

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

75 Spring Street, N.W.  
Atlanta, Georgia 30303

Jeanne J. Bowden  
Advisory Group  
Civil Justice Reform Act of 1990

MEMORANDUM:

TO: Advisory Group Members

FROM: Jeanne J. Bowden *JJB*

RE: Additional Comments: Statistical Analysis of Civil  
Court Docket

DATE: July 11, 1991

At the last Advisory Group meeting, Trammell Vickery suggested that each of us read John Shapard's article How Caseload Statistics Deceive. Shortly after the June 26 meeting, a copy of Mr. Shapard's article was mailed to each of you.

Mr. Shapard presents examples to demonstrate three basic points:

(1) "A court's efforts to clear up its backlog of older pending cases results in a short-term increase in the median time for disposition of cases." (p.1)

(2) "When filing rates are continuously increasing, the median time from filing to disposition will be constantly distorted downward, as well as the trial rate, due to the constant relevant oversupply of young cases in the pending caseload. Conversely, decreasing filing rates cause an upward distortion in both median age and trial rate." (p.2)

(3) The way to tell if a court is "staying abreast" is to track the ratio of pending cases to annual case terminations. "If the ratio stays constant, the court is staying abreast; if it decreases, the court is gaining ground--disposing of cases faster; and if it increases, the court is falling behind. The ratio of pending cases to annual case terminations is a good estimate of the true average duration (or life expectancy) of a court's cases." (p.3)

I computed the ratio of pending cases to annual case terminations for Northern Georgia for the years 1985-1990. As the chart set forth below shows, at 0.8 month the increase in average case duration over the past three years has been very small.

<u>Year</u>	<u>Pending Cases</u>	<u>Annual Case Terminations</u>	<u>Case Duration</u>	
			<u>In Years</u>	<u>In Months</u>
1990	3,853	3,707	1.039	12.46
1989	3,870	3,884	0.996	11.95
1988	3,669	3,776	0.971	11.65
1987	3,494	4,229	0.826	9.91
1986	3,736	5,495	0.679	8.14
1985	5,222	4,169	1.252	15.034

I called Mr. Shapard and discussed these ratios with him. He said that, in his opinion, the increase was essentially negligible. He said the court's decrease in filings was probably a factor, particularly if you assumed that the lost filings reflected a drop in "easy" cases. We discussed the possibility that the court had probably "lost" some easy filings due to the increase in the diversity jurisdictional amount from \$10,000 to \$50,000.

Mr. Shapard said that he thinks Charts 5 and 6 in the FJC handout "Guidance to Advisory Groups Appointed Under the Civil Justice Reform Act of 1990," February 1991, are the best overall indicators of a court's increased or decreased efficiency. Chart 5 (attached) shows that Northern Georgia's Indexed Average Lifespan (IAL) has remained pretty constant for ten years. Mr. Shapard also said that the "increase in life expectancy in Chart 5 is not a cause for concern" at this point because Chart 6 suggests the increase is caused by the increased difficulty (Type II cases) of our cases. As shown by these charts, Northern Georgia's performance among all 94 district courts is a little better than average.

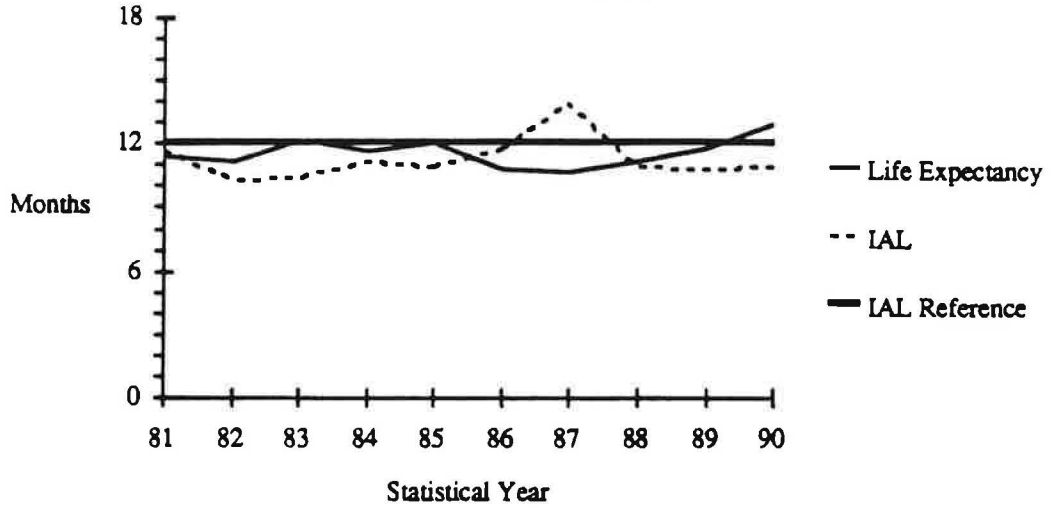
Mr. Shapard and I also discussed Northern Georgia's low rankings in the top 25 metropolitan courts (chart attached) in the four categories of total filings, pending cases, weighted case filings, and terminations. His overall message is that it is good to be at the lower end in these four categories. He also explained that category three, "weighted cases," meant weighted case filings; I had misread category three of the chart to be pending weighted cases. Comparison of Northern Georgia's raw total filings figure with its weighted case filings figure yields confirmation that the cases in this court are more complex. That is, Northern Georgia ranks 23rd among the top 25 metropolitan courts in total filings but 21st among 25 when you look at the weighted case filings.

Keeping in mind Mr. Shapard's comments, I restudied the metro courts' chart. I concluded that these figures do, in fact, support the conclusion that the Northern District of Georgia is a well-operating court. Northern Georgia's ranking of 22nd in terminations

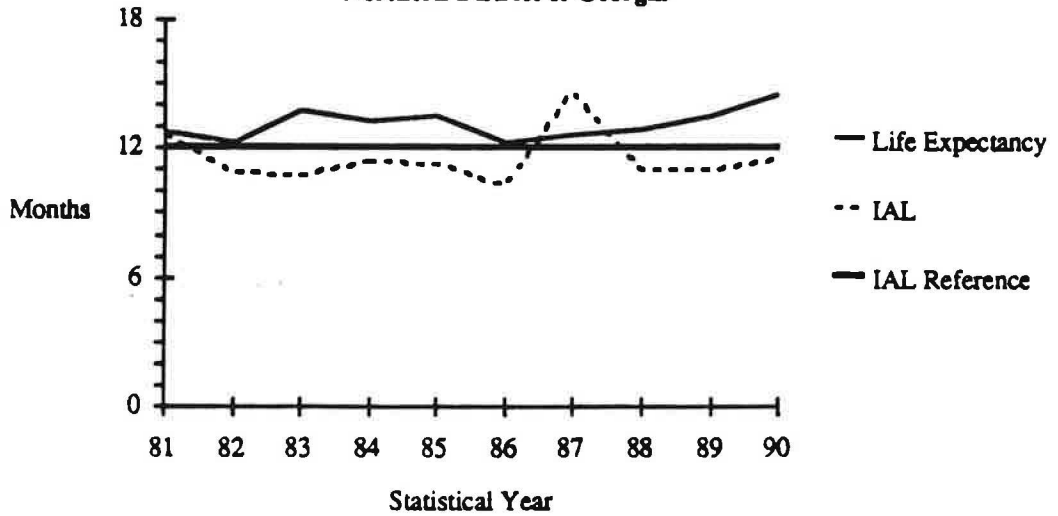
is consistent with the court's rankings of 21st and 23rd, respectively, in weighted case filings and raw case filings. The only category which indicates a "slippage" in performance is that Northern Georgia moved up a few rankings to 19th in the category of number of pending cases. On the other hand, this means that only six other metropolitan courts had a lesser number of pending cases; and, as was mentioned at the June 26, 1991, Advisory Group meeting, Northern Georgia's commitment to terminating all cases in a timely fashion (as evidenced by its low percentage of cases 3 years or older) undoubtedly impacts the time required to terminate cases of more routine difficulty.

In conclusion, the statistics for the Northern District of Georgia look good. The minimal decrease in efficiency over the past three years (1988-90) is not in any way a cause for alarm, but the trend needs to be reversed. A final determination as to the court's direction should, however, probably not be made until the figures for the court's statistical year ending June 30, 1991, are available.

**Chart 5: Life Expectancy and Indexed Average Lifespan, All Civil Cases SY81-90  
Northern District of Georgia**



**Chart 6: Life Expectancy and Indexed Average Lifespan, Type II Civil Cases SY81-90  
Northern District of Georgia**



TWELVE MONTH PERIOD ENDING JUNE 30, 1990  
ACTIONS PER JUDGESHIP  
OF THE TWENTY-FIVE METROPOLITAN COURTS

<u>DISTRICT</u>	<u>TOTAL FILINGS</u>	<u>WEIGHTED FILINGS</u>	<u>PENDING CASES</u>	<u>CASES TERM.</u>	<u>NO. TRIALS</u>	<u>% 3-YR. OLD CASES</u>
ARIZONA	462	412	538	405	46	11.5
CALIFORNIA (C)	449	487	471	452	29	8.6
CALIFORNIA (N)	441	500	458	435	17	15.1
CALIFORNIA (S)	406	440	591	435	64	12.7
DIST. OF COL.	254	322	304	248	41	12.0
FLORIDA (M)	562	509	540	537	41	6.0
FLORIDA (S)	428	402	419	376	46	3.9
<b>GEORGIA (N)</b>	<b>347</b>	<b>379</b>	<b>350</b>	<b>337</b>	<b>32</b>	<b>4.0</b>
ILLINOIS (N)	416	488	346	440	27	11.6
LOUISIANA (E)	407	354	316	454	31	2.5
MARYLAND	388	400	378	434	27	10.2
MAINE	393	403	314	391	28	30.8
MICHIGAN (E)	360	376	342	364	24	3.4
NEW JERSEY	426	532	402	441	28	5.9
NEW YORK (E)	449	495	589	391	43	13.1
NEW YORK (S)	354	409	505	344	26	12.8
OHIO (N)	679	876	1,042	333	19	5.9
OHIO (S)	417	440	484	458	32	12.6
PENNSYLVANIA (E)	514	638	537	468	36	2.1
PENNSYLVANIA (W)	311	310	315	312	22	7.7
SOUTH CAROLINA	437	380	358	455	39	1.3
TEXAS (N)	566	577	570	555	37	5.8
TEXAS (S)	641	587	816	598	67	13.2
TEXAS (W)	609	581	565	590	88	1.8
VIRGINIA (E)	585	647	409	577	59	23.2

<b>GEORGIA (N)</b>	<b>23rd</b>	<b>21st</b>	<b>7th lowest</b>	<b>22nd</b>	<b>T13th</b>	<b>7th lowest</b>
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