

Beyond Caselaw

Finding Judicial, Statistical, and Administrative Information from the Courts

By Jan Bissett and Margi Heinen

Attorneys routinely rely on court information such as judicial opinions, updated court rules, and docket queries to prepare both for practice before the court and service to their clients. But much more information that may be of interest to legal researchers is generated by courts at the state and federal levels in the administration of their work. Judicial biographies, caseload statistics, and information on best practices can be useful for trial preparation and strategy as well as empirical research. This month's column will take a look at some of the resources and court-generated information other than dockets and opinions that can augment an attorney's arsenal. Our focus will be selected federal and state court judicial sources.

Judicial Profiles

Information requests about the practices of a specific judge or court are common in law libraries—all part of a litigator's due diligence. Judicial profiles may include biographical information, remarks and comments from attorneys who practiced before a specific judge, reversal rates, caseload statistics, and litigation history. Compiling this information often requires using multiple sources in both print and digital formats. A number of directories and websites can quickly provide a short judicial biography depending on jurisdiction.

Traditional directories such as *The American Bench: Judges of the Nation* or *Who's Who in American Law* as well as a court's website or database such as Biographical Directory of Federal Judges¹ can provide a judge's background. But comments from those who have practiced in a courtroom or have insight into a judge's preferred courtroom procedure may be particularly useful when preparing litigation strategy. The *Alma-*

nac of the Federal Judiciary,² with its comments from practitioners, and *Directory of Federal Court Guidelines*³ are two sources that provide this information for federal courts. Sources for state courts may be more difficult to find, although James Publishing's *California Courts and Judges*⁴ and *New York Judge Reviews and Court Directory*⁵ are two such compilations.

Don't ignore the legal newspapers—the *Daily Journal* (San Francisco and Los Angeles), *New Jersey Law Journal*, and *Lawyers Weekly* (Dolan Company) publications,⁶ including *Michigan Lawyers Weekly*, provide judicial profiles. While the *Daily Journal* columns are eventually compiled into a multi-volume reference including biographical and practitioners' comments, coverage in other legal newspapers varies. *Michigan Lawyers Weekly Judicial Profiles*, available to subscribers, provides information in the following categories: biographical, education, reported decisions/decisions reversed on appeal, articles about or quoting the judge, and professional legal employment history and affiliations. Articles and case summaries within the publication populate the profile, and coverage includes the state circuit, appeals, and supreme courts as well as Michigan federal district, appellate, and bankruptcy courts and magistrates. Not all categories are covered in each entry, and many entries provide contact information only. And in this digital age, websites such as The Robing Room⁷ and Robe Probe⁸ provide a forum for comments and ratings on judicial performance. Other likely sources of information may be local newspapers, bar associations, and election-related websites or campaign filings depending on judicial selection method.⁹ A last-ditch effort may include searching law-related discussion lists and blogs—keeping in mind that querying these sources may reveal more than you would like.

Judicial Reversal Rates

A frequently asked but difficult-to-answer statistical question regarding judges is, "What is this judge's reversal rate?" Part of the difficulty in coming up with a quick answer to this question is that finding all of a judge's rulings—published and unpublished—is not easy. Westlaw and WestlawNext offer judicial reports on federal judges and some state judges.¹⁰ (Note again the paucity of information concerning state-level judiciary.) These materials include Judicial Reversal Reports, but are based only on the information in Westlaw databases; a trial court judge must be named in an appellate opinion, and most state coverage, if available, starts in 2000.¹¹ In addition, these reports are expensive. Researchers can devise their own searches on Westlaw, Lexis, or other preferred databases to find the number of total decisions and the number reversed, but, again, cost is a factor. Bar associations and news organizations occasionally compile some data on reversal rates, especially before elections. Reversal rates of an individual federal judge may occasionally be the basis of law review articles, law school publications, and presentations.¹² Reversal rates of federal courts on the merits by topic and circuit (not by an individual judge) are available in the annual Judicial Business of the United States Courts.¹³ Blogs on specific federal circuits may also alert you to statistics of interest.

Court Statistics

Statistics and analysis about the United States Supreme Court and federal courts are readily available from the Judicial Conference of the United States' Administrative Office of the United States Courts¹⁴ and the Federal Judicial Center.¹⁵ When it comes to state court information, availability varies.

State court statistical compilations from associations such as the National Center for State Courts¹⁶ or criminal sentencing statistics or state court organization from the Bureau of Justice Statistics are easily accessible.¹⁷ Specific information about state trial courts may be difficult to locate. Statistical information is often found in courts' annual reports. In Michigan, the Statistical Supplements¹⁸ contain information, accessible by county, reported to the State Court Administrative Office. Caseload information—pending, new case, and reopened filings; case disposition; and age at disposition as well as delay in criminal proceedings and deficiencies in guardianship¹⁹—is included in these supplements. Many state agency annual reports are the basis for statistical compilations and databases such as Proquest Statistical Insight containing state court-specific data. If you don't have access to a statistical database, consult the recently published LLSDC *Law Library Lights* article, "Finding Data and Statistics on Judges," which includes an appendix of the web addresses and a brief description of state court statistical websites.²⁰

In contrast to some other state court websites, the Michigan Courts—One Court of Justice²¹ website is easily navigable. In addition to administrative orders of the Supreme Court, the website includes some administrative materials that can be hard to locate such as best practices, administrative memoranda, and trial court guidelines. And unlike a majority of websites, Michigan Courts links to important materials such as court forms from several tabs so practitioners and public users can quickly find them. Additionally, the Michigan Judicial Institute²² link from the Michigan Courts website provides a wealth of publications like the *Michigan Circuit Court Benchbook—Civil and Criminal*, *Traffic Benchbooks*, and *Sentencing Guidelines Manual* that not only describe the relevant procedure but cite to the statutory authority and significant caselaw impacting that proceeding. Although the Judicial Institute is primarily composed of materials for court employees, the benchbook publications and some of the employee resources like the *Handbook of Legal Terms* and the *Legal Advice* chart could be helpful to attorneys and laypersons who work with court personnel.

While caselaw is still the primary material coming from the judiciary, there is a wealth of additional information available from and about the courts that informs the practice of law. ■

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FOOTNOTES

1. Federal Judicial Center, *Biographical Directory of Federal Judges* <<http://www.fjc.gov/history/home.nsf/page/judges.html>>. All websites cited in this article were accessed October 19, 2012.
2. Aspen Publishers Editorial Staff, *Almanac of the Federal Judiciary* (Aspen Publishers, 2011).
3. Aspen Publishers Editorial Staff, *Directory of Federal Court Guidelines* (Aspen Publishers, 1996).
4. Thompson & Smith, *California Courts and Judges* (James Publishing, 1999).
5. Smith, *New York Judge Reviews and Court Directory* (James Publishing, 2008).
6. See The Dolan Company, *Company Web Sites* <<http://www.thedolancompany.com/webSites.htm>>.
7. The Robing Room <<http://www.therobingroom.com/>>.
8. RobeProbe.com <<http://www.robeprobe.com/>>.
9. See American Judicature Society, *Judicial Selection in the States* <<http://www.judicialselection.us/>>.
10. See Westlaw Quick Reference Guide, *Judicial Reversal Reports* <http://store.westlaw.com/westpromotions/litigation-content/pdf/WLNJudicialReversalReports_L353638.pdf>.
11. *Id.* at 1.
12. See, e.g., de Rohan Barondes, *Federal District Judge Gender and Reversals*, paper presentation at Yale Law School, Conference on Empirical Legal Studies, November 6, 2010.
13. United States Courts, *Judicial Business of the United States Courts* <<http://www.uscourts.gov/Statistics/JudicialBusiness.aspx#5>>.
14. United States Courts, *Statistics* <<http://www.uscourts.gov/Statistics.aspx>>.
15. Federal Judicial Center <<http://www.fjc.gov/>>.
16. Court Statistics Project, *Examining the Work of Our State Courts: An Analysis of 2009 State Court Caseloads* <<http://www.courtstatistics.org/>>.
17. See Bureau of Justice Statistics, *Data Collections: Courts* <<http://bjs.ojp.usdoj.gov/index.cfm?ty=dctp&tid=2>>.
18. Michigan Courts, *Statistical Supplements* <<http://courts.michigan.gov/education/stats/Caseload/Pages/statistical-supplements-archive.aspx>>.
19. Michigan Courts, *Caseload and Caseload Management* <<http://courts.michigan.gov/education/stats/reporting-materials/Pages/Caseload-and-Caseload-Management.aspx>>.
20. Street, *Finding Data and Statistics on Judges*, 53 *Law Library Lights* 5 (Summer 2010), available at <[http://www.llsdc.org/attachments/files/211/LLSDC%20Lights%20Summer%202010%20\(2\).pdf](http://www.llsdc.org/attachments/files/211/LLSDC%20Lights%20Summer%202010%20(2).pdf)>.
21. Michigan Courts—One Court of Justice <<http://courts.michigan.gov>>.
22. Michigan Courts, *Michigan Judicial Institute* <<http://courts.michigan.gov/mji/>>.