

FJC Staff Paper

**The Caseload Experiences of the District Courts
from 1972 to 1983: A Preliminary Analysis**

Federal Judicial Center



THE CASELOAD EXPERIENCES OF THE DISTRICT COURTS
FROM 1972 TO 1983:
A PRELIMINARY ANALYSIS

By Barbara Stone Meierhoefer
and Eric V. Armen

Federal Judicial Center
1985

This paper 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 authors. This work has been reviewed by Center staff, 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 B. S. Meierhoefer & E. V. Armen, The Caseload Experiences
of the District Courts from 1972 to 1983: A Preliminary Analysis
(Federal Judicial Center 1985).

TABLE OF CONTENTS

Introduction 1
The Judgeship Allocation Process 1
The Data 3
Measure of Court Burden 3
Testing the Criterion of 400 Weighted Filings 6
Comparing Raw and Weighted Filings 10
Year-to-Year Variability and Other Levels of Filings 11
District-to-District Variability 13
Conclusion 15

LIST OF TABLES

1. Same-Year Filing Level by Caseload Behavior Category
for 400 Weighted Filings 7
2. Previous-Year Filing Level by Caseload Behavior Category
for 400 Weighted Filings 8
3. Percentage and Number of Cases for Different Cutoff
Points to Determine Level of Filings 9
4. Percentage and Number of Cases for Different Types of
Filings Using 400 Filing Level Cutoff 11
5. Percentage of Correct Classifications for 400 Filings . . . 12
6. Percentage of Correct Classifications:
Weighted Filings 13
7. Percentage of Correct Classifications: Raw Filings . . . 14

LIST OF FIGURES

1. - 7. Per-Sitting-Judge Caseload Experiences of Selected
District Courts over a Twelve-Year Period 16

Introduction

This paper, based on published court statistics, presents an overview of the caseload experiences of the federal district courts from 1972 to 1983. It is intended as a first step in determining whether the current touchstone used by the Judicial Conference of the United States to recommend the creation of new district judgeships to Congress--400 weighted filings per judge--is a reasonable one.¹ The question is addressed by examining the behavior of pending caseloads in relation to per-judge filing levels that fall above or below particular cutoff points.

Seven of these cutoff points, including 400 and ranging from 350 to 500 cases per judge, were tested to see how well the resulting classification of filings into "High" and "Low" categories predicted whether problems with the pending caseload would arise. None was better than 400, a finding that lends empirical support to the current policy for determining when a court's capacity has been reached and more judges are needed.

The results also indicate, however, that a single-year level of per-judge filings, though obviously important, is an imperfect predictor of the behavior of pending caseloads and that other factors need to be examined in more detail. Secondary questions concerning the adequacy of the statistical model currently used to recommend new judgeships are raised in terms of suggestions for further research.

The Judgeship Allocation Process

The number of federal judgeships is set by statute and may be changed only by congressional action. The Judicial Conference of the United States participates in this process by recommending the creation of new judgeships to the House and Senate judiciary committees.

Judicial Conference recommendations are based on biennial surveys of the

1. The weighted caseload is determined by multiplying the number of cases of a certain type by the weight assigned to that type (based on its consumption of judicial time) by the 1979 case-weight study (see S. Flanders, *The 1979 Federal District Court Time Study* (Federal Judicial Center 1980)).

courts to assess the need for more judges.² The process begins when the Committee on Court Administration's Subcommittee on Judicial Statistics asks each court to submit a request for additional judges, along with supporting data and a written rationale. These requests, supplemented by statistical profiles of each district, are reviewed in detail by the subcommittee, which compiles preliminary recommendations and sends them to the judicial councils for further comment and review. After receiving the councils' comments, the subcommittee makes its final recommendations to the Committee on Court Administration, which, after review and revision, submits the package for Judicial Conference approval. Once approved, the recommendations are presented to Congress. Although it is rare that these recommendations are acted on immediately or without modification, they do serve as the primary basis for the number and allocation of new judgeships when omnibus bills are eventually enacted.³

In making its recommendations for the creation of new judgeships, the statistics subcommittee uses both statistical and subjective criteria. The statistical analysis is the starting point for the evaluation, essentially setting a rebuttable presumption for new judgeship requests. The current statistical threshold for the district courts is 400 weighted filings per judge. Districts that do not meet this threshold, but feel they are in need of a new judge position, must substantiate their requests on the basis of unique characteristics not reflected in the weighted caseload measure. Examples of such characteristics are that particular types of cases take longer in the district or that the district is faced with unusual logistical problems, such as a wide geographical expanse that results in comparatively more judge travel time than is found in other locations.

2. In 1964 the Conference decided to survey judicial needs at four-year intervals in an effort to facilitate congressional review by packaging its recommendations. This procedure, however, did not avoid the long interval between Conference recommendation and creation of needed judgeships. Beginning in 1979, the Conference returned to routine evaluation of the need for judicial positions at two-year intervals.

3. For example, between 1970 and 1978, the Judicial Conference recommended the creation of 107 new judgeships. The Omnibus Judgeship Act of 1978 created all but one of these recommended positions, along with an additional 7 permanent and 4 temporary judgeships.

The Data

The data used to address these topics consist of caseload information from 1972 to 1983⁴ taken from the Administrative Office's Federal Court Management Statistics reports.⁵ The analyses are based on a total of 1,080 court-year observations: the experiences of ninety districts in each of twelve years. Excluded from the analyses are those districts that did not exist for the full twelve-year period under study (the Northern Mariana Islands and the Canal Zone) and the smaller of those districts that were affected by boundary reorganizations during this time period (the Middle District of Louisiana and the Central and Southern Districts of Illinois).⁶

All caseload measures are presented per active sitting judge: the number of active judges available to the court for the year, after adjusting for the number of vacant judgeship months, but not taking into account judge time lost because of illness or vacation, or judge time added by senior or visiting judges.

Measure of Court Burden

In order to determine when new judgeships should be recommended, an appropriate definition and measure of court burden must be devised. We are

4. Although the time period covered by this paper begins in 1972, statistics from 1971 were also required because the construction of the dependent variable relied on both the current and the previous year's caseload figures.

5. Each Federal Court Management Statistics report covers a six-year period; all numbers in this paper come from the reports dated 1976, 1982, and 1983. The reports present a number of changes in the methods used to count cases, two of which bear on the statistics presented in this paper. Concerning the criminal workload statistics, prior to 1980 misdemeanors other than petty and minor cases were included in the case count. Beginning in 1980, only felony cases are included. As to the weighted filings used for this paper, the figures prior to 1979 are based on the 1969 case weights (see Statistical Reporting Service of the U.S. Department of Agriculture and the Department of Agriculture Graduate School; The 1969-1970 Federal District Court Time Study (Federal Judicial Center 1971)); those from 1979 to 1983 are based on the 1979 case weights (see Flanders, supra note 1, at 1).

6. Although the Eastern District of Louisiana and the Northern District of Illinois also were affected by reorganization (in 1971 and 1979, respectively), we decided to include them in these analyses because each handled a large portion of its state's caseload both before and after the reorganization. Their workload figures are taken from the Federal Court Management Statistics reports as though no boundary changes had occurred.

defining overburden as the inability of the court to keep up with its workload in a timely manner. For this paper, we measure overburden by looking at what happens to the pending caseload in relation to concurrent changes in the number of raw filings.

When filings rise during a particular year, we expect the number of pending cases to increase by approximately the same number as a normal consequence of having more recent cases that are not yet ready for termination given their expected litigation life span. A rise in the number of pending cases alone is not evidence that a court is overburdened. The primary factor is how the number of pending cases changes in relation to filings. Assuming that (1) the expected life span of filed cases has remained fairly constant over the years, and (2) the median time from filing to disposition is approximately one year or less, a rise in the number of pending cases--more than can be accounted for by that year's increase in filings--indicates that the court is having difficulty reaching some cases that should be ready for termination.⁷

To translate this concept into a measure of court burden, we first calculated the change in the number of pending cases and the change in the number of raw filings per sitting judge from the previous year for each court from 1972 to 1983. We then subtracted the change in the number of filings from the change in the number of pending cases to arrive at the difference

7. This measure is a substitute for examining whether a pending caseload is aging more or less than would be expected given its proportion of recently filed cases. To be more precise, we should be using a time period during which difference scores are calculated that is equal to the median time to disposition of cases in a particular district in a particular year. This, however, is not possible with the data at hand. Therefore, inferences of troubled years will be somewhat overestimated for court years with median disposition times significantly in excess of one year. For example, courts with a median disposition time of twenty-four months that did not keep up with the previous year's filings would be considered to have had a bad year. They may, however, be keeping pace with filings of two years ago (consistent with their normal disposition time) and therefore not be experiencing an aging pending caseload. This problem is not considered to seriously confound the analyses, however, as there is a good deal of leeway in the year-to-year periods being considered: A year's filings are the cumulative total from July through June while the pending caseload is the number as of June 30. Therefore, a median disposition time anywhere up to eighteen months is probably adequately accommodated by the year-to-year comparison. For the 1,080 court years used for the analyses, only 3 percent had median disposition times in excess of eighteen months.

score. Raw, rather than weighted, caseloads were used to construct the difference scores because they involve a direct comparison between filings and pending cases and therefore require that the two caseloads be counted in the same way. As Federal Court Management Statistics does not report weighted pending caseloads, the raw figures were the only appropriate basis for direct comparison.

The difference score for each court year was then placed into one of two categories, based on whether the change in the pending caseload could be accounted for by the change in filings for that year or the court showed some signs of overburden as demonstrated by a growing pending caseload beyond what could normally be expected. A difference score noticeably greater than zero, indicating that the number of pending cases was rising faster than filings, was taken as a sign of trouble. A negative difference score was considered a good sign, indicating that, relative to filings, the pending caseload was decreasing, or increasing at a slower rate. A score of zero was also a good sign, indicating that the court was in a state of exact equilibrium for that year (i.e., any change in the number of pending cases could be accounted for exactly by the change in filings). For purposes of our classification, however, we considered any score between plus and minus five cases to represent a small enough difference to be grouped in the equilibrium category.

The 1,080 year-to-year experiences of district courts fall into the following caseload behavior categories:

- A. Satisfactory Year (587 instances; 54.4 percent of the court years examined): No indication of overburden. Difference score negative or less than 5, representing the following circumstances:
 1. Filings increased or remained stable and the number of pending cases changed at approximately the same rate or decreased.
 2. Filings increased, but the number of pending cases increased at a slower rate or remained stable.
 3. Filings decreased and pending cases changed at approximately the same rate or decreased even faster.
- B. Bad Year (493 instances; 45.6 percent of the court years examined): Indications of overburden. Difference score greater than 5, representing the following circumstances:
 1. Cases pending increased more than increasing or stable filings.

2. Cases pending decreased less than filings.
3. Cases pending increased while filings decreased.

Testing the Criterion of 400 Weighted Filings

The theory to be examined is whether a figure of 400 weighted case filings is a good indicator of when a court has reached its capacity to handle cases in a timely fashion. If this figure were a perfect measure, we would expect that whenever weighted filings reach 400 or more, indications of over-capacity (a Bad year) would arise and, conversely, that filings under 400 would always accompany Satisfactory years.

Weighted (rather than raw) filings were used for this test because they form the basis for judgeship allocation decisions. Since they are used simply to determine the number of cases filed in a particular year, which does not involve a direct comparison with an unweighted caseload measure, the use of the weighted figures for this purpose is appropriate.

Same Year's Filings

To see how well the 400 figure predicts caseload behavior, we divided the courts' annual filing experiences into those that equaled or exceeded 400 weighted filings per sitting judge (High) and those that did not (Low). Correct classifications are defined as those that place High filings into the Bad-year category and Low filings into the Satisfactory-year category.

As can be seen in table 1, of the 589 instances where courts had years in which the number of weighted filings was high, almost exactly half showed signs of overburden. That is, if a court experienced weighted filings of 400 or more, the probability that it also had a Bad year was 49.1 percent. For those instances of filings less than 400, the probability of having a Bad year was slightly lower at 41.5 percent. The overall percentage of correct classifications was 53.3 percent.⁸

Although the relationship between caseload behavior and filing categories

8. The percentage of correct classifications was calculated by dividing the number of court experiences that were correctly classified by the total number of experiences surveyed. In this instance, the number of Satisfactory years with Low filings (287) was added to the number of Bad years with High filings (289) and divided by 1,080.

TABLE 1

SAME-YEAR FILING LEVEL BY CASELOAD BEHAVIOR
CATEGORY FOR 400 WEIGHTED FILINGS

Same-Year Filing Level	Caseload Behavior Classification		
	Satisfactory Year	Bad Year	Total
High ^a	50.9% (300)	49.1% (289)*	589
Low	58.5% (287)*	41.5% (204)	491
Total	587	493	1,080

NOTE: Chi-square (1) = 6.103, $p < .02$. Total correct classification is 53.3 percent.

^aHigh = Same-year filings equal to or more than 400 weighted filings.

*Correct classifications.

was statistically significant, the misclassification of slightly more than half of the court years with high filings obviously is not desirable.

Previous Year's Filings

It seemed reasonable to suppose that the full impact of 400 filings is not felt until the next year, so the analyses were repeated using the previous year's filings to establish the filing categories. Here we tested to see if a level of 400 or more weighted filings in one year is likely to result in indications of overburden the following year as the cases reach a point at which they require more time from the court.

This approach led to better differentiation. As can be seen in table 2, slightly less than 55 percent of the court years with High filings (541) resulted in a Bad next year as compared with 36.5 percent of those with Low filings (539). The overall percentage of correct classifications was 59.1 percent and the relationship between caseload behavior and filing categories was

TABLE 2

PREVIOUS-YEAR FILING LEVEL BY CASELOAD BEHAVIOR
CATEGORY FOR 400 WEIGHTED FILINGS

Previous-Year Filing Level	Caseload Behavior Classification		
	Satisfactory Year	Bad Year	Total
High ^a	45.3% (245)	54.7% (296)*	541
Low	63.5% (342)*	36.5% (197)	539
Total	587	493	1,080

NOTE: Chi-square (1) = 35.84, $p < .01$. Total correct classification is 59.1 percent.

^aHigh = Previous-year filings equal to or more than 400 weighted filings.

*Correct classifications.

statistically significant.⁹ All further analyses used the previous year's filings as the basis for determining the filing level.

Comparing the 400 Level with Other Levels of Filings

Although 400 appears to be a reasonable figure, we next checked whether a number other than 400 would yield a higher percentage of correct classifications. The caseload behavior analyses were repeated using High/Low filing cutoff points of 350, 375, 425, 450, 475, and 500 weighted cases. None was better over this twelve-year period than 400, though the 425 level was virtually identical to it in terms of percentage of correct classifications (see table 3).¹⁰ In general, the higher cutoff points tended to improve the clas-

9. The analysis was also done using the average of the previous and current years' filings. Because the results fell between those already shown, however, they are not presented.

10. The expected value of correct classifications will vary according to the number of cases classified as having High/Low filings and Satisfactory/

TABLE 3

PERCENTAGE AND NUMBER OF CASES FOR DIFFERENT CUTOFF
POINTS TO DETERMINE LEVEL OF FILINGS

Filing Cutoff Point	Filing Level	Caseload Behavior Category	
		Satisfactory Year	Bad Year
350	High	49.3% (365)	50.7% (376)*
	Low	65.5 (222)*	34.5 (117)
375	High	47.4 (305)	52.6 (339)*
	Low	64.7 (282)*	35.3 (154)
400	High	45.3 (245)	54.7 (296)*
	Low	63.5 (342)*	36.5 (197)
425	High	44.4 (199)	55.6 (249)*
	Low	61.4 (388)*	38.6 (244)
450	High	43.3 (153)	56.7 (200)*
	Low	59.7 (434)*	40.3 (293)
475	High	42.8 (122)	57.2 (163)*
	Low	58.5 (465)*	41.5 (330)
500	High	44.4 (103)	55.6 (129)*
	Low	57.1% (484)*	42.9% (364)

*Correct classification.

Correct Classifications

350	55.4%
375	57.5%
400	59.1%
425	59.0%
450	58.7%
475	58.1%
500	56.8%

sification of court years with High filings, but this was offset by a greater misclassification of those with Low filings. The reverse was true for cutoff points lower than 400.

It therefore appears that in making the decision regarding what single number of weighted filings should be used to signal overburden and trigger the allocation of new district judgeships, 400 was a good choice. It is also apparent, however, that many other variables affect the caseload behavior classifications. A substantial minority (45.3 percent) of the court years with High filings produced no evidence of overburden. Similarly, for 36.5 percent of the court years with Low filings, problems appear to have arisen.

Comparing Raw and Weighted Filings

To see if we could improve our classifications by changing the type of filings used to set the filing categories, we repeated the analyses using raw filings alone and a combination of raw or weighted filings.¹¹ As can be seen in table 4, it appears that using weighted filings results in fewer misclassifications than using either the combination method or raw filings alone.

It is important to recognize, as mentioned previously, that the weighting system used to calculate weighted filings changed during the twelve-year period under study. The weighted filing caseloads reported in Federal Court Management Statistics for 1979 through 1983 are based on the revised 1979 case weights.¹² Because the previous year's weighted filings were used in

Bad years in the population. In the court years studied, the overall probability of having a Satisfactory year was .54 as compared to .46 for a Bad year. Therefore, higher cutoff points, which by definition classify more cases as Low, will have a slightly better chance of classifying more cases correctly than lower cutoff points. Given, however, the small departure from a 50-50 chance expectancy and the baseline that all of the cutoff points presented for consideration do better than chance (i.e., all result in significant chi-squares), the straightforward percentage of correct classifications is a reliable basis for comparison.

11. The "either 400 raw or 400 weighted" filings measure comes from a judgeship allocation formula suggested by the Senate Judiciary Committee in 1975. The rest of the formula included (1) terminations exceeding the national average (then 358 per judge), except for large metropolitan courts, (2) bench time exceeding 110 days per judge, and (3) evidence of effective utilization of resources.

12. Although the Federal Court Management Statistics report for 1979 showed weighted filings based on the 1969 weights, all subsequent years (in-

TABLE 4

PERCENTAGE AND NUMBER OF CASES FOR DIFFERENT TYPES
OF FILINGS USING 400 FILING LEVEL CUTOFF

Type of Filing	Filing Level	Caseload Behavior Category	
		Satisfactory Year	Bad Year
Weighted only	High	45.3% (245)	54.7% (296)*
	Low	63.5 (342)*	36.5 (197)
Raw or weighted	High	49.6 (291)	53.4 (333)*
	Low	64.9 (296)*	35.1 (160)
Raw only	High	46.2 (265)	53.8 (309)*
	Low	63.6% (322)*	36.4% (184)

*Correct classification.

Correct Classifications	
Weighted only	59.1%
Raw or weighted	58.2%
Raw only	58.4%

our analyses, the impact of the new weighting system would be reflected in our classifications beginning in 1980. To ascertain the possible effects of this change, we looked at the percentage of correct classifications by year for each of the three methods of counting filings (see table 5). It is readily apparent that there are differences among the years regardless of method.

Year-to-Year Variability and Other Levels of Filings

The information presented in tables 6 and 7, which show the year-to-year breakdown by different filing levels for weighted and raw filings, indicates a particularly interesting pattern. Beginning in 1979, there is a marked tendency for higher cutoff points (between 450 and 500 cases per sitting judge) to result in more correct classifications than the 400 level. In fact, the total percentage of correct classifications for the twelve-year period can be improved from 59.1 percent to 62.1 percent using a cutoff point of 400

cluding those from which the statistics for this paper were drawn) present recalculated weighted caseloads using the 1979 revised weights.

TABLE 5

PERCENTAGE OF CORRECT CLASSIFICATIONS
FOR 400 FILINGS

Year	Type of Filings		
	Raw or Weighted	Raw Alone	Weighted Alone
1983	43.3%	44.4%	45.6%
1982	52.2	53.3	52.2
1981	45.6	43.3	47.8
1980	61.1	63.3	60.0
1979	51.1	56.7	51.1
1978	62.2	62.2	62.2
1977	71.1	71.1	70.0
1976	65.6	65.6	67.8
1975	58.9	57.8	57.8
1974	55.6	54.4	58.9
1973	67.8	66.7	71.1
1972	64.4%	62.2%	64.4%

weighted filings prior to 1979, and 475 weighted filings from 1979 to 1983.

An explanation for this pattern can be found by comparing the results obtained using weighted filings with those found using raw filings. The improvement in classification at higher levels of weighted filings (table 6) is a consistent finding for each year after 1978 and is particularly pronounced after 1980. The trend, though less marked and not as consistent, is also apparent for raw filings (table 7). This indicates that, although the increasing optimal cutoff point in recent years appears to be due in part to a change in the types of cases that have been filed coupled with the change in case-weighting procedures, there is evidence that courts may have actually increased their capacity and can now cope with greater caseloads than they could in the past.

TABLE 6

PERCENTAGE OF CORRECT CLASSIFICATIONS:
WEIGHTED FILINGS

Year	Filing Cutoff Points					
	375	400	425	450	475	500
1983	42.2%	45.6%	51.1%	61.1%	62.2%	58.9%
1982	51.1	52.2	56.7	57.8	57.8	56.7
1981	43.3	47.8	45.6	52.2	54.4	55.6
1980	57.8	60.0	54.4	62.2	64.4	64.4
1979	45.6	51.1	52.2	52.2	54.4	55.6
1978	63.3	62.2	62.2	55.6	53.3	51.1
1977	74.4	70.0	68.9	64.4	60.0	54.4
1976	65.6	67.8	65.6	65.6	57.8	52.2
1975	53.3	57.8	56.7	56.7	56.7	58.9
1974	62.2	58.9	57.8	51.1	50.0	53.3
1973	68.9	71.1	70.0	65.6	63.3	56.7
1972	62.2%	64.4%	66.7%	60.0%	63.3%	63.3%

District-to-District Variability

Although in-depth district-by-district analysis is beyond the scope of this paper, closer examination of the data indicates that many different patterns of caseload experiences have been obscured by our use of summary statistics.¹³ Graphic representations of the per-sitting-judge caseload experi-

13. During the course of this research, caseload graphs were prepared for all districts to provide us with a method of quickly checking the consistency of caseload behavior from one district to the next. The purpose of presenting a few of these graphs here is simply to point out that substantial variability exists. A complete graphics presentation supplemented by the information necessary to help explain the scope and reason of the variability is the subject of future research.

TABLE 7

PERCENTAGE OF CORRECT CLASSIFICATIONS:
RAW FILINGS

Year	Filing Cutoff Points					
	375	400	425	450	475	500
1983	42.2%	44.4%	45.6%	44.4%	47.8%	57.8%
1982	51.1	53.3	54.4	56.7	58.9	58.9
1981	38.9	43.3	44.4	48.9	53.3	55.6
1980	57.8	63.3	60.0	63.3	63.3	62.2
1979	48.9	56.7	54.4	55.6	56.7	58.9
1978	64.4	62.2	58.9	56.7	53.3	51.1
1977	77.8	71.1	70.0	66.7	62.2	51.1
1976	67.8	65.6	65.6	64.4	58.9	53.3
1975	53.3	57.8	61.1	61.1	60.0	58.9
1974	56.7	54.4	55.6	51.1	52.2	52.2
1973	65.6	66.7	72.2	71.1	65.6	60.0
1972	62.2%	62.2%	65.6%	63.3%	64.4%	64.4%

ences of a number of courts illustrate these patterns.¹⁴ Because of the previously noted inappropriateness of direct comparisons between weighted and unweighted caseload measures, these graphs display raw rather than weighted filings. They therefore reveal only an approximation of the precise question at issue, but they are informative nonetheless.

14. All of the graphs present caseloads per sitting judge. The fluctuations in the graphs, therefore, simultaneously represent changing caseloads and changing numbers of sitting judges. All data for the graphs come from Federal Court Management Statistics (Administrative Office of the United States Courts, 1976, 1981, and 1983). The horizontal line on each represents the 400 caseload mark. Note that some are on a scale from 0 to 800, while others are on a scale accommodating caseloads up to 1,600. The years are statistical years running from July 1 through June 30.

The Eastern District of Texas (figure 1), for example, illustrates what would be expected if a level of 400 filings were the major factor in determining backlog problems. Notice that as filings reach and exceed 400, the terminations cannot keep pace and the number of pending cases soars. The District of Columbia (figure 2) also keeps within expectations by remaining below 400 filings and concurrently experiencing no difficulties during the twelve-year period. New Jersey's pattern (figure 3), however, is almost the reverse of what one would expect: Problems with the pending caseload were alleviated as the number of filings rose above 400.

The experiences of many other courts are quite different from what would be predicted from their filing levels. Guam (figure 4) has generally remained below 400 filings, but its number of pending cases is soaring. The Eastern District of Virginia (figure 5), on the other hand, has never fallen below 400 filings, yet has never had difficulty keeping its pending caseload in check. The graphs for Puerto Rico and the Southern District of Georgia (figures 6 and 7) show a seemingly unbelievable ability to keep up with enormous numbers of per-sitting-judge filings.

It is clear that we are just scratching the surface of this area of research. Many federal districts show parallel patterns in the rise and fall of filings, terminations, and pending cases that reveal a surprising ability of the courts to increase their terminations as filings rise. Few districts exhibit the pattern that would be expected if a level of 400 or any other particular number of filings were all that was needed to predict caseload problems.

Conclusion

Although the choice of 400 weighted filings as a critical measure in the allocation of new judgeships has been a reasonable selection, it is obvious that the picture is more complicated than can be described by any one variable. Clearly, factors other than a particular year's filing level are involved, and an investigation into the relationships among these variables should be undertaken. A first step would be to compare the characteristics of those courts that are able to keep control despite large caseloads with those that are not. Areas of comparison might include case-type mix, pattern of caseload fluctuations over time, court size, area population demographics, local legal culture, utilization of personnel resources (magistrates, senior or visiting judges, personal staff), and approaches to case management. In de-

FIGURE 1
EASTERN DISTRICT OF TEXAS

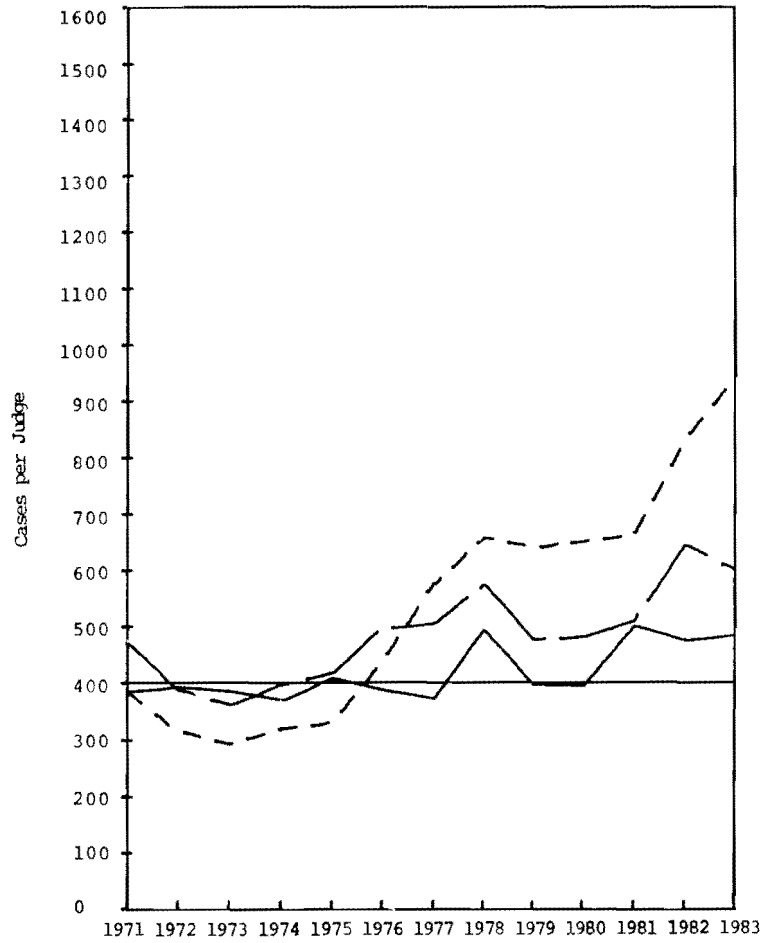
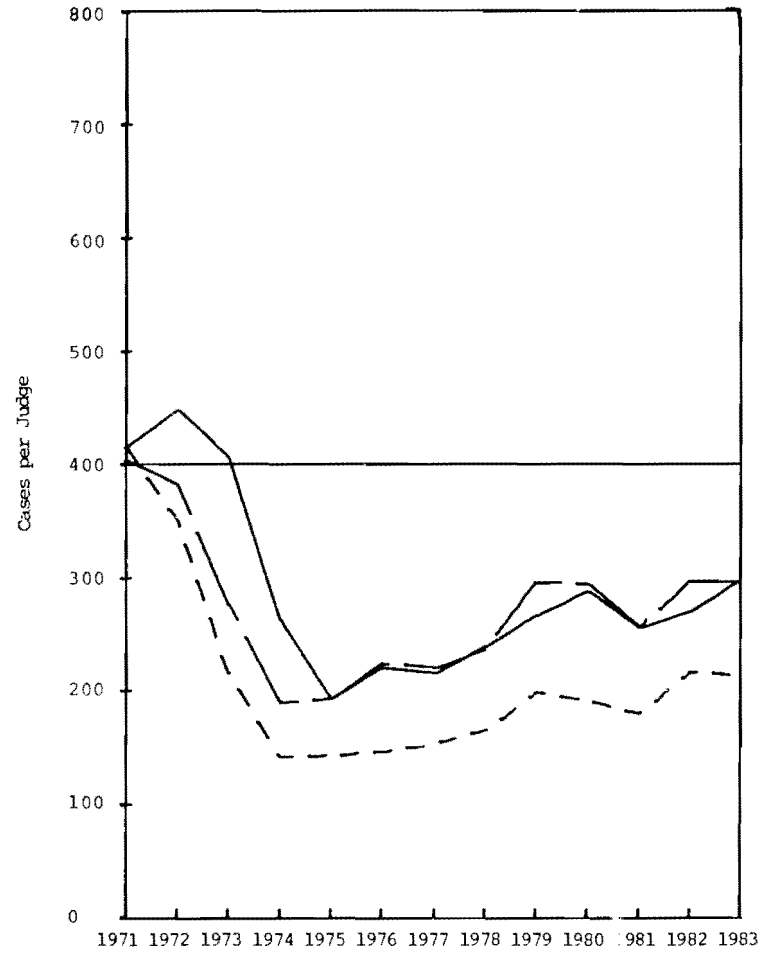


FIGURE 2
DISTRICT OF THE DISTRICT OF COLUMBIA



TERMINATIONS

PENDINGS

FILINGS PER JUDGE

FIGURE 3
DISTRICT OF NEW JERSEY

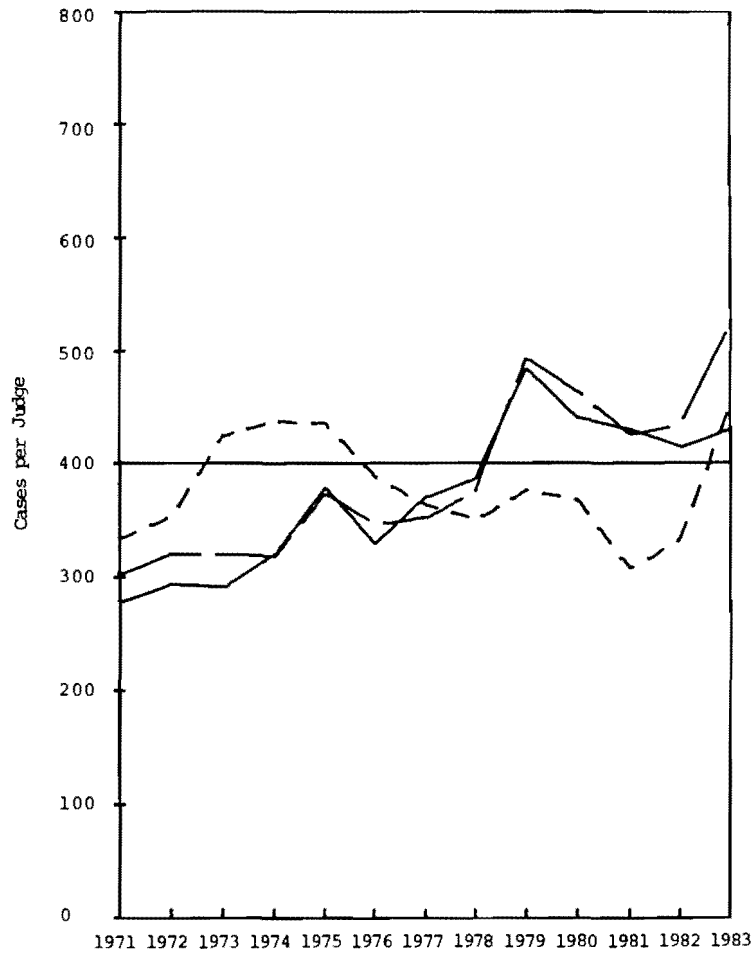
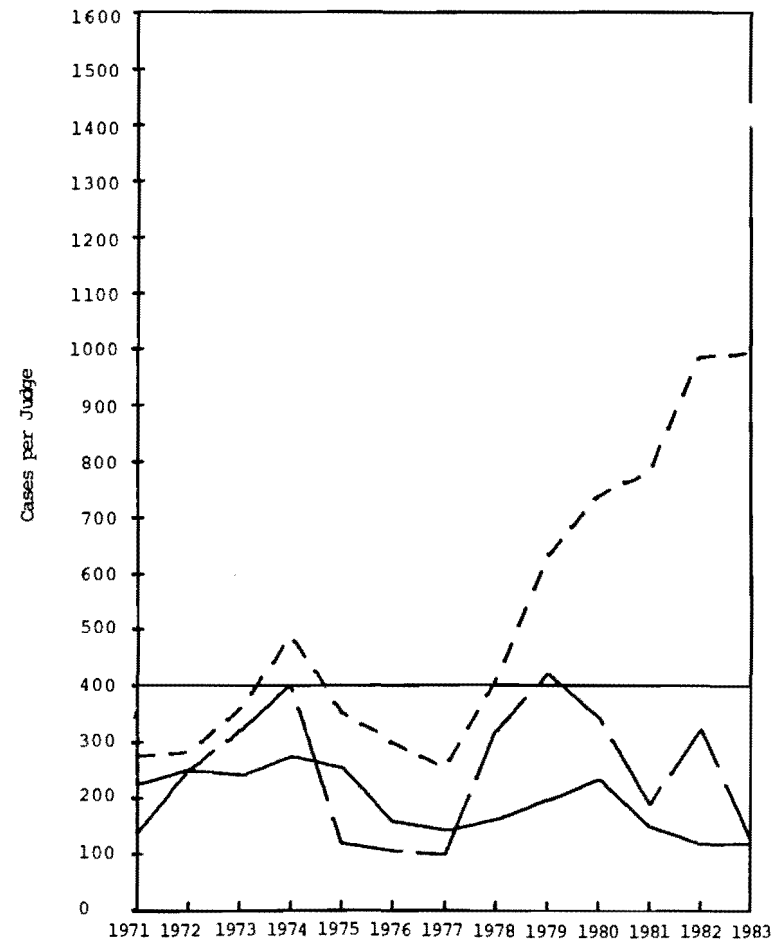


FIGURE 4
DISTRICT OF GUAM



TERMINATIONS

PENDINGS

FILINGS PER JUDGE

FIGURE 5
EASTERN DISTRICT OF VIRGINIA

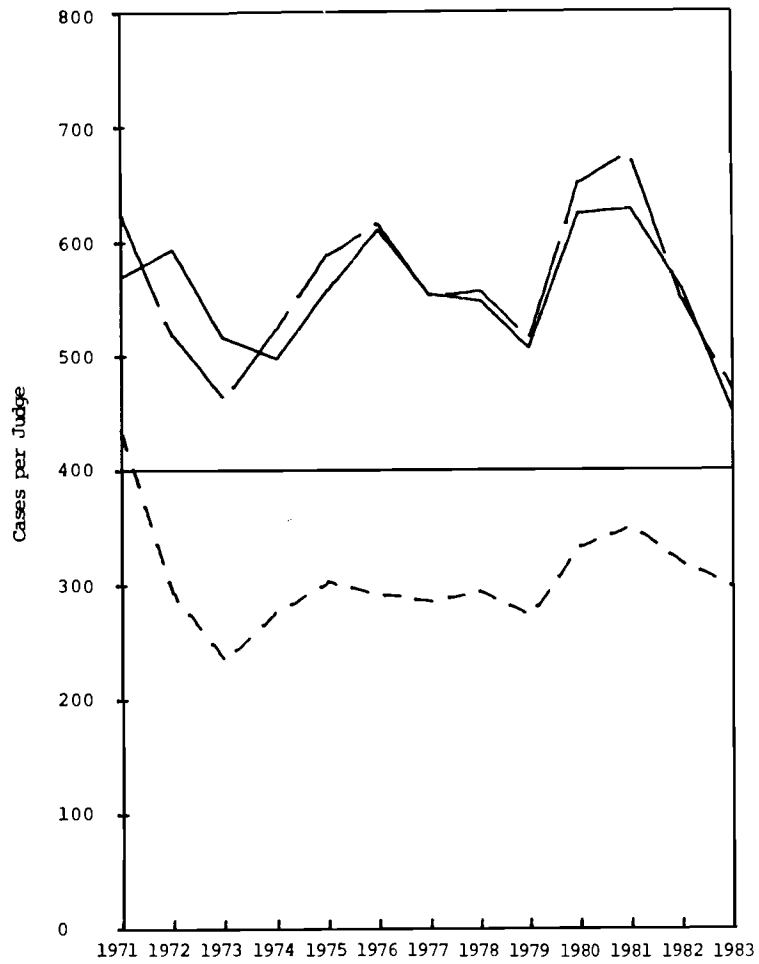
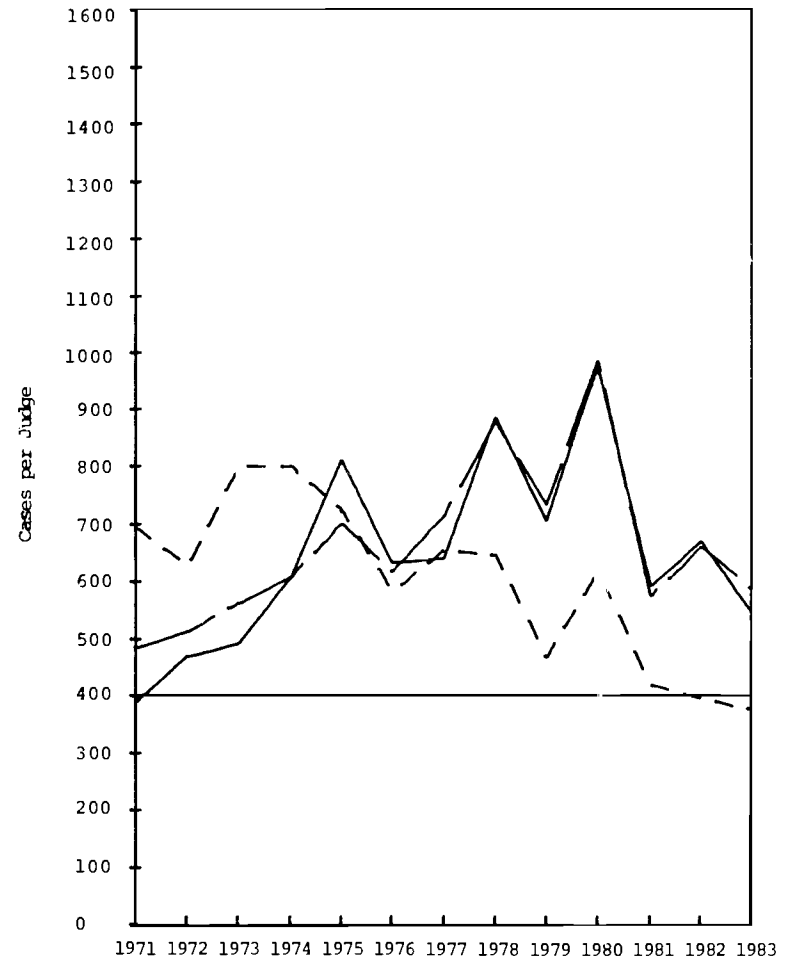


FIGURE 6
DISTRICT OF PUERTO RICO

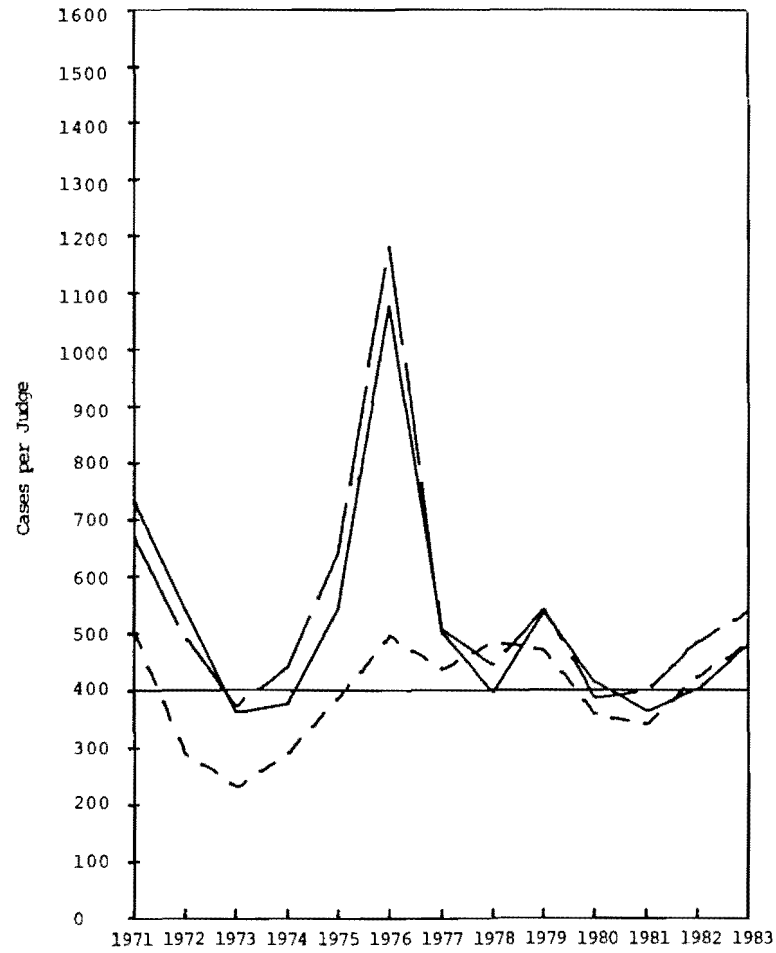


TERMINATIONS

PENDINGS

FILINGS PER JUDGE

FIGURE 7
SOUTHERN DISTRICT OF GEORGIA



TERMINATIONS
PENDINGS
FILINGS PER JUDGE

termining the impact of administrative factors, attention should be given to how the various disposition practices affect the quality of justice or, more realistically, the perceived quality of justice.

At the present time, the judgeship allocation process takes account of factors such as these on a case-by-case basis. It may be possible, however, to incorporate at least some of them into a statistical model that would be both more comprehensive and more objective than the current practices used to assess the need for more judges. Even if not found to be appropriate for incorporation into the statistical threshold determination, a more precise understanding of how these factors affect case processing should be a helpful guide through the more subjective process of evaluating district requests for increased judicial resources.

In the meantime, we should continue to refine the current process by investigating ways to improve the case-weighting system and monitoring the trend toward the courts' abilities to handle larger caseloads.



Federal Judicial Center

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