

Jurisdictions with a High Number of Civil Jury Trials

Prepared for the House and Senate Committees on Appropriations

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Executive Summary

The Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103) directed the Federal Judicial Center to submit a report “identifying jurisdictions that have a high number of civil jury trials” and analyzing “whether the litigation practices, local court rules, or other factors in those jurisdictions may contribute to a higher incidence of civil jury trials.” Because the number of civil jury trials was dramatically affected by the coronavirus pandemic, this report focuses on federal court data from fiscal years 2010–2019. This report draws on data reported by the district courts to the Administrative Office of United States Courts; these data provide the basis for the tables in the official judiciary reports and are made available to the public by the Federal Judicial Center.

Civil cases terminated during or after civil jury trial represent only 0.7% of all civil cases terminated in the study period. The percentage of cases terminated during or after a jury trial varied over the course of the study period, with the lowest percentage of jury trial terminations, 0.5%, observed in fiscal year 2019.

With respect to “districts with a high number of civil jury trials,” the size of the caseloads of the federal district courts is key: district courts with larger numbers of overall civil terminations tend to have larger numbers of civil jury trials in absolute terms, but those relatively larger courts tend to have lower civil jury trial rates than district courts with fewer overall civil terminations. The 10 districts with the most civil terminations during or after a jury trial in fiscal years 2010–2019 were California Central, Illinois Northern, New York Southern, Pennsylvania Eastern, Florida Southern, New York Eastern, Florida Middle, Texas Southern, California Eastern, and Colorado. These districts are all relatively large districts in terms of overall caseload.

On the other hand, the 10 districts with the highest civil jury trial rates (i.e., the highest percentages of civil terminations during or after jury trial) in fiscal years 2010–2019 were all medium to small districts in terms of overall caseload: Wyoming, New York Northern, Wisconsin Western, Illinois Central, Virgin Islands, Louisiana Middle, Nebraska, Guam, South Dakota, and Connecticut.

There is little variation among districts in terms of the civil jury trial rate in fiscal years 2010–2019. The overwhelming majority of districts (77) had a civil jury trial rate between 0.5% and 1.5%; only two districts had a civil jury trial rate equal to or greater than 2.0%, and no district had a civil jury trial rate greater than the District of Wyoming’s, at 2.75%. The report’s ability to assess factors associated with higher civil jury trial rates is constrained by this lack of variation in the variable of interest.

The report presents data on several factors that may contribute to a higher incidence of civil jury trials. Findings include:

- The composition of a district’s caseload is only weakly related to its civil jury trial rate. No district “lacks” civil cases eligible to try.
- There is a positive correlation at the district level between the civil jury trial rate and the percentage of civil cases that are tried by the court (bench trial rate).

- Districts' criminal caseloads are strongly correlated with their civil caseloads, and districts with larger combined criminal and civil caseloads tend to have lower civil jury trial rates than districts with relatively smaller combined caseloads.
- There is no correlation between districts' civil jury trial rates and the criminal defendant jury trial rates (i.e., percentage of criminal defendants' cases terminated by jury trial). This finding is somewhat contrary to the conventional wisdom that there is a trade-off between civil and criminal jury trials.
- There is no correlation between districts' civil jury trial rates and the percentage of civil cases resolved by summary judgment.
- With existing data sources, it is difficult to say how local rules or districts' use of various forms of alternative dispute resolution (ADR) affect the civil jury trial rate.
- One factor that may have reduced the civil jury trial rate across time, a shift in judges' mindset to a focus on case management, is difficult to assess at the district level.

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I. Background

Division E, title III, of the explanatory statement accompanying the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103) included the following reporting requirement for the Federal Judicial Center (Center):

Civil Jury Trials.—The FJC is directed to submit a report to the Committees no later than one year after enactment of this Act identifying jurisdictions that have a high number of civil jury trials and analyze whether the litigation practices, local court rules, or other factors in those jurisdictions may contribute to a higher incidence of civil jury trials.

The Committees' interest in the number of civil jury trials is likely related to concerns over the vanishing or disappearing trial in both criminal and civil cases. Although commentators have bemoaned the jury trial's decline for at least 100 years,¹ contemporary interest was spurred by Professor Galanter's comprehensive 2004 article, "The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts."² As Galanter and others have repeatedly documented, civil jury trials have declined sharply, both in absolute terms and in terms of the percentage of civil cases terminated during or after jury trial, i.e., the civil jury trial rate (see **Table A-1**). In absolute terms, the number of civil terminations during or after jury trial fell to a new low of 1,570 in fiscal year 2019, even as overall civil terminations peaked at 311,520. The number of civil jury trials in 2019 was down 75% from a high of 6,279 in 1987. The civil jury trial rate has declined from a high of 5.5% in 1962 to a low of 0.5% in 2019.

Then came the coronavirus pandemic. As seen in **Table 1**, the number of civil jury trials plummeted during the pandemic.³ The pandemic struck almost in the middle of FY 2020; in that fiscal year, only 827 civil cases terminated during or after jury trial; in FY 2021, the comparable

1. See Herbert M. Kritzer, *The Trials and Tribulations of Counting Trials*, 62 DePaul L. Rev. 415, 416 (2013): [I]t is important to realize that concerns in the United States about the decline of the jury trial are by no means new. Such concerns have been expressed at least since the late 1920s in scholarship such as Raymond Moley's article *The Vanishing Jury*, Dunbar Carpenter's letter to the ABA Journal, *The Jury System's Manifest Destiny*, Silas Harris's *Is the Jury Vanishing*, and J. A. C. Grant's *Felony Trials Without a Jury*. In fact, the decline in jury trials during this earlier period produced laments similar to what some commentators are expressing today . . .

(citations omitted).

2. Marc Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts*, 1 J. Empirical Legal Stud. 459 (2004).

3. According to a recent Center report:

Jury trials were directly impacted by the pandemic. When courts closed their doors in the early days of the pandemic, they moved many kinds of proceedings to telephone and video conference. Jury trials, however, could not be moved online with the same ease . . . As a result, many districts suspended jury trials altogether during the first wave of the pandemic. Once jury trials resumed, social distancing requirements, cleaning protocols, and COVID-19 infections limited the number of trials courts could conduct at any given time. Through subsequent waves of the pandemic, some courts again opted to suspend jury trials.

Roy Germano, Timothy Lau, & Kristin Garri, Federal Judicial Center, COVID-19 and the U.S. District Courts: An Empirical Investigation (2022), at 6–7.

figure was 846 civil cases. Jury trials appear to have mostly rebounded in FY 2022 to 1,486, only about 5% lower than in fiscal year 2019.

Table 1. Civil Jury Trials, Total Civil Terminations, and Civil Jury Trial Rate, FYs 2010–2022

Fiscal Year	Civil Jury Trials	Total Civil Terminations	Jury Trial Rate
2010	2,251	309,361	0.7
2011	2,253	302,817	0.7
2012	2,219	271,385	0.8
2013	2,152	255,071	0.8
2014	2,028	258,278	0.8
2015	2,091	274,362	0.8
2016	1,965	271,302	0.7
2017	1,812	289,595	0.6
2018	1,706	275,879	0.6
2019	1,570	311,520	0.5
2020	827	270,902	0.3
2021	846	271,275	0.3
2022	1,486	307,923	0.5
Total	23,206	3,669,670	0.6

Given the district courts’ inability to conduct jury trials during the pandemic, this report draws upon pre-coronavirus pandemic data, specifically fiscal years 2010–2019. The numbers of civil jury trials presented in this report are drawn from the Center’s Integrated Database (IDB), a longitudinal database based on yearly data extracts of civil case filings and terminations reported by the federal district courts to the Administrative Office of the United States Courts (AOUSC). The IDB includes the data used in Table C-4A, “U.S. District Courts – Civil Cases Terminated, by District and Action Taken,” published annually in the Judicial Business of United States Courts report.⁴ The ninth column of Table C-4A provides the number of civil cases in a particular jurisdiction that terminated during or after the start of a jury trial during the fiscal year. In court records, civil trials are defined as contested proceedings in which evidence is introduced; jury trials, as opposed to what is commonly called a bench trial, are those in which a panel of citizens is charged with making findings of fact. All told, 20,047 civil cases were terminated during or after

4. The IDB is available for public download at <https://www.fjc.gov/research/idb>. Table C-4A as published in the annual Judicial Business of the United States Courts report can be accessed at <https://www.uscourts.gov/statistics-reports/analysis-reports/judicial-business-united-states-courts>.

civil jury trials in fiscal years 2010–2019.⁵ The “during or after” language denotes that incomplete jury trials are included in counts of civil jury trials. About 87% of these cases were resolved after a jury verdict.

These 20,047 civil jury trials represent only 0.7% of all civil cases terminated in fiscal years 2010–2019. **Table 2** summarizes the procedural progress of civil terminations during the study period as recorded by the district courts, following Table C-4 in the Judicial Business reports. Across the entire period, 19% of civil cases were terminated without any court action. Most civil cases, 70%, were terminated before a pretrial (Rule 16) conference. Ten percent of civil cases were terminated before a trial began but after a pretrial (Rule 16) conference. Less than one half of one percent of cases were terminated during or after a bench trial. The percentage of cases terminated during or after a jury trial varied over the course of the study period, but the lowest percentage of jury trial terminations, 0.5%, was observed in fiscal year 2019.

Table 2. Percentage of Total Civil Cases Terminated, by Action Taken, FYs 2010–2019

Fiscal Year	No Court Action	Before Pretrial	During or After Pretrial	During or After Jury Trial	During or After Nonjury Trial
2010	17.4%	72.4%	9.1%	0.7%	0.3%
2011	18.0%	72.0%	9.0%	0.7%	0.3%
2012	20.2%	69.4%	9.2%	0.8%	0.4%
2013	21.2%	67.4%	10.1%	0.8%	0.4%
2014	20.1%	68.3%	10.5%	0.8%	0.4%
2015	20.7%	67.4%	10.8%	0.8%	0.3%
2016	19.5%	68.8%	10.7%	0.7%	0.3%
2017	18.4%	70.2%	10.5%	0.6%	0.3%
2018	18.5%	69.1%	11.4%	0.6%	0.3%
2019	18.5%	70.4%	10.3%	0.5%	0.2%
Total	19.2%	69.6%	10.1%	0.7%	0.3%

The remainder of this report proceeds as follows: Part II identifies the districts with the highest number of civil jury trials in three ways: the number of civil terminations during or after jury trial (Part II.A), the number of civil terminations during or after jury trial controlling for the number of authorized judgeships (Part II.B), and the rate at which civil cases terminate during or after jury trial (Part II.C). These three measures of “high number of civil jury trials” lead to different rankings of the districts.

5. For fiscal year 2011, the data in the IDB differ slightly from Table C-4A: there were 105 fewer total civil terminations and 1 fewer civil case terminated during or after jury trial in the IDB.

Part III then turns to “the litigation practices, local court rules, or other factors” that may explain the variation in the number of civil jury trials. Part III.A examines whether the type of cases initiated in the different districts (in terms of jurisdictional basis, origin, and nature of suit) explains variation in the civil jury trial rate. Part III.B briefly examines the role of jury trial demands pursuant to Fed. R. Civ. P. 38. Part III.C addresses the incidence of bench trials. Part III.D considers the relative sizes of the districts’ criminal caseloads, the relationship between civil and criminal jury trial rates, and the effects of the districts’ combined civil and criminal caseloads on the civil jury trial rates. Parts III.E and III.F look to district practices with respect to summary judgment; the former examines whether the civil jury trial rate varies by the rate at which districts resolve cases by means of summary judgment, and the latter to variations in districts’ local rules with respect to summary judgment procedures. Part III.G discusses alternative dispute resolution (ADR) and Part III.H the view that judges’ case-management mindset explains some of the overall rate at which civil cases go to trial. Part IV provides a brief conclusion.

II. Identifying Districts That Have a High Number of Civil Jury Trials

The explanatory statement directs the Center to identify “jurisdictions that have a high number of civil jury trials.” For purposes of this report, “jurisdictions” is limited to the 94 federal judicial districts. The Center does not have access to comparable, comprehensive data on civil jury trials in the state courts.⁶

Both words in the phrase “high number” are open to interpretation. With respect to “high,” few legal commentators would say that any district has a “high” number of civil jury trials. This report will focus on identifying districts with higher rates of civil jury trials than other districts rather than absolute numbers of civil jury trials. In addition, “number” may be interpreted in multiple ways. Taking “number” literally, Part II.A identifies the districts that conducted the most civil jury trials in fiscal years 2010–2019. **Table A-2** lists the 94 federal district courts in order from the district with the highest yearly average number of civil jury trials to the district with the lowest yearly average number of civil jury trials, showing for each district the yearly average number of civil jury trials, percentage of all civil jury trials for the entire period held in that district, yearly average number of civil terminations, and district rank in terms of yearly average civil terminations. Districts with a greater number of civil terminations overall generally tend to have more civil jury trials than districts with fewer civil terminations overall.

To partly account for court size, Part II.B identifies the districts with the highest yearly average number of civil jury trials per authorized judgeship for the period fiscal years 2010–2019. **Table A-3** lists the 94 federal district courts in order from the district with the highest yearly average number of civil jury trials per authorized judgeship to the district with the lowest yearly average number of civil jury trials per authorized judgeship. The district rankings differ between Tables A-2 and A-3, although three districts (California Eastern, Colorado, and New York Eastern) rank in the top 10 in both.

“Highest number,” however, may also be interpreted in terms of the rate at which civil cases go to jury trial, i.e., the percentage of a district’s civil case terminations occurring during or after a civil jury trial. This is often the key measure in the vanishing jury trial literature. Civil jury trial rates are presented in Part II.C. **Table A-4** lists the federal district courts in order from the district with the highest yearly average rate of civil jury trials as a percentage of all civil terminations for fiscal years 2010–2019, to the district with the lowest yearly average rate of civil jury trials as a percentage of all civil terminations. In general, large districts in terms of overall caseload tend to

6. Data on the state courts comparable to the federal court data simply do not exist. *See, e.g.,* Jeffrey Q. Smith & Grant R. MacQueen, *Going, Going, but Not Quite Gone: Trials Continue to Decline in Federal and State Courts: Does It Matter?* *Judicature*, Winter 2017, at 31 (“The data concerning state court trial activity are neither as comprehensive nor as current and consistent as the federal court data.”). *See also* Robert Moog, *Piercing the Veil of Statewide Data: The Case of Vanishing Trials in North Carolina*, 6 *J. Empirical Legal Stud.* 147, 148–49 (2009):

The literature on declining trials has encompassed both the federal and state courts, but the majority of the research and analysis has been at the federal level. Data from the states tend to be spotty, cross-state comparisons are crude at best because of incomparable data, and doubts regarding the consistency and reliability of the data are likely to be greater at the state level than at the federal level.”

have lower civil jury trial rates, and the districts with the highest civil jury trial rates tend to be smaller districts in terms of overall caseload. However, as will be addressed below, there is little district-to-district variation in civil jury trial rates. The overwhelming majority of districts have civil jury trial rates between 0.5% and 1.5% for fiscal years 2010–2019.

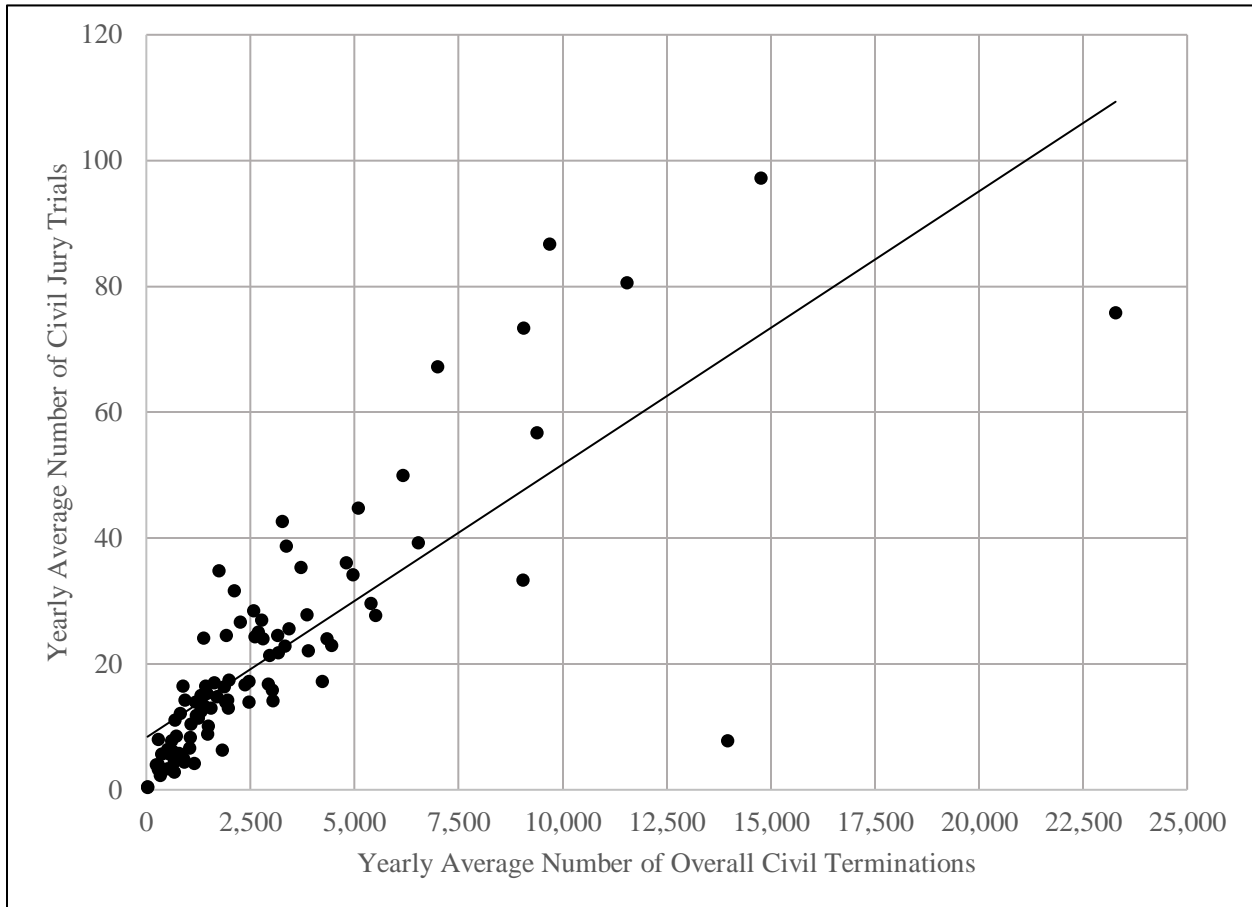
A. Districts with the Most Civil Jury Trials

Table A-2 displays the yearly average number of civil cases terminated during or after a jury trial by district for fiscal years 2010–2019 (the third column), ranked from the district with the highest average to the district with the lowest (the first and second columns). The fourth column shows the percentage of all civil jury trials for the entire period that were conducted in each district; for example, 4.8% (almost one in 20) of all civil terminations during or after jury trial for fiscal years 2010–2019 were in California Central. To provide a sense of each district’s relative size, the fifth column in Table A-2 shows the yearly average number of total civil cases terminated, and the sixth column lists each district’s rank in terms of civil terminations overall for fiscal years 2010–2019.

For fiscal years 2010–2019, the average number of civil jury trials per year ranged from 97 in California Central—the second-largest district in terms of overall civil terminations during the study period—to 0 in the smallest district, Northern Mariana Islands. The median district court averaged 16 civil jury trials per year. Like civil terminations in general, civil jury trials are highly concentrated in the largest districts. This is shown in the fourth column of Table A-2. Half of all civil jury trials were held in the 20 districts conducting the most civil jury trials, while three-quarters (75%) of all civil jury trials were conducted in 41 districts. The remaining 53 districts accounted for 25% of the civil jury trials during fiscal years 2010–2019.

There is a strong, positive correlation between the number of civil jury trials and number of overall civil terminations. As can be seen in **Figure 1**, larger districts in overall terminations (toward the righthand side of the figure) tend to have higher numbers of civil jury trials (on the vertical axis). A bivariate test of correlation, Pearson’s r , returns a coefficient of .798 ($p < .001$).

Figure 1: Yearly Average Number of Civil Jury Trials by Yearly Average Number of Overall Civil Terminations, FYs 2010–2019



The largest districts in terms of overall civil terminations tend to be the districts with the most civil jury trials, with California Central followed by Illinois Northern (5th overall), New York Southern (4th), Pennsylvania Eastern (1st), and Florida Southern (7th) in the top five districts in terms of average number of civil jury trials per year. These five districts alone account for 21% of all civil jury trials during fiscal years 2010–2019. West Virginia Southern was the most extreme outlier among the largest districts overall, ranking 3rd in terms of overall civil terminations (because of the pelvic mesh litigation centralized in that district) but tied (with Idaho) for 72nd in terms of average number of civil jury trials per year. In addition, New Jersey ranked 8th in overall terminations but 17th in average number of civil jury trials per year.

In general, districts larger than the median overall tended to also rank higher than the median in terms of average number of civil jury trials per year, and districts smaller than the median tended to rank lower than the median in terms of average number of civil jury trials per year. The only district smaller than the median district overall to rank in the top 20 districts in terms of average number of civil jury trials per year was New York Northern (50th overall, 15th in terms of average number of civil jury trials per year); Illinois Central, 58th overall, was 30th in terms of average number of civil jury trials per year.

B. Districts with the Most Civil Jury Trials per Authorized Judgeship

Table A-3 displays the yearly average number of civil cases terminated during or after a jury trial per district per authorized judgeship for fiscal years 2010–2019, ranked from the district with the highest average to the district with the lowest. The number of authorized judgeships serves here as a rough measure of district size, with the largest districts in terms of caseload having more authorized judgeships than smaller districts in terms of caseload. New York Southern and California Central, for example, each have 28 authorized judgeships, but several districts have only two. The median district court has 5 authorized judgeships. For ease of reference, the fourth column of Table A-3 lists each district’s number of authorized judgeships. As in Table A-2, the righthand column of Table A-3 lists each district’s rank in the average number of civil terminations per year for the same period.

The median district in Table A-3 averaged less than three civil jury trials per authorized judgeship per year. For fiscal years 2010–2019, Wisconsin Western averaged 8.25 civil jury trials per authorized judgeship per year (73rd in civil terminations), followed by California Eastern, 7.47 (14th), New York Northern, 6.96 (50th), Illinois Southern, 6.75 (34th), and Colorado, 6.10 (26th).

Both Colorado and California Eastern were ranked in the top 10 districts in Table A-2 in terms of average number of civil jury trials per year. In addition, New York Eastern ranks 10th in average number of civil jury trials per authorized judgeship per year and 6th in terms of average number of civil jury trials per year in Table A-2. These 3 districts have both a high number of civil jury trials, relative to other districts, and a high number of civil jury trials per authorized judgeship, relative to other districts. New York Eastern, with 15 authorized judgeships, is something of an outlier. Districts with relatively large numbers of authorized judgeships tend to rank lower in Table A-3 than in Table A-2 partly because the number of authorized judgeships is serving as the denominator. But Florida Southern (18 authorized judgeships) and Illinois Northern (22 authorized judgeships) are also in the top 20 districts in terms of average number of civil jury trials per authorized judgeship per year.

Interestingly, once the number of authorized judgeships is introduced into the denominator to roughly control for district size, the correlation between the average number of civil terminations and the average number of civil jury trial terminations disappears (Pearson’s $r = .167$, $p = .114$). District size drives the number of civil jury terminations in Table A-2 but is much less of a factor in the rank ordering of districts in Table A-3. It is less clear what explains the distribution observed in the latter table.

C. Districts with the Highest Civil Jury Trial Rates

Table A-4 displays the yearly average civil jury trial rate—the percentage of civil cases terminated during or after a civil jury trial—for each district for fiscal years 2010–2019, ranked from the

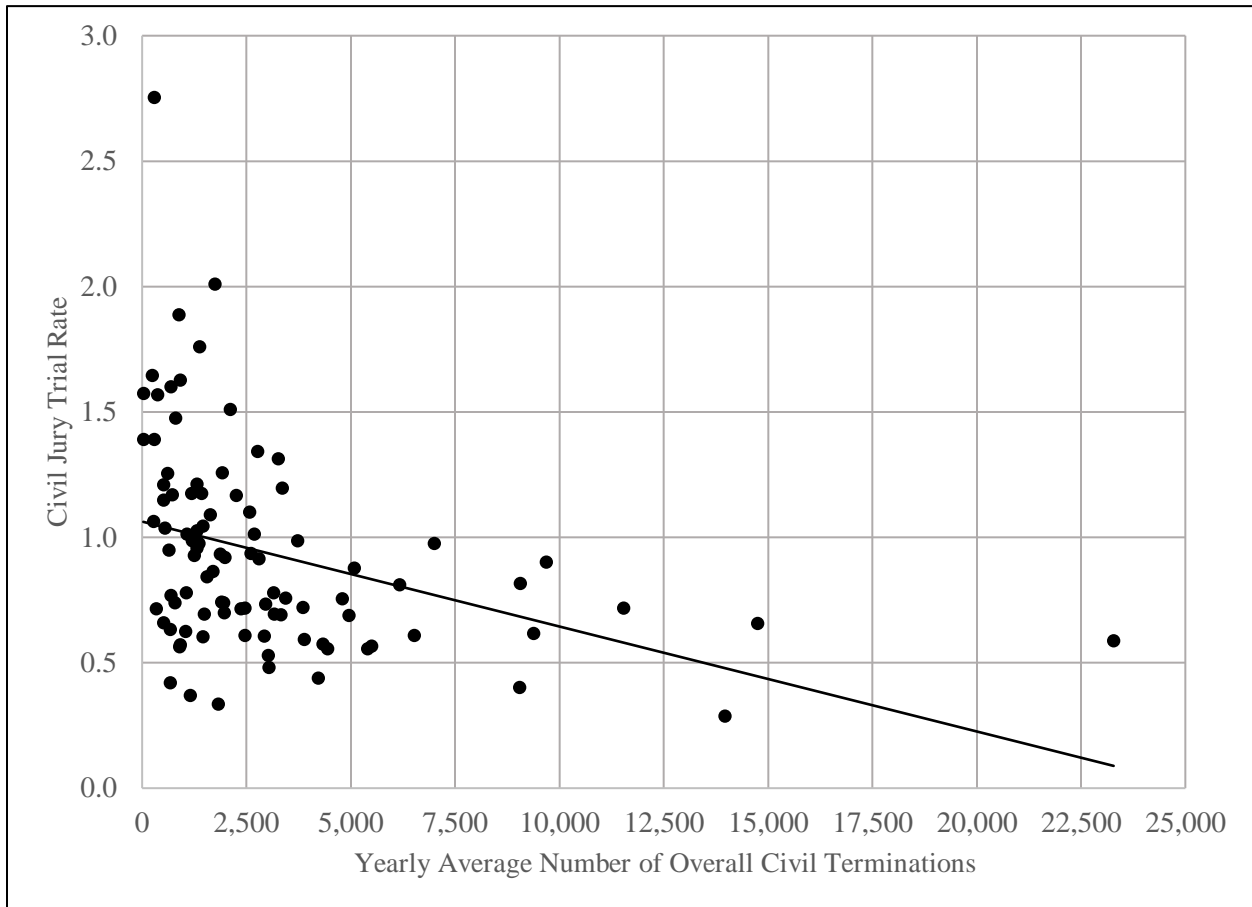
district with the highest average civil jury trial rate to the district with the lowest average civil jury trial rate. For fiscal years 2010–2019, the overall civil jury trial rate⁷ was 0.7%.

Wyoming, with a civil jury trial rate of 2.75%, was ranked 1st, followed by New York Northern, 2.01%, Wisconsin Western, 1.89%, Illinois Central, 1.76%, and the Virgin Islands, 1.65%. The next five districts with the highest civil jury trial rates for fiscal years 2010–2019 are Louisiana Middle, 1.63%, Nebraska, 1.60%, Guam, 1.57%, South Dakota, 1.57%, and Connecticut, 1.51%. These are, generally speaking, medium- to small-sized districts, in terms of both authorized judgeships and overall civil terminations during the study period. Wyoming is one of the smallest districts in terms of overall civil terminations, ranking 89th.

Not all small districts have relatively high civil jury trial rates, however. Alaska, which is slightly larger than Wyoming at 88th in terms of overall civil terminations, is 63rd in terms of civil jury trial rate. But even so, as can be seen in **Figure 2**, there is an inverse (negative) relationship between a district's number of overall civil terminations (the horizontal axis) and its civil jury trial rate (the vertical axis) (Pearson's $r = -.366$, $p < .001$). Districts with higher civil caseloads tend to have lower civil jury trial rates, and vice versa. The same relationship holds between a district's overall civil terminations per authorized judgeship and its civil jury trial rate (Pearson's $r = -.292$, $p = .005$). The largest district in the top 10 is Connecticut, which has eight authorized judgeships and is ranked 42nd in terms of overall civil terminations. Connecticut is the only district larger than the median district on either measure in the top 10; New York Northern is median-sized in terms of authorized judgeships (five).

7. For ease of reference, the term “civil jury trial rate” will be used in place of “yearly average civil jury trial rate” going forward. Civil jury trial rate represents the average of the civil jury trial rate for each of the 10 fiscal years in the study period. The overall civil jury trial rate represents the sum of cases disposed of during or after a jury trial in the 10-year study period divided by the sum of all civil cases terminated in the 10-year study period multiplied by 100.

Figure 2: Civil Jury Trial Rate by Yearly Average Number of Overall Civil Terminations, FYs 2010–2019



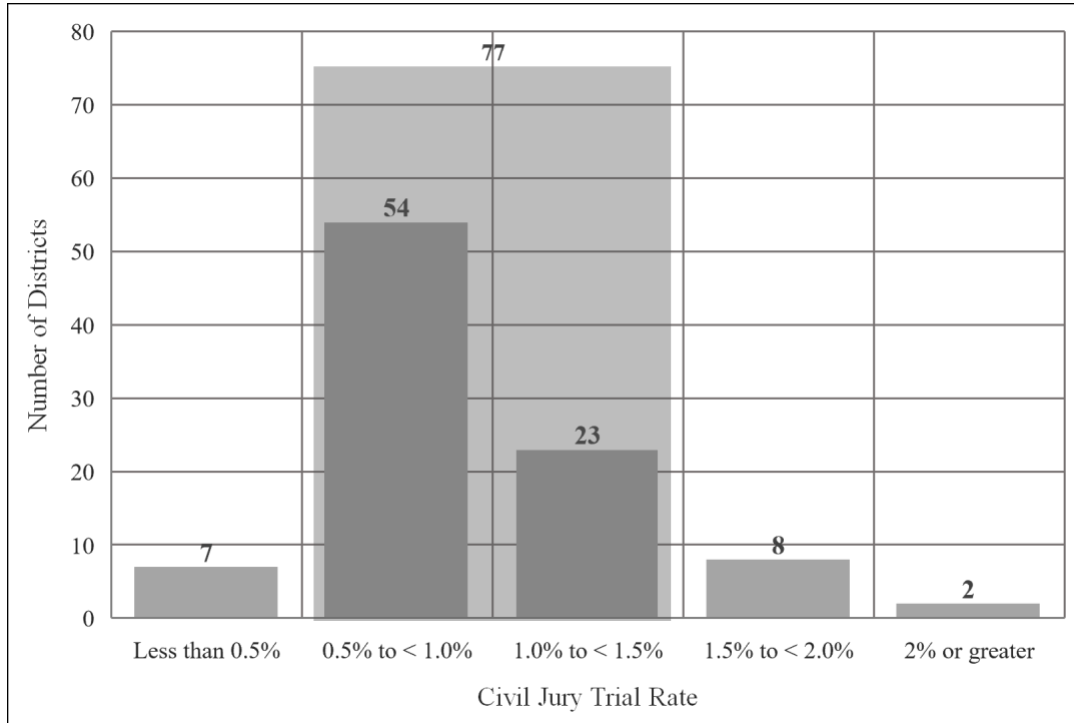
There is some overlap between the top-ranked districts in Tables A-3 and A-4. Four districts appear in the top 10 in both tables: Illinois Central, Louisiana Middle, New York Northern, and Wisconsin Western. None of these districts appear in the top 10 districts in Table A-2 because they do not have many civil jury trials in absolute terms. But in terms of the number of civil jury trials by the number of authorized judgeships and in terms of the civil jury trial rate, these four districts have more civil jury trials than other districts.

The highest any district in the top 10 in Table A-2 ranks in Table A-4 is Colorado, 15th in civil jury trial rate, 1.31%, and 10th in terms of number of civil jury trials. Colorado, which has seven authorized judgeships and is 26th in terms of overall civil terminations, is a consistent performer on all three metrics.

Note, however, that the civil jury trial rate does not vary greatly by district. For fiscal years 2010–2019, most districts have a civil jury trial rate between 0.5% and 1.0%, and more than 80% of districts—77 out of 94—have a civil jury trial rate between 0.5% and 1.5%, a range of only one percentage point (see **Figure 3**). Only 10 districts have civil jury trial rates greater than or equal to 1.5%, and no district has a civil jury trial rate greater than 3%. The Center’s ability to analyze

factors that explain the variation among districts is limited, to a great extent, by the fact that there is simply little or no variation to explain.

Figure 3. Civil Jury Trial Rates, FYs 2010–2019



III. Factors Potentially Affecting Civil Jury Trial Rate

Part III provides an overview of “the litigation practices, local court rules, or other factors . . . [that] may contribute to a higher incidence of civil jury trials.” In general, Part III relies on publicly available data from the IDB on the districts’ civil and criminal caseloads (Part III.A–D), as well as publicly available data on the districts’ litigation practices with respect to summary judgment and ADR (Part III.E–G). Similarly, the Center report on local rules related to summary judgment is also publicly available.

The consistent thread running through Part II is that any measure of the number of civil jury trials, including the civil jury trial rate, is correlated with district caseload. Most civil terminations and most civil jury trials are in a minority of districts—for the most part, the largest overall districts. These districts have a large number of civil cases to resolve, and no matter how low the overall rate of going to trial is, these districts will always try the most civil cases.

To simplify the presentation going forward, the analysis will be limited to factors potentially contributing to the civil jury trial rate. Because the three potential interpretations of “number” are all related to district caseload, however, the findings in Part II generally hold for these analyses, as well. The largest districts have the most cases in the nature-of-suit codes most likely to go to jury trial, for example.

A. Civil Caseload

The types of civil cases filed in, removed to, or transferred to a district may affect its trial rate. This section examines the jurisdictional bases of cases, case origins, and nature-of-suit composition of districts’ caseloads.

1. Jurisdictional Basis

The Seventh Amendment right to trial by jury in civil cases does not extend to all civil cases. Most notably, “[t]he Seventh Amendment right to a jury trial does not apply in actions against the Federal Government.”⁸ As seen in **Table 3**, cases based on U.S. defendant jurisdiction account for about 14% of all civil terminations in fiscal years 2010–2019 but only 2% of civil terminations during or after a civil jury trial. During the study period, 66% of jury trials were cases based on federal-question jurisdiction and 31% based on diversity-of-citizenship jurisdiction. Cases based on federal-question jurisdiction went to trial at a rate of 0.9%, diversity-of-citizenship jurisdiction, 0.7%, U.S. plaintiff jurisdiction, 0.4%, but U.S. defendant jurisdiction only 0.1% (i.e., one termination in 1,000). There is, however, no statistically significant correlation between the percentage of a district’s terminations that were based on U.S. defendant jurisdiction and its civil jury trial rate (Pearson’s $r = -.181$, $p = .081$). Few districts outside of the District of Columbia have substantial numbers of U.S. defendant cases, so this is not surprising.

8. *Lehman v. Nakshian*, 453 U.S. 156, 160 (1981), although Congress can authorize jury trials by statute, *id.* at 160–61.

Table 3. Civil Jury Trials, Total Civil Terminations, and Jury Trial Rate, by Jurisdiction, FYs 2010–2019

Basis of Jurisdiction	Civil Jury Trials	Percentage of Civil Jury Trials	Total Civil Terminations	Percentage of Total Civil Terminations	Jury Trial Rate
US Government Plaintiff	261	1.3%	68,622	2.4%	0.4%
US Government Defendant	429	2.1%	384,053	13.6%	0.1%
Federal Question	13,145	65.6%	1,470,258	52.1%	0.9%
Diversity of Citizenship	6,211	31.0%	896,584	31.8%	0.7%
Local Question	1	0.0%	53	0.0%	1.9%
Total	20,047	100%	2,819,570	100%	0.7%

2. Origin

As seen in **Table 4**, the vast majority of civil terminations are cases originating in the district courts (74%). Because original proceedings in the district court make up such a large proportion of all terminations, they are also the largest category of civil jury trials (70%) and drive the overall civil jury trial rate (0.7%). The second-largest category is cases initiated in the state courts and removed to the district courts, which account for 16.5% of civil jury trials and 11.7% of total civil terminations. Removals have a jury trial rate, 1.0%, that is similar to original proceedings, as do interdistrict transfer cases, 0.8%. Actions previously filed and disposed of by the district that were reopened have slightly higher jury trial rates; initial reopens have a rate of 1.8% while second and subsequent reopens have a rate of 2.0%. Compared to cases of other origins, appellate remands have a much higher jury trial rate, approaching 6%. While these cases make up a very small portion of jury trials (1.8%) and total civil terminations (0.2%), they are much more likely to be disposed of during or after jury trial than cases originating in other ways. There is, however, no statistically significant bivariate correlation between the percentage of a district's terminations that were appellate remands and its civil jury trial rate (Pearson's $r = .087$, $p = .404$).

Table 4. Civil Jury Trials, Total Civil Terminations, and Jury Trial Rate, by Origin, FYs 2010–2019

Case Origin	Civil Jury Trials	Percentage of Civil Jury Trials	Total Civil Terminations	Percentage of Total Civil Terminations	Jury Trial Rate
Original Proceeding	14,025	70.0%	2,085,418	74.0%	0.7%
Removal from State Court	3,305	16.5%	329,921	11.7%	1.0%
Remand from U.S. Court of Appeals	369	1.8%	6,311	0.2%	5.8%
Initial Reinstatement/Reopen	1,658	8.3%	93,174	3.3%	1.8%
Second or Subsequent Reinstatement/Reopen	213	1.1%	10,923	0.4%	2.0%
Transferred From Another District (Pursuant to 28 U.S.C. § 1404)	418	2.1%	51,234	1.8%	0.8%
Multidistrict Litigation—Transferred from Another District	54	0.3%	211,860	7.5%	0.0%
Multidistrict Litigation—Direct File	5	0.0%	30,710	1.1%	0.0%
Appeal to a District Judge of a Magistrate Judge’s Decision	0	-	19	0.0%	-
Total	20,047	100%	2,819,570	100%	0.7%

3. Nature-of-Suit Categories (Type of Case)

Variation in the types of cases initiated in the district courts may affect civil jury trial rates. Jury trials are not available for certain categories of civil cases—for example, habeas corpus proceedings, Social Security disability appeals, and civil forfeiture actions. Districts with more of such cases will likely have a lower civil jury trial rate as a result. Conversely, districts with relatively large numbers of civil cases with a higher jury trial rate, such as civil rights cases, including those brought by prisoners, may have a higher civil jury trial rate.⁹

Table 5 lists the 20 nature-of-suit codes accounting for the greatest number of civil jury trials in fiscal years 2010–2019, ranked highest to lowest. Combined, these natures of suit accounted for 90% of trials and 55% of all civil terminations. Forty-five percent of civil jury trials terminated actions alleging a civil rights violation. This category includes *other civil rights* (22%)—actions

9. Prisoner civil rights cases accounted for a large percentage of civil jury trials (more than 30%) in a handful of districts with the highest civil jury trial rates during the study period. This includes four districts among the top 10 in terms of civil jury trial rate—New York Northern (2nd in civil jury trial rate; 39% of its civil jury trials involved prisoners), Wisconsin Western, (3rd, 39%), Illinois Central (4th, 57%), and Louisiana Middle (6th, 34%)—and one district in the top 20, Illinois Southern (14th, 65%). California Eastern, which ranks very high in both Table A-2 (9th) and Table A-3 (2nd), also had a relatively large percentage of jury trials in prisoner civil rights cases (46% of its civil jury trials during the study period were in prisoner civil rights cases).

involving civil rights violations not related to voting, employment, housing, claims under the Americans with Disabilities Act, or education; *civil rights employment* (13%)—actions related to employment under Title VII of the Civil Rights Act; *prisoner – civil rights* (9%)—actions filed by prisoners under 42 U.S.C. § 1983; and *Americans with Disabilities Act – employment*, (1%)—actions of discrimination against an employee with disabilities of any type in the workplace, filed under 42 U.S.C. § 12117. An additional 16% of jury trials involved actions alleging personal injury, and 12% of jury trials involved actions primarily based on rights and obligations under a contract.

The nature of suit with the highest jury trial rate, 5%, involved claims of personal injury or wrongful death brought by railroad employees or their survivors under the Federal Employers’ Liability Act (FELA, 45 U.S.C. § 51 et seq.). Personal injury suits as a category had the highest jury trial rates, followed by civil rights actions, with other civil rights (440) having the second-highest rate (2.8%), then contract actions and personal property claims.

Table 5. Civil Jury Trials, Total Civil Terminations, and Jury Trial Rate, by Nature-of-Suit Category, FYs 2010–2019

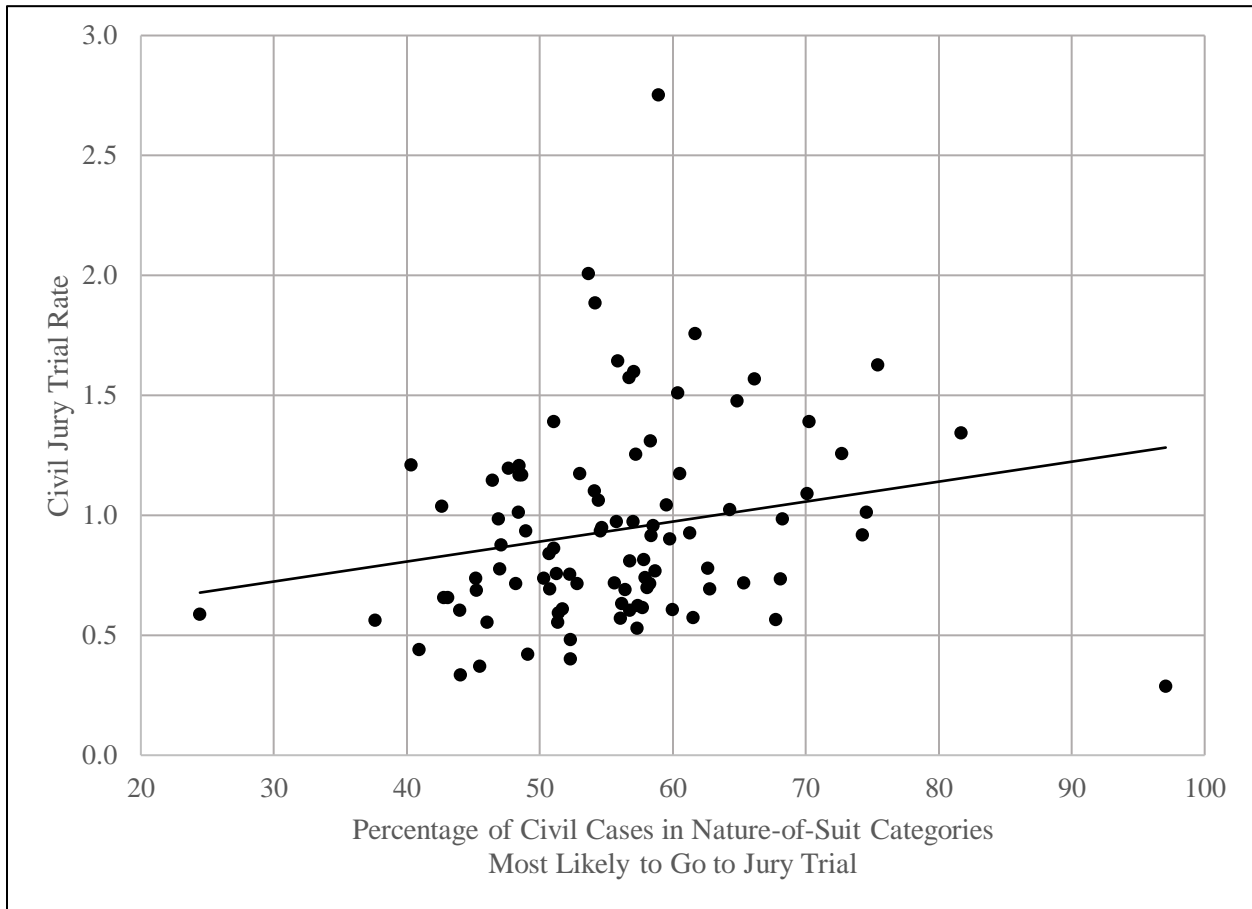
Nature-of-Suit Category	Nature-of-Suit Code	Civil Jury Trials	Percentage of Civil Jury Trials	Percentage of Total Civil Terminations	Jury Trial Rate
Civil Rights	Other Civil Rights (440)	4,313	21.5%	5.5%	2.8%
Civil Rights	Civil Rights Employment (442)	2,638	13.2%	4.7%	2.0%
Civil Rights	Prisoner - Civil Rights (550)	1,765	8.8%	6.4%	1.0%
Contract	Other Contract Actions (190)	1,550	7.7%	4.5%	1.2%
Personal Injury	Other Personal Injury (360)	1,248	6.2%	3.3%	1.3%
Contract	Insurance (110)	946	4.7%	3.5%	1.0%
Personal Injury	Motor Vehicle Personal Injury (350)	857	4.3%	1.4%	2.2%
Prisoner	Prisoner - Prison Condition (555)	731	3.6%	3.3%	0.8%
Intellectual Property Rights	Patent (830)	628	3.1%	1.6%	1.4%
Labor	Fair Labor Standards Act (710)	624	3.1%	2.7%	0.8%
Personal Injury	Personal Injury - Product Liability (365)	544	2.7%	9.3%	0.2%
Other	Other Statutory Actions (890)	369	1.8%	3.3%	0.4%
Personal Injury	Medical Malpractice (362)	300	1.5%	0.4%	2.7%
Civil Rights	Americans with Disabilities Act - Employment (445)	290	1.4%	0.7%	1.5%
Intellectual Property Rights	Trademark (840)	279	1.4%	1.2%	0.8%
Intellectual Property Rights	Copyright (820)	208	1.0%	1.3%	0.6%
Personal Property	Other Fraud (370)	199	1.0%	0.7%	1.0%
Personal Injury	Federal Employers' Liability (330)	190	0.9%	0.1%	5.0%
Personal Injury	Marine Personal Injury (340)	157	0.8%	0.5%	1.2%
Personal Property	Other Personal Property Damage (380)	155	0.8%	0.5%	1.1%
Total		17,991	89.7%	54.9%	1.2%

Because the nature-of-suit categories with the highest numbers of civil jury trials account for more than half of all civil terminations, the relationships discussed in sections II.A, II.B, and II.C hold for these cases as well. **Table A-5** displays the rankings for percentage of civil cases terminated in these nature-of-suit categories per district for fiscal years 2010–2019, from the district with the highest percentage to the district with the lowest. It also includes the yearly average number of jury trials, average number of jury trials per authorized judgeship, average jury

trial rate, rank of overall civil terminations in these 20 nature-of-suit categories, and rank of overall civil terminations for reference.

The largest districts in terms of caseload have the largest numbers of these types of cases and thus the largest number of jury trials conducted in these types of cases. In terms of the civil jury trial rates, the districts with higher rates of these types of cases tend to have higher civil jury trial rates. As can be seen in **Figure 4**, the relationship between a district's percentage of caseload in the nature-of-suit categories accounting for the most civil jury trials (the horizontal axis) and its civil jury trial rate (the vertical axis) was positive. A bivariate correlation, Pearson's r , returns a coefficient of .204 ($p < .05$). This suggests that the composition of a district's civil caseload in terms of the types of cases terminated in the district has a relatively small effect on its civil jury trial rate.

Figure 4: Civil Jury Trial Rate by Percentage of Civil Cases in Nature-of-Suit Categories Most Likely to Go to Jury Trial, FYs 2010–2019



B. Jury Demand

Rule 38 of the Federal Rules of Civil Procedure requires the parties to affirmatively demand a jury trial in order to preserve their Seventh Amendment right of trial by jury in civil cases. Failure to properly serve and file a jury trial demand results in a waiver of the constitutional right. During the study period, a jury trial was demanded by at least one party in 50% of closed civil cases and not demanded in 49%, with 1% missing.¹⁰ The category of “all civil cases,” of course, includes cases that would not normally be tried to a jury, including cases against the United States and habeas corpus cases.

As can be seen in **Table 6**, terminated civil cases in which a jury-trial demand was recorded were much more likely to terminate during or after a jury trial (1.3%) than cases in which a jury-trial demand was not recorded, but jury trials did occur in the latter category of cases (0.1%).

Table 6: Civil Cases Terminating During or After Jury Trial by Jury-Trial Demand, FYs 2010–2019

Jury-Trial Demand Recorded	Percentage of All Civil Terminations	N	Percentage Terminating During or After Jury Trial	N
Yes	50%	1,420,881	1.3%	18,178
No	49%	1,374,134	0.1%	1,205
Missing	1%	24,555	2.7%	664
All	100%	2,819,570	0.7%	20,047

Of cases that terminated during or after a civil jury trial, 91% recorded a jury demand. However, there was no relationship at the district level between the rate at which a jury demand is made in terminated cases and the civil jury trial rate (Pearson’s $r = -.025$, $p = .814$).

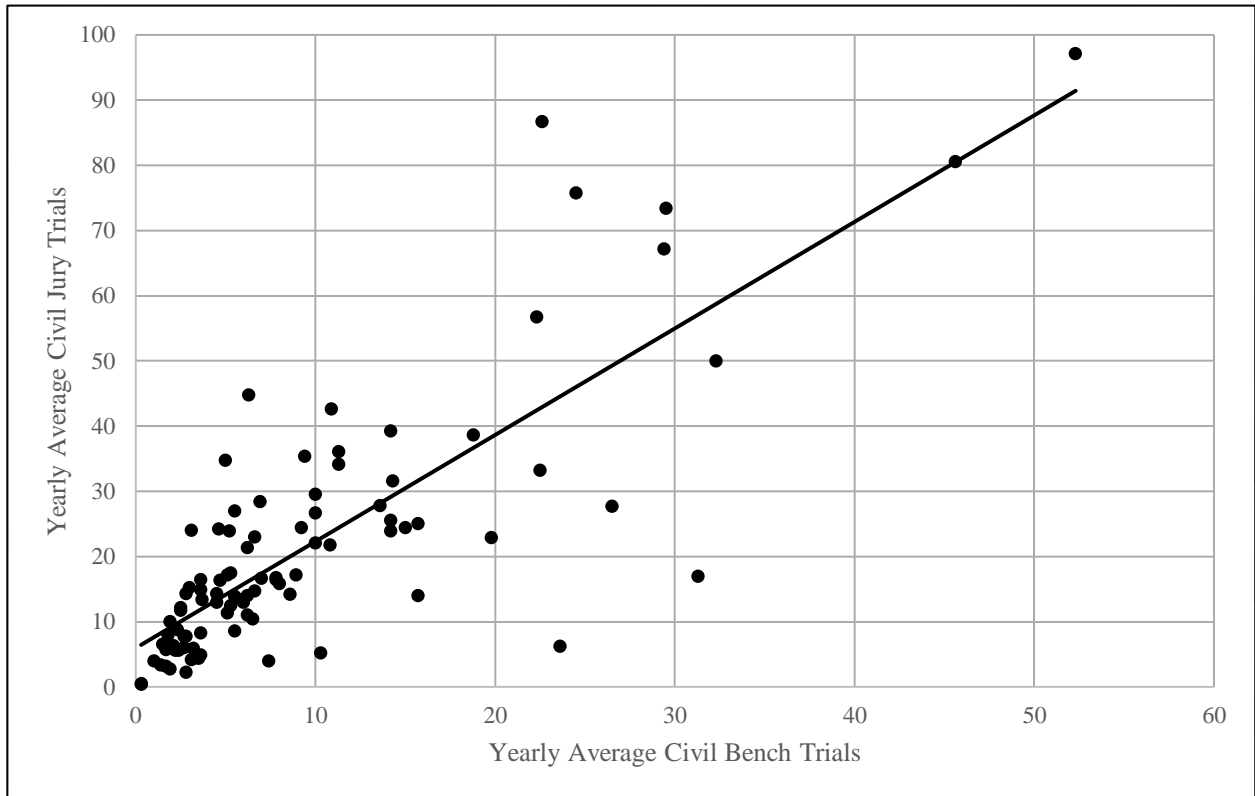
C. Bench Trials

A bench trial is one in which there is no jury and a judge acts as the finder of fact. During the study period, bench trials represented only 0.2%–0.4% of overall civil terminations. Again, the overall civil caseload drives the number of trials, and districts with larger overall caseloads have a greater number of bench trials than smaller districts (Pearson’s $r = .681$, $p < .001$). Because overall civil caseload is strongly correlated with the number of civil jury trials, districts with a larger number of civil jury trials also tend to have a larger number of civil bench trials. As can be seen in **Figure 5**, this is a significant and strong relationship (Pearson’s $r = .806$, $p < .001$). Six of the districts in

10. For more information on civil jury trial demands, see Kristin A. Garri & Emery G. Lee III, Federal Judicial Center, Jury-Trial Demands in Terminated Civil Cases, Fiscal Years 2010–2019 (2022), <https://www.fjc.gov/content/373277/jury-trial-demands-terminated-civil-cases-fiscal-years-2010-2019>.

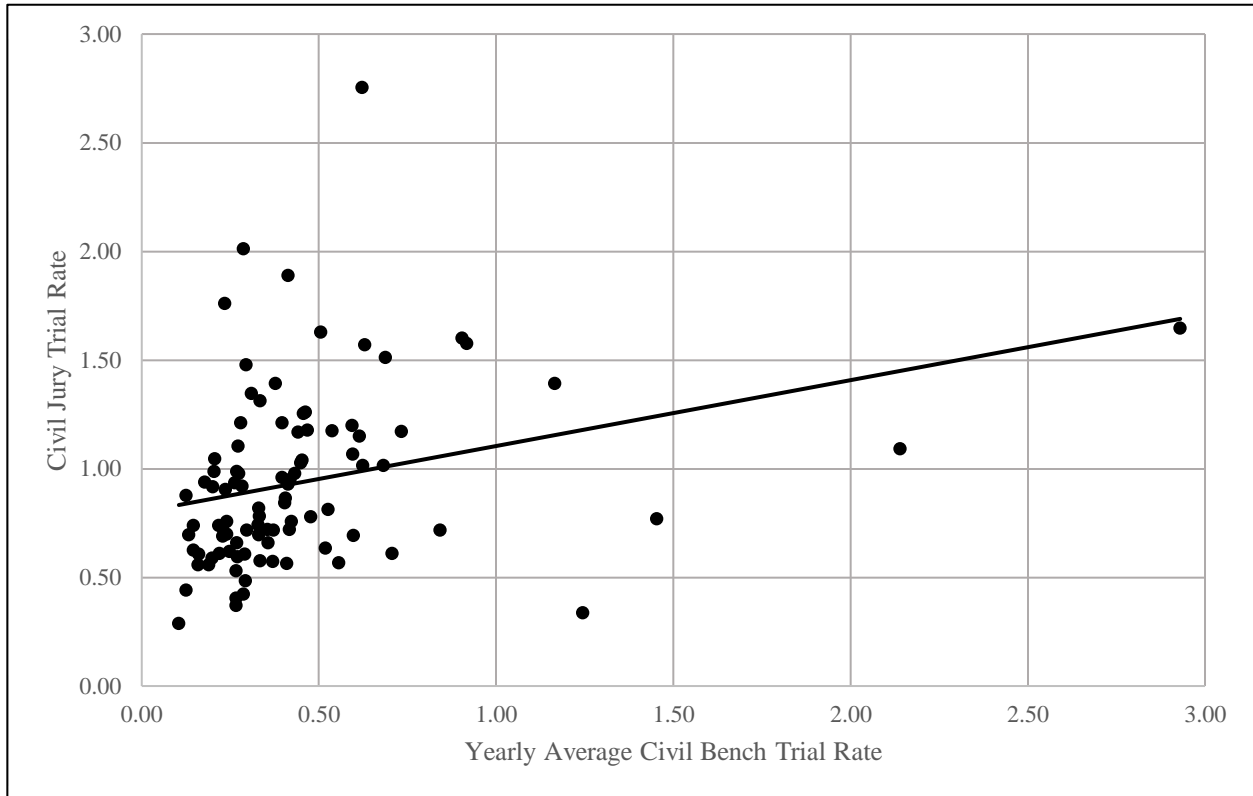
the top 10 for civil bench trials are in the top 10 for civil jury trials and overall civil case terminations (see **Table A-6**).

Figure 5: Yearly Average Number of Civil Jury Trials by Yearly Average Number of Civil Bench Trials, FYs 2010–2019



The rate at which civil cases go to bench trial ranged from 0.10% in West Virginia Southern to 2.93% in the Virgin Islands, which is similar to the range in civil jury trial rates. The correlation between civil bench trial rate and civil jury trial rate is significant and positive (Pearson’s $r = .293$, $p = .004$), meaning districts with a higher percentage of cases being disposed of during or after bench trial (the horizontal axis) tend to have a higher percentage of cases being disposed of during or after jury trial (the vertical axis) (see **Figure 6**). There does not appear to be a tradeoff between holding bench trials and holding jury trials, as districts with relatively high numbers of civil bench trials had high numbers of civil jury trials, and district with high civil bench trial rates had high civil jury trial rates.

Figure 6: Civil Jury Trial Rate by Yearly Average Civil Bench Trial Rate, FYs 2010–2019



D. Criminal Caseload

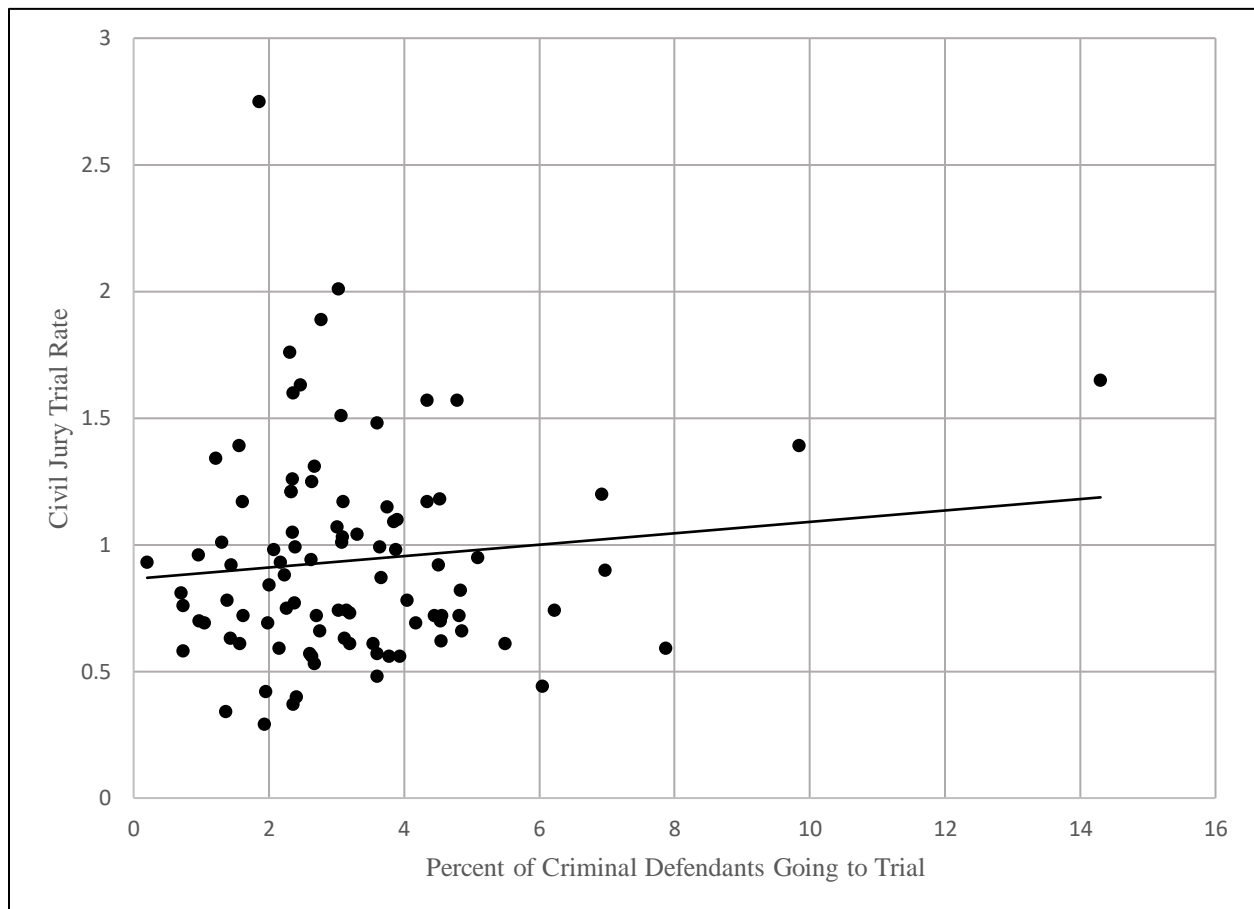
The literature points to the rising criminal caseloads of the federal courts as a potential factor in the decline of civil jury trials.¹¹ In terms of this report’s district-level analysis, however, it is important to point out that the size of a district’s criminal caseload (in terms of the number of criminal defendants’ cases terminated) is correlated with the size of its civil caseload—districts with large civil caseloads tend to have large criminal caseloads (see **Table A-7**). This is not a particularly strong bivariate relationship (Pearson’s $r = .208, p = .044$), and other factors, including geography, affect the size of a district’s criminal caseload.¹² This relationship based on overall district size also applies between the yearly average number of civil jury trials and the yearly average number of criminal defendant jury trials (Pearson’s $r = .721, p < .001$). On average, courts with more civil jury trials have more criminal jury trials in absolute numbers and relative to other districts. This is, again, mostly a function of district caseload size, though. The bivariate relationship between the number of civil and criminal jury trials in a district is much stronger than the correlation between the size of a district’s civil and criminal caseloads.

11. See, e.g., Galanter, *supra* note 2, at 492 (“Some observers have suspected that the decline in civil trials is a response to increasing business on the criminal side of the federal courts.”).

12. The five largest districts, in terms of criminal caseload, in fiscal years 2010–2019 are all districts on the southern U.S. border. See **Table A-7, infra**.

There is no statistically significant correlation between a district’s civil jury trial rate and the rate at which criminal defendants go to jury trial (Pearson’s $r = .109$, $p = .295$). This finding is somewhat contrary to the conventional wisdom that there is a trade-off between civil and criminal jury trials. In the case of such a trade-off, one might expect the two measures to be inversely correlated, with districts with a high criminal jury trial rate having, at the same time, a low civil jury trial rate, and vice versa. But as can be seen in **Figure 7**, the relationship between these two measures in fiscal years 2010–2019 does not reflect any such trade-off.

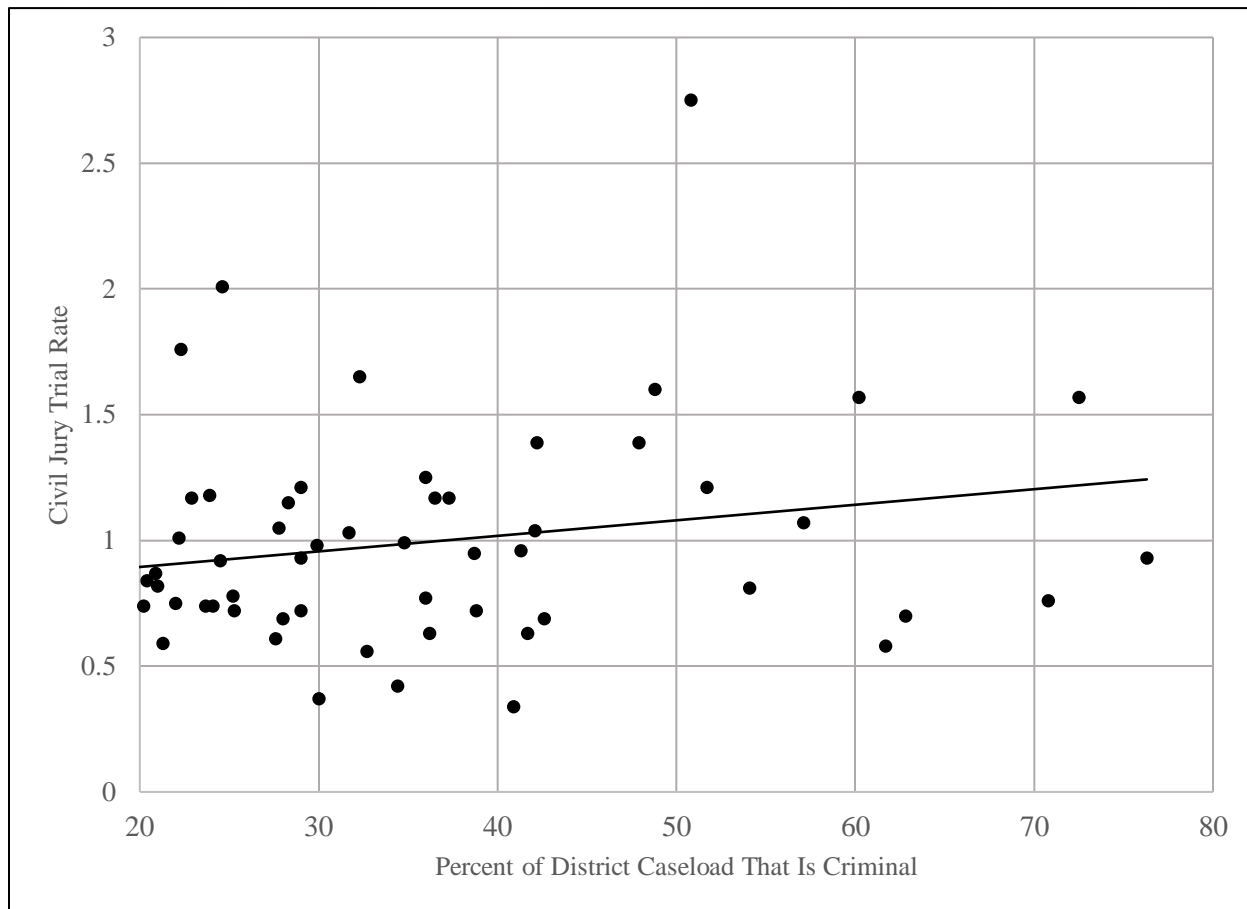
Figure 7: Civil Jury Trial Rate by Criminal Jury Trial Rate, FYs 2010–2019



Once again, the overall size of a district’s caseload (civil or criminal) appears to be the important factor. The civil and criminal caseloads can be combined into one measure of overall terminations (see **Table A-8**). The districts ranked highest in overall terminations are those with the largest civil caseloads and the three largest courts on the southern U.S. border. As one would expect, overall terminations and civil jury trial rate are negatively correlated (Pearson’s $r = -.365$, $p < .001$). The larger the overall caseload, the lower the civil jury trial rate. However, districts with relatively few civil cases often have, as a result, a higher percentage of criminal cases in terms of their overall workload. Indeed, the percentage of a district’s overall terminations that are criminal defendants is positively correlated to the civil jury trial rate (see **Table A-9**). Districts with a

greater percentage of criminal defendants in terms of overall terminations tend to have a higher percentage of civil cases terminated during or after civil jury trial both on average and relative to other districts (Pearson’s $r = .244, p < .05$). This relationship, which is not particularly strong, is displayed in **Figure 8**.

Figure 8: Civil Jury Trial Rate by Percentage of District Caseload That is Criminal, FYs 2010–2019



E. Summary Judgment Rates

The vanishing-trials literature posits that declining trial rates are linked to an increase in case terminations through summary judgment.¹³ Litigation practices with respect to summary judgment are a long-standing source of controversy.¹⁴ Data on the percentage of cases in which summary judgment motions are filed is difficult to obtain, but it is possible to estimate the percentage of civil cases terminated by summary judgment using the court data. In this section, non-prisoner cases disposed of by “judgment – motion before trial” are treated as having been resolved by

13. See, e.g., Galanter, *supra* note 2, at 483–84.

14. See, e.g., Suja A. Thomas, *Why Summary Judgment Is Unconstitutional*, 93 Va. L. Rev. 139 (2007).

summary judgment.¹⁵ For fiscal years 2010–2019, the overall rate at which civil cases were reported as terminated by “judgment – motion before trial” was 12%. Because of the way this data is reported in prisoner cases, the rate in prisoner cases was much higher than the overall rate, 26.2%. In non-prisoner cases, it was 8.5%. In the rest of this section, prisoner cases will be excluded from the rate at which civil cases were reported as terminated by “judgment – motion before trial” (see **Table 7**).

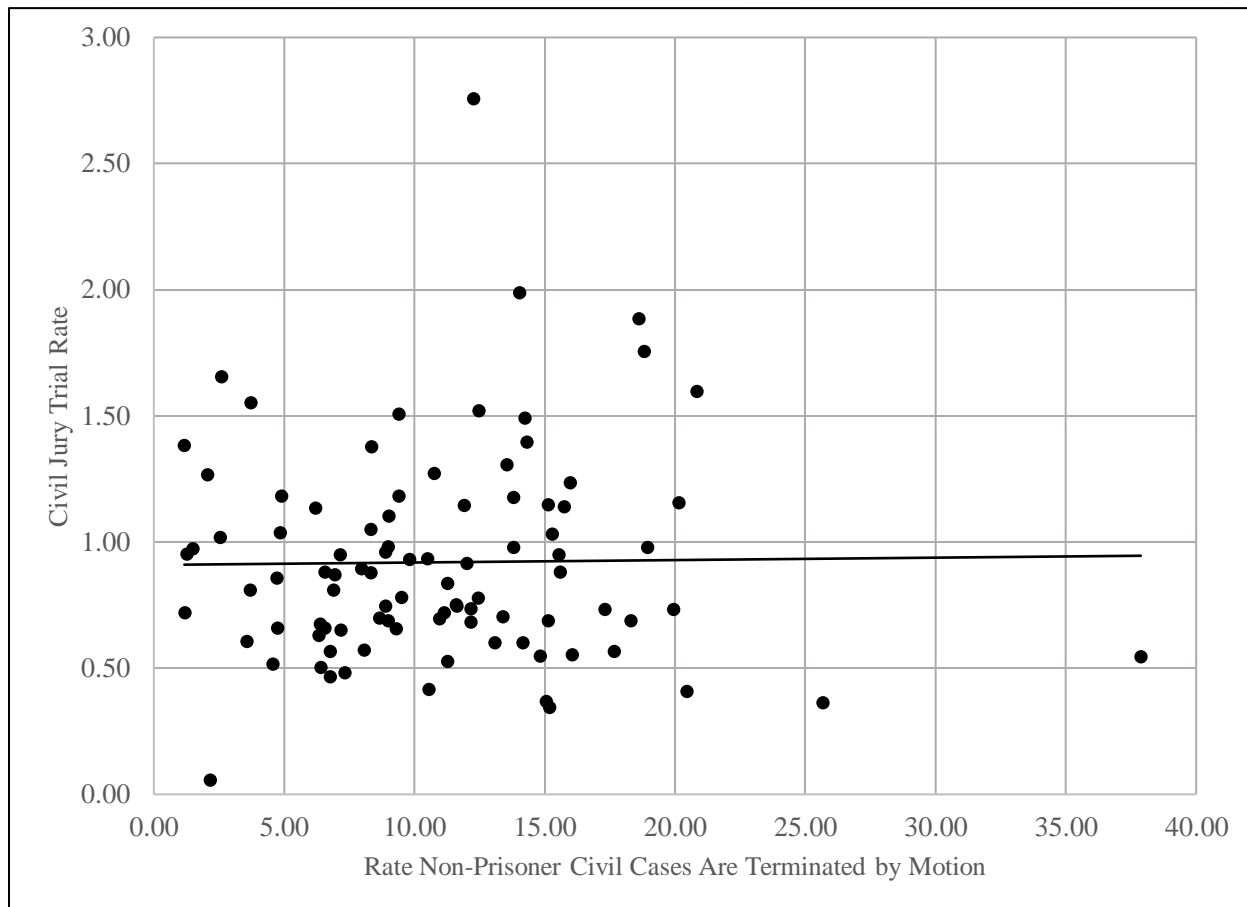
Table 7. Total Civil Terminations Excluding Prisoner Petitions, by Disposition, FYs 2010–2019

Disposition Type	Total Civil Terminations	Percentage of Total Civil Terminations
Dismissed – Settled	829,669	36.8%
Dismissed – Voluntarily	335,302	14.9%
Dismissed – All Other	372,917	16.5%
Judgment – Motion Before Trial	191,222	8.5%
Judgment – All Other	309,941	13.7%
Transfer/Remand	216,145	9.6%
Total	2,255,196	100.0%

Figure 9 illustrates the relationship between districts’ civil jury trial rate (on the vertical axis) and the rate at which they reported terminating non-prisoner cases by “judgment – motion before trial” (the horizontal axis). There is considerable variation in the rate at which districts report terminating non-prisoner cases by “judgment – motion before trial,” which probably reflects both variations in adjudication practices and in how the courts report case terminations to the AOUSC. But as the flat trendline makes clear, there is no bivariate correlation between a district’s civil jury trial rate and the reported rate at which it terminates non-prisoner cases by “judgment – motion before trial” (Pearson’s $r = .039$, $p = .709$).

15. Using the disposition method field in the court data. The documentation specifies that this disposition method applies to the following cases: “The action was disposed of by a final judgment based on a motion for judgment on the pleadings as defined in Rule 12(c), Fed. R. Civ. P.; a motion for summary judgment as defined in Rule 56, Fed. R. Civ. P.; any other contested motion that resulted in a disposition before trial; or any order dismissing a prisoner petition.” Civil Statistical Reporting Guide, v. 3.0, at 26.

Figure 9: Civil Jury Trial Rate by Rate at Which Non-Prisoner Civil Cases Are Terminated by Judgment – Motion Before Trial, FYs 2010–2019



F. Local Rules

The explanatory language tasks the Center with analyzing the effects of local rules on civil jury trial numbers. As discussed in the previous section, one potential area of investigation is local rules with respect to summary judgment. Districts have adopted a variety of summary judgment practices that supplement (but are not inconsistent with) the requirements in Federal Rule of Civil Procedure 56.¹⁶ A 2008 Center study classified districts’ local rules regarding motions for summary judgment into three groups:

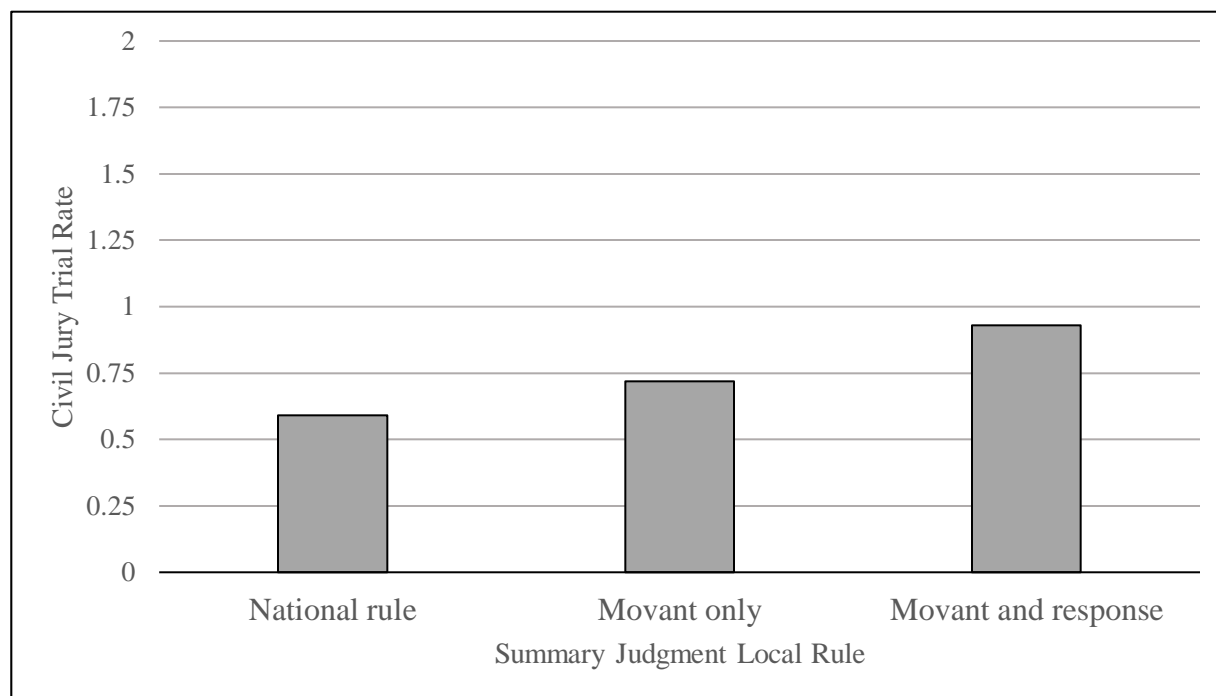
- The local rule does not supplement the national rule (37 districts)
- The local rule requires structured motion by movant only (34)
- The local rule requires structured motion and response (20)¹⁷

16. See Joe Cecil & George Cort, Federal Judicial Center, Report on Summary Judgment Practice Across Districts with Variations in Local Rules (2008), <https://www.fjc.gov/content/report-summary-judgment-practice-across-districts-variations-local-rules>.

17. Three districts have missing information. See *id.*

These local rules would have been in effect during some or all of fiscal years 2010–2019. Using these groupings, the civil jury trial rate for each group was calculated by summing the number of civil jury trials in the study period and dividing by the total number of terminations during the same period. As can be seen in **Figure 10**, districts with local rules similar to the national rule—that is, not requiring either a structured motion or response—had the lowest observed civil jury trial rate, .59%. Districts requiring a structured motion but not a structured response had a civil jury trial rate of .72%. Districts requiring a structured motion and response had the highest civil jury trial rate, .93%.

Figure 10: Civil Jury Trial Rate by Summary Judgment Local Rules, FYs 2010–2019



Because of the large number of observations, the differences among the three groups in Figure 10 are statistically significant ($p < .001$). The substantive significance of those differences is questionable, however. Even though the structured motion and response had the highest civil jury trial rate of the three groups, none of the three groups had a civil jury trial rate greater than 1%. As discussed above, there is little actual variation in the civil jury trial rate among jurisdictions.

Beyond the summary judgment context, it is difficult to know how to assess the effects of local rules on civil jury trial rates. Some commentators argue that the Federal Rules of Civil Procedure have an anti-trial bias.¹⁸ To the extent the national rules have an anti-trial bias, this bias should be relatively uniform across districts.¹⁹ Because local rules must be consistent with the national

18. See, e.g., Richard L. Jolly, Valerie P. Hans & Robert S. Peck, *Democratic Renewal and the Civil Jury*, __ Georgia L. Rev. __, 131–34 (2023, forthcoming) (pointing to a number of “anti-jury” provisions in the Federal Rules of Civil Procedure).

19. To be clear, this report takes no position on whether the national rules have an anti-trial bias.

rules,²⁰ they should share whatever anti-trial bias is inherent in the national rules. Of course, districts may have adopted local rules that are inconsistent with the biases of national rules, although this seems to be a legal question the determination of which may be outside the remit of the Center.²¹ Setting that aside, it is unclear how local rules might affect civil jury trial rates. Given the short timeframe required by the explanatory language, it was simply not feasible to categorize the local rules of the 94 federal districts and analyze their potential pro- or anti-trial bias. It would be difficult, moreover, to determine whether any particular local rule was inconsistent with the national rules in a pro- or anti-trial direction. Indeed, it is unclear which aspects of procedure such an inconsistent local rule would govern.

G. ADR

The prominence of alternative dispute resolution (ADR) in the federal courts is a common explanation for the decline in the number of civil jury trials. Since 1998, Congress has required every district court to authorize ADR in its local rules as well as to encourage and promote its use.²² ADR is an overarching term that encompasses many different practices, but it is clear that civil cases resolved by settlement (whether facilitated by a private mediator, court-appointed neutral, or magistrate judge, or after a mini- or summary trial) or in arbitration do not go to trial.²³ The practice of encouraging ADR likely has a downstream effect that in turn influences attorney and litigant strategy. Systematic and consistent data on the use of ADR in the district courts are not available, but existing Center research may shed some light on whether districts' varying use of ADR is related to their civil jury trial rates during fiscal years 2010–2019. A Center report provides a detailed listing of the types of ADR programs authorized for use in each district as of late 2011.²⁴ It is clear from the 2011 Center report that some districts are more focused on ADR than others. For example, the report identifies the 49 districts that applied to the AOUSC for supplemental ADR funding for the 12-month period ending June 30, 2011. Forty-five districts did not apply for supplemental ADR funding that year. The civil jury trial rates of these two groups, however, were very similar. The applying districts' civil jury trial rate over the 10-year study period, 0.72%, was not meaningfully different from that of districts that did not apply for supplemental funding, 0.71% ($p = .130$).

Districts authorizing more than one type of ADR program as of 2011 (51 districts) had a statistically significant lower civil jury trial rate over the 10-year study period, 0.68%, compared

20. Fed. R. Civ. P. 83(a)(1).

21. To be clear, this report does not state that districts are adopting local rules inconsistent with the national rules; it is merely stating that this is theoretically possible.

22. 28 U.S.C. § 651(b).

23. Galanter, *supra* note 2, at 514 (“One of the most prominent explanations of the decline of trials is the migration of cases to other forums.”). ADR is an alternative to jury trial, among other things.

24. Donna Stienstra, Federal Judicial Center, ADR in the Federal District Courts: An Initial Report (2011), <https://www.fjc.gov/content/adr-federal-district-courts-initial-report>.

to districts authorizing only one type of ADR program (43 districts), 0.78% ($p < .001$).²⁵ However, the actual observed difference between these two groups is only 0.1%, or a difference of one additional trial per 1,000 civil terminations—a finding of limited substantive importance. Moreover, there is a clear pattern that larger districts in terms of caseload tend to authorize more than one form of ADR—the median district in this group terminated 22,575 civil cases during the 10-year study period versus 13,208 for the districts authorizing only one form of ADR. Given the relationship between district caseload and civil jury trial rates, it is likely that the difference between the civil jury trial rates of the two ADR groups is largely a result of differing caseloads. Indeed, there were almost twice as many trials (13,013) in the districts authorizing more than one type of ADR than there were in the districts authorizing only one type (7,034), even though the latter group of districts had a slightly higher civil jury trial rate. Districts with larger relative caseloads tended to authorize additional forms of ADR and have marginally lower civil jury trial rates; it is likely that the larger caseloads in these districts explain both their greater use of ADR (to the extent these measures capture that) and their relatively lower civil jury trial rates.

There is also a statistically significant difference in civil jury trial rates for fiscal years 2010–2019 between districts that authorized some form of mediation program in 2011 and those that did not.²⁶ The civil jury trial rate for the 63 mediation-authorizing districts was 0.68% compared to 0.79% for the 31 non-authorizing districts ($p < .001$). Again, however, the actual observed difference in civil jury trial rates is small, 0.11%, or about one more trial per 1,000 civil terminations in the districts not authorizing mediation as a form of ADR. Moreover, the districts authorizing mediation as a form of ADR tended to be much larger districts, in terms of civil caseload, than those that did not. The median size of a district authorizing mediation in 2011 was 35,596 civil terminations (for fiscal years 2010–2019) compared to the 18,613 civil terminations for non-authorizing districts, and the median may understate how large the districts in the former category were relative to those in the latter—almost 80% of civil terminations in the 10-year period were in districts authorizing mediation as a form of ADR. Most cases, and most jury trials, actually occurred in districts that had authorized mediation as a type of ADR; there were 15,288 civil jury trials in the districts authorizing mediation compared to 4,759 in the other districts, even though the civil jury trial rate was higher in the latter group.

H. Judges' Case-Management Mindset

One possible explanation for variation in districts' civil jury trial rates is variation in the attitudes of judges in those districts toward trying civil cases. The rise of what is often called “managerial judging”²⁷ is frequently offered as an explanation for the vanishing-trials phenomenon. In the

25. According to the 2011 Center report, every district authorized some type of ADR, even if just in general. *See id.* at Appendix Five. For purposes of the current analysis, districts with one row in the table in Appendix Five are treated as authorizing one type of ADR, and districts with more than one row in the table are treated as authorizing more than one type of ADR. In this way, this report deviates from the approach taken in the 2011 report, which counted 34 districts as authorizing multiple forms of ADR.

26. Mediation was the most common type of ADR in the 2011 report. *See id.* at 7 table 2.

27. *See* Judith Resnick, *Managerial Judges*, 96 Harv. L. Rev. 374 (1982).

conclusion of his seminal article on the subject, Professor Galanter directly considers the effects of judges' focus on case management in causing the vanishing trial:

Courts are not only worked on by external forces, but are the site and source of changing institutional practice and of ideology that inspires and justifies that practice. Modern procedure has conferred on trial court judges broader unreviewed (and perhaps unreviewable) discretion. This discretion has been used to shape a new style of judging, frequently referred to as managerial judging. . . .

These institutional changes flow from and reinforce changes in judicial ideology. Trial judges are equipped with enhanced discretionary power in order to resolve cases and clear dockets. In the 1970s, as institutional pressures focused measures of judges' performance on their control over caseload, influential judges and administrators of the federal courts embraced the notion that judges were problem solvers and case managers as well as adjudicators. Training programs emphasized the role of the judge as mediator, producing settlements by actively promoting them. This turn to judges as promoters of settlement and case managers was endorsed by the amendment of Rule 16 of the Federal Rules of Civil Procedure in 1983 and by the enactment of the Civil Justice Reform Act in 1990.²⁸

Criticisms of managerial judging can occasionally be heard emanating from the federal bench. For example, Judge Joseph F. Anderson, Jr., of the District of South Carolina, has written that among the reasons for the demise of the civil jury trial is “the mindset preached by the Administrative Office of the United States Courts.”²⁹ Perhaps the most vocal proponent of this view on the federal bench today is Judge William G. Young of the District of Massachusetts.³⁰ Judge Young argues that most district judges adhere to what he calls “the administrative model of district court business.”³¹ This model, in conformity with Fed. R. Civ. P. 1, “seeks the speedy, inexpensive (to the courts), and cost-efficient resolution of every case,” which means, according to Judge Young, “Trials, being costly and inefficient, are disfavored.”³² Crucially, Judge Young does not argue against judges managing their cases; instead, he argues that judges should manage their cases toward trial.³³

The gravamen of this complaint is that district judges would try more cases if they wanted and tried to do so. The failure, however, is not personal but institutional. Collectively Congress and the federal courts, including the Federal Judicial Center through its training programs and

28. Galanter, *supra* note 2. at 519–20 (citations omitted).

29. Joseph F. Anderson Jr., *Where Have You Gone, Spot Mozingo—A Trial Judge's Lament over the Demise of the Civil Jury Trial*, 4 Fed. Cts. L. Rev. 99, 105 (2010) (citations omitted). This report takes no position on whether this mindset can be attributed to an entire agency, but it can be found on www.uscourts.gov. For example:

To avoid the expense and delay of having a trial, judges encourage the litigants to try to reach an agreement resolving their dispute. The courts encourage the use of mediation, arbitration, and other forms of alternative dispute resolution, designed to produce a resolution of a dispute without the need for trial or other court proceedings. As a result, litigants often agree to a “settlement.” Absent a settlement, the court will schedule a trial.

About Federal Courts: Civil Cases, <https://www.uscourts.gov/about-federal-courts/types-cases/civil-cases>.

30. *See, e.g.*, William G. Young, *A Lament for What Was Once and Yet Can Be*, 32 B. C. Int'l & Comp. L. Rev. 305 (2009); William G. Young, *Vanishing Trials, Vanishing Juries, Vanishing Constitution*, 40 Suffolk U. L. Rev. 67 (2006).

31. William G. Young, *Keynote: Mustering Holmes' Regiments*, 48 New Eng. L. Rev. 451, 452 (2014) (citations omitted).

32. *Id.*

33. *Id.* at 452–53 (“Everyone agrees judicial management is necessary and beneficial.”).

materials, decided to de-emphasize the civil jury trial, and there are fewer civil jury trials than there would otherwise have been.

This is, obviously, a difficult thing to measure empirically. The transition to managerial judging occurred 40 years ago or more. Almost all current district judges have only served during this period. There are no federal jurisdictions in which the judges have not been exposed long-term to the managerial mindset. To the extent that mindset would matter, it would matter at the individual-judge level and not the district level. Moreover, at the individual-judge level, there are obvious difficulties with asking judges how they balance the desirability of conducting civil jury trials vis-à-vis the importance of effective case management. Even those judges who think there should be a greater emphasis on civil jury trials agree judges should be hands-on case managers.

IV. Conclusion

To the extent that any districts have “high numbers of civil jury trials,” those districts tend to be either the largest districts in terms of overall caseload (absolute numbers) or relatively small districts in terms of overall caseload with higher civil jury trial rates (civil jury terminations as a percentage of all terminations). The 10 districts with the most civil terminations during or after a jury trial in fiscal years 2010–2019 (all relatively large districts in terms of overall caseload) were California Central, Illinois Northern, New York Southern, Pennsylvania Eastern, Florida Southern, New York Eastern, Florida Middle, Texas Southern, California Eastern, and Colorado. The 10 districts with the highest civil jury trial rates in fiscal years 2010–2019 (all relatively small districts in terms of overall caseload) were Wyoming, New York Northern, Wisconsin Western, Illinois Central, Virgin Islands, Louisiana Middle, Nebraska, Guam, South Dakota, and Connecticut.

Most districts have a civil jury trial rate between 0.5% and 1.5%, and no district has a civil jury trial rate greater than 2.75% (Wyoming) for fiscal years 2010–2019. Given the lack of variation in civil jury trial rates, it is difficult to assess factors that may contribute to higher rates. To a large extent, there is no variation to assess—there are few civil jury trials in any district. This is not because any district is lacking in cases in which a jury trial might be conducted (Part III.A.3, Nature of Suit) or in which the parties have made a jury trial demand (III.B), or in which summary judgment has not been granted (III.E), regardless of local rules (III.F). Indeed, civil cases like these are relatively common, comprising a large part of the denominator of the civil jury trial rate. ADR may resolve many of these cases, although comprehensive data on the percentage of cases referred to ADR procedures (of the various types) do not exist. But ADR practices almost certainly vary more from district to district than does the civil jury trial rate.

The finding that civil rights cases, including those brought by prisoners, make up a large percentage of civil jury trials is consistent with the vanishing-trials literature and suggests that one factor worth considering—but beyond the scope of the present report—is how litigants’ knowledge and strategy play into the rate at which civil cases go to trial. If trials take place where it proves impossible for the litigants to resolve the dispute through settlement, then it makes sense that such difficulties appear more often in civil rights cases. Most tort actions, on the other hand, involve data-rich insurance companies as defendants, able to estimate the expected settlement value of cases based on information about past settlements and verdicts. One suspects that savvy personal injury attorneys on the plaintiff side also have access to comparable settlement value information. Civil rights claims are probably more difficult to value and involve defendants—especially state departments of corrections—that are less inclined to settle.

Litigant strategy also clearly relates to the cost of civil jury trials, a topic outside the scope of this report. To the extent that jury terminations are among the most expensive civil cases,³⁴ the

34. A Center survey of attorneys in recently closed civil cases found that plaintiff attorneys reported 53% higher costs, all else equal, in cases terminated by trial, and that defendant attorneys reported 24% higher costs, all else equal, in such cases. See Emery G. Lee III & Thomas E. Willging, Federal Judicial Center, *Litigation Costs in Civil Cases: Multivariate Analysis*; Report to the Judicial Conference Advisory Committee on Civil Rules 5, 7 (2010), <https://www.fjc.gov/content/litigation-costs-civil-cases-multivariate-analysis-report-judicial-conference-advisory-0>.

cost of going to trial clearly influences the decisions of litigants. Judges cannot try cases that the parties choose to settle to avoid the costs of trial.

A few of this report's findings suggest that, at the district level, at least, some of the conventional wisdom about the trade-offs associated with civil jury trials should be reconsidered. At the district level, for example, there does not appear to be a trade-off between civil jury trials and criminal jury trials. Instead, there is no correlation between the rates at which criminal defendants go to jury trial and at which civil cases terminate during or after a jury trial, while there is a strong correlation between the number of civil and criminal jury trials in a district. The same appears to be true with respect to summary judgment rates: districts that resolve higher percentages of civil cases by summary judgment do not tend to have lower civil jury trial rates. With respect to bench trials, districts' civil jury trial rates and bench trial rates are positively correlated—suggesting that districts that tend to conduct more jury trials also tend to conduct more bench trials. These findings do not mean that there is no trade-off for judges in deciding how to allocate their time between deciding summary judgment motions or conducting civil jury trials. Rather, the findings suggest that these very real trade-offs in terms of judges' allocation of time are not translating into differences in civil jury trial rates at the district level, given the existing levels of civil jury trials.

Appendix Tables

Table A-1: Civil Jury Trials, Total Civil Terminations, and Civil Jury Trial Rate, Per Year, FYs 1962–2019

Fiscal Year	Civil Jury Trials	Total Civil Terminations	Civil Jury Trial Rate
1962	2,765	50,320	5.5
1963	3,017	54,513	5.5
1964	2,886	56,332	5.1
1965	3,087	59,063	5.2
1966	3,158	60,449	5.2
1967	3,074	64,556	4.8
1968	3,148	63,165	5.0
1969	3,147	67,914	4.6
1970	3,183	75,101	4.2
1971	3,240	81,478	4.0
1972	3,361	90,177	3.7
1973	3,264	93,917	3.5
1974	3,250	94,188	3.5
1975	3,462	101,089	3.4
1976	3,501	106,103	3.3
1977	3,462	113,093	3.1
1978	3,505	121,955	2.9
1979	3,576	138,874	2.6
1980	3,894	153,950	2.5
1981	4,679	172,126	2.7
1982	4,771	184,835	2.6
1983	5,036	212,979	2.4
1984	5,510	240,750	2.3
1985	6,253	268,070	2.3
1986	5,621	265,082	2.1
1987	6,279	236,937	2.7
1988	5,907	237,634	2.5
1989	5,666	233,971	2.4
1990	4,781	213,020	2.2
1991	4,280	210,410	2.0
1992	4,279	230,171	1.9

1993	4,109	225,278	1.8
1994	4,444	227,448	2.0
1995	4,122	229,051	1.8
1996	4,359	249,832	1.7
1997	4,551	249,118	1.8
1998	4,330	261,669	1.7
1999	4,000	271,936	1.5
2000	3,778	259,046	1.5
2001	3,632	247,433	1.5
2002	3,006	258,876	1.2
2003	2,674	252,197	1.1
2004	2,529	252,016	1.0
2005	2,610	270,973	1.0
2006	2,415	272,644	0.9
2007	8,739	239,292	3.7
2008	2,213	233,826	0.9
2009	2,274	263,049	0.9
2010	2,251	309,361	0.7
2011	2,253	302,817	0.7
2012	2,219	271,385	0.8
2013	2,152	255,071	0.8
2014	2,028	258,278	0.8
2015	2,091	274,362	0.8
2016	1,965	271,302	0.7
2017	1,812	289,595	0.6
2018	1,706	275,879	0.6
2019	1,570	311,520	0.5

Source: Marc Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts*, 1 J. Empirical Legal Stud. 459 (2004) (1962–2002); Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb> (2002–2019).

Table A-2: Districts Ranked by Yearly Average Number of Civil Jury Trials, FYs 2010–2019

Rank	District	Average Number of Civil Jury Trials	Percentage of Total Civil Jury Trials	Average Total Civil Terminations	Rank, Average Total Civil Terminations
1	California Central	97	4.8	14,758	2
2	Illinois Northern	87	4.3	9,692	5
3	New York Southern	81	4.0	11,547	4
4	Pennsylvania Eastern	76	3.8	23,282	1
5	Florida Southern	73	3.7	9,065	7
6	New York Eastern	67	3.4	6,997	9
7	Florida Middle	57	2.8	9,383	6
8	Texas Southern	50	2.5	6,165	11
9	California Eastern	45	2.2	5,086	14
10	Colorado	43	2.1	3,268	26
11	California Northern	39	2.0	6,528	10
12	Massachusetts	39	1.9	3,367	24
13	Texas Northern	36	1.8	4,806	16
14	Texas Eastern	35	1.8	3,720	22
15	New York Northern	35	1.7	1,749	50
16	Michigan Eastern	34	1.7	4,962	15
17	New Jersey	33	1.7	9,042	8
18	Connecticut	32	1.6	2,118	42
19	Georgia Northern	30	1.5	5,402	13
20	Pennsylvania Middle	29	1.4	2,581	37
21	Maryland	28	1.4	3,855	21
22	Louisiana Eastern	28	1.4	5,501	12
23	Illinois Southern	27	1.3	2,776	34
24	Oregon	27	1.3	2,258	41
25	Texas Western	26	1.3	3,433	23
26	Arkansas Eastern	25	1.3	2,687	35
27.5	Washington Western	25	1.2	3,152	28
27.5	Mississippi Southern	25	1.2	1,926	46
29	Pennsylvania Western	24	1.2	2,612	36
30	Illinois Central	24	1.2	1,372	58
31.5	Arizona	24	1.2	4,338	18
31.5	Missouri Eastern	24	1.2	2,796	33
33	Ohio Northern	23	1.1	4,451	17

34	Virginia Eastern	23	1.1	3,324	25
35	South Carolina	22	1.1	3,891	20
36	California Southern	22	1.1	3,172	27
37	Alabama Northern	21	1.1	2,967	31
38	Tennessee Middle	18	0.9	1,987	43
39.5	Minnesota	17	0.9	4,224	19
39.5	District of Columbia	17	0.9	2,471	38
41	Delaware	17	0.8	1,641	52
42	Ohio Southern	17	0.8	2,934	32
43	Missouri Western	17	0.8	2,370	40
44.5	Tennessee Eastern	17	0.8	1,428	57
44.5	Wisconsin Western	17	0.8	876	73
46	Kansas	16	0.8	1,868	48
47	Nevada	16	0.8	3,021	30
48	Oklahoma Western	15	0.8	1,455	56
49	Puerto Rico	15	0.7	1,321	60
50	Michigan Western	15	0.7	1,700	51
51.5	New York Western	14	0.7	1,947	45
51.5	Louisiana Middle	14	0.7	921	70
53	Indiana Southern	14	0.7	3,036	29
54.5	Louisiana Western	14	0.7	2,466	39
54.5	Florida Northern	14	0.7	1,910	47
56	Virginia Western	14	0.7	1,180	65
57.5	Georgia Middle	13	0.7	1,369	59
57.5	Tennessee Western	13	0.7	1,317	62
59.5	Indiana Northern	13	0.6	1,976	44
59.5	Wisconsin Eastern	13	0.6	1,553	53
61	Utah	13	0.6	1,317	61
62	Mississippi Northern	12	0.6	809	74
63	North Carolina Western	12	0.6	1,204	64
64	New Mexico	11	0.6	1,245	63
65	Nebraska	11	0.6	695	78
66	Arkansas Western	11	0.5	1,069	67
67	Kentucky Western	10	0.5	1,496	54
68	Kentucky Eastern	9	0.4	1,462	55
69	Iowa Southern	9	0.4	728	76
70	Alabama Middle	8	0.4	1,062	68

71	Wyoming	8	0.4	290	89
72.5	West Virginia Southern	8	0.4	13,964	3
72.5	Idaho	8	0.4	616	82
74	Georgia Southern	7	0.3	1,048	69
75	New Hampshire	6	0.3	518	85
76	North Carolina Eastern	6	0.3	1,821	49
77	Montana	6	0.3	642	81
78	Maine	6	0.3	524	84
79	Oklahoma Northern	6	0.3	787	75
80.5	Iowa Northern	6	0.3	552	83
80.5	South Dakota	6	0.3	375	87
82	Hawaii	5	0.3	696	77
83	Washington Eastern	5	0.2	896	72
84.5	Rhode Island	4	0.2	914	71
84.5	Alabama Southern	4	0.2	674	79
86	North Carolina Middle	4	0.2	1,158	66
87.5	Vermont	4	0.2	290	90
87.5	Virgin Islands	4	0.2	242	92
89	Oklahoma Eastern	3	0.2	516	86
90	North Dakota	3	0.2	280	91
91	West Virginia Northern	3	0.1	673	80
92	Alaska	2	0.1	337	88
93	Guam	1	0.0	36	93
94	Northern Mariana Islands	0	0.0	29	94

Source: Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-3: Districts Ranked by Yearly Average Number of Civil Jury Trials per Authorized Judgeship, FYs 2010–2019

Rank	District	Average Number of Civil Jury Trials per Authorized Judgeship	Authorized Judgeships	Rank, Average Total Civil Terminations
1	Wisconsin Western	8.25	2	73
2	California Eastern	7.47	6	14
3	New York Northern	6.96	5	50
4	Illinois Southern	6.75	4	34
5	Colorado	6.10	7	26
6	Illinois Central	6.03	4	58
7	Arkansas Eastern	5.02	5	35
8	Louisiana Middle	4.77	3	70
9	Pennsylvania Middle	4.75	6	37
10	New York Eastern	4.48	15	9
11	Oregon	4.45	6	41
12	Texas Eastern	4.43	8	22
13	Tennessee Middle	4.38	4	43
14	Delaware	4.25	4	52
15	Mississippi Southern	4.08	6	46
16	Florida Southern	4.08	18	7
17	Mississippi Northern	4.07	3	74
18	Connecticut	3.95	8	42
19	Illinois Northern	3.94	22	5
20	Idaho	3.90	2	82
21	Florida Middle	3.79	15	6
22	Nebraska	3.70	3	78
23	Michigan Western	3.70	4	51
24	New York Western	3.58	4	45
25	Washington Western	3.50	7	28
26	Arkansas Western	3.50	3	67
26	Florida Northern	3.50	4	47
28	Virginia Western	3.48	4	65
29	California Central	3.47	28	2
30	Pennsylvania Eastern	3.45	22	1
31	Georgia Middle	3.35	4	59
32	Tennessee Eastern	3.30	5	57
33	Texas Northern	3.01	12	16

34	Missouri Eastern	3.00	8	33
35	Massachusetts	2.98	13	24
36	New York Southern	2.88	28	4
37	Iowa Southern	2.87	3	76
38	Iowa Northern	2.85	2	83
39	Indiana Southern	2.84	5	29
40	California Northern	2.81	14	10
41	Missouri Western	2.78	6	40
42	Maryland	2.78	10	21
43	Alabama Middle	2.77	3	68
44	Kansas	2.73	6	48
45	Georgia Northern	2.69	11	13
46	Tennessee Western	2.68	5	62
47	Alabama Northern	2.68	8	31
48	Wyoming	2.67	3	89
49	Texas Southern	2.63	19	11
50	Wisconsin Eastern	2.60	5	53
51	Indiana Northern	2.60	5	44
52	Oklahoma Western	2.55	6	56
53	Utah	2.50	5	61
54	Minnesota	2.46	7	19
55	Pennsylvania Western	2.43	10	36
56	North Carolina Western	2.36	5	64
57	Louisiana Eastern	2.31	12	12
58	Michigan Eastern	2.28	15	15
59	Nevada	2.27	7	30
60	Oklahoma Eastern	2.27	1.5	86
61	Kentucky Western	2.24	4.5	54
62	South Carolina	2.21	10	20
63	Georgia Southern	2.20	3	69
64	Puerto Rico	2.14	7	60
65	New Hampshire	2.13	3	85
66	Ohio Southern	2.10	8	32
67	Ohio Northern	2.09	11	17
68	Virginia Eastern	2.08	11	25
69	Montana	2.03	3	81
70	Louisiana Western	2.00	7	39

70	Maine	2.00	3	84
70	Vermont	2.00	2	90
73	Texas Western	1.97	13	23
74	New Jersey	1.96	17	8
75	South Dakota	1.90	3	87
76	Arizona	1.85	13	18
77	California Southern	1.68	13	27
78	Oklahoma Northern	1.66	3.5	75
79	New Mexico	1.63	7	63
80	Kentucky Eastern	1.60	5.5	55
81	North Dakota	1.60	2	91
82	North Carolina Eastern	1.58	4	49
83	West Virginia Southern	1.56	5	3
84	Rhode Island	1.47	3	71
85	Alabama Southern	1.47	3	79
86	Hawaii	1.30	4	77
87	Washington Eastern	1.23	4	72
88	District of Columbia	1.15	15	38
89	North Carolina Middle	1.05	4	66
90	West Virginia Northern	0.93	3	80
91	Alaska	0.77	3	88
--	Virgin Islands	--	0	92
--	Guam	--	0	93
--	Northern Mariana Islands	--	0	94

Source: Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-4: Districts Ranked by Yearly Average Civil Jury Trial Rates, FYs 2010–2019

Rank	District	Average Civil Jury Trial Rate	Rank, Average Total Civil Terminations
1	Wyoming	2.75	89
2	New York Northern	2.01	50
3	Wisconsin Western	1.89	73
4	Illinois Central	1.76	58
5	Virgin Islands	1.65	92
6	Louisiana Middle	1.63	70
7	Nebraska	1.60	78
8	Guam	1.57	93
9	South Dakota	1.57	87
10	Connecticut	1.51	42
11	Mississippi Northern	1.48	74
12	Northern Mariana Islands	1.39	94
13	Vermont	1.39	90
14	Illinois Southern	1.34	34
15	Colorado	1.31	26
16	Mississippi Southern	1.26	46
17	Idaho	1.25	82
18	Puerto Rico	1.21	60
19	New Hampshire	1.21	85
20	Massachusetts	1.20	24
21	Virginia Western	1.18	65
22	Tennessee Eastern	1.17	57
23	Iowa Southern	1.17	76
24	Oregon	1.17	41
25	Maine	1.15	84
26	Pennsylvania Middle	1.10	37
27	Delaware	1.09	52
28	North Dakota	1.07	91
29	Oklahoma Western	1.05	56
30	Iowa Northern	1.04	83
31	Tennessee Western	1.03	62
32	Arkansas Western	1.01	67
33	Arkansas Eastern	1.01	35
34	North Carolina Western	0.99	64

35	Texas Eastern	0.99	22
36	Georgia Middle	0.98	59
37	New York Eastern	0.98	9
38	Utah	0.96	61
39	Montana	0.95	81
40	Pennsylvania Western	0.94	36
41	Kansas	0.93	48
42	New Mexico	0.93	63
43	Tennessee Middle	0.92	43
44	Missouri Eastern	0.92	33
45	Illinois Northern	0.90	5
46	California Eastern	0.88	14
47	Michigan Western	0.87	51
48	Wisconsin Eastern	0.84	53
49	Florida Southern	0.82	7
50	Texas Southern	0.81	11
51	Alabama Middle	0.78	68
52	Washington Western	0.78	28
53	Hawaii	0.77	77
54	Texas Western	0.76	23
55	Texas Northern	0.75	16
56	Florida Northern	0.74	47
57	Oklahoma Northern	0.74	75
58	New York Western	0.74	45
59	Alabama Northern	0.73	31
60	Maryland	0.72	21
61	New York Southern	0.72	4
62	District of Columbia	0.72	38
63	Alaska	0.72	88
64	Missouri Western	0.72	40
65	Indiana Northern	0.70	44
66	California Southern	0.70	27
67	Kentucky Western	0.69	54
68	Virginia Eastern	0.69	25
69	Michigan Eastern	0.69	15
70	Oklahoma Eastern	0.66	86
71	California Central	0.66	2

72	Alabama Southern	0.63	79
73	Georgia Southern	0.63	69
74	Florida Middle	0.62	6
75	California Northern	0.61	10
76	Louisiana Western	0.61	39
77	Ohio Southern	0.61	32
78	Kentucky Eastern	0.60	55
79	South Carolina	0.59	20
80	Pennsylvania Eastern	0.59	1
81	Arizona	0.58	18
82	Rhode Island	0.57	71
83	Louisiana Eastern	0.57	12
84	Washington Eastern	0.56	72
85	Georgia Northern	0.56	13
86	Ohio Northern	0.56	17
87	Nevada	0.53	30
88	Indiana Southern	0.48	29
89	Minnesota	0.44	19
90	West Virginia Northern	0.42	80
91	New Jersey	0.40	8
92	North Carolina Middle	0.37	66
93	North Carolina Eastern	0.34	49
94	West Virginia Southern	0.29	3

Source: Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-5: Rank of Percentage of Civil Terminations in the 20 Nature-of-Suit Categories Most Likely to Go to Jury Trial, by District, FYs 2010–2019

Rank	District	Rank, Average Civil Jury Trials	Rank, Average Civil Jury Trials per Authorized Judgeship	Rank, Average Civil Jury Trial Rate	Rank, Total Civil Terminations in Top 20 NOS	Rank, Average Total Civil Terminations
1	West Virginia Southern	72.5	83	94	1	3
2	Illinois Southern	23	4	14	18	34
3	Louisiana Middle	51.5	8	6	62	70
4	Arkansas Eastern	26	7	33	23	35
5	Tennessee Middle	38	13	43	37	43
6	Mississippi Southern	27.5	15	16	40	46
7	Northern Mariana Islands	94	--	12	94	94
8	Delaware	41	14	27	43	52
9	Texas Eastern	14	12	35	15	22
10	Alabama Northern	37	47	59	22	31
11	Louisiana Eastern	22	57	83	10	12
12	South Dakota	80.5	75	9	84	87
13	New York Southern	3	36	61	2	4
14	Mississippi Northern	62	17	11	70	74
15	Tennessee Western	57.5	46	31	55	62
16	Kentucky Western	67	61	67	48	54
17	Alabama Middle	70	43	51	63	68
18	Illinois Central	30	6	4	56	58
19	Arizona	31.5	76	81	14	18
20	New Mexico	64	79	42	61	63
21	Tennessee Eastern	44.5	32	22	54	57
22	Connecticut	18	18	10	42	42
23	Louisiana Western	54.5	70	76	36	39
24	Illinois Northern	2	19	45	4	5
25	Oklahoma Western	48	52	29	53	56
26	Wyoming	71	48	1	89	89
27	Hawaii	82	86	53	74	77
28	Utah	61	53	38	59	61
29	Missouri Eastern	31.5	34	44	31	33
30	Colorado	10	5	15	25	26

31	District of Columbia	39.5	88	62	38	38
32	Indiana Northern	59.5	51	65	44	44
33	Florida Northern	54.5	26	56	46	47
34	Florida Southern	5	16	49	7	7
35	Florida Middle	7	21	74	6	6
36	Georgia Southern	74	63	73	66	69
37	Nevada	47	59	87	28	30
38	Idaho	72.5	20	17	80	82
39	Nebraska	65	22	7	76	78
40	New York Eastern	6	10	37	9	9
41	Ohio Southern	42	66	77	30	32
42	Texas Southern	8	49	50	11	11
43	Guam	93	--	8	93	93
44	Virginia Eastern	34	68	68	26	25
45	Alabama Southern	84.5	85	72	78	79
46	Rhode Island	84.5	84	82	72	71
47	Virgin Islands	87.5	--	5	92	92
48	Georgia Middle	57.5	31	36	60	59
49	Maryland	21	42	60	20	21
50	Montana	77	69	39	77	81
51	Pennsylvania Western	29	55	40	39	36
52	North Dakota	90	81	28	90	91
53	Wisconsin Western	44.5	1	3	73	73
54	Pennsylvania Middle	20	9	26	41	37
55	New York Northern	15	3	2	49	50
56	Virginia Western	56	28	21	65	65
57	Alaska	92	91	63	88	88
58	Indiana Southern	53	39	88	34	29
59	New Jersey	17	74	91	8	8
60	Texas Northern	13	33	55	16	16
61	California Northern	11	40	75	12	10
62	South Carolina	35	62	79	24	20
63	Georgia Northern	19	45	85	13	13
64	Texas Western	25	73	54	27	23
65	Michigan Western	50	23	47	52	51
66	Vermont	87.5	70	13	91	90
67	California Southern	36	77	66	32	27

68	Wisconsin Eastern	59.5	50	48	58	53
69	Oklahoma Northern	79	78	57	75	75
70	West Virginia Northern	91	90	90	82	80
71	Kansas	46	44	41	50	48
72	Iowa Southern	69	37	23	79	76
73	New Hampshire	75	65	19	83	85
74	Oregon	24	11	24	47	41
75	Arkansas Western	66	26	32	71	67
76	Missouri Western	43	41	64	45	40
77	Massachusetts	12	35	20	33	24
78	California Eastern	9	2	46	17	14
79	Washington Western	27.5	25	52	35	28
80	North Carolina Western	63	56	34	67	64
81	Maine	78	70	25	85	84
82	Ohio Northern	33	67	86	21	17
83	North Carolina Middle	86	89	92	69	66
84	Michigan Eastern	16	58	69	19	15
85	New York Western	51.5	24	58	51	45
86	North Carolina Eastern	76	82	93	57	49
87	Kentucky Eastern	68	80	78	64	55
88	California Central	1	29	71	3	2
89	Oklahoma Eastern	89	60	70	87	86
90	Iowa Northern	80.5	38	30	86	83
91	Minnesota	39.5	54	89	29	19
92	Puerto Rico	49	64	18	68	60
93	Washington Eastern	83	87	84	81	72
94	Pennsylvania Eastern	4	30	80	5	1

Source: Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-6: Yearly Average Civil Bench Trials, by District, FYs 2010–2019

Rank	District	Average Civil Bench Trials	Average Civil Jury Trials	Rank, Average Civil Jury Trials	Average Civil Bench Trial Rate	Average Civil Jury Trial Rate	Rank, Average Total Civil Terminations
1	California Central	52	97	1	0.36	0.66	2
2	New York Southern	46	81	3	0.42	0.72	4
3	Texas Southern	32	50	8	0.53	0.81	11
4	Delaware	31	17	41	2.14	1.09	52
5	Florida Southern	30	73	5	0.33	0.82	7
6	New York Eastern	29	67	6	0.43	0.98	9
7	Louisiana Eastern	27	28	22	0.56	0.57	12
8	Pennsylvania Eastern	25	76	4	0.20	0.59	1
9	North Carolina Eastern	24	6	76	1.24	0.34	49
10	Illinois Northern	23	87	2	0.24	0.90	5
11	New Jersey	23	33	17	0.27	0.40	8
12	Florida Middle	22	57	7	0.25	0.62	6
13	Virginia Eastern	20	23	34	0.60	0.69	25
14	Massachusetts	19	39	12	0.59	1.20	24
15	Louisiana Western	16	14	55	0.71	0.61	39
16	Arkansas Eastern	16	25	26	0.68	1.01	35
17	Washington Western	15	25	28	0.48	0.78	28
18	Connecticut	14	32	18	0.69	1.51	42
19	Texas Western	14	26	25	0.42	0.76	23
20	Arizona	14	24	32	0.33	0.58	18
21	California Northern	14	39	11	0.22	0.61	10
22	Maryland	14	28	21	0.36	0.72	21
23	Texas Northern	11	36	13	0.24	0.75	16
24	Michigan Eastern	11	34	16	0.23	0.69	15
25	Colorado	11	43	10	0.33	1.31	26
26	California Southern	11	22	36	0.33	0.70	27
27	Hawaii	10	5	82	1.45	0.77	77
28	Oregon	10	27	24	0.44	1.17	41

29	South Carolina	10	22	35	0.27	0.59	20
30	Georgia Northern	10	30	19	0.19	0.56	13
31	Texas Eastern	9	35	14	0.27	0.99	22
32	Mississippi Southern	9	25	28	0.46	1.26	46
33	District Of Columbia	9	17	40	0.37	0.72	38
34	Indiana Southern	9	14	53	0.29	0.48	29
35	Nevada	8	16	47	0.27	0.53	30
36	Tennessee Eastern	8	17	45	0.54	1.17	57
37	Ohio Southern	8	17	42	0.29	0.61	32
38	Virgin Islands	7	4	88	2.93	1.65	92
39	Missouri Western	7	17	43	0.30	0.72	40
40	Pennsylvania Middle	7	29	20	0.27	1.10	37
41	Michigan Western	7	15	50	0.40	0.87	51
42	Ohio Northern	7	23	33	0.16	0.56	17
43	Arkansas Western	7	11	66	0.62	1.01	67
44	California Eastern	6	45	9	0.12	0.88	14
45	Nebraska	6	11	65	0.90	1.60	78
46	Florida Northern	6	14	55	0.33	0.74	47
47	Alabama Northern	6	21	37	0.23	0.73	31
48	Wisconsin Eastern	6	13	60	0.40	0.84	53
49	Tennessee Western	6	13	58	0.45	1.03	62
50	Iowa Southern	6	9	69	0.73	1.17	76
51	Virginia Western	6	14	56	0.47	1.18	65
52	Illinois Southern	6	27	23	0.31	1.34	34
53	Utah	5	13	61	0.40	0.96	61
54	Tennessee Middle	5	18	38	0.28	0.92	43
55	Missouri Eastern	5	24	32	0.20	0.92	33
56	New Mexico	5	11	64	0.41	0.93	63
57	Minnesota	5	17	40	0.12	0.44	19
58	New York Northern	5	35	15	0.29	2.01	50

59	Kansas	5	16	46	0.26	0.93	48
60	Pennsylvania Western	5	24	29	0.18	0.94	36
61	Louisiana Middle	5	14	52	0.50	1.63	70
62	Indiana Northern	5	13	60	0.24	0.70	44
63	Georgia Middle	4	13	58	0.27	0.98	59
64	Wisconsin Western	4	17	45	0.41	1.89	73
65	Washington Eastern	4	5	83	0.41	0.56	72
66	Alabama Middle	4	8	70	0.33	0.78	68
67	Puerto Rico	4	15	49	0.28	1.21	60
68	Alabama Southern	4	4	85	0.52	0.63	79
69	Maine	3	6	78	0.61	1.15	84
70	Rhode Island	3	4	85	0.37	0.57	71
71	North Carolina Middle	3	4	86	0.27	0.37	66
72	Illinois Central	3	24	30	0.23	1.76	58
73	Oklahoma Western	3	15	48	0.21	1.05	56
74	Alaska	3	2	92	0.84	0.72	88
75	New York Western	3	14	52	0.15	0.74	45
76	West Virginia Southern	3	8	73	0.10	0.29	3
77	Idaho	3	8	73	0.46	1.25	82
78	Montana	3	6	77	0.42	0.95	81
79	Mississippi Northern	3	12	62	0.29	1.48	74
80	North Carolina Western	3	12	63	0.20	0.99	64
81	Iowa Northern	2	6	81	0.45	1.04	83
82	Kentucky Eastern	2	9	68	0.16	0.60	55
83	South Dakota	2	6	81	0.63	1.57	87
84	New Hampshire	2	6	75	0.40	1.21	85
85	West Virginia Northern	2	3	91	0.29	0.42	80
86	Kentucky Western	2	10	67	0.13	0.69	54
87	Wyoming	2	8	71	0.62	2.75	89
88	North Dakota	2	3	90	0.59	1.07	91

89	Oklahoma Northern	2	6	79	0.22	0.74	75
90	Georgia Southern	2	7	74	0.15	0.63	69
91	Oklahoma Eastern	1	3	89	0.27	0.66	86
92	Vermont	1	4	88	0.38	1.39	90
93	Northern Mariana Islands	0	0	94	1.16	1.39	94
94	Guam	0	1	93	0.92	1.57	93

Source: Federal Judicial Center Civil Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-7: Yearly Average Criminal Defendants Terminated, by District, FYs 2010–2019

Rank	District	Rank, Average Criminal Jury Trials	Average Criminal Jury Trial Rate	Rank, Average Criminal Jury Trial Rate	Rank, Average Total Civil Terminations	Rank, Average Civil Jury Trials	Average Civil Jury Trial Rate	Rank, Average Civil Jury Trial Rate
1	Texas Western	5	0.73	91	23	25	0.76	54
2	Texas Southern	8	0.70	93	11	8	0.81	50
3	Arizona	7	0.73	92	18	31.5	0.58	81
4	California Southern	9	0.97	89	27	36	0.70	66
5	New Mexico	74.5	0.20	94	63	64	0.93	42
6	Virginia Eastern	10	1.98	74	25	34	0.69	68
7	Florida Southern	1	4.83	11	7	5	0.82	49
8	Florida Middle	2	4.55	15	6	7	0.62	74
9	California Central	11.5	2.75	49	2	1	0.66	71
10	New York Southern	3	4.45	19	4	3	0.72	61
11	Maryland	11.5	2.70	50	21	21	0.72	60
12	Puerto Rico	16	2.33	65	60	49	1.21	18
13	Texas Northern	19	2.26	68	16	13	0.75	55
14	North Carolina Eastern	40	1.36	85	49	76	0.34	93
15	Washington Western	48.5	1.38	84	28	27.5	0.78	52
16	South Carolina	26.5	2.15	71	20	35	0.59	79
17	Michigan Eastern	13	4.17	22	15	16	0.69	69
18	New York Eastern	14	3.88	26	9	6	0.98	37
19	Utah	73	0.96	90	61	61	0.96	38
20	New Jersey	28	2.41	58	8	17	0.40	91
21	Texas Eastern	29	2.39	59	22	14	0.99	35
22	Missouri Eastern	56	1.44	82	33	31.5	0.92	44
23	California Eastern	35	2.23	69	14	9	0.88	46
24	Pennsylvania Eastern	4	7.87	3	1	4	0.59	80
25	Tennessee Eastern	22.5	3.10	41	57	44.5	1.17	22
26	Illinois Northern	6	6.97	4	5	2	0.90	45

27	Missouri Western	55	1.62	78	40	43	0.72	64
28	Ohio Northern	18	3.93	24	17	33	0.56	86
29	Kansas	38.5	2.17	70	48	46	0.93	41
30	California Northern	22.5	3.54	35	10	11	0.61	75
31	Georgia Southern	63	1.43	83	69	74	0.63	73
32	Georgia Northern	21	3.78	28	13	19	0.56	85
33	Oregon	67	1.61	79	41	24	1.17	24
34	Nebraska	46	2.36	61	78	65	1.60	7
35	Ohio Southern	65	1.57	80	32	42	0.61	77
36	North Carolina Western	26.5	3.64	31	64	63	0.99	34
37	New York Western	37	3.03	46	45	51.5	0.74	58
38	Tennessee Western	33.5	3.09	42	62	57.5	1.03	31
39	Nevada	45	2.67	52	30	47	0.53	87
40	Colorado	47	2.67	51	26	10	1.31	15
41	Georgia Middle	61	2.07	72	59	57.5	0.98	36
42	Kentucky Western	81	1.05	88	54	67	0.69	67
43	New York Northern	41	3.03	45	50	15	2.01	2
44	South Dakota	25	4.34	20	87	80.5	1.57	9
45	Kentucky Eastern	20	5.49	8	55	68	0.61	78
46	Oklahoma Western	53	2.35	63	56	48	1.05	29
47	Massachusetts	15	6.92	5	24	12	1.20	20
48	Alabama Northern	42	3.19	37	31	37	0.73	59
49	Pennsylvania Western	51.5	2.62	55	36	29	0.94	40
50	North Carolina Middle	60	2.36	62	66	86	0.37	92
51	Florida Northern	17	6.22	6	47	54.5	0.74	56
52	Pennsylvania Middle	32	3.89	25	37	20	1.10	26
53	Arkansas Eastern	51.5	3.08	43	35	26	1.01	33
54	Michigan Western	43.5	3.66	30	51	50	0.87	47
55	Washington Eastern	62	2.63	54	72	83	0.56	84
56	Iowa Southern	33.5	4.34	21	76	69	1.17	23

57	Minnesota	24	6.04	7	19	39.5	0.44	89
58	Indiana Southern	48.5	3.60	33	29	53	0.48	88
59	Indiana Northern	31	4.54	16	44	59.5	0.70	65
60	Louisiana Eastern	66	2.60	56	12	22	0.57	83
61	Montana	30	5.09	9	81	77	0.95	39
62	Iowa Northern	54	3.30	36	83	80.5	1.04	30
63	Connecticut	58.5	3.07	44	42	18	1.51	10
64	Wisconsin Eastern	74.5	2.00	73	53	59.5	0.84	48
65	Illinois Central	72	2.31	67	58	30	1.76	4
66	Hawaii	76.5	2.38	60	77	82	0.77	53
67	Mississippi Southern	71	2.35	64	46	27.5	1.26	16
68	District of Columbia	36	4.56	14	38	39.5	0.72	62
69	Alabama Southern	58.5	3.12	40	79	84.5	0.63	72
70	North Dakota	64	3.01	47	91	90	1.07	28
71	Virginia Western	38.5	4.53	17	65	56	1.18	21
72	Louisiana Western	57	3.19	38	39	54.5	0.61	76
73	Illinois Southern	91	1.21	87	34	23	1.34	14
74	West Virginia Northern	80	1.95	75	80	91	0.42	90
75	Idaho	70	2.63	53	82	72.5	1.25	17
76	West Virginia Southern	82	1.93	76	3	72.5	0.29	94
77	Arkansas Western	92	1.30	86	67	66	1.01	32
78	Tennessee Middle	50	4.51	18	43	38	0.92	43
79	Wyoming	84.5	1.85	77	89	71	2.75	1
80	Alabama Middle	69	4.04	23	68	70	0.78	51
81	Oklahoma Northern	78	3.15	39	75	79	0.74	57
82	Alaska	68	4.81	12	88	92	0.72	63
83	New Hampshire	86.5	2.33	66	85	75	1.21	19
84	Vermont	93	1.56	81	90	87.5	1.39	13
85	Maine	76.5	3.75	29	84	78	1.15	25
86	Mississippi Northern	79	3.60	32	74	62	1.48	11

87	Louisiana Middle	86.5	2.47	57	70	51.5	1.63	6
88	Wisconsin Western	88	2.77	48	73	44.5	1.89	3
89	Rhode Island	83	3.60	34	71	84.5	0.57	82
90	Oklahoma Eastern	84.5	4.85	10	86	89	0.66	70
91	Virgin Islands	43.5	14.30	1	92	87.5	1.65	5
92	Delaware	89.5	3.85	27	52	41	1.09	27
93	Guam	89.5	4.78	13	93	93	1.57	8
94	Northern Mariana Islands	94	9.84	2	94	94	1.39	12

Source: Federal Judicial Center Civil and Criminal Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-8: Combined Civil and Criminal Terminations, by District, FYs 2010–2019

Rank	District	Percentage of Caseload Civil	Percentage of Caseload Criminal	Rank, Average Civil Jury Trials	Average Civil Jury Trial Rate	Rank, Average Civil Jury Trial Rate	Rank, Average Total Civil Terminations
1	Pennsylvania Eastern	96.5	3.5	4	0.59	80	1
2	California Central	90.1	9.9	1	0.66	71	2
3	West Virginia Southern	97.8	2.2	72.5	0.29	94	3
4	Texas Southern	45.9	54.1	8	0.81	50	11
5	New York Southern	88.0	12.0	3	0.72	61	4
6	Texas Western	29.2	70.8	25	0.76	54	23
7	Florida Southern	79.0	21.0	5	0.82	49	7
8	Arizona	38.3	61.7	31.5	0.58	81	18
9	Florida Middle	85.2	14.8	7	0.62	74	6
10	Illinois Northern	92.2	7.8	2	0.90	45	5
11	New Jersey	90.8	9.2	17	0.40	91	8
12	California Southern	37.2	62.8	36	0.70	66	27
13	New York Eastern	88.1	11.9	6	0.98	37	9
14	California Northern	89.5	10.5	11	0.61	75	10
15	Texas Northern	78.0	22.0	13	0.75	55	16
16	Georgia Northern	88.3	11.7	19	0.56	85	13
17	California Eastern	85.1	14.9	9	0.88	46	14
18	Michigan Eastern	83.7	16.3	16	0.69	69	15
19	Louisiana Eastern	93.0	7.0	22	0.57	83	12
20	Virginia Eastern	57.4	42.6	34	0.69	68	25
21	Maryland	71.0	29.0	21	0.72	60	21
22	New Mexico	23.7	76.3	64	0.93	42	63
23	Ohio Northern	85.1	14.9	33	0.56	86	17

24	South Carolina	78.7	21.3	35	0.59	79	20
25	Minnesota	90.8	9.2	39.5	0.44	89	19
26	Texas Eastern	80.2	19.8	14	0.99	35	22
27	Washington Western	74.8	25.2	27.5	0.78	52	28
28	Massachusetts	86.1	13.9	12	1.20	20	24
29	Colorado	84.7	15.3	10	1.31	15	26
30	Missouri Eastern	75.5	24.5	31.5	0.92	44	33
31	Nevada	83.5	16.5	47	0.53	87	30
32	Ohio Southern	81.6	18.4	42	0.61	77	32
33	Alabama Northern	85.1	14.9	37	0.73	59	31
34	Indiana Southern	87.8	12.2	53	0.48	88	29
35	Missouri Western	74.7	25.3	43	0.72	64	40
36	Arkansas Eastern	85.3	14.7	26	1.01	33	35
37	Illinois Southern	88.5	11.5	23	1.34	14	34
38	Pennsylvania Western	83.6	16.4	29	0.94	40	36
39	North Carolina Eastern	59.1	40.9	76	0.34	93	49
40	Pennsylvania Middle	84.2	15.8	20	1.10	26	37
41	Oregon	77.1	22.9	24	1.17	24	41
42	District of Columbia	86.5	13.5	39.5	0.72	62	38
43	Louisiana Western	87.0	13.0	54.5	0.61	76	39
44	Puerto Rico	48.3	51.7	49	1.21	18	60
45	Kansas	71.0	29.0	46	0.93	41	48
46	New York Western	75.9	24.1	51.5	0.74	58	45
47	Connecticut	84.1	15.9	18	1.51	10	42
48	Indiana Northern	82.5	17.5	59.5	0.70	65	44
49	Florida Northern	79.8	20.2	54.5	0.74	56	47
50	New York Northern	75.4	24.6	15	2.01	2	50

51	Mississippi Southern	83.3	16.7	27.5	1.26	16	46
52	Tennessee Middle	86.7	13.3	38	0.92	43	43
53	Tennessee Eastern	63.5	36.5	44.5	1.17	22	57
54	Utah	58.7	41.3	61	0.96	38	61
55	Michigan Western	79.1	20.9	50	0.87	47	51
56	Kentucky Western	72.0	28.0	67	0.69	67	54
57	Kentucky Eastern	72.4	27.6	68	0.61	78	55
58	Oklahoma Western	72.2	27.8	48	1.05	29	56
59	Georgia Middle	70.1	29.9	57.5	0.98	36	59
60	Wisconsin Eastern	79.6	20.4	59.5	0.84	48	53
61	Tennessee Western	68.3	31.7	57.5	1.03	31	62
62	North Carolina Western	65.2	34.8	63	0.99	34	64
63	Georgia Southern	58.3	41.7	74	0.63	73	69
64	Illinois Central	77.7	22.3	30	1.76	4	58
65	Delaware	93.8	6.2	41	1.09	27	52
66	North Carolina Middle	70.0	30.0	86	0.37	92	66
67	Virginia Western	76.1	23.9	56	1.18	21	65
68	Arkansas Western	77.8	22.2	66	1.01	32	67
69	Nebraska	51.2	48.8	65	1.60	7	78
70	Washington Eastern	67.3	32.7	83	0.56	84	72
71	Alabama Middle	81.0	19.0	70	0.78	51	68
72	Iowa Southern	62.7	37.3	69	1.17	23	76
73	Louisiana Middle	82.3	17.7	51.5	1.63	6	70
74	Hawaii	64.0	36.0	82	0.77	53	77
75	Rhode Island	85.0	15.0	84.5	0.57	82	71
76	Alabama Southern	63.8	36.2	84.5	0.63	72	79

77	Montana	61.3	38.7	77	0.95	39	81
78	Wisconsin Western	83.8	16.2	44.5	1.89	3	73
79	Oklahoma Northern	76.3	23.7	79	0.74	57	75
80	West Virginia Northern	65.6	34.4	91	0.42	90	80
81	Mississippi Northern	80.2	19.8	62	1.48	11	74
82	Idaho	64.0	36.0	72.5	1.25	17	82
83	Iowa Northern	57.9	42.1	80.5	1.04	30	83
84	South Dakota	39.8	60.2	80.5	1.57	9	87
85	Maine	71.7	28.3	78	1.15	25	84
86	New Hampshire	71.0	29.0	75	1.21	19	85
87	North Dakota	42.9	57.1	90	1.07	28	91
88	Oklahoma Eastern	81.2	18.8	89	0.66	70	86
89	Wyoming	49.2	50.8	71	2.75	1	89
90	Alaska	61.2	38.8	92	0.72	63	88
91	Vermont	57.8	42.2	87.5	1.39	13	90
92	Virgin Islands	67.7	32.3	87.5	1.65	5	92
93	Guam	27.5	72.5	93	1.57	8	93
94	Northern Mariana Islands	52.1	47.9	94	1.39	12	94

Source: Federal Judicial Center Civil and Criminal Integrated Database, <https://www.fjc.gov/research/idb>.

Table A-9: Percentage of Overall Terminations that Are Criminal, by District, FYs 2010–2019

Rank	District	Percentage of Caseload Criminal	Rank, Average Civil Jury Trials	Average Civil Jury Trial Rate	Rank, Average Civil Jury Trial Rate	Rank, Average Total Civil Terminations
1	New Mexico	76.3	64	0.93	42	63
2	Guam	72.5	93	1.57	8	93
3	Texas Western	70.8	25	0.76	54	23
4	California Southern	62.8	36	0.70	66	27
5	Arizona	61.7	31.5	0.58	81	18
6	South Dakota	60.2	80.5	1.57	9	87
7	North Dakota	57.1	90	1.07	28	91
8	Texas Southern	54.1	8	0.81	50	11
9	Puerto Rico	51.7	49	1.21	18	60
10	Wyoming	50.8	71	2.75	1	89
11	Nebraska	48.8	65	1.60	7	78
12	Northern Mariana Islands	47.9	94	1.39	12	94
13	Virginia Eastern	42.6	34	0.69	68	25
14	Vermont	42.2	87.5	1.39	13	90
15	Iowa Northern	42.1	80.5	1.04	30	83
16	Georgia Southern	41.7	74	0.63	73	69
17	Utah	41.3	61	0.96	38	61
18	North Carolina Eastern	40.9	76	0.34	93	49
19	Alaska	38.8	92	0.72	63	88
20	Montana	38.7	77	0.95	39	81
21	Iowa Southern	37.3	69	1.17	23	76
22	Tennessee Eastern	36.5	44.5	1.17	22	57
23	Alabama Southern	36.2	84.5	0.63	72	79
24	Hawaii	36.0	82	0.77	53	77
25	Idaho	36.0	72.5	1.25	17	82
26	North Carolina Western	34.8	63	0.99	34	64
27	West Virginia Northern	34.4	91	0.42	90	80
28	Washington Eastern	32.7	83	0.56	84	72
29	Virgin Islands	32.3	87.5	1.65	5	92
30	Tennessee Western	31.7	57.5	1.03	31	62

31	North Carolina Middle	30.0	86	0.37	92	66
32	Georgia Middle	29.9	57.5	0.98	36	59
33	Kansas	29.0	46	0.93	41	48
34	New Hampshire	29.0	75	1.21	19	85
35	Maryland	29.0	21	0.72	60	21
36	Maine	28.3	78	1.15	25	84
37	Kentucky Western	28.0	67	0.69	67	54
38	Oklahoma Western	27.8	48	1.05	29	56
39	Kentucky Eastern	27.6	68	0.61	78	55
40	Missouri Western	25.3	43	0.72	64	40
41	Washington Western	25.2	27.5	0.78	52	28
42	New York Northern	24.6	15	2.01	2	50
43	Missouri Eastern	24.5	31.5	0.92	44	33
44	New York Western	24.1	51.5	0.74	58	45
45	Virginia Western	23.9	56	1.18	21	65
46	Oklahoma Northern	23.7	79	0.74	57	75
47	Oregon	22.9	24	1.17	24	41
48	Illinois Central	22.3	30	1.76	4	58
49	Arkansas Western	22.2	66	1.01	32	67
50	Texas Northern	22.0	13	0.75	55	16
51	South Carolina	21.3	35	0.59	79	20
52	Florida Southern	21.0	5	0.82	49	7
53	Michigan Western	20.9	50	0.87	47	51
54	Wisconsin Eastern	20.4	59.5	0.84	48	53
55	Florida Northern	20.2	54.5	0.74	56	47
56	Texas Eastern	19.8	14	0.99	35	22
57	Mississippi Northern	19.8	62	1.48	11	74
58	Alabama Middle	19.0	70	0.78	51	68
59	Oklahoma Eastern	18.8	89	0.66	70	86
60	Ohio Southern	18.4	42	0.61	77	32
61	Louisiana Middle	17.7	51.5	1.63	6	70
62	Indiana Northern	17.5	59.5	0.70	65	44
63	Mississippi Southern	16.7	27.5	1.26	16	46
64	Nevada	16.5	47	0.53	87	30

65	Pennsylvania Western	16.4	29	0.94	40	36
66	Michigan Eastern	16.3	16	0.69	69	15
67	Wisconsin Western	16.2	44.5	1.89	3	73
68	Connecticut	15.9	18	1.51	10	42
69	Pennsylvania Middle	15.8	20	1.10	26	37
70	Colorado	15.3	10	1.31	15	26
71	Rhode Island	15.0	84.5	0.57	82	71
72	California Eastern	14.9	9	0.88	46	14
73	Alabama Northern	14.9	37	0.73	59	31
74	Ohio Northern	14.9	33	0.56	86	17
75	Florida Middle	14.8	7	0.62	74	6
76	Arkansas Eastern	14.7	26	1.01	33	35
77	Massachusetts	13.9	12	1.20	20	24
78	District of Columbia	13.5	39.5	0.72	62	38
79	Tennessee Middle	13.3	38	0.92	43	43
80	Louisiana Western	13.0	54.5	0.61	76	39
81	Indiana Southern	12.2	53	0.48	88	29
82	New York Southern	12.0	3	0.72	61	4
83	New York Eastern	11.9	6	0.98	37	9
84	Georgia Northern	11.7	19	0.56	85	13
85	Illinois Southern	11.5	23	1.34	14	34
86	California Northern	10.5	11	0.61	75	10
87	California Central	9.9	1	0.66	71	2
88	New Jersey	9.2	17	0.40	91	8
89	Minnesota	9.2	39.5	0.44	89	19
90	Illinois Northern	7.8	2	0.90	45	5
91	Louisiana Eastern	7.0	22	0.57	83	12
92	Delaware	6.2	41	1.09	27	52
93	Pennsylvania Eastern	3.5	4	0.59	80	1
94	West Virginia Southern	2.2	72.5	0.29	94	3

Source: Federal Judicial Center Civil and Criminal Integrated Database, <https://www.fjc.gov/research/idb>.