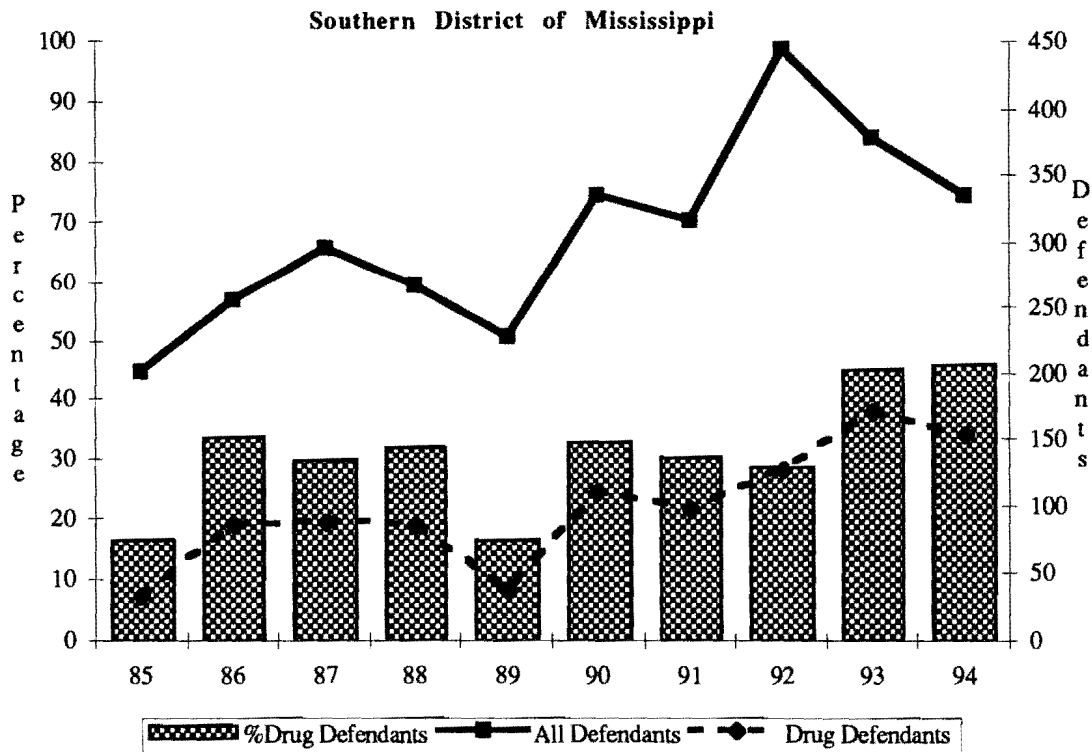
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

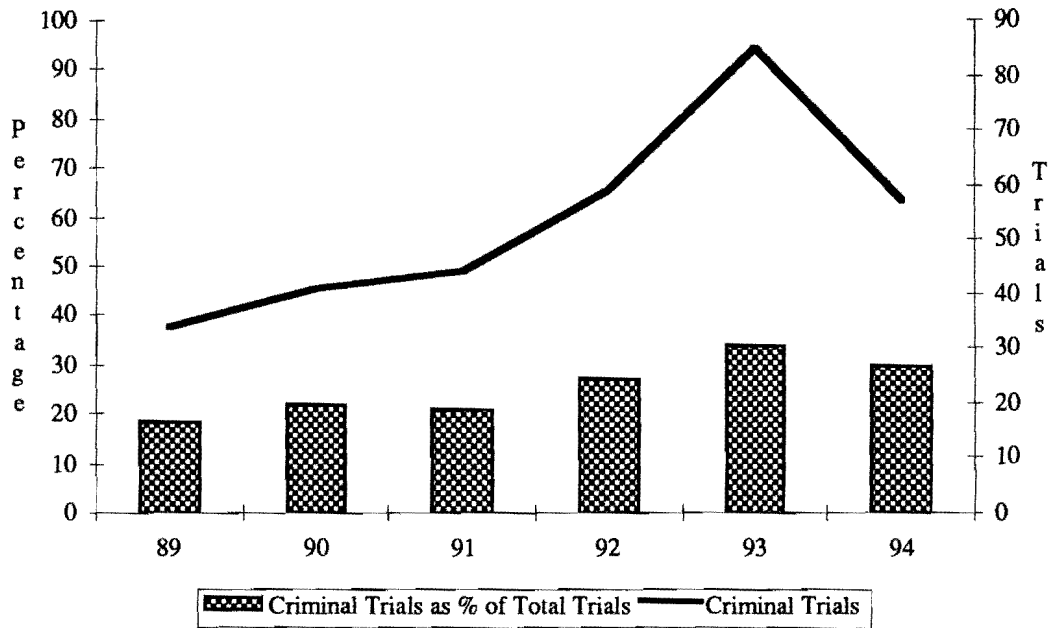
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Southern District of Mississippi



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of Texas

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of Texas

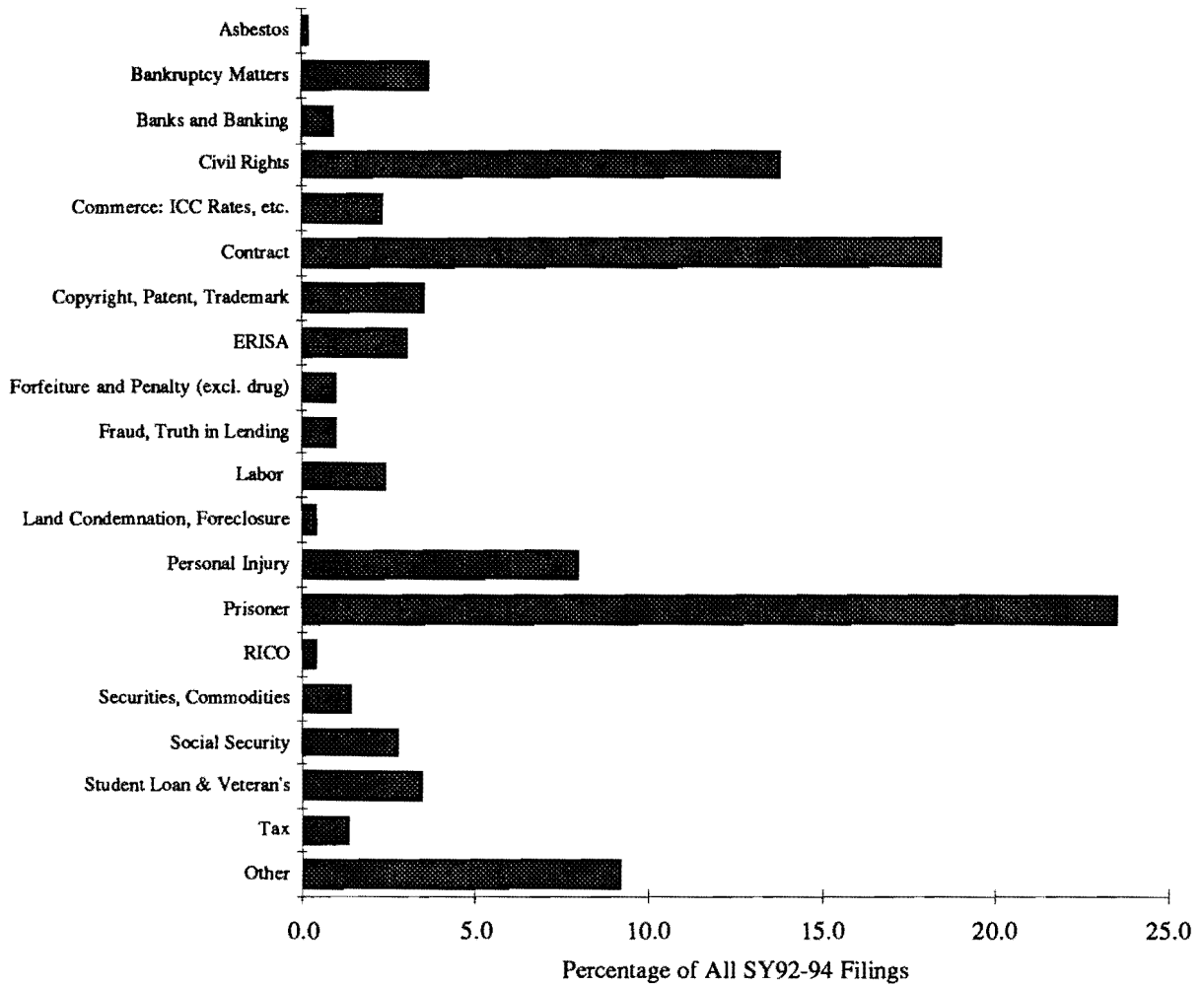
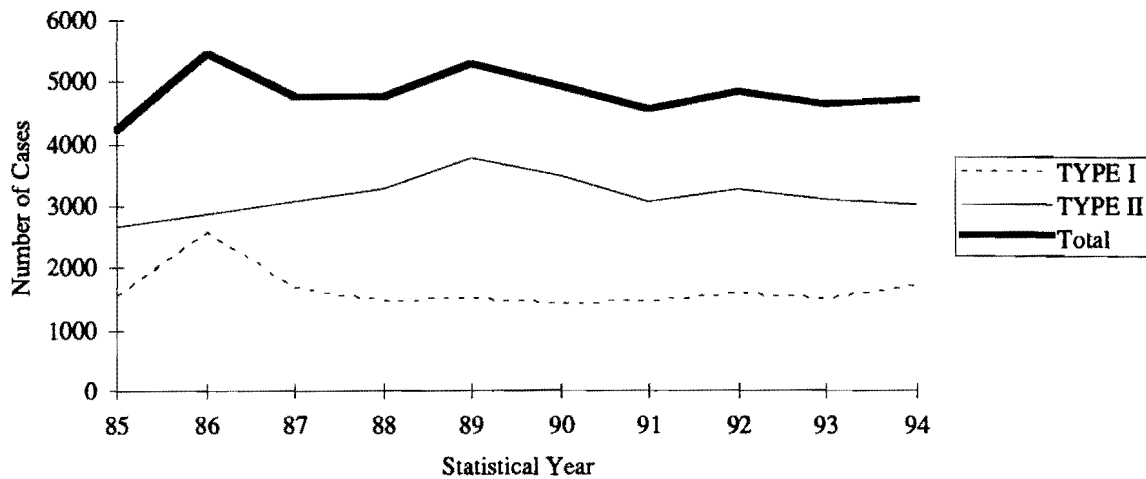


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of Texas

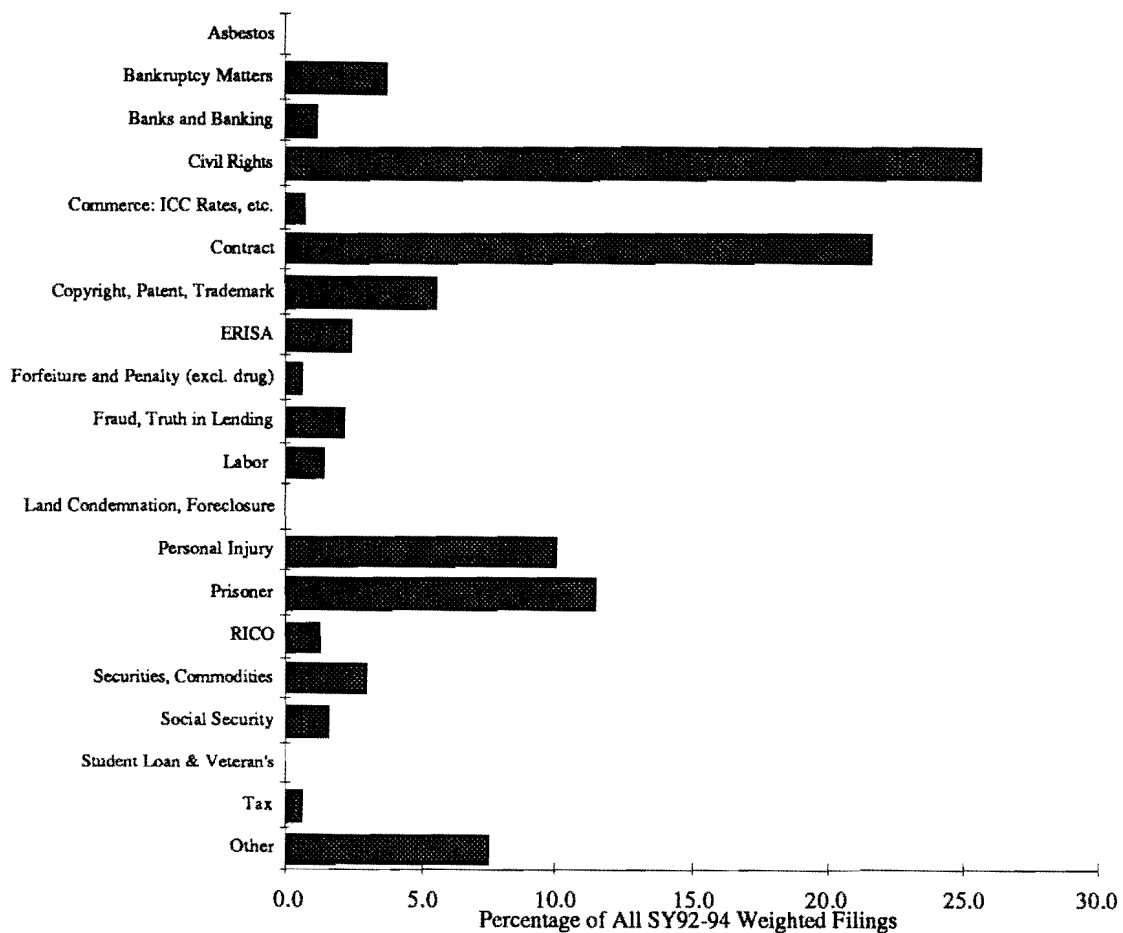


**Table 1: Filings by Case Type, SY85-94**

Northern District of Texas	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	165	207	395	79	46	95	160	18	5	2
Bankruptcy Matters	73	94	233	212	236	166	187	173	175	168
Banks and Banking	7	21	25	39	217	94	62	64	37	23
Civil Rights	415	386	400	476	442	471	474	524	655	787
Commerce: ICC Rates, etc.	27	89	72	152	196	397	118	183	103	41
Contract	955	1068	1167	1327	1631	1236	1113	1004	849	771
Copyright, Patent, Trademark	123	120	115	164	144	140	138	162	160	179
ERISA	46	45	40	65	120	95	136	143	146	141
Forfeiture and Penalty (excl. drug)	45	57	79	80	68	59	45	70	30	36
Fraud, Truth in Lending	33	41	39	51	72	57	54	42	49	37
Labor	57	87	104	63	72	94	101	116	107	111
Land Condemnation, Foreclosure	17	14	11	32	29	65	31	19	17	17
Personal Injury	339	350	329	295	281	256	273	379	403	349
Prisoner	599	524	555	667	713	751	717	942	1063	1336
RICO	1	36	58	45	38	42	22	20	17	13
Securities, Commodities	105	113	200	101	61	66	50	62	63	68
Social Security	168	116	69	98	90	91	76	102	143	140
Student Loan and Veteran's	534	1621	431	392	408	280	290	330	111	44
Tax	81	96	91	72	86	95	98	75	62	43
All Other	436	369	369	359	369	385	398	435	440	424
All Civil Cases	4226	5454	4782	4769	5319	4935	4543	4863	4635	4730

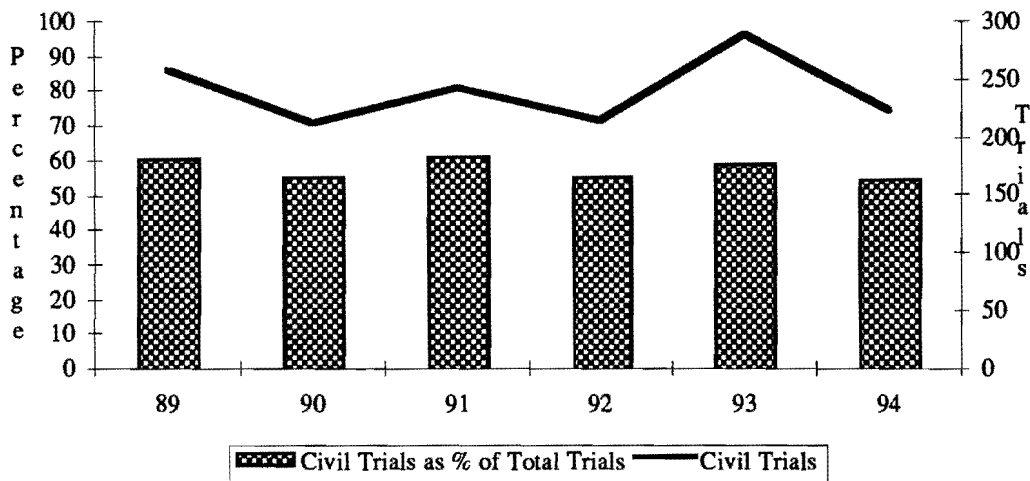
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of Texas**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Northern District of Texas**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

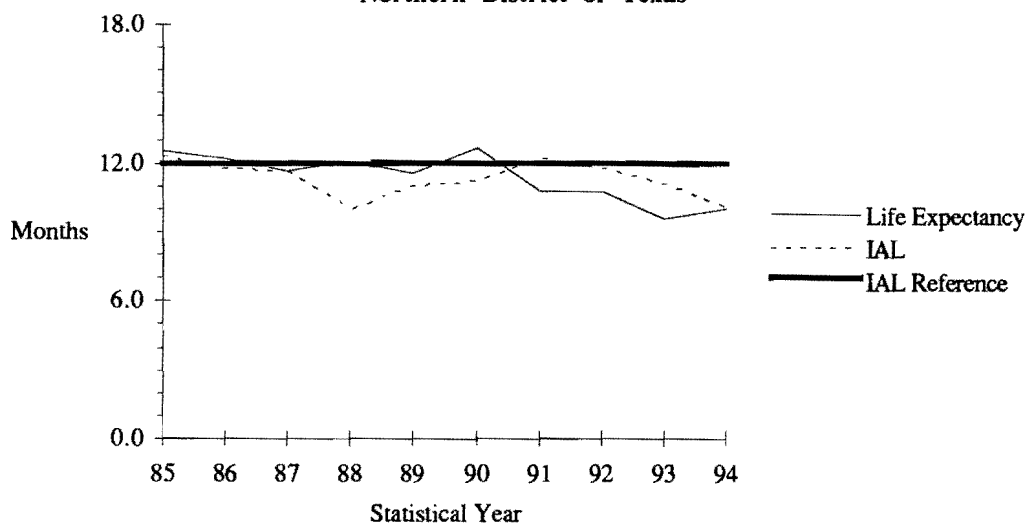
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



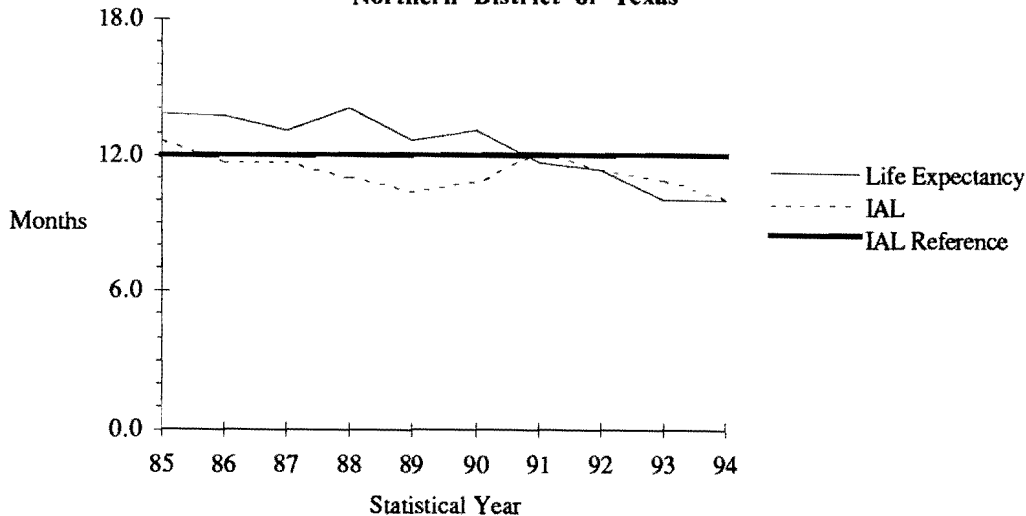
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of Texas**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of Texas**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of Texas

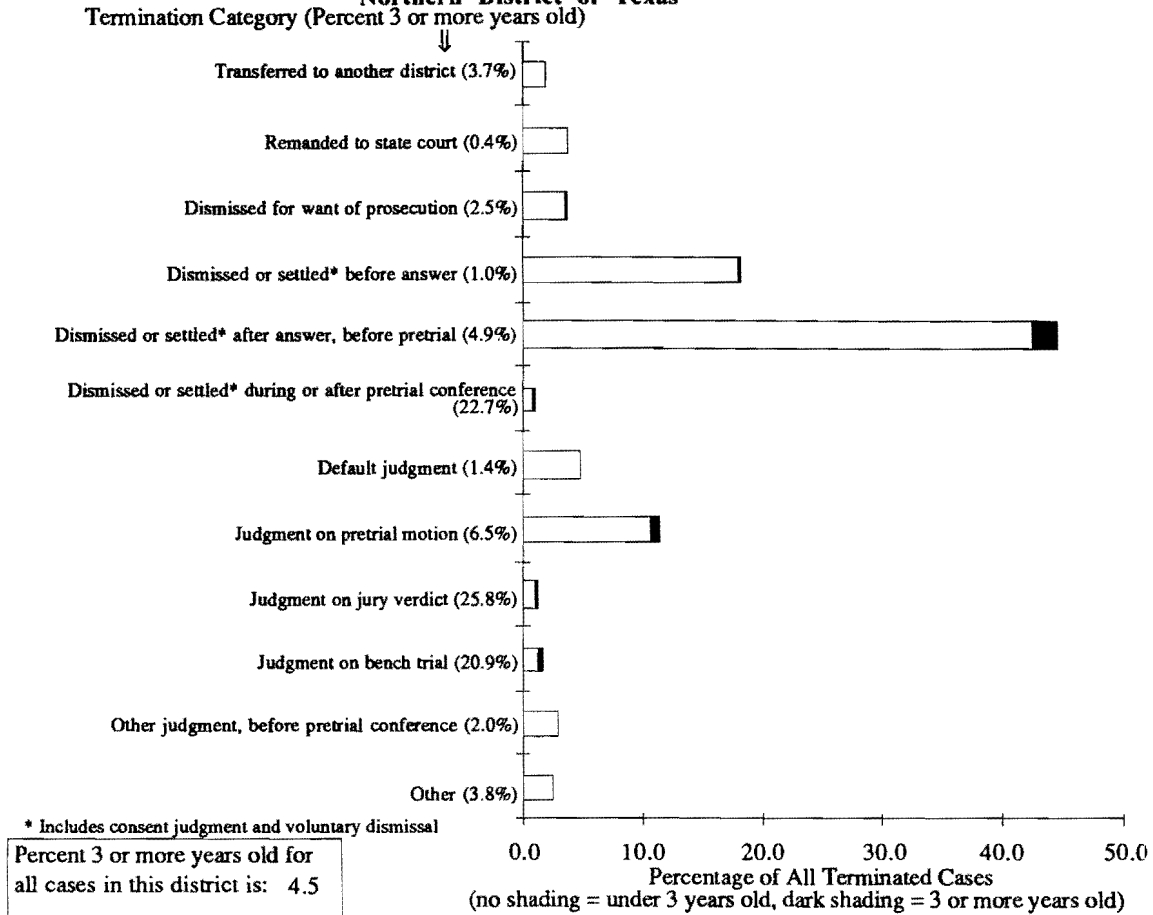
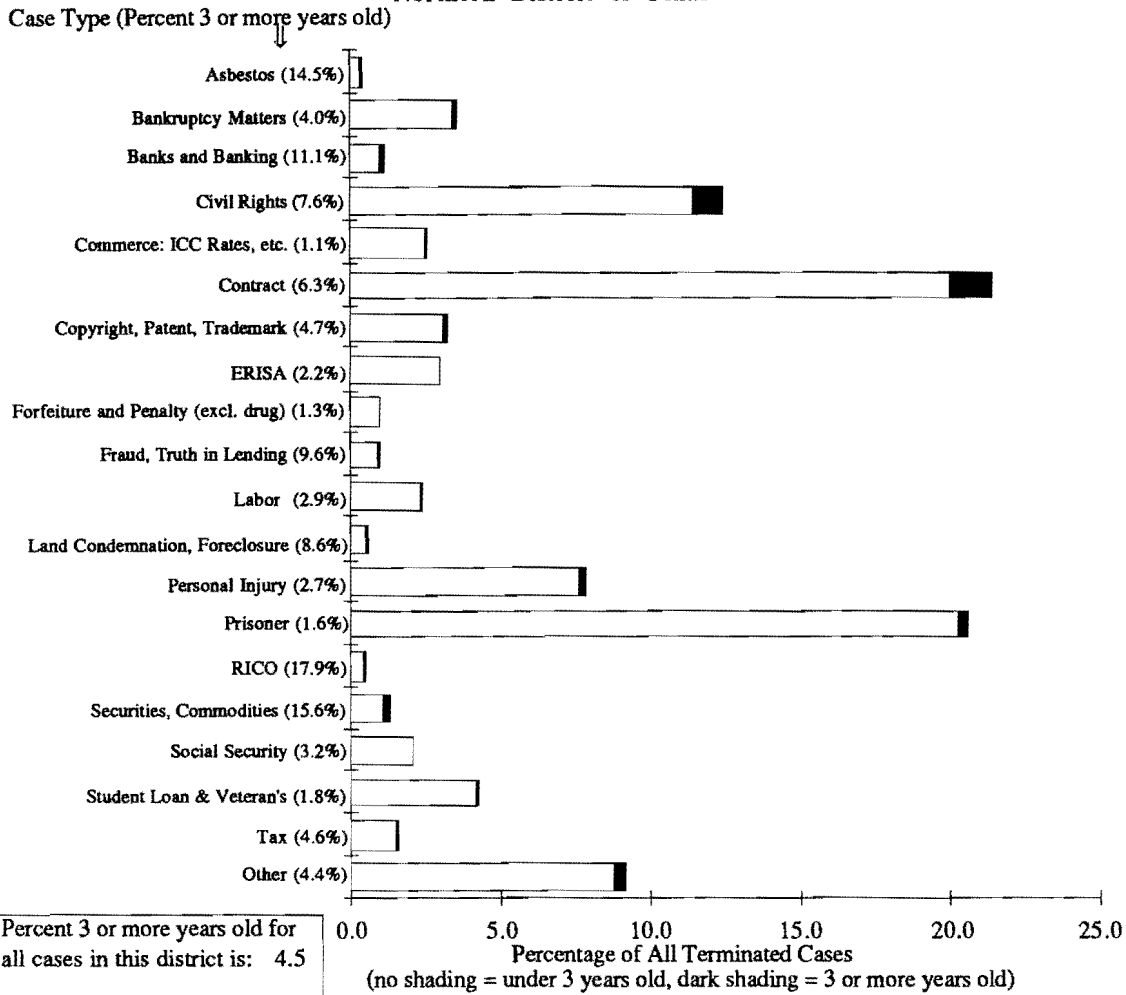


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of Texas



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

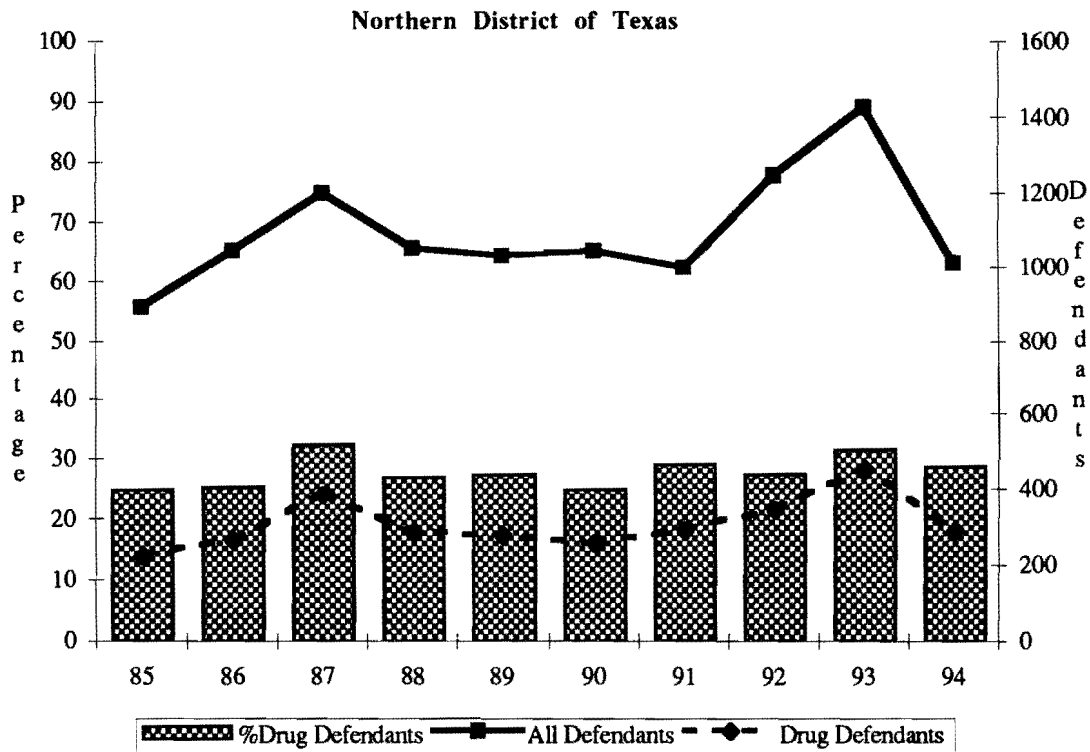
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

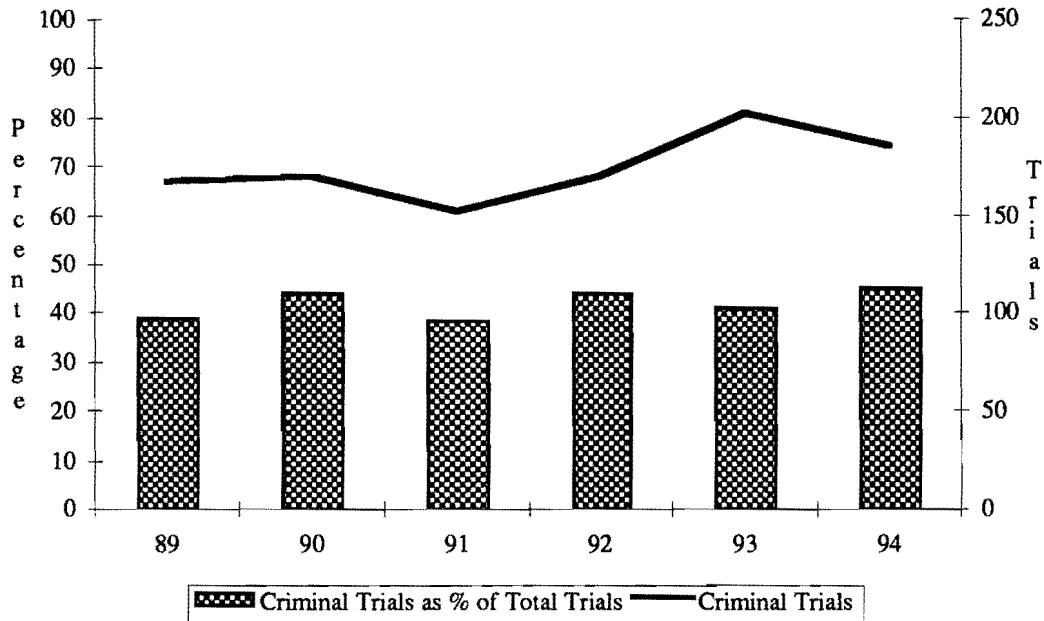
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
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**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Middle District of Florida

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Middle District of Florida

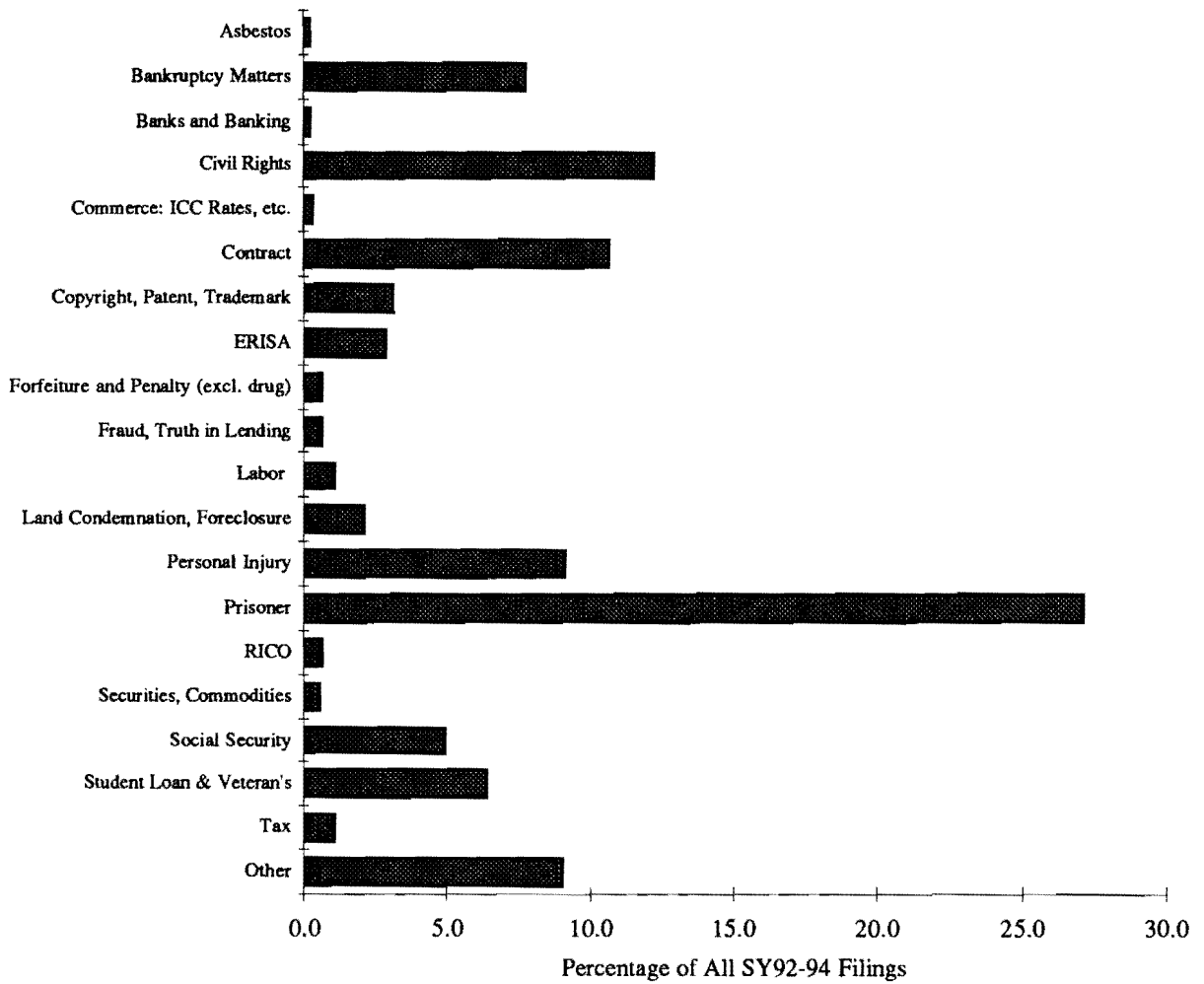
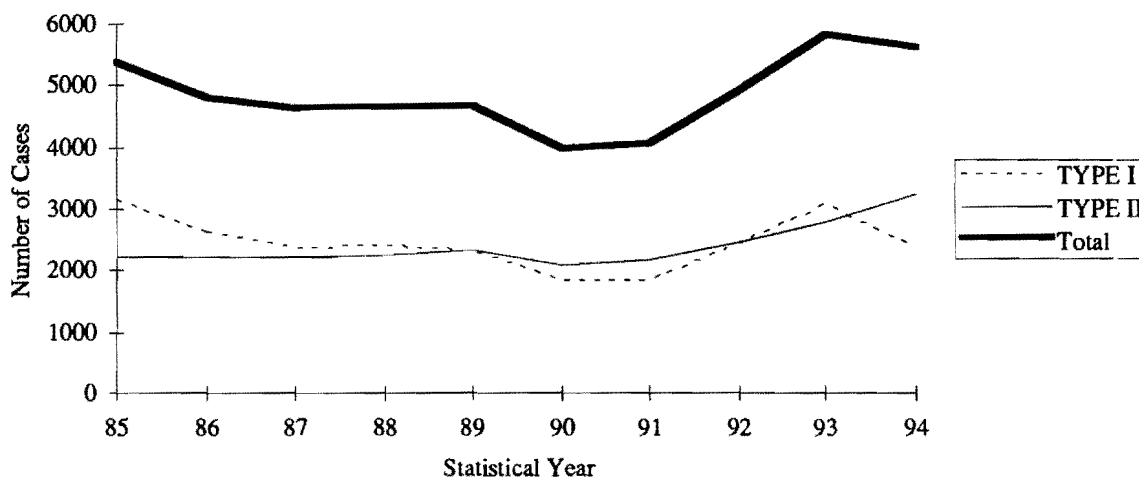


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**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of Florida

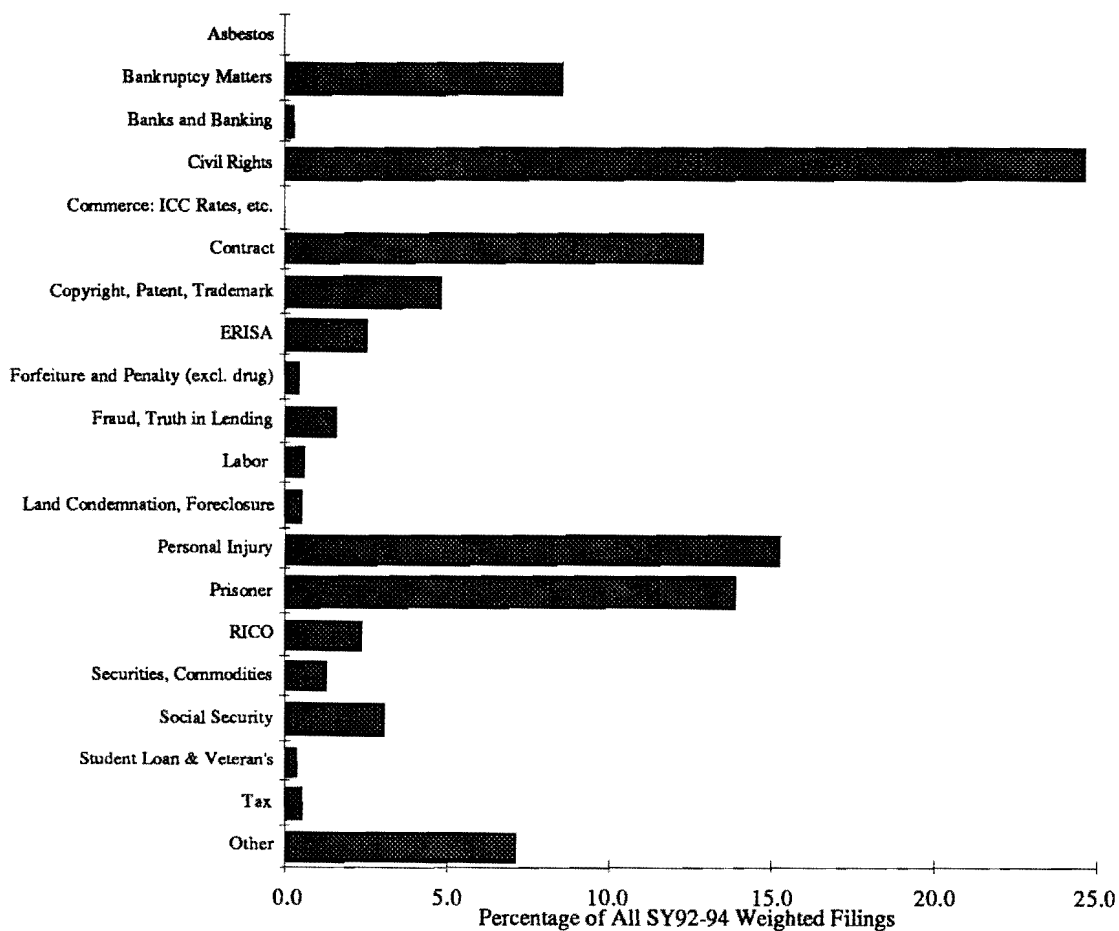


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RICO	0	11	13	10	21	17	12	18	38	41
Securities, Commodities	53	44	35	27	37	31	41	29	30	25
Social Security	371	183	204	251	138	117	107	183	324	294
Student Loan and Veteran's	1269	799	662	585	652	296	138	444	347	244
Tax	86	86	88	67	65	44	77	54	45	66
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All Civil Cases	5390	4823	4634	4681	4684	3974	4057	4916	5852	5619

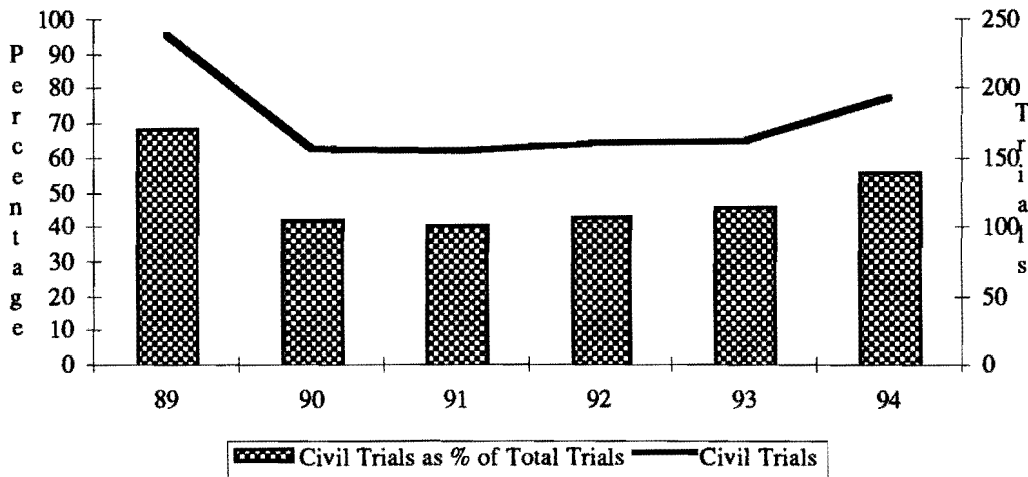
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of Florida**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of Florida**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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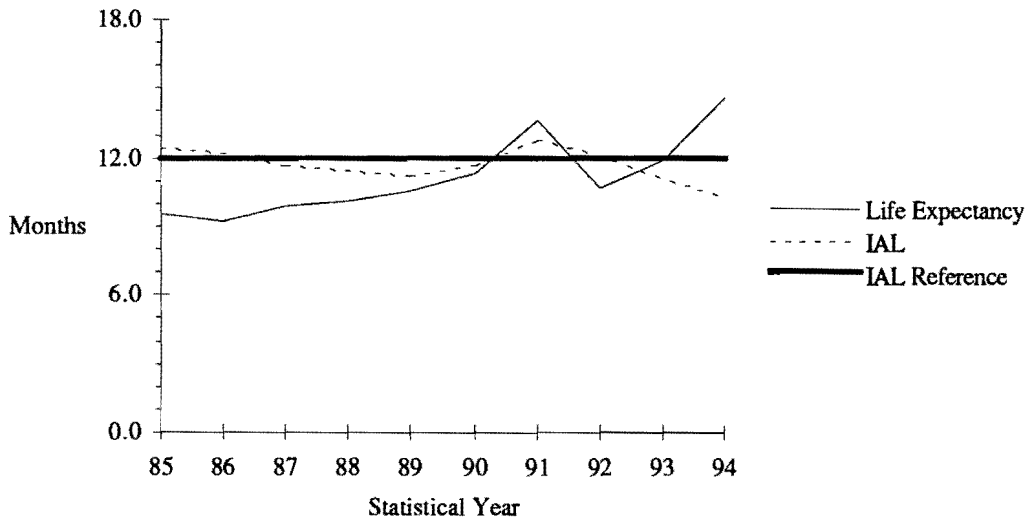
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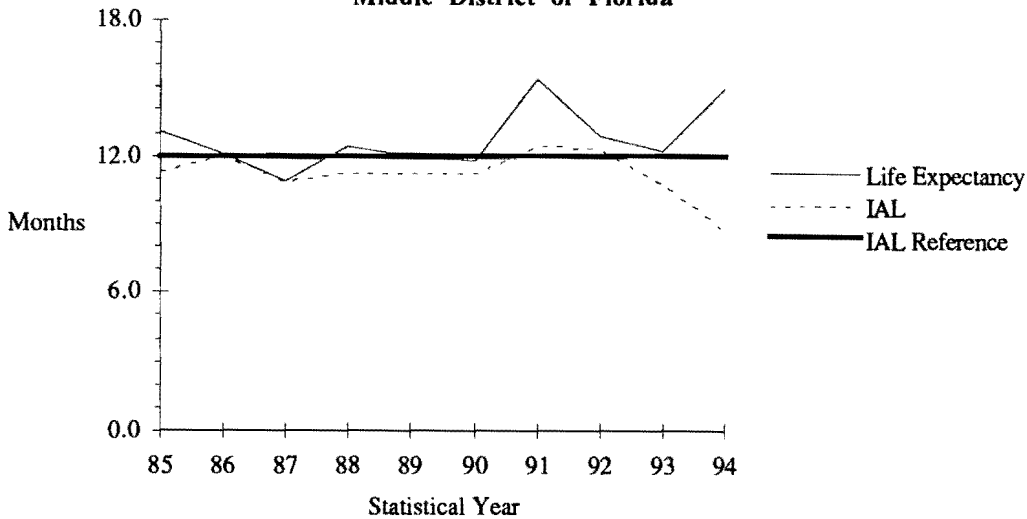
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of Florida**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of Florida**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

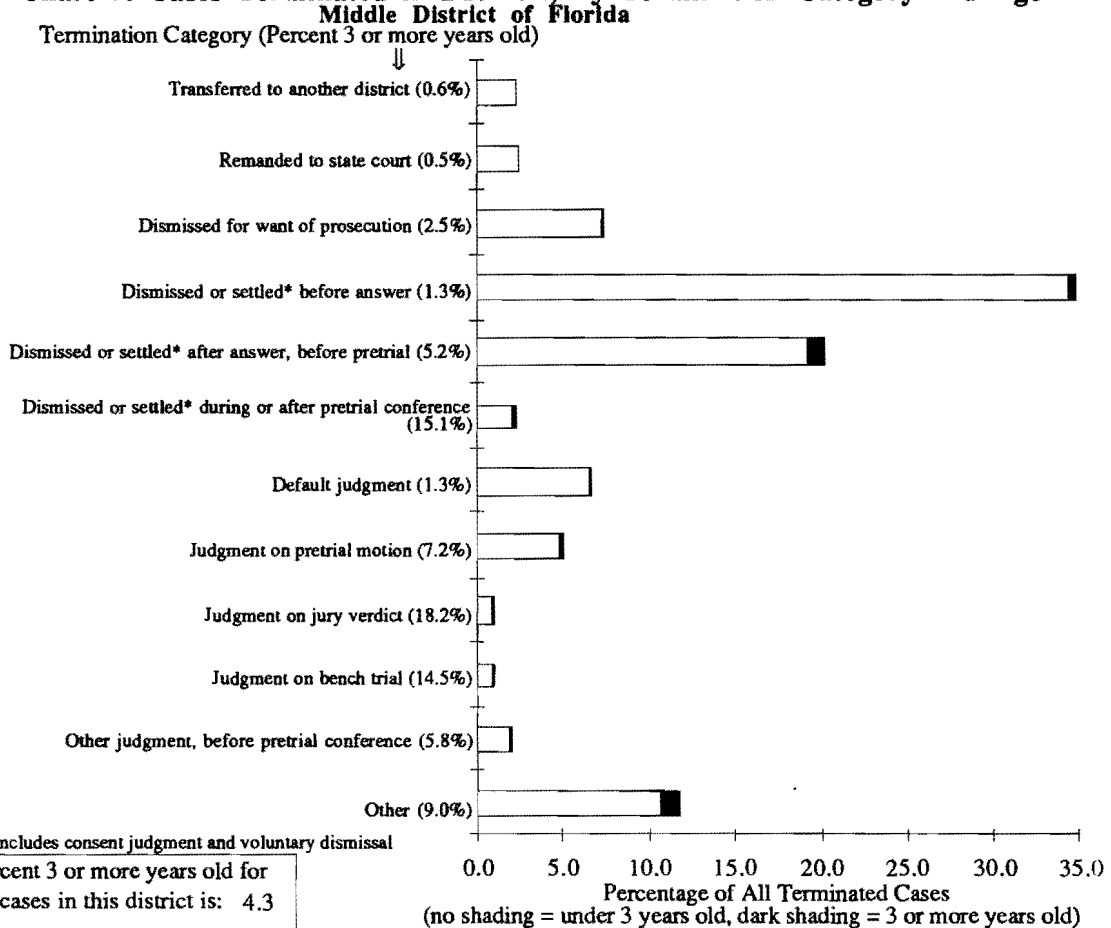
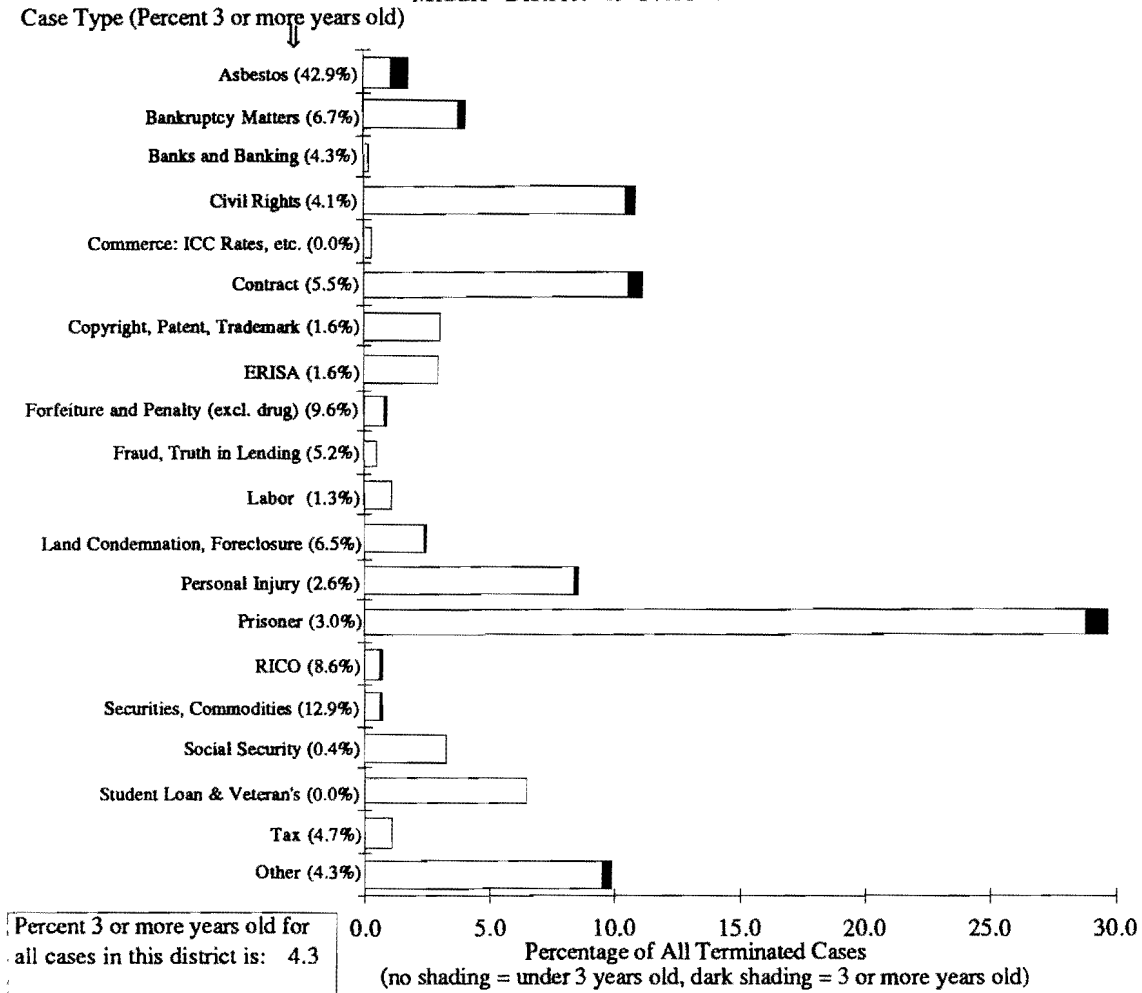


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of Florida



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

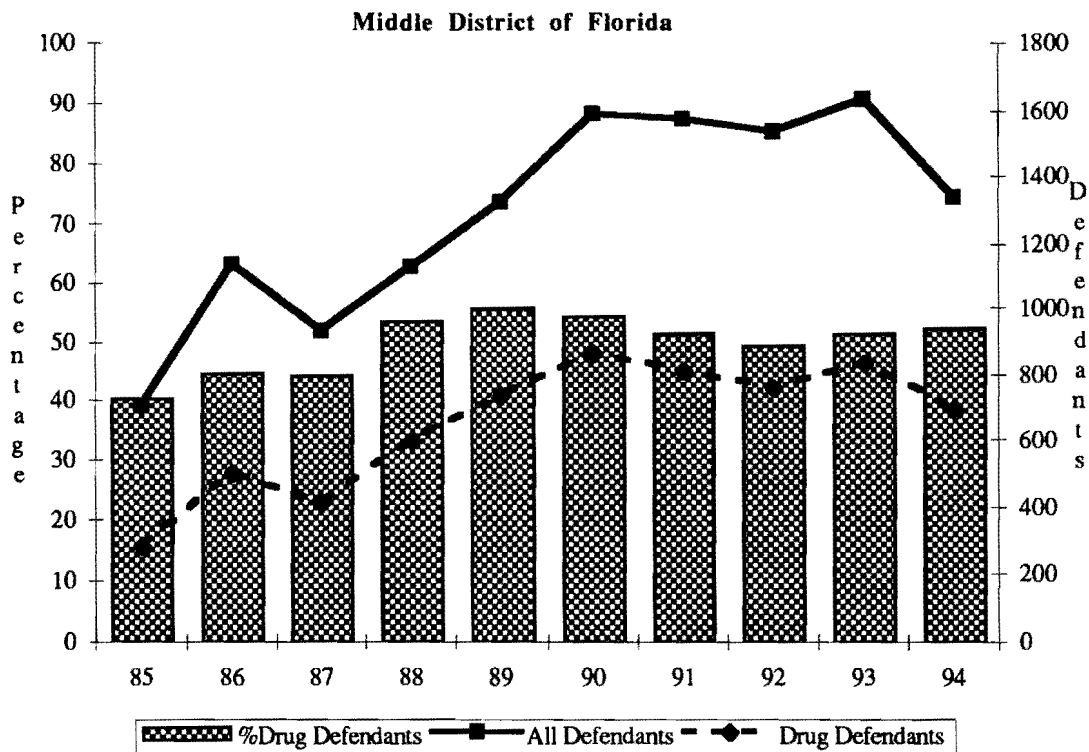
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

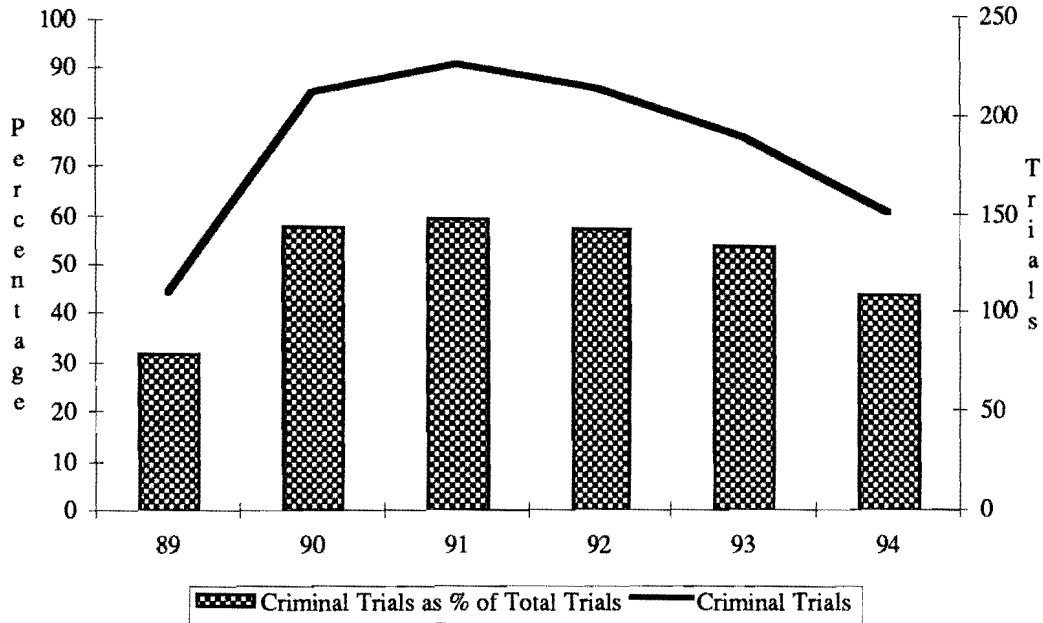
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Middle District of Florida**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of Florida

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of Florida

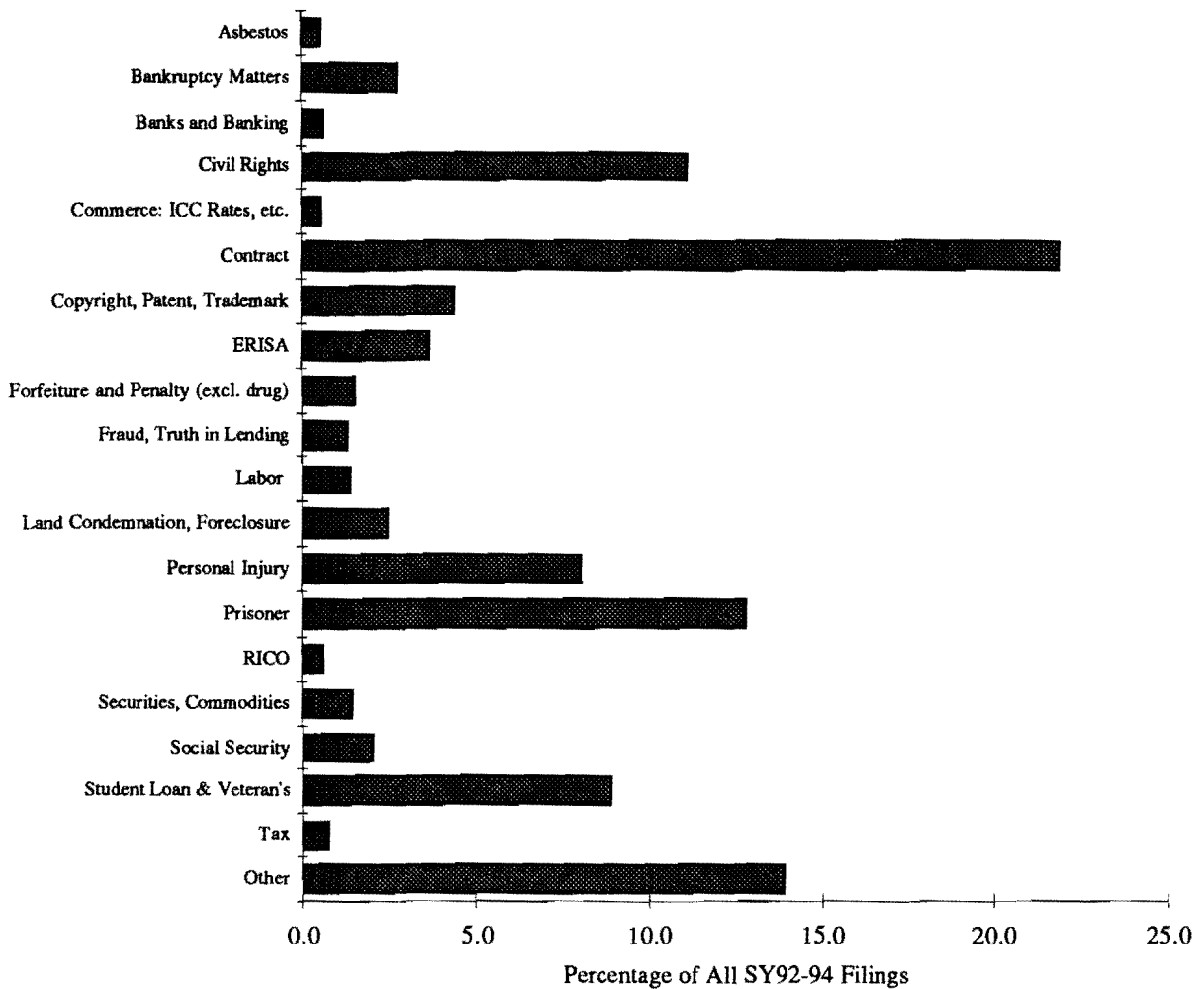
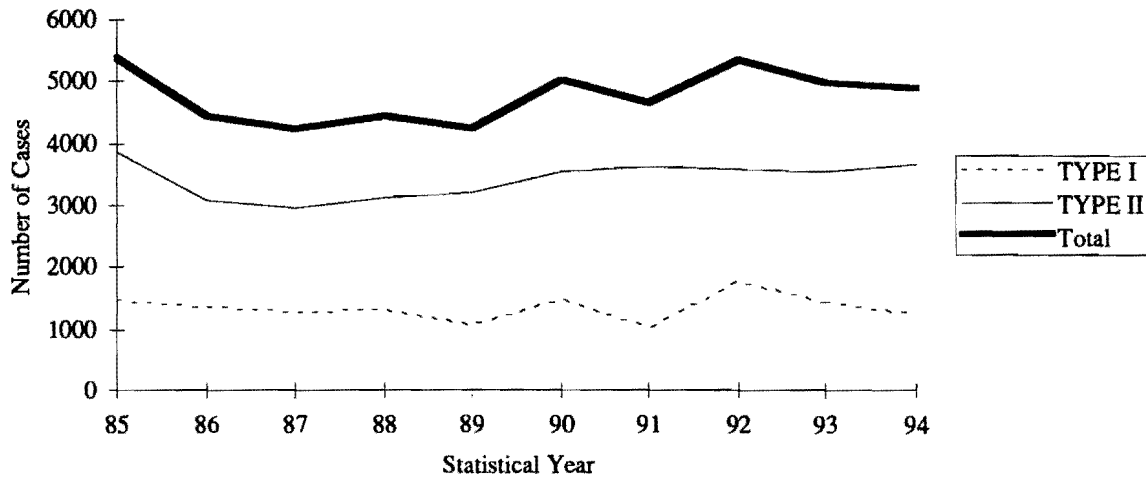


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of Florida

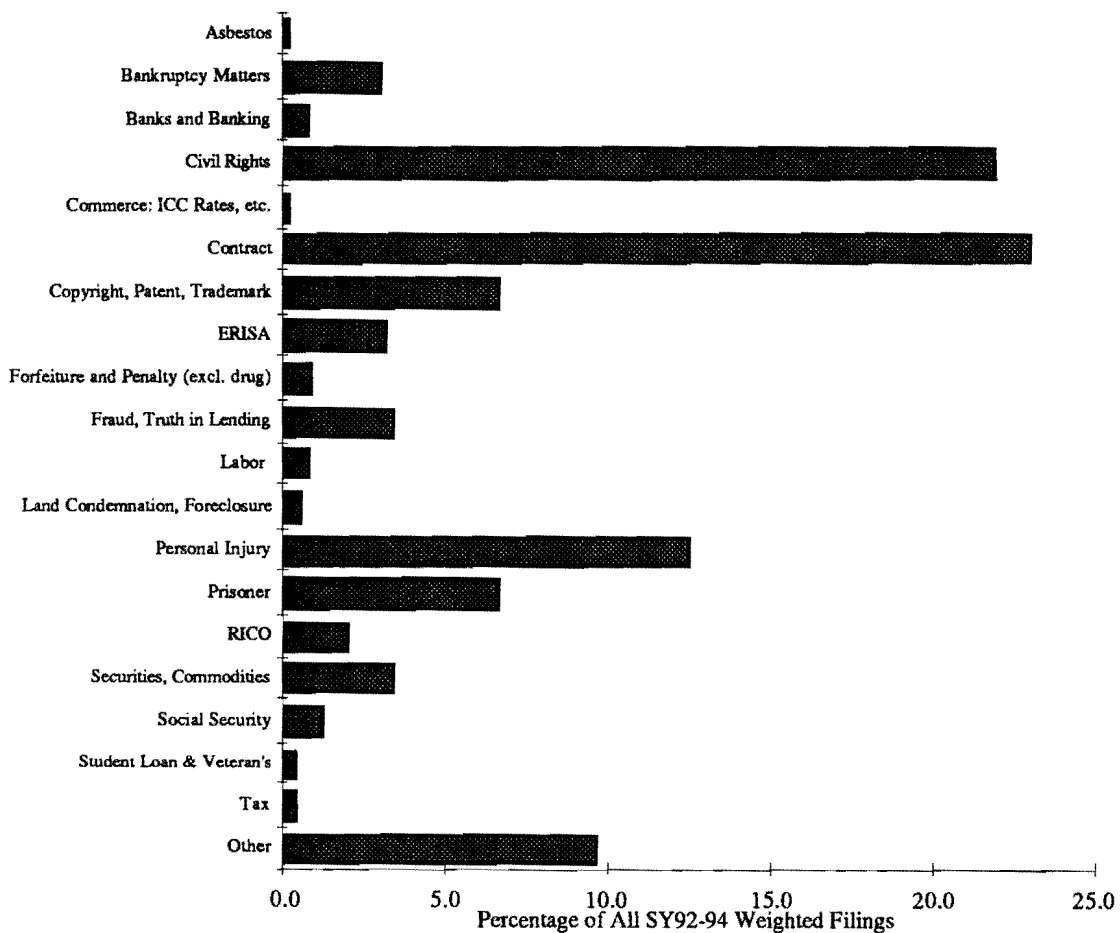


**Table 1: Filings by Case Type, SY85-94**

Southern District of Florida	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	5	3	45	47	74	58	28	40	13	23
Bankruptcy Matters	86	110	75	102	116	94	85	122	136	154
Banks and Banking	6	9	11	10	14	14	17	30	39	19
Civil Rights	271	306	327	298	313	311	335	382	578	720
Commerce: ICC Rates, etc.	18	24	25	26	13	21	10	16	24	38
Contract	1020	1162	1000	1123	1115	988	1091	1188	1098	1045
Copyright, Patent, Trademark	158	195	215	192	183	176	199	215	213	232
ERISA	61	100	89	132	132	194	203	188	190	176
Forfeiture and Penalty (excl. drug)	1207	152	214	313	286	412	142	119	72	36
Fraud, Truth in Lending	11	15	26	48	41	36	52	35	102	62
Labor	118	92	90	82	70	70	56	71	60	79
Land Condemnation, Foreclosure	167	124	120	118	63	49	80	77	149	146
Personal Injury	353	379	332	306	306	403	506	384	375	458
Prisoner	537	592	689	686	501	600	502	542	717	690
RICO	0	21	39	27	16	23	26	28	27	27
Securities, Commodities	126	114	96	76	78	108	51	92	51	70
Social Security	202	142	105	120	86	52	43	72	112	118
Student Loan and Veteran's	498	395	246	225	212	638	296	914	321	114
Tax	56	76	68	60	50	49	32	53	30	31
All Other	470	429	423	429	574	718	901	773	677	656
All Civil Cases	5370	4440	4235	4420	4243	5014	4655	5341	4984	4894

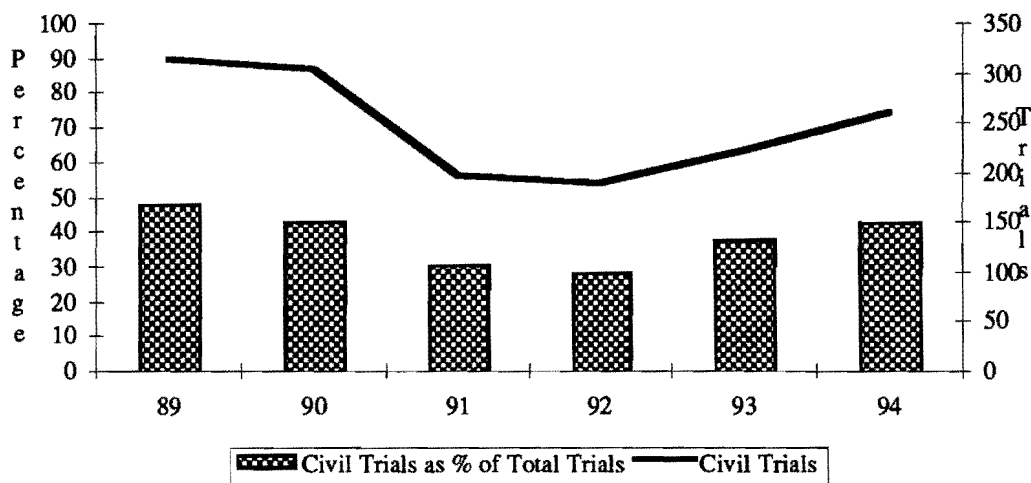
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Southern District of Florida**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Southern District of Florida**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

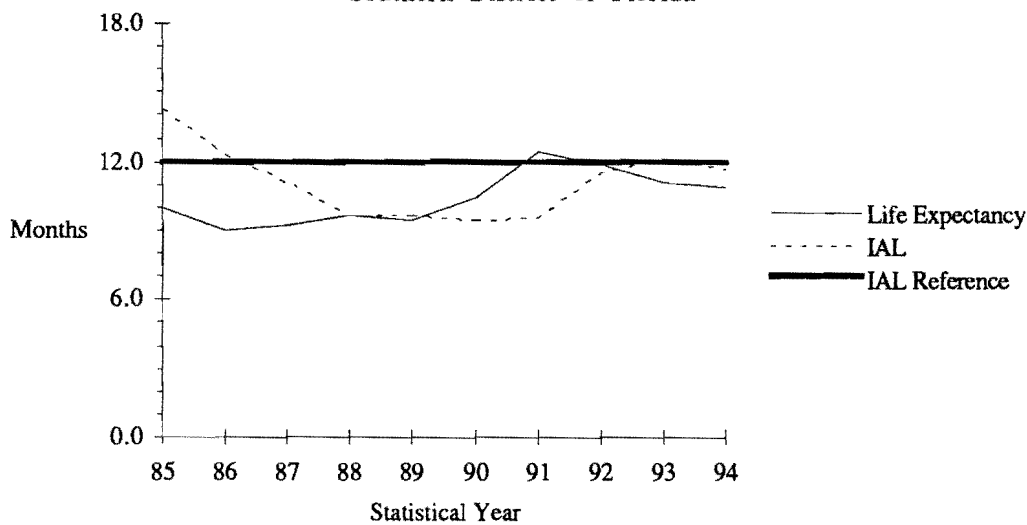
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



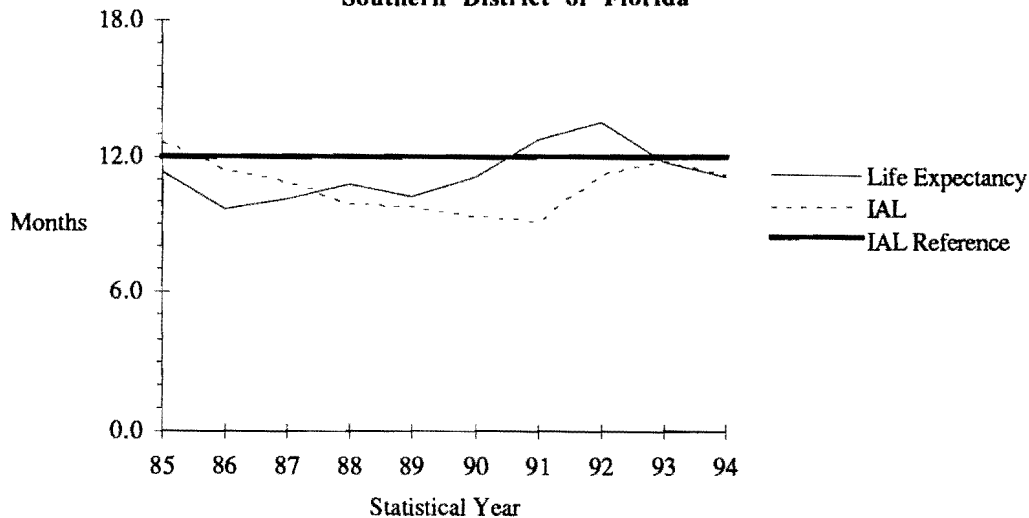
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of Florida**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of Florida**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Southern District of Florida**  
 Termination Category (Percent 3 or more years old)

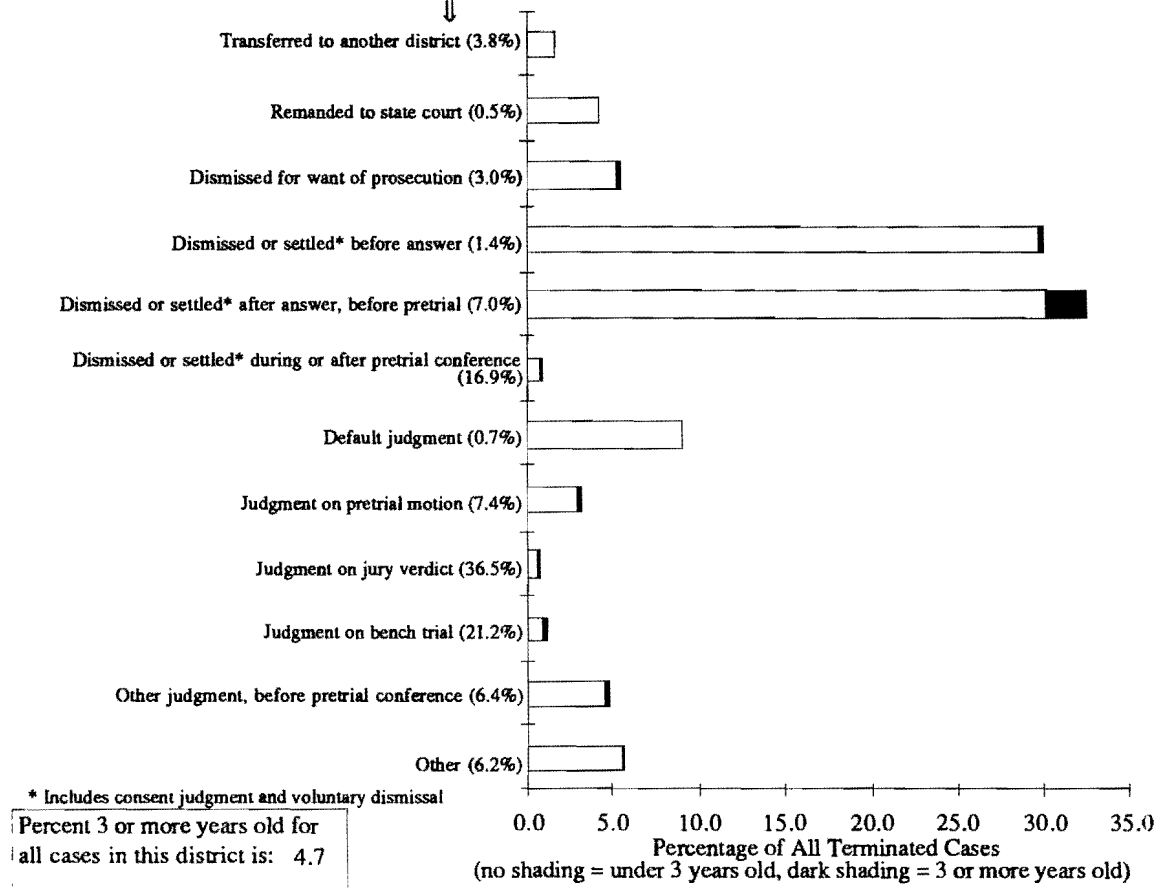
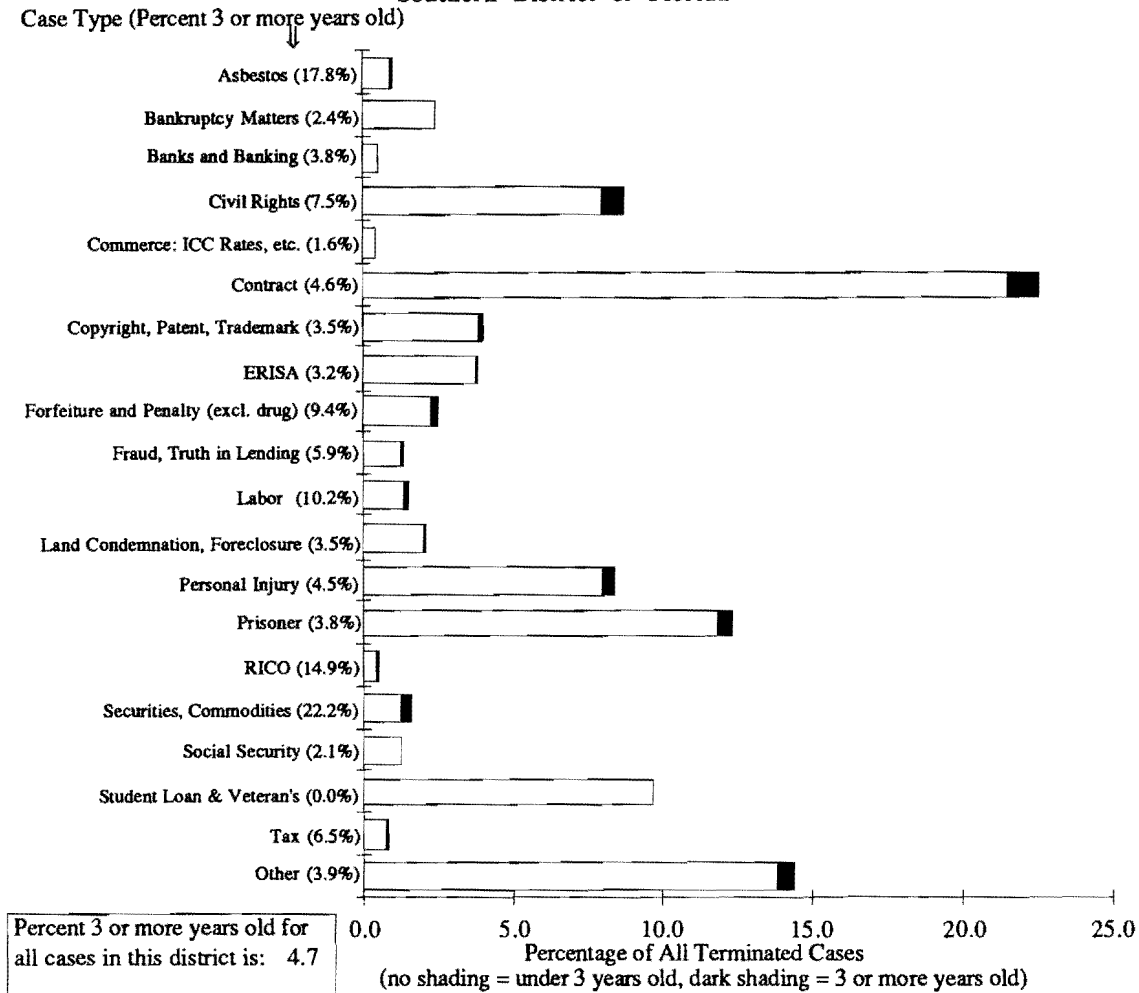


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of Florida



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

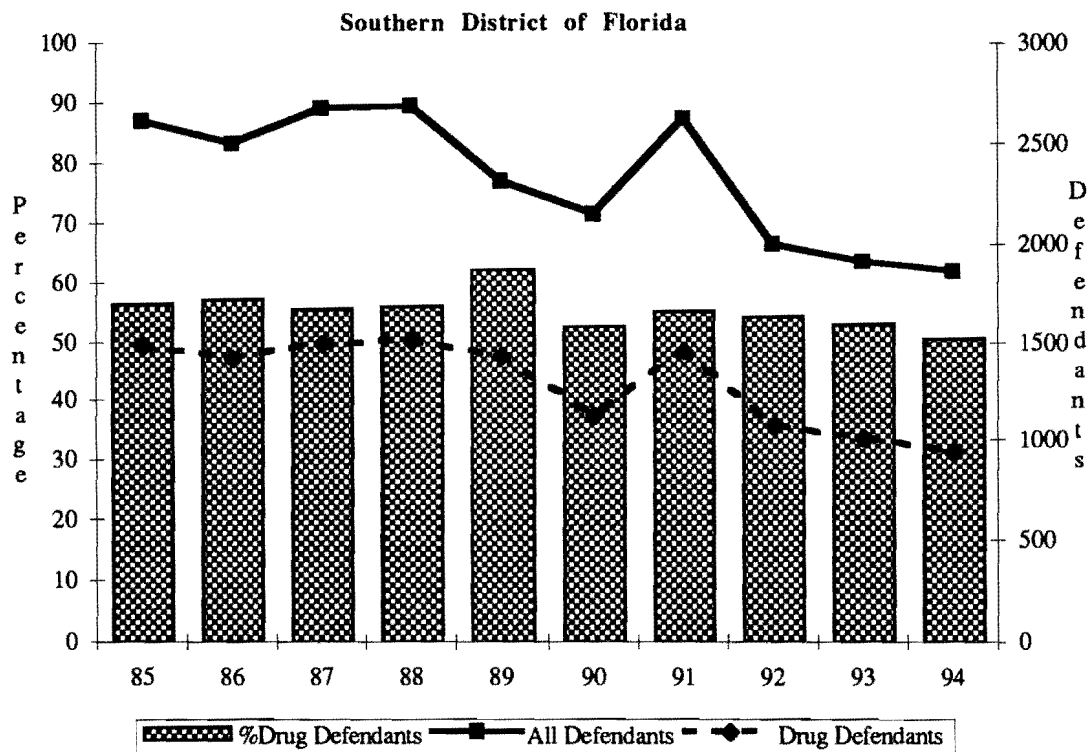
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

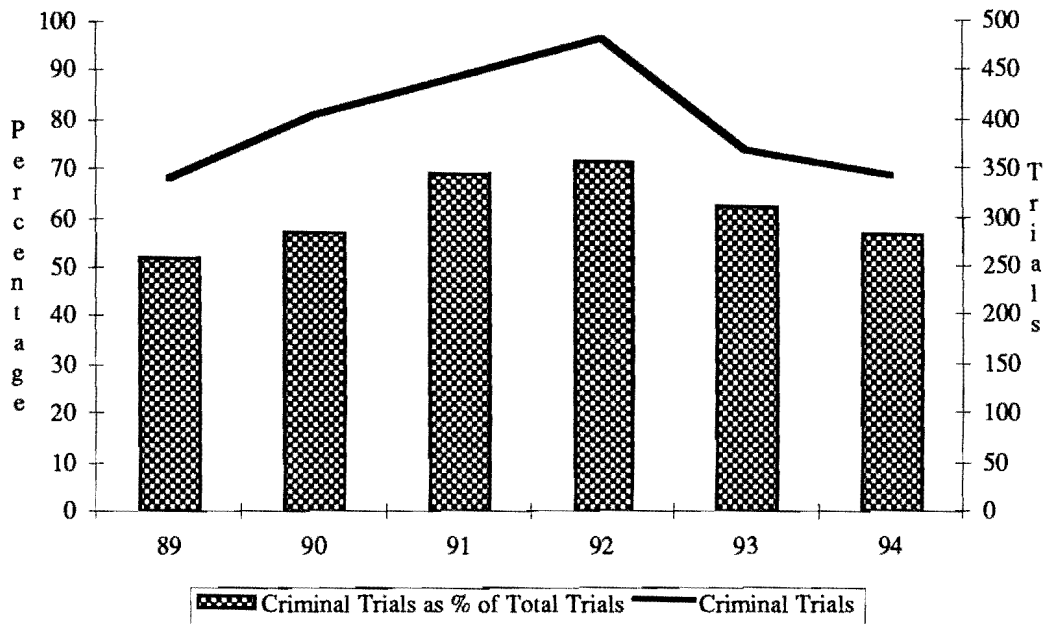
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# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Northern District of Georgia

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- condition-of-confinement cases brought by state prisoners
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Northern District of Georgia

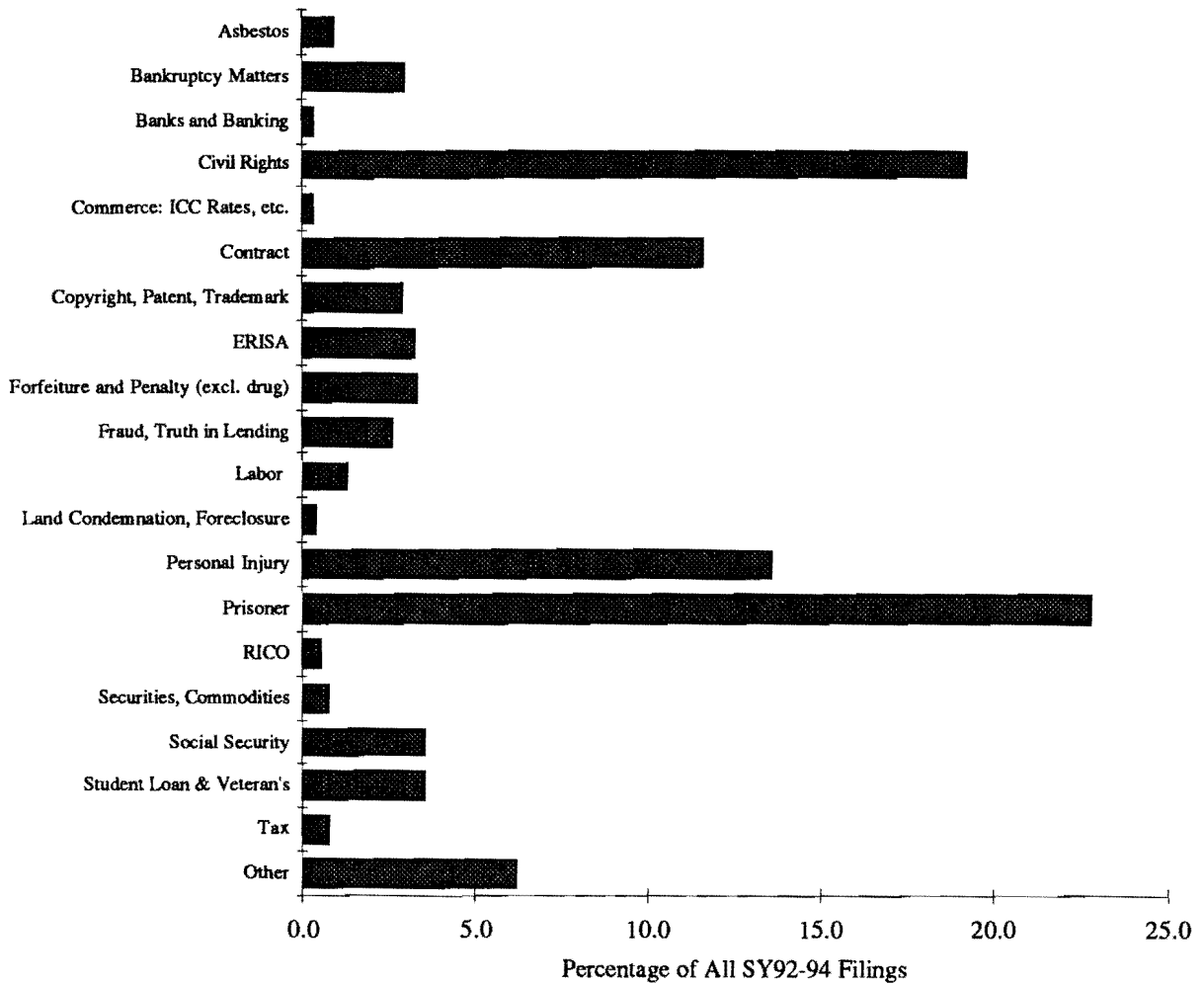
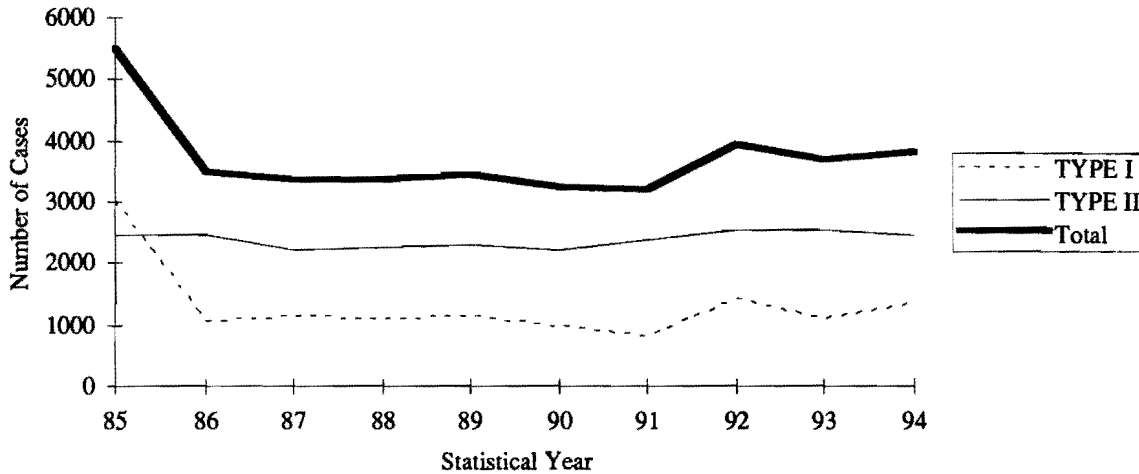


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Northern District of Georgia

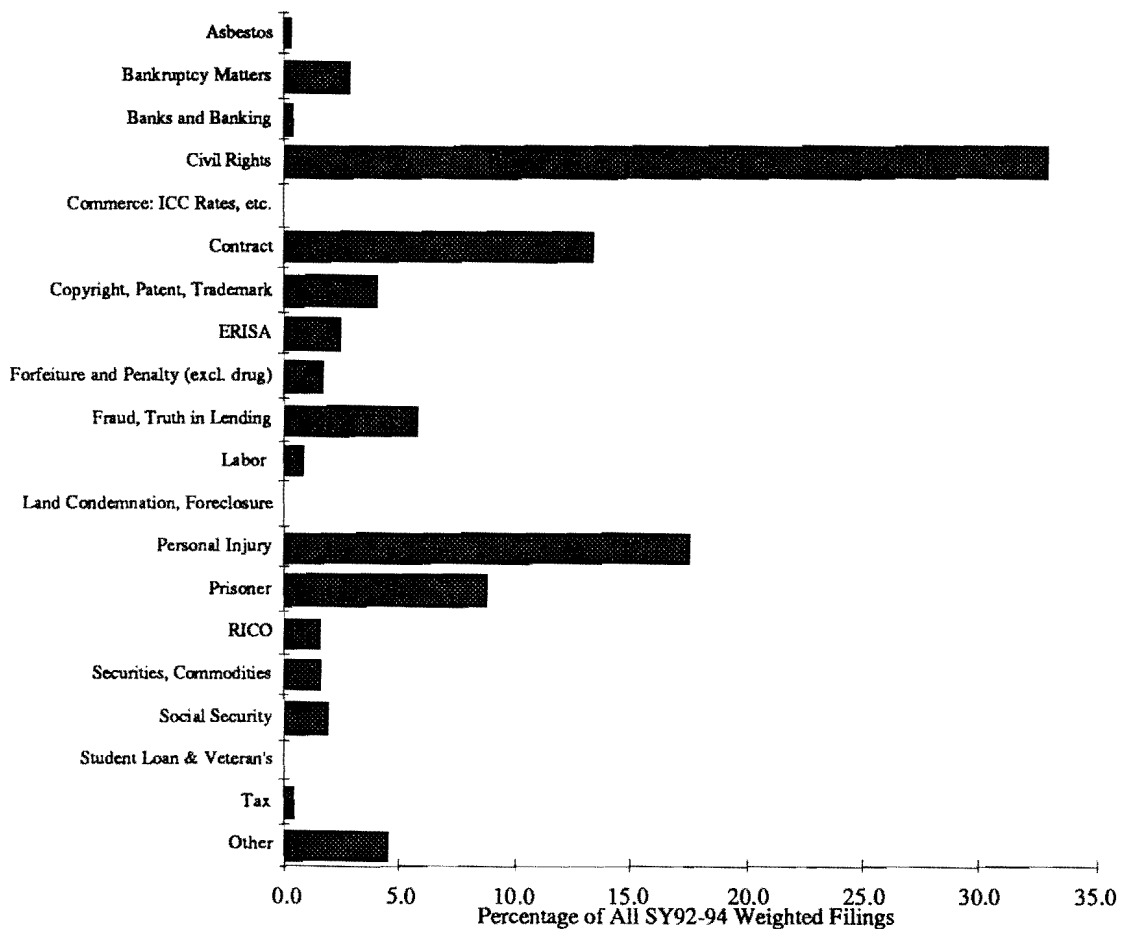


**Table 1: Filings by Case Type, SY85-94**

Northern District of Georgia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	51	40	152	13	47	109	35	81	8	9
Bankruptcy Matters	93	62	61	65	121	38	33	90	117	132
Banks and Banking	2	2	1	2	1	14	3	8	10	11
Civil Rights	486	390	376	366	429	438	451	671	754	774
Commerce: ICC Rates, etc.	7	5	15	10	8	20	23	10	13	9
Contract	752	831	719	744	659	596	577	537	419	366
Copyright, Patent, Trademark	104	96	81	122	134	114	119	105	120	106
ERISA	45	30	35	35	57	90	85	116	125	128
Forfeiture and Penalty (excl. drug)	56	78	98	104	95	162	128	154	121	104
Fraud, Truth in Lending	94	73	86	66	63	106	148	126	105	63
Labor	54	62	60	42	49	45	73	53	41	54
Land Condemnation, Foreclosure	36	49	5	34	40	48	21	16	17	10
Personal Injury	466	473	378	404	504	362	386	440	553	558
Prisoner	2148	443	567	593	577	450	509	858	715	1037
RICO	0	47	59	28	16	28	40	17	24	13
Securities, Commodities	78	53	31	39	28	33	23	30	19	36
Social Security	314	219	226	205	123	127	98	121	160	117
Student Loan and Veteran's	419	237	144	206	249	218	133	254	103	41
Tax	49	51	56	41	26	22	37	25	21	33
All Other	257	260	230	243	220	209	280	244	239	217
All Civil Cases	5511	3501	3380	3362	3446	3229	3202	3956	3684	3818

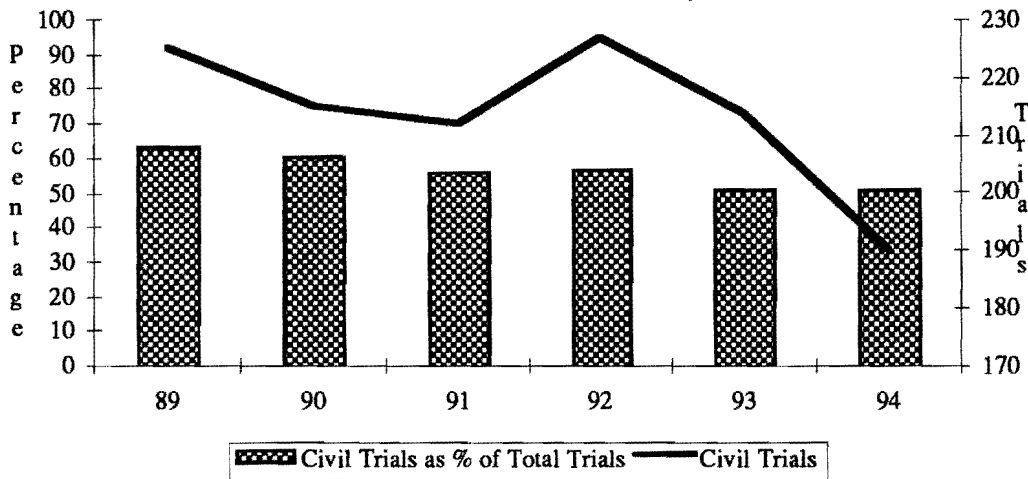
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Northern District of Georgia**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94**  
Northern District of Georgia



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

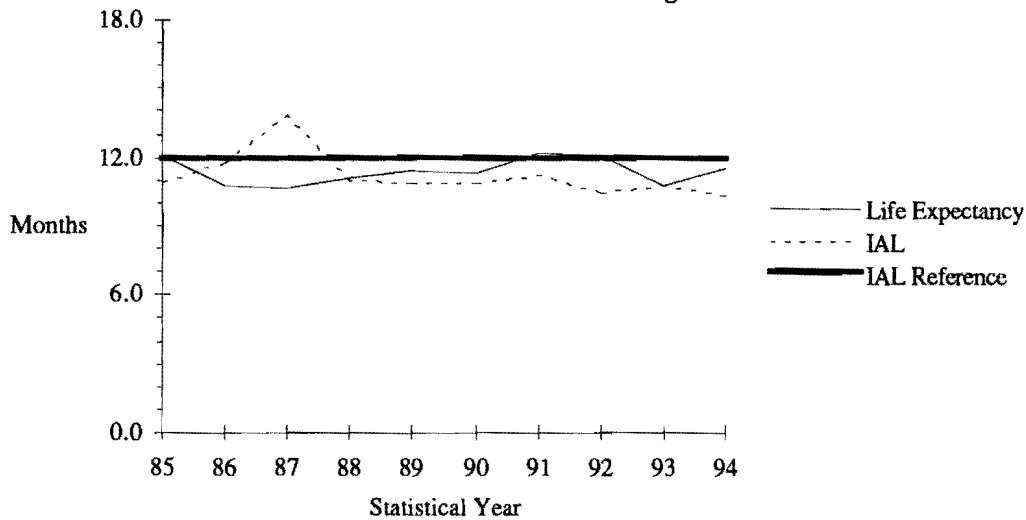
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

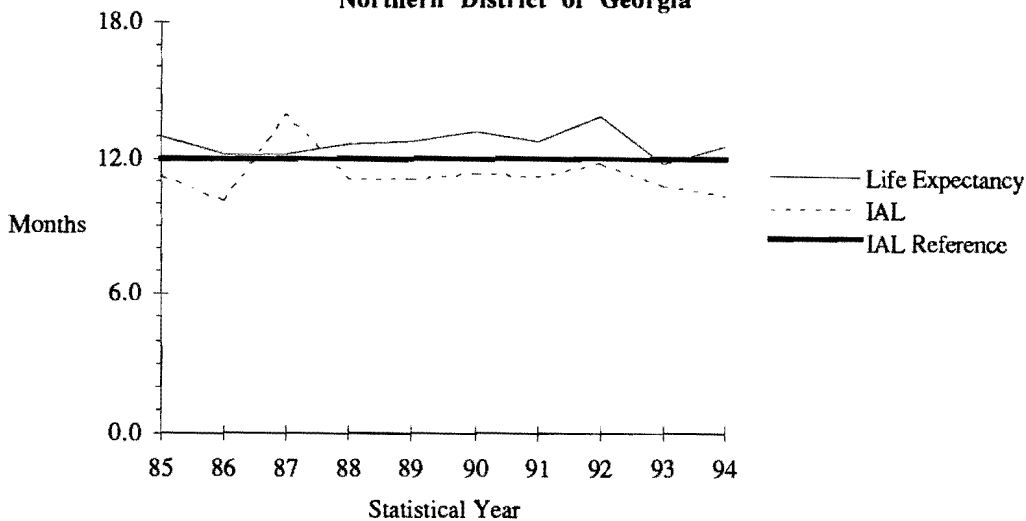
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Northern District of Georgia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Northern District of Georgia**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Northern District of Georgia

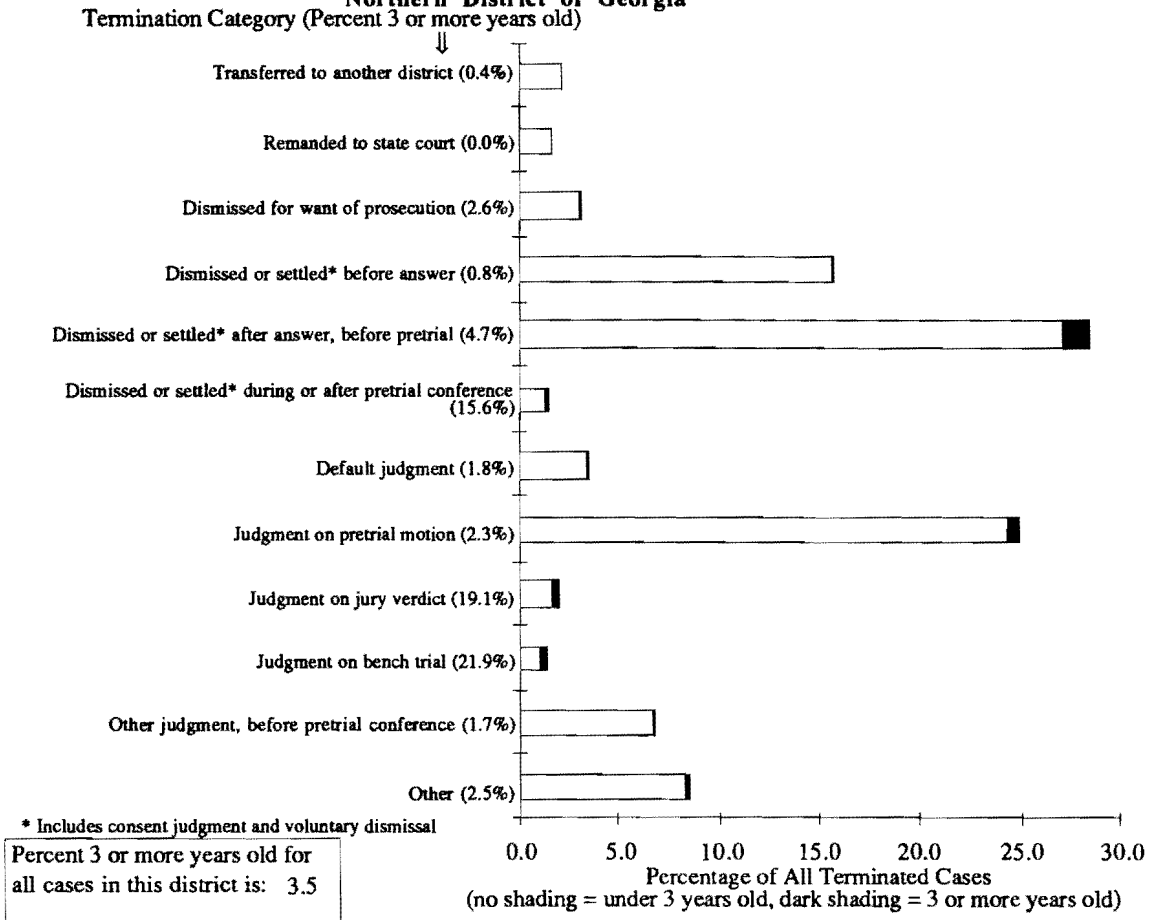
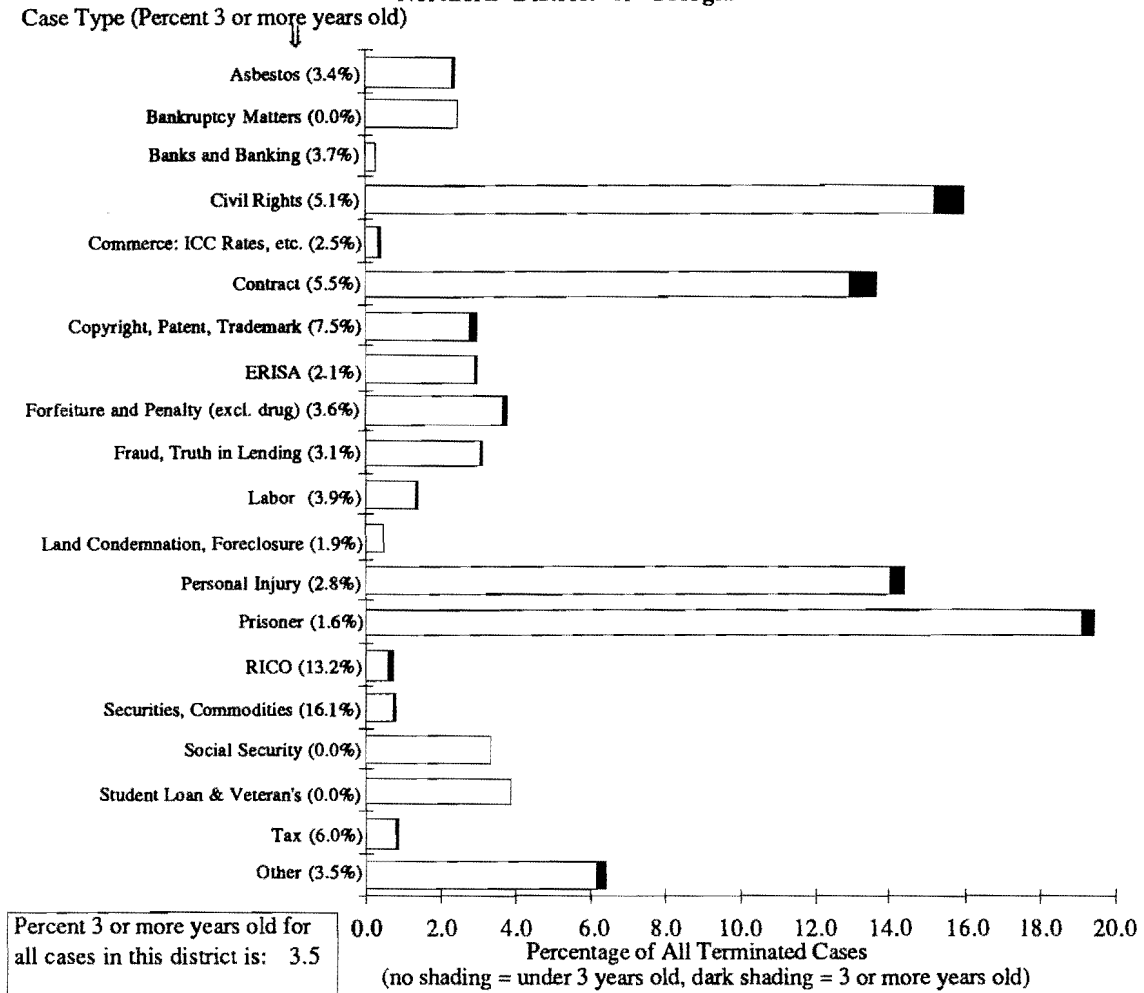


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Northern District of Georgia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

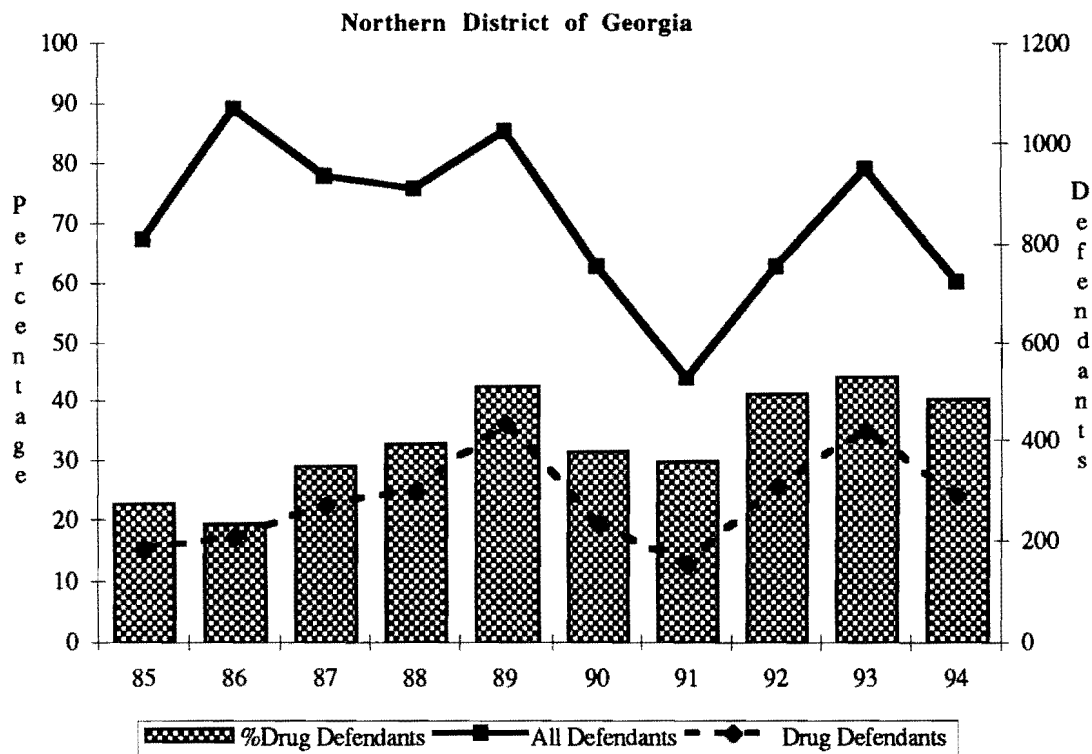
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

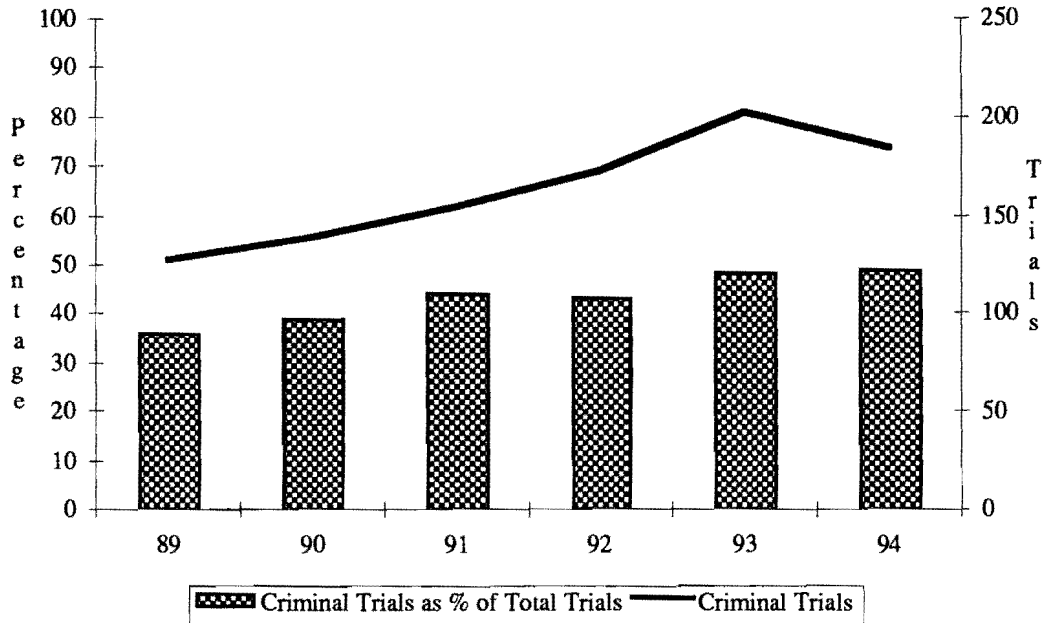
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Northern District of Georgia**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Middle District of Georgia

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

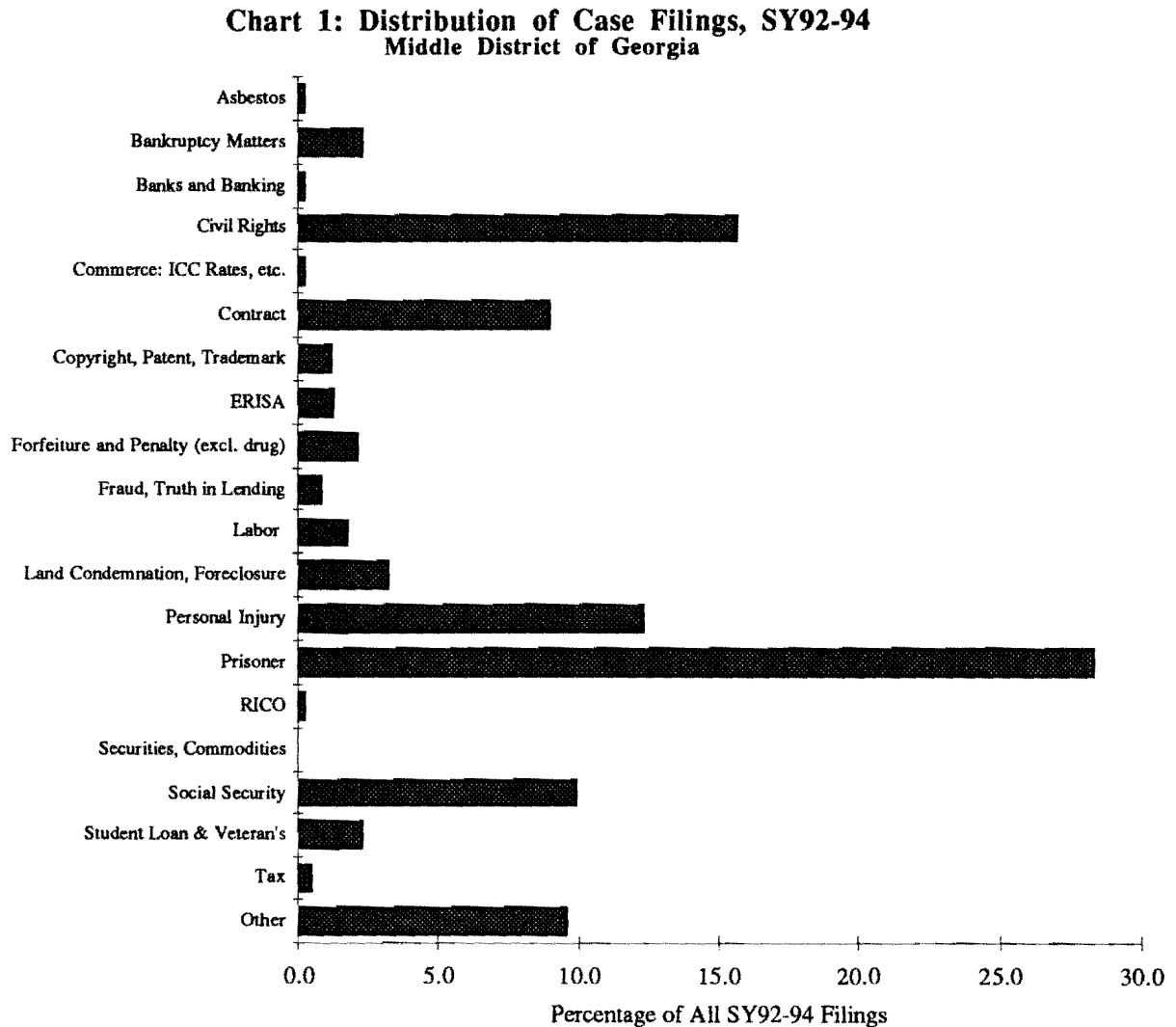
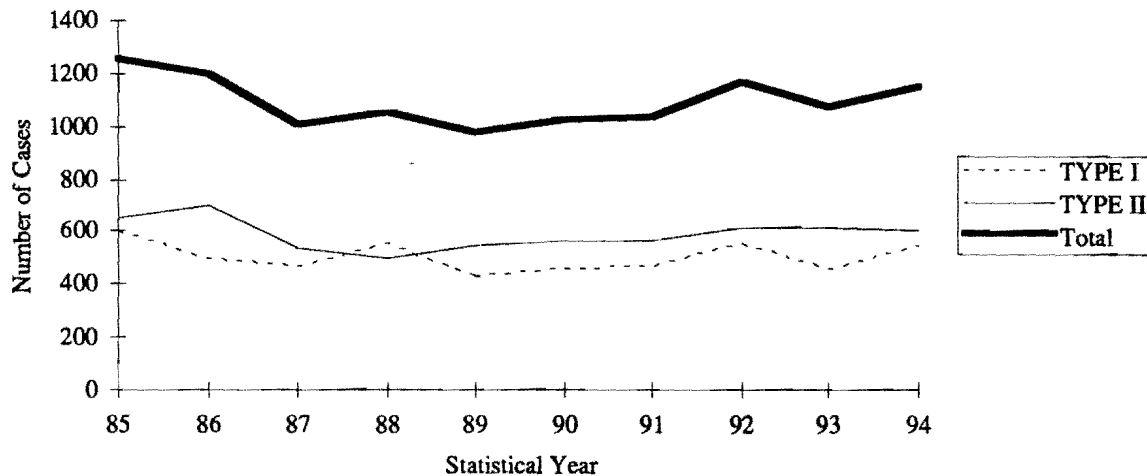


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of Georgia

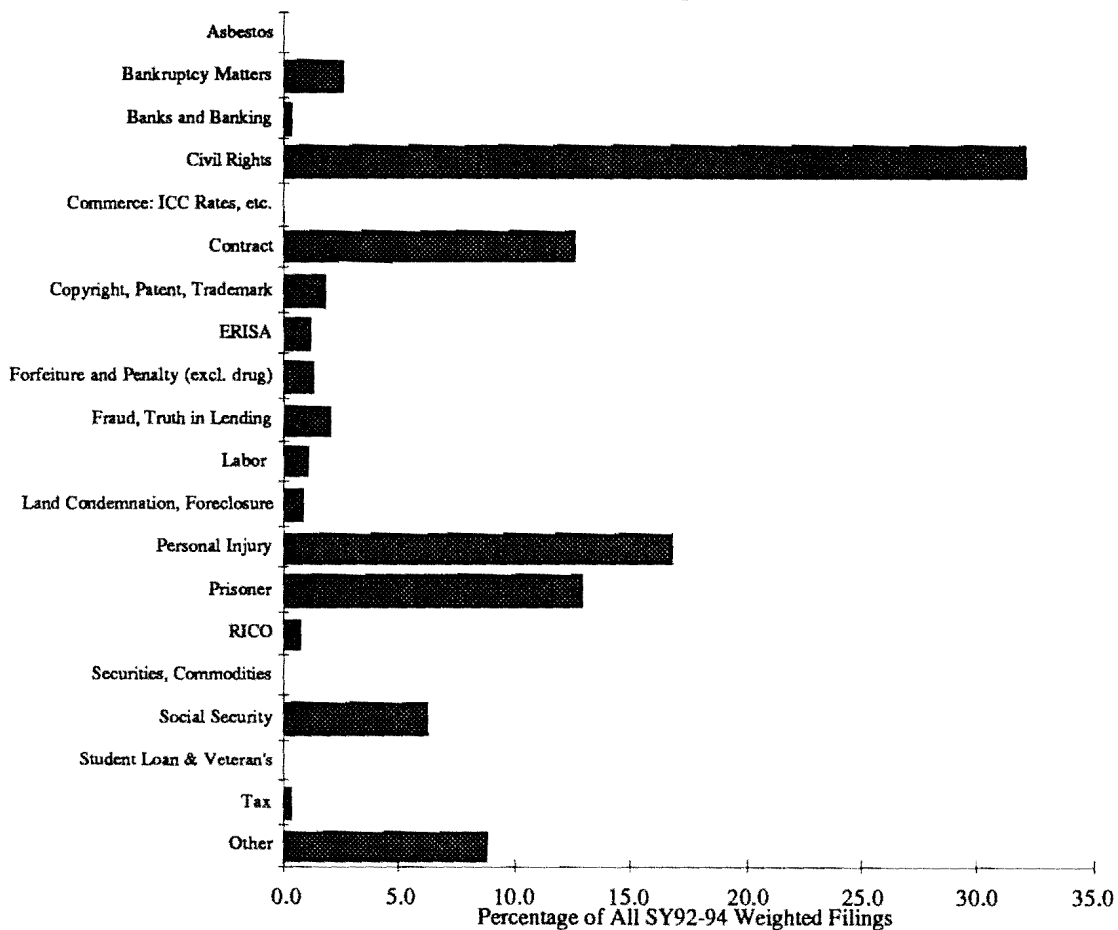


**Table 1: Filings by Case Type, SY85-94**

Middle District of Georgia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	1	0	21	23	1	0	0	4	0	1
Bankruptcy Matters	32	25	29	21	21	13	11	24	17	35
Banks and Banking	0	0	1	0	0	2	4	3	1	1
Civil Rights	82	108	110	101	99	110	98	171	179	179
Commerce: ICC Rates, etc.	2	4	1	0	0	0	0	5	0	0
Contract	253	248	165	127	161	116	132	103	117	84
Copyright, Patent, Trademark	16	16	14	12	19	13	9	17	7	14
ERISA	2	5	2	7	9	9	9	11	16	14
Forfeiture and Penalty (excl. drug)	12	13	11	16	14	36	20	24	10	35
Fraud, Truth in Lending	12	9	8	2	4	7	7	4	7	14
Labor	22	14	22	22	19	24	19	16	18	23
Land Condemnation, Foreclosure	39	57	8	57	58	109	95	79	26	3
Personal Injury	121	172	122	129	135	118	147	146	137	134
Prisoner	115	115	235	252	239	221	238	299	279	384
RICO	0	2	1	4	2	1	2	0	4	1
Securities, Commodities	4	1	0	3	1	4	3	1	0	0
Social Security	137	116	99	110	60	70	90	113	113	108
Student Loan and Veteran's	280	187	77	91	54	47	37	41	23	13
Tax	23	16	12	18	25	19	22	7	5	4
All Other	105	90	69	61	56	108	94	106	111	105
All Civil Cases	1258	1198	1007	1056	977	1027	1037	1174	1070	1152

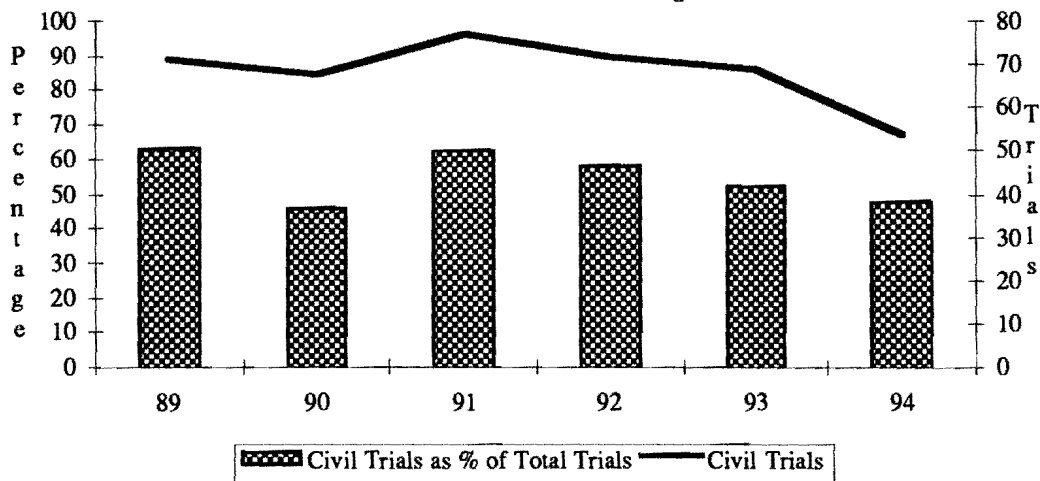
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of Georgia**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of Georgia**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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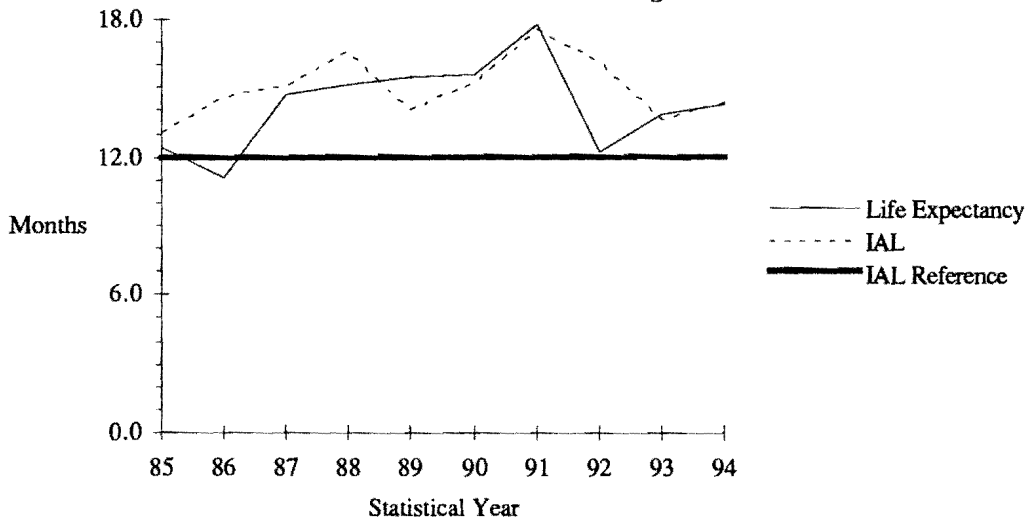
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



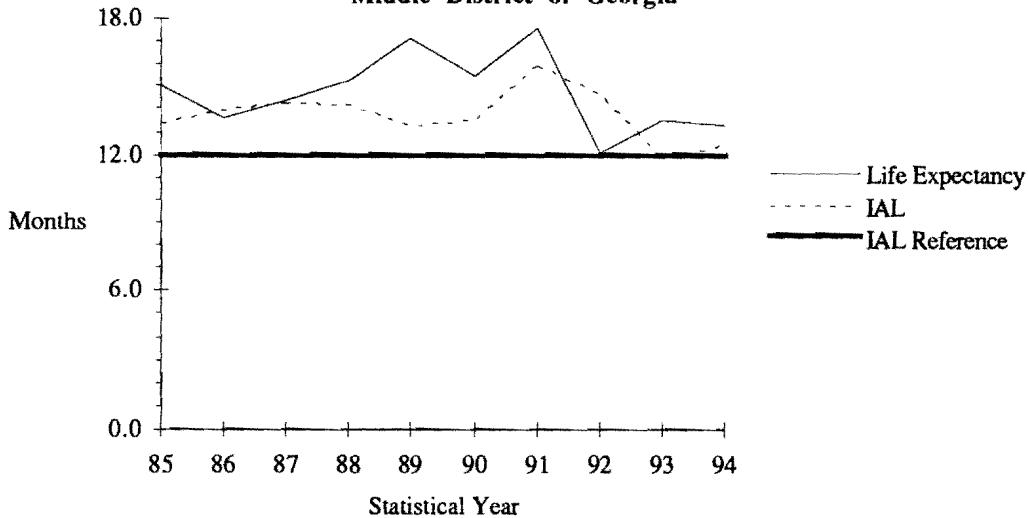
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of Georgia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of Georgia**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Middle District of Georgia**  
 Termination Category (Percent 3 or more years old)

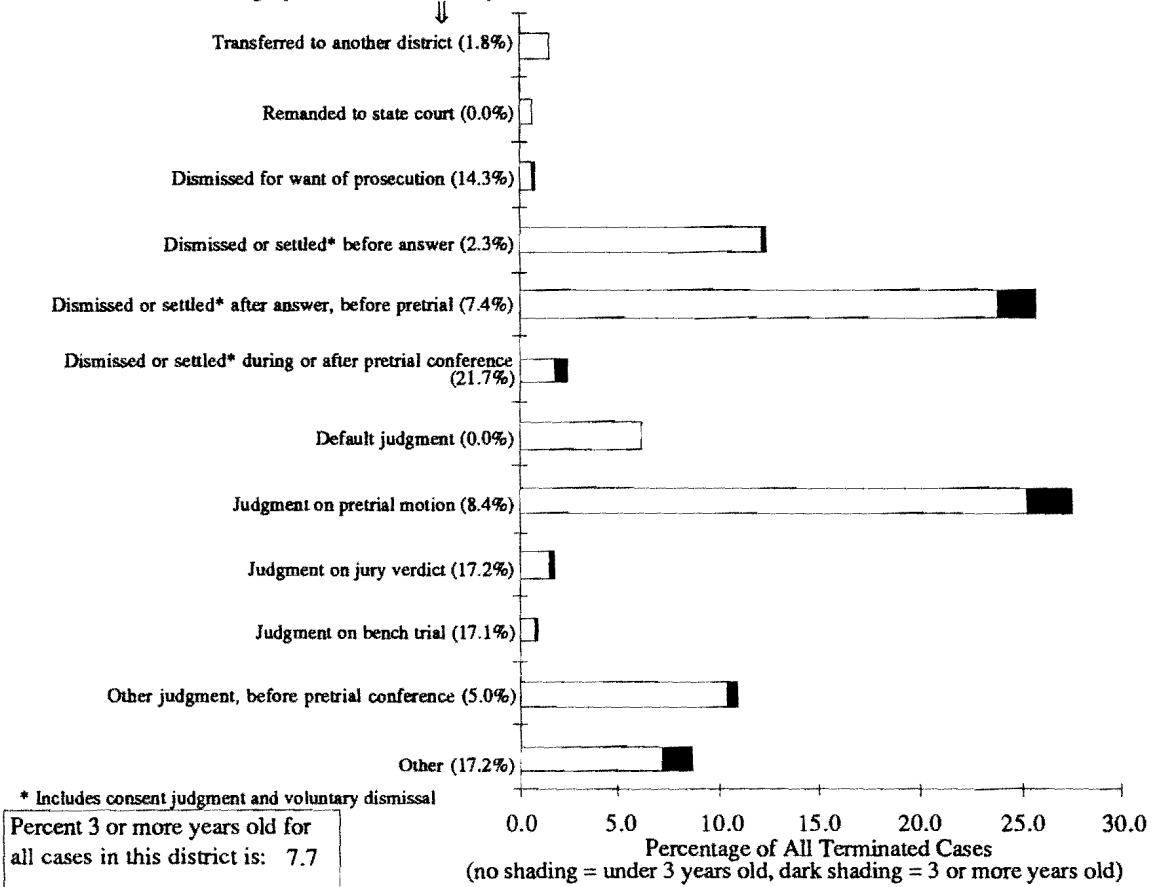
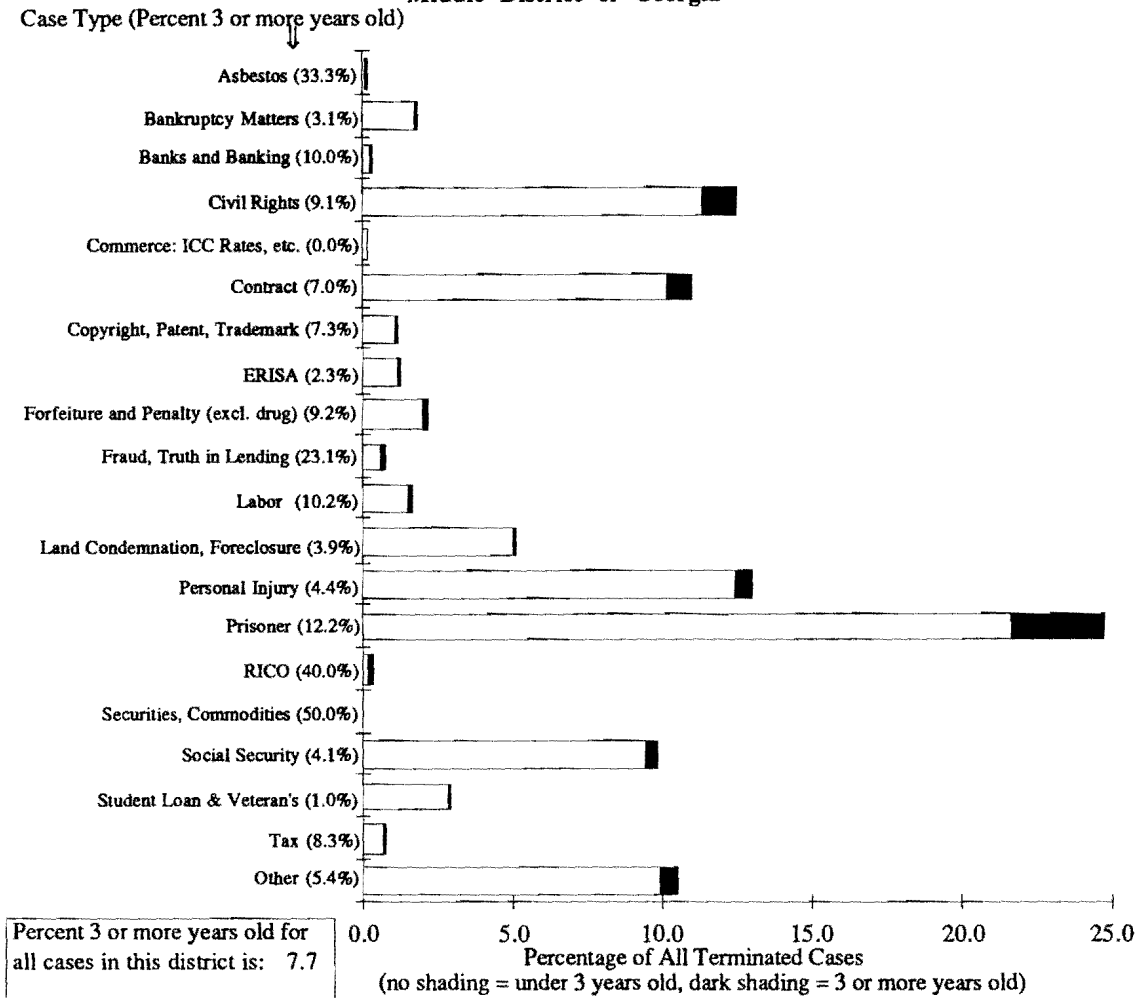


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of Georgia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

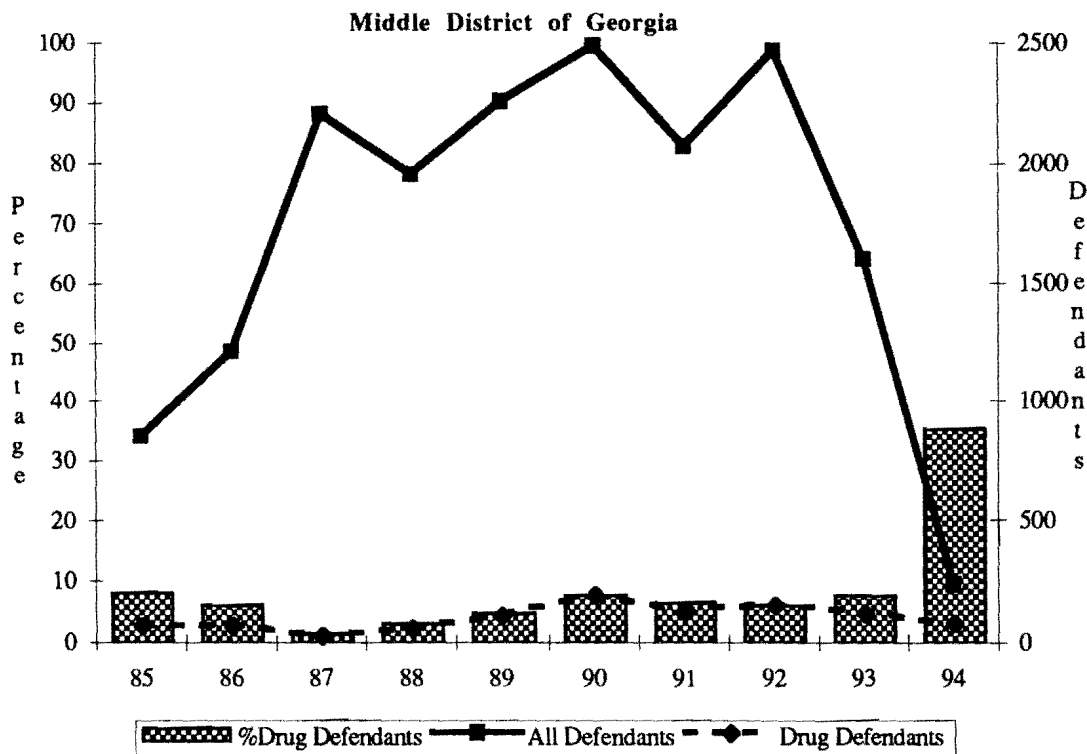
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

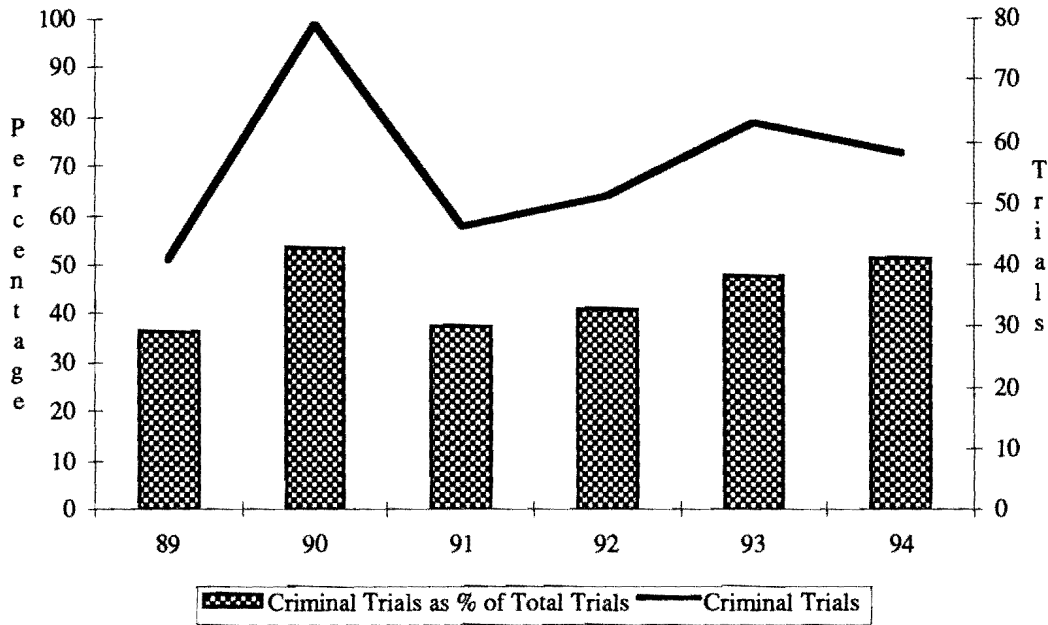
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

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**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of Georgia

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

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- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of Georgia

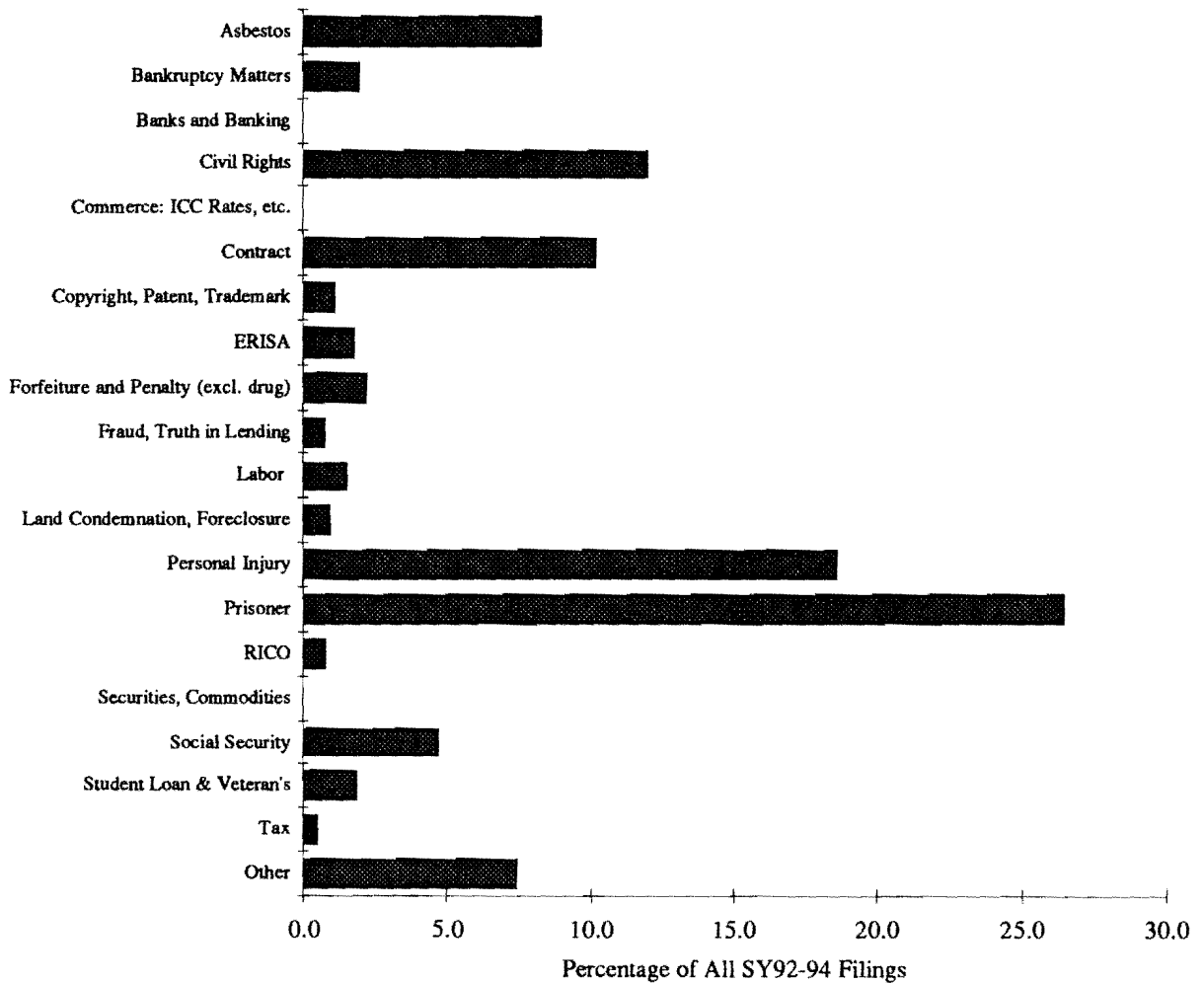
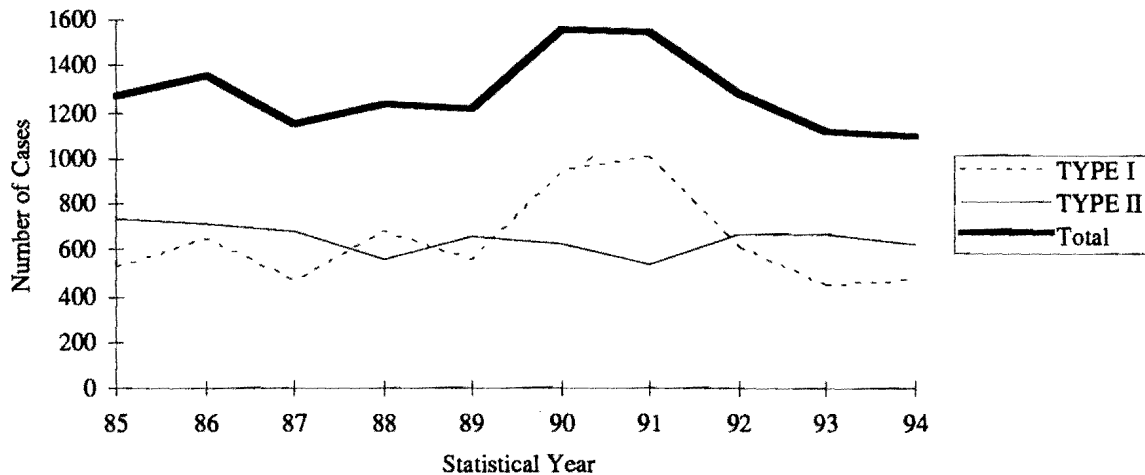


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of Georgia

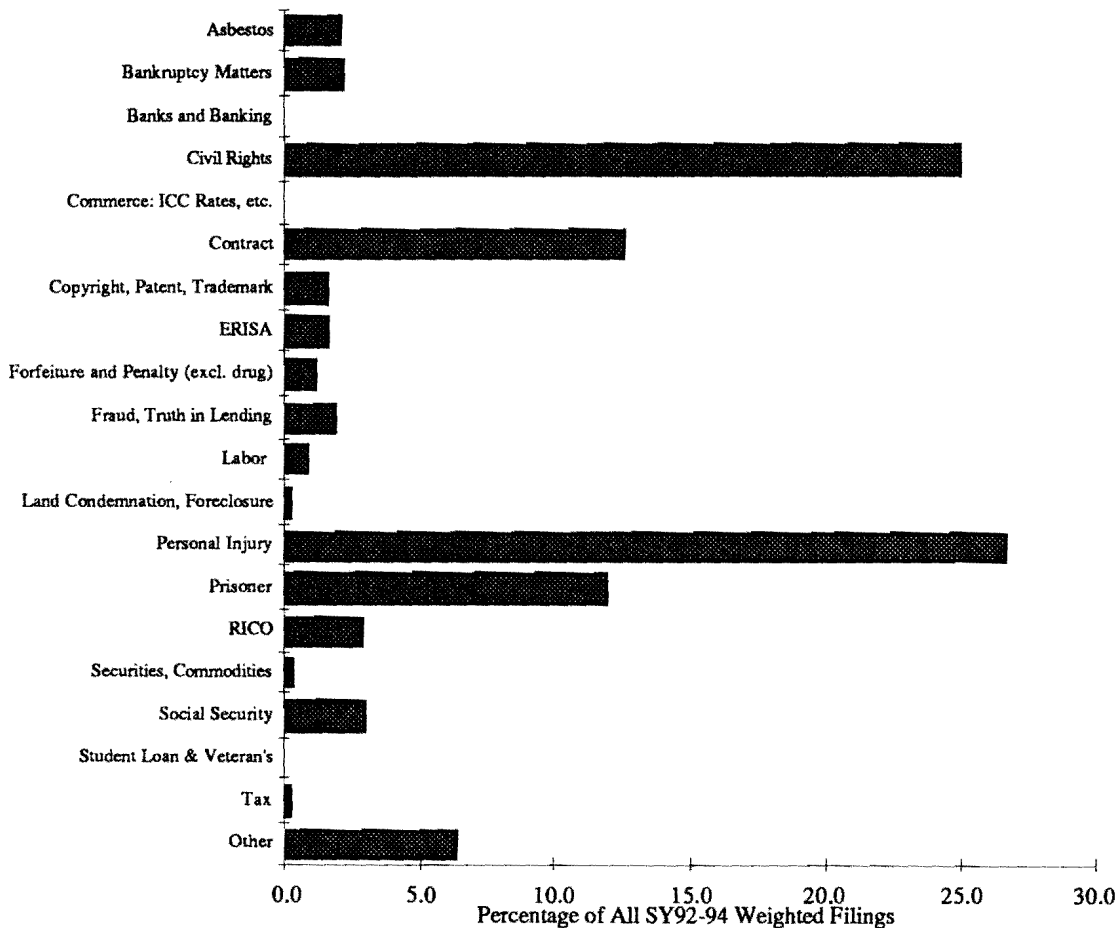


**Table 1: Filings by Case Type, SY85-94**

Southern District of Georgia	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	34	65	86	195	111	538	675	189	57	42
Bankruptcy Matters	25	16	23	15	19	28	18	21	30	15
Banks and Banking	1	1	0	1	1	0	0	0	1	0
Civil Rights	81	97	98	67	78	79	54	127	140	150
Commerce: ICC Rates, etc.	2	0	1	0	1	1	2	0	0	1
Contract	275	251	239	209	221	182	132	133	113	107
Copyright, Patent, Trademark	6	5	4	9	14	8	5	15	10	10
ERISA	1	3	10	7	10	17	14	22	21	18
Forfeiture and Penalty (excl. drug)	24	5	14	25	32	52	48	19	41	16
Fraud, Truth in Lending	10	12	5	6	7	6	8	4	10	9
Labor	14	17	19	32	15	12	13	22	14	15
Land Condemnation, Foreclosure	46	91	40	80	120	52	12	14	11	4
Personal Injury	195	201	193	137	189	174	176	215	221	211
Prisoner	186	241	204	227	190	228	218	291	285	347
RICO	0	0	3	0	4	3	2	18	6	1
Securities, Commodities	1	1	1	2	1	2	4	2	1	1
Social Security	108	64	55	95	47	53	46	57	49	55
Student Loan and Veteran's	129	171	61	65	70	39	35	37	20	7
Tax	12	9	5	4	8	9	8	7	5	3
All Other	117	105	87	60	78	75	76	86	85	86
All Civil Cases	1267	1355	1148	1236	1216	1558	1546	1279	1120	1098

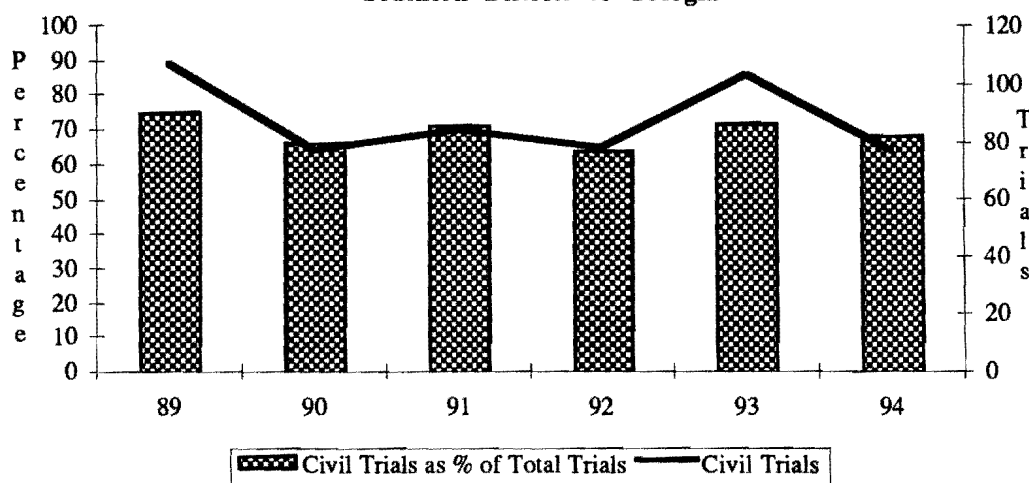
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Southern District of Georgia**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Southern District of Georgia**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

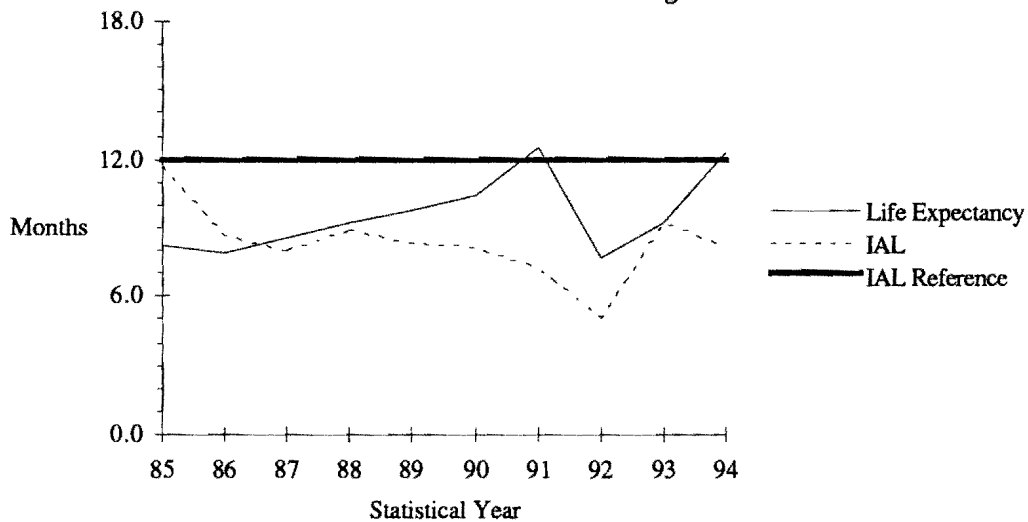
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

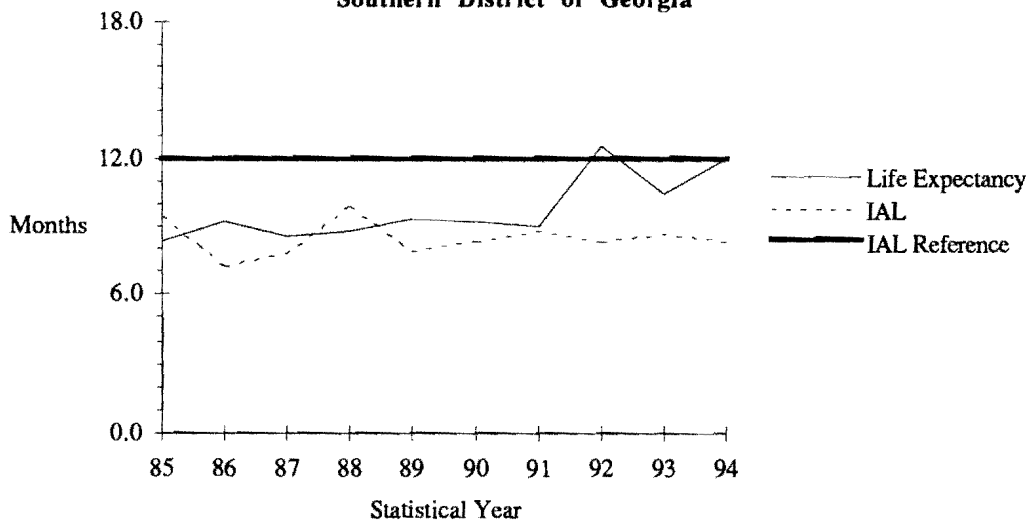
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of Georgia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of Georgia**



**e. Three-year-old cases.** The *MgmRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Southern District of Georgia**  
 Termination Category (Percent 3 or more years old)

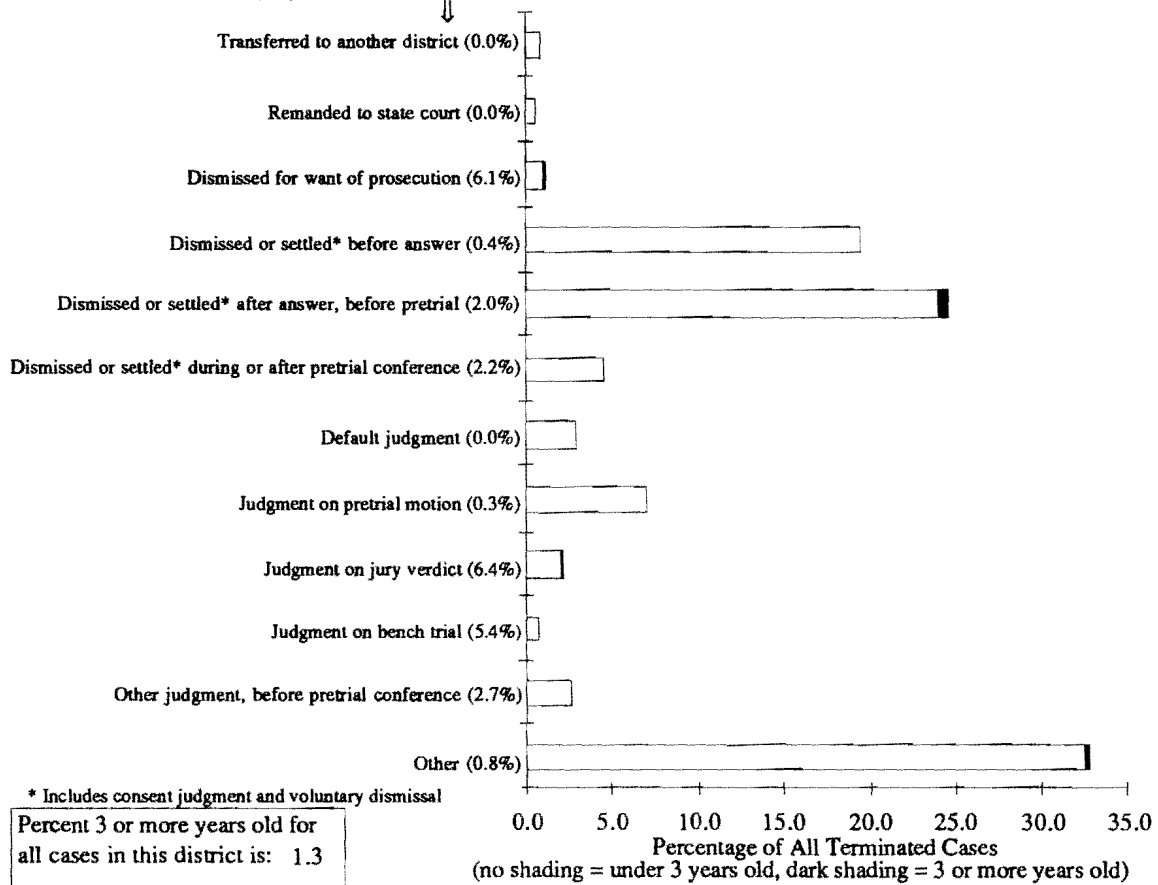
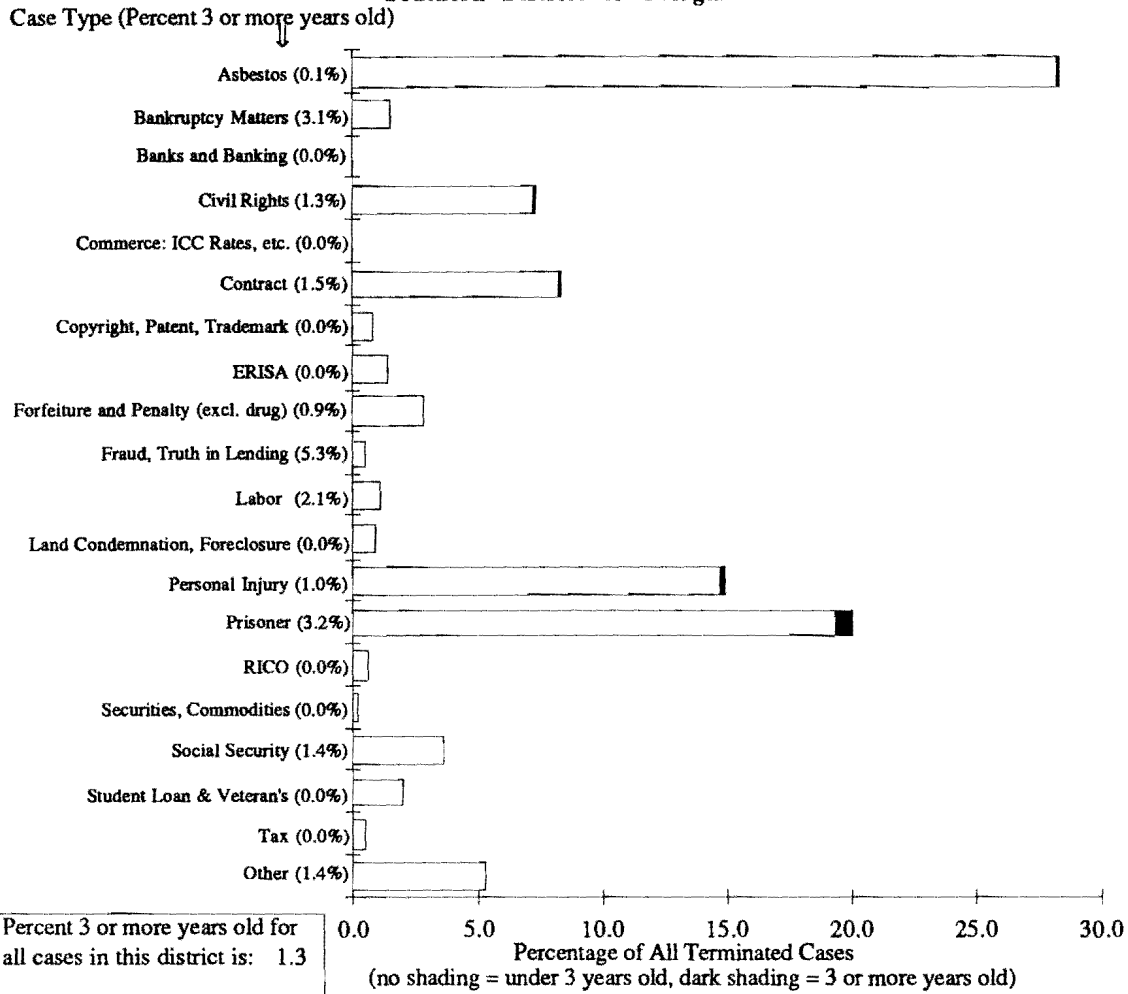


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of Georgia



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

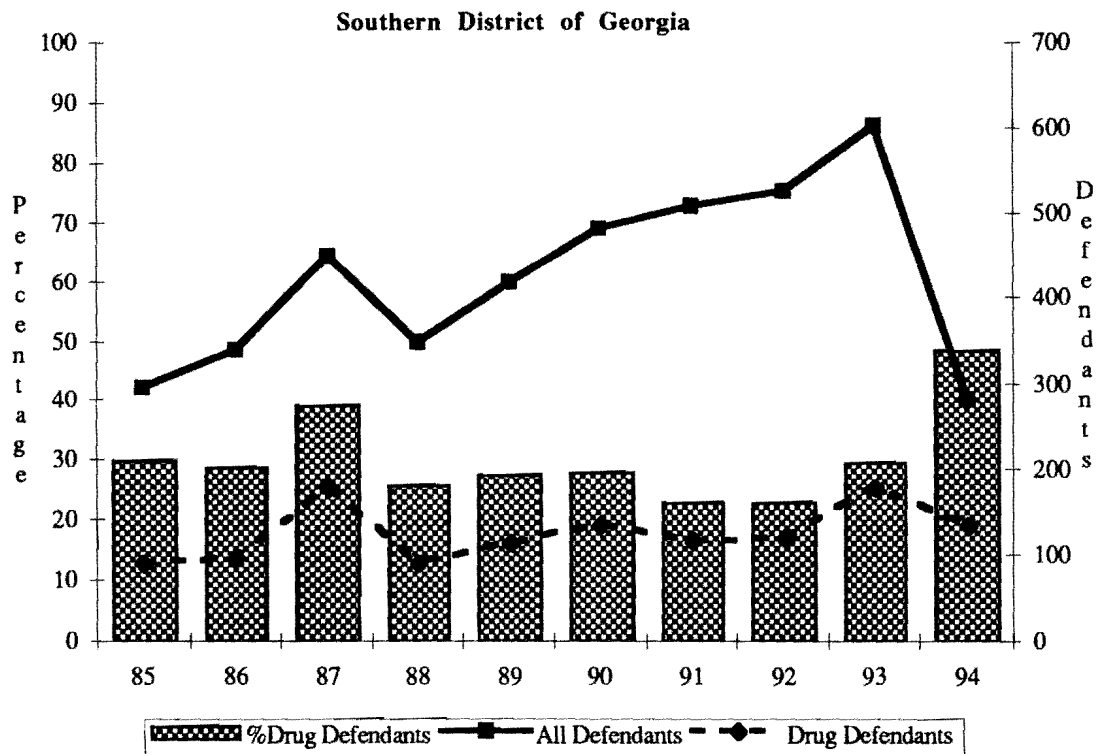
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

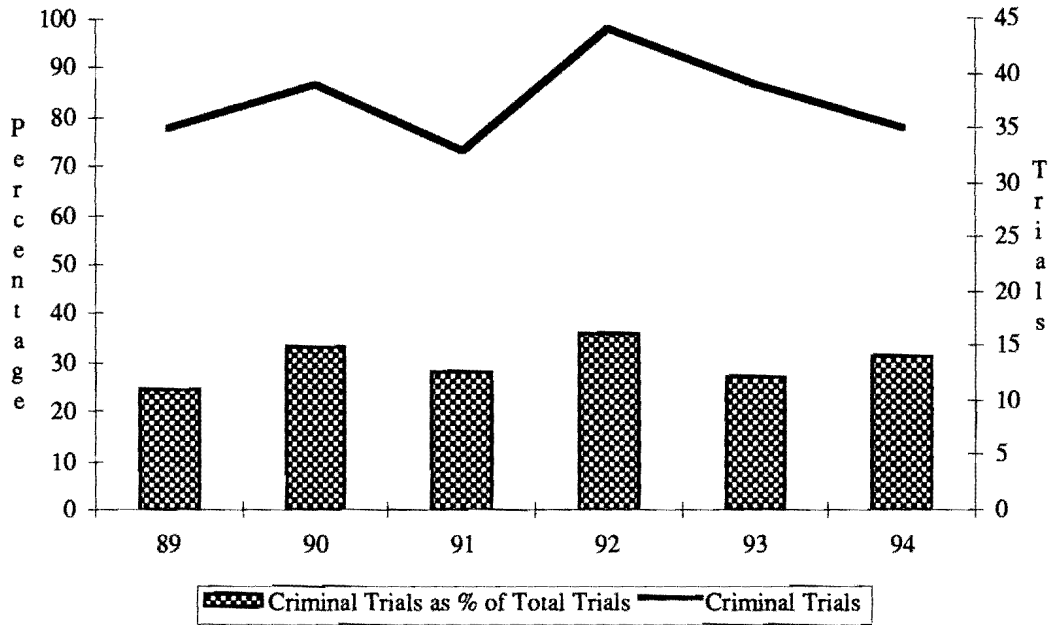
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Southern District of Georgia



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of Louisiana

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94  
Eastern District of Louisiana**

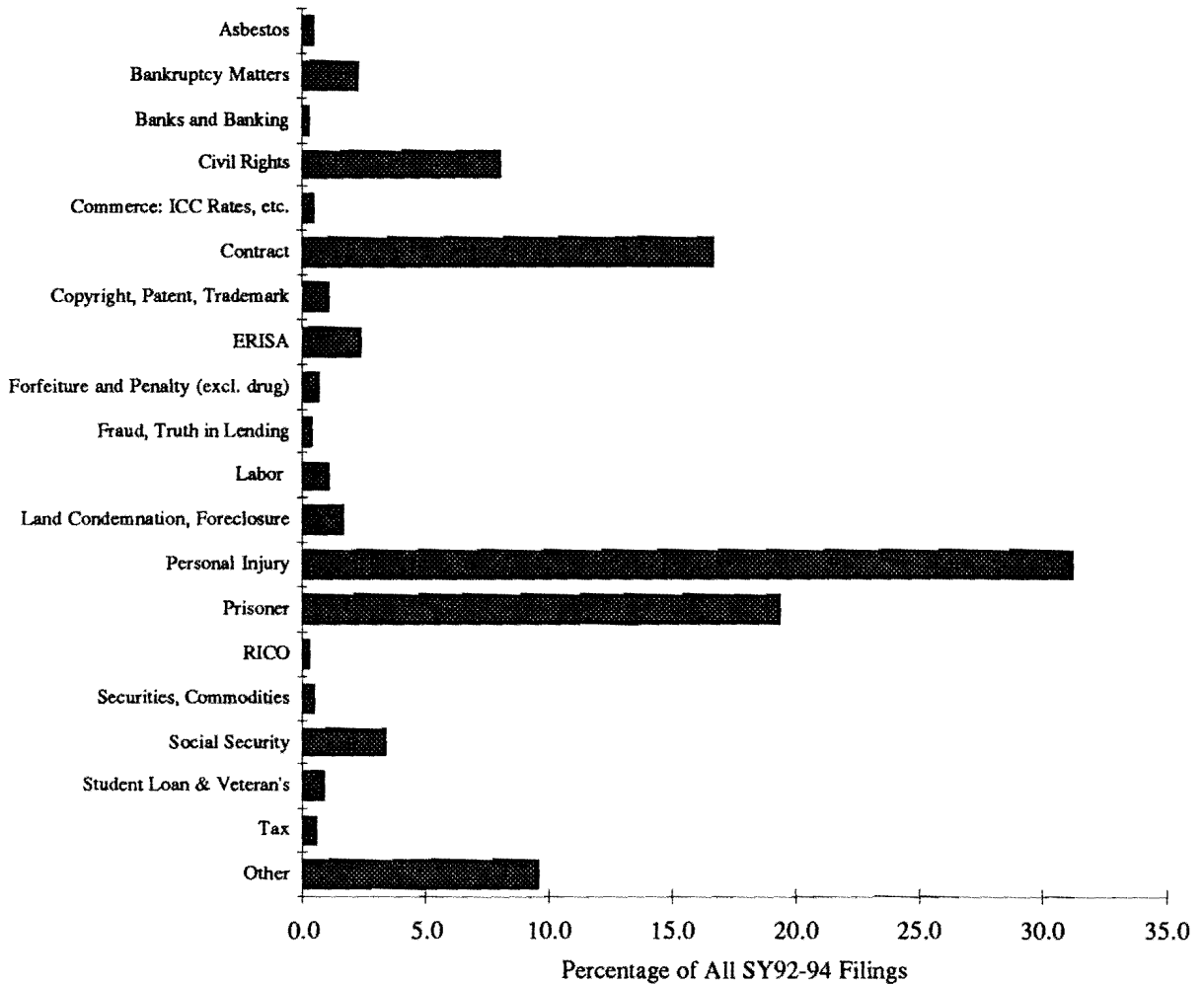
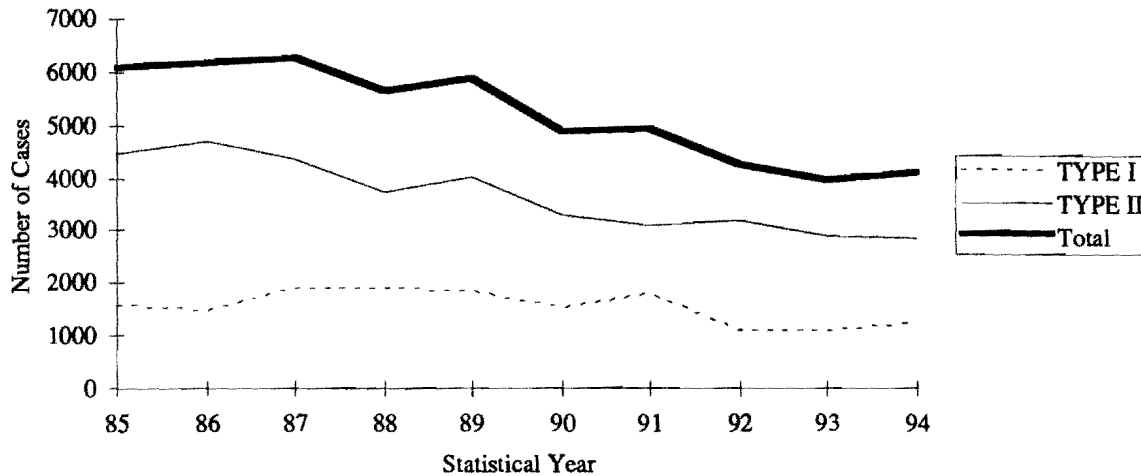


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of Louisiana

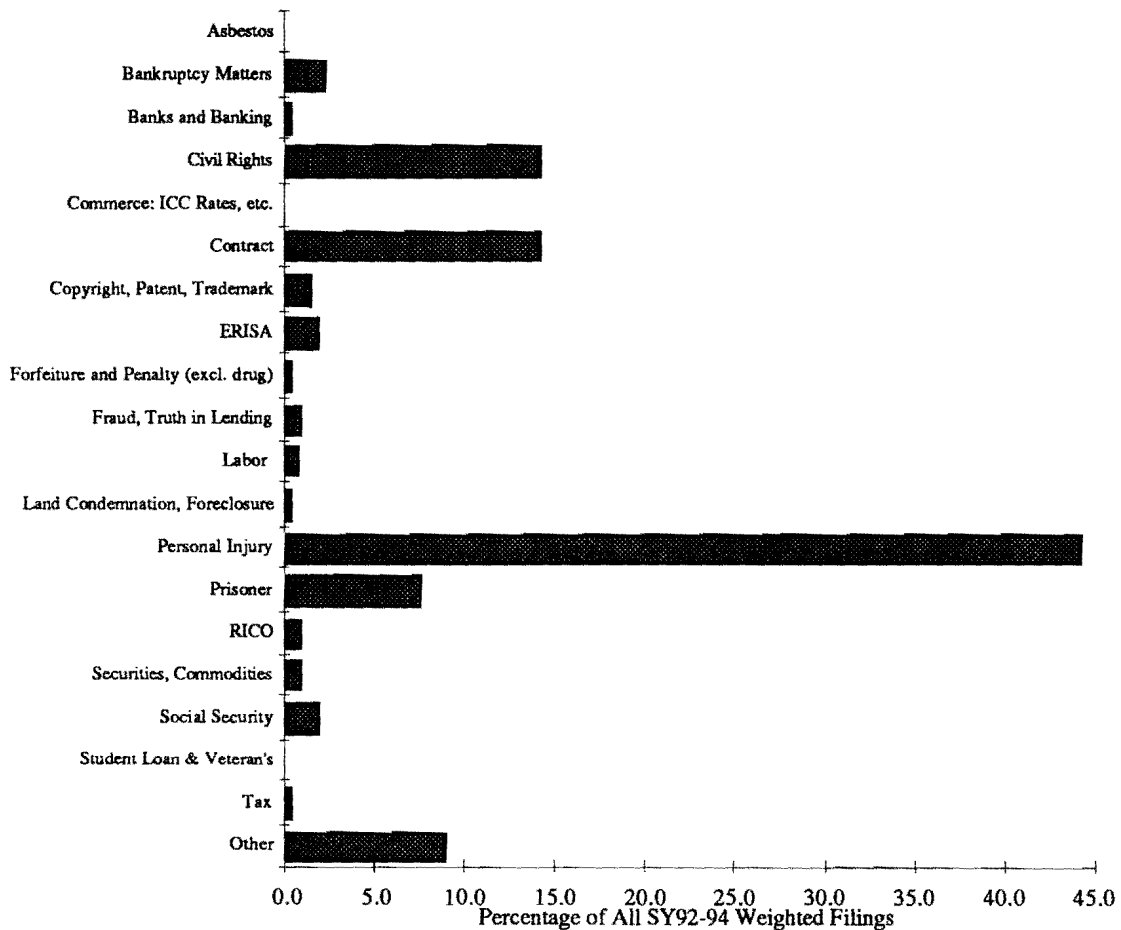


**Table 1: Filings by Case Type, SY85-94**

Eastern District of Louisiana	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	55	117	84	63	66	130	561	13	15	23
Bankruptcy Matters	28	43	74	75	68	77	81	77	78	121
Banks and Banking	5	20	18	5	15	11	7	14	13	3
Civil Rights	363	383	354	321	312	258	252	328	301	362
Commerce: ICC Rates, etc.	8	9	5	2	2	4	3	34	4	11
Contract	1268	1418	1223	1051	1241	819	726	778	693	587
Copyright, Patent, Trademark	32	32	41	50	44	29	30	43	45	38
ERISA	25	32	63	47	81	84	95	96	98	95
Forfeiture and Penalty (excl. drug)	19	21	30	37	41	41	18	15	26	29
Fraud, Truth in Lending	21	19	20	18	10	8	17	16	12	12
Labor	57	57	61	60	44	42	41	44	42	44
Land Condemnation, Foreclosure	61	244	191	217	209	111	64	45	56	98
Personal Injury	2118	2127	2031	1698	1757	1581	1446	1335	1262	1269
Prisoner	472	490	1270	1268	1237	1070	967	751	756	881
RICO	0	22	30	24	31	19	9	7	8	13
Securities, Commodities	47	56	40	24	29	19	44	26	11	8
Social Security	223	141	175	173	133	80	102	140	167	99
Student Loan and Veteran's	764	474	133	115	144	82	51	59	18	19
Tax	51	35	37	42	33	52	21	25	22	17
All Other	453	467	411	355	389	350	399	436	368	378
All Civil Cases	6070	6207	6291	5645	5886	4867	4934	4282	3995	4107

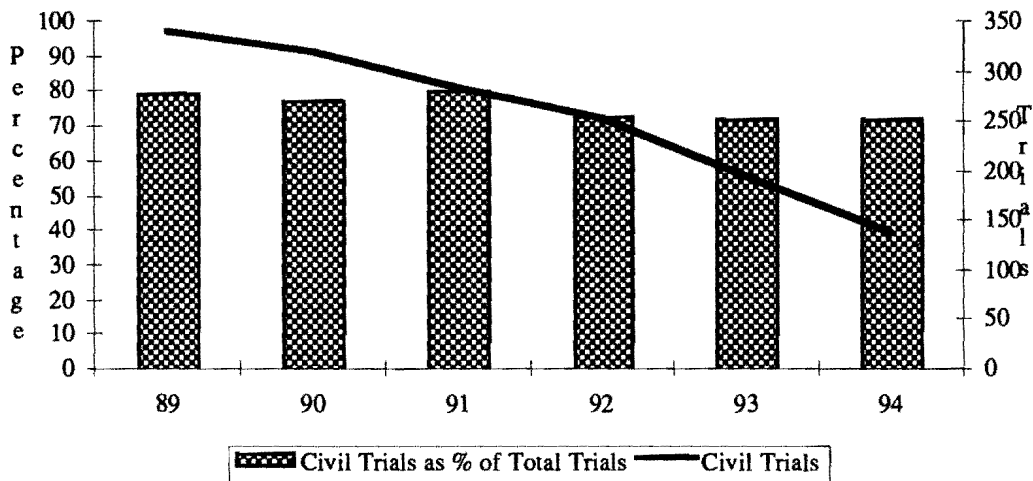
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Eastern District of Louisiana**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Eastern District of Louisiana**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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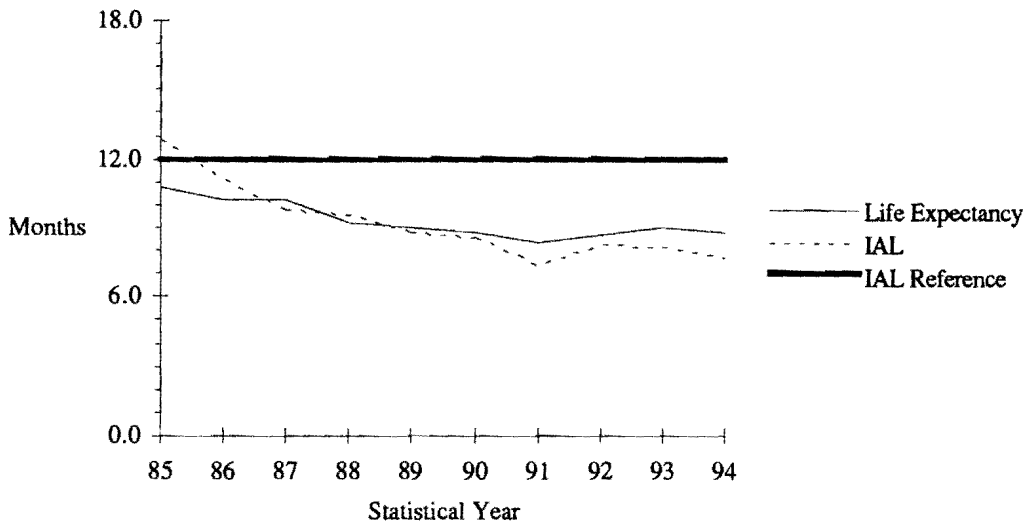
A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12



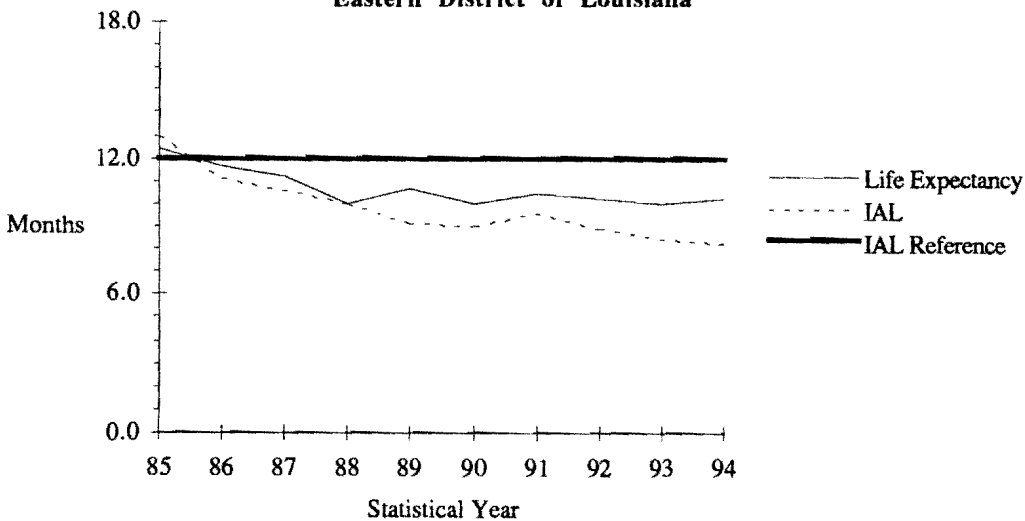
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Eastern District of Louisiana**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Eastern District of Louisiana**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Eastern District of Louisiana**  
 Termination Category (Percent 3 or more years old)

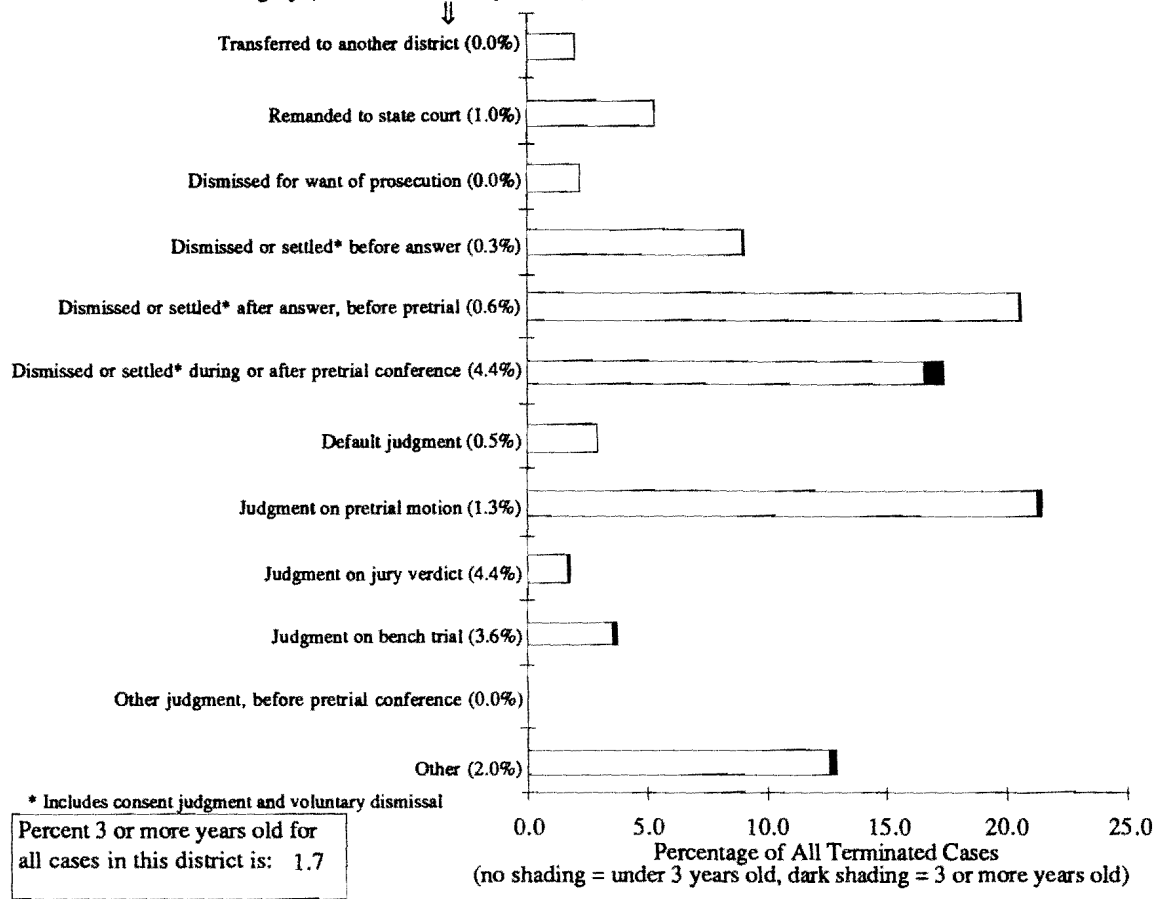
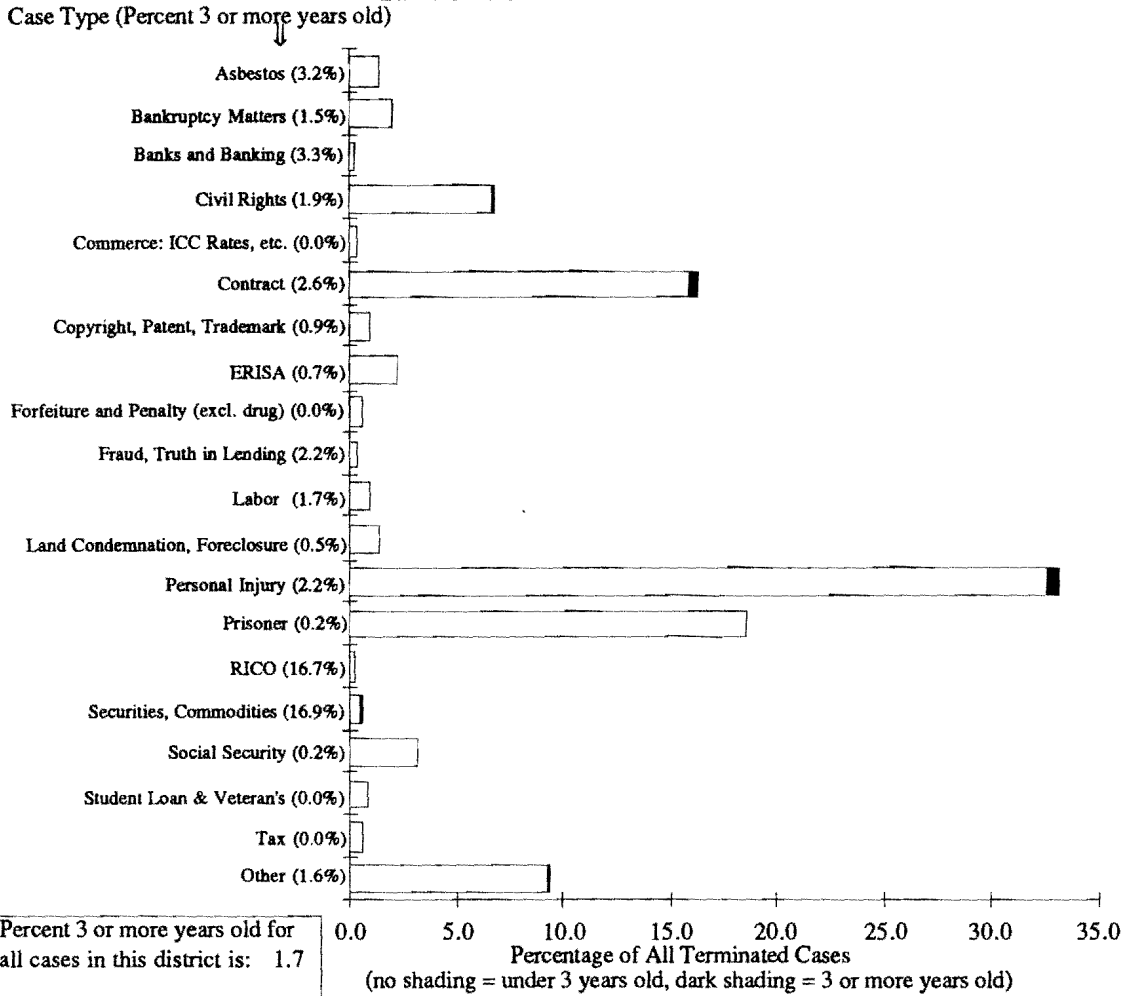


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of Louisiana



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

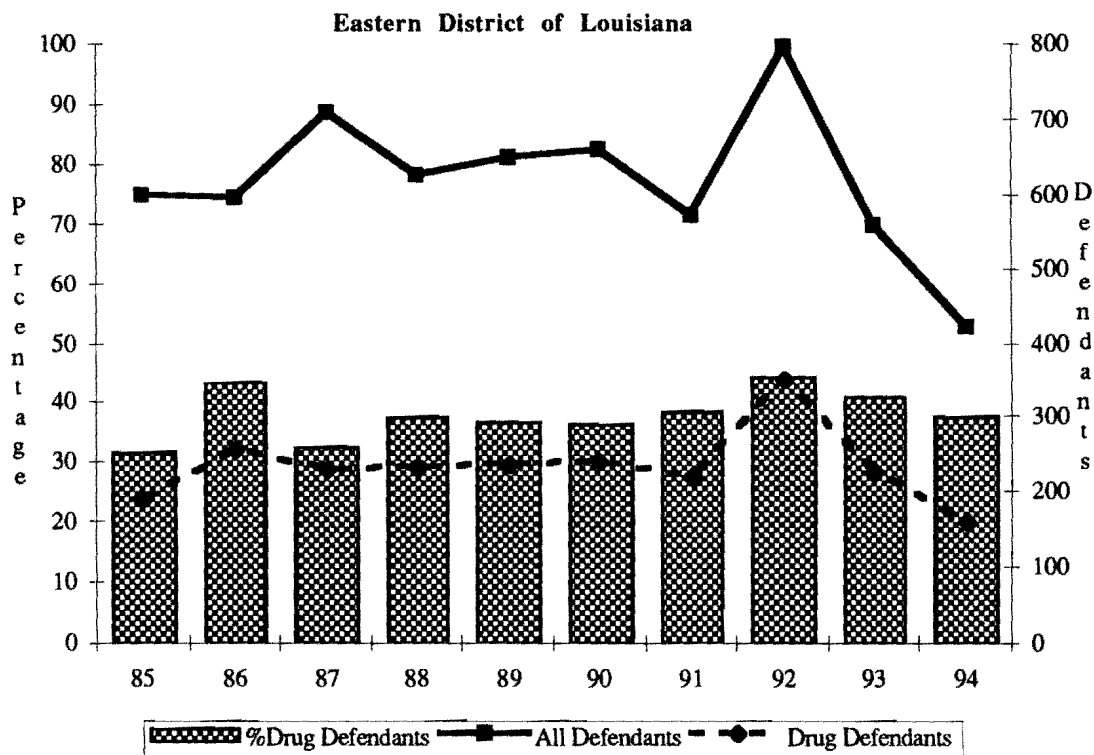
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

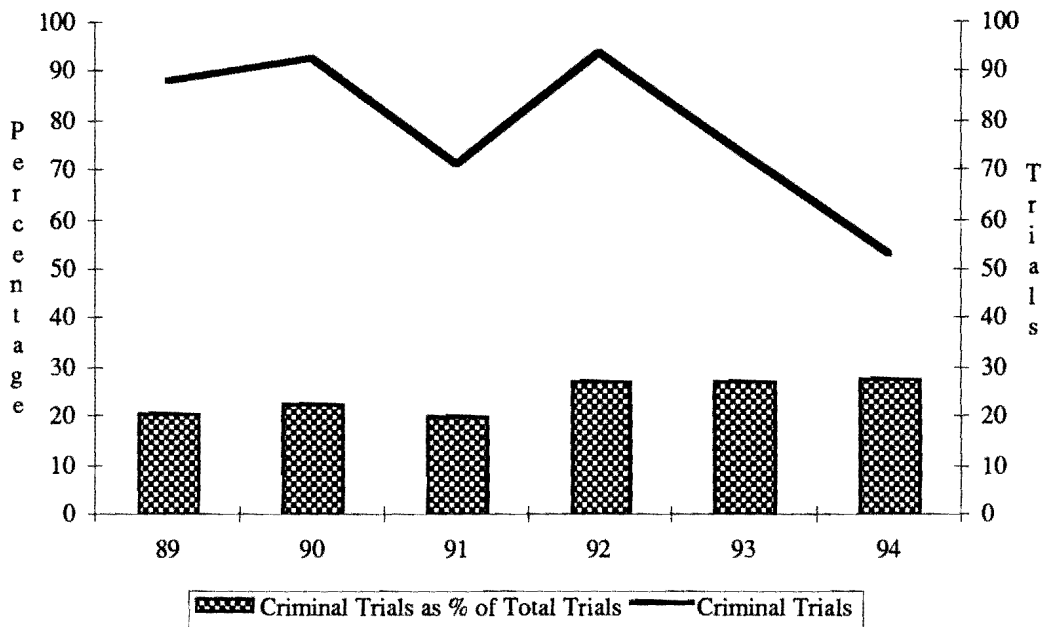
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**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Eastern District of Louisiana



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Middle District of Louisiana

## NOTES:

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**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Middle District of Louisiana

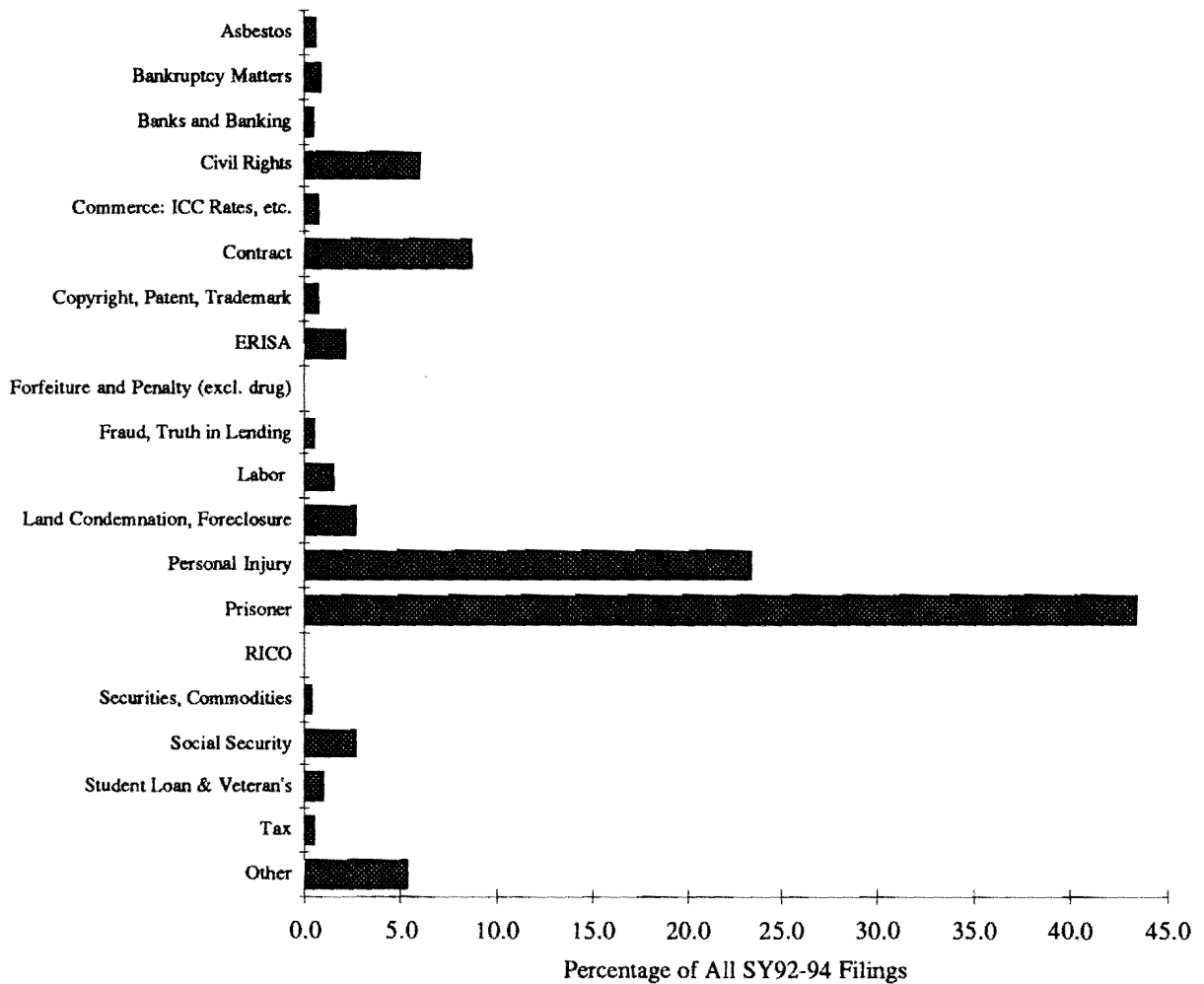
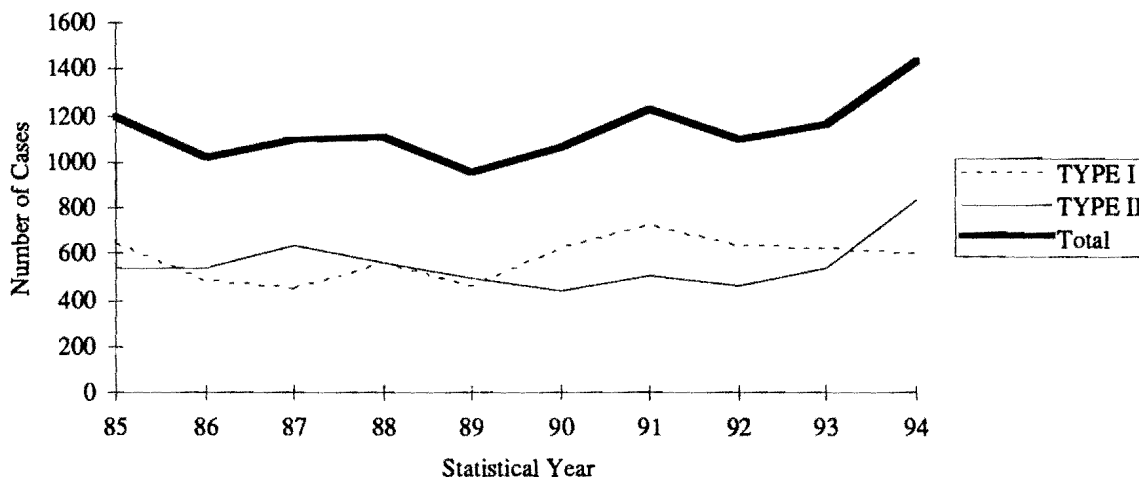


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Middle District of Louisiana

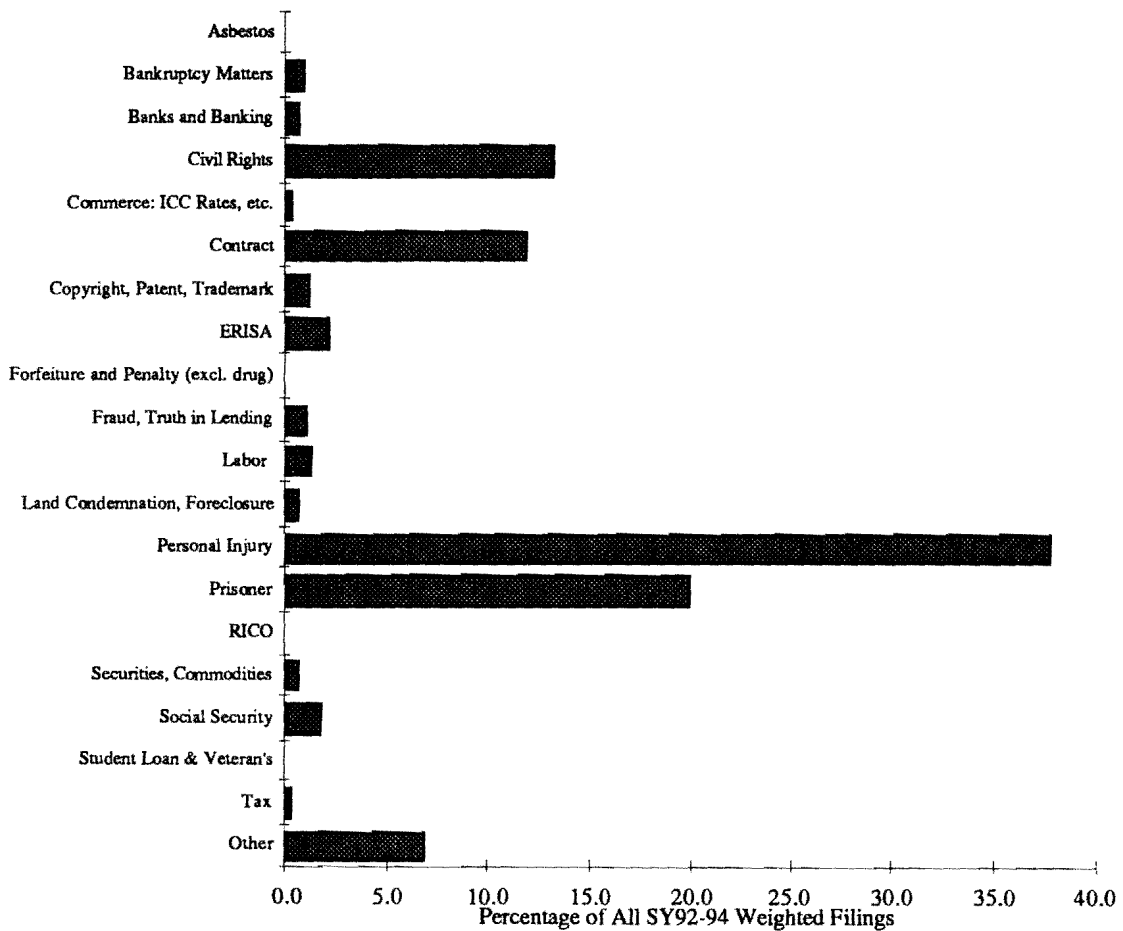


**Table 1: Filings by Case Type, SY85-94**

Middle District of Louisiana	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	4	23	30	30	11	6	13	2	12	5
Bankruptcy Matters	16	14	18	50	17	11	10	9	8	10
Banks and Banking	1	6	0	8	8	4	10	5	5	2
Civil Rights	88	90	88	73	66	38	63	61	67	90
Commerce: ICC Rates, etc.	1	1	1	0	1	3	0	19	0	4
Contract	160	159	219	216	150	132	124	112	107	98
Copyright, Patent, Trademark	10	11	22	5	10	13	5	7	9	8
ERISA	13	4	8	18	17	22	26	30	22	26
Forfeiture and Penalty (excl. drug)	2	8	13	5	2	2	3	2	3	2
Fraud, Truth in Lending	2	6	4	5	3	4	0	5	7	1
Labor	14	16	15	18	8	12	16	17	17	20
Land Condemnation, Foreclosure	45	33	54	49	56	36	52	56	4	34
Personal Injury	166	170	172	150	166	144	179	143	201	515
Prisoner	389	262	293	344	283	530	597	528	564	510
RICO	0	0	1	2	4	1	1	0	0	1
Securities, Commodities	15	6	14	3	4	1	1	2	1	5
Social Security	27	31	29	49	33	13	31	31	30	34
Student Loan and Veteran's	171	118	29	33	59	30	20	12	11	12
Tax	3	2	10	6	6	8	2	7	6	3
All Other	66	57	74	48	49	52	74	49	89	59
All Civil Cases	1193	1017	1094	1112	953	1062	1227	1097	1163	1439

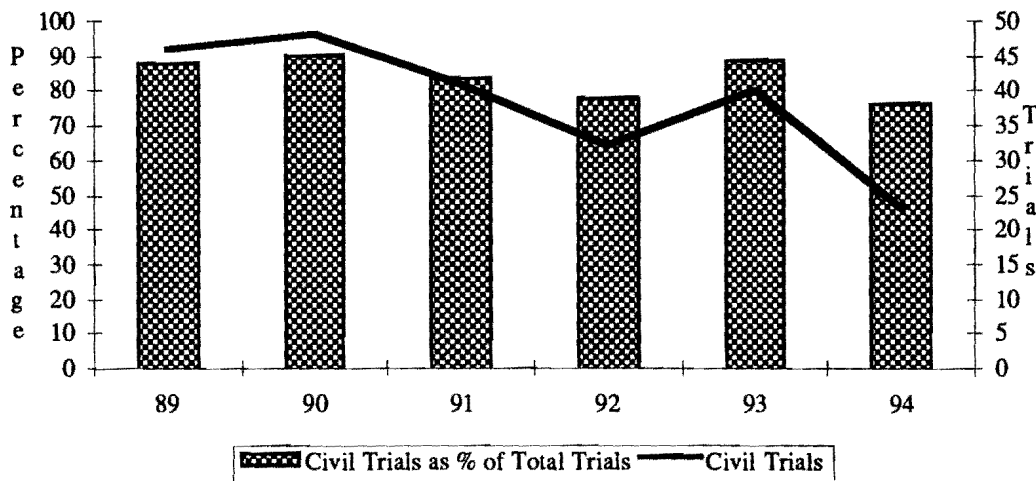
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Middle District of Louisiana**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Middle District of Louisiana**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

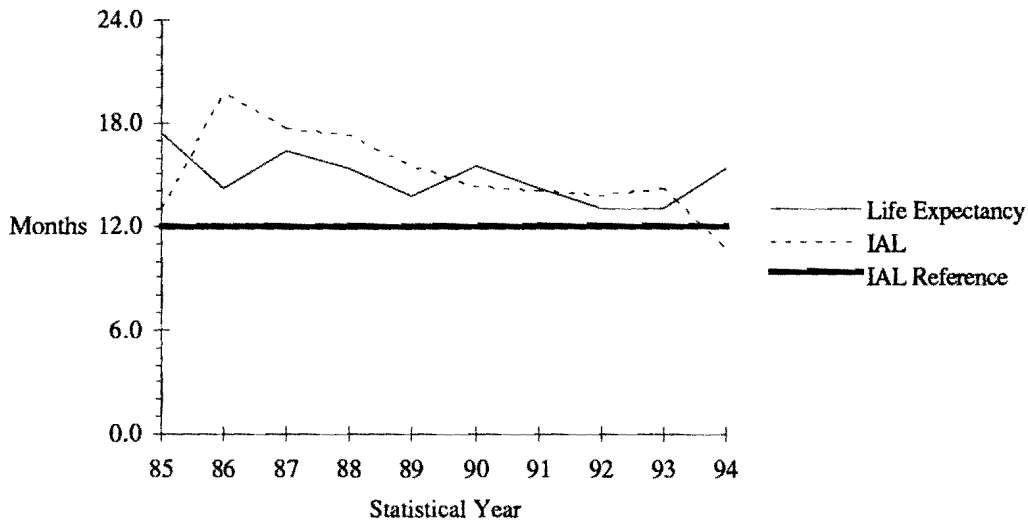
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

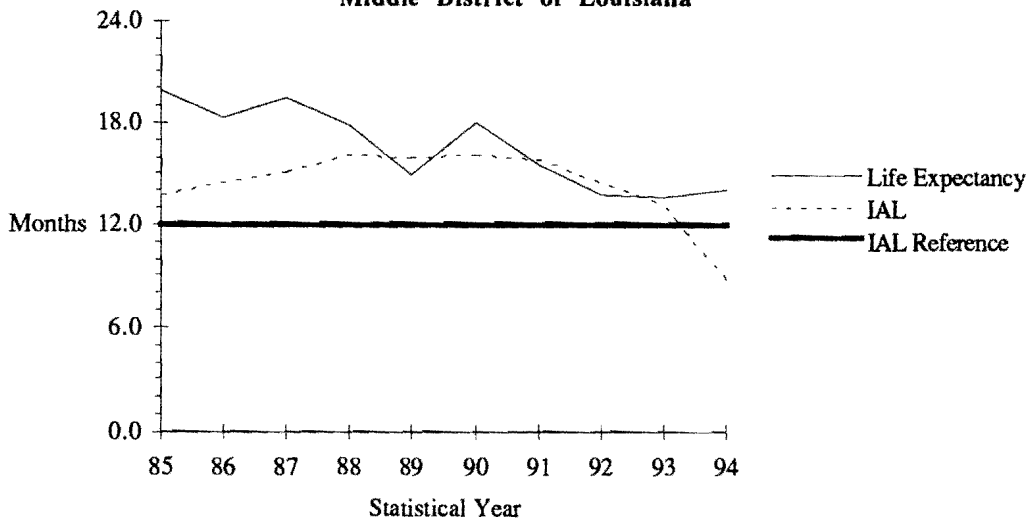
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Middle District of Louisiana**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Middle District of Louisiana**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Middle District of Louisiana**  
 Termination Category (Percent 3 or more years old)

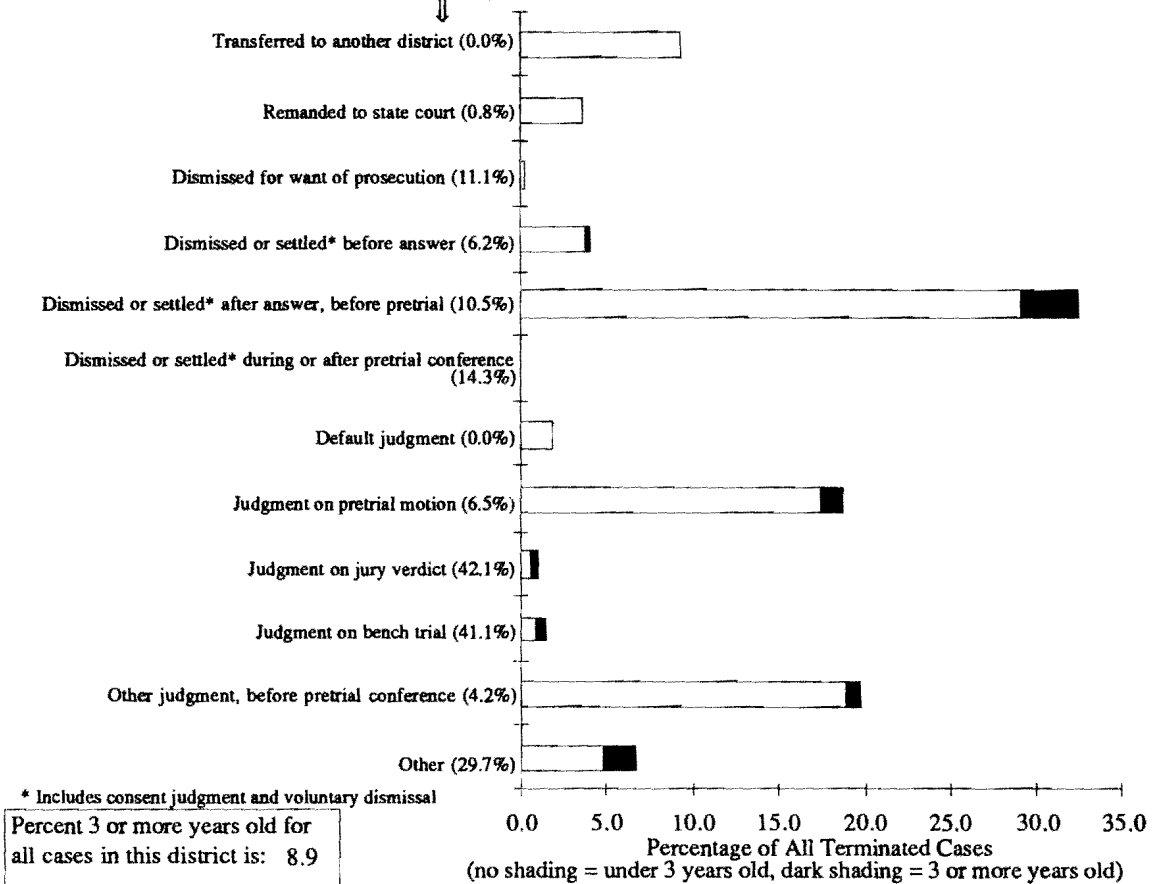
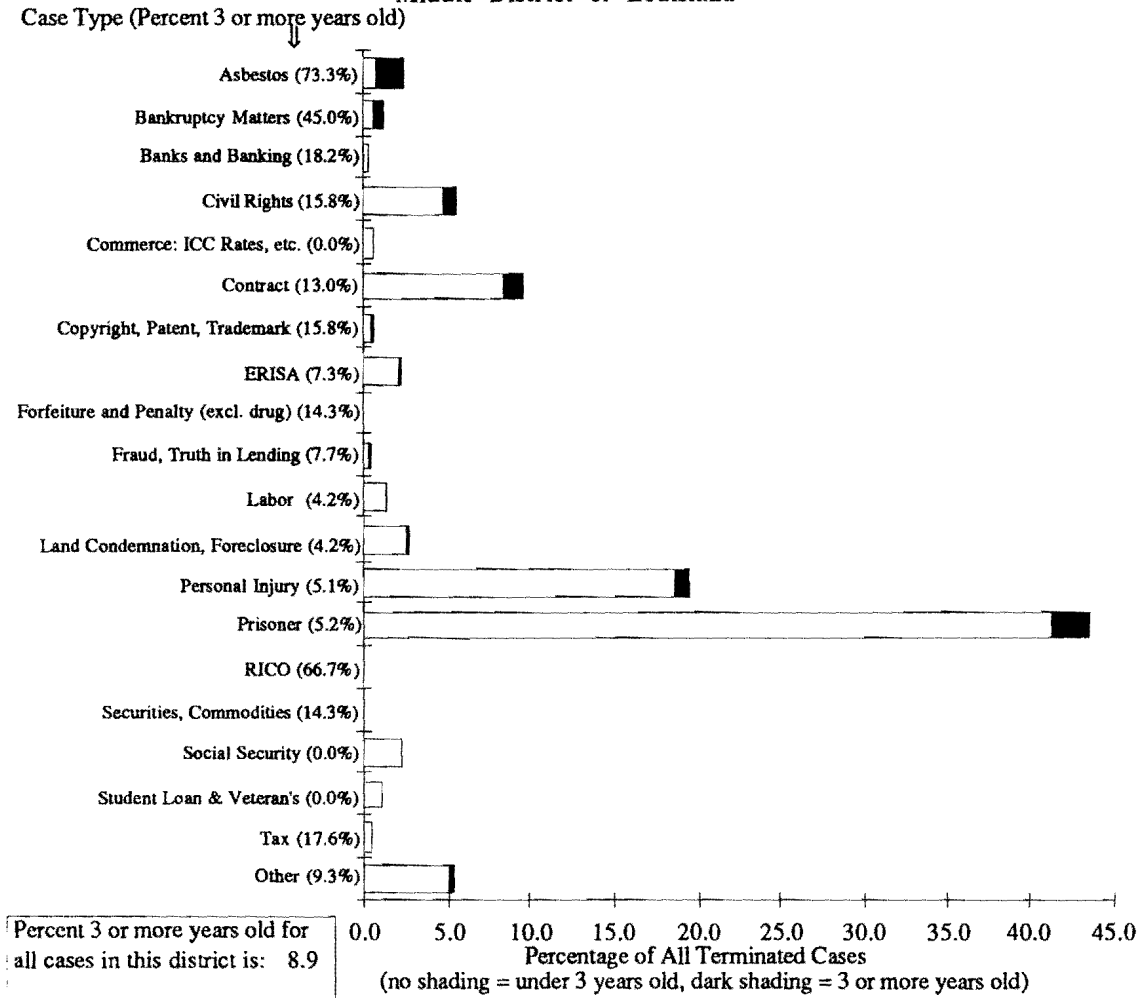


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Middle District of Louisiana



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

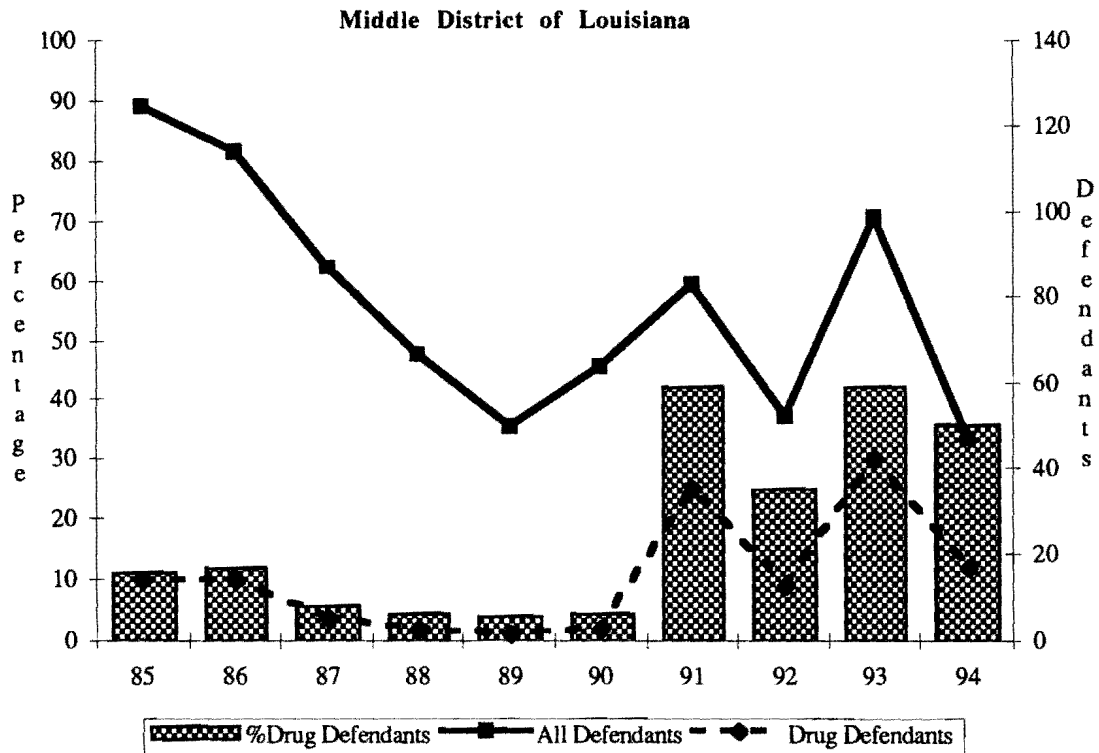
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

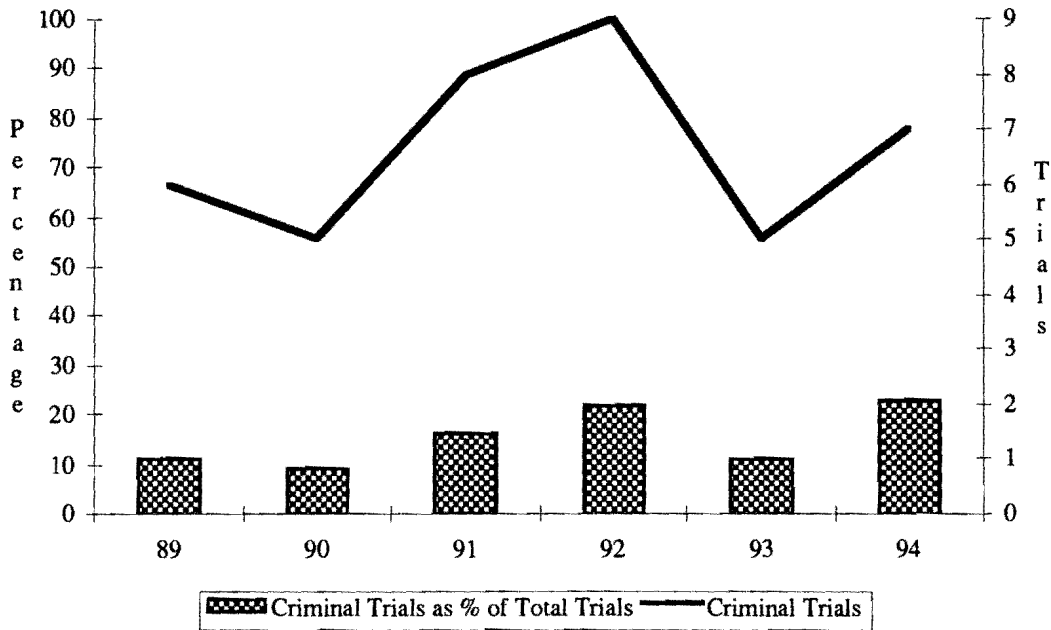
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Middle District of Louisiana**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of Texas

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
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- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

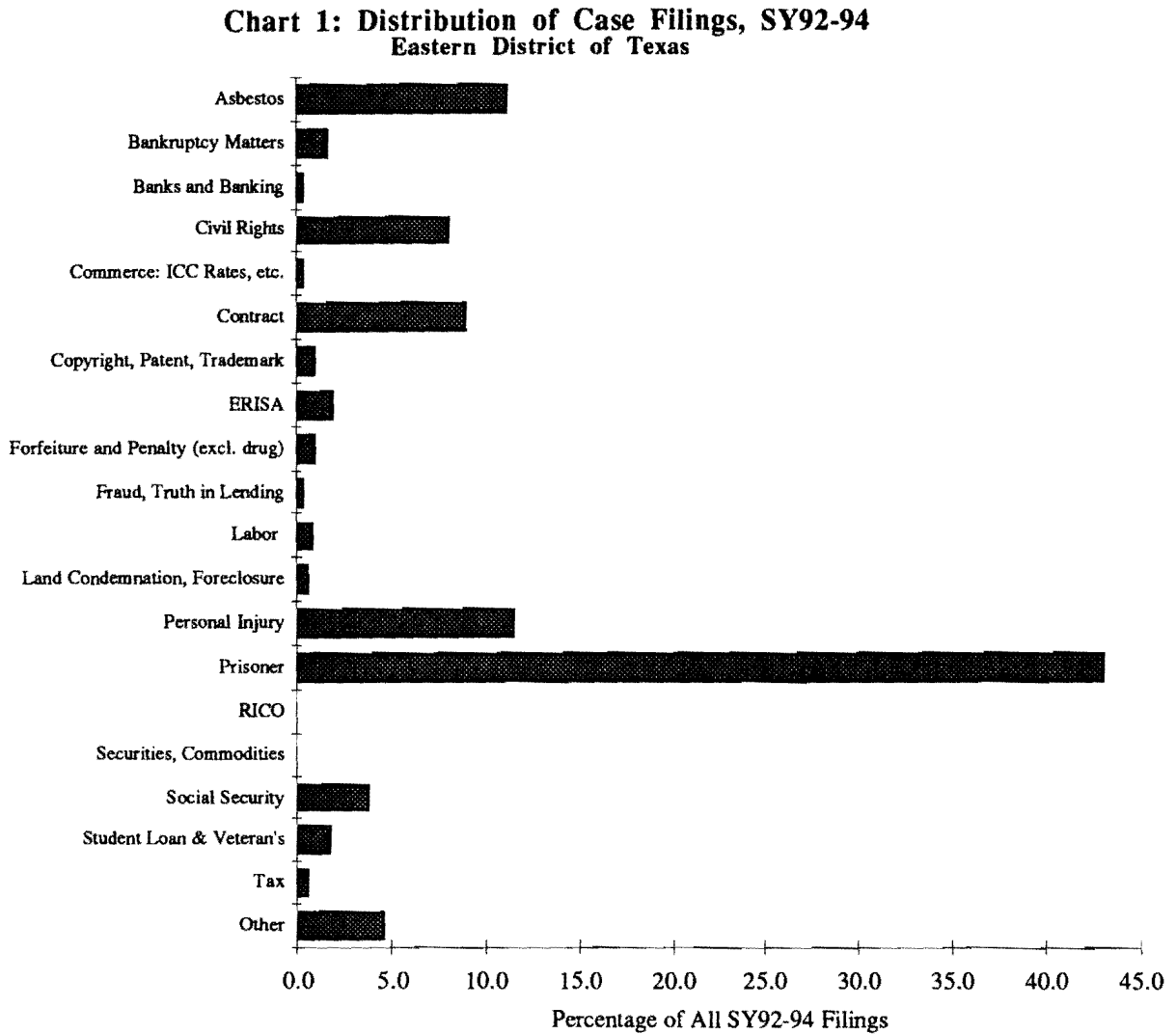
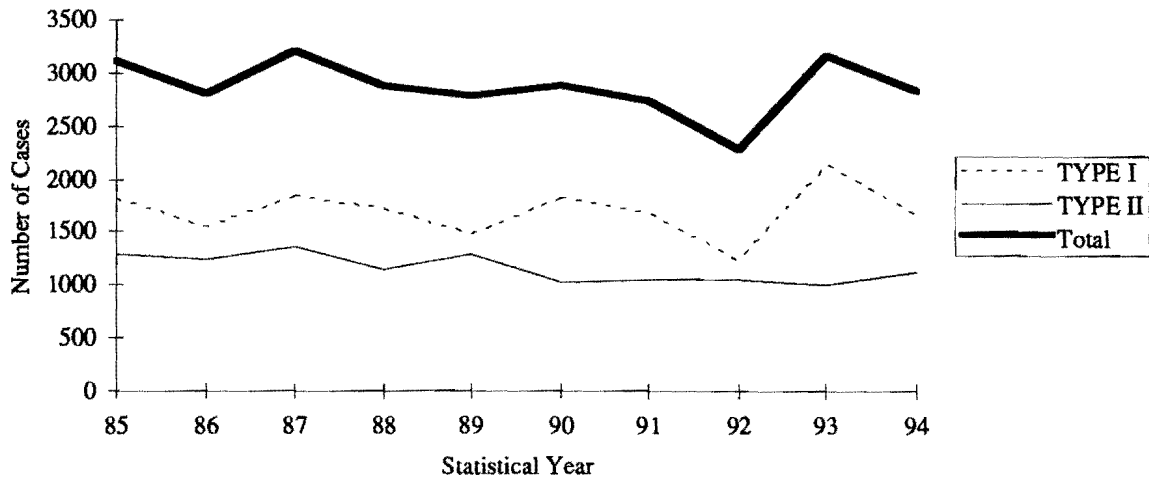


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of Texas

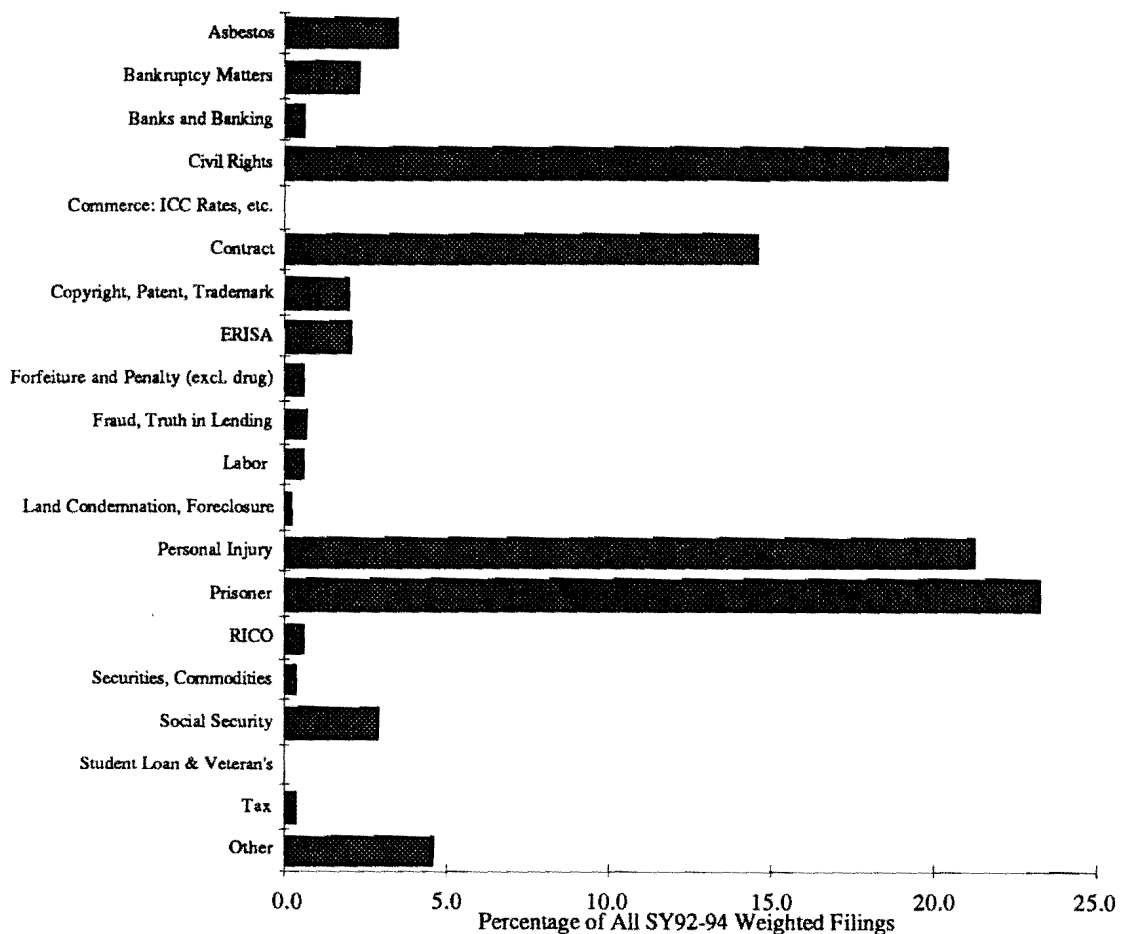


**Table 1: Filings by Case Type, SY85-94**

Eastern District of Texas	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
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Bankruptcy Matters	15	21	23	336	34	49	52	40	42	48
Banks and Banking	3	2	5	4	50	35	16	8	10	5
Civil Rights	145	160	168	183	147	135	125	186	231	242
Commerce: ICC Rates, etc.	1	1	3	10	6	2	13	15	7	2
Contract	228	207	203	245	385	273	277	251	252	228
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ERISA	7	19	12	21	36	41	42	51	47	52
Forfeiture and Penalty (excl. drug)	11	8	13	9	17	36	20	33	18	22
Fraud, Truth in Lending	12	6	8	4	13	5	10	4	5	7
Labor	21	25	22	38	31	25	32	21	15	23
Land Condemnation, Foreclosure	141	33	37	36	22	23	57	22	12	8
Personal Injury	664	643	779	448	433	326	363	321	276	352
Prisoner	407	457	444	483	644	664	742	894	1145	1507
RICO	0	1	2	6	6	6	1	3	2	5
Securities, Commodities	3	10	8	4	3	3	2	4	1	2
Social Security	102	100	77	102	102	53	70	110	102	94
Student Loan and Veteran's	580	205	202	136	111	72	42	86	32	15
Tax	20	4	18	15	14	13	14	16	7	22
All Other	157	139	106	144	144	123	107	125	112	139
All Civil Cases	3119	2796	3210	2877	2785	2868	2722	2288	3154	2817

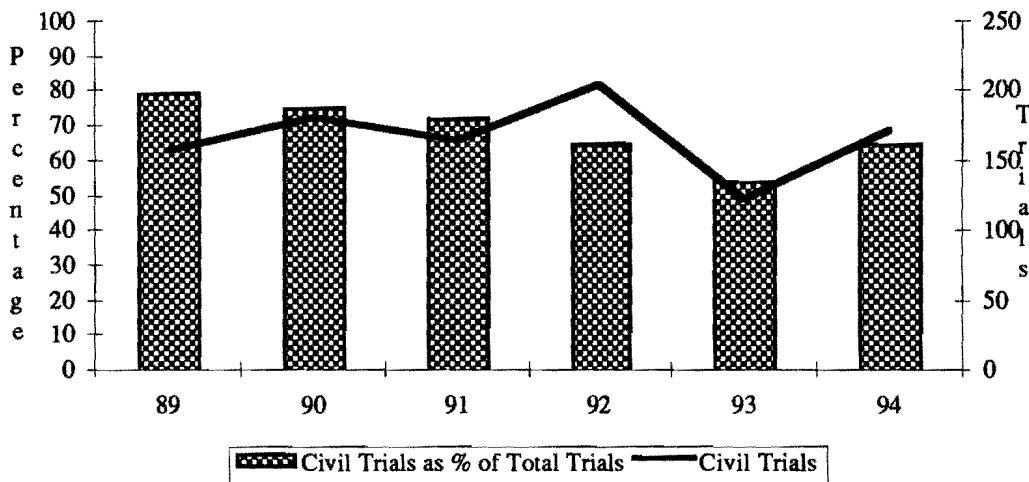
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Eastern District of Texas**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Eastern District of Texas**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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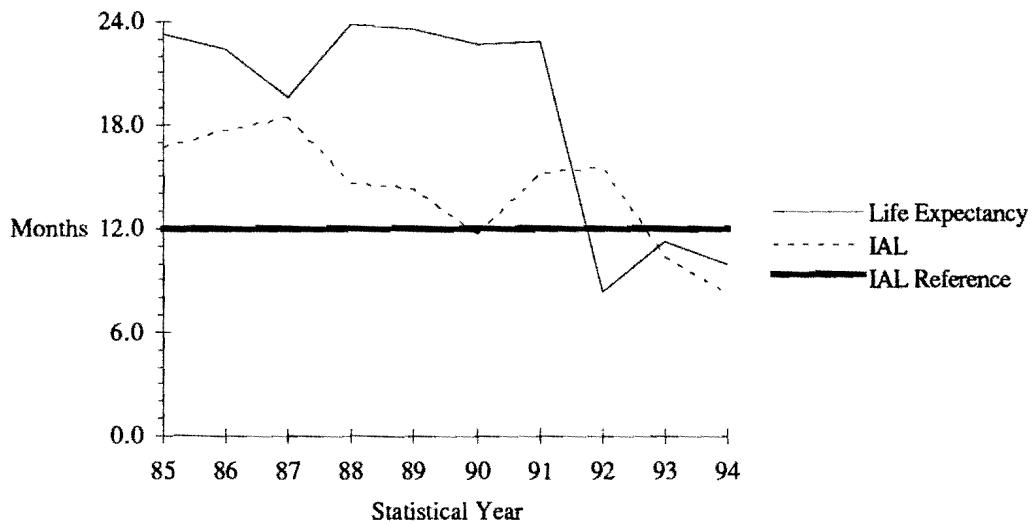
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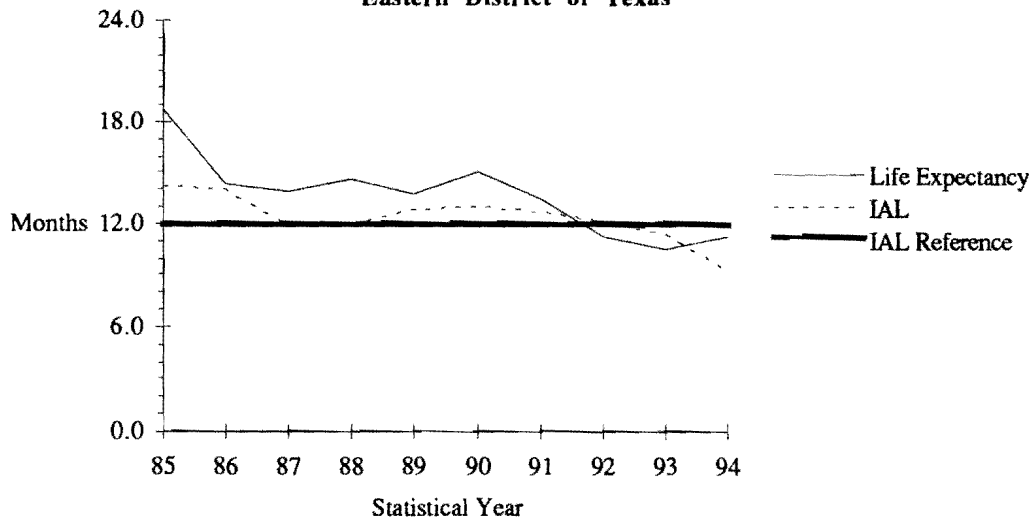
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94**  
Eastern District of Texas



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94**  
Eastern District of Texas



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
Eastern District of Texas

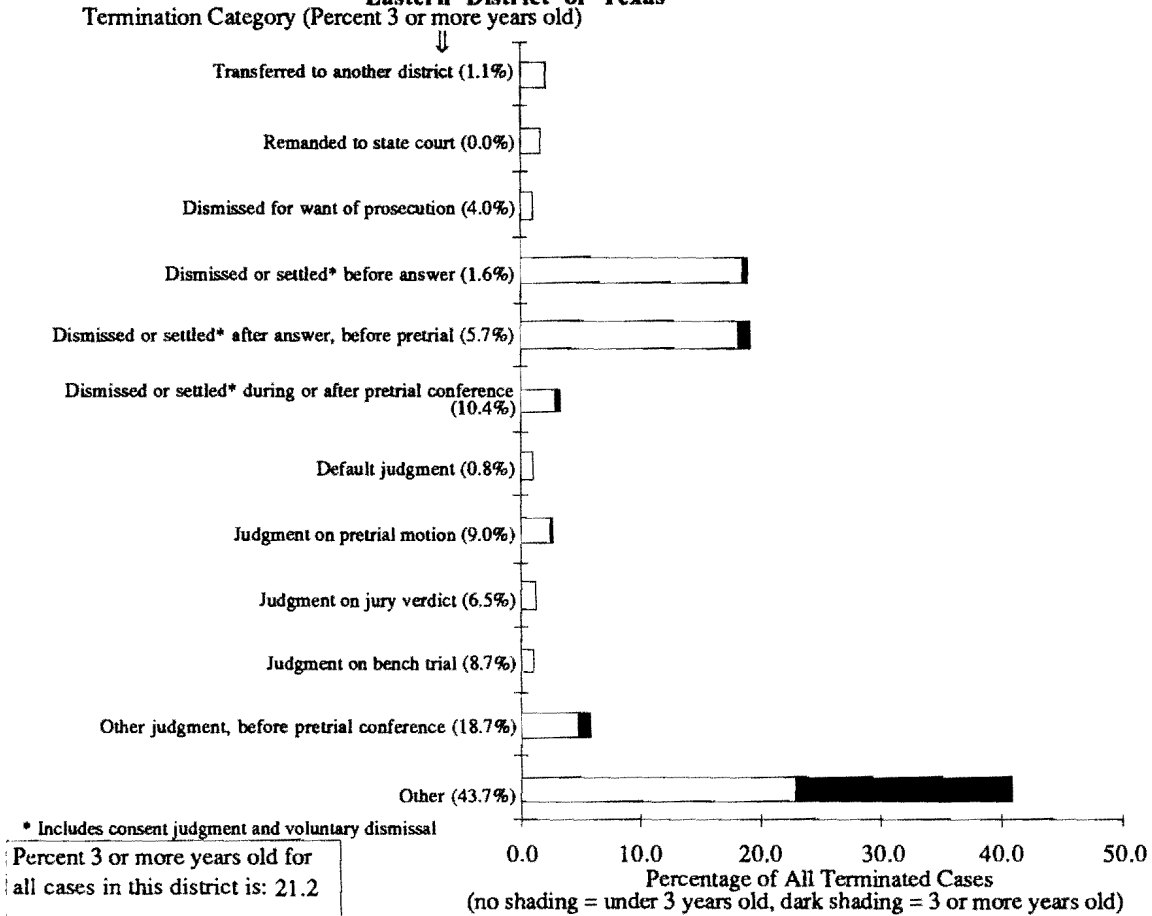
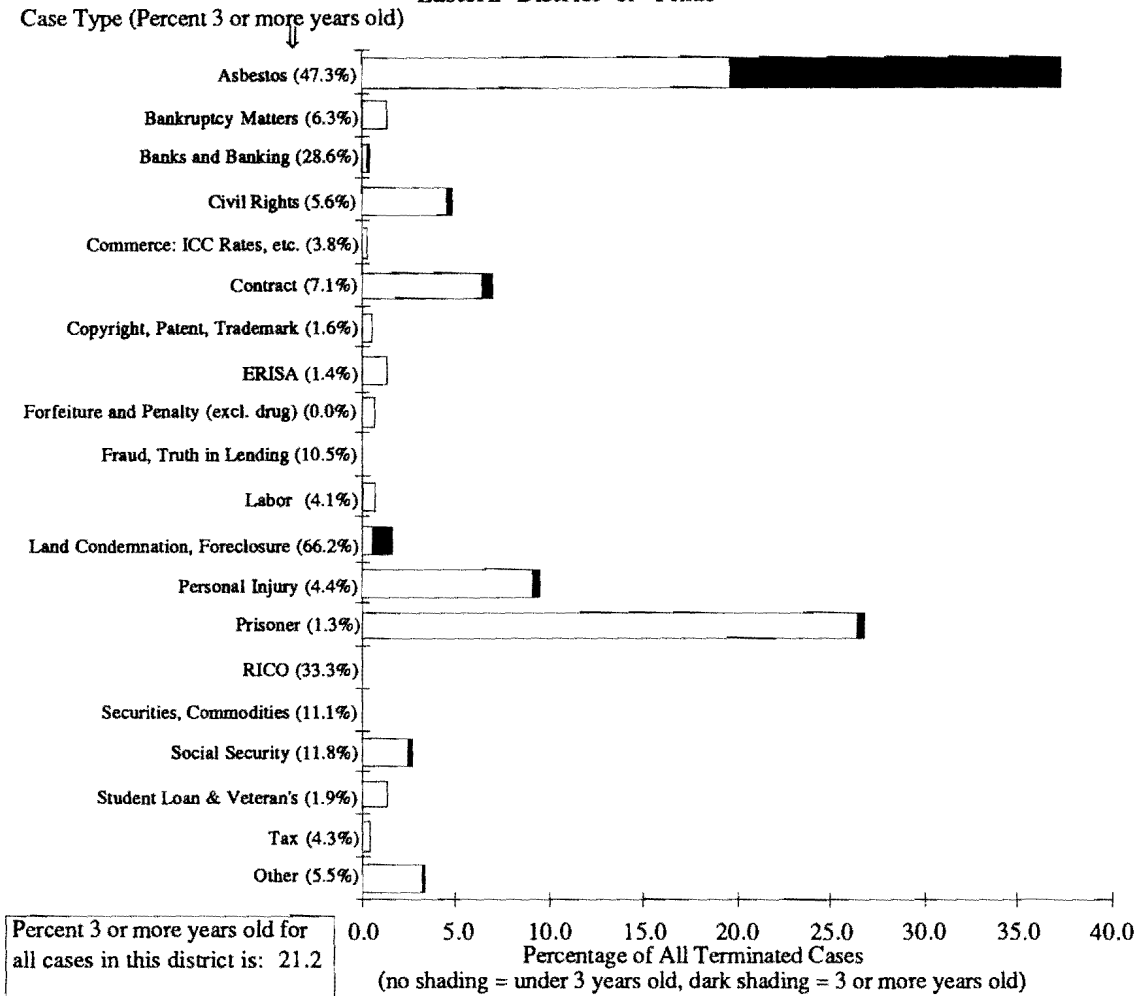


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of Texas



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

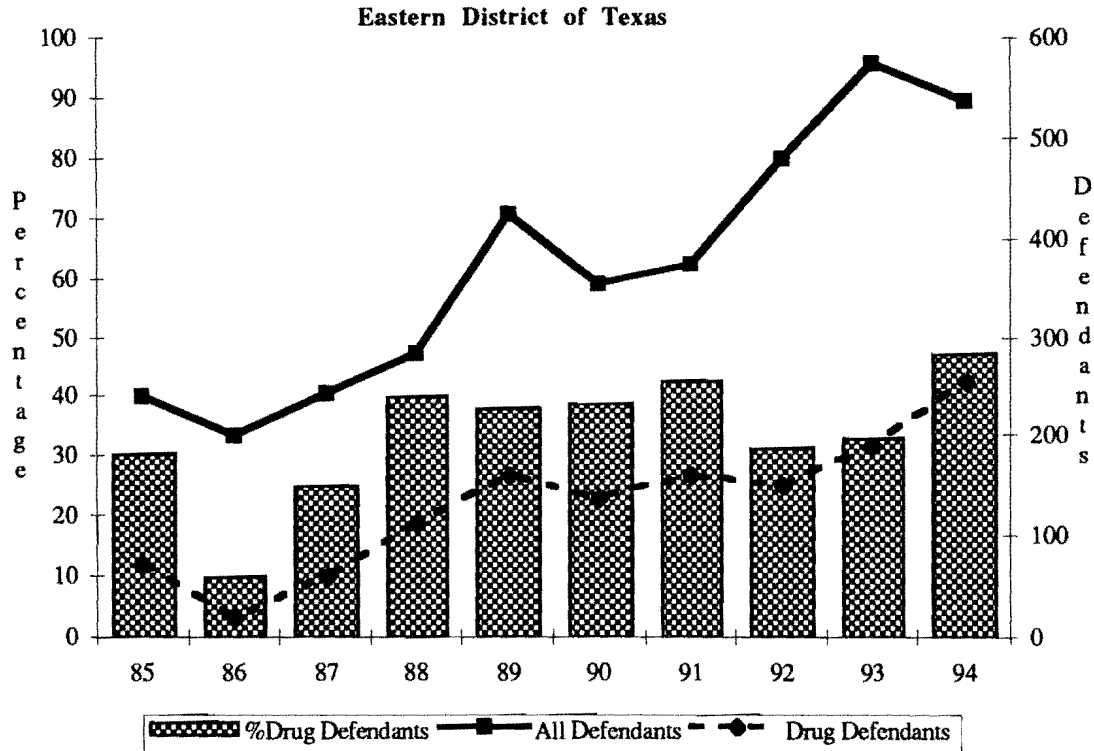
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

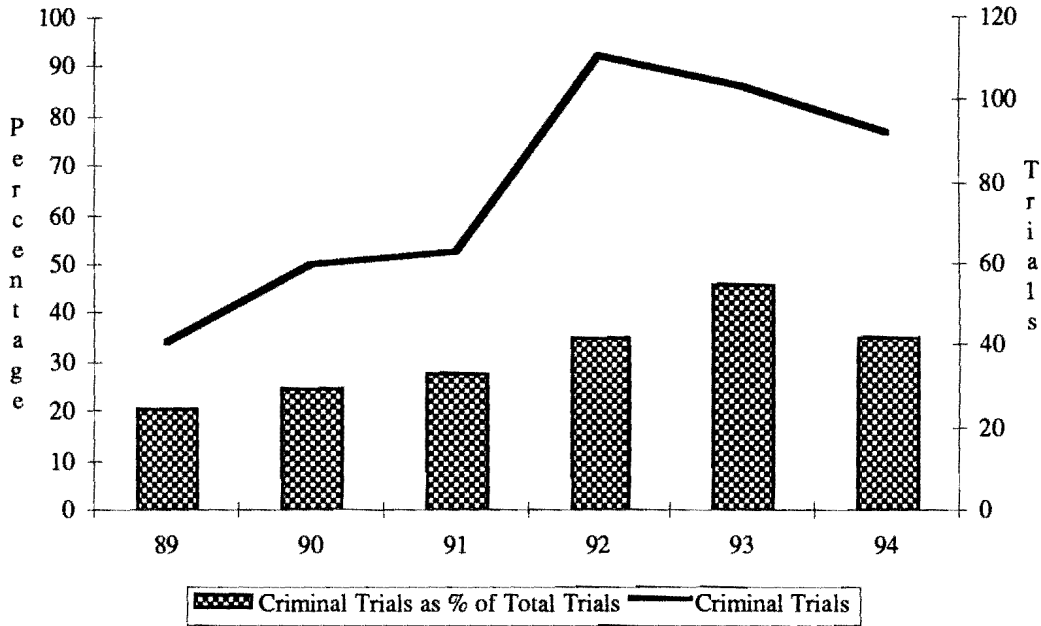
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Eastern District of Texas



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Southern District of Texas

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Southern District of Texas

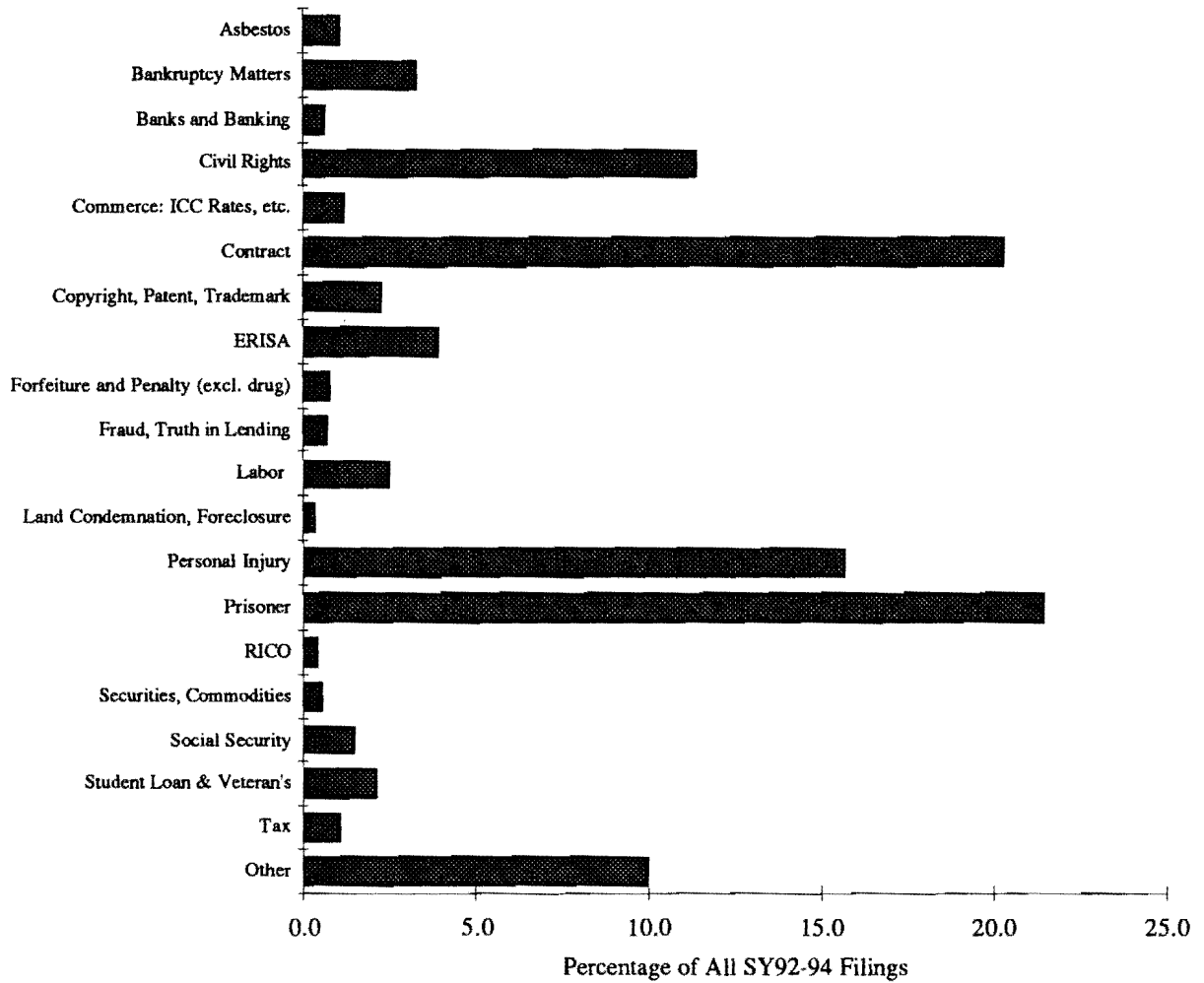
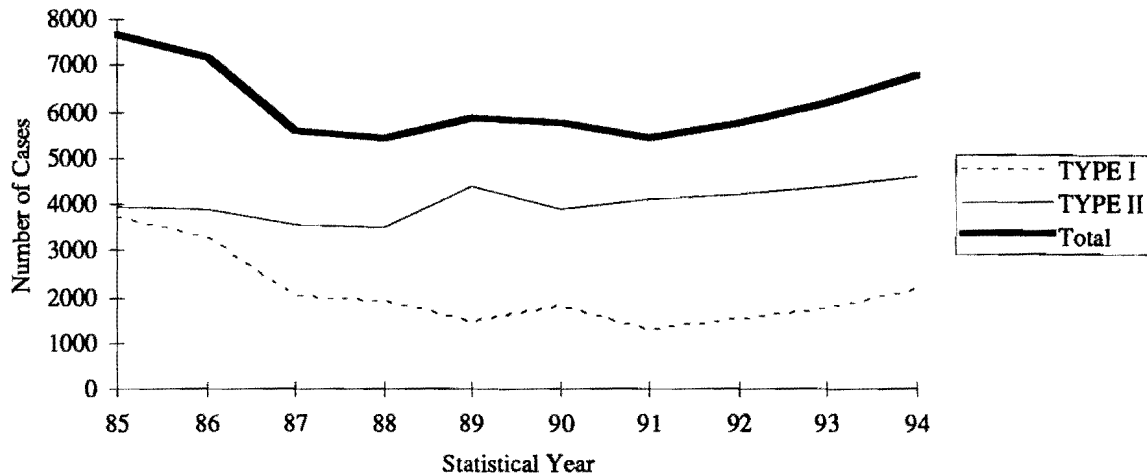


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Southern District of Texas

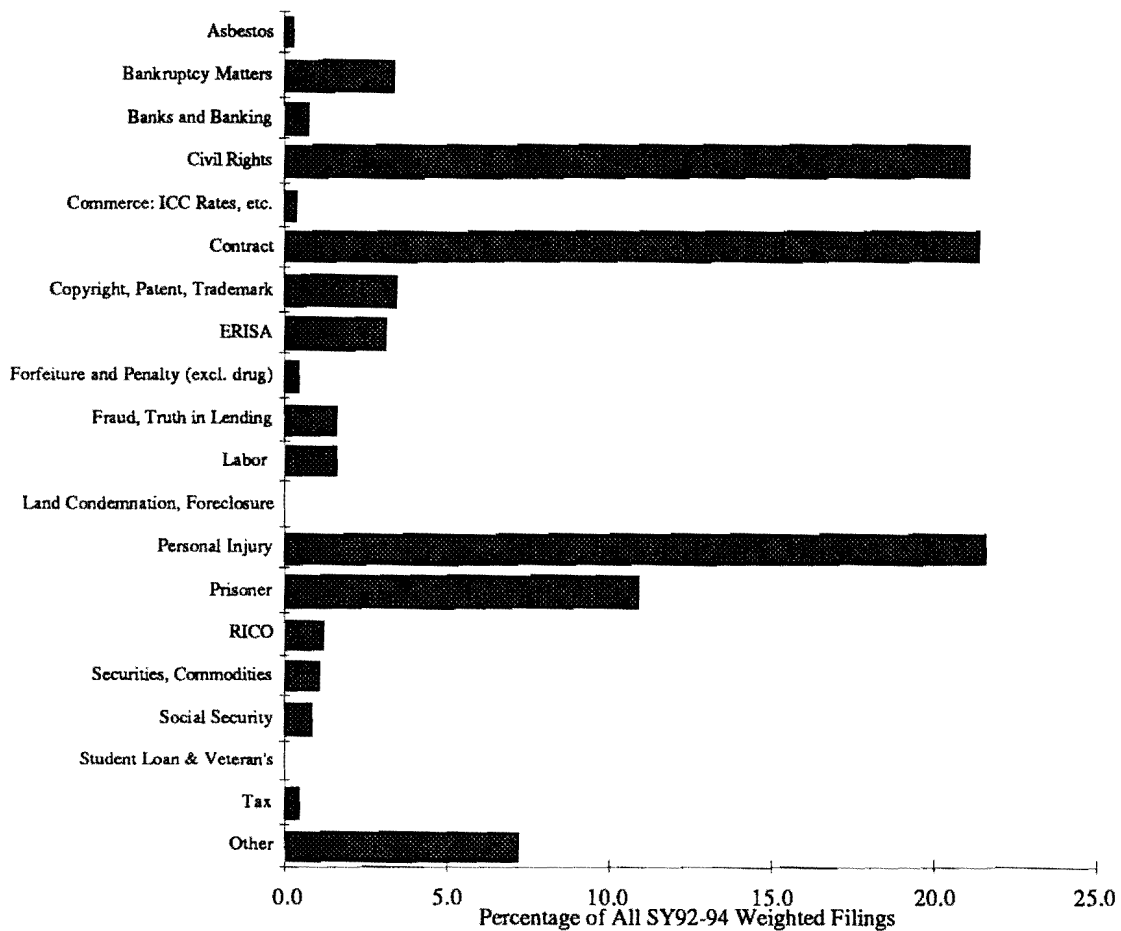


**Table 1: Filings by Case Type, SY85-94**

Southern District of Texas	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	163	100	276	113	119	38	23	80	69	41
Bankruptcy Matters	742	549	177	549	336	331	184	213	203	181
Banks and Banking	5	57	44	49	125	53	39	43	31	32
Civil Rights	506	483	581	506	580	447	505	579	707	845
Commerce: ICC Rates, etc.	18	12	16	28	22	60	92	116	58	36
Contract	1479	1505	1183	1249	1775	1469	1457	1315	1250	1232
Copyright, Patent, Trademark	116	111	134	117	121	148	121	127	119	163
ERISA	93	97	97	114	148	195	209	254	240	232
Forfeiture and Penalty (excl. drug)	139	98	128	127	150	78	79	45	59	29
Fraud, Truth in Lending	43	36	37	46	91	51	46	43	44	38
Labor	119	133	111	100	109	118	95	134	139	178
Land Condemnation, Foreclosure	7	38	28	33	61	44	32	10	21	21
Personal Injury	765	688	579	535	541	510	630	831	998	1102
Prisoner	999	1088	965	804	623	748	631	941	1293	1785
RICO	0	68	87	58	46	45	31	18	15	28
Securities, Commodities	81	60	60	55	53	39	52	39	31	17
Social Security	162	105	70	70	80	38	72	93	93	85
Student Loan and Veteran's	1659	1435	512	370	261	628	390	194	91	104
Tax	91	82	95	89	83	78	43	71	61	50
All Other	473	439	395	430	514	619	699	614	656	594
All Civil Cases	7660	7184	5575	5442	5838	5737	5430	5760	6178	6793

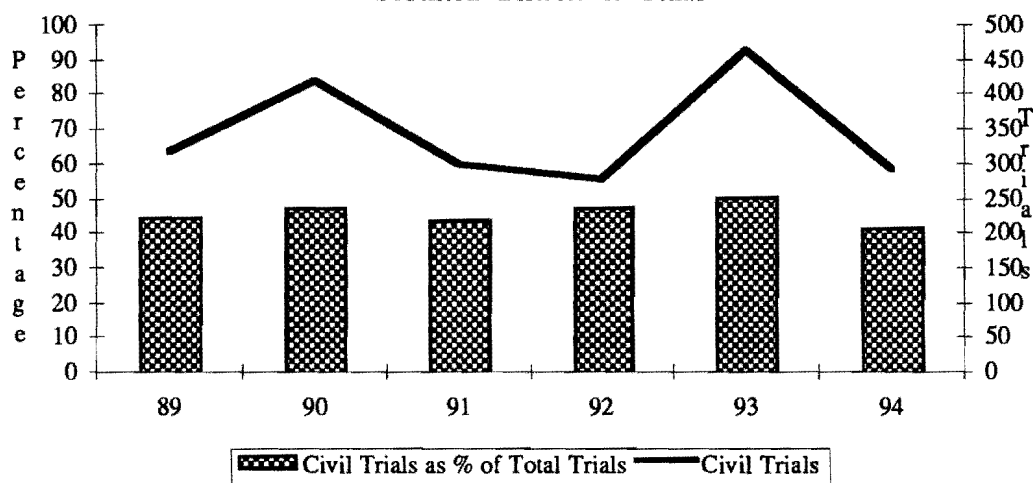
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Southern District of Texas**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Southern District of Texas**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

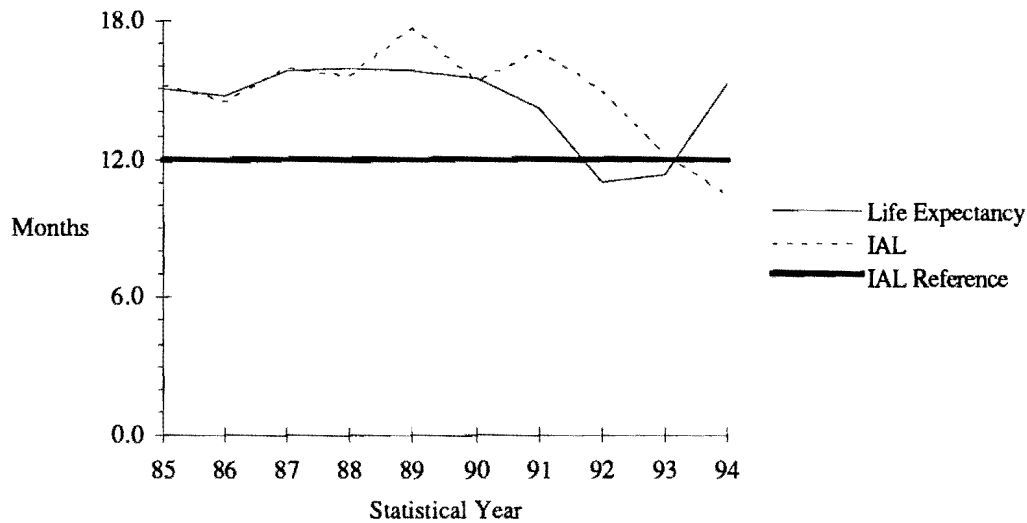
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan* (IAL), permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

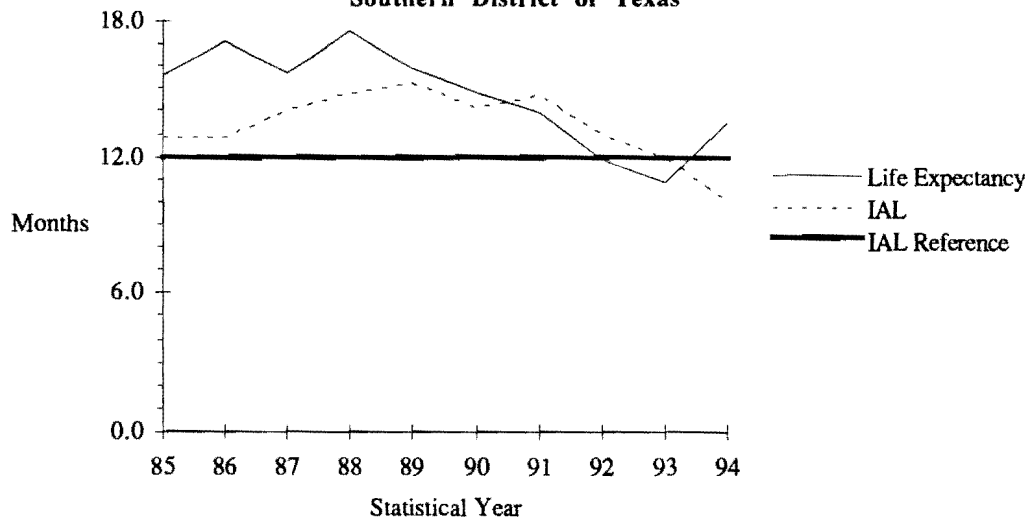
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Southern District of Texas**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Southern District of Texas**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

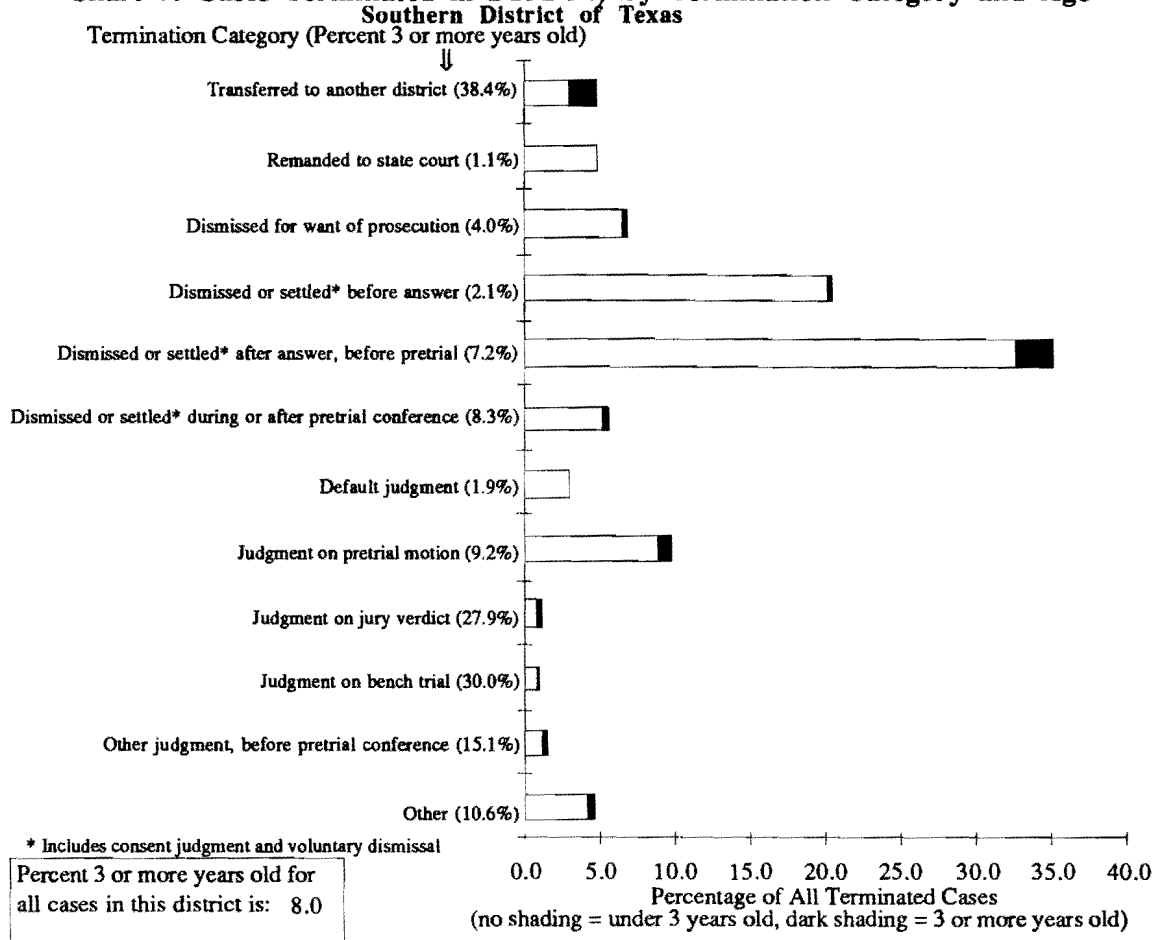
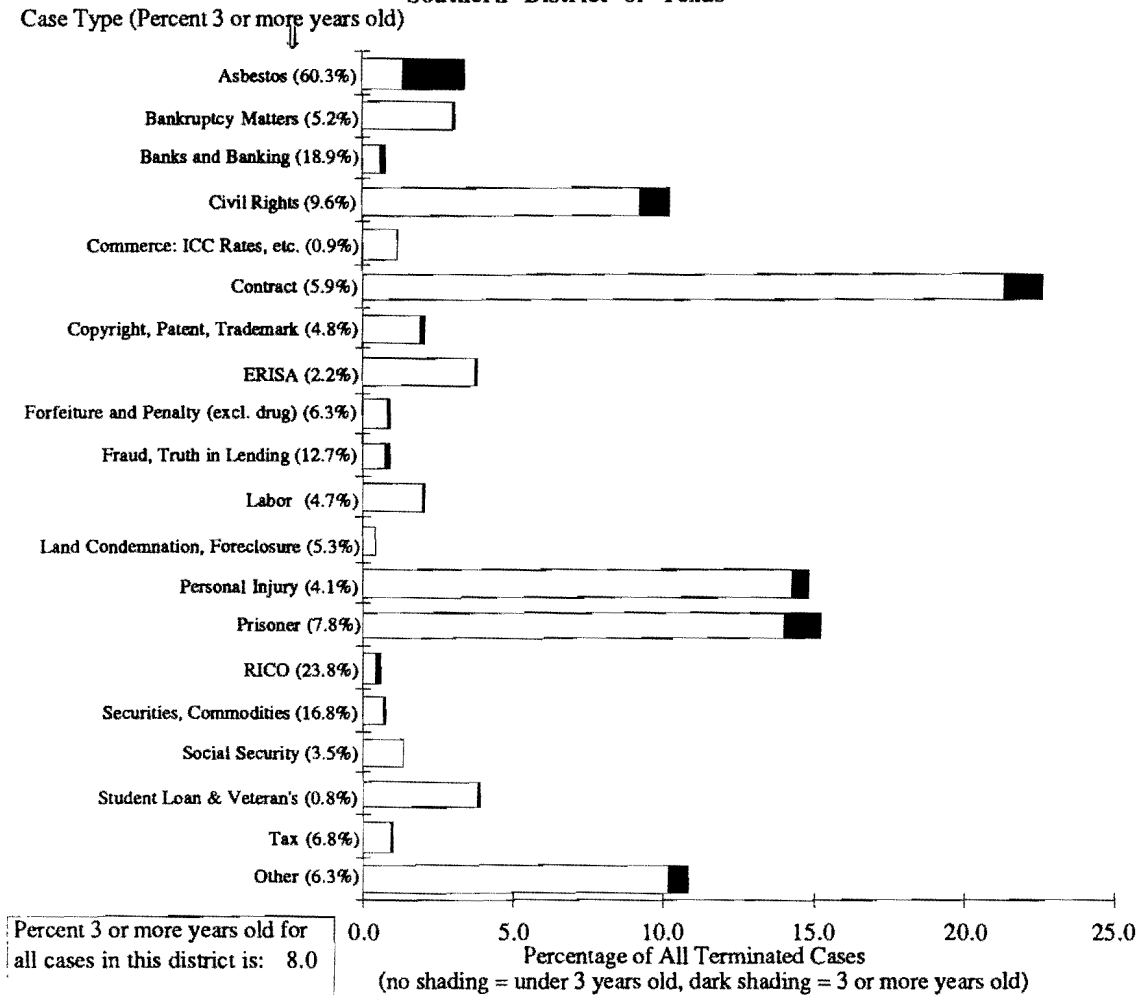


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Southern District of Texas



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

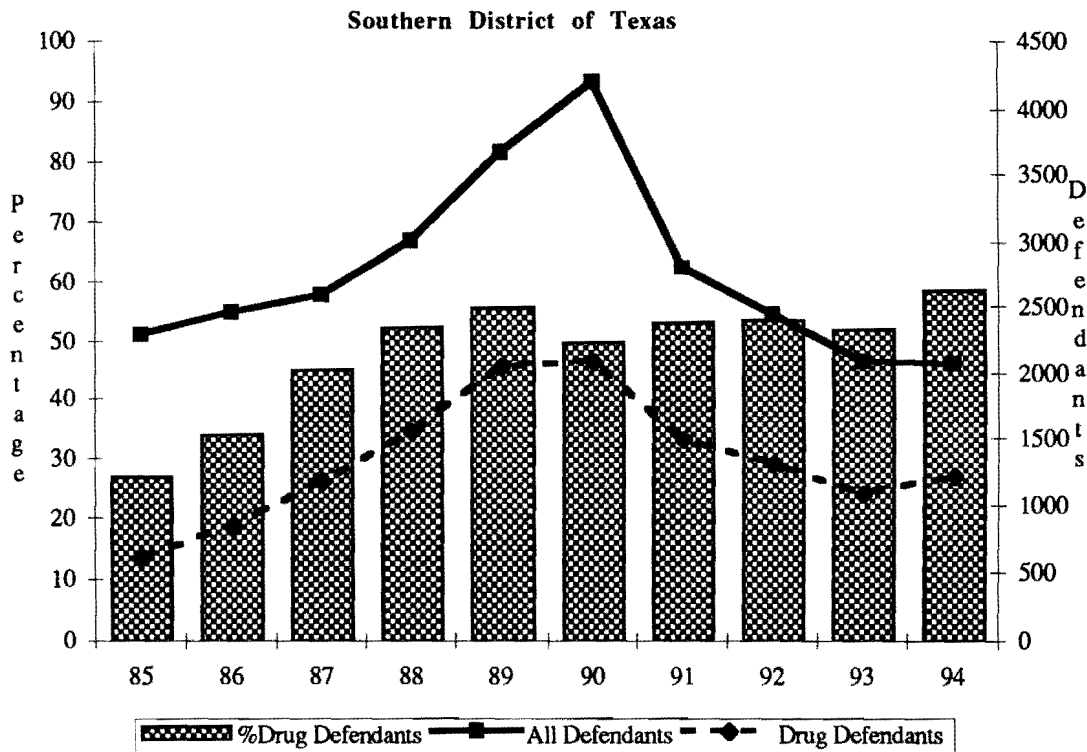
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

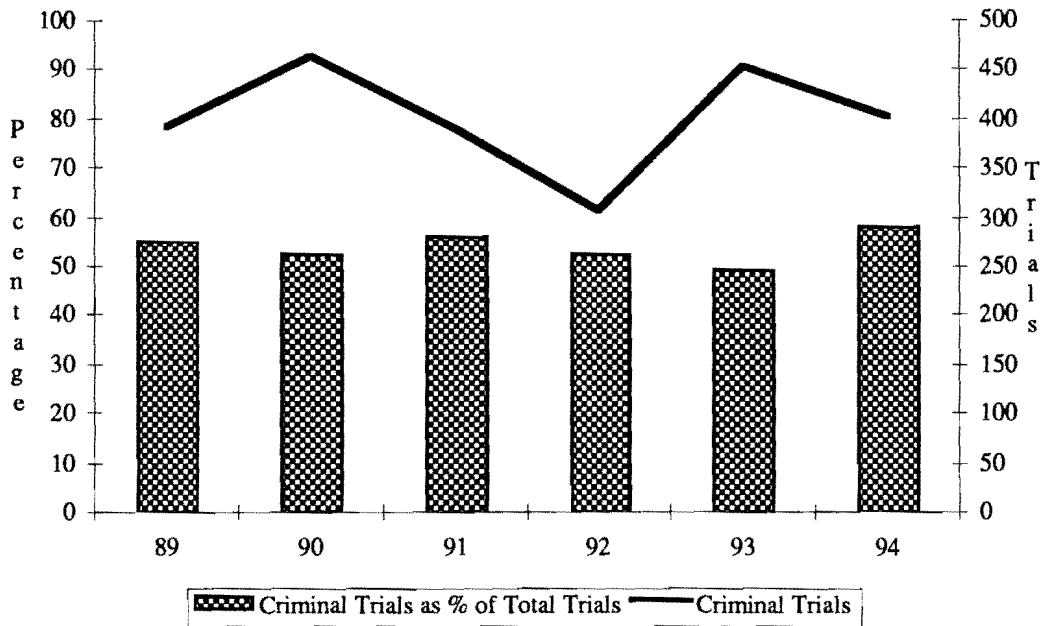
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**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Western District of Texas

## NOTES:

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Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

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- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
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- land condemnation cases
- asbestos product liability cases

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Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
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- tax cases

- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Western District of Texas

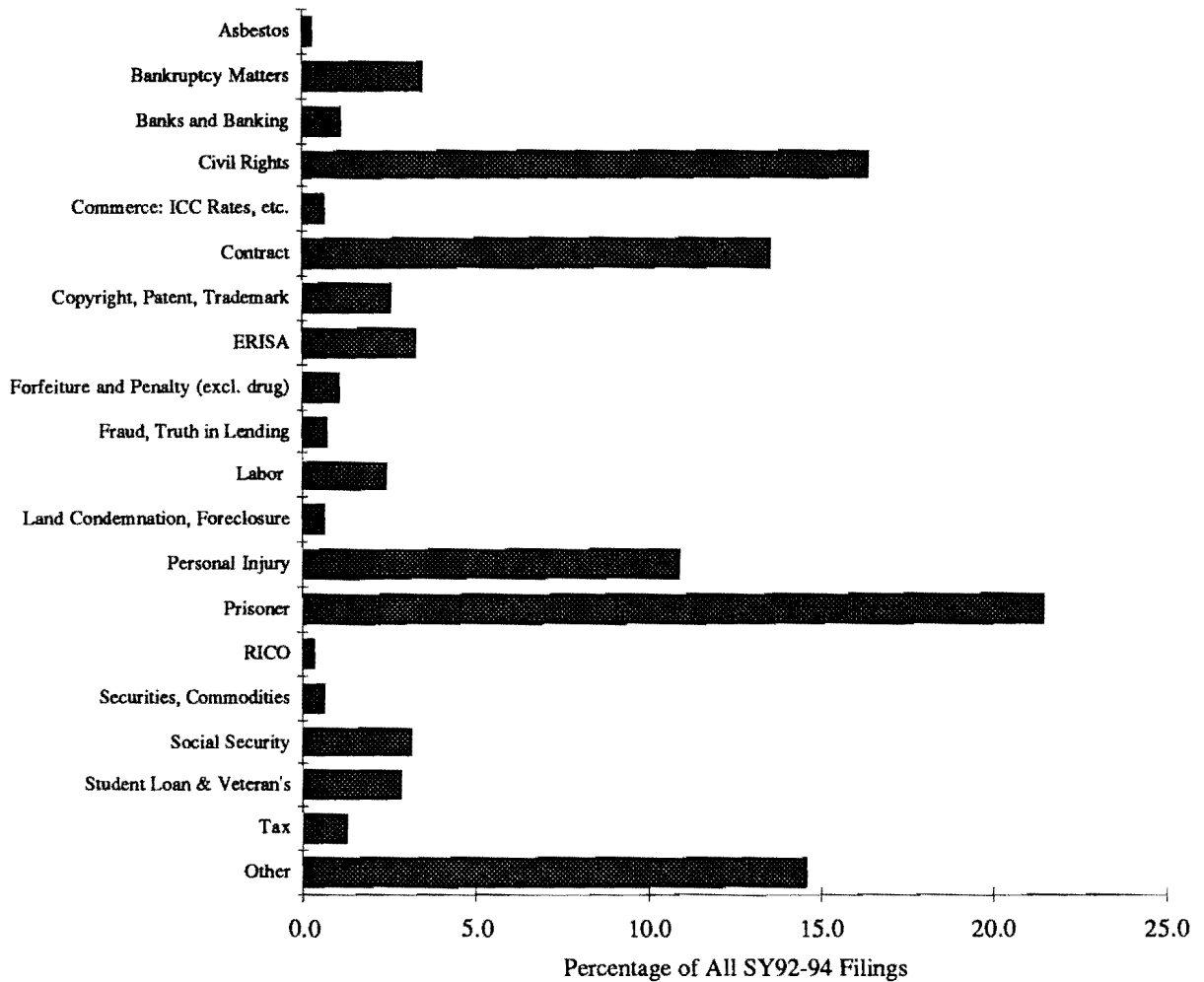
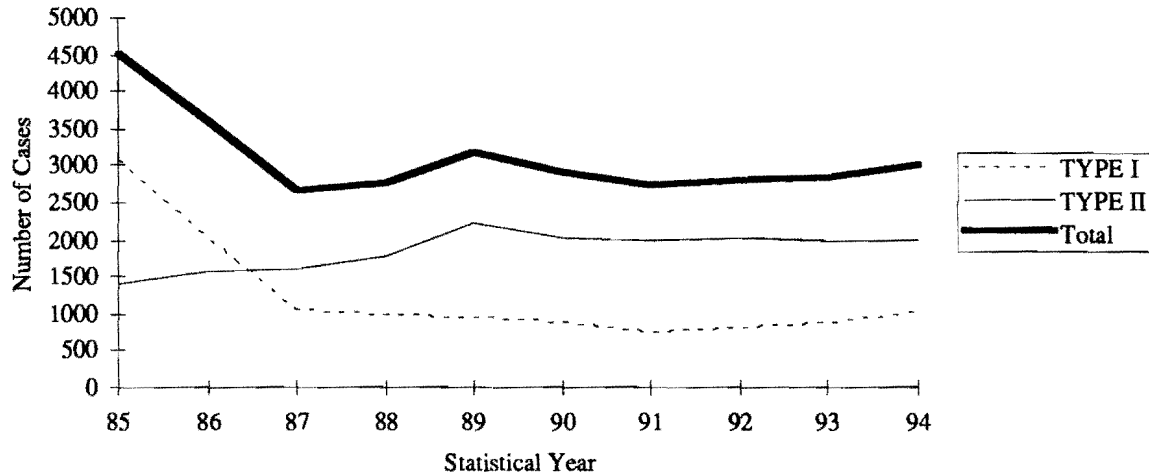


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Western District of Texas

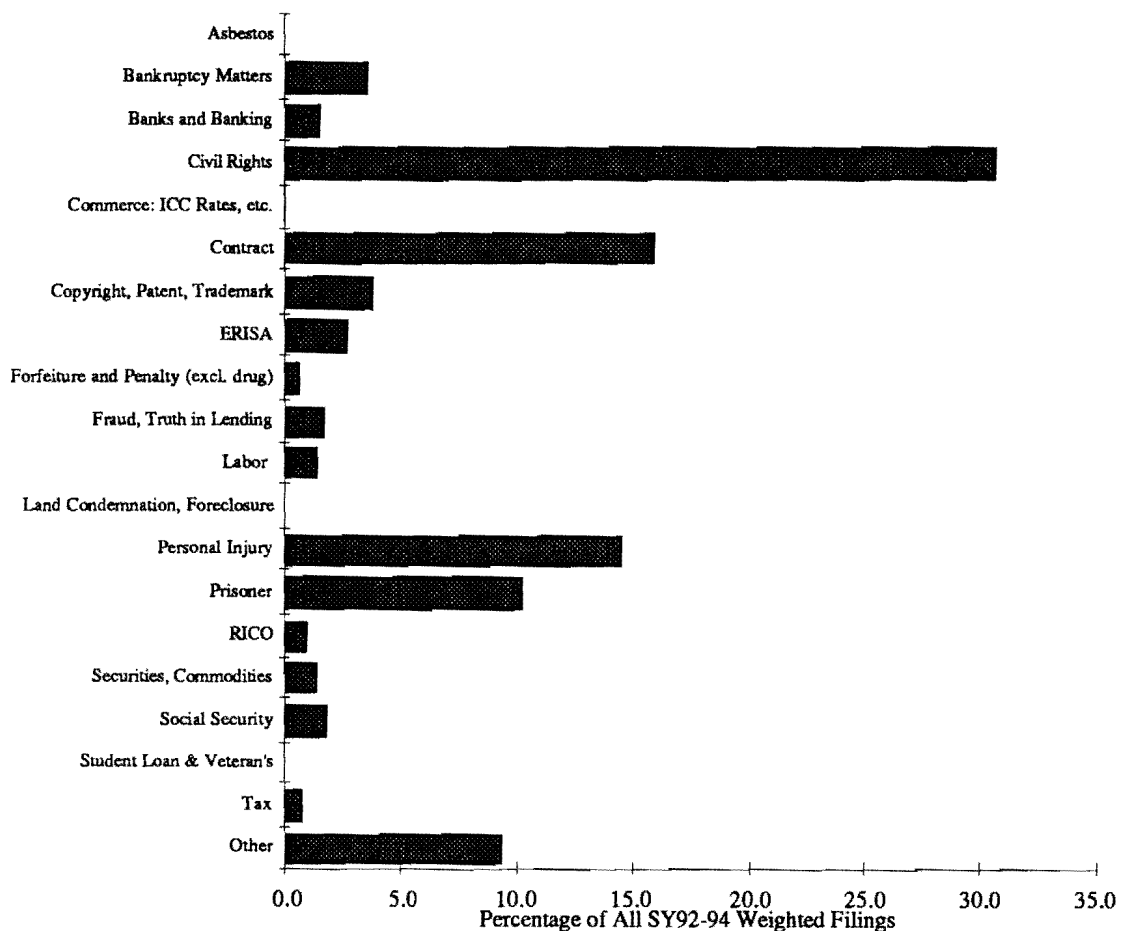


**Table 1: Filings by Case Type, SY85-94**

Western District of Texas	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	16	5	9	24	9	21	17	10	4	3
Bankruptcy Matters	53	70	62	93	85	120	115	119	101	78
Banks and Banking	8	10	18	24	230	76	41	53	25	12
Civil Rights	296	282	330	334	313	301	370	408	489	521
Commerce: ICC Rates, etc.	4	8	19	17	7	8	15	15	17	18
Contract	358	435	444	536	762	663	586	449	395	329
Copyright, Patent, Trademark	42	59	59	56	62	47	66	59	71	85
ERISA	12	11	20	46	49	76	84	123	83	74
Forfeiture and Penalty (excl. drug)	44	40	60	37	65	52	44	49	21	16
Fraud, Truth in Lending	21	19	12	23	48	34	21	21	16	20
Labor	44	49	46	55	57	66	64	67	62	73
Land Condemnation, Foreclosure	3	5	19	14	36	29	22	11	14	24
Personal Injury	278	312	284	320	251	240	274	303	291	351
Prisoner	391	329	316	346	497	436	410	445	626	788
RICO	0	7	13	22	23	10	12	8	7	8
Securities, Commodities	24	13	22	24	20	7	10	11	23	15
Social Security	163	108	80	100	56	36	53	67	89	108
Student Loan and Veteran's	2468	1515	582	420	286	246	129	157	50	32
Tax	46	36	45	36	54	58	43	42	34	28
All Other	240	299	243	256	289	388	360	399	438	424
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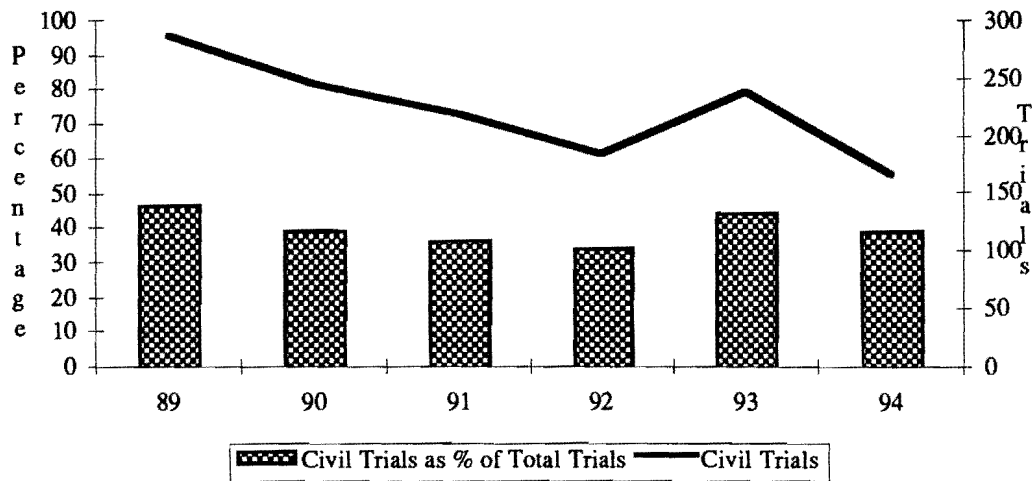
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**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Western District of Texas**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

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Western District of Texas**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

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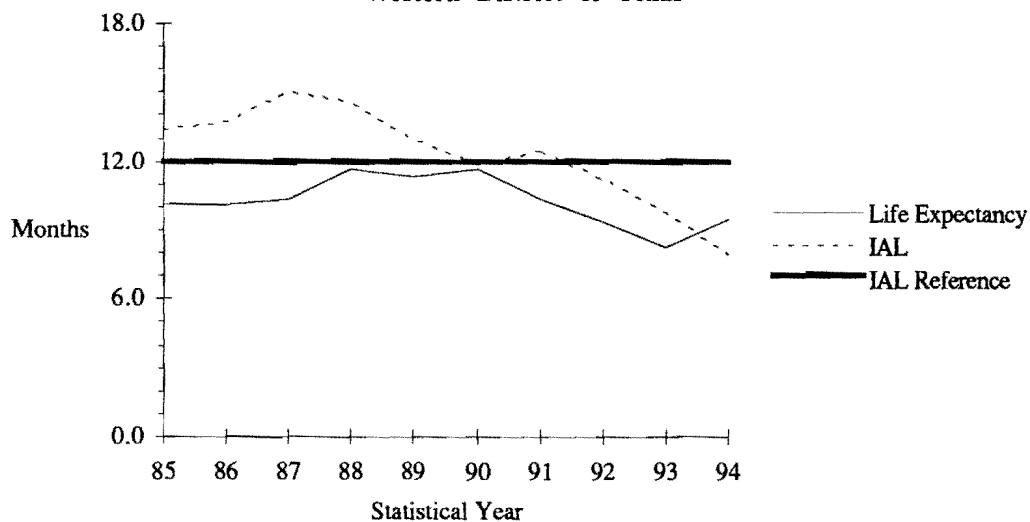
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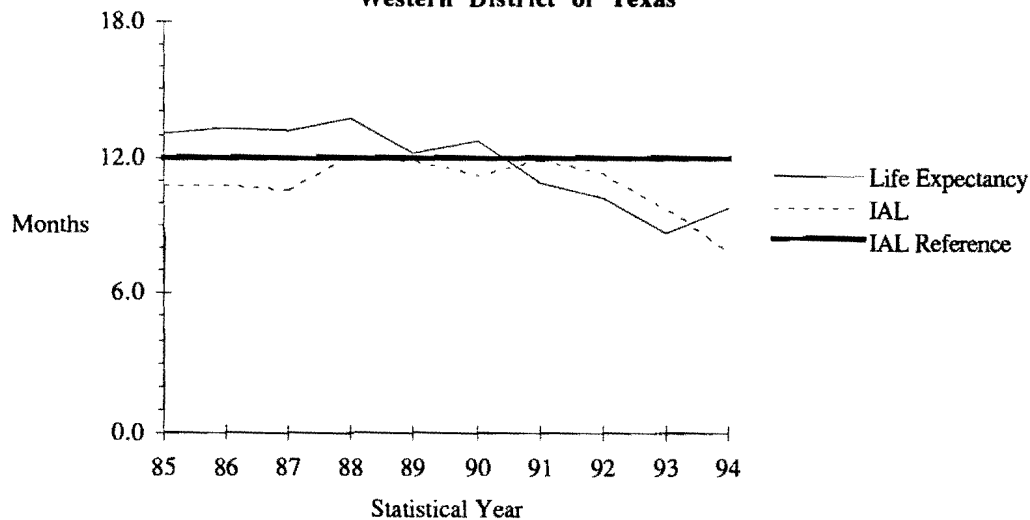
indicate that the court disposes of its cases faster than the average, and values above 12 indicate that the court disposes of its cases more slowly than the average. (The calculation of these measures is explained in Appendix B.)

Note that these measures serve different purposes. Life expectancy is used to assess change in the trend of actual case lifespan; it is a timeliness measure, corrected for changes in the filing rate but not for changes in case mix. IAL is used for comparison among districts; it is corrected for changes in the case mix but not for changes in the filing rate. Charts 5 and 6 display calculations we have made for this district using these measures.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Western District of Texas**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Western District of Texas**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**

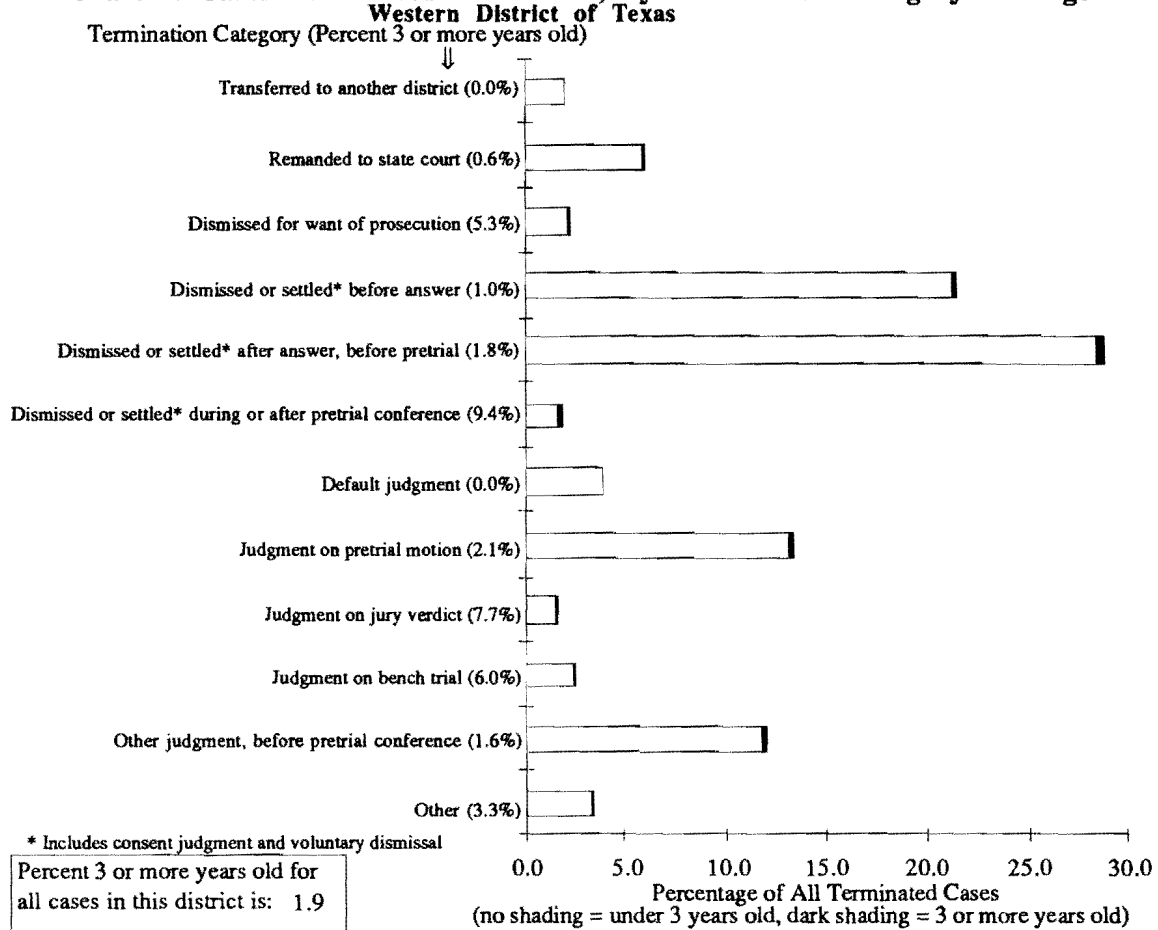
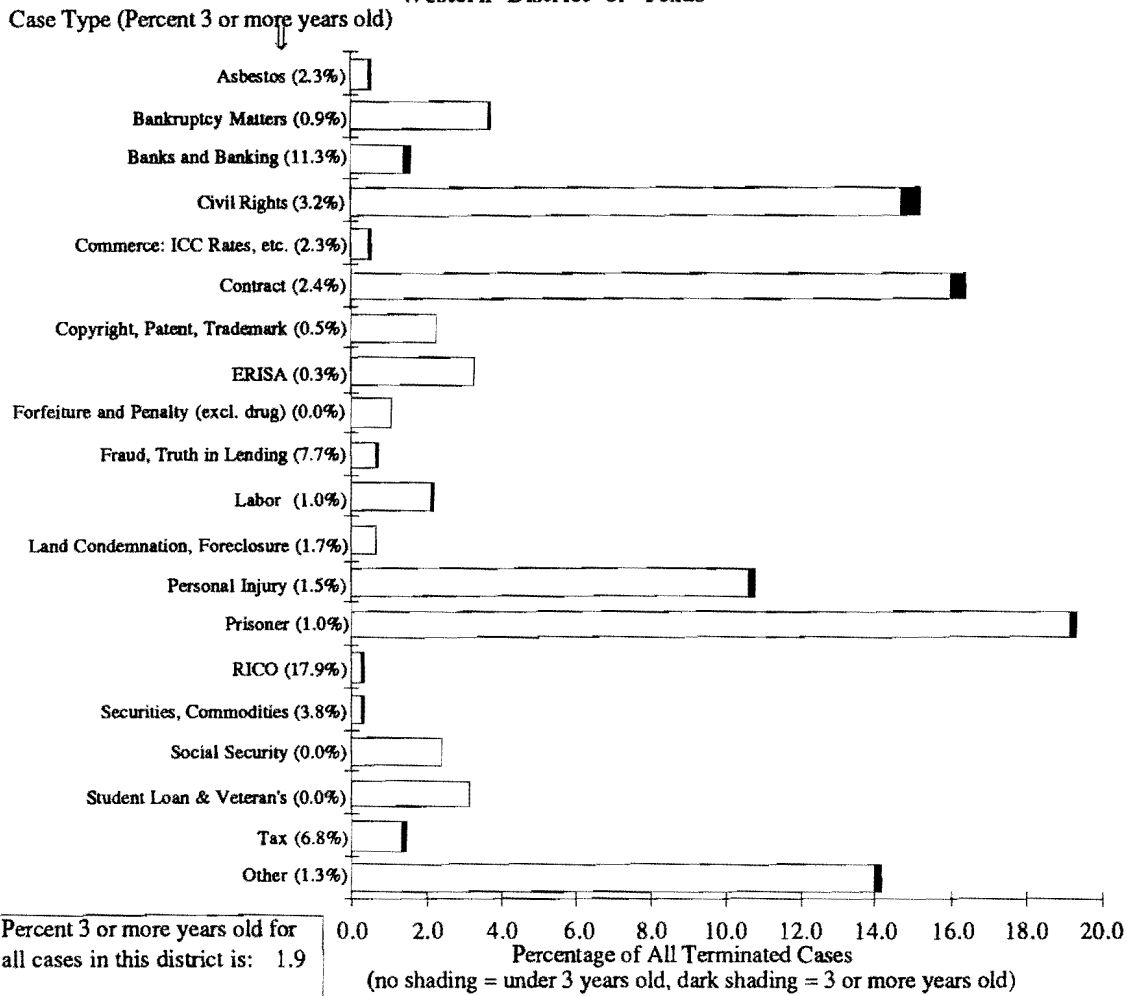


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Western District of Texas



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

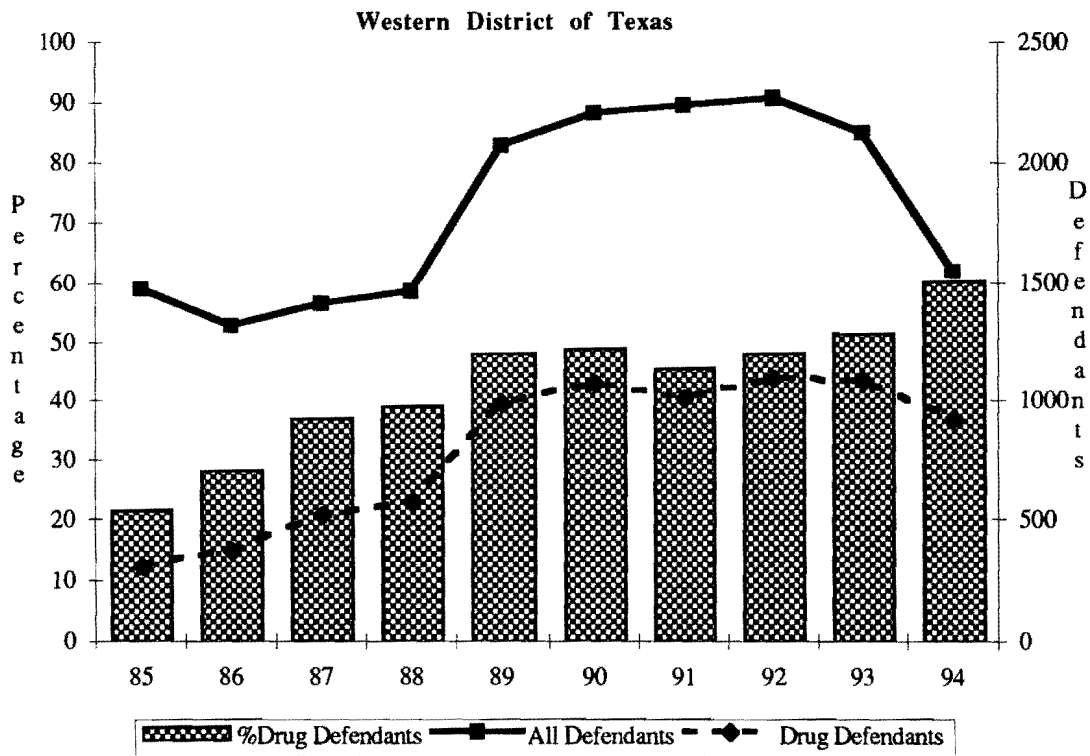
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

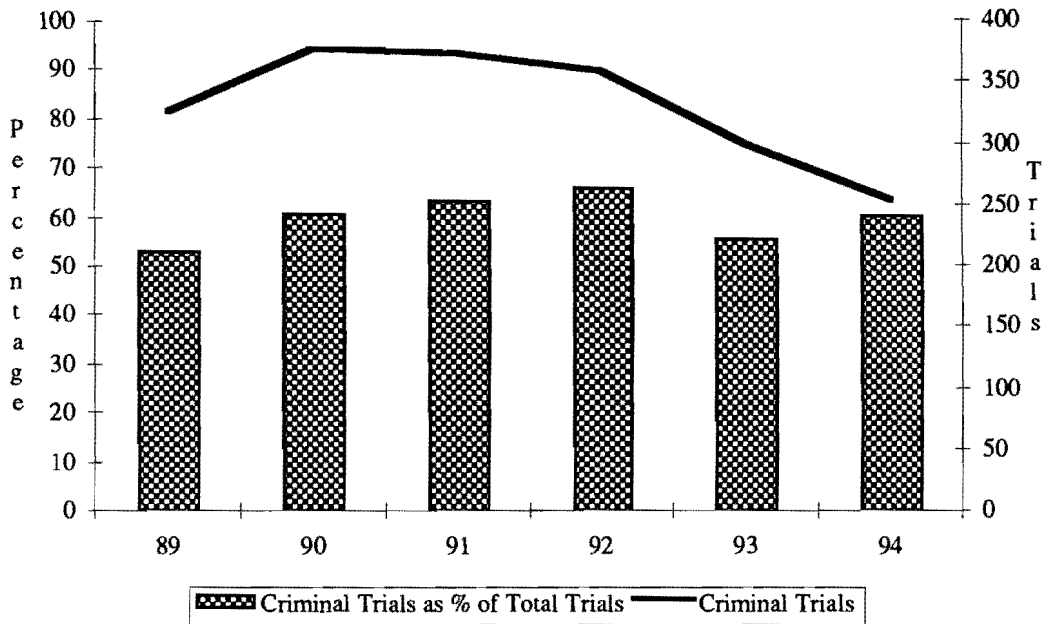
The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**



**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94  
Western District of Texas**



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.

# **Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990**

## **SY94 Statistics Supplement**

**October 1994**



Prepared for the Eastern District of Kentucky

## NOTES:

The pages that follow provide an update to section IIb of the February 28, 1991 "Guidance to Advisory Groups" memorandum, incorporating data for Statistical Year 1994 (the twelve months ended June 30, 1994). The pages have been formatted exactly like the corresponding pages of the original memorandum, and may replace the corresponding pages in the original. There are no changes to the text of the document, except for a few references to the dates covered by the data. Certain discrepancies may be apparent between the original document and this update, as follows:

1. Table 1 and all charts except charts 4 and 10 may show slight variations even for prior years, owing to retroactive changes in caseload data. The variations arise from at least three sources. First, some cases actually filed in a particular statistical year are not reported to the Administrative Office until after it has officially closed the data files for that year (it is a practical necessity that the A.O. at some point close the files so that it may prepare its annual statistical reports). This can result in increased counts of cases filed in prior years. Second, both filing dates and case-type identifiers are occasionally reported incorrectly when a case is filed, but corrected when the case is terminated. The corrections can result in both increases and decreases in case filing and termination counts. Finally, significant discrepancies are occasionally discovered between the true status of a district's caseload and A.O. caseload data for that district, which may be corrected by a significant one-time change in the district data (e.g. a statistical adjustment that decreases pending cases by 300).
2. Chart 6 (page 15) in the original document was incorrectly based on a subset of the "Type II" cases (as defined on page 10). It has been corrected in this and previous updates. In most districts, the difference between the original, incorrect Chart 6 and the new version will be insignificant. In only a few districts is the difference significant.
3. An error was made in constructing Chart 8 in the original document. The text indicating the percentage of cases in the "Other" category lasting 3 years or more was shown as "8.0%," without regard to the actual percentage. The bars shown in the chart, however, were accurate. The error has been corrected in this and previous updates.
4. In December, 1993, the Subcommittee on Judicial Statistics accepted a new set of case weights based on a time study begun in 1987. These new weights were employed to prepare Chart 3 (page 13), which may result in updates of Chart 3 for 1993 and later years looking significantly different from previous editions.

**b. Caseload mix and filing trends.** The variety of cases making up the caseload in most district courts will be surprising to many who study them for the first time. That variety may be important to advisory groups in assessing the docket and in considering what groups of cases, if any, should be treated differently in management plans. Different types of cases tend to move through the courts in different ways. For example, some are almost always disposed of by default judgment (student loan); some are in the nature of an appeal (bankruptcy); some are a unique subset of another category (asbestos cases in the personal injury category). From readily available data we cannot discern how a specific case moved through the system nor how a future case may move. Some types of cases, however, may move through the system in distinctive ways often enough to warrant your special attention. Do they affect court performance distinctively? Do they consume court resources distinctively?

We have sorted case types into two categories to illustrate the point of distinctive paths. Type I case types are distinctive because within each case type the vast majority of the cases are handled the same way; for example, most Social Security cases are disposed of by summary judgment. Type II case types, in contrast, are disposed of by a greater variety of methods and follow more varied paths to disposition; for example, one contract action may settle, another go to trial, another end in summary judgment, and so on. (See the table in Appendix B for a complete definition of the case types.)

Type I includes the following case types, which over the past ten years account for about 40% of civil filings in all districts:

- student loan collection cases
- cases seeking recovery of overpayment of veterans' benefits
- appeals of Social Security Administration benefit denials
- condition-of-confinement cases brought by state prisoners
- habeas corpus petitions
- appeals from bankruptcy court decisions
- land condemnation cases
- asbestos product liability cases

The advisory group may wish to consider whether, in this district, these categories or any others identified by the group are distinctive enough to warrant special attention in assessing the condition of the docket or in recommending future actions. Careful documentation of analyses and decisions of this kind will contribute significantly to the final report the Judicial Conference must make to Congress.

Type II includes the remainder of the case types, which collectively account for about 60% of national civil filings over the past ten years. Case types with the largest number of national filings were:

- contract actions other than student loan, veterans' benefits, and collection of judgment cases
- personal injury cases other than asbestos
- non-prisoner civil rights cases
- patent and copyright cases
- ERISA cases
- labor law cases
- tax cases



- securities cases
- other actions under federal statutes; e.g., FOIA, RICO, and banking laws

Chart 1 shows the percentage distribution among types of civil cases filed in your district for the past three years.

**Chart 1: Distribution of Case Filings, SY92-94**  
Eastern District of Kentucky

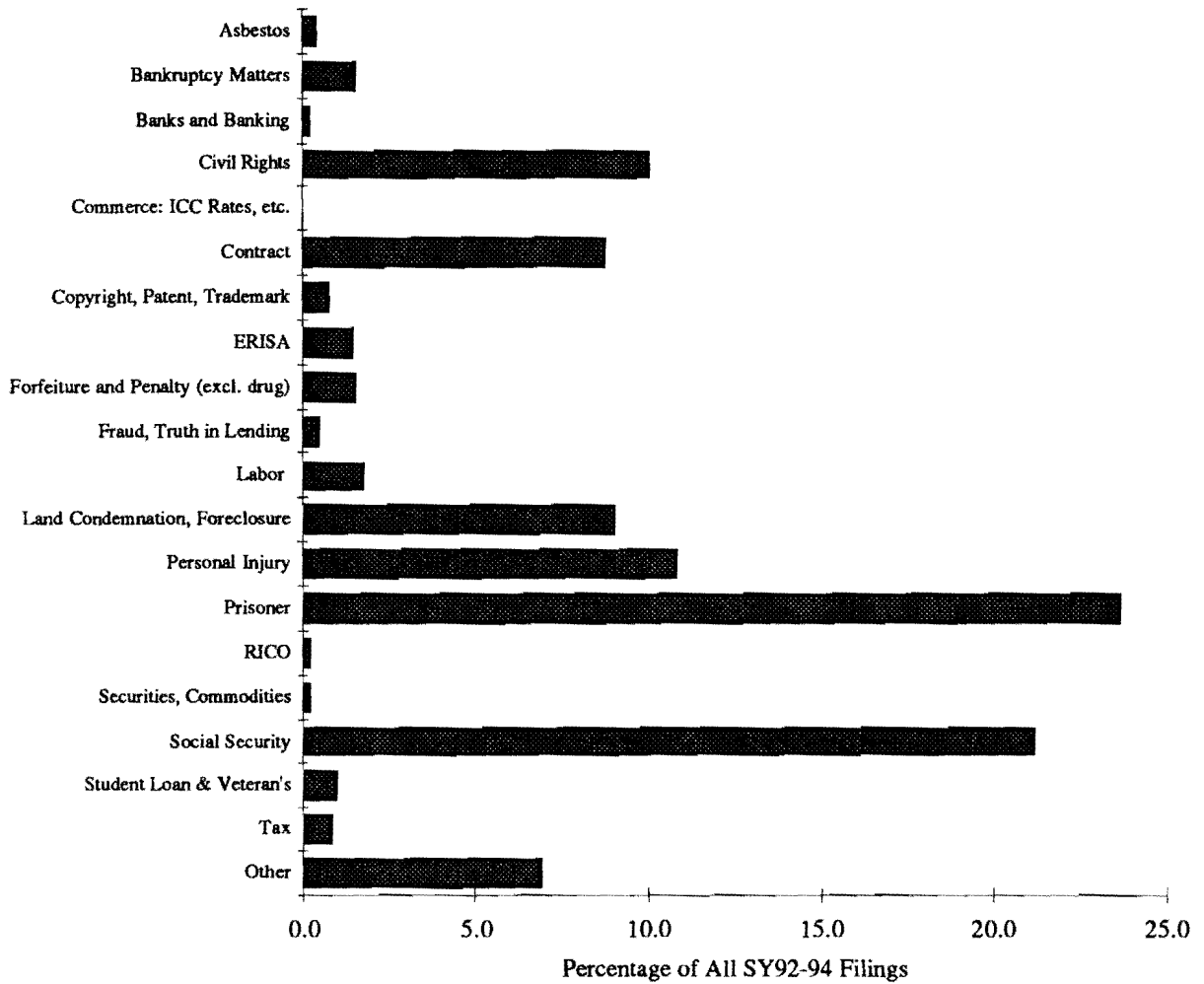
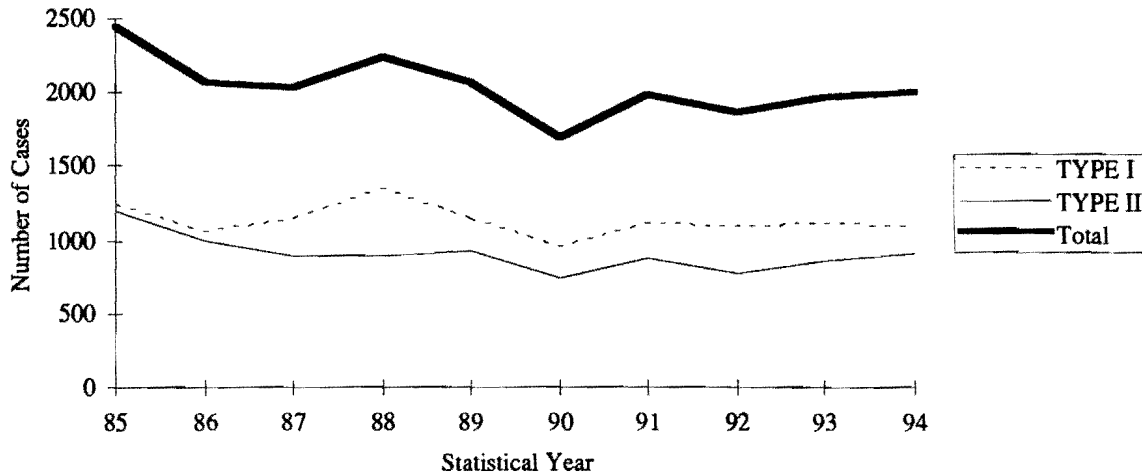


Chart 2 shows the trend of case filings over the past ten years for the Type I and Type II categories. Table 1 shows filing trends for the more detailed taxonomy of case types.

**Chart 2: Filings By Broad Category, SY85-94**  
Eastern District of Kentucky

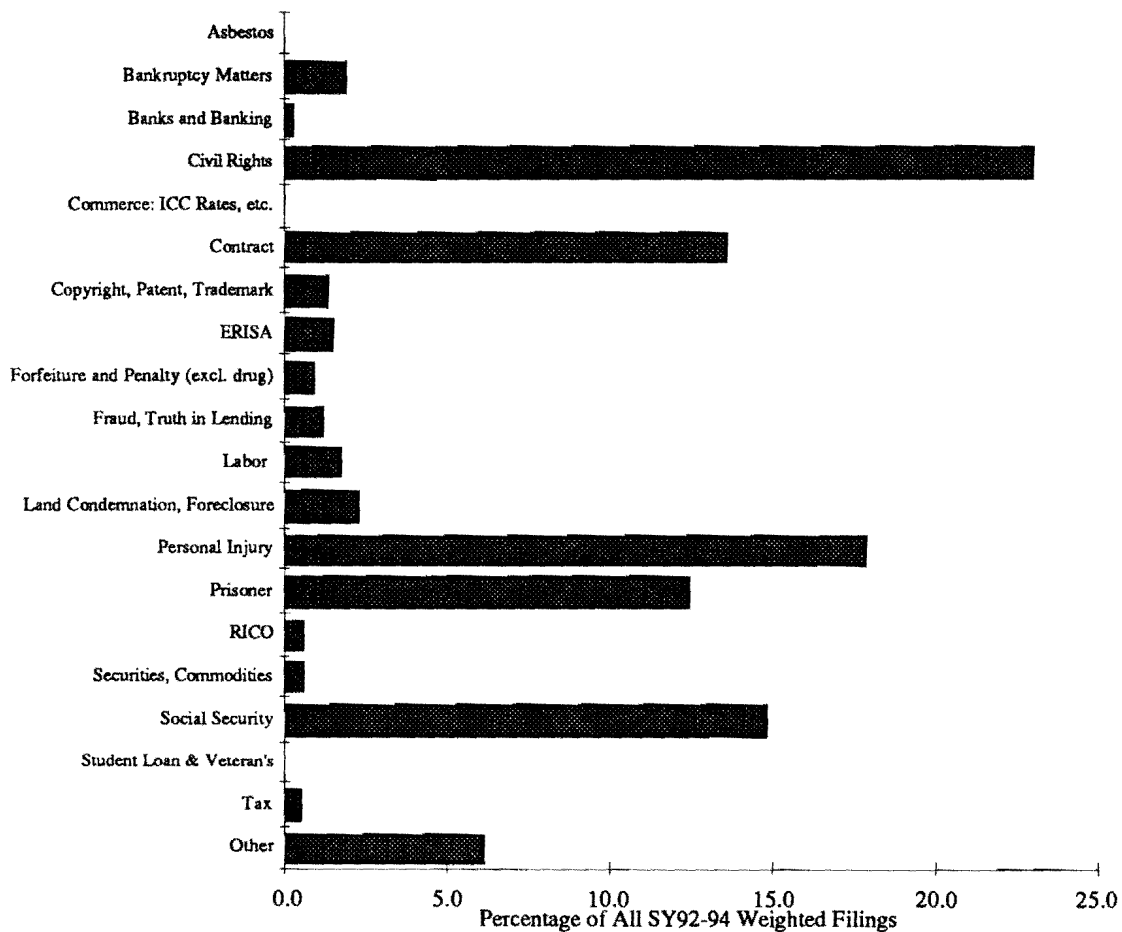


**Table 1: Filings by Case Type, SY85-94**

Eastern District of Kentucky	YEAR									
	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Asbestos	0	0	4	26	12	21	31	11	4	4
Bankruptcy Matters	17	13	27	21	14	26	36	23	23	41
Banks and Banking	3	2	4	1	1	0	4	1	1	5
Civil Rights	120	150	118	114	116	118	115	166	190	228
Commerce: ICC Rates, etc.	8	3	2	3	1	0	6	2	2	2
Contract	284	301	288	288	270	187	187	166	182	161
Copyright, Patent, Trademark	18	24	12	12	16	9	14	11	14	15
ERISA	28	16	16	21	14	22	24	26	32	25
Forfeiture and Penalty (excl. drug)	315	85	54	71	92	32	40	36	38	14
Fraud, Truth in Lending	6	7	14	8	6	4	3	11	9	3
Labor	58	44	65	44	51	53	45	44	29	29
Land Condemnation, Foreclosure	82	83	113	131	94	119	111	204	159	165
Personal Injury	183	205	169	171	218	213	284	164	205	262
Prisoner	264	354	342	355	461	463	511	466	485	431
RICO	0	2	2	1	2	2	3	3	0	5
Securities, Commodities	15	7	9	13	5	1	8	4	2	4
Social Security	585	460	650	788	545	314	405	347	432	457
Student Loan and Veteran's	303	160	13	37	28	16	20	50	6	0
Tax	30	27	12	14	12	12	12	13	13	19
All Other	136	124	131	131	121	89	132	125	139	139
All Civil Cases	2455	2067	2045	2250	2079	1701	1991	1873	1965	2009

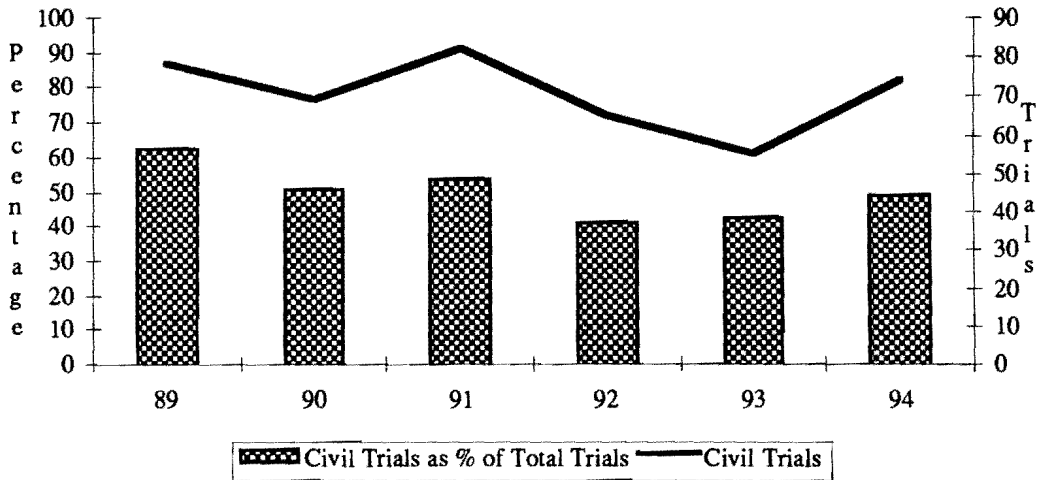
**c. Burden.** While total number of cases filed is an important figure, it does not provide much information about the work the cases will impose on the court. For this reason, the Judicial Conference uses a system of case weights based on measurements of judge time devoted to different types of cases. Chart 3 employs the current case weights (revised in August, 1993) to show the approximate distribution of demands on judge time among the case types accounting for the past three years' filings in this district. The chart does not reflect the demand placed on magistrate judges.

**Chart 3: Distribution of Weighted Civil Case Filings, SY92-94  
Eastern District of Kentucky**



Another indicator of burden is the incidence of civil trials. Chart 4 shows the number of civil trials completed and the percentage of all trials accounted for by civil cases during the last six years.

**Chart 4: Number of Civil Trials and Civil Trials as a Percentage of Total Trials, SY89-94  
Eastern District of Kentucky**



**d. Time to disposition.** This section is intended to assist in assessments of “delay” in civil litigation in this district. We first look at conventional data on the pace of litigation and then suggest some alternative ways of examining data to estimate the time that will be required to dispose of newly filed cases. The *MgmtRep* table shows the median time from filing to disposition for civil cases and for felonies. Time from joinder of issue to trial is also reported for civil cases that reached trial. These data are commonly used to assess the dispatch with which cases have moved through a court in the past. When enough years are shown and the data for those years are looked at collectively, reasonable assessments of a court’s pace might be made.

Data for a single year or two or three may not, however, provide a reliable predictor of the time that will be required for new cases to move from filing to termination. An obvious example of the problem arises in a year when a court terminates an unusually small portion of its oldest cases. Both average and median time to disposition in that year will show a decrease. The tempting conclusion is that the court is getting faster when the opposite is actually the case. Conversely, when a court succeeds in a major effort to clean up a backlog of difficult-to-move cases, the age of cases terminated in that year may suggest that the court is losing ground rather than gaining.

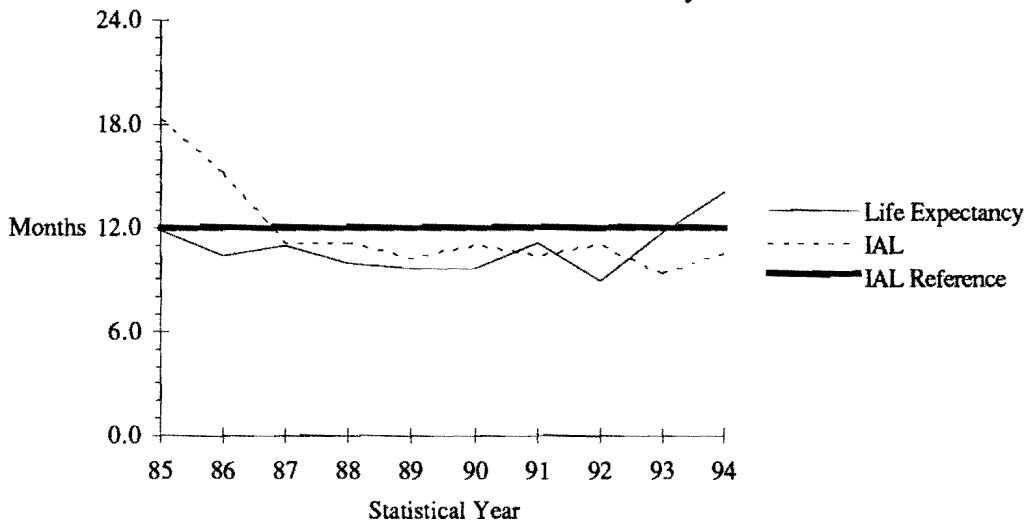
Since age of cases terminated in the most recent years is not a reliable predictor of next year’s prospects, we offer other approaches believed to be more helpful. *Life expectancy* is a familiar way of answering the question: “How long is a newborn likely to live?” Life expectancy can be applied to anything that has an identifiable beginning and end. It is readily applied to cases filed in courts.

A second measure, *Indexed Average Lifespan (IAL)*, permits comparison of the characteristic lifespan of this court’s cases to that of all district courts over the past decade. The IAL is indexed at a value of 12 (in the same sense that the Consumer Price Index is indexed at 100) because the national average for time to disposition is about 12 months. A value of 12 thus represents an average speed of case disposition, shown on the charts below as IAL Reference. Values below 12

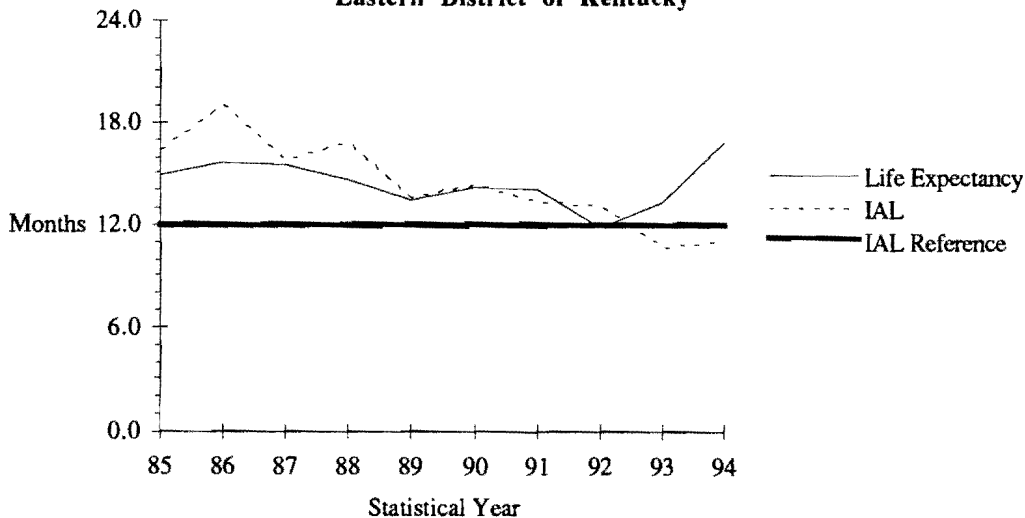
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**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY85-94  
Eastern District of Kentucky**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY85-94  
Eastern District of Kentucky**



**e. Three-year-old cases.** The *MgmtRep* table shows the number and percentage of pending cases that were over three years old at the indicated reporting dates. We have prepared Charts 7 and 8 to provide some additional information on these cases.

Chart 7 shows the distribution of case terminations among a selection of termination stages and shows within each stage the percentage of cases that were three years old or more at termination.

**Chart 7: Cases Terminated in SY92-94, By Termination Category and Age**  
**Eastern District of Kentucky**  
 Termination Category (Percent 3 or more years old)

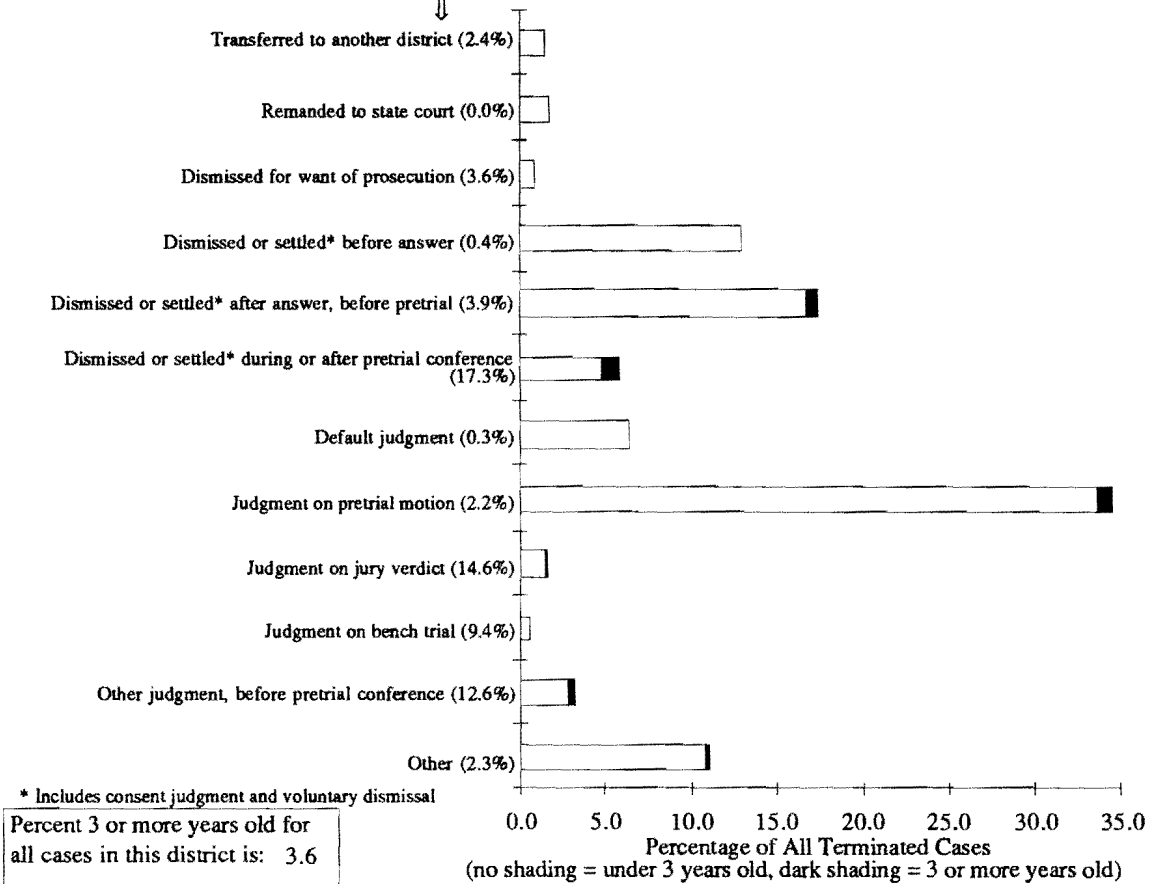
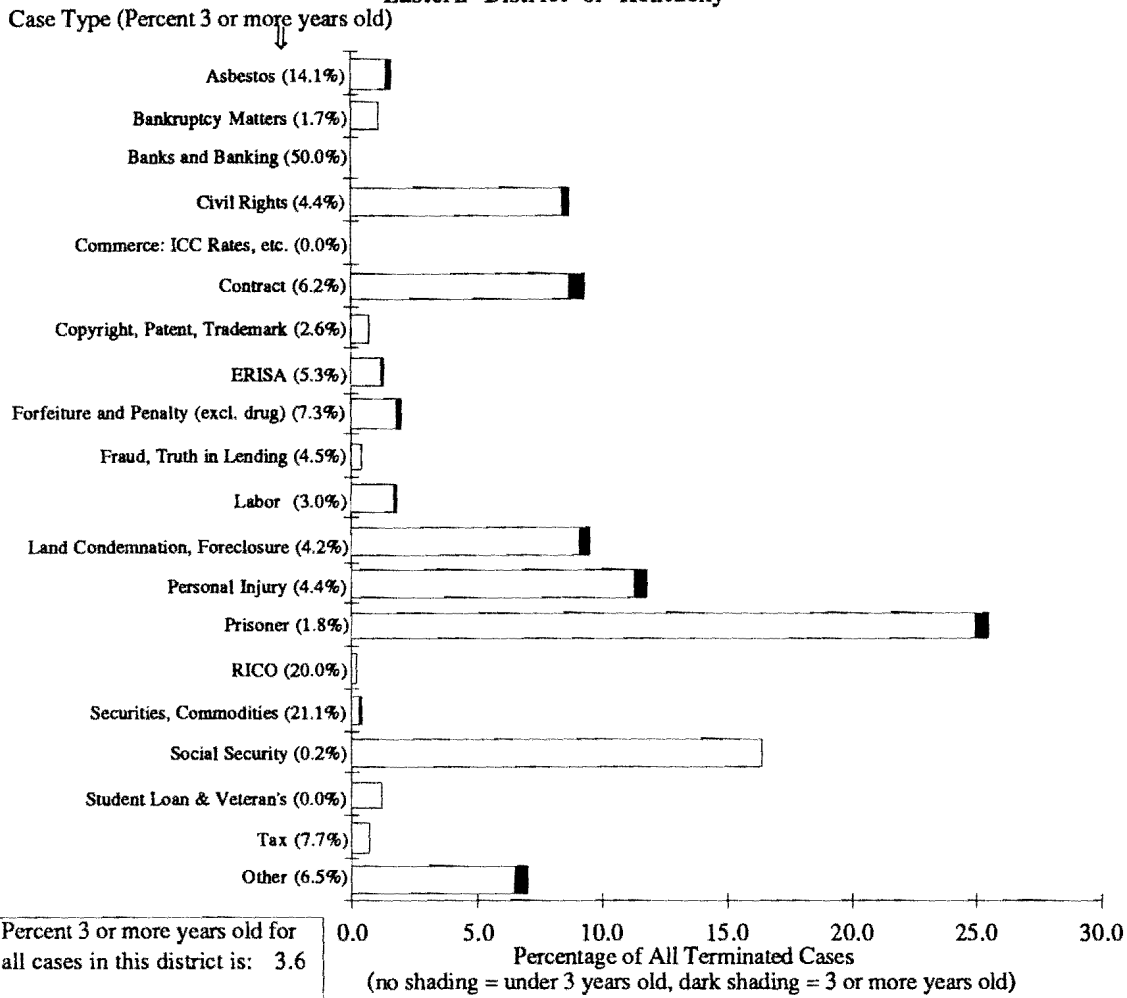


Chart 8 shows the distribution of terminations among the major case types and shows within each type the percentage of cases that were three years old or more at termination.

**Chart 8: Cases Terminated in SY92-94, By Case Type and Age**  
Eastern District of Kentucky



**f. Vacant judgeships.** The judgeship data given in *MgmtRep* permit a calculation of available judge power for each reported year. If the table shows any vacant judgeship months for this district, a simple calculation can be used to assess the impact: Multiply the number of judgeships by 12, subtract the number of vacant judgeship months, divide the result by 12, and then divide the result into the number of judgeships. The result is an adjustment factor that may be multiplied by any of the per-judgeship figures in the *MgmtRep* table to show what the figure would be if computed on a per-available-active-judge basis. For instance, if the district has three judgeships and six vacant judgeship months, the adjustment factor would be 1.2 ( $36 - 6 = 30$ ;  $30 / 12 = 2.5$ ;  $3 / 2.5 = 1.2$ ). If terminations per judgeship are 400, then terminations per available active judge would be 480 ( $400 \times 1.2$ ). This will overstate the workload of the active judges if

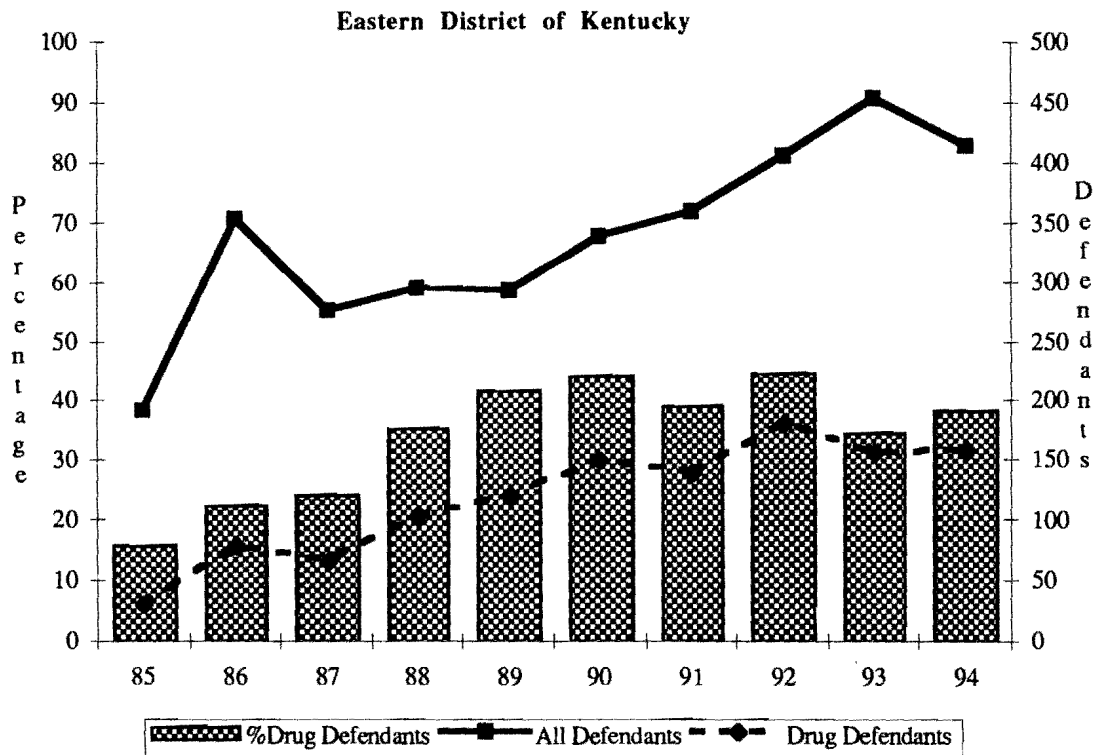
there are senior judges contributing to the work of the district. Because of the varying contributions of senior judges, however, there is no standard by which to take account of their effect on the workload of the active judges.

## 2. The Criminal Docket

**a. The impact of criminal prosecutions.** In calling on the advisory group to consider the state of the criminal docket, Congress recognized that the criminal caseload limits the resources available for the court's civil caseload. It is important to recognize that the Speedy Trial Act mandates that criminal proceedings occur within specified time limits, which may interfere with the prompt disposition of civil matters.

The trend of criminal defendant filings for this district is shown in Chart 9. We have counted criminal defendants rather than cases because early results from the current FJC district court time study indicate that burden of a criminal case is proportional to the number of defendants. Because drug prosecutions have in some districts dramatically increased demands on court resources, we have also shown the number and percentage of defendants in drug cases. A detailed breakdown of criminal filings by offense is shown on the last line of the table reproduced on page 8. A more detailed, five-year breakdown of the district's criminal caseload is available from David Cook of the Administrative Office's Statistics Division (202-273-2290).

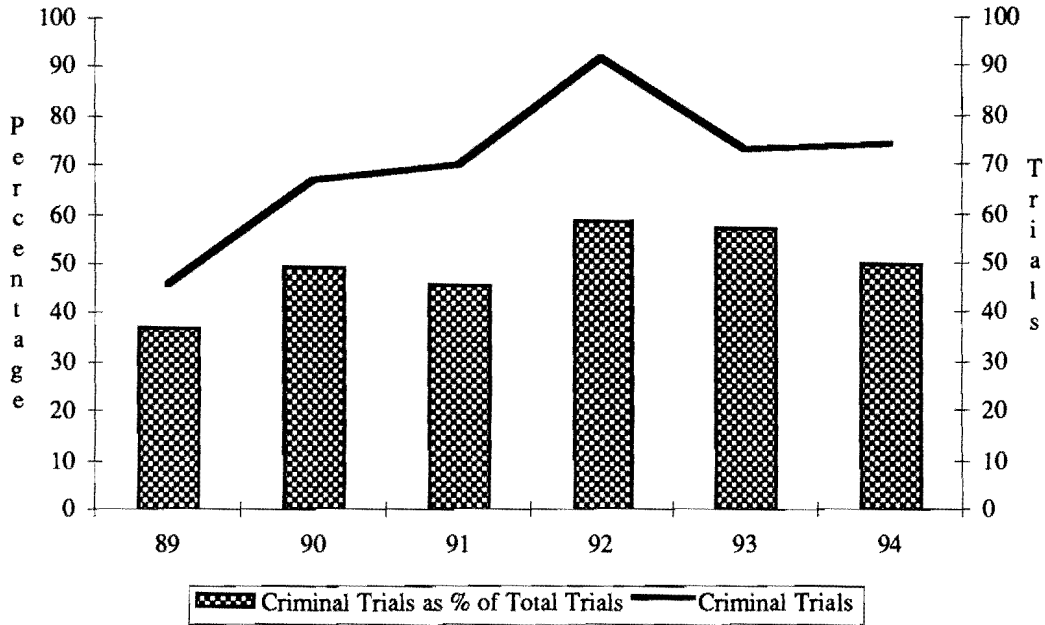
**Chart 9: Criminal Defendant Filings with Number and Percentage Accounted for by Drug Defendants, SY85-94**





**b. The demand on resources by criminal trials.** Chart 10 shows the number of criminal trials and the percentage of all trials accounted for by criminal cases during the last six years.

**Chart 10: Number of Criminal Trials and Criminal Trials as a Percentage of Total Trials, SY89-94**  
Eastern District of Kentucky



**For more information on caseload issues**

This section was prepared by John Shapard of the Federal Judicial Center with assistance from the Statistics Division of the Administrative Office of the U.S. Courts. Questions and requests for additional information should be directed to Mr. Shapard at (202) 273-4070.