

# Seeking Best Practices Among Intermediate Courts of Appeal: A Nascent Journey

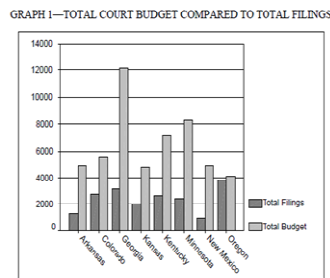


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**Introduction**—In 2006, a small group of appellate court judges, law school faculty, and law students formed the “Willamette Court Study Committee” to research whether there were identifiable “best practices” among intermediate courts of appeal. We did this by analyzing “court productivity” (the number of cases filed) and “court efficiency” (how quickly the cases were processed) in light of a variety of factors such as budgets, court staffing, court practices, etc.

**TABLE 1—TOTAL COURT PRODUCTIVITY**

	Ranking for Total Opinions	Total Opinions <sup>24</sup>	Variance from Mean	Total Filings <sup>25</sup>
NJ	1	3573	+2103	7043
MI	2	3409 <sup>26</sup>	+1939	7629
CO	3	1719	+249	2766
NC	4	1636	+166	Unreported
GA	5	1564 <sup>27</sup>	+94	3139
MN	6	1484	+14	2432
KY	7	1401	-69	2620
KS	8	1262	-208	1964
AR	9	829 <sup>28</sup>	-641	1322
NM	10	684	-786	907
OR	11	552 <sup>29</sup>	-918	3801



**TABLE 3—OVERALL COURT EFFICIENCY**

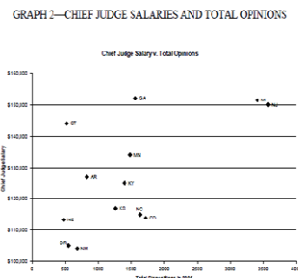
	Rank	Total Case Disposition Time (in days) <sup>34</sup>	Variance from Mean (427 days)	Variance from ABA Standard (280 days) <sup>35</sup>
MN	1	278	-149	-2
AR	2	300 <sup>35</sup>	-127	+20
NC	3	301	-126	+21
KS	4	332	-95	+52
NJ	5	442	+15	+162
NM	6	447	+20	+167
MI	7	449	+22	+169
CT	8	578	+151	+298
CO	9	720	+293	+440
		Mean: 427		

Georgia,<sup>37</sup> Kentucky, Nebraska, and Oregon did not report this data.

**Methodology**—The Willamette Court Study Committee identified 13 intermediate appellate courts with similar structure. The courts completed an online survey consisting of 42 narrative questions. Courts were also invited to identify factors they perceive to contribute to delays in case processing, as well as innovations the courts have implemented to promote efficiency. We combined this data with additional information we gathered from reliable sources regarding number of judges, judges’ salaries, etc. We then ranked the courts in most categories and utilized statistical analysis software to determine whether relationships lay beneath the surface of the survey data collected. Specifically, we conducted bivariate correlations investigating the relationships between variables using two-tailed Pearson product-moment correlation coefficients.

**TABLE 15—BUDGET PER CASE**

	Budget per Case <sup>38</sup>	Variance from the Mean
NM	\$5,402.43	+\$2,330.38
GA	\$3,867.46	+\$795.41
AR	\$3,674.17	+\$602.12
MN	\$3,424.01	+\$351.96
KY	\$2,717.99	-\$354.05
KS	\$2,427.69	-\$644.35
CO	\$1,984.01	-\$1,088.04
OR	\$1,078.66	-\$1,993.39
Mean: \$3,072.05		



**TABLE 17—PRODUCTIVITY PER JUDGE**

	Opinions per Judge <sup>35</sup>	Signed, Authored Opinions per Judge <sup>36</sup>
GA	130	130
MI	122	6
NC	109	109
CO	107	99
KS	105	
NJ	102	9
KY	100	100
MN	93	93
NE	80	
AR	69	68
NM	68	68
CT	58	
OR	55	40
Mean: 92		Mean: 75

**Conclusion**—Issues of efficiency seem to plague every court surveyed at every step of the appellate process. We determined that only one court met the American Bar Association Standard of 280 days for case processing; more than half the courts report exceeding the ABA Standard by more than 160 days. These issues of efficiency exist independent of the court’s level of productivity. Whether these issues are due to external factors (such as budget shortages affecting court reporters or public counsel) or internal factors (such as court culture or the productivity of individual judges), it is clear from the data collected that intermediate courts of appeal are being challenged to identify systems for improved performance in the face of limited resources.