

**FJC Courtroom Use Study
Final Report Technical Appendices**

Technical Appendix Four

Study Variables Defined

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Courtroom Use Study

Study Variables Defined

We designed the Courtroom Use Study to collect information about:

- (1) the scheduling of events for courtrooms,
- (2) the actual time spent on events that occurred in courtrooms, and
- (3) the scheduled and actual time for proceedings and ceremonies held in other locations.

The critical factors in deciding whether to record an event for the study were:

- (1) the place in which the event was held,
- (2) who was involved in the event, and
- (3) the nature of the event.

We asked court staff to use the following decision tree:

Did the event happen in a courtroom?

If yes, record it.

If no, ask:

Was the event a proceeding or a ceremony?

If yes, record it.

If no, do not record it.

In this appendix, we define the data we asked the data recorders in the courts to capture. We also describe the data we incorporated into the study from other sources.

The Data Recorded Into DISCUS

The data recorders entered the data into a software application, named DISCUS, which we designed for the study (see Technical Appendix 5). The application provided two modules, one for recording scheduled events and one for recording actual use events, each with pull-down menus and data entry fields that constrained the recorded information to fit the variable definitions below. All fields were required fields. For events where the data recorder did not have immediate access to DISCUS, we provided forms for recording the data. The training materials and other resources provided to data recorders are available at <http://cwn.fjc.dcn/dir/CUS/welcome.html> (select Training Materials). Complete data documentation is on file with the study team.

Variable Name	Variable Definition
Site Name	The building or other site where an event is scheduled to take place or does take place.
Courthouse	The name of the courthouse as provided by the district and programmed into DISCUS.
Other Site	A generic field provided for recording events taking place at a location other than a named courthouse.
Room Name	The room where an event is scheduled to take place or does take place.
Courtroom	The name of the courtroom as provided by the district and programmed into DISCUS.
Other Courtroom	A non-district court courtroom (e.g., bankruptcy or appellate). Individually named when loaned to and regularly used by the district court. A generic courtroom when a courthouse includes one or more non-district courtrooms that district judges may use if necessary. Provided for recording events that occur in these courtrooms.
Other Room	Generic other location in the courthouse/building. Provided for data entry purposes at all sites.
Chambers	Generic chambers in the courthouse/building. Provided for data entry purposes in locations with one or more chambers.
Conference Room	A generic conference room or a named room designated as a conference or videoconference room. Provided for data entry purposes in locations with one or more conference rooms.
Date of scheduled event and actual event	For scheduling records, the date an event is scheduled to occur (if scheduled in advance). For actual use records, the date an event actually occurs.
Time of scheduled event and time of actual event	The scheduled and actual time of events.
Start Time	The time the event is scheduled to start. The time the event actually starts. In hours and minutes.
End Time	The time the event is scheduled to end. The time the event actually ends. In hours and minutes.

Variable Name	Variable Definition
Event Category and Event Type	The general nature of the event and the specific type of event.
Case Proceeding Conducted by a Judge	Any case proceeding involving the judge and the attorneys and/or parties.
Hearing–Evidentiary	A hearing in which evidence is introduced.
Hearing–Non-Evidentiary	A hearing not involving evidence (e.g., motions hearing).
Conference	Any conference, such as a status conference or settlement conference.
Trial–Bench	A trial before a judge.
Trial–Jury	A trial before a jury, including jury selection (but not jury deliberations, unless they occurred in the courtroom).
Grand Jury Proceeding	An event to be recorded as a proceeding only if a judge was present (e.g., to take the jury returns).
Multiple Short Proceedings of Different Types	A recording category provided to cover events that included multiple types of proceedings (e.g., a criminal calendar that included status conferences, sentencings, and a bail hearing).
Other Case Proceeding (explain)	Any type of proceeding not covered by the event types above.
Other Case-Related Activity	A case-related event that occurs in the courtroom but does not involve a judge.
Meeting Related to a Case	Any meeting related to a case (e.g., between counsel and defendant prior to a plea hearing, grand jury proceedings not involving a judge).
Training or Practice on Courtroom Equipment	Training and practice, usually by attorneys, before a proceeding that involves courtroom equipment.
Other Case-Related Activity (explain)	Any other case-related activity (e.g., court staff completing paperwork after a proceeding, parties waiting for a jury verdict). Text field provided for a description.

Variable Name	Variable Definition
Ceremony	A ceremonial event.
Naturalization	A naturalization ceremony.
Judge Investiture or Attorney Swearing-In	A ceremony to swear in a new judge or attorney.
Other Ceremony (explain)	Any other ceremony (e.g., an event honoring a retiring judge, a wedding). Text field provided for a description.
General Education, Training, or Outreach	Any event involving education, training, or outreach.
Attorney Education and Training	Education or training of attorneys (e.g., instruction in using evidence presentation equipment).
Staff Education and Training	Any education or training for court staff (e.g., instruction in using a new videoconferencing system).
Public Education and Outreach	Any education or outreach for the public (e.g., moot court for law students, courtroom tour for a school group).
Other Education, Training, or Outreach (explain)	Any type of education, training, or outreach that does not fit the event types above. Text field provided for a description.
Set-Up, Take-Down, or Short Adjournment	Any time spent preparing for or taking down after a proceeding or event. (DISCUS permitted staff to record this information in conjunction with the main event, but if they did not, this field permitted later entry of the data.)
Set-Up or Preparation Before Proceeding or Event	Any time spent setting up or preparing for a proceeding or event (e.g., staff preparation of the courtroom, attorney preparation of evidence presentation equipment).
Take-Down or Wrap-Up After Proceeding or Event	Any time spent taking down or wrapping up after a proceeding or event (e.g., clearing the courtroom, removing evidence).
Short Adjournment During Proceeding or Event	Any time taken up with breaks lasting from twenty to fifty-nine minutes. (Shorter breaks were not documented. Longer breaks broke an event into separate records.)

Variable Name	Variable Definition
Maintenance	Any maintenance occurring in the courtroom between 8:00 AM and 6:00 PM.
Equipment Repairs or Upgrade	Maintenance involving equipment in the courtroom (e.g., replacing the sound system).
Room Repairs or Upgrade	Maintenance involving the courtroom itself (e.g., laying new carpet).
Cleaning	Any cleaning, including daily maintenance.
Other Maintenance (explain)	Any other maintenance that does not fit the event types above. Text field provided for a description.
Unoccupied—Room Cannot Be Used for Proceedings	Any situation preventing use of the courtroom.
Case Materials or Equipment in Room for Ongoing Proceeding	The courtroom cannot be used because case materials or equipment are in the room (e.g., during a break in a trial).
Unusual Room Conditions (e.g., fumes, temperature)	The courtroom cannot be used because room conditions prevent its use (e.g., the heating system is not working, the room has been flooded).
Other Reason Room Cannot Be Used (explain)	The courtroom cannot be used because of conditions that do not fit the event types above. Text field provided for a description.
Unoccupied—Judge is Away	Any day when the judge to whom the courtroom is assigned is away from the courthouse for the full day and one wouldn't expect the courtroom to be used by the judge. (If others used the courtroom while the judge was away, their time was recorded.)
In Court Elsewhere (e.g., different courthouse or district)	The courtroom is unoccupied because the judge is in a different courthouse (e.g., in another division in the judge's own district or serving as a visiting judge in another district).

Variable Name	Variable Definition
Other Official Activity (e.g., governance, education)	The courtroom is unoccupied because the judge is involved in other official activity (e.g., a Federal Judicial Center workshop, the circuit judicial conference).
Other Reason Judge is Away (explain)	Any other absence not captured by the event types above. Text field provided for a description.
Other Use (explain)	Another other use of the courtroom that does not fit the preceding event types. Text field provided for a description.
Docket # / Case Name	The docket number and name of the case(s) involved in a proceeding. Data recorders could enter the information or pull it from a case list programmed into DISCUS. For proceedings involving multiple cases, DISCUS provided a generic case name (multiple civil cases, multiple criminal cases, multiple petty criminal cases, mixed civil and criminal cases).
Event Description	A text field provided for a description of the event.
User of the Courtroom or Other Location	The type of user participating in the event being recorded. For many events, each type of participant could be recorded. For proceedings, only the judge participant could be recorded.
Judge	A judge is participating in the event. For proceedings involving a judge of the study district, DISCUS permitted selection of the specific judge. For judges not from the district, DISCUS provided a generic “judge” code.
Court Staff	Court staff are participating in the event. Included actual court staff and others who work in the courtroom (e.g., security officers, court reporters).
Attorneys/Parties	Attorneys and/or parties are participating in the event. Included witnesses.
Public	Members of the public, such as family or media, are participating in the event.
Other	Any other participant not covered by the event types above. Text field provided for a description.

Variable Name	Variable Definition
Whether the Selected Room is the Judge's Own Courtroom	A yes/no field for indicating whether the judge is conducting a proceeding in his or her assigned courtroom. Includes opportunity to indicate judge does not have an assigned courtroom.
Reasons for Using a Room Other Than the Judge's Own Courtroom	<p>The reason(s) why a judge is not using his or her assigned courtroom or why a judge without an assigned courtroom selected a particular room. For ceremonies and education events, the field records why this room was selected for the particular event.</p> <p>Reason(s) for not using own courtroom or, if none assigned, for selecting a room:</p> <ul style="list-style-type: none"> Assigned Courtroom Unavailable Convenience of Attorneys or Parties Handicap Accessibility Availability of Computer/Audio/Video Equipment Availability of Space for Multiple Parties/Large Number of Spectators Availability of Defendant Holding Cell Availability of Jury Box Availability of Special Security Features Room Was Available/No Special Features Required Preferred Non-Courtroom Space for this Event Other (explain) <p>Reason(s) for selecting a particular location for a ceremony or education event:</p> <ul style="list-style-type: none"> Convenience of Participants Handicap Accessibility Availability of Computer/Audio/Video Equipment Availability of Space for a Large Number of Participants Availability of Special Security Features Room Was Available/No Special Features Required Other (explain)

Variable Name	Variable Definition
Effects of Scheduling a Courtroom Other Than One's Own Courtroom	<p>Whether the need to use the selected room affected the date or time of the scheduled event.</p> <p>No.</p> <p>Yes. If yes:</p> <p style="padding-left: 40px;">The effect on the scheduled date or time:</p> <p style="padding-left: 80px;">Chose a date a week or less different from the preferred date</p> <p style="padding-left: 80px;">Chose a date more than a week different from the preferred date</p> <p style="padding-left: 80px;">Chose a time an hour or less different from the preferred time</p> <p style="padding-left: 80px;">Chose a time more than an hour different from the preferred time</p> <p style="padding-left: 40px;">The reason for choosing a date or time other than the preferred date or time:</p> <p style="padding-left: 80px;">Could not schedule enough time on the preferred date</p> <p style="padding-left: 80px;">Could not schedule enough time at the preferred time</p> <p style="padding-left: 80px;">Could not schedule time for consecutive days</p> <p style="padding-left: 80px;">Other (explain)</p>
Estimate of Time Required to Schedule Matters When the Time is Unusually Long	<p>For proceedings only, did the time required to make scheduling or rescheduling arrangements for the proceeding exceed 45 minutes?</p> <p>No.</p> <p>Yes. If yes:</p> <p style="padding-left: 40px;">How much time was required? (hours, minutes)</p> <p style="padding-left: 40px;">With whom did the scheduler consult?</p> <p style="padding-left: 80px;">Courtroom deputy(s)</p> <p style="padding-left: 80px;">Judicial assistant(s)</p> <p style="padding-left: 80px;">Law clerk(s)</p> <p style="padding-left: 80px;">Judge(s)</p> <p style="padding-left: 80px;">Attorneys/parties</p> <p style="padding-left: 80px;">Witnesses/experts</p> <p style="padding-left: 80px;">Calendaring system</p> <p style="padding-left: 80px;">Other (explain)</p> <p style="padding-left: 40px;">Why did making these arrangements take longer than usual? (open text field)</p>

Variable Name	Variable Definition
Change, Reschedule, or Cancel an Already-Scheduled Event	<p>For any scheduled event, an indication of whether the event was changed, rescheduled, or canceled. Response options:</p> <p>Change/reschedule. Reasons for change:</p> <ul style="list-style-type: none"> Judge needed to reschedule Attorney/party needed to reschedule Room not available Needed to change to a different room Changed from temporary to final room assignment Added repeating events to existing entry Corrected previously entered information Added new information Other (explain) <p>Cancel. Reasons for cancellation:</p> <ul style="list-style-type: none"> Case is closed Case settled Defendant pled Event will not be held Event will be rescheduled later Scheduled Time has passed/event was not held Other (explain)
Whether an Actual Use Event is a Continuation of a Previous Event	<p>For proceedings before a judge, an indication whether the actual use event was a continuation of a previous event. Response options:</p> <ul style="list-style-type: none"> No. Yes. If yes, date of the previous actual use event.
Whether a Proceeding Started Within 15 Minutes of the Scheduled Time	<p>For proceedings before a judge, an indication whether the proceeding started within fifteen minutes of the scheduled time. Response options:</p> <ul style="list-style-type: none"> Yes. Event was not scheduled in advance. No. If no, the reason for the delay: <ul style="list-style-type: none"> Room was not available: previous event went overtime Room was not available: other Judge was delayed Attorneys/parties were delayed Jurors/witnesses were delayed Other (explain)

Variable Name	Variable Definition
Change or Delete an Already-Recorded Actual Use Event	<p>For all actual use events, an indication of whether the event was changed or deleted.</p> <p>Change. The reasons for the change:</p> <ul style="list-style-type: none"> Corrected previously entered information Added new information Created link to scheduled event Other (explain) <p>Delete. The reasons for the deletion:</p> <ul style="list-style-type: none"> Event entered in error Event was not held Other (explain)
Date Reason for Change Was First Known	<p>For changes to scheduling or actual use records, the date on which the reason for change was first known (e.g., for events that were rescheduled, the date on which the need to reschedule the event was first known).</p>

In addition to the fields used by the data recorders, we built into DISCUS two additional key variables:

Variable Name	Variable Definition
Courtroom Type	<p>Whether the courtroom was designed as a district judge courtroom or a magistrate judge courtroom.</p>
Courtroom Assignment	<p>The judge or judges to whom each courtroom was assigned (if assigned).</p>

When recording the nature of the events, the data recorders on occasion used either “Other Proceeding” or “Other Use.” We reviewed every such record and determined that many could be recoded to one of the named event categories or event types defined above. We also found it necessary to create several additional event types for the “Case Proceeding” event category and to recode some “Other” entries into these event types. These additional variables are:

Variable Name	Variable Definition
Warrants	An event type used to recode data when data recorders used the “Other” fields to indicate the judge was involved with agents or others in a hearing on and signing of warrants.
Undifferentiated Hearings	An event type used to recode data when data recorders used the “Other” fields to note the occurrence of a hearing (e.g., a sentencing, a motions hearing). In the absence of more information, we could not recode these events to either an evidentiary or non-evidentiary hearing and created a third hearing category for these events.
Non-District Court Hearings	An event type used to recode data when data recorders used the “Other” fields to describe use of the courtroom for a hearing by a judge other than the district’s judges (e.g., an administrative law judge, a bankruptcy judge).
Other Non-District Court Events	An event type used to recode data when data recorders used the “Other” fields to describe use of the courtroom for an event other than a hearing by a judge other than the district’s judges (e.g., an administrative law judge, a bankruptcy judge).

DISCUS had a number of functions that made data entry more efficient and accurate, including the repeat function (creating multi-day events with a single data-entry record), a variety of screens for viewing recorded data (e.g., by room, by scheduler, by judge), and a record history. Most importantly, the linking function permitted data recorders to link each actual use record to the scheduling record that created the event. These functions are described in greater detail in Technical Appendix 5.

Other Data Incorporated From Non-Study Sources or Derived From DISCUS

The data recorded into DISCUS permitted us to create a number of additional variables. We also turned to several existing data sources for information that would be helpful in understanding courtroom use. These data sources included the Court Information Survey (see Technical Appendix 2), the Judicial History Database maintained by the Center, case filing information routinely provided by the district courts to the Administrative Office, the national case weights developed by the Center, and other sources. Full documentation is on file with the study team.

The additional variables incorporated into the study are:

Variable Name	Variable Definition
Wave	The data collection wave during which data were collected: January 16 to April 15, 2007 and April 16 to July 15, 2007.
Total Number of Days	The number of days in the wave: 91 in each wave.
Number of Work Days	The number of official federal work days in the wave: 63 in each wave.
District Identification	Name and number of the district.
Selection Category	Which of the twelve sample cells the district represents.
Sample District or Not	An indicator of whether the district is a sample district or a case study district.
Number of Locations	The number of locations in the district where proceedings or ceremonies are held.
Active Locations	The number of locations in the district where proceedings or ceremonies are held, excluding locations that were inactive during the study period.
Type of Site	Courthouse classifications for purposes of the study: Location with at least one full-time resident active judge where proceedings are routinely held. Location with only resident senior or part-time magistrate judges where proceedings are routinely held. Court building without resident judges where proceedings are intermittently held. Other facilities without resident judges where proceedings are intermittently held (e.g., military bases, national parks).
Resident Courthouses	The number of locations in the district where at least one full-time active judge is resident.
Number of Judges	The number of judges in the district, by judge type: Active, senior, full-time magistrate, and part-time magistrate judge.
Number of Civil Cases	The number of civil cases pending in the district on the first day of the wave.
Number of Criminal Cases	The number of criminal cases pending in the district on the first day of the wave.

Variable Name	Variable Definition
Number of Judgeships	The number of authorized judgeships in the district, separately for district and magistrate judgeships.
Weighted Caseload	For each district, the per judge weighted caseload based on FY05 filings.
Proceedings-Weighted Caseload	For each district, the per judge weighted caseload for proceedings, as calculated for the sampling frame.
Courtroom Features	<p>Whether the courtroom has the following features:</p> <ul style="list-style-type: none"> A jury box A holding cell Computer/audio/video equipment Space for multiple parties or a large number of spectators Special security features Handicap accessibility
Courtroom Assignment	<p>The assignment status of the courtroom by type of judge:</p> <ul style="list-style-type: none"> Assigned to one active district judge Assigned to one senior judge Assigned to one full-time magistrate judge Assigned to one part-time magistrate judge Assigned to two or more judges, at least one active judge Assigned to two or more full-time magistrate judges Assigned to two or more judges, other combination Not assigned, visiting judge courtroom Not assigned, magistrate judge duty courtroom Not assigned, shared by the district's judges Not assigned, current judgeship vacancy Not assigned, special features (e.g., size, ceremony) Not assigned, not in use
Courtroom Circumstances	<p>Whether the courtroom had any special circumstances during the study:</p> <ul style="list-style-type: none"> Unassigned: Not assigned to an individual judge. Unavailable: Not available for use due to renovation, etc. Status changed: The room assignment changed during the study period. No special circumstances: The room was assigned and available throughout the study period.

Variable Name	Variable Definition
Date of Special Courtroom Circumstances	The start date and end date of any special room circumstances.
Judge Availability	An indicator of whether the judge was available throughout the study. If not, the dates on which the judge was not available (e.g., due to retirement, death, entering on duty after the study began).
Years on the Bench	The number of years the judge has been on the bench.
Years as Senior Judge	The number of years the judge has been in senior status.
Per Judge Caseload Statistics	For each judge, the number of his or her assigned civil and criminal cases pending on the first day of the wave and his or her weighted caseload and proceedings-weighted caseload.
Event Priority	<p>Assignment of numeric priority to the event types. Used to attribute time to the single most important event when more than one event occurs at the same time and place.</p> <ul style="list-style-type: none"> 1=Jury Trial 2=Bench Trial 3=Evidentiary Hearing 4=Non-Evidentiary Hearing 5=Undifferentiated Hearing 6=Conference 7=Multiple Types 8=Other Judge Conducted Case Proceeding 9=Warrants/Complaints 10=Grand Jury 11=Non-District Judge Hearings 12=Other Non-District Judge Events 13=Other Case-Related 14=Set-up/Adjournment 15=Ceremony 16=Education 17=Other Use 18=Maintenance 19=Cannot be Used 20=Judge Away

A Word About the Units Used For Collecting Time Data

Previous studies of courtroom use have relied on data routinely submitted by the courts, in particular the monthly reports of events that occur in courtrooms. These reports are submitted to the Administrative Office of the U.S. Courts on the JS-10 Monthly Report of Trial and Nontrial Activity (“JS-10 reports”) and provide information about trials and other proceedings that occur in courtrooms. These reports provide information about the number of hours spent in non-trial proceedings on a day-by-day basis. They also provide, for trials, a count of the separate number of days on which trial was held and the number of total trial hours. Unfortunately, the trial times are for the entire reporting month, and it is impossible to know on which days trials were held or how long trial was held on any particular day.

For this reason, the JS-10 reports have proven to be an inadequate source of data about courtroom use, and other researchers, particularly the GAO, have called for better data. In a May 1997 report, for example, the GAO reported its findings in day increments of time, rather than hours, because JS-10 and docketing data did not permit a finer analysis. Commenting on this study in a 2000 report, the GAO noted the limitations of its study and called for data that would show the actual use of courtrooms—or, in their words, a “lights-on measure.”¹

Critiques such as these, as well as the language in Congressman Shuster’s letter requesting the study—i.e., “Document how often courtrooms are actually in use....”—pointed quite clearly to two decisions: first, to collect original data in the courtrooms, rather than rely on the JS-10 or docketing data, and, second, to collect the exact time spent in the courtrooms. Thus, we designed our data collection software to collect the start time and end time of every courtroom event, with time recorded to the minute. We also designed the software to collect data on the type of event on which the time was spent, so that time spent on trials, non-trial proceedings, and any other events could be distinguished. We believe these decisions are directly responsive to the limitations of previous studies and Congressman Shuster’s request.

See Appendix 1 of the study report for Congressman Shuster’s letter.

¹ The May 1997 report is *Courthouse Construction: Better Courtroom Use Data Could Enhance Facility Planning and Decisionmaking*. (Government Accountability Office, May 1997.) The December 2000 report is *Courthouse Construction: Sufficient Data and Analysis Would Help Resolve the Courtroom-Sharing Issue*. (Government Accountability Office, December 2000, p. 17.)