
1979 Federal District Court Time Study



THE FEDERAL JUDICIAL CENTER

Board

The Chief Justice of the United States
Chairman

Judge John C. Godbold
*United States Court of Appeals
for the Fifth Circuit*

Judge William Hughes Mulligan
*United States Court of Appeals
for the Second Circuit*

Judge Aubrey E. Robinson, Jr.
*United States District Court
District of Columbia*

Judge Donald S. Voorhees
*United States District Court
Western District of Washington*

Chief Judge William S. Sessions
*United States District Court
Western District of Texas*

Judge Lloyd D. George
*United States Bankruptcy Court
District of Nevada*

William E. Foley
*Director of the Administrative
Office of the United States Courts*

Director

A. Leo Levin

Deputy Director

Charles W. Nihan

Division Directors

Kenneth C. Crawford
*Continuing Education
and Training*

William B. Eldridge
Research

Jack R. Buchanan
*Innovations
and Systems Development*

Alice L. O'Donnell
*Inter-Judicial Affairs
and Information Services*

Assistant Director

Russell R. Wheeler

1520 H Street, N.W.
Washington, D.C. 20005
Telephone 202/633-6011



THE 1979 FEDERAL DISTRICT
COURT TIME STUDY

Steven Flanders
Project Director

Federal Judicial Center
October, 1980

This publication is a product of a study undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development on matters of judicial administration. The analyses, conclusions, and points of view are those of the author. This work has been subjected to staff review within the Center, and publication signifies that it is regarded as responsible and valuable. It should be emphasized, however, that on matters of policy the Center speaks only through its Board.

Cite as S. Flanders, The 1979 District
Court Time Study (Federal Judicial Center 1980).

TABLE OF CONTENTS

I. SUMMARY OF RESULTS 1

II. THE PURPOSE, STRUCTURE, AND CONDUCT
OF THE SURVEY 17
 Alternative Methods 20
 Administration 30
 Adjustments 35

III. SOME APPLICATIONS 49

APPENDIX A: SUPPLEMENTAL TABLES 63

APPENDIX B: METHODOLOGICAL SUPPLEMENT 73
 Observations on the Survey Structure. . 73
 Conduct of the Survey 79
 Data Problems 88

APPENDIX C: SURVEY MATERIALS AND COMMUNICATIONS . . . 93

APPENDIX D: LIST OF SURVEY JUDGES 109

LIST OF TABLES

1.	Civil Case Weights--Selected Large Case Types	4
2.	Criminal Case Weights--Selected Large Case Types. . .	9
3.	United States District Courts--Weighted and Unweighted Filings Per Judgeship, 1979	11
4.	Survey Results by Basis of Jurisdiction	15
5.	Correlation Coefficients: Weighted Terminations/ Unweighted Terminations by District	18
6.	Two Alternative Case-Weight Calculations-- Forfeitures and Penalties Cases.	25
7.	Candidate Case-Weight Adjustments	36
8.	Alternative Calculations for Problem Case Types . . .	40
9.	Civil Case-Weight Aggregations	42
10.	Criminal Case-Weight Aggregations	43
11.	Percentage of Judge Time Expended on Each Basis of Jurisdiction--History	49
12.	Civil Case Weights--History	51
13.	Criminal Case Weights--History	55
14.	Complex Case Increase	57
15.	Class Actions	59
16.	All Civil Case Weights, with Adjustments	64
17.	All Criminal Case Weights, with Adjustments	68

I. SUMMARY OF RESULTS

For a twelve-week period in early 1979, the Federal Judicial Center surveyed a sample of ninety-nine federal district judges in order to revise the system of case weights. This report describes the survey in detail, and summarizes some results and applications. The survey was intended to be an interim solution to the problem of revising case weights; it responded to the fact that case weights had remained unchanged for ten years, during which massive changes occurred in the nature and distribution of the federal courts' workload. Like all other federal case-weighting efforts, this survey was designed only to produce uniform national weights for the many types of federal cases; many kinds of special local conditions were not considered.

The Center is now working on the development of a permanent case-weighting system. The ideal system would permit routine updating of case weights without undertaking a new and burdensome survey of district judges each time. In the interim, this report includes new and valuable data on the nature and distribution of the federal courts' workload.

Following the guidance of the Subcommittee on Judicial Statistics of the Judicial Conference of the United States, the survey was directed to the specific purpose of developing updated case weights. The case weights, in turn, are used to calculate a "weighted case load" for each district court, in order to introduce a measure of the relative difficulty of each court's case load and improve allocation of judgeships among the courts. The survey data also illuminate some related and important questions: How much judicial time is consumed by the various alternative bases of jurisdiction? What is the impact of complex cases on the judiciary? What are the changes over time in the relative difficulty of the various case types and bases of jurisdiction?

Unlike many time surveys, this one did not calculate non-case-related time (it was excluded from the survey form), nor was there any effort to distinguish time devoted to different kinds of activities (pretrials, trials, research, and so on). Therefore, we cannot report on those expenditures of judges' time, except by using data from the 1969-70 survey¹ and applying those figures to 1979 data.

1. U.S. Dep't of Agriculture, Statistical Reporting Service, The 1969-70 Federal District Court Time Study (Federal Judicial Center 1971).

(Doing so, of course, would require that we assume matters have not changed in crucial respects since 1969.)

With the help of Chief Justice Warren E. Burger, we received remarkable assistance and cooperation from the district judges involved in the survey. Among the judges who were initially requested to participate, there were no outright refusals at all; the survey had essentially 100 percent participation. Of the ninety-nine judges who undertook the survey, ninety-seven completed it (one died, and one declined to finish because of objections to the administration of the survey).

Tables 1 through 3 summarize the results of the survey. Table 1 displays the case weights, and the data on which they are based, for the largest types of civil cases. The case types in table 1, and throughout this report, are based on Administrative Office categories and codes. Note, however, for some case types more than one code is involved in these summary tables. For example, the antitrust category here includes both private antitrust cases and the insignificant category of United States defendant antitrust; more significant, all airplane personal injury cases are grouped together without regard to the basis of jurisdiction.

The first column in table 1 shows the percentage of all hours of survey time the judges devoted to each case type;

the case types are listed in order by this variable. Diversity-"other" contract cases consumed the most time--over 8 percent of all time reported--and the other case types show progressively less time. The second column shows the percentage of all cases terminated throughout the district courts, over a three-year period. The third column gives the number of cases that actually appeared in this survey, and the fourth column shows the case weight we have calculated from the survey data.

TABLE 1

CIVIL CASE WEIGHTS--
SELECTED LARGE CASE TYPES

This table shows all civil case types that either required 1 percent or more of all survey time recorded, or constituted 1 percent or more of all cases terminated during 1977-79. The remaining weights appear in appendix A, table 16. Additional information on some of these case types also appears in tables 12 and 14.

Case Type	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Case Weight
Diversity- "Other" Contract 4-190	8.1108	5.7892	964	1.4010
Federal Question- "Other" Civil Rights 3-440	7.5176	2.9859	627	2.5177
Federal Question- Civil Rights-Jobs 3-442	6.0564	2.2986	636	2.6349
Antitrust (except U.S. Plain- tiff) 2, 3-410	4.0733	0.7614	224	5.3499

Table 1—Continued

Case Type	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Case Weight
Federal Question- Securities, Commodi- ties Exchange 3-850	2.4824	1.0649	236	2.3312
Diversity-Motor Vehicle Personal Injury 4-350	2.4768	2.7775	312	0.8917
Diversity- "Other" Personal Injury 4-360	2.1045	1.8870	275	1.1152
Federal Question- Prisoner Civil Rights 3-550	1.9904	4.8513	662	0.4103
Diversity- Product Liability Personal Injury 4-365	1.8516	1.2247	217	1.5119
Federal Question- Labor/Mgmt. Relations 3-720	1.7830	2.0660	242	0.8630
Airplane Personal Injury (all) 2, 3, 4-310 2, 3, 4-315	1.6546	0.5460	63	3.0302
Diversity- Contract-Insurance 4-110	1.6281	1.6927	275	0.9618
Federal Question- Marine Personal Injury 3-340	1.5579	2.0298	257	0.7675
Federal Question- Patent 3-830	1.4156	0.4723	127	2.9971
U.S. Defendant-All Social Security 2-860-865	1.3063	4.9545	365	0.2637
Federal Question- Habeas Corpus 3-530	1.2941	3.7930	379	0.3412

Table 1--Continued

Case Type	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Case Weight
U.S. Defendant- "Other" Personal Injury 2-360	1.2830	0.4965	105	2.5839
Environmental Matters 1, 2, 3-893	1.2630	0.2551	58	4.9509
Federal Question- Contract-Marine 3-120	1.0341	2.1431	248	0.4826
U.S. Defendant- Civil Rights (except Jobs) 2-440, 441, 443, 444	1.0333	0.4311	74	2.3972
Federal Question- Fraud or Truth in Lending 3-370	0.5051	1.1707	111	0.4315
U.S. Plaintiff- Land Condemnation 1-210	0.4965	1.3599	90	0.3651
U.S. Plaintiff- Miscellaneous For- feiture & Penalty 1-610, 630, 640, 690	0.3060	1.0506	74	0.2913
U.S. Plaintiff- Foreclosure 1-220	0.1600	1.7002	145	0.0941
U.S. Plaintiff- Recovery/Enforcement (also student loans) 1-150	0.0439	1.3483	57	0.0326

The case-weight calculation relates the first two columns to one another. This calculation, based upon the approach of past surveys conducted by Judge Charles E. Clark of the Second Circuit (1891-1961), is a significant departure from the method used in other case-weight surveys. The

weight reflects the relationship of the percentage of survey time to the percentage of terminations throughout the system. For diversity-"other" contract cases, the result of dividing the percentage of survey time by the percentage of terminations is 1.4010, indicating that these cases are substantially more demanding as a group than the average (for which the value would be 1.0).² Antitrust cases proved still more demanding. The survey judges expended slightly over 4 percent of all time recorded on antitrust cases, but these cases accounted for a much smaller percentage of terminations. Hence, the case weight is 5.3499, the highest weight on the table.

Table 1 shows a wider range of results than appeared in the 1969 survey. Until the 1979 calculations were made, private antitrust suits had been weighted--possibly incorrectly--at less than 2.0. The new weight of 5.3499 better reflects the general impression that antitrust cases present exceptional burdens. At the other extreme are certain case types that, of their nature, cannot present difficult, demanding, or time-consuming issues except when circumstances are exceptional. For example, Social Security cases

2. A weight of 1.0 represents a case type that appears to present the average burden per case. A weight of 2.0 represents twice the average burden; a weight of 0.5, half the average burden, and so on.

(including disability income, black lung, and related case types) have a weight of 0.2637. This reflects the fact that the scope of review by the federal district courts is limited in these cases, and much of the review can be delegated to magistrates. At the end of table 1, we see some case types where the weight is much lower. United States plaintiff foreclosure cases have a weight of less than 0.1, indicating that they are less than one-tenth the average burden and less than one-fiftieth the burden of the antitrust cases. And student loan cases (coded as United States plaintiff recovery/enforcement) have a weight that is barely one-third of even the foreclosure cases.

Table 1 includes all case types that either required 1 percent or more of all survey time recorded, or constituted 1 percent or more of all cases terminated during 1977-79. Accordingly, most of the cases that are an important part of the civil workload appear here. However, the workload of the federal courts is so diverse that even so lengthy a table is incomplete. Many other types of cases are important, and are discussed throughout this report. Table 16 in appendix A displays case-weight data for all civil case types.

Table 2 shows survey results for criminal cases. Bank robbery, the single criminal case type that occupied the

most time of the survey judges, has a weight of 1.2731. This reflects the fact that almost 1.5 percent of all survey time was devoted to bank robbery cases, while bank robbery cases accounted for only slightly more than 1 percent of all terminations. Criminal cases, like civil cases, show a wide range of results. Extortion and racketeering have a case weight of almost 4.0, while the traffic offenses (excluding drunken driving) have an extraordinarily low weight of less than 0.01. Firearms cases have a weight of almost precisely the average (1.0208); the various types of drug offenses show a rather wide range. Again, this table is incomplete; table 17 in appendix A lists case-weight data for all criminal case types.

TABLE 2

CRIMINAL CASE WEIGHTS--
SELECTED LARGE CASE TYPES

This table shows all case types that either required at least 0.05 percent of all survey time recorded, or constituted at least 1 percent of all cases terminated during 1977-79. See also table 17 in appendix A for all criminal case types, and tables 13 and 14 for more information on some of these case types.

Case Type	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Case Weight
Bank Robbery 1100	1.4749	1.1585	144	1.2731
Marijuana Offenses 6511-6515	1.1990	1.3220	80	0.9069

Table 2--Continued

Case Type	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Case Weight
Postal Fraud 4700	1.0524	0.8672	124	1.2136
Extortion, Racket- eering and Threats 7400	0.9854	0.2529	34	3.8972
Controlled Substances Distribution, Schedule 1 6811	0.9632	0.3093	46	3.1141
Heroin Distribution 6711	0.9581	1.2808	77	0.7481
Fraud: False Claims & Statements 4991	0.8582	0.4965	68	1.7284
Cocaine Distribution 6721	0.7525	0.8409	107	0.3949
Misc. Immigration 8730	0.7137	0.7687	87	0.9285
Controlled Substances Distribution, Schedule 2 6821	0.6920	0.1232	39	5.6148
Bribery-General 7100	0.6685	0.1394	26	4.7964
Forgery-General 5710, 5720	0.6577	1.8604	188	0.3535
Felony Tax Fraud 4520	0.6490	0.2832	46	2.2915
Firearms 7800	0.6302	0.6173	49	1.0208
Counterfeiting 5800	0.5876	0.4290	62	1.3697
Intimidation of Witnesses 9992	0.5008	0.0621	9	8.0661
Postal Theft 3200	0.4258	1.0159	93	0.4191
Traffic Offenses (except Drunken Driving) 7220	0.0185	1.9534	10	0.0095

The prime purpose of the survey was to calculate a weighted filing figure for each district court; table 3, in which case weights are applied to case filing data from all the courts, reflects the achievement of that purpose. It is clear that the survey results make more of a difference than past surveys. The District of Columbia, for example, had 258 filings per judgeship for fiscal 1979. When the 1979 case weights are applied, this figure is dramatically increased to 368 filings per judgeship. By contrast, when the 1969 case weights are applied to the same information, the result is only 287 weighted filings per judgeship. These dramatic differences in results justify the effort and expense of this survey.

TABLE 3
 UNITED STATES DISTRICT COURTS--
 WEIGHTED AND UNWEIGHTED FILINGS PER JUDGESHIP, 1979

Circuit and District	Weighted Filings	Unweighted Filings	Weighted Filings on 1969 Basis
<u>District of Columbia Circuit</u>			
District of Columbia	345	258	287
<u>First Circuit</u>			
Maine	234	239	238
Massachusetts	365	310	314
New Hampshire	308	267	281
Rhode Island	525	400	479
Puerto Rico	241	465	434

Table 3--Continued

Circuit and District	Weighted Filings	Unweighted Filings	Weighted Filings on 1969 Basis
<u>Second Circuit</u>			
Connecticut	414	396	406
New York:			
Northern	313	309	304
Eastern	403	370	380
Southern	320	290	287
Western	378	419	429
Vermont	178	167	165
<u>Third Circuit</u>			
Delaware	227	220	219
New Jersey	417	383	401
Pennsylvania:			
Eastern	345	270	293
Middle	268	331	293
Western	243	216	234
Virgin Islands	471	476	465
<u>Fourth Circuit</u>			
Maryland	342	348	357
North Carolina:			
Eastern	363	536	460
Middle	259	353	316
Western	261	328	309
South Carolina	269	325	291
Virginia:			
Eastern	383	433	414
Western	338	456	439
West Virginia:			
Northern	297	355	371
Southern	242	306	336
<u>Fifth Circuit</u>			
Alabama:			
Northern	300	288	305
Middle	266	367	339
Southern	399	425	415
Florida:			
Northern	256	315	281
Middle	302	409	355
Southern	401	622	732
Georgia:			
Northern	291	278	296
Middle	421	451	468
Southern	305	377	344

Table 3--Continued

Circuit and District	Weighted Filings	Unweighted Filings	Weighted Filings on 1969 Basis
<u>Fifth Circuit (cont'd)</u>			
Louisiana:			
Eastern	344	381	307
Middle	265	316	284
Western	369	389	348
Mississippi:			
Northern	444	476	481
Southern	547	534	514
Texas:			
Northern	395	336	371
Eastern	410	419	400
Southern	364	371	332
Western	326	331	332
Canal Zone	685	752	469
<u>Sixth Circuit</u>			
Kentucky:			
Eastern	171	228	210
Western	312	357	347
Michigan:			
Eastern	376	421	402
Western	233	272	262
Ohio:			
Northern	369	338	362
Southern	411	483	469
Tennessee:			
Eastern	417	406	429
Middle	317	311	342
Western	416	408	427
<u>Seventh Circuit</u>			
Illinois:			
Northern	509	373	447
Central	282	336	302
Southern	433	457	451
Indiana:			
Northern	326	337	337
Southern	338	340	327
Wisconsin:			
Eastern	296	282	320
Western	291	322	313

Table 3—Continued

Circuit and District	Weighted Filings	Unweighted Filings	Weighted Filings on 1969 Basis
<u>Eighth Circuit</u>			
Arkansas:			
Eastern	314	343	332
Western	270	305	287
Iowa:			
Northern	264	260	261
Southern	289	342	332
Minnesota	289	258	257
Missouri:			
Eastern	399	386	390
Western	294	338	327
Nebraska	323	332	324
North Dakota	213	225	207
South Dakota	202	175	185
<u>Ninth Circuit</u>			
Alaska	335	257	269
Arizona	243	247	240
California:			
Northern	357	295	310
Eastern	238	234	234
Central	442	366	363
Southern	248	315	266
Hawaii	444	400	411
Idaho	301	394	332
Montana	303	311	305
Nevada	277	225	256
Oregon	328	308	320
Washington:			
Eastern	239	284	241
Western	435	407	341
Guam	366	420	415
Northern Mariana Islands	107	101	97
<u>Tenth Circuit</u>			
Colorado	337	305	324
Kansas	344	343	320
New Mexico	333	321	324
Oklahoma:			
Northern	303	340	360
Eastern	234	324	280
Western	441	454	445
Utah	304	303	292
Wyoming	403	458	412

As table 3 shows, the 1979 system typically makes a greater difference than its predecessor. Where the difference was substantial on the 1969 basis, it is generally greater and in the same direction on the 1979 basis.

Table 4 shows the results of the survey summarized by basis of jurisdiction. An aggregate weight for each basis of jurisdiction is calculated, and the percentage of survey time devoted to each is shown. Note that only 21.5 percent of all survey time was devoted to diversity cases.

TABLE 4

SURVEY RESULTS BY BASIS OF JURISDICTION

Jurisdiction	Percentage of Survey Time	Percentage of 1977-79 Case Terminations	Number of Cases in Survey	Aggregate Weight
U.S. Plaintiff	5.7677	10.4613	844	0.5513
U.S. Defendant	10.4275	12.6231	1369	0.8261
Federal Question	36.9054	29.3754	4600	1.2563
Diversity	21.5034	17.6367	2572	1.2192
Criminal	24.5459	29.0820	8049	0.8440
Bankruptcy	0.8388	0.8215	147	1.0210

II. THE PURPOSE, STRUCTURE, AND CONDUCT OF THE SURVEY

Unlike most other judicial time studies, this survey was devoted to a specific and narrow purpose: a more accurate measure of district courts' workloads. Work of the Judicial Conference and Congress on judgeship bills has long been frustrated by the subjective indications that some districts have much more demanding case loads than others. As omnibus judgeship bills are drafted by the judiciary and evaluated and modified by Congress, many districts have vigorously argued that their case loads are unusual and necessitate exceptional resources. Also, the recently completed District Court Studies Project of the Federal Judicial Center led to a strong impression that the case loads in some districts were much more demanding than in others.

However, the 1969 case-weight survey did not report wide differences, nor did it support the notion that some district courts experience much higher average demand for judicial manpower per case than others. As table 5 indicates, the case loads of the federal districts have been very similar whether measured by weighted cases or unweighted cases; the "correlation coefficient" of these two

variables did not fall below .960 in the four years following the 1969 survey. This indicates that very little was achieved by the time-consuming and expensive exercise of the 1969 time study; further case-weighting efforts seemed difficult to justify. The same result can be seen in a different way by comparing the final two columns in table 3: few courts showed significant differences between weighted filings and unweighted filings until the 1979 survey.

TABLE 5

CORRELATION COEFFICIENTS:
WEIGHTED TERMINATIONS/UNWEIGHTED
TERMINATIONS, BY DISTRICT

1970	.986
1971	.988
1972	.960
1973	.978

The 1969-70 survey became increasingly out-of-date. In 1969 the first Magistrate Act had just been passed, and few magistrates had undertaken duties that represented a significant expansion beyond the duties of the United States commissioners, who they replaced. There was general agreement among those involved in planning the 1979 survey that the expanding duties of magistrates are likely to have different effects on different case types, so relative demand on the judiciary would be substantially affected. Also, the 1969 survey occurred soon after the 1966 revision of Federal

Rule of Civil Procedure 23. Class action litigation has changed dramatically since 1969 in ways that undoubtedly make certain cases and case types much more burdensome; other case types, then, must be correspondingly less burdensome in a relative sense. Finally, many new causes of action have been created since 1969; of course, those cases had not been weighted at all. The solution for these case types was to assign them an arbitrary weight of 1.0. The effect of this was to mitigate further any effect that the 1969 survey might have on weighted caseload results by adding a growing pool that were not weighted at all.

Since 1969, there has been widespread interest in the impact of legislation on the courts' workload. In 1972, Chief Justice Warren E. Burger proposed the possibility that Congress should prepare a judicial impact statement for new legislation.³ Later, the National Academy of Sciences undertook to evaluate the feasibility of preparing judicial impact statements.⁴ An assumption underlying the discussions of this possibility has been that impact statements can be no better than the case-weight system to which they

3. Burger, The State of the Federal Judiciary--1972, 58 A.B.A.J. 1049 (1972).

4. National Academy of Sciences, Forecasting the Impact of Legislation on Courts (K. Boyum & S. Krislov eds. 1980).

might be applied. It does no good to evaluate the prospective impact of a particular type of case in terms of the number of filings that might be projected, unless there is also some indication of its relative burden. The very wide range of weights that resulted from this survey confirms this notion. For example, if a judicial impact statement were devised concerning a new case type thought to be approximately equal to the burden of private antitrust cases, that would be a very different outcome than if the anticipation were that it would be more similar to student loan cases, whose weight in this survey is approximately one-fiftieth that of private antitrust.

Alternative Methods

The Federal Judicial Center has been evaluating alternative approaches to case weighting for several years. In December 1978, the Institute for Law and Social Research, under contract with the Center, prepared and published a report that examined all the available options and recommended a permanent solution that is currently under consideration for adoption.⁵

During the interim, the method of the 1979 survey was

5. Institute for Law and Social Research, *Assessing the Feasibility of Case Weighting as a Method of Determining Judicial Work Loads* (1978).

determined the best short-term substitute. The methods evaluated included: using raw filings; using the existing 1969-1970 weights; using the "Clark calculation," applied either to 1969 data or to new data; updating the 1969 study with refinements; conducting a new survey based on "event-oriented weights;" basing weights on case attributes; using a "delphi" survey, in which judges and other court personnel would be asked to assign weights based on their experience; and basing the whole resource allocation system on backlogs as well as filings, to introduce an after-the-fact adjustment for relative case difficulty. Also, a time-study method was considered that would involve flagging certain cases at random and tracking them for case-weight purposes.

We agreed upon seven evaluation criteria that appeared to be relevant to planning case-weight surveys in the federal system:

1. relative accuracy in predicting workload
2. relative impact on the allocation of judgeships
3. cost of initial development, annual operation, and periodic revision
4. flexibility in accommodating gradual changes over time and changes in rules and procedures
5. equity of operation, in that allocations should not be subject to manipulation, nor should they reward unproductive practices
6. credibility of the allocation system to decision makers
7. auxiliary functions beyond allocating of judgeships. These might include evaluating the relative burden and effectiveness of alternative procedures or alternative assignments for different kinds of personnel. (For example, with certain case-weights

systems--not the one used here--it would be possible to make a rather precise account of the impact of United States magistrates since 1968.)

The 1969-70 study contained significant structural deficiencies that were remedied in the 1979 survey, at least in part. First, the 1969 study calculated civil and criminal weights separately. The result was that they have different bases, and are clumsy to use in calculating a weighted value for a court's total case load.

Second, it did not account adequately for what has come to be known as "the window effect."⁶ Case weights were calculated as though the survey contained a complete accounting of judicial time expended on each case. The case weights were the product of the percentage of all time recorded that was accounted for by a particular case type, divided by the percentage of all survey cases accounted for by that case type (see the formula given at page 27). The time period of the survey was 132 days, but the life of a typical case is much longer.⁷ It is obvious that the 1969 survey--and the 1979 one as well--accounts for only a portion of the judi-

6. Gillespie, Measuring the Demand for Court Services: A Critique of the Federal District Court Case Weights, 59 Journal of the American Statistical Association 38 (1974).

7. The 1979 median times were 9 months for civil cases and 3.7 months for criminal cases. Annual Report of the Director, Administrative Office of the United States Courts, 1979, tables C-5, D-6.

cial effort expended in most of the cases surveyed.

Two important difficulties and potential distortions result. First, a survey almost certainly captures less of the time for cases for which the typical pending time is long than for shorter cases. A short case, while often not fully included in the survey, is more likely to be accounted for in large part than a long case. Thus, as Professor Gillespie has shown, it is logical to introduce an adjustment that reflects the mean time a case type is pending. Second, "the window effect" makes it impossible, without some sort of further estimation, to calculate confidence bounds for the case-weight calculations in order to determine how accurate they are. The 1969 survey attempted to carry out confidence bound calculations, but they are clearly incorrect because they reflect variations in the time represented from two unrelated causes: the actual demands, and the fraction of a case represented in the survey. In other words, a substantial range of variation in judge hours per case would be shown in a survey conducted over a fixed time period even if the reality were that every case imposed exactly the same demands. There would always be a few cases that terminated just after the survey period began, or were filed just before it ended, assuring a wide range of values for every case type no matter what the real-

ity might be. The "window effect" is amenable to certain kinds of adjustments that have been developed by Professor Gillespie and by the Institute for Law and Social Research.⁸

Another type of distortion may be even more serious: the failure of the 1969 survey to count all cases. A case finds its way into a case-weights survey only if a judge does some work on the case in a sufficient degree to lead him--following whatever instructions he may have been provided--to note an entry on his reporting form. There is every reason to believe that different types of cases reach such a threshold in different proportions. The exact magnitude of this effect is difficult to estimate, but it appears that it can be very large.

The example of United States plaintiff forfeitures and penalties cases is shown in detail in table 6, because it was distortion in these cases that appeared most clearly during the preliminary work that led to the 1979 survey. As table 6 shows, the 1969 survey calculated a weight of 1.24 for the largest group of forfeiture cases, designated "other." This result seemed beyond reasonable belief, given the routine nature of a forfeiture. Nearly all forfeitures are mechanical proceedings in which the government takes

8. Gillespie, supra note 6; Institute for Law and Social Research, supra note 5.

TABLE 6

TWO ALTERNATIVE CASE-WEIGHT CALCULATIONS--
FORFEITURES AND PENALTIES CASES

Case Type	<u>1969 Weights</u>		<u>1979 Weights</u>		<u>Other 1979 Data</u>		
	1979 Method	1969 Method	1979 Method	1969 Method	Percentage of Survey Time	Number of Case Terminations 1977-79 (Percentage)	Number of Cases in Survey (Percentage)
Agricultural Acts 1-610	0.233	0.62*	0.0000	---	0.0000	210 (0.0394)	0 (0.00)
Food & Drug Act 1-620	0.140	0.37	0.1554	0.3946	0.0458	1,572 (0.2949)	15 (0.12)
Liquor Laws 1-630	0.530	0.43	0.0000	---	0.0000	41 (0.0077)	0 (0.00)
Railroad and Truck Regulations 1-640	0.500	0.84*	0.0000	---	0.0000	40 (0.0075)	0 (0.00)
Airline Regulations 1-650	0.1525	0.43*	0.2370	0.3731	0.0087	195 (0.0366)	3 (0.02)
OSHA 1-660	---	---	0.0606	0.3699	0.0115	1,008 (0.1891)	4 (0.03)
Other 1-690	0.683	1.24	0.3073	0.5341	0.3060	5,310 (0.9960)	74 (0.61)

*Because fewer than 25 cases of these types appeared in the 1969 survey, the weights noted were flagged and a weight of 1.00 substituted. As noted in the text, the corresponding solution in this survey was to aggregate the very small case types--in this instance, an expanded "other" category was assembled that includes 1-610, 1-630, 1-640, and 1-690 (case weight 0.2913).

possession of some object, following a criminal conviction. It did not seem that a routine action of this sort could involve a burden almost 25 percent greater than that of the average case. When the 1969 data are recalculated on the "Clark" method, weight for "other" forfeitures and penalties is cut almost in half. Similarly, the 1979 weight is smaller by the Clark method by nearly the same percentage.

An indication of the reason for this difference appears in the data on the right side of table 6. The several categories of forfeitures and penalties appear in the data base in a much smaller proportion than do other cases, indicating that a weight calculated on the 1969 basis is calculated on an unrepresentative group of cases. Only those unusual cases that present a special problem, sufficient for them to be noted on the time sheet, were factored into the 1969 case weights. The others passed through the system almost unnoticed, requiring no more than a perfunctory signature, and were not taken into account.

Judge Clark had arranged the case-weight calculation on a very different basis that simultaneously addresses the window effect problem and the missing case problem.⁹ The

9. Judge Clark directed six time studies during his tenure (1946-1958) as chairman of the Committee on Judicial Statistics of the Judicial Conference of the United States. For a summary of these six studies, see Annual Report of the

Clark calculation relates, for each case type, the percentage of survey time to the percentage of all terminations during a longer period, throughout the federal judiciary. Thus,

$$CW_i = \frac{T_i/T}{N_i/N}$$

where CW_i = case weight for case type i
 T_i = time in survey devoted to case type i
 T = total time recorded in survey
 N_i = number of cases of type i that were terminated in all courts during a specified one-year period (three years in this survey)
 N = total number of cases terminated in all courts during the specified period.

This differs from the 1969-70 approach only in that, for the earlier survey,

N_i = number of survey cases of type i
 N = total number of survey cases

Judge Clark used the terminations in a single year; we used terminations over a three-year period in order to reduce the effect of "bulges" in a particular case type for a short period of time. The Clark calculation introduces difficulties of its own because it relates two unrelated data bases: survey data and system-wide data on terminations. Using it implies certain assumptions about continuity of flow through

the system: we assume here, in effect, that judicial effort expended in all courts on cases terminated during a three-year period was distributed by case type in the same proportions as judicial time reported in the survey. Use of the Clark calculation also makes any calculation of confidence bounds for the individual case weights very difficult. However, in consultation with the Subcommittee on Judicial Statistics, we concluded that the assumptions this system requires are less troubling than the clearly false assumptions required by the 1969 survey: that cases reach judges in approximately the same proportion among case types, and that case types will be affected by the window effect approximately equally. The Clark calculation attempts, in effect, to represent all judicial effort expended in all courts during the life of the cases terminated during the period used to calculate the percentage of cases. Violations of the assumption involved--that the flow is constant--can be mitigated by dealing specifically with case types where the flow is not constant.

Tables 12 and 13 in chapter three show the history of some large case types for which data are available from two or three different surveys. These two tables powerfully confirm the hypothesis on which the present survey was based: that a Clark survey would produce a wider range of

values than past surveys had done, with the result that the weighted caseload calculations would be more discriminating and make more difference once applied to individual courts' case loads. Of course this effect is useful only if, as noted already, we simultaneously apply the additional standard that the results be correct. Differences in the case-weight values are hardly an end in themselves.

In contrast to the widespread perception that the 1969 weights were too low for hard cases and too high for easy ones, many weights are now much further from the norm. For example, the 1979 weight for private antitrust cases is 5.3713. In 1969 it was only 1.90, although it becomes 5.470 if recalculated on the Clark basis. These cases have been remarkably stable: in the three time studies since the 1950s, the weights have varied only between 5.37 and 5.47 on the Clark basis.

A somewhat similar effect appears for securities and commodities cases. In 1969 the published weight was 1.06, not a believable result considering the obvious demands these cases involve; recalculated on the Clark basis, the revised weight is 2.015. The 1979 weight, calculated on the Clark basis, is 2.3430; calculated on the 1969 basis it would be 1.3529. Thus we see two different effects, both of them consistent with reported and subjective experience.

First, securities cases have become more demanding since 1969. (Of course many are class actions; see table 15.) Second, they were much more demanding for both years than the 1969 calculation would indicate.

Dramatic effects occur also in the other direction. The 1969 published weight for United States plaintiff foreclosure cases was 0.45; recalculated on the Clark basis, it is 0.164, about one-third of that value. Similarly, the 1979 data calculated on the old basis yield a higher weight than on the present basis: 0.1425 versus a Clark weight of 0.0941.

Administration

The Subcommittee on Judicial Statistics approved a Clark-type survey in the spring of 1978. A preliminary form and instructions were pretested in the late summer of 1978, and then revised. Because of the difficulty already mentioned of obtaining reliable estimates of confidence bounds, we were not able to undertake a rigorous evaluation of the size requirements for the survey. Instead, we looked at the experience gained from the succession of previous surveys on the Clark basis, to estimate a desirable size based on the stability or instability of results. We determined to survey approximately one hundred district judges for a three-month period, thereby representing about one-

fourth of the judiciary for about one-fourth of a year. We selected the dates January 15 through April 4 in order to minimize vacation periods or other disruptive seasonal effects on judicial effort. The resulting survey was about one-half the size of the 1969 survey (which had been intended to be universal, but failed in this), and was about twice the size of the largest of the six Clark surveys. The result is a large data base, but one that is not large enough to represent accurately the relative burden of the smallest case types.

The reliability of the survey clearly is highest for the largest case types, and it is only the largest case types that individually can have much effect on the weighted caseload calculations. Thus we are helped by the structural fact that we have the most confidence in the weights for which we most need accurate results. In the meantime, the Federal Judicial Center is continuing to search for a method by which to develop confidence bound limits for a survey of this particular structure, primarily by exploring the possibility of a Monte Carlo-type simulation that would estimate the extent of random variation in this survey structure. Work continues also on a design for an event-based, permanent system; Public Sector Research, Inc., completed a proposal in spring 1980.

Selection of judge participants was accomplished on a systematic rather than a strictly random basis, intended to stratify for district and for seniority within district. The survey was limited to active judges who had been in office at least eighteen months as of the start date of the survey. Senior judges were not included because senior judges have much more choice than active judges concerning their mix of cases. An obvious source of possible bias in this survey would be to include judges who systematically select a particular kind of case they find relatively attractive or satisfying. Newly-appointed judges were excluded for a different reason: they often have a highly unrepresentative case load, either because they need to recuse themselves from cases with which they have had previous contact, or because they were assigned an unusual mix of cases--usually especially burdensome ones--when a docket was created for them upon appointment.

The survey itself was designed to keep the burden on judges to an irreducible minimum, while encouraging judges to fill out their own forms. Thanks largely to the assistance of Chief Justice Warren E. Burger, who wrote to each judge participant, the cooperation received was superb. Each judge was sent a simple folder with instructions printed on the front, and a supply of two-part forms. (These

are reproduced on pages 94 and 95.) The form itself was designed to avoid any necessity for coding by the judge or the judge's staff. The judge had only to obtain a correct docket number, and associate that with an abbreviation of the name of the case, the docket type, and an amount of time. Our experience indicates that this was a realistic group of requirements: the judges made extremely few errors with respect to the docket numbers, and the data appear to be reliable as far as second-guessing is possible now. (Further discussion of problems of data cleaning and analysis appears in appendix B.)

The calculation made from the data gathered on these forms was extremely simple. A record was assembled for each case for which any time had been entered (summing all records involving that case), and information on case type was extracted from Administrative Office data. When all data for a case type had been summed and related to corresponding data on 1977-79 terminations, the Clark calculation could be made.

The following are some data on the scope of the survey. During the approximately fifty-nine work days of the survey (one federal holiday and some additional local holidays were included), the judges reported at least some case-related time on 5,143 different judge days, of which 5,096 were

recorded by the ninety-seven (of ninety-nine) judges who completed the survey. This averages to 52.5 days involving some case-related work per judge during the period. Twenty-one judges reported on sixty days or more, and two of those reported work on seventy-nine different days. (These two judges, one of whom also spent two of the weeks of the survey at a conference, thus recorded case-related time on all but three days of the survey, including all weekends and holidays).

A total of 31,577.9 hours were reported; this averages to somewhat more than six hours of case-related time per day on which any time was reported. A total of 27,531 records reported on 12,091 different cases; 9,735 of these were civil and 2,356 were criminal. We conducted no tabulation of the number of days or weeks during which judges were or were not available for trial work. This was impractical not only because we made no exhaustive effort to keep track of the judges' activities, relying rather on their initiative to respond, but also because a large number of partial days were reported at times when the judges were on vacation, at ABA meetings or other meetings of private organizations, or participating in the deliberations of the Judicial Conference of the United States and related bodies. There were several serious illnesses suffered by the survey judges, as

one would expect from a body of the high average age represented in the sample. In addition, there were many brief illnesses that did not require hospitalization.

Adjustments

Once preliminary results were available, it became clear that several adjustments to weights would be necessary in order to obtain the most useful results possible. Because all the possible adjustments involved judgmental decisions, all were submitted to the Subcommittee on Judicial Statistics.

The one-big-case problem. Table 7 shows a number of case types that were identified by an algorithm through which the computer extracted case types that were subject to an extraordinary impact by one or a small number of large cases. Following the lead of the Clark surveys, we wanted to consider the possibility of introducing an adjustment downward for the very high case weight that might result when a single extraordinary case accounted for most of the time recorded in a case type. In this survey, the archetypal example was United States v. IBM. This case alone accounted for 1.18 percent of all time recorded in the entire survey and 78.3 percent of all time recorded for United States plaintiff antitrust cases. As table 8 indicates, a weight of 62.3750 would have been assigned to this

TABLE 7
 CANDIDATE CASE-WEIGHT ADJUSTMENTS
 (Preliminary Data)

Code	Jurisdiction	Nature of Suit	Original Weight	Adjusted Weight	Time Subtracted (in minutes)	Case Adjusted (district)
*1-410	U.S. Plaintiff	Antitrust	54.1504	29.0632	12,825	U.S. v. IBM (S.D.N.Y.)
1-620	U.S. Plaintiff	Food & Drug Forfeiture	0.1594	0.1085	269	U.S. v. Food (D.N.J.)
*1-890	U.S. Plaintiff	"Other" Statutory Actions	3.0583	1.3734	7,321	U.S. v. Michigan (W.D. Mich.)
*2-540	U.S. Defendant	Prisoner Mandamus	1.4263	0.6371	3,575	Jordon v. Arnold (M.D. Pa.)
3-240	Federal Question	Torts to Land	1.6284	0.8050	1,230	Gold Bond Bldg. v. Paktank (E.D. La.)
3-791	Federal Question	Employee Retirement Income Security Act	0.9293	0.6821	925	Lamb v. Conn. Gen. Life (D.N.J.)
4-315	Diversity	Airplane Product Liability	4.3419	2.0802	3,514	Seattle Bank v. Piper (E.D. Wash.)
Totals					29,659	
All Civil Cases						
1100	Criminal	Bank Robbery	1.5749	1.4303	2,485	U.S. v. Ingram, et al. (D. Md.)
*7312	Criminal	Escape-Bail Reform Act	0.7766	0.4975	1,034	U.S. v. Browner, Marino (W.D. La.)
7600	Criminal	Kidnapping	1.7048	0.7362	1,130	U.S. v. Scott Hawkins (D. Neb.)
Totals					4,649	
All Criminal Cases						

*These case types were identified by the subcommittee, from these preliminary data, as requiring an adjustment. Table 8 uses final data to show, for these four case types, the effect of several possible adjustments.

All times above are shown in minutes. Note that there about 1500 minutes in a 25-hour trial week.

Table 7--Continued

Time Reported for this Case Type (in minutes)	1978 Terminations	Cases in Survey	Average Time per Case (in minutes)	Three Longest Cases (in minutes)		
				1	2	3
27,681	50	11	2,516.45	21,680	4,311	575
841	516	15	56.07	480	105	50
13,289	425	21	632.81	11,554	575	570
6,640	443	21	307.62	5,595	375	90
2,431	146	11	221.00	1,995	210	90
3,477	366	39	89.15	1,560	180	165
6,747	152	19	355.11	5,650	495	265
				48,514	6,251	1,805
1,382,639	134,147	9,735	138.98			
27,053	1,680	144	187.87	5,500	1,800	1,745
2,873	364	18	159.61	1,815	365	165
1,975	114	8	246.88	1,750	60	50
				9,065	2,225	1,960
451,577	45,264	2,356	191.67			

A case type appears on this table if it meets one of the following conditions:

$$\begin{array}{l}
 T_1 > 4T_2 \quad \text{or} \quad T_1 > 8T_2 \quad \text{or} \quad T_1 > 20T_2 \quad \text{or} \quad T_1 > 3T_2 \\
 \text{and} \\
 T_2 > 2T_3 \quad \text{and} \\
 N \geq 10
 \end{array}$$

where: N = the number of survey cases in a case type.
 T_1 = time recorded in the largest case in a case type.
 T_2 = time recorded in the 2nd largest case in a case type.
 T_3 = time recorded in the 3rd largest case in a case type.

case type if no adjustment were made. This weight seems unreasonably high given the obvious exceptional character of this particular case. On the other hand, it also appears unreasonable to ignore the impact of this case entirely. Exceptional cases do occur and are part of the judicial workload that it was the purpose of this survey to measure. Particularly in a category like this one, a large proportion of all judicial manpower expended is probably expended on a small number of unusual cases. Therefore, it appeared logical to attempt to introduce a judgmental adjustment that would mitigate the effect of extraordinary cases, in situations where they appear exceptional, and yet include some reflection of their presence.

The method we used is as follows. Table 7 was presented to the subcommittee at its fall 1979 meeting. The subcommittee members were asked to evaluate each situation to determine if an adjustment should be made. The question in each instance was: Is the "extraordinary" case consistent with the likely profile of cases of this type? In the judgment of the subcommittee, some adjustment was appropriate in the four case types reproduced in table 8.

There was considerable discussion of what precise adjustment was appropriate. The staff recommendation was to use the adjustment that appears in the right-hand column:

to substitute for the number of hours recorded in the largest case the mean of the number recorded in the three largest cases. This had some intuitive appeal in this admittedly uncertain and arbitrary context, but it left the subcommittee unsatisfied. Accordingly, our solution was to publish in table 8 several alternative adjustments that could be made for these four case types, so the reader may make his own choice among them.

The case-weight system as currently employed, however, does use the staff choice, shown in column 7. It should be noted that this adjustment has been made independent of the other values in the case-weight survey; that is, the time removed through the adjustment has not been removed from the total hours of the survey. Thus, no other weights are affected by the adjustments; the same is true of all adjustments made. Of course, the effect of an alternative recalculation would not be large. We did not undertake it because these exceptional cases are subject to exceptional treatment that, in any case, would be outside the normal resource allocation system. A court that was faced with an enormous trial would be in a strong position to request assistance, for example, from the Judicial Conference Committee on Inter-Circuit Assignments.

TABLE 8

ALTERNATIVE CALCULATIONS FOR PROBLEM CASE TYPES

Case Type	#1	#2	#3	#4	#5	#6	#7
U.S. Plaintiff- Antitrust 1-410	28.9796	33.7115	43.0106	13.6841	62.3750	23.4587	33.7115
U.S. Plaintiff- "Other" Statutory Action 1-890	0.8654	1.0377	1.1863	0.4177	3.1793	0.5560	1.4335
U.S. Defendant- Prisoner Mandamus 2-540	0.4092	0.4809	0.5431	0.1817	1.3529	0.2604	0.6054
Criminal- Bail Reform Act, Failure to Appear 7312	0.3057	0.3215	0.3421	0.2176	0.5902	0.2926	0.3782

Method #1 substitutes for the largest value the average of the largest one-third of all the cases for that case type.

Method #2 substitutes for the largest value the average of the largest one-fourth of all the cases for that case type.

Method #3 substitutes for the largest value the average of the largest one-fifth of all the cases for that case type.

Method #4 leaves out the largest case altogether and calculates the weight ignoring it.

Method #5 leaves the original calculations unchanged.

Method #6 uses the case time for the second largest case in the place of the largest case and calculates the weights using this substitution.

Method #7 substitutes for the largest value the mean of the three largest values.

For all methods except #4, if the new calculated time is less than the time recorded in the second largest case in a case type, then the latter value is substituted.

Aggregations. In the fall of 1979, the subcommittee examined a series of proposals to aggregate some small case types. Tables 9 and 10 show the case types that have been aggregated following guidance from the subcommittee. The principles used for aggregation were to merge small types into closely-related large types and to merge closely related case types without regard to their size, if it appeared that there was little or no distinguishing result found in the data by keeping them separate. If a very small case type did not seem amenable to aggregation because there were no logical candidates--as, for example, in the case of a minor statutory action that has no obvious analog--then it was given an arbitrary weight of 1.0.

No-time cases. For approximately forty different case types there were various numbers of terminations for the 1977-79 period, but no time was recorded for them in the survey. Applying the ordinary case-weight calculation to these case types would have yielded a weight of zero for each. These case types did not appear on the original computer runs, which were limited to case types that had appeared in the survey data base. Thus, the aggregations and other adjustments for no-time cases followed the aggregations just discussed. We treated the no-time cases judgmentally as indicated below:

TABLE 9

CIVIL CASE-WEIGHT AGGREGATIONS

Code	Description
1-440-444	U.S. Plaintiff-Civil Rights
1-610, 630, 640, 690	U.S. Plaintiff-Misc. Forfeiture & Penalty
2-110, 120, 140, 190	U.S. Defendant-Misc. Contract
2-380, 385	U.S. Defendant-Damage and Product Liability
2-440, 441, 443, 444	U.S. Defendant-Civil Rights (except Jobs)
2-860-865	U.S. Defendant-All Social Security
1-150, 2-150, 3-150	Recovery/Enforcement (all bases of jurisdiction)
1-430, 2-430, 3-430	All Banks and Banking
1-730, 2-730, 3-730	All Labor/Management Reporting & Disclosure Act
1-740, 2-740, 3-740	All Railway Labor Act
1-791, 2-791, 3-791	All Employee Retirement Income Security Act of 1974
1-891, 2-891, 3-891	All Agricultural Acts
1-892, 2-892, 3-892	All Economic Stabilization Act
1-893, 2-893, 3-893	All Environmental Matters
1-894, 2-894, 3-894	All Energy Allocation Act.
1-895, 2-895	All Freedom of Information Act
2-310, 3-310, 4-310, 2-315, 3-315, 4-315	All Airplane Personal Injury
2-345, 3-345, 4-345	All Marine Product Liability
2-355, 3-355, 4-355	All Motor Vehicle Product Liability
2-410, 3-410	Antitrust (except U.S. Plaintiff)
2-420, 3-420	All Bankruptcy Trustee
2-422, 3-422	All Bankruptcy Appeals
2-450, 3-450	All Commerce, ICC Rates
2-710, 3-710	Fair Labor Standards Act (except U.S. Plaintiff)
2-830, 3-830	All Patent
2-850, 3-850	Securities, Commodities Exchange (except U.S. Plaintiff)
2-950, 3-950, 4-950	Constitutionality of State Statutes
3-350, 360, 365, 380, 385	Miscellaneous Federal Question Tort
3-890, 4-890	Other Statutory Actions
3-990, 4-990	Miscellaneous Local Matters

TABLE 10

CRIMINAL CASE-WEIGHT AGGREGATIONS

Code	Description
0100-0311	All Murder and Manslaughter
2100-2400	All Burglary
4310-4350	Miscellaneous Embezzlement
4800-4999 <u>except</u> 4950, 4970, 4991	Miscellaneous Fraud
5100-5200	Auto Theft
5710-5720	"Other" Forgery
6100-6300	All Sex Offenses
6511-6515	All Marijuana Offenses
6712-6715, 6722-6724	Heroin and Cocaine Offenses, except Distribution
6800-6855 <u>except</u> 6811, 6821 6831, 6833	Controlled Substance Offenses, except Schedule 1, 2, 3 Distribution, or Schedule 3 Manufacture
7410-7490	Interstate Travel or Transportation in Aid of Racketeering
7700, 7782	Perjury
7910-7990	Miscellaneous General Offenses
9910-9911	Communication Act
9981, 9984	Postal Laws: Miscellaneous
9991, 9994, 9999	Miscellaneous

If related case types had already been aggregated, the no-time category was aggregated with them.

If the no-time case category had a large and obvious close "relative," it was aggregated with it.

If the number of terminations was very large, in the range of one hundred or more, we set the weight at 0.01 and treated the result as a finding that nearly all cases of this type pass through the system without judge time sufficient to result in a survey record.

If the number of terminations was small, we gave the case type the usual arbitrary weight of 1.0, which is also the weight given to any case type that does not appear anywhere in the survey. This value was also assigned to special instances for which the structure of the survey seemed to provide no usable data. For example, Selective Service cases passed through the system in sufficient number early in the 1977-79 period that 2,268 terminations appeared. Selective Service was a no-time category, but this may well be accounted for by the small number passing through the system more recently. We assigned an arbitrary weight of 1.0 to this case type.

I.C.C. Cases. For several years, the District of Massachusetts has had an extraordinary volume of cases filed under I.C.C. statutes. These cases were peculiar to that district, and dominate the figures for the Federal Question-commerce case type (3-450). Since these cases are no longer being filed, they will not appear in future weighted case-load calculations. We removed the Massachusetts terminations from the calculation for the Federal Question-commerce cases in order to provide the most accurate possible weight for cases that will be filed in the future. Although our original intention was to calculate a separate Massachusetts

weight, it turned out that the one Massachusetts judge in the survey only noted time in one case in this category, for slightly more than three hours, so a Massachusetts weight would have been very close to zero.

Motions to vacate sentence. These cases, filed under 18 U.S.C. § 2255, present a special problem because they are in a transitional state. Until recently they had been treated exclusively as civil cases, and the usual forms that initiate Administrative Office records for each civil case filing and termination were used. The revised instructions retain the use of these forms and thereby retain the civil character of § 2255 motions for Administrative Office purposes. However, the revised instructions permit a district court to maintain its files and records so as to attach the motion to the criminal case whose sentence it attacks. Because of the resulting confusion, the time reported on motions to vacate sentence came to us identified sometimes as criminal and sometimes as civil. Sometimes the time was associated with the docket number of the old criminal case, sometimes with the same number identified as civil, and sometimes with a new civil number. We resolved this difficulty by adding to the civil time the time recorded for the nonexistent "2510" criminal code (2-510 is the correct civil code) and adjusting the weight accordingly. (This method

leaves an unknown portion of time spent on § 2255 motions assigned to the original substantive offense, a result we feel we can accept.) Of all time recorded, 0.2133 percent was spent on civil § 2255 cases and correctly designated by the corresponding code, and an additional 0.3698 percent was designated to the criminal code 2510.

Alternative denominators. We conducted several alternative calculations to determine what appeared to be the most likely denominator to use, in the case-weight calculation, to represent the percentage of all cases each case type accounts for in the system. A three-year period for the denominator appeared most useful, in order to decrease the impact of "bulges" that appear for some case types. Most of the exceptional cases for which an argument could be made for a shorter period did not seem compelling. The difference generally was not great enough to vary the application of a single rule, which is obviously a desirable element of a survey that purports to measure the impact of all case types the same way.

There were some other possibilities for adjustments that we rejected. The most notable of these is the large aggregation of six codes for air crash cases. Obviously air crash cases appear in large numbers at very irregular intervals, because a single crash involves many passengers and,

usually, many suits. This survey included one very large group of suits, which resulted from the Tenerife crash of 1977. This large block of multidistrict cases was assigned to Judge Robert J. Ward of the Southern District of New York, a survey judge, and accounted for approximately one-half of the time he recorded during the survey. Because the case weight we calculated is considerably higher than has been reported in past surveys, an argument could be made that this case type should have been subject to a reduction along the lines shown in table 8. We did not do so because of the difficulty of making any confident estimate of the degree that air crash cases might be overrepresented in the survey. The presence of a portion of one crash case--even the largest--in this data base does not demonstrate that this case type is overrepresented. These cases may have had lower weights in the past because they were underrepresented then.

III. SOME APPLICATIONS

In combination with recalculated data from past surveys, the data assembled from this survey can illuminate several important questions regarding the operation of and the demands upon the federal judiciary. Table 11 shows the changes in relative demands of the several bases of jurisdiction. This table is particularly striking in that it indicates a replacement of diversity litigation by new statutory actions. Most important, all civil rights matters taken together account for nearly 17 percent of time recorded in this survey. (See tables 16 and 17 in appendix A.)

TABLE 11

PERCENTAGE OF JUDGE TIME EXPENDED ON EACH
BASIS OF JURISDICTION--HISTORY

Type of Jurisdiction	1940s	1955	1958	1969	1979
Civil Cases					
U.S. Plaintiff	11	8	8	6	5.7677
U.S. Defendant	9	6	6	8	10.4275
Federal Question	25	17	16	31	36.9054
Diversity	33	38	38	28	21.5034
Admiralty	2	3	3	--	--
Criminal Cases	17	22	23	27	24.5459
Bankruptcy	3	4	3	0.4	0.8388
Unclassified	--	2	4	--	--

Diversity litigation has shown a substantial decline since the 1950s in its percentage of the demands upon judicial manpower. Federal question jurisdiction has accounted for most of the corresponding increase.

Looking at tables 12 and 13, we can see that many of the component case types show a similar picture when we survey their case weights separately. Nearly all older forms of litigation have shown a steady decline in weight since the 1955-58 survey. Motor vehicle cases have gone down from almost 1.2 to less than 0.9. Federal Employers Liability Act cases show a precipitous decline, from 3.0 to 0.9. Habeas corpus cases have dropped rapidly as well (even as their numbers have increased), from 1.1 to 0.3. Even patent cases, still regarded as among the most difficult, have dropped from 5.4 to 3.1. Only antitrust cases have remained fairly stable.

Unfortunately, the Clark surveys in the 1950s did not produce weights for criminal cases. Table 13 compares criminal weights from the present survey with results from 1969, where comparison is possible, but no earlier figures are available.

TABLE 12

CIVIL CASE WEIGHTS--HISTORY

Figures in parentheses are calculated on the 1969 basis. Figures not in parentheses are based on the Clark calculation.

Case Type	1979 Weights	1969 Weights	1955-58 Weight	1979 Percentage of Survey Time
Diversity- "Other" Contract 4-190	1.4010 (1.0865)	2.030 (1.33)	1.936	8.1108
Federal Question- "Other" Civil Rights** 3-440	2.5177 (1.5483)	3.851 (2.03)	--	7.5176
Federal Question- Civil Rights- Jobs** 3-442	2.6349 (1.2297)	3.851 (2.03)	--	6.0564
Antitrust (except U.S. Plaintiff)* 2, 3-410	5.3713 (2.3477)	5.470 (1.90)	5.463	4.0724
Federal Question- Securities, Commod- ities Exchange* 3-850	2.3430 (1.3529)	2.015 (1.06)	--	2.4726
Diversity-Motor Vehicle Personal Injury 4-350	0.8917 (1.0251)	0.984 (0.83)	1.197	2.4768

*Case types marked with an asterisk have been aggregated in this survey as shown in table 9. In this table, the 1979 figures are those for the subcategory that corresponds best with the 1969 and 1955-58 data. See table 1 for the aggregated 1979 figures actually in use, and table 16 for the figures on the subcategories that have been aggregated.

**Codes for these case types have been changed, so past data are not precisely comparable.

Table 12--Continued

Case Type	1979 Weights	1969 Weights	1955-58 Weight	1979 Percentage of Survey Time
Diversity- "Other" Personal Injury** 4-360	1.1152 (0.9882)	1.246 (1.01)	1.542	2.1045
Federal Question- Prisoner Civil Rights 3-550	0.4103 (0.3883)	0.416 (0.78)	--	1.9904
Diversity-Personal Injury Product Liability** 4-365	1.5119 (1.1019)	1.246 (1.01)	1.542	1.8516
Federal Question- Labor/Mgmt. Relations 3-720	0.8630 (0.9514)	-- (1.04)	--	1.7830
Airplane Personal Injury (all)* 2,3,4-310 2,3,4-315	4.5443 (3.2155)	-- (0.47)	--	1.1704
Diversity- Contract- Insurance 4-110	0.9618 (0.7645)	1.706 (1.09)	1.946	1.6281
Federal Question- Marine Personal Injury 3-340	0.7675 (0.7828)	.207 (0.60)	.423	1.5579
Federal Question- Patent* 3-830	3.0929 (1.4393)	3.862 (2.64)	5.404	1.4156

*Case types marked with an asterisk have been aggregated in this survey as shown in table 9. In this table, the 1979 figures are those for the subcategory that corresponds best with the 1969 and 1955-58 data. See table 1 for the aggregated 1979 figures actually in use, and table 16 for the figures on the subcategories that have been aggregated.

**Codes for these case types have been changed, so past data are not precisely comparable.

Table 12--Continued

Case Type	1979 Weights	1969 Weights	1955-58 Weight	1979 Percentage of Survey Time
U.S. Defendant- All Social Security* 2-860-865	0.2637 (0.3815)	.789 (0.77)	--	1.3063
Federal Question- Habeas Corpus 5-530	0.3412 (0.4409)	.495 (0.78)	1.114	1.2941
U.S. Defendant- "Other" Personal Injury 2-360	2.5839 (1.5778)	.782 (0.93)	1.369	1.2830
All Environmental Matters* 1, 2, 3-893	4.9509 (3.9391)	-- (0.81)	--	0.9456
Federal Question- Contract-Marine 3-120	0.4826 (0.5385)	.351 (0.52)	--	1.0341
U.S. Defendant- Civil Rights (except Jobs)* 2-440, 441, 443, 444	2.5118 (1.9591)	1.566 (2.49)	--	0.9861
Federal Question- Federal Employers' Liability Act 3-330	0.9456 (0.7122)	1.033 (0.94)	3.011	0.6949
Federal Question- Fraud or Truth in Lending 3-370	0.4315 (0.5876)	-- (*)	--	0.5051
U.S. Plaintiff- Land Condemnation 1-210	0.3651 (0.7124)	-- (1.43)	--	0.4965

*Case types marked with an asterisk have been aggregated in this survey as shown in table 9. In this table, the 1979 figures are those for the subcategory that corresponds best with the 1969 and 1955-58 data. See table 1 for the aggregated 1979 figures actually in use, and table 16 for the figures on the subcategories that have been aggregated.

**Codes for these case types have been changed, so past data are not precisely comparable.

Table 12—Continued

Case Type	1979 Weights	1969 Weights	1955-58 Weight	1979 Percentage of Survey Time
U.S. Plaintiff- Tax Suits 2-870	0.6730 (0.5794)	1.016 (0.83)	.778	0.4711
Federal Question- Miller Act 3-130	1.1813 (1.0415)	.634 (0.77)	1.463	0.4345
Federal Question- Copyright 3-820	0.5311 (0.5169)	.343 (0.60)	.429	0.3202
U.S. Plaintiff- Miscellaneous Forfeiture & Penalty* 1-610, 630, 40, 90	0.3073 (0.5341)	.346 (1.24)	.235	0.3060
Federal Question- Fair Labor Stan- dards Act 3-710	0.5458 (0.4304)	.316 (0.50)	2.208	0.1667
U.S. Plaintiff- Foreclosure 1-220	0.0941 (0.1425)	.164 (0.45)	--	0.1600
U.S. Plaintiff- "Other" Contracts 1-190	0.1710 (0.3383)	-- (0.38)	.357	0.1520
U.S. Plaintiff- Recovery/Enforce- ment (also student loans)* 1-150	0.0356 (0.0996)	.130 (0.38)	--	0.0439

*Case types marked with an asterisk have been aggregated in this survey as shown in table 9. In this table, the 1979 figures are those for the subcategory that corresponds best with the 1969 and 1955-58 data. See table 1 for the aggregated 1979 figures actually in use, and table 16 for the figures on the subcategories that have been aggregated.

**Codes for these case types have been changed, so past data are not precisely comparable.

TABLE 13

CRIMINAL CASE WEIGHTS--HISTORY

Figures in parentheses are calculated on the 1969 basis. As in table 12, figures not in parentheses are based on the Clark calculation.

Case Type	1979 Weights		1969 Weights		1979 Percentage of Survey Time
Bank Robbery 1100	1.2731	(0.9802)	1.69	(1.63)	1.4749
Marijuana Offenses* 6511-6515	0.9864	(1.6664)	--	(0.70)	1.1989
Postal Fraud 4700	1.2136	(0.8122)	3.667	(3.29)	1.0524
Extortion, Racket- eering and Threats 7400	3.8972	(2.7736)	3.559	(3.89)	0.9854
Controlled Substances Distribution, Schedule 1** 6811	3.1141	(2.0039)	--	(1.33)	0.9632
Heroin Distribution** 6711	0.7481	(1.1908)	--	(1.33)	0.9581
Fraud-False Claims & Statements** 4991	1.7284	(1.2077)	--	(1.43)	0.8582
Cocaine Distribution** 6721	0.8949	(0.6730)	--	(1.33)	0.7525
Miscellaneous Immigration 8730	0.9285	(0.7851)	--	(0.37)	0.7137
Controlled Substances Distribution, Schedule 2** 6821	5.6148	(1.6979)	--	(1.33)	0.6920
Bribery-General 7100	4.7964	(2.4604)	6.978	(5.91)	0.6685
Forgery-General 5710, 5720	0.3554	(0.3341)	0.568	(0.57)	0.6528

*The 1979 weights shown are for code 6511: marijuana distribution.

**Codes for these case types have been changed, so past data are not precisely comparable.

Table 13--Continued

Case Type	1979 Weights	1969 Weights	1979 Percentage of Survey Time
Felony Tax Fraud 4520	2.2915 (1.3502)	-- (1.38)	0.6490
Firearms 7800	1.0208 (1.2307)	0.644 (0.80)	0.6302
Counterfeiting 5800	1.3697 (0.9069)	1.507 (1.17)	0.5876
Intimidation of Witnesses** 9992	8.0661 (5.3251)	-- (1.21)	0.5008
Postal Theft 3200	0.4191 (0.4381)	0.519 (0.67)	0.4258
Traffic Offenses (except Drunken Driving) 7220	0.0095 (0.1769)	-- (0.45)	0.0185

** Codes for these case types have been changed, so past data are not precisely comparable.

There has been a substantial increase in the aggregate impact of the most complex cases. Table 14 brings together the case types with the highest weights and shows the number of filings for each in 1969 and 1979. Of course, the 1969 figures are not necessarily comparable, because many of the case types did not exist at that time and many definitions have changed. As far as it is possible to track the changes, however, there has been a nearly 200 percent increase in these complex case types, while the increase in all case types has been only slightly more than 100 percent.

Table 15 shows summary data on the relative demand imposed by class actions. The cases designated as class

TABLE 14

COMPLEX CASE INCREASE

Case Type	1969 Filings	1979 Filings	1979 Percentage of Survey Time	1979 Weight
U.S. Plaintiff-				
Antitrust	43	41	(1.51)	33.7115
1-410				
Criminal Civil Rights	81	81	0.45	6.7559
9901				
Energy Allocation Act	0	121	0.26	6.5798
1, 2, 3-894				
Economic Stabilization Act	0	50	0.12	5.7815
1, 2, 3-892				
Private Antitrust	740	1,284	4.07	5.3499
2, 3-410				
Environmental Matters				
1, 2, 3-893	(0)	559	1.26	4.9509
Bribery				
7100	87	158	0.67	4.7964
Extortion, Racketeering				
and Threats	256	376	0.99	3.8972
7400 (7401-7410)				
U.S. Defendant-Assault,				
Libel & Slander	20	56	0.12	3.8364
2-320				
Labor/Mgmt. Reporting				
& Disclosure Act	113	251	0.42	3.8352
1, 2, 3-730				
Homicide	197	148	0.30	3.2961
100-301				
U.S. Defendant-Marine				
Personal Injury	596	160	0.19	3.0730
2-340				
Airplane Personal Injury	529	1,231	1.65	3.0302
2, 3, 4-310				
2, 3, 4-315				
Patent	889	829	1.42	2.9971
3-830				
Banks and Banking	29	171	0.26	2.9831
1, 2, 3-430				
Freedom of Information Act	0	627	0.39	2.7751
2-895				

TABLE 15

CLASS ACTIONS

Case Type	Number of Cases in Survey		Time Expended (in minutes)			Number of 1979 Case Terminations		
	Total	Class Actions	Total	Class Actions	Total	Class Actions	Total	Class Actions
U.S. Defendant-								
"Other" Statutory Actions 2-890	160	12 (7.5%)	18,236	1,178 (6.4%)	1,642	57 (3.5%)		
Federal Question-								
Fraud or Truth in Lending 3-370	111	13 (11.7%)	9,263	820 (8.9%)	2,107	100 (4.7%)		
Federal Question-								
Antitrust 3-410	224	23 (10.3%)	74,686	7,230 (9.7%)	1,329	129 (9.7%)		
Federal Question-								
"Other" Civil Rights 3-440	627	69 (11.0%)	137,868	15,068 (10.9%)	5,746	467 (8.1%)		
Federal Question-								
Civil Rights-Voting 3-441	21	8 (38.1%)	4,067	1,327 (32.6%)	139	45 (32.4%)		
Federal Question-								
Civil Rights-Jobs 3-442	636	149 (23.4%)	111,071	23,408 (21.1%)	4,613	791 (17.1%)		
Federal Question-								
Civil Rights-Accommodations 3-443	39	7 (17.9%)	6,186	534 (8.6%)	428	37 (8.6%)		
Federal Question-								
Civil Rights-Welfare 3-444	24	14 (58.3%)	4,392	3,695 (84.1%)	138	88 (63.8%)		
Federal Question-								
Prisoner Civil Rights 3-550	662	23 (3.5%)	36,503	2,765 (7.6%)	10,301	200 (1.9%)		
Federal Question-								
Fair Labor Standards Act 3-710	50	6 (12.0%)	3,057	246 (8.0%)	515	34 (6.6%)		
Federal Question-								
Securities, Commodities Exchange 3-850	236	35 (14.8%)	45,346	8,252 (18.2%)	1,789	241 (13.5%)		
Federal Question-								
Constitutionality of State Statutes 3-950	43	7 (16.3%)	11,781	567 (4.8%)	228	36 (15.8%)		
All case types with class actions in survey	5,929	436 (7.4%)	892,375	78,177 (8.8%)	72,416	2,681 (3.7%)		

This table shows all case types with ten or more class actions in the survey, or for which at least 10 percent of all survey cases were class actions.

actions are all those for which the plaintiff checked the appropriate box on the JS-44 filing form, which is reproduced in appendix B. Many of these "class actions" were never certified as such under rule 23, in all probability, so the columns of table 15 referring to class actions are probably too inclusive. Possibly for this reason, the class action designation was less powerful a predictor of case difficulty than anticipated, so this variable was not used in the case weights. However, table 15 does suggest that cases designated class actions are more likely than others to require enough judge time to find their way into the survey. In the case types shown, 7.4 percent of all survey cases were class actions. Only 3.7 percent of all 1977-79 terminations in these case types were class actions, however. It is very likely that this difference is accounted for by judicial attention to the certification question.

A Concluding Note. Like all efforts to develop an improved measure, this survey is subject to possible misuse. A reader should be aware that this is only a limited effort to improve resource allocation in federal courts. Weighted caseload calculations based on this survey reflect only one kind of regional variation: differences in the concentrations of case types from district to district. Thus, these data should not be understood as reflecting a comprehensive

measure of all special conditions that may impose special demands upon judges and support personnel. Some limitations of this survey are discussed in appendix B.

APPENDIX A:
SUPPLEMENTAL TABLES

TABLE 16
ALL CIVIL CASE WEIGHTS, WITH ADJUSTMENTS

Code	Nature of Suit	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
<u>U.S. Plaintiff</u>							
1-110	Contract: Insurance	2	30	0.0032	0.5760		
1-120	Contract: Marine	1	98	0.0016	0.0861		
1-140	Contract: Negotiable Instrument	41	3,603	0.1357	0.2008		
1-150	Contract: Recovery/Enforcement	55	6,575	0.0439	0.0356	0.0326	C
1-151	Contract: Medicare Act	3	106	0.0076	0.3829		
1-190	"Other" Contract	58	4,738	0.1520	0.1710		
1-195	Contract Product Liability	0	8	0.0000	0.0000	1.0000	A
1-210	Land Condemnation	90	7,250	0.4965	0.3651		
1-220	Foreclosure	145	9,064	0.1600	0.0941		
1-230	Rent, Lease, & Ejectment	7	490	0.0131	0.1427		
1-240	Torts to Land	7	120	0.0179	0.7937		
1-290	All Other Real Property	6	294	0.0253	0.4579		
1-370	Fraud or Truth in Lending	3	380	0.0035	0.0497		
1-380	"Other" Personal Property Damage	4	155	0.0022	0.0752		
1-385	Property Damage Product Liability	0	7	0.0000	0.0000	1.0000	A
1-410	Antitrust	11	129	1.5093	62.3759	33.7115	B
1-422	Bankruptcy Appeal (Rule 801)	0	2	0.0000	0.0000	1.0000	A
1-430	Banks and Banking	5	56	0.0208	1.9806	2.9831	C
1-440	Civil Rights: Other	6	92	0.0924	5.3553	1.2026	C
1-441	Civil Rights: Voting	3	26	0.0283	5.8116	1.2026	C
1-442	Civil Rights: Jobs	20	693	0.0877	0.6744	1.2026	C
1-443	Civil Rights: Accommodations	1	124	0.0025	0.1069	1.2026	C
1-444	Civil Rights: Welfare	0	2	0.0000	0.0000	1.2026	C
1-450	Commerce, ICC Rates, etc.	4	450	0.0106	0.1259		
1-460	Deportation	0	1	0.0000	0.0000	1.0000	A
1-610	Forfeiture/Penalty: Agriculture	0	210	0.0000	0.0000	0.2913	C
1-620	Forfeiture/Penalty: Food and Drug	15	1,572	0.0458	0.1554		
1-630	Forfeiture/Penalty: Liquor Laws	0	41	0.0000	0.0000	0.2913	C
1-640	Forfeiture/Penalty: Railroad & Truck	0	40	0.0000	0.0000	0.2913	C
1-650	Air Line Regulations	3	195	0.0087	0.2370		
1-660	Occupational Safety/Health	4	1,008	0.0115	0.0606		
1-690	"Other" Forfeiture/Penalty	74	5,310	0.3060	0.3073	0.2913	C
1-710	Fair Labor Standards Act	50	3,716	0.6324	0.9073		
1-720	Labor/Management Relations	23	651	0.3366	2.7562		
1-730	Labor/Management Reporting & Disclosure Act	3	136	0.0326	1.2795	3.8352	C
1-740	Railway Labor Act	1	3	0.0011	1.8754	1.8494	C
1-790	"Other" Labor Litigation	16	685	0.1621	1.2619		
1-791	Employee Retirement Income Security Act	3	21	0.0262	6.6403	1.1219	C
1-830	Patent	0	1	0.0000	0.0000	1.0000	A
1-850	Securities, Commodities Exchange	22	527	0.1007	1.0188		
1-870	Tax Suits	88	3,228	0.3107	0.5132		
1-871	Internal Revenue Service-Third Party	48	522	0.0898	0.9169	0.4017	D
1-890	"Other" Statutory Actions	21	1,215	0.7246	3.1795	1.4335	B
1-891	Agricultural Acts	2	171	0.0054	0.1692	0.9395	C
1-892	Economic Stabilization Act	1	29	0.0131	2.4112	5.7815	C
1-893	Environmental Matters	13	639	0.0943	0.7867	4.9509	C
1-894	Energy Allocation Act	2	13	0.0720	29.5214	6.5798	C
1-895	Freedom of Information Act	0	2	0.0000	0.0000	1.5827	C
1-950	Constitutionality of State Statutes	0	5	0.0000	0.0000	1.0000	A
1-970	Narcotics Addict Rehabilitation Act	1	249	0.0000	0.0000	0.0100	G
1-990	Miscellaneous Local Matters	0	36	0.0000	0.0000	1.0000	A

Table 16--Continued

Code	Nature of Suit	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
<u>U.S. Defendant</u>							
2-110	Contract: Insurance	6	177	0.0103	0.3110	1.1078	C
2-120	Contract: Marine	2	90	0.0044	0.2590	1.1078	C
2-140	Contract: Negotiable Instrument	2	60	0.1066	9.4706	1.1078	C
2-150	Contract: Recovery/Enforcement	0	604	0.0000	0.0000	0.0326	C
2-190	"Other" Contract	55	1,831	0.3271	0.9523	1.1078	C
2-195	Contract Product Liability	0	7	0.0000	0.0000	1.0000	A
2-210	Land Condemnation	1	72	0.0041	0.3014		
2-230	Rent, Lease, & Ejectment	2	81	0.0022	0.1439		
2-240	Torts to Land	6	163	0.0167	0.5449		
2-245	Real Property Product Liability	0	8	0.0000	0.0000	1.0000	A
2-290	All Other Real Property	26	862	0.2167	1.3403		
2-310	Airplane Personal Injury	11	462	0.0755	0.8707	3.0302	C
2-315	Airplane Product Liability	1	13	0.0005	0.2164	3.0302	C
2-320	Assault, Libel & Slander	6	172	0.1238	3.8364		
2-340	Marine Personal Injury	10	337	0.1943	3.0730		
2-345	Marine Product Liability	1	10	0.0011	0.5626	0.8690	C
2-350	Motor Vehicle Personal Injury	46	1,636	0.2620	0.8538		
2-355	Motor Vehicle Product Liability	2	14	0.0262	9.9605	0.7174	C
2-360	"Other" Personal Injury	105	2,647	1.2830	2.5839		
2-362	Medical Malpractice	9	312	0.0065	0.1108		
2-365	Personal Injury Product Liability	6	384	0.0302	0.4186		
2-370	Fraud or Truth in Lending	6	82	0.0152	0.9851		
2-380	"Other" Personal Property Damage	10	624	0.0224	0.1913	0.2088	C
2-385	Property Damage Product Liability	2	17	0.0027	0.8510	0.2088	C
2-410	Antitrust	1	17	0.0008	0.2600	5.3499	C
2-422	Bankruptcy Appeal (Rule 801)	3	29	0.0041	0.7483	0.4441	C
2-430	Banks and Banking	7	94	0.1396	7.9175	2.9831	C
2-440	Civil Rights: Other	65	2,093	0.9861	2.5118	2.3972	C
2-441	Civil Rights: Voting	3	22	0.0395	9.5716	2.3972	C
2-442	Civil Rights: Jobs	68	1,392	0.8829	3.3812		
2-443	Civil Rights: Accommodations	3	59	0.0054	0.4904	2.3972	C
2-444	Civil Rights: Welfare	3	124	0.0022	0.0940	2.3972	C
2-450	Commerce, ICC Rates, etc.	1	73	0.0005	0.0385	0.9317	C
2-460	Deportation	6	700	0.0247	0.1883		
2-510	Vacate Sentence	54	5,331	0.2133	0.2133	0.5831	E
2-520	Parole Board Review	1	567	0.0003	0.0028		
2-530	Habeas Corpus	81	4,539	0.1505	0.1767		
2-540	Prisoner Mandamus and Other	21	1,388	0.3523	1.3530	0.6054	B
2-550	Prisoner Civil Rights	37	1,513	0.2015	0.7100		
2-710	Fair Labor Standards Act	5	70	0.1827	13.9159	1.0970	C
2-720	Labor/Management Relations	5	148	0.0289	1.0400		
2-730	Labor/Management Reporting & Disclosure Act	1	12	0.0033	1.4735	3.8352	C
2-740	Railway Labor Act	0	16	0.0000	0.0000	1.8494	C
2-790	Other Labor Litigation	5	308	0.0150	0.2596		
2-791	Employee Retirement Income Security Act	1	13	0.0005	0.2164	1.1219	C
2-810	Selective Service	0	12	0.0000	0.0000	1.0000	A
2-850	Securities, Commodities Exchange	2	51	0.0098	1.0244	2.3312	C
2-860	Social Security-General	269	18,810	1.0353	0.2934	0.2637	C
2-861	Social Security-HIA	5	52	0.0256	2.6276	0.2637	C
2-862	Social Security-Black Lung	15	6,107	0.0308	0.9269	0.2637	C
2-863	Social Security-DIWC	57	1,199	0.1684	0.7488	0.2637	C
2-864	Social Security-SSID	16	189	0.0390	1.1014	0.2637	C
2-865	Social Security-RSI	3	56	0.0071	0.6746	0.2637	C
2-870	Tax Suits	105	3,732	0.4711	0.6730		
2-871	Internal Revenue Service-Third Party	2	28	0.0057	1.0908		
2-875	Tax Challenge	0	2	0.0000	0.0000	1.0000	A
2-890	"Other" Statutory Actions	160	4,844	0.9992	1.0997		
2-891	Agricultural Acts	19	240	0.0855	1.8988	0.9395	C
2-892	Economic Stabilization Act	3	30	0.0986	17.5212	5.7815	C

Table 16--Continued

Code	Nature of Suit	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
2-893	Environmental Matters	31	556	0.9456	9.0672	4.9509	C
2-894	Energy Allocation Act	13	122	0.1827	7.9845	6.5798	C
2-895	Freedom of Information Act	41	719	0.3915	2.9025	1.5827	C
2-990	Miscellaneous Local Matters	0	11	0.0000	0.0000	1.0000	A
<u>Federal Question</u>							
3-110	Contract: Insurance	3	70	0.0246	1.8715		
3-120	Contract: Marine Contract	248	11,425	1.0341	0.4826		
3-130	Contract: Miller Act	52	2,829	0.4345	0.8188		
3-140	Contract: Negotiable Instrument	0	43	0.0000	0.0000	0.4086	C
3-150	Contract: Recovery/Enforcement	0	9	0.0000	0.0000	0.0326	C
3-190	"Other" Contract	7	305	0.0133	0.2332		
3-210	Land Condemnation	0	146	0.0000	0.0000	0.0100	C
3-220	Foreclosure	1	1,808	0.0005	0.0016		
3-240	Torts to Land	11	495	0.1325	1.4272		
3-245	Tort Product Liability	1	7	0.0017	1.2630		
3-290	All Other Real Property	5	117	0.0430	1.9612		
3-310	Airplane Personal Injury	5	182	0.0403	1.1813	3.0302	C
3-315	Airplane Product Liability	0	18	0.0000	0.0000	3.0302	C
3-320	Assault, Libel, & Slander	3	76	0.0120	0.8407		
3-330	Federal Employers' Liability	126	3,918	0.6949	0.9456		
3-340	Marine Personal Injury	257	10,821	1.5579	0.7675		
3-345	Marine Product Liability	1	67	0.0038	0.3059	0.8690	C
3-350	Motor Vehicle Personal Injury	2	96	0.0022	0.1214	0.8181	C
3-355	Motor Vehicle Product Liability	0	21	0.0000	0.0000	0.7174	C
3-360	"Other" Personal Injury	6	126	0.0342	1.4480	0.8181	C
3-365	Personal Injury Product Liability	2	17	0.0019	0.5910	0.8181	C
3-370	Fraud or Truth in Lending	111	6,241	0.5051	0.4315		
3-380	"Other" Personal Property Damage	42	1,650	0.2564	0.8286	0.8181	C
3-385	Property Damage Product Liability	1	42	0.0017	0.2105	0.8181	C
3-410	Antitrust	224	4,042	4.0724	5.3713	5.3499	C
3-420	Bankruptcy Trustee	33	1,236	0.2743	1.1832	1.1708	C
3-421	Bankruptcy Transfer	9	130	0.0231	0.9490		
3-422	Bankruptcy Appeal (Rule 801)	44	2,895	0.2394	0.4409	0.4441	C
3-430	Banks and Banking	11	318	0.1015	1.7022	2.9831	C
3-440	Civil Rights: Other	627	15,918	7.5176	2.5177		
3-441	Civil Rights: Voting	21	416	0.2218	2.8420		
3-442	Civil Rights: Jobs	636	12,254	6.0564	2.6349		
3-443	Civil Rights: Accommodations	39	1,294	0.3373	1.3897		
3-444	Civil Rights: Welfare	24	470	0.2395	2.7164		
3-450	Commerce, ICC Rates, etc.	44	2,373	0.4270	0.9592	0.9317	C F
3-530	Habeas Corpus	379	20,221	1.2941	0.3412		
3-540	Prisoner Mandamus and Other	8	671	0.0305	0.2426		
3-550	Prisoner Civil Rights	662	25,863	1.9904	0.4103		
3-710	Fair Labor Standards Act	50	1,628	0.1667	0.5458	1.0970	C
3-720	Labor/Management Relations	242	11,014	1.7830	0.8630		
3-730	Labor/Management Reporting & Disclosure Act	31	439	0.3864	4.6924	3.8352	C
3-740	Railway Labor Act	15	471	0.1689	1.9112	1.8494	C
3-790	"Other" Labor Litigation	90	1,789	0.6145	1.8312		
3-791	Employee Retirement Income Security Act	39	994	0.1896	1.0168	1.1219	C
3-820	Copyright	80	3,214	0.3202	0.5311		
3-830	Patent	127	2,440	1.4156	3.0920	2.9971	C
3-840	Trademark	89	3,072	0.7809	1.3553		
3-850	Securities, Commodities Exchange	236	5,626	2.4726	2.3430	2.3312	C
3-890	"Other" Statutory Actions	99	2,504	0.7294	1.5529	1.5516	C
3-891	Agricultural Acts	2	116	0.0019	0.0866	0.9395	C
3-892	Economic Stabilization Act	1	47	0.0032	0.3677	5.7815	C
3-893	Environmental Matters	14	165	0.2231	7.2067	4.9509	C
3-894	Energy Allocation Act	1	74	0.0032	0.2335	6.5798	C
3-950	Constitutionality of State Statutes	4	817	0.6424	4.1918	4.0338	C
3-990	Miscellaneous Local Matters	0	13	0.0000	0.0000	1.0000	A

Table 16--Continued

Code	Nature of Suit	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
<u>Diversity</u>							
4-110	Contract: Insurance	275	9,024	1.6281	0.9618		
4-120	Contract: Marine	0	5	0.0000	0.0000	1.0000	A
4-140	Contract: Negotiable Instrument	50	2,897	0.2253	0.9086		
4-150	Contract: Recovery/Enforcement	10	560	0.0230	0.2189		
4-151	Contract: Medicare Act	0	2	0.0000	0.0000	1.0000	A
4-160	Contract: Stockholders' Suits	9	12	0.0000	0.0000	1.0000	A
4-190	"Other" Contract	964	30,863	8.1108	1.4010		
4-195	Contract Product Liability	51	958	0.6900	3.8399		
4-210	Land Condemnation	0	27	0.0000	0.0000	1.0000	A
4-220	Foreclosure	20	982	0.1791	0.9723		
4-230	Rent, Lease, & Ejectment	11	421	0.0728	0.9221		
4-245	Tort Product Liability	4	125	0.0496	2.1154		
4-290	All Other Real Property	38	909	0.2632	1.5433		
4-310	Airplane Personal Injury	47	1,373	1.1704	4.5443	3.0302	C
4-315	Airplane Product Liability	19	863	0.3679	2.2729	3.0302	C
4-320	Assault, Libel & Slander	59	1,896	0.4209	1.1835		
4-340	Marine Personal Injury	86	3,325	0.6431	1.0312		
4-345	Marine Product Liability	8	243	0.0473	1.0369	0.8690	C
4-350	Motor Vehicle Personal Injury	312	14,807	2.4768	0.8917		
4-355	Motor Vehicle Product Liability	30	1,036	0.1180	0.6071	0.7174	C
4-360	"Other" Personal Injury	275	10,060	2.1045	1.1152		
4-362	Medical Malpractice	21	987	0.0829	0.4479		
4-365	Personal Injury Product Liability	217	6,529	1.8516	1.5119		
4-370	Fraud or Truth in Lending	60	1,505	0.5078	1.7989		
4-380	"Other" Personal Property Damage	50	1,706	0.2806	0.8770		
4-385	Property Damage Product Liability	24	648	0.1385	1.1392		
4-890	"Other" Statutory Actions	0	4	0.0000	0.0000	1.0000	A
4-950	Constitutionality of State Statutes	0	2	0.0000	0.0000	1.0000	A
4-990	Miscellaneous Local Matters	0	2	0.0000	0.0000	1.0000	A

A. Arbitrary weight of 1.0000 assigned because few cases (or no cases) appeared in the survey.

B. Adjusted for one large case; see tables 7 and 8.

C. Aggregated with closely related codes; see table 9.

D. This case type has been recalculated to reflect only 1979 terminations, instead of 1977-79, because it is a new code and case type.

E. Includes data from criminal code 2510.

F. Cases terminated in Massachusetts are excluded; see p. 44.

G. On a finding that this nontrivial case type consumed no survey time, an arbitrary weight of 0.01 has been assigned (see p. 44).

TABLE 17

ALL CRIMINAL CASE WEIGHTS, WITH ADJUSTMENTS

Code	Offense	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
0100	First Degree Murder	5	257	0.1063	2.2052	3.2961	C
0200	Second Degree Murder	5	92	0.1878	10.8838	3.2961	C
0300	Manslaughter	2	94	0.0057	0.3253	3.2961	C
1100	Bank Robbery	144	6,176	1.4749	1.2731		
1200	Postal Robbery	9	249	0.0843	1.8048		
1400	"Other" Robbery	3	200	0.0967	2.5778		
1500	Aggravated Assault	28	1,800	0.3138	0.9294		
1501	Assault-Government Officials	0	1	0.0000	0.0000	1.0000	A
1560	Assault-Fair Housing Law	0	14	0.0000	0.0000	1.0000	A
1600	"Other" Assault	5	328	0.0478	0.7763		
1601	Miscellaneous Assault on Government Officials	0	1	0.0000	0.0000	1.0000	A
2100	Bank Burglary	2	130	0.0733	3.0066	0.4129	C
2200	Postal Burglary	1	224	0.0035	0.0844	0.4129	C
2400	"Other" Burglary	7	806	0.0139	0.0920	0.4129	C
3100	Bank Larceny & Theft	13	551	0.1983	1.9185		
3200	Postal Larceny & Theft	93	5,416	0.4258	0.4191		
3300	Interstate Commerce Larceny & Theft	25	2,184	0.3111	0.7594		
3400	U.S. Property Larceny & Theft	30	3,804	0.4078	0.5714		
3600	Transportation of Stolen Property	36	1,734	0.3390	1.0423		
3700	"Other" Felony Larceny & Theft	8	962	0.0300	0.1662		
3800	"Other" Misdemeanor Larceny & Theft	1	1,585	0.0003	0.0009		
4100	Bank Embezzlement	75	3,395	0.3756	0.5899		
4200	Postal Embezzlement	13	915	0.1634	0.9520		
4310	Embezzlement of Public Moneys or Property	5	898	0.0163	0.0970	0.2651	C
4320	Lending, Credit & Insurance Embezzlement	12	573	0.0313	0.2916	0.2651	C
4330	Embezzlement by Officers of a Carrier	2	71	0.0076	0.5731	0.2651	C
4340	Embezzlement-World War Veterans Relief	1	56	0.0016	0.1547	0.2651	C
4350	Embezzlement by Officer or Employee of U.S.	1	55	0.0252	2.4460	0.2651	C
4390	"Other" Embezzlement	11	499	0.2987	3.1913		
4510	Evading Income Tax	40	1,582	0.4657	1.5694		
4520	"Other" Felony Income Tax	46	1,510	0.6490	2.2915		
4530	Failure to File Income Tax	37	1,610	0.1469	0.4864		
4540	"Other" Misdemeanor Income Tax	16	401	0.0280	0.3718		
4600	Fraud: Lending & Credit Institutions	43	1,802	0.3605	1.0666		
4700	Postal & Interstate Fraud	124	4,623	1.0524	1.2136		
4800	Veterans & Allotments Fraud	3	83	0.0513	3.2955	0.7418	C
4900	Bankruptcy Fraud	9	124	0.0962	4.1376	0.7418	C
4920	Securities Exchange Commission Fraud	2	310	0.0014	0.0233	0.7418	C
4933	"Other" Tax Fraud	4	159	0.0053	0.1775	0.7418	C
4950	Social Security Fraud	8	606	0.0166	0.1462		
4960	False Personation Fraud	5	217	0.1165	2.8621	0.7418	C
4970	Nationality Laws Fraud	8	571	0.0142	0.1324		
4980	Passport Fraud	7	269	0.0147	0.2918	0.7418	C
4991	False Claims & Statements	68	2,647	0.8582	1.7284		
4992	Conspiracy to Defraud	9	171	0.1669	5.2047	1.9913	C
4993	Fraud Conspiracy: General	5	354	0.0292	0.4394	1.9913	C
4999	"Other" Fraud	19	2,078	0.1654	0.4244	0.7418	C
5100	Transportation of Stolen Motor Vehicles or Aircraft	43	4,019	0.3870	0.5133		
5500	Transportation of Forged Securities	27	2,244	0.1235	0.2935		
5600	Postal Forgery	17	488	0.1589	1.7356		
5710	"Other" U.S. Forgery	187	9,792	0.6528	0.3554	0.3535	C
5720	"Other" Forgery	1	126	0.0049	0.2073	0.3535	C
5800	Counterfeiting	62	2,287	0.5876	1.3697		
6100	Rape	4	373	0.1347	1.9248	1.8197	C

Table 17--Continued

Code	Offense	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
6300	"Other" Sex Offenses	2	89	0.0719	4.3047	1.8197	C
6500	Marijuana Pre-DAPCA	0	104	0.0000	0.0000	1.0000	A
6511	Marijuana Distribution	54	5,082	0.9403	0.9864	0.9069	C
6512	Marijuana Importation	15	820	0.1388	0.9021	0.9069	C
6513	Marijuana Manufacture	1	41	0.0440	5.7270	0.9069	C
6514	Marijuana Possession	10	1,104	0.0758	0.3662	0.9069	C
6600	Narcotics Border Registration	0	3	0.0000	0.0000	1.0000	A
6700	Narcotics Pre-DAPCA	4	336	0.0064	0.1012	0.9081	C
6701	Narcotics	0	347	0.0000	0.0000	1.0000	A
6702	Narcotics	0	21	0.0000	0.0000	1.0000	A
6704	Narcotics	0	34	0.0000	0.0000	1.0000	A
6711	Heroin Distribution	77	6,828	0.9581	0.7481		
6712	Heroin Importation	2	238	0.0406	0.9099	0.9081	C
6713	Heroin Manufacture	15	1,286	0.3617	1.4996	0.9081	C
6721	Cocaine Distribution	107	4,483	0.7525	0.8949		
6722	Cocaine Importation	6	408	0.0168	0.2194	0.9081	C
6724	Cocaine Possession	6	283	0.0090	0.1693	0.9081	C
6800	Controlled Substances	1	1	0.0038	20.3438	0.2210	C
6801	Continuing Criminal Enterprise	1	420	0.0005	0.0069	0.2210	C
6802	(Code Discontinued)	0	21	0.0000	0.0000	1.0000	A
6803	(Code Discontinued)	0	6	0.0000	0.0000	1.0000	A
6804	(Code Discontinued)	2	134	0.0011	0.0431	0.2210	C
6805	Fraudulent Prescription Schedule Unknown	1	18	0.0008	0.2406	0.2210	C
6811	Schedule 1 - Distribution	46	1,649	0.9632	3.1141		
6813	Schedule 1 - Manufacture	4	51	0.0119	1.2430	0.2210	C
6814	Schedule 1 - Possession	2	230	0.0011	0.0251	0.2210	C
6821	Schedule 2 - Distribution	39	657	0.6920	5.6148		
6823	Schedule 2 - Manufacture	1	29	0.0016	0.2987	0.2210	C
6824	Schedule 2 - Possession	1	64	0.0033	0.2728	0.2210	C
6831	Schedule 3 - Distribution	24	814	0.1389	0.9097		
6832	Schedule 3 - Importation	3	90	0.0058	0.3427	0.2210	C
6833	Schedule 3 - Manufacture	2	34	0.0087	1.3588		
6834	Schedule 3 - Possession	1	144	0.0007	0.0246	0.2210	C
6841	Schedule 4 - Distribution	4	336	0.0288	0.4574	0.2210	C
6853	Schedule 5 - Manufacture	1	2	0.0035	9.4500	0.2210	C
7100	Bribery	26	743	0.6685	4.7964		
7210	Drunken Driving	3	4,106	0.0458	0.0595		
7220	Traffic Offenses	10	10,414	0.0185	0.0095		
7310	Escape	41	2,050	0.3283	0.8538		
7311			21	0.0000	0.0000	1.0000	A
7312	Bail Reform Act of 1966: Escape	18	1,415	0.1566	0.5901	0.3782	B
7313	Escape-Work Release Program	0	91	0.0000	0.0000	1.0000	A
7320	Aiding or Harboring Escapees	11	440	0.0879	1.0655		
7400	Extortion, Racketeering & Threats	34	1,348	0.9854	3.8972		
7401	Threats against the President	4	176	0.0273	0.8255		
7410	Interstate Travel: Arson	1	45	0.0084	1.0004	3.6800	C
7420	Interstate: Bribery	1	89	0.0894	5.3562	3.6800	C
7440	Interstate: Gambling	1	174	0.0123	0.3756	3.6800	C
7460	Interstate: Narcotics	1	13	0.0294	12.0750	3.6800	C
7470	Interstate: Prostitution	1	21	0.0008	0.2063	3.6800	C
7480	Interstate: Racketeering	2	84	0.0019	0.1219	3.6800	C
7490	Interstate: Extortionate Credit Transactions	9	211	0.2974	7.5142	3.6800	C
7500	Gambling and Lottery	9	1,457	0.1284	0.4698		
7520	Travel in Aid of Racketeering	0	29	0.0000	0.0000	1.0000	A
7530	Transmit Wagering Information	0	38	0.0000	0.0000	1.0000	S
7600	Kidnapping	8	384	0.1077	1.4950		
7610	Kidnapping Government Official	0	2	0.0000	0.0000	1.0000	A
7700	Perjury	20	608	0.2614	2.2921	2.2676	C
7782		1	13	0.0027	1.1207	2.2676	C
7800	Firearms & Weapons	49	3,291	0.6302	1.0208		

Table 17--Continued

Code	Offense	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
7820	Firearms, Unlawful Possession	18	1,129	0.1709	0.8068		
7830	Firearms	63	4,643	0.4811	0.5524		
7990	"Other" Miscellaneous General Offenses	1	110	0.0011	0.0525	0.0012	C
8710	Immigration: Illegal Entry	1	456	0.0049	0.0573		
8720	Immigration: Illegal Reentry	32	1,645	0.1107	0.3586		
8730	"Other" Immigration	87	4,098	0.7137	0.9285		
8740	Immigration: Subsequent Illegal Entry	7	129	0.0317	1.3115		
8750	Fraud: Citizenship and Immigration Laws	0	24	0.0000	0.0000	1.0000	A
8900	Liquor, Internal Revenue	7	429	0.0377	0.4687		
9000		0	2	0.0000	0.0000	1.0000	A
9110	Agricultural Acts	5	495	0.0139	0.1498		
9120	Federal Seed Act	0	3	0.0000	0.0000	1.0000	A
9130	Game Conservation Acts	5	442	0.0469	0.5654		
9140	Insecticide Act	0	2	0.0000	0.0000	1.0000	A
9150	Trespass on Timber and Government Lands	0	168	0.0000	0.0100		
9160	Packer and Stockyards	0	13	0.0000	0.0000	1.0000	A
9170	Plant Quarantine	0	5	0.0000	0.0000	1.0000	A
9180	Handling of Animals: Research	0	3	0.0000	0.0000	1.0000	A
9200	Antitrust Violations	6	658	0.3244	2.6286		
9300	Fair Labor Standards Act	2	24	0.0052	1.1484		
9400	Food and Drug Act	1	598	0.0025	0.0219		
9500	Migratory Bird Laws	3	1,160	0.0254	0.1165		
9600	Motor Carrier Act	7	339	0.0256	0.4030		
9710	Selective Service Acts	0	2,268	0.0000	0.0000	1.0000	B
9720	Illegal Use of Military Uniform	1	18	0.0005	0.1604		
9730	Defense Production Act	0	5	0.0000	0.0000	1.0000	B
9731	Economic Stabilization Act: Prices	0	9	0.0000	0.0000	1.0000	B
9740	Alien Registration	0	18	0.0000	0.0000	1.0000	B
9752	Espionage	0	9	0.0000	0.0000	1.0000	B
9753	Sabotage	0	24	0.0000	0.0000	1.0000	A
9760	Curfew: Restricted Areas	4	505	0.0392	0.4138		
9770	Exportation of War Materials	0	67	0.0000	0.0000	1.0000	F
9780	Trading with Enemy	0	1	0.0000	0.0000	1.0000	F
9790	Other National Defense	1	46	0.0150	1.7376		
9791	Subversive Activities Control Act	0	1	0.0000	0.0000	1.0000	B
9810	Obscene Mail	0	90	0.0000	0.0000	1.0000	B
9820	Obscene Matter in Interstate Commerce	2	184	0.0259	0.7504		
9901	Civil Rights	4	353	0.4473	6.7559		
9902	Election Laws Violations	0	20	0.0000	0.0000	1.0000	A
9910	Communication Act	1	137	0.0011	0.0422	0.0793	C
9911	Wire Interception	1	65	0.0019	0.1575	0.0793	C
9921	Contempt	4	574	0.0150	0.1393		
9922	Criminal Contempt	0	7	0.0000	0.0000	1.0000	A
9931	Customs Laws	9	579	0.2031	1.8699		
9932	Importing Injurious Animals and Birds	0	2	0.0000	0.0000	1.0000	A
9943	Railroad & Transportation Act	0	25	0.0000	0.0000	1.0000	A
9944	Destruction of Property	0	10	0.0000	0.0000	1.0000	A
9952	Taft Hartley Act	2	27	0.1497	26.9439	1.0000	A
9954	Peonage	0	6	0.0000	0.0000	1.0000	A
9960	Liquor (excluding Internal Revenue)	0	39	0.0000	0.0000	1.0000	A
9971	Maritime and Shipping Laws	2	215	0.0097	0.0592		
9972	Marine Stowaways	0	22	0.0000	0.0000	1.0000	A
9973	Federal Boat Safety Act of 1971	0	5	0.0000	0.0000	1.0000	A
9974	Federal Water Pollution Control Act	0	15	0.0000	0.0000	1.0000	A
9981	Non-mailable Postal Materials	1	20	0.0033	0.2166	0.0562	C
9982	Injury to Property: Postal	0	56	0.0000	0.0000	1.0000	A
9983	Obstructing the Mail	7	1,229	1.0032	1.0714		
9984	Violations by Postal Employees	1	445	0.0166	0.0490	0.0562	C
9989	"Other" Postal Laws	0	28	0.0000	0.0000	1.0000	A
9991	Destroying Federal Property	2	265	0.0078	0.0386	0.1065	C

Table 17--Continued

Code	Offense	Cases in Survey	1977-79 Terminations	Percentage of Time	Initial Weight	Revised Weight	Comments (see below)
9992	Intimidation of Witness	9	331	2.0342	8.0661		
9993	Aircraft Regulations	1	83	0.1413	2.2344		
9994	Explosives (except in vessels)	6	574	0.0830	0.1898	0.1065	C
9996	Train Wrecking	0	21	0.0000	0.0000	1.0000	A
9999	Other Federal Statutes	6	962	0.0136	0.0756	0.1065	C

A. Arbitrary weight of 1.000 assigned because few cases (or no cases) appeared in the survey.

B. Adjusted for one large case; see tables 7 and 8.

C. Aggregated with closely related codes; see table 10. (Some aggregations also include other case types, as shown on table 10, for which no survey time was recorded. These case types are not listed here.)

APPENDIX B:
METHODOLOGICAL SUPPLEMENT

Observations on the Survey Structure

This survey has several limitations worthy of note. First, the case types to which the case weights have been applied are better viewed as a kind of behavioral cipher than as definitive descriptors of the actual substance of the survey cases, or of the larger population of cases filed in the case type. In both populations, the case type designation is made when the case was filed. In civil cases, this determination comes from the JS-44 form, the civil cover sheet, filed with each suit. Thus it is the plaintiff who makes the determination of case type, without any reference to the views of any other party. A roughly similar situation prevails for criminal cases, in which the United States attorney files an indictment or information, and the court counter clerk assigns the case type as being the most serious count, according to a hierarchy established by Administrative Office regulations.

For both civil and criminal cases, the designation may differ from what an informed observer might feel was correct at a later time, surveying the progress of the case as a

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)

(PLACE AN IN ONE BOX ONLY)

BASIS OF JURISDICTION

1 U.S. PLAINTIFF
 2 U.S. DEFENDANT
 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 5 LOCAL QUESTION

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

(PLACE AN IN ONE BOX ONLY) **NATURE OF SUIT**

CONTRACT	TORTS	ACTIONS UNDER STATUTES			
		CIVIL RIGHTS	FORFEITURE/PENALTY	PROPERTY RIGHTS	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE <input type="checkbox"/> 120 MARINE <input type="checkbox"/> 130 MILLER ACT <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGEMENT <input type="checkbox"/> 151 MEDICARE ACT <input type="checkbox"/> 160 STOCKHOLDERS SUITS <input type="checkbox"/> 180 OTHER CONTRACT <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY <hr/> REAL PROPERTY <input type="checkbox"/> 210 CONDEMNATION <input type="checkbox"/> 220 FORECLOSURE <input type="checkbox"/> 230 RENT LEASE & EJECTMENT <input type="checkbox"/> 240 TORTS TO LAND <input type="checkbox"/> 245 TORT PRODUCT LIABILITY <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	PERSONAL INJURY <input type="checkbox"/> 310 AIRPLANE <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY <input type="checkbox"/> 340 MARINE <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY <input type="checkbox"/> 350 MOTOR VEHICLE <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY <input type="checkbox"/> 360 OTHER PERSONAL INJURY <input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY <hr/> PERSONAL PROPERTY <input type="checkbox"/> 370 FRAUD OR TRUTH IN LENDING <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 441 VOTING <input type="checkbox"/> 442 JOBS <input type="checkbox"/> 443 ACCOMMODATIONS <input type="checkbox"/> 444 WELFARE <input type="checkbox"/> 440 OTHER CIVIL RIGHTS <hr/> PRISONER PETITIONS <input type="checkbox"/> 510 VACATE SENTENCE (2259) <input type="checkbox"/> 520 PAROLE BRD. REVIEW <input type="checkbox"/> 530 HABEAS CORPUS <input type="checkbox"/> 540 MANDAMUS & OTHER <input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 610 AGRICULTURE <input type="checkbox"/> 620 FOOD & DRUG <input type="checkbox"/> 630 LIQUOR LAWS <input type="checkbox"/> 640 R.R. & TRUCK <input type="checkbox"/> 650 AIR LINE REGS. <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH <input type="checkbox"/> 690 OTHER <hr/> LABOR <input type="checkbox"/> 710 FAIR LABOR STANDARDS <input type="checkbox"/> 720 LABOR/MGMT. RELATIONS <input type="checkbox"/> 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT <input type="checkbox"/> 740 RAILWAY LABOR ACT <input type="checkbox"/> 790 OTHER LABOR LITIGATION	<input type="checkbox"/> 820 COPYRIGHT <input type="checkbox"/> 840 TRADEMARK <input type="checkbox"/> 830 PATENT <hr/> OTHER STATUTES <input type="checkbox"/> 400 STATE REAPPORTIONMENT <input type="checkbox"/> 410 ANTI-TRUST <input type="checkbox"/> 420 TRUSTEE <input type="checkbox"/> 421 TRANSFER (915B) <input type="checkbox"/> 422 APPEAL (801) <input type="checkbox"/> 430 BANKS AND BANKING <input type="checkbox"/> 450 COMMERCE ICC RATES, ETC. <input type="checkbox"/> 460 DEPORTATION <input type="checkbox"/> 810 SELECTIVE SERVICE <input type="checkbox"/> 850 SECURITIES COMMODITIES EXCHANGE <hr/> SOCIAL SECURITY <input type="checkbox"/> 861 HIA <input type="checkbox"/> 862 BLACK LUNG <input type="checkbox"/> 863 DIWC <input type="checkbox"/> 864 DIWW <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI <input type="checkbox"/> 870 TAXES <input type="checkbox"/> 871 IRS-THIRD PARTY <input type="checkbox"/> 875 CUSTOMER CHALLENGE 12 USC 3410 <input type="checkbox"/> 891 AGRICULTURAL ACTS <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS <input type="checkbox"/> 894 ENERGY ALLOCATION ACT <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS	

(PLACE AN IN ONE BOX ONLY)

<input type="checkbox"/> 1 ORIGINAL PROCEEDING <input type="checkbox"/> 2 REMOVED FROM STATE COURT <input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT <input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM (SPECIFY DIST.) <input type="checkbox"/> 6 MULTIDISTRICT LITIGATION
---	---

Check/Fill in if demanded in complaint

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	OTHER
--	------------------	--------------

Check YES only if demanded in complaint:

910 DOMESTIC RELATIONS 930 PROBATE
 920 INSANITY 940 SUBSTITUTE TRUSTEE
 990 OTHER

REMARKS

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

whole. Cases change during the time they are pending, and at best the original designation represents a prediction about the kind of case the filing will turn into. If the most serious counts are dropped in a criminal case, or if discovery indicates that the cause of action must be different from what the plaintiff originally contemplated in a civil case, the designation will still remain the same. For this reason, many of the defendants convicted in cases that appear in our data base as bank robbery will actually have pleaded guilty to lesser charges, such as burglary. Or, a civil suit that began as a rather pedestrian contract diversity action may have led to more novel antitrust issues, upon which it was ultimately decided. Again, this would remain categorized as a diversity contract suit.

A related but somewhat distinct limitation of the case categories is that they are not assigned in a disinterested fashion. A lawyer representing a plaintiff may well designate his case as an antitrust suit for strategic reasons if he has a routine diversity suit for which he feels he is shaky on jurisdiction. (We have impressionistic indications from another data base that there may be an effect along these lines.)

All this, however, does not particularly limit the value of the case weights for the specific purpose of

calculating a weighted case load by court. As a behavioral cipher, the case type descriptor is useful whether it precisely describes the universe of all antitrust cases, or any other type, or not. It is only when one attempts additional statements about the behavior of certain types of cases that the categorization becomes troubling.

This case-weight survey was designed exclusively to produce a relative measure. There is no attempt in this report to make specific statements about the correct total number of judges the federal judiciary needs. It might be possible to use these data to make estimates along those lines, but nothing systematic has been done to date.

The survey calculates a national average for case types and applies that to every district. Therefore, the differences from district to district resulting from this survey can only result from differences in the mix of case types, not from differences in the difficulty of a particular type of case in a particular district. This approach has been adopted by the Judicial Conference purposefully, despite the fact that it limits in some degree the scope and value of the survey. The Conference determined not to calculate local case weights because there is no empirical way to distinguish the cause of local variations within a particular case type. If one district takes twice another dis-

district's judicial manpower per case to handle a given case type, this can result from either of two causes that are empirically indistinguishable without exhaustive field study. First, the cases in one district could be twice as demanding as those in the other, on some intrinsic basis having to do with the complexity of issues raised, lawyer and client resources employed, lawyer demands on the court, or some similar characteristic. Or, the court could be half as efficient as its counterpart. The Subcommittee on Judicial Statistics believes that it is better to apply a national weight and keep the weighting system free of this kind of anomaly. It is always possible to address claims of individual districts on their individual merits if a district can make a plausible showing that its cases in a particular category are more demanding than the average.

The structure of this survey makes evaluation of its validity difficult in several ways. Because this survey brings two unrelated data bases together, there is no standard way to calculate confidence bounds. The difficulty in determining the accuracy of the survey is highlighted by the anomalous variety of interpretations that may be placed upon any finding that a small number of cases occurred in a particular category. Table 6 illustrates this phenomenon quite clearly. When the number of cases that appears in the

survey is very small or zero, this may be either a finding that accurately represents the fact that hardly any of these cases involve significant judge time, or it may indicate that the survey size was too small. As discussed in chapter two, we handled this problem by attempting to impose informed judgments in each of these instances, aggregating the very small case types with closely related ones where there were natural candidates, accepting the zero weight or a weight very close to zero where that appeared logical from the nature of the case type, and assigning an arbitrary weight of 1.0 in other cases.

The survey was limited to case-related time, and does not show how judges' time is devoted to administration or research or related functions, nor does it distinguish among the various ways that judges work on cases. Thus, it is not as powerful a research tool for answering procedural questions as a more ambitious case-weight survey would have been.

Finally, because this survey was limited to the time of judges, its results can only be used with great caution to determine the relative burden of different case types on support personnel. A few indications of the difficulties may be useful. One might imagine that, for certain case types, the burden on magistrates is roughly proportional to

the burden on judges, because magistrates relieve judges of delegable responsibilities in approximately the same proportion as the judges work on the case types in question. For other case types, however, it seems clear that magistrate time is an alternative to judge time, and the relationship is likely to be an inverse one. We have noted that a reason for the low weight for Social Security cases is that those cases are particularly amenable to work by magistrates. In that instance, a low rate of judge time per case is probably associated with a high rate of magistrate time per case. That relationship is quite clear in the traffic cases, which have an extremely low weight for judges as determined by this survey. On the other hand, it seems more probable that burden on the clerk's office is in rough proportion to burden on the judges, because less that the judges do can be directly delegated to the clerk or deputy clerks.

Conduct of the Survey

The survey was conducted with minimal difficulty. The cooperation of the ninety-nine judge participants was gracious and complete, very little follow-up was necessary, and there were few administrative difficulties.

The selection of judges was extremely simple. We used a United States Courts directory dated May 1977, just over a

year and a half before the January 15, 1979 start-up date of the survey. In the directory, federal judges are listed in order of seniority within districts, and the districts are listed in alphabetical order by states. We eliminated judges who had taken senior status since the date of the directory, and used a random number generator to obtain a number equal to one, two, or three--the result turned out to be one. Beginning accordingly with the first judge in the directory, every third name was then selected and placed into the first survey sample. The resulting list of 117 names seemed slightly too large for an initial mailing intended to result in a survey of about one hundred. By a similar random process, eleven names were eliminated and the initial mailing made to 106 judges. Replacement judges were drawn exclusively from the eleven who were eliminated in this way.

Thus, the effect of the selection method was to assure at least one name from every court that had three or more judges on the master list. No court could be greatly over-represented or underrepresented, and within large courts the several "generations" were represented in approximately their actual proportions.

It may be of interest to illustrate the operation of the method in the largest court. The Southern District of

New York has twenty-seven judgeships; the master list had twenty-three names because there were two vacancies as of that date, and two additional judges had since taken senior status. The final list of survey judges (in appendix D) includes one Truman appointee, two Johnson appointees, four Nixon appointees, and one Ford appointee--a reasonably adequate representation of the composition of the court with respect to date of appointment, and perhaps age as well.¹⁰ Without suggesting that it was essential to assure political representation of some specific sort, we did not want to run the risk of concentrating all of the judge participants from this or any large court among either the extremely inexperienced or the extremely experienced judges.

The original contact with the 106 candidate survey judges was a letter from Chief Justice Warren E. Burger. (This letter and the successive communications of the Center with the survey judges appear at pages 100-108.) The Chief Justice emphasized the importance of the survey and the need for an accurate sample, concerns to which the survey judges responded admirably. The Chief Justice's letter was fol-

10. There is an obvious exception: there are no Carter appointees in this group or in either the survey population or sample. This was an unintended effect of the decision to limit the survey to judges with at least eighteen months of experience.

lowed immediately by a letter from Professor A. Leo Levin, director of the Federal Judicial Center, enclosing a fact sheet on the survey that the project director had developed from questions that arose during the pilot survey. (This pilot survey, involving five judges, was conducted for six weeks in late summer 1978.) These materials emphasized the judiciary's need for accurate figures on relative caseload burdens, and the fact that there was no intention to undertake individual tabulations. The relation of this survey to other elements of the federal system of judicial statistics was also emphasized. The size of the survey was explained and justified, and the promise was made that judges who participated would not be contacted for future surveys of the same type unless there were no alternative. Judges were asked to return a form indicating whether they were willing to participate, and survey materials were mailed to each.

Despite the extremely high response, it was necessary to contact some of the judges from the "back-up" sample who had been eliminated from the original list of 117. The additional contacts, made hurriedly just before the survey began, were made in person or by telephone, usually by a subcommittee member who knew the judge. Of the 106 judges who received the Chief Justice's letter, one had died since

the final list was prepared, another had resigned, and five excused themselves because of serious health problems. In addition, four declined to participate because their case loads during the survey period were extremely unusual. For example, the chairman of a major Judicial Conference committee indicated that during the survey period he would be so busy with committee matters that his case-related work would be much reduced. The three others had extraordinary short-term assignments. In addition to these, several others responded to the original solicitation by inquiring whether they should be excused because their case loads were in some respect unrepresentative. We responded that we wanted to include the entire range of activities of this random sample, so these unrepresentative activities should be included. These judges, who remained within the sample, included several who were taking a week or two of vacation during the survey period, several who were serving outside their district during the survey period, and several who were attending a conference; others were serving on a court of appeals during the survey period.

The judges were instructed to mail accumulated forms, one for each day on which any case-related time was recorded, once a week, preferably on Friday. The forms were picked up by a representative of Public Sector Research Inc.

(PSR, the contractor for data processing), edited, and a weekly report was prepared to monitor the forms received. Any problems with coding were highlighted, and the project director was informed of any gaps in the data received or other problems. The project director did all follow-up himself, both for missing forms and for missing data elements. Generally we avoided a follow-up call if a judge missed only one week of forms, assuming that the forms might come the second week, and, if not, much of the time could be reconstructed. If a judge missed a second week, however, and had not advised us in advance, we telephoned to check. Telephone calls were also made to resolve any questions about missing data or about the format of data supplied. In general, supervision required during the survey period was minimal; the project director worked on this particular project for no more than 10 percent of his time during the twelve-week survey period.

The following issues that may be of interest arose in the course of the survey:

1. In many instances the judges reported on cases according to docket numbers assigned by the Judicial Panel on Multidistrict Litigation, despite a specification in the instructions that they select a docket number of their district. It was not difficult to use the panel's records

to identify a conventional docket number for these cases; future surveyors should bear in mind that it is the multidistrict number by which these cases are generally known to judges and their staffs.

2. The instruction on cities and places of holding court generated the expected difficulties. Because many courts have docket numbers that are not unique except with the additional specification of the city involved, it was essential to determine the city where each case had been filed. Because the judge is not a good source for obtaining the "location code" that appears on the Administrative Office tapes (the judge often has no reason to know in what city a particular suit was originally filed), we anticipated that it would be necessary to complete many of these records manually in any survey using source documents prepared by judges. A judge of a multidivision district who was hearing cases or working in a division other than his usual one was particularly likely to work on cases from many divisions on a given day. Our instruction number 6 (see page 94) was intended to flag these situations, and enable PSR coders to make a first effort to associate each case name with the correct location code.

3. Judges occasionally reported combined records when they dealt with several cases simultaneously, or when they

dealt with a series of cases quickly, one after another. In these instances, we telephoned the judge's office to obtain an estimate (usually from a law clerk or a secretary) that enabled us to disaggregate the records.

4. Miscellaneous docket cases were a recurring source of problems. We advised judges (not in the original instructions but in one of the subsequent letters) to include miscellaneous docket cases if they thought there was a reasonable prospect that a miscellaneous case might ultimately find its way onto the regular docket. In this way, we were able later to include and record time that might otherwise have been lost. However, this effort added greatly to the number of unmatched records in the initial computer run.

5. The pilot survey led to only one major change. We replaced the "fifteen-minute rule" with the language in instruction number 1, supplemented on the fact sheet, which reads, "Extremely short episodes of a minute or two need not be recorded." Two of the pilot judges believed that fifteen minutes was too high a cutoff because it would eliminate all time spent on many short cases, and was inconvenient to maintain (they found it easier to make a notation on all cases than to decide each time if a notation was needed).

6. Instruction number 5, on consolidated cases, was a further attempt to simplify the judge's task. It would have

been both unreasonably burdensome and somewhat arbitrary to require judges to distinguish or prorate the time they spent on each of a group of consolidated cases. This task would have been especially complex in dealing with multidistrict litigation in which the judge had been assigned cases from many parts of the country. Perusal of a group of consolidated cases that appeared on trial reports submitted to the Administrative Office during 1977 indicated that the survey could accept the relatively small number of inaccuracies that might result from an instruction to choose a large or typical case from a group of consolidated cases. Most of the consolidated cases we identified in the pilot sample had been assigned the same case type. Many of those that did not reflected situations where the actual assignment could have gone either way, or where consolidation of unlike case types is common (a patent suit followed by an antitrust counterclaim, for example).

7. Cases were noted in a wide variety of docket number formats. Although we requested the judges to translate the docket numbers of their own districts into the standard YY-XXXX format used by the Administrative Office, many did not do this. This was a fertile source of unmatched records, and we attempted to make the same transformation that the Administrative Office makes in order

to match the Administrative Office records. The following are some examples:

We changed TH-78-5-C to 78-0005, indicating the Terre-Haute code for the civil docket of the Southern District of Indiana.

We changed C-76-329 WS to 76-0329, indicating the city of Winston-Salem on the sheet.

The docket numbers of many courts included the initials of the judge, which we eliminated from our codes.

We transformed 1-76-55 to 76-0055, with a designation of Augusta, Georgia (location code 1 within that district).

Bankruptcy cases normally came in with seven digits, as did all cases--civil and criminal--from the Eastern District of Michigan.

We coded criminal cases with a seven-digit code, and they required transformations. For example, we changed CR78-M-00395-S to 78-00395, indicating Birmingham (or Southern Division of the Northern District of Alabama) (M refers to Judge McFadden).

Finally, there were a number of entirely irregular numbers for cases that predated the system in which the year is included. For example, H-217 simply designated a city and a numerical sequence from number one.

Non case-related information was deleted, the coders made the transformations they could, and records with confusing or missing information were set aside in a review folder for telephone calls by the project director.

Data Problems

The most difficult computational task was to match each survey case record with a corresponding case record from

Administrative Office tapes, in order to extract case type and related data. A total of 31,577.9 hours were reported by the judges on their survey forms. Of these, 23,262.3 hours (73.6 percent) were successfully matched by computer. Another 7,308.0 hours (23.1 percent) were matched through a manual process using Administrative Office printouts. There were 1,007.7 hours (3.2 percent) that could not be included at all; this category included matters on the miscellaneous docket and other non-docketed matters, as well as small records that proved too difficult to match by manual means.

The judges spent a substantial--and unknown--amount of time on case-related matters that could not be included in the case-weight survey. It is unknown because we instructed them not to maintain records on nondocketable matters, so our records are limited to records of these types that were included erroneously. Although useless for calculating case weights, these records are useful in indicating the variety of matters not included in the survey. Most of these non-docketed matters have rarely been included in workload tabulations for federal courts. A partial list includes:

1. prisoner matters that were never docketed (applications for a certificate of probable cause, correspondence that failed to make a recognizable claim, and others)
2. appeals by designation
3. grand jury matters
4. extraditions
5. contempt proceedings in connection with a civil matter

6. bank subpoenas by the Internal Revenue Service
7. naturalization hearings and related matters
8. wire-tap matters.

Our strategy for identifying the unmatched records and associating them with a correct case-type record was as follows. We ran a new version of the matching program, which relaxed the requirement that a case match with respect to district, division, and docket number, by deleting the division requirement. For all cases newly matched in this way, we printed a line showing the judge's "short case name" from the survey form, and the case name as shown in the Administrative Office record. If the case appeared to be the correct one, it was retained. If not, the case was included with those to be matched manually. The manual matches were done by examining Administrative Office pending and filing printouts for cases that would have been correct but for an obvious form of digit transposition. The largest group of these, apart from simple reversal of numerals, was in the area of recoding nonstandard docket numbers. Two research assistants went through the entire printout of unmatched records and found a few cases (less than 5 percent) by exploring possibilities of this type.

It should be noted that the judges' own records of the docket numbers were extremely accurate, and the few inaccuracies were quite easy to spot. Where there was only

a single record for an unmatched case, the likelihood of a transposition error was relatively high. We know that there were very few transpositions generally because we printed out a sample of matched records to check for spurious matches. Printing the case names of every tenth case matched, we surveyed them all, examining the records for matches that were incorrect. Nearly all--approximately 96 percent--were obviously correct. Of the remainder, only a handful turned out on examination to be incorrect: most involved many litigants, and different ones had been identified in the two records matched.

Once these mechanical efforts were complete, the project director took the printout with the remaining unmatched records and telephoned judges and their staffs to determine the problem and obtain a match if possible. As already noted, some of the records could not be matched because they dealt with nondocketed matters. Some of the others were not matched because they were too small to justify the effort involved. However, most records involving as much as a total of one hour of judge time were successfully matched by talking with judges' staffs and clerk's office personnel, and searching for the appropriate case. They involved the following situations:

incorrect docket numbers

probation revocation hearings that were held on old and terminated criminal cases (perhaps the largest category)

motions to vacate sentence, which also involve closed criminal cases

a very large amount of judge time devoted to old equity matters that were closed in a statistical sense but very active in reality. (Cases involving constitutional attacks on the administration of prisons, hospitals, and so on are normally closed when the decree is entered. However, much or most of the judicial effort is expended after that time. Most of these were rather easy to match because the cases were well-known.)

cases from a different district or division for which the judge had not made notations to that effect

cases that came back on fee disputes

cases involving further proceedings mandated after an appeal. (For these, the suit technically had a new docket number, but often the judge continued to use his old folder and naturally referred to the case by the old, familiar number.)

a variety of smaller causes, including magistrate cases, show-cause orders, etc.

APPENDIX C:
SURVEY MATERIALS AND COMMUNICATIONS

DISTRICT COURT CASE WEIGHTS SURVEY
FEDERAL JUDICIAL CENTER
January 15 - April 6, 1979

1. Please enter a line each time you work on a case, whether for trial, conference, research, or any other task. (Extremely short episodes of a minute or two need not be recorded.)
2. Judges are urged to fill out the form themselves, because a secretary or deputy clerk is unlikely to know how much time is consumed by such matters as research in chambers or at home.
3. Please record time as close to the event as possible, either as the events occur or at the end of each day.
4. Since this survey deals only with case-related time, for the specific purpose of calculating case weights, it is assumed the forms will reflect only a fraction of actual hours worked.
5. For consolidated cases, do not attempt to divide an entry among the cases involved. Enter the number and name of a selected case: the largest, or one typical of the group if none appears to be largest.
6. For "city," enter the city where the recorded cases were filed. If you know or believe that the cases were filed in different cities, enter the city where most cases were filed and identify any exceptions you know of by circling the docket number. (FJC coders will check the actual "location code" of each case, so it is not necessary to be exhaustive).
7. Please use a new form each day and mail each week's accumulation on Friday. Retain the carbon forms until June 1, 1979.
8. For any questions, please call the project director, Steven Flanders of the FJC Research Division, at any time (FTS 633-6326 cr 202-633-6326).

1520 H Street, N.W.
Washington, D.C. 20005

DISTRICT COURT CASE WEIGHTS SURVEY
FEDERAL JUDICIAL CENTER
Judge Diary for Case-Related Time

Judge: _____

City: _____

Date: _____

Docket Number	Docket Type (circle one)	Short Case Name	Time Expended:	
			Hours	Minutes
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			
	Criminal/Civil			

THE FEDERAL JUDICIAL CENTER
DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005

TELEPHONE
202633-6326

CASE WEIGHTING FACT SHEET

by Steven Flanders
Project Director
December, 1978

The following are some questions judges have asked about the case weights survey.

What is involved in participation in the case weights survey?

Participating judges will be asked to fill out the enclosed form each day for twelve weeks, showing the amount of time that they worked on each case they saw. The forms will then be tabulated, and totals produced showing the amount of judge time devoted to each type of case. From this, a weight will be calculated for each case type, to represent the average burden on the judiciary for each type of case in federal court. There will be no tabulation or calculation that involves individual judges or districts.

What is the purpose of the survey?

The main purpose is to help the Judicial Conference and Congress evaluate the need for additional judgeships. The existing case weights are ten years old and obsolete. Also, the old survey was less accurate in several respects than this one is expected to be. The Judicial Conference and the Federal Judicial Center expect future judgeship bills to be more accurate and more persuasive as a result of the survey.

There are also some secondary purposes for the case weights. They are essential in evaluating the impact of proposed legislation--such as the diversity bill--that would change federal jurisdiction or causes of action. Case weights can provide some indication also within a district of the burden and composition of the case load. Finally, case weights provide a suggestion or a starting point for allocating other resources for the courts, if it seems plausible that the resource in question should be roughly proportional to judge burdens.

Why does this survey go to judges? The deputy clerks fill out forms on trials, conferences, and so on.

Past surveys have shown that as much as 40 percent of a judge's work on cases is done outside the courtroom. The Subcommittee on Judicial Statistics pursued several possible ways to modify the existing JS-10 form on trials and other activity, in an effort to use it as a basis for case weights. The conclusion seems unavoidable that one must go to the judges themselves to obtain the information necessary for case weights that accurately reflect the way that judges' time is divided.

Why go to so many judges? Why doesn't the Subcommittee do this itself?

The district judge members of the Subcommittee filled out these forms in a pilot survey to test the method of this survey. All members also worked closely with the design itself. For the results of the final survey to have any significance, however, they must be based on a large sample of judges. The present survey will include a carefully drawn random sample of about 100 district judges, a reduction from the 1969 survey, in which all sitting district judges were contacted.

Averages can be misleading. Will the new weights lock a district into just the number of judgeships a national index specifies?

This case weights survey does not try to measure local differences in the various case loads except as they are reflected in the relative number of antitrust cases, or bank robbery cases, and so on. The Subcommittee has been and will remain receptive to representations that it should take special factors into account that go beyond what the weights measure. For example, if a district can show that it has a large number of antitrust cases, and that the typical antitrust case in the district is more difficult than the national average, then the Judicial Conference will take that into account in allocating judgeships.

Judges are asked to participate in many surveys. Will I have to do this again?

The Subcommittee will try, within the requirement that it use the best possible information, to arrange future surveys and inquiries so that a judge who participates in the 1979 survey will never be contacted again for this.

What happens if a judge declines to participate?

The survey depends entirely on its random character. A small number of "replacement" judges have been identified at random who will be contacted if needed to replace judges who decline to participate. The system can handle only a very small number of drop-outs however. The judge who declines to participate is imposing on another judge the same burden he himself refuses. Moreover, non-participation increases the possibility of inaccurate results, thereby jeopardizing the work of judges who do participate.

Should I note every record? What about short orders that require only a routine signature? Or arraignments?

The five district judges who participated in a pilot test of this survey rejected a "15-minute rule" that suggested no entries shorter than 15 minutes. They felt that a 15-minute rule is misleading for certain types of repetitive matters, and was inconvenient as they filled out the form. We suggest that each judge develop a rule of reason from experience, omitting very short matters that seem unlikely to have an effect on the ultimate result.

The form provides little information about a case. How will the weights be calculated?

The docket number and other information about the case will be used at the Judicial Center to capture information about the case from Administrative Office data tapes. Most important will be the code on nature of suit. Other information will also be used, such as the presence of a class action allegation. These codes are what the case weights are applied to, so they must be the basis for determining case type for the survey. Obviously it is essential that the docket number recorded be accurate, or the time will be recorded against the wrong type of case.

After the information from this form is matched against the case types, the Center's computer program will develop a total number of hours expended during the survey by all judges for each type of case. This figure, the sole output of the survey, will be the basis for calculating case weights. If the average number of hours per case handled in the year is twice that of the typical case, then its weight would be 2.0. If a case type had one half the typical number of hours, its weight would be 0.5, and so on. (Further technical information on the approach used and the alternatives to it are available from the Federal Judicial Center.)

Can't the figures be distorted?

A criterion for any survey is that it should be free of temptations for manipulation. This survey provides almost none: there is no likely profile for the data from any particular judge or court that would especially help or hurt that particular court. Since the impact of any distortion would only be on the national weights, and its effect there must be small, its effect on the final weighted case load calculated for a particular court would be miniscule.

Who is conducting the survey?

The survey is being conducted for the Judicial Conference Subcommittee on Judicial Statistics by the Research Division of the Federal Judicial Center, under the immediate direction of Steven Flanders as Project Director. Any questions should go to Mr. Flanders at FTS 633-6326 or 202-633-6326, or to his superior, William B. Eldridge, Research Director, who has worked closely with the Subcommittee on Judicial Statistics for nearly ten years. The Center's research into alternative approaches to the case weighting problem is supported by contract research conducted by the Institute for Law and Social Research of Washington, D. C.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

December 26, 1978

Dear Judge Lucas:

We are planning for needs of the district courts and this requires knowledge of the relative demands on judge time of various kinds of cases. This information is especially useful in keeping Congress informed on the need for additional judgeships. The biennial survey is due again in 1980. Because the "case weights" currently in use are in need of re-examination, the Judicial Conference has directed the Subcommittee on Judicial Statistics to review these standards. The Federal Judicial Center is asking you as one of a random "sample" of trial judges to record, over a twelve week period, the time devoted to each case.

The Director of the Center, Professor Levin, will shortly write you to find if you will participate and he will provide more details concerning the project. In spite of all your other burdens, I hope you will be able to assist in this important matter.

The case weight survey has been designed to be as little extra work as possible to the participants. The subcommittee is foregoing certain information it would prefer to have in order to make it easy for the participating judges to provide it essential information. The responses will be used only for aggregate purposes; there will be no individual tabulations. Less than one-fourth of

- 2 -

the District Judges are being asked to participate. This means that the information gathered will be reliable only if virtually all of the judges who are asked supply accurate data.

I hope you will make this important contribution. Meanwhile, all the best for 1979.

Cordially,

Honorable Malcolm M. Lucas
Judge, U.S. District Court
312 N. Spring Street
Los Angeles, California 90012

THE FEDERAL JUDICIAL CENTER

**DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005**

**A. LEO LEVIN
DIRECTOR**

December 28, 1978

**TELEPHONE
202/633-6311**

Honorable Malcolm M. Lucas
United States District Judge
312 North Spring Street
Los Angeles, California 90012

Dear Judge Lucas:

The Chief Justice recently wrote you encouraging you to participate with about 100 of your colleagues in a time study that is necessary for the revision of the case weighting system. I am writing to provide you with further information concerning the project and to seek your help in its implementation.

The enclosed "fact sheet" explains why the Judicial Conference requested that this survey be undertaken and spells out in greater detail what each participating judge is asked to do. Basically, what is involved is filling out a very simple form, a sample of which is enclosed, on a daily basis for twelve weeks. I stress, as does the Chief Justice, that the data gathered will be used only for nationwide case weights; there will be no individual tabulations.

I have enclosed a form and return envelope that you may use to indicate whether or not you will be participating. In the hope that you will be willing to help us, and to accommodate a fairly tight schedule, we shall shortly be sending you the actual materials to be used in the time study.

I should note that we are using a reduced random sample of participants so as to minimize the possibility that any judge will be asked to share this extra burden more than once during his tenure on the bench. This means, however, that the fullest possible participation of the sample judges is crucial, both to the validity of the study and to our efforts to avoid overburdening any individual judge.

We at the Federal Judicial Center are deeply appreciative of the consistently high level of cooperation accorded each of the research

projects we have been asked to undertake. We are in your debt. Without minimizing the burdens imposed by the present survey, we would like to hope that the benefit to the entire federal judiciary will provide a manifold return.

Sincerely,

A. Leo Levin

ALL:chm

Enclosures

JOHN D. BUTZNER, JR.
UNITED STATES CIRCUIT JUDGE
FOURTH CIRCUIT

P. O. BOX 2188
RICHMOND, VIRGINIA 23217

January 22, 1979

Dear Judge :

On behalf of the Subcommittee on Judicial Statistics, I wish to thank you for participating in the time study for revision of the case weight index. The Federal Judicial Center is revising the index at the direction of the Judicial Conference of the United States. This new index is designed to assess current litigation in the district courts and to reflect changes in the type and frequency of cases that have occurred since the last time study ten years ago.

The Subcommittee on Judicial Statistics has been authorized by the Judicial Conference to conduct omnibus judgeship surveys every two years instead of every four. The next survey is scheduled for 1980. The new case weight index will provide the subcommittee with data that should enhance the accuracy of the next four or five biennial surveys.

We have found no feasible method of constructing an adequate index without a time study. Your contribution is therefore indispensable, and we very much appreciate your generous acceptance of this burden.

Sincerely yours,

John D. Butzner, Jr.
Chairman, Subcommittee on
Judicial Statistics

THE FEDERAL JUDICIAL CENTER

DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005

TELEPHONE
202/ 633-6327

January 26, 1979

To: Judges in the Case Weights Survey
From: Steven Flanders, Project Director *SF*
Subject: Case Weights Survey Status

You will find enclosed what I calculate to be a sufficient supply of forms for the balance of the survey. Please let me know if I am wrong, and more will be needed.

Your response to this added burden has been superb, and will greatly aid us in producing the most accurate results possible. We appear to have 104 participants in the survey at this point (four have not responded definitively, so I am uncertain of the exact number). We did have to contact a small number of additional judges to replace a few who could not participate. The non-participants include:

one judge who had died since the initial mailing.

one who had resigned.

five who excused themselves for health reasons.

four who declined to participate because their workload for the survey period was exceptional or unrepresentative. As several of you know, I would most likely have requested these judges to participate anyway, but three of them did not ask.

Thus we have essentially one hundred percent participation. The forms that have arrived to date have been extremely readable and precise, and we anticipate minimal problems in coding and using the information you are supplying. The following are a few responses to questions that have reached me.

Docket Numbers: Please list the year first, followed by the case number, since A.O. files are maintained in that fashion, following the practice in most courts. Please do not use MDL numbers, but select a case number from your own district (see instruction number five on the blue folder). Of course we can make the necessary transformations of the numbers here, but anything of the sort introduces a possibility of error.

Mailing Date: Though we prefer that you mail each week's accumulation of forms on Friday, so we can begin processing early the next week, there is no magic in the date. I request only that you please mail something each week, unless you have notified us that you will not be working on cases for the week in question.

Identification of City: A few judges in multiple-division districts have been meticulous beyond what the instructions require, showing for each case the city where it was filed. This information is very helpful, and will minimize error on our part. As the instructions suggest, I did not require city or division because it seemed an unreasonable burden to insist on. Several judges have asked why we need this information. The reason is simply this: in several districts the docket number is not enough to identify a case; there will be cases with the same number filed in two or more divisions.

Thank you again for your help. Please do not hesitate to call or write if I or any of us can assist in any way.

Enclosures

THE FEDERAL JUDICIAL CENTER
DOLLEY MADISON HOUSE
1520 H STREET, N.W.
WASHINGTON, D. C. 20005

TELEPHONE
202/ 633-6327

March 2, 1979

Memorandum

TO: Judges in the Case Weights Survey
FROM: Steven Flanders, Project Director
SUBJECT: Completion of the Case Weights Survey

As you probably are all too aware, you are now in the eighth of twelve weeks of the case weights survey. Allow me to congratulate you for your fortitude in sustaining so well what is undoubtedly an irritating task. We continue to receive regular reports from all of you, and the reports continue to be in extraordinarily good order. It was my assumption that I would have to make a significant number of telephone calls each week to clarify entries that we were not sure how to code. As it has turned out, very few calls have been necessary.

When the survey ends on April 6, and in the succeeding months as we put the results together, I will keep you informed of the survey results as they are available. For some of you I am sure I will provide more information than you have any interest in; obviously you are free to throw the materials away. However, Judge Butzner and Professor Levin feel, as I do, that it is the least we can do to attempt to keep you particularly informed about the results of a project to which you have contributed so much. Perhaps a benefit of your participation will be that you will be especially well informed on the case weights system, and in a position to use it to the best possible advantage in obtaining needed judgeships and other resources for your courts. Obviously this is likely to be of particular interest to the many chief judges among your number; as a result of chance rather than design, the chief judges of as many as 34 of the districts are represented in this group.

Allow me to make a couple of final observations with respect to filling out the forms themselves. As most of you know, we can only use entries that identify a specific amount of time with a specific civil or criminal docket number of a district court. We have received a few forms in which a number of cases are bracketed, showing one period of time for the batch. In most of these instances I have spoken

with a member of the judge's staff, and obtained a rough estimate of the time devoted to each case. Obviously it is preferable if you make that estimate at the time, rather than requiring a later reconstruction. On a related matter, we normally cannot use cases that do not have a number on the regular civil or criminal docket. However, if you are dealing with a case on a miscellaneous docket that you think is likely to be a docketed case in the future, please include it; we will contact the clerk's office at the end of the survey period to obtain the docket number, if there is one by then.

Many thanks again for your truly exceptional labors. Please contact me or any of us if there is anything we can do to help, or any information you would like. Also, of course, please get in touch if you need more forms. I have tried to send an adequate supply, but I imagine there may have been some slips.

cc: Honorable John D. Butzner
Professor A. Leo Levin

SF:gc

APPENDIX D:
LIST OF SURVEY JUDGES

Pilot Survey, Summer 1978

Honorable Malcolm M. Lucas, Central District of California
Honorable Charles A. Moye, Jr., Northern District of Georgia
Honorable Joseph H. Young, District of Maryland
Honorable Charles W. Joiner, Eastern District of Michigan
Honorable Daniel H. Huyett, III, Eastern District
of Pennsylvania

Full Survey, Winter/Spring 1979

Honorable Frank H. McFadden, Northern District of Alabama
Honorable J. Foy Guin, Jr., Northern District of Alabama
Honorable Virgil Pittman, Southern District of Alabama
Honorable James A. von der Heydt, District of Alaska
Honorable Garnett Thomas Eisele, Eastern District
of Arkansas
Honorable William H. Orrick, Jr., Northern District
of California
Honorable Philip C. Wilkins, Eastern District of California
Honorable A. Andrew Hauk, Central District of California
Honorable Manuel L. Real, Central District of California
Honorable Malcolm M. Lucas, Central District of California
Honorable Laughlin E. Waters, Central District of California
Honorable Gordon Thompson, Jr., Southern District
of California
Honorable T. Emmet Clarie, District of Connecticut
Honorable Walter K. Stapleton, District of Delaware
Honorable Oliver Gasch, District of District of Columbia
Honorable June L. Green, District of District of Columbia
Honorable Thomas A. Flannery, District of
District of Columbia
Honorable George C. Young, Middle District of Florida
Honorable John A. Reed, Jr., Middle District of Florida
Honorable C. Clyde Atkins, Southern District of Florida
Honorable Norman C. Roettger, Jr., Southern District
of Florida
Honorable Newell Edenfield, Northern District of Georgia
Honorable Richard C. Freeman, Northern District of Georgia

Honorable Anthony A. Alaimo, Southern District of Georgia
 Honorable James B. Parsons, Northern District of Illinois
 Honorable Frank J. McGarr, Northern District of Illinois
 Honorable George N. Leighton, Northern District of Illinois
 Honorable Robert D. Morgan, Central District of Illinois
 Honorable Allen Sharp, Northern District of Indiana
 Honorable Cale J. Holder, Southern District of Indiana
 Honorable Edward J. McManus, Northern District of Iowa
 Honorable Frank G. Theis, District of Kansas
 Honorable Bernard T. Moynahan, Jr., Eastern District
 of Kentucky
 Honorable Charles M. Allen, Western District of Kentucky
 Honorable Lansing L. Mitchell, Eastern District of Louisiana
 Honorable Morey L. Sear, Eastern District of Louisiana
 Honorable Nauman S. Scott, Western District of Louisiana
 Honorable Edward Thaxter Gignoux, District of Maine
 Honorable Alexander Harvey, II, District of Maryland
 Honorable Herbert F. Murray, District of Maryland
 Honorable Walter J. Skinner, District of Massachusetts
 Honorable Philip Pratt, Eastern District of Michigan
 Honorable James Harvey, Eastern District of Michigan
 Honorable Noel P. Fox, Western District of Michigan
 Honorable Miles W. Lord, District of Minnesota
 Honorable H. Kenneth Wangelin, Eastern District of Missouri
 Honorable Warren K. Urbom, District of Nebraska
 Honorable Roger D. Foley, District of Nevada
 Honorable Vincent P. Biunno, District of New Jersey
 Honorable John F. Gerry, District of New Jersey
 Honorable Edwin L. Mechem, District of New Mexico
 Honorable David N. Edelstein, Southern District of New York
 Honorable Charles H. Tenney, Southern District of New York
 Honorable Milton Pollack, Southern District of New York
 Honorable Charles L. Brieant, Southern District of New York
 Honorable Charles E. Stewart, Jr., Southern District
 of New York
 Honorable Robert J. Ward, Southern District of New York
 Honorable Richard Owen, Southern District of New York
 Honorable Charles S. Haight, Jr., Southern District
 of New York
 Honorable Jack B. Weinstein, Eastern District of New York
 Honorable Thomas C. Platt, Jr., Eastern District of New York
 Honorable John T. Curtin, Western District of New York
 Honorable Hiram H. Ward, Middle District of North Carolina
 Honorable Paul Benson, District of North Dakota
 Honorable Don J. Young, Northern District of Ohio
 Honorable Robert B. Krupansky, Northern District of Ohio
 Honorable John M. Manos, Northern District of Ohio
 Honorable David S. Porter, Southern District of Ohio

Honorable Otto R. Skopil, Jr., District of Oregon
Honorable Joseph S. Lord, III, Eastern District
of Pennsylvania
Honorable Charles R. Weiner, Eastern District
of Pennsylvania
Honorable Edward R. Becker, Eastern District of Pennsylvania
Honorable J. William Ditter, Jr., Eastern District
of Pennsylvania
Honorable Clifford Scott Green, Eastern District
of Pennsylvania
Honorable Edward N. Cahn, Eastern District of Pennsylvania
Honorable Malcolm Muir, Middle District of Pennsylvania
Honorable Hubert I. Teitelbaum, Western District
of Pennsylvania
Honorable Maurice B. Cohill, Jr., Western District
of Pennsylvania
Honorable Robert W. Hemphill, District of South Carolina
Honorable Solomon Blatt, Jr., District of South Carolina
Honorable Frank W. Wilson, Eastern District of Tennessee
Honorable L. Clure Morton, Middle District of Tennessee
Honorable Harry W. Wellford, Western District of Tennessee
Honorable Robert M. Hill, Northern District of Texas
Honorable Patrick E. Higginbotham, Northern District
of Texas
Honorable Woodrow B. Seals, Southern District of Texas
Honorable William Wayne Justice, Eastern District of Texas
Honorable Dorwin W. Suttle, Western District of Texas
Honorable William S. Sessions, Western District of Texas
Honorable Albert W. Coffrin, District of Vermont
Honorable Robert R. Merhige, Jr., Eastern District
of Virginia
Honorable J. Calvitt Clarke, Jr., Eastern District
of Virginia
Honorable Marshall A. Neill, Eastern District of Washington
Honorable Donald S. Voorhees, Western District of Washington
Honorable Dennis Raymond Knapp, Southern District
of West Virginia
Honorable Myron L. Gordon, Eastern District of Wisconsin
Honorable Clarence A. Brimmer, District of Wyoming

"This publication printed by Federal Prison Industries, Inc., Printing Plant, Federal Correctional Institution, Lompoc, California."

"Training in the Printing Plant at Lompoc includes an apprenticeship program in composition, camera, plate making and offset printing. This program is approved by the United States Department of Labor, Bureau of Apprenticeship and Training and the Los Angeles, California Area Multi-Trades Joint Apprenticeship Standards."

THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620-629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States is chairman of the Center's Board, which also includes the Director of the Administrative Office of the United States Courts and six judges elected by the Judicial Conference.

The Center's **Continuing Education and Training Division** conducts seminars, workshops, and short courses for all third-branch personnel. These programs range from orientation seminars for judges to on-site management training for supporting personnel.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The **Innovations and Systems Development Division** designs and helps the courts implement new technologies, generally under the mantle of Courtran II—a multipurpose, computerized court and case management system developed by the division.

The **Inter-Judicial Affairs and Information Services Division** maintains liaison with state and foreign judges and judicial organizations. The Center's library, which specializes in judicial administration, is located within this division.

The Center's main facility is the historic Dolley Madison House, located on Lafayette Square in Washington, D.C.

Copies of Center publications can be obtained from the Center's Information Services office, 1520 H Street, N.W., Washington, D.C. 20005; the telephone number is 202/633-6365.

