

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
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*cc: JEM
KSV
Feidler*

DAVID L. COOK
CHIEF, STATISTICS DIVISION
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L. RALPH MECHAM
DIRECTOR

JAMES E. MACKLIN, JR.
DEPUTY DIRECTOR

August 8, 1990

MEMORANDUM TO: L. Ralph Mecham, Director
THRU: Clarence A. Lee, Jr.
FROM: David L. Cook *Dave*
SUBJECT: Update of RAND report

We reviewed the RAND Corporation report titled Statistical Overview of Civil Litigation in the Federal Courts and discussed the report with its primary author, Mr. Terence Dungworth. The data developed by RAND are generally accurate and the author's methodologies in developing the analyses are consistent with our own. There were a few differences between RAND's data classification and our own; however, these differences had no significant effect on nationwide trends or on the final conclusions, only on the exact percentage of cases falling within various categories. We agree with all RAND conclusions on caseload trends and processing times based on this data.

Since the RAND report only included data through 1986 we updated several of their nationwide tables using statistical year data for 1987 through 1989, and found that the trends noted in the RAND report are continuing. The median time from filing to disposition remains at or near 9 months. Private civil cases terminated within one year of filing are approximately 60 percent of all cases terminated; cases terminated between 1 and 2 years of the filing date are a little over 20 percent; those closed between 2 and 3 years of filing are approximately 10 percent; and cases terminated more than three years after filing are slightly less than 10 percent of all cases terminated. These percentages are generally consistent with data from 1971 through 1986. From 1987 to 1989, the percentage of cases terminated after trial decreased, while the percentage terminated after court action but without trial increased. Again, these trends are consistent with those noted in the RAND Report. The attached analysis provides a more detailed summary of the recent data and its relationship with the data from 1971 through 1986.

We will update the summary data for 1990 as soon as those figures are available. In addition, we will review more detailed data on terminations by case type and by district in the near future to: 1) see whether those trends and conclusions also remain consistent with the RAND Report; and 2) identify factors which may have an impact on the district-by-district trends, such as the changing level and complexity of the criminal caseload.

ANALYSIS OF RAND CORPORATION REPORT USING 1987 THROUGH 1989 DATA

TIME TO DISPOSITION FOR PRIVATE CIVIL CASES

As noted in the RAND Report, the median time in months from filing to disposition for private civil cases remained stable from SY71 to SY86. This same trend continued through SY89. The median disposition time rose from 8 months in SY86 to 9 months in SY87 and SY88 and returned to 8 months in SY89. On a national basis, the median time from filing to disposition in private civil cases has remained basically unchanged over the last 20 years.

The RAND Report also focused on the number and percentage of cases terminated within four intervals based on the length of time between filing date and termination date. The proportion of cases in each interval remained relatively stable from SY71 to SY86. Table 1 shows this trend also continues through SY89. From 1971 through 1989, the percentage of all private civil cases terminated in these time intervals remained in very small ranges. The percentage of cases terminated within one year of filing ranged between 58 and 63 percent of total cases terminated, with a steady increase since SY81. The percentage terminated between one and two years of filing ranged from 22-24 percent; between two and three years the range was 8-10 percent; and for cases disposed of more than three years after filing the range was 6-8 percent. These percentages show that for the nation as a whole, the time required to dispose of private civil cases remains unchanged over the last two decades even though the number of private cases terminated has increased by 192 percent.

COURT ACTION TAKEN IN ALL PRIVATE CIVIL TERMINATIONS

In reviewing the RAND Report conclusions on case terminations at four selected stages of the judicial process, we found that while RAND used the same broad categories that we use there are small differences in the makeup of the categories. The differences result from the addition of two new procedural progress actions in 1986 that RAND included in the no court action category but which we would include in the category of one or motions filed. While the total number of cases terminated in the two categories is the same, the individual categories are slightly different. However, this discrepancy does not effect the final conclusion that the percentage of cases terminated without court action is decreasing, while the percentage of cases terminated after one or motions is on the rise.

Table 2 shows the number and percentage of private civil terminations divided into the four categories based on the type of court action taken. The most significant change from SY71 to SY86 was the steady decrease in cases terminated during or after trial. The fluctuations in the other three categories were much

less consistent. Cases disposed of with no reported court action or after one or more motions were up and down in the 1970s, but showed an upward trend since the early 1980s. The proportion of cases terminated during pretrial conference increased during the 1970s, but began to decrease in the early 1980s.

The changes in each of the categories have been more consistent since SY86. The percentage of cases disposed of during or after trial continued to decline to a low of 5.9 percent of total terminations in SY89. The proportion of cases terminated with no reported court action also decreased each of the last three years, while the proportion of cases terminated after one or more motions increased significantly over the same period of time.

Table 1

TIME TO DISPOSITION FOR ALL PRIVATE CIVIL SUITS

Number of Years	1986		1987		1988		1989	
	N	%	N	%	N	%	N	%
0-1	96,454	62.4	100,395	62.1	103,571	61.0	107,160	63.8
>1 but <2	34,757	22.5	36,471	22.5	38,809	22.9	36,472	21.7
>2 but <3	13,348	8.6	13,599	8.4	15,622	9.2	13,208	7.9
>3	9,958	6.4	11,321	7.0	11,745	6.9	11,072	6.6
Total	154,517	100.0	161,786	100.0	169,747	100.0	167,912	100.0

Table 2

COURT ACTION TAKEN IN ALL PRIVATE CIVIL TERMINATIONS

Court Action Taken Before Termination	1985		1986		1987		1988		1989	
	N	%	N	%	N	%	N	%	N	%
None reported	56,596	38.3	61,157	39.6	61,986	38.3	56,958	33.6	51,499	30.7
One or more motions	53,089	35.9	57,153	37.0	60,889	37.6	73,847	43.5	80,498	47.9
Pretrial conference	27,199	18.4	25,975	16.8	28,353	17.5	28,655	16.9	26,048	15.5
Trial Commenced	10,999	7.4	10,233	6.6	10,559	6.5	10,292	6.1	9,868	5.9
Total number of cases terminated	147,883	100.0	154,518	100.0	161,787	100.0	169,752	100.0	167,913	100.0