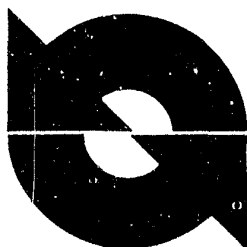




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Allocation of Resources to U.S. Attorneys' Offices: A Case-Weighting Approach

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AUTHOR'S NOTE

My thanks are due a large number of people, most of whom cannot be named in a brief note of this sort. I hope those who are excluded will forgive me. In particular, I am grateful to Charles Wellford of the Federal Justice Research Program and Frank Mallgrave of the Executive Office for U.S. Attorneys for the cooperation and support they provided as the project progressed. I also want to acknowledge the attorneys and staff in the 11 U.S. Attorneys' Offices included in the study. Without their acceptance of the reporting burden imposed by the project, the necessary data could not have been developed.

My gratitude and admiration go to the editorial and report production staff at the Institute for Law and Social Research. Jean Shirhall, Sherrie Hammoudeh, Deborah Reeder, and Martha Kendall worked cheerfully and effectively under conditions of considerable stress to turn out this report, and much of its quality is due to their efforts.

Finally, I want to thank Kathleen Peroff for taking care of my sanity at the times when I was on the verge of dispensing with it.

Terence Dungworth
Project Director
September 12, 1979

Foreward

The resource needs of the ninety-five Offices of the United States Attorneys must be identified and met in a manner that assures effective discharge of the prosecutorial responsibilities of the United States Department of Justice. This report, Allocation of Resources to United States Attorneys' Offices: A Case-Weighting Approach, represents a pioneering effort to study those needs through empirical research. The results of this study will enable us to allocate logically the available resources, and to measure and justify our needs for additional resources in the future.

This report also completes the first major empirical research study funded by the Federal Justice Research Program. The Program is designed to improve criminal and civil justice policies and programs through funding of experimentation, empirical research, and systematic evaluation. As this report illustrates, the activities of the Program are of direct use in improving the management of the Department of Justice.

Charles F. C. Ruff
Acting Deputy Attorney General
October 25, 1979

PREFACE

Allocating resources within the public sector is an administrative nightmare. Procedures that are useful in the private sector, based as they are on profitability and related measures of output, have limited relevance for an organization that must allocate resources to competing demands in a manner that is sensitive to the precise nature of those demands. Far too often the-squeaky-wheel-gets-the-grease is the primary procedure that is followed in the public sector. Far too infrequently are attempts made to learn about the demands for resources systematically and in sufficient detail.

This report represents such an attempt. Specifically, it offers a basis for determining the proper budgetary allocations for the 95 U.S. Attorneys' Offices throughout the country. It does so by drawing from data generously provided by the Executive Office for U.S. Attorneys and eleven of the individual district offices.

The primary aim of this project has been to establish the amount of attorney effort that is associated with each type of case that comes to the offices of the U.S. Attorneys. By knowing this relationship, we can obtain a sense of how different types of cases, because of the inherent nature of each type, bring different challenges to these offices. Clearly, the budget allocations ought to be sensitive to these differences.

A formidable obstacle was presented at the outset of this study: Any difference that is observed in the amount of attorney attention that is given to a particular type of case can be the result of at least three factors other than the inherent complexity of that type of case. It can result, first, from the exercise of discretion within the unique setting of each district. It has not been firmly established that the violation of a section of the federal code in Wyoming has precisely the same meaning as a violation of that section in the Southern District of New York. Differences that we observe in the data in the amount of attention given by attorneys to each case type are likely to have resulted in part from such exercise of discretion. It can result, second, from limits in our ability to draw accurate inferences from the data. The quality of any data is always less than perfect, as are available procedures for making statistical estimates based on the data. It can result, third, from randomness that is associated with small samples. We have found in this study a few case types that were processed too infrequently during the study period to provide a basis for statistically reliable estimates.

We do not believe that these problems should inhibit the use of the estimates reported here as a starting point from which the budget allocation process can proceed. The "squeaky wheel" alternative does little justice to the importance of

this resource allocation problem. We think these estimates provide the beginnings of a better alternative.

Brian Forst
Director of Research
Institute for Law and
Social Research

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EXECUTIVE SUMMARY

Preparation of budgets for the Offices of United States Attorneys is the responsibility of the Executive Office for U.S. Attorneys (EOUSA) in the Department of Justice. The EOUSA prepares an annual budget request for review by the Justice Management Division (JMD) of the Department of Justice. Subsequently, a budget is submitted to the President's Office of Management and Budget (OMB) for final approval. The procedure by which this budget has historically been prepared is as follows: first, U.S. Attorneys in the districts supply the EOUSA with an estimate of the person-years required for the budget period under consideration. That budget period is normally two years ahead of the time when the estimates are made, since the budget cycle requires that much lead time. The EOUSA analyzes and then incorporates the individual U.S. Attorney requests into the total budget request.

The problems of estimating positions so far in advance of the time when they will be allocated are enormous. Recognition of this by the Executive Office for U.S. Attorneys led to a determination that the process requires empirical information about the kind of demand particular case types placed on an attorney's time, and about the number of such cases that are likely to occur in a future period. This

recognition was formalized in the Justice Litigation Management report,¹ which recommended the development of a resource allocation system based on case weights. Subsequently, the Federal Justice Research Program (FJRP) joined with EOUSA to fund the research conducted in this study.

The primary goal of the project was to develop and evaluate a set of weights that, when applied to anticipated case loads, would provide accurate estimates of the resources needed to process that case load. What was meant by case weights was an estimate of the work load associated with a particular type of case, rather than a simple count of the number of such cases that come into the system.

Planning discussions about the way in which the objectives might be accomplished involved a preliminary review of the current information sources available to the Department of Justice. These consisted primarily of the Docket and Reporting System and the Automated Caseload and Collections System (ACCSYS). Both systems contained data that were utilized for aggregate reporting purposes (as reflected in the annual Statistical Report for U.S. Attorneys' Offices, for instance), but neither was intended to produce the kind of information required to estimate the resources needed to process cases. In particular, they have no attorney time component. Consequently, they did not provide an adequate

¹Prepared by the Resource Management Service and Management Programs and Budget Staff, Office of Management and Finance (now the Justice Management Division), Department of Justice (January, 1977).

data base for the execution of this project, and it was determined that a completely new study would have to be done.

In this Executive Summary, we present a synopsis of four major components of that study--the research plan, the calculation of the case weights, utilization of the weights, and recommendations for future work.

A. THE RESEARCH PLAN

The following issues were predominant in the formulation of the research plan:

1. Which offices should be included in the project?
2. What method of establishing case weights should be used?
3. What data would be needed and how would the data be collected?

1. Selection of the Study Offices

Because of logistical and financial constraints, individual study of each of the districts was impossible. It was therefore necessary to identify a subset of offices that would be reasonably representative.

The procedure followed was to first identify relevant selection criteria and then to evaluate a number of offices for possible inclusion. Four main criteria were developed in discussions among EOUSA and OIAJ officials and INSLAW staff: geographic location, size of the office, quality and quantity of available case information, and feasibility.

Following visits to a number of districts, it was determined that the following offices should be included in the study:

Arizona	Michigan (East)
California (Central)	Mississippi (North)
California (South)	New Jersey
Georgia (North)	Oklahoma (West)
Illinois (North)	Washington (West)
Massachusetts	

During FY78, the 11 districts handled 7,677 criminal filings and 9,916 civil filings--21.9 percent and 19.8 percent, respectively, of FY78 criminal and civil filings in all districts. They were responsible for 24 percent of all criminal terminations and 20.7 percent of all civil terminations. At the end of FY78, pending case loads were 25.8 percent (criminal) and 18.9 percent (civil) of the national figures. The districts employed 27.4 percent of the total Assistant U.S. Attorney work force. By these standards, then, these 11 districts are more than 20 percent of the total USAO program. With respect to other criteria, such as diversity of size and geographic dispersion, they range from small (the Northern District of Mississippi) to large (the Central District of California and the Northern District of Illinois) and span the United States from east to west.

2. Choosing a Method of Case Weighting

Case weighting is a process of assigning to each case a weight that reflects the resources needed to process that type of case. In other words, it is an attempt to convert case load information to work load information. Three gen-

eral strategies for doing this can be identified. The first is to simply count the number of cases and assume that each has an equal load. The second is to use expert opinion as a way of determining the relative demand made by different case types on attorney time. The third is to make an empirical observation of attorney activities and to establish measures of the time those activities consume.

Since the way in which attorneys spend their time during the normal working day constitutes the essence of the work load of a particular case, the most direct method of determining that work load is to measure and record the time attorneys expend on various activities. This is the strategy we have followed in this project.

A 90-day period was selected, during which attorneys in the 11 study districts reported all time expended, both case related and non-case related.

This cross-sectional approach meant that it was impossible to obtain a direct count of the total number of hours spent over the life of a case because the majority of cases last longer than 90 days. Therefore, total time had to be estimated.

To do this, we employed two conceptually and analytically distinct strategies--the case-life method and the event-based method. The former was based on the relationship between average case life and the proportion of that life that was observed during the study; the latter used time expended on case-related activities and related it to the frequency of occurrence of the type of events with which the activities were associated.

Both methods involve a number of assumptions and techniques that are presented in detail in Chapter II.

Our purpose in using two strategies was to protect against the failure of one of them due to unforeseen problems, such as faulty or incomplete data. If problems did not arise, then we anticipated that the two methods would produce similar work-load weights, thus providing mutual validation. In fact, data problems did occur, and the case-life method--which has less stringent data requirements--was demonstrated in Chapter IV to yield more accurate estimates of expended time than the event-based method.

3. The Data Base

Our strategy for producing case weights mandated the development of a data base containing records of time spent by AUSAs and details of the cases on which that time was spent. In addition, in order to calculate estimates of total time expended on cases from the partial time that was reported during the study, we constructed profiles of terminated cases. Thus, three distinct types of data were included--time and activity reports by attorneys, event and attribute information on the cases they reported, and similar information on cases terminated during FY78.

A general summary of the data is contained in Table III.1, which is reproduced here.

As can be seen from the two columns in the table that contain information about the length of the study, all attorney time reporting took place within the last six months of 1978;

Table III.1. AN OVERVIEW OF THE DATA BASE

District	Study Period 1978	Number of Study Days	Time Reports by AUSAs				Profiles of Current Cases			Profiles of Cases Terminated (7/1/77-6/30/78)			
			Total Hours	Civil Cases Reported	Criminal Cases Reported	Total	Civil	Criminal	Total	Civil	Criminal	Total	Total Cases
AZ (Phx)	7/20-10/20	93	3,072	524	536	1,062	93	99	192	373	248	621	1,683
AZ (Tuc)	7/21-10/28	100	6,781	236	371	607	62	122	184	123	506	629	1,236
CA (C)	8/21-11/9	81	32,636	1,740	2,750	4,490	137	100	237	1,070	411	1,481	5,971
CA (S)	10/2-12/31	91	12,474	234	546	780	19	45	64	199	268	467	1,247
GA (H)	8/25-11/28	96	11,006	515	687	1,202	102	73	175	398	364	762	1,964
IL (N)	8/28-11/28	93	30,513	1,366	3,124	4,490	146	57	203	451	480	931	5,421
MA	9/14-12/17	95	11,792	652	752	1,404	96	150	246	406	402	803	2,207
MI (E)	8/29-12/4	98	17,444	1,136	1,220	2,356	157	153	310	422	378	800	3,156
MS (N)	8/7-11/3	89	3,715	220	143	363	103	82	185	139	133	272	635
NJ	9/18-12/14	88	31,343	3,073	1,534	4,607	139	92	231	304	447	751	5,358
OK (W)	9/1-11/30	91	4,820	101	302	403	64	97	161	183	159	342	745
WA (W)	10/1-12/29	90	10,005	458	565	1,023	178	157	335	255	302	557	1,580
Total		1,105	180,601	10,255	12,532	22,787	1,296	1,227	2,523	4,218	4,098	8,416	31,203

the study target of 90 calendar days of reporting was met in most instances. Total days numbered 1,105, and the average number of days was 92.8. The fact that the study lasted a different number of days in different offices was a product of local conditions and project timetables and is not considered to have any bearing on the quality of the data collected.

In all of the offices, the cooperation of attorneys was very high. We believe the extent of this cooperation is clearly illustrated by the quantity of time the attorneys reported. There were, across all of the offices, over 180,000 hours of attorney time reported, which constitutes a data base equivalent to 90 workyears. In the larger offices, such as the Central District of California, the Northern District of Illinois, and New Jersey, approximately 15 workyears were reported by each office. These reports produced information on more than 10,000 civil matters and cases and 12,500 criminal matters and cases.²

The profiles of current cases contained in the table are a subset selected for on-site coding of event information. Initially, this subset constituted 25 percent of the total, but a

²The word "matter" is used by the Department of Justice to refer to litigation not yet filed in a District Court. When filing takes place, the "matter" becomes a "case." Before filing, all matters are given a complaint or claim number, and the matter is referenced and filed by that number. After filing, the District Court assigns a case number, which is incorporated into USAO records. In this project, attorneys reported time on all matters and cases on which they worked. During the report, to avoid repetition of both terms, we have adopted the convention of using the word "case" to mean case or matter, except where we specify otherwise.

number of problems arose that reduced the number to approximately 12 percent. Most significant among these was the fact that, in some offices, even two to three months after the time study had ended, posting of event information was still not completed. As a consequence of this and other problems, it was not possible to develop detailed case information on the target figure of 25 percent of reported cases. This led to some difficulties in the calculation of event-based weights.

Profiles of terminated cases constitute the third set of data depicted in the table. The 8,416 cases represent approximately 10 percent of civil and criminal cases terminated in all U.S. Attorneys' Offices for FY78, and they are approximately 45 percent of the cases terminated in these 11 districts during the same period.

B. THE DEVELOPMENT OF THE WEIGHTS

In Chapters III and IV of the report, an extensive data review is undertaken, and the process of calculating the case weights is presented in detail. In this section of the Summary, we focus on three elements of those chapters:

1. the case classification system;
2. the comparison of weights produced by the two methods; and
3. the conclusion that the case-life method produces the more reliable set of weights.

1. The Case Classification System

How cases should be classified is a question of critical importance in any case weighting effort. Is it desirable to

be as specific as possible and to use the title and section for criminal cases and the cause of action for civil cases? Or would it be better to aggregate cases in some fashion?

Two aspects of this issue merit consideration. The first is the level of confidence that can be placed on weights based on a large number of categories, each containing a small number of cases. Since the number of criminal case types based on title and section exceeds 2,000, and since, as will be demonstrated subsequently, only 20 case types were used with any regularity during the reporting period, the level of confidence associated with a 2,000-category scheme would inevitably be low. Therefore, aggregation of some kind was highly desirable. A similar argument can be made for civil cases, even though the range of possibilities is less.

The problem, however, was to determine the kind of typology to be used. The strategy we followed was to derive a typology from the time reports themselves. If little or no time was reported for a particular type of case, or if that type occurred relatively infrequently, then that case type was grouped with another similar type. On the other hand, a case type that was individually important was put in an individual class.

The Department of Justice was using two different coding schemes for civil cases at the time the study was conducted. One was the longstanding Docket and Reporting System, used in eight of the eleven districts; the other was contained in the ACCSYS reporting system, which was operational in the Northern District of Illinois, Arizona, and the Western District of

Washington. For the purposes of the study, a combination of the two was employed. Subsequently, when AUSA time reports were examined, the general scheme was collapsed into 15 case types. These are documented in Table III.6, which is reproduced here.

Criminal cases were grouped using procedures similar to those described for civil cases. However, the problems encountered were quite different. Instead of being able to group together relatively homogeneous types of cases into a single category, we found that a widely divergent number of criminal case types did not warrant individual inclusion in the case typology on the basis of either their frequency of occurrence or the amount of time expended on them by attorneys during the study. In general, the rule was established that if a particular case type involved less than 1 percent of all cases, or less than 1 percent of all time, then, rather than being included as an individual category in the case typology, it would be aggregated with other cases that placed similar demands on the resources of the office. Demand in these circumstances was defined as the ratio of the proportion of time consumed by the case to the proportion of total cases it represented. This ratio is equal to one whenever the proportion of time is precisely the same as the proportion of cases. If this ratio is less than one, then it can be inferred that the case is less demanding than the average case. If the ratio is more than one, the reverse is true.

Five categories of resource ratios were set up; these, along with the titles and sections and substantive descriptions of individually important case types, are included in Table III.7.

Table III.6. THE CIVIL CASE TYPOLOGY

Case Type	Equivalent DOJ Codes	
	Docket & Reporting System	ACCSYS
1. Claims-Contracts	8	1
2. Claims-Judicial Foreclosures	62,95	7,62
3. Claims-Mortgage Foreclosures	94	9
4. Claims-Forfeitures	28	13
5. All Other Claims	1,2,3,5,12,44,60,65,66,91-93	3,4,11,15,19,43
6. Tax Liens and Foreclosures	51	25
7. Other Tax Cases	48	21,23,29
8. Torts	55-57	31,33,35,39
9. Land and Natural Resources ^a	33,36	41,44,47,49
10. Injunctions and Enforcements	24,68,97-99	51,53,55-57,59
11. Frauds	16,21	61,69
12. Social Security Cases ^b	25	82
13. Habeas Corpus	72	8
14. Civil Rights	75	95
15. All Other Civil Cases	all other codes	all other codes

^aThe manner in which Land and Natural Resources cases are handled differs from district to district. In some locations, they are handled as any other civil case and are reported to the Docket and Reporting System in the usual fashion. In other locations, they are processed separately from the usual civil case load and are reported directly to the Land and Natural Resources Division in Washington. In the latter situation, there is no record of the case in the Docket and Reporting System. In this study, the time reported on Land cases has been included in the summary statistics on attorney time expenditures, and whenever the case record was accessible, the time was included in the calculation of case weights. However, because of the variation in procedures, some of the time spent on Land and Natural Resources cases could not be attributed to specific cases.

^bA number of offices reporting under the Docket and Reporting System used code 83 rather than code 25 for Social Security cases. In those instances, the case was classified as type 12.

Table III.7. THE CRIMINAL CASE TYPOLOGY

CASE TYPE	TITLE: SECTION
State Law on Fed Land	18:13
Fraud Claim Against U.S.	18:287
Conspiracy Against U.S.	18:371
Forgery/Contracts	18:495
Embezz/Public Money	18:641
Embezz/by Bank Officer	18:656
Embezz/Shipments	18:659
Firearms: Unlawful Acts	18:922
Fraud Statements: General	18:1001
Flight to Avoid Prosecution	18:1073
Offense in Indian country	18:1153
Mail Fraud	18:1341
Postal Theft: General	18:1708
Bank Robbery	18:2113
Trans. of Stolen Vehicles	18:2312
Trans. of Stolen Goods	18:2314
Drug Abuse: Unlawful Act	21:841
Drug Abuse: Att & Conspiracy	21:846
Mach Gun/Firearm: Penalty	26:5861
Tax Evasion	26:7201
Type 21 ^a 0.0 - 0.5	*
Type 22 0.51- 1.0	*
Type 23 1.1 - 2.0	*
Type 24 2.1 - 3.0	*
Type 25 3.0+	*

^aThe last five categories in this typology are based on estimates of relative resources needed, rather than on case substance. To determine relative resources (the resource ratio), the following calculation is made for the cases not included in the first 20 case types:

$$\text{Resource Ratio} = \frac{\text{Proportion of time spent on this case type}}{\text{Proportion of cases of this type}}$$

The result of this calculation is then used to determine the case type to which the cases belong. A general interpretation of the resource ratio is that a ratio of 1.0 is perfectly average; less than 1.0 indicates that the case is less demanding than average; greater than 1.0 indicates that it is more demanding than average.

A list of the titles and sections included in each type can be found in Appendix A.

Using the two classification systems, attorney time and case information were then matched on a case-by-case basis. The matching process was successful for 15,051 of the 22,787 matters and cases reported by attorneys, and these formed the basis for the calculation of weights by the case-life method.

The event-based method also used the case classification systems but involved far fewer cases because of the additional data collection it required.

2. The Comparison of Weights Produced by the Two Methods

The process of converting the reported attorney time to work load weights is documented in Chapter IV. It involves the application of various adjustment factors to the average time expended on cases. These factors compensate for the following conditions:

- . Time was expended on most cases outside the study period. Therefore, to estimate total time spent over the life of the average case, reported case time was adjusted upwards.
- . Roughly one-third of the time reported was not case-related. When budgeting positions, allowances must be made for this time.
- . Budgeting is done for a fiscal year. However, for cases pending at the beginning or end of the year, attorney time is expended in more than one budget period. Adjustment for this fact is necessary.
- . Fringe benefits, such as vacation, paid holidays, sick leave, and training time take attorney hours that must be budgeted even though they do not result in case-related activities. Since such time was not included in the attorney time reports, compensation must be made for it.

The appropriate adjustment factors and the effect they have on reported attorney time are specified in the tables in Chapter IV of the report. For both the case-life and the event-

based methods of weight calculation, they result in work load estimates that can be applied to case load figures to produce the number of positions needed to process the case load in the manner that prevailed during the study.

3. The Conclusion That the Case-life Method Produces the More Reliable Set of Weights

To make a comparative evaluation of the two approaches, the weights were applied to estimates of the FY79 case load to compare predicted positions with actual staffing levels. The results are presented in the following table:

<u>District</u>	<u>Case-life Method</u>	<u>Event-based Method</u>	<u>Actual</u>
Arizona	33.7	34.25	33
California (C)	61.3	44.66	89
California (S)	19.8	12.52	32
Georgia (N)	23.8	26.00	20
Illinois (N)	78.5	76.12	78
Massachusetts	23.9	22.58	28
Michigan (E)	37.8	43.62	38
Mississippi (N)	7.2	8.22	7
New Jersey	57.3	61.66	58
Oklahoma (W)	7.0	7.06	10
Washington (W)	28.7	25.09	23
TOTALS	379.0	361.78	415

Comparison of the two sets of predictions indicates that the case-life weighting method predicts the actual number of positions more accurately than the event-based method in all districts, with the exception of Western Oklahoma and Western Washington. These two are .06 and 2.8 positions, respectively, closer to the actual using the event-based weights. For all districts combined, the case-life method is closer by almost 18 positions.

What is also apparent from the table, however, is that in certain districts, neither method predicts very well. In both

California offices, for instance, the case-life method underpredicts by approximately one-third; the event-based method underpredicts by at least one-half. The situation is almost as bad in the Western District of Oklahoma. These deviations contrast sharply with the estimates for Arizona, the Northern District of Illinois, the Eastern District of Michigan, the Northern District of Mississippi, and New Jersey. In all five of these offices, predictions are within one position of the actual level.

After reviewing the available evidence that is relevant to the difference between the two methods, and to the poor predictions in some of the districts, we draw two important conclusions: for 9 of the 11 districts, the case-life method produces more reliable weights than the event-based method, given the current quality and quantity of the event data; however, the weights developed from the two California districts are currently unreliable,³ regardless of the method used, because of missing or inadequate case data. Therefore, when we consider utilization of the weights in Chapter V, we exclude the event-based weights for all districts and the case-life weights for the California districts. This leaves nine sets of weights that can be used in applications to the USAOs not directly involved in the study.

³As noted in the Conclusion of this Summary, this situation can probably be corrected if the data are reprocessed at the close of FY79.

The weights are summarized in Tables V.6 (criminal) and V.7 (civil). Where study data produced a zero weight, the average for the districts has been used. The weights are ordered so that application of the first set to data from all 94 districts⁴ produces the highest level of estimated resources and application of the ninth set of weights to all districts produces the lowest estimate.

The adjustment for eligible cases, listed for each set of weights at the bottom of the tables, is applied to the estimated number of active District Court cases. The factor is derived by expressing the number of matters and cases reported during the study as a proportion of cases estimated to be active during the study. This adjustment is necessary because the level of pre-filing activity varies from district to district (i.e., relatively more matters are worked on in some districts than in others), and because not all active District Court cases are worked on in any given period.

C. USING THE WEIGHTS

Given a set of weights that are a reasonably accurate reflection of FY79 conditions in nine of the study districts, how can these weights be applied to non-study offices? We suggest two general approaches--responsive and prescriptive. By responsive,

⁴There are, of course, 95 districts. However, no case-load data were available for the Northern Marianas District, and it has therefore been excluded from the present calculations. When case-load data become available, incorporation of that district will be possible.

Table V.6. BUDGET WEIGHTS FOR CRIMINAL CASE TYPES

Case Types	ILL (N)	NJ	AZ	MI (H)	GA (H)	WA (J)	MASS	HI (I)	OK (J)	All Offices
Criminal										
State Law on Fed Land	15.23	8.97	67.71	28.34	28.34	28.34	28.34	3.06	136.69	28.34
Fraud. Claim Agnst U.S.	11.17	7.30	7.30	7.30	7.36	7.60	13.74	6.65	7.30	7.30
Conspiracy Agnst U.S.	59.74	42.60	5.95	54.77	31.15	2.16	66.66	31.02	173.72	50.49
Forgery/Contracts	16.52	31.21	45.66	13.38	12.14	20.51	16.13	35.21	105.46	26.51
Embezz/Public Money	23.63	5.33	6.37	11.42	7.31	7.07	8.29	9.05	9.16	11.42
Embezz/by Bank Officer	39.65	17.45	12.20	172.34	16.32	4.19	41.95	6.50	16.01	23.94
Embezz Shipments	24.16	32.13	1.28	32.85	14.49	6.24	179.92	9.05	32.35	32.85
Firearms: Unlaw Acts	22.27	41.47	6.33	15.24	22.60	9.70	69.31	13.69	6.68	28.23
Fraud. Stmts: General	20.46	64.44	8.20	36.26	22.35	6.93	45.08	20.49	30.91	30.91
Flight to Avoid Pros	12.26	11.29	6.44	3.71	3.50	12.17	3.15	5.30	4.39	12.17
Offense in Indian Country	10.95	10.95	10.35	10.95	10.95	10.95	10.95	10.95	10.95	10.95
Mail Fraud	43.31	45.26	32.97	43.14	20.03	3.52	27.07	10.29	57.68	43.14
Postal Theft: General	28.41	29.30	14.40	8.68	28.07	4.05	17.16	8.77	15.40	25.17
Bank Robbery	28.20	38.60	10.45	22.14	13.82	27.37	7.49	24.02	3.89	22.14
Trans. of Stolen Vehicles	16.32	25.00	23.46	22.85	12.66	22.85	19.92	13.38	61.16	22.85
Trans. of Stolen Goods	12.90	30.17	7.68	37.15	21.76	27.84	29.82	21.30	26.92	20.49
Drug Abuse: Unlawful Act	42.38	49.84	48.43	48.94	30.83	13.19	109.39	52.51	19.49	48.94
Drug Abuse: Att & Consp	48.46	36.38	19.03	38.32	21.77	30.95	10.13	76.28	7.21	38.32
Mach Gun/Firearm: Penalty	17.50	5.18	75.44	27.47	11.00	57.10	17.59	12.82	12.92	31.84
Tax Evasion	81.37	35.22	25.94	49.30	36.35	16.46	31.27	13.68	49.30	49.30
Type 21	6.31	28.88	18.94	10.31	13.60	89.03	13.82	11.88	12.08	30.97
Type 22	27.64	20.71	9.13	19.39	10.81	7.10	15.56	20.87	13.79	18.68
Type 23	42.31	38.61	19.89	13.11	54.57	11.36	36.56	17.81	66.97	36.99
Type 24	50.51	68.42	15.10	68.42	100.43	35.44	70.23	4.99	68.42	68.42
Type 25	116.61	145.27	90.93	145.27	20.91	0.09	63.41	102.27	145.27	145.27
Adjustment for Eligible Cases	2.81	1.66	.69	1.90	1.57	1.45	1.10	1.19	.77	.99

Table V.7. BUDGET WEIGHTS FOR CIVIL CASE TYPES

Case Types	HI (N)	NJ	AZ	IL (N)	GA (N)	WA (W)	MASS	HI (I)	OK (W)	All Offices
Civil										
Contracts	32.46	3.04	27.24	10.65	3.20	0.56	8.20	16.11	3.20	8.20
Jud. Foreclosures	22.04	6.86	27.51	6.30	6.86	6.86	6.86	20.20	2.66	6.86
Mtge Foreclosures	25.35	5.16	10.28	13.44	13.44	8.28	16.69	2.66	18.40	13.44
Forfeitures	15.46	19.54	18.64	15.73	18.22	20.20	7.66	7.08	15.73	15.73
Other Claims	13.88	18.78	8.83	1.92	7.57	7.25	20.23	10.03	7.55	14.48
Tax Liens/Foreclosures	25.99	3.72	5.38	9.89	4.43	24.88	0.74	9.43	18.77	9.89
Other Tax	11.40	3.71	5.43	5.89	7.46	8.17	4.25	5.78	4.72	7.59
Torts	12.19	17.42	13.91	3.11	10.53	9.14	45.09	27.49	13.09	23.52
Land/Nat. Resources	23.43	43.54	57.78	41.36	13.10	30.24	6.21	12.48	25.79	33.09
Injunction/Enforcement	19.22	15.74	14.13	28.65	15.84	27.65	20.33	27.42	13.00	21.23
Civil Frauds	19.24	16.26	12.87	33.79	33.79	33.79	33.79	55.20	33.79	33.79
Social Security	13.67	22.85	9.27	12.03	6.03	20.23	13.21	4.83	31.34	12.03
Habeas Corpus	9.59	3.58	239.47	16.66	8.95	4.77	8.13	20.72	1.70	16.66
Civil Rights	26.78	6.39	43.54	68.92	12.91	11.76	280.88	18.86	6.63	48.80
Other Cases	20.91	34.10	21.99	23.71	53.07	5.47	24.77	22.46	17.23	25.78
Adjustment for Eligible Cases	.48	.90	1.21	.93	.31	.37	.18	.40	.16	.47

we mean the use of the weights in conjunction with case-load estimates that are based on existing policy and filing trends. By prescriptive, we refer to the introduction of new policy intended to lead to changes in the case mix of some or all USAOs, or to the establishment of guidelines or norms for the time needed to process particular types of cases. The distinction in the text between responsive and prescriptive approaches is made for explanatory purposes only. In practice, decisions about budget submissions and allocations of positions to U.S. Attorneys' Offices are likely to incorporate elements of both.

At the outset, two points should be made. The first is that the weights are static in nature, the second is that they aid rather than replace judgment. We will illustrate the former point by reference to the responsive mode of utilization, and the latter by reference to the prescriptive mode.

Responsive utilization of the weights could take place in the following manner. First, the case load for the relevant budgetary period is estimated by case type for each district. The case type weights are multiplied by the case load after it is adjusted for the proportion of the case load that is expected to require attorney time.⁵ Application of the fringe adjustment produces an estimate of the number of positions needed to process that case load at rates comparable to

⁵Case load here is defined as pending District Court cases, plus filings in District Court. As was discussed earlier, this number does not correspond to the number of matters and cases on which attorneys will work during the budget period. Therefore, a proportionate adjustment is made to the case load.

those prevalent in FY79, when the study was conducted. Actual allocation of positions on this basis, however, connotes that the FY79 staffing levels and processing rates are optimal, or at least desirable. This is not necessarily so. For instance, in many districts, the civil case backlog is rising at a rapid rate and, given filing patterns similar to those of the last few years, will probably continue to rise if future resources are devoted to civil case processing at FY79 levels. On the other hand, if we assume that the backlog is sensitive to the number of attorney work hours devoted to it, the rising trend might be checked or reversed simply by increasing the proportion of cases on which work takes place. When incorporated into the calculation process discussed above, this automatically increases the number of positions suggested by the weights.

The illustration has now moved from the responsive to the prescriptive mode of utilization. Decisions would have to be made about the districts and the case types to which the adjusted proportions would be applied. Such decisions are partly dependent on information about case load and backlog and partly dependent on DOJ policy. One way of viewing the rising civil backlog, for instance, is that it is a consequence of the speedy trial requirements that have stimulated concern with criminal case processing. In an environment of scarce resources, the total number of attorneys available may not be sufficient both to maintain satisfactory processing rates for criminal cases and to avoid a rising backlog for civil cases. A weighted work load may aid decision making

in this situation by providing information about the impact of decisions, but it does not eliminate the need to make those decisions.

Another prescriptive way in which the Department could use the weights is to identify a particular type of case or cases, let us say, relating to white collar crime, and to seek to increase the number of cases handled in that area. Cooperation with the FBI and other law enforcement organizations would probably be necessary, since the U.S. Attorneys' Offices do not, generally speaking, generate their own business. However, assuming this cooperation, the question that arises concerns the effect of an increase of the "white collar" case load on office work loads. Precisely what number of positions would be necessary if a district that had previously not handled white collar crime generated (or inadvertently received) a large number of white collar crime cases? The strategy we recommend here would be to use the system average for that particular case type, thereby allowing the experience of other offices that had handled white collar crime in the past to provide a guideline for resources to be allocated in the particular office. Again, the weights help in evaluating the impact of the decision, but they are no substitute for the decision maker.

A third area of prescriptive utilization concerns the relative performance of the offices. Though it has not been our function in this report to assess efficiency or effectiveness, we are of the opinion that the weights raise questions

that merit further inquiry. From the tables that we present in the report (for instance, in Chapters IV and V), it is apparent that the estimated time expended on a given case type differs substantially from office to office. Do differences of this sort reflect differences in the cases themselves, or differences in case processing between offices? The argument that is most commonly made is that in the offices where the rate of case terminations per attorney is low--in other words, where the time expended per case is high--cases are more complex and actually require more time. Because of the limitations of the current data, however, we are unable to provide a final answer to the question. Nevertheless, we believe an answer to be possible, given more detailed information on cases the offices handle. It then might be possible to identify the factors that account for variations in processing time. In order to illustrate one way in which the weights might be used, we have made an application of each of the weights and adjustments to the estimated FY79 case load of all districts. Table V.8 of the report (see below) indicates that Group 1 weights, derived from the Northern District of Illinois, produce the highest number of estimated positions, and Group 9 weights, derived from the Western District of Oklahoma, produce the lowest. This should not be interpreted as necessarily reflecting relative efficiency of the study offices. What the table indicates is that if all offices operated on cases of similar complexity, as in the Northern

Table V.8. APPLICATION OF DIFFERENT WEIGHTING
SCHEMES TO SYSTEMWIDE CASE LOADS

Weighting Scheme	Estimated Attorneys Required
Group 1: Illinois (N)	3430.6
Group 2: New Jersey	3192.1
Group 3: Arizona	2824.4
Group 4: Mississippi (N)	2618.59
Group 5: Georgia (N)	1821.2
Group 6: Washington (W)	1750.9
Group 7: Massachusetts	1588.5
Group 8: Michigan (E)	1386.7
Group 9: Oklahoma (W)	1195.7
Group 10: Best Estimate	1668.8

District of Illinois, and took the same amount of time, a total of 3,430.6 positions would be needed.

The final line of Table V.8 indicates what happens when the best predictor is applied to the case load of each district. This produces an estimate of 1,668.8 attorneys for all offices. We now examine the district-by-district estimates that are produced when the set of weights that comes closest to estimating the actual positions in the offices in FY79 (November) is used. Table V.9 (included here) contains the outcome of this approach. As can be seen from the table,

Table V.9. A COMPARISON OF PREDICTED POSITIONS
AND ACTUAL FY79 ALLOCATIONS

	District	Predicted	Actual
ILL Weights	District of Columbia	136.8	163
	Illinois (N)	<u>78.5</u>	<u>78</u>
	TOTALS	215.3	241
NJ Weights	New Jersey	60.7	58
	New York (S)	<u>128.1</u>	<u>115</u>
	TOTALS	188.8	173
AZ Weights	Arizona	33.94	33
	Delaware	4.9	5
	Missouri (E)	19.0	19
	Nevada	7.5	8
	Tennessee (E)	9.3	9
	Canal Zone	5.3	2
	Virgin Islands	<u>9.4</u>	<u>3</u>
	TOTALS	93.94	79
MS Weights	Mississippi (N)	<u>8.4</u>	<u>7</u>
	TOTALS	8.4	7
GA Weights	Arkansas (E)	10.4	10
	California (N)	34.5	39
	Connecticut	13.6	14
	Florida (M)	28.1	29
	Georgia (N)	23.84	20
	Illinois (E) ^{a/}	8.4	9
	Louisiana (E)	20.4	21
	Nebraska	7.1	7
	New York (W)	11.9	12
	North Dakota	3.7	4
	Pennsylvania (E)	33.9	37
	Texas (E)	9.9	9
	Vermont	4.5	4
	Wisconsin (E)	<u>9.4</u>	<u>11</u>
	TOTALS	219.64	226
WA (W)	Alabama (M)	7.3	8
	California (C)	95.2	89
	Indiana (S)	10.5	10
	Louisiana (M)	5.2	5
	Oklahoma (N)	4.9	5
	Oregon	15.6	15
	Pennsylvania (M)	8.2	7
	Puerto Rico	9.3	9
	South Dakota	5.2	5
	Washington (W)	30.4	22
	Wyoming	<u>3.1</u>	<u>3</u>
	TOTALS	194.9	178

Table V.9. A COMPARISON OF PREDICTED POSITIONS
AND ACTUAL FY79 ALLOCATIONS (CONT'D)

	District	Predicted	Actual
MASS Weights	Alabama (N)	14.9	15
	Alabama (S)	5.2	5
	Florida (N)	6.3	6
	Hawaii	5.4	5
	Illinois (S) ^{a/}	6.2	6
	Louisiana (W)	5.5	10
	Massachusetts	24.2	28
	New Hampshire	2.5	3
	New Mexico	13.3	13
	New York (N)	7.3	8
	New York (E)	57.7	57
	North Carolina (M)	6.6	4
	Rhode Island	4.0	4
	Texas (N)	24.8	25
	TOTALS	187.9	189
MICH (E) Weights	Arkansas	3.7	4
	California (S)	49.5	32
	Colorado	14.8	17
	Georgia (M)	14.9	7
	Idaho	5.5	6
	Indiana (N)	8.4	8
	Kentucky (W)	13.2	10
	Michigan (E)	38.0	38
	Minnesota	12.5	12
	Mississippi (S)	6.3	6
	Missouri (W)	11.9	14
	North Carolina (W)	6.9	5
	Ohio (N)	25.3	23
	Oklahoma (E)	3.0	3
	Pennsylvania (W)	18.9	20
	South Carolina	18.3	16
	Tennessee (W)	11.5	12
	Utah	6.5	6
	Washington (E)	4.8	5
	Wisconsin (W)	5.1	5
	TOTALS	279.0	249
OK (W) Weights	Alaska	7.7	7
	California (E)	18.7	14
	Florida (S)	33.8	34
	Georgia (S)	6.8	7
	Iowa (S)	5.3	4
	Kansas	9.1	9
	Kentucky (E)	14.1	11
	Maine	3.4	3

Table V.9 A COMPARISON OF PREDICTED POSITIONS
AND ACTUAL FY79 ALLOCATIONS (CONT'D)

	District	Predicted	Actual
OK (W) Weights (Cont'd)	Maryland	23.3	23
	Michigan (W)	6.9	5
	North Carolina (E)	9.4	7
	Ohio (S)	16.0	14
	Oklahoma (W)	7.5	10
	Tennessee (M)	8.4	8
	Texas (S)	36.3	33
	Texas (W)	25.3	23
	Virginia (E)	20.4	21
	Virginia (W)	4.9	5
	West Virginia (N)	2.5	2
	West Virginia (S)	8.5	9
	Guam	1.9	2
	TOTALS	270.2	251
Average Weights	Iowa (N)	4.3	4
	Montana	6.5	6
	TOTALS	164.5	156

^{a/} Subsequent to the conclusion of the total collection phase of the project, the Eastern District of Illinois was renamed the Southern District, and the Southern District renamed the Central District. The old designations have been used in this report because of the utilization of data from the FY78 Annual Statistical Report.

the best estimates of attorney positions and the actual allocations are generally quite close to each other.

The offices are grouped in the table by the set of weights that most accurately predicts FY79 positions. The prediction is derived from three different elements: the time reported by attorneys during the study; the estimates of case load; and the proportion of cases on which work is likely to be done. Consequently, the groupings in this illustration do not necessarily reflect such things as relative case complexity, litigation environment, and so on. This means that some districts appear out of place. For instance, it might be argued that the Eastern District of New York is more comparable to New Jersey or the Northern District of Illinois than it is to Massachusetts. Therefore, it might be more appropriate to allocate positions to the Eastern District of New York according to the New Jersey weights than to allocate them according to the Massachusetts weights. Whether this is so is a policy judgment that is beyond the scope of this report. The effect of making such an allocation, however, would be to increase the number of positions estimated for the Eastern District of New York by a substantial margin. In general, any time districts are moved into groups other than those that represent the best prediction, the number of estimated positions will change. The change will be upwards if districts are moved to lower-numbered groups, and downwards if districts are moved to higher-numbered groups.

D. FURTHER IMPROVING RESOURCE ALLOCATION

In order to continue to improve the process by which U.S. Attorney resources are allocated, we recommend that three related research efforts be considered. First, we believe that the quality of the current case-weighting data base can be enhanced by repeating the phase of the project that linked the time and activity reports with case information. As was stated, almost one-third of the cases reported by attorneys were not matched with case type information. In addition, case files for approximately 50 percent of the cases selected for event analysis could not be located in the study offices during the time available to coders. In our opinion, both of these conditions were in large measure a function of the amount of time between the end of the study and the collection of the case information data. We believe that time to have been insufficient to allow normal posting and filing of case jackets. However, once the cases on which the attorneys worked during the study are closed, the case information that is needed should be more readily available. Consequently, it is likely that the re-processing of the data would substantially improve the match rate in both areas, thus leading to more valid case-weighting estimates from both.

A second important area of inquiry is the generation of case-load estimates. We have argued that in the short term, such estimates can be produced from a combination of existing records and input from qualified observers, but that in the long term, the establishment of an empirically based

forecasting system would be worthwhile. Doing this is not simple and it would require data not presently available. However, we believe that it is likely to be superior to intuitive methods.

The third type of investigation we recommend focuses on the comparison between districts that is suggested by the variance in weights. Tables in Chapter V indicate that there are several distinct groups of U.S. Attorneys' Offices that appear to process cases in approximately the same fashion. The differences between these groups in terms of resource levels and processing rates is in some instances substantial. An inquiry into the reason why these differences exist would, in our opinion, be likely to produce extremely useful management information. It would also tie in very closely with the development of additional event data, since the difference in frequency and duration of events is likely to be one way in which the offices are distinguished from one another.

F. CONCLUSION

The work done in this project represents an additional step in the direction of rational budgeting. The work-load weights reported in Chapter V produce an estimate of attorney positions that is within approximately three percent of the actual staffing levels during early FY79, and, in our view, represent the best available empirical aid to budgeting for future periods.

Nevertheless, improvement is possible. The quality of

the data analyzed in this study can be upgraded substantially at relatively low cost. When combined with empirically grounded case-load estimates and inter-district comparisons of case complexity and processing, the weights would constitute a highly valuable and effective management tool.

I. INTRODUCTION

A. BACKGROUND

The federal judicial system consists of 95 districts.¹ The government is represented in those districts by a United States Attorney (USA) and a number of Assistant United States Attorneys (AUSAs), ranging from 1 in the smallest office to more than 100 in the largest. Including the U.S. Attorneys, the total number of attorneys in U.S. Attorneys' Offices (USAOs) exceeded 1,600 at the time this study was conducted, and expenditures for the program were almost \$125 million.

Preparation of budgets for the USAOs is the responsibility of the Executive Office for U.S. Attorneys (EOUSA) in the Department of Justice. The EOUSA prepares an annual budget request for review by the Office of Management and Finance (OMF) of the Department of Justice. Subsequently, a budget is submitted to the President's Office of Management and Budget (OMB) for final approval. The procedure by which this budget has historically been prepared is as follows: First, U.S. Attorneys in the districts supply the EOUSA with an estimate of the person-years required for the budget period under consideration. That budget period is normally two years ahead of the time when the estimates are made, since the budget cycle requires that much lead time. The EOUSA analyzes and

¹At the beginning of FY79, when this study commenced, there were 94 districts in the USAO system. The ninety-fifth district (Northern Marianas) was added during FY79. Data on Northern Marianas were not available for inclusion in the study.

and then incorporates the individual U.S. Attorney requests into the total budget request.

The problems of budgeting for such a diverse system, so far in advance of the time when the positions budgeted will be allocated, are enormous. Recognition of this by the Executive Office for U.S. Attorneys is reflected in a report prepared by the Office of Management and Finance in 1977 entitled Justice Litigation Management.² In Phase II of that report, there was a clear recognition that budget preparation requires empirical information about the kind of demand particular case types place on an attorney's time and about the number of such cases that are likely to occur in a future period--information that was not at the time available. The EOUSA utilizes reports from the Docket and Reporting System in developing an assessment of USAO needs, but neither this system nor the Automated Case-load and Collections System (ACCSYS),³ which was introduced as a possible replacement, provided the EOUSA with the information needed to make a thoroughly grounded empirical determination. As a result, the Justice Litigation Management report recommended the development of a resource allocation system based

²Prepared by the Resource Management Service and Management Programs and Budget Staff, Office of Management and Finance, Department of Justice (January 1977).

³The Automated Caseload and Collections System was being used in three of the study districts during the early part of 1979: Arizona, Illinois (North), and Washington (West). During FY79, however, use of the system was discontinued.

on case weights that could be applied both in the Offices of U.S. Attorneys and in the various DOJ divisions, which operate out of Washington, D.C. This report, the culmination of research and analysis by INSLAW staff members, addresses that need. However, the focus will be on the Offices of the U.S. Attorneys rather than the legal divisions, primarily because the main thrust for the project came from the Executive Office for U.S. Attorneys. Nevertheless, the general methodology of the study should be applicable at some future date to the legal divisions, also.

The goals and objectives of the project were established by the Executive Office for U.S. Attorneys, officials of the Federal Justice Research Program (FJRP) in the Office for Improvements in the Administration of Justice (OIAJ), and INSLAW project management. These were as follows:

- (1) To develop and evaluate a set of weights that, when applied to anticipated case loads, will provide accurate estimates of the resources needed to process that case load.
- (2) To develop a method by which the Department of Justice can utilize these weights in estimating positions needed. This method will include a strategy for modifying the weights in future budgetary periods, if and when changes occur in the litigation environment or litigation policy.
- (3) To assess the current information base developed in the Offices of the United States Attorneys in order to determine what modifications (if any) would be necessary to operate the case weighting system on a continuing basis. Both the Docket and Reporting System and ACCSYS will be included in this assessment.

What is meant here by case weights is an estimate of the work load associated with a particular type of case, rather

than a simple count of the number of such cases that come into the system. There is general acceptance that different cases require different levels of effort on the part of attorneys, and that the number of high-demand cases in a given office is not necessarily the same as in some other office.⁴ Therefore, allocations to offices should be made on the basis of work load rather than case load. Assuming that a weighting system that reflects work load can be developed, it would clearly be possible to use it in the preparation of budget submissions, since it would provide an empirical foundation on which such submissions could be based.

Planning discussions about the way in which the above objectives might be accomplished involved a preliminary review of the current information sources available to the Department of Justice. These consisted primarily of the Docket and Reporting System, a manual system of recordkeeping involving the forwarding of completed forms from the Offices of the U.S. Attorneys to the Department of Justice in Washington, D.C., for automation in a batch reporting system. Submission of the forms follows the life cycle of a case. An initial form is submitted when the case or matter is received in the office. Subsequent events in the life of the case are reported by a variety of updating

⁴This could be due to several reasons. First, one case type may be more complex than another; second, the policy may be to emphasize particular case types and de-emphasize others; third, the quality of agency preparation and cooperation may vary, thus affecting the attorney time needed. Additional causes would not be hard to find.

forms. In this fashion, a record of the events and life of each case filed throughout the country is, in principle, available at a central location. However, though the information is adequate for aggregate reporting purposes (as reflected in the annual Statistical Report, for instance⁵), the system is not meant to produce the kind of data that are required to estimate the resources needed to process cases. Consequently, the Docket and Reporting System was not considered to be an adequate data base for the execution of this project, and it was determined that a completely new study would have to be done. This immediately raised the problem of how to collect information that would be generally applicable to all districts.

B. REPRESENTATIVENESS AND SCOPE

Because of logistical and financial constraints, individual study of each of the districts was impossible. It was therefore necessary to identify a subset of offices that would be sufficiently representative of all U.S. Attorneys' Offices that findings based on study of the subset could confidently be extended to the total USAO system.

The procedure followed was to first identify relevant selection criteria and then to evaluate a number of offices for possible inclusion. Four main criteria were developed in discussions among EOUSA and OIAJ officials and INSLAW

⁵Each year a set of summary statistics is published. See the United States Attorneys' Statistical Report for Fiscal Year 1978, data on the fiscal year immediately preceding the study period.

staff: geographic location, size of the office, quality and quantity of available case information, and feasibility.

1. Geographic Location

We considered it advisable to seek a geographic spread of offices. In this way, area differences in litigation environment and case type are more likely to be reflected in the study. Of course, it is not possible and--in our view--not necessary to capture all variety that exists within the system. In fact, it is likely that each office is unique in some respect. However, the geographic dispersion of the offices selected was intended to incorporate some of the differences between regions, urban and rural areas, commercial and agricultural districts, border, seacoast, and inland settings, and the like.

2. Size of the Office

One of the most important aspects of diversity was considered to be the size of the offices. Differences in case volume and complexity, organization, and litigation environment are believed by many to be more strongly reflected by the size of the office than by any other single characteristic. The current number of assistants in an office is of course a consequence of past judgments about such differences and the demand they have placed on resources.

3. Quantity and Quality of Available Case Information

Because of difficulties with both systems, the Docket and and Reporting System and ACCSYS, the anticipated advantage

of automated records did not materialize and a large proportion of the data had to be collected on site. There was some variation in both the quality and availability of data in the offices to which site visits were made, but in no instance were the potential difficulties so great that exclusion from the study on those grounds was warranted.

4. Feasibility

It was clear from the outset that the data collection phase of the project would require a high degree of cooperation on the part of the U.S. Attorney involved and their staffs. Therefore, one objective of each initial visit was to assess the probable level of cooperation and interest in the various offices. These were found to vary somewhat, but the variation was from good to very good, and no office to which site visits were made was excluded because of concern about cooperation.

C. THE SELECTED SITES

Following visits to a number of districts, the EOUSA, FJRP, and INSLAW determined that the following offices should be included in the study:

Arizona	Michigan (East)
California (Central)	Mississippi (North)
California (South)	New Jersey
Georgia (North)	Oklahoma (West)
Illinois (North)	Washington (West)
Massachusetts	

As noted, three of these districts--Arizona, the Northern District of Illinois, and the Western District of Washington--were using ACCSYS as their case-tracking system, and the others

were operating with the Docket and Reporting System. Table I.1 presents basic statistics on staff levels and case loads during FY78. During that period, the 11 districts handled 7,677 criminal filings and 9,916 civil filings--21.9 percent and 19.8 percent, respectively, of FY78 criminal and civil filings in all districts. They were responsible for 24 percent of all criminal terminations and 20.7 percent of all civil terminations. At the end of FY78, pending case loads were 25.8 percent (criminal) and 18.9 percent (civil) of the national figures. The districts employed 27.4 percent of the total Assistant U.S. Attorney work force. By these standards, then, these 11 districts are more than 20 percent of the total USAO program. With respect to other criteria, such as diversity of size and geographic dispersion, they range from small (the Northern District of Mississippi) to large (the Central District of California and the Northern District of Illinois) and span the United States from east to west. All in all, it is our view that, by these criteria, they can be considered representative of the total USAO system.

D. ORGANIZATION OF REPORT

The remainder of this report is organized into five chapters. Chapter II presents an overview of case weighting and documentation of the design decisions that were made with respect to data collection and analysis. Chapter III reviews the data that were collected during the study and lays the

Table I.1. CASE LOAD AND ATTORNEY MANPOWER IN THE STUDY DISTRICTS, FY78

District	Avg. No. of AUSAs	Criminal Case Load			Civil Case Load		
		Filings	Terminations	Pending 9/30/78	Filings	Terminations	Pending 9/30/78
Arizona	30.8	841	1,055	901	446	458	658
California (C)	83.6	1,538	1,551	1,542	2,149	1,878	2,262
California (S)	32.5	1,466	1,541	1,525	528	365	613
Georgia (N)	19.1	434	459	269	687	855	877
Illinois (N)	72.1	595	839	962	1,282	1,774	1,996
Massachusetts	26.7	538	505	602	698	366	1,464
Michigan (E)	33.4	906	1,135	1,284	1,134	790	1,768
Mississippi (N)	6.5	106	91	42	161	150	174
New Jersey	54.6	454	505	748	1,577	1,080	2,254
Oklahoma (W)	7.1	247	221	190	564	609	706
Washington (W)	21.7	552	680	467	690	791	694
Study Districts	388.1	7,677	8,582	8,532	9,916	9,116	13,466
All Districts	1,415.6	35,023	35,704	33,113	50,097	43,973	71,552
Study Totals as % of All Districts	27.4%	21.9%	24.0%	25.8%	19.8%	20.7%	18.9%

Source: Data in this table are drawn from Executive Office for U.S. Attorneys, The United States Attorneys' Statistical Report for Fiscal Year 1978 (Washington, D.C.: U.S. Department of Justice).

groundwork for Chapter IV, which includes the calculation of case weights and the procedure by which the case weights can be employed in budgeting calculations. Chapter V addresses the question of utilization of the budget weights and considers the manner in which they can aid budget submissions. The way in which the positions that are actually provided can be allocated to individual districts is then discussed.

Chapter VI is a summary chapter in which the main conclusions and recommendations of the report are reviewed.

II. THE RESEARCH DESIGN

The research design for the study was developed after discussions with a number of individuals familiar with the U.S. Attorney system. Among those were members of the Advisory Committee of U.S. Attorneys and staff of the Executive Office for U.S. Attorneys and the Federal Justice Research Program of the Office for Improvements in the Administration of Justice.¹

These discussions led to the identification of three basic issues:

- . Which of the various methods of developing case weights is most suited to the planning and budgeting needs of the EOUSA?
- . What data are needed for the weight calculations to be made, and from what sources will they be drawn?
- . What sort of information will the EOUSA need to operate the case-weighting system, and how will it be developed?

The decisions made with respect to the first two questions will be examined in depth in this chapter. Consideration of the information needs of the EOUSA will be taken up subsequently in Chapter V.

¹Special thanks are due to the Advisory Committee of U.S. Attorneys, the members of which contributed freely of their time and expertise to early discussions about the project. They also responded in detailed fashion to a survey that was prepared by project staff. Our analysis of that survey is contained in an interim report submitted to the Department of Justice: "Survey of the Attorney General's Advisory Committee of U.S. Attorneys, An Interim Report on the Allocation of Resources in U.S. Attorneys' Offices," mimeo, (May 1978).

Before proceeding to the design issues, we present an overview of the way in which case weights can be established and the manner of their utilization. The objective is to provide a framework for the study.

A. AN OVERVIEW OF CASE WEIGHTING

Case weighting is a method of assigning to each case a weight that reflects the resources needed to process that type of case. In other words, it is an attempt to convert case load information to work load information. Once such work load estimates have been established, they can be used to assist resource allocation decisions for individual filings, for types of cases, for offices, or for a total system.

In the criminal justice system, three general approaches to the establishment of work load estimates have been used. The first of these is to simply count case filings and pending case load; the second is to use expert opinion as a way of determining the relative demand placed by different case types on resources; the third is to make an empirical observation of attorney activities and to establish measures of the time those activities consume. Within each of the three general approaches, different strategies can also be employed. A brief review of each of the approaches and accompanying strategies follow.²

²For a more extended discussion, see Terence Dungworth, et al., Assessing the Feasibility of Case Weighting as a Method of Determining Judicial Workload, Institute for Law and Social Research, submitted to the Federal Judicial Center (1978): Chapter II.

1. Counting Case Filings and Pending Case Load

The simplest and perhaps most frequently used approach to estimating work load is to simply count the number of filings that occur. This is the same as giving each filing a weight of one. Thus, if office A has 500 filings and office B has 1,000 filings, this approach would assign twice as many resources to office B as to office A. The number of filings might be adjusted to reflect an assessment of pending case load, but the cases that were pending would also be given the weight of one, so that the basic approach would not be changed.

Dissatisfaction with this approach has led to the growing number of efforts to weight cases in a manner that reflects the work actually needed to process them. The arguments against using a simple count are straightforward. First, cases of different types can require different levels of commitment from attorneys, and it is therefore inappropriate to assume that one case type is equivalent to another. A second point is that cases of the same type make different demands on resources from jurisdiction to jurisdiction. A common example is that an immigration case in a border district, such as Southern California or Arizona, has a radically different impact on resources than an immigration case in a district such as Northern Illinois. Attorneys in the border districts handle many immigration cases and tend to have many well-established procedures for them. This is not true in Illinois, where immigration cases are rare. Consequently, the burden of the case type is different. The general point is that variety

in substance, complexity, experience levels, and many other factors makes equating unweighted filings with work load an unappealing approach.

2. Expert Opinion

One alternative to a simple count of filings and pending case loads is to employ expert opinion to address the two questions: In what way do cases of different types make different demands on resources? To what extent does the same type make different demands in different districts? It is possible to employ a technique such as the Delphi method in this approach, and naturally, obtaining expert opinion does not preclude the use of other strategies.³

This approach has both strengths and weaknesses. The obvious strength is that the incorporation of expert opinion allows seasoned judgment to play a role in the determination of what is a very sensitive question--the allocation of resources on a differential basis. The experts may be more likely to avoid the problems and pitfalls that might ensnare the less

³The Delphi approach involves repeated polls of a group of experts, such that each poll after the first focuses on disparities of opinion revealed by previous polls. In this way, the experts can clarify and modify their responses, with the objective of achieving consensus or unequivocally stating the range of opinions that exists. For a discussion of the approach, see Harold Sackman, "Summary Evaluation of Delphi," Policy Analysis I, no. 4 (Fall 1975). For use in a case-weighting study, see David P. Doane, "Experimental Court Case Weights Using the Delphi Method," paper presented at the TIMS/ORSA Joint Meeting, Chicago, May 2, 1975.

experienced. The potential therefore exists for a higher degree of acceptance among those affected by the resource decisions than if a purely empirical approach were taken. On the other hand, some difficulties are associated with the method. In order to employ a Delphi strategy effectively, a substantial amount of time and energy can be required from people whose time is probably fully occupied in the execution of their professions. Second, the approach inevitably involves the reduction of a complex question to a set of much more simple--sometimes simplistic--statements. Another problem is that it is difficult and sometimes impossible to identify a sufficient number of experts who have the kind of wide-ranging experience with the system being examined that is required for their input to be generalizable. What is much more common, for instance, is the identification of experts who may know one particular part of the system, but who have relatively little familiarity with all of it. This tends to be the case in the system of U.S. Attorneys' Offices. Individual U.S. Attorneys who have worked for a substantial period of time in their positions may have a high degree of knowledge about their own particular offices. However, their experience with other offices is usually limited, and it is not reasonable to expect them to make informed interoffice judgments. As a consequence, the second of the two questions raised is difficult to address through this method.

A strategy that is perhaps more satisfactory than relying entirely on expert opinion is to use experts in the initial phase of a project, so that their judgments and experiences can be incorporated into the design of the research, and to supplement those judgments with the collection of data on the question at hand. This was precisely the strategy that was undertaken in this project. The Advisory Committee for U.S. Attorneys was consulted early in the project and was, in fact, polled with respect to the primary questions about resource allocation and case weighting that the study considered. The responses to these polls, presented in detail in the previously cited "Interim Report," were invaluable aids in the specification of data elements (see Section C of this chapter).

3. Observation of Time and Activities

Since the way in which attorneys spend their time during the normal working day constitutes the essence of the work load of a particular case, the most direct method of determining that work load is to measure and record the time attorneys expend on various activities. This can be done longitudinally or cross-sectionally. The longitudinal approach involves the selection of a specified number of cases to be tracked from receipt in the office to termination. An effort is then made to record all time expended on those particular cases. This contrasts with the cross-sectional approach, in which the work

done on all cases is observed for a shorter period of time. The advantage of the former method is that all time expended on a particular case can be recorded and analyzed. The disadvantage is that a study using that method would have to last a long period of time. Years elapse, for instance, between the filing and disposition of many civil cases. Consequently, if a commitment has been made to observe all time expended on a particular case in order to generalize to cases of that type, then the study would have to last at least as long as the life of the longest case that was included. This would mean in effect that over a period of several years particular attorneys within an office would have to record all time spent on particular cases. The logistical problems associated with this are obvious.

Because of the problems associated with the longitudinal approach, we determined early in the project to adopt the cross-sectional approach. A 90-day period was selected, during which all attorneys in the study districts would report all time expended, both case related and non-case related.

Because this strategy involves a cross section of time rather than all time associated with a particular case, a method of adjusting the time observed to account for time not observed had to be developed. How this was done is described in the next section.

B. THE ESTABLISHMENT OF A CASE-WEIGHTING METHODOLOGY

The purpose of recording attorney time is, of course, to obtain an estimate of the attorney hours needed to process cases of a particular type. When many cases of one type are filed, it is to be expected that the attorney hours needed will vary from case to case. However, if the average per-case hours could be calculated, they would be a satisfactory estimate of the time taken for the average case of that type. Therefore, looking ahead to a future budgetary period, the average hours per case, multiplied by the expected number of cases, would produce an estimate of the total case-related hours needed for that case type, assuming the relative stability of the other factors affecting time expended on a case (e.g., complexity, policy, procedures).⁴

As noted earlier, it is usually impossible to obtain a direct count of the total number of hours spent on a case because the life of the majority of cases is longer than the study period. In other words, a cross-sectional time study takes a slice out of the life of a case and produces a comprehensive record of the activities occurring during that time slice, but it does not directly provide the total number of hours worked on the case. This must be estimated, and the establishment of a satisfactory estimating procedure is the fundamental problem facing all time studies of this type.

⁴Before this figure could be translated into positions needed, adjustments would have to be made for such factors as administrative work, non-case related activities, vacation, and so on. These issues are discussed in depth in Chapter IV.

In this project, we have employed two conceptually and analytically distinct strategies. The first is based on the relationship between average case life and the proportion of that life that was observed during the study; the second uses time expended on case-related activities and relates it to the frequency of occurrence of the type of events with which the activities were associated. Because the case-life approach requires less information than the event-based approach, it is less prone to missing data problems and is therefore more likely to produce operationally usable results. However, an examination of events was judged valuable (even if it did not produce satisfactory weights) because of the potential utility of the detailed information about case processing and attorney activities that would result.

In the remainder of this section, we discuss the two approaches in more detail.

1. The Case-life Approach to Estimating Total Case Time

As stated previously, an adjustment to observed time was necessary because the duration of the data collection period was shorter than the life of most of the cases on which attorneys worked. Therefore, the attorney time reported during the study period underrepresents the attorney time expended over the full life of the case. As a consequence, weights based on only the study time would be biased.

The case-life approach to this adjustment problem is based on the premise that work done on a case during the study has a predictable relationship to work done on that case outside the study period. A hypothetical example will

illustrate the problem and the approach to solving it.⁵ In the following diagram, 10 cases of the same type--each of which lasted 180 days and consumed 6 hours of attorney time--are depicted. To simplify calculations, the survey period is set at 120 days, and the 10 cases are assumed to have been filed at intervals of 30 days.

<u>Time Reported</u>	<u>Case Number</u>	<u>Survey Period</u>		
0	1	180		
1	2	150	30	
2	3	120	60	
3	4	90	90	
4	5	60	120	
4	6	30	120	30
4	7		120	60
3	8		90	90
2	9		60	120
1	10		30	150
<u>24 hours</u>				180 (not counted)

- Assumptions:
1. Average case life = 180 days.
 2. True attorney time spent on each case = 6 hours.
 3. The filing rate is even.
 4. The expenditure of time is even across the life of the case.

⁵This example was first presented in Dungworth, et al., Assessing the Feasibility of Case Weighting: III-6. Though it was developed in conjunction with an analysis of judicial time reports, the logic of the problem is identical to that faced in this study.

The time reported by attorneys for the 10 cases is 24 hours, compared with the 60 hours actually expended over the lives of the cases. The problem then is to find an estimating procedure that will adjust the reported time so as to produce an estimated total time that approximates 60 hours.

A simple method of doing this is to calculate the proportion of the life of each case that was observed and to adjust the time on the basis of that proportion. For example, case #2 in the diagram was in the study period for 30 days out of a total life of 180 days. This means that the days observed were one-sixth of the case life. Thus, if the assumption about evenness of expenditure of time is allowed to stand, the reported time will be one-sixth of the total time expended. Since 1 hour was reported for this case, the estimated total time will be 6 hours, which corresponds precisely to the true time. A similar adjustment works in the same way for every case in the example.

There are two critical problems with this approach, one logical and one informational. The logical problem arises from the assumption that attorney work is evenly spread across the life of the case. Any attorney who has worked on a case knows that this is rarely true. The informational problem is that the true life of the case has to be known for the adjustment to be made on a case-by-case basis. However, under real world study conditions, this information is not available for any case still pending at the end of the study period (unless, of course, utilization of the data is delayed until all study cases are closed--normally, an unacceptable condition).

An answer to both of these difficulties has been suggested by R. W. Gillespie in a critique of the 1971 Federal District Court time study.⁶ The problems in that study were precisely those discussed here. Gillespie's proposed solution was to use an adjustment factor that employed the known average life of cases of a given type, rather than the life of an individual case, and that, given a large enough number of cases, would not require the assumption that time is evenly expended across the life of a case.

The adjustment factor is defined as follows:

$$\frac{T_i + S}{S}$$

where,

S = number of days in the study period

T_i = average life in days of cases of type (i).

For the example provided in the diagram above, the adjustment factor would therefore be:

$$\frac{180 + 120}{120} = 2.5 .$$

Application of the factor is then made to the total time reported (24 hours), producing an estimated total time of 60 hours, which is equal to the true time. Thus, the Gillespie adjustment produces the same average result--6 hours per case--as the adjustment based on individual case type. Of course,

⁶R. W. Gillespie, "Measuring the Demand for Court Services: A Critique of the Federal District Court Case Weights," Journal of the American Statistical Association 69 (March 1974): 38-43. The reader is referred to this article for the mathematical derivation of the formula.

it would not produce the same result if applied to an individual case (though the sum of individual case applications would equal 60 hours). However, this does not matter in the application being considered in this study, since the objective is to predict time needed for all cases of a given type, rather than for an individual case.

The question to consider now is whether the assumptions about evenness of expenditure of time and filing rate can be considered valid for the data being collected in the study of U. S. Attorneys' Offices, and, if not, whether violation of them would result in seriously biased estimates.

a. The Expenditure of Attorney Time. We have already noted that the assumption about evenness of time expenditure is not consistent with attorney experience. The problem here, then, is to assess the impact of violation of the assumption.

First, let us consider the kind of unevenness that could occur. We assert that it will be either systematic or random. By systematic we mean that all cases of a given type would have a similar, though irregular, pattern of time expenditure. One plausible systematic construct is a bi-modal expenditure, such that time is spent in the early days of the case and during the closing days of the case, with little in-between. By random, we mean that cases show little or no consistent pattern. Time may be spent anywhere in the life of the case.

If time is spent systematically for a given case type, then the only prerequisite for the case-life adjustment to

work satisfactorily is that cases of different ages be included in the study. In the instance of the bi-modal construct, some time would be reported from the first modal phase, some from the second, and some from the period in between. The precise distribution of time would depend on such factors as the length of the study period, the average life of the cases, and the average length of the modes and the interval between them. The important point, however, is that the averaging process would produce the same effect as if time had been evenly distributed, provided the number of cases is not small.

What if time expenditures are more or less random, so that no systematic pattern such as the bi-modal one occurs? This would mean, by definition, that for a large number of cases, the average of the time spent at any given point(s) in the lives of those cases (e.g., the first day, or the first ten days, or the last five days) would be the same as the average of the times spent at any other point. If this were not so, then the distribution would be systematic, not random. Since the consequences of this are equivalent to those of an even distribution, we need not be concerned about non-systematic distributions.

What is most probable in the actual experience of Assistant U. S. Attorneys is that time expended will be systematically but unevenly distributed over the life of the case. There will of course be some cases that do not conform to the

general pattern, and when those cases are included in the averages for all cases, they will modify the general pattern somewhat. However, provided the number of cases in the study is not so small that a few deviants will seriously skew the averages, the dominant pattern will be captured.

b. The Filing Rate. The filing rate question is actually a stand-in for another issue. That issue concerns the expenditure of time by stage of case (e.g., pre-indictment or filing, pretrial, trial). What is needed is that a large enough number of cases at each stage be worked on by attorneys so that the average time expended is approximately the same during the study period as it would be during any other period of similar length. This is difficult to demonstrate, since no comparative statistics on time expenditure are available. Therefore, we use the filing rate and case age as substitute indicators. These involve empirical rather than logical questions. Are cases filed more or less regularly, or are there seasonal or other variations in filing patterns? Little if any analysis of these patterns in U. S. Attorneys' Offices has been done to date. However, one of the data elements collected in this study was filing date information (see Section C below). We will thus be able to consider the filing patterns for the cases on which attorneys worked. We should not expect these to be identical from day to day, nor even from month to month. However, we anticipate a reasonably regular filing pattern for most case types and, consequently, expect to see attorney time devoted to all stages of case processing.

In conclusion, we anticipate that the case-life approach will produce reliable estimates of the average time expended over the life of a case, provided a large enough number of cases of varying ages are worked on by attorneys during the data collection period.

2. The Event-based Approach

The basic premise of the event-based approach to case weighting is that the attorney time needed to process a case can be predicted from a knowledge of three factors:

- . The types of events that occur in the life of the case.
- . The average time expended on the activities associated with those events.
- . The number of events of a given type that will occur.

For each type of event, the expected frequency of the event is multiplied by the attorney hours that event is expected to require. Summing the products for all event types provides an estimate of the total time needed. The design problem is how to obtain accurate information on the type, duration, and frequency of events and associated activities.⁷

⁷Confusion about the use of the words "event" and "activity" can easily arise. Ideally, the word "event" would be used for such things as a filing, commencement of a trial, the occurrence of a motion hearing, and so on. The word "activity" would refer to the attorney work associated with the event. However, the distinction is not neat. Writing a letter may not be a formal event in the life of a case, but it is certainly an activity that consumes time. Telephone calls are in a similar class. Consequently, though every enumerable event will have a corresponding activity by the attorney of record, not every activity will be associated with an event. Subsequently, we will specify how these two different situations are treated.

We have addressed this problem by identifying three data sources which, in principle, contain the information. For the type of event worked on, and the time the event required, we looked to the attorney handling the case. On the time report form developed for this study (see Section C below), attorneys were asked to report time spent, by activity type. For the number of events that occurred during the study, we used the case file that is maintained for each case. That file contains all information relating to the case, including a posting of the type of event and the date it occurred. Since many cases were still open at the end of the study, this file did not contain information on events across the complete life of the case. To obtain that number, we looked at terminated cases of the same type and calculated an average frequency for each kind of event.

Given that these three data sources provide the necessary information, it is possible to calculate an estimate of the time needed that does not require an adjustment of the sort discussed in the last section. Therefore, the caveats noted there about the evenness of expenditure of time and of filing rate are not necessary here. However, other potential problems must be kept in mind.

Foremost among these is whether the case files do in fact contain postings and documentation for all case events. In principle, as was noted, the case file is the repository of all case-related information. It constitutes a permanent record of the original documents pertaining to each case. In

practice, however, the quality of the posting to the case file and the comprehensiveness of the documents contained in it are both unknowns. To our knowledge, no systematic evaluation of this function has ever been made. In discussions with personnel in the various districts, it became clear that the case file is considered the best available record of case events--better, for instance, than the Docket and Reporting System or the Automated Caseload and Collections System. As subsequent chapters of the report will show, this was also our experience. Therefore, despite the fact that some dangers exist, we decided to proceed with this strategy.

C. THE DATA BASE

Our strategy for producing case weights mandated the development of a data base containing records of time spent by AUSAs and details of the cases on which that time was spent. In addition, in order to calculate estimates of total time expended on cases from the partial time that would be reported during the study, we would have to construct profiles of terminated cases. Thus, three distinct types of data were included in the data collection process. The specifics of these are discussed below.

1. Collection of Time Data

The collection of data on the way Assistant U. S. Attorneys spend their time was problematic, for a variety of reasons. First, there is a general aversion among professionals to the implementation of any type of time-reporting system.

Such systems are seen as a time-consuming and unnecessary hindrance to the performance of their normal duties. They are also threatening because they can be used as evaluative tools by management. As a consequence, previous efforts to establish time and activity recording in U. S. Attorneys' Offices have not been generally successful.⁸

Even if such normal resistance can be overcome, an additional problem remains. The working day of an attorney is not easily divisible into discrete, measurable activities. An attorney may be working on the preparation of a motion for one case, and during that preparation, be interrupted by phone calls or visits relating to other cases for which he or she is responsible. Keeping track of these activities and the time spent on them is difficult and subject to error, unless the commitment to doing so is high.

Despite problems like these, we remained convinced that the effort to collect time data must be made. Prior to this project, there was no clear description of the kinds of activities AUSAs engage in during the working day, or of how AUSA time is divided among different activities. Given this situation, planning and budget justification are difficult, to

⁸Two of the study offices were exceptions to this tendency. Mississippi (North) and Oklahoma (West) had time-reporting systems in effect. There was also a system of reporting court-appearance time to the Executive Office for U. S. Attorneys, which in principle was operational in all offices. However, as far as we could tell, the reporting practices of AUSAs were erratic.

say the least. Therefore, even imperfect data would represent an improvement on the information that has been available.

To address these problems, we visited a number of offices to discuss with AUSAs the way in which their workday could most accurately be reflected. The consensus was that a diary-type recording system would be necessary. This should be maintained on a sequential basis during the workday and during time spent on official activities outside the normal workday (weekends included). Final details of the form to be used were worked out during a pilot period in the District of Arizona. A copy of that form is presented as Figure II.1.

The procedure followed was for the attorney to specify the nature of the activity engaged in by selecting a code from those listed at the top of the form. If the activity was case related, case identifiers would also be included. If not, the activity was still reported. Each day the completed forms were collected and reviewed for completeness of information by coders working in the office. Reminders were sent to AUSAs who had not completed forms for the previous day, and then the reviewed and completed forms were forwarded to INSLAW for processing.

2. Collection of Data on Current Case Events and Attributes

Though the time reported by the attorneys was the cornerstone of this project, that time had to be associated with the specific case on which it was expended (assuming that it was a case-related activity). This was accomplished by developing from the information provided by attorneys during the study

Figure II.1 . TIME REPORTING FORM

NAME: _____

DISTRICT OF

I.D. NO. _____

DATE: / /
mo. day yr.

STATUS

1. Pre-complaint/Claim
2. Magistrate Ct
3. *District Ct. (before
Mag)
4. *District Ct. (before
Judge)
5. Bankruptcy Ct.
6. State Ct
7. Appellate Ct
8. No: case related
9. Other (Explain)

*Assign #'s 3 or 4
according to next
scheduled Ct event

COURT APPEARANCES

- 10 Prelim Hearing
11 Motions Practice
12 Trial - Bench
13 Trial - Jury
14 TRO/Prelim Inj
15 First Appearance/
Arraignment
16 Grand Jury
17 Bond Hearing
18 Plea Hearing
19 Sentencing
20 Other Hearing
(Explain)

CONFERENCES

21. Citizen
22. Witness
23. Agent/Agency
24. Opp Counsel
25. Judge/Clerk
26. Intra-Office
27. DOJ
28. Other

TELEPHONE

- 31 Citizen
32 Witness
33 Agent/Agency
34 Opp Counsel
35 Judge/Clerk
36 Intra-Office
37 DOJ
38 Other

PREPARATION

- 41 Pleadings/Briefs
(filed w/ Ct.)
42. Fact Invest.
43 Legal Research
44 Memorandum
45 Deposition
46 Other Discovery
47. Other (e.g., oral
arguments, case
strategy, review-
ing notes, etc.)

OTHER ACTIVITY

51. Correspondence
52. Training
53. Travel
54. Administrative
55. Other

[illegible]

lists of the case numbers for the cases on which they had worked. These lists were then forwarded to on-site data coders provided by the Executive Office for U. S. Attorneys, so that case files could be located. The coders then completed data collection forms provided by INELAW. The specifics of these are documented in Appendix A of this report. In general, the form provided for the collection of selected case attributes and for the recording of all events associated with the progression of the case. To allow time for posting from attorney records to the case jacket (which was the source of information for this form), the cases on which data coders were to collect information were not specified until the time-reporting phase of the project had been concluded.

3. The Historical Data Base

In terms of the types of information to be collected, the historical data base was the same as the current data base (see Appendix A for details). The difference between them was that the cases in the historical data base were all closed prior to July 1, 1978, and all posting within the office to the case jacket and to the docket card had been completed by the time the data were collected. This made it possible to develop a comprehensive profile of the kinds of cases the particular office processed. The connection between the historical data base and the attorney time and activity information is developed in more detail in Chapter III. In general, the purpose was to allow inference from the necessarily incomplete picture of work load and case events

that was developed during the study, to the complete case load of the office. Thus, it was from the historical data that calculations of the average case life and of the average number of events of particular types were made.

D. SUMMARY

In this chapter, we have considered in some depth the design issues related to the two methods of calculating case weights and to the collection of data. We have argued that the employment of two parallel case-weighting methodologies is both possible and desirable, and we have specified the theoretical and logical strengths and weaknesses of the two approaches. In Chapter IV, we will examine those questions again in light of the study data. Meanwhile, in Chapter III, we present a preparatory overview of those data.

III. ATTORNEY TIME AND CASE EVENTS

In this chapter, the data collected during the study will be introduced. The chapter has three basic objectives. The first is to make a summary statement about each of the main data bases that were developed. The second is to detail the way in which attorneys spent their workdays during the study and to document the distribution of their time by type of activity and by type of case. The third is to lay the empirical groundwork for the calculation of weights, which will follow in Chapter IV. The organization of this chapter follows the three main objectives. In the conclusion, data problems and strategies for coping with them will be reviewed.

A. A SURVEY OF THE DATA BASE

The data collected during the study are summarized in Table III.1, which documents for each of the 11 districts the quantity of information collected there. It will be noted that the District of Arizona is presented as two separate offices. This practice is for informational purposes only and is considered warranted because both offices report a substantial number of attorney work hours. The District of Arizona is separated into these two offices throughout the remainder of this report. For all other districts, information from different offices within the district is aggregated.

As can be seen from the two columns in the table that contain information about the length of the study, all attorney time reporting took place within the last six months of 1978; the study target of 90 calendar days of reporting was met in

Table III.1. AN OVERVIEW OF THE DATA BASE

District	Study Period 1978	Number of Study Days	Time Reports by AUSAs				Profiles of Current Cases			Profiles of Cases Terminated (7/1/77-6/30/78)			Total Cases
			Total Hours	Civil Cases Reported	Criminal Cases Reported	Total	Civil	Criminal	Total	Civil	Criminal	Total	
AZ (Phx)	7/20-10/20	93	8,072	524	538	1,062	93	99	192	373	248	621	1,683
AZ (Tuc)	7/21-10/28	100	6,781	236	371	607	62	122	184	123	506	629	1,236
CA (C)	8/21-11/9	81	32,636	1,740	2,750	4,490	137	100	237	1,070	411	1,481	5,971
CA (S)	10/2-12/31	91	12,474	234	546	780	19	45	64	199	268	467	1,247
GA (N)	8/25-11/28	96	11,006	515	687	1,202	102	73	175	398	364	762	1,964
IL (N)	8/28-11/28	93	30,513	1,366	3,124	4,490	146	57	203	451	480	931	5,421
MA	9/14-12/17	95	11,792	652	752	1,404	96	150	246	400	402	803	2,207
MI (E)	8/29-12/4	98	17,444	1,136	1,220	2,356	157	153	310	422	378	800	3,156
MS (H)	8/7-11/3	89	3,715	220	143	363	103	82	185	139	133	272	635
NJ	9/18-12/14	88	31,343	3,073	1,534	4,607	139	92	231	304	447	751	5,358
OK (W)	9/1-11/30	91	4,820	101	302	403	64	97	161	183	159	342	745
WA (W)	10/1-12/29	90	10,005	458	565	1,023	178	157	335	255	302	557	1,530
Total		1,105	180,601	10,255	12,532	22,787	1,296	1,227	2,523	4,218	4,098	8,416	31,203

most instances. Total days numbered 1,105, and the average number of days was 92.8. The fact that the study lasted a different number of days in different offices was a product of local conditions and project timetables and is not considered to have any bearing on the quality of the data collected.

In all of the offices, the cooperation of attorneys was very high. We believe the extent of this cooperation is clearly illustrated by the quantity of time the attorneys reported. There were, across all of the offices, over 180,000 hours of attorney time reported, which constitutes a data base equivalent to 90 workyears. In the larger offices, such as the Central District of California, the Northern District of Illinois, and New Jersey, approximately 15 workyears were reported by each office. This amount of time is naturally reflected in the number of cases for which the attorneys reported their time. Information was collected on more than 10,000 civil matters and cases and 12,500 criminal matters and cases¹.

As we pointed out in Chapter II, the case-life method of case weight calculation requires a knowledge of case type, average case life, and time expended for each case included

¹The word "matter" is used by the Department of Justice to refer to litigation not yet filed in a District Court. When filing takes place, the "matter" becomes a "case." Before filing, all matters are given a complaint or claim number, and the matter is referenced and filed by that number. After filing, the District Court Assigns a case number, which is incorporated into USAO records. In this project, attorneys reported time on all matters and cases on which they worked. During the report, to avoid repetition of both terms, we have adopted the convention of using the word "case" to mean case or matter, except where we specify otherwise.

in the calculation. The event-based method, however, requires much greater detail--especially with respect to the type and frequency of events. Initially, we believed that much of the information for both methods could be derived either from the Docket and Reporting System or from ACCSYS. Given that this was so, it would have been possible to base both sets of weights on a large number of cases. However, upon investigation, we determined that neither the quantity nor the quality of the information contained in those systems was adequate to support event-based calculations. As a result, a subset (25 percent) of cases on which attorneys reported was selected for on-site coding of event information.²

We anticipated that a substantial portion of the files for these cases could be located and that the desired information, as specified in the previous chapter, could be developed. However, a number of problems arose that qualified the success of this strategy.

First, use of the strategy meant that the data collection could not begin until late in the life of the project, since it was necessary to give district personnel time to complete posting of activities that attorneys reported to the case file. However, in some offices, even two-to-three months after the time study had ended, posting was still not completed. Second, it was the practice in many offices for attorneys to keep the files for pending cases in their offices,

²Project resource constraints prohibited the coding of a larger sample, but 25 percent was considered an adequate subset.

rather than in a central file. This was particularly true when the case was active. What this meant for the on-site data collectors was that a search had to be conducted to establish the location of the file, and the attorneys then had to be contacted for a time when it would be convenient to release it for data coding. Further, even if the file could be located, there were instances of sensitive or secret investigations in which the attorney working on the case naturally did not want the case file examined by an outsider. As a consequence of these problems, it was not possible to develop detailed case information on the target figure of 2. percent of reported cases. From the totals presented in Table III.1, it can be seen that for civil cases, 1,296 (13 percent) were covered by this data collection phase, and 1,227 (10 percent) criminal cases were examined. As will be discussed further in Chapter IV, these lower-than-desirable numbers have led to some difficulties in the calculation of event-based weights.

Profiles of terminated cases constitute the third set of data depicted in the table. The 8,416 cases represent approximately 10 percent of civil and criminal cases terminated in all U.S. Attorneys' Offices for FY78, and they are approximately 45 percent of the cases terminated in these 11 districts during the same period. These figures lend support to the claim that both the study offices and the total system are well represented by the data.

B. THE DISTRIBUTION OF ATTORNEY TIME

This section of the chapter focuses on the time reported by attorneys. It is divided into two parts. In the first, the characteristics of the attorney working day are considered, and a detailed discussion of the activities in which attorneys are involved is presented. In the second, the case typology that is employed throughout the remainder of the study is documented. Distribution of attorney time across the categories of the typology is then considered.

1. How Assistant U.S. Attorneys Reported Spending Their Time--An Organizational Perspective

With the development of a set of case-based weights as the ultimate objective, the primary unit of analysis is, of course, the case. However, as an outgrowth of the collection of data on resource expenditures, there emerges a fairly comprehensive picture of how the reported working day of the typical Assistant U.S. Attorney was organized.

To facilitate interdistrict comparisons, attorneys have been divided into two general groups--civil and criminal. Most of the U.S. Attorneys' Offices are organized along these lines, that is, separate civil and criminal divisions operate within the office. In some of the larger offices, a more specialized organizational structure is often common. For purposes of this comparison, specialized prosecution sections, such as Frauds and Narcotics, have been placed in the criminal group.

Naturally, there are offices among the 95 U.S. Attorneys' Offices that eschew this particular organizational structure. For example, in the Northern District of Mississippi, all cases--civil and criminal--are generally distributed among all the assistants. Additionally, in each office, there are attorneys who, for one reason or another, do not fall into either category. This third group usually includes the U.S. Attorney and any other attorneys with general supervisory responsibility.

In actual practice, these functional divisions often break down, and there are "civil" attorneys who spend time on criminal cases and vice versa. The reader should therefore note that the grouping presented in this section is strictly to facilitate comparisons among attorneys and does not form the basis for any weighting scheme. In subsequent sections, references to civil or criminal resource expenditures will refer to cases of that type, irrespective of the nominal group of the attorney involved.

Table III.2 presents a review of (a) total time reported by attorneys on office-related activities during the approximately three months of special data collection and (b) how those hours are allocated among the various groups of attorneys. A total of 180,601 hours were reported during the study; 25 percent of those hours were reported by attorneys in the civil group, 62 percent by attorneys in the criminal group, and 13 percent by other attorneys.

Table III.2. THE DISTRIBUTION OF TIME BY ATTORNEY GROUP

District	Total Time Reported (Hrs)	Civil Attorneys			Criminal Attorneys			Other Attorneys		
		Total Hours	Time Per Attorney (a)	Time Per Day (b)	Total Hours	Time Per Attorney (a)	Time Per Day (b)	Total Hours	Time Per Attorney (a)	Time Per Day (b)
AZ (Phx)	8,072	2,549	424.8	7.8	4,508	450.8	8.7	1,015	338.3	8.3
AZ (Tuc)	6,781	1,777	444.3	7.1	4,501	450.1	7.6	503	503.0	7.9
CA (C)	32,636	9,069	377.9	8.0	20,888	360.1	8.2	2,679	382.7	11.25
CA (S)	12,474	4,096	409.6	9.2	8,007	348.1	8.2	371	371.0	8.3
GA (N)	11,006	2,633	526.6	9.4	8,000	470.5	9.4	373	373.0	6.9
IL (N)	30,513	7,352	386.9	9.0	21,999	385.9	8.5	1,162	387.3	5.4
IA	11,792	3,959	395.9	7.2	7,738	429.9	7.2	95	95.0	2.3
MI (E)	17,444	4,186	523.3	9.2	10,242	445.3	7.9	3,016	430.8	8.6
MS (N) *	3,715							3,715	464.3	8.4
NJ	31,343	6,068	505.7	8.8	18,747	493.3	9.0	6,528	502.2	9.2
OK (W)	4,320	446	446.0	8.3	2,519	503.8	9.0	1,855	463.8	9.2
WA (W)	10,005	2,813	401.9	8.2	5,472	420.9	8.6	1,720	344.0	8.7
Totals	180,601	44,948 (251)		(8.4)	112,621 (624)		(8.4)	23,032 (131)		(8.6)

(a) Time per attorney is the average number of hours reported by each attorney in the group during the reporting period.

(b) Time per day is the total number of hours reported divided by the number of official workdays actually worked (exclusive of weekends and holidays). This figure is an estimate of the average hours actually worked per budgeted day.

*Mississippi (N) attorneys have been grouped in the 'Other' category to reflect the fact that the office is not divided into civil and criminal divisions.

Two additional statistics are reported for each group of attorneys. The first, time reported per attorney, represents an unadjusted accounting of average hours reported by each attorney in the group during the reporting period. The figure is unadjusted in that it does not take into account different reporting period durations, peak vacation periods, or attorneys who were part of the office staff for only a portion of the reporting period.

The second, average time reported per day, requires some elaboration before discussion of its significance. During the course of the study, participating attorneys were asked to report all time expended on office-related activities taking place in the office or at home during normal working hours or during evenings, weekends, and holidays. All of these hours are reported in the "total time reported" column and were used in the derivation of case weights, to be discussed in Chapter IV. The total days worked represents only official working days, exclusive of weekends, holidays, and leave days. Time per day is then computed by dividing the total hours reported, including weekends, holidays, and evenings, by the number of official working days in which time was reported. An interpretation of time per day as reported here is that it represents the lower bound of the number of hours worked per allocated or budgeted attorney day. As seen in the table, the time reported per budgeted day varies across districts, ranging from approximately 7 to approximately 9 hours. The average over all

districts is 8.4 hours per budgeted day, for both civil and criminal attorney groups.

Table III.3 elaborates on the manner in which attorney time was distributed during the course of the reporting period. The table illustrates the number of calendar days in the reporting period, the number of official workdays, and, for each group, the average number of workdays actually reported. Also highlighted in the table are the proportion of workdays for which 8 hours or less were reported, the proportion for which between 8 and 12 hours were reported, and the proportion for which more than 12 hours were reported. Using this table and the data in Table III.2, we can consider an important question. Are the attorney time reports representative, in terms of volume, of the actual work that took place during the study period? There are two parts to this. First, did attorneys submit time reports for the days they worked? Second, did those time reports contain the correct number of hours worked? We have no direct answers to these questions, but we can make inferences from the information on days worked in Table III.3.³

First, the difference between the number of calendar and the number of official workdays is based upon weekends and holidays and does not have any bearing on the question at hand. What is important is the difference between official workdays and reported workdays. This could be due to a number of

³We shall focus on civil and criminal attorneys in this discussion. The "other" category contains administrators whose non-case time is accounted for by an adjustment procedure discussed in Chapter IV.

Table III.3. THE ATTORNEY WORK DAY

ATTORNEY TIME REPORTS														
District	Days in Reporting Period	Official Work-days	Civil Attorneys				Criminal Attorneys				Other Attorneys			
			Average Days Reported	Percentage of Days			Average Days Reported	Percentage of Days			Average Days Reported	Percentage of Days		
				0-8 hrs	8-12 hrs	12+ hrs		0-8 hrs	8-12 hrs	12+ hrs		0-8 hrs	8-12 hrs	12+ hrs
AZ (Phx)	93	62	46.9 (6)	64%	35%	2%	51.8 (10)	54%	40%	5%	40.7 (3)	69%	18%	12%
AZ (Tuc)	100	68	62.5 (4)	85%	14%	1%	59.1 (10)	63%	35%	2%	64.0 (1)	67%	27%	6%
CA (C)	81	56	47.3 (24)	65%	31%	4%	45.3 (58)	72%	24%	4%	34.0 (2)	57%	30%	13%
CA (S)	91	56	44.4 (10)	52%	39%	9%	42.7 (23)	62%	32%	6%	42.0 (1)	50%	43%	7%
GA (N)	96	60	55.8 (5)	46%	45%	10%	50.3 (17)	47%	43%	10%	54.0 (1)	74%	25%	---
IL (N)	93	57	42.9 (19)	51%	41%	8%	45.7 (57)	57%	37%	6%	31.0 (3)	74%	23%	3%
MA	95	65	55.0 (10)	83%	15%	2%	59.6 (18)	76%	22%	2%	41.0 (1)	100%	---	---
MI (E)	98	66	56.6 (8)	35%	55%	10%	56.2 (23)	65%	28%	6%	58.2 (6)	55%	39%	5%
MS (N) *	89	62	---	---	---	---	---	---	---	---	55.4 (8)	61%	34%	5%
NJ	91	65	57.3 (12)	47%	45%	8%	54.8 (38)	41%	51%	8%	54.8 (13)	42%	46%	11%
OK (W)	90	60	54.0 (1)	41%	56%	4%	55.6 (5)	51%	39%	9%	50.3 (4)	35%	59%	6%
WA (W)		59	57.0 (7)	47%	51%	2%	49.1 (13)	48%	43%	4%	49.25 (4)	5%	37%	4%

Note: Numbers in parentheses are the number of attorneys.

*Mississippi (H) attorneys have been grouped in the 'Other' category to reflect the fact that the office is not divided into civil and criminal divisions.

factors. First, vacations and sick leave are part of the normal fringe benefits for all federal employees. It is to be expected that during any given three-month period, some vacation and sick time will occur. Second, there are occasions when attorneys are absent from their primary work location for training or other work-related purposes (visits to the Department of Justice in Washington; temporary detached duty in other offices, etc.). Third, there is turnover in the number of positions in any given office. In almost every office, some attorneys left and others began work during the project. The effect on the study data is to reduce the average number of days reported per attorney, since an attorney who--let us say--began work in the middle of the reporting period could report on no more than half the official working days. Fourth, it is possible that some attorneys did not report all of the days on which they worked.

The procedures followed in reporting time were intended to allow the first three factors to operate without a count of their effect. That is, we chose not to keep track of vacations, sick leave, and training days. When utilization of the weights is discussed in Chapter IV, we shall indicate how to adjust for those days. However, because of the importance of obtaining time reports when the attorneys were present, a daily check-off system was established in each office. The on-site coders were given a list of active attorneys and, when time sheets were turned in from the previous day, they would

check off the names of the attorneys reporting. Attorneys who had not reported were then contacted on the same day and asked to turn in a completed form for the previous one (unless they were on vacation, sick, or away for other purposes). Failure to respond to this request then resulted in notification of the Chief Assistant or the U.S. Attorney, who would follow-up with the attorney who had not reported. On the whole, this system worked well. No procedure is perfect, however, and it is inevitable that some workdays were unreported. Though the number is undetermined, we believe it to be small, first because the check-off procedure spotlighted reporting omissions and stimulated quick corrections, and second because the data presented in Tables III.2 and III.3 show the number of reported days for each office to be a high proportion of the total. We conclude that in terms of number of days, the time reports from civil and criminal attorneys are a substantial and representative subset of the number of days worked. In some districts, they are likely to be virtually all of the days worked.

The second question raised at the beginning of this discussion of Tables III.2 and III.3 concerned the number of hours reported per day. We have already noted that the averages across all offices were 8.4 for both civil and criminal attorneys. In Table III.3, the distribution of days by reported number of hours is presented. Our primary concern was whether

the time reports were an accurate reflection of the day's work. There was no empirical way to determine this, since the reporting was done by the individual attorneys without direct check. However, we stressed to each attorney the importance of comprehensive reporting, and we believe that the daily check-off procedure was a regular reminder of this to the attorneys. For this reason, it is our judgment that underreporting was rare. In order to assess overreporting, we contacted directly a number of attorneys who had reported unusually long days to verify that no errors had been made. Because of the regularity of the reporting, the fact that the averages are what would be expected, and the high degree of cooperation that we found, we are of the opinion that the time and activity data are an accurate portrayal of the work done during the study period, and that they form a sound basis for the development of the weights.

Retaining, for the moment, the attorney groups as the unit of analysis, we can examine resource expenditures on case processing. Table III.4 presents, for the two major attorney groups, the level of resources expended at various stages of processing as a proportion of all time reported. The stages covered by the table are the pre-complaint/claim stage (screening, preliminary investigation, etc.), the Magistrate Court stage (generally prior to indictment or filing in the District Court), the District Court stage (subsequent to indictment or filing), the Appellate Court stage, and other

Table III.4. PERCENTAGE DISTRIBUTION OF REPORTED ATTORNEY TIME:
BY ACTIVITY STATUS

District	Activity Status, Percentage						
	Pre-complain Claim	Magistrate Court	District Court		Appellate Court	Other Case Related	Not Case Related
			(Mag)	(Judge)			
Criminal:							
AZ, Phx (10)	26	3	0	45	11	0	15
AZ, Tuc (10)	12	4	0	60	5	2	18
CA, C (58)	26	5	6	40	6	3	16
CA, S (23)	16	8	6	32	9	8	21
GA, N (17)	10	11	15	41	6	8	10
IL, N (57)	30	3	0	37	13	5	11
MA (18)	11	24	6	38	9	5	8
MI, E (23)	17	5	4	41	11	5	17
MS, N*							
NJ** (38)	32	3	2	40		5	17
OK, W (5)	22	0	0	55	3	4	15
WA, W (13)	27	8	2	42	6	3	12
Civil:							
AZ, Phx (6)	7	0	0	66	5	11	12
AZ, Tuc (4)	5	0		63	2	8	22
CA, C (24)	4	1	11	60	4	4	16
CA, S (10)	4	0	2	48	10	12	25
GA, N (5)	2	2	6	62	6	16	7
IL, N (19)	3	0	1	62	10	12	13
MA (10)	3	1	2	79	4	8	4
MI, E (8)	3	0	3	69	5	9	12
MS, N*							
NJ** (12)	10		2	53	3	20	14
OK, W (1)	1	0	0	74	0	2	23
WA, W (7)	5	0	5	71	5	4	9

Notes: Numbers in parentheses are the number of attorneys in each office. Percentages may not total 100 due to rounding.

*Mississippi (N) attorneys have been grouped in the 'Other' category to reflect the fact that the office is not divided into civil and criminal divisions.

**New Jersey is one of the few districts that have a special Appellate Division handling all appeals. Criminal division attorneys do not spend any appreciable time on those cases.

case-related activities. The District Court stage is subdivided into appearances before a magistrate (after filing) and appearances before a District Court judge.

The last column of Table III.4 contains the proportion of total time reported that was expended on activities not related to a specific case. Examination of the individual attorney time reports revealed that the bulk of this time was expended in four major areas: administrative matters, training, discussion of general office or legal procedures and practices with colleagues, and discussions (usually in an advisory capacity) with staff of other federal agencies.

For the most part, the general patterns are similar from office to office. However, one exception is in the use of magistrates, who are extensively used in some districts (notably the Northern District of Georgia and the District of Massachusetts) but hardly at all in others. Also notable is the high proportion of time expended at the pre-complaint stage of processing in criminal cases. Presumably, this period covers the screening decision by the prosecutor, as well as any investigative activities required before a decision is made to proceed with the case.

A somewhat different perspective emerges from Table III.5. That table presents the time expended on various general case activities as a proportion of case-related time only. Again, the distributions of time expended by activity type have similar patterns from office to office, especially within each group of attorneys.

Table III-5

Table III.5. PERCENTAGE DISTRIBUTION OF REPORTED ATTORNEY TIME:
CASE-RELATED ACTIVITIES ONLY

District	Case-related Activities, Percentage				
	Court Appearances	Conferences	Telephone	Preparation	Other
<u>Criminal Div.</u>					
AZ, Pnx (10)	9	23	10	53	6
AZ, Tuc (10)	15	18	9	52	5
CA, C (53)	9	23	9	55	4
CA, S (23)	18	15	8	55	5
GA, N (17)	19	22	9	44	6
IL, N (5)	13	19	5	57	4
MA (18)	14	25	8	48	5
MI, E (23)	13	21	8	51	7
MS, N*					
NJ (38)	14	25	9	47	6
OK, W (5)	16	35	14	30	5
WA, W (13)	14	21	10	49	5
<u>Civil Div.</u>					
AZ, Pnx (6)	7	13	8	61	11
AZ, Tuc (4)	3	8	11	72	5
CA, C (24)	5	12	16	59	9
CA, S (10)	4	11	11	70	4
GA, N (5)	4	10	12	65	9
IL, N (19)	10	13	10	58	8
MA (10)	6	13	11	65	6
MI, E (8)	7	14	14	54	10
MS, N*					
NJ (16)	7	10	11	56	12
OK, W (1)	9	20	23	47	1
WA, W (7)	2	14	11	63	10

Notes: Numbers in parentheses are the number of attorneys in each office.
Percentages may not total 100 due to rounding.

*Mississippi (N) attorneys have been grouped in the 'Other' category to reflect the fact that the office is not divided into civil and criminal divisions.

2. The Cases on Which Time is Spent

We are now ready to consider the kinds of cases on which attorneys spent their time. Before doing so, however, a fundamental problem must be addressed and resolved. How are cases to be classified? Is it desirable to be as specific as possible and to use the title and section for criminal cases and the cause of action for civil cases? Or would it be better to aggregate cases in some fashion?

Two aspects of this issue merit consideration. The first is the level of confidence that can be placed on weights based on a large number of categories, each containing a small number of cases. Since the number of criminal case types based on title and section exceeds 2,000, and since, as will be demonstrated subsequently, only 20 case types were used with any regularity during the reporting period, the level of confidence associated with a 2,000-category scheme would inevitably be low. Therefore, aggregation of some kind was highly desirable.

A similar argument can be made for civil cases, even though the range of possibilities is less. The problem, however, was to determine the kind of typology to be used. We considered the approach employed by the Executive Office for U.S. Attorneys in portions of its Annual Statistical Report, wherein general violation categories permit the clustering of numerous titles and sections.⁴ However, our final

⁴See, for instance, page 3 of the FY78 Annual Statistical Report, which classifies complaints into 13 categories.

decision was to derive a typology from the time reports themselves. If little or no time was reported for a particular type of case, or if that type occurred relatively infrequently, then that case type was grouped with another similar type. On the other hand, a case type that was individually important was put in an individual class.

Though the general orientation was the same for civil as for criminal cases, the manner in which it affected them was different, and therefore, each will be discussed separately. However, before proceeding to that discussion, the second general aspect of the typology issue should be considered. If title and section for criminal cases and cause of action for civil cases are to be replaced by a new typology, how can the new typology be operationally useful? The case classification system of the Department of Justice is based on title and section and cause of action, and the case weights must be linked to that system. The manner in which this question is handled is straightforward. Aggregation across title and section and cause of action is employed for the calculation of weights only. Conversion back to the DOJ case classification system will be made, so that application of the weights will require no changes in that system.

a. Classifying Civil Cases. The Department of Justice was using two different coding schemes for civil cases at the time the study was conducted. One was the longstanding Docket and Reporting System, used in eight of the eleven districts; the other was contained in the ACCSYS reporting system, which

was operational in the Northern District of Illinois, Arizona, and the Western District of Washington.⁵ For the purposes of the study, a combination of the two was employed. Subsequently, when AUSA time reports were examined, the general scheme was collapsed into 15 case types. These are documented in Table III.6.

The table lists the Docket and Reporting System code and the ACCSYS code that correspond to the study case type. For the most part, as can be seen, the study case type consists either of a single cause of action or of a logically related group of causes of action (e.g., injunctions and enforcements). There are two general categories. The first is for all claims not specified as one of the first four types; the other is for non-claims cases not specified in the typology. Many of the cases ultimately included in this general category were coded 88 ("other") by the offices themselves.

b. Classifying Criminal Cases. Criminal cases were grouped using procedures similar to those described for civil cases. However, the problems encountered were quite different. Instead of being able to group together relatively homogeneous types of cases into a single category, we found that

⁵Although ACCSYS was discontinued shortly after the time study ended, it influenced the type and quantity of information that was collected. For instance, ACCSYS offices had discontinued the practice of posting to docket cards on the assumption that the automated system would provide up-to-date, day-by-day information on case status. Consequently, a source of information that, from the study point of view, was quite valuable, was not available in the three ACCSYS districts.

Table III.6. THE CIVIL CASE TYPOLOGY

Case Type	Equivalent DOJ Codes	
	Docket & Reporting System	ACCSYS
1. Claims-Contracts	8	1
2. Claims-Judicial Foreclosures	62,95	7,62
3. Claims-Mortgage Foreclosures	94	9
4. Claims-Forfeitures	28	13
5. All Other Claims	1,2,3,5,12,44,60,65,66,91-93	3,4,11,15,19,43
6. Tax Liens and Foreclosures	51	25
7. Other Tax Cases	48	21,23,29
8. Torts	55-57	31,33,35,39
9. Land and Natural Resources ^a	33,36	41,44,47,49
10. Injunctions and Enforcements	24,68,97-99	51,53,55-57,59
11. Frauds	16,21	61,69
12. Social Security Cases ^b	25	82
13. Habeas Corpus	72	84
14. Civil Rights	75	95
15. All Other Civil Cases	all other codes	all other codes

^aThe manner in which Land and Natural Resources cases are handled differs from district to district. In some locations, they are handled as any other civil case and are reported to the Docket and Reporting System in the usual fashion. In other locations, they are processed separately from the usual civil case load and are reported directly to the Land and Natural Resources Division in Washington. In the latter situation, there is no record of the case in the Docket and Reporting System. In this study, the time reported on Land cases has been included in the summary statistics on attorney time expenditures, and whenever the case record was accessible, the time was included in the calculation of case weights. However, because of the variation in procedures, some of the time spent on Land and Natural Resources cases could not be attributed to specific cases.

^bA number of offices reporting under the Docket and Reporting System used code 88 rather than code 25 for Social Security cases. In those instances, the case was classified as type 12.

a widely divergent number of criminal case types did not warrant individual inclusion in the case typology on the basis of either their frequency of occurrence or the amount of time expended on them by attorneys during the study. In general, the rule was established that if a particular case type involved less than 1 percent of the types of cases or less than 1 percent of the total time, then, rather than being included as an individual category in the case typology, it would be aggregated with other cases that placed similar demands on the resources of the office. Demand in these circumstances was defined as the ratio of the proportion of time consumed by the case to the proportion of total cases it represented. This ratio is equal to one whenever the proportion of time is precisely the same as the proportion of cases. If this ratio is less than one, then it can be inferred that the case is less demanding than the average case. If the ratio is more than one, the reverse is true. We determined that it would be advantageous to rank cases that were not included as individual case types in the typology according to this resource ratio. Five categories of resource ratios were set up; these, along with the titles and sections and substantive descriptions of individually important case types, are included in Table III.7. The advantage of such a scheme in any resource allocation process is that it allows differential weights to be applied to different cases, even though they individually do not warrant a unique category in the typology.

Table III.7. THE CRIMINAL CASE TYPOLOGY

CASE TYPE	TITLE: SECTION
State Law on Fed Land	18:13
Fraud Claim Against U.S.	18:287
Conspiracy Against U.S.	18:371
Forgery/Contracts	18:495
Embezz/Public Money	18:641
Embezz/by Bank Officer	18:656
Embezz/Shipments	18:659
Firearms: Unlawful Acts	18:922
Fraud Statements: General	18:1001
Flight to Avoid Prosecution	18:1073
Offense in Indian country	18:1153
Mail Fraud	18:1341
Postal Theft: General	18:1708
Bank Robbery	18:2113
Trans. of Stolen Vehicles	18:2312
Trans. of Stolen Goods	18:2314
Drug Abuse: Unlawful Act	21:841
Drug Abuse: Att & Conspiracy	21:846
Mach Gun/Firearm: Penalty	26:5861
Tax Evasion	26:7201
Type 21 ^a 0.0 - 0.5	*
Type 22 0.51- 1.0	*
Type 23 1.1 - 2.0	*
Type 24 2.1 - 3.0	*
Type 25 3.0+	*

^aThe last five categories in this typology are based on estimates of relative resources needed, rather than on case substance. To determine relative resources (the resource ratio), the following calculation is made for the cases not included in the first 20 case types:

$$\text{Resource Ratio} = \frac{\text{Proportion of time spent on this case type}}{\text{Proportion of cases of this type}}$$

The result of this calculation is then used to determine the case type to which the cases belong. A general interpretation of the resource ratio is that a ratio of 1.0 is perfectly average; less than 1.0 indicates that the case is less demanding than average; greater than 1.0 indicates that it is more demanding than average.

A list of the titles and sections included in each type can be found in Appendix A.

Given the two classification systems, it is now possible to display time reported according to the type of case on which it was spent. To allocate time to a particular case type, we sought a match between the matter or case number supplied by the attorney and records on that same case contained in the Docket and Reporting System, ACCSYS, or on-site docket cards. Of the 22,787 matter or case numbers supplied, 15,051 were matched in this way with case records, and the case type was identified. For the remaining 7,736, no match was found and therefore the time spent on those cases or matters could not be directly associated with a particular case type. In Tables III.8 and III.9, we present the distribution of time for the matched cases. We will return to a discussion of the unmatched cases in the final section of this chapter, when data problems are reviewed.

Tables III.8 and III.9 display the time expended on civil and criminal case types, respectively, for each district. Each of these tables relates three pieces of information. The first row is the average time expended on a particular case type for each district. The second expresses the time reported for that case type as a proportion of the total time reported in the district, and the third is the number of cases of that type on which attorneys worked during the reporting period. Blank cells in the tables indicate that there were no observations in that particular category.

Table III.8. TIME EXPENDED ON CIVIL CASE TYPES, BY DISTRICT
(hours)

Case Type	AZ (Pnx)	AZ (Tuc)	CA (C)	CA (S)	GA (N)	IL (N)	WA	MI (C)	MS (N)	NJ	OK (W)	WA (W)	TOTAL
Contracts	Av 12.21 % 2.6 N 3					8.81 3.9 28	12.27 6.0 12	4.03 10.3 66	3.75 0.3 1	0.67 3.8 351		0.20 0.2 16	1.99 479
Jud Fclrs	Av 8.33 % 0.8 N 2		9.73 0.2 1			4.84 2.6 34		4.10 1.1 7	3.49 8.5 36	1.11 4.3 241	1.20 1.8 9	1.28 0.7 8	1.87 338
Mtge Fclrs	Av 3.27 % 4.7 N 29	2.60 1.2 5			6.95 3.2 14	6.92 7.8 71	5.52 3.1 14	1.19 0.6 12	0.00 0.0 0	1.04 2.2 133	7.77 26.5 20	3.27 1.7 8	3.62 306
Forfeitures	Av 4.80 % 3.1 N 13	8.57 13.7 18			7.15 1.9 8	5.33 4.7 56	2.72 1.7 15	2.17 3.0 36	0.00 0.0 0	4.65 2.5 33	1.10 0.2 1	7.68 6.4 13	4.90 193
Other Claims	Av 2.65 % 5.6 N 43	6.30 10.6 19	0.40 1	4.35 0.2 1	3.34 3.2 29	4.73 0.8 118	4.84 3.7 19	2.64 9.8 96	0.55 0.1 2	4.44 24.4 343	2.84 4.8 10	3.48 9.8 44	4.08 725
Tax Liens/Fclrs	Av 1.49 % 2.9 N 39	2.94 4.2 16		0.00 0.0 0	2.07 0.3 3	7.02 15.1 136	0.20 19.3 2	2.55 2.1 21	1.57 1.7 16	0.80 6.7 526	6.17 15.8 15	10.46 19.4 29	2.45 803
Other Tax	Av 1.77 % 1.8 N 18	0.22 0.1 3	1.86 0.5 13	2.00 0.1 1	2.47 3.3 40	2.79 3.1 70	1.12 0.6 14	1.17 1.2 26	1.47 0.2 2	0.91 1.4 93	1.33 2.9 13	2.82 2.0 11	1.76 304
Torts	Av 9.97 % 20.2 N 41	10.13 24.3 27	6.02 5.9 52	3.50 0.2 1	4.59 5.3 35	3.32 4.5 85	11.60 19.3 41	6.43 18.2 73	1.00 0.1 1	3.62 6.6 113	2.81 2.0 5	4.22 11.4 42	5.79 516
Lands/Not Res	Av 13.35 % 7.9 N 12	1.72 0.2 1	8.61 5.0 31	1.64 0.6 7	10.77 2.5 7	10.36 2.3 14	1.88 0.4 5	3.96 1.2 8	12.95 1.8 2	8.18 3.1 24	9.68 13.2 8	10.95 7.7 11	8.63 130
Inj/Enf	Av 4.43 % 4.2 N 19	5.55 3.9 8	5.75 25.0 230	5.73 6.9 24	5.41 0.7 4	6.23 11.0 112	5.62 11.9 52	7.49 13.4 46	9.69 4.6 7	3.50 6.2 111	4.10 7.7 11	9.79 22.6 36	3.76 660
Frauds:	Av % N	8.45 2.3 3			11.13 1.1 3	6.04 0.7 7		10.57 3.3 8		6.22 1.0 10			7.95 31
Soc. Sec	Av 2.24 % 6.3 N 57	3.40 8.5 28			2.20 2.0 28	3.75 6.2 105	3.70 7.2 48	0.96 10.9 294		4.76 14.9 195	7.16 4.9 4	5.56 5.3 15	2.81 774
Habeas Corpus	Av % N	122.48 21.8 2	19.40 0.4 1		4.08 7.7 57	3.54 1.1 19	2.40 0.1 1	5.09 2.0 10		0.74 2.8 1	0.78 3.1 21	1.85 3.1 26	4.95 138
Civ. Rights	Av 15.51 % 3.8 N 5	7.35 3.3 5	122.43 6.9 3		5.91 2.0 10	8.25 3.4 26	77.80 28.5 9	4.98 5.0 26	22.80 4.6 3	1.27 0.6 30	2.27 1.2 3	4.82 3.7 12	13.30 130
Other	Av 7.35 % 36.3 N 100	2.88 6.1 24	3.85 56.1 772	11.54 92.0 158	22.95 60.8 88	6.64 24.8 236	6.60 17.4 65	5.09 17.9 91	8.89 78.2 130	7.26 22.4 192	6.66 15.9 14	2.12 6.0 44	6.70 1914
Total Hours	2023	1126	5296	1982	3022	6319	2460	2580	1477	6244	587	1560	34676
Total Cases	301	159	1104	192	326	1117	297	820	200	2396	134	317	7443

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

Table III.9. TIME EXPENDED ON CRIMINAL CASE TYPES, BY DISTRICT
(hours)

Case Type		AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	GA (N)	IL (N)	MA	MI (E)	MS (N)	NJ	OK (W)	WA (W)	TOTALS
State Law on Fed Land	Av	71.00	19.52	3.88	0.99	0.20	5.77	0.79	1.21		2.12	57.95	84.11	10.40
	%	2.1	0.9	0.1	0.2		0.3	0.5			0.1	21.1	1.3	
	N	1	2	2	4	1	8	43	3		5	9	1	79
Fraud Claim Agrst U.S.	Av	0.80	0.40	1.35		3.36	3.57	9.67	2.43		1.19	6.67	1.20	2.54
	%			0.1		0.3	0.3	1.4	0.3			0.5	0.9	
	N	2	3	5		6	13	9	8		4	2	51	103
Conspiracy Agnst U.S.	Av	1.95	3.77	9.44	2.89	28.89	13.82	22.66	7.72	19.24	13.84	70.05	1.20	13.20
	%	1.0	0.3	3.5	0.3	1.6	2.4	7.0	3.8	5.2	11.0	14.2	0.1	
	N	18	4	30	2	4	24	19	36	4	84	5	4	234
Forgery/Contracts	Av	6.46	64.74	14.92	6.82	8.14	4.63	6.52	10.37	7.17	8.84	41.99	8.32	8.95
	%	1.9	11.8	4.4	2.3	3.0	4.3	13.2	11.8	2.4	5.7	13.6	4.3	
	N	10	8	24	7	27	131	125	83	5	68	8	34	530
Embezz/Public Money	Av	1.88	4.93	4.07	5.10	6.78	6.91	3.32	2.23	4.18	1.88	4.16	3.21	4.05
	%	0.2	0.4	0.5	0.5	1.1	0.7	1.9	0.4	0.3	0.1	1.7	0.9	
	N	3	4	9	2	12	14	35	12	1	5	10	18	125
Embezz/by Bank Officer	Av	5.34	13.33	2.54	1.42	7.92	10.00	14.75	2.26	56.96	4.36	6.39	2.07	7.11
	%	2.2	2.1	1.3	0.3	0.9	6.8	3.1	1.0	19.2	2.2	1.8	0.8	
	N	14	7	43	4	8	95	13	32	5	54	7	24	306
Embezz/Shipments	Av	7.38	5.17	6.61		7.56	5.72	73.36	2.79		8.40	7.45	3.49	8.70
	%	0.9	0.1	1.2		0.8	1.4	4.7	0.5		2.9	0.6	0.2	
	N	4	1	15		8	35	4	12		37	2	4	122
Firearms: Unlawful Acts	Av	1.59	5.90	10.80	0.95	11.76	5.63	25.15	5.86	5.61	9.80	1.89	3.87	8.81
	%	0.7	1.1	1.9	0.2	4.5	2.9	12.2	3.1	2.7	0.9	0.5	0.5	
	N	14	8	14	5	28	72	30	39	7	10	6	8	241
Fraud Stmts: Gen	Av	6.22	5.58	7.93	1.10	13.09	6.94	12.88	8.88	9.64	17.63		3.21	10.16
	%	3.0	1.3	6.6	0.1	10.1	3.6	5.2	8.8	3.3	12.5		1.3	
	N	16	10	70	2	57	73	25	72	5	75		26	431
Flight to Avoid Pros.	Av	4.22	4.61	15.84	3.30	3.15	7.62	4.58	2.25	2.42	6.02	2.38	11.34	6.45
	%	0.8	0.2	1.8	0.2	0.2	2.3	1.0	0.6	1.0	0.4	0.1	1.4	
	N	6	2	9	1	5	43	14	19	6	7	1	8	121
Offense in Indian Country	Av	4.96	0.15									6.90	1.18	4.54
	%	9.2										0.3		
	N	62	5									1	2	70
Mail Fraud	Av	9.41	8.02	13.09	5.69	18.58	11.08	9.54	3.37	113.86	10.86	12.99	1.25	10.52
	%	8.7	0.9	5.0	1.9	6.3	11.3	4.0	2.1	7.7	3.4	3.7	0.1	
	N	31	5	31	7	25	143	26	45	1	33	7	7	361

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

Table III.9. TIME EXPEND. ON CRIMINAL CASE TYPES, BY DISTRICT (Cont'd)
(hours)

Case Type	AZ (Phx)	AZ (Tuc)	CA (A)	CA (S)	GA (N)	IL (N)	IN	MI (E)	MS (N)	NJ	OK (W)	WA (W)	TOTALS
Postal Theft: Gen	Av 6.77 % 1.0 N 5	6.26 0.6 4	11.76 2.9 20	18.29 3.5 4	10.28 1.8 13	8.06 6.1 106	5.46 2.5 28	3.70 2.4 47	4.30 0.9 3	8.41 1.5 19	9.49 1.2 3	3.00 0.2 5	7.39 257
Bank Robbery	Av 4.73 % 2.3 N 16	1.60 6.3 1	7.78 4.3 66	4.31 4.3 21	7.14 1.5 15	8.16 1.9 32	2.33 1.4 38	7.88 2.8 26	3.14 1.3 6	8.73 2.6 32	1.80 0.1 1	12.12 3.9 21	6.90 275
Trans. of Stolen Vehicles	Av 7.62 % 0.8 N 4	0.50 0.6 2	7.65 0.6 6		7.50 3.5 34	4.21 0.7 22	4.64 0.3 4	3.50 0.7 15	5.03 2.0 6	6.42 0.4 9	18.62 4.5 6		6.44 108
Trans. of Stolen Goods	Av 3.08 % 1.5 N 16	2.95 0.3 4	3.11 1.0 27		7.00 2.6 27	3.89 1.8 66	8.88 1.0 7	6.44 3.6 41	18.79 7.6 6	6.81 2.2 34	13.11 2.1 4	10.07 0.2 1	5.68 233
Drug Abuse: Unlawful Act	Av 20.01 % 16.1 N 27	18.11 14.4 35	9.36 4.3 37	5.93 9.3 33	18.13 8.1 33	12.01 15.9 185	26.62 7.3 17	15.25 24.0 115	70.48 4.8 1	8.87 1.9 23	5.52 2.5 11	5.54 3.6 42	13.08 559
Drug Abuse: Att & Consp	Av 11.48 % 2.4 N 7	8.01 3.8 21	10.48 4.6 36	10.27 4.9 10	11.60 0.5 3	13.00 1.2 13	7.13 0.5 4	25.13 5.2 15		6.17 1.0 17	2.45 0.3 3	12.47 3.6 19	11.40 148
Mach Gun/Firearm: Penalty	Av 29.87 % 10.7 N 12	10.84 0.7 3	14.75 0.9 5	4.43 0.4 2	4.03 0.8 14	6.04 2.4 55	6.17 1.3 13	5.68 1.2 15	8.39 4.0 7	1.37 0.1 6	4.79 0.8 4	22.64 3.8 11	9.27 147
Tax Evasion	Av 9.45 % 0.8 N 3	46.41 2.1 2	2.38 0.3 9	3.80 0.2 1	14.33 2.7 14	16.71 1.7 14	8.94 2.7 19	5.55 1.1 14	39.99 8.1 3	8.11 2.0 26	4.90 0.6 3	5.41 0.3 4	10.68 112
Type 21	Av 3.01 % 7.5 N 84	18.74 31.9 74	24.73 37.7 124	5.09 24.1 100	6.69 9.3 102	1.91 3.0 217	4.43 5.9 82	3.70 7.0 138	4.94 10.7 32	9.06 25.2 295	3.71 3.8 25	41.94 60.8 95	10.31 1369
Type 22	Av 2.19 % 3.2 N 49	8.48 6.2 32	5.21 5.1 79	6.12 4.6 16	5.16 4.4 63	7.31 8.6 164	4.95 3.3 41	6.46 8.1 92	6.33 9.8 23	5.76 4.3 80	3.50 3.1 22	3.40 3.5 67	5.66 728
Type 23	Av 8.47 % 8.3 N 33	11.29 16.2 63	9.14 8.5 76	9.77 42.1 91	27.84 26.5 70	11.56 12.7 154	15.48 10.5 42	6.24 4.3 50	4.95 3.3 10	9.11 7.3 85	14.78 7.2 12	5.74 4.2 48	11.64 734
Type 24	Av 10.86 % 1.6 N 5	6.70 0.5 3	9.93 0.2 2	7.42 0.4 1	29.49 8.8 22	11.02 3.4 43	26.56 7.7 18	2.77 0.2 6	17.18 5.8 5	11.82 2.1 19	31.63 6.4 5	23.06 1.4 4	17.14 133
Type 25	Av 61.68 % 12.9 N 7	20.02 4.1 9	11.55 1.1 8	1.90 0.5 5	13.70 0.7 4	29.77 4.3 20	21.40 1.4 4	51.85 7.1 10	0.68 10.1 1	118.58 10.1 9	116.90 9.5 2	60.53 2.8 3	42.09 82
Total Hours	3351	4400	8138	2111	7351	13986	6190	7298	1481	10612	2469	6552	73939
Total Cases	449	313	747	318	595	1742	660	945	137	1036	159	507	7608

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

When examining Tables III.8 and III.9, it is important to keep in mind that the data the tables summarize were collected over a three-month period, not over the complete lives of the cases. This means that the average time reported reflects the rate at which cases are processed as well as the demands made by cases on attorney time. For instance, let us assume that two districts, A and B, have cases of type X, and that in both districts the cases take an average of 10 attorney workhours from receipt to final disposition. Now let us assume that in district A the average number of days from receipt to disposition is twice as large as in B. What would we expect the three-month time reports from the two districts to show? In district A, where the processing rate for the average case of type X is half that of district B, we would expect to see an average time expended that was also half.

This illustration can be extended to cover the situation in which district A cases of another type, Y, take half as much attorney work time as in district B, but are processed in the same number of days. In any given three-month period, we would again expect the average time reported for type Y cases to be half as much in district A as in district B.

The illustrations indicate that direct comparison of average times from district to district is problematic at this stage. The case-life method of adjusting reported times, discussed in Chapter II, is intended to convert the average reported times to directly comparable estimates of time expended

over the full life of the cases. This will be discussed in Chapter IV.

C. MERGING TIME AND EVENTS

The previous two sections of this chapter have considered how attorneys spend their time and the types of cases on which that time is spent. In this section, case type information will be combined with event and time information to produce average times per event per case. The average number of events per case for each case type, drawn from the terminated case profiles, will also be specified. In this sense, the section will document the information that is a prerequisite to the event-based weight calculations in Chapter IV.

Before the three different data bases could be linked, the term "event" had to be defined. The strategy of the event-based approach to weights, specified in the research design, was to calculate an average time per event from the time and activity data reported by the attorneys and the case filing information developed on the cases for which they reported time. This average would then be multiplied by the average number of events for the same case type that, based on the terminated case file data, can be expected in the life of the average case of that type. This meant, of course, that the concept "event" had to be defined in a manner that was consistent and common for all three sets of data. The ultimate definition was influenced by the critical fact that the specificity of information provided by the attorneys was not matched

in either of the other two data bases. Posting to case files and docket cards is normally done for the formal events in the life of the case, but not for the general, yet demanding, activities that constitute much of an attorney's usual working day. As a result, the event definitions that were developed reflect a heavy emphasis on formal case events (e.g., trials, motion hearings, grand jury proceedings, and so on). The events themselves are as follows:

- Trials
- Motions
- Other Hearings
- Pleadings (including complaints)
- Depositions/Discovery
- Memoranda (civil only)
- Correspondence
- Grand Jury (criminal only)

These eight kinds of events constitute the basis for the event-based weighting system. They are not the only kinds of activities that take place in the case, but all of them are posted to docket cards or to case jackets and therefore were countable for both terminated cases and current cases.

Other activities, perhaps just as important to the processing of the case but not as easily counted, are such things as conferences, fact investigation and legal research, general preparation, and telephone work. Even though these kinds of activities could be counted from the attorney time reports, they could not be linked with any frequency of occurrence in either the historical data base or the current case profiles. Therefore, our strategy for incorporating these activities into the event-based weights will be to express them as overhead items. The manner in which this is done is specified in Chapter IV.

Tables III.10 and III.11 present the average event times and the number of events for civil and criminal cases, respectively. The discrete events, which can be counted in all three data bases, are contained in the portion of the tables to the left of the double line, and other events, which cannot be counted, are presented to the right of that line. For the former, both an average time per occurrence and the number of occurrences are indicated; for the latter only the average time expended per case during the study is indicated. The blanks in both tables mean that during the reporting period, no events of that particular type were reported for that case type. It does not necessarily mean that such events never take place in any case of that particular type. It may be taken, however, as an indication that the event is rare.

The main issues to consider in interpreting the tables are the frequency with which events occur and the variation in average event time from case type to case type. In the civil table (III.10), an examination of pleadings, of which there were 952, shows the occurrence of the event to be fairly common for all case types. However, there is also considerable variation, ranging from a low of .77 hours for Tax Liens and Foreclosures to a high of 3.68 hours for Torts. The incidence of "correspondence" is also quite high, but here the variation between case types is low. In both instances, the relatively high number of events suggests that the reliability of the average times is quite high. The picture is less encouraging when court appearances are examined, particularly for

Table III.10. AVERAGE TIME PER EVENT FOR CIVIL CASES (hours)

Case Type	N of Cases		MOTIONS	TRIALS	HEARINGS	CORRESP	PLEADS	HEARS	DEP/DISC	CONFEREN	INVESTIG	PREP	OTHER
Contracts	62	Av N	3.37 7	2.7 1	1.43 7	.18 133	3.48 46	2.39 11	5.0 13	2.10	1.50	1.05	0.80
Jud Fclrs	28	Av N	2.0 3		.23 4	.16 57	2.97 30	0.33 4	6.0 3	2.14	.68	.37	.08
Htge Fclrs	65	Av N	1.0 3		1.0 1	.15 89	1.09 29	.10 1		.50	.32	.26	.07
Forfeitures	78	Av N	1.13 10	3.0 3	.44 5	.26 67	1.44 53	1.09 10	3.72 9	1.6	1.29	1.08	0.11
Other Claims	119	Av N	1.35 9	.40 1	.84 12	.15 186	2.63 64	0.74 11	6.66 12	2.11	1.88	1.23	0.51
Tax Liens/Fclrs	81	Av N	.90 4		1.4 6	.18 91	.77 66	0.25 2		0.68	0.20	0.21	0.16
Other Tax	61	Av N	1.5 11	2.35 2	0.48 13	0.28 52	2.83 45	4.46 4	8.08	2.52	1.17	0.50	0.32
Torts	177	Av N	1.8 19	15.62 5	0.80 21	0.22 254	3.68 134	1.91 34	3.11 69	2.87	3.24	1.37	0.65
Lands/Nat Res	26	Av N	0.50 2		1.97 7	0.09 59	1.4 24		6.0 2	1.78	0.89	1.85	0.76
Inj/Enf	92	Av N	1.4 20		1.78 20	0.15 130	2.04 74	3.89 12	9.12 7	2.75	1.36	1.25	0.49
Frauds	6	Av N		8.1 1		0.02 6	0.90 3		0.50 1	3.02	1.57	4.05	0.37
Soc. Sec	182	Av N	.93 21	0.97 3	0.85 13	0.20 166	0.78 113	0.27 9		0.43	0.24	0.50	0.03
Habeas Corpus	40	Av N	41.4 1	1.5 2	0.75 4	0.12 30	1.45 40	1.46 5		1.70	0.74	0.41	0.24
Civ Rights	57	Av N	2.94 5		1.16 17	0.23 70	2.50 61	6.75 6	5.04 16	3.29	3.10	2.17	0.15
Other	220	Av N	1.43 28	4.23 7	2.03 84	3.30 223	2.88 170	2.61 20	6.60 21	1.78	1.51	0.73	0.37
Total Hours Total Cases	1294	Av N	1.51 143	5.5 25	1.1 164	.20 1613	2.16 952	2.28 186	4.7 157	1.82	1.43	0.92	0.35

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

Table III.11. AVERAGE TIME PER EVENT FOR CRIMINAL CASES (hours)

Case Type	N of Cases		MOTIONS	TRIALS	HEARINGS	FIJ	PLDNGS	CORRESP	CONF PHONES	FACT INV	MEMO	DEPO	OTHER
State Law on Fed Land	20	Av N		3.00 1	0.31 15	1.00 1	0.53 3	0.03 18	0.55		0.03		0.33
Fraud Claim Against U.S.	25	Av N	0.30 1		0.18 32	1.20 1	0.59 13	0.19 11	0.94	0.32			0.10
Conspiracy Against U.S.	28	Av N	0.95 20	58.10 3	0.77 27	3.24 8	12.43 29	0.24 32	11.8	5.64	0.29	0.21	2.64
Forgery/Contracts	98	Av N	0.39 8	44.80 1	0.53 36	0.36 7	1.57 64	0.16 104	1.01	0.21	0.06	0.07	0.18
Embezz/Public Money	34	Av N	0.70 2	8.50 2	0.72 30	0.86 5	2.61 27	0.20 22	1.74	0.61	0.04	0.00	0.32
Embezz/by Bank Officer	45	Av N	0.09 18	20.50 3	0.54 36	5.22 12	6.31 27	0.37 31	7.01	5.02	1.36	0.03	0.70
Embezz/Shipments	9	Av N	0.70 1	47.27 3	0.48 11	3.30 1	23.86 9	0.26 9	10.52	5.36		0.40	0.83
Firearms: Unlawful Acts	49	Av N	1.03 12	3.00 1	0.99 46	0.63 8	6.37 35	0.19 43	3.83	3.22	0.30	0.07	1.56
Fraud Statements: General	49	Av N	0.47 3	14.33 3	1.80 11	2.75 6	7.10 27	0.26 42	7.83	4.79	0.54	0.18	0.58
Flight to Avoid Prosecution	13	Av N			0.65 4		0.70 4	0.27 6	0.72	0.09	0.01		0.04
Offense in Indian country	19	Av N	1.25 2	14.50 2	0.45 8	0.70 1	6.46 11	0.24 5	1.36	4.01			0.03
Mail Fraud	48	Av N	0.56 13	4.73 8	0.51 35	3.77 12	6.81 34	0.24 70	8.40	4.98	0.29	0.09	0.46
Postal Theft: Gen	33	Av N	0.98 4	4.19 2	0.58 28	1.55 11	2.40 25	0.15 41	2.70	0.89	0.24	0.02	0.09
Bank Robbery	40	Av N	0.72 6	8.75 2	0.34 12	0.46 7	5.11 25	0.21 23	0.95	1.29	0.27	0.01	0.24

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

Table III.11. AVERAGE TIME PER EVENT FOR CRIMINAL CASES (hours) (Cont'd)

Case Type	N of Cases		MOTIONS	TRIALS	HRNGS	GJ	PLDNGS	CORRESP	CONF PHONES	FACT INV	MEMO	DEPO	OTHER
Trans. of Stolen Vehicles	16	Av N	0.11 11		0.61 15	3.00 2	1.95 10	0.23 11	3.90	1.86			0.01
Trans. of Stolen Goods	31	Av N		5.50 2	1.28 8	2.43 4	4.87 18	0.17 27	2.49	2.27	0.08	0.22	0.23
Drug Abuse: Unlawful Act	106	Av N	0.52 66	11.73 18	0.71 107	1.07 16	8.13 74	0.23 57	4.59	2.95	0.34	0.09	0.62
Drug Abuse: Att & Conspiracy	25	Av N	2.06 26	6.95 4	0.65 36	1.56 9	16.66 17	1.33 12	12.46	5.22	0.54	0.02	1.03
Mach Gun/Firearm: Penalty	21	Av N	0.35 2		0.39 12	1.57 3	1.83 14	0.22 14	1.70	0.81	0.01	0.41	0.73
Tax Evasion	16	Av N	6.55 18	6.17 3	0.86 12	2.53 4	6.48 9	0.29 14	13.25	6.90	0.06	0.03	0.78
Type 21	211	Av N	0.44 27	5.5 3	0.48 145	0.47 16	1.27 103	0.20 87	1.00	0.31	0.06	0.01	0.11
Type 22	125	Av N	0.85 26	9.50 12	0.73 73	0.91 9	4.14 84	0.23 55	2.85	1.29	0.12	0.03	0.33
Type 23	124	Av N	0.77 55	20.14 22	0.60 135	1.22 20	8.04 99	0.30 133	6.03	3.62	0.28	0.22	1.06
Type 24	21	Av N	0.93 11	46.95 2	0.70	2.49 10	9.93 20	0.22 48	16.00	6.28	0.44	0.10	1.39
Type 25	18	Av N	1.56 37	13.69 9	3.09 20	10.25 4	48.20 21	0.60 45	43.29	22.02	2.21	1.03	6.25
Total	1227	Av N	0.84 369	15.48 106	0.67 996	2.03 178	6.77 836	0.26 961	4.67	2.61	0.26	0.09	0.62

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified.

trials, of which only 25 were reported. This means that approximately 2 percent of the 1,294 cases had trial time during the 90-day study period. Under these circumstances, it is difficult to place confidence in the averages. Court appearances in general are rare in civil case processing. During FY78, for instance, 992 civil trials were reported by all districts, out of approximately 50,000 cases filed. That this is also 2 percent of the total suggests that the study data parallel the system data quite closely.

As evidenced in Table III.11, a similar situation exists with respect to criminal cases. For certain discrete events or activities, there appear to be noticeable differences in the average time per event among case types. For example, the average preparation time for 64 pleadings in Forgery/Contracts was 1.57 hours. In contrast, the average preparation time for 29 pleadings in Conspiracy cases was 12.43 hours. The per-event estimates involve sufficient observations to be drawn with confidence. For other discrete activities, such as correspondence, not much variation appears among case types. However, in contrast with civil cases, the greater frequency of court appearances in criminal cases permits us to estimate event duration with greater confidence.

The second component required for the derivation of event-based case weights is a set of estimates for the frequency with which events or activities take place during the life of a case. These estimates are presented in Tables III.12 and III.13 for civil and criminal cases, respectively. The

Table III-12

AVERAGE NUMBER OF EVENTS PER CASE
(TERMINATED CIVIL CASES)

Case Type	N	Motions Hearings	Trials	Other Hrngs	Corresp	Pleadings	Memos	Depos. + Other Discovery
Contracts	389	.04	.00	.13	2.06	1.30	.14	.11
Jud Fclrs	73	.04	.00	.12	2.71	1.85	.11	.00
Mtge Fclrs	191	.01	.02	.22	3.80	1.85	.10	.03
Forfeitures	311	.00	.01	.14	1.53	1.37	.10	.13
Other Claims	415	.01	.01	.11	2.32	1.02	.21	.15
Tax Liens/Fclrs	386	.04	.04	.08	3.38	1.96	.10	.04
Other Tax	333	.09	.04	.39	2.10	2.18	.17	.65
Torts	262	.04	.08	.44	4.12	2.76	.69	1.14
Lands/Nat Res	73	.03	.00	.21	9.38	2.16	.18	.15
Inj/Enf	253	.13	.02	.50	3.06	2.26	.52	.20
Frauds	19	.00	.00	.11	2.32	.79	.21	.53
Soc. Sec.	189	.08	.01	.40	4.18	2.98	.82	.01
Habeas Corpus	214	.11	.00	.10	1.12	1.34	.20	.02
Civ. Rights	51	.10	.02	.22	2.88	2.75	.73	.24
Other	1113	.08	.01	.23	2.01	1.80	.30	.13

Table III.13. AVERAGE NUMBER OF EVENTS PER CASE (TERMINATED CRIMINAL CASES)

CASE TYPE	N	INDITIONS	TRIALS	HEARINGS	GRAND JURY	PLEADINGS	CORRESP
State Law on Fed Land	23	.44	0.04	1.13	.17	1.09	1.74
Fraud. Claim Agnst US	16	.88	0.06	2.44	.63	1.31	3.00
Conspiracy Agnst US	139	5.25	0.22	4.11	.86	1.38	4.17
Forgery/Contracts	163	.88	0.10	2.67	.55	1.25	3.73
Embezz/Public Money	114	.39	0.06	2.61	.16	1.61	3.36
Embezz/by Bank Officer	83	1.01	0.08	2.60	.48	1.23	5.35
Embezz/Shipments	33	2.03	0.12	2.94	.64	1.21	5.03
Firearms: Unlaw Acts	160	1.44	0.18	2.89	.92	.74	2.95
Fraud. Stmt: General	80	1.88	0.11	2.55	.68	.86	4.99
Flight to Avoid Pros	106	.05	0.00	0.03	.01	.97	2.18
Offense in Indian Country	3	0.00	0.00	2.67	1.67	0.00	0.00
Mail Fraud	110	7.86	0.15	4.58	.94	1.48	4.48
Postal Theft: General	178	1.06	0.08	3.53	.88	1.14	3.73
Bank Robbery	173	2.24	0.10	3.42	.83	1.25	3.92
Trans. of Stolen Vehicles	74	1.22	0.07	2.26	.55	.89	4.91
Trans. of Stolen Goods	66	1.77	0.08	2.74	.76	.71	4.76
Drug Abuse: Unlawful Act	261	3.15	0.15	3.83	.87	1.13	2.86
Drug Abuse: Att & Consp	105	5.39	0.23	4.07	.95	2.24	3.06
Machine Gun/Firearm: Penalty	65	2.89	0.23	3.12	.95	1.79	5.42
Tax Evasion	22	2.46	0.09	3.00	.82	.64	7.91
Type 21	820	.83	0.09	2.56	.48	.95	2.54
Type 22	252	1.35	0.12	2.52	.52	1.34	4.17
Type 23	406	2.15	0.14	3.36	.69	.97	2.52
Type 24	28	3.71	0.29	2.46	.71	.82	2.96
Type 25	38	4.63	0.16	4.13	.84	.92	4.13

frequency estimates are based on samples of over 4,000 terminated cases in each group.

Although the variation in frequency of occurrence does not appear to be as pronounced as the variation in event duration, clear differences do exist. These differences tend to indicate that cases can be more complex in terms of both measures. Recall the comparison above of event durations for pleadings preparation in criminal Conspiracy and Forgery/Contracts cases. In Conspiracy cases, the average pleading took 12.43 hours and occurred 1.38 times per case. In Forgery/Contracts cases, pleadings required only 1.57 hours and occurred with a frequency of 1.25 times per case. Similarly, pleadings in Drug Conspiracy cases required an average of 16.66 hours and an average of 2.24 such pleadings were prepared in each case.

In the next chapter, these relationships will be explored further and the relative advantages and disadvantages of developing an event-based weighting scheme using these data will be discussed.

D. CONCLUSION

The review of the data that has taken place in this chapter has revealed potentially troublesome problems in two areas. First, when we attempted to match the 22,787 cases on which attorneys reported spending time with the records in the Docket and Reporting System, ACCSYS, or case files in the 11 districts, we were unable to identify approximately one-third

of them. Second, when a subset of those cases was selected for detailed examination with respect to case events and attributes, only 50 percent of the relevant case files could be located. Both of these problems involve desirable data that could not be located, and they both have implications for the analysis that takes place in subsequent chapters. In this section, we will consider the scope of the problems and how they were handled. We know little about the cases that were not identified. We cannot specify for such cases the distribution of time by case type, age or complexity, or any of the other factors that were developed for cases that were identified. However, we do know from the attorney time reports how much case time was spent, and this can be compared with that spent on matched cases. In addition, we can compare the case-type distribution of matters received during FY78 with the case-type distribution of matched cases during the study period.

From Tables III.8 and III.9, we know that 34,676 hours were expended on matched civil cases and that 73,939 hours were expended on matched criminal cases, for a total of 108,615 hours. Altogether, 15,051 cases were matched, and the average time per matched case was 7.22 hours. In calculating the average time for cases not matched, we must first subtract non-case time from the total time reported to obtain a figure that corresponds to the 7.22 hours for matched cases. When we do this, we find that 14,827 hours were spent on case-related activities for cases that were not matched.

There were 7,736 unmatched cases, and the average time spent on those cases was 1.92 hours. For all 22,787 cases, the average time expended on case-related activities was 5.42 hours per case.

These figures tell us that the unmatched cases were different from the matched cases, but they do not tell us how. It seems certain that some of the case numbers that were reported by the attorneys were for cases immediately declined or declined shortly after acceptance, and they probably were not posted to the Docket and Reporting System or ACCSYS. It is also probable that some of the unmatched cases were not of this sort, and they simply did not appear in the Department of Justice data base, for reasons we cannot identify. The critical issue is whether the case-type distribution of the cases that were not matched is similar to the distribution for cases that were matched. If the two distributions are similar, then we can compensate for the unmatched cases by making the assumption that the 14,827 unidentified hours are distributed by case type in the same proportions as the 108,615 hours. To test this assumption, we can compare the known case-type distribution during the study period with the distribution during FY78. If we find that during FY78, there were a substantial volume of matters or cases for case types for which we had little or no data during the study, we shall assume that the unmatched cases were not distributed in the same manner as the matched cases. On the other hand, if we find a reasonable correspondence between the study period and FY78, we shall assume the reverse.

The information for FY78 was derived from the Department of Justice data tapes containing the official record of all criminal and civil matters received during the fiscal year. These do not correspond precisely to the figures reported in the Annual Statistical Report for FY78, because the latter contains aggregate monthly reports, which some offices send in without case numbers, while the tape that was used does not.

Data on the study period were drawn from the 15,051 cases that were matched. For each district, the number of cases of a given type was expressed as a proportion of the total cases reported on in the study period and as a proportion of the case load for the preceding fiscal year. The results are presented in Tables III.14 and III.15 for criminal and civil cases, respectively.

In scanning the tables it is important to keep in mind that precise correspondence between the percentage of matters received in FY78 and the percentage of matters observed during the study is not to be expected. One of the premises upon which this study is based is that the case load mixture in the U.S. Attorneys' Offices is changing over time, and this will lead to some differences between the two periods. What is important is whether the major FY78 case types are represented in the study period. It is not a problem if there were no matters of a given type in FY78, but there are matters of that type during the study. This simply means that we will have developed data on case types that are new to a particular office, at least with respect to the previous fiscal year.

Table III.14. PERCENTAGE DISTRIBUTION OF CRIMINAL MATTERS, BY CASE TYPE AND DISTRICT
FOR STUDY PERIOD AND FY78

Case Type	Arizona		California (C)		California (S)		Georgia (N)		Illinois (N)		Massachusetts	
	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78
State Law on Fed Land	0.39	0.06	0.27	0.10	1.26	0.90	0.17	0.00	0.46	0.19	6.52	0.20
Fraud. Claim Agnst US	0.66	0.00	0.67	0.75		0.10	1.00	1.26	0.75	0.09	1.36	0.70
Conspiracy Agnst US	2.89	2.30	4.01	5.06	0.63	0.60	0.67	0.43	1.38	3.47	2.08	1.79
Forgery/Contracts	2.36	2.07	3.21	2.95	2.20	1.17	4.54	3.98	7.52	3.94	18.94	16.42
Embezz/Public Money	0.92	0.34	1.20	2.34	0.63	1.07	2.02	2.56	0.80	0.38	5.30	6.27
Embezz/by Bank Officer	2.76	0.75	5.76	4.29	1.26	0.53	1.34	1.56	5.45	2.25	1.97	1.49
Embezz/Shipments	0.66	0.23	2.01	1.30		0.10	1.34	1.56	2.01	2.44	0.61	0.80
Firearms: Unlaw Acts	2.89	2.12	1.87	2.60	1.57	0.80	4.71	8.68	4.13	3.65	4.55	7.66
Fraud. Suits: General	3.41	1.38	9.37	2.86	0.63	0.50	9.58	4.27	4.19	1.03	3.79	1.79
Flight to Avoid Pros	1.49	0.69	1.20	0.00	0.31	0.00	0.84	0.00	2.47	0.19	2.12	0.00
Offense in Indian Country	8.92	6.72		0.00		0.00		0.00		0.00	0.00	0.00
Mail Fraud	4.72	2.24	4.15	2.14	2.20	1.10	4.20	2.70	8.21	4.88	3.94	2.69
Postal Theft: General	1.18	0.75	2.68	3.25	1.26	0.60	2.18	3.13	6.08	5.63	4.24	4.48
Bank Robbery	2.23	2.24	8.84	10.39	6.60	2.17	2.52	3.27	1.84	3.10	5.76	2.99
Trans. of Stolen Vehicles	0.78	0.80	.80	1.30		0.20	5.71	5.69	1.26	0.47	0.61	0.70
Trans. of Stolen Goods	2.62	1.03	3.61	1.69		0.30	4.54	2.84	3.79	3.28	1.06	2.89
Drug Abuse: Unlawful Act	8.14	12.06	4.95	6.01	10.38	7.82	5.55	10.67	10.62	24.11	2.58	3.58
Drug Abuse: Att & Consp	3.67	2.93	4.82	4.61	3.14	2.57	0.50	1.14	0.75	2.06	0.61	1.49
Machine Gun/Firearm: Penalty	1.97	1.61	.67	1.23	0.63	0.23	2.35	3.13	3.16	2.91	1.97	5.17
Tax Evasion	0.66	0.46	1.20	1.30	0.31	0.20	2.35	0.57	0.80	1.78	2.80	3.78
Type 21	20.73	33.18	16.60	22.99	31.40	40.32	17.14	12.38	12.46	8.72	12.42	19.90
Type 22	10.62	6.37	10.58	9.74	5.03	3.18	10.59	11.81	9.41	11.16	6.21	4.58
Type 23	12.60	17.62	10.17	10.84	28.60	32.30	11.76	12.38	8.84	11.26	6.36	8.06
Type 24	1.05	0.23	.27	0.19	0.31	0.30	3.70	5.41	2.47	1.88	2.73	2.09
Type 25	2.10	1.95	1.07	2.05	1.57	2.94	0.67	0.57	1.15	1.13	0.61	0.50
Total Matters	762	1742	747	1080	318	2991	595	703	1742	1066	660	1005

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified. Zeroes indicate that no matters of that type were reported during FY78. Specification of the case types included in Types 21-25 is made in Appendix B.

Table III.14. PERCENTAGE DISTRIBUTION OF CRIMINAL MATTERS, BY CASE TYPE AND DISTRICT
FOR STUDY PERIOD AND FY78 (Cont'd)

Case Type	Michigan (I)		Mississippi (N)		New Jersey		Oklahoma		Washington (W)		Total	
	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78
State Law on Fed Land	0.32	0.41		0.00	0.48	1.04	5.66	0.26	0.20	0.66	1.04	2.39
Fraud. Claim Agnst US	0.85	1.02		0.66	0.39	0.62	1.26	0.51	10.06	0.39	1.35	0.62
Conspiracy Agnst US	3.81	3.19	2.92	1.99	8.11	15.56	3.14	2.81	2.52	1.18	3.08	3.06
Forgery/Contracts	8.78	9.09	3.65	6.62	6.57	3.42	5.03	3.34	6.71	4.98	6.97	5.42
Embezz/Public Money	1.27	0.81	0.73	0.00	0.48	0.73	6.29	3.32	3.55	3.80	1.64	1.74
Embezz/by Bank Officer	3.39	2.37	3.65	4.64	5.21	2.59	4.40	1.79	4.73	2.49	4.02	2.30
Embezz/Shipments	1.27	1.70		0.00	3.57	6.02	1.26	2.30	0.79	0.52	1.60	1.12
Firearms: Unlaw Acts	4.13	5.43	5.11	4.64	0.97	2.39	3.77	6.14	1.58	1.70	3.17	3.92
Fraud. Stmt: General	7.62	3.32	3.65	2.65	7.24	1.66		0.26	5.13	4.19	5.67	1.56
Flight to Avoid Pros	2.01	0.14	4.38	0.00	0.68	0.10	0.63	0.00	1.58	0.00	1.59	0.10
Offense in Indian Country		0.00		0.00		0.00	0.63	0.51	0.39	0.66	0.92	0.74
Mail Fraud	4.76	3.05	0.73	3.97	3.19	4.98	4.40	3.07	1.38	1.18	4.75	2.20
Postal Theft: General	4.97	5.77	2.19	6.62	1.83	1.35	1.89	1.02	0.99	0.79	3.38	4.20
Bank Robbery	2.75	3.93	4.38	1.32	3.09	7.57	0.63	2.05	4.14	5.37	3.61	4.66
Trans. of Stolen Vehicles	1.59	1.36	4.38	1.32	0.87	1.45	3.77	4.35		0.13	1.42	1.80
Trans. of Stolen Goods	4.34	2.99	4.38	3.61	3.28	3.11	2.52	2.30	0.20	0.79	3.06	2.14
Drug Abuse: Unlawful Act	12.17	16.89	0.73	0.66	2.22	4.25	6.92	9.46	8.28	5.50	7.35	8.97
Drug Abuse: Att & Consp	1.59	1.63		0.00	1.64	2.28	1.89	2.56	3.75	2.88	1.95	2.42
Machine Gun/Firearm: Penalty	1.59	2.71	5.11	6.62	0.58	1.24	2.52	4.09	2.17	1.05	1.93	2.10
Tax Evasion	1.48	2.10	2.19	1.99	2.51	1.56	1.89	1.02	0.79	0.52	1.47	1.44
Type 21	14.60	13.43	23.36	7.28	28.47	15.04	15.72	23.27	18.74	34.99	17.99	18.85
Type 22	9.74	8.41	16.79	27.15	7.72	6.74	13.84	9.97	13.21	13.89	9.57	10.33
Type 23	5.29	9.82	7.30	10.60	8.20	14.52	7.55	13.81	9.47	9.83	9.65	15.86
Type 24	0.63	0.88	3.65	1.32	1.83	0.52	3.14	1.02	0.79	0.26	1.75	0.78
Type 25	1.06	0.34	0.73	1.32	0.87	1.24	1.26	0.26	0.59	2.23	1.08	1.42
Total	945	1474	137	151	1016	964	159	391	507	763	7608	58546

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified. Zeroes indicate that no matters of that type were reported during FY78. Specification of the case types included in Types 21-25 is made in Appendix B.

Table III.15. PERCENTAGE DISTRIBUTION OF CIVIL MATTERS, BY CASE TYPE AND DISTRICT
FOR STUDY PERIOD AND FY78

Case Type	Arizona		California (C)		California (S)		Georgia (H)		Illinois (H)		Massachusetts	
	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78
Contracts	.56	0.63		0.59		0.53		0.06	2.51	2.10	4.04	1.25
Jud. Foreclosures	.37	0.18	0.09	0.09		0.00		0.00	3.04	1.37		7.40
Htge Foreclosures	6.30	4.71		0.00		0.00	4.29	0.32	6.36	7.63	4.71	2.45
Forfeitures	5.74	3.17		6.94		12.69	2.45	2.05	5.01	4.73	5.05	6.34
Other Claims	11.48	3.08	0.09	14.94	0.52	26.29	8.90	16.43	10.56	1.19	6.40	16.84
Tax Liens/Foreclosures	10.19	11.96		2.43		0.44	.92	0.70	12.18	20.32	.67	3.79
Other Tax	3.89	3.44	1.18	9.14	0.52	10.17	12.27	14.00	6.27	4.21	4.71	8.65
Torts	12.59	12.14	4.71	13.26	0.52	10.34	10.74	9.08	7.61	5.58	13.80	10.31
Land/Nat. Resources	2.41	3.44	2.81	2.47	3.65	0.96	2.15	1.15	1.25	2.04	1.68	0.42
Injunction/Enforcement	5.00	5.16	20.83	3.54	12.50	0.09	1.23	0.45	10.03	6.86	17.50	13.41
Civil Frauds	.56	0.27		0.45		0.18	.92	0.26	.63	0.18		0.14
Social Security	15.74	0.00		0.00		0.00	8.59	0.00	9.40	0.00	16.16	0.00
Habeas Corpus	.37	1.00	0.09	7.53		8.15	17.49	15.60	1.70	1.40	.34	1.20
Civil Rights	1.85	2.08	0.27	0.54		1.49	3.07	1.34	2.33	3.39	3.03	1.16
Other Cases	22.96	48.73	69.93	38.00	82.29	28.48	26.99	38.36	21.13	39.02	21.89	26.83
Total	540	1104	1104	4411	192	1141	326	1564	1117	3278	297	2162

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified. Zeroes indicate that no matters of that type were reported during FY78. Specification of the case types included in Types 21-25 is made in Appendix B.

Table III.15. PERCENTAGE DISTRIBUTION OF CIVIL MATTERS, BY CASE TYPE AND DISTRICT FOR STUDY PERIOD AND FY78 (Cont'd)

Case Type	Michigan (E)		Mississippi (M)		New Jersey		Oklahoma		Washington (W)		Total	
	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78	Study Period	FY78
Contracts	8.05	1.52	0.50	1.49	14.65	0.16		0.16	5.68	0.72	6.44	0.80
Jud. Foreclosures	.85	0.14	18.00	3.53	10.06	7.47	6.71	13.23	2.52	3.83	4.54	2.94
Mtge Foreclosures	1.46	0.59		11.34	5.55	9.14	14.93	0.47	2.52	1.52	4.11	2.56
Forfeitures	4.39	2.38		0.90	1.38	1.77	0.75	0.55	4.10	4.26	2.59	2.42
Other Claims	11.70	9.86	1.00	13.13	14.32	5.04	7.46	3.31	13.88	2.82	9.74	11.11
Tax Liens/Foreclosures	2.56	2.76	8.00	0.90	21.95	37.67	11.19	11.50	9.15	8.09	10.79	13.34
Other Tax	3.17	3.20	1.00	2.09	3.88	4.54	9.70	2.68	3.47	3.76	4.08	5.42
Torts	8.90	5.44	0.50	5.07	4.72	5.22	3.73	2.99	13.25	8.96	6.93	7.31
Land/Nat. Resources	.98	0.24	1.00	4.48	1.00	3.00	5.97	2.91	3.47	1.08	1.75	2.22
Injunction/Enforcement	5.60	3.41	3.50	10.15	4.63	3.21	8.21	5.59	11.36	13.37	8.87	7.09
Civil Frauds	.98	0.52		0.00	0.42	0.39		0.08		0.00	0.42	0.20
Social Security	35.85	0.00		0.00	8.14	0.00	2.99	0.00	4.73	0.00	10.40	0.00
Habeas Corpus	1.22	2.27		1.79	0.04	0.81	15.67	13.23	8.20	13.95	1.85	3.91
Civil Rights	3.17	1.52	1.50	3.28	1.25	0.78	2.24	0.79	3.79	4.77	1.77	1.54
Other Cases	11.09	66.30	65.00	41.79	8.01	20.78	10.45	42.60	13.88	32.88	25.72	39.14
Total	820	2902	200	335.00	2396	3831	134	1270	317	1384	2443	121649

Note: Blanks in the table indicate that there were no observations in that category among the reported cases we identified. Zeroes indicate that no matters of that type were reported during FY78. Specification of the case types included in Types 21-25 is made in Appendix B.

It is also not a problem if no cases were observed during the study for a case type for which matters were received during FY78. This simply means that in the particular district being observed, the case type is rare. In the criminal table, this is the case for offenses on Indian reservations; Arizona, the Western Districts of Oklahoma and Washington are the only districts in the study reporting matters of this type during FY78 or during the study.

With respect to the remainder of the criminal table, three districts had no matters or cases in at least one case type during the study. These are the Southern District of California, the Northern District of Mississippi, and the Western District of Washington. We shall examine each of the case types individually.

In the Southern District of California, there were no study observations of Fraudulent Claims against the United States, Embezzlements relating to Interstate Shipments, or offenses relating to the Transportation of Stolen Vehicles or of Stolen Goods. When we examine the matters received in FY78 for these same categories, we find that of the 2,991 matters received, there were .1 percent in Fraudulent Claims against the United States and Embezzlements relating to Interstate Shipments, .2 percent in Transportation of Stolen Vehicles, and .3 percent in Transportation of Stolen Goods. Altogether these four case types account for only .7 percent or approximately 21 of the total criminal matters received in the district during FY78. In the Northern District of Mississippi,

the situation is comparable. There are again four case types for which no matters or cases were observed during the study. For three of those case types no matters were reported during FY78; the fourth, Fraudulent Claims against the United States, accounted for only .66 percent of all matters--approximately one case during the fiscal year. The Western District of Oklahoma has only one category, Fraudulent Statements, in which no study cases were observed. There were .26 percent or, again, approximately 1 matter of this type reported during FY78. There was one FY78 matter (.13 percent) classified as Transportation of Stolen Vehicles, but no cases of this type in the study.

The conclusion we draw, then, is that the distribution of criminal matters and cases observed during the study bears an acceptable resemblance to the distribution of matters received during FY78. In fact, across all 11 districts fewer than 25 matters occurred in FY78 for the empty case categories. This implies that the unmatched cases are of types for which some study observations exist. In the absence of evidence suggesting that the failure to match was due to some systematic factor (meaning that a particular case type or types were disproportionately represented in the unmatched cases), we believe that the proportional distribution assumption is justified for criminal time.

It is immediately apparent from Table III.15 that the problem with respect to unmatched civil cases is much more serious. In both California districts, a substantial number of claims and

tax matters were received during FY78. In the Central District of California, almost 23 percent of the total case volume of the office was in the five claims categories. In the Southern District of California, the comparable figure was almost 40 percent. During the study period, however, less than 2 percent of the observations in Central California were in those categories, and only .05 percent were in those categories in Southern California. These differences appear to be due to reporting and coding problems, and not to the fact that there were no cases of these types during the study period. For instance, if we examine the percentage of cases in the "other" category for these two districts, we find that the study proportions are much higher than the FY78 proportions. This suggests that the claims cases have been classified in general terms rather than by the specific case type to which they belong. We believe the same to be true for Habeas Corpus cases in Southern California, where 8.15 percent of the 1,141 matters were found in FY78, compared with zero in the study period. These difficulties compromise the data from both California districts. The effect will be to distort the weights that are developed on the basis of these distributions, even if the case types not represented in the study were aggregated under the "other" category (that is, if the cases have actually been observed but simply not classified in the way they were classified during FY78).

Two other offices have potentially similar problems with at least one case type. In Massachusetts, 7.4 percent of matters received were classified as Judicial Foreclosures during

FY78, but none were observed during the study. In the Northern District of Mississippi, 11.34 percent of matters received in FY78 were Mortgage Foreclosures, but again none were observed in the study period. For both case types, the development of weights based on data from the particular district will obviously be impossible, since we have no information on the time those cases take. However, since only one case type is involved in each district, we do not judge the problem to be as serious as it was for the two California districts. There will be some distortion introduced as a result of this condition, assuming that matters and cases of this type did exist during the study, but we believe that the distortion can be tolerated more readily than can the elimination of all data from these two districts. Therefore, we are willing to make the proportional distribution assumption while acknowledging that it is likely to introduce some bias.

There are other districts in which no civil cases or matters were observed during the study (Northern Georgia, Western Oklahoma, and Western Washington), but in each instance the volume of FY78 matters received was either zero or very small. In all, no more than five matters were received during the entire fiscal year.

Two further general points should be made about the civil table. The first concerns Social Security cases. In the Docket and Reporting System, Social Security cases were, until

approximately a year ago, classified as "other" cases. A new code was then introduced (25). By the time of the study, some of the offices had begun to use this new code, but most had not. For this reason, we have chosen to represent all FY78 matters relating to Social Security cases as "other" cases (which is how the majority of them were coded by the offices themselves). For the study data, however, we identified Social Security cases as such by checking to see if the agency involved was the Social Security Administration. The reason for doing this was our presumption that reporting compliance with the new Social Security code will increase in the future, and that weights will be needed for Social Security cases. Thus, the fact that Social Security cases were observed during the study but none are included in the FY78 portion of the table should not be a matter of concern.

The second issue concerns the number of cases and matters in the "other" category. Even when the expected number of Social Security cases is deducted from the "other" category, we find in both the study period and in the FY78 distribution of matters, that the category accounts for a large proportion of all the civil cases in each district. In many instances, it is by far the largest of all case types. This is a serious problem for any case-weighting scheme, since it means that differences between cases classified as "other" cannot be detected even if those differences are real. This is true with respect to both changes in filing patterns and differences in time needed to process a case. At the present time,

there is nothing that can be done about the situation. We must proceed with the data available and develop weights based on a very large "other" category. Nevertheless, it is clear that the classification of civil cases could benefit from a detailed review. We will discuss this issue in more detail when we consider the information needs of the Department of Justice in the concluding chapter of the report.

Meanwhile, as a final summary of our position with respect to the data, we infer the following. In all districts, distribution of criminal cases not observed is inferred to be sufficiently close to the distribution of cases observed that the assumption about the comparability of the two seems justified. For civil cases, the situation is less clear, particularly in the California offices, where serious distortion is evident. Our strategy here will be to assume comparability of matched and unmatched cases with respect to case type, but to acknowledge that this will produce bias in the weights based on the California civil data, and probable bias in the two case types discussed for Massachusetts and Northern Mississippi. We shall not at this point eliminate any district from analyses that take place, since for informational purposes we wish to display the data to their fullest. Therefore in Chapter IV, where weights are calculated on the basis of the matched data, we shall maintain all districts. In that chapter we will produce weights and will assess the two case-weighting methods with respect to their validity and reliability, making the assumption that the case time

not matched with a particular case type should be allocated proportionately across cases that were identified. This will permit a comparison of the weighting schemes and of the districts on the basis of the methodology discussed in Chapter II. Awareness should be maintained that the problems discussed in this section of the chapter will have to be readdressed when utilization of the weights is considered in Chapter V.

IV. ESTIMATING CASE-RELATED WORK LOADS

In this chapter, we produce and evaluate work-load estimates for each of the 15 civil and 25 criminal case types. There are two main sections. First, we calculate estimates of the time expended over the life of the average case of each type. Both the case-life and event-based methodologies discussed in Chapter II will be employed. Second, using a set of adjustment factors developed during the chapter, we convert those estimates to budget-oriented weights and apply them to estimates of the FY79 case load in order to compare the hours and positions predicted by each method with the actual number of attorneys in the study offices at the time. This comparison and a review of the degree to which the assumptions underlying the methods are satisfied by the study data provide a basis for the conclusion that the case-life method is more appropriate and more accurate than the event-based method of calculating case weights.

The estimates and weights are produced in this chapter in aggregated form, rather than district by district, though their impact on positions is presented for each study office. Aggregation is necessary because the number of cases for which event information was developed is, in our judgment, too small to warrant a district breakdown using the event-based calculation method. There were 1,227 criminal cases in the event data base, for instance, which, if distributed across 12 offices and 25 case types, would average less than 4 per category. However,

it is possible to make comparisons of the two approaches for all 12 offices combined.

A. ESTIMATES PRODUCED BY THE CASE-LIFE APPROACH

In Chapter II, a detailed presentation was made of the logical and statistical foundation for making adjustments based on the relationship of average case life to the study period. We shall not reiterate those arguments. However, the calculation formula bears repeating:

$$\begin{array}{lcl} \text{Estimated Time Needed} & = & \text{Average Time} \times \text{Adjustment} \\ \text{Per Case} & & \text{Observed} \quad \text{Factor} \end{array}$$

where

$$\text{The Adjustment Factor} = \frac{\text{Average Life} + \text{Days in Study}}{\text{Days in Study}}$$

The procedure is to apply this formula to data for each case type, thereby producing estimates of the amount of case-related time needed to process the average case of the particular type.

Table IV.1 and Table IV.2 present the calculations for civil and criminal cases, respectively. Data in the first two columns in each table were originally presented in Chapter III. Data on the average case life are derived from the profiles of terminated cases presented in Chapter III, and the estimated attorney time per case is calculated here.

The interpretation of the estimated time needed per case is that it represents the average number of attorney work hours needed to process the case completely. As an example,

Table IV.1. CIVIL CASE RESOURCE ESTIMATES PRODUCED BY
THE AVERAGE CASE-LIFE ADJUSTMENT

Case Type	N of Current Cases	Average Time per Case (hrs)	Average Case Life (Days)	Estimated Time Needed per Case (hrs)
Contracts	479	1.99	359.8	9.69
Jud. Foreclosures	338	1.88	243.7	6.81
Mtge Foreclosures	306	3.62	257.8	13.66
Forfeitures	793	4.90	165.0	13.59
Other Claims	725	4.06	227.6	14.00
Tax Liens/Foreclosures	803	2.45	323.2	11.10
Other Tax	304	1.76	421.6	9.74
Torts	516	5.79	343.3	27.17
Land/Nat. Resources	130	8.63	285.0	35.08
Injunction/Enforcement	660	5.76	251.8	21.35
Civil Frauds	31	7.99	393.6	41.81
Social Security	774	2.81	410.2	15.20
Habeas Corpus	138	4.95	190.7	15.10
Civil Rights	132	13.30	248.3	48.81
Other Cases	1,914	6.70	288.3	27.47

Table IV.2. CRIMINAL CASE RESOURCE ESTIMATES PRODUCED
BY THE AVERAGE CASE-LIFE ADJUSTMENT

Case Type	N of Current Cases	Average Time per Case (hrs)	Average Case Life (Days)	Estimated Time Needed per Case (hrs)
State Law on Fed Land	79	10.40	98.6	21.42
Fraud Claim Against U.S.	103	2.54	116.9	5.73
Conspiracy Against U.S.	234	13.20	282.8	53.34
Forgery/Contracts	530	8.95	128.9	21.36
Embezz/Public Money	125	4.05	110.1	8.85
Embezz/by Bank Officer	306	7.11	191.0	21.71
Embezz/Shipments	122	8.70	271.5	34.10
Firearms: Unlawful Acts	241	8.81	164.2	24.36
Fraud Statements: General	431	10.16	139.9	25.45
Flight to Avoid Prosecution	121	6.45	16.0	7.56
Offense in Indian country	70	4.54	64.0	7.66
Mail Fraud	361	10.52	354.4	50.61
Postal Theft: Gen	257	7.39	197.6	23.09
Bank Robbery	275	6.90	164.9	19.14
Trans. of Stolen Vehicles	108	6.44	223.9	21.95
Trans. of Stolen Goods	233	5.68	235.4	20.06
Drug Abuse: Unlawful Act	559	13.08	263.8	50.18
Drug Abuse: Att & Conspiracy	148	11.40	189.8	34.67
Mach Gun/Firearm: Penalty	147	9.27	202.7	29.48
Tax Evasion	112	10.68	542.2	72.94
Type 21	1,369	10.31	134.5	25.23
Type 22	728	5.66	179.6	16.59
Type 23	734	11.64	160.1	31.67
Type 24	133	17.14	324.4	76.93
Type 25	82	42.09	205.7	35.19

on the civil side, the effect of the adjustment for case life is illustrated by a comparison of Torts with Injunctions and Enforcements. These averaged an almost identical amount of attorney time during the study (5.79 hours and 5.76 hours, respectively). However, application of the adjustment leads to estimates of 27.17 hours for Torts and 21.35 hours for Injunctions and Enforcements. The former is thus approximately 25 percent more demanding than the latter.

A similar effect is produced for criminal cases involving Embezzlement of Shipments and Unlawful Acts Involving Firearms. Average time spent on the former during the study was 8.70 hours; on the latter, 8.81 hours. However, the estimated hours needed over the complete life of the average case of each type are 34.10 and 24.36, respectively. This is a direct consequence of the difference in average case life (271.5 days vs. 164.2 days).

To summarize, then, the tables contain the estimated case-related attorney hours needed to process to completion the average case of each type. Those estimates are produced by adjusting the average time reported for each case of a given type by a factor that is based on the relationship between the average life of the case and the length of the study period. The estimates are not hours to be budgeted in any fixed budget period, such as a fiscal year. Further adjustment is necessary to obtain that figure, and that will be done later in this chapter. Meanwhile, before we assess the validity of the figures contained in Tables IV.1 and IV.2,

we present the estimates of attorney time requirements derived from the event-based adjustment process.

B. THE EVENT-BASED ADJUSTMENTS

As described in Chapter II, the process of computing event-based resource estimates is straightforward. The basic assumption is that a large portion of case-related attorney time is expended on clearly defined, discrete activities, such as court appearances, preparation of pleading documents, or taking depositions. Further, it is assumed that the events with which the activities are associated are identified and enumerated in case files, docket cards, and other documents. Thus, a reasonably accurate count of the average frequency with which such events take place during the life of a case can be obtained, in principle, both for the cases reported in the time study and for cases included in the terminated case profiles. It is then a simple matter to multiply, for each activity type, the average time required to perform that activity by the average number of times the relevant event occurs during the life of the case. The product of this multiplication yields an estimate of the total time expended on discrete activities during the life of the case. Table IV.3 displays the discrete activities included in this component of the time estimate.

In addition to the time expended on discretely identified activities, attorneys spend a portion of their case-related time on activities that, for one reason or another,

Table IV.3. DISCRETE ACTIVITIES TO BE USED IN
WEIGHT COMPUTATIONS

Activities	Criminal Cases (N = 1,227)		Civil Cases (N = 1,294)	
	No. Observed	Average Time Required (hrs)	No. Observed	Average Time Required (hrs)
TRIALS	106	15.48	25	5.5
MOTIONS	369	.84	143	1.51
HEARINGS	996	.67	164	1.3
PLEADINGS	806	6.77	952	2.16
CORRESPONDENCE	961	.26	1,613	.20
GRAND JURY	996	.67	N/A	N/A
MEMOS	N/A	N/A	136	2.28
DEPOSITIONS	N/A	N/A	157	4.7

cannot be separately identified. Generally, these additional activities are those that have no clearly defined starting or ending point, such as trial preparation, or those activities--such as telephone calls or ad hoc conferences--that are not readily enumerable through any existing manual or automated information system. To estimate resources expended on these sorts of additional activities, we have established a proportional relationship between discrete activity time and time expended on other activities. This proportional relationship was established using the attorney time reported for the different activity types. The proportion is applied, however, to the resource estimates for all discrete activities. To illustrate, let us assume that an average of 10 hours of attorney time were spent on event-related activities (e.g., hearings, trials, motions) for a particular case type. Let us also assume that an additional 5 hours of attorney time were spent on such activities as telephone calls and general preparation. Then, let us say that examination of the complete life of terminated cases of this type shows that the average number of events of various kinds produces an estimate of total event-related time that is twice as large as that observed--20 hours rather than 10 hours. Then, using the proportional-relation approach, we would estimate the total activity time not accounted for by discrete events to also

be twice as large as that observed--that is, 10 hours instead of 5 hours. We may diagram this situation as follows:

	Hours Observed	Estimated Total Hours
Activities Related to Discrete Events	10	20
Other Case-specific Activities	<u>5</u>	<u>10</u>
Total	15	30

These figures are averages for the particular case type. Therefore, we are again estimating the average number of attorney hours expended over the total life of such cases.

Table IV.4 displays the resource estimates for the 15 types of civil cases. It is important to remember that these are estimates of average resource expenditures for each case type and are based on typical activity structures and average times required for those activities. Moreover, these resource estimates reflect the average disposition mix for each case type--that is, the average trial rate, the average plea rate, and so on. Almost certainly, there will be individual cases in which the required resource expenditure will be much higher or much lower.

Table IV.4 displays for each case type the total hours per case, as well as the hours for each of the discrete activity components. The column labeled "additional time" refers to resources expended on non-discrete activities. Especially in regard to the interpretation of the component estimates, the

Table IV.4. CIVIL CASE RESOURCE ESTIMATES PRODUCED BY THE EVENT-BASED METHOD.

Case Type	Total Hours Required	Discrete Activity Time							Additional Time
		Motions	Trials	Hrngs	Corre- spondence	Plead- ings	Memos	Depos./ Discovery	
Contracts	12.71	0.13	0.00	0.19	0.37	4.52	0.33	0.55	6.61
Jud. Foreclosures	8.55	0.03	0.00	0.03	0.43	3.83	0.04	0.00	4.14
Mtge Foreclosures	7.13	0.01	0.00	0.22	0.57	2.02	0.01	0.00	4.31
Forfeitures	9.11	0.00	0.03	0.06	0.40	1.97	0.11	0.48	6.05
Other Claims	13.84	0.01	0.00	0.09	0.35	2.68	0.16	1.00	9.54
Tax Liens/Foreclosures	5.20	0.04	0.00	0.11	0.61	1.51	0.03	0.00	2.91
Other Tax	29.71	0.14	0.09	0.19	0.59	6.17	0.76	5.25	16.52
Torts	42.87	0.07	0.78	0.35	0.91	10.16	1.32	3.55	25.74
Land/Nat. Resources	16.06	0.01	0.00	0.41	0.84	3.02	0.00	0.90	10.86
Injunction/Enforcement	25.58	0.18	0.00	0.89	0.46	4.61	2.02	1.82	15.60
Civil Frauds	5.86	0.00	0.00	0.00	0.05	0.71	0.00	0.26	4.84
Social Security	9.09	0.07	0.01	0.34	0.84	2.32	0.22	0.00	5.29
Habeas Corpus	14.44	4.55	0.00	0.08	0.13	1.94	0.29	0.00	7.44
Civil Rights	36.01	0.29	0.00	0.26	0.66	6.87	4.93	1.21	21.78
Other Cases	15.78	0.11	0.04	0.47	0.60	4.28	0.79	0.86	8.63

definition of "average" must be kept in mind. As an example, we cite an average trial time of 0.00 hours for Mortgage Foreclosure cases. This is not to suggest that trials never occur in such cases or that when they occur they are necessarily brief. Rather, the table suggests that the frequency with which trials occur, based on a large sample of cases, is so low that the rarity of trials in these cases results in a negligible contribution to resource estimates for all cases of that type.

As is evident from the table, differences in estimated resource requirements for different case types can be substantial. For example, certain case types, such as the various types of Foreclosures and Social Security cases, are estimated to require less than 10 hours of attorney time, on the average. Other types of cases, such as Civil Rights cases or Torts, require more than 35 hours of attorney time, on the average. Any district with a preponderance of high-resource cases would require substantially more resources to handle its case load than a district with fewer cases in that category.

Table IV.5 is the corresponding table for criminal cases. Again, the range of resource estimates for different case types is rather substantial. For example, prosecution of cases involving fugitives is estimated to require slightly more than 3 hours per case, but the prosecution of Drug Abuse (Conspiracy) cases is estimated to require more than 125 hours of attorney time, averaged over all districts in the study.

Table IV.5. CRIMINAL CASE RESOURCE ESTIMATES PRODUCED BY
THE EVENT-BASED METHOD

Case Type	Total Hours Required	Discrete Event Time						Additional Time
		Motions	Trials	Hrngs	Grand Jury	Plead- ings	Corre- spondence	
State Law on Fed Land	5.41	0.00	0.12	0.34	0.17	0.58	0.05	2.14
Fraud Claim Against U.S.	8.40	0.26	0.00	0.44	0.76	0.77	0.57	5.60
Conspiracy Against U.S.	81.55	4.99	12.78	3.16	2.79	17.15	1.00	39.68
Forgery/Contracts	15.33	0.35	4.48	1.42	0.20	1.96	0.60	6.33
Embezz/Public Money	13.29	0.27	0.51	1.62	0.14	4.20	0.67	5.88
Embezz/by Bank Officer	45.43	0.09	1.64	1.40	2.51	7.76	1.98	30.05
Embezz/Shipments	57.85	1.42	5.67	1.41	2.11	28.87	1.31	17.05
Firearms: Unlawful Acts	26.64	1.48	0.54	2.86	0.58	4.71	0.56	15.91
Fraud Statements: General	55.62	0.88	1.58	4.39	1.87	6.11	1.30	39.30
Flight to Avoid Prosecution	3.34	0.00	0.00	0.02	0.00	0.68	0.59	2.05
Offense in Indian country	4.62	0.00	0.00	1.20	1.17	0.00	0.00	2.25
Mail Fraud	64.60	4.40	0.71	2.34	3.54	10.08	1.08	42.45
Postal Theft: Gen	17.48	1.04	0.33	2.05	1.36	2.74	0.56	9.41
Bank Robbery	18.61	1.61	0.87	1.16	0.38	6.39	0.82	7.37
Trans. of Stolen Vehicles	20.52	0.13	0.00	1.38	1.65	1.74	1.13	14.50
Trans. of Stolen Goods	23.45	0.00	0.44	3.51	1.85	3.46	0.81	13.39
Drug Abuse: Unlawful Act	33.03	1.64	1.77	2.72	0.93	9.19	0.66	16.13
Drug Abuse: Att & Conspiracy	125.92	11.10	1.60	3.46	1.48	37.32	4.07	66.89
Mach Gun/Firearm: Penalty	23.68	1.01	0.00	1.22	1.49	3.28	1.19	15.49
Tax Evasion	70.36	16.11	0.56	2.58	2.07	4.15	2.29	42.59
Type 21	9.02	0.37	0.50	1.23	0.23	1.20	0.51	5.00
Type 22	22.60	1.15	1.14	1.84	0.47	5.55	0.96	11.50
Type 23	31.64	1.66	2.32	2.02	0.84	7.80	0.76	15.76
Type 24	70.81	3.45	13.62	1.72	1.77	8.14	0.65	41.46
Type 25	156.59	7.22	2.19	12.76	8.61	44.34	2.48	78.99

C. COMPARING THE TWO APPROACHES TO RESOURCE ESTIMATION

Computation of the resource estimates produced by the two different approaches leads us to a critical question: How do they compare? An examination of Tables IV.6 and IV.7 shows that there are some substantial differences for individual case types. Among the most dramatic in the criminal table are the two estimates for violations under 18 USC 13 (State Law on Federal Land)--21.42 hours estimated by the case-life method and 3.41 hours by the event-based method--and narcotics violations under 21 USC 846 (Drug Abuse Conspiracy)--34.67 hours and 125.92 hours. On the other hand, some case types have similar estimates. Tax Evasion (26 USC 7201) is estimated to require 72.94 hours by the case-life method and 70.36 hours by the event-based method; Bank Robberies take 19.14 hours and 18.61 hours, respectively. Other figures could also be cited. In general, the picture is one of correspondence within plus or minus 25 percent for about half of the case types, with deviations ranging from slightly to substantially greater in the others.

An examination of the civil table shows that the two methods produce different estimates for a larger proportion of case types, but that the absolute differences within case type are somewhat smaller than they were for criminal cases.

At this point, it is clear that a general assessment of the two methods is required. Though there are some similarities, the differences by case type are in general too

Table IV.6. COMPARISON OF TWO RESOURCE-ESTIMATION
METHODS: CRIMINAL CASES

Case Type	Resource Estimates	
	Case-life Approach	Event-based
State Law on Fed Land	21.42	3.41
Fraud. Claim Against U.S.	5.73	8.40
Conspiracy Against U.S.	53.34	81.55
Forgery/Contracts	21.36	15.33
Embezz/Public Money	8.85	13.29
Embezz/by Bank Officer	21.71	45.43
Embezz/Shipments	34.10	57.85
Firearms: Unlaw Acts	24.36	26.64
Fraud. Statements: General	25.45	55.62
Flight to Avoid Prosecution	7.56	3.34
Offense in Indian Country	7.66	4.62
Mail Fraud	50.61	64.60
Postal Theft: General	23.09	17.48
Bank Robbery	19.14	18.61
Trans. of Stolen Vehicles	21.95	20.52
Trans. of Stolen Goods	20.06	23.45
Drug Abuse: Unlawful Act	50.18	33.03
Drug Abuse: Att & Conspiracy	34.67	125.92
Mach Gun/Firearm: Penalty	29.48	23.68
Tax Evasion	72.94	70.36
Type 21	25.23	9.02
Type 22	16.59	22.60
Type 23	31.67	31.64
Type 24	76.93	70.81
Type 25	135.19	156.59
System Average	28.99	28.44

Table IV.7. COMPARISON OF TWO RESOURCE-ESTIMATION
METHODS: CIVIL CASES

Case Type	Resource Estimates	
	Case-life Approach	Event-based
Contracts	9.69	12.71
Jud. Foreclosures	6.81	8.55
Mtge Foreclosures	13.66	7.13
Forfeitures	13.59	9.11
Other Claims	14.0	13.80
Tax Liens/Foreclosures	11.10	5.20
Other Tax	9.74	29.71
Torts	27.17	42.87
Land/Nat. Resources	35.08	16.06
Injunction/Enforcement	21.35	25.58
Civil Frauds	41.81	5.86
Social Security	15.20	9.09
Habeas Corpus	15.10	14.44
Civil Rights	48.81	36.01
Other Cases	27.47	15.78
System Average	19.16	16.06

great to justify confidence in both approaches. Therefore a choice between them is necessary. To do this, we will first review the validity and reliability of the data that constitute the foundations of the two approaches. Second, we apply the estimates--after adjustment for non-case related time, administrative overhead, and so on--to the estimated FY79 case load of the U. S. Attorneys' Offices in order to compare budget hours predicted by these methods with positions actually allocated. A recommendation concerning the method to use in budgeting will then be made.

D. AN ASSESSMENT OF THE DATA

1. The Case-life Approach

For this assessment of the resource estimates produced by the case-life method of adjustment, we will consider the questions raised earlier about the approach. They centered on the assumptions that attorney time is systematically distributed across the life of the case and that the filing rate is approximately even. Here we shall consider whether violation of these assumptions occurred for the cases that constitute the data base.

a. The Distribution of Attorney Time. In Chapter III, an examination was made of the proportion of attorney time expended at various stages of case processing. The relevant statistics, presented in Table III.4, showed an uneven but

systematic distribution of time spent by stage for the districts included in the study.

The averages for all districts are as follows:

Stage	Criminal (%)	Civil (%)
Pre-complaint	19.1	3.9
Magistrate Court	6.2	.3
District Court (Mag)	3.4	2.7
District Court (Judge)	39.3	58.9
Appellate	6.7	4.5
Other Case Related	4.0	8.8
Not Case Related	13.3	13.1

When individual districts are examined, there is naturally variation around these averages, but, the general pattern for the majority of the districts is similar. The deviations reflect different case-handling procedures, such as the Massachusetts and the Northern District of Georgia make more extensive use of magistrates than in the other districts. Other deviations of a similar nature occur. However, in general, for the case-life approach to represent the distribution of time appropriately, what is needed is that a reasonably large number of cases of varying ages (i.e., at various stages of case processing) be included in the study data base. The condition supports the assumption that the study data are representative. Whether this is so can be assessed by considering the filing rate of a sample of cases and by looking at the age of cases on which time was reported.

b. The Filing Rate and the Age of Study Cases. To establish filing rate patterns, a sample of cases from the FY78 study data was taken and the month of filing recorded. The

results are presented in Table IV.8 for criminal and civil cases. Given the number of cases in the sample, a monthly filing rate of 190 for criminal cases and 203 for civil cases would occur if filings were perfectly even. Such regularity is neither expected nor necessary for the case-life method to work. As noted, what is required is a sufficient number of cases of varying ages and at varying stages of case processing that the averages derived from them can be considered reliable. In our judgment, the distributions in Table IV.9 indicate that this will be the case. The table presents the age distribution of the 1,227 criminal cases and 1,296 civil cases that constituted the data base for the event-based adjustment method. Our contention is that if cases are of varying ages when attorney time is first reported on them, it is reasonable to assume that we are capturing the various stages in case life.

For both criminal and civil cases, one month or less is the largest single age category. This is to be expected, since it includes those cases that are filed during the four-month period commencing with 30 days prior to the start of the study and ending with the last day of the study. Also to be expected is the fact that criminal cases are more likely than civil cases to be at the low end of the age scale. This is because the life of the average criminal case is shorter than the life of the average civil case.

In general, however, the table supports the position that cases of a variety of ages are represented in the data and

Table IV.8. FILING RATES BY MONTH FOR A SAMPLE
OF FY78 CASES

Year/Month		Criminal Cases	Civil Cases
1977	July	157	154
	August	135	207
	September	143	184
	October	181	185
	November	188	265
	December	256	300
1978	January	202	243
	February	251	234
	March	228	284
	April	199	201
	May	176	235
	June	<u>185</u>	<u>188</u>
		N = 2,291	N = 2,446

Table IV.9. AGE OF CASES AT TIME OF FIRST OBSERVATION

Age	Criminal		Civil	
	N	% of Total	N	% of Total
30 Days or less	415	34	347	27
31-60 Days	117	10	112	9
61-90 Days	94	8	74	6
91-120 Days	75	6	69	5
121-150 Days	71	6	73	6
151-180 Days	44	4	62	5
181-270 Days	142	11	144	11
271-365 Days	73	6	87	7
More than 1 year	<u>196</u>	16	<u>328</u>	25
	1,227	100%	1,296	100%

^aIncludes cases filed during the study.

that attorney time has been reported for a substantial number of cases at each stage.¹ This tendency, coupled with the filing rate patterns exhibited in Table IV.8, is strong support for the claim that the violation of the assumption about evenness of time expenditure does not compromise the case-life method of adjustment.

2. The Event-based Weights

Arguments just presented concerning the representativeness of the data base have implications for the event-based approach similar to those drawn for the case-life method. Given that time has been reported across all stages through which cases pass, it is reasonable to argue that the events that take place at those stages are also represented. There remains, however, the critical issue that was raised in Chapter II: Are the counts of events drawn from the historical data base an accurate reflection of the number of events that actually take place? Unfortunately, we know of no empirically oriented strategy for addressing this question. We are confident that the record of case events and activities that is contained in the case file has been reproduced.² However, it is not certain that the original postings to the case

¹It should be kept in mind that Table IV-9 presents data on approximately one-fifth of the cases and matters for which case type was identified. The actual numbers of cases at each stage are much greater than shown in this sample.

²The one exception to this is the Northern District of Mississippi, where the event record was not coded.

file were complete. In some districts, for instance, active case files are kept in the office of the AUSA handling the case. Posting is then likely to be determined by case management needs, and those are probably less than the requirements of a research project. To compensate for this situation, coders were instructed to search case files for documentation of events. However, there is no way to be certain such documentation was present.

This assessment has offered some general support for the idea that the data are reasonably consistent with the requirements of the case-life adjustment method. However, it has also been suggested that there are few, if any, empirical indicators of the reliability of the event data. Because a fully satisfactory answer depends upon the accuracy with which the estimates reflect staffing levels during the period of study, we now consider what happens when the weights are applied to case-load estimates.

E. POSITIONS ESTIMATED BY THE TWO METHODS

The weights produced earlier in this chapter can be taken as an assessment of the case-related hours that would be expended across the life of the average case of a particular type. Those weights, however, are not yet ready for use in estimating positions, for the reasons that follow.

First, the time incorporated into the weights embraces all case-specific time that was linked to a particular case reported during the study. However, a good deal of time that

was reported could not be associated with a particular case because it was administrative or general in nature. Management of the office, general research, organizational meetings, and so on are all necessary functions involving time that is not attributable to specific cases. In addition, some case time was reported for which case information was never found, either because the case had not been entered into the DOJ information system or because the file was inaccessible to coders.

Second, as we have pointed out, the average life of most case types does not correspond to the fiscal-year period for which budgets are prepared. As a consequence, the hours needed across the life of the case are not the same as the hours that should be budgeted for any particular period.

Third, as we saw in Table III.2, attorneys in the 11 study districts worked, on the average, more than 8 hours for each working day. Sometimes, for instance, the attorneys worked nights and weekends, and this means that there is no direct correspondence between the hours budgeted for a working day and the hours actually worked during that day. For example, civil attorneys across the 11 districts averaged 8.4 hours of reported time per budgeted day. However, by definition, only 8 hours, on the average, were allocated per budgeted day. Thus, the average workday was 5 percent longer than the average budget day. This means that if resources were allocated to offices on the basis of hours actually worked, rather than on the basis of an 8-hour day, there would have to be a 5 percent increase in the number of positions allocated

for civil work. Precisely the same argument can be made for criminal work. Naturally, there are individual district differences within these system figures, and when district allocations are made, attention must be paid to those variations.

Finally, fringe benefits, such as vacation, paid holidays, and sick leave, must be incorporated into estimates of the hours needed in a particular office. However, the data presented in this study do not take these items into account since the study required attorneys in the 12 offices to report only time actually worked, rather than the time not worked. Therefore, the weights as calculated to this point do not reflect any consideration of fringe benefits.

The general strategy we follow in compensating for these four considerations is to calculate an adjustment factor to be applied to the case-related work load. If, for instance, non-case time in a given district amounts to 50 percent of case time, we multiply the case weight by 1.5 to estimate the total case and non-case time needed. The adjustment factor is applied to all case types, which reflects the assumption that the best way to allocate non-case time is to distribute it proportionately across case types.³

³The adjustments are calculated in similar fashion for the case-life method and the event-based method of weight calculation. This reflects the assumption that the distribution of factors requiring adjustment is approximately the same for both. However, as will become clear when the calculations are performed, adjustments for non-case time are derived from the data bases used in the case-life method (N=15,051), rather than in the event-based method (N=2,523). Therefore, it will be critical that the application of budget weights also be made to case-load estimates produced by that method. This will be done later in this chapter.

The four considerations involve two different types of adjustments. Adjustments to compensate for the first two--non-case time and the budget period--can and should be calculated on the basis of study data. However, the relationship between the 8-hour budgeted workday and the time actually worked in offices and the fringe benefit issue are either questions that involve data not available to us or are a function of policy decisions that we believe appropriately belong to the Department of Justice and not to the authors of this report. Therefore, final decisions on these factors should be made by the Department. For the purposes of this report, we assume that the budget year and the work year are both 2,080 hours, and we divide the total estimated hours in any given district by this number to obtain an estimate of positions. With respect to fringe benefits and training, we will assume that an average of 43 days per year must be budgeted. This estimate is comprised of 26 vacation days and paid holidays, 10 sick days, and 7 training days. The estimate is based on logical, rather than empirical, considerations, but it is considered a reasonable estimate by the EOUSA staff. The adjustment factor for fringe is therefore the number of annual budget days (260) divided by the estimated number of work days (217), which equals 1.2.

We next move to calculations of the adjustments for non-case time and the budget period.

1. Adjusting for Non-case Time and Administration

The strategy followed for this adjustment was to divide the total hours reported into two kinds: time that could be attributed to a specific case type, and time that could not. The former included identifiable case work performed by all attorneys in the office, including the U.S. Attorney, the chief assistant, and division heads. Those hours were incorporated in estimates produced by the case-life method. The remaining time--that not associated with a particular case--consisted of three types. The first was the hours the assistants who normally work on cases spent on other matters, such as internal meetings, general research, and so on. The second was the hours spent by individuals who may properly be categorized as administrative. These include the U.S. Attorney and other managers in the office. The third was case time for which case information could not be located in the central DOJ information system and which, therefore, could not be associated with a particular case type.⁴

The three types of non-case time will be distributed between civil and criminal case types in the same proportion as the civil and criminal case-related hours expended in the particular office. In other words, the assumption is made that non-case time and unattributed case time is distributed between the two case types proportionate to their share of the

⁴The extent of this problem varied from office to office. It was most severe in the Central District of California, where more than 50 percent of the cases reported by attorneys could not be matched with case information.

case load. If special divisions exist in a particular office, their time was allocated to civil or criminal according to the category of cases that they handled.

Table IV.10 contains the district-by-district breakdowns of case-related time and other time, along with the ratios that were calculated as multipliers in development of the weights.

The final step in the procedure was to sum case-related and non-case related time, and then to divide that sum by case-related time to obtain the adjustment factor. Using the civil distribution for the Central Division of California as an illustration, the calculation is as follows:

$$\frac{\text{Civil Case Time} + \text{Proportion of Non-Case Time Allocated to Civil}}{\text{Civil Case Time}} =$$

$$\frac{5296 + 7507.5}{5296} = 2.43 \text{ (Adjustment Factor).}$$

This calculation was performed for all districts to produce the set of adjustment factors presented in the table. The fact that the allocation was proportional by case type means, of course, that the civil and criminal adjustment factors are the same.

2. Adjusting for the Fiscal Year

As noted, the average life for most case types does not correspond to the fiscal year for which allocations are customarily made. Consequently, it is necessary to adjust the time estimated over the total life of the case for the length of the budget period. For cases that have short case lives compared

Table IV.10. ADJUSTMENT FACTOR FOR ADMINISTRATIVE AND OTHER NONATTRIBUTABLE CASE TIME*
(hours)

Office	C I V I L			C R I M I N A L		
	Case-related Time	Other Time	Adjustment Factor	Case-related Time	Other Time	Adjustment Factor
Arizona, Phoenix	2023	1160	1.57	3351	1892	1.57
Arizona, Tucson	1126	259	1.23	4400	1037	1.23
California, C	5296	7597	2.43	8138	11742	2.43
California, S	1982	4238	3.16	2111	4591	3.10
Georgia, N	3022	215	1.07	7351	525	1.07
Illinois, N	6319	3221	1.51	13986	7170	1.51
Massachusetts	2460	998	1.41	6190	2568	1.41
Michigan, E	2580	1967	1.77	7298	5599	1.77
Mississippi, N	1477	386	1.26	1481	386	1.26
New Jersey	6244	5361	1.86	10612	9127	1.86
Oklahoma, W	587	354	1.61	2469	1509	1.61
Washington, W	1560	381	1.25	6552	1624	1.25
Total	34676	23621	1.68	73939	50194	1.68

*Total hours included in this table are 182430. This number reflects an upward adjustment of 1,829 hours for known administrative time that was unreported by the U.S. Attorneys in some of the offices.

with the budget period, a relatively high proportion of the total time used for the case will be allocated in a given year; for cases that have a long case life compared with the fiscal year, a relatively smaller proportion of time will be allocated. The logic of the adjustment method corresponds directly to that employed previously to estimate the attorney hours expended on a case outside the study period. The specifics of the adjustment are different, however, because in that instance we were increasing an observed amount of time in order to compensate for unobserved time, whereas in this instance we are taking the total estimated amount of time and reducing it to reflect the proportion of the case life that will be expended during a given budget year. In essence, we want to estimate the proportion of the case that falls outside the budget period. This can be done through the following formula:

$$\text{Estimated proportion of time outside fiscal year} = \left(\frac{T^2}{T+S} \right) / T$$

where

t = the average life of the case

and

s = the length of the budget period (365 days).⁵

⁵R.W. Gillespie, "Measuring the Demand for Court Services: A Critique of the Federal District Court Weights," Journal of the American Statistical Association 69 (March 1974): 38-43.

Then, the estimated proportion of time falling within the fiscal year is equal to:

$$1 - \left(\frac{T^2}{T+S} \right) / T$$

and this is the adjustment factor. As in the previous utilization of this approach, a unique adjustment factor is produced for each case type, since each case type has a different average life.

The results of the adjustment--averaging across the 11 districts--are presented in Tables IV.11 and IV.12. The interpretation of the adjustment factor is that it represents the proportion of the estimated total time expended over the life of the case that should be budgeted in any given fiscal year.

3. Application of the Adjustment Factors

Converting the case weights to budget weights is now a matter of applying the adjustment factors to the case weights. The procedure is as follows:

$$\text{Budget Weight}_{(i)} = \text{Case Weight}_{(i)} \times \begin{matrix} \text{Standard} \\ \text{Adjustment} \\ \text{for Non-} \\ \text{case Time} \end{matrix} \times \text{Annualization Factor}_{(i)}$$

The subscript (i) indicate that the weight or factor is different for each individual case type. The adjustment for time not linked to cases is, again, standard for civil (1.47) and criminal (1.49) cases.

Tables IV.11 and IV.12 display the adjustments for the criminal and civil case types, respectively. The first two columns of each table contain, for each weighting method, the unadjusted resource estimation derived earlier. The third column contains the adjustment factor for nonattributable time, as computed previously. The application of this factor is reflected in columns four and five.

The second adjustment factor--the annualization factor--is shown in column six. This adjustment, which differs for each case type, is an estimate of the proportion of the total attorney time that will be expended in a given year, and upon application, it produces the budget weights for each case type. Again, the weights resulting from the case-life method and the event-based method are listed. The figures represent the estimated average number of work hours expended during the fiscal year on cases of each type. The application of the adjustments has, of course, changed the absolute value of weights produced by both the case-life and the event-based methods. It has not changed the values relative to each other since precisely the same factors were applied to each pair of weights. Therefore, the question about relative impact on resource estimates still remains to be answered. As a preliminary step toward an answer and a recommendation about which set of weights to use, we first show that the reported hours can be reproduced by the application of the weights to the study case load. Then we estimate the number of positions that would have been predicted as necessary if these budget

Table IV.11. ADJUSTMENTS TO CRIMINAL CASE WEIGHTS FOR NON-CASE TIME AND BUDGET PERIOD

Case Type	Estimated Case Hours		Adjustment for Non- case Time	Estimated Total Hours		Adjustment for Budget Period	Estimated Budget Hours	
	Case-life Method	Event-based Method		Case-life Method	Event-based Method		Case-life Method	Event-based Method
State Law on Fed Land	21.42	3.41	1.49	31.92	5.08	0.79	25.132	4.001
Fraud Claim Against U.S.	5.73	8.40	1.49	8.54	12.52	0.76	6.470	9.478
Conspiracy Against U.S.	53.34	81.55	1.49	79.47	121.51	0.56	44.783	68.471
Forgery/Contracts	21.36	15.33	1.49	31.82	22.84	0.74	23.514	16.880
Embezz/Public Money	8.85	13.29	1.49	13.18	19.80	0.77	10.125	15.214
Embezz/by Bank Officer	21.71	45.43	1.49	32.35	67.69	0.66	21.236	44.439
Embezz/Shipments	34.10	57.85	1.49	50.81	86.20	0.57	29.132	49.425
Firearms: Unlawful Acts	24.36	26.64	1.49	36.30	39.69	0.69	25.039	27.381
Fraud Statements: General	25.45	55.62	1.49	37.92	82.87	0.72	27.412	59.909
Flight to Avoid Prosecution	7.56	3.34	1.49	11.27	4.98	0.96	10.793	4.768
Offense in Indian Country	7.66	4.62	1.49	11.42	6.88	0.85	9.716	5.857
Mail Fraud	50.61	64.60	1.49	75.40	96.25	0.51	38.259	48.839
Postal Theft: General	23.09	17.48	1.49	34.40	26.05	0.65	22.319	16.898
Bank Robbery	19.14	18.61	1.49	28.51	27.73	0.69	19.640	19.100
Trans. of Stolen Vehicles	21.95	20.52	1.49	32.70	30.57	0.62	20.268	18.950
Trans. of Stolen Goods	20.06	23.45	1.49	29.89	34.94	0.61	18.168	21.240
Drug Abuse: Unlawful Act	50.18	33.03	1.49	74.77	49.21	0.58	43.402	28.569
Drug Abuse: Att & Conspiracy	34.67	125.92	1.49	51.66	187.62	0.66	33.986	123.436
Mach Gun/Firearm: Penalty	29.48	23.68	1.49	43.92	35.28	0.64	28.237	22.684
Tax Evasion	72.94	70.36	1.49	108.69	104.84	0.40	43.724	42.176
Type 21	25.23	9.02	1.49	37.59	13.44	0.73	27.465	9.820
Type 22	16.59	22.60	1.49	24.72	33.67	0.67	16.567	22.568
Type 23	31.67	31.64	1.49	47.19	47.14	0.70	32.808	32.774
Type 24	76.93	70.81	1.49	114.62	105.51	0.53	60.681	55.855
Type 25	135.19	156.59	1.49	201.43	233.32	0.64	128.838	149.231

Table IV.12. ADJUSTMENTS TO CIVIL CASE WEIGHTS FOR NON-CASE TIME AND BUDGET PERIOD

Case Type	Estimated Case Hours		Adjustment for Non- case Time	Estimated Total Hours		Adjustment for Budget Period	Estimated Budget Hours	
	Case-life Method	Event-based Method		Case-life Method	Event-based Method		Case-life Method	Event-based Method
Contracts	9.69	12.71	1.47	14.24	18.68	0.50	7.172	9.409
Jud. Foreclosures	6.81	8.55	1.47	10.01	12.57	0.60	6.000	7.536
Mtge Foreclosures	13.66	7.13	1.47	20.07	10.48	0.59	11.763	6.142
Forfeitures	13.59	9.11	1.47	19.98	13.39	0.69	13.760	9.223
Other Claims	14.00	13.84	1.47	20.57	20.34	0.62	12.671	12.530
Tax Liens/Foreclosures	11.10	5.20	1.47	16.31	7.64	0.53	8.653	4.054
Other Tax	9.74	29.71	1.47	14.31	43.67	0.46	6.642	20.265
Torts	27.17	42.87	1.47	39.93	63.02	0.52	20.578	32.474
Land/Nat. Resources	35.08	16.06	1.47	51.57	23.61	0.56	28.956	13.256
Injunction/Enforcement	21.35	25.58	1.47	31.39	37.60	0.59	18.577	22.253
Civil Frauds	41.81	5.86	1.47	61.46	8.61	0.48	29.567	4.144
Social Security	15.20	9.09	1.47	22.35	13.36	0.47	10.524	6.292
Habeas Corpus	15.10	14.44	1.47	22.20	21.23	0.66	14.578	13.942
Civil Rights	48.81	36.01	1.47	71.74	52.93	0.60	42.702	31.507
Other Cases	27.47	15.78	1.47	40.38	23.20	0.56	22.558	12.960

weights had been applied to the estimated FY79 case load. The estimate is based on known FY78 figures.

F. REPRODUCING THE HOURS REPORTED

The purpose of this section is to demonstrate that the total time reported by the attorneys during the study can be accurately estimated by applying the appropriate weighting factors to the case mixture contained in the study data. This can only be done for the weights produced by the case-life method, since they are the basis for the development of the adjustment for non-case time. Subsequently, we will compare the two weighting methods in terms of the number of positions predicted when they are applied to annual case-load estimates.

The procedure we follow is to multiply the average time reported per case of each type in each office by the office adjustment factor for non-case time. This produces an adjusted study weight that, when multiplied by the number of cases, should produce the original number of hours reported. This is illustrated in Table IV.13, which is a summary table, by district.

The critical columns in the table are those containing the total predicted hours and total reported hours at the extreme right of the table. Correspondence between these two indicates that the averaging and adjustment method works when used in conjunction with the number of cases in the study. For the Central District of California, for instance, 32,683 hours were reported and 32,645 are predicted. For New Jersey, the

Table IV.13. A COMPARISON OF PREDICTED HOURS AND REPORTED HOURS
BY DISTRICT FOR THE CASE-LIFE METHOD

District	C R I M I N A L					C I V I L					T O T A L	
	N of Cases	Average Time Per Case	Over-head Factor	Adj Study Weight	Predicted Criminal Hours	N of Cases	Average Time Per Case	Over-head Factor	Adj Study Weight	Predicted Civil Hours	Predicted Hours	Reported Hours
Arizona (Phx)	449	7.46	1.57	11.71	5258	381	5.31	1.57	8.34	3178	8436	8426
Arizona (Tuc)	313	14.06	1.23	17.29	5412	159	7.08	1.23	8.71	1385	6797	6822
California (C)	747	10.89	2.43	26.46	19768	1104	4.80	2.43	11.66	12877	32645	32683
California (S)	318	6.64	3.16	20.98	6672	192	10.32	3.16	32.61	6261	12933	12922
Georgia (N)	595	12.35	1.07	13.21	7863	326	9.27	1.07	9.92	3234	11097	11113
Illinois (N)	1742	8.03	1.51	12.13	21122	1117	5.67	1.51	8.56	9562	30684	30696
Massachusetts	660	9.38	1.41	13.23	8729	297	8.29	1.41	11.67	3466	12196	12216
Michigan (E)	945	7.72	1.77	13.66	12913	820	3.15	1.77	5.58	4576	17489	17444
Mississippi (N)	137	10.81	1.26	13.62	1866	200	7.39	1.26	9.31	1862	3728	3730
New Jersey	1036	10.24	1.86	19.05	19732	2396	2.61	1.86	4.85	11621	31353	31344
Oklahoma (W)	159	15.53	1.61	25.00	3976	134	4.38	1.61	7.05	945	4921	4919
Washington (W)	507	12.92	1.25	16.28	8254	317	4.92	1.25	6.15	1950	10204	10117
Totals	7608	9.72	1.68	16.33	124236	7443	4.67	1.68	7.85	58428	182664	182430

figures are 31,344 reported and 31,353 predicted. For each of the districts, a comparable degree of similarity is exhibited, leading to a system comparison of 182,430 reported and 182,664 predicted.

These statistics lead to the conclusion that the methodology accurately reflects the data collected during the study. They do not determine whether the method will work in similar fashion when applied to case-load figures derived from non-study periods or non-study offices. We shall now undertake an examination of that question.

G. TESTING THE BUDGET WEIGHTS

Assessing the extent to which the budget weights will predict the number of positions in the system at the time of the study involves a different set of factors from those necessary for the prediction of reported hours. The main difference is that the weights must be applied to annual case-load figures derived from the Docket and Reporting System, rather than from the three-month project records.

For any given period, the number of active cases and matters consists of those cases and matters pending at the beginning of the period, plus matters received during the period. However, this is not an adequate estimate of case load for budgeting purposes since some matters/cases require little or no time and are not assigned USAO file numbers. These would not have been captured as indicated by the method of time observation in the 11 study districts and therefore

would not be reflected in the number of matters and cases reported. For instance, the Southern District of California reported approximately 30,000 matters to the Docket and Reporting System during FY78 and, technically, had more than 10 times that number of unreported matters in illegal immigration cases. However, most of these took little or no attorney time. Of the approximately 2,500 matters reported during the study, for example, more than 90 percent were immediately declined. This is consistent with the fact that, during the study, attorneys reported working on only 546 criminal cases or matters. Obviously, then, it would be inappropriate to assume that all matters reported to the Docket and Reporting System should be counted in the same manner as the matters and cases that were included in the derivation of case weights.

Further complications are introduced by the fact that some cases worked on during the study were not identified as belonging to a particular case type. The time expended on those cases was allocated proportionately across cases of all types on a district-by-district basis (the non-case adjustment factor), and it is now reflected in the budget weights. Therefore, in order to make appropriate application of the budget weights, it is necessary to estimate the proportion of the case load during the study that was included in the production of the weights. In doing so, we define case load as the number of pending cases (9/30/78)

plus one-fourth of the annual FY78 case filings.⁶ The estimates and calculation of the proportion included in the weighting system are presented in Table IV.14 for both criminal and civil cases. The two "proportion included" columns reveal that the number of study cases matched with D&R records is in some instances very low. In the Southern District of California, for instance, the 318 study cases represent only 17 percent of the 1,892 active cases. This will inevitably compromise the district's weights, and when positions are estimated, error can be expected.

The next step in the validation process is to estimate the case load for the complete fiscal year. This is done by applying the proportions produced in Table IV.14 to pending case load and estimated annual filings. For Arizona, for instance, pending criminal case load on 9/30/78 was 901 and estimated annual filings were 840, for a total of 1,741 cases. Sixty-nine percent of 1,741 is 1,202, and this is the number entered for that district in Table IV.15 (case-life method) and Table IV.16 (event-based method). Similar calculations produce estimated case loads for the other districts,

⁶We could, of course, have included matters as well as cases in this estimation. However, based on the belief that the number of cases is a more readily derivable figure than the number of matters received, and on the conviction that a case-oriented application makes more sense than a matter-oriented application, we have chosen the former strategy. This means that in some districts, where the match between time reports and case information was high, the adjustment for proportion included will exceed 1.0.

Table IV.14. ESTIMATING STUDY CASE LOAD AS A PROPORTION OF ACTIVE CASES

District	C R I M I N A L					C I V I L				
	Pending 9/30/78	Estimated Filings During Study	Total Active Cases	N of Study Cases	Proportion Included	Pending 9/30/78	Estimated Filings During Study	Total Active Cases	N of Study Cases	Proportion Included
Arizona ^a	901	210	1111	762	.69	658	112	446	540	1.21
California (C)	1542	385	1927	747	.39	2149	566	2715	1104	.41
California (S)	1525	367	1892	318	.17	528	153	681	192	.28
Georgia (N)	269	109	378	595	1.57	877	172	1049	326	.31
Illinois (N)	471	149	620	1742	2.81	1966	321	2317	1117	.48
Massachusetts	467	135	602	660	1.10	1464	175	1639	297	.18
Michigan (E)	568	227	795	945	1.19	1768	284	2052	820	.40
Mississippi (N)	45	27	72	137	1.90	174	40	214	200	.93
New Jersey	510	114	624	1036	1.66	2254	394	2648	2396	.90
Oklahoma (W)	144	62	206	159	.77	706	141	847	134	.16
Washington (W)	211	138	349	507	1.45	694	173	867	317	.37
Totals	6653	1923	8576	7608	.89	13268	2531	15799	7443	.47

^aTo this point the Phoenix and Tucson offices of the District of Arizona have been portrayed separately. However, since case-load estimates and weight applications are linked inextricably to the Docket and Reporting System, the two offices will now be combined, as they are in that system.

Table IV.15. AN APPLICATION OF THE CASE-LIFE METHOD TO CASE-LOAD ESTIMATES
DERIVED FROM THE DOCKET AND REPORTING SYSTEM

District	CRIMINAL CASES					CIVIL CASES					Total Estimated Positions	Actual Positions FY79 ¹
	Estimated Case Load	Average Hrs to Budget	Total Hours	Positions (Hours ÷ 2080)	Positions with Fringe (20%)	Estimated Case Load	Average Hrs to Budget	Total Hours	Positions (Hours ÷ 2080)	Positions with Fringe (@ 20%)		
Arizona	1202	23.40	28219	13.57	16.28	1336	22.67	30268	14.55	17.46	33.7	33
California (C)	1201	51.85	62275	29.94	35.93	1809	24.30	43951	21.13	25.36	61.3	89
California (S)	508	48.41	24593	11.82	14.19	319	30.60	9750	4.69	5.63	19.8	32
Georgia (N)	1104	26.85	29639	14.25	17.10	485	23.99	11634	5.59	6.71	23.8	20
Illinois (N)	2995	34.41	103054	49.55	59.46	1573	21.01	33053	15.89	19.07	78.5	78
Massachusetts	1106	29.69	32840	15.79	18.95	389	21.90	8521	4.10	4.92	23.9	28
Michigan (E)	1754	24.73	43372	20.85	25.02	1161	19.11	22190	10.67	12.80	37.8	38
Mississippi (N)	287	24.95	7161	3.44	4.13	312	16.80	5252	2.53	3.03	7.2	7
New Jersey	1600	33.95	54316	26.11	31.34	3448	13.05	45012	21.64	25.97	57.3	58
Oklahoma (W)	301	31.56	9501	4.57	5.48	203	13.07	2654	1.28	1.53	7.0	10
Washington (W)	1106	39.44	43623	20.97	25.17	512	11.87	6077	2.92	3.51	28.7	23
Totals	13164	33.32	438598	210.90	253.00	11547	18.91	218362	105.00	126.00	379.0	416
All Districts	52106	33.32	1736282	834.75	1001.70	57175	19.31	1104004	530.77	636.93	1638.6	1603

¹ The source for the actual number of positions in each district is the Executive Office for U.S. Attorneys.

Table IV.16. AN APPLICATION OF THE EVENT-BASED METHOD TO CASE-LOAD
ESTIMATES DERIVED FROM THE DOCKET AND REPORTING SYSTEM

District	CRIMINAL CASES					CIVIL CASES					Total Estimated Positions	Actual Positions FY79 ¹
	Estimated Case Load	Average Hrs to Budget	Total Hours	Positions (Hours ÷ 2080)	Positions with Fringe (20%)	Estimated Case Load	Average Hrs to Budget	Total Hours	Positions (Hours ÷ 2080)	Positions with Fringe (@ 20%)		
Arizona	1202	30.89	37135	17.85	21.42	1336	16.65	22237	10.69	12.83	34.25	33
California (C)	1201	37.16	44633	21.46	25.75	1809	18.12	32769	15.75	18.91	44.66	89
California (S)	508	31.74	16140	7.76	9.31	319	17.40	5558	2.67	3.21	12.52	32
Georgia (N)	1104	32.97	36386	17.49	20.99	485	17.90	8679	4.17	5.01	26.00	20
Illinois (N)	2995	36.42	109092	52.45	62.94	1573	14.52	22853	10.99	13.18	76.12	78
Massachusetts	1106	29.10	32169	15.47	18.56	389	17.89	6961	3.35	4.02	22.58	28
Michigan (E)	1754	32.57	57126	27.46	32.96	1161	15.92	18478	8.88	10.66	43.62	38
Mississippi (N)	287	32.03	9191	4.42	5.30	312	16.25	5062	2.43	2.92	8.22	7
New Jersey	1600	41.88	67011	32.22	38.66	3448	11.56	39865	19.17	23.00	61.66	58
Oklahoma (W)	301	31.06	9351	4.50	5.39	203	14.23	2891	1.39	1.67	7.06	10
Washington (W)	1106	30.96	34248	16.47	19.76	512	18.06	9247	4.45	5.33	25.05	23
Totals	13164	34.37	452482	217.54	261.05	11547	15.12	174600	83.94	100.73	361.78	415
All Districts	52106	32.82	1710065	822.15	986.58	57175	15.77	901813	433.56	520.28	1506.86	1603

¹ The source for the actual number of positions in each district is the Executive Office for U.S. Attorneys.

and these are then multiplied by the average budget weight for the district. The resulting hours are divided by 2,080 to obtain the pre-fringe number of positions, and this is then multiplied by the fringe estimate of 1.2 to get the final estimates of positions needed. The sum of the criminal and civil estimates is presented as total estimated positions on the right hand side of the two tables. The actual number of positions in the study districts in November 1978 (approximately the midpoint of the study period) is then listed in the final column.

What we wish to do with these two tables is to make an assessment of the relative accuracy with which the weighting methods reproduce the distribution of positions in the districts on which the weights are based. This will then provide a basis for deciding which method is more suitable for use in budgeting. We also wish to consider how accurate the better of the two methods actually is.

Deciding between the two methods is, in our opinion, best done on the basis of their reproductive accuracy. We believe both of them to be conceptually sound, and would argue that, with perfect information, they would produce virtually identical results. Lacking perfect information, some error can be expected in both. The question is: How much?

The following list summarizes the predictions contained in Tables IV.15 and IV.16.

<u>District</u>	<u>Case-life Method</u>	<u>Event-based Method</u>	<u>Actual</u>
Arizona	33.7	34.25	33
California (C)	61.3	44.66	89
California (S)	19.8	12.52	32
Georgia (N)	23.8	26.00	20
Illinois (N)	78.5	76.12	78
Massachusetts	23.9	22.58	28
Michigan (E)	37.8	43.62	38
Mississippi (N)	7.2	8.22	7
New Jersey	57.3	61.66	58
Oklahoma (W)	7.0	7.06	10
Washington (W)	28.7	25.09	23
TOTALS	379.0	361.78	415

Comparison of the two sets of predictions indicates that the case-life weighting method predicts the actual number of positions more accurately than the event-based method in all districts, with the exception of Western Oklahoma and Western Washington. These two are .06 and 2.8 positions, respectively, closer to the actual using the event-based weights. Overall, the case-life method is closer by almost 18 positions. Thus, this method is superior not only with respect to the total system but also with respect to 9 of the 11 districts studied. Of course, both methods predict poorly for some districts, especially Southern California and Central California. This issue will be addressed below. However, on the basis of the information in Tables IV.15 and IV.16 and, given the assumption (to be tested shortly) that the errors just noted can be adequately explained and corrected, we are of the

opinion that the case-life weighting method is preferable to the event-based method. Our reasons may be summarized as follows:

- (1) The assumptions of the case-life method (about expenditure of time and filing rate) have been empirically examined and have been judged satisfied by the data. The assumptions of the event-based method, though conceptually sound, could not be tested.
- (2) The data base that constitutes the case-life weighting method was six times greater than that on which the event-based method rests (15,051 cases compared with 2,525). Therefore, weights from the former can be calculated on a district basis, but results from the latter cannot. This increases the potential utility of the case-life weights substantially, since interdistrict variation in case processing is more likely to be reflected by them than by the event weights.
- (3) The case-life method can be shown to reproduce the number of hours reported during the study. This is not possible with the event-based method, since the case weights are derived from a combination of terminated cases and study cases.
- (4) The case-life method predicts more accurately than the event-based method when applied to a non-study period, using FY79 annual case-load estimates.

Because of these factors, we will employ only the weights produced by the case-life method as we proceed with the discussion of utilization of weights in the next chapter. We will return to the event-based data when we discuss future information needs of the Department of Justice.

V. UTILIZATION OF THE WEIGHTS

In the previous chapter, we reviewed the two weighting methods and determined that the case-life method was superior to the event-based method in terms of predictability and in terms of consistency between the data and the assumptions of the analytic approach. However, a number of yet unanswered questions must be addressed before the weights can be used. The first concerns missing data. We have already observed that this problem is sufficiently serious with respect to the California offices that estimates derived from those data are suspect. In addition, there were case types for which no observations were made during the study (or during the previous fiscal year). This resulted in a work-load weight of zero, which is unsatisfactory if cases of such types are anticipated in the future. A second question concerns the 84 districts not included in the study. Assuming that the missing data problem can be satisfactorily handled, how can the weights help in estimating the number of positions that nonstudy offices require? A third critical issue is the estimation of future case load. The weights themselves reflect an estimate of the time taken to process cases in FY79. Use of the weights as an aid in future budgeting requires an estimate of the number of cases of each type to which they should be applied.

We shall address each of these questions in this chapter and illustrate strategies for coping with the missing data

problem and the need to extend the findings to all districts. Calculation of future case-load estimates is beyond the scope of the study, but we will identify various methods and suggest procedures by which the calculations could be made. First, however, we present a short review of the uses of work-load weights.

A. WAYS OF USING THE WEIGHTS

Given a set of weights that are a reasonably accurate reflection of FY79 conditions; what are the purposes to which these weights can be put? We categorize these in two ways--responsive and prescriptive. By responsive, we mean the use of the weights in conjunction with case-load estimates that are based on existing policy and filing trends. By prescriptive, we refer to the introduction of new policy intended to lead to changes in the case mix of some or all USAOs, or to the establishment of guidelines or norms for the time needed to process particular types of cases. The distinction in the text between responsive and prescriptive approaches is made for explanatory purposes only. In practice, decisions about budget submissions and allocations of positions to U.S. Attorneys' Offices are likely to incorporate elements of both.

At the outset, two points should be made. The first is that the weights are static in nature, the second is that they aid rather than replace judgment. We will illustrate the former point by reference to the responsive mode of utilization, and the latter by reference to the prescriptive mode.

Responsive utilization of the weights could take place in the following manner. First, the case load for the relevant budgetary period is estimated by case type for each district. The case type weights are multiplied by the case load after it is adjusted for the proportion of the case load that is expected to require attorney time.¹ Application of the fringe adjustment produces an estimate of the number of positions needed to process that case load at rates comparable to those prevalent in FY79, when the study was conducted. Actual allocation of positions on this basis, however, connotes that the FY79 staffing levels and processing rates are optimal, or at least desirable. This is not necessarily so. For instance, in many districts, the civil case backlog is rising at a rapid rate and, given filing patterns similar to those of the last few years, will probably continue to rise if future resources are devoted to civil case processing at FY79 levels. On the other hand, if we assume that the backlog is sensitive to the

¹Case load here is defined as pending District Court cases, plus filings in District Court. As was discussed in Chapter IV, this number does not correspond to the number of matters and cases on which attorneys will work during the budget period. Therefore, a proportionate adjustment is made to the case load.

number of attorney work hours devoted to it,² the rising trend might be checked or reversed simply by increasing the proportion of cases on which work takes place. When incorporated into the calculation process discussed above, this automatically increases the number of positions suggested by the weights.

The illustration has now moved from the responsive to the prescriptive mode of utilization. Decisions would have to be made about the districts and the case types to which the adjusted proportions would be applied. Such decisions are partly dependent on information about case load and backlog and partly dependent on DOJ policy. One way of viewing the rising civil backlog, for instance, is that it is a consequence of the speedy trial requirements that have stimulated concern with criminal case processing. In an environment of scarce resources, the total number of attorneys available may not be sufficient both to maintain satisfactory processing rates for criminal cases and to avoid a rising backlog for

²It is difficult to assess the validity of this assumption. The USAOs are part of a larger system that includes federal courts, agencies, and other parties. Increasing the number of AUSAs would have little effect on backlog if the causes of the latter are outside the USAO program. What is most likely is that an increase in attorneys would result in a less than proportionate increase in the number of cases processed in any given period, other things remaining constant. If changes in other elements of the system are made, there will almost certainly be an effect on U.S. Attorney activities. The recent increase in the number of federal judges, for instance, seems certain to increase the amount of available court time. This may have a downward effect on backlog. On the other hand, it may stimulate an increase in filings.

The general point to be made is that the effects of changes in the number of positions allocated to offices are very difficult to estimate.

civil cases. A weighted work load may aid decision making in this situation by providing information about the impact of decisions, but it does not eliminate the need to make those decisions.

Another prescriptive way in which the Department could use the weights is to identify a particular type of case or cases, let us say relating to white collar crime, and to seek to increase the number of cases handled in that area. Cooperation with the FBI and other law enforcement organizations would probably be necessary, since the U.S. Attorneys' Offices do not, strictly speaking, generate their own business.. However, assuming this cooperation, the question that arises concerns the effect of an increase of the "white collar" case load on office work loads. Precisely what number of positions would be necessary if a district that had previously not handled white collar crime generated (or inadvertently received) a large number of white collar crime cases? The strategy we recommend here would be to use the system average for that particular case type, thereby allowing the experience of other offices that had handled white collar crime in the past to provide a guideline for resources to be allocated in the particular office. Again, the weights help in evaluating the impact of the decision, but they are no substitute for the decision maker.

A third area of prescriptive utilization concerns the relative performance of the offices. Though it has not been

our function in this report to assess efficiency or effectiveness, we are of the opinion that the weights raise questions that merit further inquiry. From the tables that we present in the study (for instance, in Chapter IV and in the next section of this chapter), it is apparent that the estimated time expended on a given case type differs substantially from office to office. Do differences of this sort reflect differences in the cases themselves, or differences in case processing between offices? The argument that is most commonly made is that in the offices where the rate of case terminations per attorney is low--in other words, where the time expended per case is high--cases are more complex and actually require more time. It would be valuable to be able to assess the degree to which this is so by examining the complexity of the cases in detail. In the section of this chapter that discusses the ways in which non-study offices can be grouped, relevant information from this study is reviewed. Because of the limitations of the current data, however, we are unable to provide a final answer to the question. Nevertheless, we believe an answer to be possible, given more detailed information on cases the offices handle. It then might be possible to identify the factors that account for variations in processing time.

B. ADDRESSING THE MISSING DATA PROBLEM

In Chapter IV, we noted that some study locations--in particular the California districts--had a large amount of missing data. This produced a distribution of study cases that was dissimilar to the distribution of matters received during FY78. We now return to the questions raised at that time. To what extent do these missing data compromise the weights?³ How can compensation for the condition be made? First, we assess the relationship between missing data and the deviation of predicted positions in the study districts from actual FY79 levels. This leads to the judgment that the California data should be excluded from the utilization of the weights until such time as the number of matches between reported cases and case-type information is increased.⁴ Then, we examine the effect of using study averages for those case types that have a zero weight because of missing data.

³Missing data produce a zero weight for a particular case type for one of the following reasons: (1) No cases or matters of that type were worked on during the study. (2) Some cases or matters of that type were worked on, but they could not be matched with case records. (3) The average life for the case type could not be calculated because no cases of that type were found in the 10,000-case sample of terminated cases from FY78.

⁴Since the probable cause of most of the California problem is that many cases were not reported to the D&R by the end of the project, we believe that the match rate for the California districts will be much higher if and when the time study data are matched against D&R records at the end of FY79. By that time, most of the cases handled by California during the study period should be incorporated. California weights based on the newly matched cases and matters could then be calculated.

The estimated number of positions produced by the case life method compares with the actual FY79 positions in the manner shown below.

<u>District</u>	<u>Case-life Method</u>	<u>Actual</u>
Arizona	33.7	33
California (C)	61.3	89
California (S)	19.8	32
Georgia (N)	23.8	20
Illinois (N)	78.5	78
Massachusetts	23.9	28
Michigan (E)	37.8	38
Mississippi (N)	7.2	7
New Jersey	57.3	58
Oklahoma (W)	7.0	10
Washington (W)	28.7	22
TOTALS	379.0	415

For the eleven districts combined, the prediction is 379 positions compared with 415 actual positions.

Prediction success may be summarized as follows:

<u>Very Accurate</u>	<u>Fair</u>	<u>Poor</u>
Arizona	Georgia (N)	California (C)
Illinois (N)	Massachusetts	California (S)
Michigan (E)	Washington (W)	Oklahoma (W)
Mississippi (N)		
New Jersey		

The question to pose now is why the predictions for five of the districts are very accurate, and three of them are poor. Recall that in Table IV.13 we demonstrated that the average reported time per case, weighted for non-case time, did accurately predict the number of hours in each district, including those for which the annualized position predictions are now poor. The change from accurate to inaccurate predictions is therefore

associated with the three adjustment factors introduced since that point:

- . The adjustments for average case life and annualization
- . The adjustment for fringe
- . The estimation of case load

The methodological foundation and derivation of each of these factors followed the same logic for all districts. We did not, for instance, take one approach for one district and another approach for the next. The Northern District of Illinois, for which the prediction is within one position of the actual, was handled in exactly the same way as the Central District of California, for which the prediction is 29 positions too low. That five of the district predictions are within one position of the actual is, in our opinion, strong supporting evidence for the general approach. This argument can be confirmed if the nature of the adjustments is considered. We shall briefly review the nature of each adjustment and assess which, if any, might have been the cause of the prediction deviations.

The average case-life adjustment and the annualization adjustment are logically and mathematically similar strategies. The former adjusts average time upwards to produce an estimate of time needed across the life of the case; the latter leads to an estimate of the proportion of the total case time that will be required in a given budget period. In Chapter II and again in Chapter IV, the foundation of these factors was

explored and no flaw was found. For them to be the source of the prediction errors, the data to which they were applied (average case life) would have to be systematically inaccurate. That is, the average case lives, extracted from Docket and Reporting records for cases terminated in FY78, would have to have been systematically reported as shorter than they actually were in those districts where the predictions are low, and systematically reported longer in districts where predictions are high. In the Central District of California, for instance, predictions are roughly 30 percent too low. This means that case life would have to have been reported as approximately 30 percent shorter than it really was. Since the relevant reports consist of dates, this is akin to saying that a case that began on January 1 and ended on December 31 would have to have been posted as beginning on January 1 and ending August 31. Further, average posting errors of this magnitude would have to have been made across all cases. Though this cannot be checked without additional detailed case-file analysis, it seems highly implausible. Thus, we are of the opinion that the case-life data cannot be the sole source of this error. It could, of course, be a contributing factor.

The adjustment for fringe is standard (1.2) for all districts. Since it produces a proportional increase in hours that is lower than the proportion of prediction error in the three "poor" offices, it cannot be the sole source of that error. In addition, as we pointed out earlier, this factor

is equivalent to about 43 workdays during the fiscal year. For it to be responsible for any of the error in the California or Oklahoma offices, the actual number of days for vacation, sick leave, paid holidays, and general training would have to exceed an average of 43 per assistant, since the prediction error is on the low side rather than the high side. Although a factor of 1.2 might be somewhat low (e.g., if the office had a high incidence of vacations during the study period), it is difficult to believe it could be low enough to produce the kind of predictions seen here.

The estimation of case load is the final step in the process. This estimation combines factors derived from the study data with information drawn from the Docket and Reporting System. The study input involves the calculation of the ratio of reported matters and cases to active cases.⁵ The ratio is then applied to the number of pending cases reported to the Docket and Reporting System and to an estimate of filings during the period. The actual ratios are developed on a district-by-district basis, but the method of doing so is the same for all districts. Error could be introduced in this step in two ways. Either the number of matters and cases matched with D&R records could be a significant understatement⁶ of the number worked on during the study, or the number

⁵Active cases are again those pending in District Court plus filings in District Court.

⁶An overstatement cannot occur since the criterion for acceptance was the link between the two separate data sources--the case number supplied by the attorney and the case number from official records.

and type of District Court cases reported to the Docket and Reporting System could be low. We know that in this study the first condition was operative in both California districts. More than 50 percent of the case numbers supplied by attorneys could not be connected to case records in the Department of Justice information system. The reasons for this are unclear, but a likely cause is that reporting to the Docket and Reporting System on cases active during the study was incomplete at the time the study ended. The effect of this situation has been to make the study case mix for the California offices unrepresentative of the actual business of those offices. Consider, for instance, the fact that in the Central District only 2 of 1,104 identified civil cases were classified as claims (the first five categories of the civil case typology). Of the 192 civil cases in the Southern District, only 1 was classified as a claim. Clearly, this is not a reflection of the true situation in those offices, unless they are radically different from other districts (where, on the average, almost 25 percent of the cases are distributed across the five claims categories). This kind of distortion inevitably produces a low level of general confidence in the California results. In specific terms, the error it introduces (understating the case load) is in the right direction to account for some of the under-prediction of positions.

The Oklahoma situation is less clear cut. Almost 75 percent of the reported cases were identified, and correspondence between the distribution of FY78 matters and study matters

and cases was reasonably good, especially on the criminal side (see Tables III.14 and III.15). As a result, the probable causes of the California errors do not seem to apply to Oklahoma. We believe, however, that the arguments presented in this section about the general appropriateness of the methodology apply to the District of Oklahoma, as well as to the other offices, and that the Oklahoma inaccuracy appears to be the result of a data problem, probably in the case-load estimation process. Consequently, it is our judgment that the the Oklahoma weights should be retained.

Our general conclusion is that the situation regarding the California data is sufficiently serious that the California budget weights cannot be considered dependable, but that the inaccuracy of the predictions they produce is due to data problems and not to inappropriate methodology. There are certainly poor quality study data, and there may be poor quality case data in the Docket and Reporting System. We shall therefore exclude the weights from the California districts when the utilization of the weights on a systemwide basis is considered in the next section. We will retain the Oklahoma weights, however, because we believe the prediction error to be a product of case-load estimation problems rather than distorted weights.

For case types that were unrepresented in the districts (other than California), thus producing a zero weight, we will substitute the average for that case type. This will result in some bias (to the degree that the office is not average

with respect to that case type), but the bias is likely to be less than if a weight of zero were used.

C. EXTENDING THE WEIGHTS TO ALL DISTRICTS

A critical step toward the utilization of the work-load estimates is the determination of which set of weights to use with which offices. With respect to the offices included in the study (California districts excepted), the matter is relatively straightforward, since it is possible to use the weights developed in a particular office for allocations to it. With respect to other offices, the problem is considerably more severe. What is desirable is a method of grouping non-study offices on the basis of homogeneous characteristics. Those groups could then be compared with the study offices and the weights from a comparable study office could be applied to the total group.

As we see it, three basic strategies might be used to establish the groupings:

- (1) Expert judgment of individuals who are knowledgeable about the U.S. Attorney program.
- (2) An empirical estimate of a wide variety of characteristics, including but not necessarily limited to case load, case mixture, case complexity, the general litigation environment (e.g., number of judges, quality of defense bar, quality of referring agencies), demographic characteristics of the area, office policy, and DOJ policy.
- (3) Application of the work-load weights developed in this report to case-load estimates based on the D&R system in order to determine which set of weights most accurately reflects the FY79 staffing levels of the particular office.

The first strategy, that of using expert opinion, is essentially the one that is employed now, in combination with some elements of the second. The Executive Office for U.S. Attorneys evaluates the request for positions from U.S. Attorneys, and, based on its experience and knowledge of the program, makes a recommendation about which offices should get what resources. It is probable that this strategy could be made more formal by the incorporation of a larger number of individuals into the decision-making process, but there is no reason to suppose that this would lead to different or better decisions. The people who are most familiar with the offices are those who are currently formulating budget requests, and there seems to be little advantage to complicating the procedure. However, what would be useful is additional empirical information relating to the allocation decision.

This leads to the second strategy--comprehensive analysis of a wide variety of factors that potentially influence case processing. The difficulty with this approach is that the characteristics that differentiate offices are not well specified. Little interdistrict comparison of resource consumption has been done in the past, and in this study--as we will discuss shortly--the variation in expended time by case type is not explained by the factors on which we had information. In our opinion, additional research is necessary before a satisfactory answer to the question of district comparability can be developed through empirical analysis.

The third strategy is one that can be used with the study weights. It is possible to apply each set of weights to case-load estimates for each of the 95 districts, and then to select for a particular office that set of weights that best reproduces the FY79 situation. Modification of the allocations implied by the application of those weights could then be made on the basis of informed judgment and policy considerations.

The clustering of offices that will result from this approach will be generated on a purely empirical basis, and not on the basis of how they "ought" to be grouped. In other words, the approach is responsive rather than prescriptive. It will not necessarily produce an "ideal" distribution, but it will capture the distribution that existed at the time the study was done. Moreover, if there are future changes in case-load mix or volume, their impact on positions predicted by this method will be proportionate to the size of the change.

In the remainder of this section, we will examine in more detail some of the characteristics of the study offices that have relevance to the issue of district comparability. As we noted earlier, this will raise a number of questions that cannot be answered within this study. We will then apply the budget weights to the estimated FY79 case load for all districts, and will compare the number of positions predicted by the most accurate set of weights with the actual positions as of November 30, 1978.

1. A Comparison of Study Offices

The comparison of the 11 study districts will be made on three separate dimensions. The first of these is the number of positions and the case load that existed during FY78 and at the beginning of FY79. We shall examine the case volume and the distribution of grand jury proceedings and trials, by district. The second dimension focuses on the average case life in the offices, with a view to determining whether cases take a greater amount of calendar time in one office than in another. This should not be interpreted as a necessary implication that where the life is longer the case is more complex, since the processing of the case may simply be slower. To investigate this issue, we then examine the third dimension, which is the time spent on events in the average criminal and civil case in each district. This information is derived from the event based data, which, as we noted, were of insufficient volume to justify a district breakdown by case type. Therefore we have aggregated information on case events for all case types within a given district. This permits a comparison of the average amount of time spent on such events from one office to another.

Table V.1 is the basis for comparison on the first dimension. For each district, the average number of attorneys during FY78, the cases handled and terminated during the year, and the proportion of trials and grand jury proceedings are presented. One of the most striking things about the table is the nature of the relationship between the number of cases

Table V.1. A COMPARISON OF POSITIONS AND CASE LOAD IN THE 11 DISTRICTS (FY78)^a

District	Avg. No. of Attys	Cases Handled During Year	Cases Handled Per Atty	Cases Terminated During Year	Cases Terminated Per Atty	Civil Trials (% of Civil Cases)	Criminal Trials (% of Criminal Cases)	Grand Jury Proceedings (% of Criminal Matters)
Arizona	30.8	3,072	99.7	1,513	49.1	0.87	3.41	27.58
California (C)	83.6	7,233	86.5	3,429	41.0	2.77	7.35	23.47
California (S)	32.5	4,044	124.4	1,906	58.6	11.51	8.83	2.03
Georgia (H)	19.1	2,460	128.8	1,314	68.8	2.34	13.52	12.85
Illinois (N)	72.1	5,080	70.4	2,613	36.2	0.45	17.16	6.52
Massachusetts	26.7	2,802	104.9	871	32.6	1.37	16.24	12.95
Michigan (E)	33.4	4,261	127.5	1,925	57.6	3.04	8.37	15.81
Mississippi (W)	6.5	460	70.7	241	37.0	1.33	20.88	23.58
New Jersey	54.6	4,349	79.6	1,585	29.0	0.65	9.31	4.48
Oklahoma (W)	7.1	1,680	236.6	830	116.9	1.39	8.57	13.69
Washington (W)	21.7	2,376	109.4	1,471	67.7	0.51	8.82	12.10
Totals	388.1	37,817	97.4	17,698	45.6	2.04	10.86	7.37
Sys Total	1415.6	174,482	123.2	79,677	56.2	2.26	10.77	12.87

^a The source for the information in this table is the Annual Statistical Report for U.S. Attorneys (FY78), Tables 6, 7 and 12.

handled and terminated and the number of positions in the offices. In the three largest offices--the Central District of California, the Northern District of Illinois, and New Jersey--the number of cases handled per attorney is lower than in all other offices, except the Northern District of Mississippi. The largest office, California Central, had 83.6 positions on the average in FY78 and handled 86.5 cases per attorney. For Northern Illinois, the numbers were 72.1 and 70.4, respectively. For New Jersey, they were 54.6 and 79.6. Mississippi, with 6.7 attorneys, handled 70.7 cases per attorney. At the other end of the scale is the Western District of Oklahoma with 7.1 attorneys handling an average of 236.6 cases. Cases terminated per attorney show less variation among districts, but the general pattern is similar. The more positions an office has, the fewer the number of cases handled and terminated, with one or two exceptions.

Interpreting this situation is rather difficult. Can we assume, for instance, that a district that has a low rate of handling and of termination has more difficult and complex cases than a district with the reverse situation? Or could the same rate be attained with fewer attorneys? We cannot provide a complete answer here, but, in the balance of Table V.1, we present the percentage of civil and criminal cases that result in trials and the percentage of criminal matters that go to grand jury proceedings, on the assumption that these may be taken as partial indicators of the demand made by the case load on the resources of the office. The presumption

is that a high percentage of trials and grand jury proceedings indicates a more complex case load than if those percentages are low. Again, however, caution is necessary. This is not a comprehensive indicator, since it does not contain information on prefiling work, which can be very heavy in an office that emphasizes investigative activity.

Examination of the percentage of trials reveals mixed findings. In the Central District of California, which terminates 41 cases per attorney per year, a little less than 3 percent of civil cases and a little more than 7 percent of criminal cases result in trials. This is not greatly different from the Western District of Oklahoma where 1.39 percent of civil cases and 8.57 percent of criminal cases go to trial. It is also a good deal less than the Northern District of Georgia, where trials are 2.34 percent of civil cases and 18.52 percent of criminal cases. Contrasts of this sort are perhaps even more marked in New Jersey, where only a little more than half of one percent of the civil cases and 9.31 percent of the criminal cases result in trial. The mixed nature of these figures suggests that the number of trials that occur in a district would not be a good predictor of the processing rate. This in turn implies that for the processing rate to be due to the trial situation, the trials in the districts with low processing rates and low numbers of trials would have to be more complex and time consuming. If we examine the percentage of grand jury proceedings, the figures are similarly unhelpful. Central California has 23.4

percent of all criminal matters resulting in grand jury proceedings, but in New Jersey only 4.48 percent result in such proceedings. In Northern Illinois, the figure is only 6.52 percent. These span the averages for all offices (12.87) and for the 11 offices (7.37).

In conclusion, we would argue that Table V.1 offers little assistance in determining whether any given district has a more difficult case load than any other district. The table illustrates that small districts can have as large a percentage of trials and grand jury proceedings as large districts, and can have processing rates and termination rates that are similar--in this instance low; but it is also possible for other districts to have comparable percentages of trials and grand jury proceedings where the processing figures per attorney are higher--Eastern Michigan, Southern California, Arizona, and Northern Georgia. As a result, the frequency of occurrence of grand jury proceedings and trials does not seem to be a good clue to the kind of question being raised about differential resource allocations.

The second part of this discussion about comparability between offices focuses upon the length of the average case or matter. The information was derived from the D&R terminations tape for FY78, and includes in all about 10,000 cases. The data are presented in Table V.2 (criminal) and Table V.3 (civil). A quick interdistrict comparison can be made by looking at the totals columns for the two tables. These summarize the lives of all cases included for a particular office.

In Table V.2 we see that Northern Illinois cases have the longest average life--378.1 days. Cases in Phoenix have the shortest average life (96.1 days, followed closely by Tucson and Central California, 101.6 days and 104.3 days, respectively). New Jersey cases last an average of 143.6 days while Northern Mississippi cases last an average of 208.6 days. We recall from the previous discussion that the various processing rate statistics illustrated that Central California, Northern Illinois, and New Jersey were all similar. However, with respect to case life, they are representative of the shortest group, the longest group and the average group, respectively. As a consequence, it does not seem reasonable to indicate that case life, in and of itself, is a good predictor of case complexity. If we examine the civil table, V.3, we again note from the summary statistics for each district that there are differences among the three large offices that do not appear to reflect the processing rates observed in Table V.1. In fact the district with the longest civil case life is Massachusetts (566.1 days), where, as is indicated in the FY78 Annual Statistical Report, the civil backlog is rising very rapidly. At 221.2, 282.7, and 327.5 days respectively, the districts of Central California, Northern Illinois and New Jersey again span a wide range of average lives. In general, therefore, it seems safe to conclude that average life is a poor indicator of complexity.

A third dimension in the comparison among districts is in the events that take place as cases are processed. If it

Table V.2. THE AVERAGE LIFE OF CRIMINAL CASES AND MATTERS

Case Type		O F F I C E												Totals
		AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	CA (N)	IL (N)	MA	MI (E)	MS (N)	NJ	OK	WA (W)	
State Law on Fed Land	Av	47.0	19.5	0.0	0.0	0.0	126.7	0.0	68.0	0.0	248.7	66.7	0.0	98.6
	N	3	2	0	0	0	3	0	1	0	3	6	0	18
Fraud. Claim Agnst U.S.	Av	0.0	0.0	166.9	1.0	218.0	211.0	1.0	91.7	1.0	0.0	0.0	115.3	116.9
	N	0	0	7	1	1	1	2	3	1	0	0	3	19
Conspiracy Agnst U.S.	Av	167.9	56.8	222.6	358.6	1.0	640.4	225.9	318.9	249.6	95.9	79.8	61.0	282.8
	N	19	35	9	41	1	36	7	8	10	9	11	2	196
Forgery/ Contracts	Av	32.3	13.3	92.1	116.0	59.7	318.5	132.0	185.6	182.6	145.8	83.4	170.2	128.9
	N	7	14	34	4	22	15	60	18	7	8	5	19	213
Embezz/Public Money	Av	240.5	7.0	107.3	363.3	1.0	278.0	136.0	329.2	0.0	72.8	50.7	121.4	110.1
	N	2	12	12	4	4	1	9	5	0	4	19	19	91
Embezz/by Bank Officer	Av	18.0	9.8	125.4	149.0	180.0	456.9	203.4	108.6	301.0	210.6	82.8	92.8	191.0
	N	1	10	15	3	3	16	25	7	1	8	5	6	100
Embezz Shipments	Av	0.0	1.0	76.4	0.0	143.7	531.1	128.3	160.5	213.5	184.5	0.0	60.0	271.5
	N	0	1	5	0	3	15	3	6	2	11	0	4	50
Firearms: Unlaw Acts	Av	51.4	102.2	107.0	202.4	144.9	452.8	184.6	48.6	216.9	248.5	240.3	179.0	164.2
	N	5	34	22	5	29	14	36	13	9	2	4	5	178
Fraud Stmts: General	Av	52.0	0.0	77.4	361.0	98.5	176.3	397.9	45.7	649.0	161.4	967.0	113.9	139.9
	N	4	0	7	1	11	7	8	25	1	9	1	18	92
Flight to Avoid Prosecution	Av	1.0	1.0	6.9	0.0	4.9	8.3	37.0	50.5	27.3	1.0	18.6	0.0	16.0
	N	15	7	16	0	16	15	7	17	4	2	8	0	107
Offense in Indian Country	Av	64.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	64.0
	N	4	0	0	0	0	0	0	0	0	0	0	0	4
Mail Fraud	Av	322.7	233.7	144.8	237.0	1.0	434.0	201.9	132.4	0.0	237.5	512.3	253.7	354.4
	N	19	3	4	2	1	75	7	10	0	4	3	3	131
Postal Theft: General	Av	56.5	159.6	143.7	31.0	452.7	306.3	278.3	161.4	88.0	140.0	1.0	147.8	197.6
	N	13	11	20	1	14	22	22	69	6	7	2	6	193

Table V.2. THE AVERAGE LIFE OF CRIMINAL CASES AND MATTERS (Cont'd)

Case Type		O F F I C E												Totals
		AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	GA (N)	IL (N)	MA	MI (E)	MS (N)	NJ	OK	WA (W)	
Bank Robbery	Av	70.2	66.7	95.7	108.3	148.3	287.4	299.0	131.7	0.0	283.9	47.0	130.9	164.9
	N	5	3	61	8	24	14	37	19	0	9	1	34	215
Trans. of Stolen Vehicles	Av	691.0	16.9	57.3	0.0	94.8	421.7	936.5	270.5	0.0	194.3	192.7	94.0	223.9
	N	4	9	10	0	18	11	2	19	0	3	9	1	86
Trans. of Stolen Goods	Av	130.8	20.3	88.9	1.0	774.3	252.8	345.5	170.8	82.0	285.7	35.3	240.0	235.4
	N	6	6	7	1	6	18	10	16	1	6	3	4	84
Drug Abuse: Unlawful Act	Av	93.0	266.1	72.8	335.2	97.2	307.4	753.3	194.0	0.0	655.0	239.7	153.5	263.8
	N	16	97	19	72	12	91	16	90	0	2	9	28	452
Drug Abuse: Att & Consp	Av	195.5	54.4	156.5	225.6	134.4	368.2	1.0	129.9	0.0	400.5	138.5	173.3	109.8
	N	6	41	2	48	11	34	1	7	0	2	26	4	102
Mach Gun/Fire-arm: penalty	Av	166.0	57.0	174.0	276.0	452.1	167.2	204.9	41.0	388.3	177.8	105.5	182.3	202.7
	N	1	9	3	3	9	14	20	4	3	6	2	7	81
Tax Evasion	Av	691.0	0.0	0.0	648.0	349.7	1159.8	397.2	61.5	0.0	268.7	0.0	323.0	542.2
	N	1	0	0	2	3	5	6	2	0	3	0	1	23
Type 21	Av	58.7	70.3	80.7	468.1	172.8	250.1	271.3	155.5	97.8	107.0	187.8	108.3	134.5
	N	101	154	90	48	73	39	29	71	13	197	22	62	899
Type 22	Av	81.3	73.2	168.9	113.3	189.7	386.5	277.9	158.6	312.6	153.7	337.6	102.6	179.6
	N	40	37	23	8	24	28	33	23	15	19	10	42	302
Type 23	Av	43.6	90.0	93.1	222.2	154.1	371.4	113.7	105.9	201.4	251.1	553.7	99.1	160.1
	N	37	158	46	133	23	46	34	31	7	15	9	22	561
Type 24	Av	6.0	41.9	117.0	1.0	1286.5	835.5	162.5	2.5	0.0	0.0	0.0	29.7	324.4
	N	2	13	2	1	2	11	6	2	0	0	0	3	42
Type 25	Av	90.0	140.6	588.5	329.6	65.5	437.3	231.1	16.0	0.0	0.0	0.0	0.0	205.7
	N	1	26	4	7	6	6	15	8	0	0	0	0	73
Totals	Av	96.1	101.6	104.3	285.3	175.8	378.1	238.2	151.5	200.6	143.6	174.4	125.6	
	N	312	682	418	393	316	537	395	474	88	329	155	293	

Table V.3. THE AVERAGE LIFE OF CIVIL CASES AND MATTERS

Case Type		OFFICE												Totals
		AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	GA (H)	IL (N)	MA	MI (E)	MS (H)	NJ	OK	WA (W)	
Contracts	Av	1.0	180.0	232.2	119.3	0.0	353.8	1425.7	313.3	248.2	307.6	11.3	253.0	359.8
	N	1	1	235	29	0	16	41	10	31	20	3	1	388
Jud. Foreclosures	Av	221.2	0.0	0.0	454.0	0.0	808.8	204.6	692.0	59.0	0.0	52.0	0.0	243.7
	N	9	0	0	1	0	4	55	1	2	0	1	0	73
Mtg Foreclosures	Av	237.8	155.7	299.5	0.0	0.0	347.3	245.9	39.0	58.0	412.4	67.7	184.1	257.8
	N	71	7	2	0	0	32	13	3	2	22	3	33	188
Forfeitures	Av	247.9	193.4	111.3	127.0	355.1	167.8	197.4	163.3	332.5	240.1	0.0	206.6	165.0
	N	22	21	120	33	16	17	22	34	2	7	0	16	310
Other Claims	Av	91.1	155.8	140.2	258.9	242.4	173.7	815.8	265.5	482.5	248.2	100.6	101.8	227.6
	N	29	17	114	11	52	38	40	17	4	16	17	50	413
Tax Liens/ Foreclosures	Av	291.0	84.5	619.1	309.0	89.0	359.8	493.6	243.3	0.0	332.8	153.0	153.1	323.2
	N	63	8	20	2	4	79	23	25	0	119	9	32	384
Other Tax	Av	272.1	209.2	354.0	51.1	677.4	510.9	535.9	701.5	863.0	222.7	244.1	277.0	421.6
	N	10	5	139	14	42	25	47	11	4	15	10	9	331
Torts	Av	344.3	319.8	255.6	469.5	251.5	350.0	590.6	394.4	327.6	371.2	618.8	117.0	343.3
	N	20	8	97	17	8	30	22	25	7	16	5	6	261
Land/Nat. Resources	Av	772.4	0.0	56.0	341.5	18.7	74.9	326.3	146.5	357.7	528.3	101.5	239.0	285.0
	N	7	0	6	2	10	7	6	2	24	3	2	2	71
Injunction/ Enforcement	Av	261.5	109.0	139.3	321.3	594.2	202.3	448.2	235.5	280.3	299.2	173.3	256.0	251.8
	N	35	5	47	10	10	43	25	17	10	16	26	6	250
Civil Frauds	Av	0.0	36.0	599.3	471.5	0.0	223.0	460.0	919.0	0.0	54.0	0.0	0.0	393.6
	N	0	1	4	2	0	3	3	2	0	4	0	0	19
Social Security	Av	415.2	382.2	376.2	392.0	458.0	341.9	427.0	760.5	416.3	368.0	485.8	609.2	410.2
	N	19	5	71	1	4	25	1	8	21	15	9	5	184
Habeas Corpus	Av	25.0	104.4	142.4	213.3	218.6	135.8	356.0	332.8	224.8	377.0	49.2	194.7	190.7
	N	2	9	63	4	30	11	5	36	4	1	18	27	210
Civil Rights	Av	710.0	140.5	137.8	406.0	215.8	236.3	506.5	262.7	300.0	431.0	135.3	165.0	248.3
	N	2	2	8	1	4	3	2	9	2	4	10	2	49
Other Cases	Av	244.1	548.7	133.4	169.3	258.2	215.3	514.0	442.7	205.4	340.2	92.1	195.0	280.3
	N	80	34	138	71	210	114	87	209	25	42	43	48	1101
Totals	Av	265.8	281.5	221.2	195.9	304.4	282.7	566.1	383.3	311.8	327.5	155.1	178.1	
	N	370	123	1064	193	390	447	392	409	138	300	156	245	

is true that cases in certain districts are more complex than cases in others, then we would expect the events in the former to be more time consuming than events in the latter. One way of estimating this is to compute the average time per event type within district. We have already stated that we cannot do this for each case type since the number of events for which we have information is too small. However, it is possible to do it by aggregating the time for a particular type of event (derived from the time study observations) by the average frequency of events derived from the terminated case files. This is done in Tables V.4 (criminal) and V.5 (civil). The data can be interpreted in the following manner.

The average criminal case in the Phoenix office of the District of Arizona requires .22 hours of motions time, 2.12 hours of trial time, .23 hours of hearings, and so on. It is clear that for almost all of the offices, pleadings take more time than any other type of event. However, the detection of patterns of interdistrict variation is quite difficult. We can see that the Northern District of Illinois expends more time for pleading on the average case than any other district, and more time on motions per case than any other district--with the exception of Northern Mississippi--but trials in Northern Illinois take less time per case than in Northern Georgia, New Jersey, and Northern Mississippi.

When we look at the civil table, Northern Illinois is lower on every type of activity than at least one other district. In most instances, Northern Illinois is lower than almost all

Table V.4. TIME SPENT ON EVENTS IN THE AVERAGE CRIMINAL CASE, BY DISTRICT (HOURS)

Event	AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	GA (N)	IL (N)	MA	MI (E)	MS (N)	NJ	OK	WA (W)
Motions	.22	.48	.69	.84	.36	2.25	.13	.18	4.20	.34	.10	.20
Trials	2.12	.79	.60	5.19	16.37	6.68	2.02	1.66	7.54	.30	3.12	.39
Hearings	.23	.97	.25	.77	2.97	1.81	1.48	1.57	17.90	2.90	1.17	1.36
Grand Jury	.88	.61	.63	.09	.56	1.61	1.76	.43	15.10	.69	.663	.58
Pleads.	10.94	18.68	6.95	11.66	33.45	33.62	5.91	15.29	---	20.65	26.16	7.03
Corresp.	---	---	.25	.06	.64	1.06	.52	.27	3.12	.41	.70	.67

Table V.5. TIME SPENT ON EVENTS IN THE AVERAGE CIVIL CASE BY DISTRICT

Event	AZ (Phx)	AZ (Tuc)	CA (C)	CA (S)	GA (N)	IL (N)	MA	MI (E)	MS (N)	NJ	OK (W)	WA (W)
Motions	.81	.68	.14	---	.01	.49	2.12	.48	---	.18	.02	.04
Trials	.22	.03	---	---	.07	.03	.45	.20	---	---	.002	.03
Hearings	.80	.45	.23	---	.44	.02	.37	.11	---	.99	.08	.30
Corresp.	---	---	9.68	.17	.30	.23	.13	.29	---	.14	.004	.30
Pleadings	9.50	16.40	4.41	3.88	2.49	2.19	4.23	3.06	---	4.22	.76	4.19
Memos.	1.70	.19	.14	.11	.08	.05	.91	.05	---	.43	.004	.20
Depos.	1.20	.32	.55	.54	.20	.95	3.73	1.40	---	.06	---	.44

other districts (for instance, in pleadings time per civil case). The same observation can be made for the other two large districts. With the exception of hearings in New Jersey (.99 hours on the average), events in the three large districts are never as time consuming, on the average, as events in at least one other district. This suggests that the duration of case events, as developed from the information in this study, does not demonstrate the greater complexity of cases in the larger districts. It is important to keep in mind, however, that the event data available to us are of limited quantity and that the picture might change if additional data were developed.

In general, this discussion of comparability of study offices has left the basic questions unanswered. We know that different offices take different amounts of time to process cases, but we cannot specify the reasons for this. Existing data do not, in our opinion, substantiate the argument that districts with lower rates of processing have more complex cases. Nevertheless, many individuals familiar with the federal system, including some who have worked as attorneys in the offices, assert that this is so. This suggests that the factors that determine the processing rate have yet to be specified.

The implication of this analysis for this project is that comparability between the study districts and those to which study findings might be applied cannot be established on the basis of existing data. It is, therefore,

our position that comparability must at least, in the short term, be established on the basis of the weights themselves. This is because the work-load weight, as calculated in the study, reflects all of the factors taken into consideration individually in this discussion of the three dimensions of case complexity. The weight is based upon the average time reported during a three-month period, adjusted for the life of the average case of the case type, and this naturally incorporates the event times for which Tables V.3, and V.4 are a subset. Therefore, what we presume when we examine the work-load weights is that the time consumed by a particular case type in a particular district reflects the combined effects of all these factors, and of others that could not be measured. Thus, the districts where the number of cases handled and terminated per attorney is low tend to have higher weights than those districts where the processing rate is high. This should not be interpreted to mean that the weights determine the processing rate, for in fact it is the other way around. The work-load weight reflects the conditions in the offices.

Therefore, though the weight itself is not an explanation of conditions in the office, it may be considered a measure of them. The word "conditions" here should be interpreted to mean all of the factors, known and unknown, that have an influence on case processing--policy, case complexity, past allocation decisions, quality of defense counsel, litigation environment, and so on.

2. Applying the Budget Weights to All Districts

The third strategy for extending the study weights to all districts is to associate each district with the set of weights that best reflects the staffing levels that existed in the district at the time of the study. The same procedure used in Chapter IV to compare the estimates produced by the weights with the actual positions in the study offices is simply extended to the 94 districts.⁷ Two kinds of information are required to do this. The first, already calculated but not yet displayed in the text, is the set of budget weights by case type for the nine remaining districts. The second is an estimate of the annual case load for all districts, broken down by case type. Estimation of this case load has been made on the basis of reported FY78 information contained in the Docket and Reporting System.

Tables V.6 (criminal) and V.7 (civil) summarize the nine sets of budget weights and associated adjustments for the proportion of cases observed in the study. Where study data produced a zero weight, the average for the districts has been used. They are ordered so that application of the first set to data from all 94 districts produces the highest level of required resources and application of the ninth set of weights to all districts produces the lowest estimate of

⁷There are, of course, 95 districts. However, no case-load data are available for the Northern Marianas District, and the district has therefore been excluded from the present calculations. When case-load data become available, incorporation of that district will be possible.

Table V.6. BUDGET WEIGHTS FOR CRIMINAL CASE TYPES

Case Types	ILL (N)	NJ	AZ	MI (N)	GA (N)	WA (W)	MASS	HI (L)	OK (W)	All Offices
<u>Criminal</u>										
State Law on Fed Land	15.23	8.97	67.71	28.34	28.34	28.34	28.34	3.06	136.69	28.34
Fraud. Claim Agnst U.S.	11.17	7.30	7.30	7.30	7.36	2.60	13.74	6.65	7.30	7.30
Conspiracy Agnst U.S.	59.74	42.60	5.95	54.77	31.15	2.16	66.66	31.02	173.72	50.49
Forgery/Contracts	16.52	31.21	45.66	13.38	12.14	20.51	16.13	35.21	105.46	26.51
Embezz/Public Money	23.63	5.33	6.37	11.42	7.31	7.07	8.29	9.05	9.16	11.42
Embezz/by Bank Officer	39.65	17.45	12.20	172.34	16.32	4.19	41.95	6.50	16.01	23.94
Embezz Shipments	24.16	32.13	1.28	32.85	14.49	6.24	179.92	9.05	32.85	32.85
Firearms: Unlaw Acts	22.27	41.47	6.33	15.24	22.60	9.70	69.31	13.69	6.68	28.23
Fraud. Stmts: General	20.46	64.44	8.20	36.26	22.35	6.93	45.08	20.49	30.91	30.91
Flight to Avoid Pros	12.26	11.29	6.44	3.71	3.50	12.17	3.15	5.30	4.39	12.17
Offense in Indian Country	10.95	10.95	10.35	10.95	10.95	10.95	10.95	10.95	10.95	10.95
Mail Fraud	43.31	45.26	32.97	43.14	20.03	3.52	27.07	10.29	57.68	43.14
Postal Theft: General	28.41	29.30	14.40	8.68	28.07	4.05	17.16	8.77	15.40	25.17
Bank Robbery	28.20	38.60	10.45	22.14	13.82	27.37	7.49	24.02	3.89	22.14
Trans. of Stolen Vehicles	16.32	25.00	23.46	22.85	12.66	22.85	19.92	13.38	61.16	22.85
Trans. of Stolen Goods	12.90	30.17	7.68	37.15	21.76	27.84	29.82	21.30	26.92	20.49
Drug Abuse: Unlawful Act	42.38	49.84	48.43	48.94	30.83	13.19	109.39	52.51	19.49	48.94
Drug Abuse: Att & Consp	48.46	36.38	19.03	38.32	21.77	30.95	10.13	76.28	7.21	38.32
Each Gun/Firearm: Penlty	17.50	5.18	75.44	27.47	11.00	57.10	17.59	12.82	12.92	31.84
Tax Evasion	81.37	35.22	25.94	49.30	36.35	16.46	31.27	13.68	49.30	49.30
Type 21	6.31	28.88	18.94	10.31	13.60	39.09	13.82	11.80	12.08	30.97
Type 22	27.64	20.71	9.13	19.39	10.81	7.10	15.56	20.87	13.79	18.68
Type 23	42.31	38.68	19.89	13.11	54.57	11.86	36.56	17.81	66.97	36.99
Type 24	50.51	68.42	15.10	68.42	100.43	35.44	70.23	4.99	68.42	68.42
Type 25	116.61	145.27	90.93	145.27	20.91	0.00	63.41	102.27	145.27	145.27
Adjustment for Eligible Cases	2.81	1.66	.69	1.90	1.57	1.45	1.10	1.19	.77	.89

Table V.7. BUDGET WEIGHTS FOR CIVIL CASE TYPES

Case Types	ILL (N)	NJ	AZ	HI (N)	GA (N)	WA (W)	MASS	HI (E)	OK (W)	All Offices
<u>Civil</u>										
Contracts	32.46	3.04	27.24	10.65	8.20	0.56	8.20	16.11	3.20	8.20
Jud. Foreclosures	22.04	6.86	27.51	6.30	6.86	6.86	6.86	20.20	2.66	6.86
Mtge Foreclosures	25.35	5.16	10.28	13.44	13.44	8.28	16.69	2.66	18.40	13.44
Forfeitures	15.46	19.54	18.64	15.73	18.22	20.20	7.66	7.08	15.73	15.73
Other Claims	13.88	18.78	8.83	1.92	7.57	7.25	20.23	10.03	7.55	14.48
Tax Liens/Foreclosures	25.99	3.72	5.38	9.89	4.43	24.88	0.74	9.43	18.77	9.89
Other Tax	11.40	3.71	5.43	5.89	7.46	8.17	4.25	5.78	4.72	7.59
Torts	12.19	17.42	33.91	3.11	10.53	9.14	45.09	27.49	13.09	23.52
Land/Nat. Resources	23.43	43.54	57.78	41.36	13.10	30.24	6.21	12.48	25.79	33.09
Injunction/Enforcement	19.22	15.74	14.13	20.65	15.84	27.65	20.33	27.42	13.00	21.23
Civil Frauds	19.24	16.26	12.87	33.79	33.79	33.79	33.79	55.20	33.79	33.79
Social Security	13.67	22.85	9.27	12.03	6.03	20.23	13.21	4.83	31.34	12.03
Habeas Corpus	9.59	3.58	239.47	16.66	8.95	4.77	8.13	20.72	1.70	16.66
Civil Rights	26.78	6.39	43.54	68.92	12.91	11.76	290.88	18.86	6.63	48.80
Other Cases	20.91	34.10	21.99	23.71	53.07	5.47	24.77	22.46	17.23	25.78
Adjustment for Eligible Cases	.48	.90	1.21	.93	.31	.37	.18	.40	.16	.47

required resources. Table V.8 illustrates the result of a systemwide application of each set of weights and adjustments to the estimated FY79 case load. Group 1 weights, derived from the Northern District of Illinois, produce the highest number of estimated positions, and Group 9 weights, derived from the Western District of Oklahoma, produce the lowest. This is consistent with the earlier discussion of processing rates and number of attorney positions. However, it should not be interpreted as necessarily reflecting relative efficiency of the study offices. What the table indicates is that if all offices operated on cases of similar complexity as in the Northern District of Illinois, and took the same amount of time, a total of 3430.6 positions would be needed.

Table V.8. APPLICATION OF DIFFERENT WEIGHTING SCHEMES TO SYSTEMWIDE CASE LOADS

Weighting Scheme	Estimated Attorneys Required
Group 1: Illinois (N)	3430.6
Group 2: New Jersey	3192.1
Group 3: Arizona	2824.4
Group 4: Mississippi (N)	2618.59
Group 5: Georgia (N)	1821.2
Group 6: Washington (W)	1750.9
Group 7: Massachusetts	1588.5
Group 8: Michigan (E)	1386.7
Group 9: Oklahoma (W)	1195.7
Group 10: Best Estimate	1668.8

The final line of Table V.8 indicates what happens when the best predictor is applied to the case load of each district. This produces an estimate of 1668.8 attorneys for all offices. We now examine the district-by-district estimates that are produced when the set of weights that comes closest to estimating the actual positions in the offices in FY79 (November) is used. Table V.9 presents the outcome of this approach. Each of the 94 districts is assigned to one of the nine groups, and the predicted positions and the FY79 actual allocation are presented. As can be seen from the table, the best estimates of attorney positions and the actual allocations are generally quite close to each other. Table V.10 summarizes the predictions for each group.

For most districts, the difference between the predictions and the actual allocations is quite small. Where error is relatively high, there is frequently a reason external to the study. For instance, in Group 1, the error is almost entirely due to the fact that the District of Columbia allocation is much greater than the prediction. What must be kept in mind here is that the D.C. U.S. Attorney's Office is responsible for the Superior Court of the District of Columbia, as well as the federal District Court. However, no case-load figures from the Superior Court are included in the study and, therefore, under-prediction is inevitable in that instance. In both California offices, variation between the prediction and the actual is a probable consequence of the

Table V.9. A COMPARISON OF PREDICTED POSITIONS
AND ACTUAL FY79 ALLOCATIONS

	District	Predicted	Actual
ILL Weights	District of Columbia	136.8	163
	Illinois (N)	<u>78.5</u>	<u>78</u>
	TOTALS	215.3	241
NJ Weights	New Jersey	60.7	58
	New York (S)	<u>128.1</u>	<u>115</u>
	TOTALS	188.8	173
AZ Weights	Arizona	33.94	33
	Delaware	4.9	5
	Missouri (E)	19.0	19
	Nevada	7.5	8
	Tennessee (E)	9.3	9
	Canal Zone	5.3	2
	Virgin Islands	<u>9.4</u>	<u>3</u>
	TOTALS	93.94	79
MS Weights	Mississippi (N)	<u>8.4</u>	<u>7</u>
	TOTALS	8.4	7
GA Weights	Arkansas (E)	10.4	10
	California (N)	34.5	39
	Connecticut	13.6	14
	Florida (M)	28.1	29
	Georgia (N)	23.84	20
	Illinois (E) ^{a/}	8.4	9
	Louisiana (E)	20.4	21
	Nebraska	7.1	7
	New York (W)	11.9	12
	North Dakota	3.7	4
	Pennsylvania (E)	33.9	37
	Texas (E)	9.9	9
	Vermont	4.5	4
	Wisconsin (E)	<u>9.4</u>	<u>11</u>
	TOTALS	219.64	226
WA (W)	Alabama (M)	7.3	8
	California (C)	95.2	89
	Indiana (S)	10.5	10
	Louisiana (M)	5.2	5
	Oklahoma (N)	4.9	5
	Oregon	15.6	15
	Pennsylvania (M)	8.2	7
	Puerto Rico	9.3	9
	South Dakota	5.2	5
	Washington (W)	30.4	22
	Wyoming	<u>3.1</u>	<u>3</u>
	TOTALS	194.9	178

Table V.9. A COMPARISON OF PREDICTED POSITIONS AND
ACTUAL FY79 ALLOCATIONS (Continued)

	District	Predicted	Actual
MASS Weights	Alabama (N)	14.9	15
	Alabama (S)	5.2	5
	Florida (N)	6.3	6
	Hawaii	5.4	5
	Illinois (S) ^{a/}	6.2	6
	Louisiana (W)	9.5	10
	Massachusetts	24.2	28
	New Hampshire	2.5	3
	New Mexico	13.3	13
	New York (N)	7.3	8
	New York (E)	57.7	57
	North Carolina (M)	6.6	4
	Rhode Island	4.0	4
	Texas (N)	<u>24.8</u>	<u>25</u>
	TOTALS	187.9	189
MICH (E) Weights	Arkansas	3.7	4
	California (S)	49.5	32
	Colorado	14.8	17
	Georgia (M)	14.9	7
	Idaho	5.5	6
	Indiana (N)	8.4	8
	Kentucky (W)	13.2	10
	Michigan (E)	38.0	38
	Minnesota	12.5	12
	Mississippi (S)	6.3	6
	Missouri (W)	11.9	14
	North Carolina (W)	6.9	5
	Ohio (N)	25.3	23
	Oklahoma (E)	3.0	3
	Pennsylvania (W)	18.9	20
	South Carolina	18.3	16
	Tennessee (W)	11.5	12
	Utah	6.5	6
	Washington (E)	4.8	5
	Wisconsin (W)	<u>5.1</u>	<u>5</u>
	TOTALS	279.0	249
OK (W) Weights	Alaska	7.7	7
	California (E)	18.7	14
	Florida (S)	33.8	34
	Georgia (S)	6.8	7
	Iowa (S)	5.3	4
	Kansas	9.1	9
	Kentucky (E)	14.1	11
	Maine	3.4	3

Table V.9 A COMPARISON OF PREDICTED POSITIONS
AND ACTUAL FY79 ALLOCATIONS (CONT'D)

	District	Predicted	Actual
OK (W) Weights (Cont'd)	Maryland	23.3	23
	Michigan (W)	6.9	5
	North Carolina (E)	9.4	7
	Ohio (S)	16.0	14
	Oklahoma (W)	7.5	10
	Tennessee (M)	8.4	8
	Texas (S)	36.3	33
	Texas (W)	25.3	23
	Virginia (E)	20.4	21
	Virginia (W)	4.9	5
	West Virginia (N)	2.5	2
	West Virginia (S)	8.5	9
	Guam	1.9	2
	TOTALS	270.2	251
Average Weights	Iowa (N)	4.3	4
	Montana	6.5	6
	TOTALS	164.5	156

a/ Subsequent to the conclusion of the total collection phase of the project, the Eastern District of Illinois was renamed the Southern District, and the Southern District renamed the Central District. The old designations have been used in this report because of the utilization of data from the FY78 Annual Statistical Report.

Table V.10. A SUMMARY OF ALLOCATIONS BY GROUP

Group	Predicted Resource Requirements	Actual Resources Allocated FY1979	Net Difference (No. of Positions)
1	215.3	241	-25.7
2	188.8	173	+15.8
3	93.94	79	+10.3
4	8.4	7	+1.4
5	219.6	226	-7.6
6	194.9	178	+16.9
7	187.9	189	-1.1
8	279.0	249	+30.0
9	270.2	251	+19.2
10	10.8	10	+.8

difficulties already pointed out in estimating their case load on the basis of D&R reports.

In addition, we must anticipate some error as a consequence of bias in the weights, and some because the case load is being estimated from FY78, rather than from FY79 figures (which were not available at the time these data were processed). In general, we would argue that the weights produce FY79 estimates with an acceptable degree of accuracy. Therefore, we conclude that they will predict reasonably well for future budget periods in which case-handling procedures are similar to those in effect during the study period.

3. Estimating Future Case Load

The mechanics of using the budget weights in future periods are straightforward. They are simply applied to an estimated case load in the same manner that FY79 predictions were produced in the previous section. The number of pending cases and filings are estimated; the proportional observation factor is applied to the estimates; the result is multiplied by the budget weights. This figure, divided by 2,080, produces the total number of work hours estimated for a fiscal year. Further multiplication by 1.2 (the adjustment for fringe) increases the number of work hours to correspond to that which would have to be budgeted. Two components of this procedure are provided by this report: the weights themselves and the proportional observation factor.⁸ The appropriateness of the 2,080 hour work year and the 20 percent fringe rate can readily be determined by the Executive Office. However, the remaining difficult problem is to estimate accurately the case load to which these weights and factors are to be applied. This is not a simple matter, but it is a prerequisite to successful utilization of the weights.

In the remaining part of this section, we review the primary methods that can be used to determine case load, and

⁸The proportional observation factor reflects reporting practices in effect during the study and is sensitive to changes in these. For instance, if the method of counting cases is changed, so that D&R numbers have a different basis than existed FY78-FY79, then the adjustment factor derived during that period would also have to be changed.

make a recommendation about the manner in which future case-load estimates might be developed.

One of the first things to note about the process of estimating case load is that the budget weights will work best when applied to individual case types rather than when applied to an aggregate case load. The reason for this is that the case mixture in the U.S. Attorneys' Offices is likely to be changing over time and these changes will result in the emphasis of certain kinds of case types and de-emphasis of others. Therefore, to the extent that the budget weights utilized with a particular case type that is increasing are different from those used with a case type that is decreasing, the predicted number of positions will differ. Table V.11 is a hypothetical illustration of this point.

We assume in this example that there are three case types, A, B, and C, with respective weights of 5 hours, 10 hours, and 50 hours. We further assume that in FY79 the case load adjusted for the proportional observation factor was 400 cases for type A, 200 for type B, and 400 for type C. This then produces the number of expected hours and estimated positions shown in the FY79 portion of the table. When the three case types are combined, 11.54 positions will be allocated.

The remaining portions of the table make the assumption that when predictions are made for fiscal year 1982, a 25 percent reduction in case load is projected. This reduction can be proportionately distributed across the three case types,

Table v.11. A HYPOTHETICAL ILLUSTRATION OF THE EFFECT OF CHANGING FILING RATES

Case Type	Budget Weight (Hours)	1979 Actual			1982 Predictions			1982 Actual		
		N of Cases	Hours	Average Positions	Case Load	Hours	Positions	Case Load	Hours Needed	Positions Needed
A	5.0	400	2,000	.95	300	1,500	.72	100	500	.24
B	10.0	200	2,000	.96	150	1,500	.72	100	1,000	.48
C	<u>50.0</u>	<u>400</u>	<u>20,000</u>	<u>9.62</u>	<u>300</u>	15,000	<u>7.21</u>	<u>550</u>	<u>27,500</u>	<u>13.22</u>
Totals		1,000	24,000	11.54	750	18,000	8.65	750	29,000	13.94

resulting in an estimated case load of 300 for type A, 150 for type B, and 300 for type C. Applying the weights derived during the earlier period, this distribution of cases results in an estimated number of positions of 8.65 for the whole system. This is naturally a proportionate reduction from the 11.5 in the FY79 period. Let us assume that by the time FY82 arrives, additional information derived between the time the projection was made and the time the positions have to be allocated results in new estimates that, although the 25 percent reduction in case load will take place, the distribution of reduction will not be proportional. The figures used in the illustration are that case type A would drop from 400 to 100; case type B would drop from 200 to 100; and case type C would increase from 400 to 500. The total number of cases for FY82 would then be 750, which overall is a 25 percent reduction from the FY79 figures. However, the allocation across case types is obviously different from what was predicted for FY82 when the budget was submitted. What does this do to the positions available? We see from the FY82 portion of the table that there would be .24 and .48 positions, respectively, for types A and B, but 13.22 positions for case type C. This is clearly because case type C has a much heavier rate (50 hours) than either of the other two case types. This results in an overall estimated number of positions of 13.94. Consequently, there has been a decrease of 25 percent in the total case load, but the number of positions required for this hypothetical district has gone up from 11.5 to 13.94, an increase of approximately 20 percent.

The illustration above demonstrates that overall trends in filings may not be consistent with the required allocations. If particular case types of low demand are decreasing rapidly, while other case types of high demand are increasing, even if slowly, the net effect on positions may require an increased allocation. The reverse is obviously also true. Therefore in estimating case load for future budget periods, it is important to be attentive to the trends in individual cases types.

Unfortunately, this is much easier said than done. Prevailing research in this area is limited in quantity and does not provide the degree of specificity that is required for application of the budget weights.⁹ Therefore, case-load predictions will have to be developed--at least in the short run--from existing Department of Justice information sources. The approaches that can be taken can be divided into three general categories:

- (1) trend analysis
- (2) expert opinion and judgment, and
- (3) the analysis of socio-demographic variables.

Approaches (1) and (3) both rest on the assumption that the right kind of data are available in sufficient quality and quantity to permit reliable estimations. The second approach

⁹See, e.g., Jerry Goldman, Richard L. Hooper, and Judy A. Mahaffey, "Caseload Forecasting Models for Federal District Courts," Journal of Legal Studies 5 (1966). In-progress work by Leavitt is moving toward prediction of District Court case load by civil and criminal categories, but not by individual case type. See Michael R. Leavitt, "A Short-range Forecast of Federal Court Caseloads." Federal Judicial Center, in draft.

reflects the idea that such data may not be available and that the opinions of people familiar with U.S. Attorneys' Offices are likely to produce better results than analysis of inadequate data.

Conducting trend analysis is logistically the simplest of the three strategies, since the necessary data are already included in the Docket and Reporting System. What we recommend is an empirical assessment of the filing and pending-cases trends, by case type, for at least the last five years and perhaps the last ten. In general, criminal filings and pendings have been dropping, while civil filings and pendings have been rising. Trend analysis is likely to indicate that these patterns will continue. What is critical is that the patterns be assessed by case type. Some criminal case types are being emphasized (white collar crime, for instance), while others are being deemphasized. The case-load predictions must reflect these differences if they are to be useful.

The use of expert judgment and opinion is a supplementary or perhaps alternative way of obtaining predictions that is also relatively easy to implement. The present technique--having U.S. Attorneys estimate future position needs for their own districts--is one form of this. What we would suggest is that subsequent empirical checks of these estimates be incorporated into the decision-making process. For instance, have estimates made in the past turned out to be accurate? We also suggest that such estimates be correlated with trends revealed by analysis of Docket and Reporting System data.

The third strategy--analysis of socio-demographic variables-- is a more comprehensive and longer term approach to the problem. It would require the collection and analysis of a good deal of data not presently available and, even then, would be difficult to do on a district-by-district basis. In fact, as is illustrated by the small amount of published work in this area,¹⁰ it is by no means certain anything short of a large-scale effort would be productive.

In summary then, we are saying that the problems faced by the Department of Justice in the area of case-load prediction can be divided into short-term and long-term factors. The short-term situation requires an adequate case-load prediction that would allow the budget weights to be applied to the FY81 and perhaps FY82 budget submissions. It is our view that these can be adequately derived from trend analysis based on data from the Docket and Reporting System, combined with input from individuals, such as U.S. Attorneys and members of the Department of Justice staff, who are familiar with the trends and patterns of activity in U.S. Attorneys' Offices. For the purpose of short-term budgeting, care must be exercised to maintain a basis of counting cases that is similar to that currently employed in the Docket and Reporting System. This is necessary because the proportions of case load to which the weights are applied have been derived from that system. It would not be appropriate, for instance, to revise the method of counting cases radically and to expect

¹⁰Ibid.

the budget weights as calculated to successfully predict the number of positions needed for the program to operate at FY79 rates. If and when in the longer term the information system of the Department of Justice is reorganized and a new method of reporting and counting is successfully developed, then the strategy for the Department to follow would be to recalculate the proportional adjustment factors presented in Tables V.6 and V.7.

D. CONCLUSION

In this chapter, we have demonstrated that, with a few exceptions, the budget weights accurately reflect the FY79 distribution of attorney positions across the U.S. Attorneys' Offices. This confirms the value of the general methodology undertaken in the study and suggests that correct application of the weights to estimates of future case load will be a useful aid in budget preparation. In the next chapter, we summarize the report and assess the implications of our findings.

VI. IMPLICATIONS FOR THE FUTURE

In the preceding chapters of this report we have moved from a design for the collection and analysis of time and activity data to the construction of a set of budget weights that, when applied to the estimated FY79 case load of the U.S. Attorneys' Offices, produces relatively accurate estimates of the actual number of positions allocated to those offices during that fiscal year. In this concluding chapter, we shall briefly summarize the main findings of the project and will consider their implications for the future.

A. A BRIEF REVIEW OF THE PROJECT

In this examination of the United States Attorney Program, we have focused on 11 of the 95 federal judicial districts. Factors such as size, geographic dispersion, and volume of case load were taken into account in the selection process, and we are of the opinion that these 11 districts are a sufficiently large proportion of the total that findings based on them are generalizable.

Data were collected from three primary sources. The first of these was the Assistant U.S. Attorneys handling litigation for the United States. For a period of approximately 90 days in each of the 11 districts, attorneys reported on a day-to-day basis the activities in which they were involved, the matters and cases to which those activities related, and the time the activities consumed. The equivalent of more than 90 person-years was reported. The second major source

of information was the case files, docket cards, and machine-readable files that the Department of Justice maintains on the cases it handles. Collection of this information was primarily done on-site in conjunction with staff from the Offices and from the Executive Office for U.S. Attorneys. The purpose of this information was to supplement the time and activity data supplied by attorneys. The third source of information was the cases that had been terminated in the 11 offices in the 12 month period immediately preceding this study. A sample was drawn from these, and was analyzed with a view to developing a profile of the characteristics of the cases that the offices handled.

These three data bases provided the foundation for the development of case weights using two different methodologies. The first was the case-life approach and the second was the event-based approach. Each involves a strategy for estimating the attorney time expended on the average case of a particular type. Because few cases were completely contained within the study period, some proportion of the time expended on cases was outside the study, and this proportion had to be estimated in order to produce an accurate picture of time needed to process a case. Using the case-life method, the adjustment was made on the basis of the proportion of the life of the average case that was outside the time frame of the study. The specifics of the adjustment have been discussed in detail in the text and will not be reproduced here. The event-based method estimated the time needed for a particular case by

producing the average time expended on events of particular types and then multiplying this average time by the average number of such events that occurred across the whole life of the case. The latter information was derived from the terminated cases that constituted the third major data source of the study.

In principle, given perfect information, these two methods would produce highly similar results. In practice, of course, perfect information is the exception rather than the rule, and, in this study, it was found that the quantity of event-based information was insufficient to warrant the kind of detailed analysis that would allow a district-by-district production of weights. Such a condition did not prevail for the case-life method, however, where the information requirements were simpler, and, therefore, easier to fulfill. In addition, a comparison of the number of attorney positions estimated for the study districts by each method with the actual FY79 staffing levels indicated that the case-life approach more accurately reflected the period in which the data were collected.

Having reached this conclusion, it was possible to do an extended test of the weights using the actual distribution of positions in 94 districts as the criterion for acceptance. The results of this test, presented in Chapter V, indicated, with few exceptions, that the budget weights produced by the case-life method, when applied to the estimated FY79 case load,

would reproduce the number of attorneys in each of the 94 districts with a reasonably high degree of accuracy.

Before proceeding to a discussion of the implications of these findings for the future, we want to emphasize that the budget weights are a reflection of the situation in the U.S. Attorneys' Offices in FY79 rather than an explanation of it. That is, a particular case type should not be considered to take the predicted amount of time because the budget weight has a particular value; rather, the budget weight has a particular value because, based on FY79 observations, the case is estimated to have taken the predicted time. Thus, the budget weights do not explain why different case types are taking different amounts of time, nor do they explain why different offices spend different amounts of time on the same case types. They also should not be taken to be a professional standard of performance. For instance, it is not necessarily the case that the situation in the U.S. Attorneys' Offices at the time of the study was optimal. Some offices may have been understaffed, and others may have been overstaffed with respect to an optimal--and at present undefined--professional standard. Consequently, we are not saying that a particular allocation of resources or a particular method of processing cases was good or bad. We are simply describing the situation.

B. USING THE WEIGHTS IN THE FUTURE

Strategies for utilizing the budgets weights in FY81 and perhaps FY82 have been discussed in some detail in Chapter V and we shall not reproduce the full discussion here. The reader will recall our argument that the primary outstanding problem in utilizing the weights is the development of accurate case load estimates, and that in the short term it should be resolved by a combination of analysis of existing records from the Docket and Reporting System and input from individuals familiar with the particular district for which allocations have been considered.

Looking ahead to the future, the comments we make are restricted in their utility to areas associated with case weighting and resource allocation. We do not discuss the general information needs of the Department of Justice, but only the specific needs that are related to the goals and objectives of this project. We address three main questions. First, what information does the department need in order to operate a case-weighting system of the type designed in this project? Second, how is the department to respond to changes that might affect allocations to the districts? Third, what general research might be undertaken in the future to enhance either the data or the findings, or both?

1. Information Needs

As we have stated previously, we believe that the budget weights developed through the case-life method will aid

decisions about the number of positions that should be allocated to particular districts. It should be kept in mind, however, that an allocation in the future that precisely mirrored that in existence during FY79 would tend to continue the trend that existed in FY79, other things being equal. These trends can generally be stated as a falling criminal backlog and a rising civil backlog. This means that the civil backlog would be likely to rise at an increasing rate, while the criminal backlog would probably level off at a number lower than the one that presently exists. This is because there is likely to be a lower bound for the number of active criminal cases, which cannot be reduced by the application of more attorney time. What is difficult to estimate is the actual level of the lower bound, or the actual rate of increase of the civil cases. However, we suggest that development of information on filings and backlog trends by case type is critical.

2. Responding to Change

There are at least three kinds of change that can have an effect upon the allocations that should be made to the offices: change in case mixture, that is, in matters received or cases filed within a particular district; change in policy that the department may promulgate; and change in case-handling procedures.

Changes in case mixture and changes in policy both result in the relative emphasis of some case types and de-emphasis of others. The changes in case mixture would be

adequately captured by the weights as they presently stand if those changes could be forecast accurately. What would happen is that there would be more of a particular case type included in the case load to which the weights were applied and less of another. If the mixture was changing in the direction of high demand cases, this would naturally be translated into additional resources predicted by the case-weighting system. Changes in policy could be handled by adjusting the proportion of cases to which the weights are applied. If the Department wishes to adopt a policy, for instance, of declining bank robbery cases unless the amount involved is greater than some particular amount, then the proportion of cases for which the amount was exceeded in the past could be estimated, and case load estimates for the case type could then be adjusted accordingly. This would in turn have an effect on the allocation estimates produced by the weights, since the number of cases to which the bank robbery estimates would apply would be reduced.

The third category of change--primarily procedural--is more difficult to handle under the case-weighting system as it presently stands. The fact that the event-based method produced relatively inaccurate weights indicates that the event times and/or frequencies are unreliable. Consequently, the impact of a procedural change that affected either the duration or frequency of a particular type of event would at present be difficult to assess.

3. Future Research

Our ideas about future research follow from the discussions of information needs and responses to change that have been presented. First, we believe that the quality of the current case-weighting data base can be enhanced by repeating the phase of the project that linked the time and activity reports with case information. As was stated, almost one-third of the cases reported by attorneys were not matched with case type information. In addition, case files for approximately 50 percent of the cases selected for event analysis could not be located in the study offices during the time available to coders. In our opinion, both of these conditions were a function of the amount of time between the end of the study and the collection of the case information data. We believe that time to have been insufficient to allow normal posting and filing of case jackets. However, once the cases on which the attorneys worked during the study are closed, the case information that is needed should be more readily available. Consequently, it is likely that the re-processing of the data would substantially improve the match rate in both areas, thus leading to more reliable case-weighting estimates from both.

A second important area of inquiry is the generation of case-load estimates. We have argued that in the short term, such estimates can be produced from a combination of existing records and input from qualified observers, but that in the long term, the establishment of an empirically based

forecasting system would be worthwhile. Doing this is not simple and it would require data not presently available. However, we believe that it is likely to be superior to intuitive methods.

The third type of investigation we recommend focuses on the comparison between districts that is suggested by the variance in weights. Tables in Chapter V indicated that there are several distinct groups of U.S. Attorneys' Offices that appear to process cases in approximately the same fashion. The differences between these groups in terms of resource levels and processing rates is in some instances substantial. An inquiry into the reason why these differences exist would, in our opinion, be likely to produce extremely useful management information. It would also tie in very closely with the development of additional event data, since the difference in frequency and duration of events is likely to be one way in which the offices are distinguished from one another.

C. CONCLUSION

The work done in this project represents an additional step in the direction of rational budgeting. The work-load weights reported in Chapter V produce an estimate of attorney positions that is within approximately three percent of the actual staffing levels during early FY79, and, in our view, represent the best available empirical aid to budgeting for future periods.

Nevertheless, improvement is possible. The quality of the data analyzed in this study can be upgraded

substantially at relatively low cost. When combined with empirically grounded case-load estimates and inter-district comparisons of case complexity and processing, the weights would constitute a highly valuable and effective management tool.

APPENDIX A

CASE SUMMARY FORMS

On-site data coding from case files utilized the following basic forms: a civil case summary and a criminal case summary. Data for pending and terminated cases were the same; for control purposes, however, the forms were identified in different ways.

The codes for the variable were for the most part derived from the Docket and Reporting System or from ACCSYS.

CRIMINAL CASE SUMMARY

0. Form Code	1. District	0. _____	1. _____
2. Branch Office		2. _____	
3. Complaint Number		3. _____	
4. Date Received		4. _____	
5. Defendant Number		5. _____	
6. Court Docket Number		6. _____	(_____)
7. Judge Code		7. _____	
8. Superseding Case Number		8. _____	
9. Appeal Number		9. _____	
10. Last AUSA		10. _____	
11. Total Number of AUSA		11. _____	
12. Related Case Number		12. _____	
13. Total Number of Defendants		13. _____	
14. Referring Agency		14. _____	
15. Investigating Agency		15. _____	
16. Referral Code		16. _____	
17. DOJ Program Code		17. _____	
18. Defendant Occupation		18. _____	
19. Defendant Date of Birth		19. _____	
20. (a) Number of Prior Convictions		20. (a) _____	(b) _____
(b) Prior Felony Conviction			
21. Pretrial Release Type		21. _____	
22. Number of Government Witnesses		22. _____	
23. Defense Counsel Type		23. _____	
24. (a) Felony at Indictment/Information		24. (a) _____	(b) _____
(b) Felony at Conviction			
25. Amount Stated on Indictment/Info.		25. \$ _____	, _____ , _____

26. Charge Summary							
Title	Section	Subsect.	Counts	Title	Section	Subsect.	Counts
A. Complaint				B. Indictment/Information			
1. _____				1. _____			
2. _____				2. _____			
3. _____				3. _____			
4. _____				4. _____			
C. Superseding				D. Conviction			
1. _____				1. _____			
2. _____				2. _____			
3. _____				3. _____			
4. _____				4. _____			
27. Probation				27. _____	Years	_____	Months
28. Suspended				28. _____	Years	_____	Months
29. Term				29. _____	Years	_____	Months
30. Fine				30. _____			
31. Restitution				31. _____			

32.(A) CURRENT STATUS CODE
(Complete only if case has not terminated)

32.(B) EVENT CODES

CODE (Subcode)	DATE (mmddyy)	CODE (Subcode)	DATE (mmddyy)
1. _____ () _____		21. _____ () _____	
2. _____ () _____		22. _____ () _____	
3. _____ () _____		23. _____ () _____	
4. _____ () _____		24. _____ () _____	
5. _____ () _____		25. _____ () _____	
6. _____ () _____		26. _____ () _____	
7. _____ () _____		27. _____ () _____	
8. _____ () _____		28. _____ () _____	
9. _____ () _____		29. _____ () _____	
10. _____ () _____		30. _____ () _____	
11. _____ () _____		31. _____ () _____	
12. _____ () _____		32. _____ () _____	
13. _____ () _____		33. _____ () _____	
14. _____ () _____		34. _____ () _____	
15. _____ () _____		35. _____ () _____	
16. _____ () _____		36. _____ () _____	
17. _____ () _____		37. _____ () _____	
18. _____ () _____		38. _____ () _____	
19. _____ () _____		39. _____ () _____	
20. _____ () _____		40. _____ () _____	

33. CORRESPONDENCE - Enter Dates(mmddyy) in Appropriate Place

470(1) (TO Gov't Agcy)	470(2) (FROM Gov't Agcy)	470(3) (TO Def/Counsel)	470(4) (FROM Def/Counsel)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

470(5)
(Other Correspondence)

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

CIVIL CASE SUMMARY

0. Form Code	0. ____
1. District	1. ____
2. Branch Office	2. ____
3. Date Claim Received	3. ____
4. Claim Number	4. ____
5. Court Docket Number	5. ____
6. Judge Code	6. ____
7. Total Number of AUSA	7. ____
8. Last AUSA	8. ____
9. Designation	9. ____
10. Referral Code	10. ____
11. Total Number of Opposing Parties	11. ____
12. Opposing Party Type	12.(a) ____ (b) ____ (c) ____
Number of Each Type	(a) ____ (b) ____ (c) ____
13. D.O.J. Division	13. ____
14. D.O.J. Section	14. ____
15. Cause of Action	15. ____
16. Agency	16. ____
17. Amount of Claim	17. ____ , ____ , ____
18. D.O.J. Program Code	18. ____

Complete item 19(A) if case is PENDING at time of coding.

19(A). Current Status of Case 19(A). ____
 (See addendum to Civil Case Summary Codes)

Complete items 19(B) and 20(B) if case has TERMINATED at time of coding.

19(B). Judgement or Settlement Amount 19(B). ____ , ____ , ____
 20(B). Final Disposition 20(B). ____

21. EVENT CODES

CODE (Subcode)	DATE (mmddyy)	CODE (Subcode)	DATE (mmddyy)
1. _____ ()	_____	21. _____ ()	_____
2. _____ ()	_____	22. _____ ()	_____
3. _____ ()	_____	23. _____ ()	_____
4. _____ ()	_____	24. _____ ()	_____
5. _____ ()	_____	25. _____ ()	_____
6. _____ ()	_____	26. _____ ()	_____
7. _____ ()	_____	27. _____ ()	_____
8. _____ ()	_____	28. _____ ()	_____
9. _____ ()	_____	29. _____ ()	_____
10. _____ ()	_____	30. _____ ()	_____
11. _____ ()	_____	31. _____ ()	_____
12. _____ ()	_____	32. _____ ()	_____
13. _____ ()	_____	33. _____ ()	_____
14. _____ ()	_____	34. _____ ()	_____
15. _____ ()	_____	35. _____ ()	_____
16. _____ ()	_____	36. _____ ()	_____
17. _____ ()	_____	37. _____ ()	_____
18. _____ ()	_____	38. _____ ()	_____
19. _____ ()	_____	39. _____ ()	_____
20. _____ ()	_____	40. _____ ()	_____

33. CORRESPONDENCE - Enter Dates(mmddyy) in Appropriate Place

412(1) (TO Gov't Agcy)	412(2) (FROM Gov't Agcy)	412(3) (TO Opp/Counsel)	412(4) (FROM Opp/Counse)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

412(5)
(Other Correspondence)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

APPENDIX B

TITLE AND SECTION AGGREGATED BY RESOURCE RATIO

The Title and Section lists in this appendix consist of case types that individually took less than one percent of the total time. They are grouped according to Resource Ratio. This is determined from the following formula:

$$\text{Resource Ratio}_{(i)} = \frac{\text{Proportion of Time}_{(i)}}{\text{Proportion of Cases}_{(i)}}$$

A Resource Ratio of 1.0 means that a case type that contained, for example, 0.5 percent of all matters or cases reported during the study consumed 0.5 percent of the time. In this sense, that case type can be considered of average demand. Case types with a ratio less than 1.0 are below average; case types with a ratio greater than 1.0 are above average. In these groups, therefore, case types in Group 21 are the least demanding, and those in Group 25 are the most demanding.

TITLE AND SECTION AGGREGATED BY RESOURCE RATIO

Group 21 RESOURCE RATIO 0.0-0.50

2	192	18	387	16	1342	22	1401
7	1202	18	401	18	1381	22	1901
7	2011	18	452	18	1382	22	1934
7	2024	18	472	18	1461	26	2601
8	177	18	473	18	1464	26	4704
8	1325	18	474	18	1505	26	5501
8	1326	18	475	18	1543	26	5524
8	1977	18	484	18	1700	26	5591
11	1875	18	485	18	1701	26	7202
12	1709	18	491	18	1703	26	7207
15	645	18	492	18	1707	26	7212
15	1173	18	498	18	1716	26	7213
15	1231	18	499	18	1719	26	8561
15	1341	18	501	18	1730	27	203
15	1418	18	506	18	1792	27	205
15	1644	18	512	18	1852	28	1826
15	1681	18	541	18	1853	28	2113
15	1691	18	542	18	1919	28	2243
15	1691	18	545	18	1950	28	2255
15	1694	18	546	18	1954	28	2312
15	1695	18	610	18	1959	29	186
15	1699	18	623	18	1973	29	439
16	450	18	644	18	2031	29	501
16	472	18	657	18	2111	29	530
16	669	18	654	18	2112	29	1131
16	707	18	657	18	2115	31	1058
16	852	18	658	18	2141	31	1101
16	1578	18	660	18	2199	32	326
16	1632	18	664	18	2215	32	403
16	1703	18	671	18	3057	32	407
16	1854	18	741	18	3146	32	441
17	1	18	751	18	3149	38	218
17	104	18	794	18	3150	38	2501
17	106	18	841	18	3213	38	2504
17	506	18	846	18	3651	40	218
18	3	18	852	18	3653	42	208
18	4	18	871	18	3691	42	402
18	31	18	872	18	4202	42	408
18	33	18	873	18	4244	42	1383
18	42	18	875	18	5308	42	1396
18	43	18	892	18	7206	42	1532
18	49	18	894	19	1001	42	1982
18	52	18	912	19	1481	42	2971
18	64	18	914	19	1603	45	259
18	61	18	1002	20	841	45	262
18	154	18	1003	21	111	46	457
18	186	18	1006	21	122	46	1461
18	195	18	1018	21	174	47	223
18	205	18	1071	21	176	47	325
18	207	18	1072	21	333	49	0
18	209	18	1083	21	812	49	41
18	215	18	1111	21	843	49	61
18	234	18	1112	21	848	49	706
18	241	18	1152	21	1202	49	322
18	245	18	1163	21	1709	49	781
18	286	18	1201	21	7201	49	1472
18	322	18	1241	21	8545	50	192
18	333	18	1325	22	612	50	462
18	341	18	1326	22	801	51	751

GROUP 22
RESOURCE RATIO:

.51-1.0

7 2023
12 1701
15 77
16 772
16 776
17 1709
17 2312
18 2
18 7
18 35
19 145
18 152
18 549
18 648
18 655
18 661
18 752
18 842
18 844
18 211
18 834
18 1210
18 1212
18 1214
18 1222
18 1243
18 1261
18 1265
18 1542
18 1546
18 1621
18 1722
18 1711
18 1720
18 1728
18 1952
18 2114
18 2233
18 2316
18 2184
18 5031
18 7203
19 1704
21 451
21 631
21 953
21 960
26 7203
29 401
32 176
33 499
49 121
40 3222
72 7806
80 1325

GROUP 23
RESOURCE RATIO:

1.1-2.0

7	2048
8	1324
8	1324
12	375
15	78
15	80
17	101
18	111
18	113
18	201
18	242
18	288
18	471
18	500
18	774
18	831
18	876
18	970
18	1000
18	1041
18	1101
18	1134
18	1324
18	1352
18	1462
18	1623
18	1704
18	1709
18	1791
18	1955
18	2311
18	2313
18	2421
18	2511
18	2703
18	5261
18	7021
21	844
21	952
26	7205
26	7206
26	7215
26	7302
26	7371
26	7215
33	1721
36	7502
42	1795

GROUP 24
RESOURCE RATIO:

2.1-3.0

7	6
17	1738
18	665
18	1005
18	1503
18	1725
18	1855
18	1951
18	3238
18	7302
21	603
22	2778
49	12
49	7203

GROUP 25
RESOURCE RATIO:

3.1+

2 7809
10 808
15 1281
18 112
18 402
18 651
19 793
18 291
18 1340
18 1510
18 1583
18 1705
18 1953
18 1961
18 1962
18 3045
21 331
21 623
21 963
26 922
26 1701
26 7262
42 3621