

Appendix B

Early Public Relations Materials Describing the New Case-Weighting Study

Included items:

1. Sample Power Point Presentation
(presented to the AO's Clerks' Advisory Group, April 1, 2003)
2. *Third Branch* article (August 2003)

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2003 – 2004 District Court Case Weighting Study

**Presentation to
District Clerks' Advisory Group**

April 1, 2003

Background on Case Weights

- What are they?
- Why do we use them?
- How were they calculated in the past?

Why Calculate New Weights?

- Current weights may be out of date
- In use for over a decade
- Changes in case management procedures
- Changes in case law

The New Study

- Committee on Judicial Resources asked that a study be done to update the case weights
- The study is being conducted by the Federal Judicial Center with assistance from the Administrative Office and the courts
- Does **not** require judges to keep time records

The New Study

- Uses a new event-based approach

Case weight =

(what judges do) * (the time it takes to do it)

- Takes advantage of case processing information already routinely collected by the courts
- New structure should facilitate efforts to keep the weights up to date

The Information Required

- Case characteristics -- used to organize individual cases into case types
- Event incidence -- used to develop profiles of the type and frequency of different case activities that require judicial attention
- Judicial time -- estimates of time associated with events or activities

Use of Court Data

- Case characterization information is available from the standard statistical reporting
- Event incidence information will be obtained by extracting records of docketed activity from the courts' administrative databases
- Judicial time information regarding the time required to conduct trial and nontrial proceedings will be obtained from the monthly JS-10 reports of those activities

Judge Time for Non-Proceeding Activities

- There are no objective data sources for estimates of the time judges spend on activities such as reading briefs, deciding issues, writing opinions, doing legal research, consulting with colleagues
- These time estimates must be based on the judgments of experienced district judges
- Circuit-based meetings of district judges will be held to obtain estimates of time spent on various case activities
- Representatives from each circuit will determine final consensus estimates at a national meeting

Schedule

- Technical Advisory Group (March 2003)
- Judge Advisory Group (April 2003)
- Court data extractions (summer 2003)
- Circuit and national judges' meetings (July 2003 through January 2004)
- New weights will be computed by June 2004

Example: Civil Case Weight Computed from Event Weights and Event Frequencies

		(A) Trials and Other Evidentiary Proceedings						(B) Nontrial Proceedings					
		Jury Trials		Non-Jury Trials		Other Evidentiary Proceedings		Conferences		Hearings		Other Non-Evidentiary Proceedings	
Case Type	Computed Case Weight (in Hours)	Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq
Example	16.53	5.83	0.28	4.17	0.09	3.50	0.13	0.48	1.63	0.31	2.51	0.14	1.07

(C) Non-Proceeding Case-Related Activity							
Contested Pleadings		Contested Motions		Orders and Rulings		Referrals/ Reports and Recommendations	
Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq	Event Weight	Event Freq
0.63	3.04	0.58	8.06	0.65	6.71	0.79	1.78

Judge Hodges To Receive 21st Annual Devitt Award

Judge Wm. Terrell Hodges (M.D. Fla.) will receive the 21st Annual Devitt Distinguished Service to Justice Award. The award, named for the late Judge Edward J. Devitt, long-time chief judge of the U.S. District Court for the District of Minnesota, annually honors an Article III judge of national stature and a distinguished career.

Recipients are selected whose decisions are characterized by wisdom, humanity, and commitment to the rule of law; whose writings demonstrate scholarship and dedication to the improvement of the judicial process; and whose activities have helped to improve the administration of justice, to advance the rule of law, to reinforce collegial ties within the judicial branch, or to strengthen civic ties within local, national, and international communities. According to the award criteria, bench, bar, and community alike would willingly entrust that judge with the most complex cases of the most far-reaching import.



Judge Wm. Terrell Hodges (M.D.Fla.)

Hodges was appointed to the U.S. District Court for the Middle District of Florida in 1971 and served as chief judge from 1982 to 1989. He took senior status in 1999. He was chair of the Judicial Conference Executive Committee from October 1, 1996 to October 1, 1999, and a member of the Committee from 1994 to 1999. He was only the second district judge in the history of the Conference to be appointed chair of the Executive Committee by the Chief Justice of the United States. Hodges served on a number of other Conference committees, including three years as chair of the Advisory Committee on Criminal Rules. He is currently chair of the Judicial Panel on Multidistrict Litigation.

Hodges was a founder and a former president of the American Inns of Court, Tampa Chapter; and in 1996, after moving to Jacksonville, he served as president of the Jacksonville Chapter of the American Inns

of Court.

The Devitt Distinguished Service to Justice Award is administered by the American Judicature Society. This year's three-member award selection panel was composed of U.S. Supreme Court Justice Stephen Breyer; Judge Harry Edwards of the U.S. Court of Appeals for the District of Columbia Circuit; and Judge Fern Smith, director of the Federal Judicial Center in Washington, D.C., and a judge of the U.S. District Court for the Northern District of California.

New District Court Case Weights

A study is currently underway of the case weights used in the district court biennial judgeship surveys. Case weights provide an assessment of the average amount of judge time required to process different case types (e.g., a prisoner petition versus a patent case). Since the case weights were last updated 10 years ago, significant legislative and case management changes have occurred which may have eroded the accuracy of the case weights.

In the past, diary time studies have been used to develop the case weights. However, studies that ask judges to keep daily diaries of their time are very intrusive and require significant effort. After considering these issues, the Subcommittee on Judicial Statistics of the Committee on Judicial Resources asked the Federal Judicial Center, with assistance from the Administrative Office, to develop new case weights using a less intrusive method that can be updated more frequently.

The new method will make extensive use of data already collected at the national or local level. Courts will be asked to extract data on docketed events from their local databases. Data on the time required for various proceedings within the case (e.g., motion hearings, conferences, trials) will be obtained from the JS-10 report of trials and other activity. Data that will be needed to supplement these sources will be time estimates provided by experienced district judges. Small groups of district judges will meet in each circuit to estimate the time required to perform various non-proceeding activities (e.g., reading briefs, doing research) for different case types. A larger national group of judges will then meet to develop consensus estimates of the average judge time required for these activities.

A technical advisory group of court representatives met in March to discuss consistency of data reporting and methods to be used for extracting data from both national and local databases. In late April, a judge advisory group met to provide guidance on which case types should be weighted and which events should be included in the computations.

Courts will be asked to extract data in July or August 2003, and the circuit group judge meetings will begin in July 2003 and continue through January 2004. New case weights will be provided to the Subcommittee in June 2004.

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