THE UNITED STATES COURTS OF APPEALS DATA BASE

DOCUMENTATION for PHASE 1

A Multi User Data Base Created by a Grant from the National Science Foundation (SES-8912678)

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General Introduction

Following the initial proposal for the creation of an appeals court data base, the National Science Foundation funded a planning grant that created a committee of distinguished scholars from the law and courts community to design a data base that would serve the diverse needs of the law and social science community. The advisory committee brought together distinguished scholars from political science, sociology, and law who shared an interest in the systematic study of the federal courts.

After a year of development by the advisory board, a revised proposal was submitted to the National Science Foundation by Donald Songer to fund the creation of a multi-user data base consisting of data from a substantial sample of cases from 1925 to 1988. This proposal was funded with a grant from the NSF in 1989 and a new Board of Overseers was created. The new Board, consisting of Professor Gregory Caldeira (Ohio State), Professor Deborah Barrow (Auburn), Professor Micheal Giles (Emory), Professor Lawrence Friedman (Stanford Law School), Donna Stienstra (Federal Judicial Center), and Professor Neal Tate (North Texas), immediately began a year long process of re-examining the proposed design of the study and evaluating the results of the pre-tests of proposed coding instruments. As a result of Board deliberations, the data base project was divided into two phases. The first phase was to involve the coding of a random sample of cases from each circuit for each year for the period 1925 - 1988. The total size of this sample is 15,315 cases. The second phase of the data base was designed to code all the appeals court cases whose decisions were reviewed by the Supreme Court with a decision reported in a full opinion in United States Reports for the period covered by the Supreme Court Data Base, Phase I. This phase was expected to result in the coding of approximately 4,000 additional cases. When completed, it was anticipated that Phase 2 could be merged with the Supreme Court Data Base, enabling scholars to track changes in the nature of the issues and litigants as the case moved up the judicial hierarchy and examine cross-court voting alignments. Since the identity and vote of the district court judge who heard the case below will also be coded, this second data set will allow scholars to track a case thru 5 votes: the district court, the court of appeals, the cert vote in the Supreme Court, the conference vote, and the final Supreme Court vote on the merits.

The Appeals Court Data Base Project was designed to create an extensive data set to facilitate the empirical analysis of the votes of judges and the decisions of the United States Courts of Appeals. In order to increase its utility for a wide variety of
potential users, data on a broad range of variables of theoretical significance to public law scholars were coded. A major concern of the Board of Overseers appointed to advise the PI on the construction of the database was to insure the collection of data over a sufficiently long period of time to encourage significant longitudinal studies of trends over time in the courts. The paucity of such studies in the past was identified as one of the major weaknesses of recent scholarship. Thus, the data base was designed to code a random sample of cases for the period 1925 -1988. 1925 marks the beginning of an increased policy role for the courts of appeals brought about by the increase in the discretionary power of the Supreme Court over its docket and also marks the beginning of the second series of the Federal Reporter. The end date (1988) for Phase 1 was dictated by the availability of data at the time the original proposal was submitted. Subsequently, the National Science Foundation funded a proposal for Phase 3 of the Appeals Court Database to bring the database up to date through the end of 1996.

All three phases of The Appeals Court Data Base Project will be archived at the ICPSR. The second phase of the appeals court data base is expected to be archived at the ICPSR by late 1997. Phase 3 is expected to be archived in 1998. All of the 221 variables described for Phase 1 will be coded for each data set. Thus, each phase will include: a detailed coding of the nature of the issues presented; the statutory, constitutional, and procedural bases of the decision, the votes of the judges, and the nature of the litigants. The coding conventions employed in the collection of the data were designed to make comparisons to the Spaeth Supreme Court data base and the Carp district court data feasible, in addition to providing a wealth of information not available in either of these data bases. The variables included in the data base are divided into four sections: basic case characteristics, participants, issues, and judges and votes.

BASIC CASE CHARACTERISTICS

The first component, generally referred to as the "basic coding" includes a series of miscellaneous variables that provide basic descriptive information about each case and its legal history. Included in this series of variables are the decision date, case citation, first docket number, the number of docket numbers resolved in the opinion, length of the opinion, the procedural history of the case, the circuit, the district and state of origin, a code for the district court judge who heard the case below, the type of district court decision appealed, the citation of the decision below, the identity of any federal regulatory agency that made a prior decision, the decision of the appeals
court (e.g., affirmed, reversed, vacated), the number of dissents and concurrences, the number of amicus briefs filed, the nature of the counsel on each side, whether the case was reviewed by the Supreme Court, and whether the case involved a class action, cross appeals, or an en banc decision.

PARTICIPANTS

The appeals court data base includes a very detailed coding of the nature of the litigants in each case. First, litigants are categorized into seven basic types (natural persons, private business, non-profit groups or associations, federal government and its agencies, state governments and their agencies, units of local government, and fiduciaries or trustees). Then the number of appellants and the number of respondents falling into each of these categories is recorded. Each of the seven general categories is then broken down into a large number of specific categories. These codes for the detailed nature of the litigants are recorded for the first two appellants and the first two respondents. In addition, the data base matches the appellant and respondent to the plaintiff and defendant in the original action, indicates whether any of the formally listed litigants were intervenors, and indicates whether any of the original parties with actual substantive adverse interests are not listed among the formally named litigants.

ISSUES

Three types of variables are coded in order to capture the nature of the issues in the case. First, the appeals court data base includes a traditional categorization of issues that parallels the issue categories in the Spaeth Supreme Court Data Base (These variables are denoted as CASETYP1 and CASETYP2). These issues (casetypes) capture the nature of the dispute that led to the original suit. Eight general categories (criminal, civil rights, First Amendment, due process, privacy, labor relations, economic activity and regulation, and miscellaneous) are subdivided into a total of 220 specific issue categories. For example, specific categories include due process rights of prisoners, school desegregation, gender discrimination in employment, libel or defamation, obscenity, denial of fair hearing or notice in government employment disputes, abortion, right to die, union organizing, federal individual income tax, motor vehicle torts, insurance disputes, government regulation of securities, environmental regulation, admiralty - personal injury, eminent domain, and immigration.

For each of these traditional issues, the directionality of
the court's decision was recorded, using conventional definitions of directionality that are closely analogous to those in the Spaeth Supreme Court data base. For most, but not all issue categories, these will correspond to notions of "liberal" (coded as "3") and "conservative" (coded as "1") that are commonly used in the public law literature. For example, decisions supporting the position of the defendant in a criminal procedure case, the plaintiff who asserts a violation of her First Amendment rights, and the Secretary of Labor who sues a corporation for violation of child labor regulations are all coded as "3."

A second way to capture the issues in a case is the series of variables that are coded from the headnotes describing the West Topics and keynumbers at the beginning of each case. From these headnotes we coded the two most frequently cited: constitutional provisions, titles and sections of the US Code, federal rules of civil procedure, and the federal rules of criminal procedure. This coding should be useful for scholars interested in the application and interpretation of specific elements of law.

Finally, the issues in each case were coded from the standpoint of the judge who wrote the opinion. Each of the 69 variables in this section is phrased in terms of an issue question. For each variable, coders indicated whether or not the issue was discussed in the opinion. If the opinion discussed the issue, the resolution of the issue was also recorded (generally whether the issue was resolved in favor of the position of the appellant or the respondent). All issues discussed in the opinion were recorded (i.e., finding that a given issue was discussed did not preclude the conclusion that any other issue was discussed as well). The first set of variables recorded whether a series of threshold issues were addressed (e.g., standing, failure to state a claim, mootness, jurisdiction). Next, each case was coded for whether or not the opinion engaged in statutory construction, the interpretation of the Constitution, or the interpretation of court doctrine or circuit law. Following these preliminary variables, a long series of variables were recorded to capture whether the court dealt with each of a series of questions relating to civil and criminal procedure (e.g., was there prejudicial conduct by the prosecutor, was there a challenge to jury instructions, was there a challenge to the admissibility of evidence from a search and seizure, did the court rule on the sufficiency of evidence, was there an issue relating to the weight of evidence, was the validity of an injunction at issue, was there an issue relating to discovery procedures, was the application of the substantial evidence rule questioned, did the agency fail to develop an adequate record, were the parties in a diversity of citizenship case truly diverse).

JUDGES AND VOTES
The final section of the data set includes the identity of judges participating on the appeals court panel and the directionality of the vote of each judge on each casetype. A five digit code was created to identify every appeals court judge (including judges on senior status) and every district court judge who participated on an appeals court panel during the period of the data base. Judges from other courts (e.g., retired Supreme Court justices, judges of the Federal Circuit, judges of the Court of Customs and Patents Appeals) who served on appeals court panels are not coded and are treated as missing data. The judge codes for the appeals court data are structured so that the decisional data on each judge can be merged with the personal attribute and background data on each judge collected by Professors Barrow, Gryski, and Zuk at Auburn University.

The Appeals Court Data Base project represents a significant commitment of money by the Law and Social Sciences program of the NSF. From its conception it was designed to create a data base for the benefit of the entire constituency of the Law and Social Science program. The NSF anticipated that the data base created by this grant would be of tremendous benefit and interest to a very wide spectrum of our members. The Board of Overseers took special pains to insure that the project was designed in such a way that it would serve the interests of the widest group of scholars possible. The data base being created will arguably be the richest data base available to public law scholars anywhere in the world.

The data is archived at the ICPSR in three forms: an SPSS file, a SAS file, and an ASCII file (i.e., raw data). Users should select the format that will be easiest for them to utilize. In the variable list below, the acronym listed after the variable number represents the variable name as it appears in both the SPSS and SAS versions of the data. The ASCII file is provided in a fixed column, rectangular format with a logical record length of 609. The size of the data base in its ASCII version is slightly over ten megabytes. The column location of each variable in its ASCII format is provided in the detailed description of each variable that follows the variable list (Note that in the list below the variables are not listed in their column order).

Files Distributed

The complete data base will be available in three files:

<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAS2588.SD2</td>
<td>a SAS data file</td>
</tr>
<tr>
<td>DAT2588.asc</td>
<td>an ASCII raw data file</td>
</tr>
<tr>
<td>SPSS2588.sav</td>
<td>an SPSS data file</td>
</tr>
</tbody>
</table>
The documentation for the data base will be provided in a wordperfect 5.1 file, denoted as:

**DOCUMENT.DAT**

The word perfect file was produced with a "Courier" 12 point font.

The data presented in Appendix 5, the number of cases decided with published opinions for each circuit/year (i.e., the data to use for the weighting of variables for analysis) is provided in an ASCII (i.e., raw data) file called:

**CIRCYR.ASC**

**Sampling and Weighting**

The sampling for Phase 1 was designed to facilitate two important types of analyses which are largely absent from the literature on appellate courts in the United States. First, the sampling was designed to encourage longitudinal analyses of significant time periods. In addition, the data base was designed to encourage examination of similarities and differences among the circuits. The role of circuits as institutional features of the courts of appeals and the role of circuit law in shaping the decisions of the courts has received little prior attention. In order to achieve these goals, the sampling unit chosen was the circuit/year. The universe of cases for each circuit/year was defined as all decisions reported with opinions published in the Federal Reporter for a given circuit in a single calendar year. To be counted as a published opinion the decision must announce a disposition of the case (e.g., affirmed, remanded, dismissed) and must state at least one reason for the decision. If a decision met these criteria, it was included in the universe of cases to be coded regardless of the form of the decision. Thus, the data base includes some decisions denoted as "per curiam" opinions and some listed as "memorandum" decisions. Decisions coded in the database range from those with one sentence opinions (e.g., "The decision of the district court is reversed on the authority of Furman v Georgia") to en banc decisions with multiple dissents and opinions of over 50 pages in length. There are 707 circuit/years represented in Phase 1.

For each circuit/year from 1961 thru 1988, a random sample of 30 cases was selected. For each circuit/year from 1925 thru 1960,
a random sample of 15 cases was selected. Since the total number of cases in the 707 circuit/years varies widely, the total sample of cases in Phase 1 is not a random sample of all appeals court decisions from 1925-1988. To analyze a random sample for the entire database, users should consult the table of weights in Appendix 5 and weight each circuit year according to the proportion of the universe of cases contained in the particular circuit/year. The Table of weights in Appendix 5 provides the total number of decisions of the circuit for a given calendar year that were reported with published decisions. These data can be used to create weight variables to approximate a random sample for whatever portion of the database is used in a particular analysis. For example, suppose one wanted to know what proportion of all appeals court decisions in 1925 affirmed the decision appealed. Using the data from Appendix 5 we could construct the following table to assist the analysis:

<table>
<thead>
<tr>
<th>circuit</th>
<th>sample of circuit</th>
<th>universe of circuit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># cases</td>
<td>proportion</td>
</tr>
<tr>
<td>01</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>02</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>03</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>04</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>05</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>06</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>07</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>08</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>09</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>DC</td>
<td>15</td>
<td>.1</td>
</tr>
<tr>
<td>total</td>
<td>150</td>
<td>1.0</td>
</tr>
</tbody>
</table>

In this example, column two reflects the fact that for 1925, a random sample of 15 cases was selected for each circuit. Since there were only ten circuits in 1925, the proportion of the sample for the year 1925 is .1 for each circuit (in 1988, when there were 12 circuits the proportion of the sample from each circuit will be .083). The fourth column in the table (cases in universe) is taken directly from the total number of published decisions for each circuit year reported in Appendix 5. The figures in column 5 (proportion in circuit) are derived by taking the total number of cases in a given circuit for 1925 (column 4) and dividing it by the
total number of cases from all circuits for 1925 (1932). To obtain the value for the weight for each circuit, the value in column 5 (proportion of cases in the universe) is divided by the figure in column 3 (proportion of the sample in the universe in the given circuit year). Thus, to estimate what the frequency of a given variable (in this example, the variable TREAT) would be in a random sample of all cases decided in 1925, each case from the First Circuit should be weighted as 0.49 of a case, each case from the Second Circuit counted as 1.70 cases, etc.

**Reliability Analysis**

The detailed description of variables that follows the variable list below also reports the results of an analysis of intercoder reliability performed before the data base was released. To check the reliability of the coding, a random sample of 250 cases was selected from the 15,315 cases in the data base. This sample of 250 cases was then independently coded by a second coder and the results of the two codings were compared. Three measures of reliability are reported. First, the simple rate of agreement (expressed as a percentage) between the code assigned by the first coder and the code assigned by the second coder is reported. In addition, two bivariate measures of association are reported: gamma and Kendall's tau-c. Kendall's tau-c is most appropriate for variables that have an ordinal level of measurement. Therefore, users should exercise caution in interpreting the meaning of this statistic for variables that are not ordinal. Nevertheless, for some of the variables that can take many values (e.g., CASETYP1), even though the values of the variable are not completely ordinal, many of the values that are close to each other are more similar to each other than they are to values that are numerically distant from them. For such variables, high values of tau will indicate that many of the disagreements in coding were between values that were numerically close.

A few of the variables have rates of agreement that are very high (e.g., above 96%) but still have low or even negative values of gamma and/or tau. All of these variables have highly skewed distributions. The high rates of agreements indicate that for most cases both coders agreed that the variable was in its modal value (typically these were issue variables with a modal value of zero, which indicated that the issue was not discussed in the case) but in the small number of cases in which one of the coders felt that the variable did not fall into the modal category, the second coder generally disagreed.

No reliability statistics are reported for the codes and votes of judges 4 through 15 because no en banc cases were in the reliability sample.
**VARIABLE LIST**

The variable list that follows is organized by topical categories of variables. The description of variables that follows proceeds in the same order. The acronym associated with each variable is the variable name contained in both the SAS and SPSS versions of the database. A list of variables arranged alphabetically by acronym is provided in Appendix 1. Appendix 1 also provides the location (i.e., page number) in the documentation where the detailed description of the variable is provided. Appendix 2 provides a list of variables in the order in which they appear in the input statement for the ASCII version of the database.

**BASIC CASE CHARACTERISTICS**

A. General description

1. CASENUM    case identification  
2. YEAR    year of decision  
3. MONTH    month of decision  
4. DAY    day of decision  
5. CITE    citation in *Federal Reporter*  
6. VOL    volume in which case located  
7. BEGINPG    page number of 1st page of case  
8. ENDPIN    page number of last page of majority opinion  
9. ENDPAGE    page number of last page of all opinions in case  
10. DOCNUM    docket number of first case decided by the opinion  
11. METHOD    nature of appeals court decision (e.g., 1st decision by 3 judge panel, en banc)  

B. History and Nature of Case

12. CIRCUIT    circuit of court  
13. STATE    state of origin of case  
14. DISTRICT    district of origin of case  
15. ORIGIN    type of court or agency that made original decision  
16. SOURCE    forum from which decision appealed  
17. DISTJUDG    ID of district judge (if any) deciding case below  
18. APPLFROM    type of district court final judgment (if any) appealed from  
19. ADMINREV    ID of federal regulatory agency (if any) the case was appealed from  
20. PRIORPUB    citation (if any) to prior published opinion in district court  
21. OPINSTAT    opinion status of decision  
22. CLASSACT    was case a class action?  
23. CROSSAPP    were there cross appeals?
24. SANCTION were sanctions imposed ?
25. INITIATE party initiating appeal (e.g., plaintiff, defendant, intervenor)

PARTICIPANTS

A. Appellants

26. NUMAPEL total number of appellants
27. APPNATPR number of appellants who were natural persons
28. APPBUS number of appellants who were private businesses
29. APPNONP number of appellants who were non-profit groups
30. APPFED number of appellants who were federal government agencies
31. APPSUBST number of appellants who were sub-state governments
32. APPSTATE number of appellants who were state government agencies
33. APPFIDUC number of appellants who were fiduciaries or trustees
34. APP_STID state of appellant (if appellant is state or local govt)
35. GENAPEL1 general classification of 1st appellant
36. BANK_AP1 was first appellant bankrupt ?
37. APPEL1 detailed nature of 1st listed appellant
38. GENAPEL2 general classification of 2nd appellant
39. BANK_AP2 was second appellant bankrupt ?
40. APPEL2 detailed nature of 2nd listed appellant whose code is not identical to the code of the first appellant
41. REALAPP are the appellants coded in var 37 and var 40 the real parties in this case ?

B. Respondents

42. NUMRESP total number of respondents
43. R_NATPR number of respondents who were natural persons
44. R_BUS number of respondents who were private businesses
45. R_NONP number of respondents who were non-profit groups
46. R_FED number of respondents who were federal government agencies
47. R_SUBST number of respondents who were sub-state governments
48. R_STATE number of respondents who were state government agencies
49. R_FIDUC number of respondents who were fiduciaries or
trustees
50. R_STID state of respondent (if respondent is state or local govt)
51. GENRESP1 general classification of 1st respondent
52. BANK_R1 was first respondent bankrupt?
53. RESPOND1 detailed nature of 1st listed respondent
54. GENRESP2 general classification of 2nd respondent
55. BANK_R2 was second respondent bankrupt?
56. RESPOND2 detailed nature of 2nd listed respondent whose code is not identical to the code of the first respondent
57. REALRESP are the respondents coded in field 53 and field 56 the real parties in this case?

C. Other Participants

58. COUNSEL1 counsel for appellant
59. COUNSEL2 counsel for respondent
60. AMICUS number of amicus curiae briefs filed
61. INTERVEN was there an intervenor?

ISSUES CODING

A. Basic Nature of Issue and Decision

62. CASETYP1 first case type - substantive policy (analogous to Spaeth issue codes)
63. GENISS eight summary issue categories based on CASETYP1
64. DIRECT1 directionality of decision on 1st case type
65. CASETYP2 second case type
66. DIRECT2 directionality of decision on 2nd case type
67. TREAT treatment of decision below by appeals court
68. MAJVOTES number of majority votes
69. DISSENT number of dissenting votes
70. CONCUR number of concurrences
71. HABEAS was this a habeas corpus case?
72. DECUNCON was law or administrative action declared unconstitutional?
73. CONSTIT was there an issue about the constitutionality of a law or administrative action?
74. FEDLAW did the court engage in statutory interpretation?
75. PROCEDUR was there an interpretation of precedent that did not involve statutory or constitutional interpretation?
76. TYPEISS general nature of proceedings (criminal, civil-government, civil - private, diversity)

77. CONSTD constitutional provision most frequently cited in headnotes
78. CONSTD2 constitutional provision 2nd most frequently cited in headnotes
79. USC1 title of US Code most frequently cited in headnotes
80. USC1SECT section of USC1 most frequently cited in headnotes
81. USC2 title of US Code 2nd most frequently cited in headnotes
82. USC2SECT section of USC2 most frequently cited in headnotes
83. CIVPROC1 Federal Rule of Civil Procedure most frequently cited in headnotes
84. CIVPROC2 Federal Rule of Civil Procedure 2nd most frequently cited in headnotes
85. CRMPROC1 Federal Rule of Criminal Procedure most frequently cited in headnotes
86. CRMPROC2 Federal Rule of Criminal Procedure 2nd most frequently cited in headnotes

C. Threshold issues

87. JURIS was there a jurisdiction issue?
88. STATECL was there an issue about failure to state a claim?
89. STANDING was there an issue about standing?
90. MOOTNESS was there an issue about mootness?
91. EXHAUST was there an issue about ripeness or failure to exhaust administrative remedies?
92. TIMELY was there an issue about whether litigants complied with a rule about timeliness, filing fees, or statutes of limitation?
93. IMMUNITY was there an issue about governmental immunity?
94. FRIVOL was there an issue about whether the case was frivolous?
95. POLQUEST was there an issue about the political question doctrine?
96. OTHTHRES was there some other threshold issue at the trial level?
97. LATE was there an issue relating to the timeliness of the appeal?
98. FRIVAPP was there an allegation that the appeal was frivolous?
99. OTHAPPTH was there some other threshold issue at the appellate level?

D. Criminal issues (for each of the issues below, the coding
captures whether the issue was discussed in the opinion and if so whether the resolution of the issue favored the appellant or the respondent.

100. PREJUD prejudicial conduct by prosecutor
101. INSANE insanity defense
102. IMPROPER improper influence on jury
103. JURYINST jury instructions
104. OTHJURY other issues relating to juries
105. DEATHPEN death penalty
106. SENTENCE issue relating to sentence other than death penalty
107. INDICT was indictment defective
108. CONFESS admissibility of confession or incriminating statement
109. SEARCH admissibility of evidence from search or seizure
110. OTHADMISS admissibility of evidence other than search or confession
111. PLEA issue relating to plea bargaining
112. COUNSEL ineffective counsel
113. RTCOUNS right to counsel
114. SUFFIC sufficiency of evidence
115. INDIGENT violation of rights of indigent
116. ENTRAP entrapment
117. PROCDIS dismissal by district court on procedural grounds
118. OTHCRIM other criminal issue

E. Civil Law Issues

119. DUEPROC due process
120. EXECORD interpretation of executive order or administrative regulation
121. STPOLICY interpretation of state or local law, executive order or administrative regulation
122. WEIGHTEV interpretation of weight of evidence issues
123. PRETRIAL trial court rulings on pre-trial procedure, (but not motions for summary judgment or discovery which are covered in separate variables - see fields 130 & 135)
124. TRIALPRO court rulings on trial procedure
125. POST_TRL post-trial procedures and motions (including court costs and motions to set aside jury decisions)
126. ATTYFEE attorney's fees
127. JUDGDISC abuse of discretion by trial judge
128. ALTDISP issue relating to alternative dispute resolution process (includes ADR, settlement conference, mediation, arbitration)
129. INJUNCT validity or appropriateness of injunction
130. SUMMARY summary judgment
131. FEDVST conflict of laws or dispute over whether federal vs
state law governs
132. FOREIGN conflict over whether foreign or domestic law applies
133. INT_LAW application of international law
134. ST_V_ST conflict over which state's laws apply
135. DISCOVER conflict over discovery procedures
136. OTHCIVIL other civil law issue

F. Civil Law Issues Involving Government Actors, Administrative Law

137. SUBEVID substantial evidence doctrine
138. DENOVO use of standard of review, "de novo on facts"
139. ERRON clearly erroneous standard
140. CAPRIC arbitrary or capricious standard
141. ABUSEDIS should court defer to agency discretion?
142. JUDREV conflict over whether agency decision was subject to judicial review?
143. GENSTAND did agency articulate the appropriate general standard?
144. NOTICE did agency give proper notice?
145. ALJ did court support decision of administrative law judge?
146. AGEN_ACQ issue related to agency acquisition of information
147. FREEINFO administrative denial of information to those requesting it, freedom of information, sunshine laws
148. COMMENT did agency give proper opportunity to comment?
149. RECORD did agency fail to develop an adequate record?

G. Diversity Issues

150. DIVERSE were the parties truly diverse?
151. WHLAWS which state's laws should govern dispute?

JUDGES AND VOTES

160. CODEJ1 code for the judge who wrote the court opinion
161. CODEJ2 code for 2nd judge on panel
162. J2VOTE1 vote of 2nd judge on 1st case type
163. J2VOTE2 vote of 2nd judge on 2nd case type
164. J2MAJ1 was 2nd judge in majority on 1st case type?
165. J2MAJ2 was 2nd judge in majority on 2nd case type?
166. CODEJ3 code for 3rd judge on panel
167. J3VOTE1 vote of 3rd judge on 1st case type
168. J3VOTE2 vote of 3rd judge on 2nd case type
169. J3MAJ1 was 3rd judge in majority on 1st case type?
170. J3MAJ2 was 3rd judge in majority on 2nd case type ?
171. CODEJ4 code for 4th judge on panel
172. J4VOTE1 vote of 4th judge on 1st case type
173. J4VOTE2 vote of 4th judge on 2nd case type
174. J4MAJ1 was 4th judge in majority on 1st case type ?
175. J4MAJ2 was 4th judge in majority on 2nd case type ?
176. CODEJ5 code for 5th judge on panel
177. J5VOTE1 vote of 5th judge on 1st case type
178. J5VOTE2 vote of 5th judge on 2nd case type
179. J5MAJ1 was 5th judge in majority on 1st case type ?
180. J5MAJ2 was 5th judge in majority on 2nd case type ?

225. CODEJ15 code for 15th judge on panel
226. J15VOTE1 vote of 15th judge on 1st case type
227. J15VOTE2 vote of 15th judge on 2nd case type
228. J15MAJ1 was 15th judge in majority on 1st case type ?
229. J15MAJ2 was 15th judge in majority on 2nd case type ?
DESCRIPTION OF VARIABLES

BASIC CASE CHARACTERISTICS

A. General description

Field 1

CASENUM
      5 columns wide (1-5)
      numeric

This field represents a simple unique identifier for each case, beginning with 1 for the first case coded from 1988 and proceeding consecutively to 15,315 for the last case coded from 1925.

____________________

Fields 2-4

YEAR
      4 columns wide (16-19)
      numeric

MONTH
      2 columns wide (20-21)
      numeric

DAY
      2 columns wide (22-23)
      numeric

These variables record the date on which the decision was announced. If only one date was listed in the syllabus of the case and the date was not described, it was assumed to be the decision date.

____________________
Fields 5-7

CITE
9 columns wide (25-33)
 alphanumeric

VOL
4 columns wide (25-28)
 numeric

BEGINPG
4 columns wide (30-33)
 numeric

These variables record the citation of the case. The format of the variable CITE is: 4 digit volume number, slash, 4 digit page number. In the ASCII version, the variables are zero filled. All references are to the second series of the Federal Reporter. Thus, for the case cited as 123 F2nd 52, the variables would have the following values: CITE = 0123\0052, VOL = 0123, BEGINPG = 0052. BEGINPG is the page on which the case begins in the Federal Reporter.

Fields 8-9

ENDOPIN
4 columns wide (34-37)
 numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: 1.00
Kendall's Tau-b: 1.00

ENDPAGE
4 columns wide (39-42)
 numeric

Reliability:
Rate of Intercoder Agreement: 96.4%
Gamma: 1.00
Kendall's Tau-b: 1.00

These variables indicate the last page of the opinion of the court (i.e., the majority opinion) and the last page in the case
(e.g., the last page of a dissenting or concurring opinion). These two variables will generally be the same in decisions with no dissents and no concurrences. However, ENDPAGE may also be greater than ENDOPIN because there is an appendix or some memorandum at the end of the majority opinion.

Field 10

DOCNUM
8 columns wide (44-51)
alphanumeric

Reliability:
Rate of Intercoder Agreement: 94.8%
Gamma: .99
Kendall's Tau-b: .99

This variable lists the docket number of the case coded. For opinions that resolved more than one docket number, the first docket number listed is coded. Unfortunately, the appeals courts have not provided a consistent format for reporting docket numbers. Most frequently, the format listed in the Federal Reporter is: "2 digit year, hyphen, 4 digit id number" (note that the year is presumably the year in which the case was docketed, which may be earlier than the year of the decision date). But this format is not uniformly followed, especially in the earlier years of the database when a single unhyphenated number (of up to 5 digits) may be listed.

The format followed for the database was designed to provide a standardized form that was compatible with the database maintained by the Administrative Office of the Courts (to facilitate users who wished to merge this database with the AO data). Following the AO format, DOCKNUM has the format: 2 digit year, zero, 5 digit number. If the docket number listed in the Federal Reporter does not have a 2 digit designation for year, we inserted the year of the decision as the first two digits. For example, a recent case listed in F2nd as: "88-1234" would be recorded in the database as "88001234". Alternatively, a case decided in 1933 with a docket number of "12345" in F2nd would be coded as "33012345".
Field 11

METHOD
1 column wide (57)
numeric

Reliability:
Rate of Intercoder Agreement: 91.2%
Gamma: .71
Kendall's Tau-b: .25

This variable records the nature of the proceeding in the court of appeals for the particular citation selected for the random sample. In effect, this variable records something of the legal history of the case, indicating whether there had been prior appellate court proceeding on the same case prior to the decision currently coded. The variable takes the following values:

1 = decided by panel for first time (no indication of re-hearing or remand).
2 = decided by panel after re-hearing (i.e., this is the second time this case has been heard by this same panel).
3 = decided by panel after remand from Supreme Court
4 = decided by court en banc, after single panel decision
5 = decided by court en banc, after multiple panel decisions
6 = decided by court en banc, no prior panel decisions
7 = decided by panel after remand to lower court (e.g., an earlier decision of the court of appeals remanded the case back to the district court which made another decision. That second decision of the district court is now before the court of appeals on appeal).
8 = other
9 = not ascertained

Note:
1) coders generally assumed that the case had been decided by the panel for the first time if there was no indication to the contrary in the opinion.
2) the opinion usually, but not always explicitly indicates when a decision was made "en banc" (though the spelling of "en banc" varies). However, if more than 3 judges were listed as participating in the decision, the decision was coded as en banc even if there was no explicit description of the proceeding as en banc.
B. History and Nature of Case

Field 12

CIRCUIT
2 columns wide (59-60)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.00
Kendall's Tau-b: 1.00

This field records the circuit of the court that decided the case. The District of Columbia circuit is coded as 00 and all other circuits by their number (e.g., the Second Circuit is 02).

Field 13

STATE
2 columns wide (62-63)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .97
Kendall's Tau-b: .97

This field records the state or territory in which the case was first heard. If the case began in the federal district court, it is the state of that district court. If it is a habeas corpus case, it is the state of the state court that first heard the case. If the case originated in a federal administrative agency, the variable is coded as "not applicable." States were assigned a two-digit number in alphabetical order. The variable takes the following values:

00 not determined
01 Alabama
02 Alaska
03 Arizona
04 Arkansas
05 California
06 Colorado
07 Connecticut
08 Delaware
09 Florida
10 Georgia
11 Hawaii
12 Idaho
13 Illinois
14 Indiana
15 Iowa
16 Kansas
17 Kentucky
18 Louisiana
19 Maine
20 Maryland
21 Massachussets
22 Michigan
23 Minnesota
24 Mississippi
25 Missouri
26 Montana
27 Nebraska
28 Nevada
29 New Hampshire
30 New Jersey
31 New Mexico
32 New York
33 North Carolina
34 North Dakota
35 Ohio
36 Oklahoma
37 Oregon
38 Pennsylvania
39 Rhode Island
40 South Carolina
41 South Dakota
42 Tennessee
43 Texas
44 Utah
45 Vermont
46 Virginia
47 Washington
48 West Virginia
49 Wisconsin
50 Wyoming
51 Virgin Island
52 Puerto Rico
53 District of Columbia
54 Guam
55 not applicable - case from court other than US District Court or state court (e.g., appealed from regulatory agency)
56 Panama Canal Zone

Field 14
DISTRICT
1 column wide (65)
numeric

Reliability:
Rate of Intercoder Agreement: 94.4%
Gamma: .93
Kendall's Tau-b: .91

For all cases that were appealed to the courts of appeals from the federal district court, this variable records which district in the state the case came from. Thus, to identify a particular district court of interest, one would have to combine this variable with the preceding variable (STATE). For cases that did not come from a federal district court, the variable is coded as not applicable. The variable takes the following values:
0 = not applicable - not in district court
1 = eastern
2 = western
3 = central
4 = middle
5 = southern
6 = northern
7 = whole state is one judicial district
8 = not ascertained
Field 15

ORIGIN
1 column wide (67)
numeric

Reliability:
Rate of Intercoder Agreement: 83.2%
Gamma: .87
Kendall's Tau-b: .70

This field records the type of court which made the original decision (cases removed from a state court are coded as originating in federal district court). The variable takes the following values:

1 = federal district court (single judge)
2 = 3 judge district court
3 = state court (includes habeas corpus petitions after conviction in state court; also includes petitions from courts of territories other than the U.S. District Courts)
4 = bankruptcy court, referee in bankruptcy, special master
5 = federal magistrate
6 = originated in federal administrative agency
7 = special DC court (i.e., not US District Court for DC)
8 = other (e.g., Tax Court, a court martial)
9 = not ascertained
Field 16

SOURCE
2 columns wide (69-70)
numeric

Reliability:
Rate of Intercoder Agreement: 94.8%
Gamma: .96
Kendall's Tau-b: .86

This field identifies the forum that heard this case immediately before the case came to the court of appeals. Note that often the SOURCE and ORIGIN will be the same. The variable takes the following values:

1 = federal district court (single judge)
2 = 3 judge district court
3 = state court
4 = bankruptcy court or referee in bankruptcy
5 = federal magistrate
6 = federal administrative agency
7 = Court of Customs & Patent Appeals
8 = Court of Claims
9 = Court of Military Appeals
10 = Tax Court or Tax Board
11 = administrative law judge
12 = U.S. Supreme Court (remand)
13 = special DC court (i.e., not the US District Court for DC)
14 = earlier appeals court panel
15 = other
16 = not ascertained
Field 17

DISTJUDG
6 columns wide (72-77)
numeric

Reliability:
Rate of Intercoder Agreement: 94.8%
Gamma: .94
Kendall's Tau-b: .94

This field identifies the federal district court judge (if any) that heard the case in the original trial. See the separate list of district judge codes in Appendix 4 for the identity of the district judge. The variable takes the value "99999" if the name of the district judge could not be ascertained.
This field records the type of district court decision or judgment appealed from (i.e., the nature of the decision below in the district court). If there was no prior district court action, the variable is coded as not applicable. The variable takes the following values:

1 = trial (either jury or bench trial)
2 = injunction or denial of injunction or stay of injunction
3 = summary judgment or denial of summary judgment
4 = guilty plea or denial of motion to withdraw plea
5 = dismissal (include dismissal of petition for habeas corpus)
6 = appeals of post judgment orders (e.g., attorneys' fees, costs, damages, JNOV - judgment notwithstanding the verdict)
7 = appeal of post settlement orders
8 = not a final judgment: interlocutory appeal
9 = not a final judgment: mandamus
10 = other (e.g., pre-trial orders, rulings on motions, directed verdicts) or could not determine nature of final judgment.
11 = does not fit any of the above categories, but opinion mentions a "trial judge"
12 = not applicable (e.g., decision below was by a federal administrative agency, tax court)
Field 19

ADMINREV
2 columns wide (82-83)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .98
Kendall's Tau-b: .86

This field records the federal agency (if any) whose decision was reviewed by the court of appeals. If there was no prior agency action, the variable is coded as not applicable. The variable takes the following values:

1 = Benefits Review Board
2 = Civil Aeronautics Board
3 = Civil Service Commission
4 = Federal Communications Commission
5 = Federal Energy Regulatory Commission
6 = Federal Power Commission
7 = Federal Maritime Commission
8 = Federal Trade Commission
9 = Interstate Commerce Commission
10 = National Labor Relations Board
11 = Atomic Energy Commission
12 = Nuclear Regulatory Commission
13 = Securities & Exchange Commission
14 = other federal agency
15 = not ascertained or not applicable
Field 20

PRIORPUB
10 columns wide (85-94)
aphanumeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: .92
Kendall's Tau-b: .69

This field records the citation of the most recent (if any) published opinion of some other court or a prior decision of the courts of appeals for this same case. If there was no prior published opinion, the field will be treated as a missing value. Each citation takes the following form: a numeric volume number, followed by an alphanumeric abbreviation of the reporter, followed by a numeric page number on which the decision starts. The following were the most frequently used abbreviations for reporters:

FS Federal Supplement
F2nd Federal Reporter, 2nd series
TC Tax Court
SC United States Supreme Court
BR Bankruptcy Court
FRD Federal Rules Decisions

All other abbreviations that appear use the format of the Blue Book of the Uniform System of Citation.
Field 21
OPINSTAT
1 column wide (96)
numeric

Reliability:
Rate of Intercoder Agreement: 96.4%
Gamma: .99
Kendall's Tau-b: .89

This field records whether there was an opinion in which the opinion writer was identified or whether the opinion was per curiam. The variable takes the following values:

1 = signed, with reasons
2 = per curiam, with reasons
9 = not ascertained

Field 22
CLASSACT
1 column wide (101)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.00
Kendall's Tau-b: 1.00

This field is a dummy variable that records whether the case was described in the opinion as a class action suit. The variable takes the following values:

0 = the opinion does not indicate that this was a class action suit
1 = the opinion specifically indicates that the action was filed as a representative of a class or of "all others similarly situated."
Field 23

CROSSAPP
1 column wide (103)
numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: .99
Kendall's Tau-b: .66

This field is a dummy variable that records whether there were cross appeals from the decision below to the court of appeals that were consolidated in the present case. The variable takes the following values:
0 = no cross appeals
1 = yes, cross appeals were filed
2 = not ascertained

Field 24

SANCTION
1 column wide (120)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.0
Kendall's Tau-b: 1.0

This field records whether there were sanctions imposed on one of the litigants by the court of appeals. The variable takes the following values:
0 = no sanctions
1 = sanctions imposed on appellant
2 = sanctions imposed on respondent
3 = sanctions imposed on both appellant and respondent
4 = not ascertained
Field 25

INITIATE
  1 column wide (126)
  numeric

Reliability:
  Rate of Intercoder Agreement: 92.4%
  Gamma:       .90
  Kendall's Tau-b: .83

This field records which of the parties below initiated the appeal. For cases with cross appeals or multiple docket numbers, if the opinion does not explicitly indicate which appeal was filed first, the coding assumes that the first litigant listed as the "appellant" or "petitioner" was the first to file the appeal. In federal habeas corpus petitions, the prisoner is considered to be the plaintiff for purposes of this variable. The variable takes the following values:
  1 = original plaintiff
  2 = original defendant
  3 = federal agency representing plaintiff
  4 = federal agency representing defendant
  5 = intervenor
  8 = not applicable
  9 = not ascertained

PARTICIPANTS

Note: for fields 27-58, intervenors who participated as parties at the courts of appeals are counted as either appellants or respondents when it could be determined whose position they supported. For example, if there were two plaintiffs who lost in district court, appealed, and were joined by four intervenors who also asked the court of appeals to reverse the district court, the number of appellants was coded as six. Field 61 records whether or not any of the parties were intervenors

A. Appellants

In some cases there is some confusion over who should be listed as the appellant and who as the respondent. This confusion is primarily the result of the presence of multiple docket numbers consolidated into a single appeal that is disposed of by a single opinion. Most frequently, this occurs when there are cross appeals
and/or when one litigant sued (or was sued by) multiple litigants that were originally filed in district court as separate actions. The coding rule followed in such cases was to go strictly by the designation provided in the title of the case. The first person listed in the title as the appellant was coded as the appellant even if they subsequently appeared in a second docket number as the respondent and regardless of who was characterized as the appellant in the opinion.

To clarify the coding conventions, consider the following hypothetical case in which the US Justice Department sues a labor union to strike down a racially discriminatory seniority system and the corporation (siding with the position of its union) simultaneously sues the government to get an injunction to block enforcement of the relevant civil rights law. From a district court decision that consolidated the two suits and declared the seniority system illegal but refused to impose financial penalties on the union, the corporation appeals and the government and union file cross appeals from the decision in the suit brought by the government. Assume the case was listed in the Federal Reporter as follows:

United States of America, Plaintiff, Appellant
v
International Brotherhood of Widget Workers, AFL-CIO Defendant, Appellee.

International Brotherhood of Widget Workers, AFL-CIO Defendants, Cross-appellants
v
United States of America.

Widgets, Inc. & Susan Kuersten Sheehan, President & Chairman of the Board
Plaintiff, Appellants,
v
United States of America,
Defendant, Appellee.

This case would be coded as follows:
Appellant = United States
Respondents= International Brotherhood of Widget Workers Widgets, Inc.
NUMAPPEL = 1
APPFED=1
NUMRESP=3
R_BUS=2
R_NONP=1
APPEL1=31010
RESPOND1=21006
Field 26

NUMAPPEL
3 columns wide (130-132)
numeric

Reliability:
Rate of Intercoder Agreement: 96.8%
Gamma: .98
Kendall's Tau-b: .95

This field records the total number of appellants in the case. If the total number cannot be determined (e.g., if the appellant is listed as "Smith, et. al." and the opinion does not specify who is included in the "et.al.") then 99 is recorded. This variable was directly recorded by the coders - it was not generated by taking the sum of the next seven variables that record the number of appellants falling into seven specific categories. The value for this variable sometimes does not equal the sum of the next seven variables. The most common reasons that NUMAPPEL does not equal the sum of the specific categories (in approximate order of frequency) are: a) NUMAPPEL will equal 99 whenever any one of the next seven variables equals 99; b) there is an error in one of the eight variables; 3) there were appellants who did not fit any of the specific categories (e.g., the first appellant is an Indian tribe, APPELL1 = 82001).

Fields 27 - 34

APPNATPR (Natural Persons)
3 columns wide (134-136)
numeric

Reliability:
Rate of Intercoder Agreement: 94.4%
Gamma: .94
Kendall's Tau-b: .89
APPBUS (Business)
3 columns wide (138-140)
numeric

Reliability:
Rate of Intercoder Agreement: 92.8%
Gamma: .93
Kendall's Tau-b: .84

APPNONP (groups & associations)
3 columns wide (142-144)
numeric

Reliability:
Rate of Intercoder Agreement: 96.8%
Gamma: .97
Kendall's Tau-b: .67

APPFED (federal government)
3 columns wide (146-148)
numeric

Reliability:
Rate of Intercoder Agreement: .99
Gamma: 1.00
Kendall's Tau-b: .97

APPSUBST (substate government)
3 columns wide (150-152)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.00
The structure of each field in this group is the same as the structure of the preceding variable (NUMAPPEL). Each field records the number of appellants in the present case that fell into the designated general category of appellants. If the total number cannot be determined (e.g., if the appellant is listed as "Smith, et. al." and the opinion does not specify who is included in the "et.al.") then 99 is recorded in the category (in this example APPNATPR=99). The types of appellants recorded in each field are as follows:

- **APPNATPR** = natural persons
- **APPBUS** = private business and its executives
- **APPNONP** = groups and associations
- **APPFED** = the federal government, its agencies, and officials
- **APPSUBST** = sub-state governments, their agencies, and officials
- **APPSTATE** = state governments, their agencies, and officials
- **APPFIDUC** = fiduciaries

Note that if an individual is listed by name, but their appearance in the case is as a government official, then they are counted as a government rather than as a private person. For example, in the case "Billy Jones & Alfredo Ruiz v Joe Smith" where
Smith is a state prisoner who brought a civil rights suit against two of the wardens in the prison (Jones & Ruiz), the following values would be coded: APPNATPR=0 and APPSTATE=2. A similar logic is applied to businesses and associations. Officers of a company or association whose role in the case is as a representative of their company or association are coded as being a business or association rather than as a natural person. However, employees of a business or a government who are suing their employer are coded as natural persons. Likewise, employees who are charged with criminal conduct for action that was contrary to the company's policies are considered natural persons.

If the title of a case listed a corporation by name and then listed the names of two individuals that the opinion indicated were top officers of the same corporation as the appellants, then the number of appellants was coded as three and all three were coded as a business (with the identical detailed code). Similar logic was applied when government officials or officers of an association were listed by name.

Field 34

APP_STID
2 columns wide (162-163)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .99
Kendall's Tau-b: .81

This field uses the numerical codes for the states (see field 13, STATE, for a listing of the codes) to indicate the state of the first listed state or local government agency that is an appellant.
Field 35

GENAPEL1
1 column wide (166)
numeric

_________________________
Reliability:
Rate of Intercoder Agreement: 96.8%
Gamma:               .97
Kendall's Tau-b:    .94
_________________________

This field reports the coding of the first listed appellant. The 9 categories are the same as the first digit of the detailed coding of the appellants (Note that fields 38, GENAPEL2; 51, GENRESP1; and 54, GENRESP2 use the same categories. The variable takes the following values:

1 = private business (including criminal enterprises)
2 = private organization or association
3 = federal government (includes DC)
4 = sub-state government (e.g., county, local, special district)
5 = state government (includes territories & commonwealths)
6 = government - level not ascertained
7 = natural person (excludes persons named in their official capacity or who appear because of a role in a private organization)
8 = miscellaneous
9 = not ascertained
Field 36

BANK_AP1
1 column wide (165)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .97
Kendall's Tau-b: .31

This field records a dichotomous variable to indicate whether or not the first listed appellant is bankrupt. If there is no indication of whether or not the appellant is bankrupt, the appellant is presumed to be not bankrupt. The variable takes the following values:
1 = bankrupt
2 = not bankrupt
Field 37

APPEL1

5 columns wide (166-170)
numeric

Reliability:
Rate of Intercoder Agreement: 84.8%
Gamma: .91
Kendall's Tau-b: .89

This field records a five digit code to represent a more detailed coding of the nature of the first listed appellant than is provided in field 35 (GENAPEL1). The first digit of this variable is the same as that for field 35. The variable takes the following values:

PARTY DETAIL - The following coding scheme is used for the detailed nature of the appellants and respondents (i.e., fields 37, APPEL1; 40, APPEL2; 53, RESPOND1; and 56, RESPOND2).

Each detailed code has five digits, with different digits representing different subcategories of information. However, the specific subdivisions (i.e., what information is provided by each digit of the code) are different for different categories of litigants (e.g., it would make no sense to try to use the same subdivisions for businesses and governments). Therefore, instead of presenting a list of 5 digit codes in numerical order, the following listing is presented by general categories of litigants with the subcategories within each general category listed separately.

When coding the detailed nature of participants coders were instructed to use personal knowledge they had about the participants, if they were completely confident of the accuracy of their knowledge, even if the specific information used was not in the opinion. For example, if "IBM" was listed as the appellant it could be classified as "clearly national or international in scope" even if the opinion did not indicate the scope of the business.
**Private Business (general category 1)**

Digit 2 = what is the scope of this business?

1 = clearly local (individual or family owned business - scope limited to single community; generally proprietors, who are not incorporated, are in this category)

2 = other-intermediate; neither local nor national (e.g., an electrical power company whose operations cover one-third of the state)

3 = clearly national or multi-national in scope (note: insurance companies and railroads were assumed to be national in scope)

4 = not ascertained

Digit 3 = what category of business best describes the area of activity of this litigant which is involved in this case?

Digits 4 & 5 provide subcategories of each of these business categories. These subcategories are listed under the appropriate category.

**Example: a single family farm is coded as 11101**

1 Agriculture
   01 single family farm
   02 commercial farm, agri-business
   03 farm - other
   00 not able to classify subcategory

2 mining
   01 oil and gas
   02 coal
   03 metals
   04 other
   00 not able to classify subcategory

3 construction
   01 residential
   02 commercial or industrial
   03 other
   00 not able to classify subcategory
4 manufacturing
  01 auto
  02 chemical
  03 drug
  04 food processing
  05 oil refining
  06 textile
  07 electronic
  08 alcohol or tobacco
  09 other
  00 not able to classify subcategory

Example: General Motors, when appearing in case as an automobile manufacturer is coded 13401.

5 transportation
  01 railroad
  02 boat, shipping
  03 shipping freight, UPS, flying tigers
  04 airline
  05 truck (includes armored cars)
  06 other
  00 not able to classify subcategory

6 trade - wholesale and retail
  01 auto, auto parts, auto repairs
  02 chemical
  03 drug
  04 food
  05 oil, natural gas, gasoline
  06 textile, clothing
  07 electronic
  08 alcohol or tobacco
  09 general merchandise
  10 other
  00 unable to classify subcategory

7 financial institution
  01 bank
  02 insurance
  03 savings and loan
  04 credit union
  06 other pension fund
  07 other financial institution or investment company
  00 not able to classify subcategory
8 utilities
  01 nuclear power plants
  02 other producers of power (or producers of power where means of production is not clear)
  03 telephone
  04 other utilities
  00 not able to classify subcategory

9 other (includes service industries)
  01 medical clinics, health organizations, nursing homes, medical doctors, medical labs, or other private health care facilities
  02 private attorney or law firm
  03 media - includes magazines, newspapers, radio & TV stations and networks, cable TV, news organizations
  04 school - for profit private educational enterprise (includes business and trade schools)
  05 housing, car, or durable goods rental or lease; long term typically includes contract
  06 entertainment: amusement parks, race tracks, for profit camps, record companies, movie theaters and producers, ski resorts, hotels, restaurants, etc.
  07 information processing
  08 consulting
  09 security and/or maintenance service
  10 other service (includes accounting)
  11 other (includes a business pension fund)
  00 not able to categorize

0 unclear (not ascertained)
  01 auto industry - unclear whether manufacturing, trade, etc.
  02 chemical industry - unclear whether manufacturing, trade, etc.
  03 drug industry - unclear whether manufacturing, trade, etc.
  04 food industry - unclear whether manufacturing, trade, etc.
  05 oil & gas industry - unclear whether manufacturing, trade, etc.
  06 clothing & textile industry - unclear whether manufacturing, trade, etc.
  07 electronic industry - unclear whether manufacturing, trade, etc.
  08 alcohol and tobacco industry - unclear whether manufacturing, etc.
  09 other
  00 unable to classify litigant
Private Organization or Association (general category 2)

Digit 2 - what category of private associations best describes this litigant?

Digits 3-5 describe specific subcategories of organizations

1 = business, trade, professional, or union (BTPU)
   001 = Business or trade association
   002 = utilities co-ops
   003 = Professional association - other than law or medicine -
   004 = Legal professional association
   005 = Medical professional association
   006 = AFL-CIO union (private)
   007 = Other private union
   008 = Private Union - unable to determine whether in AFL-CIO
   009 = Public employee union - in AFL-CIO
       (include groups called professional organizations if their role includes bargaining over wages and work conditions)
   010 = Public Employee Union - not in AFL-CIO
   011 = Public Employee Union - unable to determine if in AFL-CIO
   012 = Union pension fund; other union funds (e.g., vacation funds)
   013 = Other
   000 = Not able to categorize subcategory

Example: American Bar Association = 21004

2 = other
   001 = Civic, social, fraternal organization
   002 = Political organizations - Other than political parties
       Examples: Civil rights focus; Public Interest - broad,
       civil liberties focus (ACLU) or broad, multi-issue focus
       (Common Cause, Heritage Foundation, ADA) or single issue
       - Environmental ENV, Abortion, etc. (prolife, pro-abortion), elderly, consumer interests: Consumer
       Federation of America, Consumer's Union, National
       Railroad Passenger Association; PAC
   003 = Political party
   004 = Educational organization - Private, non-profit school
   005 = Educational organization - Association, not individual
       school - PTA or PTO
   006 = Religious or non-profit hospital or medical care
       facility (e.g., nursing home)
   007 = Other religious organization (includes religious
       foundations)
008 = Charitable or philanthropic organization (including foundations, funds, private museums, private libraries)
009 = Other
000 = Not able to categorize subcategory

Federal government (General category 3)

Digit 2 - which category of federal government agencies and activities best describes this litigant?

Digits 3 - 5 list specific government agencies falling into the categories in digit 2.

1 cabinet level department
   001 = Department of Agriculture
   002 = Department of Commerce
   003 = Department of Defense (includes War Department and Navy Department)
   004 = Department of Education
   005 = Department of Energy
   006 = Department of Health, Education and Welfare
   007 = Department of Health & Human Services
   008 = Department of Housing and Urban Development
   009 = Department of Interior
   010 = Department of Justice (does not include FBI or parole boards; does include US Attorneys)
   011 = Department of Labor (except OSHA)
   012 = Post Office Department
   013 = Department of State
   014 = Department of Transportation, National Transportation Safety Board
   015 = Department of the Treasury (except IRS)
   016 = Department of Veterans Affairs

Example: Chairman of the Joint Chiefs of Staff = 31003

2 courts or legislative
   001 = one or both houses of Congress
   002 = congressional committee
   003 = officer of Congress or other Congress related actor
   004 = Federal District Court (or judge)
   005 = Federal Circuit Court of Appeals (or judge)
   006 = Court of Claims (or judge)
   007 = Tax Court (or judge)
   008 = Bankruptcy Court (or judge)
009 = other court or judge
3 agency whose first word is "federal"
001 = Federal Aviation Administration
002 = Federal Bureau of Investigation (FBI)
003 = Federal Coal Mine Safety Board
004 = Federal Communications Commission
005 = Federal Deposit Insurance Corporation and FSLIC
006 = Federal Election Commission
007 = Federal Energy Agency (Federal Power Commission)
008 = Federal Energy Regulatory Commission
009 = Federal Home Loan Bank Board
010 = Federal Housing Authority (FHA)
011 = Federal Labor Relations Authority
012 = Federal Maritime Board
013 = Federal Maritime Commission
014 = Federal Mine Safety & Health Administration
015 = Federal Mine Safety & Health Review Commission
016 = Federal Reserve System
017 = Federal Trade Commission

4 other agency, beginning with "A" thru "E"
001 = Benefits Review Board
002 = Civil Aeronautics Board
003 = Civil Service Commission (U.S.)
004 = Commodity Futures Trading Commission
005 = Consumer Products Safety Commission
006 = Copyright Royalty Tribunal
007 = Drug Enforcement Agency
008 = Environmental Protection Agency
009 = Equal Employment Opportunity Commission

5 other agency, beginning with "F" thru "N"
001 = Food & Drug Administration
002 = General Services Administration
003 = Government Accounting Office (GAO)
004 = Health Care Financing Administration
005 = Immigration & Naturalization Service (includes border patrol)
006 = Internal Revenue Service (IRS)
007 = Interstate Commerce Commission
008 = Merit Systems Protection Board
009 = National Credit Union Association
010 = National Labor Relations Board
011 = Nuclear Regulatory Commission
6 other agency, beginning with "O" thru "R"
  001 = Occupational Safety & Health Administration
  002 = Occupational Safety & Health Review Commission
  003 = Office of the Federal Inspector
  004 = Office of Management & Budget
  005 = Office of Personnel Management
  006 = Office of Workers Compensation Program
  007 = Parole board or parole commission, or prison official, or US Bureau of Prisons
  008 = Patent Office
  009 = Postal Rate Commission (U.S.)
  010 = Postal Service (U.S.)
  011 = RR Adjustment Board
  012 = RR Retirement Board

7 other agency, beginning with "S" thru "Z"
  001 = Securities & Exchange Commission
  002 = Small Business Administration
  003 = Veterans Administration

8 District of Columbia
  000 = DC in its corporate capacity
  001 = legislative body for DC local government
  002 = mayor, agency head or top administrator
  003 = bureaucracy providing service
  004 = bureaucracy in charge of regulation
  005 = bureaucracy in charge of general administration
  006 = judicial
  007 = other

9 other, not listed, not able to classify
  000 = United States - in corporate capacity (i.e., as representative of "the people") - in criminal cases
  001 = United States - in corporate capacity - civil cases
  002 = special wartime agency
  003 = Unlisted federal corporation (TVA, FNMA (fannie mae), GNMA (ginny mae))
  004 = Other unlisted federal agency (includes the President of the US)
  005 = Unclear or nature not ascertainable

Example: in a criminal case entitled, "United states v Songer" the US = 39000

NOTE: If party is listed as "United States" but the opinion indicates a particular agency, the specific agency was coded (e.g., if in "U.S. v. Jones, the government is appealing an adverse
decision of the Tax Court reducing Jones' taxes, the appellant was coded as the IRS).

---

**Substate Government (general category 4)**

Digit 2 = which category of substate government best describes this litigant?

Digits 3 - 5 list specific government agencies falling into the categories in digit 2.

1 legislative
   - 001 = City/county council
   - 002 = School Board, board of trustees for college or junior college
   - 003 = Other legislative body
   - 000 = not ascertained

2 executive/administrative
   - 001 = CEO or officials in charge of agency
   - 002 = Mayor/county executive
   - 003 = Primary or secondary school system CEO
   - 004 = Other CEO or administrative official (except prison)
   - 000 = not ascertained

3 bureaucracy providing services
   - 001 = Police, Sheriff
   - 002 = Fire
   - 003 = Taxation
   - 004 = Human Services/Welfare/Health Care
   - 005 = Streets and Highways
   - 006 = Transportation
   - 007 = Election Processes
   - 008 = Education - Not School Board
   - 009 = Other Service Activity
   - 000 = not ascertained

4 bureaucracy in charge of regulation
   - 001 = Environment
   - 002 = Market Practices
   - 003 = Transportation
   - 004 = Professions (licensing)
   - 005 = Labor-Management
   - 006 = Communications
007 = Zoning/Land Use
008 = Building and Housing
009 = Other Regulating Activity
000 = not ascertained

Examples: 1) a municipally owned bus company = 43006
2) a county automobile inspection agency = 44003
5 bureaucracy in charge of general administration
   001 = Personnel
   002 = Other General Administration
   000 = not ascertained

6 judicial
   001 = Judge or Court (local trial court judge or justice of peace)
   002 = Prosecutor/district attorney
   003 = Jail/Prison/Probation Official and Organization
       (includes prison hospitals; includes juvenile correction officials)
   004 = Other Judicial Official
   000 = not ascertained

7 other
   001 = City of, county of, etc. - in corporate capacity - criminal case
   002 = city of, county of, etc. - in corporate capacity - civil case
   003 = Other sub-state activity
   000 = not ascertained
State Government (general category 5)

Digit 2 =which subcategory of state government best describes this litigant?

Digits 3 - 5 list specific government agencies falling into the categories in digit 2.

1 legislative
   001 = Legislature or separate house as an organization
   002 = Legislative Committee or Commission
   003 = Other Legislative Unit
   000 = not ascertained

2 executive/administrative
   001 = Governor
   002 = Attorney General
   003 = Secretary of State
   004 = Other Administrative Officer NOT detailed below

3 bureaucracy providing services
   001 = Police
   002 = Fire
   003 = Taxation
   004 = Human Services/Welfare/Health Care
   005 = Streets and Highways
   006 = Transportation
   007 = Election processes
   008 = Education
   009 = Other Service Activity
   000 = not ascertained

Example: For a case listed as "David Beasley, Charlie Condon, et. al. v the Widget Company" and all the opinion says about the appellants is, "The governor of South Carolina and other state officials appeal the adverse ruling of the district court," the following variables would be coded:

NUMAPPEL = 99
APPNATPR = 0
APPSTATE = 99
APPEL1 = 52001
APPEL2 = 52002 (if the coder knew that Charlie Condon was the state attorney general. In the absence of this personal knowledge, the coding would be APPEL2 = 52004)
4 bureaucracy in charge of regulation
   001 = Environment
   002 = Market Practices
   003 = Transportation
   004 = Professions (licensing)
   005 = Labor-Management
   006 = Communications
   007 = Zoning/Land Use
   008 = Building and Housing
   009 = Other Regulating Activity
   000 = not ascertained

5 bureaucracy in charge of general administration
   001 = Personnel
   002 = Other General Administration
   000 = not ascertained

6 judicial
   001 = Judge (non-local judge; appellate judge)
   002 = Prosecutor/district attorney (non-local, e.g., special prosecutor)
   003 = Jail/Prison/Probation Official (includes juvenile officials)
   004 = Other judicial official
   000 = not ascertained

7 other
   001 = state of ___ - state in its corporate capacity in criminal cases
   002 = state of ___ - state in its corporate capacity in civil cases
   003 = other state level activity
   000 = not ascertained

Government - Level Not Ascertained (General category 6)

   All litigants falling into this class are coded 69999.
**Natural Person Codes (General Category 7)**

Digit 2 = what is the gender of this litigant?
- 0 = not ascertained
- 1 = male - indication in opinion (e.g., use of masculine pronoun)
- 2 = male - assumed because of name
- 3 = female - indication in opinion of gender
- 4 = female - assumed because of name

Note: names were used to classify the party's sex only if there was little ambiguity (e.g., the sex of "Chris" would be coded as "0").

Digit 3 = is the race/ethnic identity of this litigant identified in the opinion?
- 0 = not ascertained, not applicable (e.g. - an alien)
- 1 = caucasian - specific indication in opinion
- 2 = black - specific indication in opinion
- 3 = native american - specific indication in opinion
- 4 = native american - assumed from name
- 5 = asian - specific indication in opinion
- 6 = asian - assumed from name
- 7 = hispanic - specific indication in opinion
- 8 = hispanic - assumed from name
- 9 = other

Note: names may be used to classify a person as hispanic if there is little ambiguity.
Note: all aliens are coded as race/ethnic=0.

Digit 4 = is the citizenship of this litigant indicated in the opinion?
- 0 = not ascertained
- 1 = US citizen
- 2 = alien
Digit 5 = which of these categories best describes the income of the litigant?

0 = not ascertained
1 = poor + wards of state (e.g., patients at state mental hospital; not prisoner unless specific indication that poor).
2 = presumed poor (e.g., migrant farm worker)
3 = presumed wealthy (e.g., high status job - like medical doctors, executives of corporations that are national in scope, professional athletes in the NBA or NFL; upper 1/5 of income bracket)
4 = clear indication of wealth in opinion
5 = other- above poverty line but not clearly wealthy (e.g., public school teachers, federal government employees)

Notes:

a) "poor" means below the federal poverty line; e.g., welfare or food stamp recipients.
b) there must be some specific indication in the opinion that you can point to before anyone is classified anything other than "0"
c) prisoners filing "pro se" were classified as poor, but litigants in civil cases who proceed pro se were not presumed to be poor.
d) wealth obtained from the crime at issue in a criminal case was not counted when determining the wealth of the criminal defendant (e.g., drug dealers).

Examples: 1) Michael Jordan = 71214
2) A criminal defendant named Fred Songer who is not described in the opinion but is represented by appointed counsel = 72001.
**Miscellaneous (General Category 8)**

Digit 2 = which of the following categories best describes the litigant?

Digits 3-5 indicate specific subcategories for each category

1 = fiduciary, executor, or trustee
   - 001 = trustee in bankruptcy - institution
   - 002 = trustee in bankruptcy - individual
   - 003 = executor or administrator of estate - institution
   - 004 = executor or administrator of estate - individual
   - 005 = trustees of private and charitable trusts - institution
   - 006 = trustee of private and charitable trust - individual
   - 007 = conservators, guardians and court appointed trustees for minors, mentally incompetent (Note: a parent suing on behalf of their injured child is generally coded as a natural person rather than as a fiduciary, unless there is some specific indication in the opinion that there has been some legal process that has created a role as trustee, guardian, etc)
   - 008 = other fiduciary or trustee
   - 000 = specific subcategory not ascertained

2 = other
   - 001 = Indian Tribes
   - 002 = Foreign Government
   - 003 = Multi-state agencies, boards, etc. (e.g., Port Authority of NY)
   - 004 = International Organizations
   - 005 = Other (e.g., an animal)
   - 000 = Not ascertained

---

**Not Ascertained (General Category 9)**

If even the general category of the appellant or respondent cannot be ascertained, they are coded: 99999.

**Example:** The federal district court rules against the government in its attempt to seize a car abandoned in a drug raid, and the government appeals in a case titled, "United States v a 1987 Cadillac Seville"
APPEL1 = 39001
RESPOND1 = 82005

Field 38
GENAPEL2
1 column wide (173)
numeric

Reliability:
Rate of Intercoder Agreement: 89.6%
Gamma: .95
Kendall's Tau-b: .82

This field reports the coding of the second listed appellant whose detailed code is not identical to the code for the first listed appellant. The 9 categories are the same as the first digit of the detailed coding of the appellants. The variable takes the following values:

1 = private business (Including criminal enterprises)
2 = private organization or association
3 = federal government (includes DC)
4 = sub-state government (e.g., county, local, special district)
5 = state government (includes territories & commonwealths)
6 = government - level not ascertained
7 = natural person (Exclude persons named in their official capacity or who appear because of a role in a private organization)
8 = miscellaneous
9 = not ascertained

Field 39
BANK_AP2
1 column wide (172)
numeric

Reliability:
Rate of Intercoder Agreement: 93.6%
Gamma: .99
Kendall's Tau-b: .82
This field records a dichotomous variable to indicate whether or not the second listed appellant is bankrupt. If there is no indication of whether or not the appellant is bankrupt, the appellant is presumed to be not bankrupt. The variable takes the following values:
1 = bankrupt
2 = not bankrupt

Field 40
APPEL2
5 columns wide (173-177)
numeric

Reliability:
Rate of Intercoder Agreement: 87.2%
Gamma: .91
Kendall's Tau-b: .82

This field records a five digit code to represent a more detailed coding of the nature of the second listed appellant than is provided in field 38 (GENAPEL2). The first digit of this variable is the same as that for field 38. The variable takes the same values as those reported above for APPEL1. If there are more than two appellants and at least one of the additional appellants has a different general category from the first appellant, then the first appellant with a different general category will be coded as GENAPEL2 and APPEL2.

Example: the appellants are listed as, "Widget Manufacturing Corporation, Widget Distributors, Inc., and Richard Riley, U.S. Secretary of State"
APPEL1 = 14409
APPEL2 = 31004
Field 41
REALAPP
1 column wide (179)
numeric

Reliability:
Rate of InterCoder Agreement: 99.2%
Gamma: -1.0
Kendall's Tau-b: -0.04

This field codes whether or not the formally listed appellants in the case (i.e., the appellants listed at the top of the case in F2nd) are the "real parties." That is, are they the parties whose real interests are most directly at stake? (e.g., in some appeals of adverse habeas corpus petition decisions, the respondent is listed as the judge who denied the petition, but the real parties are the prisoner and the warden of the prison) (another example would be "Jones v A 1990 Rolls Royce" where Jones is a drug agent trying to seize a car which was transporting drugs - the real party would be the owner of the car).

For cases in which an independent regulatory agency is the listed appellant, the following rule was adopted: If the agency initiated the action to enforce a federal rule or the agency was sued by a litigant contesting an agency action, then the agency was coded as a real party. However, if the agency initially only acted as a forum to settle a dispute between two other litigants, and the agency is only listed as a party because its ruling in that dispute is at issue, then the agency is considered not to be a real party. For example, if a union files an unfair labor practices charge against a corporation, the NLRB hears the dispute and rules for the union, and then the NLRB petitions the court of appeals for enforcement of its ruling in an appeal entitled "NLRB v Widget Manufacturing, INC." the NLRB would be coded as not a real party.

Note that under these definitions, trustees are usually "real parties" and parents suing on behalf of their children and a spouse suing on behalf of their injured or dead spouse are also "real parties."

The variable takes the following values:
0 = both 1st and 2nd listed appellants are real parties
(or if there is only one appellant, and that appellant is a real party)
1 = the 1st appellant is not a real party
2 = the 2nd appellant is not a real party
3 = neither the 1st nor the 2nd appellants are real parties
4 = not ascertained
B. Respondents

Field 42

NUMRESP
3 columns wide (181-183)
numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: .96
Kendall's Tau-b: .92

This field records the total number of respondents in the case. If the total number cannot be determined then 99 is recorded.

Fields 43-49

R_NATPR (Natural persons)
3 columns wide (185-187)
numeric

Reliability:
Rate of Intercoder Agreement: 93.6%
Gamma: .92
Kendall's Tau-b: .75

R_BUS (Business)
3 columns wide (189-191)
numeric

Reliability:
Rate of Intercoder Agreement: 92.4%
Gamma: .91
Kendall's Tau-b: .82
<table>
<thead>
<tr>
<th>Dataset</th>
<th>Government Type</th>
<th>Number of columns</th>
<th>Column Width (starting from)</th>
<th>Reliability:</th>
</tr>
</thead>
</table>
| R_NONP      | Groups and associations| 3                 | 193-195                     | Rate of Intercoder Agreement: 95.6%  
                        |                         |                                | Gamma: 0.96  
                        |                         |                                | Kendall's Tau-b: 0.72 |
| R_FED       | Federal government     | 3                 | 197-199                     | Rate of Intercoder Agreement: 98.4%  
                        |                         |                                | Gamma: 0.97  
                        |                         |                                | Kendall's Tau-b: 0.95 |
| R_SUBST     | Substate government    | 3                 | 201-203                     | Rate of Intercoder Agreement: 97.2%  
                        |                         |                                | Gamma: 0.98  
                        |                         |                                | Kendall's Tau-b: 0.83 |
| R_STATE     | State government       | 3                 | 205-207                     | Rate of Intercoder Agreement: 98.8%  
                        |                         |                                | Gamma: 0.99  
                        |                         |                                | Kendall's Tau-b: 0.93 |
R_FIDUC (Fiduciaries)
3 columns wide (209-211)
numeric

Reliability:
Rate of Intercoder Agreement: 96.0%
Gamma: .96
Kendall's Tau-b: .70

The structure of each field in this group is the same as the structure of the analogous appellant variables (e.g., APPNATPR, APPBUS). Each field records the number of respondents in the present case that fell into the designated general category of respondents. If the total number cannot be determined then 99 is recorded in the category. The types of respondents recorded in each field are as follows:

- R_NATPR = natural persons
- R_BUS = private business and its executives
- R_NONP = groups and associations
- R_FED = the federal government, its agencies, and officials
- R_STATE = state governments, their agencies, and officials
- R_FIDUC = fiduciaries

Note: if an individual is listed by name, but their appearance in the case is as a government official, then they are counted as a government rather than as a private person. (see example under appellants). Similar logic is applied to businesses and associations. Officers of a company or association whose role in the case is as a representative of their company or association are coded as being a business or association rather than as a natural person. However, employees of a business or a government who are suing their employer are coded as natural persons.
Field 50

R_STID
2 columns wide (213-214)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .96
Kendall's Tau-b: .90

This field uses the numerical codes for the states (see field 13, STATE, for a listing of the codes) to indicate the state of the first listed state or local government agency that is a respondent.

Field 51

GENRESP1
1 column wide (217)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: .98
Kendall's Tau-b: .98

This field reports the coding of the first listed respondent. The 9 categories are the same as the first digit of the detailed coding of the appellants (Note that fields 35, GENAPPEL1; 38, GENAPEL2; and 54, GENRESP2 use the same categories). The variable takes the following values:

1 = private business (Including criminal enterprises)
2 = private organization or association
3 = federal government (includes DC)
4 = sub-state government (e.g., county, local, special district)
5 = state government (includes territories & commonwealths)
6 = government - level not ascertained
7 = natural person (Exclude persons named in their official capacity or who appear because of a role in a private organization)
8 = miscellaneous
9 = not ascertained
0 = not applicable (only possible for respondent; e.g. in cases such as "ex parte jones" which list only one party)

Field 52
BANK_R1
1 column wide (216)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: 1.00
Kendall's Tau-b: .77

This field records a dichotomous variable to indicate whether or not the first listed respondent is bankrupt. If there is no indication of whether or not the respondent is bankrupt, the respondent is presumed to be not bankrupt. The variable takes the following values:
1 = bankrupt
2 = not bankrupt

Field 53
RESPOND1
5 columns wide (217-221)
numeric

Reliability:
Rate of Intercoder Agreement: 88.8%
Gamma: .94
Kendall's Tau-b: .94

This field records a five digit code to represent a more detailed coding of the nature of the first listed respondent than is provided in field 51 (GENRESP1). The first digit of this variable is the same as that for field 51. The variable uses the same categories as those used in the coding of the detailed nature of the appellants listed above.
(see codes for field 37 above).

__________________
Field 54

GENRESP2
1 column wide (224)
numeric

____________________
Reliability:
Rate of Intercoder Agreement: 90.4%
Gamma: .94
Kendall's Tau-b: .87
____________________

This field reports the coding of the second listed respondent whose detailed code is not identical to the code for the first listed respondent. The 9 categories are the same as the first digit of the detailed coding of the respondents. The variable takes the following values:

1 = private business (Including criminal enterprises)
2 = private organization or association
3 = federal government (includes DC)
4 = sub-state government (e.g., county, local, special district)
5 = state government (includes territories & commonwealths)
6 = government - level not ascertained
7 = natural person (Exclude persons named in their official capacity or who appear because of a role in a private organization)
8 = miscellaneous
9 = not ascertained
0 = not applicable (only possible for respondent; e.g. in cases such as "ex parte jones" which list only one party)
Field 55

BANK_R2
1 column wide (223)
numeric

Reliability:
Rate of Intercoder Agreement: 94.0%
Gamma: .98
Kendall's Tau-b: .86

This field records a dichotomous variable to indicate whether or not the second listed respondent is bankrupt. If there is no indication of whether or not the respondent is bankrupt, the respondent is presumed to be not bankrupt. The variable takes the following values:
1 = bankrupt
2 = not bankrupt

Field 56

RESPOND2
5 columns wide (224-228)
numeric

Reliability:
Rate of Intercoder Agreement: 88.0%
Gamma: .91
Kendall's Tau-b: .86

This field records a five digit code to represent a more detailed coding of the nature of the second listed respondent than is provided in field 54 (GENRESP2). The first digit of this variable is the same as that for field 54. The variable takes the same values as those reported above for APPEL1 and RESPOND1. If there are more than two respondents and at least one of the additional respondents has a different general category from the first respondent, then the first respondent with a different general category will be coded as GENRESP2 and RESPOND2.
Field 57

REALRESP
1 column wide (230)
numeric

Reliability:
Rate of Intercoder Agreement: 96.4%
Gamma: .98
Kendall's Tau-b: .51

This field codes whether or not the formally listed respondents in the case (i.e., the respondents listed at the top of the case in F2nd) are the "real parties." That is, are they the parties whose real interests are most directly at stake? (e.g., in some appeals of adverse habeas corpus petition decisions, the respondent is listed as the judge who denied the petition, but the real parties are the prisoner and the warden of the prison) (another example would be "Jones v A 1990 Rolls Royce" where Jones is a drug agent trying to seize a car which was transporting drugs - the real party would be the owner of the car).

For cases in which an independent regulatory agency is the listed respondent, we adopted the following rule: If the agency initiated the action to enforce a federal rule or the agency was sued by a litigant contesting an agency action, then the agency was coded as a real party. However, if the agency initially only acted as a forum to settle a dispute between two other litigants, and the agency is only listed as a party because its ruling in that dispute is at issue, then the agency is considered not to be a real party. For example, if a union files an unfair labor practices charge against a corporation, the NLRB hears the dispute and rules for the union, and then the corporation petitions the court of appeals to overturn the agency decision in an appeal entitled "Widget Manufacturing, INC v NLRB" the NLRB would be coded as not a real party.

The variable takes the following values:
0 = both 1st and 2nd listed respondents are real parties
(or if there is only one respondent, and that respondent is a real party)
1 = the 1st respondent is not a real party
2 = the 2nd respondent is not a real party
3 = neither the 1st nor the 2nd respondents are real parties
4 = not ascertained
C. Other Participants

Field 58-59

COUNSELI
1 column wide (114)
numeric

<table>
<thead>
<tr>
<th>Reliability:</th>
</tr>
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<tbody>
<tr>
<td>Rate of Intercoder Agreement: 92.4%</td>
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<tr>
<td>Gamma: 0.87</td>
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<td>Kendall's Tau-b: 0.79</td>
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COUNSEL2
1 column wide (116)
numeric

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<th>Reliability:</th>
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</thead>
<tbody>
<tr>
<td>Rate of Intercoder Agreement: 92.4%</td>
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<tr>
<td>Gamma: 0.83</td>
</tr>
<tr>
<td>Kendall's Tau-b: 0.78</td>
</tr>
</tbody>
</table>

These fields record the nature of the counsel for appellant (COUNSELI) and the respondent (COUNSEL2). The variable takes the following values:

1 = none (pro se)
2 = court appointed
3 = legal aid or public defender
4 = private
5 = government - US
6 = government - state or local
7 = interest group, union, professional group
8 = other or not ascertained

(note: if name of attorney was given with no other indication of affiliation, we assumed it is private - unless a government agency was the party)
Field 60

AMICUS
1 column wide (118)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: 1.00
Kendall's Tau-b: .89

This field acts as a flag to indicate whether or not there was any amicus participation before the court of appeals. The opinions typically do not indicate anything about the position taken by the amici, and therefore we did not code on whose behalf the amicus appeared. The variable takes the following values:

0 = no amicus participation on either side
1 - 7 = the number of separate amicus briefs that were filed
8 = 8 or more briefs filed
9 = not ascertained

Field 61

INTERVEN
1 column wide (128)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .98
Kendall's Tau-b: .67

This field records whether one or more individuals or groups sought to formally intervene in the appeals court consideration of the case. The variable takes the following values:

0 = no intervenor in case
1 = intervenor = appellant
2 = intervenor = respondent
3 = yes, both appellant & respondent
9 = not applicable
ISSUES CODING

A. Basic Nature of Issue and Decision

Field 62

CASETYPO1
3 columns wide (432-434)
numeric

Reliability:
Rate of Intercoder Agreement: 88.4%
Gamma: .95
Kendall's Tau-b: .95

This field represents a conventional way of identifying the issue in the case. To avoid confusion of this field with other ways of conceptualizing the issue in the case, this variable is referred to as the first case type. The field identifies the social and/or political context of the litigation in which more purely legal issues are argued. Put somewhat differently, this field identifies the nature of the conflict between the litigants. Many of the categories closely parallel the issue categories in the Spaeth Supreme Court database (Phase I). As in the Supreme Court database, the focus here is on the subject matter of the controversy rather than its legal basis. However, since the agenda of the courts of appeals is somewhat different from the agenda of the Supreme Court, the two sets of issue categories are not identical. In addition, whereas most of the Spaeth issue codes in the general area of criminal cases refer to procedural issues that are frequently resolved in criminal cases, the criminal case types defined below are based on the nature of the criminal offense in the case.

The 220 case type categories are organized into eight major categories (these eight categories make up the values of the variable GENISS):
1. criminal
2. civil rights
3. First Amendment
4. due process
5. privacy
6. labor relations
7. economic activity and regulation
9. miscellaneous

Up to two case types (the second case type is coded as field 65, CASETYP2) are coded for each case, though the majority of cases have only one case type. No decision was made in coding about which issue was the most important when two or more case types were present. Therefore, CASETYP1 should not be considered more important than CASETYP2. In the rare cases in which three casetypes were present, coders attempted to choose two casetypes that were in different major categories rather than coding two casetypes from the same general category.

The variable takes the following values:

The listing of specific case type codes that follows is broken down into the eight general categories listed above and then each general category is further divided into several subcategories (abbreviated SC) noted below. Note that the first digit of all specific case types within the same general category have the same first digit.

GENERAL CATEGORY 1: CRIMINAL -
includes appeals of conviction, petitions for post conviction relief, habeas corpus petitions, and other prisoner petitions which challenge the validity of the conviction or the sentence

SC 1 - federal offenses

101 murder
102 rape
103 arson
104 aggravated assault
105 robbery
106 burglary
107 auto theft
108 larceny (over $50)

*note - the 8 crimes listed above are the FBI's "index crimes"

109 other violent crimes
110 narcotics
111 alcohol related crimes, prohibition
112 tax fraud
113 firearm violations

78
morals charges (e.g., gambling, prostitution, obscenity)  
criminal violations of government regulations of business  
other white collar crime (involving no force or threat of force; e.g., embezzlement, computer fraud, bribery)  
other crimes  
federal offense, but specific crime not ascertained
SC 2- state offenses

121 murder
122 rape
123 arson
124 aggravated assault
125 robbery
126 burglary
127 auto theft
128 larceny (over $50)

*note - the 8 crimes listed above are the FBI's "index crimes"

129 other violent crimes
130 narcotics
131 alcohol related crimes, prohibition
132 tax fraud
133 firearm violations
134 morals charges (e.g., gambling, prostitution, obscenity)
135 criminal violations of government regulations of business
136 other white collar crime (involving no force or threat of force; e.g., embezzlement, computer fraud, bribery)
137 other state crimes
138 state offense, but specific crime not ascertained

SC 3 - not determined whether state or federal offense

141 murder
142 rape
143 arson
144 aggravated assault
145 robbery
146 burglary
147 auto theft
148 larceny (over $50)

*note - the 8 crimes listed above are the FBI's "index crimes"

149 other violent crimes
150 narcotics
151 alcohol related crimes, prohibition
152 tax fraud
153 firearm violations
154 morals charges (e.g., gambling, prostitution, obscenity)
155 criminal violations of government regulations of business
156 other white collar crime (involving no force or threat of force; e.g., embezzlement, computer fraud, bribery)
GENERAL CATEGORY 2: CIVIL RIGHTS
Excluding First Amendment or due process; also excluding claims of denial of rights in criminal proceeding or claims by prisoners that challenge their conviction or their sentence (e.g., habeas corpus petitions are coded under the criminal category); does include civil suits instituted by both prisoners and non-prisoners alleging denial of rights by criminal justice officials.

SC 1 - civil rights claims by prisoners and those accused of crimes
-contesting the condition of their imprisonment or the denial of their rights in prison (not used for petitions filed while in prison which contest their sentence or conviction)

201 suit for damages for false arrest or false confinement
202 cruel and unusual punishment
203 due process rights in prison
204 denial of other rights of prisoners -42 USC 1983 suits
(Note: if a prisoner sought damages under 42 USC 1983 alleging that some action of prison officials was "cruel & unusual punishment" the normal coding would be casetyp1=204 and casetyp2=202)
205 denial or revocation of parole -due process grounds
206 other denial or revocation of parole
207 other prisoner petitions
208 excessive force used in arrest
209 other civil rights violations alleged by criminal defendants

SC 2 - voting rights, race discrimination, sex discrimination

210 voting rights - reapportionment & districting
211 participation rights - rights of candidates or groups to fully participate in the political process; access to ballot
212 voting rights - other (includes race discrimination in voting)
213 desegregation of schools
214 other desegregation
221 employment race discrimination - alleged by minority
222 other race discrimination - alleged by minority
223 employment: race discrimination - alleged by caucasian (or opposition to affirmative action plan which benefits minority)
224 other reverse race discrimination claims
231 employment: sex discrimination - alleged by woman
232 pregnancy discrimination
233 other sex discrimination - alleged by woman
234 employment: sex discrimination - alleged by man
   (or opposition to affirmative action plan which benefits women)
235 other sex discrimination - alleged by man
239 suits raising 42 USC 1983 claims
   based on race or sex discrimination
   (if raised as part of opposition to government economic regulation, code the economic issue as the 1st issue and 239 as the 2nd issue)

SC 2 - other civil rights

241 alien petitions - (includes disputes over attempts at deportation)
251 indian rights and law (note: under this code, only civil rights claims under Indian law are recorded; see categories 910-916 for other Indian law case types)
261 juveniles
271 poverty law, rights of indigents (civil)
281 rights of handicapped (includes employment)
282 age discrimination (includes employment)
283 discrimination based on religion or nationality
284 discrimination based on sexual preference (except for category 502)
290 challenge to hiring, firing, promotion decision of federal government (other than categories above)
291 other 14th amendment and civil rights act cases
299 other civil rights

GENERAL CATEGORY 3: FIRST AMENDMENT

SC 1 - religion, press, commercial

301 commercial speech
302 libel, slander, defamation
303 free exercise of religion
304 establishment of religion
   (other than aid to parochial schools)
305 aid to parochial schools
306 press
SC 2 - speech and other expression

307 obscenity  (note: if challenge to obscenity law is part of appeal of criminal conviction or as part of challenge to a zoning law, two case types should be coded- 307 plus the appropriate criminal or economic category)

308 association

309 federal internal security and communist control acts, loyalty oaths, security risks

310 legality of expression in context of overt acts (speeches, parades, picketing, etc.) protesting race discrimination

311 overt acts - opposition to war and the military

312 conscientious objection to military service or other first amendment challenges to the military

313 expression of political or social beliefs conflicting with regulation of physical activity (includes demonstrations, parades, canvassing, picketing)

314 threats to peace, safety, and order (except those covered above) (includes fighting words, clear and present danger, incitement to riot)

315 challenges to campaign spending limits or other limits on expression in political campaigns

399 other (includes tests of belief)

GENERAL CATEGORY 4: DUE PROCESS

Claims in civil cases by persons other than prisoners. This category does not include due process challenges to government economic regulation (those challenges are included in category 7 - Economic Activity and Regulation).

410 denial of fair hearing or notice - government employees (includes claims of terminated government workers)

411 denial of hearing or notice in non-employment context

412 taking clause (i.e., denial of due process under the "taking" clause of the 5th or 14th Amendments)

413 freedom of information act and other claims of rights of access (includes all cases involving dispute over requests for information even if it does not involve the freedom of information act)

499 other due process issues

GENERAL CATEGORY 5: PRIVACY

501 abortion rights
502 homosexual rights where privacy claim raised
503 contraception and other privacy claims related to marital relations or sexual behavior (not in 501 or 502)
504 suits demanding compensation for violation of privacy rights (e.g., 1983 suits)
505 mandatory testing (for drugs, AIDS, etc)
506 mandatory sterilization
507 right to die or right to refuse medical help
599 other
GENERAL CATEGORY 6: LABOR

601 union organizing
602 unfair labor practices
603 Fair Labor Standards Act issues
604 Occupational Safety and Health Act issues
   (including OSHA enforcement)
605 collective bargaining
606 conditions of employment
607 employment of aliens
608 which union has a right to represent workers
609 non civil rights grievances by worker against union (e.g., union did not adequately represent individual)
610 other labor relations

GENERAL CATEGORY 7: ECONOMIC ACTIVITY AND REGULATION

SC 1 taxes, patents, copyright

701 state or local tax
702 federal taxation - individual income tax
   (includes taxes of individuals, fiduciaries, & estates)
703 federal tax - business income tax
   (includes corporate and partnership)
704 federal tax - excess profits
705 federal estate and gift tax
706 federal tax - other
710 patents
711 copyrights
712 trademarks
713 trade secrets, personal intellectual property

Note: 703- business income tax is generally a tax on the profits of a business or corporation before they have been distributed to stockholders or owners; a dispute between the IRS and a receiver of dividend income will generally be coded as 702 - individual income tax.
SC 2 torts
  720 motor vehicle
  721 airplane
  722 product liability
  723 federal employer liability; injuries to dockworkers and longshoremen
  724 other government tort liability
  725 workers compensation
  726 medical malpractice
  727 other personal injury
  728 fraud
  729 other property damage
  730 other torts

SC 3 - commercial disputes
  731 contract disputes-general (private parties)
    (includes breach of contract, disputes over meaning of contracts, suits for specific performance, disputes over whether contract fulfilled, claims that money owed on contract)
    (Note: this category is not used when the dispute fits one of the more specific categories below).
  732 disputes over government contracts
  733 insurance disputes
  734 debt collection, disputes over loans
  735 consumer disputes with retail business or providers of services
  736 breach of fiduciary duty; disputes over franchise agreements
  737 contract disputes - was there a contract, was it a valid contract ?
  738 commerce clause challenges to state or local government action
  739 other contract disputes-
    (includes misrepresentation or deception in contract, disputes among contractors or contractors and subcontractors, indemnification claims)
  740 private economic disputes (other than contract disputes)

SC 4 - bankruptcy, antitrust, securities
  741 bankruptcy - private individual (e.g., chapter 7)
  742 bankruptcy - business reorganization (e.g., chapter 11)
  743 other bankruptcy
  744 antitrust - brought by individual or private business
    (includes Clayton Act; Sherman Act; and Wright-Patman)
  745 antitrust - brought by government
  746 regulation of, or opposition to mergers
on other than anti-trust grounds
747 securities - conflicts between private parties (including corporations)
748 government regulation of securities

**SC 5 - misc economic regulation and benefits**

750 social security benefits (including SS disability payments)
751 other government benefit programs (e.g., welfare, RR retirement, veterans benefits, war risk insurance, food stamps)
752 state or local economic regulation
753 federal environmental regulation

754 federal consumer protection regulation (includes pure food and drug, false advertising)
755 rent control; excessive profits; government price controls
756 federal regulation of transportation
757 oil, gas, and mineral regulation by federal government
758 federal regulation of utilities (includes telephone, radio, TV, power generation)
759 other commercial regulation (e.g., agriculture, independent regulatory agencies) by federal government
760 civil RICO suits
761 admiralty - personal injury (note: suits against government under admiralty should be classified under the government tort category above)
762 admiralty - seamens' wage disputes
763 admiralty - maritime contracts, charter contracts
764 admiralty other

**SC 6 - property disputes**

770 disputes over real property (private)
771 eminent domain and disputes with government over real property
772 landlord - tenant disputes
773 government seizure of property - as part of enforcement of criminal statutes
774 government seizure of property - civil (e.g., for delinquent taxes, liens)

**other**

799 other economic activity
GENERAL CATEGORY 9: MISCELLANEOUS

901 miscellaneous interstate conflict
902 other federalism issue (only code as issue if opinion explicitly discusses federalism as an important issue - or if opinion explicitly discusses conflict of state power vs federal power)
903 attorneys (disbarment; etc)
904 selective service or draft issues (which do not include 1st amendment challenges)
905 challenge to authority of magistrates, special masters, etc.
906 challenge to authority of bankruptcy judge or referees in bankruptcy
910 Indian law - criminal verdict challenged due to interpretation of tribal statutes or other Indian law
911 Indian law - commercial disputes based on interpretation of Indian treaties or law (includes disputes over mineral rights)
912 Indian law - Indian claims acts and disputes over real property (includes Alaska Native Claims Act)
913 Indian law - federal regulation of Indian land and affairs
914 Indian law - state/local authority over Indian land and affairs
915 Indian law - tribal regulation of economic activities (includes tribal taxation)
916 other Indian law
920 international law
921 immigration (except civil rights claims of immigrants and aliens)
999 other
000 not ascertained
Field 63

GENISS
1 column wide (431)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .98
Kendall's Tau-b: .97

This field records the general issue categories of the more detailed categories of CASETYPI1. The variable takes the following values:

1. criminal
2. civil rights
3. First Amendment
4. due process
5. privacy
6. labor relations
7. economic activity and regulation
9. miscellaneous
0. not ascertained
This field reports the directionality of the decision of the court. Many of the directionality codes are consistent with commonly used definitions of "liberal" and "conservative." (A "3" is often a liberal vote and a "1" is a conservative vote. For example, votes in favor of the defendant in a criminal case, or for a newspaper editor opposing an attempt at censorship, or for a union that claims that management violated labor laws when it fired a worker for union organizing activities would all be coded as "3"). However, some issues are not easily categorized along a liberal/conservative dimension (e.g., attorney discipline cases). The directionality codes parallel closely the directionality codes in the Spaeth Supreme Court database. However, some users may want to define liberal and conservative in at least partially different ways or may want to define directionality for some set of case type categories along different dimensions. Therefore, each user should pay close attention to the way directionality is defined for each particular case type.

The definitions of directionality are specified below for each case type. For each case type, the outcome defined as a directionality of "3" is specified. A "1" represents the opposite outcome. Note that although not explicitly listed under each individual case type, a directionality of "2" means that the outcome was "mixed." An outcome coded as "0" means either that the directionality could not be determined or that the outcome could not be classified according to any conventional outcome standards.

**CRIMINAL AND PRISONER PETITIONS**

101 - 158 criminal

3=for the defendant
1=opposite
CIVIL RIGHTS

201-209 prisoner petitions
   3=for the position of the prisoner
   1=opposite

210-212 voting rights
   3=for those who claim their voting rights have been violated
   1=opposite

213, 214 desegregation
   3=for desegregation or for the most extensive desegregation if alternative plans are at issue
   1=opposite

223, 224, 234, 235 reverse discrimination claims
   3=for the rights of the racial minority or women
      (i.e., opposing the claim of reverse discrimination)
   1=opposite

All other civil rights:
   3=upholding the position of the person asserting the denial of their rights
   1=opposite

FIRST AMENDMENT

301-399 (all first amendment cases)
   3=for assertion of broadest interpretation of First Amendment protection
   1=opposite

DUE PROCESS

410-499 (all due process cases)
   3=for interest of person asserting due process rights violated
PRIVACY

501 - 599 (all privacy cases)

3 = for interest of person asserting privacy rights violated
1 = opposite

LABOR

a) Suits against management

3 = for union, individual worker, or government in suit against management
1 = opposite (for management)

b) government enforcement of labor laws

3 = for the federal government or the validity of federal regulations
1 = opposite

c) Executive branch vs union or workers

3 = for executive branch
1 = for union

d) worker vs union (non-civil rights)

3 = for union
1 = for individual worker

e) conflicts between rival unions

3 = for union which opposed by management
1 = for union which supported by management
0 = if neither union supported by management or if unclear
f) injured workers or consumers vs management
   3=against management
   1=for management

g) other labor issues
   3=for economic underdog if no civil rights issue is present;
   for support of person claiming denial of civil rights
   1=opposite
   0=unclear

ECONOMIC ACTIVITY AND REGULATION

701 - 707 Taxes
   3= for government tax claim
   1= opposite (for taxpayer)

710-713 patents and copyrights, etc.
   3= for person claiming patent or copyright infringement
   1= opposite

720 - 730 torts
   3= for the plaintiff alleging the injury
   1 = opposite

731- 740 commercial disputes (private parties)
   3= for economic underdog if one party is clearly an underdog
   in comparison to the other
   1=opposite
   0=neither party is clearly an economic underdog
   (Note: in cases pitting an individual against a business, the
   individual is presumed to be the economic underdog unless there is
   a clear indication in the opinion to the contrary)
741 - 743 bankruptcy

3=for debtor or bankrupt
1=opposite

744 - 746 antitrust, mergers

3= for government or private party raising claim of violation of antitrust laws, or party opposing merger
1=opposite

747 private conflict over securities

3=for the economic underdog
1=opposite
0=no clear economic underdog

750 - 751 individual benefits

3=for individual claiming a benefit from government
1=for the government

753, 754 environment and consumer protection

3=for greater protection of the environment or greater consumer protection (even if anti-government)
1=opposite

761 admiralty - personal injury
3 = for the injured party
1 = opposite
762- 764, 790  admiralty and miscellaneous economic cases
3=for economic underdog
l=opposite
0=if no clear underdog

MISCELLANEOUS

902  federalism
3=for assertion of federal power
l=opposite

901  conflict between states
0=for all decisions

903  attorneys
3=for attorney
l=opposite

904  selective service
3=for the validity of challenged selective service regulation
  or for the government interest in dispute with someone
  attempting to resist induction
l=opposite

905, 906  challenge to magistrates or referees
3=for the authority of the challenged official
l=opposite

910  Indian law - criminal
  3 = for defendant
  1 = opposite

911, 912  Indian law
  3 = for the claim of the Indian or tribal rights
  1 = opposite

913, 914  Indian law vs state and federal authority
  3 = for federal or state authority
  1 = opposite

915  Indian law
3 = for tribal regulation
1 = other

international law
3 = for interest of US or US firms when opposed by foreign firms or government;
   for US government if opposed to either US or foreign business
1 = opposite
0 = other

immigration
3 = for government regulation
1 = other

999, 000 other, not ascertained
0 = for all decisions

* Note: the directionality coding does not impose any definition of "liberal", "conservative", or any other ideological label on any user. For categories which are included in the Carp district court data set a "3" defines the position which Carp and Rowland (1983) have labelled "liberal". Therefore, users may run comparable analyses of the district and appeals courts without any recoding. However, users may easily develop their alternative definitions of liberal, conservative, etc., by simply recoding whichever issue categories they choose or by excluding certain issue categories altogether.

** Note: For all categories, a "2" was coded if the directionality of the decision was intermediate to the extremes defined above or if the decision was mixed (e.g., the conviction of defendant in a criminal trial was affirmed on one count but reversed on a second count or if the conviction was affirmed but the sentence was reduced. A "0" indicates that the directionality was not ascertained.
Field 65

CASETYP2
3 columns wide (438-440)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.0
Kendall's Tau-b: 1.0

See the specific codes listed under field 62, CASEYTYPI.

Field 66

DIRECT2
1 column wide (442)
numeric

Reliability:
Rate of Intercoder Agreement: 85.6%
Gamma: .88
Kendall's Tau-b: .71

See the specific codes listed under field 64, DIRECT1.
Field 67

TREAT

2 columns wide (98-99)
numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: .93
Kendall's Tau-b: .90

This field records the disposition by the court of appeals of the decision of the court or agency below; i.e., how the decision below is "treated" by the appeals court. That is, this variable represents the basic outcome of the case for the litigants and indicates whether the appellant or respondent "won" in the court of appeals. The variable takes the following values:

0= stay, petition, or motion granted
1= affirmed; or affirmed and petition denied
2= reversed (include reversed & vacated)
3= reversed and remanded (or just remanded)
4= vacated and remanded (also set aside & remanded; modified and remanded)
5= affirmed in part and reversed in part (or modified or affirmed and modified)
6= affirmed in part, reversed in part, and remanded; affirmed in part, vacated in part, and remanded
7= vacated
8= petition denied or appeal dismissed
9= certification to another court
10= not ascertained
MAJVOTES
2 columns wide (105-106)
numeric

Reliability:
  Rate of Intercoder Agreement: 98.4%
  Gamma: .99
  Kendall's Tau-b: .92

The value for this variable is simply the number of judges who voted in favor of the disposition favored by the majority. Judges who concurred in the outcome but wrote a separate concurring opinion are counted as part of the majority. For most cases this variable takes the value "2" or "3." However, for cases decided en banc the value may be as high as 15.

Note: in the typical case, a list of the judges who heard the case is printed immediately before the opinion. If there is no indication that any of the judges dissented and no indication that one or more of the judges did not participate in the final decision, then all of the judges listed as participating in the decision are assumed to have cast votes with the majority. If there is missing data for this variable it is usually because the opinion did not indicate how many judges heard the case. The number of majority votes recorded includes district judges or other judges sitting by designation who participated on the appeals court panel. If there is an indication that a judge heard argument in the case but did not participate in the final opinion (e.g., the judge died before the decision was reached), that judge is not counted in the number of majority votes.
Field 69

DISSENT
2 columns wide (108-109)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: .99
Kendall's Tau-b: .93

The value for this variable is the number of judges who dissented from the majority (either with or without opinion). Judges who dissented in part and concurred in part are counted as dissenting.

Field 70

CONCUR
2 columns wide (111-112)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: .99
Kendall's Tau-b: .82

The value for this field is the number of judges who either wrote a concurring opinion, joined a concurring opinion, or who indicated that they concurred in the result but not in the opinion of the court.
Field 71

HABEAS
1 column wide (444)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: 1.0
Kendall's Tau-b: .94

This field records whether the case was an appeal of a decision by the district court on a petition for habeas corpus. A state habeas corpus case is one in which a state inmate has petitioned the federal courts. The variable takes the following values:

0 = no
1 = yes, state habeas corpus (criminal)
2 = yes, federal habeas corpus (criminal)
3 = yes, federal habeas corpus relating to deportation
Field 72

DECUNCON
2 columns wide (446-447)
numeric

Reliability:
Rate of Intercoder Agreement: 99.6%
Gamma: 1.0
Kendall's Tau-b: .71

This field identifies cases in which the court utilizes judicial review with a declaration that some specific statute or administrative action is unconstitutional. Only explicit statements in the opinion that some provision is unconstitutional were used. Procedural violations of the constitution in the courts below were not counted as judicial review (e.g., if the trial court threw out evidence obtained in a search and seizure because of a 4th Amendment violation, the action would not count as judicial review). The variable takes the following values:

0 = no declarations of unconstitutionality
1 = act of Congress declared unconstitutional (facial invalidity)
2 = interpretation/application of federal law invalid
3 = federal administrative action or regulation unconstitutional on its face
4 = interpretation/application of administrative regs unconstitutional
5 = state constitution declared unconstitutional on its face
6 = interpretation/application of state constitution unconstitutional
7 = state law or regulation unconstitutional on its face
8 = interpretation/application of state law/regulation unconstitutional
9 = substate law or regulation unconstitutional on its face
10 = interpretation/application of substate law/regulation unconstitutional
Fields 73 - 75

CONSTIT
1 column wide (320)
numeric

Reliability:
Rate of Intercoder Agreement: 94.0%
Gamma: .93
Kendall's Tau-b: .53

FEDLAW
1 column wide (322)
numeric

Reliability:
Rate of Intercoder Agreement: 90.8%
Gamma: .92
Kendall's Tau-b: .75

PROCEDUR
1 column wide (324)
numeric

Reliability:
Rate of Intercoder Agreement: 78.0%
Gamma: .72
Kendall's Tau-b: .61

The coding for these three fields provides two pieces of information: first, whether there was an issue discussed in the opinion of the court about the interpretation of the U.S. constitution, federal statute, or court precedent or doctrine. Second, if the issue was present the coding indicates the directionality of the decision. In these issues, directionality refers to the way in which the legal question was answered in terms of who benefitted from the treatment of the issue.
For each question, the coding reflects one of four possible answers to the issue question:

2 yes, the issue was discussed in the opinion and the resolution of the issue by the court favored the appellant.

1 the issue was discussed in the opinion and the resolution of the issue by the court favored the respondent

0 issue was not discussed in the opinion

9 the resolution of the issue had mixed results for the appellant and respondent

Note, that values 1, 2 and 9 all indicate that the issue was discussed in the opinion. So if you want to simply identify all cases in which the issue was discussed, select all cases in which the value of the variable is greater than zero.

The specific issues for the three issues are:

CONSTIT -
Did the court's conclusion about the constitutionality of a law or administrative action favor the appellant?
(a code of "0" means that there was no discussion in the opinion about the constitutionality of a law or administrative action)

FEDLAW -
Did the interpretation of federal statute by the court favor the appellant?
(a code of "0" means that there was no discussion in the opinion about the interpretation of federal statute).

PROCEDUR -
Did the interpretation of federal rule of procedures, judicial doctrine, or case law by the court favor the appellant?
(note: this issue should not be considered to be present if the case law discussed in the opinion was related only to the interpretation of statute) (does include consideration of agency doctrines and precedents).
Field 76

TYPEISS
1 column wide (326)
numeric

Reliability:
Rate of Intercoder Agreement: 93.6%
Gamma: .96
Kendall's Tau-b: .93

This field records the general category of issues discussed in the opinion of the court. The variable takes the following values:

0 not ascertained
1 criminal and prisoner petitions
2 civil - government
3 diversity
4 civil - private
5 other, not applicable

These four categories are used below as the general categories for specification of the specific issues discussed in the opinion of the court.

Definitions of Categories:

1. Criminal - includes appeals of conviction, petitions for post conviction relief, habeas corpus petitions, and other prisoner petitions which challenge the validity of the conviction or the sentence or the validity of continued confinement. includes parole revocation.

2. Civil - Government - these will include appeals from administrative agencies (e.g., OSHA, FDA), the decisions of administrative law judges, or the decisions of independent regulatory agencies (e.g., NLRB, FCC, SEC). The focus in administrative law is usually on procedural principles that apply to administrative agencies as they affect private interests, primarily through rulemaking and adjudication. Tort actions against the government, including petitions by prisoners which challenge the conditions of their confinement or which seek damages for torts committed by prison officials or by police fit in this category. In addition, this category will include suits over taxes and claims for benefits from government.

3 Diversity of Citizenship - civil cases involving disputes
between citizens of different states (remember that businesses have state citizenship). These cases will always involve the application of state or local law. If the case is centrally concerned with the application or interpretation of federal law then it is not a diversity case.

4. Civil Disputes—Private — includes all civil cases that do not fit in any of the above categories. The opposing litigants will be individuals, businesses or groups.


The coding of the ten fields in this section was based on the headnotes which summarize the points of law in the West Topic and Key Number System (Note that when the same headnote has a constitutional provision, a section of the US code, and a rule of civil or criminal procedure, all were coded under the appropriate field):

There are four sets of variables coded: constitutional provisions cited, titles and sections of the U.S. Code cited, Federal rules of Civil Procedure cited, and Federal Rules of Criminal Procedure cited. In each case, coders first counted the number of times each constitutional, statutory, or federal rule provision was cited in the headnotes (i.e., a count of the number of headnote entries that contained a reference to a given provision). Then the most frequent and second most frequently cited provision in each category was coded.
Field 77

**CONST1**
3 columns wide (250-252)
numeric

<table>
<thead>
<tr>
<th>Reliability:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate of Intercoder Agreement: 98.4%</td>
</tr>
<tr>
<td>Gamma:</td>
</tr>
<tr>
<td>Kendall's Tau-b:</td>
</tr>
</tbody>
</table>

This field records the most frequently cited provision of the U.S. Constitution in the headnotes to this case. If no constitutional provisions are cited, a zero is entered. If one or more are cited, the article or amendment to the constitution which is mentioned in the greatest number of headnotes is coded. In case of a tie, the first mentioned provision of those that are tied is coded.

If it is one of the original articles of the constitution, the number of the article is preceded by two zeros.

If it is an amendment to the constitution, the number of the amendment (zero filled to two places) is preceded by a "one."

Examples: 001 = Article 1 of the original constitution
          101 = 1st Amendment
          114 = 14th Amendment

Field 78

**CONST2**
3 columns wide (254-256)
numeric

<table>
<thead>
<tr>
<th>Reliability:</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Gamma:</td>
</tr>
<tr>
<td>Kendall's Tau-b:</td>
</tr>
</tbody>
</table>

This field records the second most frequently cited constitutional provision, using the same codes as those for **CONST1**
above
____________________

Field 79

USC1
3 columns wide (258-260)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .97
Kendall's Tau-b: .97

This field records the most frequently cited title of the U.S. Code in the headnotes to this case. If none, then a "0" is entered. If one or more provisions are cited, the number of the most frequently cited title is entered.

____________________

Field 80

USC1SECT
5 column wide (262-266)
numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: .96
Kendall's Tau-b: .79

This field records the number of the section from the title of the US Code selected for field 79, USC1, which was the most frequently cited section of that title. In case of ties, the first to be cited was coded. The section number will have up to four digits and will follow "USC" or "USCA."
Field 81

USC2
3 columns wide (268-270)
numeric

Reliability:
Rate of Intercoder Agreement: 96.0%
Gamma: .94
Kendall's Tau-b: .91

This field codes the second most frequently cited title of the US Code (if fewer than two titles were cited, a "0" was recorded).

To choose the second title, the following rule was used: If two or more titles of USC or USCA are cited, choose the second most frequently cited title, even if there are other sections of the title already coded which are mentioned more frequently. If the title already coded is the only title cited in the headnotes, choose the section of that title which is cited the second greatest number of times.

Field 82

USC2SECT
5 column wide (272-276)
numeric

Reliability:
Rate of Intercoder Agreement: 92.4%
Gamma: .94
Kendall's Tau-b: .91

This field records the most frequently cited section of the title selected in field 81, USC2.
Field 83
CIVPROC1
3 columns wide (278-280)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .98
Kendall's Tau-b: .94

Was a federal rule of civil procedure cited in the headnotes?
If no, then "0" was entered.
If yes, then the number of the rule cited in the most headnotes was recorded. For ties, the first rule cited was selected

Field 84
CIVPROC2
3 columns wide (282-284)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: .99
Kendall's Tau-b: .87

Was a second federal rule of civil procedure cited in the headnotes?
If no, then "0" was entered.
If yes, then the number of the rule cited in the second most headnotes was recorded. For ties, the first rule cited was selected
Field 85

CRMPROC1
3 columns wide (286-288)
numeric

Reliability:
Rate of Intercoder Agreement: 99.6%
Gamma: .99
Kendall's Tau-b: .96

Was a federal rule of criminal procedure cited in the headnotes? If no, then "0" was entered. If yes, then the number of the rule cited in the most headnotes was recorded. For ties, the first rule cited was selected.

Field 86

CRMPROC2
3 columns wide (290-292)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.0
Kendall's Tau-b: 1.0

Was a second federal rule of criminal procedure cited in the headnotes? If no, then "0" was entered. If yes, then the number of the rule cited in the second most headnotes was recorded. For ties, the first rule cited was selected.
GENERAL NOTES FOR FIELDS 87 - 151 (ISSUE CODING SECTIONS C, D, E, F, G):

Each of these issues is stated in terms of a question which can be answered yes or no if the issue was addressed by the court. All issues were coded from the perspective of the court of appeals majority opinion. If the court discussed the issue in its opinion and answered the related question in the affirmative, a "2" was entered. If the issue was discussed and the opinion answered the question negatively, a "1" was entered. If the opinion considered the question but gave a "mixed" answer, supporting the respondent in part and supporting the appellant in part (or if two issues treated separately by the court both fell within the area covered by one question and the court answered one question affirmatively and one negatively), then a "9" was entered. If the opinion either did not consider or discuss the issue at all or if the opinion indicates that this issue was not worthy of consideration by the court of appeals even though it was discussed by the lower court or was raised in one of the briefs, a "0" was entered. For criminal issues, one additional answer was coded. If the question was answered in the affirmative (which typically meant the position of the defendant was supported), but the error articulated by the court was judged to be harmless, then a "3" was recorded. Thus the answers to these questions provide two discrete pieces of information: i) was a given issue discussed in the opinion of the court; and ii) if discussed, the directionality of the treatment of the answer. For most issues, the directionality is phrased in terms of whether the treatment by the court of the legal issue favored the position of the appellant or the respondent.

In summary, for fields 87-151, the variable may take one of the following values:

- 9 court gave mixed answer to question
- 3 yes, but error was harmless (criminal cases only) (or court did not decide the issue because even if the alleged error occurred, it was harmless)
- 2 yes, court answered question in affirmative
- 1 no, court answered question negatively
- 0 issue not discussed

Only issues actually discussed in the opinion were coded. If the opinion notes that a particular issue was raised by one of the litigants but the court dismisses the issue as frivolous or trivial or not worthy of discussion for some other reason, then the answer to that issue question was coded as "0".
C. Threshold Issues

Fields 87 - 96 all refer to threshold issues at the trial court level. These issues are only considered to be present if the court of appeals is reviewing whether or not the litigants should properly have been allowed to get a trial court decision on the merits. That is, the issue is whether or not the issue crossed properly the threshold to get on the district court agenda. (But remember that the answer to each question ("yes" or "no") is based on the directionality of the appeals court decision; (e.g., for field 87, JURIS, a "2" was entered if the appeals court concluded either that the district court was wrong in dismissing the suit for lack of jurisdiction or if the appeals court affirmed the conclusion of the district court that it had jurisdiction.) If it is conceded that the trial court properly reached the merits, but the issue is whether, in spite of that concession, the appellant has a right to an appeals court decision on the merits (e.g., the issue became moot after the trial), the issue is coded as a threshold issue at the appeals court level (see fields 97-99).

Field 87

JURIS
1 column wide (294)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .98
Kendall's Tau-b: .80

Did the court determine that it had jurisdiction to hear this case?

Note: a "9" is used for this variable when the opinion discussed challenges to the jurisdiction of the court to hear several different issues and the court ruled that it had jurisdiction to hear some of the issues but did not have jurisdiction to hear other issues.
Did the court dismiss the case because of the failure of the plaintiff to state a claim upon which relief could be granted?

Note: this variable also includes cases where the court concluded that there was no proper cause of action.

Did the court determine that the parties had standing?
Field 90

MOOTNESS
1 column wide (300)
numeric

________________________
Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: .99
Kendall's Tau-b: .67

________________________
Did the court conclude that an issue was moot?

Field 91

EXHAUST
1 column wide (302)
numeric

________________________
Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .98
Kendall's Tau-b: .71

________________________
Did the court determine that it would not hear the appeal for one of the following reasons: a) administrative remedies had not been exhausted; or b) the issue was not ripe for judicial action?
Field 92
TIMELY
1 column wide (304)
numeric

Reliability:
Rate of Intercoder Agreement: 98.4%
Gamma:  .99
Kendall's Tau-b:  .80

Did the court conclude that it could not reach the merits of the case because the litigants had not complied with some rule relating to timeliness, a filing fee, or because a statute of limitations had expired?

Field 93
IMMUNITY
1 column wide (306)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma:  .98
Kendall's Tau-b:  .56

Did the court refuse to reach the merits of the appeal because it concluded that the defendant had immunity (e.g., the governmental immunity doctrine)?
Did the court conclude that either the original case was frivolous or raised only trivial issues and therefore was not suitable for actions on the merits?

Did the court refuse to rule on the merits of the case because it was considered to be a nonjusticiable "political question"?
Field 96

OTHTHRES
1 column wide (312)
numeric

Reliability:
Rate of Intercoder Agreement: 96.0%
Gamma: .89
Kendall's Tau-b: .29

Did the court refuse to rule on the merits of the appeal because of some other threshold issue (at the trial level)? (includes collateral estoppel)

REMINDER: Fields 97-99 are threshold issues at the appellate level.

Field 97

LATE
1 column wide (314)
numeric

Reliability:
Rate of Intercoder Agreement: 99.6%
Gamma: 1.0
Kendall's Tau-b: .82

Did the court refuse to decide the appeal because the appellant failed to comply with some rule relating to timeliness of the appeal (e.g., failed to pay the filing fee on time or missed the deadline to file the appeal)?
Did the court conclude that it could not reach the merits of the case because the motion or appeal was frivolous or raised only trivial issues and was therefore not suitable for appellate review?

Did the court refuse to rule on the merits of the appeal because of some other threshold issue that was relevant on appeal but not at the original trial? (e.g., the case became moot after the original trial)
D. CRIMINAL Issues

Note that in the criminal category, but in no other category, the response: 3= yes, but error was harmless, is possible for most questions.

Field 100
PREJUD
1 column wide (328)
numeric

Reliability:
Rate of Intercoder Agreement: 96.8%
Gamma: .97
Kendall's Tau-b: .49

Was there prejudicial conduct by prosecution? (including prosecutor refusing to produce evidence which would aid defendant)

Field 101
INSANE
1 column wide (330)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: .99
Kendall's Tau-b: .57

Did the court below err in not permitting an insanity defense? (or did the court err in its conclusion about whether the defendant

126
was mentally competent to stand trial)
Field 102

IMPROPER
1 column wide (332)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: -1.0
Kendall's Tau-b: -.04

Did the court conclude that there was improper influence on the jury?
(other than the prejudicial conduct by the prosecutor coded above in field 100. Includes jury tampering and failure to shield jury from prejudicial media accounts).

Field 103

JURYINST
1 column wide (334)
numeric

Reliability:
Rate of Intercoder Agreement: 99.6%
Gamma: 1.0
Kendall's Tau-b: .81

Did the court conclude that the jury instructions were improper?
Did the court conclude that the jury composition or selection was invalid or that the jury was biased or tampered with?

Did the court conclude that the death penalty was improperly imposed (i.e., this questions deals only with the validity of the sentence, and is not related to whether or not the conviction was proper)?
Field 106

SENTENCE
1 column wide (340)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .96
Kendall's Tau-b: .40

Did the court conclude that some other penalty was improperly imposed?

Field 107

INDICT
1 column wide (342)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: 1.0
Kendall's Tau-b: .63

Did the court rule that the indictment was defective?
Field 108

CONFESS
1 column wide (344)
numeric

Reliability:
Rate of Intercoder Agreement: 96.4%
Gamma: .98
Kendall's Tau-b: .53

Did the court conclude that a confession or an incriminating statement was improperly admitted?
Note: this applies only to an incriminating statement made by the defendant.

Field 109

SEARCH
1 column wide (346)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .98
Kendall's Tau-b: .85

Did the court below improperly rule for the prosecution on an issue related to an alleged illegal search and seizure?
(Note: this issue will also be coded as present if a civil suit brought by a prisoner or a criminal defendant in another action that alleges a tort based on an illegal search and seizure)
Did the court rule that some other evidence was inadmissible (or did ruling on appropriateness of evidentiary hearing benefit the defendant)?

(PLEA BARGAIN- includes all challenges to plea) Did the court rule for the defendant on an issue related to plea bargaining?
Did the court rule that the defendant had inadequate counsel?

Did the court rule that the defendant's right to counsel was violated (for some reason other than inadequate counsel)?
Field 114

SUFFIC
1 column wide (356)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .99
Kendall's Tau-b: .78

Did the court rule that there was insufficient evidence for conviction?

Field 115

INDIGENT
1 column wide (358)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.0
Kendall's Tau-b: 1.0

Did the court rule that the defendant's rights as an indigent were violated?

134
Did the court rule that the defendant was the victim of illegal entrapment?

Did the court uphold the dismissal by district court on procedural grounds?
Field 118

OTHCRIM
1 column wide (364)
numeric

<table>
<thead>
<tr>
<th>Reliability:</th>
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<tbody>
<tr>
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<tr>
<td>Gamma: .87</td>
</tr>
<tr>
<td>Kendall's Tau-b: .46</td>
</tr>
</tbody>
</table>

Did the court rule for the defendant on other grounds (e.g., right to speedy trial, double jeopardy, confrontation, retroactivity, self defense; includes the question of whether the defendant waived the right to raise some claim)? (note: if there are two other issues and the court ruled for the defendant on one and against the defendant on the other, then code direction as "2" = yes).

E. Civil Law Issues
This section includes questions about issues that may appear in any civil law cases including civil government, civil private, and diversity cases.

Field 119

DUEPROC
1 column wide (366)
numeric

<table>
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<tr>
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<td>Kendall's Tau-b: .59</td>
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Did the interpretation of the requirements of due process by
the court favor the appellant?
Field 120

EXECORD
1 column wide (368)
numeric

<table>
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<tr>
<td>Kendall's Tau-b: -0.02</td>
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Did the interpretation of executive order or administrative regulation by the court favor the appellant? (does not include whether or not an executive order was lawful)

Field 121

STPOLICY
1 column wide (370)
numeric

<table>
<thead>
<tr>
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<td>Gamma: .90</td>
</tr>
<tr>
<td>Kendall's Tau-b: .64</td>
</tr>
</tbody>
</table>

Did the interpretation of state or local law, executive order, administrative regulation, doctrine, or rule of procedure by the court favor the appellant?
Field 122

WEIGHTEV
1 column wide (372)
numeric

Reliability:
Rate of Intercoder Agreement: 76.0%
Gamma: .61
Kendall's Tau-b: .32

Did the factual interpretation by the court or its conclusions (e.g., regarding the weight of evidence or the sufficiency of evidence) favor the appellant?
(includes discussions of whether the litigant met the burden of proof)

Field 123

PRETRIAL
1 column wide (374)
numeric

Reliability:
Rate of Intercoder Agreement: 97.2%
Gamma: .95
Kendall's Tau-b: .46

Did the court's rulings on pre-trial procedure favor the appellant?
(does not include rulings on motions for summary judgment; but does include whether or not there is a right to jury trial, whether the case should be certified as a class action, or whether a prospective party has a right to intervene in the case)
Field 124

TRIALPRO
1 column wide (376)
numeric

Reliability:
Rate of Intercoder Agreement: 93.6%
Gamma: .91
Kendall's Tau-b: .44

Did the court's ruling on procedure at trial favor the appellant?
(includes jury instructions and motions for directed verdicts made during trial).

Field 125

POST_TRL
1 column wide (378)
numeric

Reliability:
Rate of Intercoder Agreement: 97.2%
Gamma: .97
Kendall's Tau-b: .49

Did the court's ruling on some post-trial procedure or motion (e.g., allocating court costs or post award relief) favor the appellant? (does not include attorneys' fees; but does include motions to set aside a jury verdict)
ATTYFEE
1 column wide (380)
numeric

Reliability:
Rate of Intercoder Agreement: 97.2%
Gamma: .98
Kendall's Tau-b: .66

Did the court's ruling on attorneys' fees favor the appellant?

JUDGDISC
1 column wide (382)
numeric

Reliability:
Rate of Intercoder Agreement: 96.8%
Gamma: .97
Kendall's Tau-b: .57

Did the court's ruling on the abuse of discretion by the trial judge favor the appellant? (includes issue of whether the judge actually had the authority for the action taken; does not include questions of discretion of administrative law judges - see field 145).
Field 128

ALTDISP

d1 column wide (384)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: .97
Kendall's Tau-b: .40

Did the court's ruling on an issue arising out of an alternative dispute resolution process (ADR, settlement conference, role of mediator or arbitrator, etc.) favor the appellant?

Field 129

INJUNCT

d1 column wide (386)
numeric

Reliability:
Rate of Intercoder Agreement: 98.0%
Gamma: .99
Kendall's Tau-b: .70

Did the court's ruling on the validity of an injunction or the denial of an injunction or a stay of injunction favor the appellant?
Field 130

SUMMARY
1 column wide (388)
numeric

_________________________________________
Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .97
Kendall's Tau-b: .51
_________________________________________

Did the court's ruling on the appropriateness of summary judgment or the denial of summary judgment favor the appellant ?

_________________________________________

Field 131

FEDVST
1 column wide (390)
numeric

_________________________________________
Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: 1.0
Kendall's Tau-b: .63
_________________________________________

Did the court rule that federal law should take precedence over state or local laws in a case involving the conflict of laws (i.e., which laws or rules apply) ?
Did the court rule that domestic law (federal, state or local) should take precedence over foreign law in a case involving the conflict of laws (i.e., which laws or rules apply—foreign country vs federal, state, or local)?

Did the court rule in favor of the appellant on an issue related to the interpretation of a treaty or international law?
Field 134

ST_V_ST
1 column wide (396)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: .99
Kendall's Tau-b: .50

Did the court rule in favor of the appellant on the issue of a conflict of laws (which laws or rules apply) other than federal vs state or foreign vs domestic (e.g., one state vs second state)?

Field 135

DISCOVER
1 column wide (398)
numeric

Reliability:
Rate of Intercoder Agreement: 97.6%
Gamma: .97
Kendall's Tau-b: .49

Did the court's interpretation of rules relating to discovery or other issues related to obtaining evidence favor the appellant?
Was there a significant other issue that does not fall into one of the specifically enumerated categories?

Did the court's interpretation of the substantial evidence rule support the government? ("such evidence as a reasonable mind might accept as adequate to support a conclusion"; "more than a mere scintilla") (Note: this issue is present only when the court indicates that it is using this doctrine. When the court is merely discussing the evidence to determine whether the evidence supports the position of the appellant or respondent, you should choose field 122 - weight of evidence- instead of this issue).
Did the court's use of the standard of review, "de novo on facts" support the government? (the courts generally recognize that de novo review is impractical for the bulk of agency decisions so the substantial evidence standard helps provide a middle course) (this is de novo review of administrative action - not de novo review of trial court by appeals court)

Did the court's use of the clearly erroneous standard support the government? (a somewhat narrower standard than substantial evidence) (or ignore usual agency standards)
Did the courts's use or interpretation of the arbitrary and capricious standard support the government? (APA allows courts to overturn agency actions deemed to be arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law; Overton Park emphasized this is a narrow standard--one must prove that agency's action is without a rational basis) (also includes the "substantial justification" doctrine)

Did the court conclude that it should defer to agency discretion? (for example, if the action was committed to agency discretion)
Did the court conclude the decision was subject to judicial review? (While questions of fact are subject to limited review, questions of law are subject to full review. The problem becomes determining which are clear questions of law or fact as they are often "mixed")

Did the agency articulate the appropriate general standard? [this question includes--did the agency interpret the statute "correctly"--the courts often refer here to the rational basis test, plain meaning, reasonable construction of the statute, congressional intent, etc.] (also includes question of which law applies or whether amended law vs law before amendment applies)
Field 144

NOTICE
1 column wide (416)
numeric

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<tr>
<td>Gamma:</td>
</tr>
<tr>
<td>Kendall's Tau-b:</td>
</tr>
</tbody>
</table>

Did the agency give proper notice?
(decisions that affect life, liberty, or property must be preceded by adequate notice and an opportunity for a fair hearing)

Field 145

ALJ
1 column wide (418)
numeric

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<tr>
<td>Gamma:</td>
</tr>
<tr>
<td>Kendall's Tau-b:</td>
</tr>
</tbody>
</table>

Did the court support the decision of an administrative law judge?
Field 146

AGEN_ACQ
1 column wide (420)
numeric

Reliability:
Rate of Intercoder Agreement: 99.2%
Gamma: -1.0
Kendall's Tau-b: -0.01

Did the court rule for the government in an issue related to agency acquisition of information (e.g. physical inspections, searches, subpoenas, records, etc)?

Field 147

FREEINFO
1 column wide (422)
numeric

Reliability:
Rate of Intercoder Agreement: 100%
Gamma: 1.0
Kendall's Tau-b: 1.0

Did the court rule in favor of the government when the administrative action in question related to the agency's providing information to those who request it? (e.g. Freedom of Information, issues of governmental confidentiality, "government in the sunshine")
Field 148

**COMMENT**

1 column wide (424)
numeric

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<td>Kendall's Tau-b: 1.0</td>
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Did agency give proper opportunity to comment?

Field 149

**RECORD**

1 column wide (426)
numeric

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<td>Gamma: 1.0</td>
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<td>Kendall's Tau-b: 0.44</td>
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</table>

Did the agency fail to develop an adequate record? (e.g., court unable to determine what doctrine was used for the decision or unable to determine the basis of the decision)
G. DIVERSITY ISSUES

Field 150

DIVERSE
1 column wide (428)
numeric

Reliability:
Rate of Intercoder Agreement: 99.6%
Gamma: 1.0
Kendall's Tau-b: 1.0

Did the court conclude that the parties were truly diverse?

Field 151

WHLAWS
1 column wide (430)
numeric

Reliability:
Rate of Intercoder Agreement: 98.8%
Gamma: .98
Kendall's Tau-b: .41

Did the court's discussion of which state's laws should control their ruling in the case support the position taken by the appellant?
JUDGES AND VOTES

The remaining fields record an identifying code for each judge who participated on the courts of appeals panel and four indicators of their voting: i) the directionality of their vote on the first casetype; ii) the directionality of their vote on the second casetype; iii) whether they voted with the court majority or dissented in the resolution of the first casetype; and iv) whether they voted with the court majority or dissented in the resolution of the second casetype. Thus, there are five fields for each judge.

A large majority of the cases were decided by 3 judge panels. Therefore only 11 fields (Field 160-170) have data for most cases. Fields 171-228 have missing values for most cases. However, for cases decided en banc, fields for as many as 15 judges (i.e., 71 fields) have data.

A judge code will normally be recorded for the first three judges. For appeals court judges, the values of these codes will range from 101 to 1252. For district judges who sat on appeals court panels, the judge codes will have five digits. There will be a missing value code for one of the first three judges in the following circumstances: a) when only two judges participated in the final decision of the court (e.g., occasionally only two judges are appointed to the panel or one of the original three judges dies before the decision was announced); b) when one of the judges on the panel was from some court other than the U.S. Courts of Appeals or the U.S. District Courts (e.g., from the Court of Customs and Patents Appeals); c) the names of the judges were not listed in the Federal Reporter (this occurs primarily in short per curiam opinions in the 1920s and 1930s). In a few cases, primarily but not exclusively from the 1920s and 1930s, only one judge sat on the appeals court "panel" deciding the case.

For all of the judges on the panels who have served on the U.S. Courts of Appeals (including those who were on senior status at the time of their participation) the five digit judge codes recorded in these fields can be merged with the United States Courts of Appeals Judge Data Base (the "Auburn" data) to permit the analysis of the relationship of a wide variety of judicial attributes to patterns of judicial voting. Appendix 3 provides an alphabetical list by circuit of judges who served on the courts of

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1 The United States Courts of Appeals Judge Data Base, Gary Zuk, Deborah J. Barrow, and Gerard S. Gryski (Co-Principal Investigators), NSF # SBR-93-11999.
appeals between 1925 and 1996. This judge list in Appendix 3 also records the numerical code for each judge (i.e., the values recorded in the variables CODEJ1, CODEJ2, CODEJ3, CODEJ4, CODEJ5, etc.) and presents the correspondence between these five digit codes and the names of the appeals court judges.

The Auburn data provides a wealth of data on the personal attributes and career history of each appeals court judge. Included in this data base are the dates of appointment to and leaving the courts of appeals, the political party and religion of the judge, the name and party of the appointing president, the state of appointment, and a wealth of data on the prior career and educational record of each judge.

The Auburn data contains a variable called "IDS" that is designed to match the values of CODEJ1, CODEJ2, CODEJ3, etc. in the appeals court data base. To combine the Auburn data with the appeals court data, one should first convert the unit of analysis of the data base from case to judge vote. Then, create a variable in the appeals court data called "IDS" with the values of CODEJ and merge the two data bases using that variable.

Note: if a district court judge or a senior district court judge participates on the panel, see the separate list of district court judges in Appendix 4 for the five digit judge code. However, note that no background data is available for these judges. Occasionally someone other than an appeals court judge or a district court judge sits on a panel of the courts of appeals. Since we have no identification codes for such judges, the judge code variable has missing data.

Merger of appeals court data and the judge background data

To merge the appeals court data and the background data using SAS, use the SAS statements below (assume that the appeals court data is in a prior data step called "one" and that the background data is in a data step called "back"). This merger should be run after the cleanup described below has been run.

Before the two data bases are merged, some clean-up is necessary. This cleanup is due primarily because some judges served on more than one circuit at different points in their career. Such judges received separate codes in the appeals court data for each circuit, but in the Auburn data they received a single unique code. The statements below, written in SAS, provide the necessary clean-up. Users employing some other statistical package can utilize the logic of these statements to make the conversion. Statements in regular print are the actual SAS statements. Statements in **bold** are explanations to the reader and should not be part of the actual program.
SAS statements

data back;
proc sort; by ids;
run;

data two; set one;
codej=codej1; jvote=direct1; marker=1; output;
codej=codej2; jvote=j2vote1; marker=2; output;
codej=codej3; jvote=j3vote1; marker=3; output;
codej=codej4; jvote=j4vote1; marker=4; output;
codej=codej5; jvote=j5vote1; marker=5; output;
codej=codej6; jvote=j6vote1; marker=6; output;
codej=codej7; jvote=j7vote1; marker=7; output;
codej=codej8; jvote=j8vote1; marker=8; output;
codej=codej9; jvote=j9vote1; marker=9; output;
codej=codej10; jvote=j10vote1; marker=10; output;
codej=codej11; jvote=j11vote1; marker=11; output;
codej=codej12; jvote=j12vote1; marker=12; output;
codej=codej13; jvote=j13vote1; marker=13; output;
codej=codej14; jvote=j14vote1; marker=14; output;
codej=codej15; jvote=j15vote1; marker=15; output;

/* the above statements essentially create 15 lines of data for every original line (each line was a case) of data. Each new line has all of the original data plus the values for three new variables: "codej", "jvote", and "marker." If you want to switch back to case (rather than judge) as the unit of analysis, simply select only data lines with marker=1 */

data three; set two;
if codej gt 0; if codej lt 1300;

/* "if codej gt 0" eliminates all the data lines with missing values -e.g., it means that if a case was decided by a 3 judge panel, only 3 new data lines (one for each judge on the panel) rather than 15 will be created. */
/* "if codej lt 1300" eliminates all judges who are not appeals court judges */

if codej gt 0 then ids=codej;
if codej= 218 then ids=722;
if codej= 346 then ids=0;
if codej= 536 then ids=542;
if codej= 624 then ids=722;
if codej= 970 then ids=971;
if codej= 973 then ids=970;

163
if codej= 1007 then ids=808;
if codej= 1015 then ids=819;
if codej=1101 then ids=502;
if codej=1102 then ids=510;
if codej=1104 then ids=514;
if codej=1106 then ids=516;
if codej=1107 then ids=521;
if codej=1108 then ids=523;
if codej=1109 then ids=524;
if codej=1110 then ids=570;
if codej=1111 then ids=530;
if codej=1112 then ids=534;
if codej=1113 then ids=537;
if codej=1114 then ids=540;
if codej=1115 then ids=545;
if codej=1116 then ids=554;
if codej=1117 then ids=555;
if codej=1118 then ids=556;

    /* the lines above clean up the discrepancies so that all of
      our judge codes get matched up with the correct set of background
data */

proc sort; by ids;
run;

data combine; merge three back; by ids;
______________________________

Field 160
CODEJ1
  5 column wide (453-458)
numeric

Reliability:
    Rate of Intercoder Agreement: 99.6%
    Gamma:  .99
    Kendall's Tau-b:  .98
______________________________

Code for judge 1  (see separate judge codes).  Note that if the
opinion is signed, the opinion author is always listed as judge 1.
If the decision is per curiam, judge 1 will be any member of the majority. Since the first judge is thus by definition part of the majority, the directionality of the votes of judge 1 are always the same as the directionality of the court's decision. Therefore, separate variables were not created for the votes and majority status of judge 1.
Field 161

CODEJ2
5 column wide (460-465)
numeric

Reliability:
Rate of Intercoder Agreement: 98.4%
Gamma: .98
Kendall's Tau-b: .98

The code for the second judge on the panel (note: any judge other than the author of the majority opinion could be coded as judge 2. There is no significance to the designation as the second rather than the third judge on the panel).

Field 162

J2VOTE1
1 column wide (468)
numeric

Reliability:
Rate of Intercoder Agreement: 92.4%
Gamma: .92
Kendall's Tau-b: .86

Vote of the second judge on the first casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT1)
Field 163

J2VOTE2
1 column wide (471)
numeric

Reliability:
Rate of Intercoder Agreement: 86.4%
Gamma: .85
Kendall's Tau-b: .70

Vote of the second judge on the 2nd casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT2)

Field 164

J2MAJ1
1 column wide (467)
numeric

Reliability:
Rate of Intercoder Agreement: 95.2%
Gamma: .96
Kendall's Tau-b: .31

This field records whether judge 2 voted with the majority on the first casetype. The variable takes the following values:

1=voted with majority
2=dissented
Field 165

J2MAJ2
1 column wide (470)
numeric

Reliability:
Rate of Intercoder Agreement: 82.4%
Gamma: 1.0
Kendall's Tau-b: .68

This field records whether judge 2 voted with the majority on the second casetype. The variable takes the following values:

1=voted with majority
2=dissent

Field 166

CODEJ3
5 column wide (473-478)
numeric

Reliability:
Rate of Intercoder Agreement: 97.2%
Gamma: .92
Kendall's Tau-b: .92

The code for the third judge on the panel (note: any judge other than the author of the majority opinion could be coded as judge 3. There is no significance to the designation as the second rather than the third judge on the panel).
Field 167

J3VOTE1
1 column wide (481)
numeric

Reliability:
Rate of Intercoder Agreement: 92.0%
Gamma: .91
Kendall's Tau-b: .83

Vote of the third judge on the first casetype. Using the same
directionality coding as used for the directionality of the court's
decision (i.e., DIRECT1)

Field 168

J3VOTE2
1 column wide (484)
numeric

Reliability:
Rate of Intercoder Agreement: 86.0%
Gamma: .76
Kendall's Tau-b: .58

Vote of the third judge on the 2nd casetype. Using the same
directionality coding as used for the directionality of the court's
decision (i.e., DIRECT2)
This field records whether judge 3 voted with the majority on the first casetype. The variable takes the following values:

1 = voted with majority
2 = dissented

This field records whether judge 3 voted with the majority on the second casetype. The variable takes the following values:

1 = voted with majority
2 = dissented
Field 171

CODEJ4
5 column wide (490-495)
numeric

The code for the fourth judge on the panel (note: any judge other than the author of the majority opinion could be coded as judge 4.).

____________________________

Field 172

J4VOTE1
1 column wide (497)
numeric

Vote of the fourth judge on the first casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT1)

____________________________

Field 173

J4VOTE2
1 column wide (499)
numeric

Vote of the fourth judge on the 2nd casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT2)

____________________________

Field 174

J4MAJ1
1 column wide (496)
numeric

This field records whether judge 4 voted with the majority on the first casetype. The variable takes the following values:

1=voted with majority
2=dissented
Field 175

J4MAJ2
1 column wide (498)
numeric

This field records whether judge 4 voted with the majority on the second casetype. The variable takes the following values:

1=voted with majority
2=dissented

Field 225

CODEJ15
5 column wide (600-605)
numeric

The code for the fifteenth judge on the panel (note: any judge other than the author of the majority opinion could be coded as judge 15.).

Field 226

J15VOTE1
1 column wide (607)
numeric

Vote of the fifteenth judge on the first casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT1)
Field 227

J15VOTE2
1 column wide (609)
numeric

Vote of the fifteenth judge on the 2nd casetype. Using the same directionality coding as used for the directionality of the court's decision (i.e., DIRECT2)

Field 228

J15MAJ1
1 column wide (606)
numeric

This field records whether judge 15 voted with the majority on the first casetype. The variable takes the following values:

1=voted with majority
2=dissented

Field 229

J15MAJ2
1 column wide (608)
numeric

This field records whether judge 15 voted with the majority on the second casetype. The variable takes the following values:

1=voted with majority
2=dissented
# APPENDIX 1

## ALPHABETICAL LISTING OF VARIABLES

<table>
<thead>
<tr>
<th>Num</th>
<th>Acronym</th>
<th>Brief Description of Variable</th>
</tr>
</thead>
<tbody>
<tr>
<td>129</td>
<td>ABUSEDIS</td>
<td>should court defer to agency discretion</td>
</tr>
<tr>
<td>28</td>
<td>ADMINREV</td>
<td>ID of federal regulatory agency (if any) the case was appealed from</td>
</tr>
<tr>
<td>132</td>
<td>AGEN_ACQ</td>
<td>issue related to agency acquisition of information</td>
</tr>
<tr>
<td>131</td>
<td>ALJ</td>
<td>did court support decision of administrative law judge</td>
</tr>
<tr>
<td>123</td>
<td>ALTDISP</td>
<td>issue relating to alternative dispute resolution process (includes ADR, settlement conference, mediation, arbitration)</td>
</tr>
<tr>
<td>67</td>
<td>AMICUS</td>
<td>number of amicus curiae briefs filed</td>
</tr>
<tr>
<td>35</td>
<td>APPBUS</td>
<td>number of appellants who were private businesses</td>
</tr>
<tr>
<td>40</td>
<td>APPEL1</td>
<td>Detailed Nature of 1st listed appellant</td>
</tr>
<tr>
<td>56</td>
<td>APPEL2</td>
<td>Detailed Nature of 2nd listed appellant whose code is not identical to the code of the first</td>
</tr>
<tr>
<td>35</td>
<td>APPFED</td>
<td>number of appellants who were federal government agencies</td>
</tr>
<tr>
<td>36</td>
<td>APPFIDUC</td>
<td>number of appellants who were fiduciaries or trustees</td>
</tr>
<tr>
<td>27</td>
<td>APPLFROM</td>
<td>type of district court final judgment (if any) appealed from</td>
</tr>
<tr>
<td>34</td>
<td>APPNATPR</td>
<td>number of appellants who were natural persons</td>
</tr>
<tr>
<td>35</td>
<td>APPNONP</td>
<td>number of appellants who were non-profit groups</td>
</tr>
<tr>
<td>36</td>
<td>APPSTATE</td>
<td>number of appellants who were state government agencies</td>
</tr>
<tr>
<td>35</td>
<td>APPSUBST</td>
<td>number of appellants who were sub-state governments</td>
</tr>
<tr>
<td>37</td>
<td>APP_STID</td>
<td>state of appellant (if appellant is state or local govt)</td>
</tr>
<tr>
<td>122</td>
<td>ATTYFEE</td>
<td>attorney fees</td>
</tr>
<tr>
<td>39</td>
<td>BANK_AP1</td>
<td>was first appellant bankrupt ?</td>
</tr>
<tr>
<td>55</td>
<td>BANK_AP2</td>
<td>was second appellant bankrupt ?</td>
</tr>
<tr>
<td>62</td>
<td>BANK_R1</td>
<td>was first respondent bankrupt ?</td>
</tr>
<tr>
<td>64</td>
<td>BANK_R2</td>
<td>was second respondent bankrupt ?</td>
</tr>
<tr>
<td>18</td>
<td>BEGINPG</td>
<td>page number of 1st page of case</td>
</tr>
<tr>
<td>129</td>
<td>CAPRIC</td>
<td>arbitrary or capricious standard</td>
</tr>
<tr>
<td>17</td>
<td>CASENUM</td>
<td>case identification</td>
</tr>
<tr>
<td>68</td>
<td>CASETYP1</td>
<td>first case type - substantive policy (analogous to Spaeth issue codes)</td>
</tr>
<tr>
<td>86</td>
<td>CASETYP2</td>
<td>second case type</td>
</tr>
<tr>
<td>21</td>
<td>CIRCUIT</td>
<td>circuit of court</td>
</tr>
<tr>
<td>18</td>
<td>CITE</td>
<td>citation in Federal Reporter</td>
</tr>
<tr>
<td>99</td>
<td>CIVPROC1</td>
<td>Federal Rule of Civil Procedure most frequently</td>
</tr>
</tbody>
</table>
cited in headnotes

99 CIVPROC2 Federal Rule of Civil Procedure 2nd most frequently cited in headnotes

30 CLASSACT was case a class action?

138 CODEJ1 code for the judge who wrote the court opinion

139 CODEJ2 code for 2nd judge on panel

141 CODEJ3 code for 3rd judge on panel

144 CODEJ4 code for 4th judge on panel

145 CODEJ15 code for 15th judge on panel

133 COMMENT did agency give proper opportunity to comment

89 CONCUR number of concurrences

113 CONFESS admissibility of confession or incriminating statement

92 CONSTIT Was there an issue about the constitutionality of a law or administrative action

96 CONST1 Constitutional provision most frequently cited in headnotes

96 CONST2 Constitutional provision 2nd most frequently cited in headnotes

115 COUNSEL ineffective counsel

66 COUNSEL1 counsel for appellant

66 COUNSEL2 counsel for respondent

100 CRMPROC1 Federal Rule of Criminal Procedure most frequently cited in headnotes

100 CRMPROC2 Federal Rule of Criminal Procedure 2nd most frequently cited in headnotes

31 CROSSAPP were there cross appeals?

17 DAY Day of decision

111 DEATHPEN death penalty

91 DECUNCON was law or administrative action declared unconstitutional?

128 DENovo use of standard of review, "de novo on facts"

79 DIRECT1 directionality of decision on 1st case type

86 DIRECT2 directionality of decision on 2nd case type

126 DISCOVER conflict over discovery procedures

89 DISSENT number of dissenting votes

26 DISTJUDG ID of district judge (if any) deciding case below

23 DISTRICT district of origin of case

134 DIVERSE were the parties truly diverse

19 DOCKNUM docket number of first case decided by the opinion

118 DUEPROC due process

18 ENDOPIN page number of last page of majority opinion

18 ENDPAGE page number of last page of all opinions in case

117 ENTRAP entrapment

128 ERRON clearly erroneous standard

119 EXECORD interpretation of executive order or administrative regulation

104 EXHAUST was there an issue about ripeness or failure to
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEDLAW</td>
<td>did the court engage in statutory interpretation</td>
</tr>
<tr>
<td>FEDVST</td>
<td>conflict of laws or dispute over whether federal vs state law governs</td>
</tr>
<tr>
<td>FOREIGN</td>
<td>conflict over whether foreign or domestic law applies</td>
</tr>
<tr>
<td>FREEINFO</td>
<td>administrative denial of information to those requesting it, freedom of information, sunshine laws</td>
</tr>
<tr>
<td>FRIVAPP</td>
<td>was there an allegation that the appeal was frivolous</td>
</tr>
<tr>
<td>FRIVOL</td>
<td>was there an issue about whether the case was frivolous</td>
</tr>
<tr>
<td>GENAPEL1</td>
<td>general classification of 1st appellant</td>
</tr>
<tr>
<td>GENAPEL2</td>
<td>general classification of 2nd appellant</td>
</tr>
<tr>
<td>GENISS</td>
<td>eight summary issue categories based on CASETYP1</td>
</tr>
<tr>
<td>GENRESP1</td>
<td>general classification of 1st respondent</td>
</tr>
<tr>
<td>GENRESP2</td>
<td>general classification of 2nd respondent</td>
</tr>
<tr>
<td>GENSTAND</td>
<td>did agency articulate the appropriate general standard</td>
</tr>
<tr>
<td>HABEAS</td>
<td>was this a habeas corpus case</td>
</tr>
<tr>
<td>IMMUNITY</td>
<td>was there an issue about governmental immunity</td>
</tr>
<tr>
<td>IMPROPER</td>
<td>improper influence on jury</td>
</tr>
<tr>
<td>INDICT</td>
<td>was indictment defective</td>
</tr>
<tr>
<td>INDIGENT</td>
<td>violation of rights of indigent</td>
</tr>
<tr>
<td>INITIATE</td>
<td>party initiating appeal (e.g., plaintiff, defendant, intervenor)</td>
</tr>
<tr>
<td>INJUNCT</td>
<td>validity or appropriateness of injunction</td>
</tr>
<tr>
<td>INSANE</td>
<td>insanity defense</td>
</tr>
<tr>
<td>INTERVEN</td>
<td>was there an intervenor?</td>
</tr>
<tr>
<td>INT_LAW</td>
<td>application of international law</td>
</tr>
<tr>
<td>JUDGDISC</td>
<td>abuse of discretion by trial judge</td>
</tr>
<tr>
<td>JUDREV</td>
<td>conflict over whether agency decision was subject to judicial review</td>
</tr>
<tr>
<td>JURIS</td>
<td>was there a jurisdiction issue ?</td>
</tr>
<tr>
<td>JURYINST</td>
<td>jury instructions</td>
</tr>
<tr>
<td>J2VOTE1</td>
<td>vote of 2nd judge on 1st case type</td>
</tr>
<tr>
<td>J2VOTE2</td>
<td>vote of 2nd judge on 2nd case type</td>
</tr>
<tr>
<td>J2MAJ1</td>
<td>was 2nd judge in majority on 1st case type</td>
</tr>
<tr>
<td>J2MAJ2</td>
<td>was 2nd judge in majority on 2nd case type</td>
</tr>
<tr>
<td>J3VOTE1</td>
<td>vote of 3rd judge on 1st case type</td>
</tr>
<tr>
<td>J3VOTE2</td>
<td>vote of 3rd judge on 2nd case type</td>
</tr>
<tr>
<td>J3MAJ1</td>
<td>was 3rd judge in majority on 1st case type</td>
</tr>
<tr>
<td>J3MAJ2</td>
<td>was 3rd judge in majority on 2nd case type</td>
</tr>
<tr>
<td>J4VOTE1</td>
<td>vote of 4th judge on 1st case type</td>
</tr>
<tr>
<td>J4VOTE2</td>
<td>vote of 4th judge on 2nd case type</td>
</tr>
<tr>
<td>J4MAJ1</td>
<td>was 4th judge in majority on 1st case type</td>
</tr>
<tr>
<td>J4MAJ2</td>
<td>was 4th judge in majority on 2nd case type</td>
</tr>
<tr>
<td>Field</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>J15VOTE1</td>
<td>vote of 15th judge on 1st case type</td>
</tr>
<tr>
<td>J15VOTE2</td>
<td>vote of 15th judge on 2nd case type</td>
</tr>
<tr>
<td>J15MAJ1</td>
<td>was 15th judge in majority on 1st case type ?</td>
</tr>
<tr>
<td>J15MAJ2</td>
<td>was 15th judge in majority on 2nd case type ?</td>
</tr>
<tr>
<td>LATE</td>
<td>was there an issue relating to the timeliness of the appeal ?</td>
</tr>
<tr>
<td>MAJVOTES</td>
<td>number of majority votes</td>
</tr>
<tr>
<td>METHOD</td>
<td>nature of appeals court decision (e.g., 1st decision by 3 judge panel, en banc)</td>
</tr>
<tr>
<td>MONTH</td>
<td>month of decision</td>
</tr>
<tr>
<td>MOOTNESS</td>
<td>was there an issue about mootness ?</td>
</tr>
<tr>
<td>NOTICE</td>
<td>did agency give proper notice ?</td>
</tr>
<tr>
<td>NUMAPPPEL</td>
<td>total number of appellants</td>
</tr>
<tr>
<td>NUMRESP</td>
<td>total number of respondents</td>
</tr>
<tr>
<td>OPINSTAT</td>
<td>opinion status of decision</td>
</tr>
<tr>
<td>ORIGIN</td>
<td>type of court or agency that made original decision</td>
</tr>
<tr>
<td>OTHADMIS</td>
<td>admissibility of evidence other than search or confession</td>
</tr>
<tr>
<td>OTHAPPTH</td>
<td>was there some other threshold issue at the appellate level ?</td>
</tr>
<tr>
<td>OTHCIVIL</td>
<td>other civil law issue</td>
</tr>
<tr>
<td>OTHCRIM</td>
<td>other criminal issue</td>
</tr>
<tr>
<td>OTHJURY</td>
<td>other issues relating to juries</td>
</tr>
<tr>
<td>OTHTHRES</td>
<td>was there some other threshold issue at the trial level ?</td>
</tr>
<tr>
<td>PLEA</td>
<td>issue relating to plea bargaining</td>
</tr>
<tr>
<td>POLQUEST</td>
<td>was there an issue about the political question doctrine ?</td>
</tr>
<tr>
<td>POST_TRL</td>
<td>post trial procedures and motions (including court costs and motions to set aside jury decisions)</td>
</tr>
<tr>
<td>PREJUD</td>
<td>prejudicial conduct by prosecutor</td>
</tr>
<tr>
<td>PRETRIAL</td>
<td>trial court rulings on pre-trial procedure,</td>
</tr>
<tr>
<td>PRIORPUB</td>
<td>citation (if any) to prior published opinion in district court</td>
</tr>
<tr>
<td>PROCDIS</td>
<td>dismissal by district court on procedural grounds</td>
</tr>
<tr>
<td>PROCEDUR</td>
<td>was there an interpretation of precedent that did not involve statutory or constitutional interpretation ?</td>
</tr>
<tr>
<td>REALAPP</td>
<td>are the appellants coded in var 38 and var 41 the real parties in this case ?</td>
</tr>
<tr>
<td>REALRESP</td>
<td>are the respondents coded in field 54 and field 57 the real parties in this case ?</td>
</tr>
<tr>
<td>RECORD</td>
<td>did agency fail to develop an adequate record ?</td>
</tr>
<tr>
<td>RESPOND1</td>
<td>detailed Nature of 1st listed respondent</td>
</tr>
<tr>
<td>RESPOND2</td>
<td>detailed Nature of 2nd listed respondent whose code</td>
</tr>
</tbody>
</table>
is not identical to the code of the first respondent?

115 RTCOUNS right to counsel
58 R_BUS number of respondents who were private businesses
59 R_FED number of respondents who were federal government agencies
60 R_FIDUC number of respondents who were fiduciaries or trustees
58 R_NATPR number of respondents who were natural persons
59 R_NONP number of respondents who were non-profit groups
59 R_STATE number of respondents who were state government agencies
61 R_STID state of respondent (if respondent is state or local govt)
59 R_SUBST number of respondents who were sub-state governments
31 SANCTION were sanctions imposed?
113 SEARCH admissibility of evidence from search or seizure
112 SENTENCE issue relating to sentence other than death penalty
25 SOURCE forum from which decision appealed
103 STANDING was there an issue about standing?
21 STATE state of origin of case
103 STATECL was there an issue about failure to state a claim?
119 STPOLICY interpretation of state or local law, executive order or administrative regulation
126 ST_V_ST conflict over which state's laws apply
127 SUBEVID substantial evidence doctrine
116 SUFFIC sufficiency of evidence
124 SUMMARY summary judgment
105 TIMELY was there an issue about whether litigants complied with a rule about timeliness, filing fees, or statutes of limitation?
87 TREAT treatment of decision below by appeals court
121 TRIALPRO court rulings on trial procedure
94 TYPEISS general nature of proceedings (criminal, civil-government, civil-private, diversity)
97 USC1 title of US Code most frequently cited in headnotes
97 USC1SECT section of USC1 most frequently cited in headnotes
98 USC2 title of US Code 2nd most frequently cited in headnotes
98 USC2SECT section of USC2 most frequently cited in headnotes
18 VOL volume in which case located
120 WEIGHTTEV interpretation of weight of evidence issues
134 WHLAWS which state's laws should govern dispute
17 YEAR year of decision
APPENDIX 2
LISTING OF VARIABLES FOR ASCII INPUT STATEMENT

<table>
<thead>
<tr>
<th>#</th>
<th>Acronym</th>
<th>location</th>
<th>variable description</th>
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<td>1.</td>
<td>CASENUM</td>
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<td>case identification</td>
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<td>YEAR</td>
<td>16-19</td>
<td>year of decision</td>
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<tr>
<td>3.</td>
<td>MONTH</td>
<td>20-21</td>
<td>month of decision</td>
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<tr>
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<td>DAY</td>
<td>22-23</td>
<td>Day of decision</td>
</tr>
<tr>
<td>5.</td>
<td>CITE</td>
<td>25-33</td>
<td>citation in Federal Reporter</td>
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<tr>
<td>6.</td>
<td>VOL</td>
<td>25-28</td>
<td>volume in which case located</td>
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<tr>
<td>7.</td>
<td>BEGINPG</td>
<td>30-33</td>
<td>page number of 1st page of case</td>
</tr>
<tr>
<td>8.</td>
<td>ENDPIN</td>
<td>34-37</td>
<td>page number of last page of majority opinion</td>
</tr>
<tr>
<td>9.</td>
<td>ENDPAGE</td>
<td>39-42</td>
<td>page number of last page of all opinions</td>
</tr>
<tr>
<td>10.</td>
<td>DOCNUM</td>
<td>44-51</td>
<td>docket number of first case decided by the opinion</td>
</tr>
<tr>
<td>11.</td>
<td>METHOD</td>
<td>57</td>
<td>nature of appeals court decision (e.g., 1st decision by 3 judge panel, en banc)</td>
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<td>CIRCUIT</td>
<td>59-60</td>
<td>circuit of court</td>
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<td>13.</td>
<td>STATE</td>
<td>62-63</td>
<td>state of origin of case</td>
</tr>
<tr>
<td>14.</td>
<td>DISTRICT</td>
<td>65</td>
<td>district of origin of case</td>
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<tr>
<td>15.</td>
<td>ORIGIN</td>
<td>67</td>
<td>type of court or agency that made original decision</td>
</tr>
<tr>
<td>16.</td>
<td>SOURCE</td>
<td>69</td>
<td>forum from which decision appealed</td>
</tr>
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<td>17.</td>
<td>DISTJUDG</td>
<td>72-77</td>
<td>ID of district judge (if any) deciding case below</td>
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<td>APPLFROM</td>
<td>79-80</td>
<td>type of district court final judgment (if any) appealed from</td>
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<tr>
<td>19.</td>
<td>ADMINREV</td>
<td>82-83</td>
<td>ID of federal regulatory agency (if any) the case was appealed from</td>
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<tr>
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<td>PRIORPUB</td>
<td>85-94</td>
<td>citation (if any) to prior published opinion in district court</td>
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<td>OPINSTAT</td>
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<td>opinion status of decision</td>
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<td>CLASSACT</td>
<td>101</td>
<td>was case a class action?</td>
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<td>were there cross appeals?</td>
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<td>MAJVOTES</td>
<td>105-106</td>
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<td>DISSENT</td>
<td>108-109</td>
<td>number of dissenting votes</td>
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<td>COUNSEL1</td>
<td>114</td>
<td>counsel for appellant</td>
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<tr>
<td>59.</td>
<td>COUNSEL2</td>
<td>116</td>
<td>counsel for respondent</td>
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<td>AMICUS</td>
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<td>SANCTION</td>
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<td>were sanctions imposed?</td>
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<td>INITIATE</td>
<td>126</td>
<td>party initiating appeal (e.g., plaintiff, defendant, intervenor)</td>
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<td>INTERVEN</td>
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<td>was there an intervenor?</td>
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<td>NUMAPPEL</td>
<td>130-132</td>
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<td>APPNATPR</td>
<td>134-136</td>
<td>number of appellants who were natural persons</td>
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<td>APPBUS</td>
<td>138-140</td>
<td>number of appellants who were private businesses</td>
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<td>APPNONP</td>
<td>142-144</td>
<td>number of appellants who were non-profit groups</td>
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<td>146-148</td>
<td>number of appellants who were federal government agencies</td>
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<td>31.</td>
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<td>150-152</td>
<td>number of appellants who were sub-state governments</td>
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<td>154-156</td>
<td>number of appellants who were state government agencies</td>
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<td>APPFIDUC</td>
<td>158-160</td>
<td>number of appellants who were fiduciaries or trustees</td>
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<td>34.</td>
<td>APP_STID</td>
<td>162-163</td>
<td>state of appellant (if appellant is state or local govt)</td>
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<td>36.</td>
<td>BANK_AP1</td>
<td>165</td>
<td>was first appellant bankrupt</td>
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<td>GENAPEL1</td>
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<td>Detailed Nature of 1st listed appellant</td>
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<td>Detailed Nature of 2nd listed appellant whose code is not identical to the code of the first appellant</td>
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<td>179</td>
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<td>total number of respondents</td>
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<td>R_BUS</td>
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<td>number of respondents who were private businesses</td>
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<td>R_NONP</td>
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<td>number of respondents who were non-profit groups</td>
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<td>47.</td>
<td>R_SUBST</td>
<td>201-203</td>
<td>number of respondents who were sub-state governments</td>
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<td>48.</td>
<td>R_STATE</td>
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<td>number of respondents who were state government agencies</td>
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<td>49.</td>
<td>R_FIDUC</td>
<td>209-211</td>
<td>number of respondents who were fiduciaries</td>
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<td>R_STID</td>
<td>213-214 state of respondent (if respondent is state or local govt)</td>
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<td>216 was first respondent bankrupt?</td>
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<td>RESPOND1</td>
<td>217-221 Detailed Nature of 1st listed respondent</td>
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<td>GENRESP2</td>
<td>224 general classification of 2nd respondent</td>
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<td>223 was second respondent bankrupt?</td>
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<td>250-252 Constitutional provision most frequently cited in headnotes</td>
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<td>CONST2</td>
<td>254-256 Constitutional provision 2nd most frequently cited in headnotes</td>
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<td>USC1</td>
<td>258-260 Title of US Code most frequently cited in headnotes</td>
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<td>USC1SECT</td>
<td>262-266 Section of USC1 most frequently cited in headnotes</td>
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<td>USC2</td>
<td>268-270 Title of US Code 2nd most frequently cited in headnotes</td>
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<td>USC2SECT</td>
<td>272-276 Section of USC2 most frequently cited in headnotes</td>
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<td>CIVPROC1</td>
<td>278-280 Federal Rule of Civil Procedure most frequently cited in headnotes</td>
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<td>CIVPROC2</td>
<td>282-284 Federal Rule of Civil Procedure 2nd most frequently cited in headnotes</td>
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<tr>
<td>CRMPROC1</td>
<td>286-288 Federal Rule of Criminal Procedure most frequently cited in headnotes</td>
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<td>CRMPROC2</td>
<td>290-292 Federal Rule of Criminal Procedure 2nd most frequently cited in headnotes</td>
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<td>JURIS</td>
<td>294 Was there a jurisdiction issue</td>
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<td>STATECL</td>
<td>296 Was there an issue about failure to state a claim</td>
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<td>STANDING</td>
<td>298 Was there an issue about standing</td>
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<tr>
<td>MOOTNESS</td>
<td>300 Was there an issue about mootness</td>
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<td>EXHAUST</td>
<td>302 Was there an issue about ripeness or failure to exhaust administrative remedies</td>
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<td>TIMELY</td>
<td>304 Was there an issue about whether litigants complied with a rule about timeliness, filing fees, or statutes of limitation</td>
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<td>IMMUNITY</td>
<td>306 Was there an issue about governmental immunity</td>
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<td>FRIVOL</td>
<td>308 Was there an issue about whether the case was frivolous</td>
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<td>POLQUEST</td>
<td>310 Was there an issue about the political question doctrine</td>
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96. OTHTHRES 312 Was there some other threshold issue at the trial level
97. LATE 314 Was there an issue relating to the timeliness of the appeal
98. FRIVAPP 316 Was there an allegation that the appeal was frivolous
99. OTHAPPPTH 318 Was there some other threshold issue at the appellate level
73. CONSTIT 320 Was there an issue about the constitutionality of a law or administrative action
74. FEDLAW 322 Did the court engage in statutory interpretation
75. PROCEDUR 324 Was there an interpretation of precedent that did not involve statutory or constitutional interpretation
76. TYPEISS 326 General nature of proceedings (criminal, civil-government, civil - private, diversity)
100 PREJUD 328 prejudicial conduct by prosecutor
101 INSANE 330 insanity defense
102 IMPROPER 332 improper influence on jury
103 JURYINST 334 jury instructions
104 OTHJURY 336 other issues relating to juries
105 DEATHPEN 338 death penalty
106 SENTENCE 340 issue relating to sentence other than death penalty
107 INDICT 342 was indictment defective
108 CONFESS 344 admissibility of confession or incriminating statement
109 SEARCH 346 admissibility of evidence from search or seizure
110 OTHADMIS 348 admissibility of evidence other than search or confession
111 PLEA 350 issue relating to plea bargaining
112 COUNSEL 352 ineffective counsel
113 RTCOUNS 354 right to counsel
114 SUFFIC 356 sufficiency of evidence
115 INDIGENT 358 violation of rights of indigent
116 ENTRAP 360 entrapment
117 PROCDIS 362 dismissal by district court on procedural grounds
118 OTHCRIM 364 other criminal issue
119 DUEPROC 366 due process
120 EXECORD 368 interpretation of executive order or administrative regulation
121 STPOLICY 370 interpretation of state or local law, executive order or administrative regulation
interpretation of weight of evidence issues

trial court rulings on pre-trial procedure, (but not motions for summary judgment or discovery which are covered in separate variables - see fields 130 & 135)

court rulings on trial procedure

post trial procedures and motions (including court costs and motions to set aside jury decisions)

attorney's fees

abuse of discretion by trial judge

issue relating to alternative dispute resolution process (includes ADR, settlement conference, mediation, arbitration)

validity or appropriateness of injunction

summary judgment

conflict of laws or dispute over whether federal vs state law governs

conflict over whether foreign or domestic law applies

application of international law

conflict over which state's laws apply

conflict over discovery procedures

other civil law issue

substantial evidence doctrine

use of standard of review, "de novo on facts"

clearly erroneous standard

arbitrary or capricious standard

should court defer to agency discretion

conflict over whether agency decision was subject to judicial review

did agency articulate the appropriate general standard

did agency give proper notice

did court support decision of administrative law judge

issue related to agency acquisition of information

administrative denial of information to those requesting it, freedom of information, sunshine laws

did agency give proper opportunity to comment

did agency fail to develop an adequate record
were the parties truly diverse
which state's laws should govern dispute
first case type - substantive policy
(analogous to Spaeth issue codes)
eight summary issue categories based on CASETYP1
directionality of decision on 1st case type
second case type
directionality of decision on 2nd case type
was this a habeas corpus case
was law or administrative action declared unconstitutional
code for the judge who wrote the court opinion
code for 2nd judge on panel
vote of 2nd judge on 1st case type
vote of 2nd judge on 2nd case type
was 2nd judge in majority on 1st case type
was 2nd judge in majority on 2nd case type
code for 3rd judge on panel
vote of 3rd judge on 1st case type
vote of 3rd judge on 2nd case type
was 3rd judge in majority on 1st case type
was 3rd judge in majority on 2nd case type
code for 4th judge on panel
vote of 4th judge on 1st case type
vote of 4th judge on 2nd case type
was 4th judge in majority on 1st case type
was 4th judge in majority on 2nd case type
code for 5th judge on panel
vote of 5th judge on 1st case type
vote of 5th judge on 2nd case type
was 5th judge in majority on 1st case type
was 5th judge in majority on 2nd case type
code for 15th judge on panel
vote of 15th judge on 1st case type
vote of 15th judge on 2nd case type
was 15th judge in majority on 1st case type
was 15th judge in majority on 2nd case type
## Appendix 3

APPEALS COURT JUDGES: Judge Codes and Names

### First Circuit

- 00101 Aldrich, Barley
- 00102 Anderson, George
- 00103 Bingham, George
- 00104 Bownes, Hugh
- 00120 Boudin, Michael
- 00105 Breyer, Stephen
- 00106 Campbell, Levin
- 00107 Coffin, Frank
- 00118 Cyr, Conrad
- 00108 Hartigan, John
- 00109 Johnson, Charles
- 00122 Lynch, Sandra L.
- 00110 Magruder, Calvert
- 00111 Mahoney, John
- 00112 McEntee, Edward
- 00113 Morton, James
- 00114 Selya, Bruce
- 00119 Souter, David H.
- 00121 Stahl, Norman H.
- 00115 Torruella, Juan
- 00116 Wilson, Scott
- 00117 Woodbury, Peter
Second Circuit

00201  Altimari, Frank
00202  Anderson, Robert
00246  Cabranes, Jose A.
00245  Calbresi, Guido
00203  Cardamone, Richard
00204  Chase, Harrie
00205  Clark, Charles
00206  Feinberg, Wilfred
00207  Frank, Jerome
00208  Friendly, Henry
00209  Gurfein, Murray
00210  Hand, Augustus
00211  Hand, Learned
00212  Hays, Paul
00213  Hincks, Carroll
00214  Hough, Charles
00243  Jacobs, Dennis G.
00215  Kaufman, Irving
00216  Kearse, Amalya
00244  Leval, Pierre N.
00217  Lumbard, Edward
00218  Mack, Julian
00219  Mahoney, Daniel
00220  Mansfield, Walter
00221  Manten, Martin
00222  Marshall, Thurgood
00241  McLaughlin, Joseph M.
00223  Medina, Harold
00224  Meskill, Thomas
00225  Miner, Roger
00226  Moore, Leonard
00227  Mulligan, William
00228  Newman, Jon
00229  Oakes, James
00247  Parker, Fred I.
00230  Patterson, Robert
00231  Pierce, Lawrence
00232  Pratt, George
00233  Rogers, Henry
00234  Smith, Joseph
00235  Swan, Thomas
00236  Timbers, William
00237  Van Graafeiland, Ellsworth
00242  Walker, John M., Jr.
00238  Ward, Henry
00239  Waterman, Sterry
00240  Winter, Ralph
<table>
<thead>
<tr>
<th>Code</th>
<th>Name</th>
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<tbody>
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<td>00301</td>
<td>Adams, Arlin</td>
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<td>Aldisert, Ruggero</td>
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<td>Alito, Samuel A., Jr.</td>
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<td>Becker, Edward</td>
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<td>00304</td>
<td>Biddle, Francis</td>
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<td>Biggs, John</td>
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<td>Buffington, Joseph</td>
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<td>Freedman, Abraham</td>
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Sixth Circuit

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Daughtrey, Martha C.
Denison, Arthur
Donahue, Maurice
Edwards, George
Engel, Albert
Guy, Ralph
Hamilton, Elwood
Hickenlooper, Smith
Hicks, Xenophon
Jones, Nathaniel
Keith, Damen
Kennedy, Cornelia
Kent, Wallace
Knappen, Loyal
Krupansky, Robert B.
Lively, Pierce
Mack, Julian
Martin, Boyce
Martin, John
McAllistor, Thomas
McCree, Wade
Merritt, Gilbert
Milburn, Ted
Miller, Shackelford
Miller, William
Moore, Karen N.
Moorman, Charles
Nelson, David
Norris, Alan
O'Sullivan, Clifford
Peck, John
Phillips, Harry
Ryan, James
Siler, Eugene E., Jr.
Simons, Charles
Stewart, Potter
Suhrheinrich, Richard F.
Weick, Paul
Wellford, Harry
Seventh Circuit

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001007 Cotteral, John
001008 Doyle, William
001009 Ebel, David
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001012 Holloway, William
001013 Huxman, Walter
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001016 Logan, James
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001017 McDermott, George
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001019 McWilliams, Robert
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001033 Murphy, Michael R.
001021 Murrah, Alfred
001022 Phillips, Orrie
001023 Pickett, John
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001026 Symes, J.F.
001027 Tacha, Deanell
001028 Williams, R.L.
Eleventh Circuit

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001123 Barkett, Rosemary
001119 Birch, Stanley F., Jr.
001121 Black, Susan H.
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001103 Cox, Emmett
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000515 Fay, Peter
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000523 Hatchett, Joseph
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000555 Tuttle, Elbert
000556 Vance, Robert
DC Circuit

001201 Arnold, Thurman
001202 Barber, Orion
001203 Bastian, Walter
001204 Bazelon, David
001205 Bland, Oscar
001206 Bork, Robert
001207 Buckley, James
001208 Burger, Warren
001209 Clark, Bennett
001210 Danaher, John
001211 Edgerton, Henry
001212 Edwards, Harry
001213 Fahy, Charles
001214 Garrett, Finis
001215 Ginsburg, Douglas
001216 Ginsburg, Ruth
001217 Graham, William
001218 Groner, Lawrence
001219 Hatfield, Charles
001249 Henderson, Karen L.
001220 Hitz, William
001221 Leventhal, Harold
001222 McGowan, Carl
001223 MacKinnon, George
001224 Martin, George
001225 Mikva, Abner
001226 Miller, Justin
001227 Miller, Wilbur
001228 Prettyman, Barrett
001229 Procter, James
001250 Randolph, A. Raymond
001230 Robb, Charles
001231 Robb, Roger
001232 Robinson, Spottswood
001251 Rogers, Judith W.
001233 Rutledge, Wiley
001234 Scalia, Antonin
001235 Sentelle, David
001236 Silberman, Laurence
001237 Smith, James
001238 Starr, Kenneth
001239 Stephens, Harold
001240 Tamm, Edward
001252 Tatel, David S.
001248 Thomas, Clarence
001241 Van Orsdel, Josiah
001242 Vinson, Fred
001243 Wald, Patricia
001244 Washington, George
001245 Wilkey, Malcolm
001246 Williams, Stephen
001247 Wright, J. Skelly
Appendix 4

DISTRICT COURT JUDGE Codes and Names

First Circuit-District Judges

10101  Acosta, Raymond
10102  Aldrich, Bailey
10167  Anderson, George Weston
10195  Barbadoro, Paul J.
10162  Boldt, George H.
10103  Bownes, Hugh H.
10104  Boyle, Francis J.
10105  Brewster, Elisha H.
10186  Brody, Morton A.
10170  Brown, Arthus L.
10106  Caffrey, Andrew
10107  Campbell, Levin H.
10108  Cancio, Hiram R.
10109  Carter, Gene
10197  Casellas, Salvador E.
10110  Cerezo, Carmen
10111  Chevez, David Jr.
10112  Clifford, John D., Jr.
10113  Connor, Aloyuis J.
10114  Cooper, Robert A.
10115  Cyr, Conrad K.
10116  Day, Edward William
10117  Devine, Shane
10194  Di Clerico, Joseph A., Jr.
10198  Dominguez, Daniel R.
10118  Eubanks, Luther B.
10119  Fernandaz-badillo, Juan B.
10120  Ford, Francis J. W.
10121  Freedman, Frank H.
10122  Fuste, Jose A.
10123  Garrity, W. Arthur, Jr.
10191  Gertner, Nancy
10124  Gignoux, Edward T.
10125  Glerbolini-ortiz, Gil
10187  Gorton, Nathaniel M.
10181  Hale, Clarence
10184  Harrington, Edward F.
10126  Hartigan, John P.
10127  Healy, Auther D.
10185  Hornby, D. Brock
10128  Julian, Anthony
Keeton, Robert E.
Kelleher, Robert H.
Lafitte, Hector M.
Lageux, Ronald R.
Leahy, Edward L.
Letts, Ira Lloyd
Lindsay, Reginald G.
Lisi, Mary M.
Lord, John W.
Loughlin, Martin F.
Lowell, James a
Mcauliffe, Steven J.
Mccarthy, William T.
Mclellan, Hugh D.
Mcnaught, John J.
Mack, Julian
Mahoney, John D.
Mazzone, A. David
Morris, George F.
Morton, James M.
Murray, Frank J.
Nelson, David S.
O'conner, Earl E.
Odlin, Arthur Fuller
O'toole, George A.
Perez-gimenez, Juan M.
Pesquera, Herman G.
Peters, John A.
Pettine, Raymond J.
Peras, Jamie, Jr.
Ponsor, Michael A.
Roberts, Thomas H.
Ruiz-nazario, Clemente
Saris, Patti B.
Selya, Bruce M.
Skinner, Walter J.
Snyder, Cecil A.
Stahl, Norman
Stearns, Richard G.
Sweeney, George C.
Tauro, Joseph L.
Todd, Roberto Henry, Jr.
Toledo, Jose V.
Torres, Ernest C.
Torruella Del Valle, Juan R.
Wells, Ira Kent
Wolf, Mark L.
Woodlock, Douglas P.
Wyzanski, Charles E., Jr.
10160  Young, William G.
10162  Zobel, Rya W.
Second Circuit-District Judges

10201  Abruzzo, Simon L.
10202  Alder, Simon L.
10203  Altimari, Frank X.
20268  Amon, Carol B.
10204  Anderson, Robert P.
20265  Arterton, Janet B.
20289  Baer, Harold, Jr.
10205  Bartles, John R.
20287  Batts, Deborah A.
10206  Bauman, Arnold
10257  Bibson, Ernest W.
10207  Bicks, Alexander
10208  Billings, Franklin S.
20273  Block, Frederic
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10212  Bramwell, Henry
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10215  Bright, John
10216  Broderick, Vincent
10217  Bruchhausen, Walter
10218  Bryan, Fredrick Vanpelt
10219  Bryant, Fredrick H.
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10237  Constantino, Mark
10238  Cooper, Frank
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Coxe, Alfred C.
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Curtin, John T.
Daly, T.f. Gilroy
Dawson, Archie O.
Dearie, Raymond J.
Dicarlo, Dominick L.
Dimock, Edward Jordon
Dooling, John F., Jr.
Dorsey, Peter C.
Duffy, Kevin Thomas
Delstein, David N.
Eginton, Warren W.
Elfvin, John T.
Finberg, Wilfred
Foley, James T.
Frankel, Marvin E.
Freeh, Louis J.
Galston, Clarence G.
Gagliardi, Lee P.
Gershon, Nina
Glasser, Isreal L.
Gleeson, John
Goddard, Henry W.
Goettel, Gerald L.
Griesa, Thomas P.
Gurfein, Murray I.
Haight, Charles S.
Henderson, John O.
Herlands, William B.
Hincks, Carroll C.
Holden, James S.
Howe, Harland
Hulbert, George M.
Hurley, Denis R.
Inch, Robert A.
Johnson, Sterling, Jr.
Judd, Orring
Kahn, Lawrence E.
Kampf, Edward S.
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Kennedy, Harold Mauric
Knapp, Whitman
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Know, John C.
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Ross, Allynne
Ryan, Sylvester J.
Sand, Leonard B.
Schwartz, Allen G.
Scullin, Frederick J.
Seybert, Joanna
Sifton, Charles P.
Smith, J. Joseph
Sofaer, Abraham D.
Sotomayor, Sonia
Spatt, Arthur D.
Sprizzo, John E.
Squatrito, Dominic J.
Stanton, Louis L.
Stewart, Charles E., Jr.
Sugarman, Sidney
Sweet, Robert W.
Telesca, Michael A.
Tenney, Charles
Thomas, Edwin S.
Thompson, Alvin W.
Timbers, William H.
Trager, David G.
Travia, Anthony
Tyler, Harlod R., Jr.
Walker, John M.
Walsh, Lawrence E.
Ward, Robert J.
Watson, Jamie
Weinfeld, Edwar
Weinstein, Jack B.
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Ganey, J. Cullen
Garth, Leonard
Gawthrop, Robert S., Iii
Gerry, John F.
Gibson, Robert
Giles, James
Goodrich, Herbert F.
Gorbey, James
Gordon, Walter
Gourley, Wallace
Green, Clifford Scott
Greenaway, Joseph A.
Grim, Allan K.
Hannum, John B.
Hartshorne, Richard
Herman, R. Dixon
Higginbothan, A. Leon, Jr.
Hutton, Herbert J.
Huyett, Daniel H., Iii
Irenas, Joseph E.
Johnson, Albert
Joyner, J. Curtis
Klodner, Harry E.
Katz, Marvin
Kelly, James Mcgirr
Kelly, Robert F.
Kirkpatrick, Andrew
Kirkpatrick, William H.
Kitchen, John J.
Knox, William W.
Kosik, Edwin M.
Kraft, C. William, Jr.
Lacey, Frederick B.
Lancaster, Gary L.
Lane, Arthur
Latchum, James L.
Layton, Caleb B., Iii
Leahy, Paul C.
Lechner, Alfred J.
Lee, Donald J.
Lifland, John C.
Longobardi, Joseph L.
Lord, John W.
Lord, Joseph S., III
Ludwig, Edmund V.
Luongo, Alfred L.
McClure, James F., Jr.
McCune, Barron
McGlynn, Joseph L., Jr.
McGranery, James P.
McIvaine, John W.
Mckelvie, Roderick R.
McLaughlin, Sean J.
McVicar, Nelson
Madden, Thomas M.
Maris, Albert Brandon
Marsh, Rabe Ferguson, Jr.
Masterson, Thomas A.
Meaney, Thomas F.
Meanor, H. Curtis
Mencer, Glenn E.
Miller, John L.
Modarelli, Alfred
Moore, Herman E.
Moore, Thomas K.
Morrill, Mende
Morris, Hugh H.
Muir, Malcolm
Murphy, John W.
Nealson, William J., Jr.
Newcomer, Clarence C.
Nields, John P.
Nygaard, Richard Lowell
O'Brien, David V.
O'Neill, Thomas N.
Orlofsky, Stephen M.
Padova, John R.
Parell, Mary L.
Politan, Nicholas H.
Pollack, Louis H.
Rambo, Sylvia
Reed, Lowell A., Jr.
Rellstab, John
Rendell, Majorie O.
Robinson, Sue L.
Robreno, Eduardo C.
Rodney, Richard Seymour
Rodriguez, Joseph H.
Rosenberg, Louis
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</table>
Fifth Circuit-District Judges

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10505 Allred, James V.
10506 Andrews, M. Niel
10507 Arceneaux, George
10508 Arnow, Winston E.
10509 Arenovitz, Sidney M.
10510 Atkins, C. Clyde
30573 Atlas, Nancy F.
10511 Atwell, William H.
10512 Barbour, William H.
10513 Barker, William J.
10514 Barret, William H.
30519 Beattie, Charlton Reid
30579 Beer, Peter J.
10515 Belew, David O.
30540 Bell, Robert Holmes
30542 Berigan, Helen G.
30575 Biery, Fred
10516 Biggers, Neal B.
10517 Black, Norman W.
30509 Boe, Donald W., Jr.
10518 Bootle, William A.
10519 Borah, Wayne G.
10520 Boyle, Edward J., Sr.
10521 Boynton, Charles A.
30553 Bramlette, David
10522 Brewster, Leo
30578 Briones, David
30532 Brister, Bill H.
30580 Brown, Paul N.
10523 Bryant, Randolph
10524 Buchmeyer, Jerry
10525 Bue, Carl O.
10526 Banten, Jucius D.
30521 Burns, Lewis Henry
10527 Cabot, Ted
10528 Caillouet, Adrian J.
10529 Carr, Patrick E.
10530 Carswell, George Harold
10531 Cassibry, Fred J.
10532 Cecil, Lamar
10533 Choate, Emett
10534 Christenberry, Herbert W.
10535 Clayon, Claude F.
10541 Clement, Edith B.
10536 Cobb, Howell
10537 Collins, Robert F.
10538 Comiskey, James A.
10539 Conger, Abraham, B.
10540 Connally, Ben C.
10541 Cox, Allen
10542 Cox, Owen D.
10543 Cox, William Harold
10544 Cowan, Finis E.
10545 Crowe, Guthrie F.
30559 Cummings, Samuel R.
10546 Davidson, Glan H.
10547 Davidson, T. Whitfield
10548 Davis, David J.
30513 Davis, Thomas Hoyt
10549 David, Eugene
10550 Dawkins, Benjamin C., Sr.
10551 Dawkins, Benjamin C., Jr.
10552 Deanda, James
10553 Deaver, Bascom S.
10554 Devane, Dozier
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10572 Garcia, Hipolito F.
Garcia, Orlando L.
Gardner, Buck
Garza, Emilio
Garza, Reynaldo
Gex, Walter J., Iii
Gibson, Hugh
Gilmore, Vanessa D.
Gonzalez, Jose A., Jr.
Gordon, Jack
Gray, Frank Jr.
Grooms, Harlan Hobart
Grubb, William I.
Guin, J. Foy, Jr.
Guinn, Ernest
Haik, Richard T.
Hall, Sam B.
Hancock, James Huger
Hancock, Joseph
Hand, William
Hannah, John H.
Hannay, Allan B.
Harmon, Malinda
Head, Hayden W.
Heartfield, Thad
Heebe, Fredrick J.
Henderson, Albert J., Jr.
Higginbotham, Patrick E.
Hill, James C.
Hill, Robert M.
Hinojosa, Richardo H.
Hittner, David
Hodges, William Terrell
Hoeveler, William M.
Holland, John W.
Holmes, Edwin R.
Hopper, Frank A.
Hoyt, Kenneth M.
Hudspeth, Harry L.
Hughes, Lynn N.
Hughes, Sarah T.
Hunter, Edwin Ford, Jr.
Hutcheson, Charles Sterling
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Ingraham, Joe M.
Jack, Janis G.
Johnson, Frank M.
Jones, Lake
Justice, William Wayne
Kazen, George P.
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Seventh Circuit-District Judges

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10712 Briggle, Chalres G.
10713 Brooks, Gene E.
10714 Bua, Nicholas, J.
20729 Bucklo, Elaine E.
10715 Campbell, William J.
10716 Carpenter, George A.
20725 Castillo, Ruben
20711 Clegg, Cecil Hunter
20739 Clevert, Charles N., Jr.
20708 Cliffe, Adam C.
20727 Coar, David H.
20720 Conlon, Susan B.
10717 Crabb, Barbara
10718 Crowley, John P.
10719 Curran, Thomas J.
20715 Davis, Oscar H.
10720 Decker, Bernard M.
10721 Dillin, S. Hugh
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10777 Plunkett, Paul E.
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10779 Rabinovitz, David
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20732 Riley, Paul E.
10781 Robson, Edwin A.
10782 Roszkawski, Stanley
10783 Rovner, Illana D.
10784 Shabaz, John C.
10785 Shadaur, Milton I.
10786 Sharp, Allen
10787 Shaw, Elwyn R.
20713 Singleton, John V.
10788 Slick, Thomas
20737 Stadtmueller, J.p.
10789 Steckler, William
10790 Stiehl, William D.
10791 Stone, Patrick T.
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20735 Tinder, John D.
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10796 Warren, Robert W.
10797 Wham, Fred
10798 Wilkerson, James
10799 Will, Hubert
20700 Williams, Ann C.
20701 Wise, Henry S.
20714 Wong, Dick Yin
20702 Wood, Harlington, Jr.
20703 Woodward, Charles E.
20706 Zagel, James B.
Eighth Circuit-District Judges

10801 Alsop, Donald R.
10802 Arnold, Morris
10803 Barlett, D. Brook
20837 Barnes, Harry F.
10804 Battey, Richard
10805 Beam, Clarence A.
10806 Beck, Alex
10807 Becker, William
10808 Bell, Robert C.
20839 Bennet, Mark W.
10809 Benson, Paul
10810 Bogue, Andrew W.
10811 Cahill, Clyde S., Jr.
10812 Collinson, William R.
20857 Cambridge, William G.
10813 Cant, William A.
10814 Clark, Russell G.
10815 Collet, John C.
10816 Conmy, Patrick A.
20819 Cotterall, John Hazelton
10817 Davies, Ronald M.
10818 Davis, Charles B.
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10819 Delehandt, John W.
10820 Denney, Robert
10821 Devitt, Edward J.
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10823 Dier, Richard A.
10824 Donohoe, James A.
10825 Donovan, Dennis E.
20841 Doty, David S.
10826 Duncan, Richard
10827 Eisele, Garnett
10828 Elliot, James D.
10829 Farris, Charles B.
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10831 Gibson, Floyd
10832 Graven, Henry
10833 Gunn, George F., Jr.
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10834 Hansen, David R.
10835 Hanson, William C.
10836 Harper, Roy W.
10837 Harris, Oren
20829 Heaney, Gerald W.
20836 Hendren, Jim L.
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20823 Neblet, Colin
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10865 Nordbye, Gunnar H.
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20813 Youmans, Frank A.
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Ninth Circuit-District Judges

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10902 Alexander, George
10903 Anderson, J. Blaine
30967 Armstrong, Saundra B.
30952 Baird, Lourdes G.
10904 Baldwin, James H.
10905 Battin, James F.
30926 Bean, R.S.
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30982 Shanstrom, Jack G.
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20975 Shriver, Paul D.
30960 Shubb, William B.
30948 Silver, Roslyn O.
30944 Singleton, James K., Jr.
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30964 Smith, Fern M.
20977 Smith, Russel
20978 Solomon, Gus J.
20979 Speakman, Howard C.
20980 Stephens, Albert Lee
20981 Stephens, Albert Lee, Jr.
20982 St. Sure, Adophus
Tenth Circuit-District Judges

11001 Alley, Wayne
11002 Anderson, Alson J.
11003 Arraj, Alfred A.
11084 Babcock, Lewis T.
11004 Baldock, Bobby Ray
11005 Barrow, Allen E.
11091 Belot, Monti L.
21003 Benson, Dee
11096 Black, Bruce D.
11006 Bohanon, Luthur
11007 Bowen, John C.
11008 Bratton, Howard C.
11009 Breitenstein, Jean S.
11010 Brett, Thomas R.
11011 Brimmer, Clarence A.
11012 Broaddus, Bower
11013 Brown, Wesley E.
11014 Burciaga, Juan G.
11097 Burrage, Michael
21004 Campbell, Tina
11015 Campos, Santiago
11016 Carrigan, Jim R.
21000 CauthRON, Robin J.
11017 Chandler, Stephen
11018 Chilson, Olin
11019 Christensen, A. Sherman
11020 Conway, John
11021 Cook, H. Dale
11022 Crow, Sam A.
11087 Daniel, Wiley
11023 Daugherty, Fredrick
21005 Downes, William F.
11024 Doyle, William
11081 Durfee, James R.
11025 Ellison, James O.
11026 Eubanks, Luther B.
11027 Finesilver, Sherman G.
11075 Greene, J. Thomas
11094 Hansen, C. Leroy
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11029 Helvering, Guy T.
11030 Hill, Delmas C.
11099 Holmes, Sven Erik
11031 Hopkins, Richard J.
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11033 Johnson, Alan B.
11034 Johnson, Tillman
11035 Kane, John L., Jr.
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11040 Knous, William Lee
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11090 Lungstrum, John W.
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21002 Miles-lagrange, Vicki
11088 Miller, Walker D.
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11047 O'connor, Earl
11048 Neblett, Colin
11085 Nottingham, Edward W.
11076 Parker, James A.
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11060 Savage, Royce
11061 Seay, Frank H.
11086 Spar, Daniel B.
11062 Stanly, Arthur
11063 Symes, John
11064 Templar, George
11065 Theis, Frank G.
11066 Thompson, Ralph G.
11089 Van Bebber, G. Thomas
11067 Vaught, Edgar
11095 Vazquez, Martha
11092 Vratil, Kathryn H.
11068 Wallace, William
11069 Weinshienk, Zita L.
11070 West, Lee R.
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