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# THE EASTERN DISTRICT OF VIRGINIA: A WORKING SOLUTION FOR CIVIL JUSTICE REFORM

*Heather Russell Koenig\**

## I. INTRODUCTION

It has been referred to as “the fastest, fairest, federal court in the country,”<sup>1</sup> “the most efficient, professional federal court in the nation,”<sup>2</sup> the court “known for moving things along quickly”<sup>3</sup> and where “cases zoom through the system faster than at any other federal court in the nation.”<sup>4</sup> Where is this court that is “so efficient that it could be used as a model for the rest of the country?”<sup>5</sup> It is the United States District Court for the Eastern District of Virginia.

The Eastern District of Virginia historically has had heavier civil and criminal caseloads than the national average for feder-

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The views expressed in this article are those of the author and should not be attributed to Judge Hilton or to anyone affiliated with the United States Eastern District of Virginia. The author would like to thank Darren Koenig for his patience and support and Professor Charles W. Nihan for his direction and encouragement.

1. David O. Loomis, *Why Norfolk's "Rocket Docket" is the Fastest, Fairest, Federal Court in the Country*, VIRGINIAN-PILOT & LEDGER STAR, Apr. 3, 1988, at B1 (quoting Senior United States District Judge Walter E. Hoffman).

2. *Rocket Docket: Fast and Good*, WASHINGTONIAN, June 1996, at 93 [hereinafter *Rocket Docket*]; see Karen A. Wagenhofer, *Low-Profile Firm Wins Big for Black & Decker*, ILL. LEGAL TIMES, Jan. 1997, at 3 (describing Federal Eastern District of Virginia as “the most efficient federal court in the United States”).

3. *Cuomo Hearing Speeds Guidance on Respa Section 8*, REG. COMPLIANCE WATCH, Jan. 20, 1997, available in 1997 WL 7893669, at \*3.

4. Sandra Torry, *On the Fast Track with Alexandria's "Rocket Docket,"* WASH. POST, Nov. 10, 1997 (Washington Business), at 7; see also Eva M. Rodriguez, *D.C. Court Picks Up the Pace*, LEGAL TIMES, Sept. 4, 1995, at 6 (stating that the court is known for “shooting cases through the system”).

5. Frank Green, *Court District in State Viewed as Model*, RICH. TIMES DISPATCH, Dec. 2, 1991, at A1 (noting that the Eastern District of Virginia, with one of nation's busiest calendars, typically disposes of cases within four months).

al district courts.<sup>6</sup> Despite its increasingly burdensome case-loads, the Eastern District of Virginia ("Eastern District" or "EDVA") has maintained its status as the most efficient federal district court in the country.<sup>7</sup> Civil cases move rapidly through the Eastern District of Virginia's system. The median time from filing to conclusion generally is four months.<sup>8</sup> It is for this reason that the EDVA is colloquially referred to as the "Rocket Docket."<sup>9</sup>

Over the past few decades, scholars, practitioners, and even judges have criticized the docket delays in the federal judiciary and the fact that sky-rocketing litigation costs prohibit court access to many potential plaintiffs.<sup>10</sup> As a result, Congress enacted The Judicial Improvements Act of 1990,<sup>11</sup> which was created to "identify, develop and put into effect solutions to problems of cost and delay in civil litigation."<sup>12</sup> Title I of the Judicial Improvements Act is the Civil Justice Reform Act of 1990 ("CJRA"),<sup>13</sup> which lists its purposes as "facilitat[ing] deliberate adjudication of civil cases on the merits, monitor[ing] discovery, improv[ing] litigation management, and ensur[ing] just, speedy,

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6. See Kim Dayton, *Case Management in the Eastern District of Virginia*, 26 U.S.F. L. REV. 445, 470 (1992) (listing statistics of burdensome caseload for Eastern District of Virginia).

7. See *infra* Part III (discussing the Eastern District case management statistics and comparing them with the other 94 federal district courts); Victor Gold, *Rocket Docket: In Northern Virginia, the O.J. Trial Would Have Been Over in a Couple of Weeks*, WASHINGTONIAN, Nov. 1995, at 49.

8. See Dayton, *supra* note 6, at 473.

9. This nickname is widely used by lawyers, but is unpopular with some judges, because "it appears to foster the incorrect notion that speed is considered more important than justice." James Myers, "Rocket Docket" for the Defense, LEGAL TIMES, Dec. 11, 1995, at 27.

10. See Dayton, *supra* note 6, at 445.

11. Pub. L. No. 101-650, 104 Stat. 5089 (codified in scattered sections of 28 U.S.C.). The Act implements some recommendations of the Federal Courts Study Committee, see generally REPORT OF THE FEDERAL COURTS STUDY COMMITTEE (Apr. 2, 1990), and recommendations resulting from the Brookings Institute's 1989 study of the alleged litigation crisis. See THE BROOKINGS INSTITUTION, JUSTICE FOR ALL: REDUCING COSTS AND DELAY IN CIVIL LITIGATION 8-29 (1989). Most importantly, the Judicial Improvements Act of 1990 authorized additional federal district and appellate judgeships, see Title II, Judicial Improvements Act of 1990, 28 U.S.C. §§ 44(a), 133 (1994), modified the federal court's subject matter jurisdiction and venue requirements, see *id.* § 1367, and required quarterly public reporting of certain judicial case management statistics, see *id.* § 476.

12. Pub. L. No. 101-650, § 102, 104 Stat. 5089 (setting forth Congress' intent).

13. 28 U.S.C. §§ 471-482 (Supp. 1990).

and inexpensive resolutions of civil disputes.<sup>14</sup> In furthering these purposes, the CJRA requires the chief judge of each federal district court to appoint an advisory group<sup>15</sup> to assess the case management procedures of each district, identify the principal causes of cost and delay, and, if necessary, to recommend to the court a plan for minimizing such judicial obstacles.<sup>16</sup>

The CJRA is predicated on the assumption that case management practices throughout the entire federal judiciary need to be significantly re-evaluated and perhaps even re-invented.<sup>17</sup> This article challenges that assumption through an extensive evaluation of the court practices, case management, and success of the Federal Eastern District of Virginia. The Eastern District has not succeeded in efficient judicial practices through unconventional or remarkably innovative case management procedures, but rather through judge-controlled dockets and strict attorney compliance with, and unconditional respect for, the local rules of the district.<sup>18</sup>

Part II of this article discusses the local rules of the Eastern District of Virginia, which serve as the backbone for the court's "legendary speed."<sup>19</sup> Part III discusses the Eastern District's reign as the most efficient federal district in the country. Part

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14. *Id.* at § 471 (1993).

15. The advisory group generally consists of practitioners, litigants and other representatives of the court's constituencies. *See id.* § 478(b) ("The advisory group of a district court shall be balanced and include attorneys and other persons who are representative of major categories of litigants in such court, as determined by the chief judge of such court.").

16. *See id.* § 472(b).

17. *See* Pub. L. No. 101-650, 104 Stat. 5089 (1990) (setting forth Congress' findings regarding the need for addressing "the full range of demands made on the district court's resources by both civil and criminal matters"); *see also* SENATE COMM. ON JUDICIARY, JUDICIAL IMPROVEMENTS ACT OF 1990, S. REP. NO. 416, at 103 (1990), reprinted in 1990 U.S.C.A.N. 6802, 6804-05 (detailing relevant legislative history); *see generally* Jeffrey J. Peck, "Users United: The Civil Justice Reform Act of 1990," 54 LAW & CONTEMP. PROBS., Summer 1991, at 105; Carl Tobias, *Civil Justice Reform Roadmap*, 142 F.R.D. 507 (1992).

18. "In the federal courts of eastern Virginia, the judges hate foot-dragging and frivolous paper wars. . . . They produce speedy justice with a combination of unforgiving rules and fierce pride in efficiency. Around here . . . the judicial philosophy is 'put up or shut up.'" Paul M. Barrett, "Rocket Docket: Federal Courts in Virginia Dispense Speedy Justice," WALL ST. J., Dec. 3, 1987, at 33; *see* Carl Tobias, *Civil Justice Reform in the Fourth Circuit*, 50 WASH. & LEE L. REV. 89, 92 (1993) (discussing sanctions on litigants and lawyers in the Fourth Circuit).

19. Torrey, *supra* note 4, at 7.

IV examines the potential advantages and disadvantages of a "Rocket Docket" judiciary. Part V explores alternatives to the Eastern District's system that, while not quite as effective, could aid existing districts in becoming more efficient. Finally, this article concludes that the Eastern District of Virginia should be the model for creating a nationwide system of comprehensive, yet streamlined, justice.

## II. LOCAL RULES OF THE EASTERN DISTRICT OF VIRGINIA

The United States Eastern District of Virginia is composed of four divisions: Alexandria (a suburb of Washington, D.C.), Richmond, Newport News, and Norfolk.<sup>20</sup> The Alexandria division consists of two senior and three active district judges and four magistrate judges.<sup>21</sup> The Norfolk Division consists of two senior and four active district judges and two magistrate judges.<sup>22</sup> The Richmond Division has two senior and two active district judges and two magistrate judges.<sup>23</sup> Newport News has only one magistrate judge<sup>24</sup> and no district judges. While the Newport News and Norfolk divisions are distinct from one another under the Eastern District of Virginia's local rule 3(B), they often operate as one court. For the past few decades, the chief judge of the Eastern District has sat in Alexandria. In December, 1997, Judge Claude M. Hilton succeeded Judge James C. Cacheris as the Eastern District's chief judge.

The local rules for the entire Eastern District of Virginia were structured to eliminate docket delay and expedite the sometimes burdensome litigation process, while focusing on the

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20. See E.D. VA. LOC. R. 3; see also 28 U.S.C. § 127 (specifying the counties, cities, and towns that are included in the Eastern District of Virginia's jurisdiction).

21. Alexandria judges are: Chief Judge Claude M. Hilton; Senior Judges Albert V. Bryan, Jr. and James C. Cacheris; and District Judges T.S. Ellis, III and Leonie M. Brinkema. The Four Magistrate Judges are Theresa C. Buchanan, T. Rawles Jones, Barry R. Poretz, and Curtis W. Sewell.

22. The Senior District Judges are Judges J. Calvitt Clark and John A. MacKenzie. District Judges include Robert G. Doumar, Raymond A. Jackson, Henry C. Morgan, Jr. and Rebecca Beach Smith. Magistrate Judges are Tommy E. Miller and William T. Prince.

23. The Senior District Judges are Robert R. Merhige and Richard L. Williams. The District Judges are Robert E. Payne and James R. Spencer. The Magistrate Judges are G. Warthen Downs and David G. Lowe.

24. Judge James E. Bradberry.

interests of justice.<sup>25</sup> The local rules demand that the district judges take control of the docket—as set forth in Rule 16 of the Federal Rules of Civil Procedure<sup>26</sup>—as well as the scheduling of trials,<sup>27</sup> motions,<sup>28</sup> depositions,<sup>29</sup> and discovery.<sup>30</sup> “The judges are decisive, always prepared, and you have certainty in when a hearing is going to be held.”<sup>31</sup>

The key role that the district judge plays in early intervention in, and control over, the litigation process is considered the “hallmark” of the Eastern District’s success.<sup>32</sup> This does not

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25. Judge Walter E. Hoffman, after whom the United States District Courthouse in Norfolk is named, remembered that the Eastern District of Virginia was once as backlogged as any other federal court. See Ray McAllister, *State’s “Rocket Docket” is Fastest*, RICH. TIMES DISPATCH, Dec. 27, 1987, at E-1; *infra* Part III (comparing Eastern District to all other district courts and concluding that Eastern District is most efficient). Judge Hoffman became a judge in 1954 when, as he recalled, “there was a backlog just in Norfolk alone of about 1,300 cases. . . . In 1962, I decided I was going to do something down there in Norfolk and Newport News, and set up a system for cutting off pretrial conferences, and setting pretrial dates and trials.” McAllister, *supra*, at E-1. In August of 1962, Judge Hoffman put into effect the suggestions of Judge Alfred P. Murrah, who was the Chief Judge of the Tenth Circuit at the time. Hoffman explained that he “really didn’t get any genuine relief on the docket until 1967 when two additional judges joined me here. We rapidly brought that docket right up to date. . . . [W]e very soon hit the top and have pretty well led the nation in most instances since then.” *Id.*

26. FED. R. CIV. P. 16. Rule 16 was amended in 1983 to make clear that district judges should take control of civil litigation pending in their courtrooms. See Dayton, *supra* note 6, at 455 n.34. These amendments were intended to respond to “criticism that judges were inappropriately becoming managers of litigation, rather than remaining dispassionate and neutral arbiters of justice.” *Id.* at 491; see FED. R. CIV. P. 16 advisory committee’s note.

Rule 16 was modeled almost entirely on the pretrial scheduling practices of the Eastern District of Virginia. See Loomis, *supra* note 1, at B1. Senior Judge Hoffman explained in an interview that Rule 16, which became effective in 1983, called for pretrial conferences and scheduling management. See *id.* Judge Hoffman explained: “The rule refers here to the Eastern District of Virginia, as a matter of fact. They came down here and got every form that we had and then compiled Rule 16, which was a shock to many courts when it came out, but we didn’t have to change anything.” *Id.*

27. See E.D. VA. LOC. R. 16.

28. See *id.* R. 7.

29. See *id.* R. 30.

30. See *id.* R. 26.

31. Torry, *supra* note 4, at 7.

32. See Virginia E. Hench, *Mandatory Disclosure and Equal Access to Justice: The 1993 Federal Discovery Rules Amendments and the Just, Speedy and Inexpensive Determination of Every Action*, 67 TEMPLE L. REV. 179, 235 (1994); Torry, *supra* note 4, at 7 (explaining how judges in the EDVA have established “strict, streamlined procedures”).

mean that the federal judge becomes personally involved in the minutiae of individual cases.<sup>33</sup> Rather, the essential involvement is the judge's creating and enforcing a pretrial calendar.<sup>34</sup>

The pretrial process begins with the creation of a scheduling order for each case. Each division within the EDVA handles pretrial practices a bit differently. In the Alexandria Division, once all parties to an action have made an appearance, the parties are sent a scheduling order.<sup>35</sup> The scheduling order sets forth the date on which the pretrial conference will be held and the date by which discovery must be concluded.<sup>36</sup>

In Alexandria, pretrial conferences are held the third Thursday of every month. All counsel are required to be present. As each case is called, the attorneys assemble in the chambers of the Chief Judge for a brief meeting.<sup>37</sup> At the time of the conference, the discovery period has concluded and each party's counsel submits lists of its witnesses and exhibits.<sup>38</sup> Most importantly, a trial date that is no more than eight weeks away is set. This date is immutable and appears on the docket only once.<sup>39</sup> Local Rule 16 states, in no uncertain terms:

The parties and their counsel are bound by the dates specified . . . and no extensions or continuances thereof shall be granted in the absence of a showing of good cause. Mere failure on the part of counsel to proceed promptly with the

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33. See Hench, *supra* note 32, at 235.

34. See E.D. VA. LOC. R. 6(B) (setting forth rule for Initial Pretrial Conference and Order and Scheduling Order).

35. See *id.* R. 16(B) (setting forth rule for scheduling order for all divisions).

36. See Scheduling Order, Eastern District of Virginia, Alexandria Division (on file with Alexandria Courthouse Clerk's Office) [hereinafter EDVA Scheduling Order]. The discovery deadline is set approximately three weeks prior to the date set for the pretrial conference.

37. Pretrial conferences in Alexandria tend to be no longer than three to five minutes in length.

38. Exhibits no longer need to be brought to the pretrial conferences. Civil file exhibits must be filed with the Clerk's Office one day prior to trial. See E.D. VA. LOC. R. 79(A) (requiring the party intending to offer exhibits at trial to "place them in a binder, properly tabbed, numbered and indexed"). Criminal exhibits must be filed five days prior to trial. For the rules governing criminal exhibits, see E.D. VA. LOC. R. 55.

39. See Hench, *supra* note 32, at 235-36.

normal processes of discovery shall *not* constitute good cause for an extension or continuance.<sup>40</sup>

As one Virginia lawyer lamented, "short of bleeding to death in the courtroom, you are not going to get a continuance."<sup>41</sup>

Pretrial conferences are handled differently in the other district divisions. Each lawsuit is assigned to a particular judge and that individual judge takes control of all pretrial matters.<sup>42</sup> Scheduling orders are sent in a similar fashion as in Alexandria, and dates for discovery cutoff and motions are made binding.<sup>43</sup>

Motions in the Eastern District are governed by Local Rule 7 and oral argument is heard on only about half of the motions filed.<sup>44</sup> All motions must be accompanied by a written brief "setting forth a concise statement of the facts and supporting reasons."<sup>45</sup> Use of pre-printed "form motions" is prohibited.<sup>46</sup> Additionally, Rule 7 requires that counsel seeking a hearing on a motion certify that they have conferred with opposing counsel "in a good faith effort to narrow the areas of disagreement."<sup>47</sup> This rule was in place long before the enactment of the CJRA, which recommends district courts adopt such a practice for discovery motions.<sup>48</sup>

40. E.D. VA. LOC. R. 16(B) (emphasis added).

41. *Rocket Docket*, *supra* note 2, at 93; see Kim Isaac Eisler, *Rating the Judges*, WASHINGTONIAN, Sept. 1996, at 80 ("In Virginia, . . . continuances are given only when attorneys truly can show cause. Trial dates are taken seriously.")

42. See E.D. VA. LOC. R. 16(B).

Not later than ninety (90) days from first appearance or one hundred and twenty (120) days after service of the complaint, the Court shall enter an order fixing the cut-off dates for the respective parties to complete the processes of discovery, the date for a final pretrial conference and, whenever practicable, the trial date . . . .

*Id.*

43. See Dayton, *supra* note 6, at 460-61.

44. See E.D. VA. LOC. R. 7(I) ("In accordance with FED. R. CIV. P. 78, the Court may rule upon motions without an oral hearing.")

45. *Id.* R. 7(E)(1). Briefs need not accompany the following motions: (1) motion for a more definite statement; (2) motion for an extension of time to respond; or (3) motion for default judgment. See *id.* R. 7(E)(2).

46. See *id.* R. 7(C). This rule is qualified by allowing the attorney to use pre-configured forms if he has deleted all extraneous matter and certified that he carefully has reviewed the remaining portions and "in good faith believes that the contents are pertinent to the case." *Id.*

47. *Id.* R. 7(D).

48. See 28 U.S.C. § 473(a)(5). The Eastern District's rule is not limited to discov-



Local Rule 7 provides that, in divisions having a regularly scheduled motions day,<sup>49</sup> the court will schedule a hearing on the motion for the first permissible motions day.<sup>50</sup> In the Alexandria Division, all civil and criminal motions are heard on Friday mornings.<sup>51</sup> Only in extremely rare, emergency situations are motions considered at any other time.

The Alexandria Division is unique, in that it uses a "master docket," whereby motions are assigned each week by the Chief Judge of the District to individual judges. This is unusual, because one judge may rule on a motion for summary judgment on a certain case, but later the trial of that same case may be assigned to a different judge. Magistrate Judges hear all discovery motions filed in the Alexandria Division.<sup>52</sup> The motions are filed, along with memoranda in support, with the Clerk's Office. In order to have a non-dispositive motion heard on a certain Friday, that motion must be noticed for that particular Friday and must be filed by 5 p.m. on the previous Friday. Counsel opposing the motion have until 5 p.m. Wednesday—two days prior to the date on which the motion is noticed—to respond. Moving counsel then have until Friday morning to reply to opposing counsel's response.<sup>53</sup> With dispositive motions, like motions for summary judgment, parties are given more time. A moving party must notice a dispositive motion within thirty days of filing. The opposing counsel has eleven calendar days from the date of filing in which to respond, and the hearing date cannot fall within that response time. The moving party has three days after that to reply to the response.

In the divisions without a motions day, motions are heard in the morning, before trials start for the day, and during trial recesses. Contrary to Alexandria's unique master docket, cases in Norfolk and Newport News are assigned to individual judges

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ery motions. See E.D. VA. LOC. R. 7(D).

49. The Alexandria Division is the only division at this time with a regularly scheduled motions day.

50. See E.D. VA. LOC. R. 7(D).

51. Criminal motions and sentencings are heard at 9 a.m. and civil motions are scheduled for 10 a.m.

52. See E.D. VA. LOC. R. 72 (setting forth Magistrate Judge duties).

53. "Non-dispositive motions must be filed and delivered by the Friday before the Friday for which noticed, with responses due not later than the Wednesday before the hearing." EDVA Scheduling Order, *supra* note 36.

and any corresponding motions are heard by the judge to which the case is assigned. Motions are granted hearings only if the attorneys in the case call the judge's chambers and schedule them.<sup>54</sup> Judges schedule the motions hearings based upon their availability, and if no hearing is scheduled, the motions are decided on the papers.<sup>55</sup> Motions practice in the Richmond Division is handled similarly. Once motions are filed and noticed, attorneys must contact the chambers of the judge to whom the case has been assigned. "Ninety-five percent of the time, a hearing is granted."<sup>56</sup> Generally, hearings on motions are swift and uncomplicated,<sup>57</sup> and judges rule from the bench.<sup>58</sup>

Depositions in the Eastern District are governed by Local Rule 30.<sup>59</sup> Rule 30 requires that depositions of all parties, and representatives thereof, are taken, not only within the Eastern District of Virginia, but also within the appropriate division.<sup>60</sup> The party seeking the deposition must bear the costs of recording and transcribing.<sup>61</sup> If a deposition must be taken outside

54. Telephone Interview with Cal Spencer, law clerk to Judge Morgan, Norfolk Division (Feb. 26, 1998).

55. See *id.*; Dayton, *supra* note 6, at 464.

56. Telephone Interview with Jennifer Blackwell Walke, law clerk to Judge Payne, Richmond Division (Feb. 26, 1998). Oral arguments on motions are granted "almost always." *Id.*

57. See Gold, *supra* note 7, at 49. Victor Gold recounts a recent motion day in Alexandria where Judge Albert V. Bryan, Jr. was hearing a motion on whether a confession should be excluded because, says the defense counsel, the arresting officer had coerced his client. Both officer and defendant take the stand:

Bryan on the bench is a study in contrasts—small in stature but imposing, soft spoken but brisk. The accent is that of a Virginia gentleman, the tone courteous. But an edge comes into his voice when, after giving the prosecutor some slack in examining a witness, the judge cuts in to say, "I don't think that goes to the question I allowed you to pursue."

PROSECUTOR: What I was trying to get at, your Honor . . .

JUDGE: I know what you were trying to get at.

PROSECUTOR: I see. . . . Well, let me get to the point then . . .

The hearing, given [another federal court's] time frame, might have gone on for five hours, with the judge taking the matter under advisement.

Before Bryan, it lasts 25 minutes. Motion overruled. Next case?

*Id.*

58. See Dayton, *supra* note 6, at 463.

59. See E.D. VA. LOC. R. 30.

60. See *id.* R. 30(A). "Exceptions to this general rule may be made on order of the Court when the party, or representative of a party, is of such age or physical condition, or special circumstances exist, as may reasonably interfere with the orderly taking of a deposition at a place within the division." *Id.*

61. See *id.* R. 30(B). Transcription costs are taxable if the prevailing party uses

the district—and such testimony cannot otherwise be readily procured—the party seeking the deposition must assume the reasonable travel expenses of the witness and one of his/her counsel.<sup>62</sup> Parties are disallowed from taking more than five depositions of non-party and non-expert witnesses.<sup>63</sup> These rigid restrictions of Rule 30 allow litigants to depose essential witnesses, but discourage parties from wasting time, resources, and escalated attorneys' fees.

Aside from the unyielding structure of the pretrial and trial calendars, the Eastern District owes most of its success to its Local Rule 26, which governs discovery.<sup>64</sup> It has been said that “the cost of litigation seems to be roughly proportional to the amount of pretrial discovery which is permitted,”<sup>65</sup> and that “over eighty percent of the cost of an average civil lawsuit consists of pretrial investigation of facts through the discovery process.”<sup>66</sup> It is for this reason that the Eastern District has entirely streamlined the discovery process by limiting the process to its “bare necessities.”<sup>67</sup> As one corporate litigator who

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the deposition transcript during trial. *See id.*

62. *See id.* R. 30(D). The rule is qualified by the fact that “in no event shall the reasonable costs of travel exceed an amount which would reasonably be required to be paid to associate counsel in the area in which the deposition is being taken. . . .” *Id.*

63. *See id.* R. 30(I).

64. *See generally id.* R. 26.

65. Alfred Ewert, *Is IP Litigation in the U.S. Really Worth It?*, MANAGING INTELL. PROP., June 1995, available in LEXIS, Busfin Library, ABI File.

66. Dick Thornburgh, *America's Civil Justice Dilemma: The Prospects for Reform*, 55 MD. L. REV. 1074, 1089 (1996) (“In 1988, seventy-seven percent of litigators surveyed admitted to having used discovery against their opponents as an economic weapon.”). For an example of the significance of discovery, see *SCM Societa Commerciale S.P.A. v. Industrial & Commercial Research Corp.*, 72 F.R.D. 110 (N.D. Tex. 1976), in which the district court judge observed:

Once again this court has been called in to arbitrate the no show and no tell discovery games engaged in by the parties to this lawsuit. I should emphasize at the outset that this is not the only game in town. The fact pattern hereinafter recited has repeatedly surfaced in other litigation during my tenure on the bench. In fact, I have often thought that if the Federal Rules of Civil Procedure were in effect in 1492, the Indians undoubtedly would have made a motion to suppress Columbus' discovery.

*Id.* at 111.

67. *More on the Mixed Acceptance of Federal Rule 26(a)(1)*, FED. DISCOVERY NEWS, June 1996, at 7 [hereinafter FED. DISCOVERY NEWS]; see Loren Kieve, *Discovery Reform: Maybe the Best Solution is No Discovery at All*, 77 A.B.A. J. 79 (1991); Terence P. Ross, *The Rocket Docket*, LITIG., Winter 1996, at 48; Torry, *supra* note 4, at 7 (giv-

practices in the Eastern District explained, "little tolerance is shown for the type of petty discovery disputes that have afflicted most civil litigation."<sup>68</sup>

Rule 26 sets forth detailed rules designed to reduce discovery delay, complication, and dispute. At the heart of the EDVA's "fast track"<sup>69</sup> discovery is the fact that certain federal rules of discovery are inapplicable in the Eastern District.<sup>70</sup> The EDVA limits the number of interrogatories that a party may file in a civil case to thirty—including parts and subparts—and counsel may not waive this requirement.<sup>71</sup> The rules also require that opposing counsel confer with each other "to decrease, in every way possible, the filing of unnecessary discovery motions."<sup>72</sup> Rule 26 also mandates that all discovery objections—as well as motions and replies thereto—must be in writing<sup>73</sup> and generally must be filed within fifteen days after service of the discovery request.<sup>74</sup> Magistrate judges often hear motions regarding discovery disputes. Once the Court has ruled on a discovery motion, the action required by the Court must be completed within eleven days.<sup>75</sup>

The reason that Rule 26 so greatly has impacted the pace of litigation is that attorneys in the Eastern District basically have no choice but to comply. Rule 30 contains explicit sanctions for the filing of frivolous discovery requests,<sup>76</sup> for unwarranted objections,<sup>77</sup> and for failure to comply with discovery orders.<sup>78</sup> Sanctions include the imposition of costs and counsel

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ing examples of how "fast track" discovery benefits attorneys). "If there's a dispute over discovery, . . . the judge rules in one week." *Id.*

68. FED. DISCOVERY NEWS, *supra* note 67, at 7 (statement by Terence Ross, partner in the Washington office of Gibson, Dunn and Crutcher).

69. Torry, *supra* note 4, at 7.

70. *See* E.D. VA. LOC. R. 26(A) ("Inapplicability of Certain Discovery Requirements").

71. *See id.* R. 33.

72. *Id.* R. 37(E).

73. *See id.* R. 26(B). All objections must be "specifically stated," and "the Court may allow a shorter or longer time." *Id.* R. 26(C).

74. *See id.* R. 26(C).

75. *See id.* R. 37(C) (setting forth rules for compliance).

76. *See id.* R. 37(G).

77. *See id.*

78. *See id.* R. 37(H).

fees,<sup>79</sup> and the judges in the Eastern District do not hesitate to use them. Discipline rarely is needed, however, because local attorneys are accustomed to the pace of litigation in the Eastern District and revere the district's rules and procedures.<sup>80</sup>

### III. CASE MANAGEMENT STATISTICS FOR THE EASTERN DISTRICT OF VIRGINIA

Each year the Administrative Office of the United States Courts compiles statistics from each United States district court regarding, *inter alia*: the number of cases commenced, terminated, and pending; the nature of the courts' pending law suits; the time intervals between filing and disposition; and the median length of time required to try the cases.<sup>81</sup> Such statistics are not dispositive of either proficiency or fairness; however, Congress utilizes this data when evaluating a court's need for additional judicial resources and when it seeks to legislate judicial reform.<sup>82</sup> It is clear from the legislative history of the CJRA, and from the language of the Act itself, that Congress intended district courts' advisory groups to consider individual court's case management statistics when formulating their own expense and delay reduction plans.<sup>83</sup>

Upon assessing the most current compilation of federal judicial statistics, the Eastern District of Virginia stands out as the most efficient federal court in the country. The 1997 Annual

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79. *See id.* (allowing sanctions provided by FED. R. CIV. P. 37 to be imposed).

80. *See* Dayton, *supra* note 6, at 450.

81. *See generally* LEONIDAS RALPH MECHAM, ANNUAL REPORT OF THE DIRECTOR, ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS (1997) [hereinafter ANNUAL REPORT OF THE DIRECTOR].

82. *See* Dayton, *supra* note 6, at 469. The Administrative Office reports that the caseload and associated workload of judges has risen significantly over the last five years. From 1992-1996, the total number of "weighted" civil and criminal filings per district judgeship jumped 13%, the number of appeals filed per three-judge panel grew 11%, pending appeals increased 9%, and pending civil cases rose 16%. Despite these significant increases, no new Article III judgeships have been created in six years. *See* ANNUAL REPORT OF THE DIRECTOR, *supra* note 81, at 13.

83. *See* 28 U.S.C. § 472(c)(1)(A) ("In developing its recommendations, the advisory group of a district court shall promptly complete a thorough assessment of the state of the court's civil and criminal dockets. In performing the assessment for a district court, the advisory group shall determine the condition of the civil and criminal dockets.>").

Report of the Director of the Administrative Office of the United States Courts illustrates that the Eastern District is plagued by one of the heaviest criminal and civil caseloads in the nation, yet it has the third fastest turn around time from filing to disposition of civil cases.<sup>84</sup>

From September 1995 to September 1996, the Eastern District had 4273 civil filings, 4274 civil case terminations, and 2023 civil cases pending.<sup>85</sup> From September 1996 to September 1997, the respective figures were 4405, 4283, and 2145.<sup>86</sup> The EDVA had the highest number of civil cases filed in the Fourth Circuit during 1997.<sup>87</sup> It had the second highest number of terminations and the third highest number of cases pending.<sup>88</sup> The fact that the number of cases terminated in the Eastern District in 1996 exceeds by one the number of cases actually filed illustrates that the EDVA does not allow a backlog on the docket at all.

In 1996, with the exception of the United States District Court for the Southern District of California in the Ninth Circuit, there were more criminal cases filed in the Eastern District of Virginia than in any other district court in the country.<sup>89</sup> In 1997, the Eastern District of Virginia ranked third in this category.<sup>90</sup> In fact, of the nine district courts that compose the Fourth Circuit, the Eastern District's criminal docket represents 46% of the total for the entire circuit. From September 1995 to September 1996, there were 2533 criminal cases filed in the Eastern District, a 4.3% rise from the year before.<sup>91</sup> The

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84. See ANNUAL REPORT OF THE DIRECTOR, *supra* note 81, at 158, tbl. C-5 (Appendix A).

85. See *id.* at 122, tbl. C (Appendix B). The number of civil filings dropped 2.3% from 1995, in which the Eastern District had 4372 civil filings, 4155 terminations, and 2068 civil cases pending. See *id.*

86. See *id.*

87. See *id.* at 134, tbl. C-3 (Appendix C).

88. See *id.* at 122, tbl. C (Appendix B).

89. See *id.* at 178-80, tbl. D (Appendix D).

90. See *id.*

91. See *id.* at 178. Only two other federal district courts had over 2000 criminal cases filed—the Western District of Texas and the Southern District of California. See *id.* at 178-80. In fact, of the 94 district courts, only 12 had more than 1000 criminal cases filed. See *id.* During 1997, the Eastern District had 2873 criminal filings, 2632 criminal terminations, and 825 criminal cases pending. See *id.* at 178.

Eastern District also terminated 2462 criminal cases and had 584 pending.<sup>92</sup>

The Annual Report also compiles data regarding the number of civil cases terminated in each district and the action taken.<sup>93</sup> For example, the statistics divide each district's cases into those where no court action was taken, those which were terminated before, during, or after pretrial action, and those terminated during or after trial.<sup>94</sup> Again, while not dispositive, these figures give the reader some sense of how certain districts choose to run their litigation calendars and the role that the pretrial process plays in their overall litigation strategies.

Of the 4281 civil cases filed in the Eastern District in 1997, only 3.5% (148 cases) actually went to trial.<sup>95</sup> Four hundred and thirty-two of the civil cases were terminated with no court action.<sup>96</sup> Of the 3849 cases for which court action took place, 3405 were terminated before pretrial. In other words, approximately ninety percent of the cases for which the court took action were terminated before the pretrial process even began.<sup>97</sup> Another 296 cases were terminated before they reached trial.<sup>98</sup> These numbers are strong indicators that the attorneys practicing in the Eastern District are very aware of the stringent guidelines imposed as soon as the pretrial process begins. It usually is better for both sides to terminate the suit before having to subject themselves and their clients to the unyielding rules of the court.

The Annual Report also sets forth information regarding the time intervals from filing to disposition of civil cases terminated.<sup>99</sup> This data is the most telling of a district court's efficiency and is also the basis for this article's determination that the

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92. *See id.* The Eastern District increased the number of cases terminated 6.9% from 1996 to 1997. *See id.*

93. *See id.* at 155, tbl. C-4A (Appendix E).

94. *See id.*

95. *See id.* Throughout the nation, 7359 civil cases out of 249,336 filed went to trial. Thus, nationally, less than 3% of civil cases filed went to trial. *See id.*

96. *See id.*

97. *See id.* Nationally, 249,336 civil cases were filed in 1997, and 38,545 of them were terminated with no court action. *See id.* Of the 210,791 cases for which courts did take action, 182,812 (or 87%) were terminated before the pretrial process. *See id.*

98. *See id.*

99. *See id.* at 158-60, tbl. C-5 (Appendix A).

Eastern District of Virginia is, overall, one of the most efficient district courts in the country.<sup>100</sup> The median time interval from filing to termination of civil cases in the Eastern District is five months.<sup>101</sup> The median time is three months for cases terminated with no court action, five months for those terminated before pretrial, and seven months for those terminated during or after pretrial.<sup>102</sup> The median time from filing to termination for cases that went to trial was an amazing eight months—the shortest time span of all of the district courts.<sup>103</sup> The national median time interval from filing to trial disposition for district courts is eighteen months, and some districts have as long as a thirty-seven month median time interval.<sup>104</sup>

The Eastern District of Virginia is not the only efficient district court in the country. In fact, several other districts have very impressive statistics that indicate strong case management practices. Considering two of the most important factors—the time interval from filing to termination of all civil cases and of those that make it to trial—some of the most efficient courts include: the Eastern District of Oklahoma with six and eight months respectively; the Western District of Oklahoma with seven and thirteen; the Southern District of Texas with seven and eighteen; the Northern District of Ohio with two and nineteen; and the Northern District of Illinois with five and twenty-three respectively.<sup>105</sup>

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100. *See id.* The statistics show that only the Northern District of Ohio (two-month median interval from filing to termination) and the Western District of Wisconsin (four month median interval) are more efficient. Both the southern District of West Virginia and the Sixth Circuit as a whole have five-month median time intervals. *See id.*

101. *See id.* at 158. The median for the country is eight months and for the Fourth Circuit is seven months. *See id.* Ten percent of the Eastern District's cases take less than one month, while 10% take more than 11 months. *See id.*

102. *See id.*

103. *See id.* at 158-60. Only the Eastern District of Oklahoma (eight-month interval) rivals the Eastern District of Virginia. *See id.* at 160.

104. *See id.* The District of Connecticut in the Second Circuit had a median time interval for cases in trial of 32 months, with more than 10% of its cases that go to trial lasting more than 68 months. *See id.* at 158.

105. *See id.* at 158-60. The Southern District of Texas had 4102 civil cases filed in its courts during 1997. *See id.* at 159. Considering that this district has over twice as many civil filings as the Eastern District of Virginia, its numbers are very impressive. The Southern District of Texas has a median time from filing to termination for cases with no court action of seven months, for cases terminated before pretrial of six months, and for cases terminated during or after pretrial of seven months. *See id.*



The district with the most impressive numbers in these fields is the Western District of Wisconsin, where the median time from filing to termination of all civil cases is four months (one less than the Eastern District of Virginia) and the median time from filing to termination of trial is nine months (one more than the Eastern District of Virginia).<sup>106</sup> While its numbers indicate great efficiency in the Western District of Wisconsin, it should be noted that, in 1997, there were only 593 civil and 107 criminal cases filed in that district, as compared to the 2800 civil and 2866 criminal cases filed in the Eastern District of Virginia.<sup>107</sup> In essence, the Eastern District of Virginia maintains the same efficiency standards and turn-around time intervals as the Western District of Wisconsin, even though the Eastern District of Virginia has nearly eight times as many cases filed in its courts. The Eastern District is "officially the nation's speediest in handling cases . . . . No one else is even close."<sup>108</sup>

#### IV. THE PROS AND CONS OF "SPEEDY JUSTICE"

"The Rocket Docket blasts off at 9:00 a.m. every Monday at the red brick federal building in Alexandria. That's 9:00 sharp, not 9:01. This is Northern Virginia, counselor, . . . [and w]hen the bailiff cries, 'Oyez, oyez,' . . . you had better be ready."<sup>109</sup>

It is the theory that "justice delayed is justice denied" upon which the Eastern District bases its fast-paced calendar.<sup>110</sup> But does this speedy justice come at the expense of denied justice? Do parties in litigation generally prefer a quick trial with limited depositions and discovery over a more drawn-out trial that may be more comprehensive? Does the expedited

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106. *See id.* at 159. The Western District of Wisconsin also has a median time from filing to termination for cases for which no court action was taken of two months (compared to the Eastern District's three months), for cases terminated before pretrial of three months (compared to the Eastern District's five) and for cases terminated during or after pretrial of seven months (compared to the Eastern District's seven months). *See id.* at 158-59.

107. *See id.*; *see also id.* at 202, 204, tbl. D-3 (Appendix F).

108. McAllister, *supra* note 25, at E-1.

109. Gold, *supra* note 7, at 49.

110. The motto "Justice Delayed, Justice Denied" hangs above the doors of the new courthouse in the Alexandria division of the Eastern District of Virginia.

process disadvantage smaller firms, solo practitioners, or insolvent defendants? In short, do the benefits of a speedy trial or adjudicatory process outweigh the risks of justice denied? Subparts A and B discuss the relative advantages and disadvantages of parceling justice on an expedited basis.

#### A. *Advantages of a Rocket Docket*

"It's amazing how much lawyers can get done if they know that it's crash and burn next month."<sup>111</sup> Generally, the feeling among lawyers practicing in the Eastern District is that if one is given the time to continue a case, one will take the time, and that if a lawyer is not subject to strict deadlines and sanctions for disobeying those deadlines, he will not impose them on himself. A lawyer practicing in the Eastern District explained that "[t]he beauty of the Rocket Docket is that it brings things to a head. . . . [W]hen a lawyer knows he's got to fish or cut bait—settle or roll the dice in a trial—it tends to focus the mind."<sup>112</sup> The general consensus amongst the attorneys practicing in the Eastern District is that, while it is unusually difficult to comply with the grueling schedule, it serves as an incentive to keep them diligently preparing for trial. "[M]ost area attorneys—especially those representing clients with limited resources—prefer a court where cases aren't dragged out."<sup>113</sup>

Aside from providing incentive for attorneys, another advantage of the Rocket Docket is that federal drug suspects are more likely to be prosecuted and convicted in the Eastern District.<sup>114</sup> The United States Attorney's Office in the Eastern District prosecuted almost ninety percent of the suspects referred to it by the Drug Enforcement Agency ("DEA") in 1995, the most recent year for which such statistics are available.<sup>115</sup> Federal prosecutors in neighboring Maryland, on the other hand, pressed charges against only sixty percent of DEA sus-

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111. Eric Herman, *Putting the Rocket in the Docket*, 76 A.B.A. J. 32, 32 (1990) (quoting Justice Louis Ceci of the Wisconsin Supreme Court).

112. Gold, *supra* note 7, at 49 ("It's human nature not to settle unless you're up against a deadline.").

113. *Id.*

114. See Brooke A. Masters, *Federal Drug Suspects Have Harder Time in Virginia: U.S. District Court Trial, Longer Term Likelier*, WASH. POST, Mar. 30, 1997, at B-1.

115. See *id.*

pects, and the District of Columbia prosecuted only seventy percent in its federal court.<sup>116</sup> In the cases that did go to federal district court, the prosecutors in the Eastern District of Virginia secured more convictions and longer prison terms than did their counterparts in neighboring Maryland and D.C.<sup>117</sup> While not dispositive, the district's high percentage of convictions could be a result of the court's fast-paced calendar. In other words, the more suspects that are brought through the system, the more convictions the court can give.

United States prosecutors clearly have an advantage in the Eastern District. Arguments have been made that private plaintiffs also enjoy a strategic advantage in the Eastern District, because defendants must "scramble to develop and document defenses."<sup>118</sup> "Indeed, the mere filing of such an action in this court has caused many defendants to settle quickly."<sup>119</sup> The importance of pre-filing investigation is stressed to new attorneys practicing in the Eastern District.<sup>120</sup> Once they decide to bring suit, and assuming that the statute of limitations is not impending, plaintiffs can take a great amount of time collecting data and organizing their legal arguments for trial. Knowing that continuances are rarely granted, they can do the majority

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116. *See id.* The Eastern District's large percentage is due largely to the fact that the United States attorney's office with responsibility for the Virginia suburbs brings charges against a higher proportion of suspects referred to it by the DEA—even low-level street dealers, couriers, and drivers. *See id.* In Maryland and the District of Columbia, those "smaller" cases often are handed over to local courts, where sentences usually are shorter. *See id.*

117. *See id.* (citing statistics compiled by Syracuse University's Transactional Records Access Clearinghouse). The Syracuse analysts looked only at suspects investigated by the DEA, representing 50% to 65% of all federal drug suspects in the Washington area. The remaining cases are handled by the Federal Bureau of Investigation, the United States Customs Service, and other federal agencies. *See id.*; Marty Rosen, *Justice No Remedy for Family's Pain*, ST. PETERSBURG TIMES, July 26, 1995, at 1-B (discussing how black male defendants from the inner city of Washington are treated in Alexandria: "It's a long distance from the inner city in Washington, D.C., to out here. It may only be a mile, but it's a long mile.").

118. Myers, *supra* note 9, at 27; *see infra* notes 128-32 and accompanying text (discussing actions defendants can take to make the expedited trial schedule work to their advantage).

119. Myers, *supra* note 9, at 27.

120. An accomplished Eastern District attorney stresses the importance of pre-filing investigation when practicing in the Eastern District. *See* FED. DISCOVERY NEWS, *supra* note 67, at 7 (quoting Terence Ross, partner in the Washington Office of Gibson, Dunn and Crutcher). Mr. Ross also suggests that attorneys hire good local counsel and prepare their client for what may be a "grueling ordeal." *See id.*

of research and preparation before filing and simply wait for responses from the defense.<sup>121</sup>

Plaintiffs in patent or intellectual property ("IP") litigation have the most to gain from suing in the Rocket Docket.<sup>122</sup> Patent holder plaintiffs in IP suits often are suing for injunctive relief; thus, the quick time frame is essential.<sup>123</sup> It is suggested that IP plaintiffs go so far as to interview all relevant witnesses, retain and consult with technical and damage experts, and prepare discovery requests all before filing suit.<sup>124</sup> The patent holder also should anticipate all discovery requests and collect relevant information to meet those requests.<sup>125</sup> "Although the lawyers will be intensely busy for an abbreviated period of time, the client will benefit from a prompt and cost effective litigation strategy."<sup>126</sup>

"It [i]s not just plaintiffs who can benefit from the [Eastern District]'s push for speedy resolution."<sup>127</sup> James Myers, a partner in the Washington Office of Venable, Baetjer, Howard, and Civiletti, emphasizes the importance of defendants' responding "instantly" to all civil complaints filed in the Eastern District.<sup>128</sup> He affirms that as long as a defendant understands

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121. See generally *Forum: Litigation Reduction Through Reform*, THE METROPOLITAN CORP. COUNS., Jan. 1997, at 42 (analyzing how tight time schedules can encourage parties to settle) [hereinafter METROPOLITAN CORP. COUNS.].

122. See Brian T. Foley, *Catch a Ride on the Rocket Docket*, CONN. L. TRIB., Oct. 7, 1996, at 4. Given the fact that infringement of a commercially valuable patent is likely to occur in multiple jurisdictions, and that large corporate infringers often will have regularly established places of business in many jurisdictions, obtaining venue in the Eastern District of Virginia, or other expedited district courts, often is relatively easy. See *id.*

123. "The sooner the cases [are] tried, the sooner infringers [can] be stopped from copying the product." Wagenhofer, *supra* note 2, at 1. In a recent patent infringement case, the counsel for plaintiff Black & Decker could have filed the case in any federal court, because some of the defendants were foreign companies and others did business nationwide. Because of its reputation for having the fastest justice in the nation, the lawyer chose to bring the suit in the Eastern District of Virginia. See *id.*

124. See Foley, *supra* note 122, at 6.

125. Most defendants in IP cases will seek to invalidate the patent by presenting evidence of previous uses of the invention, referred to as "prior art." Such a global search for prior art can be quite time consuming. Thus, a shorter period of time from filing to trial truncates the period of time in which a defendant-infringer can search for a valid defense. See *id.* at 7.

126. *Id.* at 6.

127. Myers, *supra* note 9, at 27.

128. See *id.*

how the system works, he can develop and implement a winning defense strategy using the EDVA's practices to his advantage.<sup>129</sup> Myers suggests three tactical approaches for defense attorneys in the Rocket Docket. First, defense teams should concentrate their energies and resources on presenting substantive defenses rather than using obstructionist discovery tactics.<sup>130</sup> Second, if the defendant is able to develop an unexpected substantive defense, the very speed of the court begins to work against the plaintiff.<sup>131</sup> Moreover, as a consequence of the accelerated schedules, plaintiffs often make mistakes, and defendants should be prepared to exploit them. Finally, Myers alerts defense attorneys to the fact that, generally, judges in the Eastern District are not fearful of reversal and are quite willing to rule in the defendant's favor on liability issues when the evidence is presented; therefore, defendants should do so early, within weeks of filing.<sup>132</sup>

In general, the more active judges become in the pretrial process, the more that abuse of the judicial system will decrease. If judges let certain practices, such as obstructive discovery tactics and unchecked continuances, plague their courtrooms, no one will step up to alter the status quo. However, if judges become active participants with the scheduling of trials and if they affirmatively convey their disapproval of uncooperative litigants, attorneys ultimately will come to view judges as allies—rather than bullies—against the common enemy, the abusive opponent.<sup>133</sup>

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129. *See id.*

130. *See id.* at 28. Myers explains that "[w]hile these tactics may work in other jurisdictions, they bring nothing but trouble here." *Id.* He also cites the fact that EDVA judges are quick to sanction for such behavior and will not excuse substantive errors by the litigants or their counsel. *See id.*

131. *See id.*

132. *See id.* Myers compares this practice of the Eastern District with other districts and states that in some other jurisdictions, when a defendant presents a dispositive motion that requires a close call, the judge may defer decision until after a settlement conference or even trial. On the other hand, the judges in the Eastern District "make difficult decisions when the evidence appears to support them, without undue fear of reversal." *Id.*

133. In a *Washington Post* interview, Judge Albert V. Bryan, Jr. of the Eastern District of Virginia discussed the Eastern District's case management:

We'd probably all live longer if we just sat back and let cases go on, . . . . But judges here are brought up to move things along. If repetitive questions are asked, the judges generally don't put up with it. The

## B. *Disadvantages of a Rocket Docket*

Certain critics of the Eastern District of Virginia argue that "too much speed . . . can deny justice."<sup>134</sup> The chief criticisms of the Rocket Docket are that certain parties are disadvantaged by the speedy calendar and that judges tend to weigh the importance of rapidity over that of justice. An Alexandria attorney told *Legal Times*, "I think in some cases, when judges are overconcerned about keeping things moving, it may work against the interest of justice."<sup>135</sup>

As with any system that is successful or unique, there always will be fault finders. Some critics of the Eastern District argue that defendants are disadvantaged, because they seldom are given adequate preparation time to devise strong defenses, and they can not rely—as they can in other courts—on court continuances.<sup>136</sup> Others argue that if a defense team responds quickly enough and learns about the intricate workings of the court, it is the plaintiffs that the Rocket Docket disadvantages.<sup>137</sup> Still others contend that it is the sole practitioners who are disadvantaged the most by the abbreviated schedules, because they are forced to allocate their limited resources among several pending cases.<sup>138</sup>

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defense lawyers get in, they get out, they move on, they bill their client. If it's not to their taste, they appeal. So far, the courts have not reversed any cases because of speed. *To be candid, most in the defense bar are relieved to be free of all that detail.*

Marc Fisher, *A Case That Courts Criticism: Simpson Trial Brings Calls for Legal Reform*, WASH. POST, May 22, 1995, at A-1 (emphasis added); see "Rocket Docket" Upheld, NAT'L. L.J., June 19, 1995, at A10 (reporting Ninth Circuit's decision that defendant's limited discovery under Rocket Docket schedule was not unfair and could not support a reversal of the trial).

134. Howard Mintz, *Ninth Circuit Backs Off "Rocket Docket" Criticism*, RECORDER, June 2, 1995, at 2 (quoting Ninth Circuit Judge Betty Fletcher who argued that justice was sacrificed for the sake of speed).

135. Rodriguez, *supra* note 4, at 6 (statement by Lisa Kemler, criminal defense attorney and partner in Alexandria's Moffitt, Zwerling and Kemler).

136. See METROPOLITAN CORP. COUNS., *supra* note 121, at 42.

137. See *supra* notes 129-32 and accompanying text.

138. See Neal Miller, *An Empirical Study of Forum Choices in Removal Cases Under Diversity and Federal Question Jurisdiction*, 41 AM. U. L. REV. 369, 405 (1992). "[T]oo rapid a court pace can have adverse affects on solo practitioners who . . . may prefer the slower pace available in state court, without necessarily seeking delay as a tactical weapon." *Id.* at n.139.

Some attorneys claim that the prejudice is inherent in the system itself. The judges sitting in the Eastern District expect both total compliance to the time-tested local rules and shared reverence for their existence. Out of town counsel are barely tolerated and are expected to be intimately familiar with the rules of the Eastern District's game. It is for this reason that nearly all out of town parties maintain local counsel.<sup>139</sup> Another disadvantage is that, in the Norfolk division of the Eastern District of Virginia, the judges do not keep separate calendars.<sup>140</sup> As a result, litigants do not necessarily know which judge will try the case, because assignments can be changed at the last minute. If one judge becomes unavailable to try a case, another judge will try it, instead of having the case rescheduled for the first open date on the original judge's calendar.<sup>141</sup> This system allows the court's resources to be kept in full use, allows more cases to be tried and prevents one judge's calendar from delaying the operation of the court as a whole. It also, however, wreaks havoc on the nerves of attorneys in the district.

The judges of the Eastern District argue that their concentration on efficiency does not compromise the judicial process or the process by which they make their decisions.<sup>142</sup> It is for this reason that some judges in the Eastern District dislike the moniker "Rocket Docket." "It appears to foster the incorrect notion that speed is considered more important than justice."<sup>143</sup>

Yet lawyers in Virginia still voice concerns that some cases are "rushed to judgment"<sup>144</sup> and that, at times, judges' concentration on streamlining makes it impossible for the attorneys to actually try their own cases.<sup>145</sup> Critics of the Eastern District's practices simply question whether the "remarkable dispatch" with which the Eastern District disposes of cases comes at the cost of quality of justice.<sup>146</sup> They believe that "speed of the lit-

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139. See Hench, *supra* note 32, at 263; FED. DISCOVERY NEWS, *supra* note 67, at 7 (stressing the importance of hiring good local counsel).

140. See Hench, *supra* note 32, at 277.

141. See *id.*

142. See Myers, *supra* note 9, at 27.

143. *Id.*

144. Gold, *supra* note 7, at 49.

145. See Rodriguez, *supra* note 4, at 6.

146. See Paul D. Carrington, *A New Confederacy? Disunionism in the Federal*

igation process should be managed so that the truth, not the speed, determines the outcome."<sup>147</sup>

## V. ALTERNATIVE APPROACHES

This article recommends that federal districts overcome their current backlog and delay by adopting a Rocket Docket case management system similar to that in the Eastern District of Virginia.<sup>148</sup> It is unrealistic, however, to assume that a United States district court can make such a drastic overhaul of its judicial traditions in one fell swoop. If courts are anxious or hesitant to change, they should use methods of expediting justice that might aid in the necessary transition from backlogged to streamlined dockets. This article considers two such alternative approaches.

First, the Eastern District served as a model for the Federal Trade Commission ("FTC") in its recent institution of a "fast track" process.<sup>149</sup> A transformation was needed within the FTC,<sup>150</sup> and as a result the commission designed a system that allows a full administrative proceeding in thirteen months or less after the imposition of a full-stop preliminary injunction order.<sup>151</sup> The FTC utilizes certain factors to determine which of its cases are appropriate candidates for an expedited adjudication and which should proceed through the regular channels of review.<sup>152</sup> For example, if it is likely that an agency action

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*Courts*, 45 DUKE L.J. 929, 954 (1996).

147. Mintz, *supra* note 134, at 2; see also Rodriguez, *supra* note 4, at 7. "Some practitioners say the quality of justice cannot and should not be measured solely by how fast a court rushes through a case." *Id.*

148. See *infra* Part VI.

149. See Robert W. Doyle, Jr., *Modeled in Part on Expedited Federal Court Procedure, the FTC's New "Rocket Docket" Allows for the Completion of Administrative Proceedings in 13 Months*, NAT'L. L.J., Jan. 6, 1997, at B5.

150. In defending an FTC preliminary injunction challenge to a proposed merger or acquisition, antitrust lawyers often would tell the federal judge that a full-stop injunction forcing the parties into never-ending administrative litigation with the FTC was not in the private interest of the merging firms. See *id.* Such a course of action is costly and would take years before final agency resolution. The attorneys would then argue that the private "equities" of the merging parties weigh in favor of consummation of the deal and it should proceed smoothly with no commission interference. See *id.* Such arguments of equity have received some success in the courts. See *id.*

151. See *id.*

152. See *id.* at B6. The following factors are considered when determining whether



will raise new, untested, or novel theories of antitrust liability, the commission may not designate the speediest alternative.<sup>153</sup> Factual complexity of the case also may limit expedited track availability. Once a case is designated as a Rocket Docket case, the respondent is advised of its opportunity to elect the fast track option at the time the injunction action is authorized by the commission. Once elected by the respondent, all cases must be completed within thirteen months of the triggered event.<sup>154</sup>

A plan similar to that of the FTC could be designed for use in federal district courts that are not yet prepared to revamp their entire docket system. Using the FTC as a model, a district court clerk or magistrate judge could summarily analyze the pending cases in the district and determine—using customized factors—which cases are suitable for expedited adjudication. Factors to be considered could include: the factual complexity of the case; the number of parties to the dispute; whether there exists a clear and unambiguous precedent on the matter; and whether the case is one of first impression. In this manner, the court could gradually diminish docket backlog while simultaneously easing judges, many of whom have been on the bench for years, into a new ideology.

A second alternative strategy is one that currently is being used in the courthouse in Johnson County, Indiana.<sup>155</sup> In order to decrease the backlog of divorce cases on their docket, the county judges asked that litigants be ready for trial on a one or two-day notice. Assuming that both parties agree, if a morning or afternoon is free on a judge's calendar, his staff will notify the parties of the first case on the expedited list that they must prepare for their hearing the following day.<sup>156</sup> The only draw-

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a case is ripe for an expedited judicial proceeding: the perceived quality or significance of the case; the confidence the agency places in the evidence established during the investigative stages; the likelihood of immediate and ongoing competitive harm resulting from a proposed merger transaction; and the overall litigation risks perceived by the FTC. *See id.*

153. *See id.*

154. *See id.*

155. *See generally* Mike Magan, *Johnson County Judges Launch "Rocket Docket" to Blast Backlog of Divorce Cases*, IND. LAW., Apr. 17, 1996, at 11.

156. *See id.* Judge James Coachys of the Johnson County Superior Court explained, "I have found that the most frustrated litigants usually are the ones who can't get their divorces heard because their case gets knocked off by a long jury trial—especially in cases involving kids. . . . [T]hose litigants are desperate to move on

back to this scheme seems to be a circuit court judge's concern: "In some ways this . . . [is] a disadvantage to us because when we get a free half-day we don't go play golf, we read cases or make rulings."<sup>157</sup>

A similar scenario could aid district courts in their attempts to eradicate docket backlog. Without the radical changes required for establishing a full Rocket Docket, a court could simply create a "call list" of parties willing to have their cases heard on short notice. This alternative requires no evaluating of factors to determine whether a case is best suited for an accelerated review. The sole factor for consideration is whether the parties to the dispute wish to participate.

While the above two suggestions may serve to ease certain established courts into a new method of accelerated justice, they are inadequate surrogates for the implementation of Rocket Dockets into every federal district court.

## VI. CONCLUSION

In enacting the CJRA, Congress found that in order to identify, develop, and implement solutions to problems of cost and delay in civil litigation, "it is necessary to achieve a method of consultation so that individual judicial officers, litigants, and litigants' attorneys who have developed techniques for litigation management and cost and delay reduction can effectively and promptly communicate those techniques to all participants in the civil justice system."<sup>158</sup> This exercise is unnecessary. The federal judiciary need only look to one of its own and adopt the Eastern District of Virginia's techniques to eradicate, once and for all, the existence of judicial inefficiency and backlogged dockets.<sup>159</sup>

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with their lives." *Id.*

157. *See id.* (statement by Judge James Coachys of the Johnson County Superior Court).

158. Pub. L. 101-650, § 102(4), 104 Stat. 5089 (1990).

159. *See Thornburgh, supra* note 66, at 1088 (concluding that federal reform measures should "look to the rigorous case-management techniques employed by judges in the Eastern District of Virginia and their 'rocket-docket' approach that moves cases along at a very rapid rate and tolerates little delay").

The civil justice plan that the Eastern District adopted, in compliance with the CJRA, made no changes whatsoever to its existing procedures.<sup>160</sup> The introduction to the plan devised by the Eastern District's advisory group states that the court's existing procedures "have been most effective in controlling not only litigation expenses but also in reducing delays in our civil docket."<sup>161</sup> The report also concluded that the EDVA had no problem with undue expense or delay.<sup>162</sup> Consequently, the advisory group unanimously recommended that the Eastern District simply retain its current case management requirements encompassed in its local procedures.<sup>163</sup>

The path to federal court reform may not necessarily be that suggested by the CJRA, but instead may be simply to recognize and activate the role of judge as manager of civil litigation. The case management statistics of the EDVA<sup>164</sup> illustrate that, despite the growing burden of federal district caseloads, existing judicial resources *can* efficiently and effectively manage federal district dockets. The Eastern District of Virginia, with one of the heaviest civil and criminal caseloads in the nation, has no undue expense or delay with regard to the processing of those claims. Thus, it is difficult to conceive why so many federal

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160. See U.S. DIST. COURT FOR THE E. DIST. OF VA., CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLAN (1991) [hereinafter ADVISORY GROUP'S REPORT]; Tobias, *supra* note 18, at 98 (describing implementation of CJRA by Eastern District).

161. ADVISORY GROUP'S REPORT, *supra* note 160, at 1.

162. See *id.* at 2.

163. See *id.* The Eastern District's Advisory Group outright rejected the incorporation of any of the principles and guidelines prescribed by the CJRA. See 28 U.S.C. § 473 (outlining CJRA's recommended content of civil justice expense and delay reduction plans); ADVISORY GROUP'S REPORT, *supra* note 160, at 2. The group found the recommendations unnecessary because most already were embodied in the Eastern District's local rules of procedure. See *id.* Also, the group concluded that adopting the recommended alternative dispute resolution ("ADR") mechanisms, see 28 U.S.C. § 473(a)(6), would be counterproductive in the sense that they would increase cost or delay. See *id.* But see Tobias, *supra* note 18, at 99 (describing Eastern District's rejection of ADR techniques as "typical" and scrutinizing court's decision to institute none of the recommended changes because "it is difficult to believe that no beneficial modification could be instituted"). The advisory group found no "convincing evidence" that the use of ADR mechanisms would reduce expense or improve the quality of justice dispensed by the court. See ADVISORY GROUP'S REPORT, *supra* note 160, at 6-7. Additionally, the group determined that ADR rarely affects the time devoted to discovery—which the Eastern District felt is the major source of delay and cost—and affirmed that the availability of early, firm trial dates before Article III judges diminished the need for ADR. See *id.*

164. See *supra* Part III.

district dockets are hopelessly backlogged.<sup>165</sup> It is also curious why Congress did not look more towards the practices of the Eastern District and its progeny when crafting remedies for the national judicial “crisis.”<sup>166</sup>

The Eastern District of Virginia is the perfect model for other federal districts because, in many respects, it is an “average” federal district. Although the Federal Judicial Center historically has treated it as a metropolitan court,<sup>167</sup> it has characteristics of both large metropolitan and small rural courts due to its divisional structure. The Eastern District has managed to keep to its system of firm trial dates for more than thirty years, despite the fact that it encompasses the port city of Norfolk, the Washington, D.C. suburbs, and the Interstate 95 corridor cities of Richmond and Petersburg, which result in an abundance of drug cases as well as shipyard-related asbestos cases.<sup>168</sup> In short, aside from its extraordinary case management practices, and the fact that it has a very heavy caseload—including the third most criminal case filings in the nation<sup>169</sup>—the Eastern District is an average federal district court and, thus, an ideal archetype for all other district courts.

The Eastern District of Virginia employs vital practices that set it apart and above the rest. Foremost, the judges in the EDVA are committed to handling the district’s caseload fairly and expeditiously, and they have developed procedures—codified in their local rules—that reflect these essential objectives.<sup>170</sup> These include standing orders and procedures that specifically aim at reducing abuse of litigation tools and that encourage all parties to a suit to work together towards a common goal, justice. All of these practices depend on the judge’s early and continuous monitoring and intervening in civil cases, no matter

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165. See Appendix A (illustrating the time intervals required for federal courts to handle a case from filing to disposition).

166. See Dayton, *supra* note 6, at 488.

167. See *id.* at 451 (referencing STEVEN FLANDERS, FEDERAL JUDICIAL CENTER, CASE MANAGEMENT AND COURT MANAGEMENT IN UNITED STATES DISTRICT COURTS 2 (1977)).

168. See *id.* at 235 (discussing the broad range of demographics included in the Eastern District’s jurisdiction).

169. See *supra* Part III and notes 89-92.

170. See *supra* notes 44-88 and accompanying text (explaining local rules regarding motions, depositions, discovery, and sanctions).

how simple or complex.<sup>171</sup> The judges, rather than the lawyers, control the docket. Attorneys practicing in the Eastern District respect the court's doctrines and priorities and follow the rules with reverence. "The Eastern District, after all, does things the old-fashioned way—with justice, not the lawyers, center stage."<sup>172</sup>

In conclusion, the solution to the federal "crisis" is not in alternative dispute resolution or in other esoteric case management devices. The statistics speak for themselves. The key to reduced expense and delay in federal litigation is firm judicial control of the docket, as envisioned in Rule 16 of the Federal Rules of Civil Procedure and as carried out in the Eastern District of Virginia. The federal judiciary should stop "assessing" the conditions of their dockets and "identify[ing] trends in case filings,"<sup>173</sup> and they simply should begin developing local rules such as those of the Eastern District of Virginia and putting them into effect immediately.

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171. See *supra* notes 32-34 and accompanying text (discussing judge's role in pre-trial activities).

172. Gold, *supra* note 7, at 52.

173. 28 U.S.C. § 472(c)(1) (outlining the duties of advisory groups so that they may make expense and delay reduction plan recommendations).

**APPENDIX A**



**Table C-5. District Courts—Time Intervals From Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition, During the Twelve-Month Period Ended September 30, 1997**

Circuit and District	Total Cases												No Court Action												Court Action											
	Time Intervals in Months						Time Intervals in Months						Time Intervals in Months						Before Pretrial						During or After Pretrial						Trial					
	10 Pct. Less Than Median		Median		10 Pct. More Than		10 Pct. Less Than Median		Median		10 Pct. More Than		10 Pct. Less Than Median		Median		10 Pct. More Than		10 Pct. Less Than Median		Median		10 Pct. More Than		10 Pct. Less Than Median		Median		10 Pct. More Than							
	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases	Number of Cases						
TOTAL	187,185	2	8	23	34,307	1	6	20	126,767	1	7	21	19,875	5	13	29	6,235	0	18	39																
DC	2,114	1	7	25	588	1	6	25	1,386	1	6	24	69	3	12	27	71	9	17	50																
1ST	6,381	2	8	27	1,533	1	6	20	3,404	2	8	27	1,171	4	13	28	273	9	20	39																
ME	613	2	7	14	247	1	5	11	240	2	6	13	79	7	12	16	47	9	12	20																
MA	3,070	2	9	27	899	1	7	23	1,503	2	8	25	549	3	14	29	119	6	22	42																
NH	545	1	10	28	44	1	3	7	186	1	2	12	296	7	16	32	19	13	20	36																
RI	613	2	7	18	201	1	4	11	176	2	7	19	204	4	9	18	32	8	15	27																
PR	1,540	2	9	33	142	1	5	21	1,299	2	9	34	43	9	20	28	56	12	24	43																
2ND	19,003	2	10	35	4,802	2	9	32	10,534	1	7	32	3,048	5	15	41	618	9	25	53																
CT	2,323	3	12	39	1,489	2	12	36	708	3	12	39	18	9	17	32	108	13	32	61																
NY,N	1,203	3	14	37	187	2	7	21	662	2	11	35	294	9	20	52	60	13	24	51																
NY,E	5,371	2	9	33	1,195	2	6	26	3,145	2	9	31	883	6	16	39	148	15	28	55																
NY,S	8,657	2	9	35	1,855	3	11	35	4,804	1	5	31	1,739	5	14	40	259	8	19	47																
NY,W	1,098	2	11	36	26	1	3	8	935	2	10	32	110	7	22	54	25	16	31	60																
VT	353	1	9	24	50	1	8	21	280	1	9	23	5	5	5	5	18	13	20	29																
3RD	16,859	1	7	22	2,660	1	5	15	10,619	1	6	20	2,951	5	12	30	629	7	17	39																
DE	483	2	11	24	34	1	3	16	412	2	11	24	7	5	12	30	30	2	12	25																
NJ	5,809	1	7	25	690	1	4	10	2,817	1	5	17	2,145	5	13	32	157	4	24	44																
P.A.E	6,663	1	6	19	921	1	4	8	4,965	1	6	20	519	5	9	16	258	7	13	30																
P.A.M	1,212	1	9	21	80	1	2	10	865	1	7	21	98	10	14	23	69	9	15	29																
P.A.W	2,305	2	8	22	746	1	6	19	1,260	1	7	18	173	8	18	35	106	11	23	48																
VI	387	2	15	44	189	2	14	49	180	2	15	41	9	5	5	5	9	5	5	5																
4TH	14,796	2	7	19	2,765	1	5	15	9,907	2	6	18	1,524	5	11	23	600	7	14	28																
MD	3,098	1	6	19	585	2	6	15	2,135	1	5	17	272	6	13	26	105	9	19	32																
N.C.E	929	1	7	19	250	1	4	12	641	2	8	19	11	9	20	29	27	9	16	26																
N.C.M	611	2	9	20	167	1	5	15	281	2	8	20	149	7	12	20	14	5	10	26																
N.C.W	820	2	8	25	208	2	6	23	528	2	8	24	60	6	13	32	24	7	17	32																
SC	3,068	2	8	20	799	2	6	15	1,469	2	7	19	606	5	12	23	194	9	16	36																
V.A.E	2,800	1	5	11	394	1	3	7	1,869	1	5	12	289	3	7	11	138	5	10	14																
V.A.W	1,099	2	9	23	305	2	7	22	618	2	9	23	119	6	13	23	56	6	12	26																
W.V.N	544	2	8	23	16	1	3	16	507	2	8	23	7	5	5	5	14	5	12	26																
W.V.S	1,827	3	5	14	51	1	6	11	1,739	3	5	13	12	1	6	33	25	5	14	27																



Table C-5. (Continued)

Circuit and District	Total Cases						No Court Action						Court Action						Trial					
	Time Intervals in Months						Time Intervals in Months						Time Intervals in Months						Time Intervals in Months					
	10 Pct. Less Than	Median	More Than	10 Pct. Less Than	Median	More Than	Number of Cases	10 Pct. Less Than	Median	More Than	Number of Cases	10 Pct. Less Than	Median	More Than	Number of Cases	10 Pct. Less Than	Median	More Than	Number of Cases	10 Pct. Less Than	Median	More Than		
5TH	19,364	2	6	22	2,678	1	6	19	14,301	2	7	21	1,595	5	12	26	790	9	17	32				
LAE	3,010	2	6	20	67	1	2	18	2,125	1	7	35	16	6	13	28	145	9	17	33				
LAM	1,987	1	12	33	17	11	28	17	1,353	2	8	22	35	8	13	28	17	14	20	29				
LAW	1,914	3	10	24	386	2	8	23	1,327	2	9	22	210	9	18	29	103	9	18	38				
MEN	678	2	10	23	26	1	7	18	552	2	8	22	11	11	19	59	12	19	37					
MSN	1,496	2	6	20	759	1	7	18	622	2	9	18	15	4	14	42	92	7	15	36				
TX,N	3,378	1	7	25	244	7	26	955	2	6	22	248	5	9	20	80	4	15	23					
TX,E	1,527	2	6	22	415	2	7	19	3,273	2	7	19	287	2	10	21	127	9	18	30				
TX,S	4,102	2	7	20	789	1	6	16	1,329	1	7	20	50	6	12	32	104	7	14	23				
TX,W	2,272	1	7	20	789	1	6	16	1,329	1	7	20	50	6	12	32	104	7	14	23				
6TH	23,269	1	5	20	3,572	1	4	16	16,166	1	4	18	3,032	6	13	28	490	9	19	40				
KY,E	1,528	2	6	21	155	1	7	20	1,232	1	8	17	98	13	20	37	43	5	19	38				
KY,W	1,069	1	6	27	136	1	4	15	642	1	6	20	268	5	14	32	43	8	22	50				
MIL,E	4,588	2	7	18	1,853	1	3	13	1,256	2	7	15	1,399	7	13	23	80	9	18	43				
MIL,W	1,061	2	6	20	97	1	3	9	908	2	6	20	23	10	14	26	33	8	16	31				
OH,N	6,305	1	2	17	544	2	6	18	8,150	1	2	14	533	6	13	34	78	10	19	44				
OH,S	2,165	2	10	25	242	2	5	23	1,471	1	9	23	409	4	12	28	43	6	24	43				
TN,E	1,497	2	9	22	352	2	7	19	769	2	8	17	281	7	13	29	95	8	15	27				
TN,M	1,032	1	7	24	77	2	7	20	902	1	7	23	20	6	12	33	33	8	21	34				
TN,W	995	1	6	23	116	1	2	10	836	1	6	22	1				42	12	23	50				
7TH	14,301	1	6	21	2,743	1	5	18	9,139	1	5	19	2,011	4	11	26	408	8	20	46				
IL,N	7,693	1	5	20	1,594	1	6	20	5,042	1	4	17	892	4	10	28	175	8	23	52				
IL,C	854	2	7	28	178	1	10	25	624	2	5	23	15	22	40	64	37	13	30	61				
IL,S	924	2	6	21	87	1	4	14	781	2	7	19	25	12	21	38	31	16	23	40				
IN,N	1,327	2	9	20	89	1	4	12	537	1	5	14	663	5	12	23	39	11	16	25				
IN,S	1,862	2	9	23	332	1	6	19	1,314	2	8	23	182	8	15	27	34	10	18	35				
WI,E	1,048	1	7	24	364	1	3	14	620	1	9	24	11	3	21	30	53	13	21	44				
WI,W	593	1	4	11	59	1	2	3	221	1	3	10	233	3	7	11	40	5	9	13				
8TH	11,560	2	9	25	2,316	1	6	18	7,459	2	6	24	1,167	6	14	27	618	9	18	35				
AR,E	1,444	2	10	19	336	2	10	18	984	2	9	18	7				107	9	16	29				
AR,W	714	2	7	17	14	1	4	15	633	2	7	16	1				66	4	17	35				
IA,N	529	2	8	28	35	1	2	8	458	2	8	28	4				32	1	17	35				
IA,S	718	2	9	25	82	2	4	8	358	1	6	18	239	9	17	28	39	7	20	49				
IA,W	2,704	2	8	35	573	1	3	13	1,308	2	6	37	751	6	12	25	72	11	20	32				
MO,E	2,249	2	10	24	528	2	11	23	1,582	2	9	24	14	3	15	21	127	11	19	43				
MO,W	1,643	2	9	21	420	3	9	18	1,160	2	9	21	2				61	6	17	29				
NE	892	1	9	23	139	1	3	12	593	1	7	17	91	10	18	34	69	13	21	32				
ND	313	2	9	20	103	2	0	14	107	2	0	10	27	9	16	25	16	15	20	30				
SD	354	2	10	24	88	2	7	17	206	3	9	21	31	13	19	27	29	4	11	21				

Table C-5. (Continued)

Circuit and District	Total Cases						No Court Action						Court Action During or After Pretrial						Trial					
	Time Intervals in Months			Number of Cases	Time Intervals in Months			Number of Cases	Time Intervals in Months			Number of Cases	Time Intervals in Months			Number of Cases	Time Intervals in Months			Number of Cases	Time Intervals in Months			
	10 Pct. Less Than Median	10 Pct. More Than Median	10 Pct. More Than		10 Pct. Less Than Median	10 Pct. More Than	10 Pct. More Than		10 Pct. Less Than Median	10 Pct. More Than	10 Pct. More Than		10 Pct. Less Than Median	10 Pct. More Than	10 Pct. More Than		10 Pct. Less Than Median	10 Pct. More Than	10 Pct. More Than		10 Pct. Less Than Median	10 Pct. More Than	10 Pct. More Than	
9TH	26,985	1	7	21	7,144	2	7	20	18,770	1	7	20	454	8	17	34	618	10	20	41				
AK	445	2	8	28	39	1	5	27	390	2	9	27	8	-	-	-	6	-	-	-				
AZ	1,977	2	8	26	442	1	6	21	1,481	2	9	26	29	8	22	41	45	11	25	44				
CAN	4,443	2	7	24	1,880	2	8	23	2,443	1	6	22	12	17	19	41	99	11	22	47				
CAE	1,685	2	6	26	553	2	8	22	1,087	2	8	26	4	-	-	-	41	12	27	41				
CAC	8,282	1	6	16	2,514	1	7	18	5,583	2	5	17	65	7	19	34	150	8	19	40				
CAS	1,765	2	7	20	65	1	3	12	1,663	2	7	20	6	-	-	-	29	5	17	30				
HI	1,146	1	6	21	800	2	7	21	355	1	6	20	-	-	-	-	11	9	19	31				
ID	420	3	12	28	26	1	4	10	289	3	11	25	104	9	17	34	21	15	22	99				
IL	644	3	10	30	165	2	4	20	337	3	10	33	129	7	15	30	13	6	24	41				
IN	1,429	1	7	24	217	1	8	24	1,156	1	7	21	38	9	14	27	40	18	26	36				
IA	1,895	2	8	20	240	1	5	18	1,515	2	8	20	10	10	16	21	70	8	16	30				
WALE	454	2	7	17	59	2	4	13	380	2	8	16	6	-	-	-	10	12	13	20				
WA	2,387	1	8	17	111	1	4	14	2,173	1	8	17	28	8	13	20	77	12	16	21				
WV	68	1	7	19	8	-	-	-	58	1	7	19	-	-	-	-	2	-	-	-				
GUAM	55	1	6	14	17	1	1	5	19	1	6	16	17	3	9	13	2	-	-	-				
NMI	55	1	6	14	17	1	1	5	19	1	6	16	17	3	9	13	2	-	-	-				
10TH	9,921	2	8	23	1,159	1	4	13	6,813	2	8	23	1,507	4	10	23	443	8	15	33				
CO	2,317	2	8	26	76	1	4	10	1,927	2	7	23	204	7	18	47	110	10	21	45				
KS	1,436	2	8	20	372	2	5	15	837	2	7	18	156	9	14	30	71	9	18	32				
NM	1,590	2	9	24	164	1	4	13	1,123	2	9	25	247	5	11	22	58	11	15	29				
OKN	912	2	9	19	79	1	6	14	782	2	9	18	30	9	12	19	41	8	13	30				
OKE	532	1	6	13	150	1	4	9	289	2	6	14	65	5	6	10	28	6	8	13				
OKW	1,678	1	7	16	182	1	4	11	765	1	6	16	639	2	8	16	92	8	13	24				
UT	1,103	2	12	33	19	1	11	34	1,058	2	11	33	7	-	-	-	19	2	22	41				
WY	353	2	7	18	116	1	4	13	82	2	10	35	159	5	8	14	26	6	12	20				
11TH	22,631	2	9	22	2,348	1	5	16	18,260	2	9	22	1,546	6	13	24	677	9	19	37				
ALN	5,201	2	11	21	778	1	6	17	4,171	2	11	21	157	10	17	27	95	3	16	30				
ALM	1,302	1	7	18	29	1	5	14	1,117	1	6	16	95	8	13	22	61	11	19	46				
ALS	932	2	7	18	97	1	4	11	787	2	8	18	16	12	14	17	22	11	16	31				
FLN	800	2	8	22	94	2	6	17	675	2	8	23	6	-	-	-	25	13	26	40				
FLM	4,598	2	9	37	373	1	4	15	3,910	2	9	40	147	10	15	26	168	13	20	36				
FLS	4,936	1	7	22	276	1	7	20	4,586	1	7	21	7	-	-	-	67	12	20	41				
GAN	3,225	2	8	22	443	1	3	10	1,760	2	7	21	864	6	12	23	180	10	23	39				
GAM	767	3	12	33	163	2	5	12	553	3	13	35	7	-	-	-	44	5	22	35				
GA	870	2	7	20	95	1	5	12	671	2	6	21	47	9	13	20	57	9	14	28				

NOTE: TIME INTERVALS COMPUTED ONLY IF 10 OR MORE CASES. THIS TABLE EXCLUDES: LAND CONDEMNATIONS, PRISONER PETITIONS, AND DEPORTATION REVIEWS. INTERVALS SHOWN ARE FOR MEDIAN TIME AND FOR 10 PERCENT OF THE SLOWEST AND THE FASTEST CASES. FOR EXAMPLE, THE TIME INTERVAL OF THE FASTEST 10 PERCENT OF TOTAL CASES TERMINATED FOR THE NATION WAS LESS THAN 2 MONTHS; THE SLOWEST 10 PERCENT EXCEEDED 23 MONTHS.



**APPENDIX B**



**Table C.**  
**U.S. District Courts—Civil Cases Commenced, Terminated, and Pending**  
**During the Twelve-Month Periods Ended September 30, 1996 and 1997**

Circuit	F filings		Terminations		Pending		Percent Change
	1996	1997	1996	1997	1996 <sup>1</sup>	1997	
TOTAL	269,132	272,027	250,387	249,641	250,934	273,320	9.9
DC	2,850	3,003	2,834	2,784	2,664	2,883	6.2
1ST							
ME	7,088	7,694	7,295	7,311	7,311	7,710	5.5
MA	731	750	719	712	404	442	9.4
NH	3,326	3,542	3,633	3,454	3,467	3,555	2.5
RI	699	655	690	679	670	646	-3.6
PR	722	767	770	681	629	543	-11.6
	1,610	1,890	1,872	1,769	2,227	2,439	9.5
2ND							
CT	23,801	24,480	24,409	23,230	29,351	30,601	4.3
NY,N	2,820	2,851	2,810	2,877	3,989	3,973	-0.4
NY,E	2,102	1,910	1,939	1,969	3,062	3,003	-1.9
NY,S	6,356	7,397	5,995	6,183	7,872	9,086	15.4
NY,W	10,342	10,271	11,572	10,231	11,765	11,823	0.3
VT	1,548	1,595	1,652	1,529	2,212	2,278	3.0
	435	446	441	441	433	438	1.2
3RD							
DE	22,279	22,402	21,885	20,762	17,463	19,103	9.4
NJ	790	774	817	703	708	777	10.1
PA,E	6,398	6,514	6,693	6,521	5,755	5,748	-0.1
PA,W	9,126	9,400	8,631	8,093	5,844	7,161	22.5
PA,W	2,397	2,040	2,456	2,079	1,622	1,583	-2.4
VI	3,173	3,240	2,989	2,964	2,748	3,024	10.0
	405	434	299	412	788	810	2.8
4TH							
MD	20,189	20,784	20,920	20,659	14,819	14,734	-0.6
NC,E	4,393	4,443	4,376	4,307	3,248	3,394	4.2
NC,W	1,537	1,549	1,609	1,501	932	980	5.2
NC,W	1,067	1,274	1,090	1,088	749	935	24.8
SC	1,053	1,234	1,085	1,091	840	1,003	18.2
VA,E	3,908	4,045	4,392	3,905	3,168	3,306	4.4
VA,W	4,273	4,405	4,274	4,283	2,023	2,145	6.0
WV,N	2,112	1,851	2,161	1,858	1,392	1,407	1.8
WV,S	652	710	647	789	613	634	-12.9
	1,194	1,273	1,286	2,079	1,766	960	-45.9

Table C. (Continued)

Circuit	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996'	1997	Percent Change
5TH	39,064	34,032	-12.9	36,328	31,160	-14.2	36,630	39,502	7.8
L.A.E	4,050	3,895	-3.8	4,220	3,739	-11.4	2,821	3,077	5.3
L.A.M	7,643	1,210	-83.6	1,210	1,659	37.1	10,985	10,582	-3.7
L.A.W	2,928	2,660	-9.2	2,631	2,841	8.0	2,642	2,461	-6.9
M.S.N	1,271	1,181	-7.1	1,561	1,216	-22.1	1,153	1,118	-3.0
M.S.S	2,439	2,431	-0.3	2,310	2,330	0.9	2,029	2,130	5.0
T.X.N	6,086	5,739	-5.7	5,706	5,901	3.4	4,330	4,168	-3.8
T.X.E	4,185	6,183	47.4	3,337	3,934	17.9	3,789	6,038	59.4
T.X.S	6,951	7,009	0.8	12,126	6,042	-50.2	6,287	7,254	15.4
T.X.W	3,501	3,678	5.1	3,227	3,498	8.4	2,494	2,674	7.2
6TH	29,177	40,368	38.4	26,709	28,569	7.0	22,612	34,431	52.3
K.Y.E	2,086	2,212	10.8	2,084	1,893	-8.6	1,708	2,138	25.2
K.Y.W	1,344	1,635	5.9	1,665	1,526	-8.4	1,365	1,474	8.0
M.I.E	5,866	16,500	181.3	5,976	5,609	-1.2	4,321	15,212	252.0
M.I.W	1,813	1,871	3.2	1,794	1,731	-3.5	1,312	1,452	10.7
O.H.N	9,197	9,595	4.2	7,668	9,923	29.4	6,128	5,780	-5.5
O.H.S	3,076	3,137	2.0	2,556	2,712	6.1	3,281	3,708	13.0
T.N.E	2,276	2,193	-3.7	2,006	1,948	-2.9	1,923	2,168	12.7
T.N.M	1,632	1,850	1.1	1,669	1,840	1.7	1,347	1,357	0.7
T.N.W	1,685	1,504	-10.8	1,609	1,597	-0.8	1,227	1,194	-2.6
7TH	18,983	19,657	3.6	17,860	16,914	-5.9	15,277	16,020	4.9
I.L.N	8,701	9,580	10.1	7,992	8,890	11.7	7,050	7,700	9.2
I.L.C	1,395	1,408	1.7	1,369	1,393	1.8	1,221	1,236	1.2
I.L.S	1,469	1,511	2.9	1,426	1,529	7.2	1,299	1,281	-1.4
I.N.N	2,189	1,882	-14.0	1,967	1,918	-2.5	1,897	1,861	-1.9
I.N.S	2,663	2,988	12.2	2,584	2,850	10.3	2,362	2,500	5.8
W.I.E	1,507	1,409	-6.5	1,463	1,438	-1.7	1,138	1,109	-2.6
W.I.W	1,069	879	-17.8	1,059	856	-19.2	310	333	7.4
8TH	16,470	16,212	-1.6	15,983	16,247	1.7	14,155	14,120	-0.3
A.R.E	2,613	2,505	-4.1	2,396	2,429	1.4	2,233	2,309	3.4
A.R.W	1,063	1,088	0.5	1,004	941	-6.3	632	779	23.3
I.A.N	968	726	-24.8	975	781	-19.9	722	669	-7.4
I.A.S	1,203	1,164	-3.3	1,215	1,180	-2.1	1,063	1,037	-2.5
M.N	2,610	2,890	10.7	2,356	3,093	31.2	2,657	2,354	-7.9
M.O.E	3,084	2,929	-5.0	3,130	3,106	-0.8	3,069	2,982	-2.6
M.O.W	2,730	3,008	10.2	2,728	2,831	3.6	2,205	2,465	12.7
N.E	1,263	1,105	-12.5	1,174	1,174	-3.4	962	883	-7.2
N.D	329	332	0.9	343	336	-2.1	285	281	-1.4
S.D	587	463	-21.1	516	489	-5.1	427	421	-1.4

Table C. (Continued)

Circuit	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996 <sup>1</sup>	1997	Percent Change
9TH	39,808	38,934	-2.2	37,422	36,663	-2.0	33,164	35,435	6.9
AK	563	635	12.8	782	595	-23.9	670	710	6.0
AZ	3,989	3,522	-11.7	3,383	3,383	0.0	3,884	4,023	3.6
CALN	5,833	5,900	1.1	5,425	5,879	8.4	5,240	5,261	0.4
CALC	3,578	3,544	-1.0	3,278	3,134	-4.4	3,887	4,277	10.6
CALC	10,599	11,029	4.1	10,318	10,027	-2.8	7,361	6,363	-13.6
CAS	3,498	2,550	-27.1	2,300	2,677	16.4	2,899	2,771	-4.4
HI	1,117	1,840	64.7	1,073	1,297	20.9	987	1,510	52.2
ID	614	627	2.1	587	583	-0.7	694	738	6.3
MT	756	680	-10.1	714	774	8.4	920	828	-10.2
NV	2,129	2,481	16.5	2,128	2,103	-1.2	1,878	2,258	20.1
OR	2,545	2,399	-5.7	2,657	2,405	-9.5	1,899	1,893	-0.3
WALE	1,031	659	-36.2	863	786	-9.9	850	522	-19.7
WAW	3,397	2,922	-13.7	3,347	2,972	-11.2	2,112	2,162	2.4
GUAM	114	82	-28.1	127	93	-26.8	84	73	-13.1
NMI	54	65	20.4	56	55	-1.8	40	50	25.0
10TH	12,821	12,533	-2.3	12,548	12,941	3.1	11,513	11,105	-3.6
CO	3,157	2,921	-7.5	3,021	3,068	1.6	2,912	2,765	-5.1
KS	2,012	2,032	1.0	2,041	2,033	-0.4	1,744	1,743	-0.1
NM	1,838	1,822	-0.9	1,784	1,980	11.0	1,643	1,643	-0.8
OKN	1,238	1,256	1.5	1,337	1,155	-13.8	1,007	1,108	10.0
OKE	691	765	10.7	593	751	26.8	501	515	2.8
OKW	2,310	2,174	-5.9	2,279	2,188	-4.1	1,459	1,448	-0.8
UT	1,143	1,171	2.4	1,147	1,335	16.4	1,616	1,492	-8.2
WY	432	392	-9.3	356	433	21.6	474	433	-8.7
11TH	36,592	31,908	-12.6	26,005	30,207	16.2	45,975	47,676	3.7
ALN	12,228	4,978	-59.3	4,131	6,044	46.3	24,168	23,102	-4.4
ALM	1,929	1,871	-3.0	1,721	1,833	6.5	1,471	1,433	-2.7
ALS	1,274	1,251	-1.8	1,197	1,214	1.4	1,134	1,097	-3.4
FLN	1,978	1,621	-18.1	1,737	1,681	-3.2	1,738	1,679	-3.5
FLM	5,975	7,125	19.2	5,481	6,397	16.7	6,495	5,757	-12.6
FLS	6,293	7,361	17.0	6,287	6,397	1.8	5,572	6,646	19.3
GAN	4,184	4,877	16.6	3,980	4,243	6.6	3,429	4,063	18.5
GAM	1,398	1,576	12.9	1,193	1,274	6.8	1,784	2,098	16.9
GAS	1,245	1,248	0.2	1,268	1,234	-2.7	997	1,011	1.4

NOTE: PENDING CASES EXCLUDE ASBESTOS CASES TRANSFERRED TO PAE UNDER ORDER 975 OF THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.  
<sup>1</sup>REVISED.





**APPENDIX C**



**Table C-3.  
U.S. District Courts—Civil Cases Commenced, by Nature of Suit and District,  
During the Twelve-Month Period Ended September 30, 1997**

Circuit and District	U.S. Cases													All Other		
	Total Civil Cases	Total U.S. Civil	Contract	Real Property	Tort Actions	Antitrust	Civil Rights	Motions to Vacate Sentence	Prisoner Petitions	Mandamus and Other	Forfeitures and Penalties	Labor Suits	Social Security		Tax Suits	
TOTAL	272,027	60,004	12,764	2,780	3,324	28	2,917	11,675	1,922	974	401	2,394	624	13,605	2,272	4,364
DC	3,003	1,597	382	11	64	12	287	126	33	169	32	26	14	14	15	412
1ST	7,694	2,178	330	347	143	-	101	412	54	26	6	89	37	373	43	215
ME	750	181	17	51	9	-	7	39	-	-	-	14	4	26	6	8
MA	3,542	899	225	43	61	-	59	149	37	18	2	32	29	84	19	141
NH	655	150	14	1	16	-	6	31	2	1	-	4	-	47	13	14
RI	767	158	15	2	11	-	9	56	5	4	2	10	-	19	4	21
PR	1,960	790	59	250	46	-	20	137	10	5	2	29	3	187	1	31
2ND	24,480	4,872	1,279	177	322	4	213	787	133	65	94	228	76	997	159	337
CT	2,861	536	188	41	48	-	23	72	5	1	-	9	14	78	23	34
NY,N	1,910	330	57	3	31	-	14	47	2	2	2	32	10	104	6	20
NY,E	7,397	2,037	723	53	129	1	61	255	35	12	81	78	17	427	71	94
NY,S	10,271	1,414	189	20	86	1	99	337	83	47	10	46	25	268	46	157
NY,W	1,595	427	111	40	24	2	15	41	8	4	1	55	8	87	9	22
VT	446	128	11	20	4	-	1	35	-	-	-	8	2	33	4	10
3RD	22,402	3,974	698	166	303	1	164	724	166	106	15	135	61	1,057	125	281
DE	774	120	22	-	15	-	3	33	-	-	-	7	-	13	17	10
NJ	6,514	1,309	301	25	128	-	56	168	40	7	2	65	14	341	61	103
PA,E	9,400	1,033	183	25	101	-	56	299	4	1	4	13	19	237	20	71
PA,M	2,040	577	41	35	27	-	17	102	104	88	9	10	6	105	12	21
PA,W	3,240	855	145	69	23	1	31	101	8	10	-	38	12	371	14	32
VI	434	80	6	4	9	-	1	23	10	-	-	2	-	1	1	24
4TH	20,784	5,805	685	447	485	-	234	1,593	95	67	32	206	34	1,489	146	282
MD	4,443	888	32	9	276	-	71	179	10	6	3	48	9	128	50	79
NC,E	1,549	572	107	6	22	-	15	168	22	16	19	5	3	90	21	33
NC,M	1,274	574	74	1	7	-	10	302	-	2	1	10	3	133	10	13
NC,W	1,234	404	43	1	11	-	13	184	4	1	1	20	3	108	7	8
SC	4,045	1,193	243	403	49	-	22	148	6	3	-	22	2	259	10	28
VA,E	4,405	744	68	14	88	-	69	309	5	6	4	28	4	49	33	67
VA,W	1,851	613	30	3	7	-	11	130	25	2	-	13	6	345	3	33
VA,W	710	225	37	8	10	-	6	50	21	24	3	4	-	46	3	13
VA,W,S	1,273	582	51	2	15	-	17	125	2	7	1	5	2	333	4	18

Table C-3. (Continued)

Circuit and District	Privato Cases										Prisoner Petitions				Copyright Patent Trademark	Labor Suite	All Other
	Total Privato Civil Cases	Contract	Real Property	FELA**	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury	Other Tort Actions	Annuity	Civil Rights	Habeas Corpus	Civil Rights*	Mandamus and Other				
TOTAL	212,023	28,082	2,693	1,825	2,271	4,869	41,896	4,004	570	40,361	19,956	27,661	397	7,538	14,384	14,018	
DC	1,406	180	10	4	-	40	161	28	2	420	35	172	1	57	163	133	
1ST	5,516	1,055	112	16	106	203	998	103	22	1,038	222	299	5	285	443	597	
ME	369	86	6	4	14	36	164	18	-	114	21	45	-	14	20	25	
MA	2,643	558	30	10	57	74	292	50	12	444	124	145	4	174	286	383	
NH	505	91	5	1	1	20	82	17	5	122	33	46	-	22	35	35	
RI	609	123	8	3	7	18	121	8	1	129	20	13	-	40	51	67	
PR	1,190	207	61	-	27	55	339	10	4	229	24	50	1	35	61	87	
2ND	19,608	3,468	154	225	165	673	1,892	451	63	3,767	1,708	1,757	24	1,145	2,055	2,041	
CT	2,325	439	25	40	8	57	183	178	3	589	58	311	1	79	140	214	
NY,N	1,580	120	11	41	3	36	99	17	4	335	196	433	2	43	135	100	
NY,E	5,360	646	46	73	33	302	689	59	25	891	680	140	17	234	719	706	
NY,S	8,857	2,087	55	64	118	233	732	171	24	1,557	579	678	3	748	951	857	
NY,W	1,168	119	8	6	3	22	120	15	4	262	179	169	1	32	98	130	
VT	318	57	9	1	-	23	69	11	3	53	16	21	-	9	12	34	
3RD	18,428	3,134	160	588	139	755	3,593	395	69	3,227	1,237	1,770	9	626	1,493	1,325	
DE	654	68	1	1	2	25	31	8	1	132	62	147	3	88	31	54	
NJ	5,205	1,110	38	83	60	228	636	248	19	947	252	275	-	289	531	489	
PA,E	8,367	1,361	62	328	40	353	2,484	83	24	1,350	485	687	3	160	488	429	
PALM	1,463	201	8	27	1	82	174	20	3	267	175	316	2	29	79	79	
PA,W	2,385	320	16	146	32	57	205	29	22	502	243	329	-	60	261	163	
VI	354	74	35	1	4	10	63	7	-	29	10	6	1	-	3	111	
4TH	14,979	2,096	79	74	92	596	2,156	244	55	2,572	1,461	2,813	56	478	1,191	895	
MD	3,545	487	19	34	16	161	360	55	5	634	387	576	32	98	359	312	
NC,E	977	159	1	1	12	21	96	13	3	200	123	201	-	50	26	71	
NC,M	700	75	3	2	-	9	80	7	1	154	121	108	-	61	36	43	
NC,W	830	112	3	1	-	12	108	10	1	233	59	113	-	45	56	77	
SC	2,852	430	17	8	26	198	544	42	4	533	291	444	8	41	171	95	
VA,E	3,661	468	16	3	35	82	524	53	39	489	341	789	14	148	371	279	
VA,W	1,238	99	8	15	-	42	243	16	2	153	100	399	-	20	76	65	
VA,W	465	92	4	-	1	35	84	7	-	66	20	117	1	8	26	24	
WV,S	681	174	8	10	2	36	117	41	-	100	29	66	1	8	70	29	

Table C-3. (Continued)

Circuit and District	Total Civil Cases	U.S. Cases														
		Total U.S. Civil	Contract	Real Property	Tort Actions	Antitrust	Civil Rights	Prisoner Petitions			Mandamus and Other	Forfeitures and Penalties	Labor Suite	Social Security	Tax Suits	All Other
								Motions to Vacate Sentence	Habeas Corpus	Civil Rights*						
6TH	34,032	5,684	1,203	170	329	3	274	1,474	334	93	26	265	39	962	162	369
LAE	3,895	591	136	9	56		34	103	10	3	6	23	4	104	16	53
LAM	1,256	152	37	28	12		7	8	3	1		2		36	5	13
LAW	2,660	629	161	47	40		17	54	75	22	5	1		175	9	22
LSN	1,181	164	30	25	9		4	44	2			8	1	30	11	11
MSS	2,431	408	151	25	30		13	60	2			28	5	75	4	15
TXN	5,739	1,004	103	8	29	2	85	301	127	30	8	38	14	159	37	57
TXE	6,183	392	30	2	14		7	137	10	3		17	2	119	6	45
TXS	7,009	1,211	310	7	42		51	391	36	14	7	84	8	132	38	93
TXW	3,678	1,163	239	19	97	1	56	370	69	22		55	4	132	39	60
6TH	40,388	7,717	2,515	262	226		248	1,011	100	60	5	241	69	2,499	180	311
KVE	2,313	1,254	52	128	16		12	74	52	30	2	7	1	832	8	40
KVW	1,635	404	58	58	23		12	62	2			4	3	158	7	29
MIE	16,500	2,634	1,740	15	42		58	249	13		1	55	18	316	41	86
MIW	1,871	412	80	6	19		16	88				17	4	144	9	29
OHN	9,585	1,024	205	15	53		52	181	4	4		30	21	376	30	43
OHS	3,137	624	104	14	30		36	79	5	1		37	9	239	26	44
TNE	2,193	662	92	8	18		28	106	3			26	5	348	12	18
TNW	1,650	302	81	11	13		10	53				29	7	52	36	10
TNW	1,504	401	103	7	12		24	119	21	15	2	36	1	36	11	14
7TH	19,657	3,314	705	252	162	1	145	734	120	60	20	143	55	561	101	255
ILN	9,580	1,121	268	21	81		80	228	39	14	11	44	28	107	45	157
ILC	1,408	395	80	52	14		8	94	21			22	5	70	11	18
ILS	1,511	364	51	42	17		6	132	15	22	1	12	4	42	5	15
INS	1,882	308	78	55	7		11	53				1	3	71	11	18
INS	2,988	621	114	53	21	1	25	91	22	18	8	24	12	189	12	31
WIE	1,409	323	74	9	16		6	106	1			20	2	69	9	11
WIW	879	184	42	20	6		9	30	22	6		20	1	13	8	7
8TH	16,212	4,766	891	301	173		183	789	99	35	8	145	36	1,812	97	228
ARL	2,505	802	110	110	18		23	56	1	1	1	10	2	592	6	23
ARW	1,088	401	42	59	5		9	29				9	2	238	4	4
IAN	728	232	14	14	3		4	59				6	2	80	5	6
IAS	1,164	391	47	25	14		8	84	1			17	6	162	8	22
MN	2,890	735	280	11	26		43	112	37	9		26	4	117	22	38
MOE	2,929	640	154	2	36		45	149	6	6	1	43	7	147	12	32
MOW	3,008	877	86	2	25		22	182	49	16	8	21	7	390	18	73
NE	1,105	302	105	18	14		19	66	4			9	4	27	15	21
ND	332	155	33	41	12		3	11	1			2	1	35	4	12
SD	463	141	21	19	20		7	31		3		2	1	24	3	10

Table C-3. (Continued)

Circuit and District	Private Cases										Civil Rights	Habeas Corpus	Prisoner Petitions		Copyright Patent Trademark	Labor Suits	All Other
	Total Civil Cases	Contract	Real Property	FELA**	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury	Other Tort Actions	Anti/Intrust	Civil Rights			Habeas Corpus	Civil Rights*			
5TH	28,346	3,689	184	74	250	829	5,532	512	42	4,061	3,235	6,095	45	570	1,117	1,593	
LA.E	3,334	584	20	10	462	138	526	144	3	398	311	368	7	46	112	205	
LA.M	1,104	94	10	1	32	22	163	21	-	149	85	309	4	15	53	146	
LA.W	2,031	211	14	1	166	88	330	46	6	320	215	410	1	19	102	102	
MS.N	1,017	127	9	-	2	55	115	18	1	280	90	256	-	7	34	23	
MS.S	2,023	383	32	-	9	110	322	50	2	339	145	441	-	10	69	111	
TX.N	4,735	682	32	5	1	47	357	57	6	730	793	1,278	12	187	226	342	
TX.E	5,791	228	16	12	16	56	2,986	27	4	304	480	1,459	11	26	87	71	
TX.S	5,798	1,034	39	40	161	65	684	111	15	947	736	1,062	9	184	293	418	
TX.W	2,515	377	12	5	1	48	159	38	5	594	381	512	1	76	141	185	
6TH	32,671	2,125	124	204	52	497	18,002	316	27	3,765	1,810	2,315	22	562	1,608	1,822	
KY.E	1,059	163	13	36	5	72	200	19	88	130	2	21	2	62	82	68	
KY.W	1,231	179	6	11	9	41	212	19	2	242	105	226	5	16	89	69	
MI.E	13,868	568	31	46	18	32	10,675	43	8	657	460	325	4	172	495	332	
MI.W	1,459	123	5	7	1	7	108	15	3	255	251	438	4	55	102	85	
OH.N	8,561	392	29	91	9	122	5,957	68	3	768	296	116	3	120	371	218	
OH.S	2,513	251	10	23	4	63	319	71	5	723	311	259	2	67	239	166	
TX.E	1,531	168	20	67	1	61	309	28	2	288	98	240	-	55	92	82	
TX.M	1,348	142	7	-	2	35	105	37	3	324	117	323	2	41	110	98	
TX.W	1,703	139	3	3	2	44	117	16	1	328	84	258	-	15	48	43	
7TH	16,343	1,802	1,318	213	50	271	11,191	217	45	3,843	1,452	1,853	24	612	2,030	1,282	
IL.N	8,459	1,011	1,264	131	21	72	400	131	23	1,620	406	614	13	394	1,338	821	
IL.C	1,013	85	9	7	1	17	55	11	3	232	100	256	2	17	99	139	
IL.S	1,147	94	11	32	22	44	186	12	-	181	101	272	2	10	122	56	
IN.N	1,576	139	10	10	-	58	132	9	-	497	244	201	-	26	183	67	
IN.S	2,367	240	15	30	4	51	271	28	5	645	350	413	6	50	160	99	
WI.E	1,066	131	6	2	1	14	86	17	9	318	162	109	1	68	87	75	
WI.W	695	122	3	1	1	15	61	9	5	150	89	118	-	47	41	33	
8TH	11,446	1,281	52	78	26	324	11,147	282	31	3,113	1,498	1,710	79	343	791	692	
AR.E	1,603	129	4	8	1	55	120	37	1	510	198	374	51	17	51	47	
AR.W	687	83	5	8	1	40	94	11	-	170	27	147	-	9	52	30	
IA.N	496	65	4	2	-	12	30	7	1	118	64	112	-	9	38	34	
IA.S	783	76	2	10	1	18	47	13	1	190	101	213	8	13	44	46	
MN	2,155	317	12	25	4	23	300	118	10	647	114	32	4	145	210	184	
MO.E	2,289	213	7	-	14	76	243	39	6	810	467	219	4	62	195	134	
MO.W	2,131	156	6	1	3	39	194	34	8	475	471	438	8	51	144	103	
NE	803	135	8	16	2	25	46	14	1	309	38	109	1	25	29	54	
ND	177	47	4	4	-	9	30	1	1	27	4	5	1	8	15	21	
SD	322	46	-	4	-	27	43	8	2	66	14	63	1	4	13	29	

Table C-3. (Continued)

Circuit and District	U.S. Cases															
	Total Civil Cases	Total U.S. Civil	Contract	Real Property	Tort Actions	Antitrust	Civil Rights	Motions to Vacate Sentence	Habeas Corpus	Prisoner Petitions	Mandamus and Other	Forfeitures and Penalties	Labor Suits	Social Security	Tax Suits	All Other
9TH	38,834	9,056	1,742	241	720	2	527	1,466	199	46	104	460	138	1,376	999	1,046
AK	635	151	32	11	19	-	8	28	4	-	-	10	3	4	7	24
AZ	3,522	645	139	11	70	-	37	131	-	2	-	45	8	91	38	73
CAN	5,900	1,149	303	15	97	-	99	101	23	10	6	38	26	159	70	202
CAE	3,544	805	161	39	77	-	46	191	5	-	-	29	9	152	33	63
CAC	11,029	3,292	778	52	164	-	121	161	120	10	8	379	53	483	660	303
CAS	2,550	713	57	2	85	-	69	183	16	10	21	74	9	72	47	68
HI	1,840	244	81	17	26	-	18	40	5	1	-	8	1	3	17	28
ID	627	147	11	23	12	-	10	30	-	2	-	4	3	21	6	25
MT	680	234	21	30	24	-	10	34	3	1	1	5	-	69	5	31
NV	2,481	358	54	4	28	-	22	77	12	1	1	25	4	9	41	82
OR	2,399	564	34	13	31	2	35	132	8	4	65	19	3	139	28	53
WAE	658	192	23	10	25	-	9	37	-	-	-	13	-	53	9	13
WA,W	2,922	509	30	10	61	-	38	89	3	3	-	25	13	121	39	77
GUAM	82	37	9	1	1	-	2	14	-	1	1	2	-	-	1	5
NMI	65	26	9	3	2	-	3	-	-	-	-	2	6	-	-	1
10TH	12,533	3,564	511	257	144	1	227	536	220	128	14	110	22	969	145	280
CO	2,921	694	61	26	32	-	97	70	121	65	9	30	7	71	44	61
KS	2,032	592	124	47	13	-	24	101	65	57	5	16	3	92	9	38
NM	1,822	585	51	16	39	-	40	85	-	-	-	16	5	276	11	46
OK,N	1,256	451	65	28	10	-	9	77	-	1	-	19	3	206	12	23
OK,E	765	286	39	20	8	1	4	36	1	-	-	19	-	150	3	5
OK,W	2,174	613	133	105	21	-	30	82	32	4	-	2	2	135	25	42
UT	1,171	268	35	15	17	-	18	61	1	1	-	8	2	31	37	42
WY	392	75	3	2	4	-	5	24	-	-	-	-	-	8	4	25
11TH	31,908	7,467	1,813	157	253	4	334	2,054	348	106	45	345	53	1,486	110	358
AL,N	4,978	512	84	8	23	-	39	4	12	5	1	19	11	274	9	23
AL,M	1,871	271	54	3	12	-	18	52	2	-	-	19	1	104	1	5
AL,S	1,251	391	68	2	6	-	6	140	-	-	-	17	2	127	2	21
FL,N	1,621	556	69	69	20	1	13	201	45	12	5	16	2	88	5	11
FL,M	7,125	1,637	334	13	63	1	69	459	55	9	8	86	10	394	41	75
FL,S	7,361	2,385	816	36	69	2	82	770	177	35	13	84	17	95	40	149
GA,N	4,877	1,031	270	20	33	-	51	222	44	37	16	65	6	210	9	48
GA,M	1,576	366	80	6	12	-	15	93	-	-	-	19	2	126	2	10
GA,S	1,248	318	38	1	15	-	21	113	14	8	1	20	2	68	1	16



Table C-3. (Continued)

Circuit and District	Private Cases										Copyright Patent Trademark	Labor Suits	All Other			
	Total Private Civil Cases	Contract	Real Property	FELA**	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury	Other Tort Actions	Antitrust	Civil Rights				Hobbs Corpus Rights*	Mandamus and Other	
9TH	29,868	4,504	225	113	677	253	1,893	448	116	6,326	3,813	4,385	68	1,955	2,435	2,747
AK	464	98	11	-	44	5	74	7	4	48	98	38	1	1	26	37
AZ	2,877	337	7	3	3	24	168	33	5	584	477	726	11	113	102	284
CA,N	4,751	661	22	2	35	18	218	76	39	1,048	513	684	11	437	512	475
CA,E	2,739	248	15	11	3	13	101	23	5	563	431	953	1	54	144	174
C,A,C	7,737	1,513	77	46	29	33	414	113	36	1,097	1,285	497	5	910	848	844
C,A,S	1,837	324	15	1	15	5	154	18	8	368	235	271	8	149	73	193
HI	1,596	147	18	-	186	10	83	24	1	868	25	60	-	17	90	67
ID	480	81	6	1	2	15	43	16	2	79	79	76	-	17	24	39
MT	446	76	6	6	-	28	96	17	1	83	34	23	-	12	28	36
NV	2,123	293	18	-	3	24	115	35	4	429	179	614	4	58	94	253
OR	1,655	263	15	2	21	44	163	38	6	537	214	172	24	62	184	100
WA,E	466	94	4	6	1	11	56	5	-	96	67	102	1	11	26	26
WA,W	2,413	394	10	35	333	23	124	38	5	516	184	161	1	111	271	207
GUAM	45	8	-	-	2	-	3	3	-	7	2	8	-	1	-	9
NMI	39	7	1	-	-	-	1	2	-	13	-	-	-	1	11	3
10TH	8,959	1,285	117	83	3	242	1,097	150	30	2,462	1,010	975	20	275	489	731
CO	2,227	299	27	46	-	24	193	28	10	692	130	244	6	117	144	267
KS	1,440	188	16	7	-	49	224	26	5	387	125	217	1	37	91	67
NM	1,237	145	7	14	2	31	141	23	1	472	130	98	-	19	47	107
OK,N	805	161	10	-	-	11	90	11	1	195	138	71	1	12	44	60
OK,E	479	44	5	9	-	36	60	9	1	85	113	78	-	4	14	21
OK,W	1,561	228	43	-	-	48	199	31	2	327	316	160	11	27	64	105
UT	903	165	6	2	1	22	138	18	8	218	27	77	77	1	55	71
WY	317	55	3	5	-	21	52	4	2	86	31	30	-	4	14	10
11TH	24,441	3,444	158	73	111	386	4,304	856	68	5,747	2,454	3,387	45	627	1,159	1,620
AL,N	4,466	477	79	8	1	48	1,716	208	2	890	173	489	-	19	210	136
AL,M	1,600	323	3	2	-	48	109	167	5	366	138	290	1	5	54	69
AL,S	860	193	11	2	26	14	98	68	3	181	61	115	1	4	29	54
FL,N	1,065	112	4	3	6	10	70	13	23	200	206	330	2	8	32	46
FL,M	5,488	779	18	7	23	44	766	51	10	1,340	897	719	20	158	233	403
FL,S	4,976	990	14	-	50	32	422	96	18	1,316	428	450	8	267	350	535
GA,N	3,846	390	9	3	-	110	514	229	7	1,064	322	581	11	147	177	282
GA,M	1,210	88	10	2	-	43	436	10	-	208	142	202	2	12	18	37
GA,S	930	92	10	46	5	37	173	16	-	162	87	201	-	7	38	58

\*\* THIS CATEGORY INCLUDES PRISON CONDITION CASES  
\* \* FELA = FEDERAL EMPLOYERS LIABILITY ACT

**APPENDIX D**



**Table D.  
U.S. District Courts—Criminal Cases Commenced, Terminated, and Pending  
During the Twelve-Month Periods Ended September 30, 1996 and 1997**

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
<b>TOTAL</b>	47,689	50,363	5.2	45,498	46,887	3.1	32,156	35,632	10.8
DC	546	662	21.2	440	562	27.7	508	608	19.7
1ST	1,159	1,034	-10.8	1,140	1,024	-10.2	1,183	1,193	.8
ME	155	138	-11.0	134	154	14.9	88	72	-18.2
MA	384	352	-8.3	345	357	4.1	416	411	-1.2
NH	136	145	6.6	134	140	4.5	181	168	-2.8
RI	96	99	3.1	108	104	-3.7	200	195	-2.5
PR	388	300	-22.7	419	269	-35.8	299	329	10.4
2ND	3,400	3,541	4.1	3,003	3,130	4.2	5,245	5,656	7.8
CT	229	229	.	190	222	16.8	206	213	3.4
NY,N	494	501	1.4	459	451	-1.7	260	310	19.2
NY,E	1,103	1,108	.5	1,078	1,143	6.0	1,456	1,421	-2.4
NY,S <sup>1</sup>	1,151	1,252	8.8	888	900	1.4	2,911	3,263	12.1
NY,W	322	362	12.4	289	323	8.0	309	347	12.7
VT	101	89	-11.9	89	91	2.2	104	102	-1.9
3RD	2,620	2,460	-6.1	2,380	2,300	-3.4	1,930	2,090	8.3
DE	99	120	21.2	78	89	14.1	71	102	43.7
NJ	806	822	1.5	841	870	3.4	741	793	7.0
PA,E	625	638	2.1	597	594	-.5	578	622	7.6
PA,M	329	300	-8.8	323	282	-14.0	215	233	8.4
PA,W	258	254	-1.6	238	249	4.6	157	162	3.2
VI	373	226	-39.4	298	216	-27.5	168	178	6.0
4TH	5,494	6,106	11.1	5,528	5,667	2.5	2,604	3,043	16.9
MD	488	548	12.3	457	449	-1.8	438	537	22.6
NC,E	812	767	-5.5	786	789	-.9	241	219	-9.1
NC,M	260	291	11.9	284	277	-2.5	169	182	8.3
NC,W	311	354	13.8	318	318	0.0	314	350	11.5
SC	548	649	18.4	560	640	14.3	448	457	2.0
VA,E	2,553	2,873	13.4	2,462	2,632	6.9	584	825	41.3
VA,W	230	285	23.9	252	240	-4.8	202	247	22.3
WA,W	107	132	23.4	124	128	3.2	87	91	4.6
WV,S	205	207	1.0	211	194	-8.1	122	135	10.7

Table D. Cases (Continued)

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1988	1997	Percent Change	1996*	1997	Percent Change
5TH	5,859	6,941	18.3	5,518	6,457	14.9	3,225	3,709	15.0
LA,E	285	276	-2.5	292	241	-17.5	168	205	22.0
LA,M	103	116	14.6	80	113	41.3	63	68	7.9
LA,W	313	289	-4.5	290	246	-12.1	198	251	25.8
MS,N	119	127	6.7	130	141	8.5	81	67	-17.3
MS,S	224	227	1.3	228	188	-17.5	122	161	32.0
TX,N	698	772	10.9	664	790	19.0	492	492	-3.5
TX,E	384	401	4.4	373	348	-6.7	218	271	24.3
TX,S	1,849	1,814	-1.9	1,687	1,776	5.3	941	979	4.0
TX,W	2,096	2,905	38.6	1,904	2,614	37.3	924	1,215	31.5
6TH	3,294	3,232	-1.9	3,256	3,121	-4.1	2,326	2,439	4.8
KY,E	322	318	-1.2	300	309	3.0	201	210	4.5
KY,W	545	541	-0.7	544	578	6.3	271	234	-13.7
MI,E	673	623	-7.4	606	545	-10.1	584	662	13.4
MILW	242	208	-14.0	224	231	3.1	146	123	-15.8
OH,N	436	421	-3.4	465	445	-4.5	287	263	-8.4
OH,S	358	328	-8.4	341	322	-5.6	246	252	2.4
TR,E	271	295	8.9	349	239	-31.5	165	221	33.9
TR,M	152	156	2.6	128	149	16.4	130	130	5.7
TR,W	295	342	15.9	308	303	-1.6	305	344	12.8
7TH	1,668	1,629	-2.2	1,742	1,568	-10.0	1,133	1,194	5.4
IL,N	499	473	-5.2	469	463	-1.3	463	453	-2.2
IL,C	244	241	-1.2	251	246	-2.0	148	143	-3.4
IL,S	195	173	-11.3	216	207	-4.2	145	111	-23.4
IN,N	189	219	15.9	205	175	-13.7	138	182	31.9
IN,S	230	183	-20.9	260	170	-34.6	88	111	26.1
WI,E	238	223	-6.3	221	216	-2.3	124	131	5.6
WI,W	71	107	50.7	90	71	-21.1	27	63	133.3
8TH	2,683	2,645	-1.4	2,571	2,409	-6.3	1,501	1,737	15.7
AR,E	293	242	-17.4	249	238	-4.4	174	178	2.3
AR,W	147	119	-19.0	142	125	-12.0	51	45	-11.8
IA,N	259	160	-38.2	248	155	-37.5	125	130	4.0
IA,S	161	160	-0.6	178	152	-14.6	104	112	7.7
MN	258	314	21.7	232	277	19.4	171	208	21.6
MO,E	409	494	20.8	433	434	0.2	270	286	5.9
MO,W	301	273	-9.3	260	291	11.9	254	236	-7.1
NE	246	304	23.6	253	222	-12.3	154	236	53.2
ND	208	164	-21.2	183	150	-18.0	84	84	0.0
SD	401	415	3.5	383	362	-5.5	185	238	28.6

Table D. Cases (Continued)

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
<b>9TH</b>	12,071	12,584	4.2	11,853	11,853	4.7	6,881	7,612	10.6
AK	139	160	30.4	125	125	-16.1	60	115	91.7
AZ	1,665	2,028	20.4	1,965	1,965	30.6	823	869	7.2
CAN	798	732	-8.3	799	718	-10.1	623	637	2.2
CAE	853	940	8.9	743	766	3.1	589	742	30.6
CAC	1,348	1,264	-6.2	1,168	1,018	-12.8	1,246	1,482	19.7
CAS	2,608	3,312	27.0	2,665	3,337	25.2	986	981	-2.5
HI	1,146	1,292	12.7	1,032	1,032	12.8	635	895	40.9
ID	114	104	-8.8	103	109	5.8	70	65	-7.1
MT	421	434	3.1	364	378	3.8	248	304	22.6
NV	343	285	-14.0	349	281	-19.5	274	288	5.1
OR	641	590	-8.0	604	624	3.3	347	347	-8.9
WALE	401	303	-24.4	338	318	-5.4	209	194	-7.2
WA,W	1,436	923	-35.7	1,495	1,039	-30.5	680	564	-17.1
GUAM	97	155	59.8	100	112	12.0	62	105	69.4
NMI	32	32	-	30	31	3.3	16	17	6.3
<b>10TH</b>	3,010	3,072	2.1	2,559	2,807	10.6	1,665	2,130	14.2
CO	607	542	-10.7	460	472	2.6	309	379	22.7
KS	299	349	16.7	301	302	.3	202	249	23.3
NM	958	982	2.5	757	879	16.1	749	852	13.8
OK,N	170	163	-1.2	166	165	-6	98	101	3.1
OK,E	60	67	11.7	60	70	16.7	35	32	-8.6
OK,W	465	467	-3.7	433	440	1.6	157	184	17.2
UT	320	377	17.8	257	369	43.6	271	271	3.0
WY	111	120	8.1	105	110	4.8	52	62	19.2
<b>11TH</b>	6,077	6,457	6.3	5,957	6,089	.5	3,753	4,231	12.5
AL,N	361	346	-4.2	323	323	-11.5	117	140	19.7
AL,M	193	231	19.7	199	195	-2.0	139	175	25.9
AL,S	226	235	4.0	216	204	-1.8	204	223	9.3
FL,N	276	295	6.9	255	264	3.1	189	220	16.4
FL,M	885	1,098	24.1	782	941	20.3	748	905	21.0
FL,S	1,540	1,371	-11.0	1,469	1,355	-7.8	1,684	1,700	1.0
GA,N	787	880	11.8	819	795	-2.9	339	424	25.1
GA,M	1,478	1,640	11.0	1,446	1,578	9.1	202	264	30.7
GA,S	331	361	9.1	401	322	-19.7	131	170	29.8

NOTE: PERCENT CHANGE COMPUTED ON 10 OR MORE CASES. PENDING TOTALS EXCLUDE EACH CASE IN WHICH THE DEFENDANT HAS BEEN A FUGITIVE SINCE BEFORE APRIL 1, 1998. HOWEVER, NO CASE WITH MULTIPLE DEFENDANTS WAS EXCLUDED UNLESS ALL DEFENDANTS IN THE CASE HAVE BEEN FUGITIVES SINCE BEFORE APRIL 1, 1998.  
 \*REVISED.  
 †PENDING CASE TOTALS INCLUDE SOME CASES IN WHICH ALL DEFENDANTS HAVE BEEN FUGITIVES SINCE BEFORE APRIL 1, 1998

**Table D.**  
**U.S. District Courts—Criminal Defendants Commenced, Terminated, and Pending**  
**During the Twelve-Month Periods Ended September 30, 1996 and 1997**

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
<b>TOTAL</b>	67,700	70,201	3.7	62,946	65,515	4.1	50,098	54,784	9.4
<b>DC</b>	687	607	17.5	553	710	28.4	654	751	14.0
<b>1ST</b>	1,850	1,915	-1.0	1,619	1,639	-9.9	2,059	2,334	13.4
ME	179	160	-10.6	158	179	13.3	153	94	-16.8
MA	665	633	-4.8	544	545	.2	728	816	12.1
NH	215	211	-1.9	176	212	20.5	292	291	-3
RI	124	135	8.9	156	137	-12.2	251	249	-.8
PR	767	776	1.2	785	566	-27.9	674	664	-1.5
<b>2ND</b>	5,108	5,321	4.2	4,558	4,792	5.1	6,410	6,939	8.3
CT	316	353	11.7	308	371	20.5	375	375	-4.8
NY,N	758	720	-5.0	617	665	7.8	527	582	10.4
NY,E	1,688	1,694	.4	1,697	1,731	2.0	2,326	2,289	-1.6
NY,S'	1,753	1,945	11.0	1,397	1,401	.3	4,472	5,016	12.2
NY,W	441	485	10.0	417	497	19.2	583	551	-2.1
VT	152	124	-18.4	122	127	4.1	147	144	-2.0
<b>3RD</b>	3,469	3,424	-1.3	3,318	3,194	-3.7	2,819	3,049	8.2
DE	130	157	20.8	108	122	13.0	63	118	42.2
NJ	1,212	1,163	-4.0	1,077	1,145	6.3	1,042	1,080	3.6
PA,E	973	1,012	4.0	1,019	940	-7.8	987	1,059	7.3
PA,M	424	402	-5.2	428	372	-13.1	299	329	10.0
PA,W	325	426	31.1	354	382	7.9	214	259	20.6
VI	405	244	-39.8	332	233	-29.8	194	205	5.7
<b>4TH</b>	7,526	8,358	11.1	7,449	7,771	4.3	4,278	4,855	13.7
MD	693	761	9.8	619	641	3.6	665	785	18.0
NC,E	1,073	955	-11.0	1,050	1,025	-2.4	397	327	-17.6
NC,M	387	417	7.8	442	392	-11.3	236	261	10.6
NC,W	630	759	20.5	753	634	-15.8	640	765	19.5
SC	1,044	1,124	7.7	993	1,148	15.6	857	833	-2.8
VA,E	2,636	3,240	22.6	2,683	2,961	10.4	776	1,055	36.0
VA,W	388	567	46.1	402	492	22.4	386	473	18.8
WA,N	211	209	-.9	205	208	1.5	151	152	.7
WV,S	264	326	23.5	302	270	-10.6	156	214	35.4

Table D. Defendants (Continued)

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
<b>5TH</b>	9,935	10,056	12.5	9,656	9,530	11.0	6,247	6,773	10.0
L.A.E	532	494	-8.8	483	379	-2.2	379	392	3.4
L.A.M	112	128	14.3	95	118	24.2	65	75	15.4
L.A.W	468	453	-3.2	381	348	4.4	420	20.7	20.7
MS.N	177	174	-1.7	183	201	9.8	115	89	-23.5
MS.S	351	323	-8.0	350	273	-24.2	230	27.8	27.8
TX.N	1,215	1,289	5.8	1,201	1,289	8.2	856	643	-1.5
TX.E	633	653	4.7	630	584	-7.3	356	435	22.2
TX.S	2,848	2,870	8.5	2,807	2,807	0.0	1,578	1,641	4.0
TX.W	2,801	3,663	30.8	2,533	3,384	33.6	1,370	1,649	20.4
<b>6TH</b>	4,994	4,912	-1.6	4,741	4,667	-1.6	3,782	4,007	6.5
KY.E	433	393	-9.2	398	270	-5	265	265	-1.9
KY.W	665	649	-2.4	623	715	14.8	380	314	-17.4
MI.E	1,143	1,051	-8.0	1,051	925	-10.3	1,052	1,178	12.0
MI.W	400	376	-6.0	371	371	-	220	225	2.3
OH.N	717	682	-4.9	663	706	6.5	497	473	-4.8
OH.S	538	458	-14.9	468	468	-4.1	397	-2.5	-2.5
OH.S	411	535	30.2	507	388	-23.5	258	405	57.0
TN.E	227	282	15.4	177	226	27.7	214	214	20.2
TN.M	480	508	10.0	485	470	-3.1	510	546	7.1
<b>7TH</b>	2,502	2,409	-3.7	2,572	2,222	-13.6	1,769	1,948	10.6
IL.N	845	820	-3.0	729	719	-1.4	778	660	13.0
IL.C	317	291	-8.2	323	304	-5.9	194	181	-6.7
IL.S	325	279	-14.2	398	317	-20.4	225	187	-16.9
IN.N	259	312	20.5	345	218	-38.8	193	287	48.7
IN.S	275	286	4.0	335	245	-26.9	127	168	32.3
WI.E	378	285	-25.9	320	303	-3.4	186	152	-22.4
WI.W	103	156	51.5	122	110	-9.8	45	91	102.2
<b>8TH</b>	3,779	3,737	-1.1	3,578	3,486	-3.1	2,222	2,493	12.2
AR.E	441	391	-11.3	350	390	11.4	264	265	.4
AR.W	181	138	-23.8	171	143	-16.4	61	56	-8.2
IA.N	322	233	-27.6	300	224	-25.3	174	183	5.2
IA.S	254	241	-5.1	260	229	-11.9	162	174	7.4
MN	412	493	19.7	397	431	11.4	263	325	23.6
MO.E	539	678	25.8	616	583	-5.4	297	392	32.0
MO.W	547	443	-18.0	444	539	21.4	470	374	-20.4
NE	323	410	26.9	328	305	-7.0	214	319	49.1
ND	276	186	-29.2	259	186	-28.2	96	106	10.4
SD	484	514	6.2	463	436	-5.8	221	299	35.3



Table D. Defendants (Continued)

Circuit and District	Filings			Terminations			Pending		
	1996	1997	Percent Change	1996	1997	Percent Change	1996*	1997	Percent Change
9TH	15,646	15,894	1.6	14,004	14,915	5.8	9,736	10,817	11.1
AK	172	223	28.7	176	157	-10.8	79	145	83.5
AZ	2,229	2,578	15.7	1,932	2,470	27.8	1,199	1,307	9.0
CAN	1,216	1,066	-10.7	1,028	975	-5.2	1,071	1,182	10.4
CAE	1,231	1,344	9.2	978	1,066	8.6	864	1,142	32.2
CAC	1,970	1,895	-3.8	1,638	1,575	-7.2	1,878	2,198	17.0
CAS	3,226	3,910	21.2	3,173	3,912	23.3	1,324	1,322	-2
HI	1,228	1,392	13.4	981	1,122	14.4	713	883	23.9
ID	181	148	-18.2	148	155	4.7	111	104	-6.3
MT	590	608	3.1	490	536	9.4	376	448	19.1
NV	672	407	-39.4	530	478	-9.8	594	523	-12.0
OR	750	728	-2.9	717	725	1.1	474	477	.6
WAE	401	306	-23.7	335	318	-5.4	209	197	-5.7
WA,W	1,614	1,632	1.1	1,663	1,151	-30.8	759	640	-15.7
GUAM	126	198	57.1	119	139	16.8	68	127	86.8
NMI	40	39	-2.5	37	36	-2.7	19	22	15.8
10TH	3,997	4,127	3.3	3,241	3,786	16.8	2,547	2,888	13.4
CO	816	768	-5.9	601	664	10.5	425	549	28.2
KS	427	500	17.1	394	442	12.2	286	344	20.3
NM	1,280	1,292	.9	967	1,190	23.1	982	1,064	10.4
OK,N	244	248	1.6	235	231	-1.7	-129	146	13.2
OK,E	82	117	42.7	88	102	15.9	42	57	35.7
OK,W	570	575	.9	488	538	10.2	222	259	16.7
UT	418	450	7.7	335	458	36.7	379	371	-2.1
WY	160	157	-1.9	133	161	21.1	82	78	-4.9
11TH	9,107	9,241	1.5	8,527	9,923	16.3	6,604	9,922	50.1
AL,N	596	514	-13.8	545	534	-2.0	242	222	-8.3
AL,M	305	316	3.6	288	317	10.1	224	223	-.4
AL,S	466	483	3.6	471	462	-1.9	380	401	5.5
FL,N	437	475	8.7	411	425	3.4	292	342	17.1
FL,M	1,472	1,670	13.5	1,332	1,516	13.8	1,264	1,418	12.2
FL,S	2,659	2,153	-19.0	2,385	2,304	-3.3	3,048	2,897	-5.0
GA,N	1,146	1,250	9.1	1,108	1,152	4.0	611	709	16.0
GA,M	1,598	1,819	13.8	1,523	1,722	13.1	327	424	28.7
GA,S	429	561	31.1	504	491	-2.6	216	285	32.4

NOTE: PERCENT CHANGE COMPUTED ON 10 OR MORE CASES. PENDING TOTALS EXCLUDE DEFENDANTS WHO HAVE BEEN FUGITIVES SINCE BEFORE APRIL 1, 1998.

\*REVISED

\* PENDING DEFENDANT TOTALS INCLUDE SOME DEFENDANTS WHO HAVE BEEN FUGITIVES SINCE BEFORE APRIL 1, 1998

**APPENDIX E**



**Table C-4A.**  
**U.S. District Courts—Civil Cases Terminated, by District and Action Taken,**  
**During the Twelve-Month Period Ended September 30, 1997**

Circuit and District	Total	No Court Action	Court Action						Total	During or After Trial			Percent Reaching Trial
			Total	Before Pretrial	After Pretrial	During or After Pretrial	Total	Nonjury		Jury			
											20,620	2,802	
<b>TOTAL</b>	<b>249,336</b>	<b>38,548</b>	<b>210,791</b>	<b>182,812</b>	<b>20,620</b>	<b>7,359</b>	<b>2,802</b>	<b>4,657</b>	<b>3.0</b>				
<b>DC</b>	<b>2,778</b>	<b>728</b>	<b>2,050</b>	<b>1,901</b>	<b>72</b>	<b>77</b>	<b>36</b>	<b>41</b>	<b>2.8</b>				
<b>1ST</b>	<b>7,393</b>	<b>1,874</b>	<b>5,519</b>	<b>4,128</b>	<b>1,310</b>	<b>281</b>	<b>85</b>	<b>188</b>	<b>3.9</b>				
ME	711	267	444	316	81	47	13	34	6.6				
MA	3,454	884	2,470	1,782	565	123	52	71	3.6				
NH	879	57	628	283	6	20	2	14	2.9				
RI	680	206	474	235	206	33	12	21	4.9				
PR	1,769	168	1,603	1,502	43	58	12	46	3.3				
<b>2ND</b>	<b>23,225</b>	<b>6,397</b>	<b>17,828</b>	<b>13,918</b>	<b>3,229</b>	<b>681</b>	<b>200</b>	<b>481</b>	<b>2.9</b>				
CT	2,875	1,842	1,033	901	19	113	29	84	3.9				
NYN	1,989	213	1,756	1,356	308	82	21	61	4.2				
NYE	6,183	1,382	4,881	3,789	941	151	52	99	2.4				
NY-S	10,228	1,953	8,275	6,169	1,828	278	83	195	2.7				
NYW	1,629	30	1,499	1,332	128	39	15	24	2.6				
VT	441	57	384	361	5	18	.	18	4.1				
<b>3RD</b>	<b>20,752</b>	<b>2,753</b>	<b>17,999</b>	<b>14,273</b>	<b>3,025</b>	<b>701</b>	<b>209</b>	<b>492</b>	<b>3.4</b>				
DE	703	34	669	623	9	37	11	26	5.3				
NJ	6,520	703	5,817	3,438	2,214	165	80	85	2.5				
PAE	8,080	925	7,155	6,351	520	284	65	219	3.5				
PAM	2,078	80	1,998	1,807	89	83	18	65	4.0				
PAW	2,959	807	2,152	1,854	175	123	33	90	4.2				
VI	412	194	218	200	9	9	2	7	2.2				
<b>4TH</b>	<b>20,829</b>	<b>3,242</b>	<b>17,587</b>	<b>15,315</b>	<b>1,557</b>	<b>845</b>	<b>215</b>	<b>430</b>	<b>3.1</b>				
MD	4,295	671	3,624	3,225	264	115	48	67	2.7				
NCE	1,501	264	1,237	1,186	12	29	9	20	1.9				
NCM	1,088	168	920	757	149	14	4	10	1.3				
NCW	1,085	213	872	787	60	25	5	20	2.3				
SC	3,903	824	3,079	2,256	619	205	57	148	5.3				
VAE	4,281	432	3,849	3,405	268	148	62	86	3.5				
VAM	1,822	559	1,263	1,075	118	70	22	48	3.8				
WVN	778	48	732	711	7	14	.	14	1.8				
WV-S	2,076	65	2,011	1,973	13	25	8	17	1.2				

Table C-4A. (Continued)

Circuit and District	Total	No Court Action	Court Action				During or After Trial			Percent Reaching Trial
			Total	Before Pretrial	During or After Pretrial	Total	Nonjury	Jury		
<b>5TH</b>	31,105	3,513	27,592	24,805	1,690	1,097	502	595	3.5	
LA,E	3,724	103	3,621	2,747	874	190	137	53	1.2	
LA,N	1,659	51	1,608	1,568	40	20	4	16	3.7	
LA,W	2,930	440	2,390	2,173	113	104	42	62	7.7	
MS,N	1,207	76	1,131	819	312	93	38	55	2.4	
MS,S	2,325	937	1,388	1,262	126	92	40	52	7.4	
TX,N	5,898	13	5,885	5,725	160	143	69	74	4.2	
TX,E	3,927	436	3,491	3,060	431	184	75	69	2.7	
TX,S	6,042	504	5,538	5,067	471	165	53	112	3.0	
TX,W	3,493	953	2,540	2,364	176	126	44	82	2.0	
<b>6TH</b>	28,509	3,901	24,608	20,888	3,166	574	192	382	2.5	
KY,E	1,876	164	1,712	1,568	100	48	13	33	3.0	
KY,W	1,524	143	1,381	1,284	97	45	6	39	1.6	
MI,E	5,605	2,002	3,603	2,098	1,415	90	26	64	2.4	
MI,W	1,729	118	1,611	1,547	23	41	18	23	0.8	
OH,N	9,917	555	9,361	8,708	569	84	52	32	1.8	
OH,S	2,709	249	2,460	1,872	439	107	29	78	5.5	
TN,E	1,934	385	1,549	1,154	288	107	29	78	3.2	
TN,M	1,627	87	1,540	1,462	26	52	15	37	3.8	
TN,W	1,588	197	1,391	1,329	2	60	17	43	2.7	
<b>7TH</b>	18,903	3,120	15,783	13,183	2,095	505	193	312	2.2	
IL,N	8,929	1,684	7,245	6,132	916	47	86	111	3.4	
IL,C	1,393	204	1,189	1,124	18	13	34	34	4.0	
IL,S	1,523	93	1,430	1,337	32	61	20	41	3.1	
IN,N	1,915	36	1,879	1,680	679	60	26	34	1.4	
IN,S	2,849	486	2,363	2,109	204	40	12	26	3.4	
WI,E	1,438	437	1,001	931	11	59	25	34	4.1	
WI,W	856	110	746	470	235	41	11	30	4.8	
<b>8TH</b>	16,229	2,516	13,713	11,591	1,203	929	488	481	9.8	
AR,E	2,429	379	2,050	1,806	7	237	159	79	13.8	
AR,W	941	14	927	796	1	190	78	52	9.5	
IA,N	781	37	744	666	4	74	49	25	6.7	
IA,S	1,187	91	1,096	764	253	79	47	32	2.3	
MN	3,083	566	2,487	1,661	764	172	17	55	4.6	
MO,E	3,104	562	2,542	2,384	16	142	36	106	2.5	
MO,W	2,728	508	2,220	2,149	2	69	11	58	6.9	
NE	1,174	139	1,035	856	98	81	40	41	4.8	
ND	338	104	232	189	27	16	4	12	6.2	
SD	468	98	370	310	31	29	8	21	6.2	

Table C-4A. (Continued)

Circuit and District	Total	No Court Action	Court Action					During or After Trial		Percent Reaching Trial
			Total	Before Pretrial	Owing or After Pretrial	Total	Nonjury	Jury		
9TH	36,631	7,707	28,924	27,776	475	673	300	373	1.8	
AK	585	50	545	529	8	8	6	2	1.3	
AZ	3,372	543	2,829	2,736	30	63	25	38	1.9	
CAN	5,978	1,971	3,979	3,792	12	103	46	57	1.8	
CAE	3,133	754	2,379	2,322	4	53	15	38	1.7	
CAC	10,022	2,557	7,465	7,243	68	158	84	72	1.6	
CAS	2,977	69	2,609	2,569	33	33	19	14	1.2	
HI	1,297	814	483	471	-	12	8	4	0.9	
ID	581	35	546	414	109	23	6	17	4.0	
MT	771	190	581	437	130	14	9	5	1.8	
NV	2,103	257	1,846	1,754	47	45	21	24	2.1	
OR	2,402	262	2,140	2,058	10	72	14	58	3.0	
WALE	782	64	718	701	7	10	9	1	1.3	
WAW	2,870	117	2,753	2,649	27	77	37	40	2.7	
GUAM	83	8	85	83	-	2	1	1	2.2	
NMI	55	17	38	19	17	2	-	2	3.6	
10TH	12,912	1,259	11,653	9,659	1,544	450	96	354	3.5	
CO	3,066	79	2,987	2,645	229	113	35	78	3.7	
KS	2,033	350	1,643	1,414	157	72	18	54	3.5	
NM	1,977	169	1,808	1,499	252	57	13	44	2.9	
OKN	1,152	80	1,072	1,000	30	42	8	34	3.6	
OKE	742	154	588	495	65	28	2	26	3.8	
OKW	2,184	219	1,965	1,228	645	92	7	85	4.2	
UT	1,335	22	1,313	1,268	7	20	7	13	1.5	
WY	423	146	277	92	159	26	6	20	6.1	
11TH	30,170	2,735	27,435	25,315	1,374	746	316	430	2.5	
ALN	6,030	1,008	5,022	4,757	158	107	66	21	1.8	
ALM	1,831	31	1,800	1,624	98	78	39	39	4.3	
ALS	1,214	97	1,117	1,077	17	23	8	15	1.9	
FLN	1,680	113	1,567	1,526	6	35	13	22	2.1	
FLM	6,394	304	6,010	5,691	147	172	51	121	2.7	
FLS	6,277	307	5,970	5,894	7	69	31	38	1.1	
GAN	4,236	476	3,760	2,729	888	145	58	87	3.4	
GAM	1,274	201	1,073	1,018	8	47	16	31	3.7	
GAS	1,234	118	1,116	899	47	70	14	58	5.7	

NOTE: LAND CONDEMNATION CASES OMITTED



**APPENDIX F**





**Table D-3.  
U.S. District Courts—Criminal Cases Commenced, by Offense and District (Excludes Transfers),  
During the Twelve-Month Period Ended September 30, 1997**

Circuit and District	Total	General Offenses								Weapons and Firearms
		Homicide	Robbery	Assault	Burglary	Larceny	Embezzlement	Fraud	Firearms	
<b>TOTAL</b>	<b>49,655</b>	<b>348</b>	<b>1,453</b>	<b>527</b>	<b>70</b>	<b>3,299</b>	<b>1,172</b>	<b>7,874</b>	<b>3,184</b>	
<b>DC</b>	<b>682</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>•</b>	<b>55</b>	<b>14</b>	<b>159</b>	<b>114</b>	
<b>1ST</b>										
ME	1,001	6	17	14	•	54	25	181	83	
MA	137	•	1	2	•	5	5	19	30	
NH	347	2	12	7	•	30	12	88	25	
RH	143	•	1	2	•	7	•	23	7	
RI	99	•	•	1	•	6	2	17	10	
PR	275	4	3	2	•	6	6	34	11	
<b>2ND</b>										
CT	3,404	8	50	20	•	160	87	984	219	
NY,N	222	1	5	•	•	8	9	64	38	
NY,E	496	•	5	8	•	24	15	120	14	
NY,S	1,089	6	11	6	•	37	13	260	53	
NY,W	1,232	1	9	19	•	53	38	418	81	
VT	357	•	18	2	•	35	10	103	20	
VT	88	•	2	•	•	3	2	19	13	
<b>3RD</b>										
DE	2,417	23	66	24	1	255	89	598	188	
NJ	120	•	3	2	•	15	5	37	17	
PA,E	911	2	25	4	•	149	27	227	43	
PA,M	628	2	17	7	•	40	32	162	70	
PA,W	292	2	11	7	•	29	9	78	18	
VI	242	•	8	1	1	15	15	76	12	
VI	226	17	2	3	•	7	1	18	8	
<b>4TH</b>										
MD	6,044	36	156	79	9	609	115	725	484	
NC,E	540	2	41	9	•	44	13	90	109	
NC,M	756	3	15	13	5	136	8	52	23	
NC,W	293	2	42	1	•	11	11	48	25	
SC	350	4	19	5	•	20	15	61	29	
VA,E	631	1	25	•	2	36	31	167	58	
VA,W	2,866	23	6	40	1	334	23	204	167	
VA,W	281	1	4	6	•	17	7	56	36	
WA,W	132	•	2	1	•	5	1	16	17	
WA,S	205	•	2	4	1	6	6	31	31	

Table D-3. Cases (Continued)

Circuit and District	General Offenses (Continued)						Special Offenses			Other
	Forgery and Counterfeiting	Drug Laws	Traffic	Escape	Other	Immigration Laws	Agricultural Acts	Postal Laws*		
TOTAL	1,156	13,656	4,974	697	2,520	6,677	267	165	1,726	
DC	84	185	.	3	18	10	.	6	19	
1ST	18	355	4	11	60	81	3	8	81	
ME	.	50	.	5	9	4	.	.	7	
MA	9	81	1	5	16	27	1	8	23	
NH	4	72	.	.	19	2	.	.	6	
RI	.	37	.	.	5	16	.	.	5	
PR	5	115	3	1	11	32	2	.	40	
2ND	75	1,014	67	31	248	317	1	30	164	
CT	2	47	.	1	16	10	.	.	21	
NY,N	6	83	65	3	20	116	1	2	14	
NY,E	29	471	.	6	75	53	.	5	64	
NY,S	30	282	2	18	110	117	.	21	39	
NY,W	4	103	.	1	22	16	.	2	21	
VT	4	28	.	2	5	5	.	.	5	
3RD	62	641	3	27	138	174	8	15	125	
DE	6	22	.	.	4	4	1	.	4	
NJ	25	278	.	8	51	11	4	6	51	
PA,E	18	162	2	8	46	24	2	3	31	
PA,M	5	79	1	6	17	6	1	3	18	
PA,W	8	69	.	3	12	1	.	3	18	
VI	.	31	.	.	8	128	.	.	3	
4TH	132	1,565	1,318	59	359	60	40	11	257	
MD	13	89	51	2	30	14	5	.	29	
NC,E	7	177	214	4	38	2	19	.	40	
NC,M	14	94	.	7	14	4	.	3	7	
NC,W	18	128	3	.	31	1	1	.	9	
SC	41	221	7	9	18	2	2	2	9	
VA,E	23	618	1,040	16	201	31	10	3	126	
VA,W	12	104	2	11	11	6	3	1	13	
WV,N	.	64	.	2	7	.	15	2	15	
WV,S	6	90	1	9	9	.	.	.	9	



Table D-3. Cases (Continued)

Circuit and District	Total	General Offenses										Weapons and Firearms
		Homicide	Robbery	Assault	Burglary	Larceny	Embezzlement	Fraud				
5TH	6,840	8	108	42	4	347	105	1,282	319			
LAE	271	1	12	3	-	21	10	53	28			
LAW	116	1	6	-	-	9	9	47	9			
LAW	284	-	1	2	-	85	15	45	14			
MSN	126	-	3	1	-	3	3	22	11			
MS S	221	1	9	1	-	11	11	45	11			
TN N	748	2	29	5	1	74	21	185	76			
TX E	393	2	7	5	-	15	2	50	54			
TX S	1,785	2	15	17	-	14	14	185	51			
TX, W	2,866	1	24	9	-	115	19	640	67			
6TH	3,184	9	160	20	5	398	180	578	310			
KY E	311	-	11	1	2	8	15	62	19			
KY, W	532	1	11	3	-	245	14	35	25			
MI E	612	-	35	5	1	22	38	103	101			
MI W	203	3	9	3	-	9	19	50	24			
OH N	418	-	32	1	-	25	50	129	36			
OH S	321	-	6	1	-	6	48	94	15			
TX E	294	2	20	1	1	14	9	32	30			
TN M	154	2	17	3	-	11	6	22	18			
TN W	339	1	19	2	1	18	13	52	42			
7TH	1,809	1	84	13	1	95	80	374	178			
IL N	470	-	45	3	-	27	37	163	30			
IL C	238	-	9	2	-	4	7	17	23			
IL S	171	-	4	-	-	9	4	15	18			
IN N	216	-	6	1	-	12	9	58	39			
IN S	189	-	2	2	-	8	5	43	28			
WI E	220	-	15	4	-	27	9	54	31			
WI, W	107	1	3	1	1	8	9	24	9			
8TH	2,614	80	98	63	22	103	88	444	263			
AR E	239	-	5	-	1	6	9	55	30			
AR, W	111	2	5	2	2	5	6	22	7			
IA N	159	-	4	-	-	2	3	20	25			
IA S	159	-	7	-	-	4	4	19	21			
MN	308	6	29	3	1	6	18	58	31			
MO E	463	1	18	4	-	16	14	109	62			
MO, W	270	2	7	1	-	17	13	53	33			
NE	301	1	10	4	-	23	6	32	16			
ND	163	13	4	14	1	6	3	23	19			
SD	413	35	8	34	17	18	14	43	19			

